

ORDINANCE NO. 586

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A PRELIMINARY DEVELOPMENT PLAN AND A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY EXCLUSIVE FARM USE (EFU) ZONE TO THE CITY OF WILSONVILLE VILLAGE (V) ZONE ON APPROXIMATELY 33.17 ACRES WITHIN VILLEBOIS VILLAGE OF TAX LOT 500, SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON. THE LEGEND AT VILLEBOIS, LLC, APPLICANT.

WHEREAS, Villebois LLC has requested a Zone Map Amendment of certain property described in Attachment 1 of this ordinance; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated March 21, 2005 (Exhibit No. 3-I), wherein it reported that the request is consistent with and meets requirements for approval of a PDP and Zone Map Amendment; and

WHEREAS, the Development Review Board Panel 'B' held a public hearing on this request on March 28, 2005, and after taking testimony, gave full consideration to the matter and recommended approval of the request; and

WHEREAS, the Wilsonville Planning Staff prepared supplemental staff reports to City Council dated April 18, 2005, May 16, 2005, and June 6, 2005; and

WHEREAS, on April 18, and May 16, 2005, and June 6, 2005 the Wilsonville City Council held public hearings regarding the above described matter, considered the record before the Development Review Board and staff reports, took testimony, and, upon deliberation, has concluded that the proposed Zone Map Amendment and PDP with certain modifications meet the applicable approval criteria under the city's land development code,

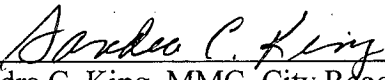
NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts as findings and conclusions the forgoing recitals and the staff reports in this matter labeled as Exhibits No. 2, No. 3, No. 3-G, and No. 4 which Exhibits are attached hereto and incorporated herein as if fully set forth.

Section 2. Order. Based upon the foregoing findings, and conditions contained therein the official City of Wilsonville Zone Map is hereby amended in Zoning Order DB-2005-02-00013, attached hereto, from *Exclusive Farm Use (EFU)* zone to *Village (V)* zone on Tax Lot

500, Section 15, T3S, R1W, Clackamas County, Oregon, depicted on the attached map (Exhibit No. 3-A and Exhibit No. 3-B), identified as Tract 1, and in the attached Legal Description (Exhibit No. 3-C), Clackamas County, Wilsonville, Oregon. Further, the proposed PDP is approved as modified and shown on the Exhibit No. 1 titled "Legend At Villebois Revised Plan 6/6/05".

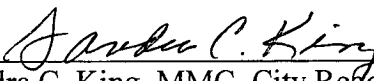
SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 18th day of April, 2005, and scheduled for a second reading at a regular meeting of the Council on the 16th day of May, 2005, and the 6th day of June, 2005, commencing at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, OR.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 6th day of June, 2005, by the following votes:

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 6th day of June, 2005.


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Knapp	Yes
Councilor Scott-Tabb	Excused
Councilor Kirk	Yes
Councilor Holt	Yes

Exhibits:

- No. 1 Legend at Villebois Revised Plan 6/6/05
- No. 2 Planning Division Staff Report dated June 5, 2005
- No. 3. Development Review Board Background Information Containing:
 - 3 -A Tax Lot 500 Map
 - 3 -B Sketch for Property Line Adjustment Application
 - 3 -C Legal Description Villebois East Tract 1
 - 3 -D Planning Division Staff Report & Recommendations dated April 18, 2005
 - 3 -E Development Review Board Panel B Recommendation to Council dated April 5, 2005
 - 3 -F Development Review Board Panel B Resolution No. 6, Adopted April 6, 2005
 - 3 -G Planning Division Staff Report dated March 21, 2005 Application DB-2005-02-00013
 - 3 -H Supporting Compliance Report Zone Change Legend at Villebois Section VA
 - 3 -I Planning Division Staff Report Dated March 21, 2005, Amended and Adopted on March 28, 2005 re: DB-2005-02-00011 (Preliminary Development Plan)
- No. 4. Memo to Honorable Mayor and City Council from Paul Lee, Blaise Edmonds, and Paul Cathcart, dated May 16, 2005, re: Second Reading of Ordinance No. 586, Zone Change for Phase I of Villebois SAP East

BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON

In the Matter of the Application of)
The Legend at Villebois, LLC)
for a Rezoning of Land and Amendment of) **ZONING ORDER DB-2005-02-00013**
the City of Wilsonville Zoning Map)
Incorporated in Section 4.102 of the)
Wilsonville Code.)

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

It appears to the Council that the property, which is the subject of this application, is described as follows: Tax Lot 500 in Section 15, T3S R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Clackamas County Zoning Map as *Exclusive Farm Use (EFU)*.

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


ORDERED that approximately 33.17 acres of Tax Lot 500 in Section 15, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 1 to this order, is hereby rezoned to *Village (V)*, and such rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

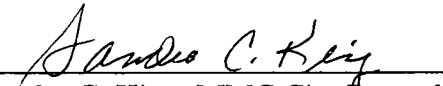
Dated: This 6th day of June, 2005.


CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:

ATTEST:


Michael E. Kohlhoff, City Attorney


Sandra C. King, MMC City Recorder



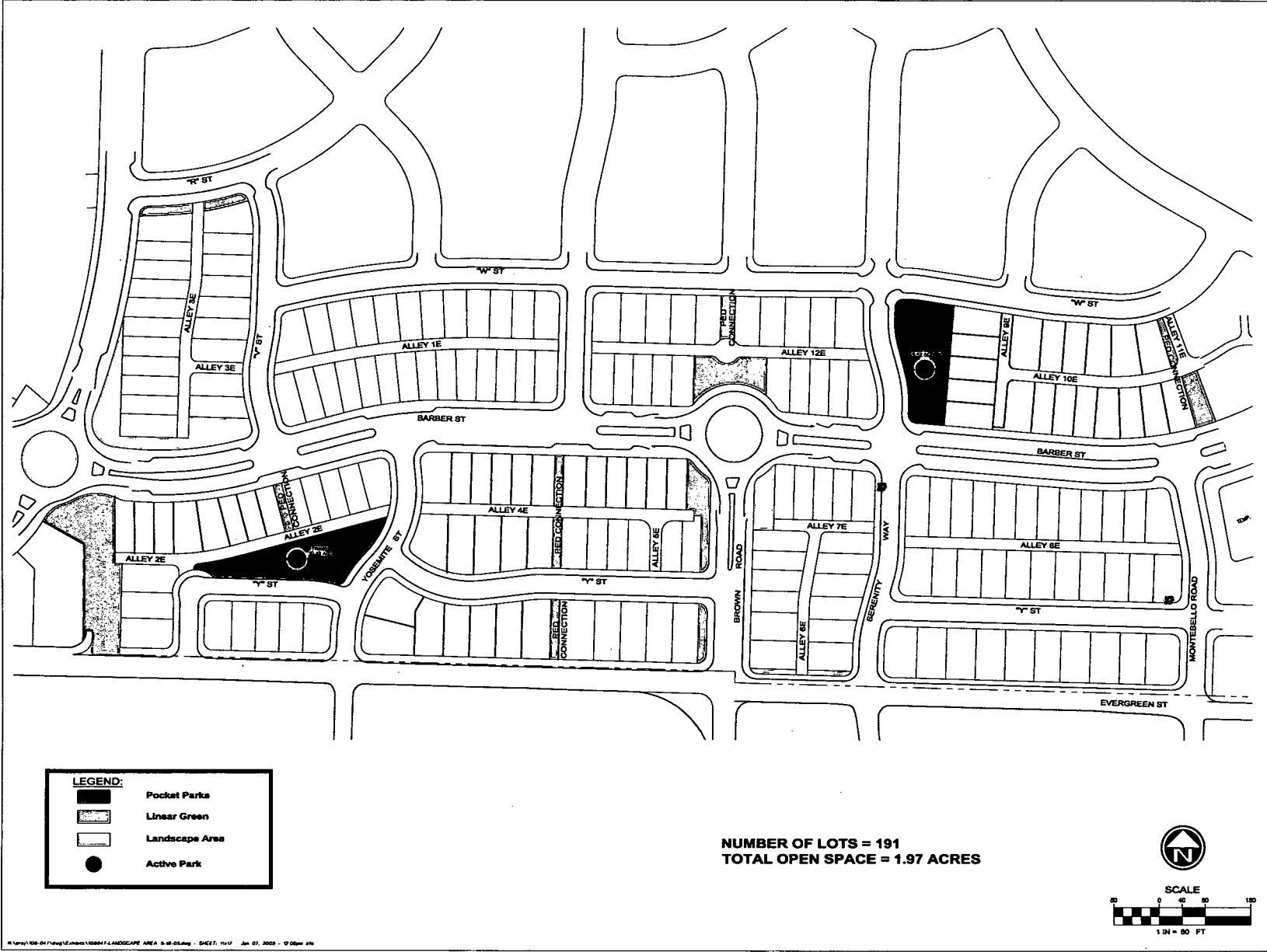
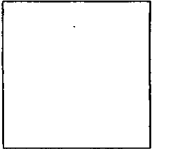
MATRIX DEVELOPMENT

ALPHA COMMUNITY DEVELOPMENT
WESTERN PLANNING
IVERSON ASSOCIATES
PACIFIC HABITAT SERVICES
WALT KNAPP
KITTELSON & ASSOCIATES

LEGEND AT VILLEBOIS

REVISED PLAN

DATE: _____ 5/1/05



LEGEND:

- Pocket Parks
- Linear Green
- Landscape Area
- Active Park

NUMBER OF LOTS = 191
TOTAL OPEN SPACE = 1.97 ACRES

SCALE

1 IN = 80 FT

\\snp\150-047\proj\1500047\LANDSCAPE AREA 5-18-05.dwg - SHEET 10/17 Jun 07, 2005 - 12:08pm 4/6



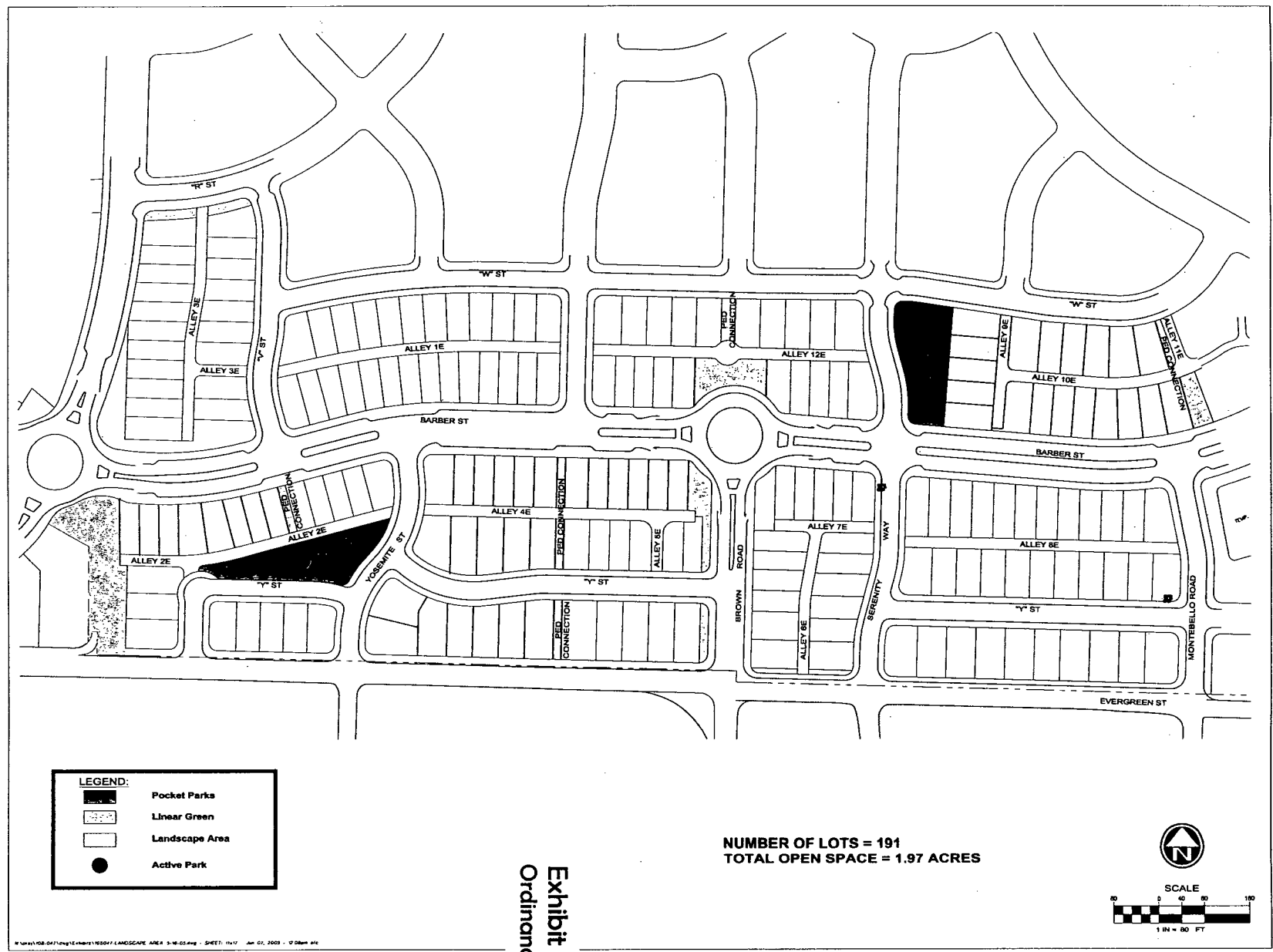
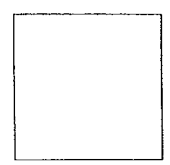
MATRIX DEVELOPMENT

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WALT KNAPP
KITTELSON & ASSOCIATES

LEGEND AT VILLEBOIS

REVISED PLAN

DATE: 6/2005



NUMBER OF LOTS = 191
TOTAL OPEN SPACE = 1.97 ACRES

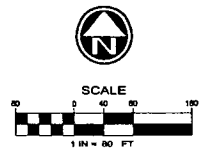


Exhibit No. 1
Ordinance 586

\\p\p\508-047\map\1\ch\1\508047\LANDSCAPE AREA 3-16-03.dwg - SHEET 1 of 17 Jun 03, 2003 1:02pm dlc



TO: Honorable Mayor and City Council

FROM: Planning Division Staff

Exhibit No. 2
Ordinance 586

RE: Second Reading of Ordinance 586, Zone Change for Phase I of Villebois SAP East

DATE: June 6, 2005

Council's consideration of Ordinance 586 on May 16, 2005 provided feedback on a revised preliminary development plan (PDP) provided by the applicant as well as a plan proposed by staff. Attached is a revised (PDP) from the applicant. Compared to the plan presented on the May 16th, this plan provides more park space (.42-acre pocket park), three additional pedestrian connections, and seven (7) fewer lots. Staff's comments and recommendations on the plan follow below.

Parks

At its April 12, 2005 meeting, the City's Parks and Recreation Advisory Board (PRAB) recommended approval of the applicant's programming for the park bounded by Yosemite Street, Y Street, and Alley 2E. The park plan forwarded to the PRAB by the applicant as well as the minutes of the PRAB's discussion of this park are attached.

New Park

The applicant's revised plan dedicates five (5) lots in northeast corner of the PDP, or .42 acres, to an additional park in the northeast quadrant of the plan. This park is slightly less than a half (1/2) acre in size, is bounded by local streets and an alley on three sides, and, would provide a park with active recreation for approximately every 96 lots of PDP I (in conjunction with the .43 acre park in the southwest portion of the site).

The applicant's revised plan makes a distinction between parks, liner greens, and landscaped areas. These respective areas breakdown as follows (see Table 1 for further detail):

<u>Type of area</u>	<u>Area (ac.)</u>	<u>% of PDP area</u>
Landscape area	.39	1.16%
Linear greens	.72	2.18%
Parks	.85	2.56%
Total	1.96	5.90%

PP-7

Figure 5 of the Villebois Master Plan indicates that linear greens will provide opportunities for wildlife viewing, trail connections, and picnic and informal play areas. Likewise, Figure 5 identifies pocket parks as areas providing opportunities for passive recreation, preservation of existing trees, and structured play. In staff's opinion, Pocket Park - 7 (PP-7), the proposed park

directly north of the roundabout connecting Brown Road and Barber Street should not be identified as a park. Functionally speaking, it will likely operate as a linear green with some amenities. Staff's calculation of areas above includes PP-7 as a linear green rather than a park.

Park Programming

To date, there has been little discussion on the programming for the new park. Staff has presumed throughout Council's discussion of the need for an additional park that the desire of the City has been one of useable or active park space. Staff recommends that the applicant provide the PRAB with a detailed parks plan for the new park for their recommendation. This recommendation would then be used by staff in evaluating the details of the revised final development plan (FDP) necessitated by the revisions to the PDP. This would be similar to the process adopted by the DRB to evaluate the programming of the park in the southwest portion of the site. See proposed condition of approval 4 beginning on page 3.

Pedestrian Connections

The applicant's revised PDP depicts a pedestrian crossing between the two blocks bounded by Brown Road and Yosemite Street and south of Barber Street. This crossing would bring all of the block lengths into compliance with the Development Code's requirement of 530 feet maximum distance between streets for local access (W.C. 4.125(.05)A.2.). Staff notes that the pedestrian connection previously depicted on the east side of Alley 9E has been removed. According to the applicant, a sidewalk will be installed, directly east of the new proposed park that would replace the function of the pedestrian connection.

While pedestrian connectivity would be further served by pedestrian connections that would bisect the blocks containing alleys 1E and 8E, it is Staff's opinion that the inclusion of additional, permanent park space in the subject PDP has greater priority than pedestrian connections for blocks that meet the City's block length requirements through perimeter sidewalks and linear greens. In staff's view, the plan presented by the applicant represents a compromise between the desires of additional parkland and pedestrian connections.

Staff recommends that the pedestrian connections to be provided in this PDP be either 1.) 15 feet wide with 10 feet of a meandering paved path with landscape pockets in the non-paved areas or 2.) 16 feet wide with 10 feet of paved pathway with three (3) feet of landscaping on either side. Additionally, any fences abutting these pedestrian connections will need to taper to no more than 30 inches for a distance of 10 feet in each direction along the alley or street measured from the pathway centerline, and 10' along the pathway measured from the edge of the alley or street right-of-way.

Tree Retention

Council also expressed a desire to protect existing trees near the Kirkendal homestead. The DRB approved the Type C Tree Removal Plan in Planning Case File DB-2005-02-0016 wherein the majority of the trees in this area were approved for removal. It would appear the reason for the removal of the majority of these trees is due to the grade changes which range from approximately four (4) to six (6) feet in this area (see graphics below). This grading plan, along with the majority of the other plans associated with the PDP, will need to be revised to reflect the PDP ultimately approved by Council. Even with these revisions, the grade changes in this area

will likely be driven to a large extent by the grades needed for Barber Street and its connections to adjacent roads. Through the development of revised plans, the applicant will need to evaluate opportunities to save existing trees in this area. See condition of approval 5.

120 Day Time Limit

Staff received the subject application (Planning Case File DB-2005-02-013) on February 11, 2005. Staff deemed the application incomplete on March 11th and received items to complete the application on March 18, 2005. The City must render a final decision on the subject application by July 16, 2005.

Revised Plans

Condition of approval 2 of Planning Case File DB-2005-02-011 (PDP) required the applicant to redesign the PDP to reflect DRB and Staff concerns regarding street alignments. The applicant presented the DRB with a redesigned plan at the March 28th hearing that satisfied, in concept, these concerns. The DRB directed Staff to review the finer details of the redesigned plan and all related plans (tentative plan, final development plans, Type C tree removal, etc.) to ensure that these plans met the concept approved by the DRB. Staff suggests that a similar process be used with the subject application: Council approve the revised PDP and allow staff review of the plans that need to be updated based on the revised PDP. Staff is proposing Council adopt condition of approval no. 3 and allow staff review of revised plans.

Conditions of Approval

The staff report approved by the DRB for the zone change (DB-2005-02-013) stipulated that approval of the zone change is predicated on findings that the PDP can be approved, with conditions. On May 16, 2005, Council heard amendments to the first-read Ordinance No. 586 that included findings and conditions of approval for a modified PDP. Based on the revised plan submitted by the applicant and the conditions below, staff believes the Council can approve the requested zone change and PDP. Conditions of approval below are in addition to those adopted by the DRB for the subject application.

1. Pedestrian connections identified in PDP I, SAP East shall be one of the following:
 - a 15 feet wide with 10 feet of a meandering paved path with landscape pockets in the non-paved areas or
 - b 16 feet wide with 10 feet of paved pathway with three (3) feet of landscaping on either side.
2. Any fences abutting pedestrian connections, as identified on the Council approved PDP, shall taper to no more than 30 inches for a distance of 10' in each direction along the alley or street from the centerline of the pathway, and 10' along the pathway beginning at the edge of the alley or street right-of-way.
3. All plans approved by the DRB in Planning Case Files DB-2005-02-009, DB-2005-02-011, DB-2005-02-012, DB-2005-02-013, DB-2005-02-016, DB-2005-02-018, DB-2005-02-023 shall be revised to reflect the PDP adopted by Council on June 6, 2005. Staff shall review

revised plans for conformance to the Council adopted PDP. Staff may also require minor modifications of revised plan to conform to City adopted code requirements.

4. The park bounded by "W" Street, Serenity Way, and Barber Street shall be programmed for active park use. The applicant shall prepare plans sufficient for the City's Parks and Recreation Advisory Board to determine the programmed uses and shall present these plans to the PRAB at a regularly scheduled meeting for their recommendation on the proposed use of the park. Planning Division staff shall not approve the revised FDP until a positive recommendation is obtained from the PRAB.
5. The applicant shall work with staff to identify opportunities, if any, through the development of a revised grading plan to preserve existing trees of moderate to good health in the vicinity of the Kirkendal home site.

Recommendation: Staff recommends adoption of Ordinance 586, amended to specify the approved PDP plan and adding this staff report as findings and conditions.

New Exhibits

Following is a list of exhibits staff has received since the May 16, 2005 hearing on the subject application:

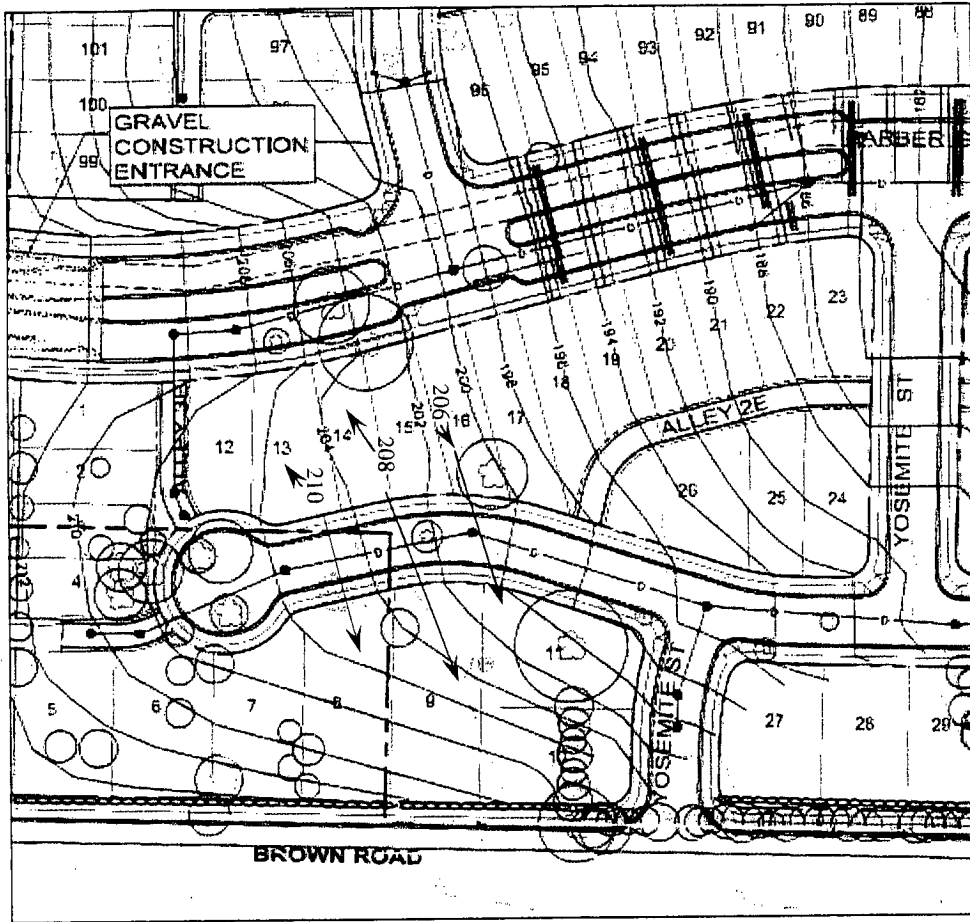
Exhibit
Memo from Stacy Connery to Paul Cathcart, Sandi Young, Dave Waffle, Mike Stone dated May 18, 2005
Revised Plan (PDP) dated 5/18/05
Revised Plan (PDP) dated 5/31/05
Draft Active Parks Plan dated May 18, 2005

Staff is also including a copy of the April 12, 2005 minutes of the Parks and Recreation Advisory Board's discussion of the park programming for the final development plan approved by the DRB on March 28, 2005. Copies of the pocket park plan and conceptual landscape master plan presented the Parks and Recreation Advisory Board on April 12th are also attached.

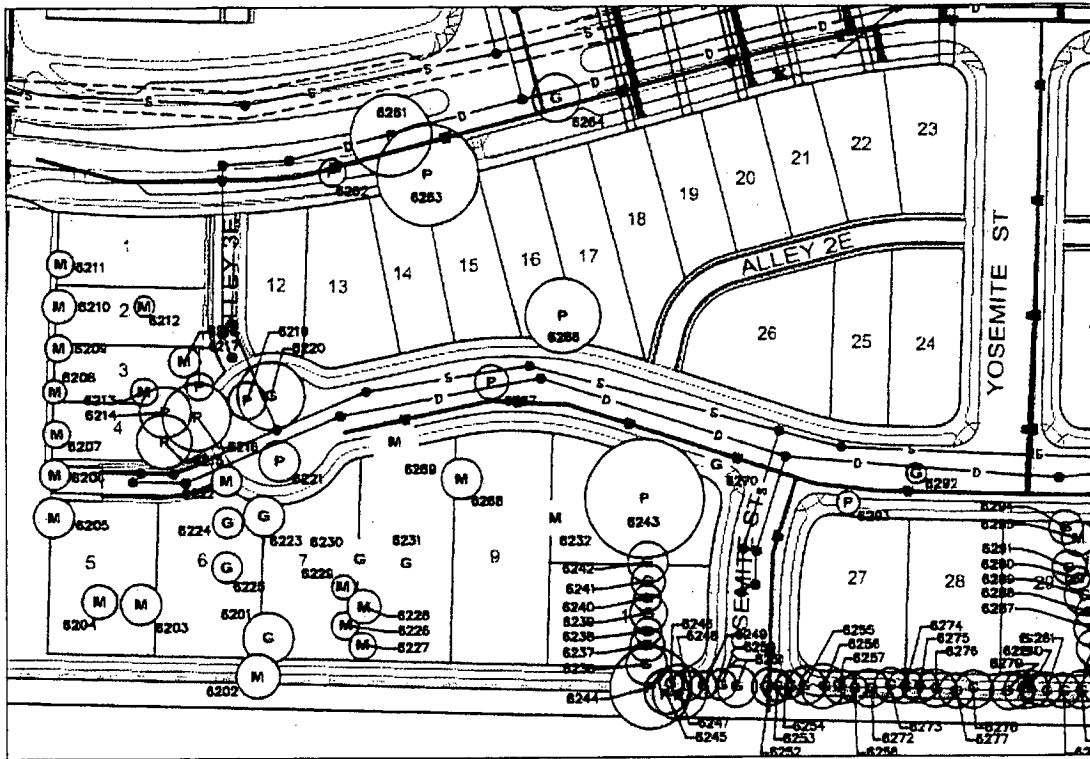
Table 1
Revised PDP 1 – SAP East– Parks and Open Space

OPEN SPACE	SF	Acres	% of PDP Area
<i>Landscape Area</i>			
Tract H	713	0.02	0.05%
Tract K	3,594	0.08	0.25%
Tract O	12,495	0.29	0.86%
Subtotal	16,802	0.39	1.16%
<i>Linear Green</i>			
Tract A	8,393	0.19	0.58%
Tract F	4,109	0.09	0.28%
Tract G	1,484	0.03	0.10%
Tract P	1,426	0.03	0.10%
Tract W	1,904	0.04	0.13%
Tract Y	1,584	0.04	0.11%
Tract Z	4,803	0.11	0.33%
PP-7	7,725	0.18	0.53%
Subtotal	31,428	0.72	2.18%
Total Open Space	48,230	1.11	3.34%
PARKS			
PP-6	18,731	0.43	1.30%
New Pocket Park	18,295	0.42	1.27%
Subtotal	37,026	0.85	2.56%
TOTAL	85,256	1.96	5.90%

“Tracts” are those identified on the original submittal of the subdivision plat. Tract areas in the plat may change with the revised PDP.



From the Grading and Erosion Control Plan – Sheet 6 from original PDP submittal



From the Tree Preservation/Protection Plan – Sheet 17 of the original PDP submittal

LEGEND		
TREES TO BE RETAINED	TREES TO BE REMOVED	TREES LIKELY TO BE REMOVED
(I) IMPORTANT	(I) IMPORTANT	Situational Decision by Consulting Arborist On-Site During Construction
(G) GOOD	(G) GOOD	(I) IMPORTANT
(M) MODERATE	(M) MODERATE	(G) GOOD
(P) POOR	(P) POOR	(M) MODERATE
TREE CANOPY UNSPECIFIED		(P) POOR



MEMORANDUM

DATE: May 18, 2005

TO: Paul Cathcart, City of Wilsonville
Sandi Young, City of Wilsonville
Dave Waffle, City of Wilsonville
Mike Stone, City of Wilsonville

FROM: Stacy Connery, AICP

CC: Craig Brown, Matrix Development
John Junkin, Bulivant, Houser, Bailey, PC
Bill Horning, Western Planning
Jim Lange, Alpha Community Development
Albert Castaneda, Alpha Community Development
Paul Seilo, Alpha Community Development

PROJECT: Phase 1(E), SAP East, Villebois (Alpha Job No. 108-047)

Attached is a draft revised plan for Phase 1(E). The plan has been revised to achieve the following.

- 15' wide pedestrian/bicycle connections are provided in the blocks between Yosemite Street and Barber Street providing direct access from Evergreen Street to Barber Street. This has resulted in the loss of 2 lots.
- A 15' wide pedestrian/bicycle connection is also provided from the triangular park to Barber Street. To avoid loss of a lot in this area, lot lines are adjusted to the west and an equivalent area in the Linear Green to the west of the subject lots is transferred to the afore-mentioned pedestrian/bicycle connection.
- A park is provided along the east side of Serenity Way north of Barber Street and south of "W" Street. The adjacent lots have been reconfigured to front on the park. This results in the loss of 3 lots.

With the provision of this park, the Applicant anticipates that this park area may take the place of some future park areas.

The triangular park has not been relocated. Trees within the subject corner of Phase 1(E) are significantly impacted due to the amount of grading occurring to construct the surrounding streets and utilities at the necessary elevation to service the project. The majority of trees within this area are not in good

condition, and those that are in good condition are not particularly large in size or desirable specimen trees. Moving the park would, in this case, not result in the ability to save desirable trees. The Applicant will evaluate the feasibility of transplanting the more desirable trees to the park area with the project arborist. The design of the triangular park will occur in a fashion that optimizes the usable area within the park as well as buffers the park from the alley and garage doors.

This revised plan results in 191 lots and 1.97 acres of park/open space.

Attachment:

- Draft Revised Plan dated May 18, 2005

PARKS & RECREATION ADVISORY BOARD MEETING
Minutes of April 12, 2005
Wilsonville Community Center

The Parks and Recreation Department: "Exists to coordinate programs and their supporting services based on common interests and appreciation of diversity through community awareness and involvement. It "Ensures proper planning, use, development and maintenance of parks and facilities for fully accessible community enjoyment."

WILSONVILLE PARKS & RECREATION ADVISORY BOARD

Lisa Martin	Roger DeVille	Ann Maier
Marilyn Lippincott	Robert Meyer	Steven Hurst
Cathie Gleeson	Benny Holt, Council Liaison	

Staff: Peggy Watters	Chris Neamtzu	Floyd Peoples	
Kerry Rappold	Robb Reed	Justin Cutler	Patty
Brescia			

I. Call To Order:

Meeting was called to order at 6:30pm.

A. Roll Call:

Members Present: Lisa Martin, Marilyn Lippincott, Cathie Gleeson, Robert Meyer, Ann Maier, Steven Hurst, Roger DeVille, Councilor Benny Holt

Staff Present: Peggy Watters, Patty Brescia

Guest: Sandi Young, Bill Horning (Western Planning Assoc.), Craig Brown and Stacy of Matrix.

B. Approval of the Minutes: The minutes of the March 8, 2005 meeting were approved as written.

II. Public Input: n/a

III. WERK Day – Patty Brescia reviewed the request that the Parks Board provide volunteer coverage for the registration table at the WERK Day Cleanup Event on May 21, 2005. Board members are asked to be at the registration table by 7:30am.

III. Villebois – SAP E FDP-1 Update: Bill Horning and Craig Brown attended to present features of the SAP E of Villebois.

A. SAP E is comprised of 65 acres, which is now at the Final Development Plan (FDP) stage for consideration of specific components of the parks, including benches, tree and shrubbery, play elements, etc.

B. Background:

1. The first phase of SAP E will include 198 lots. Active recreation opportunities are desired for this area.
 2. The third phase of SAP E includes a large park to the north. Some of the greenway value of SAP E is included in roundabouts. The DRB has agreed in concept to the current plans with some redesign with the applicant. The P&R Board will hear park proposals from the applicant and staff will take the P&R Board recommendations to the DRB.
 3. Sub plans to the Villebois Master Plan include a community elements document, a rainwater plan and design element standards of key components of the plan. These are all to be applied to the PDP.
- C. The DRB head objectives to the Plan including:
1. SAP-1 – added pedestrian connection to the street plans and a ‘knuckle’ rather than a cul-d-sac to continue the flow of traffic which has allowed a pocket park in area ‘H’ and an improved pedestrian zone.
 2. Area ‘G’ provides transitional space and public gathering space.
 3. Area ‘H’ includes a play structure that includes ADA softball and a ramp.
 4. The question was asked if a drinking fountain was designed for the pathway. Responded that a drinking fountain is not in the definition of a neighborhood park.
 5. A ‘temporary park’ is planned for east of Brown Road to accommodate the phase of building before the northern park is developed. This ‘temporary park’ will be floated on buildable lots and removed once the official park is produced. This will be part of the 3 acre total of neighborhood parks. The replacement of the ‘temporary park’ will be equal to or greater than the temporary park. The temporary park will be designed as passive gathering space.
- D. Board member clarifying questions included:
1. Do the park acres per unit meet standards? Response: The Villebois master plan itself exceeds the requirements of the 1994 Parks Plan.
 2. How dense is the housing at the core? SAP E provides a variety of densities that increase toward the north.
 3. What are the lot sizes, are they family size? SAP E accommodates more of the larger lots, proposed to accommodate more families with children.
 4. Do the projected sales reflect these family numbers? Unknown at this time.
- E. Paul Cathcart provided the following detail:
1. Requirements of Parks and Open Space are applied to the overall plan, not each SAP individually. The Code doesn’t require the developer to provide space in the SAP, it is offered by the developer.
 2. The redesign of the cul-d-sac allows a new amenity of a small park, not previously in the design.
 3. The temporary park serves as a public space during this phase of development to accommodate needs of the initial residents. It will be signed ‘temporary’.
- F. The P&R Board was provided a statement by Matrix to accommodate the short deadline to the DRB.

Action: The Parks Board made the motion and approved the 'Findings and Recommendation on the Parks and Open Space areas proposed in the Final Development Plan-1, of SAP-East' subject to consideration of the following points:

- ADA design of play structure
- Benches be placed in 'conversational' formats
- Tot Lot to be ADA accessible
- Picnic tables are requested to be wheelchair accessible (although manufacturer may not provide such a design).
- Paul will take this forward to the DRB.

IV. Town Center Park Signage: Board members examined sample signage used by the Portland Water Bureau at their water features. Discussion was held regarding the subtleties of language, asking participants to be responsible. The value of graphics for universal understanding was discussed, considering the increasing number of non-English speaking residents and visitors.

V. Roles of the P&R Board in other capacities: Board members offered to provide liaison connection to the following special interests:

Lisa – Youth Advisory Council
Robert and Steve – ACMP
City Council – Steve
Heritage Tree Committee – Roger
Historic features – Marilyn

VI. Reports

A. Staff: Floyd Peoples submitted a staff report outlining the current roster of projects completed in the City Parks.

Justin Cutler submitted a staff report on the Youth Advisory Council officially instated by the Council and the full roster of users at the Community Garden.

B. Council Liaison – Benny Holt reported on the Council honoring of the High School basketball team and the receipt of the Tree City award.

C. Board Members: Robert reported on the activity at the Town Center Park on recent warm afternoon. He included the observation of the value of benches to senior participants.

Steve offered to visit the Rec/Fitness Center in Salt Lake City to ask questions of the typical users and finances (in reference to March presentation on a proposed Wilsonville aquatic center).

VII. Adjournment: The meeting was adjourned at 8:40pm

**Next Meeting – May 10, 2005
6:30-8:30pm
Wilsonville Community Center**

Ordinance No. 586

Development Review Board Background Information
containing:

- 3 -A Tax Lot 500 Map
- 3 -B Sketch for Property Line Adjustment Application
- 3 -C Legal Description Villebois East Tract 1
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- 3 -G Planning Division Staff Report dated March 21, 2005 Application DB-2005-02-00013
- 3 -H Supporting Compliance Report Zone Change Legend at Villebois Section VA
- 3 -I Planning Division Staff Report Dated March 21, 2005, Amended and Adopted on March 28, 2005 re: DB-2005-02-00011 (Preliminary Development Plan)

Exhibit No. 3-A
Ordinance 586

TRACT 2
NEW 26.86 ACRES
OLD 7.10 AC

TRACT 1
NEW 33.17 ACRES
OLD 39.34 AC

TRACT 3
NEW 18.50 ACRES
OLD 32.09 AC

Tax lot 500

CLACKAMAS COUNTY SURVEYOR
RECEIVED: _____
ACCEPTED FOR FILING: _____
SURVEY NUMBER: _____

**RECORD OF SURVEY
FOR A PROPERTY LINE ADJUSTMENT**

LOCATED IN THE NORTHEAST AND SOUTHEAST ONE-QUARTERS OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, AND THE NORTHWEST AND SOUTHWEST ONE-QUARTERS OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

MONUMENT REFERENCE TABLE

- [A] FOUND 3" BRASS DISK IN MONUMENT BOX, DOWN 1.6", S.E. CORNER SAMUEL B. FRANKLIN D.L.C. B.T. BOOK 5, PAGE 79. HELD.
- [B] FOUND 3" BRASS DISK, N.E. CORNER SAMUEL B. FRANKLIN D.L.C. NO. 50. B.T. BOOK 5, PAGE 61. HELD.
- [C] FOUND 5/8" I.R. WITH MUTILATED YELLOW PLASTIC CAP "PARIS UNREADABLE". SET IN (S2). HELD.
- [D] FOUND IRON BOLT, BENT, TIED SPINHOLE. SHOWN ON (S2) AND (S3). HELD.
- [E] FOUND 3/4" IRON PIPE, BENT, TIED SPINHOLE. SHOWN ON (S1), (S2), AND (S3). HELD.
- [F] FOUND 3/4" IRON PIPE UP 0.90". SHOWN ON (S1), (S2), AND (S3). HELD.
- [G] FOUND 3/4" IRON PIPE UP 0.80". HELD FOR POINT ON NORTH LINE (D1) SHOWN ON (S1) AND (S3).
- [H] FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "PARIS & ASSOC. PLS 20828" UP 0.40". SET IN (S1). HELD.
- [I] FOUND 5/8" IRON ROD, NO CAP. HELD E-W. NORTH 01° 35' 01" EAST, 0.08". SET IN (P1).
- [J] FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP. UNREADABLE. SET IN (S1). HELD.
- [K] FOUND 5/8" IRON ROD, NO CAP. HELD E-W FOR CENTERLINE OF S.W. BROWN ROAD TO THE SOUTH, NORTH 01.5". SHOWN AS N. 0.11" IN (S1).
- [L] FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "PARIS & ASSOC. PLS 20828". HELD E-W. SOUTH 01° 35' 01" WEST, 0.08". SET IN (S1).
- [M] FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "PARIS & ASSOC. PLS 2264". SET IN (S1). HELD.
- [N] FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "PARIS & ASSOC. PLS 2264". SET IN (S1). HELD.
- [O] FOUND 4" ALUMINUM DISK IN MONUMENT BOX DOWN 1.1". HELD.
- [P] FOUND 1/2" IRON PIPE, N.E. CORNER OF SECTION 15, T. 3 S., R. 1 W., W.L. PER LP-084, B.T. BOOK 5, PAGE 278. HELD.

DEED REFERENCES

- (D1) 93-89116
- (D2) 97-096933
- (D3) 95-008898
- (D4) 95-070770
- (D5) 98-002821

SURVEY REFERENCES

- (P1) "SERENE ACRES" PLAT NO. 1869 (S3) PS 11402
- (S1) PS 22977 (S4) LP 064
- (P2) "PARKWOOD ESTATES" PLAT NO. 2425 DTM 499
- (S2) PS 21365 (P5) "JACI PARK" PLAT NO. 2806
- (P3) "JACI PARK NO. 2" PLAT NO. 2907 (P6) "MONTEBELLO" PLAT NO. 2111
- "SERENE ACRES NO. 2" PLAT NO. 1865 PARTITION PLAT NO. 2003-090

LEGEND

- FOUND 5/8" IRON ROD NO CAP UNLESS OTHERWISE NOTED IN MONUMENT REFERENCE TABLE OR ON FACE OF SURVEY
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "PARIS & ASSOC. PLS 2264" UNLESS OTHERWISE NOTED.
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "PARIS & ASSOC. PLS 20828" SET IN (S1).
- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG. INC."
- E-W EAST-WEST
- N-S NORTH-SOUTH
- D.L.P. DONATION LAND CLAIM
- CH/MS CHAINS
- ME/S MEASURED
- REC RECORD
- [Z] MONUMENT REFERENCE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

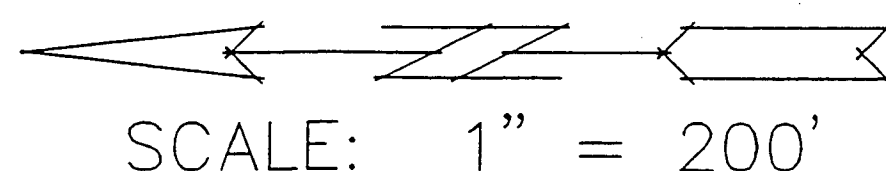
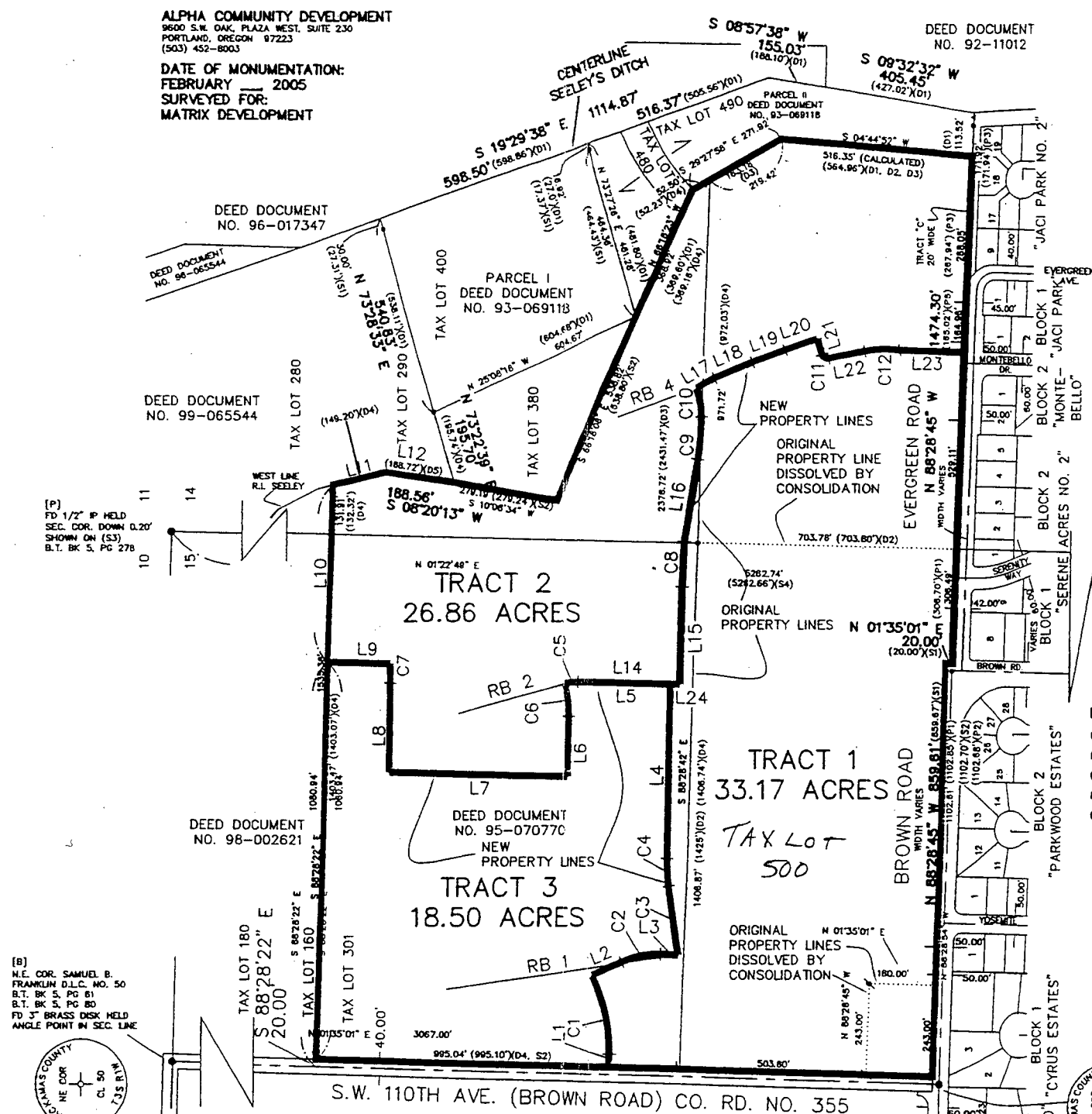
OREGON
JULY 23, 1980
MICHAEL R. GATES
2449

VALID UNTIL 6-30-05

SHEET 1 OF 1

- | | | |
|---|---|--|
| C1
Δ=28°42'12"
R=435.50'
L=218.17'
CH=N 77°13'56" E,
215.90' | C2
Δ=25°52'18"
R=237.65'
L=107.31'
CH=S10°53'34"E,
106.40' | C3
Δ=1°02'02"
R=10289.93'
L=185.70'
CH=N 81°20'40" E,
185.70' |
| C4
Δ=10°12'48"
R=416.00'
L=74.15'
CH=N85°56'03"E,
74.06' | C5
Δ=15°53'18"
R=132.50'
L=36.74'
CH=N06°29'04"W,
36.63' | C6
Δ=17°10'17"
R=297.50'
L=89.16'
CH=S82°52'26"W,
88.83' |
| C7
Δ=4°46'42"
R=630.00'
L=52.54'
CH=N88°33'13"E,
52.53' | C8
Δ=2°26'58"
R=2829.04'
L=120.94'
CH=N87°44'04"W,
120.93' | C9
Δ=8°29'06"
R=769.45'
L=113.95'
CH=N85°32'16"W,
113.84' |
| C10
Δ=20°12'36"
R=223.06'
L=78.68'
CH=S80°06'52"W,
78.27' | C11
Δ=84°11'29"
R=15.50'
L=22.78'
CH=N30°47'58"E,
20.78' | C12
Δ=19°03'48"
R=281.81'
L=93.76'
CH=N01°45'53"W,
93.33' |

- | | |
|---------------------------|--------------------|
| L1 N 88°24'59" W 34.26' | RB 1 N 08°08'19" W |
| L2 S 23°49'42" E 86.35' | RB 2 N 15°42'42" W |
| L3 S 02°02'35" W 49.23' | RB 3 N 27°07'10" W |
| L4 S 88°57'33" E 467.09' | RB 4 N 19°59'26" W |
| L5 N 01°27'35" E 252.08' | |
| L6 N 88°32'25" W 161.61' | |
| L7 N 01°27'35" E 484.89' | |
| L8 S 89°03'26" E 238.44' | |
| L9 N 01°27'35" E 171.28' | |
| L10 S 88°28'22" E 474.44' | |
| L11 S 13°31'12" E 149.09' | |
| L12 S 08°20'13" W 188.56' | |
| L13 N 73°22'39" E 195.70' | |
| L14 N 01°27'35" E 277.08' | |
| L15 S 88°57'33" E 262.51' | |
| L16 N 81°17'44" W 222.81' | |
| L17 N 29°40'37" W 54.79' | |
| L18 N 22°18'52" W 110.14' | |
| L19 N 20°07'33" W 95.17' | |
| L20 N 19°03'00" W 92.00' | |
| L21 N 72°53'42" E 43.91' | |
| L22 N 11°17'47" W 97.90' | |
| L23 N 01°31'47" E 177.03' | |
| L24 S 01°27'35" W 25.00' | |



**SKETCH FOR PROPERTY LINE
ADJUSTMENT APPLICATION**

Attachment 2

FEBRUARY 17, 2005
LEGAL DESCRIPTION
VILLEBOIS EAST -TRACT 1

JOB NO. 108-045

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 14 AND IN THE NORTHEAST AND SOUTHEAST ONE-QUARTERS OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLIMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAMUEL B. FRANKLIN DONATION LAND CLAIM NO. 50; THENCE ALONG THE EAST LINE OF SAID DONATION LAND CLAIM, ALSO BEING THE CENTERLINE OF S.W. 110TH AVENUE (COUNTY ROAD NO. 355), NORTH 01° 35' 01" EAST, 896.64 FEET; THENCE LEAVING SAID LINE, SOUTH 88° 24' 59" EAST, 20.00 FEET, TO THE **POINT OF BEGINNING**; THENCE SOUTH 88° 24' 59" EAST, 34.26 FEET; THENCE ALONG THE ARC OF A 435.50 FOOT RADIUS CURVE TO THE LEFT, BEING CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 28° 42' 12", 218.17 FEET (CHORD BEARS NORTH 77° 13' 56" EAST, 215.90 FEET); THENCE SOUTH 23° 49' 42" EAST, 86.35 FEET; THENCE ALONG THE ARC OF A 237.65 FOOT RADIUS CURVE TO THE RIGHT, BEING CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 25° 52' 18", 107.31 FEET (CHORD BEARS SOUTH 10° 53' 34" EAST, 106.40 FEET); THENCE SOUTH 02° 02' 35" WEST, 49.23 FEET; THENCE ALONG THE ARC OF A NON-TANGENT 10,289.93 FOOT RADIUS CURVE, BEING CONCAVE NORTHWESTERLY, THE RADIUS POINT OF WHICH BEARS NORTH 08° 08' 19" WEST, THROUGH A CENTRAL ANGLE OF 01° 02' 02", 185.70 FEET (CHORD BEARS NORTH 81° 20' 40" EAST, 185.70 FEET), TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 416.00 FOOT RADIUS CURVE TO THE RIGHT, BEING CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 10° 12' 48", 74.15 FEET (CHORD BEARS NORTH 85° 56' 03" EAST, 74.06 FEET); THENCE SOUTH 88° 57' 33" EAST, 467.09 FEET; THENCE SOUTH 01° 27' 35" WEST, 25.00 FEET; THENCE SOUTH 88° 57' 33" EAST, 262.51 FEET; THENCE ALONG THE ARC OF A 2,829.04 FOOT RADIUS CURVE TO THE RIGHT, BEING CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 02° 26' 58", 120.94 FEET (CHORD BEARS SOUTH 87° 44' 04" EAST, 120.93 FEET); THENCE SOUTH 81° 17' 44" EAST, 222.81 FEET; THENCE ALONG THE ARC OF A 769.45 FOOT RADIUS CURVE TO THE LEFT, BEING CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 8° 29' 06", 113.95 FEET (CHORD BEARS SOUTH 85° 32' 16" EAST, 113.84 FEET), TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A 223.06 FOOT RADIUS CURVE TO THE LEFT, BEING CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 20° 12' 36", 78.68 FEET (CHORD BEARS NORTH 80° 06' 52" EAST, 78.27 FEET); THENCE SOUTH 29° 40' 37" EAST, 54.79 FEET; THENCE SOUTH 22° 18' 52" EAST, 110.14 FEET; THENCE SOUTH 20° 07' 33" EAST, 95.17 FEET; THENCE SOUTH 19° 03' 00" EAST, 92.00 FEET; THENCE SOUTH 72° 53' 42" WEST, 43.91 FEET; THENCE ALONG THE ARC OF A 15.50 FOOT RADIUS CURVE TO THE LEFT, BEING

CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF $84^{\circ} 11' 29''$, 22.78 FEET (CHORD BEARS SOUTH $30^{\circ} 47' 58''$ WEST, 20.78 FEET); THENCE SOUTH $11^{\circ} 17' 47''$ EAST, 97.90 FEET; THENCE ALONG THE ARC OF A 281.81 FOOT RADIUS CURVE TO THE RIGHT, BEING CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF $19^{\circ} 03' 48''$, 93.76 FEET (CHORD BEARS SOUTH $01^{\circ} 45' 53''$ EAST, 93.33 FEET); THENCE SOUTH $01^{\circ} 31' 47''$ WEST, 177.03 FEET; THENCE NORTH $88^{\circ} 28' 45''$ WEST, 835.32 FEET, TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF EVERGREEN ROAD AND THE EAST RIGHT-OF-WAY LINE OF BROWN ROAD; THENCE ALONG SAID EAST LINE, NORTH $01^{\circ} 35' 01''$ EAST, 20.00 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF BROWN ROAD; THENCE ALONG SAID NORTH LINE, BEING PARALLEL WITH AND 20.00 FEET NORTHERLY OF THE CENTERLINE THEREOF, RIGHT-ANGLE MEASURE, NORTH $88^{\circ} 28' 45''$ WEST, 1102.61 FEET; THENCE LEAVING SAID NORTH LINE, ALONG THE EAST RIGHT-OF-WAY LINE OF S.W. 110TH AVENUE, BEING PARALLEL WITH AND 20.00 FEET EASTERLY OF THE CENTERLINE THEREOF, RIGHT-ANGLE MEASURE, NORTH $01^{\circ} 35' 01''$ EAST, 876.61 FEET, TO THE POINT OF BEGINNING.

CONTAINING 33.17 ACRES, MORE OR LESS.

BASIS OF BEARING PER SURVEY NO. 2004-318, CLACKAMAS COUNTY SURVEY RECORDS.

PLANNING DIVISION
STAFF REPORT & RECOMMENDATION

Exhibit No. 3-D
Ordinance 586

DATE: April 18, 2005

TO: Honorable Mayor and City Councilors

FROM: Blaise Edmonds, Manager of Current Planning

SUBJECT: The Legend at Villebois. Rezone approximately 33.17 acres from the current Clackamas County *Exclusive Farm Use (EFU)* zone to *Village (V)* zone for residential development of the first phase (Tract 1) of Specific Area Plan-East of Villebois Village and to amend the Wilsonville Zone Map accordingly.

SUMMARY:

On March 28, 2005, Panel B of the Development Review Board recommended approval to the City Council of the proposed Zone Map Amendment (File No. DB-2005-02-00013). The Board also approved case files:

- Preliminary Development Plan for Phase 1 - 198 residential lots (File No. DB-2005-02-00011).
- Specific Area Plan – East Amendment (File No. DB-2005-02-00009)
- Tentative Plat for a subdivision (File No. DB-2005-02-00012)
- Tree Removal Plan (File No. DB-2005-02-00016)
- Final Development Plan for Phase 1 (File No. DB-2005-02-00023), and
- Temporary Use Permit for model homes and a sales office (File No. DB-2005-02-00018).

Those approvals are contingent upon City Council approval of the proposed Zone Map Amendment.

The Development Review Board voted 4-0 to recommend approval of the proposed Zone Map Amendment. The findings and conclusions in Exhibit 'B' (*original staff report with proposed findings and conditions of approval*) support the Development Review Board decision for approval.

The Development Review Board adopted staff recommendations and findings included as Exhibit B of proposed Ordinance No. ____, imposing three conditions:

1. Submit to the City a demonstration of recording of the Lot Line Adjustment with Clackamas County.

EXHIBIT A

2. Recommendation for approval of a Zone Change and Zone Map Amendment is limited to the 33.17 acres of Tax Lot 500 (Tract 1) as recorded with Clackamas County.
3. The Applicant/Owner shall provide to the City Council Recorder at City Hall fifteen (15) copies of the metes and bounds description describing the subject premises being rezoned and 15-copies of the zone change submittal documents and maps.

RECOMMENDATION

After conducting a duly advertised public hearing, that the City Council act favorably on the Development Review Board recommendation of March 28, 2005 to approve the request. Appropriate Council action would be adoption of proposed Ordinance No. ____.

DISCUSSION/BACKGROUND

The Applicant, The Legend at Villebois, LLC, proposes the development of a 198-lot residential subdivision, along with associated site improvements, for the property located in the southeastern portion of Villebois Village, east of SW 110th Ave. and north of Parkwood Estates (SW Brown Rd.), Serene Estates (Evergreen Rd.), south of the Urban Growth Boundary (Boeckman-Tooze Extension), and generally west of Seely Ditch. The entire site is located within the Wilsonville City Limits.

The following requests apply to the subject property, as defined in the applicant's submittal documents:

- No areas in the proposed project are designated Significant Resource Overlay Zone (SROZ).
- The proposal meets the Planning and Land Development Ordinance and with the goals, policies, and implementation measures of the City of Wilsonville Comprehensive Plan and with the Villebois Village Master Plan.
- Primary facilities, i.e., roadways, water and sanitary sewer, are or shortly will be available and are of adequate size to serve the subject property. Thus, adequate facilities can be provided.
- The public interest is best served by granting the Zone Map Amendment at this time since there is a high demand single-family housing.

See the Planning Division Staff Report, Exhibit B, of proposed Ordinance No. ____ for additional detail and findings of fact.

The decision of the March 28th Development Review Board meeting:

Approval of Concurrent Applications. The Development Review Board's action on this Zone Change and Zone Map Amendment request is a recommendation to City Council. Approvals by the Board of File Nos. DB-2005-02-0011 (PDP for Phase 1), DB-2005-02-00016 (Tree Removal Plan), and File No. DB-2005-02-00012 (Tentative Plat), DB-2005-002-00020 (Final Development Plan for Phase I), and DB-2005-02-00018 (Temporary Use Permit) are contingent upon City Council approval of the requested Zone Change and Zone Map Amendment. Residential development cannot occur until "Village" zoning is in place.

General background documents for the above approvals are included in the City Council packet.



April 5, 2005

Exhibit No. 3-E
Ordinance 586

DEVELOPMENT REVIEW BOARD PANEL B

RECOMMENDATION TO CITY COUNCIL

Project Name: The Legend at Villebois

Case File No.: C. DB-2005-02-00013: Zone map amendment to rezone 33.17 acres from *Exclusive Farm Use* to *Residential - Village* for Preliminary Development Plan (PDP) 1 of Specific Area Plan (SAP) East

Applicant: Alpha Community Development

Owner: The Legend at Villebois, LLC

Property Description: Tax Lot 500, Section 15, T3S-R1W, Clackamas, County, Wilsonville, Oregon

Location: Southeast portion of Villebois Village, Wilsonville, Oregon, 97070

On March 28, 2005, at the meeting of the Development Review Board the following action was granted on the above-referenced proposed development application:

The DRB has forwarded a recommendation of approval to the City Council.

A City Council meeting is scheduled for April 18, 2005 to hear this item.

The Development Review Board's adopted recommendation is attached.

Exhibit B

DEVELOPMENT REVIEW BOARD PANEL B
RESOLUTION NO. 6

A RESOLUTION ADOPTING FINDINGS APPROVING:

- A. **Case File #DB-2005-02-00009:** Approval of an amendment to Specific Area Plan (SAP)-East. The proposed amendment would consolidate the previously approved six (6) phases of the SAP into five (5).
- B. **Case File #DB-2005-02-00011:** Approval of Preliminary Development Plan (PDP) for the revised Phase I of SAP-East consisting of 198 lots for residential use, park and open space areas.

The Development Review Board's action on Case Files DB-2005-02-00011 will be contingent upon City Council's action on DB-2005-02-00013.

- C. **Case File #DB-2005-02-00013:** Review of a Zone Map Amendment to zone the subject properties 'Village (V)'. Current zoning designation is 'Exclusive Farm Use (EFU)' under Clackamas County zoning regulations. The proposed properties have a City Comprehensive Plan Map designation of 'Residential - Village'. Proposed uses are those permitted under W.C.4.125.

The Development Review Board's action on Case File #DB-2005-02-00013 will be a recommendation to the City Council for final action. A City Council hearing date is scheduled for April 18, 2005 to hear this item.

- D. **Case File #DB-2005-02-00012:** Review Preliminary Subdivision Plat for 198 lots for Phase I of SAP-East.
- E. **Case File #DB-2005-02-00016:** Type C Tree Removal Permit for Phase I of SAP-East.
- F. **Case File #DB-2005-02-00018:** One-Year Temporary Use Permit to use six (6) model homes as sales offices within Phase I of SAP East.
- G. **Case File #DB-2005-02-00023:** Approval of Final Development Plan (FDP) for improvements relative to the Community Elements Book for the revised Phase I of SAP-East.

THE PROPERTY IS LOCATED ON NEW TAX LOT 500, SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON. APPLICANT ALPHA COMMUNITY DEVELOPMENT FOR THE LEGEND AT VILLEBOIS, LLC., OWNER.

RESOLUTION NO. 6

The Legend at Villebois

Page 1 of 2

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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 reports on the above-captioned subject dated March ____, 2005, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on March 28, 2005, 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 applications.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A contained therein, as read into the record, and approves requests A, B, C, D, E, F and G with said recommendations.

ADOPTED by Panel B of the Development Review Board of the City of Wilsonville at a regular meeting thereof this 28th day of March 2005, and filed with the Planning Administrative Assistant on 4-6-05. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision unless appealed or called up for review by the council in accordance with WC Sec 4.022(.09).


Phyllis Straight-Millar, Vice-chair Panel B
Wilsonville Development Review Board

Attest:



Sally Hartill, Planning Admin Assistant II

RESOLUTION NO. 6

The Legend at Villebois

Page 2 of 2

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WILSONVILLE PLANNING DIVISION
Wilsonville Development Review Board
STAFF REPORT

Recommendation to City Council

HEARING DATE: March 28, 2005

DATE OF REPORT: March 21, 2005

APPLICATION NO.: DB-2005-02-00013

APPLICANT: The Legend at Villebois, LLC

PROPERTY OWNER: The Legend at Villebois, LLC

REQUEST: Recommendation of approval to the City Council to change zoning on the subject property from the current Clackamas County EFU (Exclusive Farm Use Zone) to the V (Village Zone) and to amend the Wilsonville Zone Map accordingly.

LOCATION: Approximately 33.17 acres (see Issues #1 and #2 below) located in the southeastern portion of Villebois Village, east of SW 110th Ave. and north of Parkwood Estates (SW Brown Rd.), Serene Estates (Evergreen Rd.), south of the Urban Growth Boundary (Boeckman-Tooze Extension), and generally west of Seely Ditch. The entire site is located within the Wilsonville City Limits.

LEGAL DESCRIPTION: New Tax Lot 500 of Section 15,T3S, R1W, Willamette Meridian, Clackamas County, Wilsonville, Oregon. Tax Lot 500 has been the recent subject of a lot line adjustment (File No. AR-2005-02-00020), which has been conditionally approved by the Planning Department, but which has not yet been recorded with the County (see Issue #1 below). The Staff Report has assumed the new Tax Lot 500 in reviewing the applicable criteria.

LAND USE DESIGNATION: Wilsonville Comprehensive Plan Map Designation "Residential Village" (R-V)

ZONING DESIGNATION: Clackamas County, EFU (Exclusive Farm Use)

VICINITY MAP: Exhibit B (Section VB, Zone Change Map), duplicated here as Attachment I

STAFF REVIEWERS: Barbara Coles, Paul Cathcart

CRITERIA:

City of Wilsonville Comprehensive Plan
 Compact Urban Development
 Implementation Measures 4.1.6A, C, D

City of Wilsonville Land Development Ordinance
 Section 4.029 - Zoning Consistent with the Comprehensive Plan
 Section 4.110 - Zoning - Zones
 Section 4.125 - Village (V) Zone
 (.02) Permitted Uses
 (.18) Village Zone Development Permit Process
 Section 4.197 - Zone Changes and Amendments - Procedures

BACKGROUND:

The Development Review Board is being asked to review concurrent applications proposing development of Phase 1 of SAP-East comprising 198 residential lots on 133.17 acres of which 0.85 acres is proposed for parks and open space. The applicant is submitting requests for:

- Specific Area Plan - East Amendment (File No. DB-2005-02-00009)
- Preliminary Development Plan for Phase 1 of SAP-East (File No. DB-2005-02-00011). Submitted concurrently with the PDP per Section 4.125 of the Ordinance are the following:
 - Zone change to (V) zone/Zone Map Amendment (File No. DB-2005-02-00013)
 - Tentative Plat for a subdivision (File No. DB-2005-02-00012)
 - Tree Removal Plan (File No. DB-2005-02-00016)
- Final Development Plan for Phase 1 (File No. DB-2005-02-00023), and
- Temporary Use Permit for model homes and a sales office (File No. DB-2005-02-00018).

The application that is the subject of this Staff Report is a request for Zone Change and Zone Map Amendment. Supporting documentation is located in Section V of Exhibit B (Legend at Villebois application submittal notebook, dated 2/11/05, containing supporting information for all the applications listed above).

ISSUES:

1. Lot Line Adjustment. The Planning Division has recently approved a request for approval of a Lot Line Adjustment (AR-2005-02-00020) to adjust the common boundary lines between a series of tax lots in SAP-East. The adjustment to Tax Lots 500 (consolidated with 501 and 502 and identified as Tract 1), 390 (Tract 2), and 300 (Tract 3) will adjust the boundaries so they are coincidental to the boundary of the PDP and SAP-East. The new Tax Lot 500 is the subject property of the proposed PDP-1 (or Phase 1 of Legend at Villebois). As of the date of this report, that adjustment has not been recorded with the County. A recommendation for approval of a Zone Change and Zone Map Amendment will require the prior recording of the Lot Line Adjustment and demonstration of compliance with the associated Conditions of Approval of AR-2005-02-00020.
2. Acreage of Subject Property. If the Lot Line Adjustment is to result in boundaries that are "coincidental to the PDP", total acreage for the proposed PDP and Tentative Plat should be equal to the recorded Lot Line Adjustment. In the application for Property Line Adjustment (AR-255-02-00020) the survey indicates that Tract 1 (Tax Lot 500) contains 33.17 acres "more or less". The proposed PDP for Phase 1, however, is for 33.57 acres. The Applicant's submittal for a Tentative Plat (Section IVA, p. 10, 2nd response) references the size identified in the Narrative,

i.e., 33.57 acres. The request for Lot Line Adjustment was made subsequent to the other applications. The survey required for that request is to be considered more accurate. As a result, all references to a Tax Lot 500 of 33.57 acres should be amended to read "33.17 acres". Recommendation for approval of a Zone Change and Zone Map Amendment is limited to 33.17 acres as recorded with Clackamas County.

3. Approval of Concurrent Applications. The Development Review Board's action on this Zone Change and Zone Map Amendment request will be a recommendation to City Council. Approvals by the Board of File Nos. DB-2005-02-0011 (PDP for Phase 1), DB-2005-02-00016 (Tree Removal Plan), and File No. DB-2005-02-00012 (Tentative Plat), DB-2005-02-00020 (Final Development Plan for Phase I), and DB-2005-02-00018 (Temporary Use Permit) are contingent upon City Council approval of the requested Zone Change and Zone Map Amendment. Residential development cannot occur until "Village" zoning is in place. **City Council's final decision, however, is predicated on receiving a recommendation from the Board and a determination that the Preliminary Development Plan for Legend at Villebois - Phase 1 can be adopted as conditioned through the hearing process.**

ANALYSIS AND FINDINGS OF FACT:

See Attachment 2

CONCLUSIONS AND RECOMMENDATIONS:

Based on the Findings of Fact A1 - A3 and B1- B12 and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board recommend to the City Council approval of the application (DB-2005-02-00013) for Zone Change and that the City of Wilsonville Official Zoning Map subsequently be revised per Attachment 1, proposed Zone Map change.

Conditions of Approval

Staff recommends the following conditions of approval:

1. Submit to the City a demonstration of recording of the Lot Line Adjustment with Clackamas County.
2. Recommendation for approval of a Zone Change and Zone Map Amendment is limited to the 33.17 acres of Tax Lot 500 as recorded with Clackamas County.
3. The Applicant/Owner shall provide to the City Council Recorder at City Hall fifteen (15) copies of the metes and bounds description describing the subject premises being rezoned and 15-copies of the zone change submittal documents and maps.

Staff further recommends that Conditions of Approval be placed on concurrent File Nos. DB-2005-02-00011, DB-2005-02-00012, DB-2005-02-00023, DB-2005-02-00016, and DB-2005-02-00018 indicating that the Board's actions on these applications are contingent upon City Council's action on the Zone Change and Zone Map Amendment request.

City Council's final decision, however, is predicated on receiving a recommendation from the Board and a determination that the Preliminary Development Plan for Legend at Villebois - Phase I can be adopted as conditioned through the hearing process.

RESPONSES RECEIVED: No responses have been received at this time.

ATTACHMENTS AND EXHIBITS:

Attachment 1: Proposed Amendment to the City of Wilsonville's Zoning Map

Attachment 2: Analysis and Findings of Fact for File No. DB-2005-02-00013

Exhibit A: This Staff Report for File No. DB-2005-02-00013

Attachments 1 and 2

Exhibit B: Legend at Villebois application submittal notebook, dated 2/11/05, containing supporting information for all concurrent applications

ATTACHMENT 2

ANALYSIS AND FINDINGS OF FACT

ZONE CHANGE

A. CITY OF WILSONVILLE COMPREHENSIVE PLAN

Compact Urban Development – Implementation Measures

Implementation Measure 4.1.6. A *Development in the "Residential – Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable.*

FINDING A-1: This application is being submitted and reviewed concurrently with a Preliminary Development Plan for a portion of SAP-East (approved by File No. 04DB22 and as may be amended by DB-2005-02-00009). **A final Finding of compliance with this Implementation Measure will be determined by the evaluation of relevant regulatory compliance, and subsequent conclusions and actions of the Development Review Board on the Preliminary Development Plan.**

Implementation measure 4.1.6.C: *The "Village" Zone District shall be applied in all areas that carry the Residential – Village Plan Map Designation.*

FINDING A-2: This application proposes a zone change to "Village" for the subject property area, which carries the Residential-Village Plan Map Designation. **Staff finds that the application is in conformance with this Implementation Measure.**

Implementation Measure 4.1.6.D: *The "Village" Zone District shall allow a wide range of uses that benefit 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 A-3: The subject property requested for this zone change approval is not in the central core area. The plan for this property includes residential uses (198 lots) and parks and open space areas on approximately 33.17 acres (see Issue #2 above) within the eastern portion of Villebois, east of SW110th Avenue. Table A on page 4 of the Introductory Narrative (Exhibit B, Section IA) lists the proposed range of residential units (five types) which are interspersed to provide a diverse mix of housing that increases in density from the southern edge of the PDP toward the Village Center, northwest of the subject property. The proposed residential land use and housing types in this area are generally consistent with those portrayed in the *Villebois Village Master Plan* and the approved SAP – East. **Staff finds that the application is in conformance with this Implementation Measure.**

B. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

Section 4.029 Zoning Consistent with the Comprehensive Plan: *If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the comprehensive plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.*

FINDING B-1: This zone change application is being requested concurrently with a PDP application and Tentative Plat for the subject site, in conformance with the code. The PDP application material is located in Section III of Exhibit B and the Tentative Plat application material in Section IV. **Staff finds that the application will comply with this section of the Development Code upon demonstration of compliance with the Preliminary Development Plan.**

Section 4.110 Zoning – Zones

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

(H) *Village, which shall be designated "V" (added by ORD 557, adopted 9/5/03)*

FINDING B-2: The subject property is within the city limits of Wilsonville, however it is currently zoned by Clackamas County "EFU" (Exclusive Farm Use) and has a City of Wilsonville Comprehensive Plan designation of "Residential – Village". This request is for a zone change to "V" (Village) which is permitted within the area designated "Residential – Village" on the Comprehensive Plan Map. **Staff finds that planned residential development may only occur under "V" zoning (Section 4.125 (.01) WC) and is, therefore, the appropriate zoning for the subject property to implement the *Villebois Village Master Plan*.**

Section 4.125 Village (V) Zone

(.01) *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 designation as described in the Comprehensive Plan.

FINDING B-3: The subject property lies within the area designated "Residential – Village" on the Comprehensive Plan Map. This request is for a zone change to "Village". **Staff finds that this zone is applicable to the subject property.**

(.02) *Permitted Uses*

FINDING B-4: The proposed uses listed in the associated application for a Preliminary Development Plan (See Section III of Exhibit B) are consistent with the land uses permitted under the "Village" zone. The PDP, located in Section III of Exhibit B indicates that development will create lots intended for the use of a variety of single-family detached and attached dwellings, as well as park and open space. **Staff finds that these uses are permitted under the "Village" zone (Section 4.125(.02)(A, C, H)) and that zone is appropriate for the proposed uses.**

(.18) *Village Zone Development Permit Process*

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

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

FINDING B-5: The application for a zone change is being made concurrently with an application (File No. DB-2005-02-00011) for approval of PDP-1 (see Section III of Exhibit B). **Staff finds that the application complies with this section of the Development Code.**

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

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

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

FINDING B-6: This application has been submitted in accordance with the procedures set forth in Section 4.140, which require that:

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

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

Staff finds that with the approval of the application, the appropriate zoning will be established for the proposed development. This application is being submitted and reviewed concurrently with a Preliminary Development Plan, a Final Development Plan, and a Tentative Plat for a portion of SAP – East. **Since**

no planned residential development may occur without a re-zoning, if this request receives a recommendation for approval from the Development Review Board, the recommendation should reflect a requirement that concurrent applications (File Nos. DB-2005-02-00011, DB-2005-02-00012, DB-2005-02-00016, DB-2005-02-00018, and DB-2005-02-00023) shall be subject to City Council action on File No. DB-2005-02-00013.

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

FINDING B-7:

Comprehensive Plan Implementation Measure 4.1.6.c. states, "the "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation." **Staff finds that since the "Village" zone must be applied to areas designated Residential-Village on the Comprehensive Plan map, its application to these areas is consistent with the Comprehensive Plan. Staff also finds that the application will fully comply with this section of the Development Code upon demonstration of compliance with the Preliminary Development Plan, as may be conditioned.**

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

FINDING B-8:

Staff finds that since the subject property is designated "Residential-Village", not "Residential", on the City's Comprehensive Plan Map, this subsection does not apply to the subject application. It should be noted, however, that the Villebois Village Concept Plan, Master Plan, and approved Specific Area Plans have advanced the cited implementation measures which encourage a variety of housing types and compliance with State and regional housing standards (4.1.4.b, d, e). (Subsections 4.1.4.q and x refer to mobile homes, which are not proposed for Villebois.)

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

FINDING B-9:

This application is being submitted and reviewed concurrently with a Preliminary Development Plan (File No. DB-2005-02-00011) for a portion of SAP – East. Full compliance with this section of the Development Code will be determined by the evaluation of relevant regulation, and subsequent conclusions and actions of the Development Review Board on the PDP application. **Staff finds that the application will comply with this section of the Development Code upon demonstration of compliance with the Preliminary Development Plan, as may be conditioned.**

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

FINDING B-10:

The applicant has submitted a revision (Exhibit C) to the text addressing this section of the Code, i.e., "The subject PDP area is not proposed within any SROZ areas. Therefore, direct impacts to SROZ areas will not occur with Phase I." The City's Significant Resource Overlay Zone Map does not identify resources on the subject property. The Applicant states on page 25, Section IIIA of Exhibit B that, "No earth movement hazard areas have been identified within the subject PDP area." On the following page a similar conclusion is made for soil hazard areas. Also on the same page, the Applicant states that the subject PDP does not include any areas within the 100-year flood plain. **Staff finds that unless countervailing information is found during the review of the PDP for Phase I, this section of the Code does not apply.**

- F. *That the applicant is committed to a schedule demonstrating that the two (2) years of the initial approval of the zone change; and*

FINDING B-11:

The Applicant states (Exhibit B, Section VA, page 6), "The applicant is committed to a development schedule demonstrating that the development of the subject property is reasonably expected to commence within two (2) years of the initial approval of the zone change." **Staff finds that the application complies with this section of the Development Code.**

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

FINDING B-12:

Staff is recommending Conditions of Approval that bring the proposed development into substantial compliance with applicable development standards. **Staff finds that the application will comply with this section of the Development Code upon demonstration of compliance with the Conditions of Approval.**

SUPPORTING COMPLIANCE REPORT
ZONE CHANGE
LEGEND AT VILLEBOIS
SECTION VA

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DB 2005-01B
From DRB Recommendation
Applicant Exhibit

I. CITY OF WILSONVILLE COMPREHENSIVE PLAN

COMPACT URBAN DEVELOPMENT – IMPLEMENTATION MEASURES

IMPLEMENTATION MEASURE 4.1.6. A

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

Response: This application is being submitted and reviewed concurrently with a Preliminary Development Plan for a portion of SAP-East (approved by File No. 04DB22).

IMPLEMENTATION MEASURE 4.1.6.C

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

Response: The application proposes a zone change to "Village" for the subject property area, which includes the Residential-Village Plan Map Designation.

IMPLEMENTATION MEASURE 4.1.6.D

The "Village" Zone District shall allow a wide range of uses that benefit 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.

Response: The subject property requested for this zone change approval is not in the central core area. The plan for this property includes residential uses (198 lots) and parks and open space areas on approximately 33.57 acres within the eastern portion of Villebois, east of SW 110th Avenue. Table A on page 5 of the Introductory Narrative (located in Section IA) lists the proposed range of residential units (five types) which are interspersed to provide a diverse mix of housing that increases in density from the southern edge of the PDP toward the Village Center, northwest of the subject property. The proposed residential land use and housing types in this area are generally consistent with those portrayed in the *Villebois Village Master Plan*, which this regulation is intended to implement, as determined by File No. 04DB22, approving the SAP – East. The proposed PDP is consistent with SAP – East as shown in the Supporting Compliance Report for the PDP, included in this application notebook as Section IIIA.

II. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

SECTION 4.029 ZONING CONSISTENT WITH THE COMPREHENSIVE PLAN

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

Response: This zone change application is being requested concurrently with a PDP application and Tentative Plat for the site in conformance with the code. The PDP application material is located in Section III of this application notebook and the Tentative Plat application material in Section IV.

SECTION 4.110 ZONING – ZONES

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

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

Response: The subject property is within the city limits of Wilsonville, however is currently zoned County EFU – Exclusive Farm Use and has a City of Wilsonville Comprehensive Plan designation of "Residential – Village". This request is for a zone change to "Village," which is permitted within the area designated "Residential – Village" on the Comprehensive Plan Map.

SECTION 4.125 VILLAGE (V) ZONE

(.01) 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 designation as described in the Comprehensive Plan.

Response: The subject property lies within the area designated "Residential – Village" on the Comprehensive Plan Map. This request is for a zone change to "Village".

(.02) PERMITTED USES

Response: The proposed uses listed in the associated application for a Preliminary Development Plan (See Section III of this application notebook) are consistent with the land uses permitted under the Village zone. The PDP, located in Section III of this application notebook indicates that development will create lots intended for the use of a variety of single-family detached and

attached dwellings, as well as park and open space. These uses are permitted under the Village zone.

(.18) VILLAGE ZONE DEVELOPMENT PERMIT PROCESS

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

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

Response: The application for a zone change is being made concurrently with an application for PDP approval (See Section III of this application notebook).

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

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

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

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

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

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

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

Response: Comprehensive Plan Implementation Measure 4.1.6.c. states, "the "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation." Since the "Village" zone must be applied to areas designated Residential Village on the Comprehensive Plan map, its application to these areas is consistent with the Comprehensive Plan.

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

Response: As noted above, Comprehensive Plan Implementation Measure 4.1.6.c. states, "the "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation." Since the Village Zone must be applied to areas designated "Residential Village" on the Comprehensive Plan map and is the only zone that may be applied to these areas, its application to is consistent with the Comprehensive Plan

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

Response: The PDP compliance report and the PDP plan sheets demonstrate that the existing primary public facilities are available and can be provided in conjunction with the project. Section III C of this application notebook includes supporting utility and drainage reports. In addition, the applicant will fund the completion of a Traffic Impact Analysis, which will be submitted to the City upon completion.

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

Response: The subject PDP area is not proposed within any SROZ areas. Therefore, direct impacts to SROZ areas will not occur. However, an SROZ area is situated along the east side of SAP – East. Appropriate measures have been taken to reduce indirect impacts from the proposed development the proposed PDP area on this SROZ area.

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

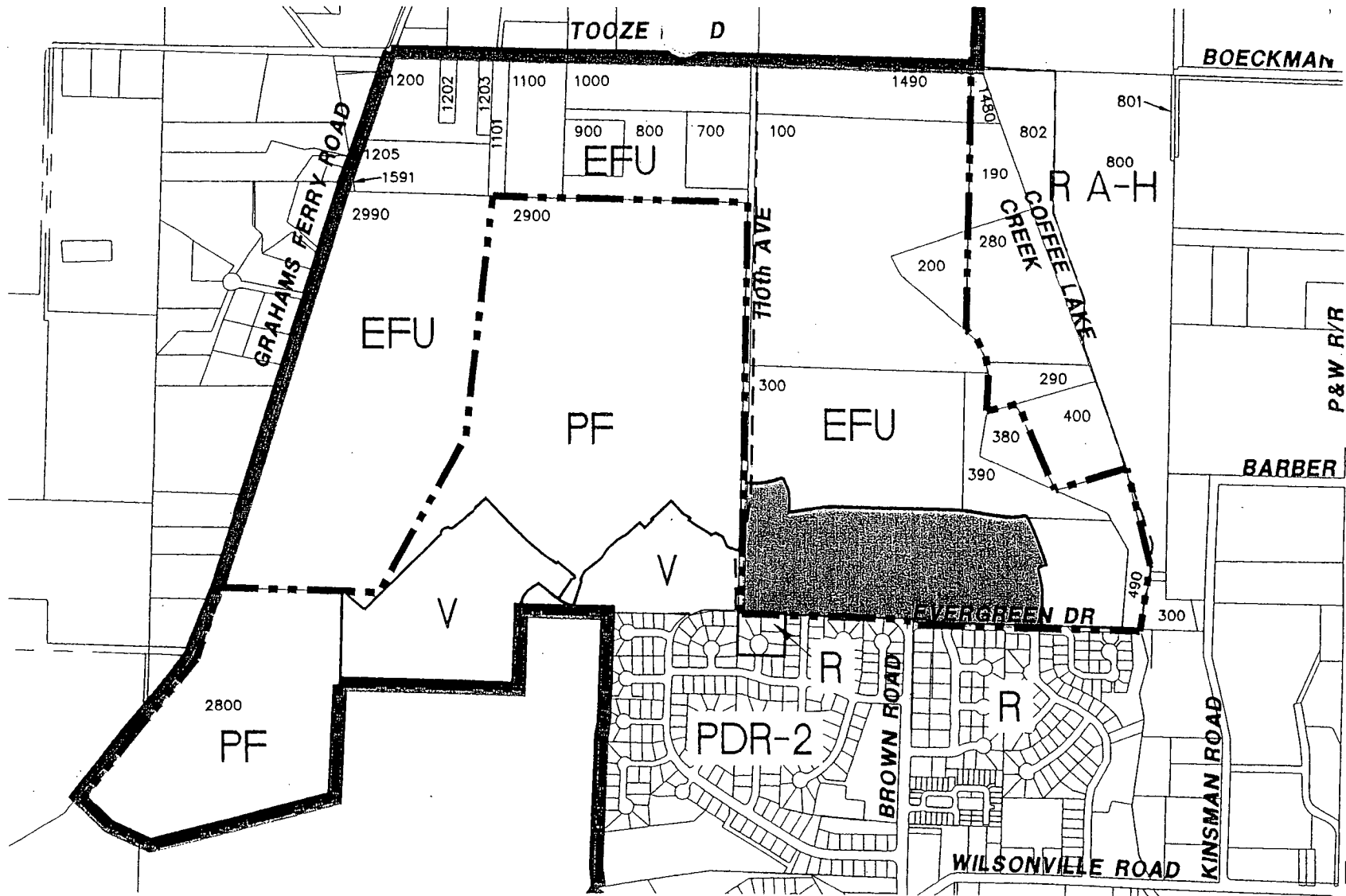
Response: The applicant is committed to a schedule demonstrating that the development of the subject property is reasonably expected to commence within two (2) years of the initial approval of the zone change.

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



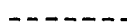


Response: The proposed development can be developed in compliance with the applicable development standards, as demonstrated by this report.

III. PROPOSAL SUMMARY & CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Planning & Land Development Ordinance for the requested Zone Change. Therefore, the applicant requests approval of this application.



LEGEND

-  SUBJECT AREA - PROPOSED VILLAGE (V) ZONE (33.57 AC)
-  ZONE LINE
-  SAP EAST BOUNDARY
-  EXISTING UGB
-  EXISTING CITY BOUNDARY
- PF** EXISTING ZONING DESIGNATION



1" = 1000'



ALPHA ENGINEERING INC.
12/23/2004

PROPOSED ZONE MAP AMENDMENT

WILSONVILLE PLANNING DIVISION
Wilsonville Development Review Board
STAFF REPORT
AMENDED AND ADOPTED ON 3.28.05

HEARING DATE: March 28, 2005

DATE OF REPORT: March 21, 2005

APPLICATION #: DB-2005-02-00011 (Preliminary Development Plan)

APPLICANT: Alpha Community Development for the property owner

OWNER: The Legend at Villebois, LLC

REQUEST: Approval of the Preliminary Development Plan (PDP) for Phase I of the Specific Area Plan (SAP) – East (Planning Case File 04DB22), the second of five SAPs approved for Villebois Village, per the *Villebois Village Master Plan* (#03DB07B). The purpose of the PDP is to provide detailed infrastructure and land use plans for the 33.17 (20.48 net-acre) Phase I development, containing 198 dwelling units of various types, and dedicated parks and open space, per the requirements of Section 4.125.08 of the City of Wilsonville Planning and Land Development Ordinance. A concurrent Final Development Permit Plan, Type C Tree Removal Permit, Tentative Subdivision Plat, and Temporary Use Permit also will be considered in separate, but concurrent applications (DB-2005-02-00023, DB-2005-02-00016, DB-2005-02-00012, and DB-2005-02-00018, respectively), per the requirements of Section 4.200 and 4.163 respectively.

LOCATION: 33.17 acres (see "Lot Line Adjustment" issue below) located in the southeastern portion of Villebois Village, east of SW 110th Ave. and north of SW Brown Road), Serene Estates (Evergreen Road) south of the Urban Growth Boundary (Boeckman-Tooze Extension), and generally west of Seely Ditch. The entire site is located within the Wilsonville City Limits.

LEGAL DESCRIPTION: New Tax Lot 500 of Section 15, T3S, R1W, Willamette Meridian, Clackamas County, Wilsonville, Oregon. Tax Lot 500 has been the recent subject of a lot line adjustment (Planning Case File AS-2005-025-00020), which has been conditionally approved by the Planning Division, but which has not been recorded with the County (see "Lot Line Adjustment" below) The Staff Report assumes the new Tax Lot 500 in reviewing the applicable criteria.

COMPREHENSIVE -

PLAN DESIGNATION: "Residential Village"

ZONING: Clackamas County EFU (Exclusive Farm Use). Zone Change to "Village" (V) is subject to City Council approval of #DB-2005-02-00013, Zone Change Request

STAFF REVIEWERS: Paul Cathcart,; Blaise Edmonds, Sharon Zimmerrnan, Don Walters, Kerry Rappold, Luke Bushman

CRITERIA: **City of Wilsonville Comprehensive Plan**
Timing and Concurrency Issues (Policy 3.1.2, Implementation Measures 3.1.2.a-b)

City of Wilsonville Planning & Land Development Ordinance:
Sections 4.125(.02), (.05), (.08), (.10), (.12), (.14), **(.18)** 4.140(.09), 4.171(.02), (.09), 4.176(.06), 4.177(.01), 4.178(.01),(.07), 4.610(.40)

Bold = Criterion not of public hearing notice

Specific Area Plan (SAP) – East (04DB22)
Conditions of Approval

REQUESTED ACTION: Approve the Preliminary Development Plan (PDP) for Phase I of SAP – East.

EXHIBITS:

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

Exhibit No.	Description
A	Staff Report (this document)
B	Legend at Villebois application submittal notebook, dated 2/11/05, containing supporting information for all concurrent applications
C	Memo from Don Walters, Plans Examiner dated 3/17/05 regarding Development Review # to be decided (conditions of approval)
D	Memo from Sharon Zimmerman, Assistant City Engineer dated March 14, 2005 regarding Engineering Division Public Facilities (PF) Conditions of Approval for the proposed Specific Area Plan East – Legend at Villebois (05DBsez) (conditions of approval)
E	Memo from Kerry Rappold, Natural Resources Program Manager dated March 14, 2005 regarding conditions of approval
F	Letter from Brian Tietsort of United Disposal Services dated March 14, 2005
G	E-mail from Paul T. Seilo to Paul Cathcart dated March 16, 2005 regarding PDP 1 (East): Revised Site Plan showing Left Turn Lane

Exhibit No.	Description
H	Sheet 4 Tentative Plat from Section IIIB of Exhibit B
I	Sheet 5 Tentative Plat from Section IIIB of Exhibit B
J	Memorandum from Paul Seilo to Paul Cathcart dated March 18, 2005 regarding supplemental information for the following applications: Specific Area Plan – East (Case File DB-2005-02-00009); Zone Change (DB-2005-02-00013); Tentative Plat (DB-2005-02-00012); Final Development Plan (DB-2005-02-00023); Temporary Use Permit (DB-2005-02-00018)
K	E-mail from Paul T. Seilo to Barbara Coles dated March 18, 2005 regarding PDP 1 (East)
L	E-mail from Paul Seilo to Barbara Coles dated March 18, 2005 regarding PDP 1 (East), cont....

ATTACHMENTS: See last page of this Report. Oversize exhibits are available for review in the Planning Department and will be presented at the public hearing.

BACKGROUND:

Specific Area Plan (SAP) – East (Planning Case File 04DB22), the second of five SAPs in the Villebois Village Master Plan was approved in the November, 2004. Matrix Development Corporation is now pursuing as the Legend of Villebois, LLC, approval of the Preliminary Development Plan (PDP) for the first phase (as proposed in the SAP Amendment – Planning Case File DB-2005-02-00009) of SAP-East. Consideration of the PDP is concurrent with a proposed Zone Change from the existing EFU (Exclusive Farm Use) to the Village (V) Zone (DB-2005-02-000013); Tentative Subdivision Plat for 198 lots (DB-2205-02-00012); Final Development Plan (FDP) for the parks, open space, and streetscape for Phase I; a Type C Tree Removal Plan; and a one-year Temporary Use Permit to allow the use of six (6) model homes in the Phase I area. Upon approval of these applications, Matrix Development is ready to initiate the implementation of the Phase I of SAP – East.

SUMMARY OF ISSUES:

Lot Line Adjustment. The Planning Division has recently approved a request for approval of a Lot Line Adjustment (AR-2005-02-00020) to adjust the common boundary lines between a series of tax lots in SAP-East. The adjustment to Tax Lots 500 (consolidated with 501 and 502 and identified as Tract 1), 390 (Tract 2), and 300 (Tract 3) will adjust the boundaries so they are coincidental to the boundary of the PDP and SAP-East. The new Tax Lot 500 is the subject property of the proposed PDP-1 (or Phase 1 of Legend at Villebois). As of the date of this report, that adjustment has not been recorded with the County. A recommendation for approval of a Zone Change and Zone Map Amendment will require the prior recording of the Lot Line Adjustment and demonstration of compliance with the associated Conditions of Approval of AR-2005-02-00020.

Acreage of Subject Property. If the Lot Line Adjustment is to result in boundaries that are “coincidental to the PDP”, total acreage for the proposed PDP and Tentative Plat should be equal to the recorded Lot Line Adjustment. In the application for Property Line Adjustment (AR-255-02-00020) the survey indicates that Tract 1 (Tax Lot 500) contains 33.17 acres “more or less”.

The proposed PDP for Phase 1, however, is for 33.57 acres. The Applicant's submittal for a Tentative Plat (Section IVA, p. 10, 2nd response) references the size identified in the Narrative, i.e., 33.57 acres. The request for Lot Line Adjustment was made subsequent to the other applications. The survey required for that request is to be considered more accurate. As a result, all references to a Tax Lot 500 of 33.57 acres should be amended to read "33.17 acres". Recommendation for approval of a Zone Change and Zone Map Amendment is limited to 33.17 acres as recorded with Clackamas County.

Housing Needs Assessment. As noted above, Phase I (this presumes DRB approval of the SAP Amendment to combine the former phases I and II of SAP-East into a single phase) calls for 198 attached and detached single-family dwelling units on various-sized lots, including "large", "medium", "small", and "small attached". As a peripheral village neighborhood, SAP-East does not contain any of the higher-density housing types. The Applicant/Owner has prepared a table (Table A on page 5 of the Introductory Narrative) showing the total number of housing units (649) by number/type for each of the six phases of development.

The City has not completed its Housing Needs Assessment at the writing of this staff report. The applicant's response finding on page 28 of the Supporting Compliance Report includes Table B which provides the number of units of each type of housing within Phase I of SAP-East (small attached, small detached, medium detached, standard attached, and large) and the estimate price range for each. Staff notes that these are estimated initial home prices and are not predictors of long-term affordability. As the applicant notes in the response finding to this condition of approval "*The City is still working to complete the Housing Needs Assessment. The Master Planner will continue to work with the City and developers of Villebois in the establishment of Affordable Housing Objectives and Strategies for Villebois; however, this process is on hold until the City's Housing Needs Assessment is completed*". Staff concurs with the applicant's response. As a condition of approval of this PDP, the Applicant/Owner will be required to submit a cumulative total of housing by number/type as it completes each phase in SAP-South, to demonstrate that it is on track to providing the total of 2,300 housing units promised in the *Villebois Village Master Plan*.

Minimum Open Space. According to Section 4.125.08 of the Planning and Land Use Development Ordinance, open space shall be provided as follows:

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 yards shall not be counted towards the required open space area.

The applicant's response finding is found on page 4 of Supporting Compliance Report. The Parks/Open Space Element of the Villebois Village Master Plan indicates that upon full build-out, the 37% of the entire site will be devoted to open space (acreage adjusted for the removal of paved streets) which significantly exceeds the minimum 25% of this code criteria. Finding A70 of Planning Case File 04DB22 found that 38% (83.9 acres) of SAP East would be devoted to parks and open space. This first phase of SAP East, PDP I, however provides .85 acres in parks and open space (including linear greens) of the 20.48 net acres, adjusted for the deduction of street pavement (33.17 acres - 12.69 acres of streets = 20.48), for a total of 4.15% of the Phase I area. Subsection 4.125(.08)A. states "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". Therefore, while PDP I does not provide 25% open space for itself, it was demonstrated in Planning Case File 04DB22 that SAP-East will provide more than the code required 25%.

"Pocket Parks" are defined on page 22 of the Villebois Village Master Plan. This definition is generic and does not provide specificity as to site furnishings and other structures to be provided in each pocket park. To date, staff is unaware of any plan beyond the Master Plan that provides this specificity. Until such a park programming plan is developed, staff does not have any criteria by which to review the design, material, or equipment of any park in the Villebois Village. Staff recommends the Parks and Recreation Advisory Board review the design of the pocket parks and linear greens and that a recommendation on the design of these park features be forwarded back to the DRB for consideration in a continued public hearing of the Final Development Plan. See condition of approval 6.

While Subsection 4.125(.08)A. allows phases of each PDP to go below the required 25% open space requirement if the overall SAP contains the required open space, staff is concerned that as the 198 lots of Phase I built out, a growing perceived need for park space, and in particular active recreation above and beyond the .85 acres of park and open space proposed in Phase I, will develop in the residents of Phase I. While the applicant estimates that each phase of SAP-East will progress on an annual basis, opportunities for active recreation do not appear until phases 3 and 4 of SAP-East. The pocket parks proposed in Phase I do not propose any equipment or designs for active recreation that staff is able to discern. Staff notes that the Parks and Open Space Plan (Figure 5) of the Villebois Village Master Plan calls for a Pocket Park in Phase II. Programming for this park is undefined at this point. Staff suggests that the applicant work with staff in the design of this park for consideration by the Parks and Recreation Advisory Board and that it include opportunities for active recreation. Staff suggests that this approved park be installed in conjunction with the parks in Phase I and connected to the development in Phase I through a temporary pathway until such time Phase II is developed. See condition of approval 7.

Infrastructure Sufficiency. The City Engineer has undertaken an analysis of the Supporting Utility and Drainage Reports (Exhibit D) and Traffic Analysis of the *Villebois Village SAP-East Plan* and found them to be 1) consistent with the *Villebois Village Master Plan*, and 2) sufficient to support the type and intensity of development proposed in the SAP-East area¹, assuming that 1) all proposed infrastructure within the Villebois Village is constructed concurrently to meet demand; and 2) necessary "connecting" off-site infrastructure scheduled for implementation in the City's Capital Improvement Plan (CIP) is constructed in a timely fashion. These conclusions are reflected in the Analysis and Findings of Fact. Although addenda to the SAP-East utility, drainage and traffic reports were not prepared specifically for Phase I, it is assumed that there is adequate infrastructure capacity because Phase I as proposed is in "substantial compliance" with the type and intensity of development approved for the phase in the SAP-East Plan.

However, even though it can be concluded that the Phase I development "fits" into the overall infrastructure improvements for the SAP-East area, the issue of concurrency is an important one. However, in the short-term the subdivision must have access from the existing street system before these extensions, which also will provide access, are completed. In this case, the western portion of the subdivision is anchored to the existing SW 110th Avenue via a new intersection. Based on the foregoing analysis, the staff concludes that there is sufficient infrastructure capacity proposed to support the Phase I subdivision. Conditions to insure that these infrastructure

¹ See Analysis and Legal Findings (Attachment B) of the SAP-east Plan Application (#04DB22).

improvements are built as proposed and meet all applicable City engineering standards are contained in the companion Tentative Subdivision Plat (#DB-2005-02-00012).

Refinement of the SAP. The applicant is proposing refinements of the SAP-East in the location/mix of land use types, the density and distribution of housing types, and the circulation plan. As proposed, the refined location and mix of land use types would exceed the 10% threshold allowed for a PDP refinement of an SAP. See Finding 51. The proposed refinement of the circulation plan would insert an off-set intersection at Yosemite and Y streets would compromise circulation system functionality as well as a cul-de-sac at the western terminus of Y Street that would exceed the 200 maximum length for dead end streets of Subsection 4.177(.01)G. In Staff's opinion, the PDP and Tentative Plat should be redesigned to address these street issues. Redesign will of course have ramifications to the plat beyond the streets.

In addition, the City Plans Examiner and the TVF&R Fire Marshal are requesting that the streets within the PDP be brought into compliance with fire department access road (FDAR) standards. Brian Tietsort of United Disposal has also expressed concerns regarding the collection of trash and recyclables in the PDP area.

Staff recommends the applicant work with staff to redesign the PDP and Tentative Plat to address these issues through a Class II Administrative Review

CONCLUSIONS: The proposed refinements of SAP East in the proposed 33.17 acres of PDP, Phase I would not substantially conform with the applicable provisions of the *Villebois Village Master Plan* (#02PC07B) and the *Specific Area Plan (SAP)-East Plan* (#04DB22) and the applicable requirements of the City's Planning and Land Use Ordinance. The PDP can be brought into compliance with the attached conditions of approval and assuming the prior approval of, Phase I Zone Map Amendment (#DB-2005-02-00013), and Tentative Partition Plat (#DB-2005-02-00012)

RECOMMENDATION: Based on the concerns identified in Findings 9 and 85 relative to the offset intersection of Y Street and the cul-de-sac and Staff recommends that the applicant redesign the Preliminary Development Plan for Phase I of Specific Area Plan East to incorporate the concerns identified in these findings. Staff will review the redesign of the PDP and Tentative Plat (and other related plans; i.e. the final development plan, Type C tree removal plan) through a Class II administrative review. Per Subsection 4.035(.03), the Planning Director may require a public hearing for consideration of the redesigned PDP. The DRB has the opportunity to appeal a Class II administrative decision per Subsection 4.035(.03)D.

ADOPTED CONDITIONS OF APPROVAL
Preliminary Development Plan (PDP) I
Specific Area Plan (SAP) East
March 28, 2005

1. Approval of the PDP is contingent upon City Council approval of the Zone Map A amendment from Exclusive Farm Use ("EFU") to Village ("V") (#DB-2005-02-00013).
2. Based on the concerns identified in Findings 9 and 85 relative to the offset intersection of Y Street and the cul-de-sac and Staff recommends that the applicant redesign the Preliminary Development Plan for Phase I of Specific Area Plan East to incorporate the concerns identified in these findings. Staff will review the redesign of the PDP and Tentative Plat (and other related plans; i.e. the final development plan, Type C tree removal plan) ~~through a Class II administrative review. Per Subsection 4.035(.03), The Planning Director may require a public hearing for consideration of the redesigned PDP. The DRB has the opportunity to appeal a Class II administrative decision per Subsection 4.035(.03)D.~~ (Amended by DRB on 3.28.05)
3. As part of the revision requested in condition of approval 2 above, the applicant shall demonstrate that all refinements of the SAP allowed in Subsection 4.125(.18)J.1.a. are not "significant" as defined in 4.125(.18)J.1.b.
4. Per Table A in the *Villebois Village SAP-East Plan*, with each new phase of development in SAP-East, the Applicant/Owner shall submit a cumulative total of dwelling units by number and type to demonstrate that it is on track to meet the housing density and diversity goals at full build-out, as contained in the *Villebois Village Master Plan*.
5. ~~Upon adoption of the City's Affordable Housing Strategy, the applicant shall demonstrate to the DRB how SAP East is consistent with said Strategy. (Deleted by DRB on 3.28.05.)~~
6. As staff lacks an analysis summarizing all park/open space by type and SAP for the entire master plan area, as contained in the *Villebois Village Master Plan*, and without a cumulative total of park/open space by type and acreage demonstrating compliance with park/open space targets at full build-out, staff must rely on an analysis of each park within each PDP by the City's Parks and Recreation Advisory Board for an assessment of whether the programmed facilities for each park meet the intent of the Park and Open Space Component of the *Villebois Village Master Plan*. This analysis by the PRAB will need to occur at the FDP stage. The DRB's consideration and action on the parks component of the FDP shall not occur until such recommendation is received by the DRB, or until such time as the parks analysis mentioned above has received City approval and the subject parks can be evaluated against this parks analysis.
7. ~~Per Finding 8, A temporary pocket park of at least 8,000 square feet, east of the Brown Road alignment, shall be constructed prior to final building inspection of the 50th lot. The park shall be irrigated and shall contain turf, pathways, two picnic tables (as shown in the Community Elements book), and a gravel area for the tables. The applicant shall install a permanent play structure in at least one of the designated parks, tracts, or greenways in Phase I. The applicant shall work with staff to develop a detailed plan for the pocket park identified in southeast corner of Phase II of SAP East for consideration by the City's Parks and Recreation Advisory Board. Said plan shall emphasize active recreational activities and shall be of sufficient specificity to allow the PRAB to make a~~

determination of the type of activities offered in the park and the approximate number of households it will serve. The PRAB shall forward a recommendation of the plan to the DRB. The DRB's consideration and action on the parks component of the FDP shall not occur until such recommendation is received by the DRB, or until such time as the parks analysis mentioned in condition of approval 6 has received City approval and the subject parks can be evaluated against this parks analysis. (Amended by DRB on 3.28.05)

8. The Final Development Plan (FDP) for the Phase I area will be consistent with the approved *Villebois Village SAP-East Pattern Book and Community Elements Book*. This will demonstrate that the PDP complies with Section 4.125.18 (K)(1)(iv) that requires the PDP be consistent with the Pattern Book.
9. Upon approval, the PDP will expire two years after final approval if substantial development has not occurred on the property within that time, unless extended by the Design Review Board for just cause.
10. All construction workers' vehicles and job shacks associated with this phase of development shall be parked and located on site.
11. The applicant/owner shall waive right of remonstrance against any local improvement district established pursuant to a development agreement or finance agreement between the City and the applicant. (Amended by DRB on 9.15.03).
12. Street tree specifications will need to match the approved Community Elements Book for SAP-East per Finding 18. Staff will review the revised street tree specifications for conformance to the Community Elements Book through a Class I Administrative Review process prior to City approval of the final subdivision plat for the Phase I area. The applicant shall apply for a Type C Tree Removal for the Phase I area.
13. No signage is approved with this application. Until the Master Signage and Wayfinding Plan is adopted by the DRB, all signage is subject to Section 4.156 of Planning and Land Development Ordinance.
14. The applicant shall demonstrate to the City's Building Official that all necessary public and private permits have been obtained for any earthwork with 100 feet of the natural gas line shown on Sheet 8.
15. All pedestrian pathways shall be constructed of concrete per the requirements of Subsection 4.178(.07).
16. The Master Planner shall work in the most expeditious manner possible to complete the fencing plan for SAP East. Finding A66 of Planning Case File 04DB22 has not yet been satisfied.
17. The limbs of all trees adjacent to "linear greens" as identified in Figure 5 of the *Villebois Village Master Plan* shall be maintained to a height of 8' 6" (Amended by DRB on 3.28.05)

Miscellaneous Condition of Approval

18. In accordance with Section 4.140(09)(L), the applicant and the property owner, if different from the applicant, shall agree in writing to be bound for her/himself/their and her/his/their successor's interest by the conditions prescribed for approval of a development.

19. Prior to the issuance of building permits by the City, the property owners shall be responsible for paying all applicable systems development charges (SDCs) for the proposed project including supplemental street SDCs for future improvements to the Wilsonville Road/I-5 Interchange currently estimated at \$3,000 per pm peak hour trip.

Building Division

The following is a list of concerns and/or conditions for the project listed above. This review is based on certain assumptions necessitated by the limited information available in the submitted documents.

1. **STREET SIGNS.** Temporary or permanent street identification signage acceptable to the City shall be installed before any inspections for building construction may be requested.
2. **ALL PERMANENT** street signs, red curbs (if required), no parking signage, fire department required signage, and other subdivision-wide items shall be installed before any building final may be requested.
3. **FDAR.** Fire Department Access Roadways (FDAR) have not at this time been approved by the fire marshal. All FDAR components, whether streets, alleys, cul-de-sacs, traffic calming devices, traffic circles, and so forth shall be approved by the fire marshal. **As of this date this process is not complete.** The applicant or the applicant's agent shall meet with the fire marshal as soon as possible to insure that all such items meet Tualatin Valley Fire & Rescue (TVF&R) requirements.
4. **WHEN AN ALLEY** is required by TVF&R to be part of the FDAR, the alley shall meet all FDAR requirements, including but not limited to: flared aprons to allow fire truck access, a roadbed designed to support required fire truck loads, turns meeting radius requirements, and signage acceptable to the fire marshal identifying the alley as fire department accessible. These requirements are identical as those agreed on in the last phase of this project.
5. **ALLEY 3E** appears to be part of the FDAR. It shall meet all requirements of an FDAR, including signage, radius for access and egress, and possibly red curb painting if required by the fire marshal. Any gates, bollards, or other such traffic impediments limiting access to the alley shall be approved by the fire marshal.
6. **TREE SELECTION.** The Fire Code requires that required fire apparatus access roads have an unobstructed vertical clearance of 13'6". (Uniform Fire Code Section 902.2 - 2.1) This should be taken into account when choosing street trees that may encroach into this space as they mature.
7. **FIRE HYDRANT LOCATIONS** shall be approved by the fire marshal. There are fire hydrants shown on the plan set dated 2/11/05 that need to be moved. Hydrant spacing will reflect the requirement that all buildings in this area will have fire sprinkler systems.
8. **FIRE HYDRANT CLEARANCES.** Hydrants shall be placed at least two feet from the driving surface unless specific approval is given by the City. A three-foot radius circle measured from the circumference of the hydrant shall constitute a clear working area. Streetlights, transformers, pole signs, mailboxes, trees or other plantings, and all other similar

items shall not encroach into this area. (Grass or other low growing ground cover that does not constitute an inherent trip hazard is excepted) When placing landscaping, the mature size of plant material shall be taken into account.

9. ALL FIRE HYDRANTS shall be equipped with STORZ connections, as per Tualatin Valley Fire & Rescue (TVF&R). (Storz connections are "quick-connect" type connections that do not require any tools for use. They allow fire hoses to be installed faster than hoses with old style screw-type connections. Storz connections are being installed over much of the state on both new and existing hydrants)
10. LOTS SHALL BE GRADED so that all sheet drainage drains to the street and/or alley unless the City approves an alternate drainage design.
11. BEFORE CONSTRUCTION REQUIREMENTS. Required fire department access roads and water supplies for fire protection shall be installed and made serviceable prior to construction proceeding beyond the foundation stage for any structures, including the model homes, served by those access roads and hydrants, unless other arrangements are made with the fire marshal. (Uniform Fire Code Section 901.3)
12. STRUCTURE IDENTIFICATION. As per the Fire Code, Section 901.4.4, "Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property." Buildings that are addressed from alleys that are not fire department accessible may require numbers or addresses on individual buildings that are visible from the adjacent street, or, if that is not possible, signage (marquee) acceptable to the fire marshal shall be located at the access or accesses to the alley identifying all structures accessed.
13. GEOTECH REPORT. Each building permit application, including the model homes applications, shall include a site specific geotech report unless a memo from the geotech is submitted confirming that the soil for that particular building pad is undisturbed native soil.
14. HOLD HARMLESS. Building permits for model homes to be issued before the plat is approved by the county shall not be issued unless a hold-harmless agreement is submitted to and approved by the City, unless specific approval is given by the building official.
15. SALES OFFICES. Under no circumstances shall model homes be considered as dwellings without approval by the City. Until that time the model homes shall be considered as display structures only. All issues pertaining to a portion of one of the buildings containing sales offices will be dealt with during the plan review process for that home.
16. ADA PARKING. A handicap parking space meeting code requirements shall be installed in the temporary parking lot across from the model homes. The review of the handicap parking space shall be incorporated into the review of the sales trailer unless other arrangements acceptable to the City are made.

Engineering Division

Based on a review of the materials submitted, Staff has prepared the following Conditions of Approval. These conditions are applicable to the subject application; any subsequent modifications may require amendments and/or additions. The properties are also subject to a

Development Agreement between the City of Wilsonville, the Urban Renewal Agency, Matrix Development Corporation, and the property owners, signed and executed on the 14th day of June 2004.

General Requirements

- PF 1. The applicant shall work in cooperation with the City and the west side developers to establish a fair and equitable manner of project phasing, as required in Recital 'H.3.' of the Development Agreement referenced above.
- PF 2. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line connections and/or extensions.
- No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by the 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.
- PF 3. All public utility/improvement plans submitted for review shall be based upon a 24"x36" or 22"x34" format and shall be prepared in accordance with the City of Wilsonville Public Works Standards.
- PF 4. 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.
- PF 5. Plans submitted for review shall meet the following general format:
- a. Composite public/private utility improvement and grading plan.
 - b. Detailed public/private utility improvement and grading plan.
 - c. All plans shall consist of a maximum horizontal scale of 1"=20-feet and a vertical scale of 1"=5-feet or as otherwise approved by the City Engineer.
 - d. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility improvements shall be centered in a 15-ft. wide public easement and shall be conveyed to the City on its dedication forms.
 - e. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
 - f. 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.
 - g. 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.
 - h. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.

- i. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
 - j. All plans, specifications, calculations, etc. prepared in association with proposed public/private utility improvements shall be 'stamped' by a Registered Professional Engineer of the State of Oregon.
 - k. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
 - l. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
 - m. 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 photo printed drawings on 3 mil. Mylar (Xerox method is not acceptable) and an electronic copy in AutoCAD version 2000.
- PF 6. The applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality before disturbing any soil on the respective site.
- PF 7. The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
- PF 8. Existing water, sanitary, and storm water lines that are scheduled to be abandoned shall either be completely removed or abandoned per a City approved recommendation from a Registered Geotechnical Engineer.
- ~~PF 9. All construction traffic shall access the site via the existing site roadways and Grahams Ferry Road. No construction traffic will be allowed on Brown Road. (Deleted by DRB on 3.28.05.)~~

Water Distribution System

- PF 10. 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. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation and public water systems.
- PF 11. The proposed water system shall be designed by a Registered Professional Engineer to provide 1500 gpm flow with 20 psi residual pressure.
- PF 12. All water lines that are to be temporary dead-end lines due to the phasing of construction shall have a blow-off assembly installed at the end of the line.
- PF 13. Install waterline improvements in conformance with the City's Water Master Plan and as necessary to supply adequate fire flows during phased construction. The applicant shall

also "loop" proposed waterlines by connecting to the existing City waterlines where applicable.

Currently, city staff is verifying capacity needs for the area. Results are not yet available. Should the analysis indicate the need to adjust the following waterline sizing and/or alignment, modified conditions will be provided. At a minimum, the applicant shall provide an 8" ductile iron pipe waterline (DIP) within "X" Street right of way from Barber Street to "W" Street, 8" DIP within Brown Road/Evergreen Street right-of-way to connect existing waterline at Yosemite Street and Brown Road, 8" DIP extensions to connect to the existing public waterlines at Yosemite Street, Brown Road, Serenity Way, and Montebello Road. Waterline improvement (minimum 8" DIP) design and plans shall include connections at the Barber Street/Costa Circle roundabout as well as 110th Street and "R" Street intersection. In addition, should the City's modeling effort indicate the required fire flows cannot be met, 18" DIP shall be provided from the intersection of 110th Avenue and Barber Street to Kinsman Road and Barber Street. Funding for oversizing and construction of the waterline shall conform with the Development Agreement and associated finance plan.

- PF 14. Install fire hydrants at every intersection, every 500-feet, and/or as required by Tualatin Valley Fire and Rescue. Also, determine and show as part of the plan submittal, the ability for fire apparatus to access any planned fire hydrants located within private alleyways.
- PF 15. At the time of plan submittal, the applicant shall provide a copy to the City of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to commencement of any planned public improvement, 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.
- PF 16. The City will provide System Development Charge credits based upon the City's standard criteria for oversizing.

Waste Water Collection System

- PF 17. Prior to the City issuing a construction permit, the applicant shall submit the sanitary sewer construction plans to the Department of Environmental Quality, Attn: David Mann, for review and approval.
- PF 18. The project shall install a manhole at each connection point to the existing public system.
- PF 19. Install waste water collection system improvements in conformance with the availability of capacity within the existing system and the City's Waste Water Collection System Master Plan.

The phased sanitary improvements as proposed in the March 3, 2005 letter from Alpha Community Development shall be finalized and installed and deemed acceptable to the city prior to issuance of any residential building permits (including Model Homes).

- PF 20. Install storm water collection system improvements in conformance with the City's Storm Water Master Plan.
- PF 21. The applicant shall provide a narrative, prepared by a Registered Professional Engineer, for the operation of the waste water system as public improvement phasing occurs.
- PF 22. No surcharging of the sanitary sewer manholes is allowed.

Storm Water Collection System

- PF 23. A storm water analysis prepared by a Registered Professional Engineer shall be submitted for review and approval by the City to address appropriate pipe and detention facility sizing as well as pond locations and temporary routing strategy. The analysis shall be prepared utilizing the appropriate values in the Storm Water Master Plan. For example, in the application materials, the predeveloped time of concentration calculation for all basins uses a Mannings "n" value of 0.13 (used for Range in natural condition). This is not applicable for the existing condition for calculating the time of concentration. Therefore, the analysis shall be prepared using an "n" value of 0.15, in accordance with the Stormwater Master Plan. Also, all curve numbers shall comply with Table 2-2a, SCS Technical Release #55:
- A) SCS Curve #80 for open space and landscape areas
 - B) SCS Curve #94 for commercial areas
 - C) SCS Curve #98 for impervious surface areas (roadways)
 - D) SCS Curve #90 for residential development, 1/8 acre or less (townhouses)
 - E) SCS Curve #83 for residential development, 1/4 acre
- PF 24. If required the project shall install a manhole at each connection point to the public system (with City approved pollution, energy dissipaters and control devices).
- PF 25. No surcharging of storm water manholes is allowed.
- PF 26. To lessen the impact of the proposed project on the downstream storm drain system, and adjacent properties, project run-off from the site 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 standards of Clean Water Services of Washington County. The applicant shall also be required to meet all water quality requirements for the proposed development per the standards of Clean Water Services of Washington County.
- PF 27. Applicant shall provide a Clackamas County Storm water Maintenance Covenant & Access Easement for storm water ponds outside of public right-of-way.
- PF 28. From material submitted, it is unclear to staff the intent and acceptability of the proposed storm drainage system (temporary outfalls/ponds). Applicant shall supply the design and plan for review and approval.
- PF 29. The applicant shall submit a storm water/rainwater management plan that complies with the Master Plan as revised on March 7, 2005 (Ordinance#579).

- PF 30. The applicant shall work with the west side developer and the City to develop an equitable storm water and parks maintenance fee or a maintenance memorandum of understanding prior to any final plat approval.

Transportation System

- PF 31. Proposed street light locations shall meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.
- PF 32. The proposed street light luminaire listed in the Community Elements Book (Hadco S8867C) is not a fixture that will be maintained by Portland General Electric. Therefore, the applicant shall modify the street light luminaire to a type that meets PGE's requirements (Schedule 91, Option B) or form a lighting district through the Homeowner's Association to operate and maintain the proposed fixtures. For reference, there is a street light luminaire that is similar in type and style that will be maintained by PGE: Hadco S8867E.
- PF 33. Street improvements and right-of-way dedications shall be completed, as reflected in the Transportation Systems Plan, to conform to the City's Level-of-Service requirements as phased development occurs.
- PF 34. Roadway classification and alignments shall comply with the "Adopted" Villebois Village Master Plan. ~~Specifically, Yosemite Street shall be realigned as a continuous street as approved in planning action 04DB22.~~ Intersecting roadway centerlines shall match. (Amended by DRB on 3.28.05.)
- PF 35. Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan or as approved by the City Engineer.
- PF 36. The City of Wilsonville TSP states that minor collector roads (Barber Street, Brown Street, Costa Circle and Village Center Drive) operate at 25 - 35 miles per hour. Therefore, the design characteristics of the proposed minor collectors shall reflect a minimum 30 mph design speed.
- PF 37. No parking shall be allowed at any time within 100 feet of the splitter islands on the legs of the roundabout (at Barber Street/Brown Road and Barber Street/Costa Circle). These areas shall be clear of conflict to allow motorists to focus on pedestrians, bicyclists, and merging into the circulating traffic.
- PF 38. The applicant shall provide two perpendicular directional pedestrian ramps at both curb returns opposite of the mid-block pedestrian ramps typically located at the T-intersections (for example: "Y" Street and Brown Road, "Y" Street and Serenity Way, "V" Street and "W" Street, "W" Street and "AA" Street, "W" Street and "X" Street, "W" Street and "Z" Street, "W" Street and "AF" Street) in addition to the directional ramps illustrated along Barber Street.
- ~~PF 39. For vehicle safety purposes, the following curb extensions on a local street shall be removed as it intersects a minor collector:~~
- ~~a. Barber Street/Coffee Lake Creek Drive-Y Street (Deleted by DRB on 3.28.05.)~~

PF 40. The applicant shall provide stamped engineering details for all curb extensions for turning movement verification. Submittal shall include AutoTURN plots with dimensions and design vehicle specifications. Adequate clearance shall be provided at all intersections and alleyways. The sight distance point for existing vehicles shall be located 14.4 feet from the edge of the traveled way. Landscaping planting shall be low enough to provide adequate sight distance.

~~PF 41. Enhanced trail crossing treatment, such as a painted crosswalk, street lighting and/or median treatment, shall be installed at the following location along the proposed Tonquin Trail system:~~

~~a. Barber Street/Coffee Lake Creek Drive-Y Street, east leg of the intersection (Deleted by DRB on 3.28.05.)~~

PF 42. Pedestrian linkages shall be provided at all locations where alleys do not intersect with the local road network. In addition, the North/South pedestrian and bicycle connection from Evergreen Street to Barber Street/Costa Circle roundabout shall be provided.

PF 43. Applicant shall coordinate with local transit authority (SMART) to identify transit zones/bus stop locations and provide corresponding amenities. The project has potential for transit ridership and measures shall be taken to enhance transit access to the site and pedestrian connections to transit.

PF 44. At the Master Plan review the detail was not developed to determine the need for left turn lanes and their locations. However, with the specific site plans and future traffic forecasts, left turn lane needs were reviewed with this application. The roundabouts eliminate the need for left turn lanes at key minor collector intersections. Other streets do not warrant left turn lanes (for example Costa Circle). However, there are several locations where left turn storage shall be addressed. These include:

- a. *Westbound Barber Street left turn lane at Coffee Lake Creek Drive (note: this location is not warrant driven, but rather a three lane to two lane transition requirement)*
- b. *Providing a continuous two-way left turn lane on Barber Street between Yosemite Street and X Street (i.e. remove median)*

PF 45. The roundabout diameter shall accommodate a WB-60 truck with a 20 foot traveled way and an apron no larger than 5 feet. This may require a curb-to-curb diameter above 150 feet. The diameter of the roundabouts at Barber/Brown, Barber/Circolo Costa and Circolo Costa/Village Center shall all be consistent. The design of the roundabout will be evaluated at the PDP level of development. AutoTURN verification of roundabout design shall be provided.

PF 46. **In compliance with the Transportation Systems Plan**, the applicant shall be required to dedicate right-of-way adequate for completing the 32' face of curb to face of curb pavement section and providing 4.5' minimum planter strip, 6'-5' sidewalk, and 6' PUE at the back of walk along Evergreen Avenue and Brown Road at the southern border of the SAP East Boundary. Applicant shall construct the referenced half-street and associated illumination and street tree plantings improvements. **(Amended by DRB on 3.28.05.)**

PF 47. The applicant shall be required to construct improvements to the intersection of Brown Road and Evergreen Avenue to rebuild it to a collector/residential four-leg intersection in accordance with the TSP. ~~Centerline alignments for Brown Road and Brown Road extension as well as Evergreen/Camelot roadways shall match.~~ **Travel lanes for Brown Road and Brown Road extension as well as Evergreen/Camelot roadways shall align. (Amended by DRB on 3.28.05.)**

PF 48. 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. If it is determined TVF&R that the fire access at the north end of Alley 3E is required, a fire access gate shall be installed at the north end. If it is determined that the access is not necessary, the Alley 3E connection to Barber Street shall be eliminated.

PF 49. Major trail crossings shall coincide with intersections, as mid-block crossings are not encouraged.

PF 50. The connection of streets necessitated by Villebois SAP East to existing city streets shall be designed such that the centerlines of the proposed streets match the centerlines of the existing streets.

PF 51. At the request of Staff, DKS completed a traffic analysis specific to the impact on the Wilsonville Road Interchange Area dated October 28, 2004. The project is hereby limited to no more than the following impacts.

Estimated Net New PM Peak Hour Trips

Phase 1:	82
Phase 2:	97

Estimated Weekday PM Peak Hour Trips
Through Wilsonville Road Interchange Area

Phase 1:	59 (no Boeckman Road Extension)
Phase 1 - 2:	69 (assumes Boeckman Road Extension)

PF 52. DKS also completed an analysis dated November 8, 2004 of the intersection impacts due to the proposed development. The analysis found that the studied intersections meet the City's level of service requirements and that no mitigation will be required. Traffic calming on Montebello will not be required at this time.

PF 53. The applicant shall provide a construction phasing plan for the proposed roundabout and tie-ins for the 110th Avenue and Brown Road Area. Streets shall remain open to through traffic, in both directions, at all times.

PF 54. Construction contractor traffic shall be routed along Grahams Ferry/Tooze Road/110th Avenue. Construction access shall be provided off of 110th Avenue. **No construction traffic will be allowed on Brown Road except as specifically approved by the City Engineer. (Amended by DRB on 3.28.05.)**

PF 55. The applicant shall provide sidewalk easements for meandering sidewalks and bikeway facilities outside of dedicated public right-of-way.

- PF 56. The applicant shall provide the design and plans for the shared pedestrian and bicycle (multi-use path) facilities for review and approval. The design shall comply with the Oregon Department of Transportation (ODOT) Oregon Bicycle and Pedestrian Plan (for example: multi-use path width, horizontal and vertical alignments).
- PF 57. The applicant shall provide 'stamped' engineering details with dimensions for intersection sight distance verification and AutoTURN layouts for all proposed intersections and roundabouts. Adequate sight distance shall be provided at all intersections and alleyway. In addition, roundabout design shall address bicycle and pedestrian routes through the roundabout while reducing pedestrian/bicycle conflict points.
- PF 58. All required pavement markings, in conformance with the MUTCD, and City Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
- PF 59. The applicant shall be required to provide wheelchair ramps at logical pedestrian path/trail street crossings. Exact locations shall be determined during the plan review process.

Natural Resources Program Manager

This memorandum includes staff conditions of approval. The conditions of approval are based on the submitted Preliminary Development Plan and Final Development Plan (Phase 1) of Specific Area Plan – East. The conditions of approval apply to the applicant's submittal of construction plans (i.e. engineering drawings) for the PDP and FDP.

CONDITIONS OF APPROVAL

Stormwater Management (Water Quality & Detention)

1. A profile of the proposed water quality treatment facilities (i.e. water quality swales) shall be submitted. This profile shall include, if applicable, plant species and placement, elevations, slopes, outlet, and other information consistent with requirements of the City's Stormwater Master Plan, including but not limited to:
 - a. **Policy 9.3.4 (Shading of Waterbodies); and**
 - b. **Policy 9.4.1 (Landscaping in conjunction with stormwater facilities).**
2. In regards to the temporary water quality swale, it is preferable to have a maximum treatment depth of 0.5 feet. Revise the proposed water quality swale to meet this requirement.
3. Pursuant to Stormwater Master Plan Policy 9.2.4 and Implementation Measure 9.3.3.2, the applicant shall submit a maintenance plan (including the City's stormwater maintenance covenant and access easement) for the proposed water quality treatment and water quantity control facilities prior to approval for occupancy of the associated development.

4. Pursuant to the Stormwater Master Plan's Implementation Measure 9.4.1.1, access shall be provided to all areas of the water quality treatment and water quantity control facilities for maintenance and inspection. At a minimum, at least one access shall be provided for maintenance and inspection. Grasscrete or a similar product is recommended for providing access.

Rainwater Management

- ~~5. Pursuant to Stormwater Master Plan Policy 9.2.4 and Implementation Measure 9.3.3.2, the applicant shall submit a maintenance plan (including the City's stormwater maintenance covenant and access easement) for the proposed rainwater management components prior to approval for occupancy of the associated development. (Deleted by DRB on 3.28.05.)~~
- ~~6. Pursuant to the Stormwater Master Plan's Implementation Measure 9.4.1.1, 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. Grasscrete or a similar product is recommended for providing access. (Deleted by DRB on 3.28.05.)~~
7. Provide an Operations and Maintenance Manual for the rainwater management components.
8. Provide documentation that the proposed rainwater management components satisfy the Oregon Department of Environmental Quality Underground Injection Control (UIC) Program requirements. This program requires stormwater systems, such as sumps, infiltration galleries, drywells, trench drains and french drains, to be registered prior to use.

Other

9. 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).
10. Pursuant to the City of Wilsonville's Ordinance No. 482, the following techniques and methods shall be incorporated into the applicant's grading and erosion control plan, where necessary:
 - a. Stockpiles and plastic sheeting;
 - b. Inlet protection (silt sacks recommended);
 - c. Dust control;
 - d. Temporary/permanent seeding or wet weather measures (e.g. mulch);
 - e. Other appropriate erosion and sedimentation control methods; and
 - f. Limits of construction.

Environmental Services

The plan for the above-indicated project was reviewed and subject to following comments and/or corrections:

1. Wheel wash required with floor burming (3 minimum) at construction access. Geotextile required under gravel construction access.
2. Silt sack inserts with Biobags along curb inlets is the preferred application for inlet protection. Install inlet protection to new inlets as installed.
3. Erosion Control Notes and Erosion Control Details needed.
4. When connecting Silt Fence ends spin 2x2 posts together 2 to 3 times and bury as one post.
5. From July 1st to September 30th a minimum of one water truck for dust control required on site at all times.
6. Copy of approved DEQ 1200C permit required before any groundbreaking occurs.
7. Silt Fence also needed along entire length of south side of project.
8. Show Erosion and Sediment protection for pond and pond discharge. Treatment must occur before discharge.
9. Erosion and Sediment Control measures must be installed and approved prior to any site work being performed. A final Erosion Control Inspection is required at completion of project. Call for inspections at 503/582-9845.

ANALYSIS AND FINDINGS OF FACT

CITY OF WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

Subsection 4.125(.02): Village Zone Permitted Uses

1. **Finding:** The applicant's response finding is found on page 7 of the Supporting Compliance Report (Section IIIA). The range of residential uses proposed in the proposed PDP application is consistent with the permitted uses in this section. PDP I would not contain a Neighborhood Center commercial use. The applicant is proposing three refinements of the SAP with PDP I. See Findings 9 and 51 for further discussion. **This criterion has been met.**

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

2. **Finding:** The applicant's response findings to Table V-1 is found on page 3 of Supporting Compliance Report. The proposed lots meet the requirements of Table V-1 for lot width and depth. Tables V-1 through V-4 are primarily related to site development and building orientation and design. Therefore, the majority of these criteria will not be reviewed until the Final Development Plan (FDP) or at the Building permit stage.
3. **Finding:** The applicant is proposing refinements to the approved Circulation Plan of SAP East as part of this PDP application. Criteria relative to Subsections 4.125(.05) A., Block, Alley, Pedestrian and Bicycle Standards, and B., Access standards will be reviewed in findings relative to Subsection 4.125(.18)J., PDP Refinements to an Approved SAP, and in the tentative subdivision application, DB-2005-02-00013. Criteria relative to Subsections 4.125(.05)D., Fences, E. Outdoor Living Area and F., Fire Protection, will be reviewed in the Final Development Plan (FDP) application, DB-2005-02-00023 for PDP I. **These regulations do not apply at this time.**

Subsection 4.125(.07): General Regulations - Off-Street Parking, Loading & Bicycle Parking.

4. **Finding:** The Lot Diagrams of the Architectural Pattern Book for SAP East identify the location of off-street parking for each lot type. Each building permit for each lot in Phase will be reviewed against the Pattern Book for compliance with the off-street parking standards of 4.125(.07)B.
5. **Finding:** Table V-2 contains "no requirement" for short or long term bicycle parking for the use type proposed in Phase I PDP.

Subsection 4.125(.08): Open Space

6. **Finding:** The applicant's response finding is found on page 4 of Supporting Compliance Report. The Parks/Open Space Element of the Villebois Village Master Plan indicates that upon full build-out, the 37% of the entire site will be devoted to open space (acreage adjusted for the removal of paved streets) which significantly exceeds the minimum 25% of this code criteria. Finding A70 of Planning Case File 04DB22 found that 38% (83.9 acres) of SAP East would be devoted to parks and open space. This first phase of SAP East, PDP I, however provides .85 acres in parks and open space (including linear greens) of the 20.48 net acres, adjusted for the deduction of street pavement (33.17 acres - 12.69 acres of streets = 20.48), for a total of 4.15% of the Phase I area. Subsection 4.125(.08)A. states "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". Therefore, while PDP I does not provide 25% open space for itself, it was demonstrated in Planning Case File 04DB22 that SAP-East will provide more than the code required 25%. **This code criterion has been met.**

7. **Finding:** "Pocket Parks" are defined on page 22 of the Villebois Village Master Plan. This definition is generic and does not provide specificity as to site furnishings and other structures to be provided in each pocket park. To date, staff is unaware of any plan beyond the Master Plan that provides this specificity. Until such a park programming plan is developed, staff does not have any criteria by which to review the design, material, or equipment of any park in the Villebois Village. Staff recommends the Parks and Recreation Advisory Board review the design of the pocket parks and linear greens and that a recommendation on the design of these park features be forwarded back to the DRB for consideration in a continued public hearing of the Final Development Plan. See condition of approval 6.
8. **Finding:** While Subsection 4.125(.08)A. allows phases of each PDP to go below the required 25% open space requirement if the overall SAP contains the required open space, staff is concerned that as the 198 lots of Phase I built out, a growing perceived need for park space, and in particular active recreation above and beyond the .85 acres of park and open space proposed in Phase I, will develop in the residents of Phase I. While the applicant estimates that each phase of SAP-East will progress on an annual basis, opportunities for active recreation do not appear until phases 3 and 4 of SAP-East. The pocket parks proposed in Phase I do not propose any equipment or designs for active recreation that staff is able to discern. Staff notes that the Parks and Open Space Plan (Figure 5) of the Villebois Village Master Plan calls for a Pocket Park in Phase II. Programming for this park is undefined at this point. Staff suggests that the applicant work with staff in the design of this park for consideration by the Parks and Recreation Advisory Board and that it include opportunities for active recreation. Staff suggests that this approved park be installed in conjunction with the parks in Phase I and connected to the development in Phase I through a temporary pathway until such time Phase II is developed. See condition of approval 7.

Subsection 4.125(.09)A.1-9.: *Street and Access Improvement Standards – General provisions*

9. **Finding:** This Subsection states "Except as noted below, the provisions of Section 4.177 shall apply within the Village Zone". The applicant is proposing two refinements to the Circulation Plan approved in SAP East (04DB22). The first is a new extension of Y Street west of Yosemite terminating in a cul-de-sac in the street block located at the southwest corner of the subject PDP. See applicant's response findings beginning on page 5 of Supporting Compliance Report. In response findings on page 17 of the Supporting Compliance Report, the applicant asserts that this proposed refinement is allowable per Subsection 4.125(.18)J.1.a)i., PDP Refinements to a Specific Area Plan. The latter code criterion defines refinements to the SAP as "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". Additionally, the applicant's response finding to the street intersection offset requirements of Subsection 4.125(.09)A.2.c) on page 6 of the Supporting Compliance Report, the applicant states, in part, that ". . . opposing intersections on public streets are offset, as appropriate, so that no danger to the traveling public is created . ." It is the opinion of the City Engineering staff that the proposed offset intersection of Yosemite would reduce the street circulation system functionality, especially

for through traffic, presenting unsafe traveling conditions. PF 22 requires Yosemite Street return to the alignment approved in the SAP-East circulation plan.

10. **Finding:** The realignment discussed in the preceding finding will have ramifications on the design and layout of the PDP and the subdivision plat for the Phase I area. Staff recommends that the redesigned plat be reviewed by staff at the time of final plat review for consideration of a street network for the Phase I area that will comply with the adopted Villebois Village Master Plan as well as conformance with other applicable review criteria. Condition of approval 2 requires this review and grants the Planning Director discretion to bring the redesign back before the Development Review Board.
11. **Finding:** The resulting cul-de-sac termination of Y Street at the western end would exceed the 200 foot maximum length (measured from the intersection of Yosemite) of Subsection 4.177(.01)G. Dead-end streets are not regulated under Subsection 4.125(.09)A. See Finding 85, 4.177(.01)G..
12. **Finding:** The second proposed refinement would remove approximately 60 feet of an alley that was proposed for the street block located north of Evergreen Street, east of Brown Road, south of Barber Street, and west of Serenity Way. See applicant's response findings on page 5 of the Supporting Compliance Report.
13. **Finding:** Also see findings in application DB-2005-02-00012 (Tentative Subdivision Plat) relative to streets.
14. **Finding:** Condition of approval PF45 requires that the roundabout diameters need to accommodate a WB-60 truck with a 20 foot traveled way and five (5) apron which may require a curb-to-curb diameter of 150 feet. Reference to the roundabout at Circolo Costa/Village Center is for reference only as it is outside of the Phase I planning area.
15. **Finding:** Conditions of approval 3, 4, 5 provided by the Plans Examiner require that the applicant demonstrate that the roadways in the Phase I area meet the fire department access road (FDAR) requirements, including radii requirements, for the design of streets and alleys within the Phase I area. This will be required prior to approval of the final plat. This condition also requires a review of the final plat by the Development Review Board should there be any changes to the plat significant enough, in the estimation of the Planning Director, that are beyond the discretionary approval authority of the Planning Director.
16. **Finding:** The Applicant/Owner will be required to execute and record all right-of-way dedications prior to the approval of the Final Subdivision Plat. The Applicant/Owner also will be required to waive its right to remonstrance against formation of LIDs. See the recommended conditions of approval in the tentative subdivision plat application related to this issue. The applicant has indicated (response finding on page 26 of Supporting Compliance Report) that this will be done with the recordation of the plat. **This criterion has been met, subject to the Applicant/Owner's acceptance of the relevant Condition of Approval.**

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

17. **Finding:** The applicant's response findings begin on page 8 of Supporting Compliance Report. The applicant is proposing six (6) foot bike lanes and five (5) foot sidewalks on all public streets which meets the dimensional requirements of Section 4.178, Sidewalk and Pathway Standards. Six (6) foot sidewalks are also proposed in the linear streets which meet

the minor pathway requirements of the street plan (Figure 7 and 9B) of the Villebois Village Plan

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

18. Finding: The applicant's street tree plan/lighting plan, Sheets 19 and 20 comply with the SAP-East Community Elements Book with the following exceptions:

Street	Community Elements Book Street Tree Master Plan Diagram	Issue
"V" Street (Sheet 19)	Secondary Residential Street	Norwegian Sunset Maple specified. Not listed as an alternative for street type
"W" Street (west half)	Secondary Residential Street	Same issue
Pedestrian Linkage	Pedestrian Linkage	Nothing specified for pedestrian linkage north of Barber Road
Brown Road	Brown Road	Raywood Ash on Brown Road is not specified for collector street trees.

19. Finding: The applicant will need to specify trees that match the adopted Community Elements Book for SAP- East. See condition of approval 12.

Subsection 4.125(.12): Signage and Wayfinding

20. Finding: No signage is proposed at this time. These standards will be addressed as part of the Final Development Plan (FDP). **These regulations do not apply at this time.**

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

21. Finding: Only some of these principles apply in the PDP; these are described below. All others will be addressed in the subsequent FDP as applicable.

Subsection 4.125(.13)A.2 &8.: Landscape, Streets, Public Places and Buildings

22. Finding: As noted in Finding 6, the Villebois Village Master Plan does not contain sufficient detail by which to evaluate the design and functionality of the parks component of the proposed phase I. Staff recommends the design of the parks be taken to the City's Parks Board for evaluation and recommendation to the DRB at a subsequent meeting. See condition of approval 7.

23. Finding: Pedestrian accessways/public sidewalks and integrated open space all promote the pedestrian experience in the Phase I development. Sidewalks are generally set back from the curb with intervening planting strips and provide complete connectivity through the built and natural environment. The Engineering Division notes in PF40 that curb extensions will need to provide "adequate clearance shall be provided at all intersections and alleyways". **This standard has been met.**

Subsection 4.125(.14)A.1-4: Design Standards Applying to the Village Zone

24. Finding: These regulations regarding Subsection 4.125(.14)A.1. will addressed in the companion subdivision application, Planning Case File DB-2005-02-00018. The regulations regarding Subsections 4.125(.14)A.2-4., building and site design, lighting and site furnishing, and building systems will be addressed in the FDP application, DB-2005-02-00023. **These standards do not apply at this time.**

Subsections 4.125(.15 - .17): Village Center Requirements.

25. **Finding:** The Phase I development is not part of the Village Center Design. **These regulations do not apply.**

Subsection 4.125(.18)G.1.(a-g): Village Zone Development Permit Process - Preliminary Development Plan Approval Process

26. **Finding:** This application includes a request for the first phase of SAP-East as shown on the SAP East Phasing Plan (Planning Case File DB-2005-02-00009) **meeting the criterion of 4.125(.18)G.1.a.**

27. **Finding:** This application has been filed by The Legend at Villebois, LLC the property owner, **meeting the requirements of 4.125(.18)G.1.b.**

28. **Finding:** The appropriate application form and fee have been filed with this submittal **meeting the requirements of 4.125(.18)G.1.c.**

29. **Finding:** The professional coordinator and professional design team are set forth on page 2 of the Section I **meeting the requirements of 4.125(.18)G.1.d.**

30. **Finding:** The applicant's response finding on page 12 of Supporting Compliance Report indicates that the proposal does not include mixed land uses. The only land uses are residential and parks/open space, **meeting the requirements of 4.125(.18)G.1.e.**

31. **Finding:** A Companion Subdivision application (Planning Case File DB-2005-02-00012) has been submitted with this application **meeting the requirements of 4.125(.18)G.1.f.**

32. **Finding:** This application includes a concurrent zone map amendment to zone the Preliminary Development Plan area to the Village (V) zone **meeting the requirements of 4.125(.18)G.1.g.**

Subsection 4.125(.18)G.2.a.-j.: Preliminary Development Plan Application Requirements

33. **Finding:** Sheet 2, Existing Conditions, provides the required information to satisfy the requirements of 4.125(.18)G.2.a-c.

34. **Finding:** Sheets 12-13, Site/Land Use Plan provide the required information to satisfy the requirements of 4.125(.18)G.2.d.

35. **Finding:** The required information for streets, easements, sidewalks, bikeways, pedestrian routes and other important features is shown on Sheet 2 – Existing Conditions, Sheets 4 and 5 – Tentative Plat, and Sheet 10 and 11 – Circulation Plan and Sheets 17 and 18 – Tree Preservation/Protection Plan (the applicant response finding identifies these plans as Sheets 16 and 17) meeting all of the application requirements of 4.125(.18)G.2. Staff notes that Sheets 17 and 18 do not provide tree d.b.h measurements. Staff presumes that all trees identified on these plans are greater than six (6) inches d.b.h. which meets the criterion of 4.125(.18)G.2.e, however, the Type C Tree Removal Plan (Planning Case File DB-2005-02-

00016) will need to reference an arborist for every tree to be removed. See condition of approval in application DB-2005-02-00016.

36. **Finding:** This information is provided Section III E – Conceptual Elevations (the applicant's response finding on page 14 of Supporting Compliance Report refers to Section III F) **meeting the requirements of 4.125(.18)G.2.f.**
37. **Finding:** Proposed water, sanitary, and storm sewer lines are shown on Sheets 8 and 9 – Composite Utility Plan **meeting the requirements of 4.125(.18)G.2.g.**
38. **Finding:** The applicant is not proposing to phase the proposed PDP, therefore **4.125(.18)G.2.h. does not apply.**
39. **Finding:** The applicant's response finding on page 14 of Supporting Compliance Report states that "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.i is met subject to meeting the specific requirement of the City for a performance bond or other acceptable security.**

Subsection 4.125(.18)H: *PDP Application Submittal Requirements:*

40. **Finding:** In Exhibit J, the applicant submitted materials to satisfy the completeness issues identified by staff relative to 4.125(.18)D.1.&2. Staff has not reviewed these materials at the writing of this staff report.
41. **Finding:** Sheets 8 and 9 identify the location of the proposed water, sewerage and drainage facilities. Section III E depicts conceptual building elevations for the housing types proposed for development in PDP I. while conceptual landscape plans are found on Sheets 14-16. Topographic information satisfying the requirements of 4.125(.18)H.1.b. Topographic information is provided in two (2) foot contours which would meet the criterion of Subsection 4.035(.04)6.f.ii. for slopes of six percent (6%) to twelve (12%), however, staff is unable to determine to overall slope with the information given. Sheets 12 and 13, Site/Land Use Plan identify the type and location of all proposed uses. Sheets 6 and 7 show the proposed grading and erosion control plans. No signage is proposed with this application. With the exception of 4.125(.18)H.1.c. (signage), these code criteria are met.

Subsection 4.125(.18)H.2.: *Traffic Impact Analysis*

42. **Finding:** A Traffic Impact Analysis was conducted for SAP-East (04DB22). The City's Engineering Division has used this analysis, in consultation with DKS Associates, in consideration of the subject PDP application. **This standard has been met.**

Subsection 4.125(.18)H.3.: *Preliminary Plan Detail*

43. **Finding:** The submitted drawings provide sufficient detail to indicate fully the ultimate operation and appearance of the subject phase of the development. The Final Development Plan for the Phase I area will be reviewed separately (see Planning Case File DB-2005-02-23) and will provide more specific details regarding design features. **This standard has been met.**

Subsection 4.125(.18)H.4: *Legal documents required by the Development Review Board*

44. **Finding:** The applicant states that such legal documents will be provided as appropriate and required by the Development Review Board. **This standard is met subject to compliance with the specific requirement of the Development Review Board.**

Subsections 4.125(.18)I.1.a)-c): PDP Approval Procedures

45. **Finding:** Notice has been made in accordance with Section 4.012 and a public hearing or hearings will be held for this application after which the Development Review Board will render its decision. **This standard has been met.**

Subsections 4.125(.18)J.1.a)i.: *PDP Refinements to Approved Specific Area Plan – Street Network.*

46. **Finding:** The applicant is proposing refinement of the street network approved in Specific Area Plan – East consisting of “the extension of Y Street and cul-de-sac, oriented east to west, in the street block located at the southwest corner of the subject PDP”. The applicant’s response finding on page 17 of Supporting Compliance Report provide an explanation of the proposed refinement and concludes with “This refinement provides better access and safety for all modes of transportation in the southwestern block”. The City’s Engineering Division does not share this opinion and is recommending that the alignment of Yosemite Street return to that approved in SAP East.

Subsection 4.125(.18)J.1.a)ii.: *Changes to the nature or location of park type, trails, or open space.*

47. **Finding:** The applicant is not proposing any refinements to the above, however, staff is recommending the development of the pocket park in Phase II concurrent with the development of Phase I to better provide opportunities for active recreation in Phase I until later phases of SAP East are developed. See findings 8 of this application as well as the Final Development Plan application (Planning Case File DB-2005-02-00023) for further detail on parks and trails.

Subsection 4.125(.18)J.1.a)iii.: *Changes to the nature or location of utilities or storm water facilities*

48. **Finding:** The applicant is proposing (Sheet 7) a temporary water quality and detention area for rainwater detention to the east of Phase I. The applicant indicates that “*this detention pond was not shown in SAP-East but is not a refinement because it is temporary and will be relocated to the permanent location shown on Plan Sheet 19 – Grading Plan of SAP East*”. As this structure is temporary, staff does not view it as a “change” to the location of a storm water facility. Staff will review the stormwater detention and water quality requirements for each phase of SAP-East on a case by case basis. See the conditions of approval of the Assistant City Engineer and Natural Resources Program Manager regarding stormwater management.

Subsection 4.125(.18)J.1.a)iv. & v.: *Changes to the Location or Mix of Land Uses*

49. **Finding:** The applicant is proposing a refinement to the location and mix of residential land use types from that approved in SAP-East (04DB22). See the applicant’s response finding on page 18 of Supporting Compliance Report. Specifically, three refinements are proposed:

Area	SAP-East	Proposed Refinement
S. of Barber/W. of Yosemite Street	10-14 small-detached lots	19 small attached lots

S. of Barber/W. of Brown/N. of Y Street	9-11 medium lots	1 standard, 4 medium, 1 small-detached, 3 small-attached
S. of Barber/W. of Serenity Way/E. of Brown Road	2-4 medium; 2-4 small-detached	5 small attached

50. **Finding:** The applicant summarizes the effect of the proposed refinement in Table A, found on page 19 of Supporting Compliance Report:

	Existing Unit Count	Unit Count with PDP I (E)	% Change
Medium/Standard/Large/Estate	621	613	-1.3
Small/Row/Homes/Neighborhood Apt.	1,779	1,781	+0.1%
Total	2,400	2,394	-0.25%

51. **Finding:** The following table compares the mix and range of housing types approved in SAP-East (Sheet 5 of Planning Case File 04DB22) and the mix and number of housing types with the proposed refinements for the PDP I area (the range of numbers for PDP I and II in 04DB22 are compared to the SAP Amendment (Planning Case File DB-2005-02-00009) which combines these areas into the subject PDP I area).

Type	SAP East Range	PDP I Refinement	Change
SM	57-74	48	16% below low end of range = "Significant" ¹
SMA	53-79	78	Within range approved in SAP East
M	43-57	42	2% below low end of range: Not "significant" ²
STD	19-23	23	Within range approved in SAP East
L	7-11	7	Within range approved in SAP East
Total	179-244	198	Within range approved in SAP East
SM = Small lots; SMA = Small attached lots; M = Medium lots; STD = Standard lots; L = Large lots. Explanation of lot diagrams begins on page B1 of the Architectural Pattern Book for SAP East			
¹ "Significant" per Subsection 4.125(.18)J.1.b.			

52. **Finding:** Staff notes that the percent change calculated by the applicant appears to be based on the aggregation of land uses defined in Subsection 4.125(.18)(F)1.a.iv. pertaining to the Refinements of the Approved Villebois Village Master Plan. Subsection 4.125(.18)J.1.a.iv., PDP Refinements to an Approved Specific Area Plan, does not make use of this aggregation of land uses and only refers to the overall distribution of uses in a PDP, not the entirety of the Villebois Village. Staff's analysis is based on the mix of landuses within the subject PDP. Based on this analysis, it appears that the proposed 48 small lots (SM) would exceed the 10% threshold for a "significant" change ($57-48 = 9 : 9/57 = 16\%$). A "significant" change requires an amendment to the SAP, which cannot be approved by the DRB. To remain a refinement, a minimum of 51 small lots ($5.7/57 = 10\% = 6 \text{ lots} : 57 - 6 \text{ lots} = 51 \text{ lots}$) will be required. See condition of approval 3.

53. **Finding:** The proposed refinements would decrease the unit count for the Villebois Village by six (6) from an overall of 2400 to 2,394, or a change of -0.25% which is within that allowed by the subject criteria.

Subsection 4.125(.18)J.1.a)vi.: *Significant Changes Necessary to Protect Community Resources/Roadways and*

Subsection 4.125(.18)J.1.b)i.&ii.: *"Significant" defined*

54. Finding: Findings 51, and 9 note "significant" changes in the refinements proposed by the applicant as defined in Subsection 4.125(.18)J: 1.b.i.&ii.

Subsection 4.125(.18)J.2.a.-c.: *Refinements meeting the above definition may be approved by the DRB upon the demonstration and finding that . . .*

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

55. Finding: In staff's opinion, the applicant's proposed refinements the street system approved in SAP-East to off-set the Yosemite Street intersection with Y Street and to terminate Y Street in a cul-de-sac do not meet the implementation measures of the Villebois Village Master Plan or those of the Development Code. See Finding 9 and condition of approval 2. With the exception noted in Finding 51, other proposed refinements meet code.

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

56. Finding: Staff concurs with the applicant's response finding beginning on page 20 of Supporting Compliance Report.

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

57. Finding: Staff concurs with the applicant's response finding beginning on page 21 of Supporting Compliance Report.

Subsection 4.125(.18)K.: *PDP approval criteria. The Development Review Board may approve an application for a PDP only upon finding that the following approval criteria are met:*

1. *That the proposed PDP:*

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

58. Finding: As identified in Findings 51, and 9, the applicant's proposed refinements of the SAP with the subject PDP application are currently beyond what the DRB can approve as a refinement. **This standard has been met.**

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

59. **Finding:** See findings to these code criteria below. The applicant's response findings on page 21 of Supporting Compliance Report indicates "Section I of this Supporting Compliance Report provides an explanation of how the proposed development is consistent with the applicable standards of the Planning and Land Ordinance". Staff was unable to locate these findings.

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

60. **Finding:** As identified in Findings 9, and 51, The proposed Phase I PDP is not in substantial compliance with the *Villebois Village SAP- East*. **This standard can met with conditions of approval 2 and 3.**

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

61. **Finding:** Consistency with the approved *SAP-East Architectural Pattern Book* will be demonstrated in the review of the forthcoming Final Development Plan for Phase I of SAP-East (Planning Case File DB-2005-02-00023) and at the time of building permit. Because approval of the PDP as proposed with conditions of approval does not preclude future compliance with this standard, it is conditionally met subject to satisfactory future FDP review. **This regulation does not apply at this time.**

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

62. **Finding:** No phasing of the Phase I PDP is proposed. **This regulation does not apply.**

3. *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.*

63. **Finding:** Staff recommends the applicant redesign the PDP to address the concerns identified in Findings 9, 85, and conditions 3, 4, and 5 of the Plans Examiner and that staff review this redesign at the time of final plat review. At the discretion of the Planning Director or DRB, this redesign can be brought back before the DRB for its consideration. See condition of approval 2.

GENERAL DEVELOPMENT REGULATIONS

4.140.09: Final Approval Criteria for Planned Developments

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 of 4.140:

4.140.(09)(J)(1): Compliance with Comprehensive Plan and Applicable Plans

64. **Finding:** The Villebois Village Master Plan was found by the City Council to be in complete compliance with the City's Comprehensive Plan, as revised (#02PC07A and #02PC07C). As the Phase I development complies with the Master Plan through the intervening Villebois Village SAP-East Plan, it is by definition in compliance with the Comprehensive Plan provided the Conditions of Approval are met. **This standard has been met.**

4.140(.09)(J)(2): Traffic

65. **Finding:** The City has prepared a traffic analysis that indicates that with the improvements completed at the intersection of Brown and Wilsonville Roads and with the improvements that will be provided within the two years in the vicinity of the Wilsonville Road interchange the development can be accommodated safely and without congestion in excess of Level of Service D. The City's Comprehensive Plan provides for planning approval when evidence, including listing in the City's Capital Improvement Program supports the finding that facilities/services will be available within two years (Implementation Measure 3.1.2.b.a). The traffic report which is based on existing streets plus projects in an approved Capital Improvement Plan which will be accomplished within two years and which includes the traffic from existing development plus previously approved Stage II projects. The Traffic Impact Report prepared for the SAP-East has been incorporated into the PDP application by reference. As indicated in this report, traffic generated in Phase I can be accommodated on the proposed and existing roadway system in an adequate and safe manner. There are no commercial or industrial uses proposed in this phase, so that portion of the requirement does not apply. Otherwise, the application is in compliance with this requirement provided the conditions of approval have been met. This standard has been met.

4.140(.09)(J)(3): Adequate Facilities and Services

66. **Finding:** The utility and drainage reports incorporated by reference into the Phase I PDP demonstrate that the density of residential development can be supported without any adverse impacts, assuming that these improvements are constructed as proposed and conditions of approval have been met. This standard has been met. The City's Engineering Division has reviewed the Applicant's plans but has proposed that no construction of such utility improvements occur until all plans are approved by Engineering Staff. This initial review of design drawings by the City's Engineering Division, and assurance that a permit will not be issued until Staff approves all plans, is sufficient to insure that adequate public facilities are available to serve this project.

4.171: General Regulations – Protection of Natural Features & Features & Other Resources

Subsection 4.171(.02)A.&B.: General Terrain Preparation

67. **Finding:** The applicant's response finding is found on page 23 of the Supporting Compliance Report. The topography of the Phase I area slopes to the east and drops approximately 60 feet from the western edge. The City's Engineering Division and Stormwater Management Coordinator have provided conditions of approval that, when implemented, should minimize the amount of off-site erosion. Staff notes that the City Building Official and Engineer will review the proposed Phase I grading plan to insure that it conforms to the UBC (now the International Building Code or IBC) and results in the minimum disturbance practicable. The applicant will also need to obtain a 1200 C permit from the Oregon Department of Environmental Quality prior to mass grading of the site. These permits are not part of Site Development Permit that may be authorized by the Development Review Board. Staff also notes that a Type C Tree Removal Plan and Permit will be required for any tree removal. See Planning Case File DB-2005-02-00016. **These**

code criteria can be met with condition of approval 12 and of the City's Stormwater Management Coordinator.

Subsection 4.171(.03): Hillsides. *All developments proposed on slopes greater than 25% shall be limited to the extent that . . .*

68. **Finding:** The subject site does not contain slopes greater than 25%. **This regulation does not apply.**

Subsection 4.171(.04)A.&B.: *Trees and Wooded Areas*

69. **Finding:** To the staff's knowledge, there has been no disturbance on the site in preparation for initiation of the Phase I development. The Applicant/Owner has submitted a Type C Tree Removal Plan (Section VI). **This standard cannot be met until additional information is submitted.**

70. **Finding:** The PDP has been designed to incorporate existing wooded areas, significant clumps/groves of trees and vegetation, and all trees meeting the policies and standards contained in the Tree Protection Element of the SAP-East Community Elements Book, where feasible. Existing trees within a right-of-way are preserved when suitably located, healthy, and proposed grading would allow. The Tree Report prepared by Walt Knapp and Tree Preservation/Protection Plan identify which trees are to be retained and to be removed. However, the overall submission of information for the Type C Tree Removal Permit would benefit from a tabular summary of information of each tree identified on site. This issued is discussed in further detail in application DB-2005-02-00016. **This standard has been met.**

71. **Finding:** The Applicant/Owner has indicated that all trees and woodland areas designated for retention will be protected during site preparation and construction in accordance with City Public Works design specification and Section 4.171.04. **These criteria have been met.**

Subsection 4.171(.05):A.: *High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:*

72. **Finding:** The applicant's response finding is found on page 25 of the Supporting Compliance Report. There are no high-voltage power lines located in the Phase I area, so this portion of the requirement does not apply. The applicant indicates there is a gas line owned by NW Natural Gas that runs adjacent to the western boundary of the PDP area. It is not clear from Sheet 8, the Composite Utility Plan, where this line is in relationship to the PDP boundary. The applicant indicates that "Development proposed within these locations, such as street alignments and landscape areas, shall be coordinated between the City, developer, and utility providers". While this gas line does not appear to be in the Phase I area for SAP-East, the development of roads and installation of utilities for Phase I will need to be coordinated with the improvements of SAP-South, it is imperative that all the necessary permits from the City and utility providers are obtained prior to earthwork for the installation of roads or utilities. This criterion can be met with condition of approval 14.

Subsection 4.171(.07)A.: *Standards for Earth Movement Hazard Areas*

73. **Finding:** No earth movement hazard areas have been identified within the Phase I area. Nonetheless, development of the subject site will occur in a manner that minimized potential hazards to safety. **This code criterion has been met.**

Subsection 4.171(.09)A.: Historic Protection Purpose

74. Finding: The applicant's response finding on page 26 of the Supporting Compliance Report indicates that no sites, objects, or areas having historic, cultural, or archaeological significance were identified on the site. This code criterion does not apply.

Subsection 4.176.06: Landscaping, Screening & Buffering

75. Finding: The applicant's response finding is found on page 26 of the Supporting Compliance Report. This response finding indicates that "the Landscape Plan provides sufficient detail of the landscaping in the park and open space areas necessary for compliance with all Final Development Plan criteria in the Wilsonville Planning and Land Development Ordinance". As noted in Finding 7, details of the park design in the Phase I area will need to be reviewed by the City's Parks and Recreation Advisory Board with a recommendation forwarded to the Development Review Board.

Subsection 4.176(.06)D.1.&2.: Street Trees

76. Finding: The applicant's response finding indicates "The Street Tree/Lighting Plan has been developed in conformance with the Community Elements Book and the applicable standards of Section 4.176". As identified in Finding 18 of this report, this is not the case for all streets. With condition of approval 12, Subsection 4.176(.06)D can be met.

77. Finding: The Applicant/Owner shall select specimens and plant them per industrial standards to maximize survival to meet Subsection 4.176(.06)D.1.

78. Finding: The list of street tree species contained in Subsection 4.176(.06)D.2. has been superseded by the list contained in the street tree element of the SAP-East Community Elements Book. As demonstrated in Finding 18, the proposed street trees do not meet the specifications of the Community Elements Book. With condition of approval 12, this criterion can be met.

4.177: Street Improvement Standards

Note: Subsection 4.125(.09)A., Street and Access Improvement Standards states "Except as noted below, the provisions of Section 4.177 shall apply within the Village Zone". The provisions covered in 4.125(.09)A. include general provisions, intersection of streets, Offsets, curb extensions, street grades, centerline radius street curves, right-of-way, access drives, clear vision areas, vertical clearance, and interim improvement standards. Street and access standards not addressed in 4.125(.09)A. are subject to Section 4.177.

Subsection 4.177(.01)A.: Conformance to Public Works Standards

79. Finding: The Villebois Village Master Plan establishes a street plan that is consistent with these requirements. This street system has been refined in the SAP-East Plan. The applicant proposes to further the street plan for SAP-East with the subject PDP application. In staff's opinion, not all of the proposed refinements are in conformance with the City's Public Works Standards and are therefore not suitable refinements to the Villebois street plan. See Finding 9 and 85. With conditions of approval 2, **this criterion can be met.**

Subsection 4.177(.01)B.: Street Development

80. Finding: See Findings for Subsection 4.125(.09)A. which supersede this code criterion in the Village Zone.

Subsection 4.177(.01)C.1.-3.: Intersections of streets

81. **Finding:** See findings for Subsection 4.125(.09)A.2 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)D.: *Street Grades*

82. **Finding:** See findings for Subsection 4.125(.09)A.3 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)E.: *Street Radii*

83. **Finding:** See findings for Subsection 4.125(.09)A.4 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)F.: *Rights-of-way*

84. **Finding:** See findings for Subsection 4.125(.09)A.5 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)G.: *Dead-end Streets*

85. **Finding:** By staff's estimation, the western cul-de-sac terminus of "Y" Street exceeds 300 feet from its intersection of Yosemite Street which exceed the maximum length of 200 feet required by this code section. The applicant has not demonstrated how this cul-de-sac would meet this code requirement. Given the Engineering Division requirement that Yosemite Street return to the alignment approved in Circulation Plan of SAP-East, it is staff's opinion "Y" street should terminate at Yosemite as was depicted in SAP-East, eliminating the cul-de-sac. This will cause a redesign of the PDP as well as the underlying plat for this area of Phase I. This criterion can be met with condition of approval 2.

Subsection 4.177(.01)H.: *Access Drives and Lanes*

86. **Finding:** See findings for Subsection 4.125(.09)A.6 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)I.: *Corner or Clear Vision Area*

87. **Finding:** See findings for Subsection 4.125(.09)A.7 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)J.: *Vertical Clearance*

88. **Finding:** See findings for Subsection 4.125(.09)A.8. which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)K.: *Interim Improvement Standard*

89. **Finding:** See findings for Subsection 4.125(.09)A.9. which supersedes these code criteria in the Village Zone.

Subsection 4.178(.01): *Sidewalk And Pathway Standards*

90. **Finding:** Street sections for each street classification have been established in the Villebois Village Master Plan. With the exception of the "private lane", all of the streets within the Phase I area feature sidewalks of at least five (5) in width, which meets or exceeds the minimum standard. There are no commercial uses proposed in the Phase I subdivision, therefore requirements sidewalks in commercial areas does not apply to the subject application. **To the degree they are relevant, these standards have been met.**

Subsection 4.178(.02): *Pathways*

91. **Finding:** In all of the street sections in the Villebois Village Master Plan that include bicycle lanes, these lanes are either 5' or 6' wide, in compliance with this requirement. In the Phase I subdivision all streets have 5' wide bicycle lanes in both directions, in compliance with this requirement. The Private Lanes are not required to have alleys. **These standards have been met.**

Subsection 4.178(.04): The Minimum Bike Path Pavement

92. **Finding:** Figure 7 of the Villebois Village Master Plan depicts "minor pathways" on the east side of Brown Road and in the "Linear Green" in the southwest corner of the site. The paved surface area for these paths depicted by the applicant on Sheet 15, Conceptual Landscape Plan (2) meet the six (6) foot width requirement of Figure 9B of the Community Elements Book. Right-of-way dedication will need to be commensurate with Figure 9B. This code criterion is met.

Subsection 4.178(.06)A.: Pathway Clearance – Vertical Clearance

93. **Finding:** Sheet 15, Conceptual Landscape Plan (2), depicts trees adjacent to the paths in the linear green areas and the pocket parks. These limbs trees will need to be maintained to a height of at least 8 feet 6 inches. See condition of approval 17.

Subsection 4.178(.06)B.: Potential Obstruction of Pathway Surfaces

94. **Finding:** This level of detail will be contained in the FDP, at which time compliance can be determined. This standard will be met in the future FDP. **This requirement does not apply at this time.**

Subsection 4.178(.07)A.: Pathway Construction Standards

95. **Finding:** All pedestrian pathways will be required to be made of concrete. See condition of approval 15. **This criterion can be met with condition of approval.**

Specific Area Plan - East Conditions of Approval (from Planning Case File 04DB22)

Note: "Finding AXX, BXX" refers to the finding number from Planning Case File 04DB 22, SAP-East

1. Finding A23 The Applicant shall update their analysis and affordable housing strategy upon completion of the City's Housing Needs Assessment, and prior to approval of the first PDP [for SAP – East].

96. **Finding:** ~~The City has not completed its Housing Needs Assessment at the writing of this staff report. The applicant's response finding on page 28 of the Supporting Compliance Report includes Table B which provides the number of units of each type of housing within Phase I of SAP East (small attached, small detached, medium detached, standard attached, and large) and the estimate price range for each. Staff notes that these are estimated initial home prices and are not predictors of long-term affordability. As the applicant notes in the response finding to this condition of approval "The City is still working to complete the Housing Needs Assessment. The Master Planner will continue to work with the City and developers of Villebois in the establishment of Affordable Housing Objectives and Strategies for Villebois; however, this process is on hold until the City's Housing Needs Assessment is completed". Staff concurs with the applicant's response. The applicant submitted information regarding housing affordability as part of the original SAP East application (Exhibit a). The~~

SAP E-PDP # 1 application contains information regarding affordability in this phase (Exhibit b) Both of those documents conclude that, based on the median household income in Wilsonville of \$52,515, affordable ownership opportunities are provided within the proposed housing categories of condominiums, rowhomes, small attached and detached and some medium detached. This conclusion is based on an assumption that 1/3 or less of gross monthly income be devoted to mortgage payments, at 6% - 7% interest, with a 30 year mortgage and \$300-\$400 in other monthly debt for an "affordable monthly payment of \$1444 or less.

The City's housing consultant, Winterbrook Planning, has prepared a brief draft analysis (Exhibit c) of the proposed price schedule as depicted by Table A of the SAP East submittal, and has concluded, based on the same assumptions of 1/3 or less of monthly income, etc., that among ownership opportunities, only the various condominium units offer affordable ownership options. All rental unit ranges are determined to be affordable.

The requirement for affordability is applicable to Villebois as a community, not to any individual phase. Given this fact, an analysis of Table A from the SAP East submittal, based on the Winterbrook conclusions of affordability, shows 523 of 1986 total units (or 26%) are proposed to be affordable for ownership. 100% of the proposed rental units are determined to be affordable, for an overall affordable unit percentage of 39% within Villebois.

Neither the City nor the Villebois Village Master Plan have specific standards for provision of affordable units, so no conclusion can be made regarding compliance with a specific standard or standards. The Villebois Village Master Plan requires the provision of affordable units, which according to the above analysis, will occur on a village wide scale. The applicant has increased affordability by increasing the number of small attached and detached dwelling units, and decreasing the number of standard and large units.

2. Finding A29 Pedestrian linkages shall be provided at every intersection along Coffee Lake Creek Drive to Tonquin Trail to provide neighborhood access (see Exhibit G). See also related Findings A85.
97. **Finding:** Staff concurs with the applicant's response finding on page 28 of the Supporting Compliance Report: Coffee Lake Creek Drive is located outside and to the east of the subject PDP area. This condition of approval does not apply.
3. Finding A66 The SAP - East Fencing Plan shall be completed prior to approval of the first PDP [of SAP - East].
98. **Finding:** The applicant's response finding found on page 28 of the Supporting Compliance Report (Section IIIA) indicates that "*the applicant and Master Planner for Villebois are currently working to complete the Fencing Plan*". This condition of approval has not yet been met.
4. Finding A87 The Master Signage and Wayfinding Plan shall be submitted for approval with the first PDP application. The DKS recommendations [Exhibit G] shall be addressed. See related Findings A98, A100, and A124.
99. **Finding:** The Master Signage and Wayfinding Plan has only been informally submitted to Planning Division staff review at the writing of this staff report. The applicant is not proposing any signs for approval with the subject application, or any other application being

reviewed concurrently with the PDP application. Until adoption of the Master Signage and Wayfinding Plan, all signage within Villebois is subject to the requirements of the City's existing sign code (Subsection 4.156) which is likely to be far more restrictive in allowable signage that the master signage program will be.

5. Finding A100 The addition of Post Box Specifications shall be included in the Community Elements Book.
100. **Finding:** Staff is unaware of any additions to the Community Elements Book for SAP-East since its approval by the DRB on November 29, 2004. This condition of approval did not specify any timeframe for compliance.
6. Finding A126 Any proposed development in such locations [areas where slopes equal or exceed 25%] shall be accompanied by a geotechnical investigation report and an erosion control permit.
101. **Finding:** Staff concurs with the applicant's response finding: "*the subject PDP area does not contain areas where slopes equal or exceed 25% (see Plan Sheet 3 – Aerial Photograph in Section IIIB). Therefore, this condition does not apply to this application*".
7. Finding A128 Any development proposed within these locations [utility easements and rights of way], such as street alignments and landscaped area, shall be coordinated among the City, developer and utility providers.
102. **Finding:** The applicant's response finding states "*the applicant understands this condition and will continue to coordinate with the City and utility providers*".
8. Finding B16 The Applicant is responsible for obtaining any necessary state or federal permits.
103. **Finding:** This continues to be the case for the subject application.
9. Finding B24 The Applicant shall include the wetland boundary established by the FES [Fishman Environmental Services] wetland delineation.
104. **Finding:** Staff concurs with the applicant's response finding: "*the subject PDP area does not include any wetland habitat established by the FES wetland delineation. The boundary will be included on all plans when applicable to future PDP applications*".
10. The Applicant shall obtain a Type 'C' tree permit prior to issuance of a grading permit by the City's Building Official.
105. **Finding:** Section VI of the Legend at Villebois notebook contains an application for Type "C" Tree Removal Plan for the Phase I area. Should the DRB grant approval of this plan, staff can issue a Type "C" Tree Permit for the Phase I area should all the conditions of approval of the Tree Removal plan be met.

Applicable Engineering Division Conditions of Approval

- PF 25. The proposed street light luminaire listed in the Community Elements Book (Hadco S8867C) is not a fixture that will be maintained by Portland General Electric. Therefore,

the applicant shall modify the street light luminaire to a type that meets PGE's requirements (Schedule 91, Option B) or form a lighting district through the Homeowner's Association to operate and maintain the proposed fixtures. For reference, there is a street light luminaire that is similar in type and style that will be maintained by PGE: Hadco S8867E.

106. Finding: An agreement similar to that worked out between the City, Portland General Electric and, and the Master Plan in SAP-South will need to be developed for SAP-East.

PF 25. The applicant shall complete the required Traffic Impact Analysis for the SAP and at the application of each PDP. Street improvements and right-of-way dedications shall be completed, as reflected in the Transportation Systems Plan, to conform to the City's Level-of-Service requirements as phased development occurs.

107. Finding: The Traffic Impact Analysis conducted for the SAP-East, along with further consultation between DKS Associates and the City Engineering Division, have been sufficient to determine the traffic impacts for PDP I. **This condition has been met.**

PF 25. No parking shall be allowed at any time within 100 feet of the splitter islands on the legs of the roundabout (at Barber Street/Brown Road and Barber Street/Circolo Costa Drive). These areas shall be clear of conflict to allow motorists to focus on pedestrians, bicyclists, and merging into the circulating traffic.

108. Finding: See Engineering Division condition of approval PF25 of the subject application.

PF29. At the Master Plan review the detail was not developed to determine the need for left turn lanes and their locations. However, with the specific site plans and future traffic forecasts, left turn lane needs were reviewed with this application. The roundabouts eliminate the need for left turn lanes at key minor collector intersections. Other streets do not warrant left turn lanes (for example Circolo Costa Drive). However, there are several locations where left turn storage shall be addressed. Subject to confirmation by DKS data demonstrating such warrants, there are several locations where left-turn storage shall be provided. Lacking such confirmation, the storage areas shall be evaluated and the final determination made with the appropriate PDP application.

b. Remove the median on Barber Street between Yosemite Street and X Street to provide a continuous two-way left turn lane.

109. Finding: The applicant's response finding on page 30 of the Supporting Compliance Report states, in part, "The Master Planner and the applicant do not find that the warrants provided by DKS demonstrate the need for left-turn storage". The applicant has subsequently provided a revised Tentative Plat that removes the median on Barber Street west of Brown Road. The Engineering Division's comments in PF 32b. are based on the originally submitted version of the plat.

PF30. The roundabout diameter shall accommodate a WB-60 truck with a 20 foot traveled way and an apron no larger than 5 feet. This may require a curb-to-curb diameter above 150 feet. The diameter of the roundabouts at Barber/Brown, Barber/Circolo Costa and Circolo Costa/Village Center shall all be consistent. The roundabouts must include splitter islands and exit radius design that is not shown on the current site plan. The design of the roundabout will be evaluated at the PDP level of development.

110. **Finding:** The applicant's response finding on page 30 of the Supporting Compliance Report indicates that the proposed roundabout at Barber Street and Brown Road will comply with this condition.
- PF31 The applicant shall be required to provide half-street improvements along Evergreen Avenue and Brown Road at the southern border of the SAP East Boundary. Actual design considerations will be evaluated during the PDP application process.
111. **Finding:** This will be required prior to City approval of the final subdivision plat.
- PF33 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.
112. **Finding:** As evidenced in conditions of approval 3, 4, and 5 of Don Walters, Plans Examiner, "*Fire Department Access Roadways (FDAR) have not at this time been approved by the fire marshal*". This will need to be done prior to City approval of the final subdivision plat. Should the requirements of the fire marshal require a redesign of the plat, this redesign may require a subsequent review of the tentative plat by the DRB. This will be at the discretion of the Planning Director.

SMART Conditions

113. **Finding:** The applicant's response finding on page 31 of the Supporting Compliance Report to the SMART conditions in SAP-East indicates that the bus stops agreed upon by SMART and the Master Planner on Brown Road north of Evergreen Street and on Barber Street west of X Street will be installed. This condition is met.

REFERENCE DOCUMENTS

Clackamas County – City of Wilsonville Urban Growth Management Agreement (April 25, 1991)

Memorandum of Understanding – Cooperative Planning for the Dammasch Hospital Site Wilsonville Oregon (January 11, 1996)

Dammasch Area Transportation-Efficient Land Use Plan (DATELUP), City of Wilsonville Resolution No. 1332, adopted November 13, 1996

Oregon Revised Statute 426.508 (1999)

Metro Ordinance 99-834 amending the Urban Growth Boundary (December 1999)

A resolution authorizing a Memorandum of Understanding with Villebois LLC, City of Wilsonville Resolution 1788, adopted July 15, 2002

A resolution initiating a Comprehensive Plan Amendment for the Villebois Village Master Plan, a Refinement Plan of the Dammasch Area Transportation Efficient Land Use Plan, City of Wilsonville Resolution No. 1795, adopted September 16, 2002

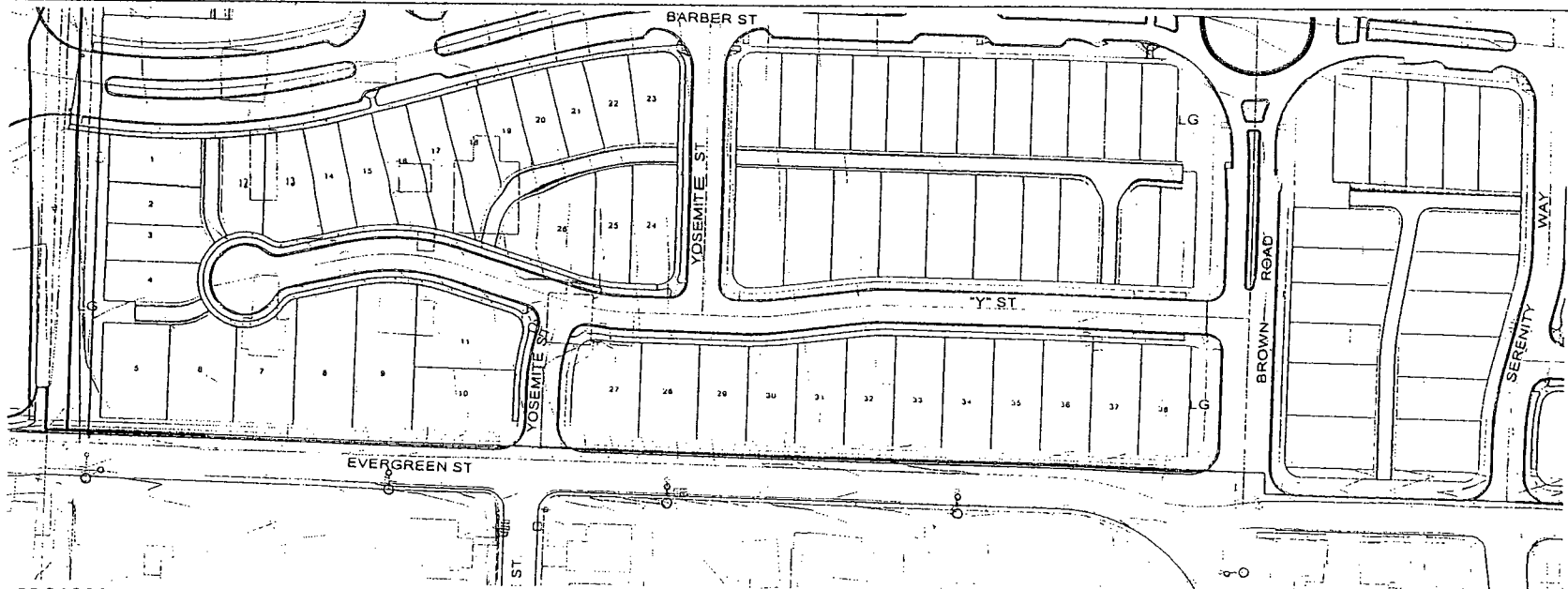
Memorandum of Understanding with Villebois LLC, December 2, 2002

Villebois Village Master Plan (6/4/03), including Villebois Architectural Pattern Book, Villebois Community Elements Plan, and Villebois Village Rainwater Management Plan.

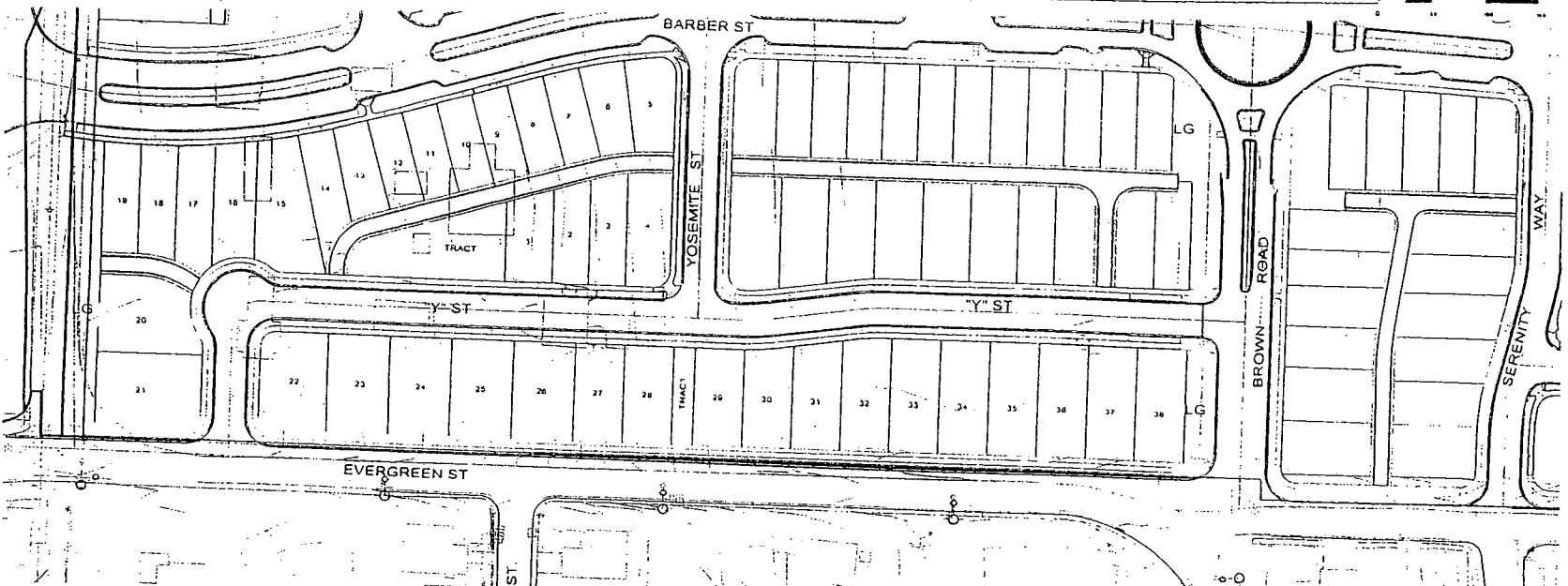
Villebois Village Specific Area Plan (SAP)-East (Revised 8/22/03)

These documents are available for review at the City Planning Department.

VILLEBOIS
EAST NEIGHBORHOOD
MATRIX DEVELOPMENT
CORPORATION
WILSONVILLE, OR
03/28/05



PROPOSED PDP PLAN

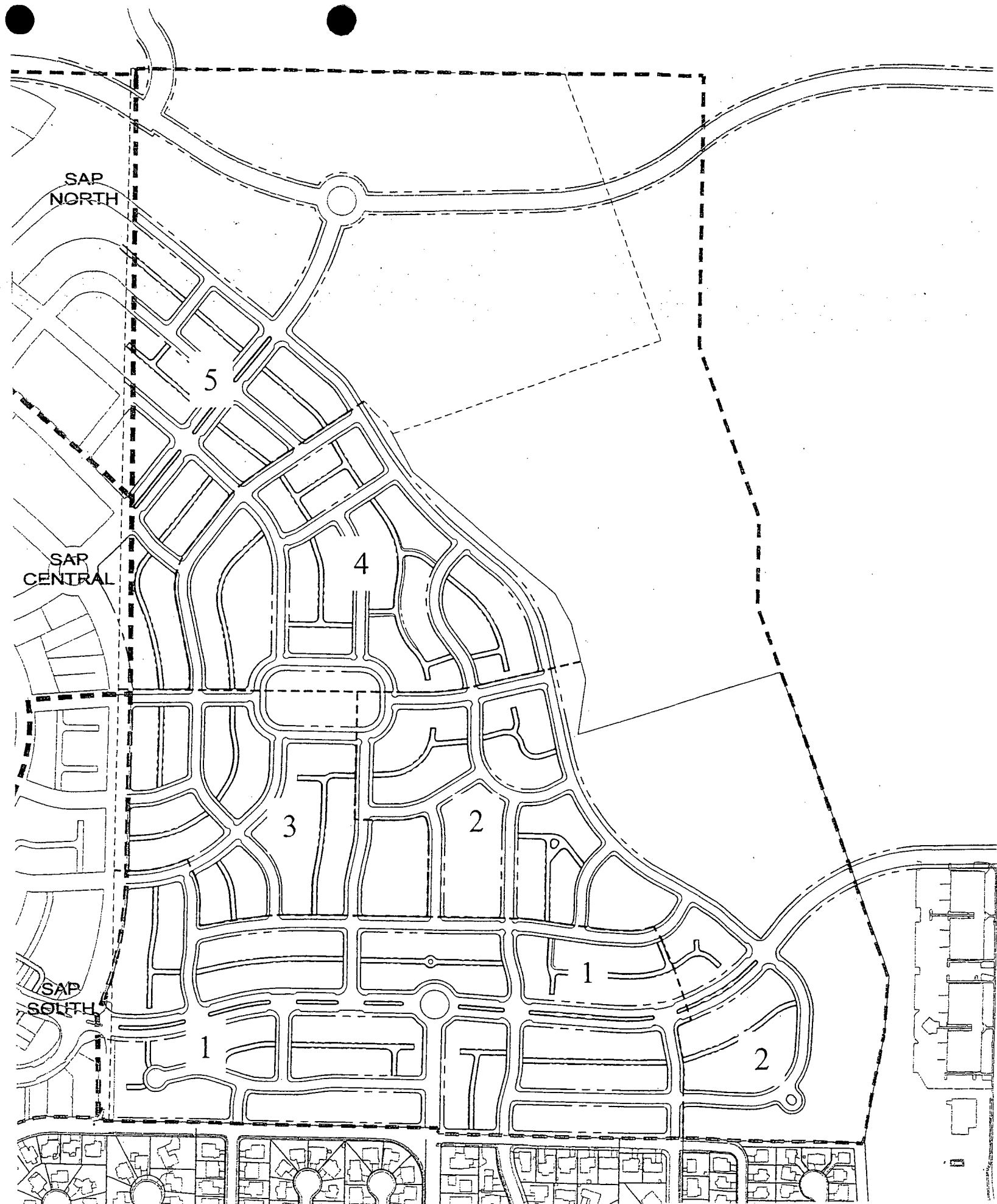


REVISED PDP PLAN

New Road Alignment

*EXHIBIT N
PDP - 00011
3-28-2005*





LEGEND:

— S.A.P. LINE

- - - PHASE LINE

4 PHASE NUMBER

PHA	YEAR
1	2005
2	2006
3	2007
4	2008
5	2009



MATRIX DEVELOPMI

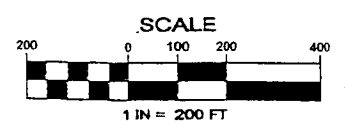
ALPHA ENGINEERING,
WESTERN PLANNIN
IVERSON ASSOCIAT.
PACIFIC HABITAT SER
WALT KNAPP
KITTELSON & ASSOCI

VILLEBO

Specific Area P
East
Phasing Plan

DB 2005 011
FROM DRB EXHIBIT
'B'

DATE: 08





MATRIX DEVELOPMENT

ALPHA COMMUNITY DEVELOPMENT
 WESTERN PLANNING
 IVERSON ASSOCIATES
 PACIFIC HABITAT SERVICES
 WALT KNAPP
 KITTELSON & ASSOCIATES

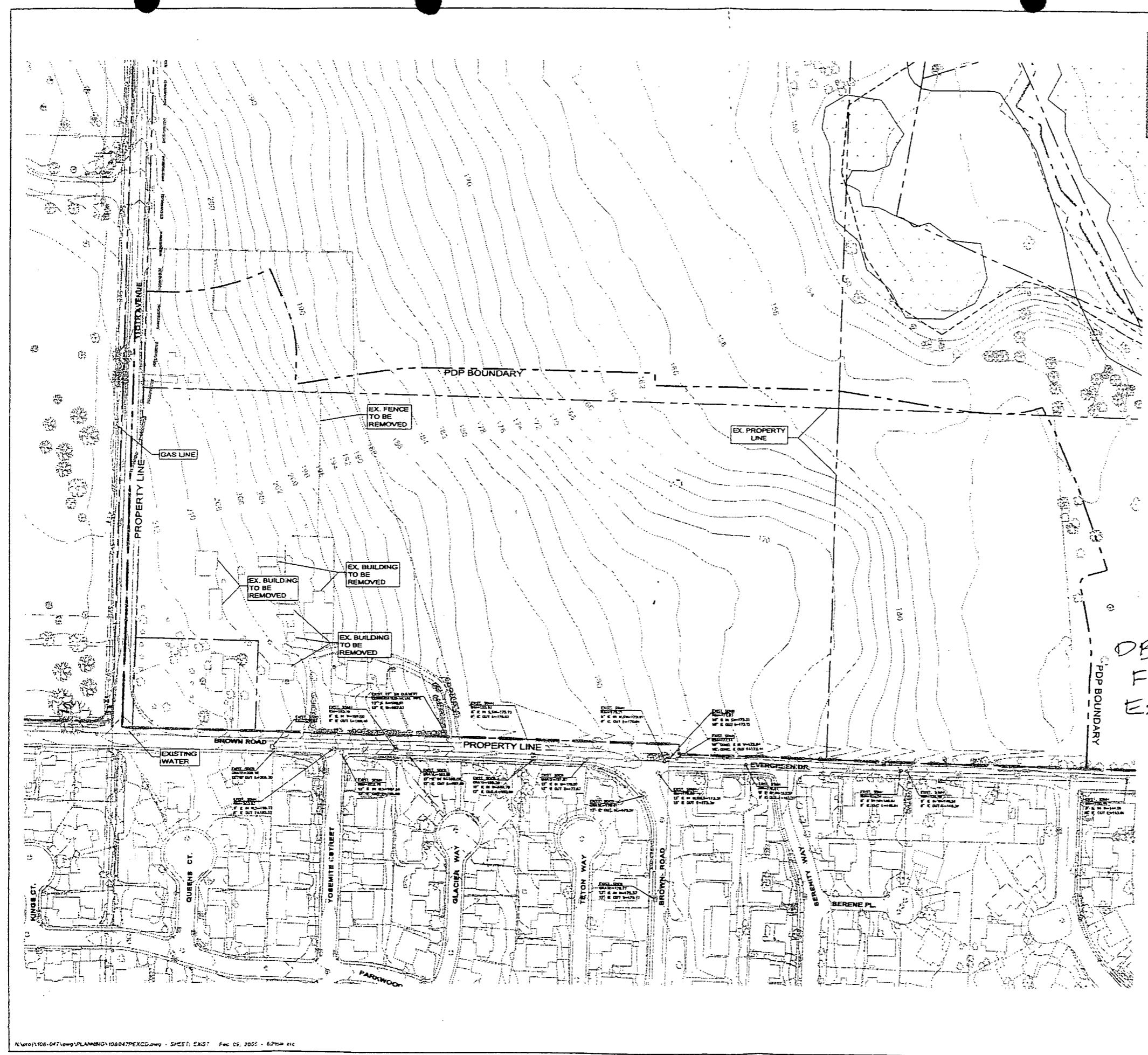
LEGEND AT VILLEBOIS
 Preliminary Development Plan
 Phase 1

Existing Conditions

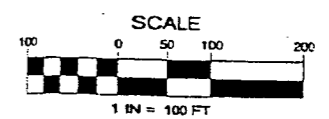
DATE: 2/1/2005

2

LEGEND:	
	EXISTING STORM
	EXISTING SANITARY
	EXISTING WATER
	EXISTING STORM MANHOLE
	EXISTING SEWER MANHOLE
	EXISTING CLEANOUT



DB 2005 011
 FROM DRB
 EXHIBIT 'B'

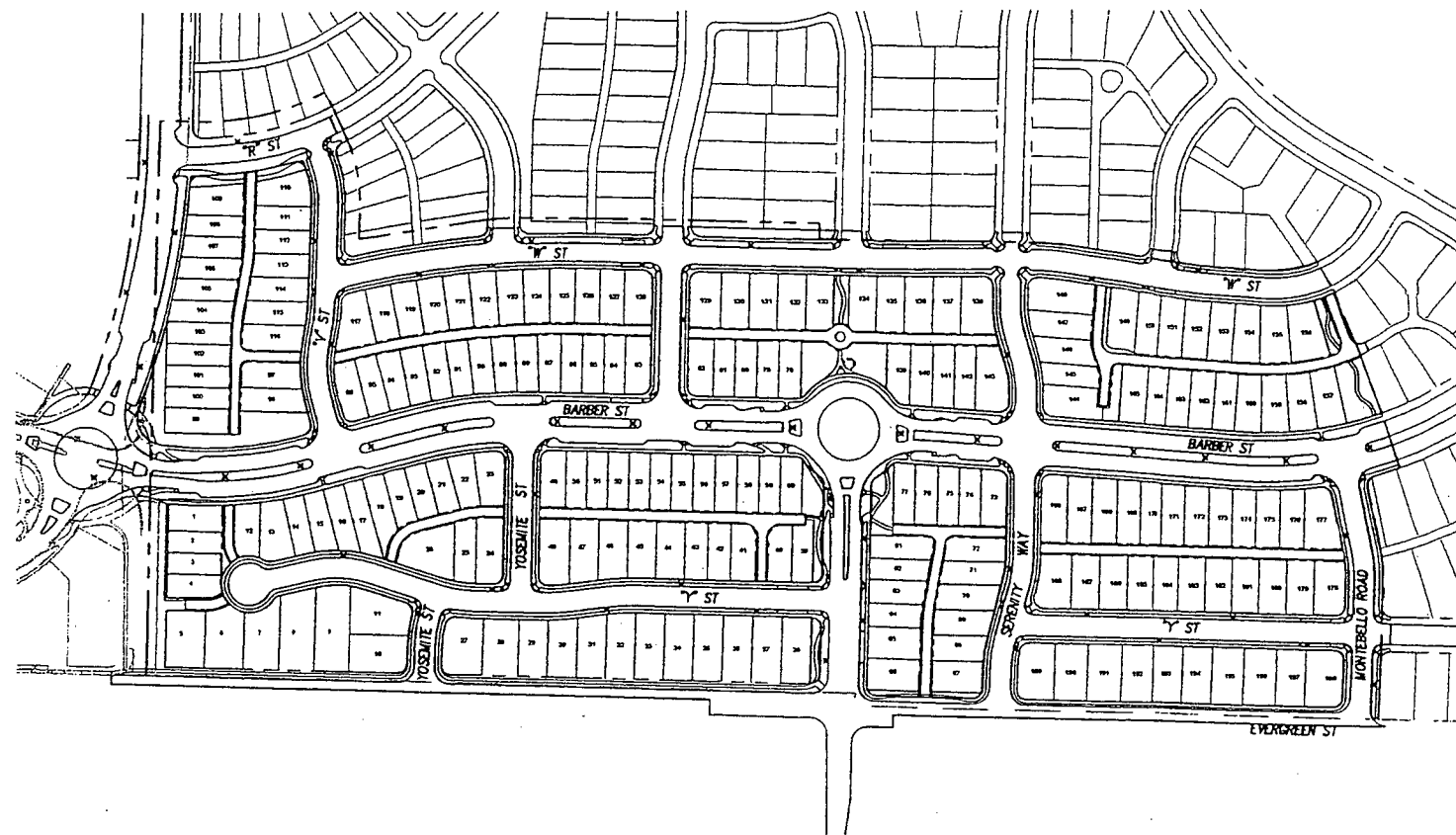


LEGEND AT VILLEBOIS

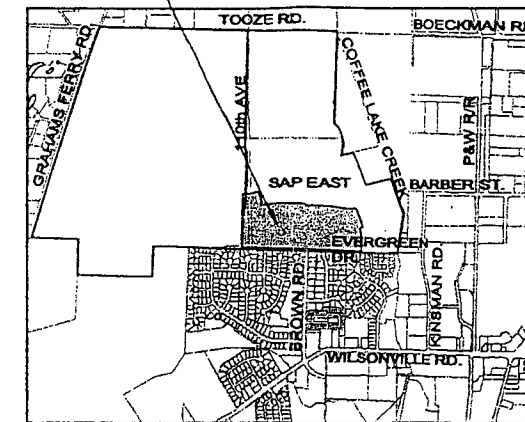
PRELIMINARY DEVELOPMENT PLAN

PHASE 1

TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 15, W.M. CITY OF WILSONVILLE, OREGON



PROJECT SITE



VICINITY MAP

FROM DRB EXHIBIT 'B'
DB 2005 011

SHEET INDEX:

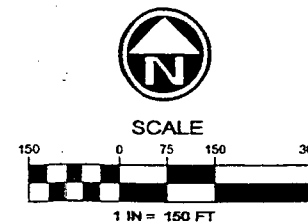
- 1 COVER SHEET
- 2 EXISTING CONDITIONS
- 3 AERIAL PHOTOGRAPH
- 4 TENTATIVE PLAT
- 5 TENTATIVE PLAT (2)
- 6 GRADING AND EROSION CONTROL PLAN
- 7 GRADING AND EROSION CONTROL PLAN (2)
- 8 COMPOSITE UTILITY PLAN
- 9 COMPOSITE UTILITY PLAN (2)
- 10 CIRCULATION PLAN
- 11 CIRCULATION PLAN (2)
- 12 SITE / LAND USE PLAN
- 13 SITE / LAND USE PLAN (2)
- 13B PARK AND OPEN SPACE SITE PLAN
- 14 CONCEPTUAL LANDSCAPE PLAN
- 15 CONCEPTUAL LANDSCAPE PLAN (2)
- 16 CONCEPTUAL LANDSCAPE PLAN (3)
- 17 TREE PRESERVATION / PROTECTION PLAN
- 18 TREE PRESERVATION / PROTECTION PLAN (2)
- 19 STREET TREE/LIGHTING PLANS
- 20 STREET TREE/LIGHTING PLANS (2)
- 21 TYPICAL LOT PLANS

UTILITIES & SERVICES:

WATER:	CITY OF WILSONVILLE
STORM:	CITY OF WILSONVILLE
SEWER:	CITY OF WILSONVILLE
POWER:	PORTLAND GENERAL ELECTRIC
GAS:	NORTHWEST NATURAL
FIRE:	TUALATIN VALLEY FIRE & RESCUE
POLICE:	CLACKAMAS COUNTY SHERIFF
SCHOOL:	WEST LINN / WILSONVILLE SCHOOL DISTRICT 3JT
PARKS:	CITY OF WILSONVILLE
PHONE:	VERIZON
WASTE DISPOSAL:	UNITED DISPOSAL SERVICE
CABLE:	COMCAST

BENCHMARK:

OREGON STATE PLANE COORDINATE 5818 LOCATED IN MONUMENT
BOX IN CENTERLINE OF TOOZE ROAD .2 MILES WEST OF 110TH.
ELEVATION DATUM: NAVD 88, ELEVATION = 202.991



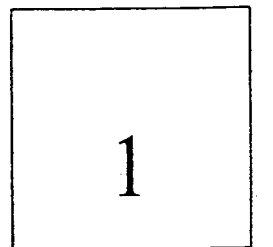
MATRIX
DEVELOPMENT

- ALPHA COMMUNITY DEVELOPMENT
- WESTERN PLANNING
- IVERSON ASSOCIATES
- PACIFIC HABITAT SERVICES
- WALT KNAPP
- KITTELSON & ASSOCIATES

LEGEND AT
VILLEBOIS
Preliminary
Development Plan
Phase 1

Cover Sheet

DATE: 2/11/2005





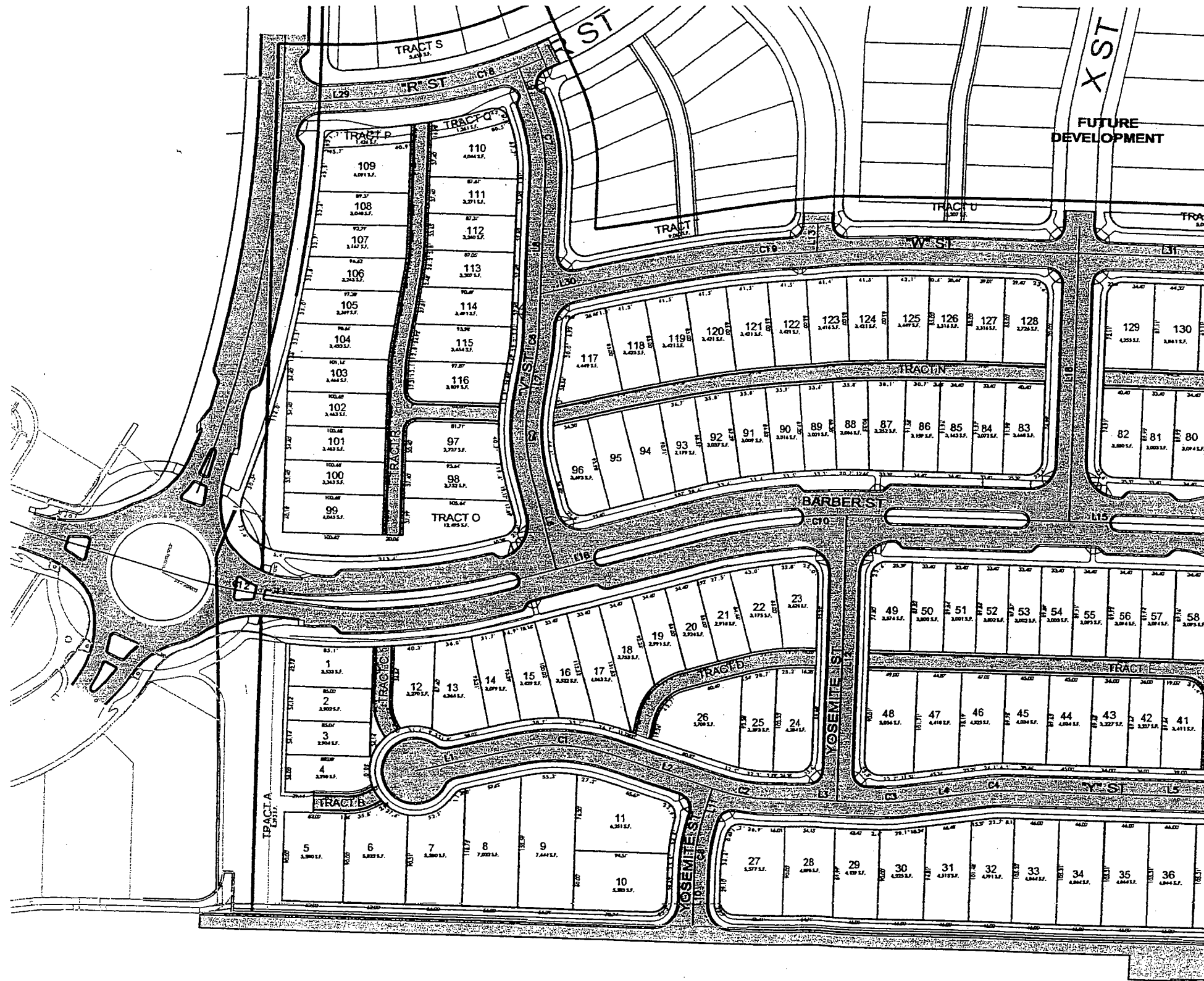
MATRIX DEVELOPMENT

ALPHA COMMUNITY DEVELOPMENT
WESTERN PLANNING
IVERSON ASSOCIATES
PACIFIC HABITAT SERVICE
WALT KNAPP
KITTELSON & ASSOCIATES

LEGEND A
VILLEBOI
Preliminary
Development Plan
Phase 1

Tentative Plat

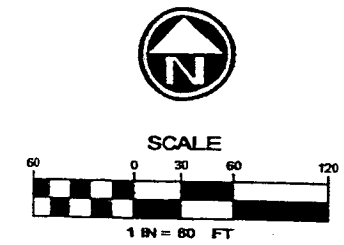
DATE: _____ 2/1/02



LINE	LENGTH	BEARING
L1	137.22	S77°49'28"W
L2	114.89	N72°09'27"W
L3	113.57	N88°28'58"W
L4	80.10	S83°15'28"W
L5	337.67	N88°29'08"W
L6	97.87	S14°43'19"E
L7	38.56	S10°07'34"W
L8	157.22	S02°02'35"W
L9	40.59	S20°52'27"E
L10	56.87	S01°52'27"W
L11	40.91	S17°50'33"W
L12	288.21	S01°27'27"W
L13	29.10	S01°27'35"W
L14	825.05	S85°15'52"E
L15	488.73	S88°30'42"E
L16	193.09	N75°16'41"E
L17	27.51	S10°15'45"W
L18	297.88	S01°27'35"W
L19	567.89	N88°28'58"W
L20	29.53	N88°22'30"W
L21	66.34	S01°27'35"W
L22	88.73	S15°08'16"W
L23	219.13	S01°27'41"W
L24	38.63	S01°27'54"W
L25	46.31	S15°08'04"E
L26	82.07	S01°27'35"W
L27	157.86	N11°17'47"W
L28	222.47	N01°31'01"E
L29	44.82	N67°32'10"E
L30	59.40	S77°36'17"W
L31	465.10	N88°31'58"W
L32	184.34	N88°31'11"W
L33	92.56	N88°31'58"W
L34	222.79	N01°17'44"W
L35	101.53	N85°46'59"W
L36	450.11	S01°30'52"W
L37	28.82	S01°27'35"W

CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	86.82	185.00	30°01'03"	48.80
C2	52.71	185.00	16°19'31"	28.54
C3	28.67	185.00	8°15'33"	13.38
C4	28.86	185.00	8°15'24"	13.35
C5	80.23	185.00	24°50'53"	40.78
C6	29.10	185.00	8°04'59"	13.87
C7	74.00	185.00	22°55'02"	37.50
C8	43.83	185.00	13°30'48"	21.92
C9	248.00	600.00	23°47'07"	128.36
C10	168.75	600.00	18°12'37"	85.45
C11	230.38	600.00	21°59'57"	116.82
C12	82.48	600.00	5°58'00"	31.27
C13	44.18	185.00	13°40'41"	22.19
C14	44.18	185.00	13°40'35"	22.19
C15	53.47	185.00	16°33'38"	28.82
C16	53.47	185.00	16°33'38"	28.82
C17	41.37	185.00	12°48'48"	20.77
C18	182.71	480.00	21°21'53"	92.43
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C21	3.19	185.00	0°50'13"	1.59
C22	23.37	185.00	7°14'15"	11.70
C23	14.48	185.00	4°29'07"	7.24
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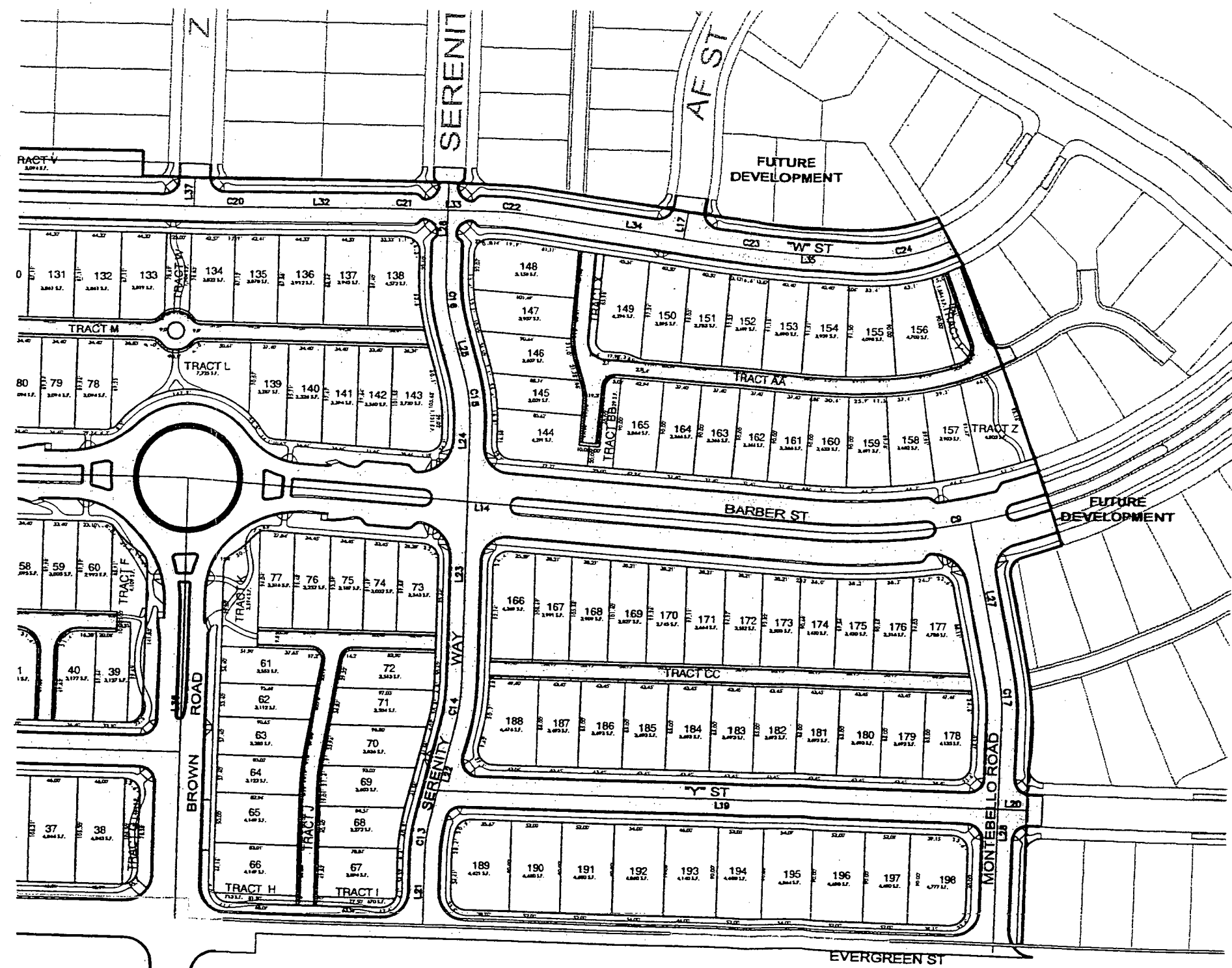
FROM DRB
EXHIBIT 'B'
DB 2005 011





MATRIX DEVELOPMENT

- ALPHA COMMUNITY DEVELOPMENT
- WESTERN PLANNING
- IVERSON ASSOCIATES
- PACIFIC HABITAT SERVICES
- WALT KNAPP
- KITTELSON & ASSOCIATES



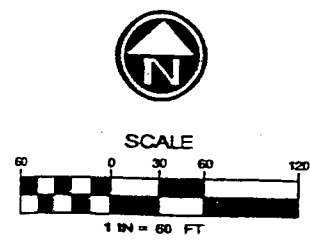
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L10	56.87	S01°52'27"W
L11	40.91	S17°50'33"W
L12	288.21	S01°27'27"W
L13	29.10	S01°27'35"W
L14	625.05	S05°15'52"E
L15	498.73	S88°30'42"E
L16	195.09	N75°16'41"E
L17	27.51	S10°15'45"W
L18	287.88	S01°27'35"W
L19	567.89	N88°28'58"W
L20	29.53	N88°22'30"W
L21	68.34	S01°27'35"W
L22	88.73	S15°08'18"W
L23	219.13	S01°27'41"W
L24	38.85	S01°27'54"W
L25	48.31	S15°08'04"E
L26	82.07	S01°27'35"W
L27	157.88	N11°17'47"W
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L30	59.40	S77°38'17"W
L31	465.10	N88°31'58"W
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L34	222.79	N81°17'44"W
L35	101.53	N85°48'50"W
L36	450.11	S01°30'52"W
L37	28.82	S01°27'35"W

CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	96.92	185.00	30°01'03"	48.80
C2	52.71	185.00	16°19'31"	25.54
C3	26.67	185.00	8°15'33"	13.36
C4	26.68	185.00	8°15'24"	13.35
C5	90.23	185.00	24°50'53"	46.78
C6	26.10	185.00	8°04'59"	13.07
C7	74.00	185.00	22°55'02"	37.50
C8	43.63	185.00	13°39'48"	21.82
C9	249.06	800.00	23°47'07"	126.36
C10	169.75	800.00	16°12'37"	85.45
C11	238.38	600.00	21°59'57"	116.62
C12	82.48	600.00	5°58'00"	31.27
C13	44.18	185.00	13°49'41"	22.19
C14	44.18	185.00	13°40'35"	22.19
C15	53.47	185.00	16°33'39"	26.82
C16	53.47	185.00	16°33'39"	26.82
C17	41.37	185.00	12°48'48"	20.77
C18	182.71	690.00	21°21'53"	82.43
C19	350.82	1450.00	13°51'44"	176.27
C20	3.19	185.00	0°59'13"	1.59
C21	3.19	185.00	0°59'13"	1.59
C22	23.37	185.00	7°14'15"	11.70
C23	14.48	185.00	4°29'07"	7.24
C24	95.25	185.00	29°29'55"	48.70

LEGEND AT VILLEBOIS
Preliminary Development Plan Phase 1

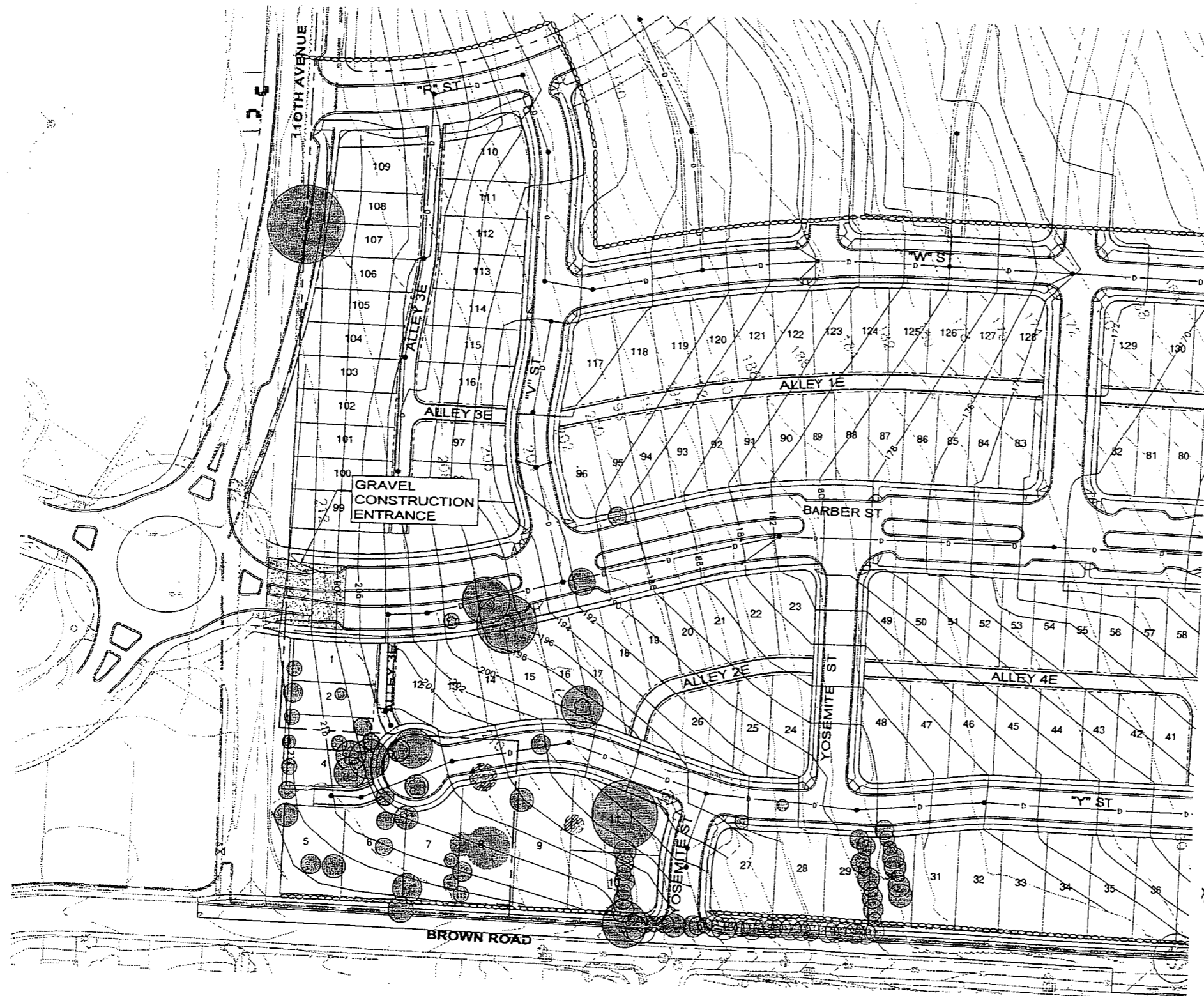
Tentative Plat (2)

DATE: 2/11/2005



FROM DRB EXHIBIT 'B' DB2005011

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LEGEND:

D	PROPOSED STORM DRAIN
199	EX 1-FT CONTOUR
200	EX 5-FT CONTOUR
199	PROPOSED 1-FT CONTOUR
200	PROPOSED 5-FT CONTOUR
(Chain-link symbol)	EROSION CONTROL FENCE
(Bag symbol)	BIO-BAG CATCH BASIN PROTECTION
(Circle with solid fill)	EXISTING TREES TO BE RETAINED
(Circle with dashed fill)	EXISTING TREES LIKELY TO BE REMOVED
(Circle with diagonal lines)	EXISTING TREES TO BE REMOVED



MATRIX DEVELOPMENT

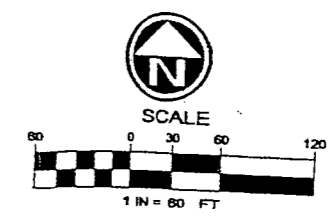
- ALPHA COMMUNITY DEVELOPMENT
- WESTERN PLANNING
- IVERSON ASSOCIATES
- PACIFIC HABITAT SERVICES
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- KITTELSON & ASSOCIATES

LEGEND AT VILLEBOIS
Preliminary Development Plan Phase 1

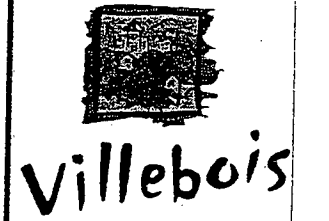
Grading and Erosion Control Plan

DATE: 2/11/2005

FROM DRB EXHIBIT 'B' DB 2005 011



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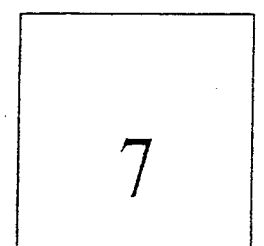
MATRIX DEVELOPMENT

- ALPHA COMMUNITY DEVELOPMENT
- WESTERN PLANNING
- IVERSON ASSOCIATES
- PACIFIC HABITAT SERVICES
- WALT KNAPP
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LEGEND AT VILLEBOIS
 Preliminary Development Plan
 Phase 1

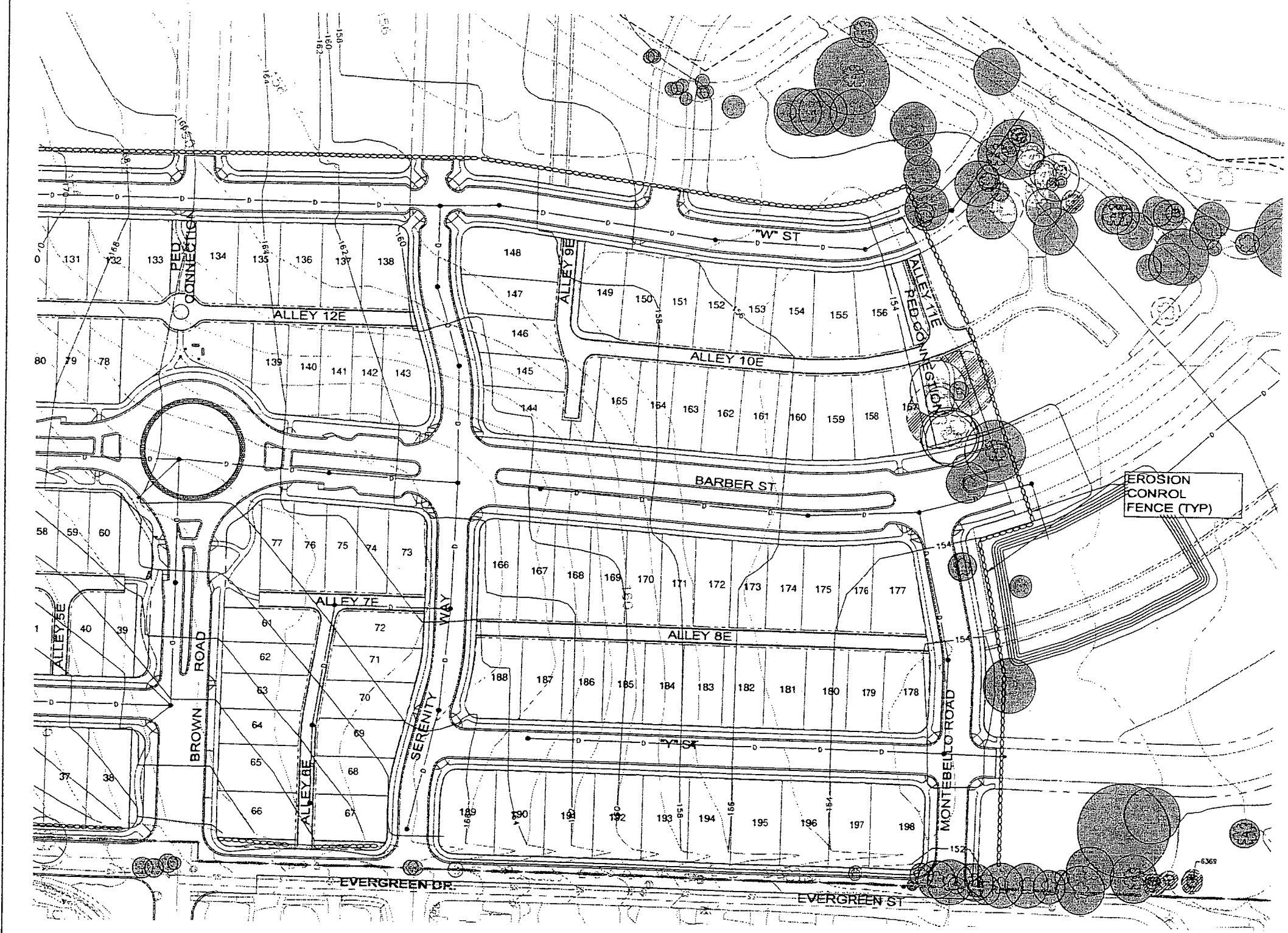
Grading and Erosion Control Plan

DATE: 2/11/2005

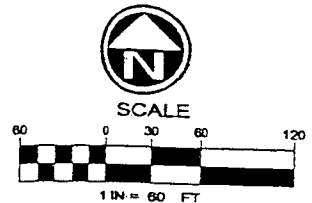


LEGEND:

- PROPOSED STORM DRAIN
- - - EX 1-FT CONTOUR
- - - EX 5-FT CONTOUR
- - - PROPOSED 1-FT CONTOUR
- - - PROPOSED 5-FT CONTOUR
- EROSION CONTROL FENCE
- BIO-BAG CATCH BASIN PROTECTION
- EXISTING TREES TO BE RETAINED
- EXISTING TREES LIKELY TO BE REMOVED
- EXISTING TREES TO BE REMOVED



FROM DRB EXHIBIT 'B'



TO: Honorable Mayor and City Council

FROM: Paul Lee, Assistant City Attorney
Blaise Edmonds, Manager of Current Planning
Paul Cathcart, Associate Planner

RE: Second Reading of Ordinance 586, Zone Change for Phase I of Villebois SAP East

DATE: May 16, 2005

At the first reading of Ordinance 586 on April 18, 2005, Council asked for additional information to address the following concerns regarding the zone change for Phase I of Specific Area Plan (SAP) East:

- Vehicular, pedestrian, and bicycle connectivity to existing neighborhoods and within the proposed project
- Amount of park area and accessibility to active recreational opportunities
- Affordable Housing

In response to these concerns, the applicant prepared a revised Preliminary Development Plan (PDP) and Parks Plan and met with staff on May 11 to discuss the proposed improvements. In staff's opinion, the proposed revisions did not yet adequately address Council's concerns. Staff and the applicant discussed options at length. Staff has prepared a map (attached) illustrating staff suggestions. The applicant is considering changes, but has not, as of 5 pm May 12, had adequate time to prepare presentation documents. We expect those materials to be available for the council worksession on May 16.

The applicant has also provided a written response to these concerns in the form of a memo from Ms. Stacy Connery, AICP of Alpha Community Development, and a letter from Mr. John Junkin of Bullivant Houser Bailey, attorney for Matrix Development regarding the Council review process of the zone change for Phase I. Staff has analyzed these submittals and responds as follows:

Council Jurisdiction

Mr. Junkin's letter states the view that the Phase 1 PDP for SAP East was finally decided by the DRB and that Council's review of the PDP is not supported by language in the Development Code.

The City's legal staff responds by noting that the Council's review of the PDP is based upon an interpretation that Council has historically followed; namely that the development proposal (the PDP), is part and parcel of the Zone Change review. This approach is based upon W. C. 4.008

(.02) L, which in relevant part provides: "For land in the Village zone, there are four (4) phases of project approval. . . . 1. Specific Area Plan (SAP); 2. Preliminary Development plan (PDP) **and** Rezoning; 3. Land division approval; and 4. Final Development Plan (FDP)." (emphasis added). This code section is reasonably interpreted to mean that rezoning and PDP approval constitute a "phase of project approval", which makes the rezoning and development proposal a single "phase" that is approved as a package. The Council has historically exercised a review of a development proposal as part of an application for re-zoning. This reflects an intent that, notwithstanding language in the code giving the DRB final decision making authority for PDPs generally (i.e., stand-alone PDPs), the Council has retained jurisdiction to approve the PDP when there is a companion re-zoning. Pursuant to W.C. 4.002, Council applies the applicable elements of the Comprehensive Plan (including the major tenets of such Plan, the Concept Plan, Village Master Plan and SAP), as approval criteria in the PDP review process.

By adoption of this staff report, Council is understood to formally make this interpretation. It is further found that the applicant and interested parties have been timely made aware of this interpretation, so that the parties had sufficient time to prepare a response to issues raised and suffered no prejudice to their right to fully present the case. The foregoing interpretation is reasonable, accords with the intent of the language interpreted and has been applied without prejudice. Based upon a review of the applicable law, the City Attorney's Office believes that the Council's assumption of jurisdiction of the PDP is legally defensible.

Should the Council chose to approve the revised PDP, the following findings support adoption of this plan.

Modified and Conditionally Approved PDP – Review and Justification

The Council's conditional approval of the PDP, in the form of enhanced pedestrian connectivity and recreational opportunities, is supported by the Comprehensive Plan as follows:

1. General Policy. Public Facilities and Services Implementation Measure (IM) 3.1.2.e provides in pertinent part: "When development is proposed in areas of the City where full urban services/facilities are not yet available, development approval shall be conditioned on the provision of adequate facilities and services to serve the subject property."

2. Policies on Pedestrian connectivity.

Transportation IM 3.16.s provides: "Pedestrian, bicycle, and equestrian travel is often considered a recreational activity. However, people commonly bike and walk throughout the City, and with increasing gasoline prices and traffic congestion, these forms of travel are likely to increase in popularity. For this reason, provisions for pedestrian and bicycle-travel will be considered as a basic transportation element as well as a recreational element".

IM 3.16.s provides: "The City shall encourage development of secondary pathways that are internal to individual developments. Secondary paths shall be designed and provided by private development as new construction occurs and shall be coordinated with the primary pathway system."

3. Policies on Parks and Open Space

a. Parks/Recreation/Open Space Policy: "It is a basic premise of this Plan that the availability of conveniently located open recreational spaces is more important than the form of ownership."
C.P. p. 44.

IM 3.1.11.a: "Provide an adequate diversity and quantity of passive and active recreational opportunities that are conveniently located for the people of Wilsonville.

IM 3.1.11p. "New developments shall be responsible for providing specified amounts of usable on-site open space depending on the density characteristics and location of development."

Conclusionary Findings: Connections and Park/Open Space

Pursuant to W.C. 4.002, the above-reverenced Comprehensive Plan provisions apply to approval of the subject PDP. These policies apply in addition to applicable policies in the Village Concept and Master Plan. Two of the three guiding design principles in these sub-elements of the Comprehensive Plan are 1) "*Connectivity*," which refers to the series of physical connections to be created within the village that link land use, transportation, a sense of place and community, and 2) "*Diversity*," which, in the context of parks and open space, refers to the "commitment to provid[e] options and choices for . . . play." Villebois Village Master Plan Section 1.1.

Together these elements of the Comprehensive Plan support and justify the PDP plan approved by the Council. Specifically, the pedestrian connections, identified below, are necessary to provide enhanced bicycle and pedestrian accessibility to other land uses through large, unbroken blocks. The need for such internal "secondary pathways" is underscored by the higher density of the proposed development. They are minimally necessary for residents to "get there from here," be it to other residences or nearby parks and open space. The paths serve as an element of both the transportation and recreational element for this area of the village. It is also important to note that connections of comparable placement and spacing appear in the other phases of Village development approved by the Council, even though these phases are to be developed at considerably less density. This connectivity is an important feature of the village and is carried on in this PDP.

Staff recommends that 20-foot wide pedestrian access ways, including trees and landscaping, be provided in the blocks in the following locations:

- South of Alley 1E
 - North of Alley 1E
 - South of Alley 4E*
 - North of Alley 4E*
 - West of Brown Road*
 - South of Y Street and east of Serenity Way
 - South of Alley 8E
 - North of Alley 8E
 - South of Barber Street**
-

* The linear green component at the east of these blocks could be removed to accommodate the mid-block pedestrian crossing.

** The linear green component at the west end of these blocks could be removed to accommodate the mid-block pedestrian crossing.

As for the parks and open spaces provided to PDP residents, the proposed plan contains insufficient options for active and passive play, recreation and visual amenity. The parks shown are not adequate in that they are not sufficiently "usable" or "conveniently located," as these terms are used in the Comprehensive Plan. The modifications (below) to the park and open space plan, on the other hand, reasonably serve the clear needs of future residents, which needs are not met by parks that may be provided in adjacent phases of the development. Again, park and open space pattern approaches that established by other approved phases of Village development and moreover, is seen as a facility minimum, considering the density characteristics and locations of the phases.

In light of the forgoing, the enhanced connectivity and park/open space pattern upon which the approval of the PDP is approved, is necessary to make the plan and zone change to which it relates, fully compliant with the applicable approval criterion.

Recommended park additions and removal

Park Additions

- Installation of an additional pocket in the block east of Serenity Way and north of Barber Street.
- Installation of a pocket park with opportunities for active recreation including playground equipment in the block west of Yosemite, north of Evergreen, and east of Y Street. This would replace the pocket park currently proposed west of Yosemite and north of Y Street. See below.

Installation of these parks would eliminate the need for the temporary park east of Brown Road.

Park Removal

- Remove the pocket park north of the rotary at the intersection of Brown and Barber Roads and convert these areas to lots (2 lots).
- Remove the pocket park currently proposed west of Yosemite and north of Y Street and convert this area to lots.
- Remove the liner green elements west of Brown Road and north of Alley 4E.

Affordable Housing

To date, the City has not completed its Housing Strategy. As such, neither current City code nor the Villebois Village Master Plan has specific standards for the provision of affordable housing. Finding 96 in the staff report for the PDP (DB-2005-02-00011) was revised to reflect this fact and to provide a preliminary analysis by the City's consultant for the housing affordability study of the applicant's estimates of affordability with SAP East. The City's Planning Director estimates that it will be some time in the fall of this year before a strategy is completed. In staff's opinion, reinstatement of condition of approval 5 of the PDP staff report should only be for the requirement of future PDPs.

ORDINANCE NO. 586

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A PRELIMINARY DEVELOPMENT PLAN AND A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY EXCLUSIVE FARM USE (EFU) ZONE TO THE CITY OF WILSONVILLE VILLAGE (V) ZONE ON APPROXIMATELY 33.17 ACRES WITHIN VILLEBOIS VILLAGE OF TAX LOT 500, SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON. THE LEGEND AT VILLEBOIS, LLC, APPLICANT.

WHEREAS, Villebois LLC has requested a Zone Map Amendment of certain property described in Attachment 1 of this ordinance; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated March 21, 2005 (Exhibit No. 3-I), wherein it reported that the request is consistent with and meets requirements for approval of a PDP and Zone Map Amendment; and

WHEREAS, the Development Review Board Panel 'B' held a public hearing on this request on March 28, 2005, and after taking testimony, gave full consideration to the matter and recommended approval of the request; and

WHEREAS, the Wilsonville Planning Staff prepared supplemental staff reports to City Council dated April 18, 2005, May 16, 2005, and June 6, 2005; and

WHEREAS, on April 18, and May 16, 2005, and June 6, 2005 the Wilsonville City Council held public hearings regarding the above described matter, considered the record before the Development Review Board and staff reports, took testimony, and, upon deliberation, has concluded that the proposed Zone Map Amendment and PDP with certain modifications meet the applicable approval criteria under the city's land development code,

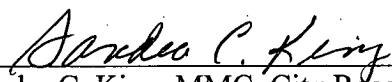
NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts as findings and conclusions the forgoing recitals and the staff reports in this matter labeled as Exhibits No. 2, No. 3, No. 3-G, and No. 4 which Exhibits are attached hereto and incorporated herein as if fully set forth.

Section 2. Order. Based upon the foregoing findings, and conditions contained therein the official City of Wilsonville Zone Map is hereby amended in Zoning Order DB-2005-02-00013, attached hereto, from *Exclusive Farm Use (EFU)* zone to *Village (V)* zone on Tax Lot

500, Section 15, T3S, R1W, Clackamas County, Oregon, depicted on the attached map (Exhibit No. 3-A and Exhibit No. 3-B), identified as Tract 1, and in the attached Legal Description (Exhibit No. 3-C), Clackamas County, Wilsonville, Oregon. Further, the proposed PDP is approved as modified and shown on the Exhibit No. 1 titled "Legend At Villebois Revised Plan 6/6/05".


SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 18th day of April, 2005, and scheduled for a second reading at a regular meeting of the Council on the 16th day of May, 2005, and the 6th day of June, 2005, commencing at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, OR.


Sandra C. King, MMC, City Recorder

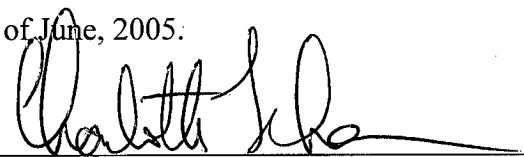
ENACTED by the City Council on the 6th day of June, 2005, by the following votes:

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 6th day of June, 2005:


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Knapp	Yes
Councilor Scott-Tabb	Excused
Councilor Kirk	Yes
Councilor Holt	Yes

Exhibits:

- No. 1 Legend at Villebois Revised Plan 6/6/05
- No. 2 Planning Division Staff Report dated June 5, 2005
- No. 3. Development Review Board Background Information Containing:
 - 3 -A Tax Lot 500 Map
 - 3 -B Sketch for Property Line Adjustment Application
 - 3 -C Legal Description Villebois East Tract 1
 - 3 -D Planning Division Staff Report & Recommendations dated April 18, 2005
 - 3 -E Development Review Board Panel B Recommendation to Council dated April 5, 2005
 - 3 -F Development Review Board Panel B Resolution No. 6, Adopted April 6, 2005
 - 3 -G Planning Division Staff Report dated March 21, 2005 Application DB-2005-02-00013
 - 3 -H Supporting Compliance Report Zone Change Legend at Villebois Section VA
 - 3 -I Planning Division Staff Report Dated March 21, 2005, Amended and Adopted on March 28, 2005 re: DB-2005-02-00011 (Preliminary Development Plan)
- No. 4. Memo to Honorable Mayor and City Council from Paul Lee, Blaise Edmonds, and Paul Cathcart, dated May 16, 2005, re: Second Reading of Ordinance No. 586, Zone Change for Phase I of Villebois SAP East

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

In the Matter of the Application of)
The Legend at Villebois, LLC)
for a Rezoning of Land and Amendment of) **ZONING ORDER DB-2005-02-00013**
the City of Wilsonville Zoning Map)
Incorporated in Section 4.102 of the)
Wilsonville Code.)

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

It appears to the Council that the property, which is the subject of this application, is described as follows: Tax Lot 500 in Section 15, T3S R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Clackamas County Zoning Map as *Exclusive Farm Use (EFU)*.


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

ORDERED that approximately 33.17 acres of Tax Lot 500 in Section 15, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 1 to this order, is hereby rezoned to *Village (V)*, and such rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

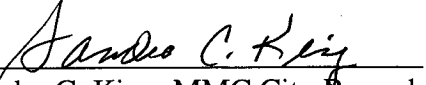
Dated: This 6th day of June, 2005.


CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:


Michael E. Kohlhoff, City Attorney

ATTEST:


Sandra C. King, MMC City Recorder



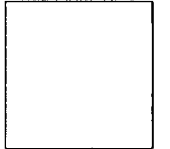
MATRIX DEVELOPMENT

- ALPHA COMMUNITY DEVELOPMENT
- WESTERN PLANNING
- IVYSON ASSOCIATES
- PACIFIC HABITAT SERVICES
- WALT KNAPP
- KITTELSON & ASSOCIATES

LEGEND AT VILLEBOIS

REVISED PLAN

DATE: 6/05

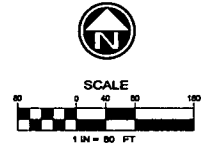


LEGEND:

- Pocket Parks
- Linear Green
- Landscape Area
- Active Park

Exhibit No. 1
Ordinance 586

NUMBER OF LOTS = 191
TOTAL OPEN SPACE = 1.97 ACRES



\\snp\108-047\pmp\Exhibits\108001\1.LANDSCAPE AREA 5-10-05.dwg - SHEET: 11/17 Jun 07, 2005 - 0:06pm sds



30000 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax
(503) 682-0843 TDD

TO: Honorable Mayor and City Council

FROM: Planning Division Staff

Exhibit No. 2
Ordinance 586

RE: Second Reading of Ordinance 586, Zone Change for Phase I of Villebois SAP East

DATE: June 6, 2005

Council's consideration of Ordinance 586 on May 16, 2005 provided feedback on a revised preliminary development plan (PDP) provided by the applicant as well as a plan proposed by staff. Attached is a revised (PDP) from the applicant. Compared to the plan presented on the May 16th, this plan provides more park space (.42-acre pocket park), three additional pedestrian connections, and seven (7) fewer lots. Staff's comments and recommendations on the plan follow below.

Parks

At its April 12, 2005 meeting, the City's Parks and Recreation Advisory Board (PRAB) recommended approval of the applicant's programming for the park bounded by Yosemite Street, Y Street, and Alley 2E. The park plan forwarded to the PRAB by the applicant as well as the minutes of the PRAB's discussion of this park are attached.

New Park

The applicant's revised plan dedicates five (5) lots in northeast corner of the PDP, or .42 acres, to an additional park in the northeast quadrant of the plan. This park is slightly less than a half (1/2) acre in size, is bounded by local streets and an alley on three sides, and, would provide a park with active recreation for approximately every 96 lots of PDP I (in conjunction with the .43 acre park in the southwest portion of the site).

The applicant's revised plan makes a distinction between parks, liner greens, and landscaped areas. These respective areas breakdown as follows (see Table 1 for further detail):

<u>Type of area</u>	<u>Area (ac.)</u>	<u>% of PDP area</u>
Landscape area	.39	1.16%
Linear greens	.72	2.18%
Parks	.85	2.56%
Total	1.96	5.90%

PP-7

Figure 5 of the Villebois Master Plan indicates that linear greens will provide opportunities for wildlife viewing, trail connections, and picnic and informal play areas. Likewise, Figure 5 identifies pocket parks as areas providing opportunities for passive recreation, preservation of existing trees, and structured play. In staff's opinion, Pocket Park - 7 (PP-7), the proposed park

directly north of the roundabout connecting Brown Road and Barber Street should not be identified as a park. Functionally speaking, it will likely operate as a linear green with some amenities. Staff's calculation of areas above includes PP-7 as a linear green rather than a park.

Park Programming

To date, there has been little discussion on the programming for the new park. Staff has presumed throughout Council's discussion of the need for an additional park that the desire of the City has been one of useable or active park space. Staff recommends that the applicant provide the PRAB with a detailed parks plan for the new park for their recommendation. This recommendation would then be used by staff in evaluating the details of the revised final development plan (FDP) necessitated by the revisions to the PDP. This would be similar to the process adopted by the DRB to evaluate the programming of the park in the southwest portion of the site. See proposed condition of approval 4 beginning on page 3.

Pedestrian Connections

The applicant's revised PDP depicts a pedestrian crossing between the two blocks bounded by Brown Road and Yosemite Street and south of Barber Street. This crossing would bring all of the block lengths into compliance with the Development Code's requirement of 530 feet maximum distance between streets for local access (W.C. 4.125(.05)A.2.). Staff notes that the pedestrian connection previously depicted on the east side of Alley 9E has been removed. According to the applicant, a sidewalk will be installed, directly east of the new proposed park that would replace the function of the pedestrian connection.

While pedestrian connectivity would be further served by pedestrian connections that would bisect the blocks containing alleys 1E and 8E, it is Staff's opinion that the inclusion of additional, permanent park space in the subject PDP has greater priority than pedestrian connections for blocks that meet the City's block length requirements through perimeter sidewalks and linear greens. In staff's view, the plan presented by the applicant represents a compromise between the desires of additional parkland and pedestrian connections.

Staff recommends that the pedestrian connections to be provided in this PDP be either 1.) 15 feet wide with 10 feet of a meandering paved path with landscape pockets in the non-paved areas or 2.) 16 feet wide with 10 feet of paved pathway with three (3) feet of landscaping on either side. Additionally, any fences abutting these pedestrian connections will need to taper to no more than 30 inches for a distance of 10 feet in each direction along the alley or street measured from the pathway centerline, and 10' along the pathway measured from the edge of the alley or street right-of-way.

Tree Retention

Council also expressed a desire to protect existing trees near the Kirkendal homestead. The DRB approved the Type C Tree Removal Plan in Planning Case File DB-2005-02-0016 wherein the majority of the trees in this area were approved for removal.. It would appear the reason for the removal of the majority of these trees is due to the grade changes which range from approximately four (4) to six (6) feet in this area (see graphics below). This grading plan, along with the majority of the other plans associated with the PDP, will need to be revised to reflect the PDP ultimately approved by Council. Even with these revisions, the grade changes in this area

will likely be driven to a large extent by the grades needed for Barber Street and its connections to adjacent roads. Through the development of revised plans, the applicant will need to evaluate opportunities to save existing trees in this area. See condition of approval 5.

120 Day Time Limit

Staff received the subject application (Planning Case File DB-2005-02-013) on February 11, 2005. Staff deemed the application incomplete on March 11th and received items to complete the application on March 18, 2005. The City must render a final decision on the subject application by July 16, 2005.

Revised Plans

Condition of approval 2 of Planning Case File DB-2005-02-011 (PDP) required the applicant to redesign the PDP to reflect DRB and Staff concerns regarding street alignments. The applicant presented the DRB with a redesigned plan at the March 28th hearing that satisfied, in concept, these concerns. The DRB directed Staff to review the finer details of the redesigned plan and all related plans (tentative plan, final development plans, Type C tree removal, etc.) to ensure that these plans met the concept approved by the DRB. Staff suggests that a similar process be used with the subject application: Council approve the revised PDP and allow staff review of the plans that need to be updated based on the revised PDP. Staff is proposing Council adopt condition of approval no. 3 and allow staff review of revised plans.

Conditions of Approval

The staff report approved by the DRB for the zone change (DB-2005-02-013) stipulated that approval of the zone change is predicated on findings that the PDP can be approved, with conditions. On May 16, 2005, Council heard amendments to the first-read Ordinance No. 586 that included findings and conditions of approval for a modified PDP. Based on the revised plan submitted by the applicant and the conditions below, staff believes the Council can approve the requested zone change and PDP. Conditions of approval below are in addition to those adopted by the DRB for the subject application.

1. Pedestrian connections identified in PDP I, SAP East shall be one of the following:
 - a 15 feet wide with 10 feet of a meandering paved path with landscape pockets in the non-paved areas or
 - b 16 feet wide with 10 feet of paved pathway with three (3) feet of landscaping on either side.
2. Any fences abutting pedestrian connections, as identified on the Council approved PDP, shall taper to no more than 30 inches for a distance of 10' in each direction along the alley or street from the centerline of the pathway, and 10' along the pathway beginning at the edge of the alley or street right-of-way.
3. All plans approved by the DRB in Planning Case Files DB-2005-02-009, DB-2005-02-011, DB-2005-02-012, DB-2005-02-013, DB-2005-02-016, DB-2005-02-018, DB-2005-02-023 shall be revised to reflect the PDP adopted by Council on June 6, 2005. Staff shall review

revised plans for conformance to the Council adopted PDP. Staff may also require minor modifications of revised plan to conform to City adopted code requirements.

4. The park bounded by "W" Street, Serenity Way, and Barber Street shall be programmed for active park use. The applicant shall prepare plans sufficient for the City's Parks and Recreation Advisory Board to determine the programmed uses and shall present these plans to the PRAB at a regularly scheduled meeting for their recommendation on the proposed use of the park. Planning Division staff shall not approve the revised FDP until a positive recommendation is obtained from the PRAB.
5. The applicant shall work with staff to identify opportunities, if any, through the development of a revised grading plan to preserve existing trees of moderate to good health in the vicinity of the Kirkendal home site.

Recommendation: Staff recommends adoption of Ordinance 586, amended to specify the approved PDP plan and adding this staff report as findings and conditions.

New Exhibits

Following is a list of exhibits staff has received since the May 16, 2005 hearing on the subject application:

Exhibit
Memo from Stacy Connery to Paul Cathcart, Sandi Young, Dave Waffle, Mike Stone dated May 18, 2005
Revised Plan (PDP) dated 5/18/05
Revised Plan (PDP) dated 5/31/05
Draft Active Parks Plan dated May 18, 2005

Staff is also including a copy of the April 12, 2005 minutes of the Parks and Recreation Advisory Board's discussion of the park programming for the final development plan approved by the DRB on March 28, 2005. Copies of the pocket park plan and conceptual landscape master plan presented the Parks and Recreation Advisory Board on April 12th are also attached.

Ordinance No. 586

**Development Review Board Background Information
containing:**

- 3 -A Tax Lot 500 Map**
- 3 -B Sketch for Property Line Adjustment Application**
- 3 -C Legal Description Villebois East Tract 1**
- 3 -D Planning Division Staff Report & Recommendations dated April 18, 2005**
- 3 -E Development Review Board Panel B Recommendation to Council dated April 5, 2005**
- 3 -F Development Review Board Panel B Resolution No. 6, Adopted April 6, 2005**
- 3 -G Planning Division Staff Report dated March 21, 2005 Application DB-2005-02-00013**
- 3 -H Supporting Compliance Report Zone Change Legend at Villebois Section VA**
- 3 -I Planning Division Staff Report Dated March 21, 2005, Amended and Adopted on March 28, 2005 re: DB-2005-02-00011 (Preliminary Development Plan)**

Exhibit No. 3-A
Ordinance 586

TRACT 2
NEW 26.86 ACRES
OLD 7.10 AC

TRACT 1
NEW 33.17 ACRES
OLD 39.34 AC

TRACT 3
NEW 18.50 ACRES
OLD 32.09 AC

TAX Lot 500

Attachment 1

PARKS & RECREATION ADVISORY BOARD MEETING

Minutes of April 12, 2005

Wilsonville Community Center

The Parks and Recreation Department: "Exists to coordinate programs and their supporting services based on common interests and appreciation of diversity through community awareness and involvement. It "Ensures proper planning, use, development and maintenance of parks and facilities for fully accessible community enjoyment."

WILSONVILLE PARKS & RECREATION ADVISORY BOARD

Lisa Martin	Roger DeVille	Ann Maier
Marilyn Lippincott	Robert Meyer	Steven Hurst
Cathie Gleeson	Benny Holt, Council Liaison	

Staff: Peggy Watters	Chris Neamtzu	Floyd Peoples	
Kerry Rappold	Robb Reed	Justin Cutler	Patty
Brescia			

I. Call To Order:

Meeting was called to order at 6:30pm.

A. Roll Call:

Members Present: Lisa Martin, Marilyn Lippincott, Cathie Gleeson, Robert Meyer, Ann Maier, Steven Hurst, Roger DeVille, Councilor Benny Holt

Staff Present: Peggy Watters, Patty Brescia

Guest: Sandi Young, Bill Horning (Western Planning Assoc.), Craig Brown and Stacy of Matrix.

B. Approval of the Minutes: The minutes of the March 8, 2005 meeting were approved as written.

II. Public Input: n/a

III. WERK Day – Patty Brescia reviewed the request that the Parks Board provide volunteer coverage for the registration table at the WERK Day Cleanup Event on May 21, 2005. Board members are asked to be at the registration table by 7:30am.

III. Villebois – SAP E FDP-1 Update: Bill Horning and Craig Brown attended to present features of the SAP E of Villebois.

A. SAP E is comprised of 65 acres, which is now at the Final Development Plan (FDP) stage for consideration of specific components of the parks, including benches, tree and shrubbery, play elements, etc.

B. Background:

Action: The Parks Board made the motion and approved the 'Findings and Recommendation on the Parks and Open Space areas proposed in the Final Development Plan-1, of SAP-East' subject to consideration of the following points:

- ADA design of play structure
- Benches be placed in 'conversational' formats
- Tot Lot to be ADA accessible
- Picnic tables are requested to be wheelchair accessible (although manufacturer may not provide such a design).
- Paul will take this forward to the DRB.

IV. Town Center Park Signage: Board members examined sample signage used by the Portland Water Bureau at their water features. Discussion was held regarding the subtleties of language, asking participants to be responsible. The value of graphics for universal understanding was discussed, considering the increasing number of non-English speaking residents and visitors.

V. Roles of the P&R Board in other capacities: Board members offered to provide liaison connection to the following special interests:

- Lisa – Youth Advisory Council
- Robert and Steve – ACMP
- City Council – Steve
- Heritage Tree Committee – Roger
- Historic features – Marilyn

VI. Reports

A. Staff: Floyd Peoples submitted a staff report outlining the current roster of projects completed in the City Parks.

Justin Cutler submitted a staff report on the Youth Advisory Council officially instated by the Council and the full roster of users at the Community Garden.

B. Council Liaison – Benny Holt reported on the Council honoring of the High School basketball team and the receipt of the Tree City award.

C. Board Members: Robert reported on the activity at the Town Center Park on recent warm afternoon. He included the observation of the value of benches to senior participants.

Steve offered to visit the Rec/Fitness Center in Salt Lake City to ask questions of the typical users and finances (in reference to March presentation on a proposed Wilsonville aquatic center).

VII. Adjournment: The meeting was adjourned at 8:40pm

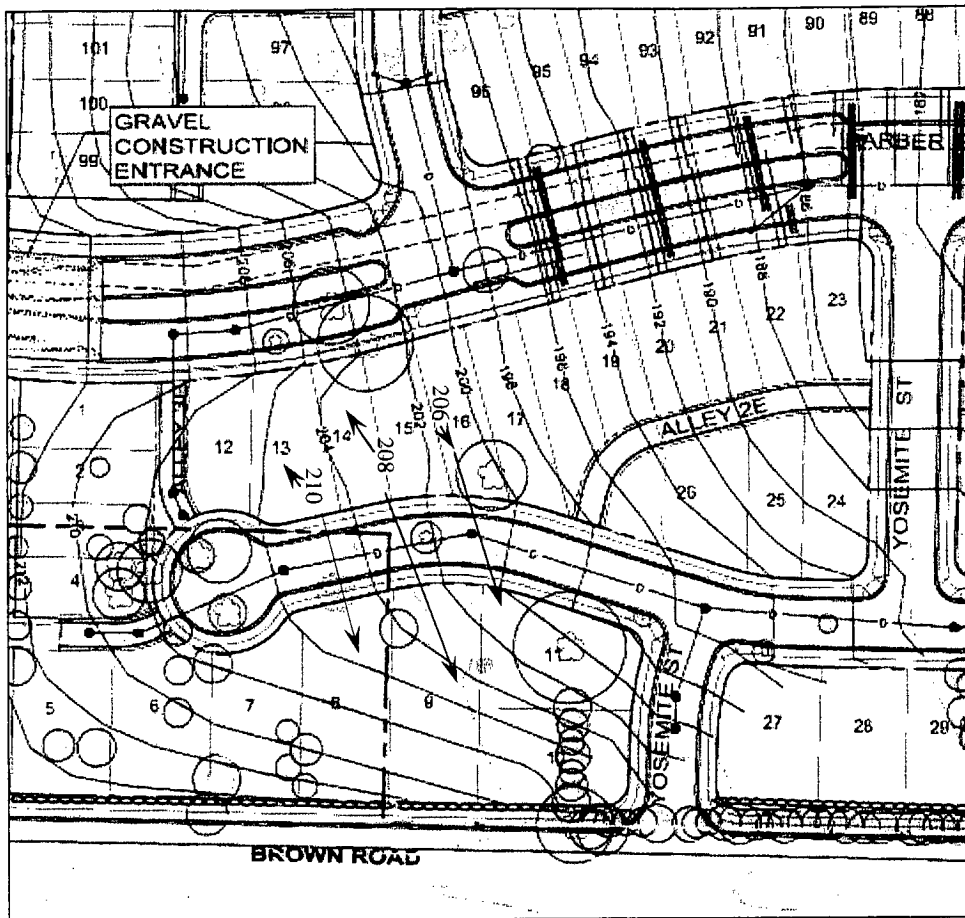
**Next Meeting – May 10, 2005
6:30-8:30pm
Wilsonville Community Center**

1. The first phase of SAP E will include 198 lots. Active recreation opportunities are desired for this area.
 2. The third phase of SAP E includes a large park to the north. Some of the greenway value of SAP E is included in roundabouts. The DRB has agreed in concept to the current plans with some redesign with the applicant. The P&R Board will hear park proposals from the applicant and staff will take the P&R Board recommendations to the DRB.
 3. Sub plans to the Villebois Master Plan include a community elements document, a rainwater plan and design element standards of key components of the plan. These are all to be applied to the PDP.
- C. The DRB head objectives to the Plan including:
1. SAP-1 – added pedestrian connection to the street plans and a ‘knuckle’ rather than a cul-d-sac to continue the flow of traffic which has allowed a pocket park in area ‘H’ and an improved pedestrian zone.
 2. Area ‘G’ provides transitional space and public gathering space.
 3. Area ‘H’ includes a play structure that includes ADA softball and a ramp.
 4. The question was asked if a drinking fountain was designed for the pathway. Responded that a drinking fountain is not in the definition of a neighborhood park.
 5. A ‘temporary park’ is planned for east of Brown Road to accommodate the phase of building before the northern park is developed. This ‘temporary park’ will be floated on buildable lots and removed once the official park is produced. This will be part of the 3 acre total of neighborhood parks. The replacement of the ‘temporary park’ will be equal to or greater than the temporary park. The temporary park will be designed as passive gathering space.
- D. Board member clarifying questions included:
1. Do the park acres per unit meet standards? Response: The Villebois master plan itself exceeds the requirements of the 1994 Parks Plan.
 2. How dense is the housing at the core? SAP E provides a variety of densities that increase toward the north.
 3. What are the lot sizes, are they family size? SAP E accommodates more of the larger lots, proposed to accommodate more families with children.
 4. Do the projected sales reflect these family numbers? Unknown at this time.
- E. Paul Cathcart provided the following detail:
1. Requirements of Parks and Open Space are applied to the overall plan, not each SAP individually. The Code doesn’t require the developer to provide space in the SAP, it is offered by the developer.
 2. The redesign of the cul-d-sac allows a new amenity of a small park, not previously in the design.
 3. The temporary park serves as a public space during this phase of development to accommodate needs of the initial residents. It will be signed ‘temporary’.
- F. The P&R Board was provided a statement by Matrix to accommodate the short deadline to the DRB.

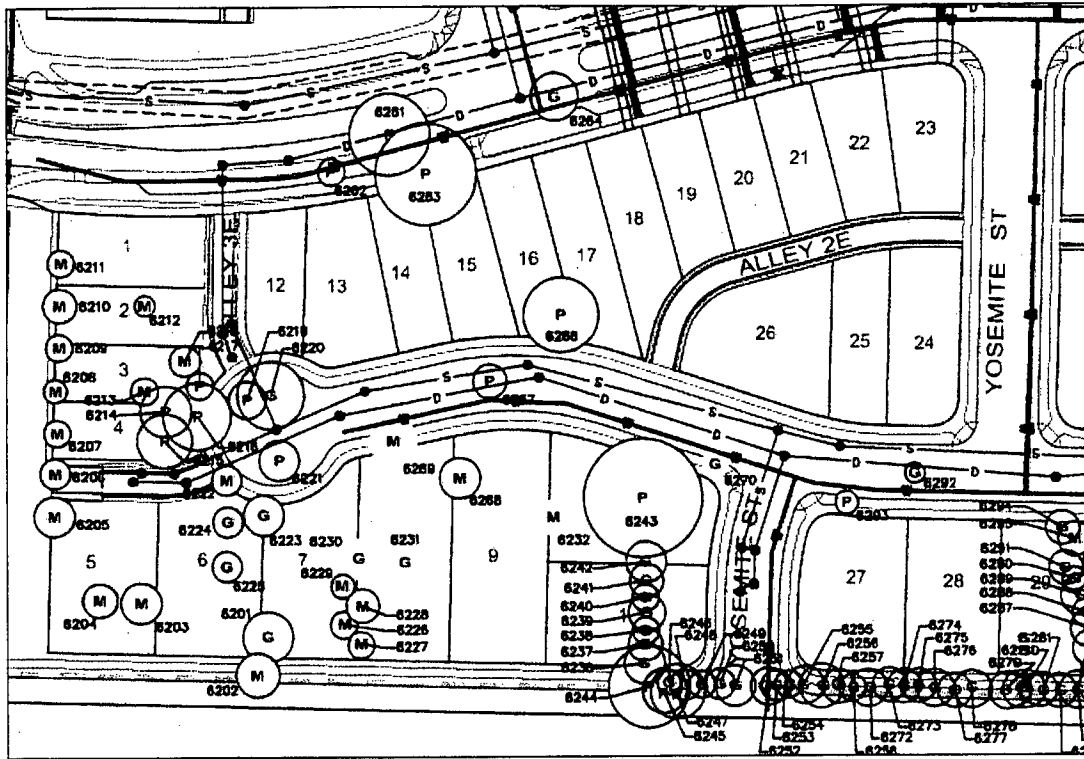
Table 1
Revised PDP 1 – SAP East– Parks and Open Space

OPEN SPACE	SF	Acres	% of PDP Area
<i>Landscape Area</i>			
Tract H	713	0.02	0.05%
Tract K	3,594	0.08	0.25%
Tract O	12,495	0.29	0.86%
Subtotal	16,802	0.39	1.16%
<i>Linear Green</i>			
Tract A	8,393	0.19	0.58%
Tract F	4,109	0.09	0.28%
Tract G	1,484	0.03	0.10%
Tract P	1,426	0.03	0.10%
Tract W	1,904	0.04	0.13%
Tract Y	1,584	0.04	0.11%
Tract Z	4,803	0.11	0.33%
PP-7	7,725	0.18	0.53%
Subtotal	31,428	0.72	2.18%
Total Open Space	48,230	1.11	3.34%
PARKS			
PP-6	18,731	0.43	1.30%
New Pocket Park	18,295	0.42	1.27%
Subtotal	37,026	0.85	2.56%
TOTAL	85,256	1.96	5.90%

“Tracts” are those identified on the original submittal of the subdivision plat. Tract areas in the plat may change with the revised PDP.



From the Grading and Erosion Control Plan – Sheet 6 from original PDP submittal



From the Tree Preservation/Protection Plan – Sheet 17 of the original PDP submittal

LEGEND		
TREES TO BE RETAINED	TREES TO BE REMOVED	TREES LIKELY TO BE REMOVED
(I) IMPORTANT	(I) IMPORTANT	Situational Decision by Consulting Arborist On-Site During Construction
(G) GOOD	(G) GOOD	(I) IMPORTANT
(M) MODERATE	(M) MODERATE	(G) GOOD
(P) POOR	(P) POOR	(M) MODERATE
TREE CANOPY UNSPECIFIED		(P) POOR



MEMORANDUM

DATE: May 18, 2005

TO: Paul Cathcart, City of Wilsonville
Sandi Young, City of Wilsonville
Dave Waffle, City of Wilsonville
Mike Stone, City of Wilsonville

FROM: Stacy Connery, AICP

CC: Craig Brown, Matrix Development
John Junkin, Bulivant, Houser, Bailey, PC
Bill Horning, Western Planning
Jim Lange, Alpha Community Development
Albert Castaneda, Alpha Community Development
Paul Seilo, Alpha Community Development

PROJECT: Phase 1(E), SAP East, Villebois (Alpha Job No. 108-047)

Attached is a draft revised plan for Phase 1(E). The plan has been revised to achieve the following.

- 15' wide pedestrian/bicycle connections are provided in the blocks between Yosemite Street and Barber Street providing direct access from Evergreen Street to Barber Street. This has resulted in the loss of 2 lots.
- A 15' wide pedestrian/bicycle connection is also provided from the triangular park to Barber Street. To avoid loss of a lot in this area, lot lines are adjusted to the west and an equivalent area in the Linear Green to the west of the subject lots is transferred to the afore-mentioned pedestrian/bicycle connection.
- A park is provided along the east side of Serenity Way north of Barber Street and south of "W" Street. The adjacent lots have been reconfigured to front on the park. This results in the loss of 3 lots.

With the provision of this park, the Applicant anticipates that this park area may take the place of some future park areas.

The triangular park has not been relocated. Trees within the subject corner of Phase 1(E) are significantly impacted due to the amount of grading occurring to construct the surrounding streets and utilities at the necessary elevation to service the project. The majority of trees within this area are not in good

condition, and those that are in good condition are not particularly large in size or desirable specimen trees. Moving the park would, in this case, not result in the ability to save desirable trees. The Applicant will evaluate the feasibility of transplanting the more desirable trees to the park area with the project arborist. The design of the triangular park will occur in a fashion that optimizes the usable area within the park as well as buffers the park from the alley and garage doors.

This revised plan results in 191 lots and 1.97 acres of park/open space.

Attachment:

- Draft Revised Plan dated May 18, 2005

CLACKAMAS COUNTY SURVEYOR
RECEIVED: _____
ACCEPTED FOR FILING: _____
SURVEY NUMBER: _____

**RECORD OF SURVEY
FOR A PROPERTY LINE ADJUSTMENT**

LOCATED IN THE NORTHEAST AND SOUTHEAST ONE-QUARTERS OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, AND THE NORTHWEST AND SOUTHWEST ONE-QUARTERS OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

MONUMENT REFERENCE TABLE

- [A] FOUND 3" BRASS DISK IN MONUMENT BOX, DOWN 1.6". S.E. CORNER SAMUEL B. FRANKLIN D.L.C. B.T. BOOK 5, PAGE 79. HELD.
- [B] FOUND 3" BRASS DISK, N.E. CORNER SAMUEL B. FRANKLIN D.L.C. NO. 50. B.T. BOOK 5, PAGE 81. HELD.
- [C] FOUND 5/8" I.R. WITH MUTILATED YELLOW PLASTIC CAP "PARIS UNREADABLE". SET IN (S2). HELD.
- [D] FOUND IRON BOLT, BENT, TIED SPINHOLE. SHOWN ON (S2) AND (S3). HELD.
- [E] FOUND 3/4" IRON PIPE, BENT, TIED SPINHOLE. SHOWN ON (S1), (S2), AND (S3). HELD.
- [F] FOUND 3/4" IRON PIPE UP 0.90'. SHOWN ON (S1), (S2), AND (S3). HELD.
- [G] FOUND 3/4" IRON PIPE UP 0.80'. HELD FOR POINT ON NORTH LINE (D1) SHOWN ON (S1) AND (S3).
- [H] FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "PARIS & ASSOC. PLS 20828" UP 0.40". SET IN (S1). HELD.
- [I] FOUND 5/8" IRON ROD, NO CAP. HELD E-W. NORTH 01' 35" 01" EAST, 0.08". SET IN (P1).
- [J] FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP. UNREADABLE. SET IN (S1). HELD.
- [K] FOUND 5/8" IRON ROD, NO CAP. HELD E-W FOR CENTERLINE OF S.W. BROWN ROAD TO THE SOUTH, NORTH 0.13". SHOWN AS N. 0.11" IN (S1).
- [L] FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "PARIS & ASSOC. PLS 20828". HELD E-W. SOUTH 01' 35" 01" WEST, 0.08". SET IN (S1).
- [M] FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "PARIS & ASSOC. PLS 2264". SET IN (S1). HELD.
- [O] FOUND 4" ALUMINUM DISK IN MONUMENT BOX DOWN 1.1". HELD.
- [P] FOUND 1/2" IRON PIPE, N.E. CORNER OF SECTION 15, T. 3 S., R. 1 W., W.L. PER LP-084, B.T. BOOK 5, PAGE 278. HELD.

DEED REFERENCES

- (D1) 93-89118
- (D2) 97-096933
- (D3) 95-008898
- (D4) 95-070770
- (D5) 98-002821

SURVEY REFERENCES

- (P1) "SERENE ACRES" PLAT NO. 1869 (S3) PS 11402
- (S1) PS 22977 (S4) LP 084
- (P2) "PARKWOOD ESTATES" PLAT NO. 2425 DTM 499
- (S2) PS 21365 (P5) "JACI PARK" PLAT NO. 2886
- (P3) "JACI PARK NO. 2" PLAT NO. 2907 (P8) "MONTEBELLO" PLAT NO. 2111
- "SERENE ACRES NO. 2" PLAT NO. 1865
- PARTITION PLAT NO. 2003-090

LEGEND

- FOUND 5/8" IRON ROD NO CAP UNLESS OTHERWISE NOTED IN MONUMENT REFERENCE TABLE OR ON FACE OF SURVEY
 - FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "PARIS & ASSOC. PLS 2264" UNLESS OTHERWISE NOTED.
 - FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "PARIS & ASSOC. PLS 20828" SET IN (S1).
 - SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG. INC."
- E-W EAST-WEST
N-S NORTH-SOUTH
D.L.C. DONATION LAND CLAIM
CH/MS CHAINS
ME/S MEASURED
REC RECORD
[2] MONUMENT REFERENCE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

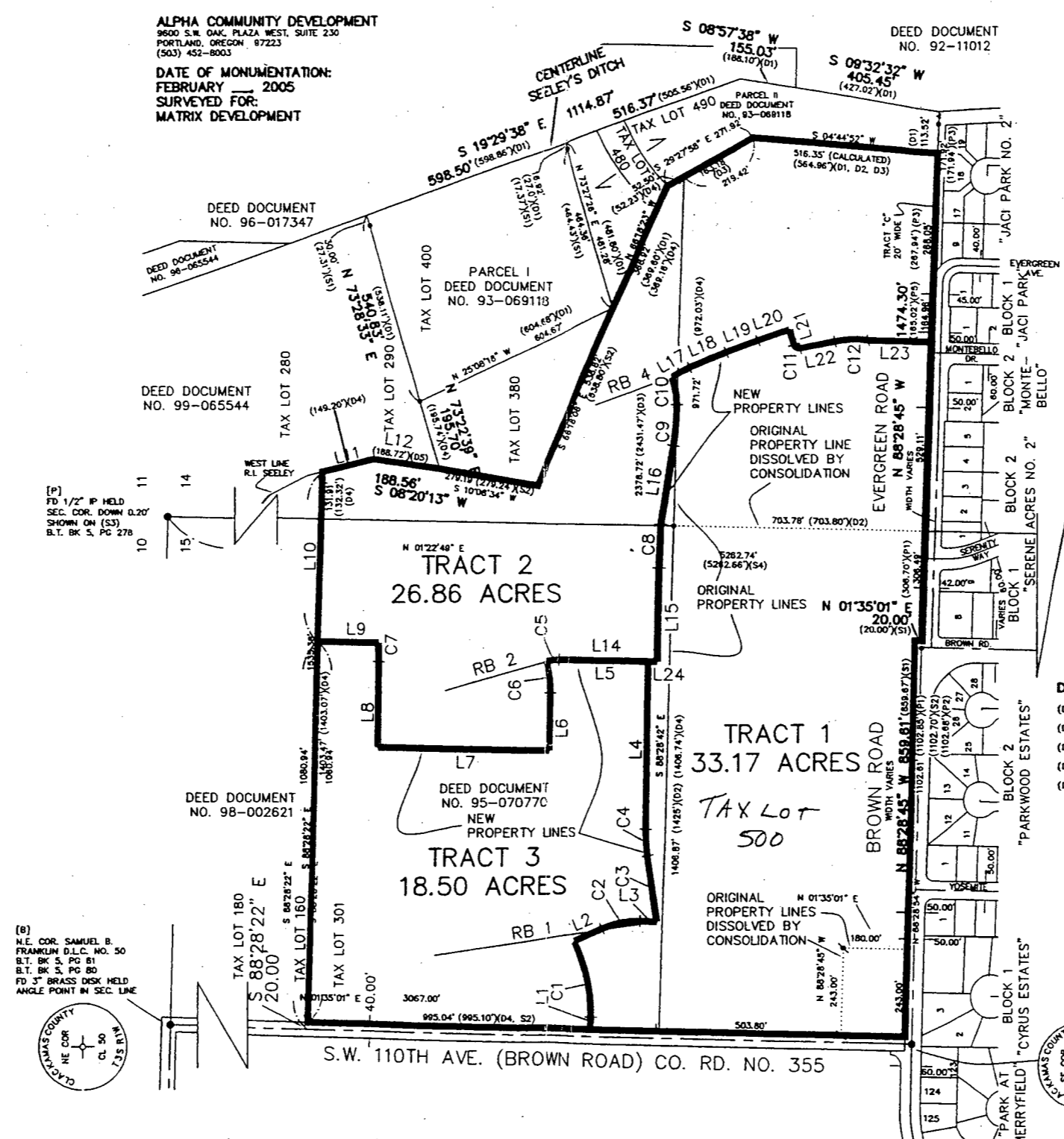
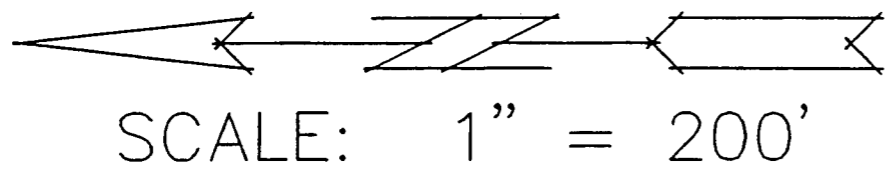
OREGON
JULY 23, 1980
MICHAEL R. GATES
2-4-89

VALID UNTIL 6-30-05

SHEET 1 OF 1

- | | | |
|---|---|--|
| C1
Δ=28'42"12"
R=435.50'
L=218.17'
CH=N 77'13"56" E,
215.90' | C2
Δ=25'52"18"
R=237.65'
L=107.31'
CH=S10'53"34"E,
106.40' | C3
Δ=1'02"02"
R=10289.93'
L=185.70'
CH=N 81'20"40" E,
185.70' |
| C4
Δ=10'12"48"
R=416.00'
L=74.15'
CH=N85'56"03"E,
74.06' | C5
Δ=15'53"18"
R=132.50'
L=36.74'
CH=N06'29"04"W,
36.63' | C6
Δ=17'10"17"
R=297.50'
L=89.16'
CH=S82'52"26"W,
88.83' |
| C7
Δ=4'46"42"
R=630.00'
L=52.54'
CH=N88'33"13"E,
52.53' | C8
Δ=2'26"58"
R=2829.04'
L=120.94'
CH=N87'44"04"W,
120.93' | C9
Δ=8'29"06"
R=769.45'
L=113.95'
CH=N85'32"16"W,
113.84' |
| C10
Δ=20'12"36"
R=223.06'
L=78.68'
CH=S80'06"52"W,
78.27' | C11
Δ=84'11"29"
R=15.50'
L=22.78'
CH=N30'47"58"E,
20.78' | C12
Δ=19'03"48"
R=281.81'
L=93.76'
CH=N01'45"53"W,
93.33' |
| L1 N 88'24'59" W 34.26' | RB 1 N 08'08'19" W | |
| L2 S 23'49'42" E 86.35' | RB 2 N 15'42'42" W | |
| L3 S 02'02'35" W 49.23' | RB 3 N 27'07'10" W | |
| L4 S 88'57'33" E 467.09' | RB 4 N 19'59'26" W | |
| L5 N 01'27'35" E 252.08' | | |
| L6 N 88'32'25" W 161.61' | | |
| L7 N 01'27'35" E 484.89' | | |
| L8 S 89'03'26" E 238.44' | | |
| L9 N 01'27'35" E 171.28' | | |
| L10 S 88'28'22" E 474.44' | | |
| L11 S 13'31'12" E 149.09' | | |
| L12 S 08'20'13" W 188.56' | | |
| L13 N 73'22'39" E 195.70' | | |
| L14 N 01'27'35" E 277.08' | | |
| L15 S 88'57'33" E 262.51' | | |
| L16 N 81'17'44" W 222.81' | | |
| L17 N 29'40'37" W 54.79' | | |
| L18 N 22'18'52" W 110.14' | | |
| L19 N 20'07'33" W 95.17' | | |
| L20 N 19'03'00" W 92.00' | | |
| L21 N 72'53'42" E 43.91' | | |
| L22 N 11'17'47" W 97.90' | | |
| L23 N 01'31'47" E 177.03' | | |
| L24 S 01'27'35" W 25.00' | | |

(B)
N.E. COR. SAMUEL B.
FRANKLIN D.L.C. NO. 50
B.T. BK 5, PG 81
B.T. BK 5, PG 80
FD 3" BRASS DISK HELD
ANGLE POINT IN SEC. LINE



**SKETCH FOR PROPERTY LINE
ADJUSTMENT APPLICATION**

Attachment 2

FEBRUARY 17, 2005
LEGAL DESCRIPTION
VILLEBOIS EAST -TRACT 1

JOB NO. 108-045

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 14 AND IN THE NORTHEAST AND SOUTHEAST ONE-QUARTERS OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLIMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAMUEL B. FRANKLIN DONATION LAND CLAIM NO. 50; THENCE ALONG THE EAST LINE OF SAID DONATION LAND CLAIM, ALSO BEING THE CENTERLINE OF S.W. 110TH AVENUE (COUNTY ROAD NO. 355), NORTH 01° 35' 01" EAST, 896.64 FEET; THENCE LEAVING SAID LINE, SOUTH 88° 24' 59" EAST, 20.00 FEET, TO THE POINT OF BEGINNING; THENCE SOUTH 88° 24' 59" EAST, 34.26 FEET; THENCE ALONG THE ARC OF A 435.50 FOOT RADIUS CURVE TO THE LEFT, BEING CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 28° 42' 12", 218.17 FEET (CHORD BEARS NORTH 77° 13' 56" EAST, 215.90 FEET); THENCE SOUTH 23° 49' 42" EAST, 86.35 FEET; THENCE ALONG THE ARC OF A 237.65 FOOT RADIUS CURVE TO THE RIGHT, BEING CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 25° 52' 18", 107.31 FEET (CHORD BEARS SOUTH 10° 53' 34" EAST, 106.40 FEET); THENCE SOUTH 02° 02' 35" WEST, 49.23 FEET; THENCE ALONG THE ARC OF A NON-TANGENT 10,289.93 FOOT RADIUS CURVE, BEING CONCAVE NORTHWESTERLY, THE RADIUS POINT OF WHICH BEARS NORTH 08° 08' 19" WEST, THROUGH A CENTRAL ANGLE OF 01° 02' 02", 185.70 FEET (CHORD BEARS NORTH 81° 20' 40" EAST, 185.70 FEET), TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 416.00 FOOT RADIUS CURVE TO THE RIGHT, BEING CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 10° 12' 48", 74.15 FEET (CHORD BEARS NORTH 85° 56' 03" EAST, 74.06 FEET); THENCE SOUTH 88° 57' 33" EAST, 467.09 FEET; THENCE SOUTH 01° 27' 35" WEST, 25.00 FEET; THENCE SOUTH 88° 57' 33" EAST, 262.51 FEET; THENCE ALONG THE ARC OF A 2,829.04 FOOT RADIUS CURVE TO THE RIGHT, BEING CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 02° 26' 58", 120.94 FEET (CHORD BEARS SOUTH 87° 44' 04" EAST, 120.93 FEET); THENCE SOUTH 81° 17' 44" EAST, 222.81 FEET; THENCE ALONG THE ARC OF A 769.45 FOOT RADIUS CURVE TO THE LEFT, BEING CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 8° 29' 06", 113.95 FEET (CHORD BEARS SOUTH 85° 32' 16" EAST, 113.84 FEET), TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A 223.06 FOOT RADIUS CURVE TO THE LEFT, BEING CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 20° 12' 36", 78.68 FEET (CHORD BEARS NORTH 80° 06' 52" EAST, 78.27 FEET); THENCE SOUTH 29° 40' 37" EAST, 54.79 FEET; THENCE SOUTH 22° 18' 52" EAST, 110.14 FEET; THENCE SOUTH 20° 07' 33" EAST, 95.17 FEET; THENCE SOUTH 19° 03' 00" EAST, 92.00 FEET; THENCE SOUTH 72° 53' 42" WEST, 43.91 FEET; THENCE ALONG THE ARC OF A 15.50 FOOT RADIUS CURVE TO THE LEFT, BEING

CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 84° 11' 29", 22.78 FEET (CHORD BEARS SOUTH 30° 47' 58" WEST, 20.78 FEET); THENCE SOUTH 11° 17' 47" EAST, 97.90 FEET; THENCE ALONG THE ARC OF A 281.81 FOOT RADIUS CURVE TO THE RIGHT, BEING CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 19° 03' 48", 93.76 FEET (CHORD BEARS SOUTH 01° 45' 53" EAST, 93.33 FEET); THENCE SOUTH 01° 31' 47" WEST, 177.03 FEET; THENCE NORTH 88° 28' 45" WEST, 835.32 FEET, TO THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF EVERGREEN ROAD AND THE EAST RIGHT-OF-WAY LINE OF BROWN ROAD; THENCE ALONG SAID EAST LINE, NORTH 01° 35' 01" EAST, 20.00 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF BROWN ROAD; THENCE ALONG SAID NORTH LINE, BEING PARALLEL WITH AND 20.00 FEET NORTHERLY OF THE CENTERLINE THEREOF, RIGHT-ANGLE MEASURE, NORTH 88° 28' 45" WEST, 1102.61 FEET; THENCE LEAVING SAID NORTH LINE, ALONG THE EAST RIGHT-OF-WAY LINE OF S.W. 110TH AVENUE, BEING PARALLEL WITH AND 20.00 FEET EASTERLY OF THE CENTERLINE THEREOF, RIGHT-ANGLE MEASURE, NORTH 01° 35' 01" EAST, 876.61 FEET, TO THE POINT OF BEGINNING.

CONTAINING 33.17 ACRES, MORE OR LESS.

BASIS OF BEARING PER SURVEY NO. 2004-318, CLACKAMAS COUNTY SURVEY RECORDS.

PLANNING DIVISION
STAFF REPORT & RECOMMENDATION

Exhibit No. 3-D
Ordinance 586

DATE: April 18, 2005

TO: Honorable Mayor and City Councilors

FROM: Blaise Edmonds, Manager of Current Planning

SUBJECT: The Legend at Villebois. Rezone approximately 33.17 acres from the current Clackamas County *Exclusive Farm Use (EFU)* zone to *Village (V)* zone for residential development of the first phase (Tract 1) of Specific Area Plan-East of Villebois Village and to amend the Wilsonville Zone Map accordingly.

SUMMARY:

On March 28, 2005, Panel B of the Development Review Board recommended approval to the City Council of the proposed Zone Map Amendment (File No. DB-2005-02-00013). The Board also approved case files:

- Preliminary Development Plan for Phase 1 - 198 residential lots (File No. DB-2005-02-00011).
- Specific Area Plan – East Amendment (File No. DB-2005-02-00009)
- Tentative Plat for a subdivision (File No. DB-2005-02-00012)
- Tree Removal Plan (File No. DB-2005-02-00016)
- Final Development Plan for Phase 1 (File No. DB-2005-02-00023), and
- Temporary Use Permit for model homes and a sales office (File No. DB-2005-02-00018).

Those approvals are contingent upon City Council approval of the proposed Zone Map Amendment.

The Development Review Board voted 4-0 to recommend approval of the proposed Zone Map Amendment. The findings and conclusions in Exhibit 'B' (*original staff report with proposed findings and conditions of approval*) support the Development Review Board decision for approval.

The Development Review Board adopted staff recommendations and findings included as Exhibit B of proposed Ordinance No. ____, imposing three conditions:

1. Submit to the City a demonstration of recording of the Lot Line Adjustment with Clackamas County.

EXHIBIT A

2. Recommendation for approval of a Zone Change and Zone Map Amendment is limited to the 33.17 acres of Tax Lot 500 (Tract 1) as recorded with Clackamas County.
3. The Applicant/Owner shall provide to the City Council Recorder at City Hall fifteen (15) copies of the metes and bounds description describing the subject premises being rezoned and 15-copies of the zone change submittal documents and maps.

RECOMMENDATION

After conducting a duly advertised public hearing, that the City Council act favorably on the Development Review Board recommendation of March 28, 2005 to approve the request. Appropriate Council action would be adoption of proposed Ordinance No. ____.

DISCUSSION/BACKGROUND

The Applicant, The Legend at Villebois, LLC, proposes the development of a 198-lot residential subdivision, along with associated site improvements, for the property located in the southeastern portion of Villebois Village, east of SW 110th Ave. and north of Parkwood Estates (SW Brown Rd.), Serene Estates (Evergreen Rd.), south of the Urban Growth Boundary (Boeckman-Tooze Extension), and generally west of Seely Ditch. The entire site is located within the Wilsonville City Limits.

The following requests apply to the subject property, as defined in the applicant's submittal documents:

- No areas in the proposed project are designated Significant Resource Overlay Zone (SROZ).
- The proposal meets the Planning and Land Development Ordinance and with the goals, policies, and implementation measures of the City of Wilsonville Comprehensive Plan and with the Villebois Village Master Plan.
- Primary facilities, i.e., roadways, water and sanitary sewer, are or shortly will be available and are of adequate size to serve the subject property. Thus, adequate facilities can be provided.
- The public interest is best served by granting the Zone Map Amendment at this time since there is a high demand single-family housing.

See the Planning Division Staff Report, Exhibit B, of proposed Ordinance No. ____ for additional detail and findings of fact.

The decision of the March 28th Development Review Board meeting:

Approval of Concurrent Applications. The Development Review Board's action on this Zone Change and Zone Map Amendment request is a recommendation to City Council. Approvals by the Board of File Nos. DB-2005-02-0011 (PDP for Phase 1), DB-2005-02-00016 (Tree Removal Plan), and File No. DB-2005-02-00012 (Tentative Plat), DB-2005-002-00020 (Final Development Plan for Phase I), and DB-2005-02-00018 (Temporary Use Permit) are contingent upon City Council approval of the requested Zone Change and Zone Map Amendment. Residential development cannot occur until "Village" zoning is in place.

General background documents for the above approvals are included in the City Council packet.



30000 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax
(503) 682-0843 TDD

April 5, 2005

Exhibit No. 3-E
Ordinance 586

DEVELOPMENT REVIEW BOARD PANEL B

RECOMMENDATION TO CITY COUNCIL

Project Name: The Legend at Villebois

Case File No.: C. DB-2005-02-00013: Zone map amendment to rezone 33.17 acres from *Exclusive Farm Use* to *Residential-Village* for Preliminary Development Plan (PDP) 1 of Specific Area Plan (SAP) East

Applicant: Alpha Community Development

Owner: The Legend at Villebois, LLC

Property Description: Tax Lot 500, Section 15, T3S-R1W, Clackamas, County, Wilsonville, Oregon

Location: Southeast portion of Villebois Village, Wilsonville, Oregon, 97070

On March 28, 2005, at the meeting of the Development Review Board the following action was granted on the above-referenced proposed development application:

The DRB has forwarded a recommendation of approval to the City Council.

A City Council meeting is scheduled for April 18, 2005 to hear this item.

The Development Review Board's adopted recommendation is attached.

Exhibit B

DEVELOPMENT REVIEW BOARD PANEL B
RESOLUTION NO. 6

A RESOLUTION ADOPTING FINDINGS APPROVING:

- A. **Case File #DB-2005-02-00009:** Approval of an amendment to Specific Area Plan (SAP)-East. The proposed amendment would consolidate the previously approved six (6) phases of the SAP into five (5).
- B. **Case File #DB-2005-02-00011:** Approval of Preliminary Development Plan (PDP) for the revised Phase I of SAP-East consisting of 198 lots for residential use, park and open space areas.

The Development Review Board's action on Case Files DB-2005-02-00011 will be contingent upon City Council's action on DB-2005-02-00013.

- C. **Case File #DB-2005-02-00013:** Review of a Zone Map Amendment to zone the subject properties 'Village (V)'. Current zoning designation is 'Exclusive Farm Use (EFU)' under Clackamas County zoning regulations. The proposed properties have a City Comprehensive Plan Map designation of 'Residential - Village'. Proposed uses are those permitted under W.C.4.125.

The Development Review Board's action on Case File #DB-2005-02-00013 will be a recommendation to the City Council for final action. A City Council hearing date is scheduled for April 18, 2005 to hear this item.

- D. **Case File #DB-2005-02-00012:** Review Preliminary Subdivision Plat for 198 lots for Phase I of SAP-East.
- E. **Case File #DB-2005-02-00016:** Type C Tree Removal Permit for Phase I of SAP-East.
- F. **Case File #DB-2005-02-00018:** One-Year Temporary Use Permit to use six (6) model homes as sales offices within Phase I of SAP East.
- G. **Case File #DB-2005-02-00023:** Approval of Final Development Plan (FDP) for improvements relative to the Community Elements Book for the revised Phase I of SAP-East.

THE PROPERTY IS LOCATED ON NEW TAX LOT 500, SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON. APPLICANT ALPHA COMMUNITY DEVELOPMENT FOR THE LEGEND AT VILLEBOIS, LLC., OWNER.

RESOLUTION NO. 6

The Legend at Villebois

Page 1 of 2

N:\planning\05db\SAPEast\PDPI\Resolution#6.doc

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 reports on the above-captioned subject dated March ____, 2005, and

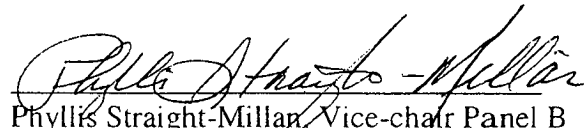
WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on March 28, 2005, at which time exhibits, together with findings and public testimony were entered into the public record, and

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 applications.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A contained therein, as read into the record, and approves requests A, B, C, D, E, F and G with said recommendations.

ADOPTED by Panel B of the Development Review Board of the City of Wilsonville at a regular meeting thereof this 28th day of March 2005, and filed with the Planning Administrative Assistant on 4-6-05. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision unless appealed or called up for review by the council in accordance with WC Sec 4.022(.09).


Phyllis Straight-Millar, Vice-chair Panel B
Wilsonville Development Review Board

Attest:



Sally Hartill, Planning Admin Assistant II

RESOLUTION NO. 6

The Legend at Villebois

Page 2 of 2

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Exhibit No. 3-G Ordinance 586
--

WILSONVILLE PLANNING DIVISION
Wilsonville Development Review Board
STAFF REPORT

Recommendation to City Council

HEARING DATE: March 28, 2005

DATE OF REPORT: March 21, 2005

APPLICATION NO.: DB-2005-02-00013

APPLICANT: The Legend at Villebois, LLC

PROPERTY OWNER: The Legend at Villebois, LLC

REQUEST: Recommendation of approval to the City Council to change zoning on the subject property from the current Clackamas County EFU (Exclusive Farm Use Zone) to the V (Village Zone) and to amend the Wilsonville Zone Map accordingly.

LOCATION: Approximately 33.17 acres (see Issues #1 and #2 below) located in the southeastern portion of Villebois Village, east of SW 110th Ave. and north of Parkwood Estates (SW Brown Rd.), Serene Estates (Evergreen Rd.), south of the Urban Growth Boundary (Boeckman-Tooze Extension), and generally west of Seely Ditch. The entire site is located within the Wilsonville City Limits.

LEGAL DESCRIPTION: New Tax Lot 500 of Section 15,T3S, R1W, Willamette Meridian, Clackamas County, Wilsonville, Oregon. Tax Lot 500 has been the recent subject of a lot line adjustment (File No. AR-2005-02-00020), which has been conditionally approved by the Planning Department, but which has not yet been recorded with the County (see Issue #1 below). The Staff Report has assumed the new Tax Lot 500 in reviewing the applicable criteria.

LAND USE DESIGNATION: Wilsonville Comprehensive Plan Map Designation "Residential Village" (R-V)

ZONING DESIGNATION: Clackamas County, EFU (Exclusive Farm Use)

VICINITY MAP: Exhibit B (Section VB, Zone Change Map), duplicated here as Attachment I

STAFF REVIEWERS: Barbara Coles, Paul Cathcart

CRITERIA:

City of Wilsonville Comprehensive Plan
 Compact Urban Development
 Implementation Measures 4.1.6A, C, D

City of Wilsonville Land Development Ordinance
 Section 4.029 - Zoning Consistent with the Comprehensive Plan
 Section 4.110 – Zoning – Zones
 Section 4.125 – Village (V) Zone
 (.02) Permitted Uses
 (.18) Village Zone Development Permit Process
 Section 4.197 – Zone Changes and Amendments - Procedures

BACKGROUND:

The Development Review Board is being asked to review concurrent applications proposing development of Phase 1 of SAP-East comprising 198 residential lots on 133.17 acres of which 0.85 acres is proposed for parks and open space. The applicant is submitting requests for:

- Specific Area Plan – East Amendment (File No. DB-2005-02-00009)
- Preliminary Development Plan for Phase 1 of SAP-East (File No. DB-2005-02-00011). Submitted concurrently with the PDP per Section 4.125 of the Ordinance are the following:
 - Zone change to (V) zone/Zone Map Amendment (File No. DB-2005-02-00013)
 - Tentative Plat for a subdivision (File No. DB-2005-02-00012)
 - Tree Removal Plan (File No. DB-2005-02-00016)
- Final Development Plan for Phase 1 (File No. DB-2005-02-00023), and
- Temporary Use Permit for model homes and a sales office (File No. DB-2005-02-00018).

The application that is the subject of this Staff Report is a request for Zone Change and Zone Map Amendment. Supporting documentation is located in Section V of Exhibit B (Legend at Villebois application submittal notebook, dated 2/11/05, containing supporting information for all the applications listed above).

ISSUES:

1. Lot Line Adjustment. The Planning Division has recently approved a request for approval of a Lot Line Adjustment (AR-2005-02-00020) to adjust the common boundary lines between a series of tax lots in SAP-East. The adjustment to Tax Lots 500 (consolidated with 501 and 502 and identified as Tract 1), 390 (Tract 2), and 300 (Tract 3) will adjust the boundaries so they are coincidental to the boundary of the PDP and SAP-East. The new Tax Lot 500 is the subject property of the proposed PDP-1 (or Phase 1 of Legend at Villebois). As of the date of this report, that adjustment has not been recorded with the County. A recommendation for approval of a Zone Change and Zone Map Amendment will require the prior recording of the Lot Line Adjustment and demonstration of compliance with the associated Conditions of Approval of AR-2005-02-00020.
2. Acreage of Subject Property. If the Lot Line Adjustment is to result in boundaries that are “coincidental to the PDP”, total acreage for the proposed PDP and Tentative Plat should be equal to the recorded Lot Line Adjustment. In the application for Property Line Adjustment (AR-255-02-00020) the survey indicates that Tract 1 (Tax Lot 500) contains 33.17 acres “more or less”. The proposed PDP for Phase 1, however, is for 33.57 acres. The Applicant’s submittal for a Tentative Plat (Section IVA, p. 10, 2nd response) references the size identified in the Narrative,

i.e., 33.57 acres. The request for Lot Line Adjustment was made subsequent to the other applications. The survey required for that request is to be considered more accurate. As a result, all references to a Tax Lot 500 of 33.57 acres should be amended to read "33.17 acres". Recommendation for approval of a Zone Change and Zone Map Amendment is limited to 33.17 acres as recorded with Clackamas County.

3. Approval of Concurrent Applications. The Development Review Board's action on this Zone Change and Zone Map Amendment request will be a recommendation to City Council. Approvals by the Board of File Nos. DB-2005-02-0011 (PDP for Phase I), DB-2005-02-00016 (Tree Removal Plan), and File No. DB-2005-02-00012 (Tentative Plat), DB-2005-02-00020 (Final Development Plan for Phase I), and DB-2005-02-00018 (Temporary Use Permit) are contingent upon City Council approval of the requested Zone Change and Zone Map Amendment. Residential development cannot occur until "Village" zoning is in place. **City Council's final decision, however, is predicated on receiving a recommendation from the Board and a determination that the Preliminary Development Plan for Legend at Villebois - Phase I can be adopted as conditioned through the hearing process.**

ANALYSIS AND FINDINGS OF FACT:

See Attachment 2

CONCLUSIONS AND RECOMMENDATIONS:

Based on the Findings of Fact A1 - A3 and B1- B12 and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board recommend to the City Council approval of the application (DB-2005-02-00013) for Zone Change and that the City of Wilsonville Official Zoning Map subsequently be revised per Attachment 1, proposed Zone Map change.

Conditions of Approval

Staff recommends the following conditions of approval:

1. Submit to the City a demonstration of recording of the Lot Line Adjustment with Clackamas County.
2. Recommendation for approval of a Zone Change and Zone Map Amendment is limited to the 33.17 acres of Tax Lot 500 as recorded with Clackamas County.
3. The Applicant/Owner shall provide to the City Council Recorder at City Hall fifteen (15) copies of the metes and bounds description describing the subject premises being rezoned and 15-copies of the zone change submittal documents and maps.

Staff further recommends that Conditions of Approval be placed on concurrent File Nos. DB-2005-02-00011, DB-2005-02-00012, DB-2005-02-00023, DB-2005-02-00016, and DB-2005-02-00018 indicating that the Board's actions on these applications are contingent upon City Council's action on the Zone Change and Zone Map Amendment request.

City Council's final decision, however, is predicated on receiving a recommendation from the Board and a determination that the Preliminary Development Plan for Legend at Villebois - Phase I can be adopted as conditioned through the hearing process.

RESPONSES RECEIVED: No responses have been received at this time.

ATTACHMENTS AND EXHIBITS:

Attachment 1: Proposed Amendment to the City of Wilsonville's Zoning Map

Attachment 2: Analysis and Findings of Fact for File No. DB-2005-02-00013

Exhibit A: This Staff Report for File No. DB-2005-02-00013

Attachments 1 and 2

Exhibit B: Legend at Villebois application submittal notebook, dated 2/11/05, containing supporting information for all concurrent applications

ATTACHMENT 2

ANALYSIS AND FINDINGS OF FACT

ZONE CHANGE

A. CITY OF WILSONVILLE COMPREHENSIVE PLAN

Compact Urban Development – Implementation Measures

Implementation Measure 4.1.6. A *Development in the "Residential – Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable.*

FINDING A-1: This application is being submitted and reviewed concurrently with a Preliminary Development Plan for a portion of SAP-East (approved by File No. 04DB22 and as may be amended by DB-2005-02-00009). **A final Finding of compliance with this Implementation Measure will be determined by the evaluation of relevant regulatory compliance, and subsequent conclusions and actions of the Development Review Board on the Preliminary Development Plan.**

Implementation measure 4.1.6.C: *The "Village" Zone District shall be applied in all areas that carry the Residential – Village Plan Map Designation.*

FINDING A-2: This application proposes a zone change to "Village" for the subject property area, which carries the Residential-Village Plan Map Designation. **Staff finds that the application is in conformance with this Implementation Measure.**

Implementation Measure 4.1.6.D: *The "Village" Zone District shall allow a wide range of uses that benefit 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 A-3: The subject property requested for this zone change approval is not in the central core area. The plan for this property includes residential uses (198 lots) and parks and open space areas on approximately 33.17 acres (see Issue #2 above) within the eastern portion of Villebois, east of SW110th Avenue. Table A on page 4 of the Introductory Narrative (Exhibit B, Section IA) lists the proposed range of residential units (five types) which are interspersed to provide a diverse mix of housing that increases in density from the southern edge of the PDP toward the Village Center, northwest of the subject property. The proposed residential land use and housing types in this area are generally consistent with those portrayed in the *Villebois Village Master Plan* and the approved SAP – East. **Staff finds that the application is in conformance with this Implementation Measure.**

B. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

Section 4.029 Zoning Consistent with the Comprehensive Plan: *If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the comprehensive plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.*

FINDING B-1: This zone change application is being requested concurrently with a PDP application and Tentative Plat for the subject site, in conformance with the code. The PDP application material is located in Section III of Exhibit B and the Tentative Plat application material in Section IV. **Staff finds that the application will comply with this section of the Development Code upon demonstration of compliance with the Preliminary Development Plan.**

Section 4.110 Zoning – Zones

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

(H) *Village, which shall be designated "V" (added by ORD 557, adopted 9/5/03)*

FINDING B-2: The subject property is within the city limits of Wilsonville, however it is currently zoned by Clackamas County "EFU" (Exclusive Farm Use) and has a City of Wilsonville Comprehensive Plan designation of "Residential – Village". This request is for a zone change to "V" (Village) which is permitted within the area designated "Residential – Village" on the Comprehensive Plan Map. **Staff finds that planned residential development may only occur under "V" zoning (Section 4.125 (.01) WC) and is, therefore, the appropriate zoning for the subject property to implement the *Villebois Village Master Plan*.**

Section 4.125 Village (V) Zone

(.01) *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 designation as described in the Comprehensive Plan.

FINDING B-3: The subject property lies within the area designated “Residential – Village” on the Comprehensive Plan Map. This request is for a zone change to “Village”. **Staff finds that this zone is applicable to the subject property.**

(.02) *Permitted Uses*

FINDING B-4: The proposed uses listed in the associated application for a Preliminary Development Plan (See Section III of Exhibit B) are consistent with the land uses permitted under the “Village” zone. The PDP, located in Section III of Exhibit B indicates that development will create lots intended for the use of a variety of single-family detached and attached dwellings, as well as park and open space. **Staff finds that these uses are permitted under the “Village” zone (Section 4.125(.02)(A, C, H)) and that zone is appropriate for the proposed uses.**

(.18) *Village Zone Development Permit Process*

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

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

FINDING B-5: The application for a zone change is being made concurrently with an application (File No. DB-2005-02-00011) for approval of PDP-1 (see Section III of Exhibit B). **Staff finds that the application complies with this section of the Development Code.**

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

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

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

FINDING B-6: This application has been submitted in accordance with the procedures set forth in Section 4.140, which require that:

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

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

Staff finds that with the approval of the application, the appropriate zoning will be established for the proposed development. This application is being submitted and reviewed concurrently with a Preliminary Development Plan, a Final Development Plan, and a Tentative Plat for a portion of SAP – East. **Since**

no planned residential development may occur without a re-zoning, if this request receives a recommendation for approval from the Development Review Board, the recommendation should reflect a requirement that concurrent applications (File Nos. DB-2005-02-00011, DB-2005-02-00012, DB-2005-02-00016, DB-2005-02-00018, and DB-2005-02-00023) shall be subject to City Council action on File No. DB-2005-02-00013.

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

FINDING B-7:

Comprehensive Plan Implementation Measure 4.1.6.c. states, “the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.” **Staff finds that since the “Village” zone must be applied to areas designated Residential-Village on the Comprehensive Plan map, its application to these areas is consistent with the Comprehensive Plan. Staff also finds that the application will fully comply with this section of the Development Code upon demonstration of compliance with the Preliminary Development Plan, as may be conditioned.**

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

FINDING B-8:

Staff finds that since the subject property is designated “Residential-Village”, not “Residential”, on the City’s Comprehensive Plan Map, this subsection does not apply to the subject application. It should be noted, however, that the Villebois Village Concept Plan, Master Plan, and approved Specific Area Plans have advanced the cited implementation measures which encourage a variety of housing types and compliance with State and regional housing standards (4.1.4.b, d, e). (Subsections 4.1.4.q and x refer to mobile homes, which are not proposed for Villebois.)

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

FINDING B-9:

This application is being submitted and reviewed concurrently with a Preliminary Development Plan (File No. DB-2005-02-00011) for a portion of SAP – East. Full compliance with this section of the Development Code will be determined by the evaluation of relevant regulation, and subsequent conclusions and actions of the Development Review Board on the PDP application. **Staff finds that the application will comply with this section of the Development Code upon demonstration of compliance with the Preliminary Development Plan, as may be conditioned.**

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

FINDING B-10:

The applicant has submitted a revision (Exhibit C) to the text addressing this section of the Code, i.e., “The subject PDP area is not proposed within any SROZ areas. Therefore, direct impacts to SROZ areas will not occur with Phase 1.” The City’s Significant Resource Overlay Zone Map does not identify resources on the subject property. The Applicant states on page 25, Section IIIA of Exhibit B that, “No earth movement hazard areas have been identified within the subject PDP area.” On the following page a similar conclusion is made for soil hazard areas. Also on the same page, the Applicant states that the subject PDP does not include any areas within the 100-year flood plain. **Staff finds that unless countervailing information is found during the review of the PDP for Phase 1, this section of the Code does not apply.**

- F. *That the applicant is committed to a schedule demonstrating that the two (2) years of the initial approval of the zone change; and*

FINDING B-11:

The Applicant states (Exhibit B, Section VA, page 6), “The applicant is committed to a development schedule demonstrating that the development of the subject property is reasonably expected to commence within two (2) years of the initial approval of the zone change.” **Staff finds that the application complies with this section of the Development Code.**

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

FINDING B-12:

Staff is recommending Conditions of Approval that bring the proposed development into substantial compliance with applicable development standards. **Staff finds that the application will comply with this section of the Development Code upon demonstration of compliance with the Conditions of Approval.**

SUPPORTING COMPLIANCE REPORT
ZONE CHANGE
LEGEND AT VILLEBOIS
SECTION VA

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DB 2005-01B
From DRB Recommendation
Applicant Exhibit

I. CITY OF WILSONVILLE COMPREHENSIVE PLAN

COMPACT URBAN DEVELOPMENT – IMPLEMENTATION MEASURES

IMPLEMENTATION MEASURE 4.1.6. A

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

Response: This application is being submitted and reviewed concurrently with a Preliminary Development Plan for a portion of SAP-East (approved by File No. 04DB22).

IMPLEMENTATION MEASURE 4.1.6.C

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

Response: The application proposes a zone change to “Village” for the subject property area, which includes the Residential-Village Plan Map Designation.

IMPLEMENTATION MEASURE 4.1.6.D

The “Village” Zone District shall allow a wide range of uses that benefit 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.

Response: The subject property requested for this zone change approval is not in the central core area. The plan for this property includes residential uses (198 lots) and parks and open space areas on approximately 33.57 acres within the eastern portion of Villebois, east of SW 110th Avenue. Table A on page 5 of the Introductory Narrative (located in Section IA) lists the proposed range of residential units (five types) which are interspersed to provide a diverse mix of housing that increases in density from the southern edge of the PDP toward the Village Center, northwest of the subject property. The proposed residential land use and housing types in this area are generally consistent with those portrayed in the *Villebois Village Master Plan*, which this regulation is intended to implement, as determined by File No. 04DB22, approving the SAP – East. The proposed PDP is consistent with SAP – East as shown in the Supporting Compliance Report for the PDP, included in this application notebook as Section IIIA.

II. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

SECTION 4.029 ZONING CONSISTENT WITH THE COMPREHENSIVE PLAN

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

Response: This zone change application is being requested concurrently with a PDP application and Tentative Plat for the site in conformance with the code. The PDP application material is located in Section III of this application notebook and the Tentative Plat application material in Section IV.

SECTION 4.110 ZONING – ZONES

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

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

Response: The subject property is within the city limits of Wilsonville, however is currently zoned County EFU – Exclusive Farm Use and has a City of Wilsonville Comprehensive Plan designation of "Residential – Village". This request is for a zone change to "Village," which is permitted within the area designated "Residential – Village" on the Comprehensive Plan Map.

SECTION 4.125 VILLAGE (V) ZONE

(.01) 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 designation as described in the Comprehensive Plan.

Response: The subject property lies within the area designated "Residential – Village" on the Comprehensive Plan Map. This request is for a zone change to "Village".

(.02) PERMITTED USES

Response: The proposed uses listed in the associated application for a Preliminary Development Plan (See Section III of this application notebook) are consistent with the land uses permitted under the Village zone. The PDP, located in Section III of this application notebook indicates that development will create lots intended for the use of a variety of single-family detached and

attached dwellings, as well as park and open space. These uses are permitted under the Village zone.

(.18) VILLAGE ZONE DEVELOPMENT PERMIT PROCESS

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

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

Response: The application for a zone change is being made concurrently with an application for PDP approval (See Section III of this application notebook).

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

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

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

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

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

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

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

Response: Comprehensive Plan Implementation Measure 4.1.6.c. states, "the "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation." Since the "Village" zone must be applied to areas designated Residential Village on the Comprehensive Plan map, its application to these areas is consistent with the Comprehensive Plan.

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

Response: As noted above, Comprehensive Plan Implementation Measure 4.1.6.c. states, "the "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation." Since the Village Zone must be applied to areas designated "Residential Village" on the Comprehensive Plan map and is the only zone that may be applied to these areas, its application to is consistent with the Comprehensive Plan

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

Response: The PDP compliance report and the PDP plan sheets demonstrate that the existing primary public facilities are available and can be provided in conjunction with the project. Section III C of this application notebook includes supporting utility and drainage reports. In addition, the applicant will fund the completion of a Traffic Impact Analysis, which will be submitted to the City upon completion.

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

Response: The subject PDP area is not proposed within any SROZ areas. Therefore, direct impacts to SROZ areas will not occur. However, an SROZ area is situated along the east side of SAP – East. Appropriate measures have been taken to reduce indirect impacts from the proposed development the proposed PDP area on this SROZ area.

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

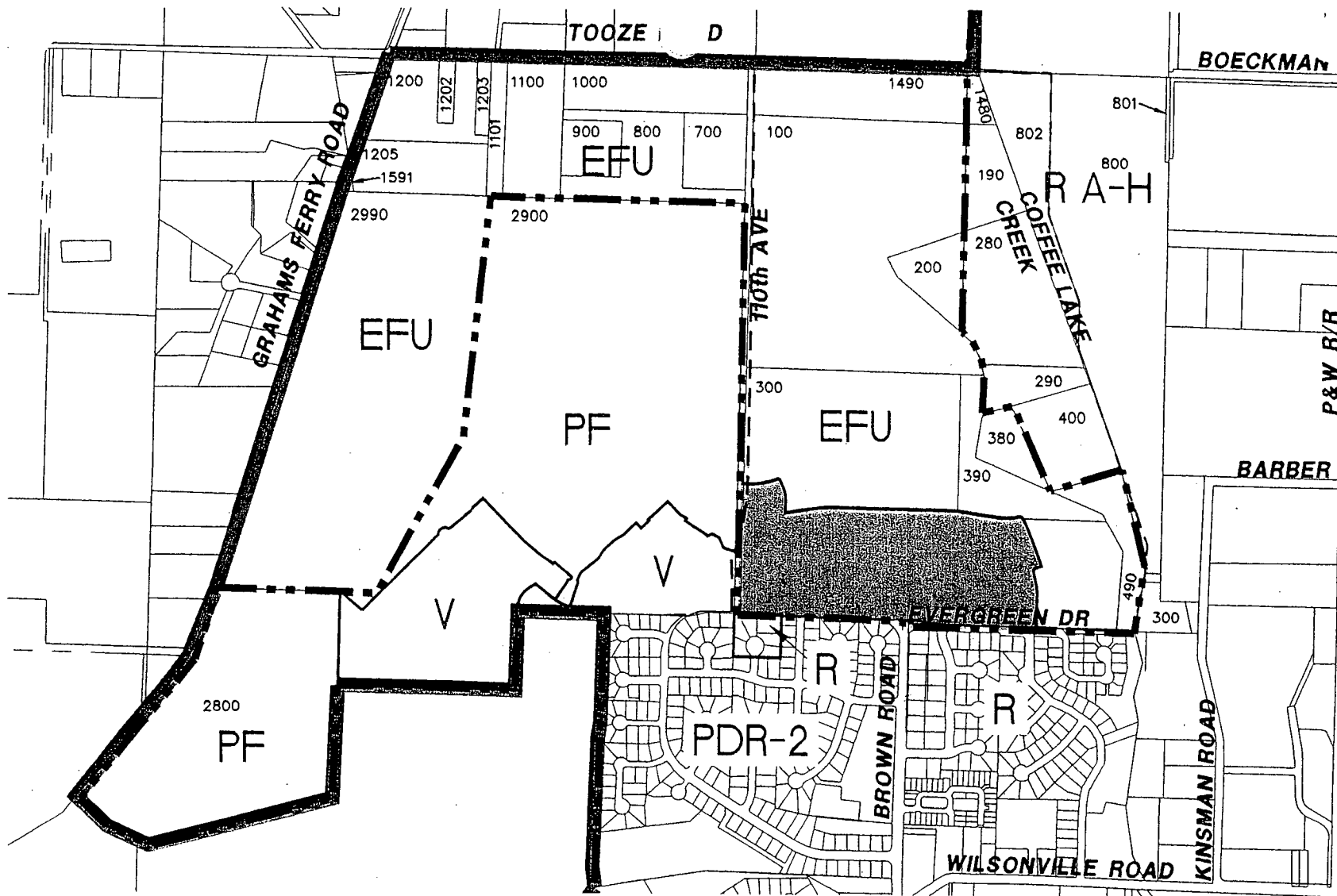
Response: The applicant is committed to a schedule demonstrating that the development of the subject property is reasonably expected to commence within two (2) years of the initial approval of the zone change.

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



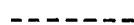


Response: The proposed development can be developed in compliance with the applicable development standards, as demonstrated by this report.

III. PROPOSAL SUMMARY & CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Planning & Land Development Ordinance for the requested Zone Change. Therefore, the applicant requests approval of this application.



LEGEND

-  SUBJECT AREA - PROPOSED VILLAGE (V) ZONE (33.57 AC)
-  ZONE LINE
-  SAP EAST BOUNDARY
-  EXISTING UGB
-  EXISTING CITY BOUNDARY
- PF** EXISTING ZONING DESIGNATION



1" = 1000'



ALPHA ENGINEERING INC.
12/23/2004

PROPOSED ZONE MAP AMENDMENT

WILSONVILLE PLANNING DIVISION
Wilsonville Development Review Board
STAFF REPORT
AMENDED AND ADOPTED ON 3.28.05

HEARING DATE: March 28, 2005

DATE OF REPORT: March 21, 2005

APPLICATION #: DB-2005-02-00011 (Preliminary Development Plan)

APPLICANT: Alpha Community Development for the property owner

OWNER: The Legend at Villebois, LLC

REQUEST: Approval of the Preliminary Development Plan (PDP) for Phase I of the Specific Area Plan (SAP) – East (Planning Case File 04DB22), the second of five SAPs approved for Villebois Village, per the *Villebois Village Master Plan* (#03DB07B). The purpose of the PDP is to provide detailed infrastructure and land use plans for the 33.17 (20.48 net-acre) Phase I development, containing 198 dwelling units of various types, and dedicated parks and open space, per the requirements of Section 4.125.08 of the City of Wilsonville Planning and Land Development Ordinance. A concurrent Final Development Permit Plan, Type C Tree Removal Permit, Tentative Subdivision Plat, and Temporary Use Permit also will be considered in separate, but concurrent applications (DB-2005-02-00023, DB-2005-02-00016, DB-2005-02-00012, and DB-2005-02-00018, respectively), per the requirements of Section 4.200 and 4.163 respectively.

LOCATION: 33.17 acres (see "Lot Line Adjustment" issue below) located in the southeastern portion of Villebois Village, east of SW 110th Ave. and north of SW Brown Road), Serene Estates (Evergreen Road) south of the Urban Growth Boundary (Boeckman-Tooze Extension), and generally west of Seely Ditch. The entire site is located within the Wilsonville City Limits.

LEGAL DESCRIPTION: New Tax Lot 500 of Section 15, T3S, R1W, Willamette Meridan, Clackamas County, Wilsonville, Oregon. Tax Lot 500 has been the recent subject of a lot line adjustment (Planning Case File AS-2005-025-00020), which has been conditionally approved by the Planning Division, but which has not been recorded with the County (see "Lot Line Adjustment" below) The Staff Report assumes the new Tax Lot 500 in reviewing the applicable criteria.

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

ZONING: Clackamas County EFU (Exclusive Farm Use). Zone Change to "Village" (V) is subject to City Council approval of #DB-2005-02-00013, Zone Change Request

STAFF REVIEWERS: Paul Cathcart,; Blaise Edmonds, Sharon Zimmerman, Don Walters, Kerry Rappold, Luke Bushman

CRITERIA: **City of Wilsonville Comprehensive Plan**
Timing and Concurrency Issues (Policy 3.1.2, Implementation Measures 3.1.2.a-b)

City of Wilsonville Planning & Land Development Ordinance:
Sections 4.125(.02), (.05), (.08), (.10), (.12), (.14), (.18) 4.140(.09), 4.171(.02), (.09), 4.176(.06), 4.177(.01), 4.178(.01),(.07), 4.610(.40)

Bold = Criterion not of public hearing notice

Specific Area Plan (SAP) – East (04DB22)
Conditions of Approval

REQUESTED ACTION: Approve the Preliminary Development Plan (PDP) for Phase I of SAP – East.

EXHIBITS:

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

Exhibit No.	Description
A	Staff Report (this document)
B	Legend at Villebois application submittal notebook, dated 2/11/05, containing supporting information for all concurrent applications
C	Memo from Don Walters, Plans Examiner dated 3/17/05 regarding Development Review # to be decided (conditions of approval)
D	Memo from Sharon Zimmerman, Assistant City Engineer dated March 14, 2005 regarding Engineering Division Public Facilities (PF) Conditions of Approval for the proposed Specific Area Plan East – Legend at Villebois (05DBsez) (conditions of approval)
E	Memo from Kerry Rappold, Natural Resources Program Manager dated March 14, 2005 regarding conditions of approval
F	Letter from Brian Tietsort of United Disposal Services dated March 14, 2005
G	E-mail from Paul T. Seilo to Paul Cathcart dated March 16, 2005 regarding PDP 1 (East): Revised Site Plan showing Left Turn Lane

Exhibit No.	Description
H	Sheet 4 Tentative Plat from Section IIIB of Exhibit B
I	Sheet 5 Tentative Plat from Section IIIB of Exhibit B
J	Memorandum from Paul Seilo to Paul Cathcart dated March 18, 2005 regarding supplemental information for the following applications: Specific Area Plan – East (Case File DB-2005-02-00009); Zone Change (DB-2005-02-00013); Tentative Plat (DB-2005-02-00012); Final Development Plan (DB-2005-02-00023); Temporary Use Permit (DB-2005-02-00018)
K	E-mail from Paul T. Seilo to Barbara Coles dated March 18, 2005 regarding PDP 1 (East)
L	E-mail from Paul Seilo to Barbara Coles dated March 18, 2005 regarding PDP 1 (East), cont....

ATTACHMENTS: See last page of this Report. Oversize exhibits are available for review in the Planning Department and will be presented at the public hearing.

BACKGROUND:

Specific Area Plan (SAP) – East (Planning Case File 04DB22), the second of five SAPs in the Villebois Village Master Plan was approved in the November, 2004. Matrix Development Corporation is now pursuing as the Legend of Villebois, LLC, approval of the Preliminary Development Plan (PDP) for the first phase (as proposed in the SAP Amendment – Planning Case File DB-2005-02-00009) of SAP-East. Consideration of the PDP is concurrent with a proposed Zone Change from the existing EFU (Exclusive Farm Use) to the Village (V) Zone (DB-2005—02-000013); Tentative Subdivision Plat for 198 lots (DB-2205-02-00012); Final Development Plan (FDP) for the parks, open space, and streetscape for Phase I; a Type C Tree Removal Plan; and a one-year Temporary Use Permit to allow the use of six (6) model homes in the Phase I area. Upon approval of these applications, Matrix Development is ready to initiate the implementation of the Phase I of SAP – East.

SUMMARY OF ISSUES:

Lot Line Adjustment. The Planning Division has recently approved a request for approval of a Lot Line Adjustment (AR-2005-02-00020) to adjust the common boundary lines between a series of tax lots in SAP-East. The adjustment to Tax Lots 500 (consolidated with 501 and 502 and identified as Tract 1), 390 (Tract 2), and 300 (Tract 3) will adjust the boundaries so they are coincidental to the boundary of the PDP and SAP-East. The new Tax Lot 500 is the subject property of the proposed PDP-1 (or Phase 1 of Legend at Villebois). As of the date of this report, that adjustment has not been recorded with the County. A recommendation for approval of a Zone Change and Zone Map Amendment will require the prior recording of the Lot Line Adjustment and demonstration of compliance with the associated Conditions of Approval of AR-2005-02-00020.

Acreage of Subject Property. If the Lot Line Adjustment is to result in boundaries that are “coincidental to the PDP”, total acreage for the proposed PDP and Tentative Plat should be equal to the recorded Lot Line Adjustment. In the application for Property Line Adjustment (AR-255-02-00020) the survey indicates that Tract 1 (Tax Lot 500) contains 33.17 acres “more or less”.

The proposed PDP for Phase 1, however, is for 33.57 acres. The Applicant's submittal for a Tentative Plat (Section IVA, p. 10, 2nd response) references the size identified in the Narrative, i.e., 33.57 acres. The request for Lot Line Adjustment was made subsequent to the other applications. The survey required for that request is to be considered more accurate. As a result, all references to a Tax Lot 500 of 33.57 acres should be amended to read "33.17 acres". Recommendation for approval of a Zone Change and Zone Map Amendment is limited to 33.17 acres as recorded with Clackamas County.

Housing Needs Assessment. As noted above, Phase I (this presumes DRB approval of the SAP Amendment to combine the former phases I and II of SAP-East into a single phase) calls for 198 attached and detached single-family dwelling units on various-sized lots, including "large", "medium", "small", and "small attached". As a peripheral village neighborhood, SAP-East does not contain any of the higher-density housing types. The Applicant/Owner has prepared a table (Table A on page 5 of the Introductory Narrative) showing the total number of housing units (649) by number/type for each of the six phases of development.

The City has not completed its Housing Needs Assessment at the writing of this staff report. The applicant's response finding on page 28 of the Supporting Compliance Report includes Table B which provides the number of units of each type of housing within Phase I of SAP-East (small attached, small detached, medium detached, standard attached, and large) and the estimate price range for each. Staff notes that these are estimated initial home prices and are not predictors of long-term affordability. As the applicant notes in the response finding to this condition of approval "*The City is still working to complete the Housing Needs Assessment. The Master Planner will continue to work with the City and developers of Villebois in the establishment of Affordable Housing Objectives and Strategies for Villebois; however, this process is on hold until the City's Housing Needs Assessment is completed*". Staff concurs with the applicant's response. As a condition of approval of this PDP, the Applicant/Owner will be required to submit a cumulative total of housing by number/type as it completes each phase in SAP-South, to demonstrate that it is on track to providing the total of 2,300 housing units promised in the *Villebois Village Master Plan*.

Minimum Open Space. According to Section 4.125.08 of the Planning and Land Use Development Ordinance, open space shall be provided as follows:

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 yards shall not be counted towards the required open space area.

The applicant's response finding is found on page 4 of Supporting Compliance Report. The Parks/Open Space Element of the Villebois Village Master Plan indicates that upon full build-out, the 37% of the entire site will be devoted to open space (acreage adjusted for the removal of paved streets) which significantly exceeds the minimum 25% of this code criteria. Finding A70 of Planning Case File 04DB22 found that 38% (83.9 acres) of SAP East would be devoted to parks and open space. This first phase of SAP East, PDP I, however provides .85 acres in parks and open space (including linear greens) of the 20.48 net acres, adjusted for the deduction of street pavement (33.17 acres - 12.69 acres of streets = 20.48), for a total of 4.15% of the Phase I area. Subsection 4.125(.08)A. states "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". Therefore, while PDP I does not provide 25% open space for itself, it was demonstrated in Planning Case File 04DB22 that SAP-East will provide more than the code required 25%.

"Pocket Parks" are defined on page 22 of the Villebois Village Master Plan. This definition is generic and does not provide specificity as to site furnishings and other structures to be provided in each pocket park. To date, staff is unaware of any plan beyond the Master Plan that provides this specificity. Until such a park programming plan is developed, staff does not have any criteria by which to review the design, material, or equipment of any park in the Villebois Village. Staff recommends the Parks and Recreation Advisory Board review the design of the pocket parks and linear greens and that a recommendation on the design of these park features be forwarded back to the DRB for consideration in a continued public hearing of the Final Development Plan. See condition of approval 6.

While Subsection 4.125(.08)A. allows phases of each PDP to go below the required 25% open space requirement if the overall SAP contains the required open space, staff is concerned that as the 198 lots of Phase I built out, a growing perceived need for park space, and in particular active recreation above and beyond the .85 acres of park and open space proposed in Phase I, will develop in the residents of Phase I. While the applicant estimates that each phase of SAP-East will progress on an annual basis, opportunities for active recreation do not appear until phases 3 and 4 of SAP-East. The pocket parks proposed in Phase I do not propose any equipment or designs for active recreation that staff is able to discern. Staff notes that the Parks and Open Space Plan (Figure 5) of the Villebois Village Master Plan calls for a Pocket Park in Phase II. Programming for this park is undefined at this point. Staff suggests that the applicant work with staff in the design of this park for consideration by the Parks and Recreation Advisory Board and that it include opportunities for active recreation. Staff suggests that this approved park be installed in conjunction with the parks in Phase I and connected to the development in Phase I through a temporary pathway until such time Phase II is developed. See condition of approval 7.

Infrastructure Sufficiency. The City Engineer has undertaken an analysis of the Supporting Utility and Drainage Reports (Exhibit D) and Traffic Analysis of the *Villebois Village SAP-East Plan* and found them to be 1) consistent with the *Villebois Village Master Plan*, and 2) sufficient to support the type and intensity of development proposed in the SAP-East area¹, assuming that 1) all proposed infrastructure within the Villebois Village is constructed concurrently to meet demand; and 2) necessary "connecting" off-site infrastructure scheduled for implementation in the City's Capital Improvement Plan (CIP) is constructed in a timely fashion. These conclusions are reflected in the Analysis and Findings of Fact. Although addenda to the SAP-East utility, drainage and traffic reports were not prepared specifically for Phase I, it is assumed that there is adequate infrastructure capacity because Phase I as proposed is in "substantial compliance" with the type and intensity of development approved for the phase in the SAP-East Plan.

However, even though it can be concluded that the Phase I development "fits" into the overall infrastructure improvements for the SAP-East area, the issue of concurrency is an important one. However, in the short-term the subdivision must have access from the existing street system before these extensions, which also will provide access, are completed. In this case, the western portion of the subdivision is anchored to the existing SW 110th Avenue via a new intersection. Based on the foregoing analysis, the staff concludes that there is sufficient infrastructure capacity proposed to support the Phase I subdivision. Conditions to insure that these infrastructure

¹ See Analysis and Legal Findings (Attachment B) of the SAP-east Plan Application (#04DB22).

improvements are built as proposed and meet all applicable City engineering standards are contained in the companion Tentative Subdivision Plat (#DB-2005-02-00012).

Refinement of the SAP. The applicant is proposing refinements of the SAP-East in the location/mix of land use types, the density and distribution of housing types, and the circulation plan. As proposed, the refined location and mix of land use types would exceed the 10% threshold allowed for a PDP refinement of an SAP. See Finding 51. The proposed refinement of the circulation plan would insert an off-set intersection at Yosemite and Y streets would compromise circulation system functionality as well as a cul-de-sac at the western terminus of Y Street that would exceed the 200 maximum length for dead end streets of Subsection 4.177(.01)G. In Staff's opinion, the PDP and Tentative Plat should be redesigned to address these street issues. Redesign will of course have ramifications to the plat beyond the streets.

In addition, the City Plans Examiner and the TVF&R Fire Marshal are requesting that the streets within the PDP be brought into compliance with fire department access road (FDAR) standards. Brian Tietsort of United Disposal has also expressed concerns regarding the collection of trash and recyclables in the PDP area.

Staff recommends the applicant work with staff to redesign the PDP and Tentative Plat to address these issues through a Class II Administrative Review

CONCLUSIONS: The proposed refinements of SAP East in the proposed 33.17 acres of PDP, Phase I would not substantially conform with the applicable provisions of the *Villebois Village Master Plan* (#02PC07B) and the *Specific Area Plan (SAP)-East Plan* (#04DB22) and the applicable requirements of the City's Planning and Land Use Ordinance. The PDP can be brought into compliance with the attached conditions of approval and assuming the prior approval of, Phase I Zone Map Amendment (#DB-2005-02-00013), and Tentative Partition Plat (#DB-2005-02-00012)

RECOMMENDATION: Based on the concerns identified in Findings 9 and 85 relative to the offset intersection of Y Street and the cul-de-sac and Staff recommends that the applicant redesign the Preliminary Development Plan for Phase I of Specific Area Plan East to incorporate the concerns identified in these findings. Staff will review the redesign of the PDP and Tentative Plat (and other related plans; i.e. the final development plan, Type C tree removal plan) through a Class II administrative review. Per Subsection 4.035(.03), the Planning Director may require a public hearing for consideration of the redesigned PDP. The DRB has the opportunity to appeal a Class II administrative decision per Subsection 4.035(.03)D.

ADOPTED CONDITIONS OF APPROVAL
Preliminary Development Plan (PDP) I
Specific Area Plan (SAP) East
March 28, 2005

1. Approval of the PDP is contingent upon City Council approval of the Zone Map Amendment from Exclusive Farm Use ("EFU") to Village ("V") (#DB-2005-02-00013).
2. Based on the concerns identified in Findings 9 and 85 relative to the offset intersection of Y Street and the cul-de-sac and Staff recommends that the applicant redesign the Preliminary Development Plan for Phase I of Specific Area Plan East to incorporate the concerns identified in these findings. Staff will review the redesign of the PDP and Tentative Plat (and other related plans; i.e. the final development plan, Type C tree removal plan), ~~through a Class II administrative review. Per Subsection 4.035(.03),~~ The Planning Director may require a public hearing for consideration of the redesigned PDP. ~~The DRB has the opportunity to appeal a Class II administrative decision per Subsection 4.035(.03)D.~~
(Amended by DRB on 3.28.05)
3. As part of the revision requested in condition of approval 2 above, the applicant shall demonstrate that all refinements of the SAP allowed in Subsection 4.125(.18)J.1.a. are not "significant" as defined in 4.125(.18)J.1.b.
4. Per Table A in the *Villebois Village SAP-East Plan*, with each new phase of development in SAP-East, the Applicant/Owner shall submit a cumulative total of dwelling units by number and type to demonstrate that it is on track to meet the housing density and diversity goals at full build-out, as contained in the *Villebois Village Master Plan*.
5. ~~Upon adoption of the City's Affordable Housing Strategy, the applicant shall demonstrate to the DRB how SAP East is consistent with said Strategy. (Deleted by DRB on 3.28.05.)~~
6. As staff lacks an analysis summarizing all park/open space by type and SAP for the entire master plan area, as contained in the *Villebois Village Master Plan*, and without a cumulative total of park/open space by type and acreage demonstrating compliance with park/open space targets at full build-out, staff must rely on an analysis of each park within each PDP by the City's Parks and Recreation Advisory Board for an assessment of whether the programmed facilities for each park meet the intent of the Park and Open Space Component of the *Villebois Village Master Plan*. This analysis by the PRAB will need to occur at the FDP stage. The DRB's consideration and action on the parks component of the FDP shall not occur until such recommendation is received by the DRB, or until such time as the parks analysis mentioned above has received City approval and the subject parks can be evaluated against this parks analysis.
7. ~~Per Finding 8, A temporary pocket park of at least 8,000 square feet, east of the Brown Road alignment, shall be constructed prior to final building inspection of the 50th lot. The park shall be irrigated and shall contain turf, pathways, two picnic tables (as shown in the Community Elements book), and a gravel area for the tables. The applicant shall install a permanent play structure in at least one of the designated parks, tracts, or greenways in Phase I. The applicant shall work with staff to develop a detailed plan for the pocket park identified in southeast corner of Phase II of SAP East for consideration by the City's Parks and Recreation Advisory Board. Said plan shall emphasize active recreational activities and shall be of sufficient specificity to allow the PRAB to make a~~

determination of the type of activities offered in the park and the approximate number of households it will serve. The PRAB shall forward a recommendation of the plan to the DRB. The DRB's consideration and action on the parks component of the FDP shall not occur until such recommendation is received by the DRB, or until such time as the parks analysis mentioned in condition of approval 6 has received City approval and the subject parks can be evaluated against this parks analysis. **(Amended by DRB on 3.28.05)**

8. The Final Development Plan (FDP) for the Phase I area will be consistent with the approved *Villebois Village SAP-East Pattern Book and Community Elements Book*. This will demonstrate that the PDP complies with Section 4.125.18 (K)(1)(iv) that requires the PDP be consistent with the Pattern Book.
9. Upon approval, the PDP will expire two years after final approval if substantial development has not occurred on the property within that time, unless extended by the Design Review Board for just cause.
10. All construction workers' vehicles and job shacks associated with this phase of development shall be parked and located on site.
11. The applicant/owner shall waive right of remonstrance against any local improvement district established pursuant to a development agreement or finance agreement between the City and the applicant. **(Amended by DRB on 9.15.03)**.
12. Street tree specifications will need to match the approved Community Elements Book for SAP-East per Finding 18. Staff will review the revised street tree specifications for conformance to the Community Elements Book through a Class I Administrative Review process prior to City approval of the final subdivision plat for the Phase I area. The applicant shall apply for a Type C Tree Removal for the Phase I area.
13. No signage is approved with this application. Until the Master Signage and Wayfinding Plan is adopted by the DRB, all signage is subject to Section 4.156 of Planning and Land Development Ordinance.
14. The applicant shall demonstrate to the City's Building Official that all necessary public and private permits have been obtained for any earthwork with 100 feet of the natural gas line shown on Sheet 8.
15. All pedestrian pathways shall be constructed of concrete per the requirements of Subsection 4.178(.07).
16. The Master Planner shall work in the most expeditious manner possible to complete the fencing plan for SAP East. Finding A66 of Planning Case File 04DB22 has not yet been satisfied.
17. The limbs of all trees adjacent to "linear greens" as identified in Figure 5 of the Villebois Village Master Plan shall be maintained to a height of 8' 6"**(Amended by DRB on 3.28.05)**

Miscellaneous Condition of Approval

18. In accordance with Section 4.140(09)(L), the applicant and the property owner, if different from the applicant, shall agree in writing to be bound for her/himself/their and her/his/their successor's interest by the conditions prescribed for approval of a development.

19. Prior to the issuance of building permits by the City, the property owners shall be responsible for paying all applicable systems development charges (SDCs) for the proposed project including supplemental street SDCs for future improvements to the Wilsonville Road/I-5 Interchange currently estimated at \$3,000 per pm peak hour trip.

Building Division

The following is a list of concerns and/or conditions for the project listed above. This review is based on certain assumptions necessitated by the limited information available in the submitted documents.

1. **STREET SIGNS.** Temporary or permanent street identification signage acceptable to the City shall be installed before any inspections for building construction may be requested.
2. **ALL PERMANENT** street signs, red curbs (if required), no parking signage, fire department required signage, and other subdivision-wide items shall be installed before any building final may be requested.
3. **FDAR.** Fire Department Access Roadways (FDAR) have not at this time been approved by the fire marshal. All FDAR components, whether streets, alleys, cul-de-sacs, traffic calming devices, traffic circles, and so forth shall be approved by the fire marshal. **As of this date this process is not complete.** The applicant or the applicant's agent shall meet with the fire marshal as soon as possible to insure that all such items meet Tualatin Valley Fire & Rescue (TVF&R) requirements.
4. **WHEN AN ALLEY** is required by TVF&R to be part of the FDAR, the alley shall meet all FDAR requirements, including but not limited to: flared aprons to allow fire truck access, a roadbed designed to support required fire truck loads, turns meeting radius requirements, and signage acceptable to the fire marshal identifying the alley as fire department accessible. These requirements are identical as those agreed on in the last phase of this project.
5. **ALLEY 3E** appears to be part of the FDAR. It shall meet all requirements of an FDAR, including signage, radius for access and egress, and possibly red curb painting if required by the fire marshal. Any gates, bollards, or other such traffic impediments limiting access to the alley shall be approved by the fire marshal.
6. **TREE SELECTION.** The Fire Code requires that required fire apparatus access roads have an unobstructed vertical clearance of 13'6". (Uniform Fire Code Section 902.2.2.1) This should be taken into account when choosing street trees that may encroach into this space as they mature.
7. **FIRE HYDRANT LOCATIONS** shall be approved by the fire marshal. There are fire hydrants shown on the plan set dated 2/11/05 that need to be moved. Hydrant spacing will reflect the requirement that all buildings in this area will have fire sprinkler systems.
8. **FIRE HYDRANT CLEARANCES.** Hydrants shall be placed at least two feet from the driving surface unless specific approval is given by the City. A three-foot radius circle measured from the circumference of the hydrant shall constitute a clear working area. Streetlights, transformers, pole signs, mailboxes, trees or other plantings, and all other similar

items shall not encroach into this area. (Grass or other low growing ground cover that does not constitute an inherent trip hazard is excepted) When placing landscaping, the mature size of plant material shall be taken into account.

9. ALL FIRE HYDRANTS shall be equipped with STORZ connections, as per Tualatin Valley Fire & Rescue (TVF&R). (Storz connections are "quick-connect" type connections that do not require any tools for use. They allow fire hoses to be installed faster than hoses with old style screw-type connections. Storz connections are being installed over much of the state on both new and existing hydrants)
10. LOTS SHALL BE GRADED so that all sheet drainage drains to the street and/or alley unless the City approves an alternate drainage design.
11. BEFORE CONSTRUCTION REQUIREMENTS. Required fire department access roads and water supplies for fire protection shall be installed and made serviceable prior to construction proceeding beyond the foundation stage for any structures, including the model homes, served by those access roads and hydrants, unless other arrangements are made with the fire marshal. (Uniform Fire Code Section 901.3)
12. STRUCTURE IDENTIFICATION. As per the Fire Code, Section 901.4.4, "Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property." Buildings that are addressed from alleys that are not fire department accessible may require numbers or addresses on individual buildings that are visible from the adjacent street, or, if that is not possible, signage (marquee) acceptable to the fire marshal shall be located at the access or accesses to the alley identifying all structures accessed.
13. GEOTECH REPORT. Each building permit application, including the model homes applications, shall include a site specific geotech report unless a memo from the geotech is submitted confirming that the soil for that particular building pad is undisturbed native soil.
14. HOLD HARMLESS. Building permits for model homes to be issued before the plat is approved by the county shall not be issued unless a hold-harmless agreement is submitted to and approved by the City, unless specific approval is given by the building official.
15. SALES OFFICES. Under no circumstances shall model homes be considered as dwellings without approval by the City. Until that time the model homes shall be considered as display structures only. All issues pertaining to a portion of one of the buildings containing sales offices will be dealt with during the plan review process for that home.
16. ADA PARKING. A handicap parking space meeting code requirements shall be installed in the temporary parking lot across from the model homes. The review of the handicap parking space shall be incorporated into the review of the sales trailer unless other arrangements acceptable to the City are made.

Engineering Division

Based on a review of the materials submitted, Staff has prepared the following Conditions of Approval. These conditions are applicable to the subject application; any subsequent modifications may require amendments and/or additions. The properties are also subject to a

Development Agreement between the City of Wilsonville, the Urban Renewal Agency, Matrix Development Corporation, and the property owners, signed and executed on the 14th day of June 2004.

General Requirements

- PF 1. The applicant shall work in cooperation with the City and the west side developers to establish a fair and equitable manner of project phasing, as required in Recital 'H.3.' of the Development Agreement referenced above.
- PF 2. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line connections and/or extensions.
- No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by the 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.
- PF 3. All public utility/improvement plans submitted for review shall be based upon a 24"x36" or 22"x34" format and shall be prepared in accordance with the City of Wilsonville Public Works Standards.
- PF 4. 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 it's 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.
- PF 5. Plans submitted for review shall meet the following general format:
- a. Composite public/private utility improvement and grading plan.
 - b. Detailed public/private utility improvement and grading plan.
 - c. All plans shall consist of a maximum horizontal scale of 1"=20-feet and a vertical scale of 1"=5-feet or as otherwise approved by the City Engineer.
 - d. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility improvements shall be centered in a 15-ft. wide public easement and shall be conveyed to the City on its dedication forms.
 - e. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
 - f. 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.
 - g. 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.
 - h. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.

- i. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
 - j. All plans, specifications, calculations, etc. prepared in association with proposed public/private utility improvements shall be 'stamped' by a Registered Professional Engineer of the State of Oregon.
 - k. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
 - l. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
 - m. 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 photo printed drawings on 3 mil. Mylar (Xerox method is not acceptable) and an electronic copy in AutoCAD version 2000.
- PF 6. The applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality before disturbing any soil on the respective site.
- PF 7. The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
- PF 8. Existing water, sanitary, and storm water lines that are scheduled to be abandoned shall either be completely removed or abandoned per a City approved recommendation from a Registered Geotechnical Engineer.
- ~~PF 9. All construction traffic shall access the site via the existing site roadways and Grahams Ferry Road. No construction traffic will be allowed on Brown Road. (Deleted by DRB on 3.28.05.)~~

Water Distribution System

- PF 10. 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. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation and public water systems.
- PF 11. The proposed water system shall be designed by a Registered Professional Engineer to provide 1500 gpm flow with 20 psi residual pressure.
- PF 12. All water lines that are to be temporary dead-end lines due to the phasing of construction shall have a blow-off assembly installed at the end of the line.
- PF 13. Install waterline improvements in conformance with the City's Water Master Plan and as necessary to supply adequate fire flows during phased construction. The applicant shall

also "loop" proposed waterlines by connecting to the existing City waterlines where applicable.

Currently, city staff is verifying capacity needs for the area. Results are not yet available. Should the analysis indicate the need to adjust the following waterline sizing and/or alignment, modified conditions will be provided. At a minimum, the applicant shall provide an 8" ductile iron pipe waterline (DIP) within "X" Street right of way from Barber Street to "W" Street, 8" DIP within Brown Road/Evergreen Street right-of-way to connect existing waterline at Yosemite Street and Brown Road, 8" DIP extensions to connect to the existing public waterlines at Yosemite Street, Brown Road, Serenity Way, and Montebello Road. Waterline improvement (minimum 8" DIP) design and plans shall include connections at the Barber Street/Costa Circle roundabout as well as 110th Street and "R" Street intersection. In addition, should the City's modeling effort indicate the required fire flows cannot be met, 18" DIP shall be provided from the intersection of 110th Avenue and Barber Street to Kinsman Road and Barber Street. Funding for oversizing and construction of the waterline shall conform with the Development Agreement and associated finance plan.

- PF 14. Install fire hydrants at every intersection, every 500-feet, and/or as required by Tualatin Valley Fire and Rescue. Also, determine and show as part of the plan submittal, the ability for fire apparatus to access any planned fire hydrants located within private alleyways.
- PF 15. At the time of plan submittal, the applicant shall provide a copy to the City of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to commencement of any planned public improvement, 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.
- PF 16. The City will provide System Development Charge credits based upon the City's standard criteria for oversizing.

Waste Water Collection System

- PF 17. Prior to the City issuing a construction permit, the applicant shall submit the sanitary sewer construction plans to the Department of Environmental Quality, Attn: David Mann, for review and approval.
- PF 18. The project shall install a manhole at each connection point to the existing public system.
- PF 19. Install waste water collection system improvements in conformance with the availability of capacity within the existing system and the City's Waste Water Collection System Master Plan.

The phased sanitary improvements as proposed in the March 3, 2005 letter from Alpha Community Development shall be finalized and installed and deemed acceptable to the city prior to issuance of any residential building permits (including Model Homes).

- PF 20. Install storm water collection system improvements in conformance with the City's Storm Water Master Plan.
- PF 21. The applicant shall provide a narrative, prepared by a Registered Professional Engineer, for the operation of the waste water system as public improvement phasing occurs.
- PF 22. No surcharging of the sanitary sewer manholes is allowed.

Storm Water Collection System

- PF 23. A storm water analysis prepared by a Registered Professional Engineer shall be submitted for review and approval by the City to address appropriate pipe and detention facility sizing as well as pond locations and temporary routing strategy. The analysis shall be prepared utilizing the appropriate values in the Storm Water Master Plan. For example, in the application materials, the predeveloped time of concentration calculation for all basins uses a Mannings "n" value of 0.13 (used for Range in natural condition). This is not applicable for the existing condition for calculating the time of concentration. Therefore, the analysis shall be prepared using an "n" value of 0.15, in accordance with the Stormwater Master Plan. Also, all curve numbers shall comply with Table 2-2a, SCS Technical Release #55:
- A) SCS Curve #80 for open space and landscape areas
 - B) SCS Curve #94 for commercial areas
 - C) SCS Curve #98 for impervious surface areas (roadways)
 - D) SCS Curve #90 for residential development, 1/8 acre or less (townhouses)
 - E) SCS Curve #83 for residential development, 1/4 acre
- PF 24. If required the project shall install a manhole at each connection point to the public system (with City approved pollution, energy dissipaters and control devices).
- PF 25. No surcharging of storm water manholes is allowed.
- PF 26. To lessen the impact of the proposed project on the downstream storm drain system, and adjacent properties, project run-off from the site 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 standards of Clean Water Services of Washington County. The applicant shall also be required to meet all water quality requirements for the proposed development per the standards of Clean Water Services of Washington County.
- PF 27. Applicant shall provide a Clackamas County Storm water Maintenance Covenant & Access Easement for storm water ponds outside of public right-of-way.
- PF 28. From material submitted, it is unclear to staff the intent and acceptability of the proposed storm drainage system (temporary outfalls/ponds). Applicant shall supply the design and plan for review and approval.
- PF 29. The applicant shall submit a storm water/rainwater management plan that complies with the Master Plan as revised on March 7, 2005 (Ordinance#579).

PF 30. The applicant shall work with the west side developer and the City to develop an equitable storm water and parks maintenance fee or a maintenance memorandum of understanding prior to any final plat approval.

Transportation System

PF 31. Proposed street light locations shall meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.

PF 32. The proposed street light luminaire listed in the Community Elements Book (Hadco S8867C) is not a fixture that will be maintained by Portland General Electric. Therefore, the applicant shall modify the street light luminaire to a type that meets PGE's requirements (Schedule 91, Option B) or form a lighting district through the Homeowner's Association to operate and maintain the proposed fixtures. For reference, there is a street light luminaire that is similar in type and style that will be maintained by PGE: Hadco S8867E.

PF 33. Street improvements and right-of-way dedications shall be completed, as reflected in the Transportation Systems Plan, to conform to the City's Level-of-Service requirements as phased development occurs.

PF 34. Roadway classification and alignments shall comply with the "Adopted" Villebois Village Master Plan. ~~Specifically, Yosemite Street shall be realigned as a continuous street as approved in planning action 04DB22.~~ Intersecting roadway centerlines shall match. **(Amended by DRB on 3.28.05.)**

PF 35. Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan or as approved by the City Engineer.

PF 36. The City of Wilsonville TSP states that minor collector roads (Barber Street, Brown Street, Costa Circle and Village Center Drive) operate at 25 - 35 miles per hour. Therefore, the design characteristics of the proposed minor collectors shall reflect a minimum 30 mph design speed.

PF 37. No parking shall be allowed at any time within 100 feet of the splitter islands on the legs of the roundabout (at Barber Street/Brown Road and Barber Street/Costa Circle). These areas shall be clear of conflict to allow motorists to focus on pedestrians, bicyclists, and merging into the circulating traffic.

PF 38. The applicant shall provide two perpendicular directional pedestrian ramps at both curb returns opposite of the mid-block pedestrian ramps typically located at the T-intersections (for example: "Y" Street and Brown Road, "Y" Street and Serenity Way, "V" Street and "W" Street, "W" Street and "AA" Street, "W" Street and "X" Street, "W" Street and "Z" Street, "W" Street and "AF" Street) in addition to the directional ramps illustrated along Barber Street.

~~PF 39. For vehicle safety purposes, the following curb extensions on a local street shall be removed as it intersects a minor collector:~~

~~a. Barber Street/Coffee Lake Creek Drive Y Street (Deleted by DRB on 3.28.05.)~~

- PF 40. The applicant shall provide stamped engineering details for all curb extensions for turning movement verification. Submittal shall include AutoTURN plots with dimensions and design vehicle specifications. Adequate clearance shall be provided at all intersections and alleyways. The sight distance point for existing vehicles shall be located 14.4 feet from the edge of the traveled way. Landscaping planting shall be low enough to provide adequate sight distance.
- ~~PF 41. Enhanced trail crossing treatment, such as a painted crosswalk, street lighting and/or median treatment, shall be installed at the following location along the proposed Tonguin Trail system:~~
- ~~a. Barber Street/Coffee Lake Creek Drive-Y Street, east leg of the intersection (Deleted by DRB on 3.28.05.)~~
- PF 42. Pedestrian linkages shall be provided at all locations where alleys do not intersect with the local road network. In addition, the North/South pedestrian and bicycle connection from Evergreen Street to Barber Street/Costa Circle roundabout shall be provided.
- PF 43. Applicant shall coordinate with local transit authority (SMART) to identify transit zones/bus stop locations and provide corresponding amenities. The project has potential for transit ridership and measures shall be taken to enhance transit access to the site and pedestrian connections to transit.
- PF 44. At the Master Plan review the detail was not developed to determine the need for left turn lanes and their locations. However, with the specific site plans and future traffic forecasts, left turn lane needs were reviewed with this application. The roundabouts eliminate the need for left turn lanes at key minor collector intersections. Other streets do not warrant left turn lanes (for example Costa Circle). However, there are several locations where left turn storage shall be addressed. These include:
- a. *Westbound Barber Street left turn lane at Coffee Lake Creek Drive (note: this location is not warrant driven, but rather a three lane to two lane transition requirement)*
- b. *Providing a continuous two-way left turn lane on Barber Street between Yosemite Street and X Street (i.e. remove median)*
- PF 45. The roundabout diameter shall accommodate a WB-60 truck with a 20 foot traveled way and an apron no larger than 5 feet. This may require a curb-to-curb diameter above 150 feet. The diameter of the roundabouts at Barber/Brown, Barber/Circolo Costa and Circolo Costa/Village Center shall all be consistent. The design of the roundabout will be evaluated at the PDP level of development. AutoTURN verification of roundabout design shall be provided.
- PF 46. **In compliance with the Transportation Systems Plan**, the applicant shall be required to dedicate right-of-way adequate for completing the 32' face of curb to face of curb pavement section and providing 4.5' minimum planter strip, 6'-5' sidewalk, and 6' PUE at the back of walk along Evergreen Avenue and Brown Road at the southern border of the SAP East Boundary. Applicant shall construct the referenced half-street and associated illumination and street tree plantings improvements. **(Amended by DRB on 3.28.05.)**

PF 47. The applicant shall be required to construct improvements to the intersection of Brown Road and Evergreen Avenue to rebuild it to a collector/residential four-leg intersection in accordance with the TSP. ~~Centerline alignments for Brown Road and Brown Road extension as well as Evergreen/Camelot roadways shall match.~~ **Travel lanes for Brown Road and Brown Road extension as well as Evergreen/Camelot roadways shall align. (Amended by DRB on 3.28.05.)**

PF 48. 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. If it is determined TVF&R that the fire access at the north end of Alley 3E is required, a fire access gate shall be installed at the north end. If it is determined that the access is not necessary, the Alley 3E connection to Barber Street shall be eliminated.

PF 49. Major trail crossings shall coincide with intersections, as mid-block crossings are not encouraged.

PF 50. The connection of streets necessitated by Villebois SAP East to existing city streets shall be designed such that the centerlines of the proposed streets match the centerlines of the existing streets.

PF 51. At the request of Staff, DKS completed a traffic analysis specific to the impact on the Wilsonville Road Interchange Area dated October 28, 2004. The project is hereby limited to no more than the following impacts.

Estimated Net New PM Peak Hour Trips

Phase 1:	82
Phase 2:	97

Estimated Weekday PM Peak Hour Trips
Through Wilsonville Road Interchange Area

Phase 1:	59 (no Boeckman Road Extension)
Phase 1 - 2:	69 (assumes Boeckman Road Extension)

PF 52. DKS also completed an analysis dated November 8, 2004 of the intersection impacts due to the proposed development. The analysis found that the studied intersections meet the City's level of service requirements and that no mitigation will be required. Traffic calming on Montebello will not be required at this time.

PF 53. The applicant shall provide a construction phasing plan for the proposed roundabout and tie-ins for the 110th Avenue and Brown Road Area. Streets shall remain open to through traffic, in both directions, at all times.

PF 54. Construction contractor traffic shall be routed along Grahams Ferry/Tooze Road/110th Avenue. Construction access shall be provided off of 110th Avenue. **No construction traffic will be allowed on Brown Road except as specifically approved by the City Engineer. (Amended by DRB on 3.28.05.)**

PF 55. The applicant shall provide sidewalk easements for meandering sidewalks and bikeway facilities outside of dedicated public right-of-way.

- PF 56. The applicant shall provide the design and plans for the shared pedestrian and bicycle (multi-use path) facilities for review and approval. The design shall comply with the Oregon Department of Transportation (ODOT) Oregon Bicycle and Pedestrian Plan (for example: multi-use path width, horizontal and vertical alignments).
- PF 57. The applicant shall provide 'stamped' engineering details with dimensions for intersection sight distance verification and AutoTURN layouts for all proposed intersections and roundabouts. Adequate sight distance shall be provided at all intersections and alleyway. In addition, roundabout design shall address bicycle and pedestrian routes through the roundabout while reducing pedestrian/bicycle conflict points.
- PF 58. All required pavement markings, in conformance with the MUTCD, and City Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
- PF 59. The applicant shall be required to provide wheelchair ramps at logical pedestrian path/trail street crossings. Exact locations shall be determined during the plan review process.

Natural Resources Program Manager

This memorandum includes staff conditions of approval. The conditions of approval are based on the submitted Preliminary Development Plan and Final Development Plan (Phase 1) of Specific Area Plan – East. The conditions of approval apply to the applicant's submittal of construction plans (i.e. engineering drawings) for the PDP and FDP.

CONDITIONS OF APPROVAL

Stormwater Management (Water Quality & Detention)

1. A profile of the proposed water quality treatment facilities (i.e. water quality swales) shall be submitted. This profile shall include, if applicable, plant species and placement, elevations, slopes, outlet, and other information consistent with requirements of the City's Stormwater Master Plan, including but not limited to:
 - a. **Policy 9.3.4 (Shading of Waterbodies); and**
 - b. **Policy 9.4.1 (Landscaping in conjunction with stormwater facilities).**
2. In regards to the temporary water quality swale, it is preferable to have a maximum treatment depth of 0.5 feet. Revise the proposed water quality swale to meet this requirement.
3. Pursuant to Stormwater Master Plan Policy 9.2.4 and Implementation Measure 9.3.3.2, the applicant shall submit a maintenance plan (including the City's stormwater maintenance covenant and access easement) for the proposed water quality treatment and water quantity control facilities prior to approval for occupancy of the associated development.

4. Pursuant to the Stormwater Master Plan's Implementation Measure 9.4.1.1, access shall be provided to all areas of the water quality treatment and water quantity control facilities for maintenance and inspection. At a minimum, at least one access shall be provided for maintenance and inspection. Grasscrete or a similar product is recommended for providing access.

Rainwater Management

- ~~5. Pursuant to Stormwater Master Plan Policy 9.2.4 and Implementation Measure 9.3.3.2, the applicant shall submit a maintenance plan (including the City's stormwater maintenance covenant and access easement) for the proposed rainwater management components prior to approval for occupancy of the associated development. (Deleted by DRB on 3.28.05.)~~
- ~~6. Pursuant to the Stormwater Master Plan's Implementation Measure 9.4.1.1, 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. Grasscrete or a similar product is recommended for providing access. (Deleted by DRB on 3.28.05.)~~
7. Provide an Operations and Maintenance Manual for the rainwater management components.
8. Provide documentation that the proposed rainwater management components satisfy the Oregon Department of Environmental Quality Underground Injection Control (UIC) Program requirements. This program requires stormwater systems, such as sumps, infiltration galleries, drywells, trench drains and french drains, to be registered prior to use.

Other

9. 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).
10. Pursuant to the City of Wilsonville's Ordinance No. 482, the following techniques and methods shall be incorporated into the applicant's grading and erosion control plan, where necessary:
 - a. Stockpiles and plastic sheeting;
 - b. Inlet protection (silt sacks recommended);
 - c. Dust control;
 - d. Temporary/permanent seeding or wet weather measures (e.g. mulch);
 - e. Other appropriate erosion and sedimentation control methods; and
 - f. Limits of construction.

Environmental Services

The plan for the above-indicated project was reviewed and subject to following comments and/or corrections:

1. Wheel wash required with floor burming (3 minimum) at construction access. Geo-textile required under gravel construction access.
2. Silt sack inserts with Biobags along curb inlets is the preferred application for inlet protection. Install inlet protection to new inlets as installed.
3. Erosion Control Notes and Erosion Control Details needed.
4. When connecting Silt Fence ends spin 2x2 posts together 2 to 3 times and bury as one post.
5. From July 1st to September 30th a minimum of one water truck for dust control required on site at all times.
6. Copy of approved DEQ 1200C permit required before any groundbreaking occurs.
7. Silt Fence also needed along entire length of south side of project.
8. Show Erosion and Sediment protection for pond and pond discharge. Treatment must occur before discharge.
9. Erosion and Sediment Control measures must be installed and approved prior to any site work being performed. A final Erosion Control Inspection is required at completion of project. Call for inspections at 503/582-9845.

ANALYSIS AND FINDINGS OF FACT

CITY OF WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

Subsection 4.125(.02): Village Zone Permitted Uses

1. **Finding:** The applicant's response finding is found on page 7 of the Supporting Compliance Report (Section IIIA). The range of residential uses proposed in the proposed PDP application is consistent with the permitted uses in this section. PDP I would not contain a Neighborhood Center commercial use. The applicant is proposing three refinements of the SAP with PDP I. See Findings 9 and 51 for further discussion. **This criterion has been met.**

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

2. **Finding:** The applicant's response findings to Table V-1 is found on page 3 of Supporting Compliance Report. The proposed lots meet the requirements of Table V-1 for lot width and depth. Tables V-1 through V-4 are primarily related to site development and building orientation and design. Therefore, the majority of these criteria will not be reviewed until the Final Development Plan (FDP) or at the Building permit stage.
3. **Finding:** The applicant is proposing refinements to the approved Circulation Plan of SAP East as part of this PDP application. Criteria relative to Subsections 4.125(.05) A., Block, Alley, Pedestrian and Bicycle Standards, and B., Access standards will be reviewed in findings relative to Subsection 4.125(.18)J., PDP Refinements to an Approved SAP, and in the tentative subdivision application, DB-2005-02-00013. Criteria relative to Subsections 4.125(.05)D., Fences, E. Outdoor Living Area and F., Fire Protection, will be reviewed in the Final Development Plan (FDP) application, DB-2005-02-00023 for PDP I. **These regulations do not apply at this time.**

Subsection 4.125(.07): General Regulations - Off-Street Parking, Loading & Bicycle Parking.

4. **Finding:** The Lot Diagrams of the Architectural Pattern Book for SAP East identify the location of off-street parking for each lot type. Each building permit for each lot in Phase will be reviewed against the Pattern Book for compliance with the off-street parking standards of 4.125(.07)B.
5. **Finding:** Table V-2 contains "no requirement" for short or long term bicycle parking for the use type proposed in Phase I PDP.

Subsection 4.125(.08): Open Space

6. **Finding:** The applicant's response finding is found on page 4 of Supporting Compliance Report. The Parks/Open Space Element of the Villebois Village Master Plan indicates that upon full build-out, the 37% of the entire site will be devoted to open space (acreage adjusted for the removal of paved streets) which significantly exceeds the minimum 25% of this code criteria. Finding A70 of Planning Case File 04DB22 found that 38% (83.9 acres) of SAP East would be devoted to parks and open space. This first phase of SAP East, PDP I, however provides .85 acres in parks and open space (including linear greens) of the 20.48 net acres, adjusted for the deduction of street pavement (33.17 acres - 12.69 acres of streets = 20.48), for a total of 4.15% of the Phase I area. Subsection 4.125(.08)A. states "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". Therefore, while PDP I does not provide 25% open space for itself, it was demonstrated in Planning Case File 04DB22 that SAP-East will provide more than the code required 25%. **This code criterion has been met.**

7. **Finding:** "Pocket Parks" are defined on page 22 of the Villebois Village Master Plan. This definition is generic and does not provide specificity as to site furnishings and other structures to be provided in each pocket park. To date, staff is unaware of any plan beyond the Master Plan that provides this specificity. Until such a park programming plan is developed, staff does not have any criteria by which to review the design, material, or equipment of any park in the Villebois Village. Staff recommends the Parks and Recreation Advisory Board review the design of the pocket parks and linear greens and that a recommendation on the design of these park features be forwarded back to the DRB for consideration in a continued public hearing of the Final Development Plan. See condition of approval 6.
8. **Finding:** While Subsection 4.125(.08)A. allows phases of each PDP to go below the required 25% open space requirement if the overall SAP contains the required open space, staff is concerned that as the 198 lots of Phase I built out, a growing perceived need for park space, and in particular active recreation above and beyond the .85 acres of park and open space proposed in Phase I, will develop in the residents of Phase I. While the applicant estimates that each phase of SAP-East will progress on an annual basis, opportunities for active recreation do not appear until phases 3 and 4 of SAP-East. The pocket parks proposed in Phase I do not propose any equipment or designs for active recreation that staff is able to discern. Staff notes that the Parks and Open Space Plan (Figure 5) of the Villebois Village Master Plan calls for a Pocket Park in Phase II. Programming for this park is undefined at this point. Staff suggests that the applicant work with staff in the design of this park for consideration by the Parks and Recreation Advisory Board and that it include opportunities for active recreation. Staff suggests that this approved park be installed in conjunction with the parks in Phase I and connected to the development in Phase I through a temporary pathway until such time Phase II is developed. See condition of approval 7.

Subsection 4.125(.09)A.1-9.: *Street and Access Improvement Standards – General provisions*

9. **Finding:** This Subsection states "Except as noted below, the provisions of Section 4.177 shall apply within the Village Zone". The applicant is proposing two refinements to the Circulation Plan approved in SAP East (04DB22). The first is a new extension of Y Street west of Yosemite terminating in a cul-de-sac in the street block located at the southwest corner of the subject PDP. See applicant's response findings beginning on page 5 of Supporting Compliance Report. In response findings on page 17 of the Supporting Compliance Report, the applicant asserts that this proposed refinement is allowable per Subsection 4.125(.18)J.1.a)i., PDP Refinements to a Specific Area Plan. The latter code criterion defines refinements to the SAP as "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". Additionally, the applicant's response finding to the street intersection offset requirements of Subsection 4.125(.09)A.2.c) on page 6 of the Supporting Compliance Report, the applicant states, in part, that ". . . opposing intersections on public streets are offset, as appropriate, so that no danger to the traveling public is created . ." It is the opinion of the City Engineering staff that the proposed offset intersection of Yosemite would reduce the street circulation system functionality, especially

for through traffic, presenting unsafe traveling conditions. PF 22 requires Yosemite Street return to the alignment approved in the SAP-East circulation plan.

10. **Finding:** The realignment discussed in the preceding finding will have ramifications on the design and layout of the PDP and the subdivision plat for the Phase I area. Staff recommends that the redesigned plat be reviewed by staff at the time of final plat review for consideration of a street network for the Phase I area that will comply with the adopted Villebois Village Master Plan as well as conformance with other applicable review criteria. Condition of approval 2 requires this review and grants the Planning Director discretion to bring the redesign back before the Development Review Board.
11. **Finding:** The resulting cul-de-sac termination of Y Street at the western end would exceed the 200 foot maximum length (measured from the intersection of Yosemite) of Subsection 4.177(.01)G. Dead-end streets are not regulated under Subsection 4.125(.09)A. See Finding 85, 4.177(.01)G..
12. **Finding:** The second proposed refinement would remove approximately 60 feet of an alley that was proposed for the street block located north of Evergreen Street, east of Brown Road, south of Barber Street, and west of Serenity Way. See applicant's response findings on page 5 of the Supporting Compliance Report.
13. **Finding:** Also see findings in application DB-2005-02-00012 (Tentative Subdivision Plat) relative to streets.
14. **Finding:** Condition of approval PF45 requires that the roundabout diameters need to accommodate a WB-60 truck with a 20 foot traveled way and five (5) apron which may require a curb-to-curb diameter of 150 feet. Reference to the roundabout at Circolo Costa/Village Center is for reference only as it is outside of the Phase I planning area.
15. **Finding:** Conditions of approval 3, 4, 5 provided by the Plans Examiner require that the applicant demonstrate that the roadways in the Phase I area meet the fire department access road (FDAR) requirements, including radii requirements, for the design of streets and alleys within the Phase I area. This will be required prior to approval of the final plat. This condition also requires a review of the final plat by the Development Review Board should there be any changes to the plat significant enough, in the estimation of the Planning Director, that are beyond the discretionary approval authority of the Planning Director.
16. **Finding:** The Applicant/Owner will be required to execute and record all right-of-way dedications prior to the approval of the Final Subdivision Plat. The Applicant/Owner also will be required to waive its right to remonstrance against formation of LIDs. See the recommended conditions of approval in the tentative subdivision plat application related to this issue. The applicant has indicated (response finding on page 26 of Supporting Compliance Report) that this will be done with the recordation of the plat. **This criterion has been met, subject to the Applicant/Owner's acceptance of the relevant Condition of Approval.**

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

17. **Finding:** The applicant's response findings begin on page 8 of Supporting Compliance Report. The applicant is proposing six (6) foot bike lanes and five (5) foot sidewalks on all public streets which meets the dimensional requirements of Section 4.178, Sidewalk and Pathway Standards. Six (6) foot sidewalks are also proposed in the linear streets which meet

the minor pathway requirements of the street plan (Figure 7 and 9B) of the Villebois Village Plan

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

18. Finding: The applicant's street tree plan/lighting plan, Sheets 19 and 20 comply with the SAP-East Community Elements Book with the following exceptions:

Street	Community Elements Book Street Tree Master Plan Diagram	Issue
"V" Street (Sheet 19)	Secondary Residential Street	Norwegian Sunset Maple specified. Not listed as an alternative for street type
"W" Street (west half)	Secondary Residential Street	Same issue
Pedestrian Linkage	Pedestrian Linkage	Nothing specified for pedestrian linkage north of Barber Road
Brown Road	Brown Road	Raywood Ash on Brown Road is not specified for collector street trees.

19. Finding: The applicant will need to specify trees that match the adopted Community Elements Book for SAP- East. See condition of approval 12.

Subsection 4.125(.12): Signage and Wayfinding

20. Finding: No signage is proposed at this time. These standards will be addressed as part of the Final Development Plan (FDP). **These regulations do not apply at this time.**

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

21. Finding: Only some of these principles apply in the PDP; these are described below. All others will be addressed in the subsequent FDP as applicable.

Subsection 4.125(.13)A.2 &8.: Landscape, Streets, Public Places and Buildings

22. Finding: As noted in Finding 6, the Villebois Village Master Plan does not contain sufficient detail by which to evaluate the design and functionality of the parks component of the proposed phase I. Staff recommends the design of the parks be taken to the City's Parks Board for evaluation and recommendation to the DRB at a subsequent meeting. See condition of approval 7.

23. Finding: Pedestrian accessways/public sidewalks and integrated open space all promote the pedestrian experience in the Phase I development. Sidewalks are generally set back from the curb with intervening planting strips and provide complete connectivity through the built and natural environment. The Engineering Division notes in PF40 that curb extensions will need to provide "adequate clearance shall be provided at all intersections and alleyways". **This standard has been met.**

Subsection 4.125(.14)A.1-4: Design Standards Applying to the Village Zone

24. Finding: These regulations regarding Subsection 4.125(.14)A.1. will addressed in the companion subdivision application, Planning Case File DB-2005-02-00018. The regulations regarding Subsections 4.125(.14)A.2-4., building and site design, lighting and site furnishing, and building systems will be addressed in the FDP application, DB-2005-02-00023. **These standards do not apply at this time.**

Subsections 4.125(.15 - .17): Village Center Requirements.

25. Finding: The Phase I development is not part of the Village Center Design. **These regulations do not apply.**

Subsection 4.125(.18)G.1.(a-g): Village Zone Development Permit Process - Preliminary Development Plan Approval Process

26. Finding: This application includes a request for the first phase of SAP-East as shown on the SAP East Phasing Plan (Planning Case File DB-2005-02-00009) **meeting the criterion of 4.125(.18)G.1.a.**

27. Finding: This application has been filed by The Legend at Villebois, LLC the property owner, **meeting the requirements of 4.125(.18)G.1.b.**

28. Finding: The appropriate application form and fee have been filed with this submittal **meeting the requirements of 4.125(.18)G.1.c.**

29. Finding: The professional coordinator and professional design team are set forth on page 2 of the Section I **meeting the requirements of 4.125(.18)G.1.d.**

30. Finding: The applicant's response finding on page 12 of Supporting Compliance Report indicates that the proposal does not include mixed land uses. The only land uses are residential and parks/open space, **meeting the requirements of 4.125(.18)G.1.e.**

31. Finding: A Companion Subdivision application (Planning Case File DB-2005-02-00012) has been submitted with this application **meeting the requirements of 4.125(.18)G.1.f.**

32. Finding: This application includes a concurrent zone map amendment to zone the Preliminary Development Plan area to the Village (V) zone **meeting the requirements of 4.125(.18)G.1.g.**

Subsection 4.125(.18)G.2.a.-j.: Preliminary Development Plan Application Requirements

33. Finding: Sheet 2, Existing Conditions, provides the required information to satisfy the requirements of 4.125(.18)G.2.a-c.

34. Finding: Sheets 12-13, Site/Land Use Plan provide the required information to satisfy the requirements of 4.125(.18)G.2.d.

35. Finding: The required information for streets, easements, sidewalks, bikeways, pedestrian routes and other important features is shown on Sheet 2 – Existing Conditions, Sheets 4 and 5 – Tentative Plat, and Sheet 10 and 11 – Circulation Plan and Sheets 17 and 18 – Tree Preservation/Protection Plan (the applicant response finding identifies these plans as Sheets 16 and 17) meeting all of the application requirements of 4.125(.18)G.2. Staff notes that Sheets 17 and 18 do not provide tree d.b.h measurements. Staff presumes that all trees identified on these plans are greater than six (6) inches d.b.h. which meets the criterion of 4.125(.18)G.2.e, however, the Type C Tree Removal Plan (Planning Case File DB-2005-02-

00016) will need to reference an arborist for every tree to be removed. See condition of approval in application DB-2005-02-00016.

36. **Finding:** This information is provided Section III E – Conceptual Elevations (the applicant’s response finding on page 14 of Supporting Compliance Report refers to Section III F) **meeting the requirements of 4.125(.18)G.2.f.**
37. **Finding:** Proposed water, sanitary, and storm sewer lines are shown on Sheets 8 and 9 – Composite Utility Plan **meeting the requirements of 4.125(.18)G.2.g.**
38. **Finding:** The applicant is not proposing to phase the proposed PDP, therefore **4.125(.18)G.2.h. does not apply.**
39. **Finding:** The applicant’s response finding on page 14 of Supporting Compliance Report states that “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.i is met subject to meeting the specific requirement of the City for a performance bond or other acceptable security.**

Subsection 4.125(.18)H: *PDP Application Submittal Requirements:*

40. **Finding:** In Exhibit J, the applicant submitted materials to satisfy the completeness issues identified by staff relative to 4.125(.18)D.1.&2. Staff has not reviewed these materials at the writing of this staff report.
41. **Finding:** Sheets 8 and 9 identify the location of the proposed water, sewerage and drainage facilities. Section III E depicts conceptual building elevations for the housing types proposed for development in PDP I. while conceptual landscape plans are found on Sheets 14-16. Topographic information satisfying the requirements of 4.125(.18)H.1.b. Topographic information is provided in two (2) foot contours which would meet the criterion of Subsection 4.035(.04)6.f.ii. for slopes of six percent (6%) to twelve (12%), however, staff is unable to determine to overall slope with the information given. Sheets 12 and 13, Site/Land Use Plan identify the type and location of all proposed uses. Sheets 6 and 7 show the proposed grading and erosion control plans. No signage is proposed with this application. With the exception of 4.125(.18)H.1.c. (signage), these code criteria are met.

Subsection 4.125(.18)H.2.: *Traffic Impact Analysis*

42. **Finding:** A Traffic Impact Analysis was conducted for SAP-East (04DB22). The City’s Engineering Division has used this analysis, in consultation with DKS Associates, in consideration of the subject PDP application. **This standard has been met.**

Subsection 4.125(.18)H.3.: *Preliminary Plan Detail*

43. **Finding:** The submitted drawings provide sufficient detail to indicate fully the ultimate operation and appearance of the subject phase of the development. The Final Development Plan for the Phase I area will be reviewed separately (see Planning Case File DB-2005-02-23) and will provide more specific details regarding design features. **This standard has been met.**

Subsection 4.125(.18)H.4: *Legal documents required by the Development Review Board*

44. Finding: The applicant states that such legal documents will be provided as appropriate and required by the Development Review Board. **This standard is met subject to compliance with the specific requirement of the Development Review Board.**

Subsections 4.125(.18)I.1.a)-c): PDP Approval Procedures

45. Finding: Notice has been made in accordance with Section 4.012 and a public hearing or hearings will be held for this application after which the Development Review Board will render its decision. **This standard has been met.**

Subsections 4.125(.18)J.1.a)i.: PDP Refinements to Approved Specific Area Plan – Street Network.

46. Finding: The applicant is proposing refinement of the street network approved in Specific Area Plan – East consisting of “the extension of Y Street and cul-de-sac, oriented east to west, in the street block located at the southwest corner of the subject PDP”. The applicant’s response finding on page 17 of Supporting Compliance Report provide an explanation of the proposed refinement and concludes with “This refinement provides better access and safety for all modes of transportation in the southwestern block”. The City’s Engineering Division does not share this opinion and is recommending that the alignment of Yosemite Street return to that approved in SAP East.

Subsection 4.125(.18)J.1.a)ii.: Changes to the nature or location of park type, trails, or open space.

47. Finding: The applicant is not proposing any refinements to the above, however, staff is recommending the development of the pocket park in Phase II concurrent with the development of Phase I to better provide opportunities for active recreation in Phase I until later phases of SAP East are developed. See findings 8 of this application as well as the Final Development Plan application (Planning Case File DB-2005-02-00023) for further detail on parks and trails.

Subsection 4.125(.18)J.1.a)iii.: Changes to the nature or location of utilities or storm water facilities

48. Finding: The applicant is proposing (Sheet 7) a temporary water quality and detention area for rainwater detention to the east of Phase I. The applicant indicates that “*this detention pond was not shown in SAP-East but is not a refinement because it is temporary and will be relocated to the permanent location shown on Plan Sheet 19 – Grading Plan of SAP East*”. As this structure is temporary, staff does not view it as a “change” to the location of a storm water facility. Staff will review the stormwater detention and water quality requirements for each phase of SAP-East on a case by case basis. See the conditions of approval of the Assistant City Engineer and Natural Resources Program Manager regarding stormwater management.

Subsection 4.125(.18)J.1.a)iv. & v.: Changes to the Location or Mix of Land Uses

49. Finding: The applicant is proposing a refinement to the location and mix of residential land use types from that approved in SAP-East (04DB22). See the applicant’s response finding on page 18 of Supporting Compliance Report. Specifically, three refinements are proposed:

Area	SAP-East	Proposed Refinement
S. of Barber/W. of Yosemite Street	10-14 small-detached lots	19 small attached lots

S. of Barber/W. of Brown/N. of Y Street	9-11 medium lots	1 standard, 4 medium, 1 small-detached, 3 small-attached
S. of Barber/W. of Serenity Way/E. of Brown Road	2-4 medium; 2-4 small-detached	5 small attached

50. **Finding:** The applicant summarizes the effect of the proposed refinement in Table A, found on page 19 of Supporting Compliance Report:

	Existing Unit Count	Unit Count with PDP I (E)	% Change
Medium/Standard/Large/Estate	621	613	-1.3
Small/Row/Homes/Neighborhood Apt.	1,779	1,781	+0.1%
Total	2,400	2,394	-0.25%

51. **Finding:** The following table compares the mix and range of housing types approved in SAP-East (Sheet 5 of Planning Case File 04DB22) and the mix and number of housing types with the proposed refinements for the PDP I area (the range of numbers for PDP I and II in 04DB22 are compared to the SAP Amendment (Planning Case File DB-2005-02-00009) which combines these areas into the subject PDP I area).

Type	SAP East - Range	PDP I Refinement	Change
SM	57-74	48	16% below low end of range = "Significant" ¹
SMA	53-79	78	Within range approved in SAP East
M	43-57	42	2% below low end of range: Not "significant" ²
STD	19-23	23	Within range approved in SAP East
L	7-11	7	Within range approved in SAP East
Total	179-244	198	Within range approved in SAP East
SM = Small lots; SMA = Small attached lots; M = Medium lots; STD = Standard lots; L = Large lots. Explanation of lot diagrams begins on page B1 of the Architectural Pattern Book for SAP East			
¹ "Significant" per Subsection 4.125(.18)J.1.b.			

52. **Finding:** Staff notes that the percent change calculated by the applicant appears to be based on the aggregation of land uses defined in Subsection 4.125(.18)(F)1.a.iv. pertaining to the Refinements of the Approved Villebois Village Master Plan. Subsection 4.125(.18)J.1.a.iv., PDP Refinements to an Approved Specific Area Plan, does not make use of this aggregation of land uses and only refers to the overall distribution of uses in a PDP, not the entirety of the Villebois Village. Staff's analysis is based on the mix of landuses within the subject PDP. Based on this analysis, it appears that the proposed 48 small lots (SM) would exceed the 10% threshold for a "significant" change ($57-48 = 9 : 9/57 = 16\%$). A "significant" change requires an amendment to the SAP, which cannot be approved by the DRB. To remain a refinement, a minimum of 51 small lots ($5.7/57 = 10\% = 6 \text{ lots} : 57 - 6 \text{ lots} = 51 \text{ lots}$) will be required. See condition of approval 3.

53. **Finding:** The proposed refinements would decrease the unit count for the Villebois Village by six (6) from an overall of 2400 to 2,394, or a change of -0.25% which is within that allowed by the subject criteria.

Subsection 4.125(.18)J.1.a)vi.: *Significant Changes Necessary to Protect Community Resources/Roadways and*

Subsection 4.125(.18)J.1.b)i.&ii.: *"Significant" defined*

54. Finding: Findings 51, and 9 note "significant" changes in the refinements proposed by the applicant as defined in Subsection 4.125(.18)J. 1.b.i.&ii.

Subsection 4.125(.18)J.2.a.-c.: *Refinements meeting the above definition may be approved by the DRB upon the demonstration and finding that . . .*

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

55. Finding: In staff's opinion, the applicant's proposed refinements the street system approved in SAP-East to off-set the Yosemite Street intersection with Y Street and to terminate Y Street in a cul-de-sac do not meet the implementation measures of the Villebois Village Master Plan or those of the Development Code. See Finding 9 and condition of approval 2. With the exception noted in Finding 51, other proposed refinements meet code.

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

56. Finding: Staff concurs with the applicant's response finding beginning on page 20 of Supporting Compliance Report.

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

57. Finding: Staff concurs with the applicant's response finding beginning on page 21 of Supporting Compliance Report.

Subsection 4.125(.18)K.: *PDP approval criteria. The Development Review Board may approve an application for a PDP only upon finding that the following approval criteria are met:*

1. *That the proposed PDP:*

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

58. Finding: As identified in Findings 51, and 9, the applicant's proposed refinements of the SAP with the subject PDP application are currently beyond what the DRB can approve as a refinement. **This standard has been met.**

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

59. **Finding:** See findings to these code criteria below. The applicant's response findings on page 21 of Supporting Compliance Report indicates "Section I of this Supporting Compliance Report provides an explanation of how the proposed development is consistent with the applicable standards of the Planning and Land Ordinance". Staff was unable to locate these findings.

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

60. **Finding:** As identified in Findings 9, and 51, The proposed Phase I PDP is not in substantial compliance with the *Villebois Village SAP- East*. **This standard can met with conditions of approval 2 and 3.**

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

61. **Finding:** Consistency with the approved *SAP-East Architectural Pattern Book* will be demonstrated in the review of the forthcoming Final Development Plan for Phase I of SAP-East (Planning Case File DB-2005-02-00023) and at the time of building permit. Because approval of the PDP as proposed with conditions of approval does not preclude future compliance with this standard, it is conditionally met subject to satisfactory future FDP review. **This regulation does not apply at this time.**

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

62. **Finding:** No phasing of the Phase I PDP is proposed. **This regulation does not apply.**

3. *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.*

63. **Finding:** Staff recommends the applicant redesign the PDP to address the concerns identified in Findings 9, 85, and conditions 3, 4, and 5 of the Plans Examiner and that staff review this redesign at the time of final plat review. At the discretion of the Planning Director or DRB, this redesign can be brought back before the DRB for its consideration. See condition of approval 2.

GENERAL DEVELOPMENT REGULATIONS

4.140.09: *Final Approval Criteria for Planned Developments*

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 of 4.140:

4.140(.09)(J)(1): *Compliance with Comprehensive Plan and Applicable Plans*

64. Finding: The Villebois Village Master Plan was found by the City Council to be in complete compliance with the City's Comprehensive Plan, as revised (#02PC07A and #02PC07C). As the Phase I development complies with the Master Plan through the intervening Villebois Village SAP-East Plan, it is by definition in compliance with the Comprehensive Plan provided the Conditions of Approval are met. **This standard has been met.**

4.140(.09)(J)(2): Traffic

65. Finding: The City has prepared a traffic analysis that indicates that with the improvements completed at the intersection of Brown and Wilsonville Roads and with the improvements that will be provided within the two years in the vicinity of the Wilsonville Road interchange the development can be accommodated safely and without congestion in excess of Level of Service D. The City's Comprehensive Plan provides for planning approval when evidence, including listing in the City's Capital Improvement Program supports the finding that facilities/services will be available within two years (Implementation Measure 3.1.2.b.a). The traffic report which is based on existing streets plus projects in an approved Capital Improvement Plan which will be accomplished within two years and which includes the traffic from existing development plus previously approved Stage II projects. The Traffic Impact Report prepared for the SAP-East has been incorporated into the PDP application by reference. As indicated in this report, traffic generated in Phase I can be accommodated on the proposed and existing roadway system in an adequate and safe manner. There are no commercial or industrial uses proposed in this phase, so that portion of the requirement does not apply. Otherwise, the application is in compliance with this requirement provided the conditions of approval have been met. This standard has been met.

4.140(.09)(J)(3): Adequate Facilities and Services

66. Finding: The utility and drainage reports incorporated by reference into the Phase I PDP demonstrate that the density of residential development can be supported without any adverse impacts, assuming that these improvements are constructed as proposed and conditions of approval have been met. This standard has been met. The City's Engineering Division has reviewed the Applicant's plans but has proposed that no construction of such utility improvements occur until all plans are approved by Engineering Staff. This initial review of design drawings by the City's Engineering Division, and assurance that a permit will not be issued until Staff approves all plans, is sufficient to insure that adequate public facilities are available to serve this project.

4.171: General Regulations – Protection of Natural Features & Features & Other Resources

Subsection 4.171(.02)A.&B.: General Terrain Preparation

67. Finding: The applicant's response finding is found on page 23 of the Supporting Compliance Report. The topography of the Phase I area slopes to the east and drops approximately 60 feet from the western edge. The City's Engineering Division and Stormwater Management Coordinator have provided conditions of approval that, when implemented, should minimize the amount of off-site erosion. Staff notes that the City Building Official and Engineer will review the proposed Phase I grading plan to insure that it conforms to the UBC (now the International Building Code or IBC) and results in the minimum disturbance practicable. The applicant will also need to obtain a 1200 C permit from the Oregon Department of Environmental Quality prior to mass grading of the site. These permits are not part of Site Development Permit that may be authorized by the Development Review Board. Staff also notes that a Type C Tree Removal Plan and Permit will be required for any tree removal. See Planning Case File DB-2005-02-00016. **These**

code criteria can be met with condition of approval 12 and of the City's Stormwater Management Coordinator.

Subsection 4.171(.03): Hillsides. All developments proposed on slopes greater than 25% shall be limited to the extent that . . .

68. **Finding:** The subject site does not contain slopes greater than 25%. **This regulation does not apply.**

Subsection 4.171(.04)A.&B.: Trees and Wooded Areas

69. **Finding:** To the staff's knowledge, there has been no disturbance on the site in preparation for initiation of the Phase I development. The Applicant/Owner has submitted a Type C Tree Removal Plan (Section VI). **This standard cannot be met until additional information is submitted.**

70. **Finding:** The PDP has been designed to incorporate existing wooded areas, significant clumps/groves of trees and vegetation, and all trees meeting the policies and standards contained in the Tree Protection Element of the SAP-East Community Elements Book, where feasible. Existing trees within a right-of-way are preserved when suitably located, healthy, and proposed grading would allow. The Tree Report prepared by Walt Knapp and Tree Preservation/Protection Plan identify which trees are to be retained and to be removed. However, the overall submission of information for the Type C Tree Removal Permit would benefit from a tabular summary of information of each tree identified on site. This issued is discussed in further detail in application DB-2005-02-00016. **This standard has been met.**

71. **Finding:** The Applicant/Owner has indicated that all trees and woodland areas designated for retention will be protected during site preparation and construction in accordance with City Public Works design specification and Section 4.171.04. **These criteria have been met.**

Subsection 4.171(.05):A.: High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:

72. **Finding:** The applicant's response finding is found on page 25 of the Supporting Compliance Report. There are no high-voltage power lines located in the Phase I area, so this portion of the requirement does not apply. The applicant indicates there is a gas line owned by NW Natural Gas that runs adjacent to the western boundary of the PDP area. It is not clear from Sheet 8, the Composite Utility Plan, where this line is in relationship to the PDP boundary. The applicant indicates that "Development proposed within these locations, such as street alignments and landscape areas, shall be coordinated between the City, developer, and utility providers". While this gas line does not appear to be in the Phase I area for SAP-East, the development of roads and installation of utilities for Phase I will need to be coordinated with the improvements of SAP-South, it is imperative that all the necessary permits from the City and utility providers are obtained prior to earthwork for the installation of roads or utilities. This criterion can be met with condition of approval 14.

Subsection 4.171(.07)A.: Standards for Earth Movement Hazard Areas

73. **Finding:** No earth movement hazard areas have been identified within the Phase I area. Nonetheless, development of the subject site will occur in a manner that minimized potential hazards to safety. **This code criterion has been met.**

Subsection 4.171(.09)A.: *Historic Protection Purpose*

74. **Finding:** The applicant's response finding on page 26 of the Supporting Compliance Report indicates that no sites, objects, or areas having historic, cultural, or archaeological significance were identified on the site. This code criterion does not apply.

Subsection 4.176.06: *Landscaping, Screening & Buffering*

75. **Finding:** The applicant's response finding is found on page 26 of the Supporting Compliance Report. This response finding indicates that "the Landscape Plan provides sufficient detail of the landscaping in the park and open space areas necessary for compliance with all Final Development Plan criteria in the Wilsonville Planning and Land Development Ordinance". As noted in Finding 7, details of the park design in the Phase I area will need to be reviewed by the City's Parks and Recreation Advisory Board with a recommendation forwarded to the Development Review Board.

Subsection 4.176(.06)D.1.&2.: *Street Trees*

76. **Finding:** The applicant's response finding indicates "The Street Tree/Lighting Plan has been developed in conformance with the Community Elements Book and the applicable standards of Section 4.176". As identified in Finding 18 of this report, this is not the case for all streets. With condition of approval 12, Subsection 4.176(.06)D can be met.

77. **Finding:** The Applicant/Owner shall select specimens and plant them per industrial standards to maximize survival to meet Subsection 4.176(.06)D.1.

78. **Finding:** The list of street tree species contained in Subsection 4.176(.06)D.2. has been superseded by the list contained in the street tree element of the SAP-East Community Elements Book. As demonstrated in Finding 18, the proposed street trees do not meet the specifications of the Community Elements Book. With condition of approval 12, this criterion can be met.

4.177: *Street Improvement Standards*

Note: Subsection 4.125(.09)A., Street and Access Improvement Standards states "Except as noted below, the provisions of Section 4.177 shall apply within the Village Zone". The provisions covered in 4.125(.09)A. include general provisions, intersection of streets, Offsets, curb extensions, street grades, centerline radius street curves, right-of-way, access drives, clear vision areas, vertical clearance, and interim improvement standards. Street and access standards not addressed in 4.125(.09)A. are subject to Section 4.177.

Subsection 4.177(.01)A.: *Conformance to Public Works Standards*

79. **Finding:** The Villebois Village Master Plan establishes a street plan that is consistent with these requirements. This street system has been refined in the SAP-East Plan. The applicant proposes to further the street plan for SAP-East with the subject PDP application. In staff's opinion, not all of the proposed refinements are in conformance with the City's Public Works Standards and are therefore not suitable refinements to the Villebois street plan. See Finding 9 and 85. With conditions of approval 2, **this criterion can be met.**

Subsection 4.177(.01)B.: *Street Development*

80. **Finding:** See Findings for Subsection 4.125(.09)A. which supersede this code criterion in the Village Zone.

Subsection 4.177(.01)C.1.-3.: *Intersections of streets*

81. Finding: See findings for Subsection 4.125(.09)A.2 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)D.: Street Grades

82. Finding: See findings for Subsection 4.125(.09)A.3 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)E.: Street Radii

83. Finding: See findings for Subsection 4.125(.09)A.4 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)F.: Rights-of-way

84. Finding: See findings for Subsection 4.125(.09)A.5 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)G.: Dead-end Streets

85. Finding: By staff's estimation, the western cul-de-sac terminus of "Y" Street exceeds 300 feet from its intersection of Yosemite Street which exceed the maximum length of 200 feet required by this code section. The applicant has not demonstrated how this cul-de-sac would meet this code requirement. Given the Engineering Division requirement that Yosemite Street return to the alignment approved in Circulation Plan of SAP-East, it is staff's opinion "Y" street should terminate at Yosemite as was depicted in SAP-East, eliminating the cul-de-sac. This will cause a redesign of the PDP as well as the underlying plat for this area of Phase I. This criterion can be met with condition of approval 2.

Subsection 4.177(.01)H.: Access Drives and Lanes

86. Finding: See findings for Subsection 4.125(.09)A.6 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)I.: Corner or Clear Vision Area

87. Finding: See findings for Subsection 4.125(.09)A.7 which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)J.: Vertical Clearance

88. Finding: See findings for Subsection 4.125(.09)A.8. which supersedes these code criteria in the Village Zone.

Subsection 4.177(.01)K.: Interim Improvement Standard

89. Finding: See findings for Subsection 4.125(.09)A.9. which supersedes these code criteria in the Village Zone.

Subsection 4.178(.01): Sidewalk And Pathway Standards

90. Finding: Street sections for each street classification have been established in the Villebois Village Master Plan. With the exception of the "private lane", all of the streets within the Phase I area feature sidewalks of at least five (5) in width, which meets or exceeds the minimum standard. There are no commercial uses proposed in the Phase I subdivision, therefore requirements sidewalks in commercial areas does not apply to the subject application. **To the degree they are relevant, these standards have been met.**

Subsection 4.178(.02): Pathways

91. **Finding:** In all of the street sections in the Villebois Village Master Plan that include bicycle lanes, these lanes are either 5' or 6' wide, in compliance with this requirement. In the Phase I subdivision all streets have 5' wide bicycle lanes in both directions, in compliance with this requirement. The Private Lanes are not required to have alleys. **These standards have been met.**

Subsection 4.178(.04): The Minimum Bike Path Pavement

92. **Finding:** Figure 7 of the Villebois Village Master Plan depicts "minor pathways" on the east side of Brown Road and in the "Linear Green" in the southwest corner of the site. The paved surface area for these paths depicted by the applicant on Sheet 15, Conceptual Landscape Plan (2) meet the six (6) foot width requirement of Figure 9B of the Community Elements Book. Right-of-way dedication will need to be commensurate with Figure 9B. This code criterion is met.

Subsection 4.178(.06)A.: Pathway Clearance – Vertical Clearance

93. **Finding:** Sheet 15, Conceptual Landscape Plan (2), depicts trees adjacent to the paths in the linear green areas and the pocket parks. These limbs trees will need to be maintained to a height of at least 8 feet 6 inches. See condition of approval 17.

Subsection 4.178(.06)B.: Potential Obstruction of Pathway Surfaces

94. **Finding:** This level of detail will be contained in the FDP, at which time compliance can be determined. This standard will be met in the future FDP. **This requirement does not apply at this time.**

Subsection 4.178(.07)A.: Pathway Construction Standards

95. **Finding:** All pedestrian pathways will be required to be made of concrete. See condition of approval 15. **This criterion can be met with condition of approval.**

Specific Area Plan - East Conditions of Approval (from Planning Case File 04DB22)

Note: "Finding AXX, BXX" refers to the finding number from Planning Case File 04DB 22, SAP-East

1. Finding A23 The Applicant shall update their analysis and affordable housing strategy upon completion of the City's Housing Needs Assessment, and prior to approval of the first PDP [for SAP – East].

~~96. **Finding:** The City has not completed its Housing Needs Assessment at the writing of this staff report. The applicant's response finding on page 28 of the Supporting Compliance Report includes Table B which provides the number of units of each type of housing within Phase I of SAP East (small attached, small detached, medium detached, standard attached, and large) and the estimate price range for each. Staff notes that these are estimated initial home prices and are not predictors of long term affordability. As the applicant notes in the response finding to this condition of approval "The City is still working to complete the Housing Needs Assessment. The Master Planner will continue to work with the City and developers of Villebois in the establishment of Affordable Housing Objectives and Strategies for Villebois; however, this process is on hold until the City's Housing Needs Assessment is completed". Staff concurs with the applicant's response. The applicant submitted information regarding housing affordability as part of the original SAP East application (Exhibit a). The~~

SAP E-PDP # 1 application contains information regarding affordability in this phase (Exhibit b) Both of those documents conclude that, based on the median household income in Wilsonville of \$52, 515, affordable ownership opportunities are provided within the proposed housing categories of condominiums, rowhomes, small attached and detached and some medium detached. This conclusion is based on an assumption that 1/3 or less of gross monthly income be devoted to mortgage payments, at 6% – 7% interest, with a 30 year mortgage and \$300-\$400 in other monthly debt for an “affordable monthly payment of \$1444 or less.

The City’s housing consultant, Winterbrook Planning, has prepared a brief draft analysis (Exhibit c) of the proposed price schedule as depicted by Table A of the SAP East submittal, and has concluded, based on the same assumptions of 1/3 or less of monthly income, etc., that among ownership opportunities, only the various condominium units offer affordable ownership options. All rental unit ranges are determined to be affordable.

The requirement for affordability is applicable to Villebois as a community, not to any individual phase. Given this fact, an analysis of Table A from the SAP East submittal, based on the Winterbrook conclusions of affordability, shows 523 of 1986 total units (or 26%) are proposed to be affordable for ownership. 100% of the proposed rental units are determined to be affordable, for an overall affordable unit percentage of 39% within Villebois.

Neither the City nor the Villebois Village Master Plan have specific standards for provision of affordable units, so no conclusion can be made regarding compliance with a specific standard or standards. The Villebois Village Master Plan requires the provision of affordable units, which according to the above analysis, will occur on a village wide scale. The applicant has increased affordability by increasing the number of small attached and detached dwelling units, and decreasing the number of standard and large units.

2. Finding A29 Pedestrian linkages shall be provided at every intersection along Coffee Lake Creek Drive to Tonquin Trail to provide neighborhood access (see Exhibit G). See also related Findings A85.
97. **Finding:** Staff concurs with the applicant’s response finding on page 28 of the Supporting Compliance Report: Coffee Lake Creek Drive is located outside and to the east of the subject PDP area. This condition of approval does not apply.
3. Finding A66 The SAP – East Fencing Plan shall be completed prior to approval of the first PDP [of SAP – East].
98. **Finding:** The applicant’s response finding found on page 28 of the Supporting Compliance Report (Section IIIA) indicates that “*the applicant and Master Planner for Villebois are currently working to complete the Fencing Plan*”. This condition of approval has not yet been met.
4. Finding A87 The Master Signage and Wayfinding Plan shall be submitted for approval with the first PDP application. The DKS recommendations [Exhibit G] shall be addressed. See related Findings A98, A100, and A124.
99. **Finding:** The Master Signage and Wayfinding Plan has only been informally submitted to Planning Division staff review at the writing of this staff report. The applicant is not proposing any signs for approval with the subject application, or any other application being

reviewed concurrently with the PDP application. Until adoption of the Master Signage and Wayfinding Plan, all signage within Villebois is subject to the requirements of the City's existing sign code (Subsection 4.156) which is likely to be far more restrictive in allowable signage than the master signage program will be.

5. Finding A100 The addition of Post Box Specifications shall be included in the Community Elements Book.
100. **Finding:** Staff is unaware of any additions to the Community Elements Book for SAP-East since its approval by the DRB on November 29, 2004. This condition of approval did not specify any timeframe for compliance.
6. Finding A126 Any proposed development in such locations [areas where slopes equal or exceed 25%] shall be accompanied by a geotechnical investigation report and an erosion control permit.
101. **Finding:** Staff concurs with the applicant's response finding: "*the subject PDP area does not contain areas where slopes equal or exceed 25% (see Plan Sheet 3 – Aerial Photograph in Section IIIB). Therefore, this condition does not apply to this application*".
7. Finding A128 Any development proposed within these locations [utility easements and rights of way], such as street alignments and landscaped area, shall be coordinated among the City, developer and utility providers.
102. **Finding:** The applicant's response finding states "*the applicant understands this condition and will continue to coordinate with the City and utility providers*".
8. Finding B16 The Applicant is responsible for obtaining any necessary state or federal permits.
103. **Finding:** This continues to be the case for the subject application.
9. Finding B24 The Applicant shall include the wetland boundary established by the FES [Fishman Environmental Services] wetland delineation.
104. **Finding:** Staff concurs with the applicant's response finding: "*the subject PDP area does not include any wetland habitat established by the FES wetland delineation. The boundary will be included on all plans when applicable to future PDP applications*".
10. The Applicant shall obtain a Type 'C' tree permit prior to issuance of a grading permit by the City's Building Official.
105. **Finding:** Section VI of the Legend at Villebois notebook contains an application for Type "C" Tree Removal Plan for the Phase I area. Should the DRB grant approval of this plan, staff can issue a Type "C" Tree Permit for the Phase I area should all the conditions of approval of the Tree Removal plan be met.

Applicable Engineering Division Conditions of Approval

- PF 25. The proposed street light luminaire listed in the Community Elements Book (Hadco S8867C) is not a fixture that will be maintained by Portland General Electric. Therefore,

the applicant shall modify the street light luminaire to a type that meets PGE's requirements (Schedule 91, Option B) or form a lighting district through the Homeowner's Association to operate and maintain the proposed fixtures. For reference, there is a street light luminaire that is similar in type and style that will be maintained by PGE: Hadco S8867E.

106. Finding: An agreement similar to that worked out between the City, Portland General Electric and, and the Master Plan in SAP-South will need to be developed for SAP-East.

PF 25. The applicant shall complete the required Traffic Impact Analysis for the SAP and at the application of each PDP. Street improvements and right-of-way dedications shall be completed, as reflected in the Transportation Systems Plan, to conform to the City's Level-of-Service requirements as phased development occurs.

107. Finding: The Traffic Impact Analysis conducted for the SAP-East, along with further consultation between DKS Associates and the City Engineering Division, have been sufficient to determine the traffic impacts for PDP I. **This condition has been met.**

PF 25. No parking shall be allowed at any time within 100 feet of the splitter islands on the legs of the roundabout (at Barber Street/Brown Road and Barber Street/Circolo Costa Drive). These areas shall be clear of conflict to allow motorists to focus on pedestrians, bicyclists, and merging into the circulating traffic.

108. Finding: See Engineering Division condition of approval PF25 of the subject application.

PF29. At the Master Plan review the detail was not developed to determine the need for left turn lanes and their locations. However, with the specific site plans and future traffic forecasts, left turn lane needs were reviewed with this application. The roundabouts eliminate the need for left turn lanes at key minor collector intersections. Other streets do not warrant left turn lanes (for example Circolo Costa Drive). However, there are several locations where left turn storage shall be addressed. Subject to confirmation by DKS data demonstrating such warrants, there are several locations where left-turn storage shall be provided. Lacking such confirmation, the storage areas shall be evaluated and the final determination made with the appropriate PDP application.

b. Remove the median on Barber Street between Yosemite Street and X Street to provide a continuous two-way left turn lane.

109. Finding: The applicant's response finding on page 30 of the Supporting Compliance Report states, in part, "The Master Planner and the applicant do not find that the warrants provided by DKS demonstrate the need for left-turn storage". The applicant has subsequently provided a revised Tentative Plat that removes the median on Barber Street west of Brown Road. The Engineering Division's comments in PF 32b. are based on the originally submitted version of the plat.

PF30. The roundabout diameter shall accommodate a WB-60 truck with a 20 foot traveled way and an apron no larger than 5 feet. This may require a curb-to-curb diameter above 150 feet. The diameter of the roundabouts at Barber/Brown, Barber/Circolo Costa and Circolo Costa/Village Center shall all be consistent. The roundabouts must include splitter islands and exit radius design that is not shown on the current site plan. The design of the roundabout will be evaluated at the PDP level of development.

110. **Finding:** The applicant's response finding on page 30 of the Supporting Compliance Report indicates that the proposed roundabout at Barber Street and Brown Road will comply with this condition.
- PF31 The applicant shall be required to provide half-street improvements along Evergreen Avenue and Brown Road at the southern border of the SAP East Boundary. Actual design considerations will be evaluated during the PDP application process.
111. **Finding:** This will be required prior to City approval of the final subdivision plat.
- PF33 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.
112. **Finding:** As evidenced in conditions of approval 3, 4, and 5 of Don Walters, Plans Examiner, "*Fire Department Access Roadways (FDAR) have not at this time been approved by the fire marshal*". This will need to be done prior to City approval of the final subdivision plat. Should the requirements of the fire marshal require a redesign of the plat, this redesign may require a subsequent review of the tentative plat by the DRB. This will be at the discretion of the Planning Director.

SMART Conditions

113. **Finding:** The applicant's response finding on page 31 of the Supporting Compliance Report to the SMART conditions in SAP-East indicates that the bus stops agreed upon by SMART and the Master Planner on Brown Road north of Evergreen Street and on Barber Street west of X Street will be installed. This condition is met.

REFERENCE DOCUMENTS

Clackamas County – City of Wilsonville Urban Growth Management Agreement (April 25, 1991)

Memorandum of Understanding – Cooperative Planning for the Dammasch Hospital Site Wilsonville Oregon (January 11, 1996)

Dammasch Area Transportation-Efficient Land Use Plan (DATELUP), City of Wilsonville Resolution No. 1332, adopted November 13, 1996

Oregon Revised Statute 426.508 (1999)

Metro Ordinance 99-834 amending the Urban Growth Boundary (December 1999)

A resolution authorizing a Memorandum of Understanding with Villebois LLC, City of Wilsonville Resolution 1788, adopted July 15, 2002

A resolution initiating a Comprehensive Plan Amendment for the Villebois Village Master Plan, a Refinement Plan of the Dammasch Area Transportation Efficient Land Use Plan, City of Wilsonville Resolution No. 1795, adopted September 16, 2002

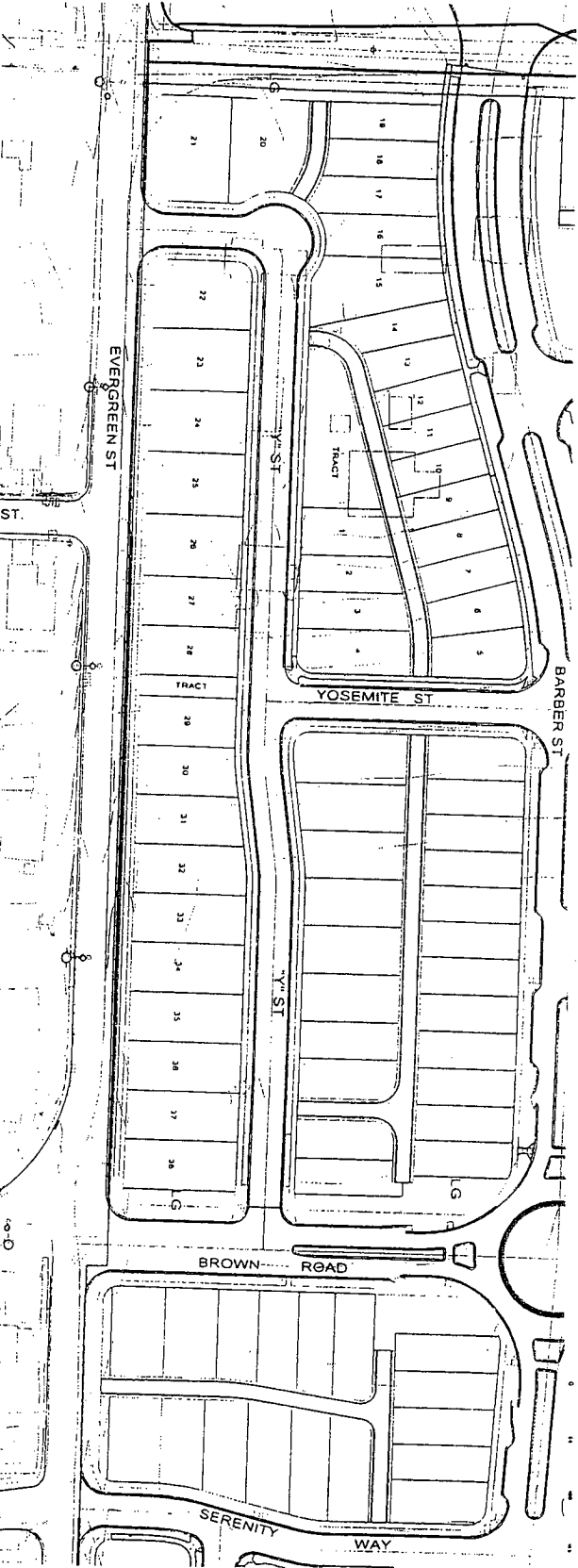
Memorandum of Understanding with Villebois LLC, December 2, 2002

Villebois Village Master Plan (6/4/03), including Villebois Architectural Pattern Book, Villebois Community Elements Plan, and Villebois Village Rainwater Management Plan.

Villebois Village Specific Area Plan (SAP)-East (Revised 8/22/03)

These documents are available for review at the City Planning Department.

REVISED PDP PLAN



PROPOSED PDP PLAN

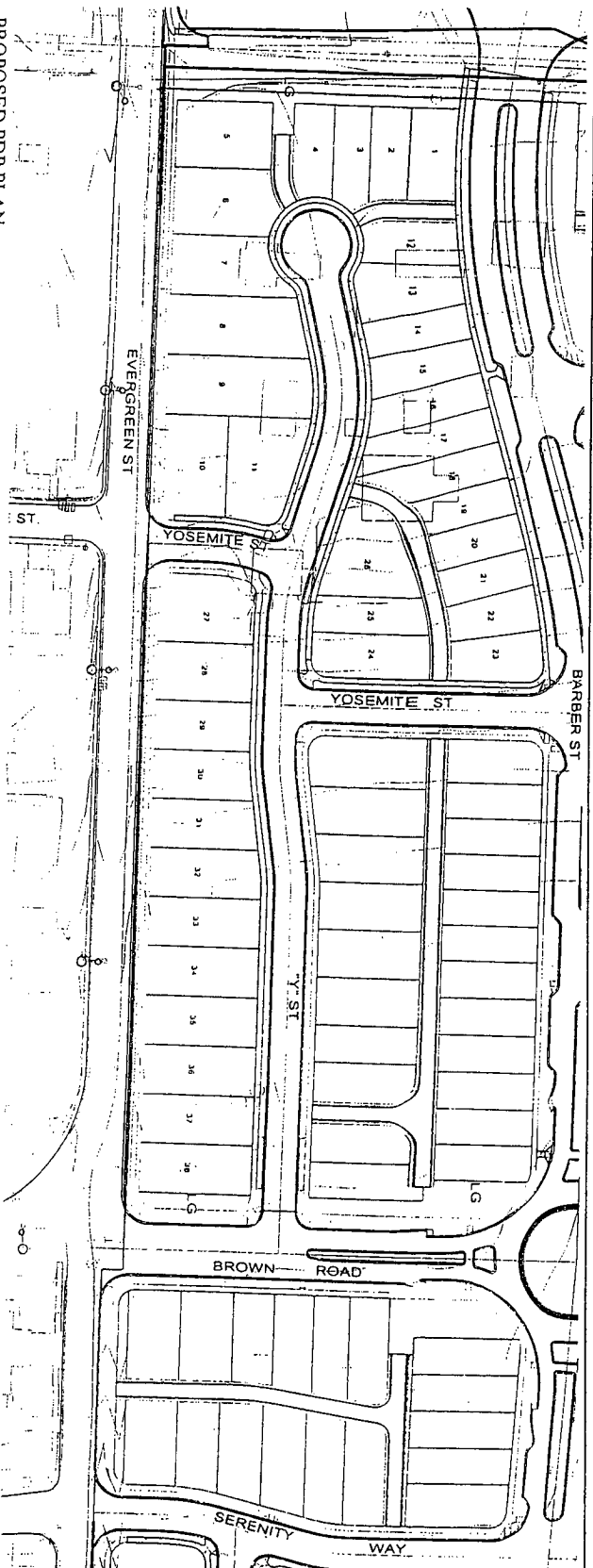
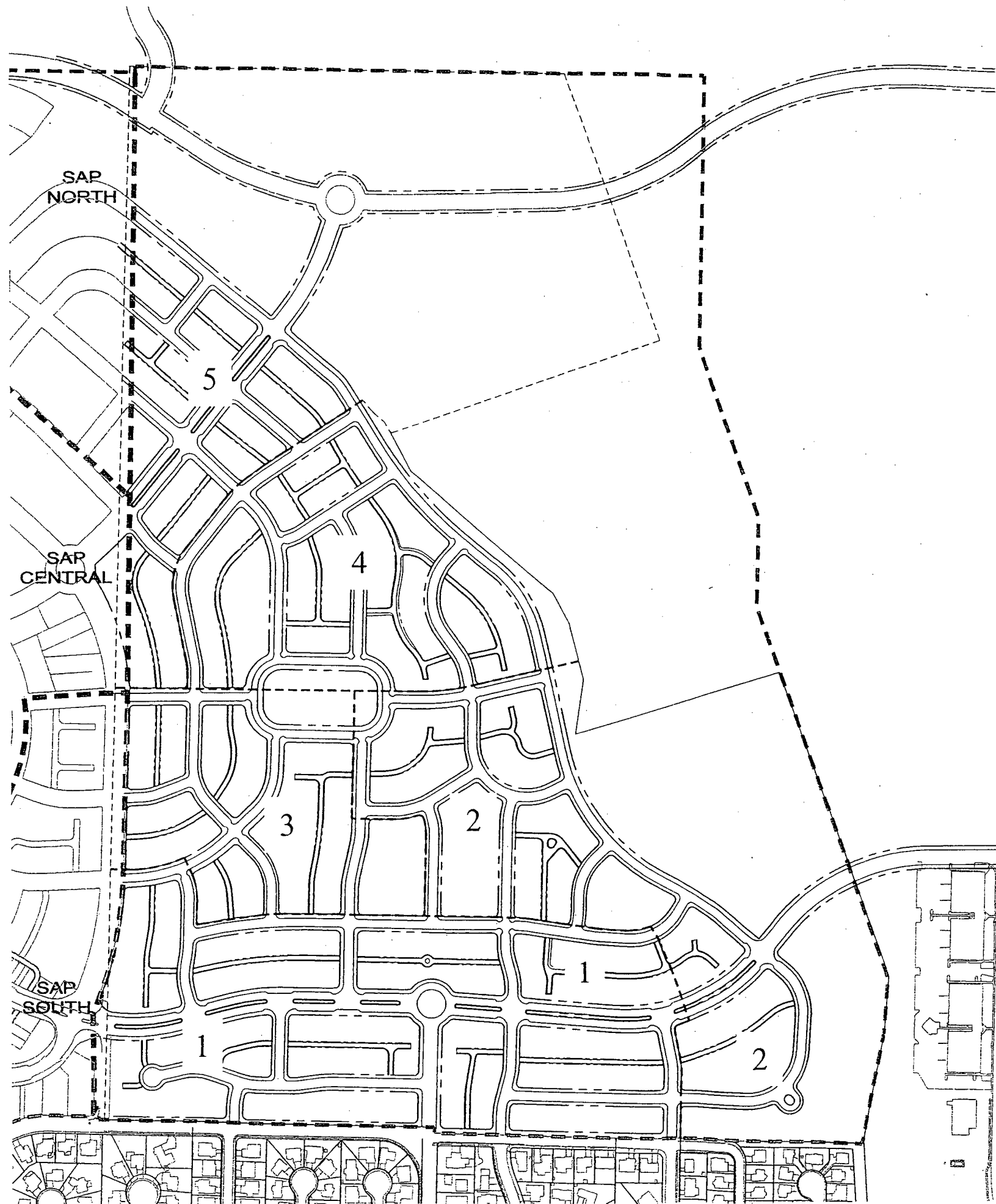


EXHIBIT N
 PDP - 00011
 3-28-2005

New Road Alignment

VILLEBOIS
 EAST NEIGHBORHOOD
 MATRIX DEVELOPMENT
 CORPORATION
 WILSONVILLE, OR
 01/28/05





LEGEND:

— S.A.P. LINE

— PHASE LINE

4 PHASE NUMBER

PHASE	YEAR
1	2005
2	2006
3	2007
4	2008
5	2009



MATRIX DEVELOPMI

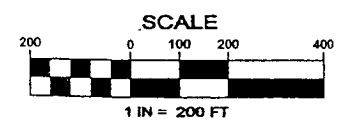
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PACIFIC HABITAT SERV
WALT KNAPP
KITTELSON & ASSOCI

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Specific Area P
East
Phasing Plan

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FROM DRB EXHIBIT
'B'

DATE: 08-

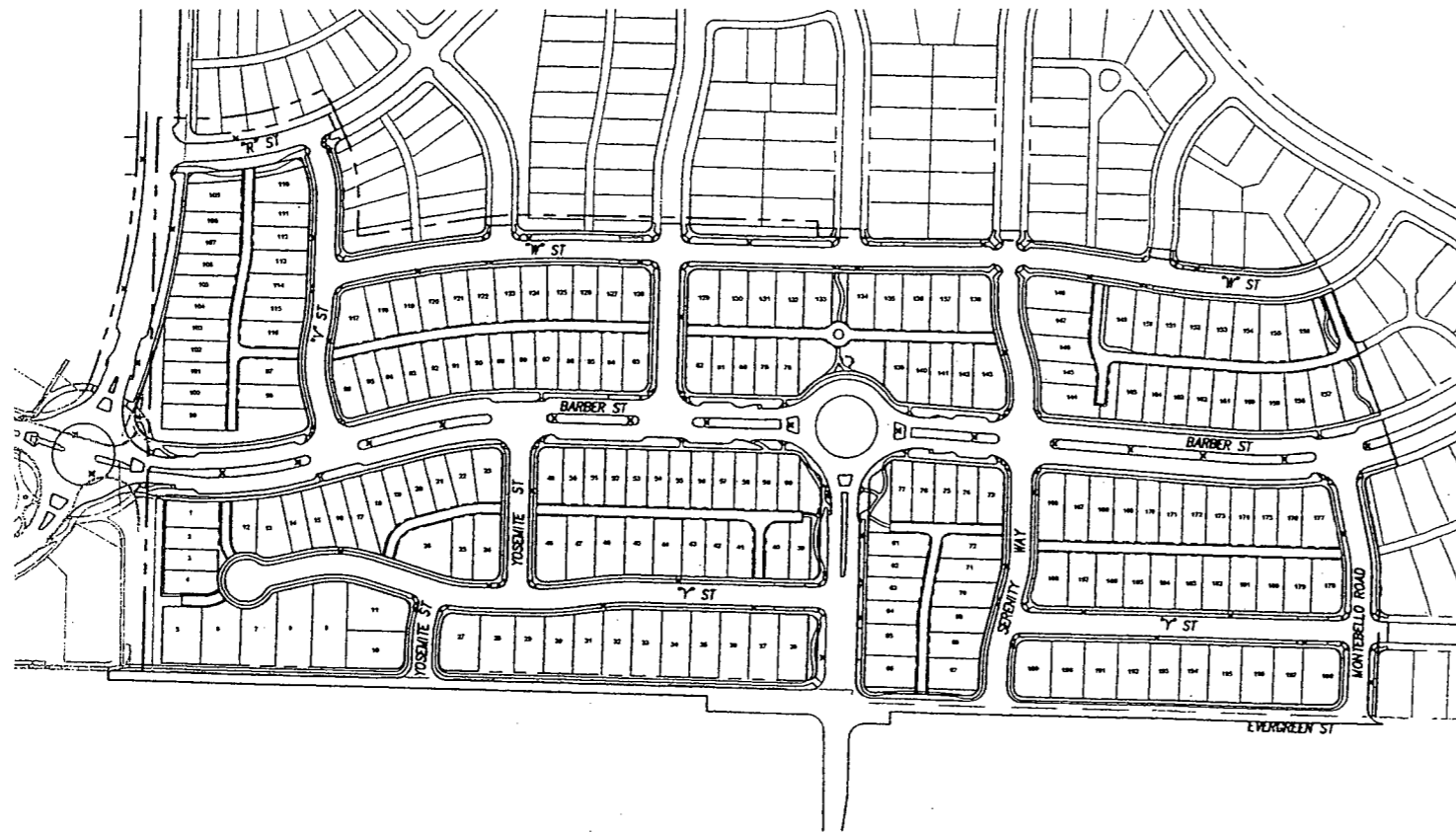


LEGEND AT VILLEBOIS

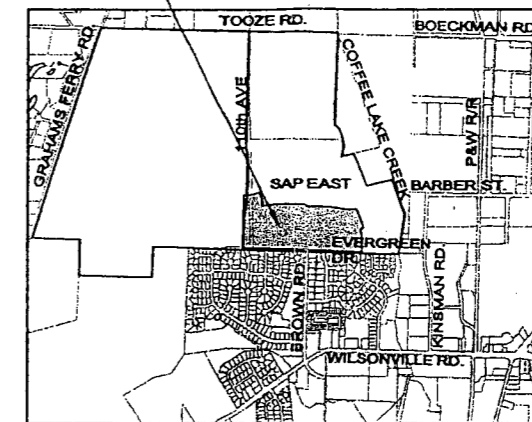
PRELIMINARY DEVELOPMENT PLAN

PHASE 1

TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 15, W.M. CITY OF WILSONVILLE, OREGON



PROJECT SITE



VICINITY MAP

FROM DRB EXHIBIT 'B'
DB 2005 011

SHEET INDEX:

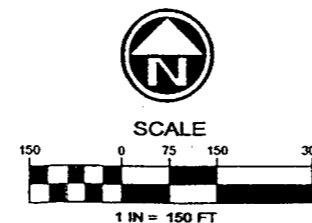
- 1 COVER SHEET
- 2 EXISTING CONDITIONS
- 3 AERIAL PHOTOGRAPH
- 4 TENTATIVE PLAT
- 5 TENTATIVE PLAT (2)
- 6 GRADING AND EROSION CONTROL PLAN
- 7 GRADING AND EROSION CONTROL PLAN (2)
- 8 COMPOSITE UTILITY PLAN
- 9 COMPOSITE UTILITY PLAN (2)
- 10 CIRCULATION PLAN
- 11 CIRCULATION PLAN (2)
- 12 SITE / LAND USE PLAN
- 13 SITE / LAND USE PLAN (2)
- 13B PARK AND OPEN SPACE SITE PLAN
- 14 CONCEPTUAL LANDSCAPE PLAN
- 15 CONCEPTUAL LANDSCAPE PLAN (2)
- 16 CONCEPTUAL LANDSCAPE PLAN (3)
- 17 TREE PRESERVATION / PROTECTION PLAN
- 18 TREE PRESERVATION / PROTECTION PLAN (2)
- 19 STREET TREE/LIGHTING PLANS
- 20 STREET TREE/LIGHTING PLANS (2)
- 21 TYPICAL LOT PLANS

UTILITIES & SERVICES:

WATER:	CITY OF WILSONVILLE
STORM:	CITY OF WILSONVILLE
SEWER:	CITY OF WILSONVILLE
POWER:	PORTLAND GENERAL ELECTRIC
GAS:	NORTHWEST NATURAL
FIRE:	TUALATIN VALLEY FIRE & RESCUE
POLICE:	CLACKAMAS COUNTY SHERIFF
SCHOOL:	WEST LINN / WILSONVILLE SCHOOL DISTRICT 3JT
PARKS:	CITY OF WILSONVILLE
PHONE:	VERIZON
WASTE DISPOSAL:	UNITED DISPOSAL SERVICE
CABLE:	COMCAST

BENCHMARK:

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ELEVATION DATUM: NAVD 88, ELEVATION = 202.991



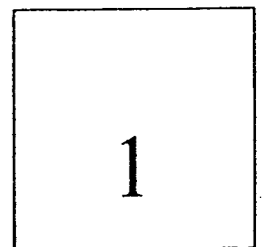
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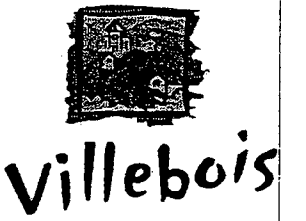
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- WESTERN PLANNING
- IVERSON ASSOCIATES
- PACIFIC HABITAT SERVICES
- WALT KNAPP
- KITTELSON & ASSOCIATES

LEGEND AT VILLEBOIS
Preliminary Development Plan
Phase 1

Cover Sheet

DATE: 2/11/2005





MATRIX DEVELOPMENT

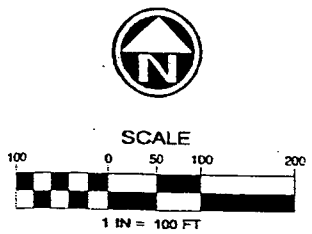
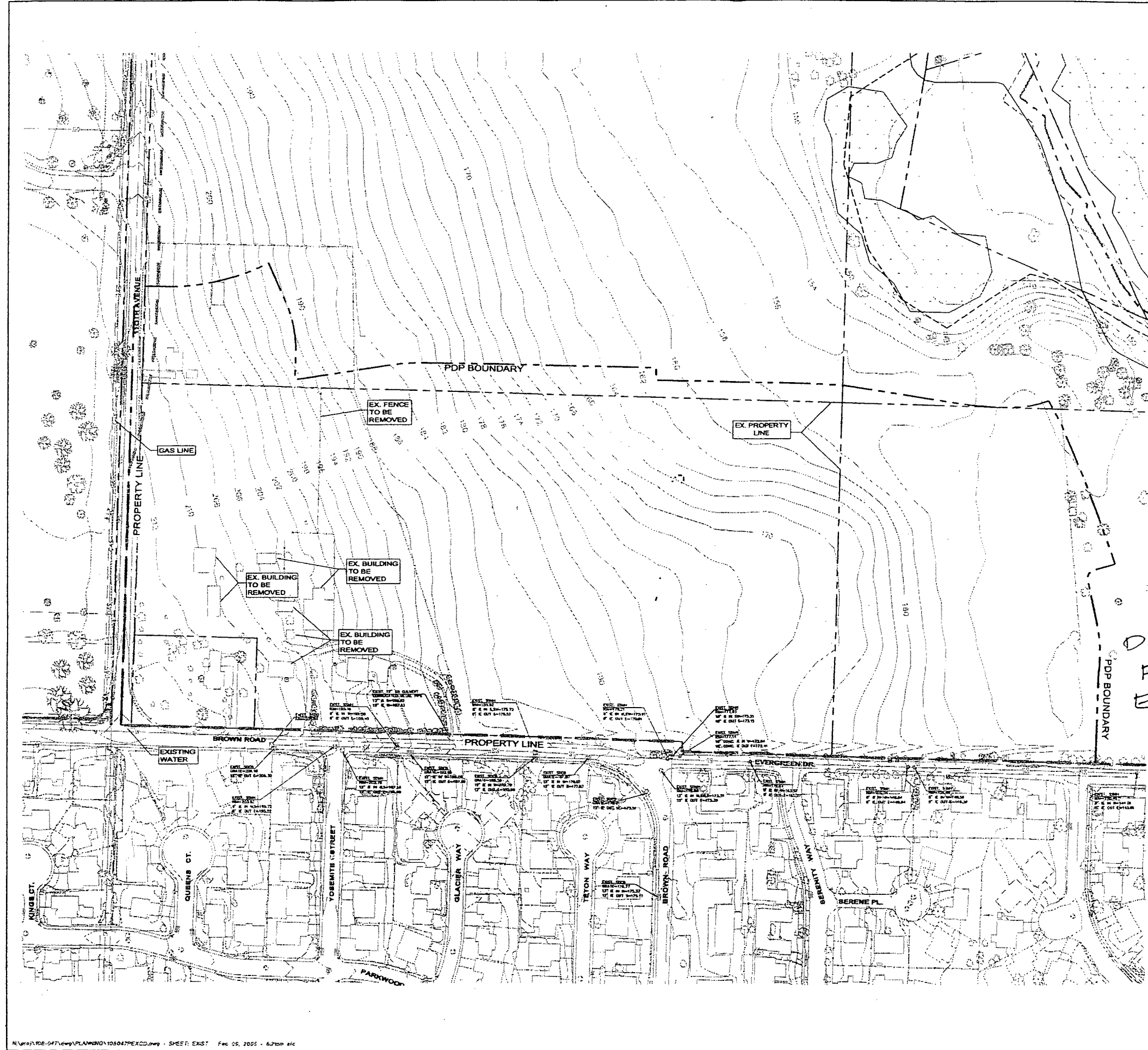
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LEGEND AT VILLEBOIS
Preliminary Development Plan
Phase 1

Existing Conditions

DATE: 2/11/2005

LEGEND:	
	EXISTING STORM
	EXISTING SANITARY
	EXISTING WATER
	EXISTING STORM MANHOLE
	EXISTING SEWER MANHOLE
	EXISTING CLEANOUT





villeboi

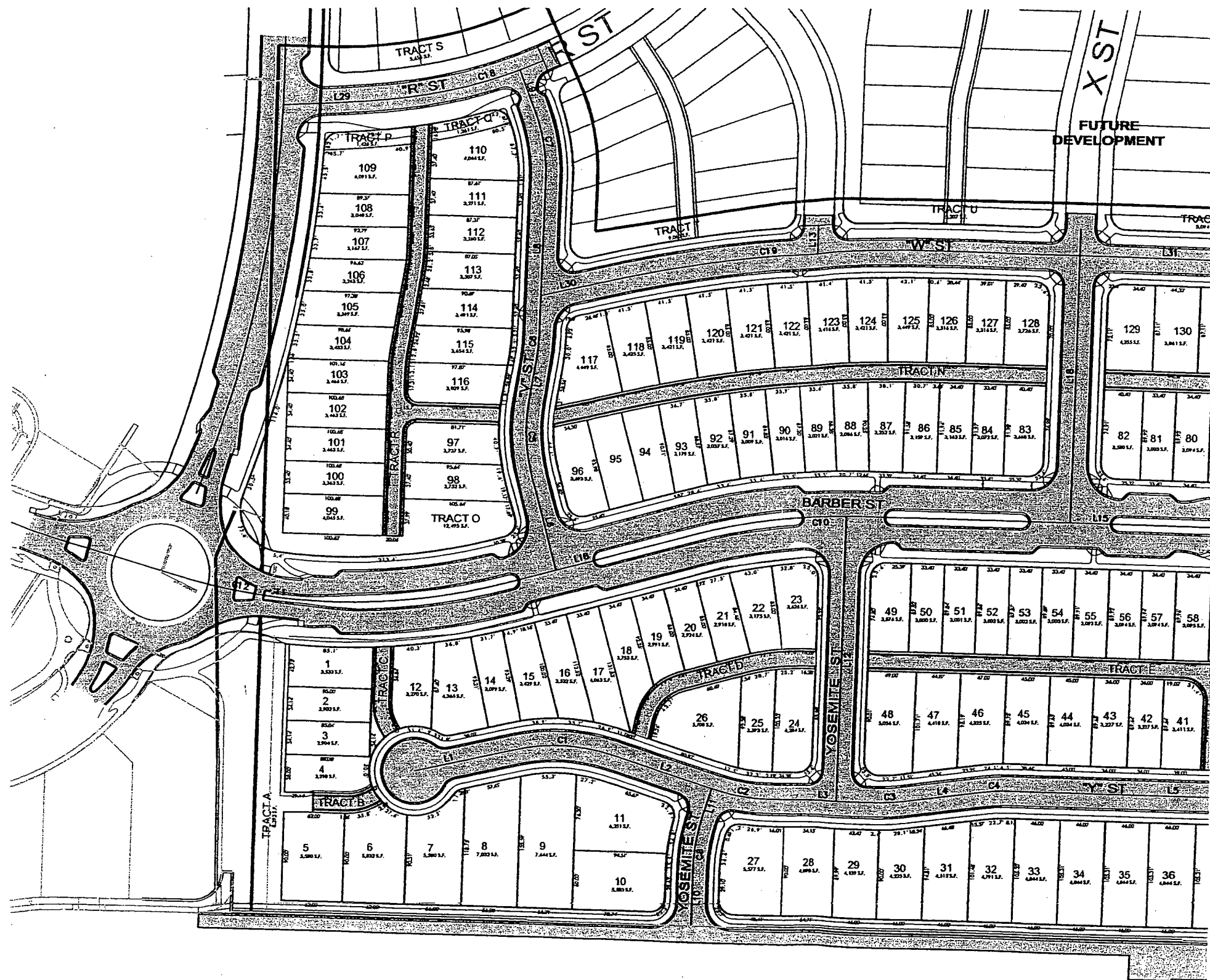
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ALPHA COMMUNITY DEVELOPMENT
WESTERN PLANNING
IVERSON ASSOCIATES
PACIFIC HABITAT SERVICE
WALT KNAPP
KITTELSON & ASSOCIATES

LEGEND A
VILLEBOI
Preliminary
Development Pl
Phase 1

Tentative Plat

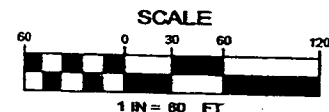
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L2	114.80	N72°09'27"W
L3	113.57	N88°28'58"W
L4	80.10	S83°15'28"W
L5	337.87	N88°29'08"W
L6	97.87	S14°43'19"E
L7	38.58	S10°07'34"W
L8	157.22	S02°02'35"W
L9	40.59	S20°52'27"E
L10	56.87	S01°52'27"W
L11	40.91	S17°50'33"W
L12	288.21	S01°27'27"W
L13	29.10	S01°27'35"W
L14	625.05	S85°15'52"E
L15	488.73	S88°30'42"E
L16	195.09	N75°16'41"E
L17	27.51	S10°15'45"W
L18	297.88	S01°27'35"W
L19	567.09	N88°28'58"W
L20	29.53	N88°22'30"W
L21	66.34	S01°27'35"W
L22	88.73	S15°08'18"W
L23	219.13	S01°27'41"W
L24	38.65	S01°27'54"W
L25	46.31	S15°08'04"E
L26	82.07	S01°27'35"W
L27	157.88	N11°17'47"W
L28	222.47	N01°31'01"E
L29	44.92	N67°32'10"E
L30	59.40	S77°38'17"W
L31	465.10	N88°31'58"W
L32	184.34	N89°31'11"W
L33	92.58	N88°31'58"W
L34	222.79	N81°17'44"W
L35	101.53	N85°46'50"W
L36	450.11	S01°30'52"W
L37	28.82	S01°27'35"W

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C1	98.92	185.00	30°01'03"	49.80
C2	52.71	185.00	16°19'31"	26.54
C3	26.87	185.00	8°15'33"	13.36
C4	26.86	185.00	8°15'26"	13.35
C5	80.23	185.00	24°50'53"	40.78
C6	26.10	185.00	8°04'58"	13.07
C7	74.00	185.00	22°53'02"	37.50
C8	43.83	185.00	13°30'48"	21.92
C9	249.08	600.00	23°47'07"	128.36
C10	169.75	600.00	18°12'37"	85.45
C11	238.38	600.00	21°59'57"	116.82
C12	62.48	600.00	5°58'00"	31.27
C13	44.18	185.00	13°40'41"	22.19
C14	44.18	185.00	13°40'35"	22.19
C15	53.47	185.00	16°33'36"	26.92
C16	53.47	185.00	16°33'36"	26.92
C17	41.37	185.00	12°48'48"	20.77
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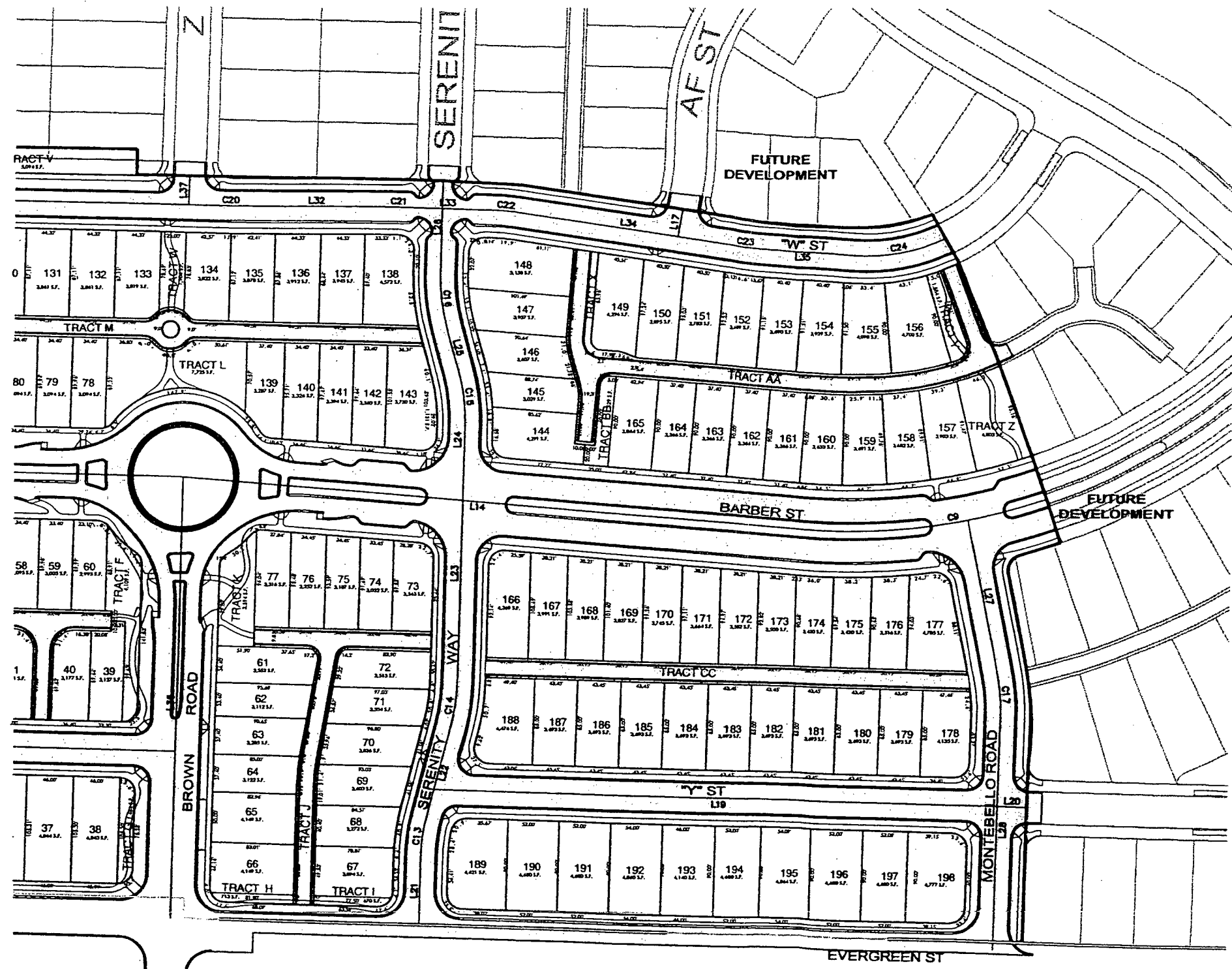
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MATRIX DEVELOPMENT

- ALPHA COMMUNITY DEVELOPMENT
- WESTERN PLANNING
- IVERSON ASSOCIATES
- PACIFIC HABITAT SERVICES
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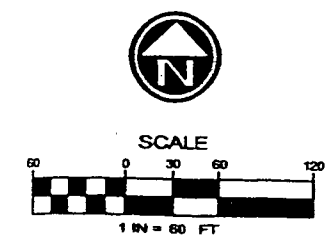
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C5	80.23	185.00	24°50'53"	40.78
C6	28.10	185.00	8°04'59"	13.07
C7	74.00	185.00	22°55'02"	37.50
C8	43.63	185.00	13°30'48"	21.82
C9	249.08	600.00	23°47'07"	126.38
C10	169.73	600.00	16°12'37"	85.45
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C14	44.18	185.00	13°40'35"	22.19
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C16	53.47	185.00	18°33'39"	26.82
C17	41.37	185.00	12°48'48"	20.77
C18	182.71	490.00	21°21'53"	92.43
C19	350.82	1450.00	13°51'44"	178.27
C20	3.19	185.00	0°58'13"	1.59
C21	3.19	185.00	0°58'13"	1.59
C22	23.37	185.00	7°14'15"	11.70
C23	14.48	185.00	4°29'07"	7.24
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LEGEND AT VILLEBOIS
Preliminary Development Plan Phase 1

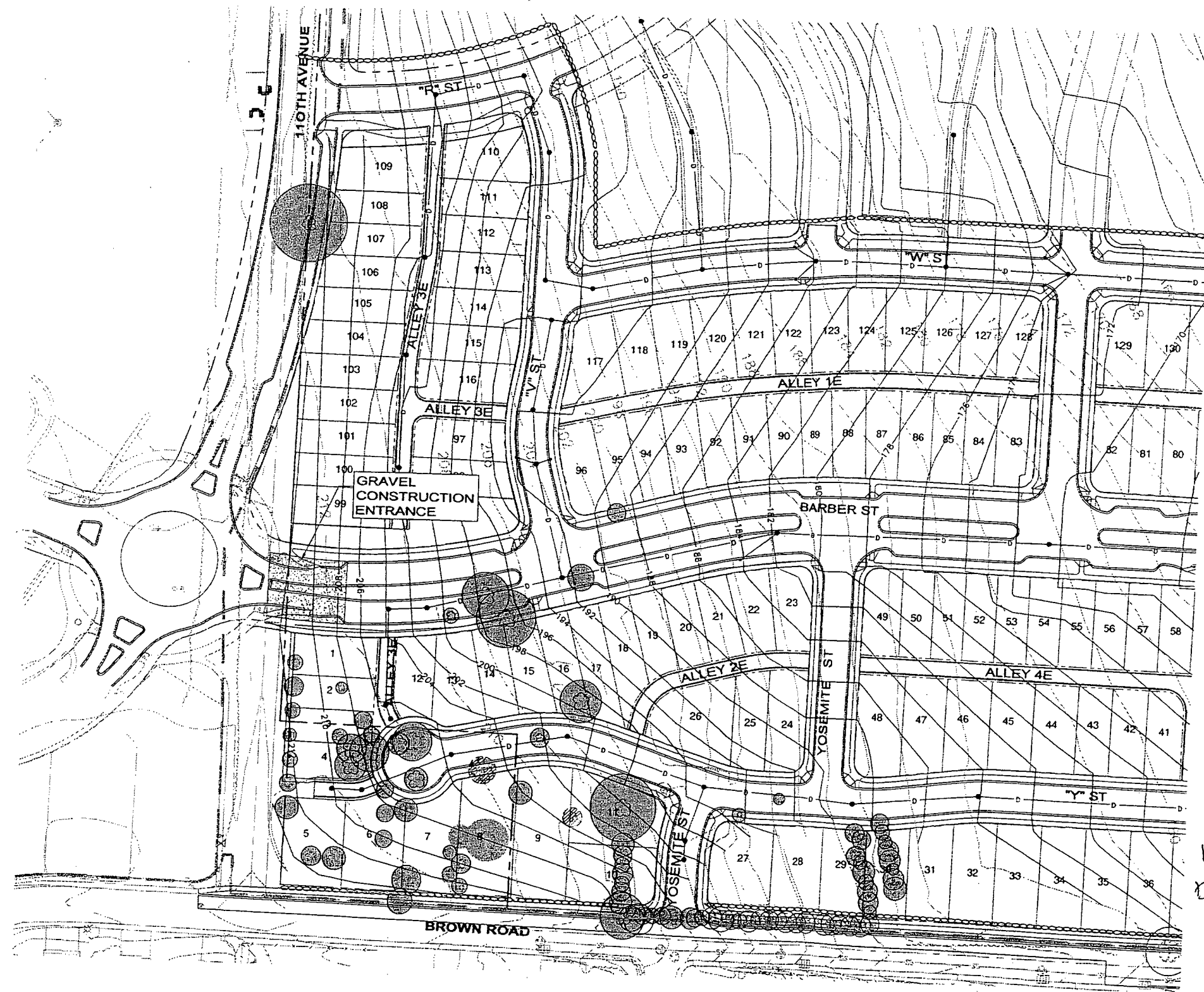
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DATE 2/11/2005



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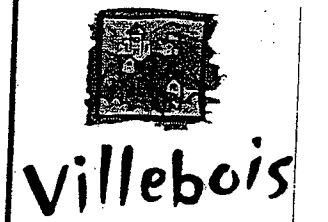
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LEGEND:

- PROPOSED STORM DRAIN
- EX 1-FT CONTOUR
- EX 5-FT CONTOUR
- PROPOSED 1-FT CONTOUR
- PROPOSED 5-FT CONTOUR
- EROSION CONTROL FENCE
- BIO-BAG CATCH BASIN PROTECTION
- EXISTING TREES TO BE RETAINED
- EXISTING TREES LIKELY TO BE REMOVED
- EXISTING TREES TO BE REMOVED

FROM DRB
EXHIBIT 'B'
DB 2005 011



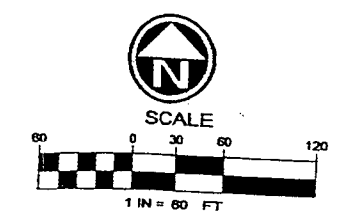
MATRIX DEVELOPMENT

- ALPHA COMMUNITY DEVELOPMENT
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- KITTELSON & ASSOCIATES

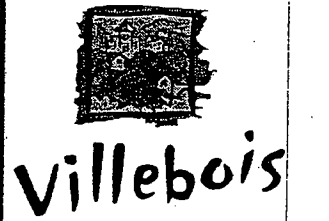
LEGEND AT VILLEBOIS
Preliminary Development Plan Phase 1

Grading and Erosion Control Plan

DATE: 2/11/2005



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MATRIX DEVELOPMENT

ALPHA COMMUNITY DEVELOPMENT
 WESTERN PLANNING
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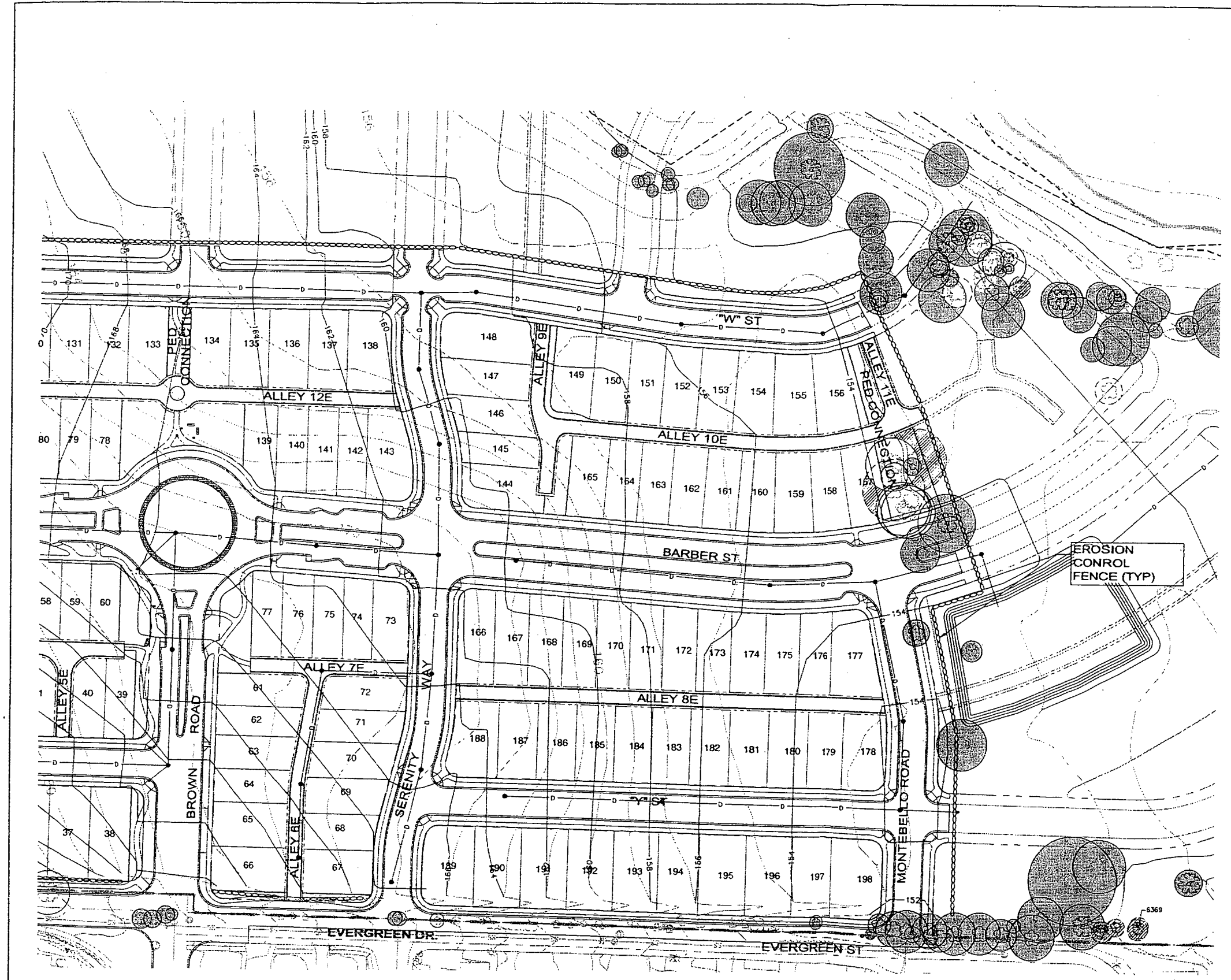
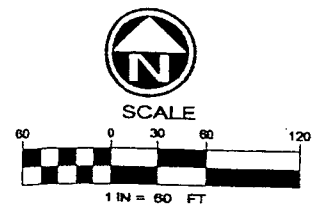
LEGEND AT VILLEBOIS
 Preliminary Development Plan
 Phase 1

Grading and Erosion Control Plan

DATE: 2/11/2005

LEGEND:	
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	EX 1-FT CONTOUR
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	PROPOSED 1-FT CONTOUR
	PROPOSED 5-FT CONTOUR
	EROSION CONTROL FENCE
	BIO-BAG CATCH BASIN PROTECTION
	EXISTING TREES TO BE RETAINED
	EXISTING TREES LIKELY TO BE REMOVED
	EXISTING TREES TO BE REMOVED

FROM DRB EXHIBIT 'B'



H:\proj\108-047\dwg\PLAN\108047PGRAD.dwg - SHEET: GRAD 02 - Feb 09, 2005 - 5:27pm etc

TO: Honorable Mayor and City Council

FROM: Paul Lee, Assistant City Attorney
Blaise Edmonds, Manager of Current Planning
Paul Cathcart, Associate Planner

RE: Second Reading of Ordinance 586, Zone Change for Phase I of Villebois SAP
East

DATE: May 16, 2005

At the first reading of Ordinance 586 on April 18, 2005, Council asked for additional information to address the following concerns regarding the zone change for Phase I of Specific Area Plan (SAP) East:

- Vehicular, pedestrian, and bicycle connectivity to existing neighborhoods and within the proposed project
- Amount of park area and accessibility to active recreational opportunities
- Affordable Housing

In response to these concerns, the applicant prepared a revised Preliminary Development Plan (PDP) and Parks Plan and met with staff on May 11 to discuss the proposed improvements. In staff's opinion, the proposed revisions did not yet adequately address Council's concerns. Staff and the applicant discussed options at length. Staff has prepared a map (attached) illustrating staff suggestions. The applicant is considering changes, but has not, as of 5 pm May 12, had adequate time to prepare presentation documents. We expect those materials to be available for the council worksession on May 16.

The applicant has also provided a written response to these concerns in the form of a memo from Ms. Stacy Connery, AICP of Alpha Community Development, and a letter from Mr. John Junkin of Bullivant Houser Bailey, attorney for Matrix Development regarding the Council review process of the zone change for Phase I. Staff has analyzed these submittals and responds as follows:

Council Jurisdiction

Mr. Junkin's letter states the view that the Phase 1 PDP for SAP East was finally decided by the DRB and that Council's review of the PDP is not supported by language in the Development Code.

The City's legal staff responds by noting that the Council's review of the PDP is based upon an interpretation that Council has historically followed; namely that the development proposal (the PDP), is part and parcel of the Zone Change review. This approach is based upon W. C. 4.008

(.02) L, which in relevant part provides: "For land in the Village zone, there are four (4) phases of project approval. . . . 1. Specific Area Plan (SAP); 2. Preliminary Development plan (PDP) **and** Rezoning; 3. Land division approval; and 4. Final Development Plan (FDP)." (emphasis added). This code section is reasonably interpreted to mean that rezoning and PDP approval constitute a "phase of project approval", which makes the rezoning and development proposal a single "phase" that is approved as a package. The Council has historically exercised a review of a development proposal as part of an application for re-zoning. This reflects an intent that, notwithstanding language in the code giving the DRB final decision making authority for PDPs generally (i.e., stand-alone PDPs), the Council has retained jurisdiction to approve the PDP when there is a companion re-zoning. Pursuant to W.C. 4.002, Council applies the applicable elements of the Comprehensive Plan (including the major tenets of such Plan, the Concept Plan, Village Master Plan and SAP), as approval criteria in the PDP review process.

By adoption of this staff report, Council is understood to formally make this interpretation. It is further found that the applicant and interested parties have been timely made aware of this interpretation, so that the parties had sufficient time to prepare a response to issues raised and suffered no prejudice to their right to fully present the case. The foregoing interpretation is reasonable, accords with the intent of the language interpreted and has been applied without prejudice. Based upon a review of the applicable law, the City Attorney's Office believes that the Council's assumption of jurisdiction of the PDP is legally defensible.

Should the Council chose to approve the revised PDP, the following findings support adoption of this plan.

Modified and Conditionally Approved PDP – Review and Justification

The Council's conditional approval of the PDP, in the form of enhanced pedestrian connectivity and recreational opportunities, is supported by the Comprehensive Plan as follows:

1. General Policy. Public Facilities and Services Implementation Measure (IM) 3.1.2.e provides in pertinent part: "When development is proposed in areas of the City where full urban services/facilities are not yet available, development approval shall be conditioned on the provision of adequate facilities and services to serve the subject property."

2. Policies on Pedestrian connectivity.

Transportation IM 3.16.s provides: "Pedestrian, bicycle, and equestrian travel is often considered a recreational activity. However, people commonly bike and walk throughout the City, and with increasing gasoline prices and traffic congestion, these forms of travel are likely to increase in popularity. For this reason, provisions for pedestrian and bicycle-travel will be considered as a basic transportation element as well as a recreational element".

IM 3.16.s provides: "The City shall encourage development of secondary pathways that are internal to individual developments. Secondary paths shall be designed and provided by private development as new construction occurs and shall be coordinated with the primary pathway system."

3. Policies on Parks and Open Space

a. Parks/Recreation/Open Space Policy: "It is a basic premise of this Plan that the availability of conveniently located open recreational spaces is more important than the form of ownership." C.P. p. 44.

IM 3.1.11.a: "Provide an adequate diversity and quantity of passive and active recreational opportunities that are conveniently located for the people of Wilsonville.

IM 3.1.11p. "New developments shall be responsible for providing specified amounts of usable on-site open space depending on the density characteristics and location of development."

Conclusionary Findings: Connections and Park/Open Space

Pursuant to W.C. 4.002, the above-reverenced Comprehensive Plan provisions apply to approval of the subject PDP. These policies apply in addition to applicable policies in the Village Concept and Master Plan. Two of the three guiding design principles in these sub-elements of the Comprehensive Plan are 1) "*Connectivity*," which refers to the series of physical connections to be created within the village that link land use, transportation, a sense of place and community, and 2) "*Diversity*," which, in the context of parks and open space, refers to the "commitment to provid[e] options and choices for . . . play." Villebois Village Master Plan Section 1.1.

Together these elements of the Comprehensive Plan support and justify the PDP plan approved by the Council. Specifically, the pedestrian connections, identified below, are necessary to provide enhanced bicycle and pedestrian accessibility to other land uses through large, unbroken blocks. The need for such internal "secondary pathways" is underscored by the higher density of the proposed development. They are minimally necessary for residents to "get there from here," be it to other residences or nearby parks and open space. The paths serve as an element of both the transportation and recreational element for this area of the village. It is also important to note that connections of comparable placement and spacing appear in the other phases of Village development approved by the Council, even though these phases are to be developed at considerably less density. This connectivity is an important feature of the village and is carried on in this PDP.

Staff recommends that 20-foot wide pedestrian access ways, including trees and landscaping, be provided in the blocks in the following locations:

- South of Alley 1E
 - North of Alley 1E
 - South of Alley 4E*
 - North of Alley 4E*
 - West of Brown Road*
 - South of Y Street and east of Serenity Way
 - South of Alley 8E
 - North of Alley 8E
 - South of Barber Street**
-

* The linear green component at the east of these blocks could be removed to accommodate the mid-block pedestrian crossing.

** The linear green component at the west end of these blocks could be removed to accommodate the mid-block pedestrian crossing.

As for the parks and open spaces provided to PDP residents, the proposed plan contains insufficient options for active and passive play, recreation and visual amenity. The parks shown are not adequate in that they are not sufficiently "usable" or "conveniently located," as these terms are used in the Comprehensive Plan. The modifications (below) to the park and open space plan, on the other hand, reasonably serve the clear needs of future residents, which needs are not met by parks that may be provided in adjacent phases of the development. Again, park and open space pattern approaches that established by other approved phases of Village development and moreover, is seen as a facility minimum, considering the density characteristics and locations of the phases.

In light of the forgoing, the enhanced connectivity and park/open space pattern upon which the approval of the PDP is approved, is necessary to make the plan and zone change to which it relates, fully compliant with the applicable approval criterion.

Recommended park additions and removal

Park Additions

- Installation of an additional pocket in the block east of Serenity Way and north of Barber Street.
- Installation of a pocket park with opportunities for active recreation including playground equipment in the block west of Yosemite, north of Evergreen, and east of Y Street. This would replace the pocket park currently proposed west of Yosemite and north of Y Street. See below.

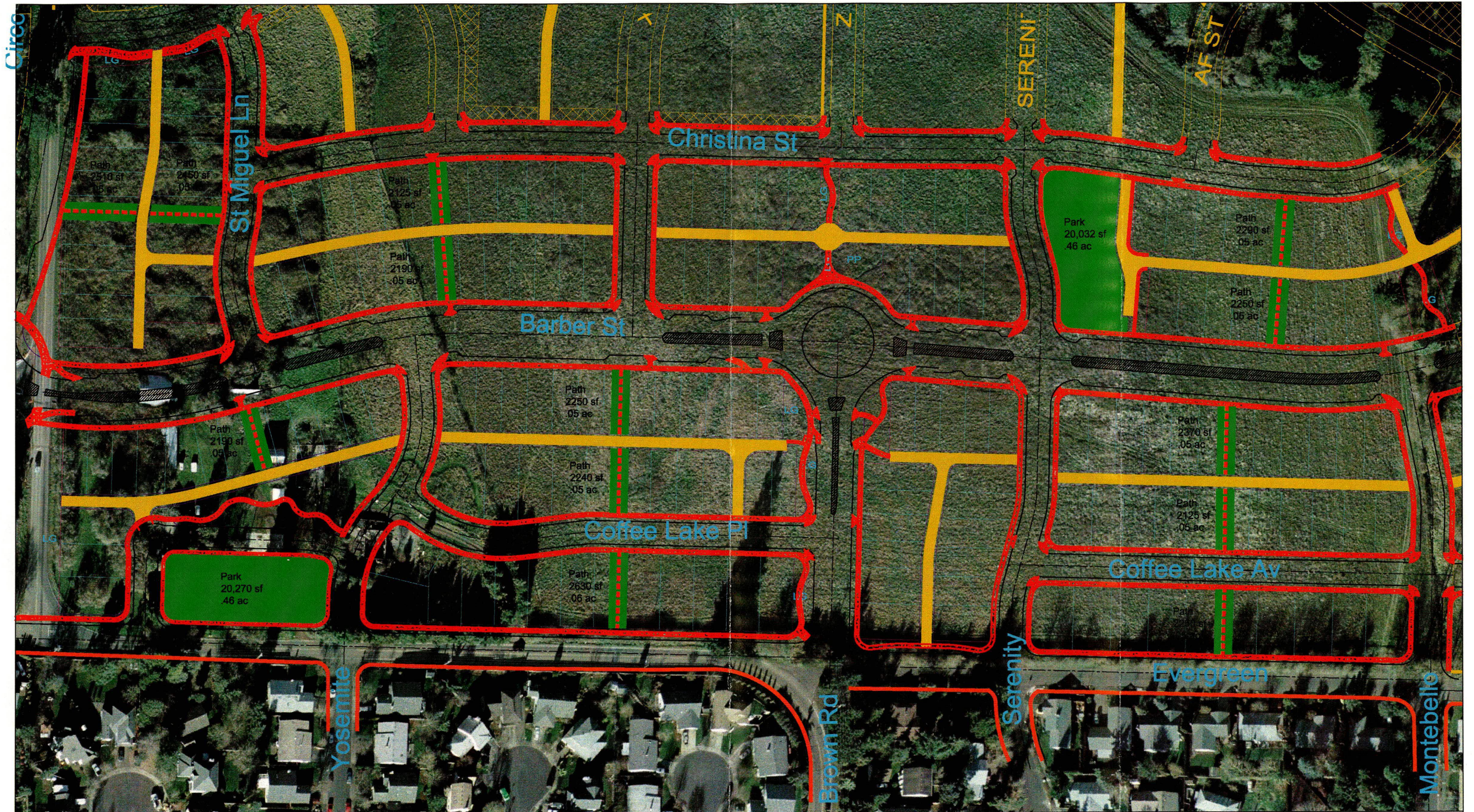
Installation of these parks would eliminate the need for the temporary park east of Brown Road.

Park Removal

- Remove the pocket park north of the rotary at the intersection of Brown and Barber Roads and convert these areas to lots (2 lots).
- Remove the pocket park currently proposed west of Yosemite and north of Y Street and convert this area to lots.
- Remove the linear green elements west of Brown Road and north of Alley 4E.

Affordable Housing

To date, the City has not completed its Housing Strategy. As such, neither current City code nor the Villebois Village Master Plan has specific standards for the provision of affordable housing. Finding 96 in the staff report for the PDP (DB-2005-02-00011) was revised to reflect this fact and to provide a preliminary analysis by the City's consultant for the housing affordability study of the applicant's estimates of affordability with SAP East. The City's Planning Director estimates that it will be some time in the fall of this year before a strategy is completed. In staff's opinion, reinstatement of condition of approval 5 of the PDP staff report should only be for the requirement of future PDPs.



Revision:
Project:
File Location:

Park Sub-Total: .40,302 sf, 0.92 ac
 Path (25-ft width) Sub-Total: 29,870 sf, 0.7 ac
 Total Park & Paths: 1.6 ac

SAP East (Phase 1) Staff Proposal

SCALE: 1/60	Sheet:
Date: 050905	Of:
DRAWN BY: jm	Checked By:

CITY OF WILSONVILLE
 Engineering Division