



DEVELOPMENT REVIEW BOARD PANEL A AGENDA

January 08, 2024 at 6:30 PM

Wilsonville City Hall & Remote Video Conferencing

PARTICIPANTS MAY ATTEND THE MEETING AT:

City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon

Zoom: <https://us02web.zoom.us/j/85843043229>

TO PROVIDE PUBLIC TESTIMONY:

Individuals must submit a testimony card online:

<https://www.ci.wilsonville.or.us/DRB-SpeakerCard>

Email testimony regarding Resolution No. 422

to Georgia McAlister, Associate Planner at

gmcaster@ci.wilsonville.or.us

by 2:00 PM on January 8, 2024.

Email testimony regarding Resolution No. 424

to Sarah Pearlman, Assistant Planner at

spearlman@ci.wilsonville.or.us

by 2:00 PM on January 8, 2024.

Email testimony regarding Resolution No. 425

to Cindy Luxhoj, AICP, Associate Planner at

luxhoj@ci.wilsonville.or.us

by 2:00 PM on January 8, 2024.

CALL TO ORDER

CHAIR'S REMARKS

ROLL CALL

Yara Alatawy Rob Candrian
Jordan Herron Clark Hildum
Jean Svadlenka

CITIZEN INPUT

This is an opportunity for visitors to address the Development Review Board on items not on the agenda. Staff and the Board will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.

ELECTION OF 2024 CHAIR AND VICE-CHAIR

Development Review Board Panel A
January 08, 2024

Page 1 of 3

1. Chair
2. Vice-Chair

CONSENT AGENDA

3. [Approval of minutes of the December 11, 2023 DRB Panel A meeting](#)

PUBLIC HEARINGS

4. [Resolution No. 424. Short Term Rental Home Business.](#) The applicant is requesting approval of a Conditional Use Permit for the use of a residential property as a short term rental home business.

[Case Files:](#)

[DB23-0013 Short Term Rental Home Business](#)
[-Conditional Use Permit \(CUP23-0002\)](#)

5. [Res. No. 425 Frog Pond Cottage Park Place Subdivision.](#) The applicant is requesting approval of Annexation to the City of Wilsonville and rezoning of approximately 5.00 acres, a Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review of parks and open space, Tentative Subdivision Plat, Type C Tree Removal Plan, Middle Housing Land Division, and Waiver for a 17-lot residential subdivision.

[Case Files:](#)

[DB23-0004 Frog Pond Cottage Park Place Subdivision](#)
[-Annexation \(ANNX23-0001\)](#)
[-Zone Map Amendment \(ZONE23-0001\)](#)
[-Stage 1 Preliminary Plan \(STG123-0002\)](#)
[-Stage 2 Final Plan \(STG223-0003\)](#)
[-Site Design Review of Parks and Open Space \(SDR23-0003\)](#)
[-Tentative Subdivision Plat \(SUBD23-0001\)](#)
[-Middle Housing Land Division \(MHLD23-0003\)](#)
[-Waiver \(WAIV23-0005\)](#)

[***The DRB Action on the Annexation and Zone Map Amendment is a recommendation to the City Council.***](#)

6. [Resolution No. 422. ParkWorks Industrial Building and Partition.](#) The applicant is requesting approval of a Stage I Preliminary Plan, Stage 2 Final Plan, Site Design Review, Type C Tree Removal Plan and Tentative Partition Plat for development of an industrial spec building with accessory office space and associated road and site improvements at 26600 SW Parkway Avenue.

[Case Files:](#)

[DB22-0009 ParkWorks Industrial Building and Partition](#)
[-Stage 1 Preliminary Plan \(STG122-0007\)](#)
[-Stage 2 Final Plan \(STG222-0009\)](#)
[-Site Design Review \(SDR22-0009\)](#)
[-Type C Tree Removal Plan \(TPLN22-0007\)](#)
[-Tentative Partition Plat \(PART22-0002\)](#)

[This item was continued to this date certain at the December 11, 2023 DRB Panel A meeting](#)
[The applicant has requested a continuance to the February 12, 2024 DRB Panel A meeting.](#)

BOARD MEMBER COMMUNICATIONS

7. [Recent City Council Action Minutes](#)

STAFF COMMUNICATIONS

ADJOURN

The City will endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting by contacting Shelley White, Administrative Assistant at 503-682-4960: assistive listening devices (ALD), sign language interpreter, and/or bilingual interpreter. Those who need accessibility assistance can contact the City by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

Habr  interpretes disponibles para aqu llas personas que no hablan Ingl s, previo acuerdo. Comun quese al 503-682-4960.

DEVELOPMENT REVIEW BOARD MEETING
JANUARY 8, 2024
6:30 PM

Item 3.

Consent Agenda:

3. Approval of minutes of December 11, 2023 DRB
Panel A meeting



**DEVELOPMENT REVIEW BOARD PANEL A
VERBATIM MINUTES EXCERPT
RESOLUTION No. 422-ParkWorks Industrial Building and Partition**

**December 11, 2023 at 6:30 PM
Wilsonville City Hall & Remote Video Conferencing**

CALL TO ORDER

A regular meeting of the Development Review Board Panel A was held at City Hall beginning at 6:30 p.m. on Monday, December 11, 2023. Chair Jean Svadlenka called the meeting to order at 6:30 p.m.

CHAIR'S REMARKS

The Conduct of Hearing and Statement of Public Notice were read into the record.

ROLL CALL

Present for roll call were: Jean Svadlenka, Clark Hildum, Yara Alatawy, and Jordan Herron. Rob Candrian was absent.

Staff present: Daniel Pauly, Amanda Guile-Hinman, Miranda Bateschell, Kimberly Rybold, Stephanie Davidson, Amy Pepper, Georgia McAlister, Cindy Luxhoj, Zach Weigel, and Shelley White

CITIZENS INPUT – This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

CONSENT AGENDA

1. Approval of Minutes of the August 14, 2023 DRB Panel A meeting

Clark Hildum moved to approve the August 14, 2023 DRB Panel A meeting minutes as presented. Jordan Herron seconded the motion, which passed unanimously.

PUBLIC HEARINGS

2. **Resolution No. 422. ParkWorks Industrial Building and Partition.** The applicant is requesting approval of a Stage I Preliminary Plan, Stage 2 Final Plan, Site Design Review, Type C Tree Removal Plan and Tentative Partition Plat for development of an industrial spec

building with accessory office space and associated road and site improvements at 26600 SW Parkway Avenue.

Case Files:

DB22-0009 ParkWorks Industrial Building and Partition

-Stage 1 Preliminary Plan (STG122-0007)

-Stage 2 Final Plan (STG222-0009)

-Site Design Review (SDR22-0009)

-Type C Tree Removal Plan (TPLN22-0007)

-Tentative Partition Plat (PART22-0002)

Chair Svadlenka called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, ex parte contact, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Georgia McAlister, Associate Planner, announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

Presentation references ParkWorks Industrial Spec Development PowerPoint (Exhibit A2)

[Verbatim transcript starts here 9:19]

Ms. McAlister: The project site, which is located at 26600 SW Parkway Ave, where the ParkWorks building is to be constructed and future Parcel 5 to be made, is highlighted in yellow on this slide. Highlighted in green is the existing Parkway Woods development and future Parcel 6. (Slide 2)

A significant portion of the northeast section of the existing parcel is within the Significant Resource Overlay Zone. Future Parcel 5 is currently in a greenfield with some parking – existing parking on the site. The site is designated as Industrial in the Comprehensive Plan, and land uses surrounding the property include Industrial to the north, to the east, and to the south, with the I-5 freeway to the west.

Proper noticing for the application was followed for this application. Notice was mailed to all property owners within 250 ft of the subject property and published in the newspaper. Additional posting was placed on the site and on the city's website. No public comments were received during the comment period for the project.

There are five requests before the DRB tonight for the ParkWorks application as listed on the slide, including Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review, Type C Tree Removal Plan, and Tentative Partition Plat. The requests are objective in nature as they involve verifying compliance with City Code.

The Stage 1 Preliminary Plan proposes a new 91,773 square ft industrial office and warehouse building, with parking and associated improvements for the ParkWorks development. The overall development and layout are consistent with the Planned Development Industrial Zone (PDI). Drawings submitted by the Applicant show development on the subject property providing adequate pedestrian, bicycle, and vehicle connectivity along SW Parkway Avenue and Printer Parkway. The proposed development will be accessed off of Printer Parkway and Xerox Drive. (Slide 5)

The Stage 2 Final Plan reviews the function and design of the proposed project, including assuring the proposal meets all the performance standards of the PDI zone. The proposed uses of the development are consistent with the Planned Development Industrial Zone. All services are either available for the site or will be conditions of approval – will be with conditions of approval. The site includes parking, circulation areas, pedestrian connections, and landscaping, meeting or exceeding City standards. As shown on the table on the slide, the structure is 91,773 sq ft in size and is designed as a warehouse and manufacturing facility with accessory office use as well. Shipping and loading area with five dock doors is provided along the eastern portion of the building, as well as an area for trash collection. (Slide 6)

- Truck circulation is separated from the employee and visitor parking area for safety. The project provides 262 parking spaces, which is greater than the 191 required based off the proposed uses. Roughly 20% of the project site and 27% of the parking area is landscaped, exceeding the General Landscaping Standard. Proposed site improvements meet or will meet, with conditions of approval, City standards.
- The traffic study evaluated four intersections as listed on this slide. All intersections will remain Level of Service D or better, which meets the minimum standard of level of service. Staff notes that safety deficiencies were identified in the DKS Traffic Impact Analysis, including a left-turn lane from Parkway Ave onto Xerox Drive. While they are existing streets, Parkway Avenue and Printer Parkway do not meet current Public Works Standards for urbanized roads. Exhibit A2 of the Essential Nexus and Rough Proportionality Findings and Conditions of Approval PF 1 through PF 20 detail the necessary improvements required for safety and to accommodate additional traffic generated by the proposed development. (Slide 7)

The Applicant used professional services to design the proposed industrial flex building using quality materials and design. The proposed building has been designed with the existing campus in mind, referencing the color of the bricks through the rust orange accent colors that's incorporated in the entrances and throughout the façade. Further discussion of the proposed building's northwest façade will be included later within this presentation. The configuration of the site will allow for efficient freight loading and unloading while also creating safe access throughout the parking area for employees and visitors. Landscaping is incorporated throughout the site, providing shade, stormwater mitigation, and aesthetic value. (Slide 8)

As shown on the Applicant's landscape plans, the General Landscape Standard is applied throughout the majority of the site. These [inaudible] are planted generously throughout the parking area and on the perimeters of the site. Landscaping, including a variety of trees, is planted along the west side of the building, creating a more human-scaled environments for pedestrians utilizing the sidewalk. The low screen standard is applied in and along the perimeter of parking areas visible from off-site, including the east and north edges of the site. And sorry, that should be the west and north edges of the site.

The Applicant proposes the removal of 19 trees on the development site. The tree species on-site are a mix of native and non-natives species. The trees proposed for removal are not of high quality according to the arborist report, and removal is necessary for the development of the site. The Applicant proposes replanting 108 new trees on the subject property, which is in excess of the one-per-one mitigation ratio as required by the Development Code. (Slide 10)

The proposed Tentative Plat meets technical platting requirements and demonstrates consistency with the Stage 2 Final Plan, does not create barriers to future development and adjacent neighborhoods and sites. The Applicant proposes to divide the existing parcel for the purpose of the proposed industrial flex building. The partition will result in two parcels with Parcel 5 being 6.418 acres and Parcel 6 being 78.725 acres.

As mentioned earlier, there was further discussion about the building design between the City and the Applicant team, who were very receptive to the suggestions of the City based on what the original design for the building was. On this slide, you can see the view of the proposed project site headed south on I-5. With the proposed project being adjacent to I-5, it will be a prominent building in Wilsonville. The building will be one of the first large industrial developments seen by travelers and vehicles headed south along I-5. Due to the prominence of the building and lack of articulation, variation in color on the corner of the building, it's Staff recommendation that the design is enhanced to reflect the City's goal of harmonious development. (Slide 12)

Daniel Pauly, Planning Manager: I will note that this picture is in the northbound lanes looking south. (Slide 12)

Ms. McAlister: It is in the northbound lane, but it is looking south. Sorry.

Mr. Pauly: Yeah. So, it looks a little different when you're actually looking southbound.

Ms. McAlister: It does look a tiny bit different, but that's what Google street view had. Thank you, Dan.

Mr. Pauly: Yeah.

Ms. McAlister: You get the sense. But on this slide, you can see three different designs for the northwest corner of the proposed building. The elevation at the top of the screen was what was originally submitted for the City to review with the project. As you can see that western corner was really a dark gray color with very little variation there and intended to be painted gray. Without variation and articulation on this portion of the proposed building, its massing was quite overwhelming in size and scale. For that reason, the City asked the Applicant to work on a design that will better meet the objective of harmonious development within the city, as stated in the Wilsonville Code Section 4.400 and 4.421.03. (Slide 13)

- With that feedback, the Applicant then proposed the design you can see labeled, “Revised Design.” This included a perforated metal screening; you see the rust color that reflects the entrances on the southwest corner and northeast corner of the building, as well as the tree design that has been created within that perforated metal. The City agreed with the Applicant that this much better encapsulated the goal of harmonious development within the city of Wilsonville, especially for such a prominent corner.
- However, upon further discussion, the Applicant shared it was a significant cost addition to the project to be erecting that screening for their design choice. As a result, we – you know – the City completely understood, and the intention of the enhanced design is not to burden applicants and developers with extra cost. And so, it was agreed upon between the City and Applicant that conditions of approval will be placed on the application– or on the approval to ensure that there is enhancements on the corner of the building that will satisfy our design standards.
- You can see on the bottom right-hand corner of the slide up for presentation right now, the current proposed design, while it does get up– or get to some of the objectives we had with more color variation and relating to the other portions of the building, it is flat against the building and really only painting is the defining feature of it. And so, it is the Staff’s belief that more enhancement to that area would provide significant value, again, given the prominence of the building.
- There will be some landscaping provided along that corner that is more mature than what might be typical with a new development. That being said, there is fear that's not necessarily sufficient, as you know, trees– one, they take a while to get to their mature height. They also may be removed, replaced. They can decline. And for that reason, a condition of approval asks for more variation in articulation or color and materials.

Another unique feature of this is the discussion of proportionality in terms of improvements. So, transportation and infrastructure improvements roughly proportional to the impact of a development are required within the city of Wilsonville for all new development. The proposed industrial flex building is no different from other development within the city and thus is required to improve a proportional share of transportation infrastructure adjacent to the development site in accordance to City Code Section 4.177 and the Transportation System Plan (TSP). These improvements include half-street improvements to both Parkway Avenue and Printer Parkway for the

purpose of upgrading the streets to be in compliance with current public work construction standards and the Transportation System Plan, with the Applicant qualifying for SDC credits for any portion of those improvements that exceed their proportion impact and responsibility. (Slide 14)

- The Applicant has objected to the improvements required by the City in regards to proportionality. It is in the Applicant's opinion that the cost of the requirements set forth in the Staff report and associated exhibits are not proportional to the impact of the proposed development and, therefore, would be considered taking as is defined by the Fifth Amendment of the US Constitution and Article 1, Section 18 of the Oregon Constitution. Improvements associated with development have been challenged in the past within other municipalities for takings, the most noticeable of those cases being Nollan versus California Coastal Commission and Dolan versus the City of Tigard, in which Essential Nexus and Rough Proportionality were established. Based on these cases, governing bodies requiring improvements shall only require what is roughly proportional to the proposed development. There is not a universal standard for how rough proportionality is calculated.

For this case, the City has assessed the rough proportionality of the impact of the project in multiple ways, which is included in the Rough Proportionality Analysis in Attachment A2. An important detail to note is proportionality is in relation to the portion of the improvements that are financially responsible of the Applicant versus the proportion of improvements that are financially responsible of the City. All improvements are necessary to be constructed for the proposed development to be safely served by the street network.

I am going to hand over presentation to our developmental– or our Development Engineering Manager, Amy Pepper, to talk a little bit more about proportionality in relation to transportation improvements.

Amy Pepper, Development Engineering Manager: Good evening. Thank you, Georgia. As Georgia mentioned, I'm Amy Pepper. I'm the Development Engineering Manager for the City and generally, you don't get to see me up here during the presentation, so bear with me as I get through my presentation. You guys are all likely aware of our transportation planning comes from our Transportation System Plan that helps the City develop it– develop and operate its transportation system consistent with the City's goals and visions. The TSP set standards and policies that serve as a benchmark for determining our transportation needs throughout the City. Many of those needs are addressed through capital projects, and to fund or complete those capital projects, the City relies heavily on developer contributions and fees.

Two high priority projects identified in the TSP are directly adjacent to this project. Both are urban upgrades to Parkway Avenue, classified as a minor arterial, and Printer Parkway, which is classified as a collector in the TSP. The City, as Georgia mentioned, has completed a Rough Proportionality for each of those roads. Next slide.

So, I will just go through the transportation improvements for each roadway separately and give kind of a high-level analysis of some of the more complicated portions of the analysis.

So that SW Printer Parkway urban upgrade, as you see on the screen, has two, 11-ft travel lanes, a 12-ft median and turn lane in the center of the right-of-way, two bike lanes on either side of the road that are buffered with a 2-ft buffer because Parkway is a freight route. One side, the west side of this right-of-way, is I-5, so there is a proposed buffer in that cross-section. And then on the east side are the Applicant's frontage. There's a planter strip, a 5-ft sidewalk, and then a public utility easement. SW Parkway over time has had the necessary right-of-way dedication and public utility easement, so there's no right-of-way dedication or public utility easement required for Parkway. Parkway was initially constructed under the County Road requirements prior to the City's incorporation in the late 1960s, and the cross-section has minimally changed over the years and consists of two, 11-ft travel lanes and a pathway along this project's frontage that doesn't meet the current American with Disabilities Act Standards. There is no bike lane along this frontage on Parkway. (Slide 17)

The TSP project, as I mentioned, calls for all of those improvements listed and the Applicant's responsibility is essentially from the center of the right-of-way east to their property. So, approximately center of the median, which is 5 ft of the median travel lane, bike lane, plus the 2-ft buffer plus the planter strip sidewalk. This half-street improvement is typical requirement for all development within the city. The differences with this development, as Georgia outlined it's in the site plan, it's a component of an overall campus, and over time, that campus has developed and has different requirements for frontage improvements.

Exhibit A2 in your Staff report, you'll find that full legal analysis for rough proportionality, but as I mentioned, I'm just going to highlight a couple of components. These Public Works Standards define the half-street improvement for arterials and collectors as 24 ft from the face of the curb. So that, in this drawing, would be the 6-ft bike lane plus a 2-ft buffer plus an 11-ft travel lane plus five of the feet of the median would be the Applicant's proportional share. (Slide 17)

As I mentioned, because this is already a part of a developed street, part of a campus, in looking at proportionality for the travel lane, the 2-ft buffer and 5 ft of the median, DKS did a traffic analysis and compared the PM peak trips for the overall campus to what the additional, this Lot 5 development, would add to the PM peak trips and found out that the— and calculated that the developer would be required for 19.8%. Each component of the right-of-way is treated separately in that analysis, so a sidewalk is analyzed separately. The bike lane is analyzed separately. And it's more straightforward if you go through the analysis completely.

A portion of the median, 75 ft of the median, is for a turn lane on Xerox Drive that will serve this development. The analysis evaluates the entire frontage, but for that turn lane into Xerox Drive – which Xerox Drive is a private street – the analysis shows that 100% is not public. It is related to multiple properties, but proportionality is really looking at the public impact, so there's no public easement on Xerox Drive, and there's no public benefit for that turn lane, so 100% of that turn lane to Xerox Drive is developer responsibility.

Alternatively, the application also looks at a southbound turn lane onto Printer Parkway, and the DKS evaluation determines that 15.3% is the responsibility of the developer. Unlike Xerox Drive, Printer Parkway will become a City street. Both of the turn lanes, as Georgia mentioned, are related to safety issues. The safety concerns are related to the AM peak hour, and so the analysis for the 15.3% is again looking at the full campus in the AM peak hour and the proportional share of this Lot 5 development in that AM peak hour. And that again equates to 15.3% of the cost of just the left-turn lane into Printer Parkway. Next slide.

The Printer Parkway urban upgrade is similar to the arterial, except it's a collector street, and as shown here, the Applicant is responsible for the half street. Unlike Parkway that was at one point constructed to public standards that have over time changed, Printer Parkway is a current street that's never been constructed to our public standards. The analysis in A2 also talks about other factors into Printer Parkway, but for purposes of the proportionate share, 24 ft of the cross-section is 100% the developer responsibility and additional one ft of that cross-section from the face of curb is eligible for SDC credits. Whatever the developer is not responsible for, they will recoup that money through SDC credits, which is part of Wilsonville Code Chapter 11. (Slide 18)

That's kind of a high-level overview. I'm happy to answer any questions about the analysis. Like I said, each component we went through and analyzed differently because they have different facts sets. So, happy to answer any of those questions.

Ms. McAlister: Yes, so that concludes Staff's presentation tonight. As Amy said, happy to answer questions. There will also be a presentation from the Applicant, and so just making sure we address important questions now but leaving space for when we get the information from the Applicant for the greater discussion.

Mr. Hildum: I just have one question. These are both fairly large buildings. I'm assuming probably can have lots of truck traffic involved, so is this 75-ft left-turn lane adequate? That's pretty much only one semi-truck.

Ms. Pepper: Yes. The ODOT standards, I think, call for less than that as a standard, but during design, we'll calculate the exact length of that left-turn lane, but the DKS traffic study recommended 75 ft for both turn lanes.

Amanda Guile-Hinman, City Attorney: I'll just note as well one of the ODOT standards does say that at a higher speed, so at 55 miles per hour—this is a 45-mile-per-hour area—at 55 miles per hour, they recommend a 100-ft turn lane, but since we're not at that speed, we didn't feel that it was appropriate to have it that long.

Chair Svadlenka: Do any Board members have questions for the Staff at this time?

Jordan Herron: Not right now.

Chair Svadlenka: Okay. Thank you. Will the Applicant please come to the podium with the microphone or commence your presentation when unmuted on Zoom, state your name and address and present any testimony you would like to present to the Development Review Board.

Ms. McAlister: If you want to share a screen, this is probably your best spot.

Ryan Craney: Okay.

Ms. McAlister: Let me just get that going for you.

Ryan Craney, Architect, LRS Architects: All right. Good evening, everyone. Sorry I'm not great with microphones, so let me know if I need to speak up. My name is Ryan Craney. I am an architect with LRS Architects, and my address is as listed on the speaker card.

John Olivier, Executive Vice-President of Development, ScanlanKemperBard Companies: I'm John Olivier. I'm Executive Vice-President of Development with ScanlanKemperBard Companies. My address is listed on the speaker card, and I'm with the Applicant.

Christe White, Applicant's Legal Counsel, Radler, White, Parks, and Alexander: I'm Christe White. I'm legal counsel for the Applicant, and my address is listed on the speaker card as well.

Presentation references SKB ParkWorks Design Narrative PowerPoint (Exhibit B7)

Mr. Craney: All right. So, we've put together – oops. I think I got the screen shared. Okay. So, we put together this brief presentation to provide some additional insight into our design and illustrate how we are addressing the Wilsonville design standards. We are excited for this opportunity to enhance the ParkWorks campus, and we believe this new facility could attract new companies and additional jobs to the region.

Since the 1970s, this area has been home to innovative industry leaders, including Twist Bioscience, Xerox, and 3D Systems, and it is our goal to use this proposed development as an opportunity to update and elevate the ParkWorks campus while providing new opportunities for the Wilsonville community. All right.

But before we jump into the design details, let me orient you to the site. So, as Georgia mentioned, the site is located along the I-5 corridor at the intersection of Parkway Avenue and Printer Parkway. Existing buildings neighboring the site include the ESS Building to the northeast and a 300,000 sq ft business park to the east – I guess I can point at it with the mouse, it's over here – also on the campus. We referenced the scale and materiality of the neighboring context in our design. (Slide 2)

The proposed development will consist of approximately 90,000 sq ft of research and development manufacturing facility, which includes 20,000 sq ft of two-story office space and entrances at the southwest and northeast corners of the site– or of the building, sorry. The south portion of the building will be dedicated as office to bring in plenty of natural light to the building inhabitants and to activate that façade at the main building entrance. The façade is also the most visible portion of the building due to its proximity to the northbound traffic along I-5 and Parkway Avenue, and because of that, we tried to bring as much windows and glazing and openness to that portion of the building.

The building has also been strategically oriented with the loading docks facing east towards the interior of the site. This allows for more visually pleasing façades to the north, south and west, which are all public facing. So, with the office at the south, the loading dock at the east, and the secondary entry at the north, this building doesn't really have a back of house, so we placed the electrical and fire riser rooms in the northwest corner due to its proximity to the public utilities along Parkway Ave, as well as the need for fire and service access to these spaces from the parking lot. While we understand this is not ideal from an aesthetic standpoint, it is important that the electrical service be close to the street to accommodate the potential size and service requirements of future manufacturing tenants. To help complement the building at this corner, we added enhanced landscaping at this corner, which I will cover in a little bit more detail later on in this presentation.

Improvements to the site– we've also added landscaping, bioswales, and updated parking in accordance with the zoning requirements on the site.

So, on each of the four façades we used what we're calling a visual gradient. So on one– at the corners, we're going from a charcoal or a darker tone and fading into a white in the middle and the back to a charcoal tone at the other corner. We did this with the intent to provide visual interest at both highway and pedestrian speeds for those passing by the building. The length of the building is also divided into a series of smaller vertical panels through varied reveals across the façade, just to add rhythm and variation to the design, and also to serve to break this larger mass into smaller sections. What we aren't seeing on this elevation, however, is a significant amount of landscaping that we are adding along Parkway Avenue and Printer Parkway. (Slide 4)

So, as you can see in this rendering, the concentrated landscaping around the entire site will provide a natural transition from street to building. The main building entry, also shown in this rendering, has been articulated using a rust-look metal panel and steel canopies. This is tying back to the steel and brick designs of the neighboring campus buildings. This main entry also is clearly indicated for— or clearly expressed because it indicates the building entrance for any visitor to the site. We applied the same idea of articulation and materiality at the northeast entry, or the secondary entry, on this site, which is shown in this rendering. (Slides 4 and 5)

The corner of ParkWorks Avenue and Printer Parkway was an important part of our design since it marks the entrance to the ParkWorks campus. With that in mind, we are using enhanced landscaping at the northwest corner of the site to focus on the entire campus rather than just highlighting our single building. So, just as a reminder, this northwest corner of the building houses the electrical and fire riser rooms, which are required for the tenant to successfully use the facility. However, we are still trying to provide visual interest at this corner with a visual pattern that relates to the campus and adjacent building entries. We have partnered with the Wilsonville Staff to come up with a solution, and we believe that it satisfies the requirements of the design standards and conditions of approval without removing emphasis on the main entrances of the building. (Slide 6)

So, as I just mentioned, this corner is a major entrance to the ParkWorks campus and as such, we're really committed to making it a pleasant and welcoming experience for anybody coming to the site. For example, the corner was designed to accommodate campus signage, which would be submitted separately under a future signage permit. And you can see a rendering of what this could look like on the screen. (Slide 7)

So, to conclude, our design intends to reflect and elevate the existing ParkWorks campus while embracing the design standards of the Development Code. We look forward to working in partnership with the City of Wilsonville to provide a unique development that can bring new opportunity and additional jobs to the City and its communities. Thank you for your time, and I will now hand it off to Christe to address our concerns regarding the conditions of approval.

Ms. White: Thank you. If there's no questions on design, I'll walk into our objections under Dolan to the conditions of approval. Again, Christe White, Land Use Counsel for the Applicant.

Let me start by saying we agree that our development will have some level of impact on the transportation system, and we agree that we should pay our proportionate share for our individualized impacts on that system. But the City's analysis misstates and misapplies the Dolan-Nollan Test. Under Dolan, the City must demonstrate first a nexus between a governmental interest that would furnish a valid ground for denial of the application and the exaction on the property and then, as you heard, that the nature

and extent of that exaction is proportionate—roughly proportionate to the effect of – the impact on the effect of the proposed development.

The City's Dolan analysis does go to great lengths to evaluate the proportionate share of impacts this development will have on the transportation system and then argues, based on that share of impact, that the City's conditions of approval are justified under Dolan. For example, as to Parkway, the City argues that it can justify a maximum contribution of 19.8%, as you've heard, of the construction of 1,000 linear feet of the travel lane. We don't agree that 19.8% is the right percentage, but let's just assume that it's the right percentage for purposes of this analysis. You would then assume, wouldn't you, that our maximum responsibility under Dolan is 19.8%. Those are the City's numbers for our impact on the system. But instead, the City has conditioned the project with a 100% cost of that improvement, not 19.8% of that cost.

To satisfy Dolan, the City actually has to make a finding that 100% of the Parkway improvement costs are roughly proportionate to the impact that at most measures 19.8%. That is a fatal flaw in the Dolan analysis. They didn't make that finding. So we have to start over, and we have to justify how complete construction of a road length is proportionate to the impacts of development that at most have a 19.8% measured impact.

If the response from the City, which I think I heard today in oral argument, is that Dolan allows you to initially require a here wildly disproportionate contribution to your actual impact, if there's a means to later pay you back maybe, a speculative means to make you whole or partially whole or not at all under an SDC credit or an SDC check, that is also fatally flawed. There is absolutely no support in the Federal or Oregon takings case law for the proposition that you can fail the rough proportionality test in the first instance, but nevertheless lawfully impose the condition with a promise or speculation that you'll be made whole and be given an SDC credit that has the same value as your cash upfront to pay the other 81.2% of the cost of that approval.

Instead, Dolan and progeny, they actually require a particularized finding that the exaction that the City extracts is roughly proportional in the first instance to the actual impact and no more. As the Oregon Court of Appeals held in *Hill v. City of Portland*, and I quote, "Applicants must bear the full cost of their proposals while still forbidding the City from engaging in out and out extortion that would thwart the Fifth Amendment right to just compensation." The full cost of our proposal on Parkway, as an example, is 19.8%, according to the City's finding and according to the DKS report and our TIA, 2.8%. Any costs above these percentages would violate Dolan.

The City's Code also requires that the City impose conditions that reflect a proportionate share and no more. Section 4.177 expressly states that the City can only impose public facility improvements, quote, "In rough proportion to the potential impacts." Thus, as to

all the Dolan findings, the City must revise its findings to reflect only our proportionate share and not full build out.

Just kind of a contextual piece of information here on the trip rate, under Table 2 from the updated 2022 Kittleson memo, the project is expected to add 24 PM peak hour trips north of Printer Parkway, which is only 2.5% of the 950 PM peak hour trips on that road, and 25 trips south of Xerox, which is only 2.7% of the existing plus Stage 2 in-process trips against the 907 existing PM peak hour trips. In their revised TIA, DKS agreed with those numbers, and so we do also contest the percentage difference between 2.8% and 19.8%, but that seems like a small issue at this point because we contest the 100% condition of approval for required build out.

There are at least two other significant misapplications of law in the report. The City repeatedly states – and it did here in their oral presentation – that it has met the essential nexus factor because all of the requests derive from adopted Code, your Public Works standards, your TSP cross-section. Nobody contests that you have a TSP cross-section that shows a roadway or that there's a very laudable public objective to have a roadway designed at that cross-section, but that's not enough. In Hill, the Court of Appeals firmly rejected the City of Portland's similar argument and stated quote, “A city cannot evade the requirement that it demonstrate that the impacts of a particular proposal substantially impede a legitimate governmental interest so as to permit the denial of a permit outright simply by defining approval criteria that don't take into account a proposal's impact.”

In other words, it's not enough to just say we have a laudable public objective. You have to take that public objective and define our impact on that public objective and then assess us our rough proportionate share of our impact on that public objective. Simply stating that you have an adopted standard is not enough under Hill and would be rejected again on appeal.

And lastly, we turn to the Schultz line of cases that are used extensively in the City's analysis. Citing to Schultz, the City argues that the Dolan-Nollan analysis does not apply to Code provisions that apply citywide to similarly situated properties, but Schultz and progeny actually support the exact opposite conclusion. As the Court of Appeals stated, quote, “However, we held in Schultz and reiterated in JC Reeves that exactions that are purportedly required by general across the board legislative provisions when they are applied in particular cases are as much subject to Dolan as are conditions that are formulated in case specific settings.” Thus, there really is no legal question that the Court of Appeals will require a Dolan analysis for all of the standards addressed in the Staff report, even if they are generally applicable to like developments across the rest of the City.

This moves us to undergrounding, which wasn't necessarily addressed specifically here in the Staff presentation, but it is well addressed in the Staff report. Your Code section

at 4.300 states, quote, "That the approval of any new development of land within the City will be upon the express condition that all new utility lines, including but not limited to those required for power, communication, streetlight, gas, cable, shall be placed underground."

We are doing that. This is a new development, and all of our new utility lines will be placed underground. But instead of applying that requirement to new lines as the express language of the Code recites, Staff has now extended that requirement to existing lines that are above ground and is requiring that we underground those lines for the good for the public benefit at a cost that's going to exceed \$850,000.

There are three reasons why this will not survive legal scrutiny. One, the Code language itself has no such requirement. Staff is removing the term "new" utility lines and pricing it with "new and old" utility lines in violation of ORS 17410. A city is not permitted to insert words that have been omitted or omit words that have been inserted in construing its Code.

Second, the City can't make an essential nexus argument to such a requirement under Dolan and the Schultz line of cases. The City can't argue that the existing lines have a direct relationship to this development such that the City could justify denying the development because the existing lines exist above ground in the right-of-way next to the building. The project has no impact on the existing overhead lines. In fact, we are undergrounding our utilities that will serve the site and forcing us to underground existing lines does not in this case, quote, "serve a purpose" that would justify prohibiting the development.

And remember, this is an impact analysis. Part of the Staff's analysis on undergrounding lines where they found that it met the Dolan test was the benefit that it would provide to the building and to the community. That is not a Dolan analysis. A Dolan analysis is the impact this development has on those existing above-ground lines.

And thirdly, because there's no essential nexus, we don't really have to address rough proportionality, but we didn't mention here in the Staff report the actual cost of that undergrounding. And for your information and as I shared, it's estimated at \$850,000, which would well exceed whatever impact could be conjured up that the project would have on those existing lines.

So, for these reasons, we believe there's a fatal flaw in the Dolan analysis. As the introductory comments from the DRP made clear, we are required to raise these constitutional issues in this proceeding and be sure that we are raising them with sufficient specificity to allow you to respond to them. And so, we do that here, and we've done that in our written materials.

I'm going to move on quickly to the deferral of—in the condition of approval, let me explain it this way. We're a little concerned about the wording of the condition of approval. If we get past these Dolan arguments, it seems fine to engage in a later discussion with the Staff about the concerns about the one corner and whether it's been designed consistent with the design guidelines in a way that's attractive enough from I-5 South, I believe. But what we're going to ask for is some more specificity in that condition. There's a concern that when you defer a design decision in a condition of approval and you don't have a future hearing, that that could be a faulty condition. So, we think it's just wise to add some more definition in that condition of approval.

Let me offer some last comments on concurrency and proportionality. The City's concurrency and proportionality standards should be read together to give meaning to both. Thus, the City shouldn't deny a project because the full improvement is not constructed if requesting the full improvement would violate Dolan. In this case, as presented to you by Staff, you do have a Transportation System Plan with a cross-section for this road. You have a CIP. Of course, there's a public benefit in building out the entire cross-section, and that should be done at some point. But that can't be shouldered under Dolan 100% of the impact on this development that only generates a very few amount of the overall trips and by your own admission, only 19.8% of an impact on that travel lane.

I'm going to make one last statement and then hand it over to John to conclude. The Staff report claims that we included that full roadway improvement in our site plan, so we're precluded from now objecting to it. That statement stung a little bit, and I'll tell you why, and it is wrong as a matter of fact in law. The Staff wouldn't accept our application as complete unless we included the full improvements, so we were in a position where we were not allowed to move forward with this application unless we showed these full site improvements in the application.

We objected, and we objected multiple times but wanted to proceed with the application. So therefore, we included the full improvements on the site plan and also included a very specifically expressed note saying we believe these exceed the proportionality test under Dolan, and this is not an acceptance of this condition, and we continue to object. So to see that in the Staff report was very unfortunate but want to make it very clear that you have every right to continue to object to an unconstitutional condition until such time as the City has made a final decision.

In closing, the City's findings do not satisfy Dolan, and we are requesting right now an extension of the record in this case for seven days for new evidence to contest the Dolan findings, a second seven-day period for rebuttal evidence, and a final seven days for the Applicant's final legal argument. We also understand that we're in the holiday zone, so we are absolutely amenable to shifting these timelines to accommodate people's holidays and vacations.

I now want to turn it over to the Applicant/Owner to offer conclusory remarks.

Mr. Olivier: Thanks, Christe. I think Ryan and Christe have done a good job of laying out both the design aspects and our concerns over the conditions. And what I'd like to do in kind of our closing the presentation is provide you a little context in how we got here.

SKB bought this campus from Xerox eight years ago and will continue to own it for another ten years. At the time we bought the property, the majority of the site was used for office and call center space functions. Since acquiring the site, we have converted virtually all of that defunct office and call center space into manufacturing and R&D, bringing over half a million square feet of new employment to Wilsonville, including tenants such as 3D Systems. They were a very small spin off of Xerox. We now have them in 100,000 sq ft on the site. We brought in ESS, a battery manufacturing and technology tenant now occupying over 200,000 sq ft. We brought in Twist Bioscience, a biotechnology firm from the Bay Area now occupying over 200,000 sq ft. So after buying this eight years ago at basically zero occupancy, other than Xerox moving out, we now have it at 100% occupancy. And the campus and the project before you now enhances our— sorry, (cough) excuse me. We're 100% leased on the campus and the project before you will further enhance our ability to attract new R&D employers to Wilsonville by adding approximately 92,000 sq ft of much sought-after R&D manufacturing space in a new best-in-class manufacturing facility.

This conversion, along with the new project, not only diversifies the economy and brings higher paying jobs to Wilsonville, but it actually has the effect of significantly reducing the traffic from what was originally generated on this site under Xerox's ownership. Even after development of the subject project, the application that's before you tonight, including all existing and Stage 2 trips as outlined in the DKS report in your packet, we will be generating approximately 55% to 60% of the traffic that was historically generated by Xerox from this site. This data was also provided by Kittleson Associates to City staff several months ago. And it is this point, if it illustrates—or I'm sorry—it's this point that I believe makes Staff's position here unreasonable. We've made many attempts to get Staff to the table to work through their disproportionate Public Works demands for well over a year with repeated requests for statutorily required Dolan analysis.

Frankly, it was not until the last four months that we were even able to get Staff to begin to consider proportionality. We finally thought we had made progress when we were able to have a meeting with Staff to discuss a development agreement earlier this fall. And in fact, we left that meeting with a handshake agreement on all critical business issues around proportionality and design.

However, after trading at least two turns of a draft development agreement, Staff unexpectedly and without notice halted further work on the development agreement with no reasoning as to why. All we were told was that Staff was no longer interested in

working on a development agreement, but instead would be moving forward with this hearing based on conditions of approval they deemed proportionate. No further rationale or support for their proportionality determination was provided despite the fact we've been requesting that support and evidence for several months.

In fact, we never received any formal analysis until we were provided the draft Staff report seven days ago. All of that time, energy, and opportunity for the last year-and-a-half, wasted. We've made no progress. As Ms. White has stated, their quote, "proportionality analysis" in the Staff report is not correct and does not follow the law. It is erroneous and misguided—it's an erroneous and misguided attempt to try to justify Staff's desires. This is not how you attract new employers to the City of Wilsonville and it's bad form, to say the least.

In closing, I'd respectfully ask that you approve our design and development with reasonable conditions as outlined by Ms. White. To do otherwise sets us on a course for appeal. And all of the legal arguments aside, at the end of the day, even if Staff's interpretation and application of Dolan were judged by LUBA to be correct, the City would have won the battle but lost the war, as our project, encumbered by massive Public Works requirements, would no longer be financially viable. There would be no additional R&D building, no new jobs, no new economic benefits, and all of that would be a bad outcome for everyone. But it's avoidable if you follow the law.

Thank you again for your time.

Chair Svadlenka: Thank you. So, at this time, do members of the Board have questions for the Applicant? Yeah. Sorry. Thank you. Yeah, I think.

Mr. Hildum: I do not.

Mr. Herron: I do not.

Chair Svadlenka: I have a couple of questions, actually. So, Ryan, if you don't mind, I have a couple of just site design questions. So, one of them, do you happen to have a diagram, or a slide of the bike parking spaces and where that would be and—

Mr. Craney: You can actually see it in this rendering. We have bike parking located at this entrance, and I believe there's also bike parking located at the other entrance. I'm not sure if it's shown on any of the other slides. So, here's additional bike parking as well. (Slide 4)

Chair Svadlenka: There was a bird's-eye view of parking. I wonder if it shows it on that. Yeah, right there.

Mr. Craney: Yeah, if I can figure out how to zoom. Yeah, so, we do indicate bike parking at both entrances. It's a little difficult to see at this scale. (Exhibit B7, Slide 2)

Chair Svadlenka: So, I believe you have allotted for eight spaces, but Staff is requiring ten? So, is that going to be an issue, adding two more spaces into that area would— and long-term spaces, I think versus temporary spaces. Is that correct?

Ms. McAlister: 50% need to be long-term.

City Attorney Guile-Hinman: Georgia, can you go to the—

Ms. McAlister: I can. I'm Sorry.

Ms. White: Do you want me to move?

Ms. McAlister: 50% of the provided spaces need to be long-term parking spaces.

Chair Svadlenka: And, what is the difference in looks for long-term versus temporary?

Ms. McAlister: That would be designed to the Code standards I don't have in front of me right now.

Chair Svadlenka: Does anyone know what it looks like?

Mr. Pauly: Generally speaking, short-term is like, bike racks out front and long-term is like, inside or covered.

Chair Svadlenka: Oh, just covered?

Mr. Pauly: Yeah—or secure and covered would be the basic terms I'd use to describe it without getting into specifics of the Code.

Kimberly Rybold, Senior Planner: Yeah, the Code, I pulled it up. So, weather protected is— it's generally characterized by bike parking for those using the site and who are generally staying at it for several hours, giving them a weather-protected place to park the bicycle.

Chair Svadlenka: Okay, thank you. So, Ryan, do you have any example of what that might look like for this site design?

Mr. Craney: Typically, I believe on other projects, we've provided that inside of the building space to provide protection. And that's something we've looked at in the floor plans is where we could indicate indoor parking, bike parking. I don't have any examples on our slides, but—

Mr. Pauly: Yeah. And that's pretty typical that it's provided inside, and it's something that we inspect for before occupancy.

Chair Svadlenka: Okay. All right. Thank you. So, in terms of the rust-colored features, so what it looks like from the slides is that the southwest corner, it looks like it's raised from the building. Is that correct?

Mr. Craney: The southwest corner—wait, I will go to that slide.

Mr. Olivier: It's right there by the office.

Mr. Craney: Yeah.

Chair Svadlenka: In some of the slides it looks flush, but some of them it looks raised.

Mr. Craney: Yeah.

Mr. Olivier: Yeah, there you go.

Mr. Craney: Can you clarify what you mean by raised?

Unidentified: Protruding.

Chair Svadlenka: Yeah, protruding from the building.

Mr. Craney: Oh, yes. Yes. It is protruding from the surface of the building.

Chair Svadlenka: Is it just on the southwest corner because the northeast corner looks like it was raised as well.

Mr. Craney: Correct. The northeast and the southwest corner are the same construction, both protruding from the building.

Chair Svadlenka: But the northwest and southeast will not be raised?

Mr. Craney: Correct. So the northwest corner, since it is not a building entrance, we wanted to treat it slightly differently as to not confuse anybody coming to the site. So, there is different—we aren't using the same metal panel. We're using the metal panel at the entrances to indicate those, and those are protruding, but the northwest is not; it's just painted.

Chair Svadlenka: So, you'd mentioned that you wanted more specification from the City on what articulation would mean for that northwest corner. Do you have any design ideas about what it could look like to make it stand out, aside from just the painted rust color?

Mr. Craney: So, we've gone back and forth with the City and worked through several options. This is the one that we settled on. The paint was the one that we settled on, that being the best option that doesn't, you know—I'm trying to think of how to word it—but yeah, we settled on this as a good mediation between not trying to make a third entrance because this is really just electrical storage—or electrical and fire riser room here. So, we didn't want to take away from that enhanced landscaping at that corner, so we determined that paint was our best option to both reference the entries and provide some variation at that corner without trying to call too much attention to it, because it is not a significant portion of the building—the program— building program; it's not an entrance. So, we had looked at—I believe Georgia presented we had looked at perforated metal at one time, but that was not cost effective for—yeah.

Chair Svadlenka: So, will you have signs at the entrance into the site coming from both Printer Parkway and Xerox Drive indicating where customers would go to and where the main entrances are?

Mr. Craney: So John, correct me if I'm wrong, but I think Xerox already has a sign installed, and we were looking at doing a similar signage at the northwest corner that matches that. That would help indicate, yeah, where to enter the campus and how to navigate to the building.

Chair Svadlenka: So that could help alleviate some of the confusion if you chose a different—

Mr. Craney: Yeah.

Mr. Olivier: Yes, and for reference, too, the sign that Ryan had shown in the presentation was actually taken from the permit set of the sign that exists down on Xerox Drive and Parkway. So the sign that exists there is that exact sign today. So, I'm not sure we would design this exact same sign for this location, but it will be our front door, so we obviously want to make sure that it looks nice. (Slide 7)

And I think, just to relate to what Ryan had mentioned, we were really trying to take the focus off of that corner of the building since it is back of house and we have to provide ease of access not only for the fire department, but for the electrical service as well. And so, our thought was, if we don't create some significant design here, once you dress up that corner as our front door to the entrance to the campus with the monument signage, what you're really going to focus on is the front door to the park, not the corner of the building, especially as the landscaping matures. So, we thought our money was better spent on having a really robust landscaping and entrance feature versus trying to spend a whole bunch of money to design a corner of the building that's the back of

house and would ultimately be hidden by landscaping in the future anyway. So, that was the thinking anyway.

Chair Svadlenka: Is that where the mature landscaping is going in? So, it's just older trees?

Mr. Olivier: Yes, ma'am. Yep.

Chair Svadlenka: Okay, great. Thank you. So, I had a question regarding—so this would be for Christe, if you don't mind. So, the 2.8% versus the 19% for the traffic impact, now if I'm—if I read the application correctly, the 2.8% is the traffic impact if you take into consideration all of the traffic on Parkway, you know, all the people that are going to the Costco development and everything like that; all of it. Whereas the 19% takes into account the traffic just for the industrial—

Ms. White: From the park.

Chair Svadlenka: Right, park [inaudible]. Right.

Ms. White: You're correct.

Chair Svadlenka: Okay.

Ms. White: Yes. And the reason, I mean, I'm hopeful that we can get past our argument about percentages and get to what is roughly proportional. If we're at 100%, we're nowhere. But if we're at somewhere between 2.8% and 19.8%, then we're having a discussion. So, if we get to that discussion, the Dolan analysis is generally, in other jurisdictions, how many trips you're putting onto the system that you're impacting and asking to mitigate for. It is not a percentage of the trips that are coming from existing development within the same site ownership because that's not an individualized or particularized determination based on the actual proposed development. And those trips are already in the background traffic that is using these segments of roadway. So, there can be—I mean, I'll concede that there can be different ways of looking at rough proportionality. I think that was correct when it was stated in the argument, but when you get down to the point where you have to make the particularized determination about what this proposed development – not any other proposed development – but what is the impact of this proposed development when you look at the trips, PM/AM trips, coming from this proposed development onto the streets we're impacting, it's 2.8% as a conservative number. And it is not 19.8%, which is a different equation and ratio altogether and doesn't relate to the number of trips coming from this development onto the street.

Chair Svadlenka: I guess I'm just wondering; you know, the road improvement has to be done because of the development, right, and any of the development in the park is going to have traffic that's going to impact it, and the road will have to be improved because of that. So, doesn't it make sense that—I mean, because if there wasn't any development, we wouldn't need to do anything, right? So, doesn't it make sense that it would be a

portion of the traffic from that park because that's who's responsibility it is to improve the road because that's what's causing the road improvements to be needed?

Ms. White: So, there's a little break in that logic. I'm following you, but the break is this, that the rest of the development has already been permitted, right? And those trips are already on the system. Under a Dolan analysis—the Dolan analysis is absolutely not based on site ownership. What is this site ownership doing? It is what is this proposed development doing?

But I understand the conundrum that you're explaining here, which is if a roadway needs to be improved and a development comes in and triggers new trips on that roadway, why can't we fix the roadway? The answer is you can fix the roadway, but there's a constitutional limitation on how much you can impose on a private development for fixing that roadway, beyond which it's unconstitutional. And the way your jurisdiction or other jurisdictions work with this is through aggregated proportionate share that will, at some point aggregate enough to fix the roadway and be constitutional. There are also different means of accomplishing that. In most jurisdictions like yours, you have a Transportation System Plan. You have a CIP Plan, and those plans have funding mechanisms to accommodate the proportion that is not the developer's proportion. And I think the development engineer testified that there is a City portion and City obligation on this roadway.

And what our argument is, is we're not paying that City portion. We're paying our portion, and the fact that there is insufficient funds under the CIP for the balance of the improvement doesn't mean that you can increase our proportionate share and still meet Dolan. So, I'm sympathetic that there's a conundrum here, and I think there's ways of working through this. It's unfortunate that those negotiations broke down, and I think there's still the opportunity through this extra record period to perhaps come to a common understanding of what the Dolan limitations are and what you're allowed to impose on us because we certainly want to build this building. And under these conditions of approval, I think you heard John say, we can't build this building. And so we are very invested and interested in getting to that conclusion, so that we can actually construct this; but right now we're not there.

Chair Svadlenka: And I just want to make clear, not every—you don't have to—the Applicant is not responsible for 100% of everything.

Ms. White: Right.

Chair Svadlenka: It's 100% of the left-turn lanes—

Ms. White: Right.

Chair Svadlenka: —and then 100% of the sidewalk and bike lane, but not the buffer.

Ms. White: Right, right. Oh, I—

Chair Svadlenka: And those, and not the Parkway road improvements, and the—the outside of the turn lanes; it's only a percent of that.

Ms. White: It's a percent of that entire cross-section; so, there's the median, the turn lane, the travel lane, the sidewalk, the bike lane, the planter strip. It's an entire cross-section.

Chair Svadlenka: But the turn lanes are separate than the other part—the other cross-section of the road. Right.

Ms. White: In the analysis section— in the analysis, the turn lane has been separated, yes. Right.

Chair Svadlenka: So, it's just the turn lanes that are the 100%—

Ms. White: Yes.

Chair Svadlenka: —and then that other cross-section is the 19%.

Ms. White: Right. And the discussion that is ensuing here is the discussion that was well on its way under the development agreement and was terminated. So, if we can get back to that conversation, we can get back to that conversation.

Chair Svadlenka: Okay. Thank you. Sorry, I had another question for the existing utility lines. So, because the sidewalk now—the existing sidewalk that stretches from Parkway to Xerox—that has to be moved because the building is going to have that setback of 30 ft, so it can't go there anymore, right? I mean, that existing sidewalk is going to be where the building is.

Mr. Olivier: Do you mind?

Ms. White: No, go ahead.

Mr. Olivier: Could I address this—

Chair Svadlenka: Yeah, absolutely.

Mr. Olivier: —from a practical perspective?

Chair Svadlenka: Please. Thank you.

Mr. Olivier: So it's kind of a cascading effect. As soon as you—the City says, well, we want you to widen the roadway and do all of these things, you then have to relocate the power lines because they're in the right-of-way. You also have to relocate the sidewalk because they're in the right-of-way. Neither of those—our development, if you just look purely at

where those sit today versus where our building is going to go, our building does not impact either of those.

All of this is triggered by the fact that the City wants to widen the roadway. So as soon as the roadway needs to get widened, the power lines all need to get moved. The sidewalk all has to get relocated. The sidewalk is actually getting relocated closer to our site, not farther away from our site. The power lines are actually getting located closer to our site, not farther away from our site. So that's the real kind of rub, if you will, is as soon as you want one thing, you have to deal with everything.

Chair Svadlenka: Right, right. And what's triggering the road being widened is the need for the left-turn lanes because there's no left-turn lanes as it exists.

Mr. Olivier: Well, Christe didn't specifically address this, but I will. That need for the left-turn lane, I think if you go in and look at the appendix in those reports, that left-turn lane has been needed long before we came along. It's not triggered because we triggered it. It's been there. It's been a need for a long time, just like the roadway, frankly, has probably needed to have been widened for quite some time. It just was never put on a capital improvements program. So, we just happened to be the person that triggers hey, there's new things going on here. Let's improve things that have needed to have been improved along for a long time. And we're getting hit with the full price tag or much, much higher than what we think our impact to those improvements or those areas are. But both the turn lane and Parkway widening were needed before we came along. And I think the traffic analysis that DKS provided, that's the City's own engineer, demonstrates that.

Chair Svadlenka: So, John, you had mentioned that SKB only plans on owning the property for another ten years. Was that just an example of something or is it an actual plan?

Mr. Olivier: Well, no. So, we've owned it for eight. We've recently refinanced and recapitalized it, and the business plan— with every asset we own, we have a business plan, and it has a life cycle to it. We actually really love this campus. We'd love to own it for as long as we can own it, but we have partners and so at some point in time, our partners may decide that they want to sell the property, but that's not slated for another ten years or so. But we like it. We feel like we've put a lot of time and energy into making it better, and we're going to continue to do that in the near term.

Chair Svadlenka: Okay. Thank you. You also mentioned that you've reduced traffic. So how? How, if you've brought in more people working at more office space?

Mr. Olivier: So that's a good question. So, we actually had Kittleson and Associates prepare an analysis that is—I don't know if it's in the Staff report, but it was provided to the City in our materials and our review of the DKS analysis. And so what we decided to do is to look back at the uses that Xerox had—you know, the functions that Xerox had on the site during the time of their ownership. And we asked DKS to use the trip generation

manual, the IT trip generation manual, which I think—I'm no traffic engineer, but I think that's the standard for calculating trip generation based off of uses in certain square footages. We knew what square footages—or what functions, how much square footage for each function that Xerox had because they had all those plans. So, we asked Kittleson to run an analysis based on all of those square footages to look at what the trip generation was from all of those uses. And in a nutshell, the reason the trip generation was so high for Xerox was because they had hundreds of thousands of square feet being used for office and call center uses. So, there's a tremendous number of people coming to the site on a daily basis to manage phones, make phone calls, and work in cubicles. I don't know if you ever saw the Xerox property back when Xerox was in there, but it was hundreds of thousands of square feet of nothing but cubicles, cube farms.

So after we acquired the property, we took away all of those office uses, and we converted it into industrial and manufacturing. So, the intensity of use of the site has really gone down from a trip standpoint or people coming onto the site and bringing their cars. And so, if you use that same analysis, and you look at the square footage that we have today plus our new square footage that we're going to bring to the site, we generate somewhere between 55 and 60% of the trips that historically were coming onto the site during Xerox's ownership. And I think that material is—or that analysis is in your packet. If it's not, we'll make sure that in the seven-day period that we get you that analysis so that you could see that.

Chair Svadlenka: Yeah, I believe it was in there. Yeah. Thank you. Thank you. So that actually means that many less employees as well too, right?

Mr. Olivier: It does mean that there are less people, but I think you would also find that the jobs that we're bringing are more technical in nature. It's advanced manufacturing and R&D, so the jobs tend to be higher-paying jobs, although there's fewer people. That's correct.

Chair Svadlenka: Thank you. Okay. Thank you very much. Does any other Board member have any questions for the Applicant this time?

Mr. Herron: I have one. So, the \$850,000 price tag on the undergrounding of the existing utilities, was that for the utilities that you anticipate putting in that will already be undergrounded plus the existing, or is that just the existing?

Ms. White: John, do you want to?

Mr. Olivier: Yeah, if you don't mind. Yeah. So that was just the existing. We had our contractor price how much it would cost to take all of those power lines that are out there today and relocate them and put them underground. It had nothing to do with the utilities that we are doing. And that's both our cost to actually build the trenches, put the conduit in, but also the cost we'd have to pay to PGE to have them come out and pull conduit—pull lines through all of that conduit because there are a lot of lines out there.

Mr. Herron: Thank you.

Chair Svadlenka: Does any other Board member have any questions for the Applicant at this time?

Mr. Hildum: No.

Chair Svadlenka: Okay. Thank you very much.

Mr. Olivier: Thank you.

[Meeting pauses]

Chair Svadlenka called for public testimony regarding the application and confirmed with Staff that no one was present at City Hall to testify and no one on Zoom indicated they wanted to testify.

The Board took a brief recess to allow Chair Svadlenka to recover from coughing, and the meeting was reconvened at 8:04 pm.

[Meeting in recess]

Chair Svadlenka: Okay. We will reconvene the public hearing now. Thank you. Do Board members have any additional questions of Staff, the Applicant, or other members of the audience?

Mr. Hildum: No.

Mr. Herron: No.

Chair Svadlenka: I have a question for Staff. So, can you comment on the need for expanding Parkway, and if this has been an existing need or just—or as a result of this, the new project?

Ms. Pepper: So as I mentioned in my presentation, the TSP identifies Parkway as needing urban upgrades, and a majority of those projects in the TSP, they are relying on developers to construct those half-street improvements. So, Printer—so Parkway from the southern border of this project all the way north to the Costco development does need half-street improvement or full-street improvements ultimately for that urban upgrade. So, it has been identified for a long time how those deve—how those improvements happen is typically with development.

Chair Svadlenka: That makes sense.

City Attorney Guile-Hinman: And if I may add – I'm trying to pull up the page site really quick—there are, I think it was, six or seven specifically listed reasons why the essential nexus exists, which is what I think you're getting at. Yes, I believe it's been listed on Page 76 of—well, it's showing as 76 of 236 in my—in the online version. And it specifically talks about—I'll just refer to it, so you all don't have to flip through. It's that, “The proposed development is taking access from both Parkway and Printer Parkway. The proposed development will generate new freight and vehicle traffic. Parkway is a 45-mile-per-hour street. Other developments within the larger Xerox campus are industrial uses that generate significant freight and vehicle traffic on Parkway. Parkway is designated as a freight route and minor arterial. Parkway’s cross-section is currently deficient as a minor arterial and freight route, and State and Federal traffic guidelines recommend safety improvements for Parkway to prevent significant vehicle crashes.”

Chair Svadlenka: And those seven items establish nexus.

City Attorney Guile-Hinman: I think we made—thank you, Chair. Sorry to interrupt you. I cut you off. We made essential nexus analysis for each of the improvements, so that's one of, but I would say that generally encapsulates the Parkway improvements—the requirements for the Parkway improvements.

Chair Svadlenka: And can Staff comment on the halted development agreement?

City Attorney Guile-Hinman: I guess I can take a shot at that. Several of the Staff members here were included in it, and although it doesn't go to the criteria before you all, I think since it was brought up, it's something to mention. I think where—it sounds like the Applicant is open to and has actually requested additional time, and so Staff is open to continuing discussions with the Applicant after this.

The initial issue that arose when we—when the negotiations were going on is that the Applicant—originally, it was always contemplated the Applicant would do the half-street improvements. And then in a meeting, the Applicant—well, not in a meeting, in the initial draft of the development agreement, the Applicant had flipped that where the City would do all the improvements. And that was very much a 180 of what we had been talking about.

We worked through that issue, and then the next issue was that—the issue of the allocation of the SDC credits that the Applicant will be—will get if the oversizing or the part that's the City responsibility is done by the Applicant. That calculation—whenever SDC credits are provided, they're provided because that's the part that the Applicant is not responsible for. That's the whole point. And the Applicant had taken—had calculated the SDC credits as part of their portion of their cost, not the City's portion of the City's cost.

And so, when we had been talking about numbers, essentially, again, it did a 180 of the numbers that we were talking about. The City, in response did say, you know, that's not

something that the City's in a position to do. And also what the City did as a result of that was—normally, well, our City standards require that freight routes are constructed with concrete pavement. And so that's—since because of all of this, the City has determined that concrete pavement is not something that we're going to require because you can't pave a half-street with concrete and a half-street with asphalt. And given that we were not going to be able to do—to come to an agreement about the full cross-section improvements, it didn't make sense to require concrete pavement for the half-street that we were requiring, so we took that requirement out of—as part of this analysis.

Chair Svadlenka: And am I correct with the SDC credits—so the Applicant would pay for it, and then what's ever the credit, they would get the credits, the SDC credits, and then that could be used either for future projects or be refunded? Is that typically how it works?

City Attorney Guile-Hinman: Yeah. So, it really depends on the timing of the improvements. Generally, public improvements are done first, and you get an SDC credit that's then applied to your building—you get charged SDCs at the issuance of building permit. So, if your public improvements are done before your building permit is pulled, then you can use that credit for your building permit. And then, you know, depending on how much is left, that's what you would pay if you have additional SDCs you have to pay.

If the public improvement for some reason comes after the building permit is pulled, then in other settings, what you would use is you would use that SDC credit for a future development that you may have. What the City has done, because particularly with industrial development, it—SDC credits have a lifespan of ten years; that's written in statute. And, for a lot of industrial development, they don't happen in ten years. You don't see a future development in a 10-year time frame. So, the City has a policy of with industrial development that we issue a refund check in lieu of doing the credit with the acknowledgment that in all likelihood a credit wouldn't—could potentially not get used.

Chair Svadlenka: Thank you.

City Attorney Guile-Hinman: Amy can correct me if I said anything incorrectly, but—

Ms. Pepper: Amanda was correct, yes.

Chair Svadlenka: Thank you. Okay. What, if any, discussion does any Board member wish to have to help ensure they have gathered all the information they need to make a decision? I note this is different than the discussion we will have to deliberate once a motion is made. Discussion at this point should focus on ensuring understanding of the facts presented and clarifying particular points, rather than expressing conclusions, which we will do in a few minutes.

City Attorney Guile-Hinman: Chair, if I may, I would like to clarify one item because there was several—there were discussion points about it, and I just want to make sure that the

Board is clear on this. The Applicant had talked about that the City had pointed out that the Applicant had submitted all the improvements, and they had actually objected to submitting all the improvements. The reference was specifically about the improvements to Printer Parkway. That was a proposed site improvement that was provided, and then the Applicant also did a full off-street—or an off-site public improvement as well that included Parkway.

So, one thing that I have not heard necessarily is our objections about Printer Parkway. I have heard objections about Parkway, and the 19.8% is about Parkway. So, I just want to clarify about that those are two separate conditions of approval. They're not tied together. So, I also do want to—because I'm saying this, I do also want to give the Applicant the opportunity to comment on that, to clarify and to make sure that you all have the information you need when you go into your discussion. So, I don't know if the Applicant wants to comment on Printer Parkway, specifically.

Ms. White: Thank you very much for the opportunity to clarify. We object to all of them under the Dolan analysis and believe it needs to be recalibrated for all improvements. Thank you.

Chair Svadlenka: Thank you. Next is an opportunity for Board members to discuss any proposal to add, remove, or modify conditions of approval. This opportunity allows discussion amongst the board or with Staff as well as allows the Applicant an opportunity to respond.

Mr. Hildum: I'm thinking that maybe we should postpone this decision until both the City and the Applicant can agree upon paying the cost of the road improvements on Parkway. I think Printer Parkway can be handled later since that's pretty much all on private property still. Thank you.

Mr. Herron: I agree with that. I think it's hard to come to some conclusions without that taken care of first, so I agree.

Yara Alatawy: Me, too.

Chair Svadlenka: Would Staff like to comment?

City Attorney Guile-Hinman: Yeah. And again, I might ask Ms. White to come back up here. I know this is a little unorthodox, but I did hear that the Applicant—the Applicant is entitled to request certain extensions, and I believe there was three, seven-day extensions requested, but that there was also the potential for—understanding that we're in the holidays right now. So, I'm wondering if maybe we can get on the record an extension time frame that maybe the Board could then vote to continue the hearing to.

Ms. White: Sure. Great suggestion. So under State law, when you ask for a seven-day extension, it comes in three parts, normally. New evidence in the first seven days—I know you guys

seem very good at this process so—and then seven days of rebuttal, and then a final seven for final legal argument, which would be in total a 21-day span. Recognizing that we're at December 11th right now, I realize that can hit at a time when it's uncomfortable to be putting evidence in the record and writing final legal argument. So, we're flexible for modifying those timelines in any way that works for Staff and works for the DRB.

City Attorney Guile-Hinman: And I believe that based on the—if accounting for the three seven-day periods, the next Development Review Board meeting for this panel is January 8th.

Ms. White: Okay.

City Attorney Guile-Hinman: I don't know how the—I don't know if Planning Staff have any comments about January 8th though.

Mr. Pauly: No, we're planning on—we plan on having other items on the agenda that night, so, I mean, it would be a full meeting, but we plan on meeting.

City Attorney Guile-Hinman: January 8th, I'm seeing a head nod. So, Ms. White, we have a continuance form, but what we can do, Chair, is have somebody make a motion to continue—so, we would just continue the public hearing in that case, if you're open to that, or do you want to just do the closing the public hearing and doing the written?

Ms. White: I think we should do the record extension so we can do final legal argument before the continued hearing—

City Attorney Guile-Hinman: Okay.

Ms. White: —and have an opportunity to review that. So, if we're meeting on January 8th, I would just back into what we do between December 11th and January 8th and then have the final hearing and record close on January 8th.

City Attorney Guile-Hinman: Okay. So, the record will—

Ms. White: Stay open.

City Attorney Guile-Hinman: Yeah.

Chair Svadlenka: So, it's a continuance.

Ms. White: Sure.

City Attorney Guile-Hinman: Well, yeah. I want to make sure we get the language, right—

Chair Svadlenka: Stay open, yeah. Right.

City Attorney Guile-Hinman: —because it matters, right? So, what we're saying is closing the public hearing but keeping the written record open.

Ms. White: Exactly.

City Attorney Guile-Hinman: Yes.

Ms. White: And then moving to January 8th for deliberation and decision.

Chair Svadlenka: Okay. So, to close the public hearing, do I need to go through any other—?

City Attorney Guile-Hinman: Yes, I just want to make sure because I can see I've got Ms. Bateschell standing back there. One of the other things is—I apologize we're doing this in public meeting—

Ms. White: That's okay.

City Attorney Guile-Hinman: —but typically with these extensions that are requested by the applicant, it extends the whole 120-day period.

Ms. White: Yes.

City Attorney Guile-Hinman: I want to make sure that we're being mindful of if you want to appeal that you have the appeal right with City Council.

Ms. White: Yes.

City Attorney Guile-Hinman: And their next—you would have 14 days to do that. So, you're hearing would still be—or your decision would still be on the 8th, but 22, so the next Council meeting would be February—

Mr. Pauly: They're cancelling that first one.

City Attorney Guile-Hinman: That's—I'm being mindful of that. So, February 22nd would be the next Council meeting to hear an appeal. So, you can close the record and have the written—close the public hearing and have the written record kept open until—for the January 8th meeting, where every—where the materials then would be due—

Ms. Rybold: I believe that packet is going out on the 28th of January, the Thursday.

City Attorney Guile-Hinman: Of December, you mean?

Ms. Rybold: Of December. Yes, December.

City Attorney Guile-Hinman: I don't think we'll meet the three, seven-day periods, then.

Ms. White: I'm not thinking that we need a rebuttal evidence period.

City Attorney Guile-Hinman: Okay.

Ms. White: And so, really this is about the evidence in the record and providing final legal argument around our disagreements on Dolan and the opportunity, frankly, to meet with you in that time period. And because of that, and I'm sorry, too, for going back and forth about this, but the more you talk, the more it's making me think about what would be the appropriate thing, and maybe what the appropriate thing is to not close the hearing—

City Attorney Guile-Hinman: Yeah.

Ms. White: —to continue the hearing to January 8th, and then in the interim between today, December 11th, and January 8th, we will file whatever we need to file in terms of legal argument and have the opportunity to talk this through.

City Attorney Guile-Hinman: Yeah, I agree. I think that makes the most sense.

Ms. White: Okay. Great.

Chair Svadlenka: So, I'll make a motion to continue the public hearing.

City Attorney Guile-Hinman: Yep. To date certain of January 8th.

Ms. White: Back to your suggestion.

City Attorney Guile-Hinman: It just takes us lawyers a little bit longer to get there.

Ms. White: And, that's embarrassing so...

Chair Svadlenka: Okay. So, I move to keep the public hearing opened and continued until the January 8th, 2024, DRB Panel A meeting. Do I have a second?

Mr. Hildum: I'll second.

Chair Svadlenka: All in favor say, "aye".

Mr. Hildum: Aye.

Chair Svadlenka: Aye.

Mr. Herron: Aye.

Ms. Alatawy: Aye.

Chair Svadlenka: So, the motion passes 4 to 0.

Ms. White: Thank you.

Chair Svadlenka: Thank you.

Miranda Bateschell, Planning Director: Can I clarify and confirm what date we have extended the 120-day timeline of final decision until?

City Attorney Guile-Hinman: If I heard Christe correctly, it's going to be through the Council meeting. Yes, on February—so, and I said that was February...

Mr. Hildum: 22nd.

City Attorney Guile-Hinman: 22nd.

Ms. Bateschell: So that's the date we want to put on this?

City Attorney Guile-Hinman: Yeah. Well, probably February 23rd just—

Ms. Bateschell: Okay.

City Attorney Guile-Hinman: —so they can make a decision.

[End of Verbatim transcript]

2. **Resolution No. 423 Frog Pond Petras Homes Subdivision.** The applicant is requesting approval of Annexation to the City of Wilsonville and rezoning of approximately 2.02 acres, a Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review of parks and open space, Tentative Subdivision Plat, Middle Housing Land Division, and Waiver for an 11-lot residential subdivision.

Case Files:

DB23-0008 Frog Pond Petras Homes Subdivision

-Annexation (ANNX23-0002)

-Zone Map Amendment (ZONE23-0002) -Stage 1 Preliminary Plan (STG123-0003)

-Stage 2 Final Plan (STG223-0005)

-Site Design Review of Parks and Open Space (SDR23-0006)

-Tentative Subdivision Plat (SUBD23-0002)

-Middle Housing Land Division (MHLD23-0002)

-Waiver (WAIV23-0003)

The DRB Action on the Annexation and Zone Map Amendment is a recommendation to the City Council.

Chair Svadlenka called the public hearing to order at 8:23 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, ex parte contact, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Cindy Luxhoj, Associate Planner, announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

Ms. Luxhoj presented the Staff report via PowerPoint, briefly reviewing the project's location, zoning, and surrounding features, the background related to the Frog Pond Area Plan and subsequent Frog Pond West Master Plan, as well as the application requests for the proposed 11-lot subdivision with these comments:

- She noted a typographical error in Condition of Approval PDD 6 on Page 11 of the Staff report would be corrected to state, "Frog Pond ~~Terrace~~ ***Petras Homes Subdivision***" in the adopted Staff report.
- Proper noticing was followed for this application, with the public hearing notice mailed to property owners within 250 ft of the subject property, on-site posting, and publication in the *Wilsonville Spokesman*. No public comments were received during the comment period for the project.
- Annexation was proposed for Tax Lot 200, which includes 2.02 acres. The property is surrounded on all sides by land previously annexed to the City, with other subdivisions in Frog Pond West. The City Council public hearing for the Annexation and Zone Map Amendment is scheduled for December 18, 2023. The proposed Zone Map Amendment would rezone Tax Lot 200 from Clackamas County Rural Residential Farm Forest – 5 Acre to the City's Residential Neighborhood (RN) Zone, which was consistent with the Comprehensive Plan Map's Residential Neighborhood designation, as well as with the Frog Pond West Master Plan.
- The Stage 1 Preliminary Plan generally establishes the proposed residential use, number of lots, preservation of open space, and block and street layout consistent with the Frog Pond West Master Plan. Specifically, in regard to residential land use unit count, the proposed Stage 1 Preliminary Plan is located entirely in Small Lot Sub-District 10. (Slide 8)
 - The proposed 11 lots were the minimum proportional density calculation for the site and allowed for future development that meets all dimensional standards for lots on the site. The configuration of lots as proposed would allow for build out of Sub-District 10 consistent with the Master Plan recommendations. (Slide 9)
- The Stage 2 Final Plan addressed the general development pattern within the subject property, including such elements as lot layout and size, block size and access, and street layout. These elements of the proposed subdivision generally demonstrated consistency with development standards established in the RN Zone and Frog Pond West Master Plan. (Slide 10)

- The Applicant proposed installing necessary facilities and services concurrent with development of the proposed residential neighborhood. No new streets were proposed as the project was surrounded by existing streets with SW Stafford Rd on the east, SW Frog Pond Lane on the south, and SW Windflower Street on the north. The lots in Frog Pond Crossing were to the west. However, the proposed project would add its proportional share to the surrounding streets through right-of-way dedication and would be installing required improvements to City standards.
- The location of blocks and planned pedestrian connections in Tracts A and D generally align with those shown in the Street Demonstration Plan, providing pedestrian access between SW Frog Pond Lane and SW Windflower Street as well as between SW Windflower Street and SW Stafford Road, as illustrated by the red arrows on the Site Plan.
- The proposed modifications do not require out of direction pedestrian or vehicular travel, nor do they result in greater distances for pedestrian access to the proposed subdivision from the surrounding streets than would otherwise be the case if the Street Demonstration Plan were fully adhered to.
- Site Design Review addresses elements of the public realm for consistency with the Frog Pond West Master Plan that focuses primarily on proposed parks and open space within the subdivision. R-5 Sub-Districts require 10% of the net developable area to be in open space, of which 50% is to be usable open space. Because the project contained a portion of the R-5 Sub-District 10, the standard applied. (Slide 11)
 - Based on the net developable area of the site, the minimum open space requirement was 8,798 sq ft with minimum usable open space of 4,399 sq ft. The Applicant proposed open space in Tracts A, C, D, and E of the site with pedestrian connections in Tracts A and D outlined in red. Overall, 10,791 sq ft or 12% of the site would be open space with 8,524 sq ft in usable open space, exceeding the requirements.
- The Tentative Subdivision Plat met technical platting requirements, demonstrated consistency with the Stage 2 Final Plan, and therefore, the Frog Pond West Master Plan, and did not create barriers to future development of adjacent neighborhoods and sites.
- The Applicant elected to have the Middle Housing Land Division reviewed concurrently with the Tentative Subdivision Plat subject to review by the Development Review Board. As required, the tentative middle housing land division is shown on Sheet P-07 of the Applicant's plan set separate from the Tentative Subdivision Plat on Sheet P-06. Sheet P-07 clearly identified the middle housing units as being created from one or more lots created by the subdivision. (Slide 13)
 - The proposed middle housing land division allows for the creation of separate units of land for residential structures that could otherwise be built on a lot without a land division. The units of land resulting from a middle housing land division were collectively considered a single lot, except for platting and property transfer purposes. Through this middle housing land division, the Applicant proposed creating 20 middle housing units from 10 parent lots with one lot, Lot 11, remaining a standard lot with an area of 3,626 sq ft. The resulting middle housing units ranged in area from 2,025 sq ft to 2,448 sq ft.
 - The preliminary Middle Housing Land Division Plat met the allowance of middle housing units and demonstrated compliance with the Middle Housing rules and statutes. Each

parent lot could contain at least one dwelling unit but may contain additional units consistent with the allowance for middle housing.

- The requested minimum lot frontage waiver involved discretionary review by the Board. Per Development Code Subsection 4.237.06, each lot within a subdivision must have a minimum frontage on a street or private drive. The minimum lot width in the RN Zone for lots in a Small Lot Sub-District is 35-ft with some exceptions. The DRB could waive lot frontage requirements where, in its judgment, the waiver of frontage requirements would not have the effect of nullifying the intent and purpose of the standard, or if the DRB determined that another standard was appropriate because of development's overall characteristics.
 - As proposed, Lots 4 through 6 front Tract D, which was a shared open space with a pedestrian connection, and take vehicular access from the private alley in Tract B. Pedestrian access was provided along the front of the lots via the pedestrian connection in Tract D, which connected to the public right-of-way in SW Windflower Street to the west and SW Stafford Lane to the east. The Applicant specifically requested the waiver to enable development of the subject site consistent with the proportional density range of 11 to 14 lots established for this portion of the R-5 Small Lot Sub-district 10, while providing the required usable open space and pedestrian connections in Tracts A and D and other site improvements.
 - Pursuant to Subsection 4.118.03.a, a waiver must implement or better implement the purpose and objectives listed in the subsection. The subject site was constrained by its 2.02-acre size, the street layout created by adjacent subdivisions, and access limitations on SW Frog Pond Lane and SW Stafford Road. The Applicant, therefore, specifically requested this waiver to allow flexibility of design that responded to site-specific features and conditions of the project, while providing a development that was equal to or better than that resulting from traditional lot land use development.

Chair Svadlenka asked why the green, north-south street shown in the Proposed Plan on the Street Demonstration Plan looked narrower than the next street going north-south above it. (Slide 10)

Ms. Luxhoj clarified the actual streets were shown in gray and the pedestrian connections were shown in green in both the Master Plan and Proposed Plan. The Applicant was proposing the pedestrian connection in the location it was anticipated in the Master Plan. The.

Chair Svadlenka called for the Applicant's presentation.

Glen Sutherland, Planner, AKS Engineering and Forestry, 12965 SW Herman Rd, Suite 100, Tualatin, OR, 97062, thanked Staff for the great presentation and noted the Applicant, Adrian Petrus from Petrus Homes, was attending on Zoom. [Petrus was not present as confirmed by City staff] He presented the Applicant's presentation via PowerPoint as follows:

- The proposed project was at the prominent corner of Frog Pond Lane and Stafford Road, and reiterated the site was part of Sub-District 10, which was actually designated to be R-5 Small Lot. The site was approximately two acres, on which the Applicant had proposed 11 lots in keeping with the Frog Pond West Master Plan. (Slides 3 and 4)

- The site was hemmed in quite a bit by existing and approved features, some of which were under construction currently, and some of which would be very soon. The site was tucked into a corner with SW Windflower Street to the north, SW Frog Pond Lane to the south, and SW Stafford Road to the east. The requested frontage waiver was necessary because the Access Management Standards for Lots 4, 5, and 6 in the northeast corner of the property could not be met.
- Pedestrian access would be provided through Tract D at the northern edge, and vehicular access would be through Tract B, the private alley running through the site. As stated, the proposal met all the proposed goals of the Street Demonstration Plan. The envisioned pedestrian connections for this corner site were being provided to connect to bicycling facilities in Frog Pond Lane and Stafford Road, and the density requirements were also being met. (Slide 5)
- The Applicant planned to submit Middle Housing for 21 total units on 10 lots of the development. Right-of-way would be provided for the widening of Frog Pond Lane and Stafford Road. And again, those pedestrian connections would allow easy pedestrian and bicyclist access from SW Windflower to those adjacent connector and arterial streets. And, as always, this project would provide its proportionate system development charges to fund off-site public improvements.
- He concluded by thanking the Board for its time, as well as Staff for their time and effort in reviewing these materials.

Clark Hildum asked if the narrow roads were adequate for large emergency vehicles, such as fire trucks.

Cody Street, Project Manager, AKS Engineering and Forestry, responded, yes, most of the fire access would be provided from the major frontage roads: Windflower, Stafford, or Frog Pond Lane. The application had been reviewed by TVF&R, which provided a service provider letter indicating the road widths were adequate.

Chair Svadlenka asked if a slide was available showing what the 21 homes would look like on the 11 lots.

Mr. Sutherland replied the Board had the Middle Housing Land Division plan, adding that some conceptual elevations were submitted as part of the application.

Mr. Pauly reiterated that the Board was severely limited under statute and rules to what it can consider in terms of what happened on the lots.

Mr. Sutherland stated the conceptual elevations were designated as Appendix M in the Master Exhibit List. Basically, the units were duplexes with the exception of Lot 11, which would have a single-family home because there was not enough space to meet the lot size requirements needed to have a middle housing lot.

Chair Svadlenka confirmed no Board members had any questions for the Applicant.

Chair Svadlenka called for public testimony regarding the application and confirmed with Staff that no one was present at City Hall to testify and no one on Zoom indicated they wanted to testify.

Chair Svadlenka confirmed there were no further questions or discussion and closed the public hearing at 8:53 pm.

Clark Hildum moved to approve the Staff report, amending the second sentence of Condition of Approval PDD 6 to state, “Frog Pond Terrace Petras Homes”. The motion was seconded by Jordan Herron and passed unanimously.

Chair Svadlenka moved to adopt Resolution No. 423 including the amended Staff report. **Clark Hildum** seconded the motion, which passed unanimously.

Chair Svadlenka read the rules of appeal into the record.

BOARD MEMBER COMMUNICATIONS:

- 3. Results of the September 25, 2023 DRB Panel B meeting
- 4. Recent City Council Action Minutes

There were no comments.

STAFF COMMUNICATIONS

There were none.

ADJOURN

The meeting adjourned at 8:57 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, LLC. for
Shelley White, Planning Administrative Assistant

DEVELOPMENT REVIEW BOARD MEETING
JANUARY 8, 2024
6:30 PM

Item 4.

Public Hearing:

4. **Resolution No. 424. Short Term Rental Home Business.** The applicant is requesting approval of a Conditional Use Permit for the use of a residential property as a short term rental home business.

Case Files:

DB23-0013 Short Term Rental Home Business
-Conditional Use Permit (CUP23-0002)

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 424**

**A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A
CONDITIONAL USE PERMIT FOR THE USE OF A RESIDENTIAL PROPERTY AS A SHORT
TERM RENTAL HOME BUSINESS.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by Robert and Noelle Craddock – Owners/Applicants in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 10925 SW Wilsonville Road on Tax Lot 100, Section 22AB, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated December 28, 2023, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on January 8, 2024, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated December 28, 2023, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB23-0013 10925 SW Wilsonville Road Short Term Rental: Conditional Use Permit (CUP23-0002).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of January, 2024, and filed with the Planning Administrative Assistant on _____. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the Council in accordance with *WC Sec 4.022(.03)*.

Jean Svadlenka, Acting Chair - Panel A
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant



Exhibit A1
Planning Division Staff Report
Conditional Use Permit
10925 SW Wilsonville Road Short Term Rental

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

Hearing Date:	January 8, 2024
Date of Report:	December 28, 2023
Application No.:	DB23-0013 10925 SW Wilsonville Road Short Term Rental
Request/Summary:	The request before the Development Review Board includes a Conditional Use Permit for the use of the existing house and property at 10925 SW Wilsonville Rd as a short term rental home business.
Location:	10925 SW Wilsonville Road. The property is specifically known as Tax Lot 100, Section 22AB, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon
Owner/Applicant:	Robert and Noelle Craddock
Comprehensive Plan Designation:	Residential 2-3 dwelling units per acre
Zone Map Classification:	Planned Development Residential-2 (PDR-2)
Staff Reviewers:	Sarah Pearlman, Assistant Planner Amy Pepper, Development Engineering Manager
Staff Recommendation:	<u>Approve with conditions</u> the requested Conditional Use Permit request.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.001 122.	Home Business Definition
Section 4.001 279.	Short Term Rental Definition
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.116	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.124	Standards Applying to all Planned Development Residential Zones
Section 4.140	Planned Development Regulations
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.176	Landscaping, Screening, and Buffering
Section 4.184 (.01)	Conditional Use Permits
Sections 4.300 through 4.320	Underground Utilities
<u>Other Planning Documents:</u>	
Wilsonville Comprehensive Plan	

Vicinity Map



Background:

The property was originally a small farm that was managed and owned by Dr. Russell Guiss who opened Dammasch Hospital. The subject property was included in the Hazelwood Subdivision in 1990 (Case File No. 90PC47). This approval included a waiver to reduce the rear setback to 20 feet and the side setbacks to five (5) feet for this property. The site maintained access from SW Wilsonville Road at this time and the house and detached garage were retained.

On May 30, 2023, the City received a complaint from a neighbor about the addition of an outdoor shower and bath area and possible rental of a travel trailer on the property. Staff met with the property owners (current applicants) and learned that they were using the property as a short term rental home business, which requires a Conditional Use Permit. The current application for Conditional Use Permit to use this property as a short term rental home business, including the seasonal use of a vintage trailer and outdoor bath area as additional lodging space, aims to bring the property into compliance with the Wilsonville Development Code.

Summary:

Conditional Use Permit (CUP23-0002)

The proposed Conditional Use Permit is to allow the use of a residential property in its entirety as a short term rental home business. The applicant proposes the use of a vintage trailer and outdoor shower and bath area as a part of the short term rental home business with limits on the length of stay and full screening from adjacent neighbors.

Public Comments and Responses:

No public comments were received during the comment period.

Discussion Points – Discretionary Review:

The requested Conditional Use Permit is a discretionary review application for the DRB. The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant.

Conditional Use Permit Criteria

Per Subsection 4.124 (.04) of the Development Code, home businesses, including short term rentals where the operator does not live on the same property, require a Conditional Use Permit in Planned Development Residential (PDR) Zones. Per Subsection 4.184 (.01) of the Code, the Development Review Board (DRB) is tasked with determining whether the proposed use is consistent with the provisions and requirements of the Comprehensive Plan and Chapter 4 of the Development Code, the property has suitable characteristics for the use, all required public facilities and services exist, and the proposed use will not alter the character of the surrounding area.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant’s analysis of compliance with the applicable criteria. The Staff Report adopts the applicant’s responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board approve the proposed application (DB23-0013) with the following conditions:

Planning Division Conditions:

PDA 1.	All structures on the property shall meet setback and lot coverage requirements. The applicant shall submit documentation that the pre-existing garden shed either meets Code requirements or is moved within one (1) year of this approval. See Findings A3 and A19.
PDA 2.	Rental of the property, including the trailer, shall be allowed for a maximum of 30 consecutive days as part of the home business. See Findings A2 and A11.
PDA 3.	The applicant shall submit documentation of installation of a 100 percent (100%)

sight obscuring fence or other buffer, six feet high, between the trailer and its associated outdoor shower and the neighboring property to the north. See Finding A23.

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

Engineering Division Conditions:

PF 1. Prior to Operation of the Rental Property: The existing outdoor shower and bath area shall be covered so that stormwater runoff is not connected directly or indirectly to the public sanitary sewer in compliance with WC Section 8.204(.08).

Master Exhibit List:

Entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The list below includes exhibits for Planning Case File No. DB23-0013 and reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

- A1. Staff Report and Findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

Materials from Applicant

- B1. Applicant's Application and Authorization
- B2. Applicant's Narrative and Submitted Materials
Applicant's Narrative, History, and Site Plans

Development Review Team Correspondence

- C1. Engineering Requirements

Procedural Statements and Background Information:

- 1. The statutory 120-day time limit applies to this application. The application was received on October 25, 2023. Staff conducted a completeness review within the statutorily allowed 30-day review period and deemed the applicant complete on November 22, 2023. The City must render a final decision for the request, including any appeals, by March 21, 2024.
- 2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PDR-2	Single Family Residential
East:	PDR-2	Single Family Residential
South:	PDR-3	Single Family Residential
West:	PDR-2	Single Family Residential

- 3. Previous Planning Approvals:
90PC47 Zone Map Amendment, Stage 1 Master Plan, Stage 2 Preliminary Plat
90PC51 Preliminary Plat
- 4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

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

General Information

Application Procedures-In General Section 4.008

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

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

Initiating Application Section 4.009

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

Response: The application has been submitted and signed on behalf of the property owner, Noelle and Robert Craddock.

Pre-Application Conference Subsection 4.010 (.02)

Criteria: This section lists the pre-application process

Response: A Pre-application conference was held on July 28, 2023 (PRE23-0012), in accordance with this subsection.

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

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

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

General Submission Requirements

Subsection 4.035 (.04) A.

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

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

Zoning-Generally

Section 4.110

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

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

Request A: Conditional Use Permit (CUP23-0002)

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

Definitions

Home Business

Subsection 4.001 (122.)

A1. Criterion: “Short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit.”

Response: The applicants propose the use of an existing residential property, which they do not live on, for short term rental. Therefore, this application for a conditional use permit has been submitted.

Short Term Rental

Subsection 4.001 (279.)

A2. Criterion: Short-term rental is defined as “A dwelling unit or portion thereof subject to a lease term, rental agreement, or similar agreement, either directly or through a professional vacation rental-company or similar, less than monthly, generally daily or weekly. Involves rental to only one party at a time. A dwelling unit with rental of different rooms during the same period to different parties is not considered a short-term rental, but may meet the definition of a bed and breakfast home or boarding house or hotel, motel, or overnight lodging facility.”

Response: The applicants propose to rent the dwelling unit or portion thereof on a less-

than-monthly basis to one party at a time. The property is listed through a professional vacation-rental company as well as directly through the property's website. Condition of Approval PDA 2 ensures that the property is not rented for more than 30 consecutive days.

Development Permit Required

Development Permit Required
Section 4.004 (.02)

A3. Criterion: This section prohibits the Planning Director from issuing a development permit "for the improvement or use of land that has been previously divided or otherwise developed in violation of this Code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development."

Response: The previous owner placed a shed in the rear setback without approval. The applicants plan to either reduce the size of or replace the shed to meet the setback allowance of three (3) feet for a structure under 120 square feet and 10 feet in height per Subsection 4.124 (.02) I. Condition of Approval PDA 1 ensures that this structure meets the required setbacks.

Conditional Use Permit

Purpose and Procedure
Subsection 4.184 (.01)

A4. Criteria: Conditional use of a property is reviewed by the Development Review Board after a public hearing. "A land use that is "conditional" is one that is generally not compatible with surrounding uses unless mitigating conditions of approval are established. In acting on applications for Conditional Use Permits, the DRB may establish conditions of approval that are found to be necessary to implement the Comprehensive Plan or to assure compliance with the standards of this Code, based on information in the record." "A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In judging whether a conditional use permit shall be approved, or determining appropriate conditions of approval, the Development Review Board shall weigh the proposal's positive and negative features that would result from authorizing the particular development at a location proposed..."

Response: The use of a property in a PDR Zone as a home business requires a Conditional Use Permit. The application is being processed in accordance with the review procedures of this section. The DRB may add additional conditions to ensure that the proposed conditional use meets the criteria described in Findings A5 through A8.

Consistency with Comprehensive Plan

Subsection 4.184 (.01) A. 1.

A5. Criteria: This subsection states that “The proposal will be consistent with the provisions of the Comprehensive Plan and the requirements of Chapter 4 of the Wilsonville Code and other applicable policies of the City.”

Response: The Comprehensive Plan does not place this property in an area of special concern. The current PDR-2 zoning is consistent with the property’s Comprehensive Plan designation. Home businesses are an allowed use with a conditional use permit in the PDR Zone. As demonstrated in Findings A9 through A23, the proposal is consistent with the requirements of Chapter 4 of the Wilsonville Code.

Suitable Characteristics

Subsection 4.184 (.01) A. 2.

A6. Criteria: This subsection states that “The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.”

Response: The subject house was retained when the Hazelwood Subdivision was originally constructed resulting in a very large lot. This lot is the only property that is accessible from SW Wilsonville Road making it easily reachable for guests and removing potential traffic impacts from the neighborhood. Street and frontage improvements were completed when the rest of the subdivision was constructed.

Public Facilities and Services

Subsection 4.184 (.01) A. 3.

A7. Criteria: This subsection states that “All required public facilities and services exist, or will be provided, to adequately meet the needs of the proposed development.”

Response: All public facilities and services already exist to meet the needs of a residential property. A short term rental is expected to have similar utility demands to the existing residential use.

Character Compatibility

Subsection 4.184 (.01) A. 4.

A8. Criteria: This subsection states “The proposed use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.”

Response: There is no evidence that the short term rental will alter the residential character of the surrounding area. The applicants have set rules for guests on the property and have security cameras, light timers, and noise monitors to ensure that the use of the property as a short term rental does not alter or preclude the surrounding residential uses.

In the narrative, the applicants describe that the short term rental “enhances [the character of the neighborhood] since the property is very unique and is known as a special property within the Wilsonville community.” Based on the applicant’s materials and past

approvals, this property was owned and operated as a farm by Dr. Russell Guiss. Though the property is not listed on national or state historic registries, the applicants intend to preserve and improve the original buildings and add other vintage elements, like the trailer, to maintain the old Wilsonville character of the site.

The property is also unique in that it is one of only a few single-family residential properties that takes direct access from SW Wilsonville Road or other arterials in the City. This direct access allows the property to function independently from the adjacent neighborhood without creating any additional traffic into the neighborhood, thus helping it remain compatible with the surrounding homes.

Comprehensive Plan Consistency

Subsection 4.140 (.06)

A9. Criteria: “The planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is consistent with the land use designated on the Comprehensive Plan.”

Response: The property was previously approved for residential use as a part of the Hazelwood Subdivision. The proposed project is permitted as a conditional use with the Planned Development Residential zoning designation, which implements the Comprehensive Plan designation of ‘Residential 2-3 dwelling units per acre’ for this property.

Adherence to Approved Plans

Subsection 4.140 (.10) A.

A10. Criteria: “The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.”

Response: A Condition of Approval ensures adherence to approved plans except for minor revisions by the Planning Director.

Standards Applying to Residential Developments in any Zone

Prohibited Uses

Subsection 4.113 (.09) B.

A11. Criteria: This subsection prohibits “The use of a trailer, travel trailer or mobile coach as a residence, except as specifically permitted in an approved RV park.”

Response: The applicant proposes the use of a trailer as a part of the overall short term rental business. The trailer would not be used as a residence. It will be limited in use from

May to October with a maximum rental period of 30 days. This maximum is based on the transient lodging tax exemption for a lodger who stays more than 30 consecutive days at the same facility per ORS 320.308 (6). The maximum stay establishes the use of the trailer as transient lodging rather than as a residence. Condition of Approval PDA 2 ensures this maximum stay is implemented.

Standards Applying in All Planned Development Zones

Underground Utilities

Subsection 4.118 (.02) and Sections 4.300-4.320

A12. Criteria: “Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.”

Response: No changes to utilities are proposed for this project. The applicant does not propose new utility connections.

Waivers

Subsection 4.118 (.03)

A13. Criteria: “Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may” waive a number of standards as listed in A. through E.

Response: No waivers are being requested.

Other Requirements or Restrictions

Subsection 4.118 (.03) E.

A14. Criteria: “Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may adopt other requirements or restrictions, inclusive of, but not limited to, the following:” Listed 1. through 12.

Response: No additional requirements or restrictions are recommended pursuant to this subsection.

Impact on Development Cost

Subsection 4.118 (.04)

A15. Criteria: “The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these

factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.”

Response: It is staff’s professional opinion that the determination of compliance or attached conditions do not unnecessarily increase the cost of development, and no evidence has been submitted to the contrary.

Requiring Tract Dedications

Subsection 4.118 (.05)

A16. Criteria: “The Planning Director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:” Recreational Facilities, Open Space Area, Easements.”

Response: No additional tracts are being required for the purposes given.

Habitat Friendly Development Practices

Subsection 4.118 (.09)

A17. Criteria: “To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:

- A. Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;
- B. Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;
- C. Minimizing impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2 in Section 4.139.03; and
- D. Using the practices described in Part (c) of Table NR-2 in Section 4.139.03.”

Response: No changes to grading or impacts to native vegetation are proposed. The applicant proposes a hydrologically-isolated outdoor bath and shower to meet the City’s stormwater standards and limit adverse hydrological impacts on water resources.

Standards Applying to all Planned Development Residential Zones

Conditionally Permitted Uses

Subsection 4.124 (.04) F.

A18. Criteria: This subsection lists the conditionally permitted uses in the PDR Zone

Response: The proposal is to convert a residence to a short term rental home business. This use requires a Conditional Use Permit in the zone.

Lot Standards

Subsection 4.124 (.07) and 4.113 (.02) A.

A19. Criteria: These subsections list the lots standards (including lot coverage, height, and setbacks) in the PDR Zone.

Response: Structures on the site conform to the lot standards. Lot coverage is currently 11.7%, below the maximum 30% allowed in the PDR-2 Zone for lots of this size.

The house and garage are legally non-conforming structures. The existing detached studio is a movable structure and is approximately six (6) feet 6 inches from the side property line, meeting the setback standards set for this property in Case File 90PC47. The outdoor shower and bath structures occupy a 120-square foot space, is under 10 feet in height, and is located behind the rear-most line of the main building. The side and rear setbacks can, therefore, be reduced to three (3) feet per Subsection 4.124 (.02) I. The existing garden shed is located in the rear setback and is larger than the 120-square-foot and 10-foot height allowance for reduced setbacks. The applicant agrees to reduce the size of the existing garden shed. See Finding A3. Condition of Approval PDA 2 ensures that the garden shed will meet the required setbacks.

Parking and Loading

Parking and Loading

Section 4.155

A20. Criteria: This subsection lists a number of general provisions for parking.

Response: No changes to parking are proposed and no additional parking is required by the request.

Other Development Standards

Access, Ingress, and Egress

Section 4.167

A21. Criterion: "Each access onto streets or private drives shall be at defined points as approved by the City and shall be consistent with the public's health, safety and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit."

Response: Existing access to SW Wilsonville Rd is being kept the same.

Natural Features and Other Resources

Section 4.171

- A22. Criteria:** This section provides for the protection of a number of natural features and other resources including: general terrain preparation, hillsides, trees and wooded areas, high voltage powerline easements and rights of way and petroleum pipeline easements, earth movement hazard areas, soil hazard areas, historic resources, and cultural resources.
- Response:** No structural changes impacting natural features and other resources are proposed.

Buffering for Higher Intensity Uses

Section 4.176 (.04) A.

- A23. Criteria:** This section states that “all intensive or higher density developments shall be screened and buffered from less intense or lower density developments.”
- Response:** Because the home business use is a higher intensity residential use that the surrounding residential uses, screening and buffering is required. A 6’ wood fence already exists on the property at the property lines and existing plantings further screen the site from adjacent properties. Because the outdoor shower and bath area is located close to the property to the north, Condition of Approval 3 ensures that there is a 100 percent (100%) sight obscuring fence or other buffer between the trailer and its associated outdoor shower and the neighboring property to the north

Planning Division Development Permit Application

Item 4.



29799 SW Town Center Loop E, Wilsonville, OR 97070
Phone: 503.682.4960 Fax: 503.682.7025
Web: www.ci.wilsonville.or.us

Final action on development application or zone change is required within 120 days per ORS 227.175 or as otherwise required by state or federal law for specific application types.

A pre application conference may be required.

The City will not accept applications for wireless communication facilities or similar facilities without a completed copy of a Wireless Facility Review Worksheet.

The City will not schedule incomplete applications for public hearing or send administrative public notice until all of the required materials are submitted.

Applicant:

Name: Robert & Noelle Craddock
Company: Inspired Dwellings LLC aka Our Sweet Retreat
Mailing Address: 7005 SW Molalla Bend Rd
City, State, Zip: Wilsonville OR 97070
Phone: 503.805.4278 Fax: _____
E-mail: info@oursweetretreat.net

Authorized Representative:

Name: _____
Company: _____
Mailing Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail: _____

Property Owner:

Name: Robert & Noelle Craddock
Company: Inspired Dwellings LLC aka Our Sweet Retreat
Mailing Address: 7005 SW Molalla Bend Rd
City, State, Zip: Wilsonville OR 97070
Phone: 503.805.4278 Fax: _____
E-mail: info@oursweetretreat.net

Property Owner's Signature:

Noelle A. Craddock
Printed Name: Noelle A Craddock Date: 10/24/2023
Applicant's Signature: (if different from Property Owner)
Printed Name: _____ Date: _____

Site Location and Description:

Project Address if Available: 10925 SW Wilsonville Rd Wilsonville, OR 97070 Suite/Unit _____
Project Location: _____
Tax Map #(s): SEC 22 TWN 35 R1G1W Tax Lot #(s): 01506089 County: Washington Clackamas

Request:

We are seeking approval to use the entire property as a short term rental

Project Type: Class I Class II Class III

Residential Commercial Industrial Other: _____

Application Type(s):

- Annexation Appeal Comp Plan Map Amend Parks Plan Review
- Final Plat Major Partition Minor Partition Request to Modify Conditions
- Plan Amendment Planned Development Preliminary Plat Site Design Review
- Request for Special Meeting Request for Time Extension Signs Stage II Final Plan
- SROZ/SRIR Review Staff Interpretation Stage I Master Plan Variance
- Type C Tree Removal Plan Tree Permit (B or C) Temporary Use Other (describe)
- Villebois SAP Villebois PDP Villebois FDP
- Zone Map Amendment Waiver(s) Conditional Use





PROPERTY OWNER
ACKNOWLEDGEMENT FORM

By signing below, I certify that I am the property owner for the application in question and that the applicant, Noelle Craddock, has my permission to submit this application for the property located at:

Site Address: 10925 SW Wilsonville Rd Wilsonville, OR 97070

Tax Lot(s): 01506089 Section: SEC 22 TWN 35 RNC 1W

I understand the application will not be deemed complete without this documentation. I understand that submittal of this application does not entitle the applicant to engage in the work applied for until such an application is approved, the plan approval is issued, and the specified appeal period has passed. I also understand that all work must be performed in compliance with all applicable state, federal, and local laws, ordinances and regulations.

Property Owner's Signature:

Noelle A. Craddock

Printed Name: Noelle A Craddock Date: 10/24/2023

Property Owner Contact Information:

Company (if applicable): Inspired Dwellings LLC aka Our Sweet Retreat

Mailing Address: 7065 SW Molalla Bend Rd

City, State, Zip: Wilsonville, OR 97070

Phone: 503.805.4278 E-mail: info@oursweetretreat.net

LAND USE REVIEW

10925 SW WILSONVILLE RD WILSONVILLE, OR 97070

CONDITIONAL USE PERMIT



OUR SWEET RETREAT

**CHARMING HISTORIC FARMHOUSE
3 BEDROOM + STUDIO | 2 BATH VACATION RENTAL
WILSONVILLE, OREGON**

Our Sweet Retreat is a distinctive vacation property, offering guests a unique and memorable stay in a fully furnished, restored vintage farmhouse on a half acre near Portland, OR. Whether you are local or traveling from out of town, we are ready to serve you with exceptional short-term or long-term rental accommodations making your time spent in our beautiful corner of the Pacific Northwest feel like the perfect home away from home.

Greeted by a welcoming porch with rockers, the invitation starts before you even step inside...come take a seat, rest and relax and enjoy your stay and time away at Our Sweet Retreat!



APPLICATION

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CLOSING COMMENTS, AERIAL PHOTO EXHIBITS & OUTDOOR BATH COVER PLANS

CONDITIONAL USE PERMIT - CITY OF WILSONVILLE

PREPARED BY NOELLE CRADDOCK

INSPIRED DWELLINGS LLC DBA OUR SWEET RETREAT



SUMMARY OF PROPOSAL & BACKGROUND INFORMATION

We are seeking approval to use the entire property as a short term rental. We have been operating as a short term rental property since November 2022 but it was recently brought to our attention by the planning department that because the property is not also our primary residence, it falls under the category of a home business rather than a home occupation, so we must apply for a conditional use permit and have approval to continue operating as we have.

Prior to purchasing the property in July 2022, I intentionally stopped by the planning department to discuss the property and also to the business department to ask if short term rentals were allowed in Wilsonville and what was necessary for operation. I was told I needed a business license and to pay lodging tax (which we have been doing) but unfortunately we didn't find out until a year later that we also had to apply for a conditional use permit. Although our plan has always been to use the property as a short term rental, our intention has never been to purposely be non-compliant so we are now trying to take the necessary steps that are required.

We became aware of the conditional use permit requirement when the city responded to a complaint they received from one neighbor who unfortunately made assumptions that were not true. Furthermore, this individual is known for complaining and not getting along with others (and is no longer even residing in the neighborhood). So it was disappointing and frustrating to learn of the requirement as a result of an erroneous complaint especially since we had also previously attempted to do our due diligence before even purchasing the property but were not told anything about a conditional use permit and/or residency criteria at that time. Nor was that pointed out when we were granted a business license last August where I stated the reason in the description as "short term rental" and the applicant was our LLC and the address stated for the LLC was our personal address, and although also in Wilsonville, isn't the same location as the property address where the business is operating (it's also stated this way on the lodging tax forms which we submit each month/quarter). In our opinion both of these would have been more timely and reasonable opportunities to bring the home occupation vs. home business issue to our attention.

These events do feel unfortunate given the life changes (we moved to Wilsonville to be near the property to personally manage it) and the significant financial investments we've made, along with our desire to be a good neighbor (but we're hopeful this is an isolated situation since we aren't aware of any other complaints). We also believe there are other operators who are also not "in residence" at their short term rental properties in Wilsonville so being the first to have to go through this process has been a bit unsettling and daunting but we also understand the goal for compliancy. We are very appreciative of Sarah Pearlman and others in the planning department who have been so encouraging and readily willing to work together and help us navigate this.

OWNER INTRODUCTION

We are the Craddocks and we are the happy hosts of this vintage gem. Bob and I are college sweethearts and have lived in many different communities in the Portland metro area for over 30 years and Wilsonville is one of our favorites.

Being a local real estate agent with an eye for design along with Bob's experience as a seasoned traveler, when we found this property it checked all our boxes and we knew it would quickly become a fan favorite with guests too which is



Item 4. 2



evident by the visitors we have from not only here in the Pacific NW but from across the US and Canada.

This beautiful and unique property has been a labor of love and we have continued to enhance the property with our guests and the community of Wilsonville being top of mind.

We are hands-on operators who visit the property on a weekly basis (if not daily!) to ensure we are providing a wonderful experience and exceptional accommodations for travelers to our city while cultivating a clientele that is in keeping with our desire to be a positive presence in our neighborhood.

We remain committed to being good neighbors and have many guidelines in place to help us accomplish that goal.

When we aren't busy hosting, you can find us in the nearby Charbonneau District, which is where we call home

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BUSINESS OVERVIEW Item 4.

We are a property with partnerships. We have a heart for our community. There is a great community of small businesses in Wilsonville and we are proud to partner with some of them so we can greet our guests with a sample of goodies from a few of our favorite local spots. We hope this makes our guests' stay extra special while also showcasing those businesses and sending guests their way for more. We are excited to continue to expand and strengthen our network of business partnerships...we are just getting started!

We are a property with purpose. We have a heart for good work being done. Part of our plan in operating this property is to be able to give away a portion of the proceeds towards another property that is doing good so we support *A Village For One*, a local non-profit who helps rescue and restore young women in the world of sex trafficking.

We are a property with presence. We have a heart to be known and respected in our industry. We are always striving to create an elevated guest experience but we are also positioned to be thoughtful and considerate of our neighbors too. We have implemented many business practices to make certain our guests respect the property and our neighbors. Security cameras, light timers & internal/external noise monitors are in use and we establish clear expectations before guests arrive and keep in close communication during their stay.

- **GUEST DEMOGRAPHIC:** Families, couples and professionals. Repeat guests visiting. Most notable have been a known Hollywood actor and a high level Microsoft executive.
- **BOOKING REASON:** Attending weddings or getting married, visiting local family, touring wine country, celebrating special occasions and corporate meetings-retreats.
- **TRAVELING FROM:** Portland Metro Area, Bend, Oregon Coast, Washington, California, Texas, Florida, Virginia, Maryland, Michigan and other areas in the US and Canada.
- **GUEST RATING:** ★★★★★
- **AVERAGE NIGHTLY RATE:** \$600/night
- **AVERAGE LENGTH OF STAY:** 5 days
- **AVERAGE NIGHTS BOOKED:** 10/month
- **HIGH SEASON:** Summer (June-August)



PROPERTY HISTORY & OVERVIEW



A LOCAL STORY

This property has a noteworthy place in Wilsonville's history as having once been the personal residence of the Guiss family with the cross street also honoring the family name.

In 1959 Dr. Russell Guiss opened Dammasch Hospital in Wilsonville (where the Villebois community is now) as a Superintendent and retired from there in 1980. He was a valued leader in the mental health system of Oregon for the



Item 4. 6



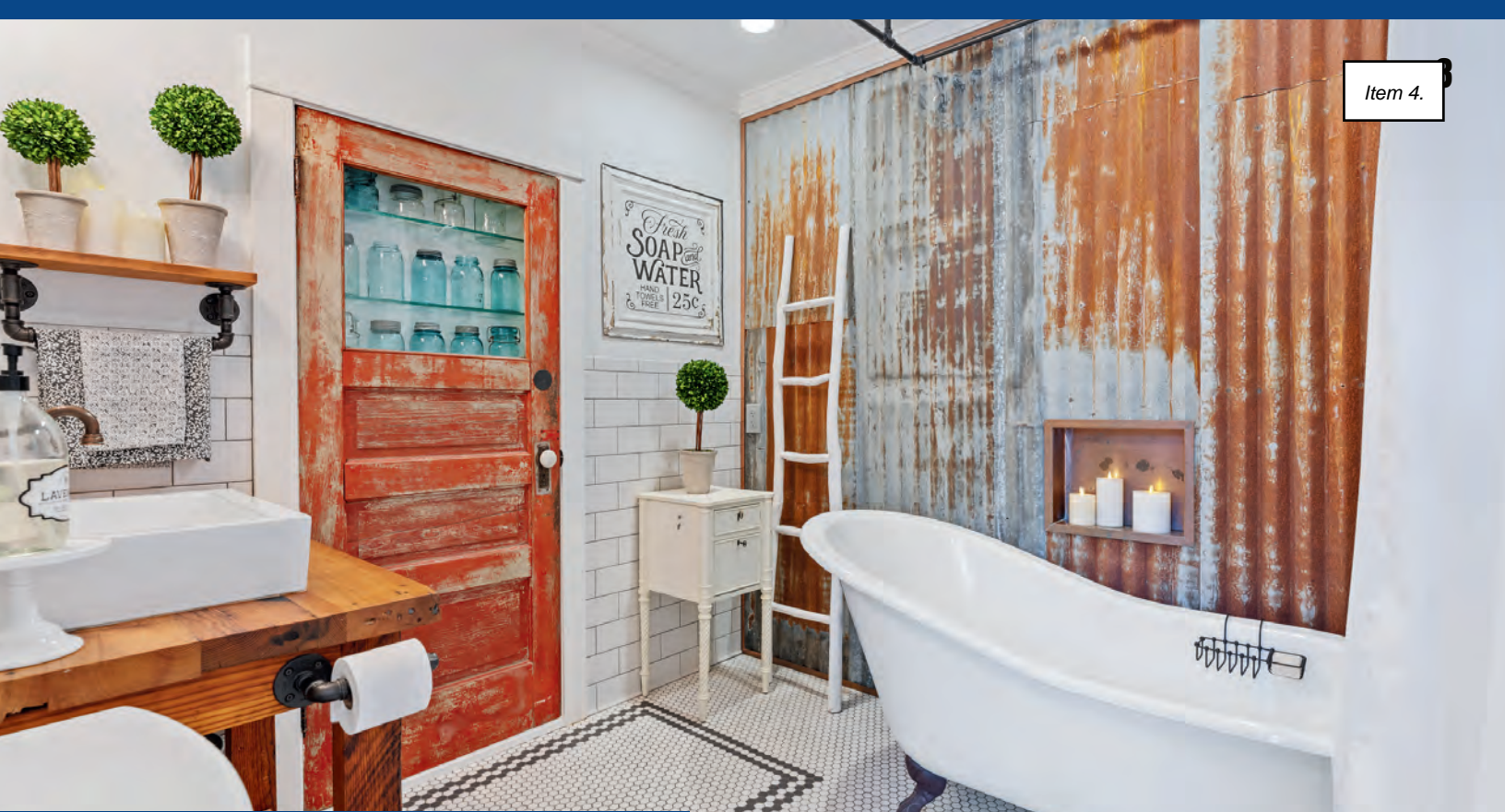
majority of his career and a well-respected member of the Wilsonville community.

In his personal time, Dr. Guiss managed this property, which at the time was a small farm where the family harvested filberts, grain and raised cows and sheep. Russell loved his children, grandchildren and people in general. He took pride in getting family and friends together for reunions.

It brings us joy to continue the tradition of having this homestead be a place for friends and family to gather...joining the homeowners before us who have made unique contributions and left their special touches in loving and restoring this property so others can enjoy it.

Even with its many transformations, an old growth apple tree remains on the farm bringing fruit each year and filbert shells are still being used around the property today as a nod to the legacy and lives of those who have lived here.





OUR SWEET RETREAT

We created our property website to be a creatively visual and interactive resource for guests to learn more about the property and to help with planning their upcoming visit. It features detailed descriptions, pictures, virtual tours and videos of Our Sweet Retreat and The Camping Corner with the ability to book directly, as well as links to the other booking platforms we are featured on. Guests are able to access a private “guest only” information page and research potential areas of interest with corresponding links, including our local **Explore Wilsonville** tourism site. It also provides us with the opportunity to introduce ourselves as hosts, share how we partner with local businesses and have a heart for our local community and the greater community beyond. And of course, we are happy to have a fun spot to display guest pictures and their glowing reviews too! Please check out the link below for a more comprehensive look.

www.oursweetretreat.net

MAIN HOUSE

2 Upper Level Bedrooms -- 1 Room with King Size Bed | 1 Room with 2 Full Size Beds | 1 Full Bath
1 Main Level Bedroom -- 1 Room with King Size Trundle Bed | 1 Full Bath

DETACHED STUDIO

Upstairs Sleeping Loft -- 1 Queen Size Bed



The most notable property features that guests comment on and appreciate are:

Wide plank wood floors, concrete island, custom crafted dining table for 10, original doors and feature windows (kitchen has “see through“ glass cabinets for a two sided outdoor view), clawfoot tub, one-of-a-kind vintage door medicine cabinet, shiplap, barn wood trim, vintage ceiling fans, exercise space, warm & cozy home to hang out with friends & family, stylish furniture & decor, board games, kids play area, thoughtful & personal guest touches, quality linens, high end appliances, fully stocked kitchen, bbq/smoker, kettle fire pit, bocce ball court, lawn games, bikes & paddle boards, big yard, separate office/quiet space for remote work, convenient location and lots of parking.

For the full property description, features and amenities please visit the Property page on our site.



Item 4.





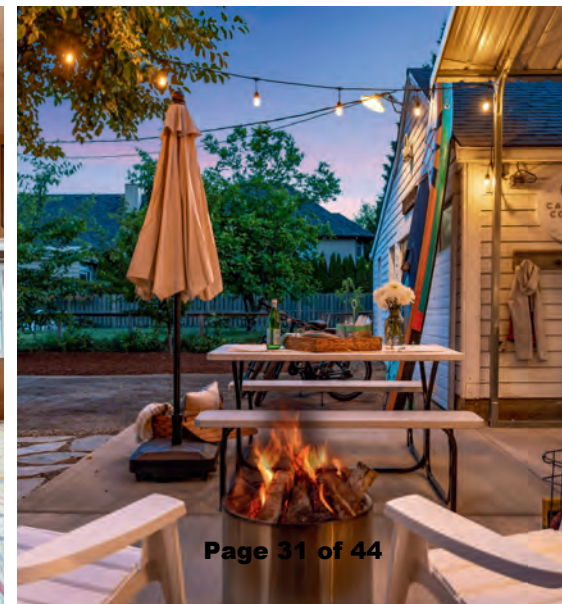


THE CAMPING CORNER

The Camping Corner is a new rental unit to Our Sweet Retreat. We had been storing our Shasta Airflyte camper at the property but wanted to protect it from the weather so we planned to cover it. But then we realized how the vintage feel fits so perfectly with the rest of the property and what a fun addition it could be for our guests who want to enjoy a more unique style of stay.

So not only did Lil' Miss Lazy Daisy Lou get covered but she brought The Camping Corner to life, including the creation of an outdoor bath space where you can experience a refreshing shower or relax in the deep soaking tub after a bike ride or time spent on the Willamette river.

It is an adult-only guest space for two and is only open seasonally from May-October. Please see the [Camper page](#) on our site for the full description and features of this special spot.



RESPONSES TO CODE CRITERIA

RESIDENTIAL DEVELOPMENT STANDARDS

1. Standards Applying To Residential Developments In Any Zone

- **Setbacks**

We believe the age of the home makes it one of the original properties of the neighborhood so the surrounding neighborhood and homes were most likely developed around it. The main house and detached studio meet all the minimum setback requirements but we don't think the detached garage meets the current rear setback requirement and can only assume it is original to the property and its placement was possibly grandfathered when the rear property lines were established during development phases in the past. A previous owner added a large modular style Lifetime garden shed between the garage and the rear property line so that doesn't meet the rear setback requirement but it is 3 ft from the back property line. So we will be modifying (removing panels to shorten) the existing shed or replacing it with a new one that will result in the structure being 120 sq ft or less...this project will be completed no later than June 2024. When we added the camper cover and outdoor bath area we mirrored the same footprint of the existing garage and garden shed not factoring in that those may be non-conforming to the current rear setback requirement (the side setbacks are conforming). We also looked around at the neighbors bordering our property and saw several examples of outbuildings, garden sheds, RV coverings, etc. and the placements were right up against the fences or very close to them which made it seem as those kinds of structures were permissible and could be placed near fences/property lines. See the included photo exhibits for reference and a labeled layout of the area.

- **Use of Trailer**

The trailer is being used as a seasonal rental unit on the same property we are seeking to gain approval to use in its entirety as a short term rental. It is only open May-October, with a limited rental period of 30 days or less, and is meant to reflect the vintage feel of the rest of the property but offer a unique lodging experience for guests. When seeking to insure it as a rental unit, we were told by our insurance company it had to be connected to utilities so we moved forward in having those professionally brought over from the garage by a contractor (most were trenched and already at the garage from previous owners) and then the drain lines were connected to the existing sanitary line. The outdoor bath drain lines were installed using indoor bath standards and the water lines are stainless steel hoses allowing us to detach them before colder temps occur and winterize them. And then we will be adding permanent structural covers over both the shower and tub to hydraulically isolate them (as required by the city engineer -- see included projected plans for covers) and those structures will fall within the allowed setback reduction to 3 ft since the bath area is 120 square feet or less and is also less than 10 feet in height (the outdoor bath area is defined by a privacy panel of cedar posts with galvanized sheet metal panels--see photo on page 11 for reference). The camper cover, the installation of the utilities and the outdoor bath plumbing have all been permitted.

2. Standards Applying To Planned Development Residential Zones

- **Accessory Structures and Uses - Setbacks**

All structures are 3 ft or more from property lines. See setback section above for more detail.

- **Conditional Uses**

Home Business: Short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit.

- **Lot Coverage**

The existing structure coverage (10.4%) as well as the addition of camper cover (1.3%) is well below the lot coverage allowance of 30% for the size of the property (.52 acre).

PLANNED DEVELOPMENT STANDARDS & REGULATIONS FOR ALL PLANNED DEVELOPMENT ZONES

1. Standards Applying To To All Planned Development (PD) Zones

- **Waiver to Setbacks**

Given our recent understanding of the minimum rear setback standard, we believe a waiver may be necessary since the current rear setbacks are most likely non-conforming, in which case we are seeking for a waiver to be granted.

CONDITIONAL USE PERMITS—AUTHORIZATION

1. Compatibility and Compliance - Authorization to Grant or Deny Conditional Uses

- **The proposal will be consistent with the provisions of the Comprehensive Plan and the requirements of Chapter 4 of the Wilsonville Code and other applicable policies of the City.**

A short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit per Wilsonville code so hence this application.

- **The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.**

The characteristics of the site are not only perfect for a short term rental use but also reflect the local history of the property with an oversized lot, old growth apple tree and vintage-inspired design features found both inside and outside. Easy access off Wilsonville Rd, long private driveway, ample on-site parking, conveniently located near parks, I-5, the Willamette River and local areas of interest make it even more ideal for this use.

- **All required public facilities and services exist, or will be provided, to adequately meet the needs of the proposed development.**

Yes, all public facilities and services already exist to meet the needs of a short term rental property.

- **The proposed use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.**

A short term rental use is in keeping with the residential use of the surrounding area and we believe it doesn't alter the character of our neighborhood but rather enhances it since the property is very unique and is known as a special property within the Wilsonville community. We also believe the presence of our short term rental has benefits beyond the surrounding area with more travelers visiting and supporting our city.



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We hope to continue to grow our presence in Wilsonville, partnering with other small businesses in creating goodwill and growth within our community.

We hope to continue to support the tourism efforts of our city with lodging tax dollars and guests visiting our local businesses.

We hope to continue to carry on the story and legacy of a property that has historical significance in our community.

We hope to continue to provide a unique and special place for travelers seeking to spend more time here in our city and the surrounding areas.

We hope to continue to be thoughtful and considerate of the neighbors in our neighborhood.

We hope we have prepared a compelling case and provided the details needed to make a favorable decision to grant us a conditional use permit to continue operating our short term rental property.

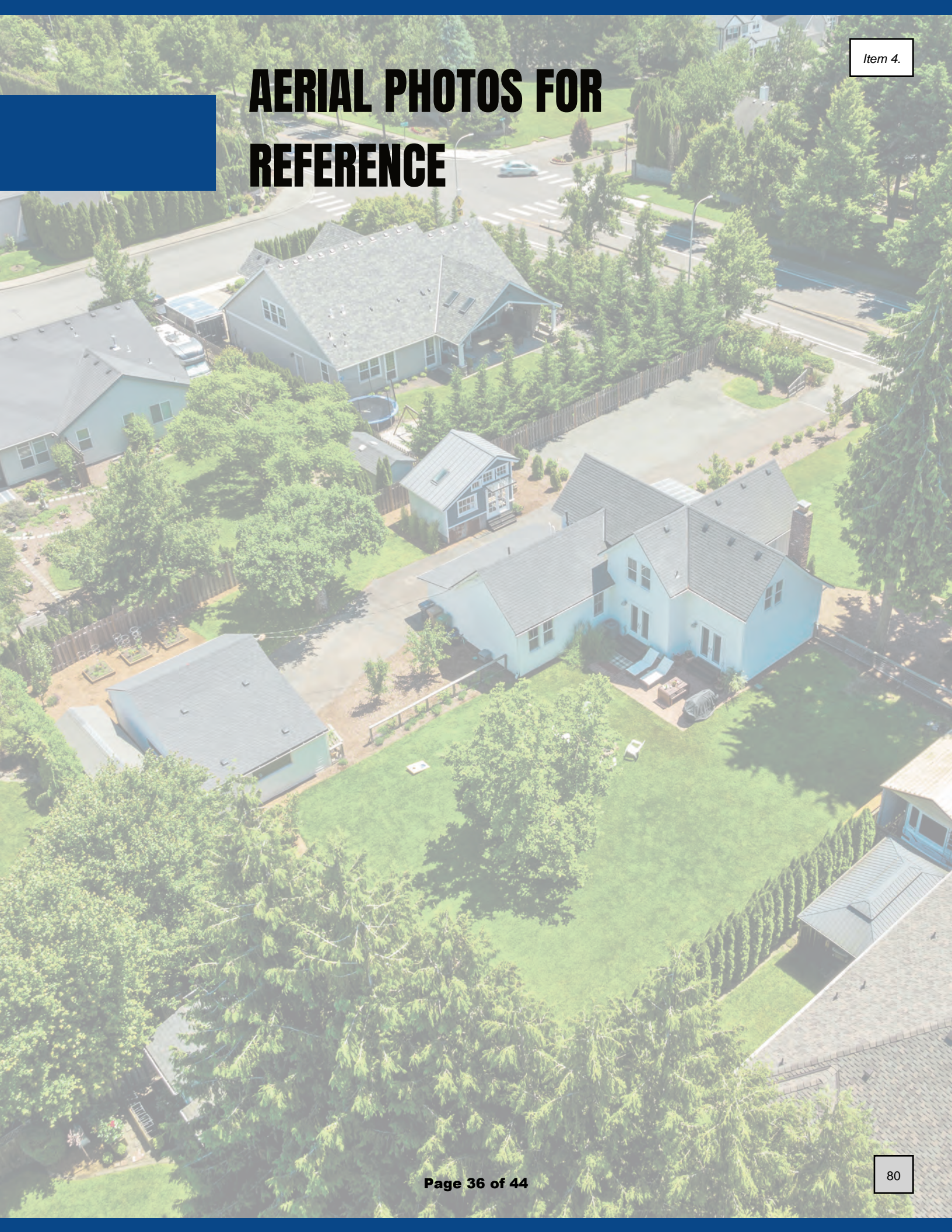
CLOSING COMMENTS

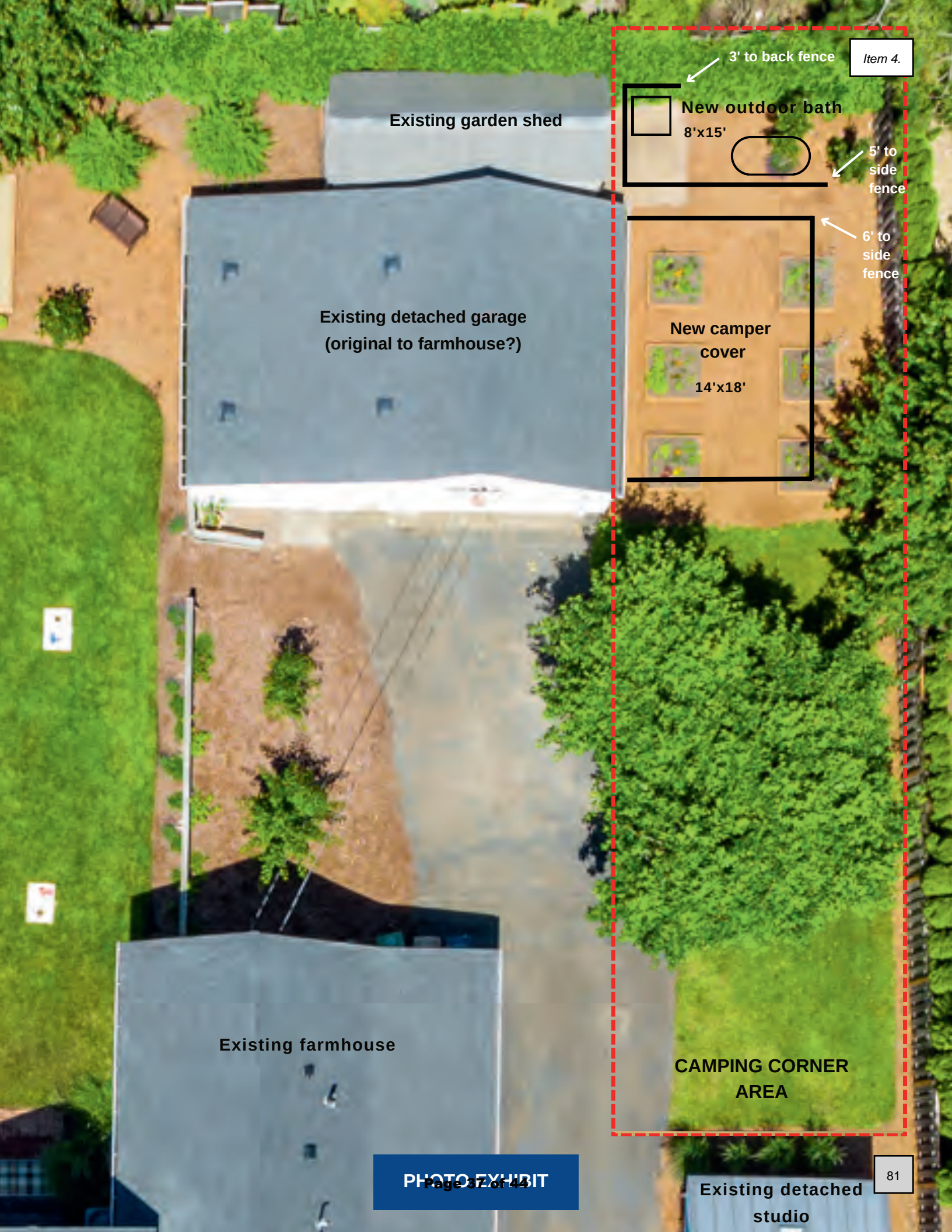
Bob & Noelle Craddock
Our Sweet Retreat
503.805.4278

info@oursweetretreat.net
www.oursweetretreat.net

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AERIAL PHOTOS FOR REFERENCE





Existing garden shed

Existing detached garage
(original to farmhouse?)

Existing farmhouse

CAMPING CORNER
AREA

3' to back fence

Item 4.



New outdoor bath
8'x15'



5' to
side
fence

6' to
side
fence

New camper
cover
14'x18'

Existing detached
studio



Existing garden shed

Existing detached garage
(original to farmhouse?)

3' to back fence
8'x15'
New outdoor bath
5' to side fence
6' to side fence

New camper cover
14'x18'

CAMPING CORNER AREA

Existing farmhouse

Existing detached studio

Parking
27'x110'



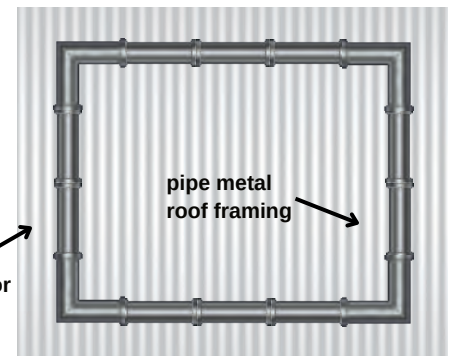
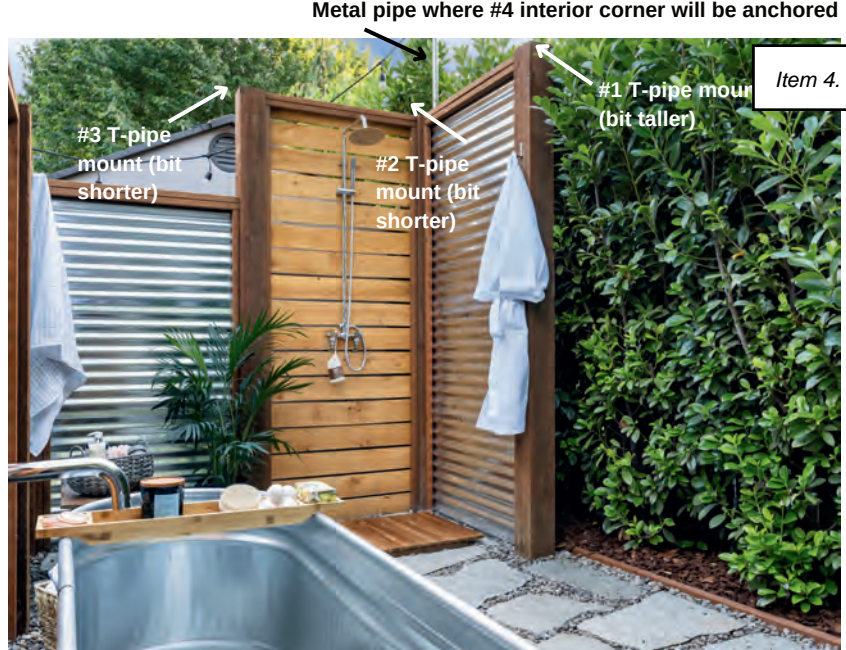
Item 4.



BATHROOM COVERS

We will be covering both the shower and tub area with roof panels made out of galvanized sheet material (same as the privacy panels used for the bathroom surround shown in pictures) and they will be attached to a metal pipe frame under it.

With the shower, the roof frame will be attached on 3 sides to metal t-pipe fittings which will be mounted in metal deck mounts/flanges which will be screwed into the top of the fence header. The front corner will be higher than the 2 back corners to create a angle/slope for the rain to run off behind the shower wall privacy panel. The 4th interior corner not supported by a fence will have a chain or cable strand that will be attached to that corner into the metal frame underneath and then anchored to the metal pole behind the back corner of the shower (where the hanging lights are attached) as to give that corner additional support.

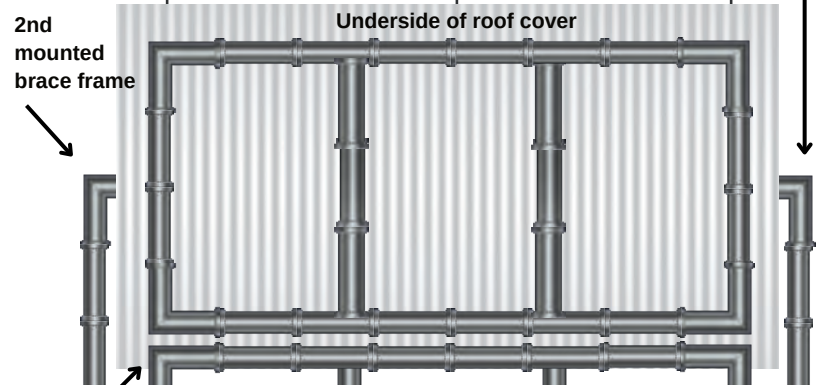


“Cafe-awning style” cover for tub

Sorry I don't have 3D rendering capabilities so hopefully you can visualize that the roof will be dropped down and the front of the roof will be positioned slightly higher than back to create a slope for the rain water to run off.

chain/cable will be attached to 2nd mounted brace frame

4 point cover for shower



With the tub, there will be a run of metal pipe and deck mounts/flanges which will be screwed into the top of the fence header to create a mounted brace frame which the roof frame will attach to with hinge style fittings/brackets. In order to create the proper angle for runoff and greater support for the size of the roof cover, lengths of chain or cable strand will be attached to 3 points of the roof cover and into the front portion of the framing underneath. Then the chains/cable strands will be attached to a second metal mounted brace frame which will be bolted into the 6x6 fence posts. The mounted brace frame will be also wider and higher than the roof cover itself so it can provide additional support and be anchored and positioned to create a slope for rain to run off behind the tub wall privacy panel. It will be a “cafe-awning style” cover.



In the off-season, both the stock tank tub and shower pan will also have waterproof covers over them as well.



Our Sweet Retreat

From: [Amy Pepper](#)
To: [Sarah Pearlman](#); [Jon Scott](#)
Subject: RE: DRT Notice for Short Term Rental CUP
Date: Thursday, December 14, 2023 1:30:52 PM
Attachments: [image001.png](#)

Sarah ~

I have one condition of approval for this project.

1. The existing outdoor shower and bath shall be covered so that stormwater runoff is not connected directly or indirectly to the public sanitary sewer in compliance with WC Section 8.204(8).

If there is a building permit issued for the covers, than "**Prior to building permit finals**," should be added to the beginning of that condition. If there will be no permits, then "**Prior to operation of the rental property**", should be added to the beginning of that condition.

Please let me know if you have any questions about this.

Amy

From: Pearlman, Sarah <spearlman@ci.wilsonville.or.us>
Sent: Wednesday, December 6, 2023 3:46 PM
To: Scott, Jon <jscott@ci.wilsonville.or.us>; Pepper, Amy <apecpper@ci.wilsonville.or.us>
Subject: DRT Notice for Short Term Rental CUP

I'm using Mimecast to share large files with you. Please see the attached instructions.

Hello Amy and Jon,

Attached is a DRT Notice for the Short Term Rental Conditional Use Permit at 10925 SW Wilsonville Rd. The EnerGov Case File is DB23-0013.

Please review the final materials (attached here). Please submit all comments, requirements, and final comments, requirements and conditions from Engineering/Building to Planning by **4:00 PM, December 19, 2023**.

Please let me know if you have any questions.

Thank you so much!

Sarah Pearlman (*she/her*)
 Assistant Planner
 City of Wilsonville
 Office: 503.570.1573
spearlman@ci.wilsonville.or.us
www.ci.wilsonville.or.us
[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



29799 SW Town Center Loop East, Wilsonville, OR 97070

The Community Development Department has implemented a new online application and payment system. You can now apply and pay for most applications online. You can register for and access the new system for application and payment at <https://www.ci.wilsonville.or.us/Online-Portal>. If there are additional questions, please reach out to City staff.

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

Public Hearing:

5. **Res. No. 425 Frog Pond Cottage Park Place Subdivision.** The applicant is requesting approval of Annexation to the City of Wilsonville and rezoning of approximately 5.00 acres, a Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review of parks and open space, Tentative Subdivision Plat, Type C Tree Removal Plan, Middle Housing Land Division, and Waiver for a 17-lot residential subdivision.

Case Files:

DB23-0004 Frog Pond Cottage Park Place Subdivision

- Annexation (ANNX23-0001)
- Zone Map Amendment (ZONE23-0001)
- Stage 1 Preliminary Plan (STG123-0002)
- Stage 2 Final Plan (STG223-0003)
- Site Design Review of Parks and Open Space (SDR23-0003)
- Tentative Subdivision Plat (SUBD23-0001)
- Middle Housing Land Division (MHL23-0003)
- Waiver (WAIV23-0005)

The DRB Action on the Annexation and Zone Map Amendment is a recommendation to the City Council.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 425**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) OF APPROXIMATELY 5.00 ACRES, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE 1 PRELIMINARY PLAN, STAGE 2 FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE REMOVAL PLAN, MIDDLE HOUSING LAND DIVISION, AND WAIVER FOR A 17-LOT RESIDENTIAL SUBDIVISION.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by Brian Matteoni for Sullivan Home, LLC – Owner/Applicant, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 7252 SW Frog Pond Lane on Tax Lots 1200 and 1300, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated December 28, 2023, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on January 8, 2024, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated December 28, 2023, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB23-0004 Frog Pond Cottage Park Place: Annexation (ANNX23-0001), Zone Map Amendment (ZONE23-0001), Stage 1 Preliminary Plan (STG123-0002), Stage 2 Final Plan (STG223-0003), Site Design Review of Parks and Open Space (SDR23-0003), Tentative Subdivision Plat (SUBD23-0001), Type C Tree Removal Plan (TPLN23-0002), Middle Housing Land Division (MHL23-0003), and Waiver (WAIV23-0005).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of January, 2024, and filed with the Planning Administrative Assistant on _____. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the Council in accordance with *WC Sec 4.022(.03)*.

Jean Svadlenka, Acting Chair - Panel A
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant



Exhibit A1
Staff Report
Wilsonville Planning Division
Frog Pond Cottage Park Place 17-Lot Subdivision
Development Review Board Panel 'A'
Quasi-Judicial Public Hearing

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

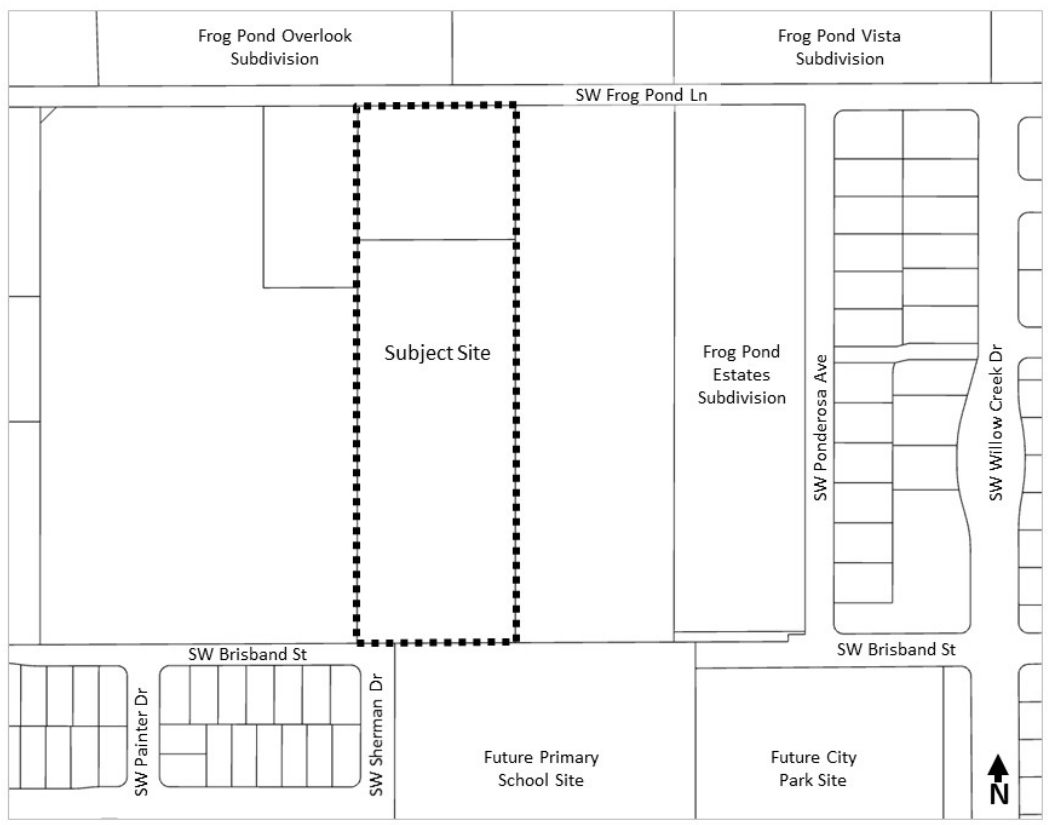
Staff Recommendation: Recommend approval to the City Council of the Annexation and Zone Map Amendment, and approve with conditions the Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan, Middle Housing Land Division,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

Applicable Review Criteria:

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

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

Vicinity Map



Background:

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

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

The proposed 17-lot subdivision is the twelfth development proposal in Frog Pond West. It will connect to the previously approved Frog Pond Overlook subdivision to the north, and the Morgan Farm subdivision and primary school site to the south, resulting in one cohesive neighborhood consistent with the Frog Pond West Master Plan.

Application Summary:

Annexation

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

Zone Map Amendment

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

Stage 1 Preliminary Plan

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

Stage 2 Final Plan

The applicant proposes installing necessary facilities and services concurrent with development of the proposed subdivision. Proposed lot layout and size, as well as block size and access, generally demonstrate consistency with development standards established for the Residential Neighborhood (RN) zone and in the Frog Pond West Master Plan.

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

Site Design Review of Parks and Open Space

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

Tentative Subdivision Plat

The proposed tentative plat meets technical platting requirements, demonstrates consistency with the Stage 2 Final Plan, and thus the Frog Pond West Master Plan, and does not create barriers to future development of adjacent neighborhoods and sites.

Type C Tree Removal Plan

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

Middle Housing Land Division

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

Waiver – Minimum Lot Frontage

The applicant is requesting a minimum lot frontage waiver for Lots 4 through 9 of the subdivision. This is to enable development consistent with the combined proportional density range of 15-19 lots established for this portion of R-7 medium lot Sub-district 4 and R-10 large lot Sub-district 7, while preserving numerous mature trees in open space with Pedestrian

Connections in Tracts A through D and other site improvements. This waiver is required as these lots do not have frontage on a public street.

Public Comments and Responses:

No public comments were received during the comment period.

Discussion Points – Verifying Compliance with Standards:

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

Consistency with Statewide Planning Goals

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

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

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

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

Pond West Master Plan area, development of a livable community, and provision of additional housing within the UGB.

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

Traffic Impacts

The Traffic Impact Analysis (updated December 21, 2023; see Exhibit B6) performed by the City's consultant, DKS Associates, identifies the most probable used intersection for evaluation as:

- SW Stafford Road/SW Frog Pond Lane

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

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

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

Residential Density Targets

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

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

Balancing Uses in Planter Strips

Many design elements compete for space within the planter strips between sidewalks and streets. These elements include street trees, stormwater facilities, and streetlights while accommodating appropriate spacing from underground utilities and cross access by pedestrians. For various reasons, it is not practical to place street trees and streetlights in stormwater swales. To balance these uses, the City recommends that the applicant’s plans prioritize street tree and street lighting placement with appropriate spacing from utility laterals and water meters, then place stormwater facilities where space remains available and placement is desirable. The applicant’s plans achieve the desired balance with all street trees placed within the planter strip or, where this is not feasible along the SW Frog Pond Lane and SW Brisband Street frontages, in a street tree easement in the front yard of individual lots, with stormwater facilities and other elements located in the remaining space.

Street Demonstration Plan Compliance

The Street Demonstration Plan (Figure 18 of the Frog Pond West Master Plan), is an illustrative layout of the desired level of connectivity in the Frog Pond West neighborhood. The Street Demonstration Plan is intended to be guiding, not binding, allowing for flexibility provided overall connectivity goals are met. The block size and shape, access, and connectivity of the proposed subdivision complies with Figure 18 of the Frog Pond West Master Plan or is an allowed variation as illustrated below and described in more detail elsewhere in this staff report (see Finding D11). The east/west street in the north part of the site is proposed to be a Pedestrian Connection split into two 5-foot-wide pathways on the north and south sides of Tracts B and D open space area, an allowed variation to preserve mature trees, including Oregon white oaks. A Condition of Approval requires that the applicant show, on the construction drawings, extension of this pathway as a 10-foot wide Pedestrian Connection to the east property boundary that can extend in the future across development of Tax Lot 1400 to the east. The proposed modifications do not require out-of-direction pedestrian or vehicular travel nor do they result in greater distances for pedestrian access to the proposed subdivision from the surrounding streets than would otherwise be the case if the Street Demonstration Plan were adhered to.



Vehicular and Bicycle Parking

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

Tree Removal and Preservation

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

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

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

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

Of the 118 on-site and line trees inventoried, there are 48 Oregon white oaks ranging in size from 13 to 49 inches diameter at breast height (DBH), 46 Douglas firs, and 24 trees of other species such as Ponderosa and logdepole pine and incense and Deodar cedar. Of these trees, 63 are proposed to be preserved and protected, including 19 Oregon white oaks, and 55 are proposed for removal, including 29 Oregon white oaks. The Oregon white oaks to be removed include Tree #10718, confirmed to be infested by Mediterranean oak borer (MOB), and Trees #10744 and #10749, with suspected MOB infestation.

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

around all protected trees in order to ensure their preservation during construction. Additional measures, such as tree protection easements, and Conditions of Approval will ensure that development can occur in a logical manner while still ensuring preservation and protection of trees in the subdivision.

Middle Housing Land Division

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

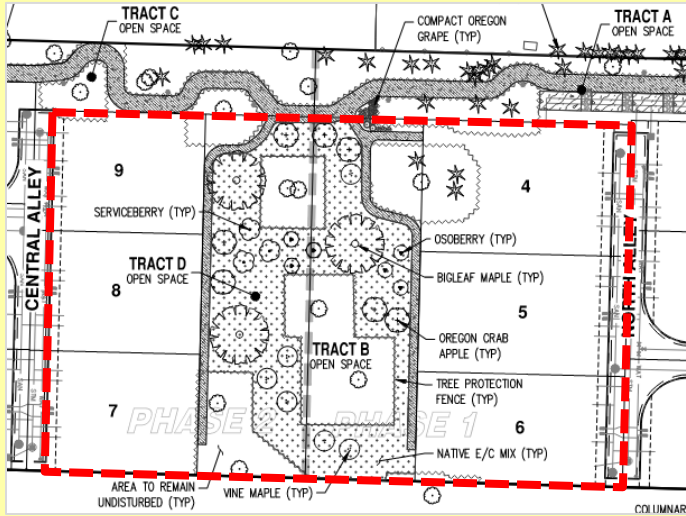
Discussion Points – Discretionary Review:

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

Waiver – Minimum Lot Frontage

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

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



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

Conclusion and Conditions of Approval:

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

Planning Division Conditions:

Request A: Annexation (ANNX23-0001)

This action recommends to the City Council approval of Annexation for the subject properties. The Zone Map Amendment (ZONE23-0001) and all approvals contingent on it are contingent on annexation.	
PDA 1.	<u>Prior to Issuance of any Public Works Permits by the City within the Annexation Area:</u> The developer shall be subject to a Development and Annexation Agreement with the City of Wilsonville as required by the Frog Pond West Master Plan. The developer shall enter into the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.
PDA 2.	<u>Prior to Final Filing of the Annexation:</u> The applicant either shall provide the City with a plan to remove and properly dispose of the hazard Trees #10718, #10744, and #10749, or enter into an agreement with the City to carry out the removal and disposal at the applicant’s expense. See Finding A9.

Request B: Zone Map Amendment (ZONE23-0001)

This action recommends to the City Council adoption of the Zone Map Amendment for the subject properties. This action is contingent upon annexation of the subject properties to the City of Wilsonville (ANNX23-0001). Requests STG123-0002, STG223-0003, SDR23-0003, SUBD23-0001, TPLN23-0002, MHL23-0003, and WAIV23-0005 are contingent on City Council action on the Zone Map Amendment request.	
No conditions for this request.	

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

Approval of Stage 1 Preliminary Plan is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).	
No conditions for this request	

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

Approval of the Stage 2 Final Plan is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).	
PDD 1.	<u>General:</u> The approved Stage 2 Final Plan (Final Plan) shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. The Planning Director through the Class 1 Administrative Review Process may approve minor changes to the Final Plan if such changes are consistent with the purposes

	and general character of the Final Plan. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding D4.
PDD 2.	<u>Prior to issuance of Public Works Permit:</u> The final design and layout of the Pedestrian Connection in open space Tracts B and D shall be consistent with the location of the approved Pedestrian Connection in the Frog Estates subdivision to the east and enable a continuous pathway connection across the immediately adjacent property to the east (Tax Lot 1400) when it develops in the future. See Findings D11 and D13.
PDD 3.	<u>Prior to Final Plat Approval:</u> On the Final Subdivision Plat, public pedestrian and bicycle access easements, including egress and ingress, shall be established across the entirety of all pathways located in private tracts. See Finding D13.
PDD 4.	<u>General:</u> All crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast). See Finding D16.
PDD 5.	<u>General:</u> Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D19.
PDD 6.	<p><u>Prior to Final Plat Approval:</u> A tree protection easement shall be provided on the following:</p> <ul style="list-style-type: none"> • Lots 2 and 3 to protect Tree #11230, • Lot 4 to protect Trees #10969, #10970, #10977, #10981, #10982, #10983, #10984, • Lot 6 to protect Tree #11524, • Lot 7 to protect Trees #10710 and #10711, • Lot 9 to protect Trees #10825 and #10933, and • Lot 10 to protect Tree #10822. <p>Such easements shall be shown on the final plat and include the following provisions:</p> <ul style="list-style-type: none"> • The City and HOA shall have access to inspect health of the portion of the tree root system and tree structure on the properties to ensure activity or conditions in the easement area do not impact the overall health of the trees and to perform any necessary activity to preserve tree health and maintain appropriate landscaping within the easement area. • The CC&Rs shall establish HOA responsibility for landscaping and tree maintenance within the easement area. • Landscaping within the tree protection easement shall be limited to native plantings compatible with Oregon white oaks and other preserved species, as appropriate. • Temporary and permanent drainage and irrigation shall be designed around easement areas to optimize the amount of water in the root zone of the trees to support their health.

<ul style="list-style-type: none"> • No foundations or hardscape improvements shall be placed within the easement area. • Placement of fence posts within the easement area of preserved tree shall be hand dug and supervised by the project arborist. If roots are encountered alternative fence post placement is required as determined by the project arborist. See Finding D22.
<p>PDD 7. <u>General:</u> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D28.</p>
<p>PDD 8. <u>Prior to Final Plat Approval:</u> A waiver of remonstrance against formation of a local improvement district (LID) shall be recorded in the County Recorder’s Office as well as the City’s Lien Docket as part of the recordation of the final plat. In light of the developer’s obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee in accordance with the Development and Annexation Agreement required by Condition of Approval PDA 1, the LID Waiver for a specific parcel within the proposed development shall be released upon official recording of the release of the waiver only after payment of the Infrastructure Supplemental Fee and Boeckman Bridge Fee. Further, the developer shall pay all costs and fees associated with the City’s release of the LID Waiver. See Finding D32.</p>
<p>PDD 9. <u>Prior to Final Plat Approval:</u> Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer shall be installed. See Findings D33 and F13.</p>

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

<p>Approval of Site Design Review of Parks and Open Space is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).</p>
<p>PDE 1. <u>General:</u> Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding E3.</p>
<p>PDE 2. <u>Prior to Final Plat Approval:</u> All landscaping and site furnishings required and approved by the Development Review Board for common tracts shall be installed prior to Final Plat Approval unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of Final Plat Approval. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, an irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of</p>

	the installation, any portion of the remaining security deposited with the City will be returned to the applicant/owner. See Finding E13.
PDE 3.	<u>Prior to Final Plat Approval:</u> The applicant shall either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping. See Finding E13.
PDE 4.	<u>Ongoing:</u> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville’s Development Code. See Finding E14.
PDE 5.	<u>Ongoing:</u> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered as allowed by Wilsonville’s Development Code. See Findings E15 and E16.
PDE 6.	<p><u>General:</u> The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10-inch to 12-inch spread. • Shrubs shall reach their designed size for screening within three (3) years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4-inch pot spaced 2 feet on center minimum, 2-1/4-inch pots spaced at 18-inch on center minimum. • No bare root planting shall be permitted. • Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. • Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding E20.
PDE 7.	<u>General:</u> All trees shall be balled and burlapped and conform in size and grade to “American Standards for Nursery Stock” current edition. See Finding E20.
PDE 8.	<u>Ongoing:</u> Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within

	one growing season, unless appropriate substitute species are approved by the City. See Finding E21.
PDE 9.	<u>Prior to Issuance of any Public Works permits:</u> The applicant/owner shall submit information details or cut sheets demonstrating compliance with the Public Works Standards, Frog Pond West Master Plan Public Lighting Plan, and appropriate AASHTO lighting standards for local street lighting. The street lighting shall be Aurora style streetlights, as Westbrook is no longer approved by PGE. See Findings E25. See Finding E24.
PDE 10.	<u>Prior to Issuance of any Public Works Permits:</u> The applicant/owner shall provide details or cut sheets of the proposed lighting along the Pedestrian Connection in Tracts A and C sufficient to determine compliance with the requirements the City’s Public Works Standards and the Frog Pond West Master Plan Public Lighting Plan, and install appropriate lighting in compliance with these standards. See Finding E25.
PDE 11.	<u>Prior to Issuance of any Public Works Permits:</u> The applicant shall revise the street trees selected for SW Brisband Street to match the American Linden trees, and for SW Sherman Drive to match the Village Green Zelkova trees established in the Morgan Farm subdivision; and for Street J to match the Glenleven Little Leaf Linden trees established with the Frog Pond Estates subdivision. See Finding E26.
PDE 12.	<u>Prior to Final Plat Approval:</u> All street signs shall be installed and utilize the City-approved sign cap on street name signs throughout the entirety of the subdivision, matching the design used in the previously approved subdivisions within Frog Pond West. The developers will buy the signs from the City. See Finding E28.

Request F: Tentative Subdivision Plat (SUBD23-0001)

	Approval of the Tentative Subdivision Plat is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).
PDF 1.	<u>Prior to Final Plat Approval:</u> Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
PDF 2.	<u>Prior to Final Plat Approval:</u> The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage 2 Final Plan or the Tentative Plat.
PDF 3.	<u>Prior to Final Plat Approval:</u> The applicant/owner shall submit for review and approval by the City Attorney CC&Rs, bylaws, etc. related to the maintenance of the open space tracts. Such documents shall require that the Tracts B and D open space areas be owned and maintained by the same Homeowner’s Association to ensure long-term protection and maintenance of the open space and preserved trees. Such documents shall assure the long-term protection and maintenance of all open space tracts in the subdivision. See Finding F5.
PDF 4.	<u>Prior to Final Plat Approval:</u> Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer

shall be installed. See Findings D33 and F13.

PDF 5. Prior to Final Plat Approval: For all public pipeline easements, public access easements, and other easements, as required by the city, shown on the Final Subdivision Plat, the applicant/owner and the City shall enter into easement agreements on templates established by the City specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County. See Finding F17.

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

Approval of the Type C Tree Plan is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).

PDG 1. General: This approval for removal applies only to the 55 trees identified in the applicant’s submitted Tree Maintenance and Protection Plan (see Exhibit B2). All other trees on the property shall be maintained unless removal is approved through separate application.

PDG 2. Prior to Commencing Site Grading: Given that unforeseen tree health issues related to Mediterranean oak borer (*Xyleborus monographus*) (MOB) may arise involving one or more of the preserved Oregon white oaks on the property, the applicant shall treat all preserved and protected Oregon white oaks in the Tracts A through D open space and Tree #11230 on Lots 2 and 3 with insecticidal or fungicidal treatment and root invigoration/aeration to improve their health and pest resistance. See Finding G4.

PDG 3. Prior to Grading Permit Issuance: The applicant/owner shall submit an application for a Type C Tree Removal Permit on the Planning Division’s Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City’s Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff. See Finding G19.

PDG 4. Prior to Issuance of Type C Tree Removal Permit Required in Condition of Approval PDG 3: The applicant shall pay an amount of \$3,600 (\$300 per tree for 12 trees) into the City’s Tree Fund as mitigation for 12 trees removed from the site for which insufficient space exists on site and another desirable off-site location is not currently available. See Findings G22 and G24.

PDG 5. Prior to Final Plat Approval: The applicant/owner shall install the 55 required mitigation trees per Section 4.620 WC. Of the 55 trees shown in the applicant’s Sheet P-16, 43 are acceptable species, including 27 street trees and 16 in open space areas. Mitigation for the other 12 shall be in the form of payment to the City Tree Fund as required by Condition of Approval PDG 4. See Findings G22 and G24.

PDG 6. General: The permit grantee or the grantee’s successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees

	<p>for two (2) years after the planting date. A “guaranteed” tree that dies or becomes diseased during the two (2) years after planting shall be replaced. See Finding G23.</p>
<p>PDG 7.</p>	<p><u>Prior to Commencing Site Grading:</u> The applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees in both development phases. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. <u>Ongoing:</u> No foundations or hardscape improvements shall be placed within the portion of the root zone delineated by the tree protection fencing. Fence posts for tree protection fencing within the root zones of the preserved trees shall be hand dug and supervised by the project arborist. If roots are encountered, alternative fence post placement is required as determined by the project arborist. Tree protection fencing shall not be removed without the arborist present onsite and prior notice given to the Planning Division. See Finding G25.</p>
<p>PDG 8.</p>	<p><u>Prior to Issuance of the Public Works Permit:</u> Applicant shall show on construction drawings the Pedestrian Connection in Tracts A and C following the methods outlined below to ensure protection of trees in the grove:</p> <ul style="list-style-type: none"> • The finished pathway location within the grove will be somewhat flexible to allow the project arborist and construction crew to preserve large roots that may be encountered. • The project arborist shall be onsite during grading for the pathway. • The pathway shall be built on-grade according to the following construction plan to avoid unnecessary soil compaction within the root protection zones of protected trees: <ul style="list-style-type: none"> • A small sized backhoe on rubber tracks and using a flat bucket, will gradually scrape away the first layer of soil. The project arborist shall supervise this work and advise on root pruning and preservation. At no time may large trucks or steel-tracked equipment enter the grove. • A layer of geo-textile fabric will be applied to the native soil where the Pedestrian Connection is within the root protection zone of protected trees. • A two (2)-inch to four (4)-inch layer of crushed rock will be placed on the fabric. Rock and gravel must be piped or ferried in using the smaller sized equipment described above. This layer of rock shall be lightly compacted using a hand operated, motorized compactor. • Concrete forms may be installed before or after the crushed rock is added. The above grade work of setting forms, installing gravel, and pouring concrete will not require arborist oversight. • Concrete shall be poured. Concrete shall be piped into the grove by a concrete truck that will remain outside of the root protection zones of protected trees. Concrete may also be brought into the grove using a power wheelbarrow, skid-steer on rubber tracks, bobcat, or similar piece of equipment. • The Pedestrian Connection shall be 10-feet wide and ADA compliant. See Finding G25.

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

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

Request I: Waiver (WAIV23-0005)

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

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

Engineering Division Conditions:

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

FPD 1.	Ongoing: Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1 and to specifics as found in the Frog Pond West Master Plan (July 17, 2017).
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PFD 2.	General: Streets shall be primarily constructed per the street type and cross-section as show in the Frog Pond West Master Plan.
PFD 3.	Prior to issuance of a Public Works Permit: Applicant shall be required to enter into a Development and Annexation Agreement with the City.
PFD 4.	Prior to Final Completeness of the Public Works Permit: The applicant shall provide a site distance certification by an Oregon Registered Professional Engineer for all new private access points per the Traffic Impact Study.
PFD 5.	Prior to the Issuance of the Public Works Permit: The applicant shall submit design and construction plans showing a minimum of 20 feet of pavement along SW Frog Pond Lane in accordance with Section 201.2.18 of the City Public Works Standards.
PFD 6.	Prior to the Issuance of the Public Works Permit: The applicant shall submit design and construction plans showing 28 feet of pavement, curbs, street lighting, planter strips, street trees and sidewalks along both sides of SW Sherman Drive. Street shall align with existing SW Sherman Drive. No horizontal curves allowed.
PFD 7.	Prior to Issuance of any Public Works Permit: Submit construction plans to Engineering showing half-street improvements including pavement, curb, planter strip, street trees, street lighting, sidewalk, and driveway approaches along site frontage on SW Frog Pond Lane and SW Brisband Street. The applicant proposes to construct the project in two separate phases. Each phase of construction shall have a separate Public Works Permit and associated construction plans. All improvements shall be constructed in accordance with the Public Works Standards.
PFD 8.	Prior to Issuance of any Public Works Permit: Applicant shall submit a revised Service Letter from Republic Services showing how trash service can be provided adjacent to all lots in conformance with PW Standards, the City’s Franchise Agreement with Republic Services, and Administrative Rules.
PFD 9.	Prior to Issuance of Public Works Permit: The applicant shall show on the construction drawings that the east-west Pedestrian Connection shown on Tracts B and D is extended so that a 10-foot wide Pedestrian Connection can extend across the future development of Tax Lot 1400 to the east.
PFD 10.	Prior to Issuance of Public Works Permit: The applicant shall show on the construction plans a mail kiosk at a location coordinated with City staff and the Wilsonville US Postmaster.
PFD 11.	Prior to Issuance of any Public Works Permit: All offsite utilities necessary to serve this development, which will be constructed by other development, shall be constructed, inspected and accepted by the City.
PFD 12.	Prior to Issuance of Public Works Permit: A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements, including documentation of all impervious area reduction strategies considered and use of available vegetated areas for stormwater management purposes. Additionally, the stormwater report shall provide sizing information and site plans for any proposed stormwater facilities located on

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

Request F: Tentative Subdivision Plat (SUBD23-0001)

The following conditions are in addition to the dedications and easements shown on the Tentative Subdivision Plat	
PFF 1.	<u>Prior to Final Plat Approval:</u> Show dedication of 9.5-feet of right-of-way along SW Frog Pond Lane.

PFF 2.	<u>Prior to Final Plat Approval:</u> Show dedication of 14-feet of right-of-way along SW Brisband Street.
PFF 3.	<u>Prior to Final Plat Approval:</u> Show dedication 52-feet of right-of-way along SW Sherman Drive, aligned with the existing right-of-way of SW Sherman Drive.
PFF 4.	<u>Prior to Final Plat Approval:</u> Show dedication of a 6-foot public utility easement along the SW Frog Pond Lane, SW Sherman Drive, SW Brisband Street, and Street J right-of-way frontages.
PFF 5.	<u>Prior to Final Plat Approval:</u> Submit documentation verifying Tracts A through D have been deeded to a Homeowner’s Association. Submit CC&R’s including information regarding the maintenance responsibilities for all stormwater LID facilities, and private alleys/streets.
PFF 6.	<u>Prior to Final Plat Approval:</u> Submit stormwater access and maintenance agreements for all stormwater vegetated facilities.
PFF 7.	<u>Prior to Final Plat Approval:</u> Submit sanitary sewer pipeline easement agreements for all sanitary sewer mains located outside of the public right-of-way.
PFF 8.	<u>Prior to Final Plat Approval:</u> Submit storm pipeline easement agreements for all storm mains located outside of the public right-of-way.
PFF 9.	<u>Prior to Final Plat Approval:</u> Submit minimum 15-foot wide water pipeline easement agreement for all water mains located outside of the public right-of-way. Any private water line services shall be installed in a private water line easement in accordance with the Uniform Plumbing Code.
PFF 10.	<u>Prior to Final Plat Approval:</u> Submit public access, bike and pedestrian easement over Tracts A through D.
PFF 11.	<u>Prior to Final Plat Approval:</u> All public infrastructure improvements including but not limited to street, stormwater drainage, water quality and flow control, sanitary sewer, and water facilities shall be substantially complete with approval from the Community Development Director pursuant to Section 4.220 of the Development Code.

Building Division Conditions:

All Requests

BD1.	<p><u>Prior to Demolition of Structures:</u></p> <ul style="list-style-type: none"> a. Photos must be taken of any structures on the site that are to be demolished. Photos must be a clear resolution (when printed, a minimum resolution of 300 dpi or greater) and should include a representative sample of the exterior of the structure from each direction. A demolition permit must be obtained from the Building Division and photos must be submitted with the demolition permit application. (Wilsonville Code 9.270) b. An NPDES 1200-C permit must be obtained from DEQ with a copy provided to the City.
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BD2. Prior to Construction of the Subdivision’s Residential Homes: Designated through approved planning procedures, the following conditions must be met and approved through the Building Official:

- a. Street signs shall be installed at each street intersection and approved per the public works design specifications and their required approvals.
- b. All public access roads and alleys shall be complete for access to the residential home sites.
- c. All public and service utilities to the private building lots must be installed, tested and approved by the City of Wilsonville’s Engineering/Public Works Department or other service utility designee.
- d. All required fire hydrants and the supporting piping system shall be installed, tested, and approved by the Fire Code Official prior to model home construction. (OFC 507.5).

BD3. Prior to Occupancy: New and existing buildings shall have approved address labels. Building numbers or approved building identification shall be placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1) Where vehicle access is from a private drive or alley, provide a physical address on the new home, as well as near the intersection of the private drive and public road. The address must be visible from any approaches by a monument, pole or other sign used to identify the structure. (ORSC R319)

Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case File DB23-0004. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (*to be presented at Public Hearing*)

Materials from Applicant

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

Development Review Team Correspondence

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

Procedural Statements and Background Information:

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

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

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

Findings:

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

General Information

Application Procedures-In General Section 4.008

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

Initiating Application Section 4.009

The owners of all property included in the application signed the application forms. AKS Engineering & Forestry, LLC, initiated the application with their approval.

Pre-Application Conference Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conference for the proposal on April 14, 2022 (PRE22-0008) in accordance with this subsection.

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

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

General Submission Requirements Subsection 4.035 (.04) A.

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

Zoning-Generally Section 4.110

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

Request A: Annexation (ANNX23-0001)

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

Comprehensive Plan-Annexation and Boundary Changes

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

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

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

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

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

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

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

- A4.** The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposes site development with concurrent applications for Stage 1 and Stage 2 Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the subject site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

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

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

Wilsonville Development Code-Annexation

Authority to Review Quasi-Judicial Annexation Requests

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

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

Procedure for Review, Etc.

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

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

Adoption of Development Agreement with Annexation

Subsection 4.700 (.05)

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

Wilsonville Code-Public Health and Welfare-Nuisances

Creating a Hazard

Subsection 6.208 (1) (c)

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

Metro Code

Local Government Boundary Changes Chapter 3.09

A10. The request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, and is consistent with both the Comprehensive Plan and the Frog Pond West Master Plan.

Oregon Revised Statutes (ORS)

Authority and Procedure for Annexation ORS 222.111

A11. The request meets the applicable requirements in State statute including the facts that the subject property is within the UGB and is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and a majority of electors within the annexed area consent in writing to the annexation.

Procedure Without Election by City Electors ORS 222.120

A12. The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable requirements in State statute including the facts that all property owners and a majority of electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

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

A13. All property owners and a majority of electors within the annexed area have provided their consent in writing. However, the City is following a public hearing process as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

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

A14. The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both of which have been found to meet the Statewide Planning Goals.

Housing
Goal 10

A15. The proposed annexation and zone map amendments will continue to allow the City to meet its housing goals and obligations reflected in the Comprehensive Plan. Specifically:

- The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.
- Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
- If Wilsonville grows faster than the Metro forecast, based on historic City growth rates, the City will run out of residential land before 2030.
- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City has completed the master planning process for the Frog Pond East and South neighborhoods to ensure that additional residential land is available within the City. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.
- Wilsonville is meeting Statewide Planning Goal 10 requirements to "provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing" and to "provide for an overall density of 8 or more dwelling units per net buildable acre."
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related Zone Map Amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing Urban Growth Boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be a mix of attached and detached units, and the approval will allow middle housing consistent with House Bill 2001 and newly implemented City Code to allow middle housing types.

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

Request B: Zone Map Amendment (ZONE23-0001)

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

Comprehensive Plan

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

Policy 4.1.7.a.

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

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

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

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

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

Residential Density
Implementation Measure 4.1.4.u.

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

Development Code

Zoning Consistent with Comprehensive Plan Section 4.029

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

Base Zones Subsection 4.110 (.01)

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

Residential Neighborhood (RN) Zone

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

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

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

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

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

- B9.** The proposed uses, number of lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use lot count, the proposed Stage 1 area includes a portion of medium lot Sub-district 4 and a portion of large lot Sub-district 7. A full discussion of compliance with the sub-districts and residential density is included under Request C, Stage 1 Preliminary Plan.

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

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

Comprehensive Plan

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

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

Urbanization for Adequate Housing for Workers Employed in Wilsonville, Jobs and Housing Balance

Implementation Measures 2.1.1.b., 4.1.4.l., 4.1.4.p.

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

Encouraging Master Planning of Large Areas

Implementation Measure 2.1.1.f.2.

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

City Obligated to do its Fair Share to Increase Development Capacity within UGB

Implementation Measure 2.2.1.b.

- C4.** The property is within the Urban Growth Boundary (UGB) and available for use consistent with its residential designation. Allowing development of the property for additional residential lots supports the further urbanization and increased capacity of residential land within the UGB.

Urban Development Only Where Necessary Facilities can be Provided

Implementation Measure 3.1.2.a.

- C5.** As can be found in the findings for the Stage 2 Final Plan, the proposed development provides all necessary facilities and services consistent with the Frog Pond West Master Plan.

Provision of Usable Open Space

Implementation Measures 3.1.11.p., 4.1.5.kk.

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

Consistency with Street Demonstration Plans May Be Required

Implementation Measure 3.2.2.

- C7.** Section 4.127 requires the area subject to the Stage 1 Preliminary Plan be consistent with the Street Demonstration Plan in Figure 18 of the Frog Pond West Master Plan. The proposed street layout is generally consistent with the Street Demonstration Plan with variations as noted in Finding D11.

Wide Range of Housing Choices, Planning for a Variety of Housing

Policy 4.1.4., Implementation Measures 4.1.4.b., 4.1.4.c., 4.1.4.d., 4.1.4.j., 4.1.4.o.

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

Accommodating Housing Needs of Existing Residents

Implementation Measure 4.1.4.f.

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

Planned Development Regulations

Planned Development Lot Qualifications

Subsection 4.140 (.02)

- C10.** The planned 17-lot subdivision will accommodate residential building lots, provide functional public streets, and be surrounded by open space and recreational opportunities consistent with the purpose of Section 4.140. The proposed subdivision is 5.00 acres and is suitable for planning and development. The property is not currently nor is it proposed to be zoned “PD” (Planned Development). Concurrent with the request for a Stage 1 Preliminary Plan, the applicant proposes to rezone the property to RN (Residential Neighborhood).

Pursuant to the Frog Pond West Master Plan development in the RN zone follows the same planned development procedure as PDR zones.

Ownership Requirements

Subsection 4.140 (.03)

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

Professional Design Team

Subsection 4.140 (.04)

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

Planned Development Application Requirements

Subsection 4.140 (.07)

C13. Review of the proposed Stage 1 Preliminary Plan has been scheduled for a public hearing before the DRB in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:

- The property affected by the Stage 1 Preliminary Plan is under an application by the property owners.
- The applicant submitted a Stage 1 Preliminary Plan request on a form prescribed by the City.
- The applicant identified a professional design team and coordinator. See Finding C12.
- The applicant has stated the uses involved in the Stage 1 Preliminary Plan and their locations.
- The applicant provided boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- Any necessary performance bonds will be required.

Standards for Residential Development in Any Zone

Outdoor Recreational Area and Open Space Land Area Requirements

Subsection 4.113 (.01)

C14. The Frog Pond West Master Plan controls outdoor recreational area and open spaces for the subject and surrounding areas. The subject property contains land within the R-7 medium lot sub-district and the R-10 large lot sub-district. These sub-districts do not require outdoor recreational area and open space, therefore, this subsection does not apply. However, the proposed development includes roughly 49,000 square feet of open space (see Finding C6 and Request E).

Residential Neighborhood Zone

Permitted Uses
 Subsection 4.127 (.02)

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

Residential Neighborhood Sub-districts
 Subsection 4.127 (.05)

C16. The proposed Stage 1 Preliminary Plan area includes a portion of medium lot Sub-district 4 and a portion of large lot Sub-district 7.

Minimum and Maximum Residential Lots
 Subsection 4.127 (.06)

C17. The proposed number of residential lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential lot count, the proposed Stage 1 area includes a portion of medium lot Sub-district 4 and a portion of large lot Sub-district 7. The following table summarizes how the proposed residential lots in each Sub-district are consistent with the Master Plan recommendations.

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

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

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

The proportional density allocation does not account for site-specific characteristics that influence the ability of a specific property to accommodate residential lots meeting

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

The configuration of lots as proposed, which meet all dimensional requirements for the individual lots, will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

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

C18. The proposed Stage 1 Preliminary Plan area does not include residential land designated R-5 in the Frog Pond West Master Plan, thus the code does not require any of the net developable area to be in open space. However, open space is provided, as noted in Finding C6 and elsewhere in this staff report.

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

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

Stage 2 Final Plan Submission Requirements and Process

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

D1. As demonstrated in Findings C1 through C9 under the Stage 1 Preliminary Plan the project is consistent with the Comprehensive Plan. This review includes review for consistency with the Frog Pond West Master Plan.

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

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

- SW Stafford Road/SW Frog Pond Lane

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

TABLE 1: VEHICLE TRIP GENERATION

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

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

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

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

Facilities and Services Concurrency
 Subsection 4.140 (.09) J. 3.

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

Adherence to Approved Plans
Subsection 4.140 (.10) A.

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

General Residential Development Standards

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

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

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

- D6.** The applicant proposes installation of all new utilities underground. The applicant will underground all existing utility lines facing the subject property.

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

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

Residential Neighborhood (RN) Zone

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

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

Standard	R-7 Medium Lot Sub-district 4		R-10 Large Lot Sub-district 7		Compliance Notes
	Required	Proposed	Required	Proposed	
Min. Lot Size	6,000 sf	6,500-8,600 sf	8,000 sf	8,025-9,792 sf	Standard is met.
Min. Lot Depth	60 ft	60+ ft	60 ft	60+ ft	Standard is met.
Min. Lot Width	35 ft	35+ ft	40 ft	40+ ft	Standard is met.
Max. Lot Coverage	45%	45% max	40%	40% max	Standard can be met. Example floor plan footprint is roughly 1,460 sf. One or more could be placed on each proposed lot without exceeding max lot coverage.
Max. Bldg Height	35 ft	35 ft max	35 ft	35 ft max	Standard can be met.
Min. Front Setback	15 feet	15 ft min	20 ft	20 ft min	Standard can be met.
Min. Rear Setback	15 feet	15 ft min	20 ft	20 ft min	Standard can be met.
Min. Side Setback	5 feet (10 feet for corner lots)	5 ft min (10 ft min on corner lots)	5 feet (10 feet for corner lots)	5 ft min (10 ft min on corner lots)	Standard can be met.
Min. Garage Setback from Alley	18 ft	18 ft. min	18 ft	18 ft. min	Standard can be met.
Min. Garage Setback from Street	20 ft	20 ft min	20 ft	20 ft min	Standard can be met.

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

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

Standard				Compliance Notes	
Small-lot Subdistricts (include at least one element)	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	N/A		Subject property does not contain land within the small-lot sub-district.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Wall and landscaping for lots adjacent to Stafford and Boeckman Road	Provided	Not Provided	N/A		The subject property does not abut Stafford or Boeckman Road.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
No driveway access to collectors for small and medium lots	Met	Not Met	N/A		Subject property does not include collectors.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

Open Space Requirements
 Subsection 4.127 (.09)

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

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

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

Street Segment	Generally Consistent with Figure 18	Allowed Variation	Explanation of Variation
SW Brisband Street	☒	<input type="checkbox"/>	
SW Frog Pond Lane	☒	<input type="checkbox"/>	
SW Sherman Drive	<input type="checkbox"/>	☒	See explanation below.
Street J	<input type="checkbox"/>	☒	See explanation below.
Pedestrian Connection in Tracts A and C	☒	<input type="checkbox"/>	
Pedestrian Connection in Tracts B and D	<input type="checkbox"/>	☒	See explanation below.

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

Proposed Project



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

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

The proposed modifications do not require out-of-direction pedestrian or vehicular travel nor do they result in greater distances for pedestrian access to the proposed subdivision from the surrounding existing and future streets than would otherwise be the case if the Street Demonstration Plan were adhered to.

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

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

Standard			Compliance Notes
Main Entrance Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Width Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met. Subdivision includes lots greater than 50 feet at the front lot line.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Orientation Towards Alley or Shared Driveway	Alleys or Shared Driveways in Subdivision	No Alleys or Shared Driveways in Subdivision	Standard can be met. The subdivision has three (3) alleys. Example floor plans show garage orientation toward alleys.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Residential Design Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Small-Lot Subdistricts – House Plan Variety	Required Duplex/Attached Units	Provided Duplex/Attached Units	Not applicable. Not within small lot sub-district.
	N/A	N/A	
Fences	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Homes Adjacent to School and Parks and Public Open Spaces	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Several lots face or are adjacent to open space in Tracts A through D, and Lots 16 and 17 face the new primary school to the south across SW Brisband Street.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

On-site Pedestrian Access and Circulation

Continuous Pathway System
Section 4.154 (.01) B. 1.

D13. The submitted plans show sidewalks along the frontages of all lots facing streets, and a pathway along the frontages of lots that face the Tracts B and D open space, providing a continuous pathway system throughout the proposed subdivision. In addition to the sidewalk system, pedestrian/bicycle connections are proposed through Tracts A and C on the west side of the site, consistent with Figure 18 of the Frog Pond West Master Plan. The proposal enables connections to future adjacent development and a Condition of Approval ensures the final design and layout of the Pedestrian Connection in open space Tracts B and D will be consistent with the location of the approved Pedestrian Connection in the Frog Estates subdivision to the east and enable a continuous pathway connection across the immediately adjacent property to the east when it develops in the future. To ensure full access and function of the planned pathway system for the public, a Condition of Approval requires public access easements across all pathways within private tracts.

Safe, Direct, and Convenient
Section 4.154 (.01) B. 2.

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

Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

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

Crosswalks Delineation

Section 4.154 (.01) B. 4.

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

Pathway Width and Surface

Section 4.154 (.01) B. 5.

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

Parking Area Design Standards

Minimum and Maximum Parking

Subsection 4.155 (.03) G.

D18. Pursuant to Oregon Administrative Rules (OAR) 660-012-0440 parking mandates, the minimum vehicle parking requirements in Table 5 are not applicable to the development as it is within one-half (1/2) mile of SMART Route 4, one of the City's most frequent transit routes. The proposed development includes uses that have no maximum limit per Table 5. With no minimum or maximum vehicle parking requirements, the number of total vehicle parking spaces is at the complete discretion of the applicant, so long as the total number of spaces does not exceed the maximum and other non-parking requirements are still met. In addition, for any vehicle parking spaces provided, the applicable design standards, as well percentage and similar requirements for certain types of spaces, still apply.

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

D19. The applicable standards are met as follows:

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

Other General Regulations

Access, Ingress and Egress
 Subsection 4.167 (.01)

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

Protection of Natural Features and Other Resources

General Terrain Preparation
 Section 4.171 (.02)

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

Trees and Wooded Areas

Section 4.171 (.04)

D22. Existing vegetation will not be disturbed, injured or removed prior to land use and permit approvals. Existing trees have been retained wherever possible; however, trees will need to be removed to provide area for home construction. Trees identified to be retained will be protected during site preparation and construction according to the City Public Works design specifications as outlined in the Arborist Report and Conditions of Approval.

Earth Movement Hazard Area

Subsection 4.171 (.07)

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

Historic Resources

Subsection 4.171 (.09)

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

Public Safety and Crime Prevention

Design for Public Safety, Addressing, Lighting to Discourage Crime

Section 4.175

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

Landscaping Standards

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

D26. Planting areas along the street and open spaces within the subdivision are generally open and are not required to provide any specific screening, thus the design of the landscaping follows the general landscaping standards. The plantings include a mixture of ground cover, shrubs, trees, and stormwater swale plantings. Proposed street trees on SW Brisband Street, SW Sherman Drive, and proposed Street J are not consistent with previously established trees in other Frog Pond subdivisions. A Condition of Approval ensures the proper trees are selected prior to issuance of Public Works permits.

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

D27. The applicant proposes a professionally designed landscape using a variety of plant material. There are no parking areas proposed and no parking area landscaping is required. The landscape plans included in the applicant's materials (Sheets P-16 and P-17) illustrate the location and type of landscaping within public rights-of-way and tracts. The design includes a variety of native plants, particularly in the open space areas.

Street Improvement Standards

Conformance with Standards and Plan

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

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

Street Design Standards-Future Connections and Adjoining Properties

Subsection 4.177 (.02) A.

D29. The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. Future connections to adjacent sites are anticipated to the east and west. The proposed design provides for continuation of streets with Morgan Farm to the south and Frog Pond Overlook to the north. SW Sherman Drive is extended north, and Street J provides a connection to future development to the east and west.

City Engineer Determination of Street Design and Width

Subsection 4.177 (.02) B.

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

Right-of-Way Dedication

Subsection 4.177 (.02) C. 1.

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

Waiver of Remonstrance Required

Subsection 4.177 (.02) C. 2.

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

obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee, release of the LID Waiver for a specific parcel within the proposed development may occur upon official recording of the release of the waiver only after payment of these fees, and will require the developer to pay all costs and fees associated with the City's release of the waiver. A Condition of Approval outlines the process to be followed with respect to the required LID Waiver and its release for a specific parcel.

Dead-end Streets Limitations

Subsection 4.177 (.02) D.

D33. Proposed east/west Street J in the south part of the development will temporary dead end until the property to the east develops (see Sheet P-06). Notification of extension will be posted on the end of this street as required by Conditions of Approval.

Corner Vision Clearance

Subsection 4.177 (.02) E.

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

Vertical Clearance

Subsection 4.177 (.02) F.

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

Interim Improvement Standards

Subsection 4.177 (.02) G.

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

Sidewalks Requirements

Subsection 4.177 (.03)

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

Bicycle Facility Requirements

Subsection 4.177 (.04)

D38. No on street bicycle facilities are required within the project area. A Condition of Approval requires all cross-sections to comply with the Frog Pond West Master Plan requirements prior to Final Plat approval. See Exhibit C1.

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

Subsection 4.177 (.05)

D39. In lieu of a public street, a Pedestrian Connection is proposed through the open space in Tracts A and C, providing a connection between SW Sherman Drive on the south and SW Frog Pond Lane on the north, to preserve numerous mature trees consistent with the Frog

Pond West Master Plan Street Demonstration Plan (see Finding D11). In addition, a Pedestrian Connection, split into two pathways, is proposed through the Tracts B and D open space, also to preserve mature trees, provide frontage for Lots 4 through 9 located north and south of the open space, and provide connection to future development to the east. The proposed connections achieve a similar level of connectivity desired for the development.

Transit Improvements Requirements
Subsection 4.177 (.06)

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

Intersection Spacing

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

D41. The applicant does not propose any offset intersections.

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

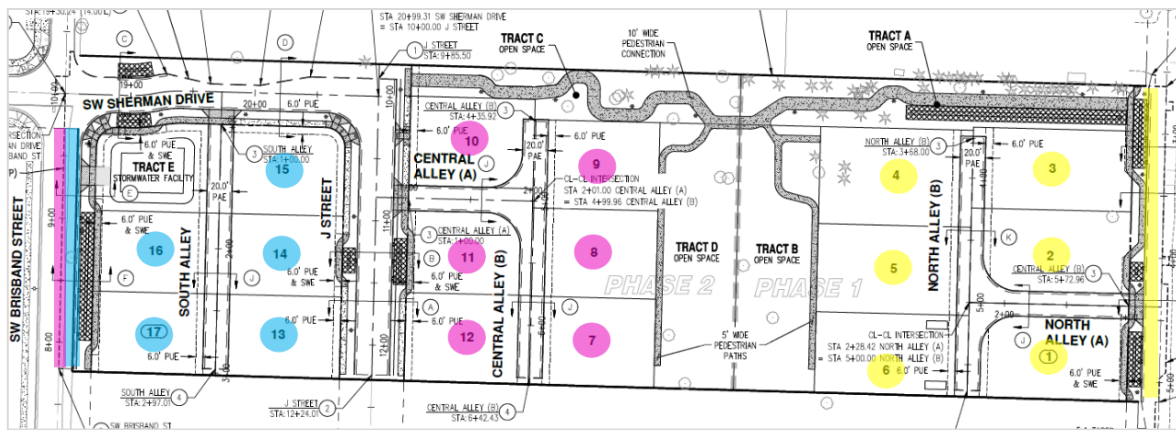
D42. Streets within the development are local streets, which are not subject to minimum spacing standards.

Mixed Solid Waste and Recyclables Storage

Review by Franchise Garbage Hauler
Subsection 4.179 (.07)

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

Condition of Approval requires the applicant to submit a revised Service Letter from Republic Services showing how trash service can be provided adjacent to all lots in conformance with PW Standards, the City’s Franchise Agreement with Republic Services and Administrative Rules.



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

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

Objectives of Site Design Review

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

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

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

E2. The City code affords the applicant’s design team flexibility to create an original design appropriate for the site while ensuring consistency with the Frog Pond West Master Plan.

Jurisdiction and Power of the DRB for Site Design Review

Development Review Board Jurisdiction Section 4.420

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

Design Standards

Preservation of Landscaping Subsection 4.421 (.01) A. and Section 4.171

- E4. The site layout takes into consideration existing landscaping and preserving it where possible. The applicant has included an open space (Tracts A through D) that allows for the preservation of a substantial number of mature trees, including several Oregon white oaks, within the development.

Relation of Proposed Buildings to Environment Subsection 4.421 (.01) B.

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

Surface Water Drainage Subsection 4.421 (.01) D.

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

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

- E7. The applicant proposes no above ground utility installations. Existing overhead lines will be undergrounded. Each lot will be served by a sanitary sewer line (see Sheet P-09). Storm sewage disposal is provided by a storm drain system connecting to each on-site stormwater facility.

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

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

Applicability of Design Standards Subsection 4.421 (.02)

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

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

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

Site Design Review Submission Requirements

Submission Requirements Section 4.440

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

Time Limit on Site Design Review Approvals

Void after 2 Years Section 4.442

- E12.** The applicant has indicated that they will pursue development within two years. The development is planned to occur in two (2) phases, with Phase 1 construction in 2024-2026 and Phase 2 in 2025-2027. The approval will expire after two (2) years if not vested, or an extension is not requested and granted, consistent with City Code.

Installation of Landscaping

Landscape Installation or Bonding Subsection 4.450 (.01)

- E13.** A Condition of Approval ensures all landscaping in common tracts shall be installed prior to Final Plat Approval, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the

satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the 6-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant. A Condition of Approval further requires that the applicant, prior to Final Plat Approval, either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping.

Approved Landscape Plan

Subsection 4.450 (.02)

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

Landscape Maintenance and Watering

Subsection 4.450 (.03)

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

Modifications of Landscaping

Subsection 4.450 (.04)

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

Natural Features and Other Resources

Protection

Section 4.171

E17. The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage 2 Final Plan for the site as well as the purpose and objectives of Site Design Review. See Findings D21 through D24 under Request D.

Landscaping

Landscape Standards Code Compliance

Subsection 4.176 (.02) B.

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

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

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

Quality and Size of Plant Material

Subsection 4.176 (.06)

E20. The quality of the plant materials must meet American Association of Nurserymen (AAN) standards as required by this Subsection. Trees as shown on the applicant's plans are specified at two (2)-inch caliper or greater than six (6) feet for evergreen trees. Some shrubs are specified on the Landscape Plans (Sheet L2.00-L2.20) as one (1) gallon, rather than two (2) gallon or greater in size. Ground cover is specified as greater than 4 inches. Turf or lawn is used for a minimal amount of the proposed public landscape area. Conditions of Approval ensure the requirements of this subsection are met including use of native topsoil, mulch, and non-use of plastic sheeting.

Landscape Installation and Maintenance

Subsection 4.176 (.07)

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

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.
- Plants that die are required to be replaced in kind, within one (1) growing season, unless appropriate substitute species are approved by the City.
- The applicant's narrative states that "As detailed in Note 6 of the Preliminary Landscape Plan..., all landscape areas will be watered by a fully automatic underground irrigation system" (see Sheet P-17).

Landscape Plans

Subsection 4.176 (.09)

E22. The applicant's submitted landscape plans, Sheets P-16 and P-17, provide the required information.

Completion of Landscaping

Subsection 4.176 (.10)

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

Public Lighting Plan

Lighting of Local Streets

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

- E24.** The applicant's Sheet P-09 in Exhibit B2 shows proposed street lights on local streets; however, their materials do not specify a proposed fixture or provide cut sheets or details. The Frog Pond Master Plan requires PGE Option 'B' LED with Westbrook 35W LED and 18' decorative aluminum pole (20-foot mounting height with 4 foot mast arm). As the Westbrook is no longer available from PGE, the Aurora is now used as the closest matching design. These fixtures are dark sky friendly and must be located with a professionally designed layout to minimize negative effects on future homes, provide for safety, and use a consistent design established by the Frog Pond West Master Plan. A Condition of Approval ensures that the applicant provides a Public Lighting Plan and demonstrates that the required lighting fixtures are provided on local streets adjacent to the development.

Lighting of Pathways

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

- E25.** The Frog Pond West Master Plan requires a Public Lighting Plan and recommended light plan hierarchy to define various travel routes within Frog Pond. Pedestrian connections, trailheads, and paths are required to be uniformly illuminated and shall follow the Public Works Standards for Shared Use Path Lighting. The applicant's Sheet P-09 in Exhibit B2 includes lighting along the Pedestrian Connection in Tracts A and C, however, no specifications or detail sheets are included. A Condition of Approval ensures that the requirements are met

Street Tree Plan

Tree Lists for Primary Streets, Neighborhood Streets, and Pedestrian Connections

Pages 81-83 and Figure 43 of Frog Pond West Master Plan

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

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

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

Gateways, Monuments and Signage

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

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

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

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

Request F: Tentative Subdivision Plat (SUBD23-0001)

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

Land Division Authorization

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

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

Undersized Lots Prohibited
Subsection 4.202 (.04) B.

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

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

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

Tentative Plat Preparation
Subsection 4.210 (.01) A.

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

Tentative Plat Submission
Subsection 4.210 (.01) B.

- F5.** The applicant has submitted a tentative plat with all the required information. As required, the applicant has included in their application draft CC&Rs, bylaws, etc. related to the maintenance of open space tracts. A Condition of Approval ensures that such documents require that the Tracts B and D open space areas be owned and maintained by the same Homeowner's Association to ensure long-term protection and maintenance of the open space and preserved trees.

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

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

Remainder Tracts
Subsection 4.210 (.01) E.

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

Street Requirements for Land Divisions

Master Plan or Map Conformance
Subsection 4.236 (.01)

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

Adjoining Streets Relationship
Subsection 4.236 (.02)

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

Streets Standards Conformance
Subsection 4.236 (.03)

- F10.** As part of the Stage 2 Final Plan approval, the streets conform with Section 4.177 and generally conform with block sizes established in the Frog Pond West Master Plan. See Request D.

Topography
Subsection 4.236 (.05)

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

Reserve Strips
Subsection 4.236 (.06)

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

Future Street Expansion Subsection 4.236 (.07)

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

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

- F14.** Conditions of Approval ensure dedication of sufficient right-of-way for planned improvements along SW Brisband Street, SW Frog Pond Lane, and SW Sherman Drive.

Street Names Subsection 4.236 (.09)

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

General Land Division Requirements-Blocks

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

- F16.** The proposed blocks substantially conform to Figure 18 of the Frog Pond West Master Plan. The proposed blocks allow for lots meeting the minimum size and other dimensional standards for the relevant sub-districts of the Frog Pond West Master Plan. See Findings D8 and D11 under Request D.

General Land Division Requirements-Easements

Utility Line Easements Subsection 4.237 (.02) A.

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

than one lot. Franchise utility providers will install their lines within public utility easements established on the plat.

Water Courses

Subsection 4.237 (.02) B.

F18. There are no watercourses located on or adjacent to the subject property.

General Land Division Requirements-Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement

Subsection 4.237 (.03)

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

General Land Division Requirements-Tree Planting

Tree Planting Plan Review and Street Tree Easements

Subsection 4.237 (.04)

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

General Land Division Requirements-Lot Size and Shape

Lot Size and Shape Appropriate

Subsection 4.237 (.05)

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

General Land Division Requirements-Access

Minimum Street Frontage

Subsection 4.237 (.06)

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

General Land Division Requirements-Other

Lot Side Lines

Subsection 4.237 (.08)

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

Land for Public Purposes

Subsection 4.237 (.12)

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

Corner Lots

Subsection 4.237 (.13)

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

Lots of Record

Lots of Record

Section 4.250

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

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

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

Type C Tree Removal

Review Authority When Site Plan Review Involved

Subsection 4.610.00 (.03) B.

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

Reasonable Timeframe for Removal

Subsection 4.610.00 (.06) B.

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

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

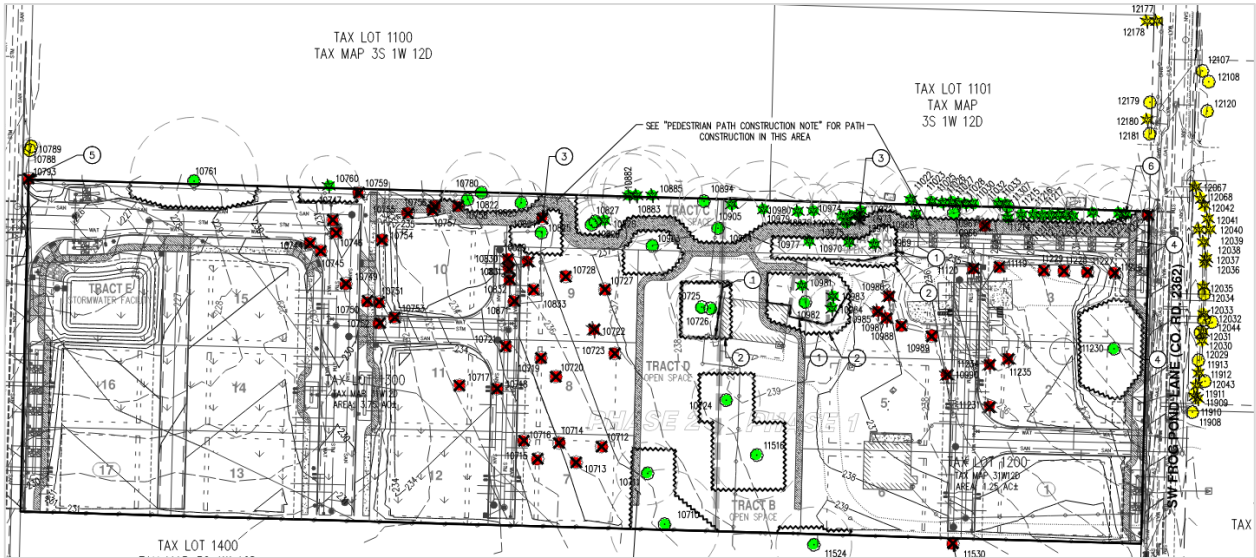
G3. As allowed by Subsection 1, the City is waiving the bonding requirement as the application is required to comply with WC 4.264 (.01).

General Standards for Tree Removal, Relocation or Replacement

Preservation and Conservation
Subsection 4.610.10 (.01)

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

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



Of the 63 on-site and line trees proposed for preservation, 19 are Oregon white oak, 38 are Douglas fir, and six (6) are other species including willow (1), Ponderosa pine (1) Lodgepole pine (1), incense cedar (1), Deodar cedar (1), and bigleaf maple (1). Of the Oregon white oaks to be preserved, five (5) excellent specimens have been prioritized for preservation and protection including Trees #10710, #10711, #11516, and #10982 in the Tracts B and D open space, and Tree #11230 on Lots 2 and 3 of the proposed subdivision. Given that unforeseen tree health issues related to Mediterranean oak borer (*Xyleborus monographus*)

(MOB) may arise involving one or more of the preserved Oregon white oaks, and that the impacts of nearby construction may cause additional stress to the preserved trees potentially rendering them more vulnerable to MOB, a Condition of Approval requires that, prior to commencement of site grading, the applicant will treat all preserved and protected Oregon white oaks in the Tracts A through D open space and Tree #11230 on Lots 2 and 3 with insecticidal or fungicidal treatment and root invigoration/aeration to improve their health and pest resistance.

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

Trees to be removed are located within the grading limits of SW Sherman Drive and proposed Street J, within the building envelopes of Lots 2-3 and 5-10, and to install parts of the Pedestrian Connection in Tracts A and C. The location of proposed streets was determined by the Frog Pond West Master Plan and the City's block length and perimeter standards. Removal of the trees is necessary for construction of site improvements, including utilities, streets, and residential homes. In addition, grading of each lot is needed to accommodate residential development and associated site improvements (driveways and walkways, alleys, stormwater management, outdoor yard areas, etc.). Reducing building footprints by increasing height is not a viable alternative as the height limit in the RN zone is 35 ft., or 2.5 stories.

Development Alternatives

Subsection 4.610.10 (.01) C.

- G5.** The Frog Pond West Master Plan provides clear direction for street connections, residential densities, and preservation and protection of trees and tree groves. Further, on several figures in the document, the Master Plan identifies existing trees and groves including the extensive groves of Oregon white oaks on the subject property. On the Street Demonstration Plan, the Master Plan identifies a Pedestrian Connection along the west side of the property through the groves to provide connection between SW Brisband Street and SW Frog Pond Lane while minimizing impacts on the trees.

The applicant's initial submittal proposed extension of SW Sherman Drive north of SW Brisband Street along the west property boundary, through the Oregon white oak groves, to connect with SW Frog Pond Lane, preserving seven (7) mature Oregon white oaks in an

open space tract in the north part of the site. Of 99 trees inventoried on the site at that time, 92 were proposed for removal. In response, the City requested that the applicant provide sufficient findings to explain how the proposed subdivision design achieves the Frog Pond West Master Plan intent to preserve existing groves of mature trees and incorporate them into the design of developments as much as possible. The City also requested that the applicant demonstrate how alternative designs that would preserve more trees in groves specifically identified in the Master Plan while enabling the project to meet the anticipated range of lots were considered and why they were rejected. The request also required the applicant to demonstrate how removal of the trees is consistent with City Resolution No. 2025, which encourages preservation of trees prior to annexation, and the City's Tree Preservation and Protection regulations in Section 4.600.

City staff met with the applicant several times to discuss alternative site designs, walked the site with the owner, applicant's representative, and project arborist to assess the condition of the Oregon white oaks and prioritize trees for preservation, and reviewed several iterations of the site design presented by the applicant to preserve more trees than initially proposed. The current design as presented in the applicant's plans seeks to allow for preservation of trees in contiguous areas of the site where impacts from development will be minimized. Of the 118 on-site and line trees inventoried for the revised submittal, 63 are proposed for preservation and conservation. The applicant proposes tree protection fencing around all protected trees in order to ensure their preservation during construction. Additional measures, such as tree protection easements, will ensure that development can occur in a logical manner while still ensuring preservation and protection of trees in the subdivision. Conditions of Approval ensure this criterion is met.

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

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

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

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

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

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

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

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

Tree Removal Limitations
Subsection 4.610.10 (.01) H.

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

Additional Standards for Type C Permits

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

G11. The applicant submitted the required Tree Maintenance and Protection Plan and Tree Survey (see Exhibit B2 and Sheets P-13 and P-14).

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

G12. The Utility Plan (Sheet P-09) shows a design to minimize impact on the environment to the extent feasible given existing conditions, particularly the location of mature trees on the site. The City will further review utility placement in relation to preserved trees during review of construction drawings and utility easement placement on the final plat.

Type C Tree Plan Review

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

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

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

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

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

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

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

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

Type C Tree Plan Review with Stage 2 Final Plan
Subsection 4.610.40 (.01)

G17. Review of the proposed Type C Tree Plan is concurrent with the Stage 2 Final Plan. See Request D.

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

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

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

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

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

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

Tree Relocation, Mitigation, or Replacement

Tree Replacement Required
Subsection 4.620.00 (.01)

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

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

G22. The applicant proposes planting 27 street trees and 16 trees in the Tracts B and D open space areas, totaling 43 mitigation trees. Staff notes that the vine maple (6) and serviceberry (6) trees, which are multi-stem, shrub-like species, are not counted as mitigation trees. Therefore, the total number of mitigation trees is 12 fewer than the one-to-one ratio of 55

trees required by this subsection. As sufficient space does not exist on site to replant the remaining trees in a desirable manner and the City does not have another site identified as desirable to plant the additional mitigation trees, the applicant is required to pay into the City's Tree Fund an amount equal to the cost of purchase and installation of the trees. The cost is based on a current estimated bid price of \$300 per tree or an amount of \$3,600 as mitigation for the remaining 12 trees. A Condition of Approval ensures the requirement is met. Sheet P-16 shows all trees proposed for planting as mitigation as 2-inch caliper, or the equivalent 6- to 8-foot for conifer trees.

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

Replacement Plan and Tree Stock Requirements

Subsections 4.620.00 (.03) and (.04)

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

Replacement Trees, City Tree Fund

Subsection 4.620.00 (.05)

G24. As shown on the Landscape Plans (Sheets P-16 and P-17), some of the proposed replacement trees consist of street trees. Additional trees will likely be planted on the individual dwelling lots at the time of site development but are not proposed to be included in the replacement tree plans. As discussed above under Finding G22, because the applicant is planting 12 trees fewer than the one-to-one mitigation ratio required by this subsection, they are required to pay into the City's Tree Fund as mitigation for the 12 trees an amount of \$3,600, equivalent to \$300 per tree for purchase and installation. A Condition of Approval ensures the requirement is met.

Protection of Preserved Trees

Tree Protection During Construction

Section 4.620.10

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

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

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

Land Division Authorization

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

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

Legally Lot Requirement
Subsection 4.202 (.04) A.

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

Middle Housing Land Divisions

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

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

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

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

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

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

Standard	Standard Met?			Compliance Notes
Land Division Occupied by Middle Housing	Yes	No	N/A	Middle housing units are proposed
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Separate Utilities Provided for Each Unit	Yes	No	N/A	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Easements Provided for Each Unit	Yes	No	N/A	Easements are provided for each unit for utilities, access to a street or private drive, and common areas, as applicable
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Compliance with Building Code	Yes	No	N/A	Middle housing units are of sufficient area for single family housing that meets Building Code standards; final compliance to be determined at Building permit review
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Required Notes Prohibiting Further Division on Plat	Yes	No	N/A	A Condition of Approval requires that notes on the Final Plat prohibit further division of middle housing units
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Cluster Housing Standards	Yes	No	N/A	Cluster housing is not proposed as part of the development
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Provisions of Middle Housing Land Divisions
 Subsection 4.232 (.04) 1.

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

Units to be Considered Single Lot
 Subsection 4.232 (.04) 2. A-B

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

ADU and Middle Housing Allowances Subsection 4.232 (.04) 2.C.

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

Compliance with ORS 197 and OAR 660-046 Subsection 4.232 (.04) 2.D.

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

Units Must Contain One Dwelling Unit Subsection 4.232 (.04) 3. A.

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

Units Not Further Divisible Subsection 4.232 (.04) 3. B.

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

Procedures and Requirements for Expedited Land Divisions and Middle Housing Land Divisions Subsection 4.232 (.05) A. 1.-4.

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

Divisions for Land Occupied by Middle Housing Subsection 4.232 (.05) B.

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

Multiple Middle Housing Land Divisions as Single Application Subsection 4.232 (.05) C.

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

Optional Concurrent Review
Subsection 4.232 (.05) D.

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

Lots of Record

Defining Lots of Record
Section 4.250

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

Request I: Waiver (WAIV23-0003)

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

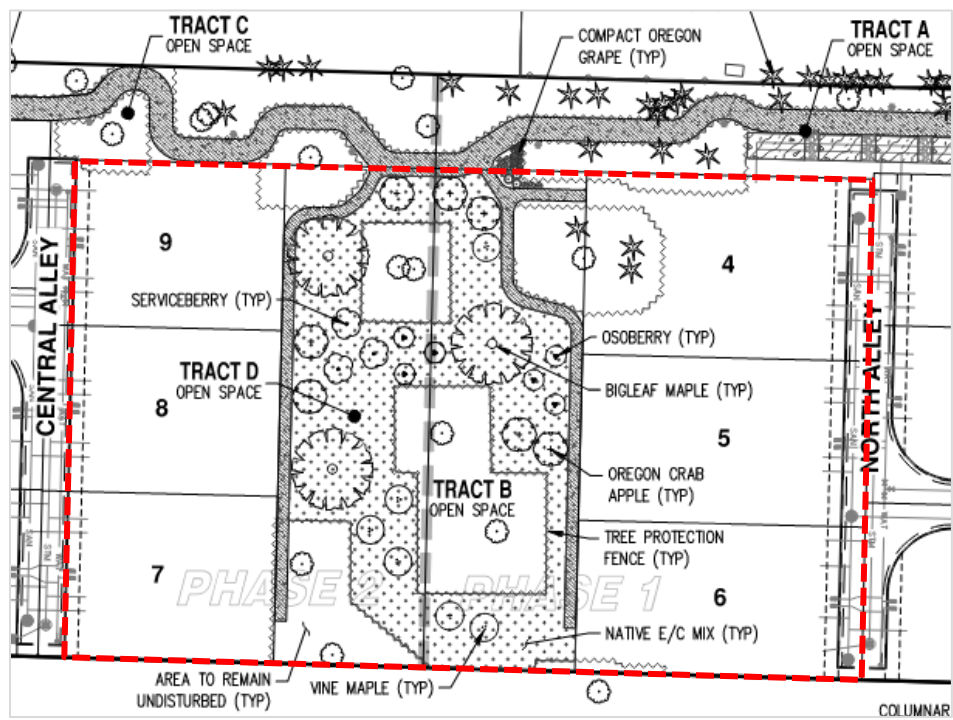
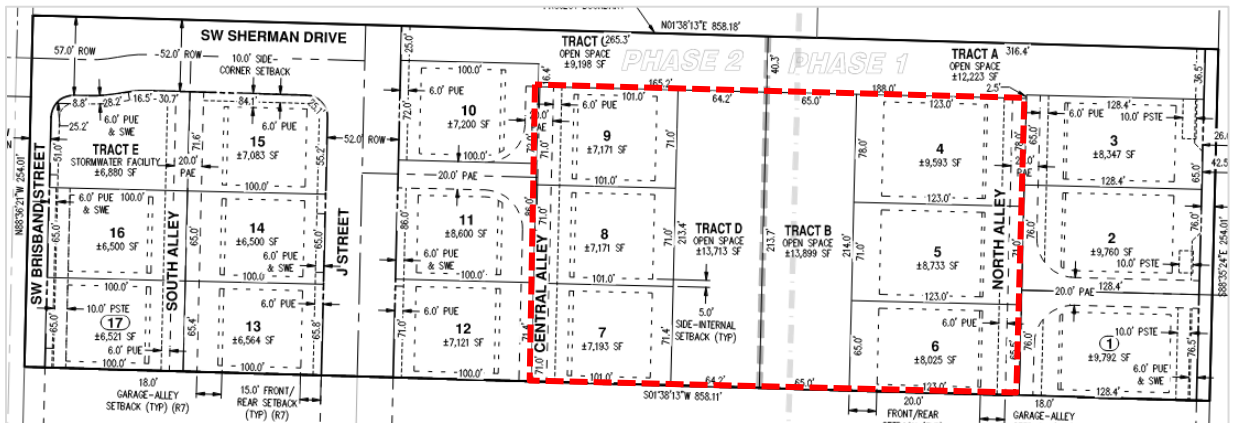
Waiver: Minimum Street Frontage

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

I1. While the proposed development meets the applicable requirements for lot dimensional standards, including lot area, width, depth, and lot coverage, the application includes a request for a minimum lot frontage waiver. Per Subsection 4.237 (.06) of the Development Code, each lot must have a minimum frontage on a street or private drive as specified in the standards of the relative zoning district. The minimum lot width in the RN Zone for lots in the R-5 small lot Sub-district is 35 feet with some exceptions (Subsection 4.127 (.08), Table 2). The DRB may waive lot frontage requirements where, in its judgement, the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of the standard or if the DRB determines that another standard is appropriate because of the characteristics of the overall development.

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

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



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

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

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

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

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



November 6, 2023

Cindy Luxhoj, Associate Planner
 City of Wilsonville Planning Division
 29799 SW Town Center Loop East
 Wilsonville, OR 97070

RE: Case File DB23-0004 Frog Pond West Cottage Park Place

Dear Cindy:

Thank you for reviewing the updated Frog Pond West Cottage Park Place application. Following the Applicant's extensive conversations and coordination with the City, we provide this letter and accompanying information in response to your request for additional information in the letter dated June 9, 2023, attached. The list of additional information requested is shown in *italics*, with the Applicant's response directly below.

Completeness Items:

1. *Accurate annexation area legal description and sketch. Revise to remove SW Frog Pond Lane right-of-way, which was already annexed to the City by Ordinance No. 868.*

Response: The annexation materials have been updated to reflect the current right-of-way and are attached as part of Exhibit K. This comment has been addressed.

2. *Consistent illustration of proposed tentative subdivision plat across plan set. Subsection 4.232 (.05) D. states that tentative middle housing land divisions shall be shown on separate sheet(s) than the tentative subdivision plat and be clearly identified as being created from one (1) or more lots created by the subdivision.*

Response: The plans have been updated as requested and are attached as Exhibit A. This item is satisfied.

3. *Sufficient findings to explain how the proposed subdivision design achieves the Frog Pond West Master Plan intent to preserve existing groves of mature trees and incorporate them into the design of developments as much as possible. Specifically address how proposed removal of over 92 of 99 trees inventoried on the property, including a substantial number of large mature Oregon white oaks, is consistent with this intent; how alternative designs that would preserve more trees in groves that are specifically identified in the Master Plan, while enabling the project to meet the anticipated range of lots – minimum of 15, maximum of 19 –, were considered and why they were rejected; and how removal of these trees is consistent with City Resolution No. 2025, which encourages preservation of trees prior to annexation, and the City's Tree Preservation and Protection regulations (Section 4.600).*

Response: Following significant coordination with the City, the updated layout demonstrates an extraordinary effort to preserve the greatest number of mature trees on the site, as feasible. The project layout now proposes to retain 57 of the 107 existing onsite or line



City of Wilsonville
 Exhibit B5 DB23-0004

trees. The trees planned for retention include 10 priority oak trees and 20 priority evergreen trees. Exhibit A and the written narrative have been updated to reflect the layout modifications and tree removal plan changes necessary to demonstrate the proposed tree preservation. This item has been satisfied.

4. *Sufficient findings to explain proposed deviations from the Street Demonstration Plan (Figure 18, Frog Pond West Master Plan), particularly related to removal of most of the trees on the property. The Street Demonstration Plan shows a public street along the eastern property boundary and a pedestrian connection along the western edge. Specifically address how alternative designs that are more consistent with, and achieve the connectivity objectives of, the Street Demonstration Plan, while preserving substantially more large mature Oregon white oaks on the property, were considered and why they were rejected. In addition, revise the plans to show street connectivity to the east and west of the project, as well as street connections on SW Frog Pond Lane for DRB-approved developments and conceptual layouts of non-DRB-approved sites, and the ultimate configuration of pedestrian connections to integrate with pedestrian paths along the north and south side of Tract A.*

Response: The layout proposed for Cottage Park Place (Exhibit A) has been altered to address these issues and the written narrative has been updated accordingly. This item is satisfied.

5. *Sufficient information to determine compliance with minimum tree mitigation requirements. The applicant requests a tree credit of 26 trees for trees preserved in the proposed open space area. Subsection 4.176 (.06) F. allows a credit for trees preserved in landscape areas of a site; however, no Code language establishes an allowance for tree credits to count as mitigation for tree removal. The typical application for this Code is in parking areas where a certain number of trees are required based on the number of parking spaces. If proposals preserve a large tree in these cases, fewer new trees need to be planted; however, if an applicant has a grove of six (6) mature trees, and removes five (5), the Code does not establish the ability to avoid mitigating for the 5 removed trees by applying a tree credit from the one (1) preserved tree. Staff is not aware of any circumstances where preserved tree credits were used as mitigation for tree removal. Revise findings to address tree mitigation based on the information above and account for any potential payment into the City Tree Fund. Staff notes that, per Subsection 4.620.00 (.02), the Development Review Board may require replacement on a per caliper inch basis based on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. In addition, multi-stem plantings such as vine maple, serviceberry, and osoberry, shown as mitigation trees in the preliminary plant schedule (Sheet P-17), generally are not considered to count as mitigation for tree removal.*

Response: The written narrative has been revised to remove tree credit calculations. Planting requirements for minimum tree mitigation is planned to be determined and provided. This item has been satisfied.

6. *Detail for open space area (Tract A) in landscape plans (Sheet P-17) that is consistent with narrative Code response and demonstrates how active and passive open space opportunity will be provided as proposed. Also provide construction plan and pathway location within the grove as specified in the Arborist Report, which is referenced in the response narrative.*

Response: Open Space details and pathway locations have been added to the Preliminary Plans (Exhibit A). Information prepared by a certified arborist is available on Sheets P-14 and P-15 of the Preliminary Plans. This item is satisfied.

7. *Arborist Report, which is not included in the applicant's submittal package exhibits although the report is referenced in the narrative Code response. Explain if a stand-alone report was prepared or whether the applicant's plan Sheets P-14 and P-15 are intended to satisfy this requirement.*

Response: Sheets P-14 and P-15 (Exhibit A) are intended to satisfy Code requirements for arborist reporting. The materials have been prepared and are stamped by a licensed arborist. This item has been satisfied.

8. *Sufficient information demonstrating project is or will be adequately served by water. Water mains shall be located within the public right-of-way to the extent feasible; shall be located in "J" Street, not the central and south alleys; and shall be looped temporarily. Water meters for Lots 31-34 shall be located on SW Brisband Street; for Lots 19-30 shall be located on "J" Street; and for Lots 1-6 shall be on SW Frog Pond Lane.*

Response: The proposed layout has been updated and this comment no longer applies. Water mains have been located within public rights-of-way as feasible. This item has been satisfied.

9. *Sufficient information demonstrating project is or will be adequately served by storm sewer. Provide more information about the feasibility of actually constructing a storm facility on the lots shown. Storm facilities shall be located five (5) feet from property lines and 10 feet from the foundation.*

Response: Stormwater facilities have been designed to meet the City's requirements. Facilities have been proposed where feasible within tracts and within rights-of-way. Setbacks are planned to be maintained from property lines and anticipated building foundations as required. Additional information will be provided with future home build plans. An updated Final Stormwater Report will be provided with public improvement plans. This comment has been addressed.

10. *Sufficient information on undergrounding of existing overhead franchise utilities. Existing overhead utilities along SW Frog Pond Lane shall be placed underground with development. The gas main shall be relocated outside of the right-of-way. The applicant's Code response narrative (page 78) only addresses new utilities.*

Response: The written narrative has been updated to reflect that in addition to new utilities, qualified existing overhead utilities will also be installed underground. This item is satisfied.

An updated Preliminary Stormwater Report and updated Landscaping plan sheets are planned to be submitted for review by November 20, 2023. Your coordination prior to the forthcoming completeness deadline is very much appreciated.

Thank you for reviewing this information and please let us know if you have further questions.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Glen Southerland, AICP
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
503-563-6151 | SoutherlandG@aks-eng.com

Enclosures

City of Wilsonville Completeness Review Letter, dated June 9, 2023
Updated Land Use Application Package

TECHNICAL MEMORANDUM

DATE: December 21, 2023

TO: Amy Pepper, PE | City of Wilsonville

FROM: Jenna Bogert, PE | DKS Associates

SUBJECT: Frog Pond West Matteoni Subdivision - Trip Generation Evaluation Update P21123-028



INTRODUCTION

This memorandum evaluates the trip generation associated with the proposed Frog Pond West Matteoni housing development to be located near 7252 Frog Pond Lane in Wilsonville, Oregon. The developer desires to construct 34 single-family detached and attached homes as part of the Frog Pond West Master Plan.¹ The property is in unincorporated Clackamas County but within the City’s Urban Growth Boundary (UGB) and will be annexed to the City of Wilsonville as part of the project.

The purpose of this memorandum is to provide the estimated vehicle trip generation for the proposed development, to identify potential operational impacts to the primary gateway intersection to the property, and to evaluate the proposed site plan for potential safety issues and consistency with City planning documents. The study intersection, Stafford Road/Frog Pond Lane, is shown in Figure 1.

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

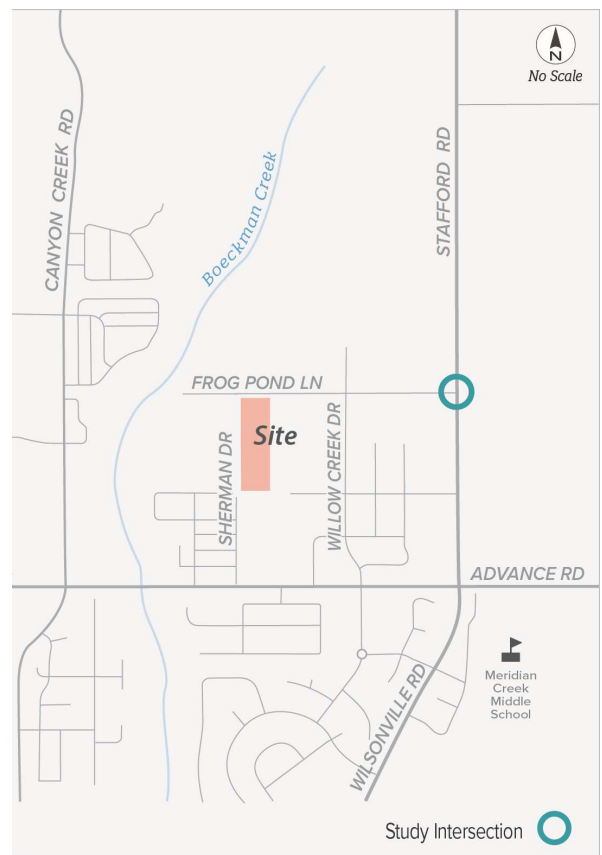


FIGURE 1: STUDY AREA

¹ Frog Pond West Master Plan, City of Wilsonville, Adopted July 2017.

PROJECT TRIP GENERATION

The Institute of Transportation Engineers (ITE) trip generation rates for Single-Family Detached Housing (210) and Single-Family Attached Housing (215) were used to estimate the site's trip generation, which is based on the number of lots in the development.² As one home will be removed from the site during construction, the trips from that home have been subtracted from the total trips. As shown in Table 1, the proposed development is expected to generate a net total 22 PM peak hour trips (13 in, 9 out).

TABLE 1: VEHICLE TRIP GENERATION

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

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

PROJECT TRIP DISTRIBUTION

The project trips were distributed based on data from the Wilsonville Travel Demand Model and previous Frog Pond traffic analyses.³ It is estimated that 50% of trips utilize Stafford Road to/from the north, 35% of trips utilize Boeckman Road to/from the west, 10% of trips utilize Wilsonville Road to/from the south, and 5% of trips utilize Advance Road to/from the east. This trip distribution is applicable to all lots within the site regardless of the level of completeness of the internal street network system within Frog Pond West. The project trips and distribution are shown in Figure 2.

PROJECT TRIPS THROUGH CITY OF WILSONVILLE INTERCHANGE AREAS

The project trips through the two City of Wilsonville I-5 interchange areas were estimated based on the trip generation and distribution assumptions. Approximately 5% (1 PM trip) of the project trips are expected to travel through the I-5/Wilsonville Road interchange area and 5% (1 PM trip) are expected to travel through the I-5/Elligsen Road interchange area.

² Trip Generation Manual, 11th Edition, Institute of Transportation Engineers, 2021.

³ Wilsonville Frog Pond West Oaks Subdivision, Transportation Impact Analysis, DKS Associates, November 2021.

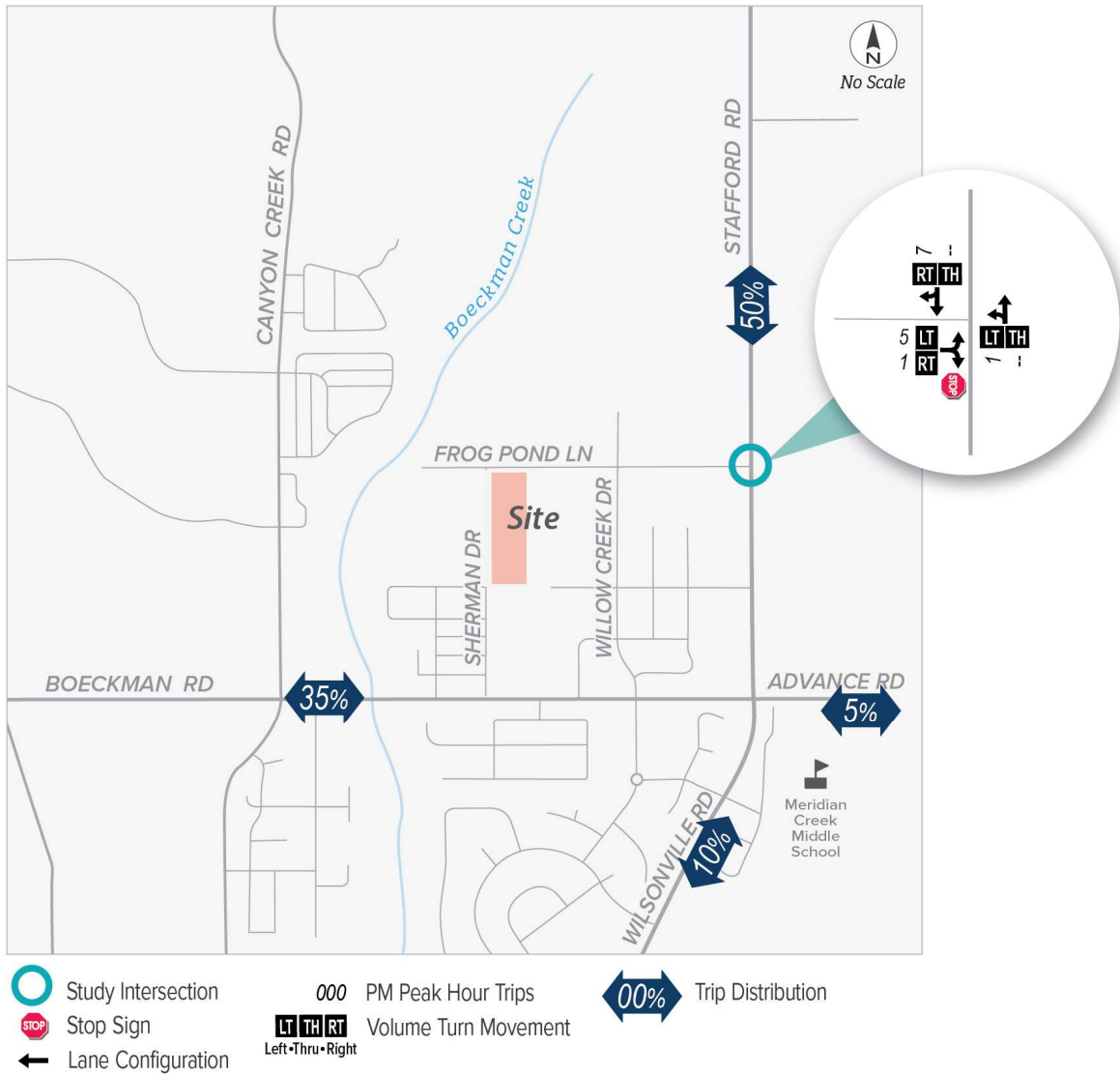


FIGURE 2: PROJECT TRIPS AND DISTRIBUTION

INTERSECTION ANALYSIS

This section contains the intersection analysis at the identified study intersection and includes a discussion of the volume development. Intersection operations were determined for the analysis scenario *Existing + Project + Stage II*.

EXISTING TRAFFIC VOLUMES

Historical PM peak period (4:00-6:00 pm) turning movement count data from September 30th, 2021, was utilized for the study intersection. The intersection counts were then factored up to 2023 conditions by assuming a yearly growth rate of 2%. This yearly growth rate is a typical growth rate used in Wilsonville traffic impact analyses and has previously been calculated using the Wilsonville Travel Demand model.

STAGE II TRAFFIC VOLUMES

Stage II development trips were included in the intersection analysis. Stage II trips represent approved developments that have not yet been constructed. The list of these developments was provided by City staff and is included in the appendix.⁴ For this analysis, the Stage II trips also included the Frog Pond West Overlook and Terrace housing developments that are still waiting for approval. A list of all these developments is also included in the appendix.

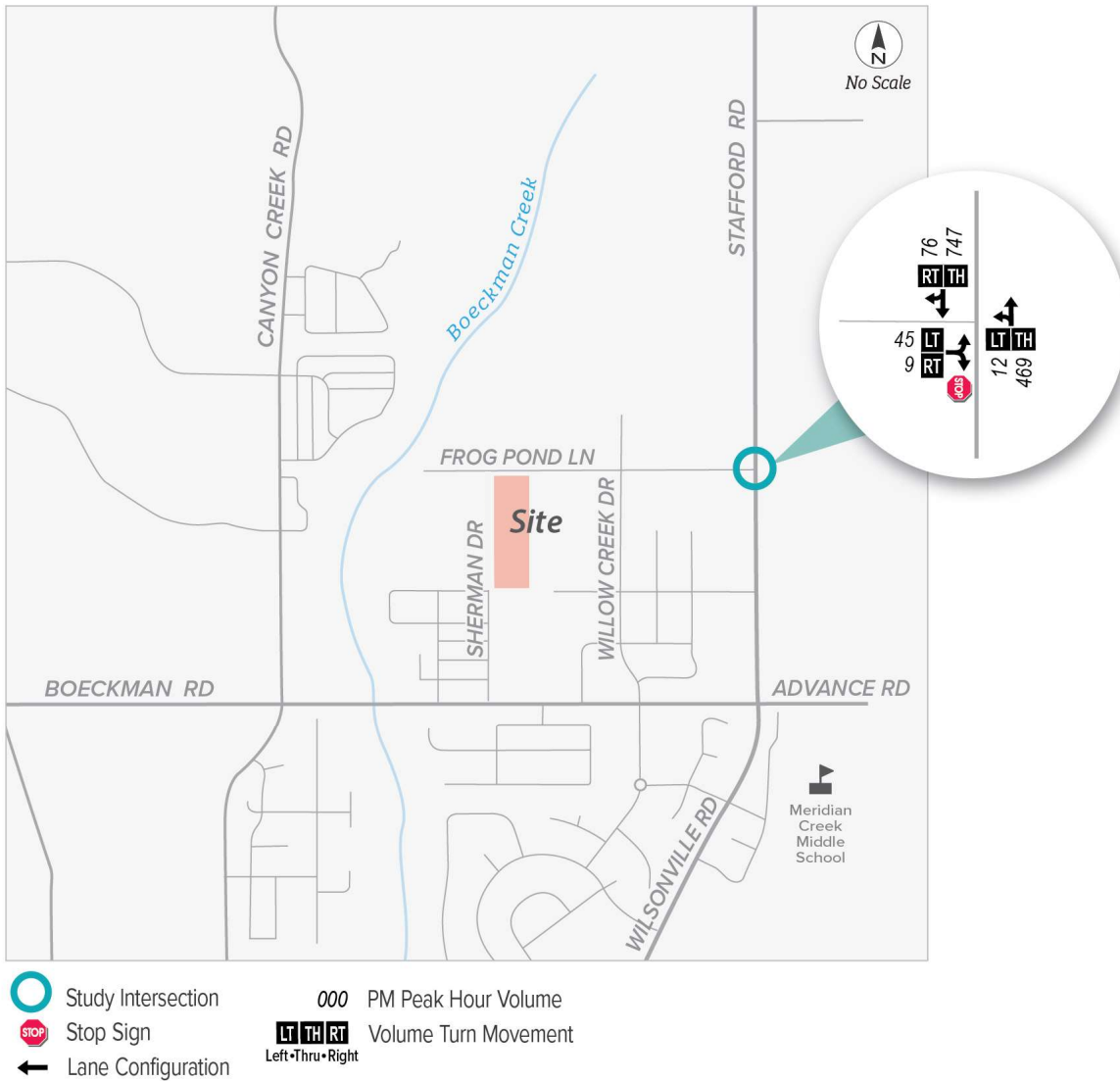


FIGURE 3: EXISTING + PROJECT + STAGE II PM PEAK HOUR TRAFFIC VOLUMES

⁴ Email from Daniel Pauly, City of Wilsonville, July 22, 2022.

INTERSECTION OPERATIONS

Intersection operations were analyzed for the PM peak hour during the Existing + Project + Stage II scenario. The traffic volumes are shown in Figure 3. The operations were determined based on the Highway Capacity Manual (HCM) 6th Edition methodology.⁵ The volume to capacity (v/c) ratio, delay, and level of service (LOS) of the study intersection is listed in Table 2.

TABLE 2: EXISTING + PROJECT + STAGE II INTERSECTION OPERATIONS – PM PEAK

INTERSECTION	OPERATING STANDARD	PM PEAK HOUR		
		V/C	DELAY	LOS
TWO-WAY STOP CONTROLLED				
STAFFORD RD/FROG POND LN	LOS D	0.34	37.0	A/E

TWO-WAY STOP CONTROLLED INTERSECTION:
 Delay = Critical Movement Delay (secs)
 v/c = Critical Movement Volume-to-Capacity Ratio
 LOS = Critical Levels of Service (Major/Minor Road)

Bold/Highlighted = Does not meet the operating standard

As shown, the Stafford Road/Frog Pond Lane study intersection is expected to fail to meet the City of Wilsonville’s LOS D operating standard for the Existing + Project + Stage II PM peak hour condition. However, it has been known and previously documented that this intersection would fail as the Frog Pond West neighborhood developed. Based on the Frog Pond East & South Master Plan, which was adopted on December 19th, 2022, the ultimate recommended improvement at Frog Pond Lane is to construct a center median on Stafford Road such that left turns out of Frog Pond Lane onto Stafford Road would be prohibited.

The City has included the cost of intersection improvements at the Stafford Road/Frog Pond Lane intersection in the Capital Improvement Projects (CIP) list. The project is slated for funding in 2024/25-2025/26. Therefore, no additional mitigations are necessary.

⁵ Highway Capacity Manual, 6th Edition, Transportation Research Board, 2017.

SITE REVIEW

This section reviews the provided site plan to determine consistency with the Frog Pond West Master Plan and alignment with the Wilsonville Development Code and Construction Standards.

FROG PONG WEST MASTER PLAN CONSISTENCY

The proposed street layout generally matches the framework plan as laid out in the Frog Pond West Master Plan.⁶ As shown on the site plan, Sherman Drive is shown to extend into the south portion of the subject property, then turn 90 degrees to the east into the adjacent property and connect to Frog Pond Lane. This is consistent with the Master Plan framework. Due to the presence of an existing grove of white oak trees and the desire to preserve those trees, an east-west pedestrian greenway has been proposed in lieu of a second east-west vehicle street through the subject property.

STREETS

The Frog Pond West Master Plan provides the street type plan and required cross sections for all streets in the Frog Pond West neighborhood.⁷ All proposed streets within and fronting this development are classified as local streets and the developer will be responsible for building all streets up to standards. Local streets include on-street parking, sidewalks, planter strips, and a public utility easement. No dedicated bicycle facilities are required.

ACCESS SPACING

The proposed project is required to comply with access spacing requirements as laid out in the City Transportation System Plan.⁸ The access points for the new development are all on local streets, for which there is no spacing requirements prescribed by the City.

SIGHT DISTANCE

Adequate sight distance should be provided at the proposed alleys and internal streets. Objects (e.g., buildings, fences, walls, or vegetation) located near the intersections may inhibit sight distance for drivers attempting to turn out of a minor street onto the major street. Prior to occupancy, sight distance at any proposed access point or local street connection will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon to assure that buildings, signs, or landscaping does not restrict sight distance.

⁶ Figure 19, Frog Pond West Master Plan, City of Wilsonville, July 17, 2017.

⁷ Figures 19-28, Frog Pond West Master Plan, City of Wilsonville, July 17, 2017.

⁸ Table 3-2, Wilsonville Transportation System Plan, Amended November 2020.

SUMMARY OF PROJECT IMPACTS

The key findings of the trip generation memo for the Frog Pond West Matteoni development are summarized below.

- The project will consist of 34 single-family detached and attached home lots as part of the Frog Pond West Master Plan. The parcel currently contains one single-family home on it that will be removed.
- The proposed development is expected to generate a net total of 22 PM peak hour trips (13 in, 9 out).
- Approximately one (5%) trip is expected to travel through the I-5/Wilsonville Road interchange area and one (5%) trip is expected to travel through the I-5/Elligsen Road interchange area.
- The Stafford Road/Frog Pond Lane study intersection is expected to fail to meet the City's peak hour operating standard under Existing + Project + Stage II PM peak hour conditions. However, it has been known and previously documented that this intersection would fail as the Frog Pond West neighborhood developed. The City has included intersection improvements at the Stafford Road/Frog Pond Lane intersection on the Capital Improvement Projects (CIP) list. The project is slated for funding in 2024/25-2025/26. Therefore, no additional mitigations are necessary.
- The proposed street layout generally matches the framework plan as laid out in the Frog Pond West Master Plan.
- Prior to occupancy, sight distance at any proposed access point or local street connection will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon to assure that buildings, signs, or landscaping does not restrict sight distance.

Attachments:

- A. Traffic Count Data
- B. Stage II List
- C. HCM Reports – Existing + Project + Stage II
- D. Site Plan

A. TRAFFIC COUNT DATA



ALL TRAFFIC DATA SERVICES

(303) 216-2439

www.alltrafficdata.net

Location: 6 SW Stafford Rd & SW Frog Pond Ln PM

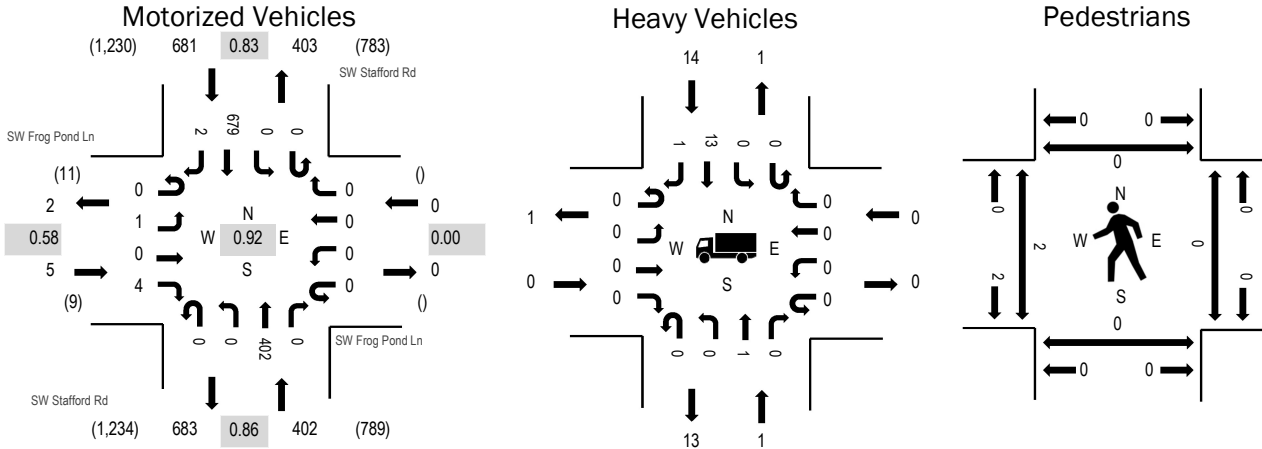
Date: Thursday, September 30, 2021

Peak Hour: 04:45 PM - 05:45 PM

Peak 15-Minutes: 05:20 PM - 05:35 PM

Item 5.

Peak Hour



Note: Total study counts contained in parentheses.

	HV%	PHF
EB	0.0%	0.58
WB	0.0%	0.00
NB	0.2%	0.86
SB	2.1%	0.83
All	1.4%	0.92

Traffic Counts - Motorized Vehicles

Interval Start Time	SW Frog Pond Ln Eastbound				SW Frog Pond Ln Westbound				SW Stafford Rd Northbound				SW Stafford Rd Southbound				Total	Rolling Hour
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right		
4:00 PM	0	0	0	1	0	0	0	0	0	1	38	0	0	0	47	0	87	971
4:05 PM	0	0	0	0	0	0	0	0	0	0	39	0	0	0	31	0	70	965
4:10 PM	0	0	0	0	0	0	0	0	0	1	33	0	0	0	48	0	82	983
4:15 PM	0	0	0	0	0	0	0	0	0	1	28	0	0	0	41	0	70	988
4:20 PM	0	0	0	0	0	0	0	0	0	1	39	0	0	0	52	0	92	1,004
4:25 PM	0	0	0	1	0	0	0	0	0	0	36	0	0	0	43	0	80	1,011
4:30 PM	0	0	0	1	0	0	0	0	0	2	19	0	0	0	44	1	67	1,036
4:35 PM	0	0	0	0	0	0	0	0	0	0	36	0	0	0	47	1	84	1,060
4:40 PM	0	0	0	0	0	0	0	0	0	0	33	0	0	0	44	0	77	1,064
4:45 PM	0	0	0	0	0	0	0	0	0	0	29	0	0	0	59	0	88	1,088
4:50 PM	0	0	0	2	0	0	0	0	0	0	34	0	0	0	57	0	93	1,084
4:55 PM	0	0	0	1	0	0	0	0	0	0	31	0	0	0	49	0	81	1,066
5:00 PM	0	0	0	0	0	0	0	0	0	0	38	0	0	0	43	0	81	1,057
5:05 PM	0	0	0	1	0	0	0	0	0	0	36	0	0	0	50	1	88	
5:10 PM	0	0	0	0	0	0	0	0	0	0	46	0	0	0	41	0	87	
5:15 PM	0	0	0	0	0	0	0	0	0	0	32	0	0	0	53	1	86	
5:20 PM	0	1	0	0	0	0	0	0	0	0	28	0	0	0	70	0	99	
5:25 PM	0	0	0	0	0	0	0	0	0	0	29	0	0	0	76	0	105	
5:30 PM	0	0	0	0	0	0	0	0	0	0	31	0	0	0	60	0	91	
5:35 PM	0	0	0	0	0	0	0	0	0	0	32	0	0	0	56	0	88	
5:40 PM	0	0	0	0	0	0	0	0	0	0	36	0	0	0	65	0	101	
5:45 PM	0	0	0	0	0	0	0	0	0	1	33	0	0	0	50	0	84	
5:50 PM	0	0	0	1	0	0	0	0	0	0	24	0	0	0	50	0	75	
5:55 PM	0	0	0	0	0	0	0	0	0	0	22	0	0	0	50	0	72	
Count Total	0	1	0	8	0	0	0	0	0	7	782	0	0	0	1,226	4	2,028	
Peak Hour	0	1	0	4	0	0	0	0	0	0	402	0	0	0	679	2	1,088	

Traffic Counts - Heavy Vehicles, Bicycles on Road, and Pedestrians/Bicycles on Crosswalk

Item 5.

Interval Start Time	Heavy Vehicles					Interval Start Time	Bicycles on Roadway					Interval Start Time	Pedestrians/Bicycles on Crosswalk				
	EB	NB	WB	SB	Total		EB	NB	WB	SB	Total		EB	NB	WB	SB	Total
4:00 PM	0	2	0	1	3	4:00 PM	0	0	0	0	0	4:00 PM	0	0	0	0	0
4:05 PM	0	0	0	1	1	4:05 PM	0	0	0	0	0	4:05 PM	0	0	0	0	0
4:10 PM	0	2	0	1	3	4:10 PM	0	0	0	0	0	4:10 PM	0	0	0	0	0
4:15 PM	0	2	0	1	3	4:15 PM	0	0	0	0	0	4:15 PM	0	0	0	0	0
4:20 PM	0	2	0	2	4	4:20 PM	0	0	0	0	0	4:20 PM	0	0	0	0	0
4:25 PM	1	0	0	0	1	4:25 PM	0	0	0	0	0	4:25 PM	0	0	0	0	0
4:30 PM	1	0	0	1	2	4:30 PM	0	0	0	0	0	4:30 PM	0	0	0	0	0
4:35 PM	0	0	0	0	0	4:35 PM	0	0	0	0	0	4:35 PM	0	0	0	0	0
4:40 PM	0	0	0	1	1	4:40 PM	0	0	0	0	0	4:40 PM	0	0	0	0	0
4:45 PM	0	0	0	2	2	4:45 PM	0	0	0	0	0	4:45 PM	0	0	0	0	0
4:50 PM	0	0	0	1	1	4:50 PM	0	0	0	0	0	4:50 PM	0	0	0	0	0
4:55 PM	0	0	0	1	1	4:55 PM	0	0	0	0	0	4:55 PM	0	0	0	0	0
5:00 PM	0	0	0	0	0	5:00 PM	0	0	0	0	0	5:00 PM	0	0	0	0	0
5:05 PM	0	0	0	2	2	5:05 PM	0	0	0	0	0	5:05 PM	0	0	0	0	0
5:10 PM	0	1	0	2	3	5:10 PM	0	0	0	0	0	5:10 PM	0	0	0	0	0
5:15 PM	0	0	0	1	1	5:15 PM	0	0	0	0	0	5:15 PM	0	0	0	0	0
5:20 PM	0	0	0	1	1	5:20 PM	0	0	0	0	0	5:20 PM	0	0	0	0	0
5:25 PM	0	0	0	0	0	5:25 PM	0	0	0	0	0	5:25 PM	0	0	0	0	0
5:30 PM	0	0	0	2	2	5:30 PM	0	0	0	0	0	5:30 PM	0	0	0	0	0
5:35 PM	0	0	0	1	1	5:35 PM	0	0	0	0	0	5:35 PM	0	0	0	0	0
5:40 PM	0	0	0	1	1	5:40 PM	0	0	0	0	0	5:40 PM	2	0	0	0	2
5:45 PM	0	0	0	0	0	5:45 PM	0	0	0	0	0	5:45 PM	2	0	0	0	2
5:50 PM	0	0	0	0	0	5:50 PM	0	0	0	0	0	5:50 PM	0	0	0	0	0
5:55 PM	0	0	0	0	0	5:55 PM	0	0	0	0	0	5:55 PM	0	0	0	0	0
Count Total	2	9	0	22	33	Count Total	0	0	0	0	0	Count Total	4	0	0	0	4
Peak Hour	0	1	0	14	15	Peak Hour	0	0	0	0	0	Peak Hour	2	0	0	0	2

B. STAGE II LIST

Updated by D. Pauly 07.22.2022

Stage II Approved										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage		Net New (Primary + Diverted) PM Peak Hour Trips not yet active			
					Internal	Pass-By	In	Out	Total	
Hydro-Temp: Recent agreement with the City, the project is vested and so are the traffic trips	Office/Flex-Space	Not built	60.8 KSF					44	46	90
Mercedes Benz (Phase 2)	Auto Dealership	Not built						20	26	46
Shredding Systems (SOFT does not including paint canopy and another canopy)	Industrial/Commercial	Under construction	66.8 KSF					20	46	66
Town Center Ph III and trip dedication to Miller Paint store Uses marked with "*" have not been built and PM peak hr trip sum exceeds remaining vested trip level by 2 trips. It has yet to be determined how to allocate trips between remaining buildings.	*High Turnover Restaurant (Pad 1)	Not built	7.5 KSF					24	17	47*
	Remaining Approved Total									47
Wilsonville Road Business Park Phase II	Phase 2 - office (2-story building on west parcel)	Partially Built	21.7 KSF					15	71	86
Frog Pond-Stafford Meadows (Phase 2 and 3a of 10/18 study)	Residential	Partially Built, 34 homes built and occupied	44 units					6	4	10
Frog Pond-Frog Pond Meadows (Phase 3B, 4A, 4B of 10/18 Study)	Residential	Partially Built, 52 homes built and occupied	74 units					13	9	22
Frog Pond Ridge	Residential	Under construction, no homes built	71 units					43	28	71
Frog Pond-Morgan Farm	Residential	Partially Built, 69 homes built and occupied	78 units					5	4	9
Frog Pond Crossing	Residential	Approved	29 units					19	9	28
Frog Pond Estates	Residential	Approved	17 units					11	7	18
Frog Pond Oaks	Residential	Approved	41 units					27	14	41
Frog Pond Vista	Residential	Approved	38 units					27	17	44
Magnolia Townhomes	Residential	Under construction	6 units					3	2	5
Canyon Creek III	Residential	Approved	5 units (traffic study was for 11)					2	3	5
Coffee Creek Logistics	Industrial/Commercial	Complete	115K					16	41	57
PW Complex on Boberg	Public	Approved	15,800 office, 17,900 warehouse					11	39	50
DAS North Valley Complex	Public/Industrial	Under Construction	174,700 sf					5	15	20
Black Creek Group-Garden Acres	Industrial	Approved	148,500 sf warehouse	178				69	109	178

Stage II Approved – Villebois													
Project	Phase	Status	Land Use					Total PM Peak Trips	Trip Allocation Percentage		Net New (Primary + Diverted) PM Peak Hour Trips not yet active		
			SF	Town.	Apt.	Retail	School		Internal	Pass-By	In	Out	Total
North (Entirety)	Residential	Partially built, 364 homes sold and occupied	451								53	34	87
Central	Residential	Partially Built, 991 homes (102 single family, 319 condo/row homes, 365 apartments) occupied	102	391	510						60	30	90
FOR REFERENCE SAP EAST			537	42									
FOR REFERENCE SAP SOUTH (Includes PDP 7 Grande Point)			560										

Pending Projects for Which Traffic Analysis has been completed										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass-By	Diverted	In	Out	Total
Boones Ferry Gas Station/Convenience	Commercial	under review	3,460 sf store, 12 gas pumps	240		134		53	53	106
Delta Logistics	Industrial	under review	56,100 sf warehouse	33				9	24	33
Building W5 Boeckman and Kins	Industrial	under review	80,000 sf manufac	54				17	37	54
Frog Pond Overlook	Residential	under review	12 lots	13				8	5	13
Frog Pond Terrace	Residential	under review	19 lots	20				12	8	20
Boones Ferry Construction Storage	Industrial	under review	1.25 acres	5				1	4	5

C. HCM REPORTS – EXISTING + PROJECT + STAGE II

Intersection						
Int Delay, s/veh	1.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T		T		T	
Traffic Vol, veh/h	45	9	12	469	747	76
Future Vol, veh/h	45	9	12	469	747	76
Conflicting Peds, #/hr	0	0	2	0	0	2
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	0	2	10
Mvmt Flow	49	10	13	510	812	83

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	1392	856	897	0	-	0
Stage 1	856	-	-	-	-	-
Stage 2	536	-	-	-	-	-
Critical Hdwy	6.4	6.2	4.1	-	-	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	2.2	-	-	-
Pot Cap-1 Maneuver	158	360	765	-	-	-
Stage 1	420	-	-	-	-	-
Stage 2	591	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	154	359	764	-	-	-
Mov Cap-2 Maneuver	154	-	-	-	-	-
Stage 1	409	-	-	-	-	-
Stage 2	590	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	37	0.2	0
HCM LOS	E		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	764	-	170	-	-
HCM Lane V/C Ratio	0.017	-	0.345	-	-
HCM Control Delay (s)	9.8	0	37	-	-
HCM Lane LOS	A	A	E	-	-
HCM 95th %tile Q(veh)	0.1	-	1.4	-	-

D. SITE PLAN



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD., STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

NOTES:

- TRACTS A, B, C, AND D ARE INTENDED TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS OPEN SPACE AND ARE SUBJECT TO A PUBLIC ACCESS EASEMENT OVER THEIR ENTIRETY.
- TRACT E IS FOR STORMWATER TREATMENT AND LANDSCAPE PURPOSES. IT IS SUBJECT TO A STORM DRAINAGE EASEMENT OVER ITS ENTIRETY TO BENEFIT THE CITY OF WILSONVILLE.

EASEMENT LEGEND

- PAE PUBLIC ACCESS AND UTILITY EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SWE SIDEWALK EASEMENT

LOT COVERAGE SUMMARY

	SUBDISTRICT 9 R-7	SUBDISTRICT 8 R-10
MAX. LOT COVERAGE*	45%	40%

*LOT COVERAGE INCLUDES BUILDINGS ONLY.

LOT SIZE SUMMARY

	SUBDISTRICT 4 R-7	SUBDISTRICT 7 R-10
MIN. LOT SIZE	6,000 SF	8,000 SF

SUMMARY OF LAND USES

LAND USE	SF	PERCENTAGE OF PROPERTY
1. GROSS AREA IN PLAT	217,971	—
2. LANDSCAPE COVERAGE AREA/OPEN SPACE	49,034	22.5%
3. ROW	30,185	13.8%
4. LOT AREA	131,872	60.5%
5. STORMWATER FACILITY	6,880	3.2%

SETBACKS

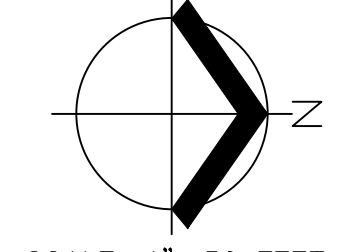
	R-7	R-10
FRONT	15 FT	20 FT
REAR	15 FT	20 FT
SIDE - INTERNAL	5 FT	5 FT
SIDE - CORNER	10 FT	10 FT
GARAGE - FROM STREET	20 FT	20 FT
GARAGE - FROM ALLEY	18 FT	18 FT
FRONT PORCH	10 FT	15 FT

NOTE:

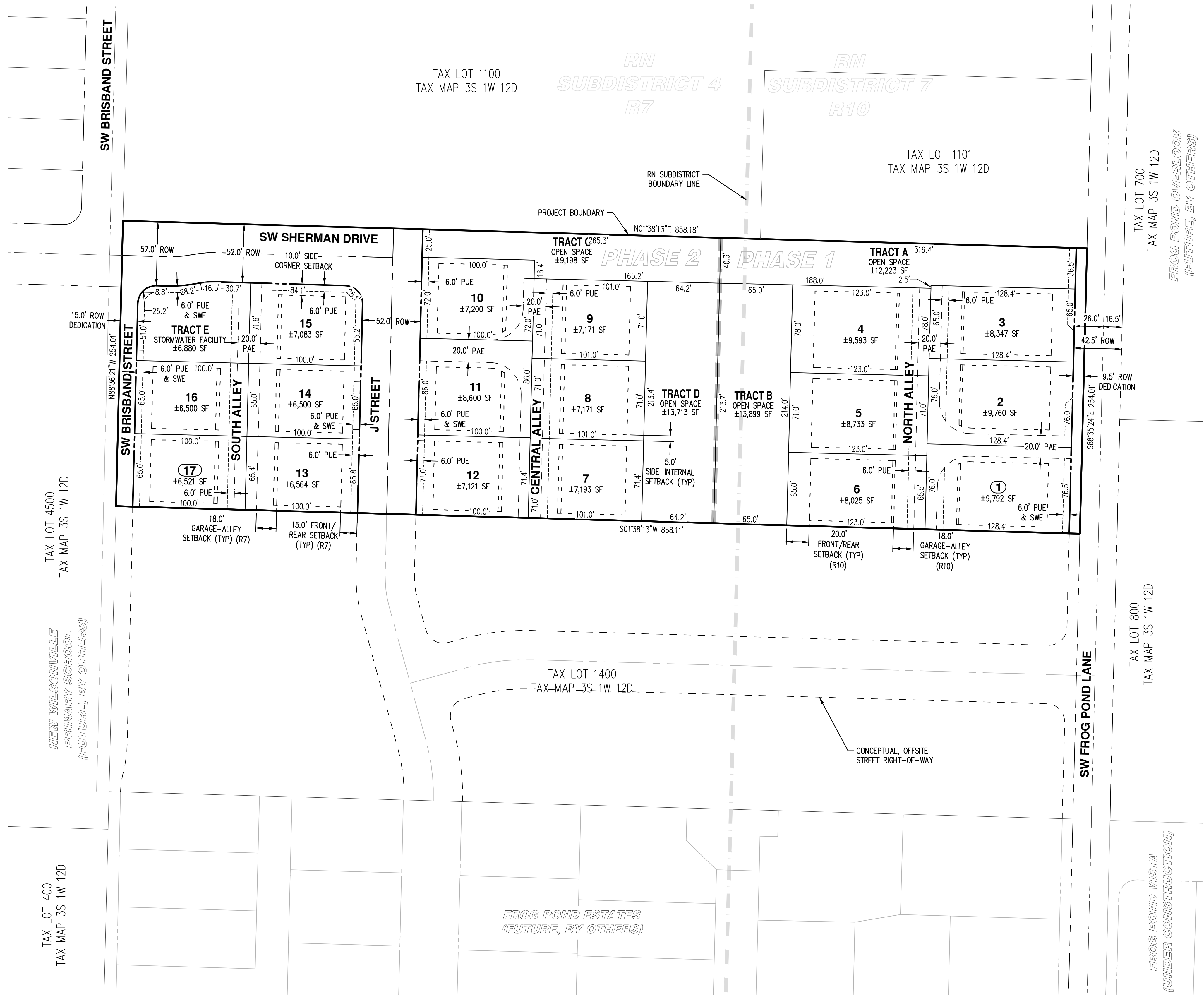
THESE PLANS ASSUME THE NEARBY FROG POND OVERLOOK SUBDIVISION AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL WILL BE CONSTRUCTED PRIOR TO OR CONCURRENT WITH THIS DEVELOPMENT.

DISCLAIMER:

THE PURPOSE OF THIS PRELIMINARY DIMENSIONED PLAN IS TO SHOW LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL RECORDED FINAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES. ALL DIMENSIONS ARE SUBJECT TO CHANGE.



SCALE: 1" = 50 FEET
ORIGINAL PAGE SIZE: 22" x 34"



PRELIMINARY DIMENSIONED SUBDIVISION PLAN
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON



RENEWAL DATE: 6/30/25
 JOB NUMBER: 6175
 DATE: 11/06/2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CMS

P-06

Exhibit C1
Public Works Plan Submittal Requirements
and Other Engineering Requirements

1. All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards - 2017.
2. Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

Coverage (<i>Aggregate, accept where noted</i>)	Limit
Commercial General Liability:	
▪ General Aggregate (per project)	\$3,000,000
▪ General Aggregate (per occurrence)	\$2,000,000
▪ Fire Damage (any one fire)	\$50,000
▪ Medical Expense (any one person)	\$10,000
Business Automobile Liability Insurance:	
▪ Each Occurrence	\$1,000,000
▪ Aggregate	\$2,000,000
Workers Compensation Insurance	\$500,000

3. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
4. All public utility/improvement plans submitted for review shall be based upon a 22" x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
5. Plans submitted for review shall meet the following general criteria:
 - a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
 - b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
 - c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.

- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
 - e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
 - f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
 - g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
 - h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
 - i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
 - j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
 - k. All engineering plans shall be printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.
 - l. All plans submitted for review shall be in sets of a digitally signed PDF and three printed sets.
6. Submit plans in the following general format and order for all public works construction to be maintained by the City:
- a. Cover sheet
 - b. City of Wilsonville construction note sheet
 - c. General construction note sheet
 - d. Existing conditions plan.
 - e. Erosion control and tree protection plan.
 - f. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
 - g. Grading plan, with 1-foot contours.
 - h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
 - i. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
 - j. Street plans.
 - k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference.
 - l. Stormwater LIDA facilities (Low Impact Development): provide plan and profile views of all LIDA facilities.
 - m. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.

- n. Where depth of water mains are designed deeper than the 3-foot minimum (to clear other pipe lines or obstructions), the design engineer shall add the required depth information to the plan sheets.
 - o. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure. Note that although storm water detention facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set.
 - p. Detailed plan for water quality facility (both plan and profile views). Note that although storm water quality facilities are typically privately maintained they will be inspected by Natural Resources, and the plans must be part of the Public Works Permit set.
 - q. Composite franchise utility plan.
 - r. City of Wilsonville detail drawings.
 - s. Illumination plan.
 - t. Striping and signage plan.
 - u. Landscape plan.
7. Design engineer shall coordinate with the City in numbering the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to City's numbering system.
 8. 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.
 9. Applicant shall work with City Engineering before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
 10. The applicant shall be in conformance with all stormwater and flow control requirements for the proposed development per the Public Works Standards.
 11. A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City.
 12. The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.

13. Storm water quality facilities shall have approved landscape planted and/or some other erosion control method installed and approved by the City of Wilsonville prior to streets and/or alleys being paved.
14. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
15. 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.
16. Streetlights shall be in compliance with City dark sky, LED, and PGE Option B requirements.
17. Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
18. No surcharging of sanitary or storm water manholes is allowed.
19. The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
20. A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
21. The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.
22. All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
23. Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.

24. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.
25. The applicant shall provide adequate sight distance at all project street intersections, alley intersections and commercial driveways by properly designing intersection alignments, establishing set-backs, driveway placement and/or vegetation control. Coordinate and align proposed streets, alleys and commercial driveways with existing streets, alleys and commercial driveways located on the opposite side of the proposed project site existing roadways. Specific designs shall be approved by a Professional Engineer registered in the State of Oregon. As part of project acceptance by the City the Applicant shall have the sight distance at all project intersections, alley intersections and commercial driveways verified and approved by a Professional Engineer registered in the State of Oregon, with the approval(s) submitted to the City (on City approved forms).
26. Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections.
27. Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Republic Services for access and use of their vehicles.
28. The applicant shall provide the City with a Stormwater Maintenance and Access Easement Agreement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall provide City with a map exhibit showing the location of all stormwater facilities which will be maintained by the Applicant or designee. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.
29. The applicant shall "loop" proposed waterlines by connecting to the existing City waterlines where applicable.
30. Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.
31. For any new public easements created with the project the Applicant shall be required to produce the specific survey exhibits establishing the easement and shall provide the City with the appropriate Easement document (on City approved forms).

32. Mylar Record Drawings:

At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings in an electronic copy in AutoCAD, current version, and a digitally signed PDF.



Planning Division
Development Permit Application

Final action on development application or zone change is required within 120 days per ORS 227.175 or as otherwise required by state or federal law for specific application types.

A pre application conference may be required.

The City will not accept applications for wireless communication facilities or similar facilities without a completed copy of a Wireless Facility Review Worksheet.

The City will not schedule incomplete applications for public hearing or send administrative public notice until all of the required materials are submitted.

29799 SW Town Center Loop E, Wilsonville, OR 97070
Phone: 503.682.4960 Fax: 503.682.7025
Web: www.ci.wilsonville.or.us

Applicant:

Name: Brian Matteoni - Mgr Partner
Company: Sullivan Homes LLC
Mailing Address: 5832 Firestone Ct
City, State, Zip: San Jose, CA 95138
Phone: Please contact the Applicant's Consultant
E-mail: Please contact the Applicant's consultant

Authorized Representative:

Name: Consultant: Glen Southerland, AICP
Company: AKS Engineering & Forestry, LLC
Mailing Address: 12965 SW Herman Rd, Suite 100
City, State, Zip: Tualatin, OR 97062
Phone: (503) 563-6151 Fax: (503) 563-6152
E-mail: SoutherlandG@aks-eng.com

Property Owner:

Name: Brian Matteoni
Company: Sullivan Homes LLC
Mailing Address: 5832 Firestone Ct
City, State, Zip: San Jose, CA 95138
Phone: Please contact the Appli
E-mail: Please contact the Applicant's Consultant

Property Owner's Signature:

Handwritten signature of Brian Matteoni
Printed Name: Brian Matteoni Date: 4/24/23

Applicant's Signature: (if different from Property Owner)

Printed Name: Date:

Site Location and Description:

Project Address if Available: 7252 SW Frog Pond Lane Suite/Unit
Project Location: Frog Pond West Planning Area
Tax Map #(s): 3 1W 12D Tax Lot #(s): 1200 and 1300 County: Washington Clackamas

Request:

Annexation, Zoning Map Amendment, Planned Development (Stage I Master Plan, Stage II Final Plan), Site Design Review of Open Space, Tentative Subdivision Plat, Middle Housing Land Division, street frontage Waiver, and Type C Tree Removal Plan

Project Type: Class I Class II Class III

Residential Commercial Industrial Other

Application Type(s):

- Annexation Appeal Comp Plan Map Amend Parks Plan Review
Final Plat Major Partition Minor Partition Request to Modify
Plan Amendment Planned Development Preliminary Plat Conditions
Request for Special Meeting Request for Time Extension Signs Site Design Review
SROZ/SRIR Review Staff Interpretation Stage I Master Plan Stage II Final Plan
Type C Tree Removal Plan Tree Permit (B or C) Temporary Use Variance
Villebois SAP Villebois PDP Villebois FDP Other (describe)
Zone Map Amendment Waiver(s) Conditional Use



Frog Pond West Cottage Park Place

Annexation, Zoning Map Amendment, Tentative Subdivision Plat, Stage I & II Planned Development Review, Site Design Review, Type C Tree Removal Plan

Date: May 2023
Updated November 2023

Submitted to: City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070

Applicant: Sullivan Homes LLC
5832 Firestone Court
San Jose, CA 95138

AKS Job Number: 6175



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Exhibit B: Land Use Application Forms & Annexation Petitions (Updated Nov 2023)

Exhibit C: Title Report

Exhibit D: Clackamas County Assessor's Map

Exhibit E: Traffic Impact Study

Exhibit F: USACE & DSL Wetland Concurrences

Exhibit G: Preliminary Stormwater Report (Updated Nov 2023)

Exhibit H: Geotechnical Report (Updated Nov 2023)

Exhibit I: Draft CC&Rs

Exhibit J: Annexation Legal Description and Exhibit (Updated Nov 2023)

Exhibit K: Annexation County Certifications

Exhibit L: Zoning Change Legal Description and Exhibit

Exhibit M: Preliminary Conceptual Elevations (Updated Nov 2023)

Exhibit N: 250-Foot Radius Notification Labels

Exhibit O: Service Provider Letters (Updated Nov 2023)

Frog Pond West Cottage Park Place

Submitted to: City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070

Applicant: Sullivan Homes LLC
5832 Firestone Court
San Jose, CA 95138

Property Owners: Sullivan Homes LLC
5832 Firestone Court
San Jose, CA 95138

Applicant’s Consultant: AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

Contact(s): Glen Southerland, AICP
Email: SoutherlandG@aks-eng.com
Phone: (503) 563-6151

Site Location: 7252 SW Frog Pond Lane

Clackamas County Assessor’s Map: 3 1W 12D; Tax Lots 1200 and 1300

Site Size: One subdivision affecting two lots at ±5.00 total acres:
±1.24 acres (Lot 1200)
±3.75 acres (Lot 1300)

Land Use Districts: Clackamas County Rural Residential Farm Forest 5-Acre (RRFF5) (Current)
Residential Neighborhood (RN) (Upon Annexation)

I. Executive Summary

Sullivan Homes LLC (Applicant) is submitting this application to accommodate an attached middle housing single-family residential neighborhood within the Frog Pond West master planned community. The project requires the following approvals:

1. Annexation to the City of Wilsonville
2. Annexation to Metro
3. Zoning Map Amendment
4. Planned Development – Stage I Preliminary Plan
5. Planned Development – Stage II Final Plan
6. Site Design Review of Open Space
7. Tentative Subdivision Plat
8. Type C Tree Plan
9. Waiver for Street Frontage for 6 Lots in R4 and R7 Subdistricts
10. Waiver for curb tight sidewalk adjacent to SW Frog Pond Lane

This property is located within the Frog Pond West planning area, which Metro Regional Services (Metro) included in its Urban Growth Boundary (UGB) in 2002 to accommodate projected residential growth. The City of Wilsonville (City) undertook extensive planning of Frog Pond West over several years, ultimately adopting the *Frog Pond Area Plan* in 2015 and *Frog Pond West Master Plan* (Master Plan) in 2017. Annexation of the project site into the City of Wilsonville is the next step in the progression from the thorough planning process and helps implement the City’s vision for this area.

This application involves the development of land for housing. Oregon Revised Statutes (ORS) 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. This application involves a “limited land use application,” as that term is defined in ORS 197.015 (12), as it involves a tentative subdivision plan for property within an urban growth boundary.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an applicant “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development” (*Rogue Valley Association of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 [1998] aff’d, 158 Or App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. Exceptions in ORS 197.307(4)(a) and 197.307(5) do not apply to this application; ORS 197.307(7)(a) is controlled by ORS 197.307(4).

ORS 197.195(1) describes how certain standards can be applied as part of a limited land use application. The applicable land use regulations for this application are found in the City of Wilsonville Development Code. Pursuant to ORS 197.195(1) Comprehensive Plan provisions (as well as goals, policies, etc. from within the adopted elements of the Comprehensive Plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the land use regulations. While this

application may respond to Comprehensive Plan and/or related documents, such a response does not imply or concede that said provisions are applicable approval criteria. Similarly, the Applicant does not waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the Applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. In fact, the local government is obligated to consider and impose any conditions of approval proposed by the Applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

II. Site Description/Setting

Project Location

The site is ±5.00 gross acres with frontage on SW Frog Pond Lane. The property is in unincorporated Clackamas County, within the City of Wilsonville Urban Growth Boundary (UGB) and within the Frog Pond West subarea of the City. The properties are within the Frog Pond West Subdistrict 4, zoned R-7, and Subdistrict 7, zoned R-10.

Surrounding Land Use

The properties are within the UGB and abut the existing City limits and undeveloped rural residential land in Clackamas County to the west and north. Surrounding properties will eventually be built out as the Frog Pond master planned community. The adjacent property to the south is within Frog Pond West Subdistrict 13 and is zoned Public Facility (PF) for use as a future school site. The adjacent undeveloped properties to the east and west are within the same Frog Pond West Subdistricts 4 and 7 as the project site and will share its R-7 and R-10 zoning designations. These properties will also be annexed to the City and rezoned from Clackamas County Rural Residential Farm Forest 5-Acre (RRFF5) to Residential Neighborhood (RN) with R-7 and R-10 *Frog Pond Area Plan* Designations. Properties across SW Frog Pond Lane opposite the project site are part of Subdistrict 8 with a zoning designation of R-10.

Existing Site Condition

The site consists of Tax Lots 1200 and 1300 of Clackamas County Assessor's Map 3 1W 12D and has Clackamas County zoning designation RRFF5. Tax Lot 1200 has an existing single-family residence, an unpaved driveway, and a barn. Tax Lot 1300 features an existing accessory structure and unpaved driveway.

Proposed Project

This project proposes to annex the site to the City of Wilsonville and apply the designated RN zone. Per Figure 6 of the *Frog Pond West Master Plan*, ±1.81 gross acres of the site are within Frog Pond West Subdistrict 7, which is designated R-10 (Small Size Lots; 4,000- to 6,000-square-foot lots) and are planned for five lots. Approximately 3.24 gross acres of the site are within Subdistrict 4, which is designated R-7 (Medium Size Lots; 6,000- to 8,000-square-foot lots), and are planned for 12 lots.

The project plans to provide 34 single-family homes, open space tracts with pedestrian trails, and a stormwater facility. Open spaces have been planned with the purpose of providing recreational areas for the residents of Cottage Park Place and to preserving priority Oregon White Oak trees and adjacent groves where feasible. Associated site improvements include grading, construction of a local street network, and

open space tracts to be privately maintained by a homeowners' association (HOA). The project dedicates 9.5 feet of right-of-way width for the expansion of SW Frog Pond Lane and 15 feet of right-of-way width for the planned future expansion of SW Brisband Street.

Transportation & Circulation

The subdivision accesses SW Frog Pond Lane to SW Brisband Street to the south, both classified as framework streets. The new local streets are 28 feet wide with one travel lane in each direction and parking on both sides.

Tree Preservation

The site was largely designed around continuing the conceptual Frog Pond West layout while accommodating the preservation of existing trees onsite. Reconnaissance of the site in 2017 by Morgan Hollen & Associates identified several priority Oregon White Oak trees and groves for preservation. Many of these trees have been identified to be preserved within open space tracts that would have otherwise accommodated street rights-of-way per the *Frog Pond West Master Plan*. Some of these oak trees were determined to be infested with Mediterranean Oak Borer beetle and will need to be removed and destroyed on-site in order to slow the spread of this invasive insect. Further tree removals may be needed on the site in the future to facilitate this objective.

Significant effort was made to reconfigure the site around these stands of trees. The layout for the project, determined prior to the Pre-Application conference, recognized the City’s desire to retain the trees, and included an open space tract for the purpose of preserving four high priority Oregon White Oaks. A similar layout was submitted to the City as part of this application. Working with City Staff through several iterations of the project and meetings – in-person, virtual, and on-site, the submitted layout was found to provide sufficient tree preservation with the density desired for the area.

III. Applicable Review Criteria
OREGON REVISED STATUTES (ORS)

GENERAL PROVISIONS

ORS 222.111 Authority and procedure for annexation; specifying tax rate in annexed territory.

- (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

Response: The property is within unincorporated Clackamas County and is contiguous to the Wilsonville City Limits.

- (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

Response: The proposal for annexation is initiated by the property owners of the land proposed for annexation and has been signed by all property owners and electors residing on the property. The signed petition for annexation to City of Wilsonville is included in Exhibit B.

- (5) The legislative body of the city shall submit, except when not required under ORS 222.120 (Procedure for annexation without election), 222.170 (Annexation by consent before public hearing or order for election) and 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915) to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 (Procedure for annexation without election) or 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915) to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.
- (6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart.
- (7) Two or more proposals for annexation of territory may be voted upon simultaneously; however, in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.

Response: Pursuant to ORS 222.120(1), the legislative body of the City of Wilsonville is not required to submit a proposal for annexation of territory to the electors of the City for their approval or rejection. The above criteria are not applicable.

ORS 222.120 Procedure for annexation without election; hearing; ordinance subject to referendum.

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

Response: The City of Wilsonville Charter does not require a vote of the electors of the City for annexation. The property owners and electors of the subject site consent in writing to the annexation, and upon submittal of this application a public hearing will be scheduled. The annexation will follow the process defined within the Development Code. The above criterion is met.

ORS 222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation.

The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Note: 222.125 was added to and made a part of ORS chapter 222 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

Response: The property owners and electors residing within the area proposed for annexation have provided their consent in writing. The City does not require a vote of the electors of the

City to approve an annexation and instead will follow a public hearing process as defined within the City's Development Code. This criterion is met.

ORS 222.170 Annexation by consent before public hearing or order for election; proclamation of annexation.

- (1) If the city legislative body has not dispensed with submitting the question to the electors of the city and a majority of the votes cast on the proposition within the city favor annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120 (Procedure for annexation without election), the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Response: The draft legal description and exhibit map for annexation are included within Exhibit J. The criterion above is understood.

- (4) Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 (Definitions for ORS 41.910 and 133.721 to 133.739) or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section.

Response: The above standard is understood.

OREGON STATEWIDE PLANNING GOALS

The following Oregon Statewide Planning Goals are applicable to this action:

- Goal 1 – Citizen Involvement
- Goal 2 – Land Use Planning
- Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6 – Air, Land, and Water Resources Quality
- Goal 8 – Recreational Needs
- Goal 9 – Economic Development
- Goal 10 – Housing
- Goal 11 – Public Facilities and Services
- Goal 12 – Transportation

Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands) are not applicable to lands within the UGB and have been omitted for brevity.

Goal 7 (Areas Subject to Natural Hazards) is not applicable because the subject site does not contain mapped areas of steep slopes 25 percent or greater or other known hazard areas.

Goal 13 (Energy Conservation) is not applicable because the amendment does not affect the City or County goals or policies governing energy conservation.

Goal 14 (Urbanization) is not applicable because this application does not involve expansion of the Wilsonville UGB and thus analysis of the transition of rural to urban land uses is not relevant.

Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) are not applicable because the subject site does not contain lands described in those goals.

Goal 1: Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Response: The City of Wilsonville has an established public notice and hearing process for quasi-judicial applications. Once this annexation request is accepted as complete, the City will begin this public notification and citizen involvement process. Therefore, this request is consistent with Goal 1.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: The Oregon Land Conservation and Development Commission (LCDC) has acknowledged the City of Wilsonville Comprehensive Plan to be in compliance with the Statewide Planning Goals. This narrative demonstrates that the proposed amendment is in compliance with the goals and policies of the City of Wilsonville Comprehensive Plan, as applicable to the proposed annexation.

This application provides an adequate factual basis for the City and County to approve the application because it describes the current and planned future site characteristics and applies the relevant approval criteria to those characteristics. Therefore, following the application process will ensure consistency with Statewide Planning Goal 2.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

Response: The subject property is not designated as an open space or scenic area, and there are no protected natural resources or historic areas present on the site. The project provides ±22,539 square feet of open space for the preservation of several mature trees. The proposal conforms to this statewide planning goal.

Goal 6: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Response: Land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City. The effects of urban development on air, water, and land resources are anticipated. Development of the property is subject to tree preservation, stormwater, and wastewater requirements of the City of Wilsonville Development Code, which are intended to minimize the impact of development on the state's natural resources. The proposal is consistent with Goal 6.

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: Goal 8 is implemented through the City of Wilsonville 2018 Parks and Recreation Comprehensive Master Plan. Together with the Metro Plan, the provisions identify future needs for parks, a natural area, and recreation facilities. The amendments will not negatively affect the City's Comprehensive Plan with respect to Goal 8 and its development regulations governing recreational needs (e.g. open space, park dedication, fee in-lieu-of requirements, etc.). An increase in residential land supply will increase the number of residents and visitors and in turn System Development Charges (SDC) and the demand for recreational facilities will increase. Therefore, this application is consistent with Goal 8.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: This area has been identified in the City of Wilsonville Comprehensive Plan as appropriate for residential use. The Zone Map Amendment to change the zoning from unincorporated Clackamas County Rural Residential Farm Forest 5-Acre (RRFF5) to Residential Neighborhood (RN) is consistent with the intent of the *Frog Pond West Master Plan*. The proposed project will create the needed housing for the City of Wilsonville's workforce, which indirectly promotes economic activities in the region. In addition, a thoughtfully designed community with active-use open space and pedestrian trail system enhances the City's appeal, stimulating its business and industry and contributing to the health and vitality of the overall community. Therefore, this application is consistent with Goal 9.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

Response: The 2014 Wilsonville Residential Land Study, which serves as the City's state-acknowledged Housing Needs Analysis, anticipates that the City will need to accommodate 3,794 new households by 2034. The Frog Pond West master planned community has been planned with a strategy to meet state-required supply for residential land and housing. The project provides 17 residential parent lots at allowable residential density for 34 medium- and small-lot single-family homes. Therefore, this application is consistent with Goal 10.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: The City of Wilsonville Comprehensive Plan and the *Frog Pond West Master Plan* include implementation measures to ensure site development complies with the City's Wastewater Collections System Master plan, Stormwater Master Plan, Water System Master Plan, and Transportation System Plan. Therefore, the proposed annexation implements the Comprehensive Plan and master plans and is consistent with Goal 11.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Response: Goal 12 is implemented by the Transportation Planning Rule (TPR), which requires local governments to adopt Transportation System Plans (TSPs) and consider transportation impacts resulting from land use decisions and development. This application includes a Transportation Impact Study (TIS) prepared by DKS (Exhibit E). It demonstrates that the project will not have a “significant effect” on the surrounding transportation system. Therefore, the application is consistent with Goal 12.

FINDINGS FOR TRANSPORTATION PLANNING RULE COMPLIANCE

Response: The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. OAR 660-012-0060(1) and (2) apply to amendments to acknowledged maps, as is the case with this application.

The TPR requires a two-step analysis. First, under OAR 660-012-0060(1), the Applicant must determine if the application has a “significant effect,” as that term is defined in OAR 660-012-0060(1). The City may rely on transportation improvements found in Transportation System Plans (TSPs), as allowed by OAR 660-012-0060(3)(a), (b), and (c), to show that failing intersections will not be made worse or intersections not now failing will not fail. If there is a “significant effect,” then the Applicant must demonstrate appropriate mitigation under OAR 660-012-0060(2), et seq.

OAR 660-012-0060 Plan and Land Use Regulation Amendments

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Response: The TIS prepared by the City's traffic engineer, DKS Associates, contains a detailed discussion of the traffic impacts associated with the proposed project and any potential mitigation for the project as it relates to the Oregon Transportation Planning Rule (TPR) found in OAR 660-012-0060. As described in the study, this project and the associated traffic improvements will comply with OAR 660-012-0060 (1) and (2). Compliance with the TPR is included within the *Frog Pond Area Plan*, which assumed full development of the Frog Pond area. Please refer to the TIS (Exhibit E) for further information.

These criteria are met.

[...]

- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
 - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
 - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
 - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
 - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or

service is reasonably likely to be provided by the end of the planning period.

- (c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:
 - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
 - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
- (d) As used in this section and section (3):
 - (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
 - (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
 - (C) Interstate interchange area means:
 - (i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or
 - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
 - (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

Response: This section of the Transportation Planning Rule requires coordination with affected transportations service providers. The City provides the roads that serve the subject property. The adjacent section of Frog Pond Lane is designated as a local road in the City TSP, and both streets are under City jurisdiction. The City has a duty to coordinate with transportation facility and service providers and other affected agencies, as applicable. Therefore, the criteria of OAR 660-012-0060 (4) are met.

METRO FUNCTIONAL PLAN COMPLIANCE

Metro Code 3.07.810(c) requires compliance with applicable provisions of the Functional Plan when a City amends its acknowledged comprehensive plan and land use regulations. In this case, the City's acknowledged Land Use Zoning Map and Land Development Code are consistent with the Functional Plan. This application does not amend the City's acknowledged Land Use Zoning Map or Land Development

Code in a way that is inconsistent with the Functional Plan. Therefore, the City can find that the Functional Plan is satisfied.

Additionally, Metro Code 3.07.810(f) requires that the City give notice to the Metro Chief Operating Officer of the map amendments 35 days before the first Planning Commission hearing. If the City provides such notice, the Land Use Zoning Map Amendment will comply with the Functional Plan upon final approval by the City.

Chapter 3.09 – Local Government Boundary Changes

3.09.040

Requirements for Petitions

- A. A petition for a boundary change must contain the following information:
1. The jurisdiction of the reviewing entity to act on the petition;
 2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
 3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
 4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.
- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

Response: The City is the reviewing entity that will act on this petition. Necessary application forms and exhibits, as well as associated review fees, have been submitted with this application. A map and legal description of the affected territory are included in Exhibit J. The names and mailing addresses of persons owning property in the affected territory, per County Tax Assessor and County Clerk records, are included in Exhibit C. Finally, a statement of consent from the requisite owners and electors is included in Exhibit B. Therefore, the criteria are met.

3.09.045 Expedited Decisions

- D. To approve a boundary change through an expedited process, the city shall:
1. Find that the change is consistent with expressly applicable provisions in:

[...]

Response: The applicable provisions have been addressed within this written narrative. The proposed annexation is consistent with the City of Wilsonville Comprehensive Plan, *Frog Pond West Master Plan*, and other applicable plans and agreements. These criteria are met.

2. Consider whether the boundary change would:
 - a. Promote the timely, orderly and economic provision of public facilities and services;
 - b. Affect the quality and quantity of urban services; and
 - c. Eliminate or avoid unnecessary duplication of facilities or services.

Response: The annexation of this property is part of the orderly and timely development of the Frog Pond West master planned area, adding necessary housing and infrastructure to this planned area of urban development. The utility and service capacity and availability necessary to serve this new area of the City have been determined to be sufficient per the applicable City master plans. These criteria are met.

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Response: The territory proposed for annexation is wholly within the UGB and eligible for annexation. This criterion is met.

3.09.050 Hearing and Decision Requirements [...] Other Than Expedited Decisions

A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

Response: This narrative and accompanying exhibits respond to applicable State and local requirements pertaining to boundary changes. Additionally, Metro Code Section 3.09 and Wilsonville Development Code implement the applicable annexation provisions from Oregon Revised Statutes (ORS) Chapters 198, 221, and 222. This narrative demonstrates that applicable boundary change requirements have been satisfied. The criterion is met.

B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

Response: Urban services are or will be made available to serve the affected territory to a level consistent with City and CWS standards.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

Response: Metro Code Section 3.09.020 defines the following terms: "affected territory" means a territory described in a petition; "necessary party" means any county, city, or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory, or who provides any urban service to any portion of the affected territory, including Metro, or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory. The annexation will add ±5.00 acres of land to the City of Wilsonville for the provision of urban services but will not withdraw the affected territory from the legal boundary of any party. The legal description of the area is included in Exhibit J.

3. The proposed effective date of the boundary change.

Response: The Applicant anticipates approval of the Annexation application by roughly January 2024.

C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

Response: This application includes responses demonstrating compliance to applicable boundary change criteria.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045.

Response: Responses to Metro Code Sections 3.09.045 (D) and (E) are included above.

CITY OF WILSONVILLE COMPREHENSIVE PLAN

URBAN GROWTH MANAGEMENT

Urban Growth Boundaries

Goal 2.1 To allow for urban growth while maintaining community livability, consistent with the economics of development, City administration, and the provision of public facilities and services.

Policy 2.2.1 The City of Wilsonville shall support the development of all land within the City, other than designated open space lands, consistent with the land use designations of the Comprehensive Plan.

Implementation Measure 2.2.1.a

Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.

Response: The proposed project is located within the West Neighborhood of the Frog Pond planning area. The *Frog Pond Area Plan* was adopted in 2015 and the *Frog Pond West Master Plan* was adopted in 2017 as a sub-element of the Comprehensive Plan. It provides for single-family residential uses to meet the housing needs of Wilsonville's growing population. The City's Housing Needs Analysis validates the need for inclusion of the Frog Pond West subarea to meet state-required supply for residential land. The *Frog Pond Area Plan* includes a transportation network, parks and open space framework, and infrastructure funding plan to support development within the Frog Pond area and assure adequate public services.

Implementation Measure 2.2.1.e

Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:

1. Orderly, economic provision of public facilities and services, i.e., primary urban services are available and adequate to serve additional development or improvements are scheduled through the City's approved Capital Improvements Plan.

Response: The *Frog Pond Area Plan* includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West master planned community. The Applicant has submitted concurrent applications for Stage I and Stage II Planned Development Review, Site Design Review, and Tentative Subdivision Plat, which propose the extension of public facilities and services to the Cottage Park Place neighborhood. These proposed services are generally consistent with the *Frog Pond Area Plan*, *Frog Pond West Master Plan*, and the City's

Finance Plan and Capital Improvements Plan. Applicable State and Metro regulations have been evaluated within this narrative.

- 2. Availability of sufficient land for the various uses to ensure choices in the marketplace for a 3 to 5 year period.

Response: The proposed project implements the uses envisioned in the adopted *Frog Pond West Master Plan*, on the land with zoned Residential Neighborhood (RN). The inclusion of the Frog Pond area within the UGB and the adoption of the *Frog Pond Area Plan* demonstrate the need for residential development in the Frog Pond Area.

- 3. Statewide Planning Goals.

Response: A separate section in this narrative demonstrates compliance with applicable Statewide Planning Goals.

- 4. Applicable Metro Plans;

Response: A separate section in this narrative demonstrates compliance with the applicable provisions of the Metro Urban Growth Management Functional Plan.

- 5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.

Response: The subject site was brought into the UGB in 2002 but has not yet been annexed to the City limits. However, the City began the planning process for the development of the Frog Pond Area in 2014. Annexation of the project site is the next stage of the process and will allow the City of Wilsonville to implement the vision of the *Frog Pond West Master Plan*.

LAND USE AND DEVELOPMENT

Residential Development

GOAL 4.1 To have an attractive, functional, economically vital community with a balance of different types of land uses.

Policy 4.1.4

The City of Wilsonville shall provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.

Implementation Measure 4.1.4.b

Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.

Response: The proposed annexation of the property and zone change to Residential Neighborhood (RN) implement the Comprehensive Plan to provide new single-family homes, consistent with the residential densities and housing types established in the *Frog Pond West Master Plan*. The proposed project will provide adequate public facilities and services for the new dwellings.

Implementation Measure 4.1.4.c

Establish residential areas that are safe, convenient, healthful, and attractive places to live while encouraging variety through the use of planned developments and clusters and legislative Master Plans.

Response: The proposed Planned Development is consistent with the legislatively adopted *Frog Pond West Master Plan*. The project proposes development within the RN zoning district and consistent with the City’s Development Code standards to ensure a residential area that is safe, convenient, healthful, and attractive.

Implementation Measure 4.1.4.d

Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms.

Response: The project provides attached single-family housing on parent lots ranging from ±6,500 square feet to ±9,900 square feet, as allowed by the R-7 and R-10 district regulations established in the *Frog Pond West Master Plan*.

Implementation Measure 4.1.4.e

Targets are to be set in order to meet the City’s Goals for housing and assure compliance with State and regional standards.

Response: The *Frog Pond Area Plan* and *Frog Pond West Master Plan* establish minimum and maximum residential densities for this area in compliance with State and regional standards. The proposed zone change will allow development of the subject site in conformance with those targets.

Implementation Measure 4.1.4.r

All development, except as indicated in the lowest density districts, will coincide with the provision of adequate streets, water, and sanitary sewerage and storm drainage facilities, as specified in the Public Facilities and Services Section of the Plan. These facilities shall be (a) capable of adequately serving all intervening properties as well as the proposed development and (b) designed to meet City standards.

Response: Cottage Park Place follows the sequential development pattern of the Frog Pond West master planned community and extends public facilities from previously approved surrounding Frog Pond subdivisions.

Residential Neighborhood Development

Policy 4.1.7.a

New neighborhoods in residential urban growth expansion areas may be designated “Residential Neighborhood” on the Comprehensive Plan Map.

Implementation Measure 4.1.7.a

Area Plans (also called Concept Plans) shall be prepared to guide the overall framework of land use, multi-modal transportation, natural

resources, parks and open space, public facilities, and infrastructure funding. Master Plans shall direct more detailed planning. The City may at its discretion combine Area Planning and Master Planning.

Implementation Measure 4.1.7.c

The “Residential Neighborhood” Zone District shall be applied in all areas that carry the Residential Neighborhood Plan map designation, unless otherwise directed by an area plan or master plan.

Response: The project site has been designated “Residential Neighborhood” on the City’s Comprehensive Plan Map and is part of the Frog Pond West Master Plan area. The subject area has been proposed to receive the planned designation of Residential Neighborhood (RN) as required for the area. The proposed development is consistent with the purpose of the Residential Neighborhood designation and the *Frog Pond West Master Plan*.

CITY OF WILSONVILLE DEVELOPMENT CODE

CHAPTER 4. PLANNING AND LAND DEVELOPMENT

ZONING

Section 4.113 STANDARDS APPLYING TO RESIDENTIAL DEVELOPMENTS IN ANY ZONE

(.01) *Open Space*

Response: The *Frog Pond West Master Plan* controls open space standards for the area. The project involves land within the R-7 and R-10 sub-districts, which do not require open space. The proposed development contains open space tracts for the primary purposes of providing for tree preservation and stormwater facilities; however, these areas are also planned to provide pedestrian connectivity and amenities. Please refer to response under Wilsonville Development Code (WDC) Section 4.127(.09).

(.02) *Building Setbacks*

Response: The *Frog Pond West Master Plan* controls development standards for the area. The setbacks in the proposed project are consistent with the Frog Pond West Master Plan. Please refer to response under WDC Section 4.127(.08).

(.03) *Height Guidelines*

Response: This application involves a preliminary subdivision plat; therefore, only lot dimensional standards are reviewed with this application. Site development standards (setbacks, height, etc.) are applied at the time of building permit review.

(.05) *Off Street Parking:* Off-street parking shall be provided as specified in Section 4.155.

Response: Please refer to response under WDC Section 4.155.

(.06) *Signs:* Signs shall be governed by the provisions of Sections 4.156.01 – 4.156.11.

Response: Signs are not included as part of this application. These standards do not apply at this time.

(.07) *Fences:*

- A. The maximum height of a sight-obscuring fence located in the required front yard of a residential development shall not exceed four (4) feet.
- B. The maximum height of a sight-obscuring fence located in the side yard of a residential lot shall not exceed four (4) feet forward of the building line and shall not exceed six (6) feet in height in the rear yard, except as approved by the Development Review Board. Except, however, that a fence in the side yard of residential corner lot may be up to six (6) feet in height, unless a greater restriction is imposed by the Development Review Board acting on an application. A fence of up to six (6) feet in height may be constructed with no setback along the side, the rear, and in the front yard of a residential lot adjoining the rear of a corner lot as shown in the attached Figure.
- C. Notwithstanding the provisions of Section 4.122(10)(a) and (b), the Development Review Board may require such fencing as shall be deemed necessary to promote and provide traffic safety, noise mitigation, and nuisance abatement, and the compatibility of different uses permitted on adjacent lots of the same zone and on adjacent lots of different zones.
- D. Fences in residential zones shall not include barbed wire, razor wire, electrically charged wire, or be constructed of sheathing material such as plywood or flakeboard.

Response: Fences in residential lots will be reviewed at the time of building permit. This application includes fences around the stormwater facility. Please refer to responses to WDC Section 4.176 Landscaping, Screening, and Buffering elsewhere within this written narrative.

(.08) *Corner Vision:* Vision clearance shall be provided as specified in Section 4.177, or such additional requirements as specified by the City Engineer.

Response: Please refer to response under WDC Section 4.177.

(.09) *Prohibited Uses:*

- A. Uses of structures and land not specifically permitted in the applicable zoning districts.
- B. The use of a trailer, travel trailer or mobile coach as a residence, except as specifically permitted in an approved RV park.
- C. Outdoor advertising displays, advertising signs, or advertising structures except as provided in Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10.

Response: The project does not include prohibited uses.

(.10) *Accessory Dwelling Units:*

- A. Accessory Dwelling Units are permitted subject to standards and requirements of this Subsection.

Response: This application does not include accessory units. These standards are not applicable.

(.11) *Reduced Setback Agreements.* The following procedure has been created to allow the owners of contiguous residential properties to reduce the building setbacks that would typically be required between those properties, or to allow for neighbors to voluntary waive the solar access provisions of Section 4.137. Setbacks can be reduced to zero through the procedures outlined in this subsection.

[...]

Response: Please refer to response under WDC Section 4.127(.08). Reduced setbacks have not been requested. These standards do not apply.

(.12) *Bed and Breakfasts:*

Response: Bed and breakfasts have not been proposed as part of this application. These standards do not apply.

(.13) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type. However, consideration of these factors shall not prevent the Board or Planning Director from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.

Response: This standard is understood.

(.14) Design Standards for Detached Single-family and Middle Housing.

A. The standards in this subsection apply in all zones, except as indicated in 1.—2. below:

1. The Façade Variety standards in Subsection C.1. do not apply in the Village Zone or Residential Neighborhood Zones, as these zones have their own variety standards, except that the standards do apply within middle housing development with multiple detached units on a single lot which the standards of these zones do not address;
2. The entry orientation and window standards for triplexes, quadplexes, and townhouses in Subsections D.1-2. and E. 2-3. do not apply in the Village Zone or Residential Neighborhood Zone as these zones have their own related standards applicable to all single-family and middle housing.

[...]

Response: The project is located within the Residential Neighborhood zone; therefore, the listed standards do not apply. The applicable standards of Section 4.127 are addressed later within this written narrative or will be addressed with future applications for each home.

Section 4.118 STANDARDS APPLYING IN ALL PLANNED DEVELOPMENT ZONES

(.01) *Height Guidelines:* In “S” overlay zones, the solar access provisions of Section 4.137 shall be used to determine maximum building heights. In cases that are subject to review by the Development Review Board, the Board may further regulate heights as follows: [...]

Response: The subject site is not located within the “S” overlay zone.

(.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

Response: Please refer to response under Sections 4.300 to 4.320 in this narrative.

- (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:
- A. Waive the following typical development standards:
1. Minimum lot area;
 2. Lot width and frontage;
 3. Height and yard requirements;
 4. Lot coverage;
 5. Lot depth;
 6. Street widths;
 7. Sidewalk requirements;
 8. Height of buildings other than signs;
 9. Parking space configuration and drive aisle design;
 10. Minimum number of parking or loading spaces;
 11. Shade tree islands in parking lots, provided that alternative shading is provided;
 12. Fence height;
 13. Architectural design standards;
 14. Transit facilities; and
 15. On-site pedestrian access and circulation standards; and
 16. Solar access standards, as provided in section 4.137.
 17. Open space in the Residential Neighborhood zone; and
 18. Lot orientation.

Response: A waiver is requested for lot frontage requirements. Lots 3 through 9 front a tree preservation open space with pedestrian access rather than a street right-of-way. This waiver will allow the greater preservation of trees on the project site through the avoidance of additional street construction. Tracts B and D are provided as pedestrian access to protect existing mature trees in lieu of an extension of the Frog Pond West street network.

Additionally, a waiver is requested for sidewalk requirements. An Oregon White Oak identified for preservation is located adjacent to the SW Frog Pond Lane right-of-way on Lot 2. Preservation of this tree requires removal of the required planter strip along this section of SW Frog Pond Lane. The sidewalk surface can maintain the required width through this area.

The project can be adequately served by the proposed walkways and sidewalks for pedestrian access and proposed alleys for vehicular access.

- B. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:

1. Open space requirements in residential areas, except that the Board may waive or reduce open space requirements in the Residential Neighborhood zone. Waivers in compliance with [Section] 4.127(.08)(B)(2)(d);

Response: Per Section 4.127(.09)B.1, properties within the R-10 and R-7 subdistricts are exempt from the requirements of the Residential Neighborhood Open Space standards. Open space tracts will be established to preserve notable Oregon White Oak trees and establish pedestrian pathways for enjoyment of the natural area.

2. Minimum density standards of residential zones. The required minimum density may be reduced by the Board in the Residential Neighborhood zone in compliance with [Section] 4.127(.06) B; and

Response: The project meets the minimum density standards.

3. Minimum landscape, buffering, and screening standards.

Response: The project meets the minimum landscape, buffering, and screening standards.

C. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable federal, state, or regional standards:

1. Maximum number of parking spaces;
2. Standards for mitigation of trees that are removed;
3. Standards for mitigation of wetlands that are filled or damaged; and
4. Trails or pathways shown in the Parks and Recreation Master Plan.

Response: The project meets the above standards; no waivers are requested for these listed items.

[...]

(.07) *Density Transfers.* In order to protect significant open space or resource areas, the Development Review Board may authorize the transfer of development densities from one portion of a proposed development to another. Such transfers may go to adjoining properties, provided that those properties are considered to be part of the total development under consideration as a unit.

Response: The Applicant is requesting a density transfer from the portion of the site designated as Subdistrict 4 to the portion designated as part of Subdistrict 7. Layout of the Cottage Park Place project considered the need to retain high-priority trees as well as the dimensional characteristics of the relatively narrow site. As such, placement of an open space tract within the street grid layout envisioned for this portion of the Frog Pond West plan area requires structuring residential blocks as proposed. The number of residential lots provided is appropriate for the designated zoning and lot areas and dimensions planned. Transfer of density equal to one residential lot from Subdistrict 4 to Subdistrict 7 will allow the project to retain a greater number of high-priority tree specimens and provide the desired street layout within the project area.

- (.08) *Wetland Mitigation and other mitigation for lost or damaged resources.* The Development Review Board may, after considering the testimony of experts in the field, allow for the replacement of resource areas with newly created or enhanced resource areas. The Board may specify the ratio of lost to created and/or enhanced areas after making findings based on information in the record. As much as possible, mitigation areas shall replicate the beneficial values of the lost or damaged resource areas.

Response: The southern portion of the project site features ±1.02 acres of wetland. Wetland delineation concurrence determinations by the Department of State Lands and US Army Corps of Engineers are included with this application as part of Exhibit F.

- (.09) *Habitat-Friendly Development Practices.* To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:
- A. Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;
 - B. Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;
 - C. Minimizing impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2 in Section 4.139.03; and
 - D. Using the practices described in Part (c) of Table NR-2 in Section 4.139.03.

Response: This project is designed to minimize impacts to natural habitat through the use of habitat-friendly development practices, including limiting grading to the minimum necessary for installing site improvements and building homes and providing ±45,472 square feet of open space/landscape coverage area. Water, sewer, and stormwater infrastructure was designed and will be installed in accordance with the applicable City requirements in order to minimize adverse impacts on the site and to adjacent properties and surrounding resources.

In accordance with the intent of the *Frog Pond West Master Plan*, the layout of residential lots, streets, and open space tracts was designed to protect the maximum number of trees and tree groves. The project preserves 97 existing on-site, line, and off-site trees, including Oregon White Oaks within the proposed open space tracts and on future lots, where applicable. These criteria are met.

Section 4.124 Standards Applying to all Planned Development Residential Zones.

- (.01) *Permitted Uses:*
- A. Open Space.
 - B. Single-Family Dwelling Units.
 - C. Duplexes, triplexes, quadplexes, townhouses.

Response: Each of the uses proposed within Cottage Park Place is permitted.

(.09) Block and access standards:

1. Maximum block perimeter in new land divisions: 1,800 feet.

Response: As shown on the Preliminary Plans (Exhibit A), the project meets maximum block perimeter standards. This criterion is met.

2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.

Response: The spacing between SW Brisband Street and “J Street” meets this standard. An additional street connection was not included in order to preserve a stand of Oregon White Oak trees within the open space tracts. Site planning to preserve trees such as those within open space areas is included as an intention of the *Frog Pond West Master Plan*.

3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

Response: Blocks which exceed 530 feet in length provide pedestrian and bicycle crossings within the planned open space tracts, meeting this criterion.

Section 4.127 RESIDENTIAL NEIGHBORHOOD (RN) ZONE.

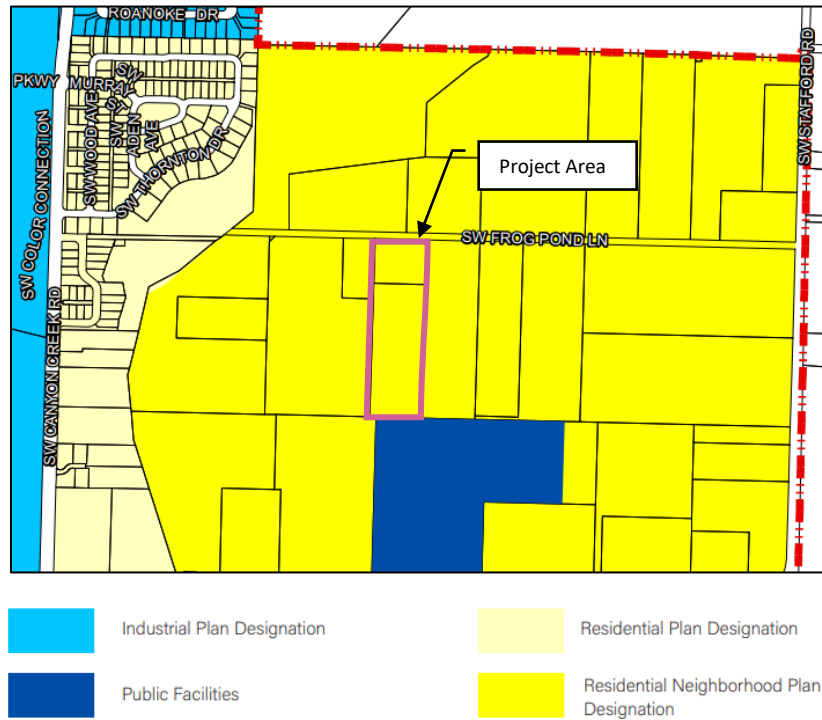
(.01) *Purpose.* The Residential Neighborhood (RN) zone applies to lands within Residential Neighborhood Comprehensive Plan Map designation. The RN zone is a Planned Development zone, subject to applicable Planned Development regulations, except as superseded by this section or in legislative master plans. The purposes of the RN Zone are to:

- A. Implement the Residential Neighborhood policies and implementation measures of the Comprehensive Plan.
- B. Implement legislative master plans for areas within the Residential Neighborhood Comprehensive Plan Map designation.
- C. Create attractive and connected neighborhoods in Wilsonville.
- D. Regulate and coordinate development to result in cohesive neighborhoods that include: walkable and active streets; a variety of housing appropriate to each neighborhood; connected paths and open spaces; parks and other non-residential uses that are focal points for the community; and, connections to and integration with the larger Wilsonville community.
- E. Encourage and require quality architectural and community design as defined by the Comprehensive Plan and applicable legislative master plans.
- F. Provide transportation choices, including active transportation options.
- G. Preserve and enhance natural resources so that they are an asset to the neighborhoods, and there is visual and physical access to nature.

- H. Create housing opportunities for a variety of households, including housing types that implement the Wilsonville Equitable Housing Strategic Plan and housing affordability provisions of legislative master plans.

Response: Per Figure 5 of the *Frog Pond West Master Plan* (below), the Cottage Park Place site is located within the RN Comprehensive Plan Map designation and is subject to these provisions and to applicable Planned Development (PD) regulations.

Frog Pond West Master Plan Figure 5 excerpt: Comprehensive Plan Designations



(.02) *Permitted uses:*

- A. Open Space.
- B. Single-Family Dwelling Unit.
- C. Townhouses. During initial development in the Frog Pond West Neighborhood, a maximum of two townhouses may be attached, except on corners, a maximum of three townhouses may be attached.
- D. Duplex.
- E. Triplex and quadplex. During initial development in the Frog Pond West Neighborhood, triplexes are permitted only on corner lots and quadplexes are not permitted.
- F. Cluster housing. During initial development in the Frog Pond West Neighborhood, only two-unit cluster housing is permitted except on corner lots where three-unit cluster housing is permitted.
- G. Multiple-Family Dwelling Units, except when not permitted in a legislative master plan, subject to the density standards of the zone. Multi-family dwelling units are not permitted within the Frog Pond West Master Plan area.

- H. Cohousing.
- I. Cluster Housing (Frog Pond West Master Plan).
- J. Public or private parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than 45 feet from any other lot.
- K. Manufactured homes.

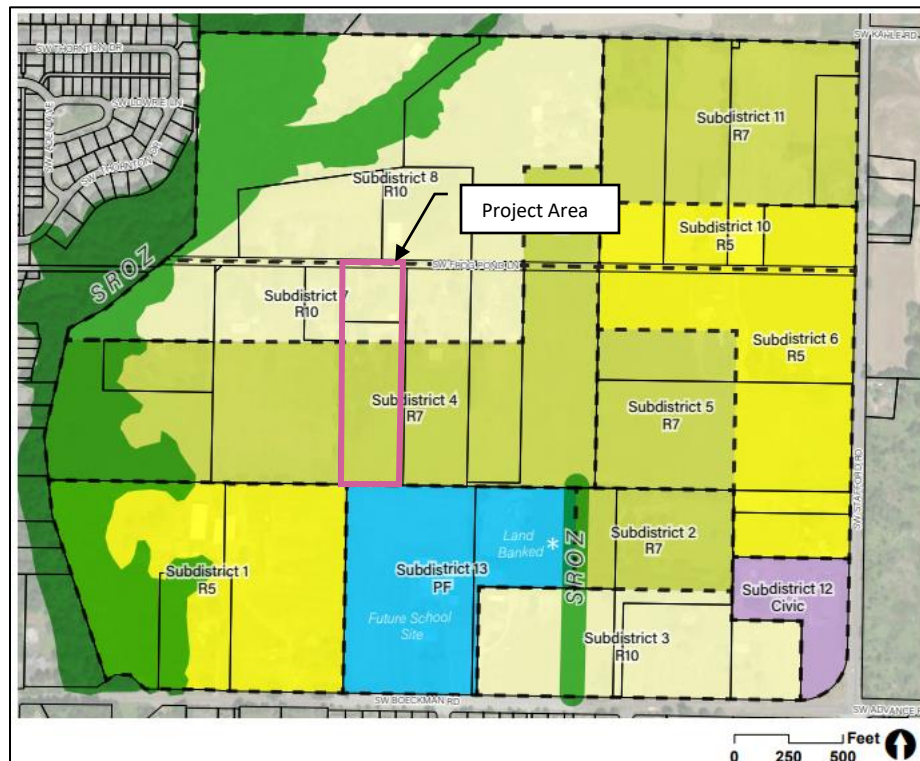
Response: The project includes 17 parent duplex lots and open space, which are permitted uses in the RN zone.

(.05) Residential Neighborhood Zone Sub-districts:

- A. RN Zone sub-districts may be established to provide area-specific regulations that implement legislative master plans.
 - 1. For the Frog Pond West Neighborhood, the sub-districts are listed in Table 1 of this Code and mapped on Figure 6 of the Frog Pond West Master Plan. The Frog Pond West Master Plan Sub-District Map serves as the official sub-district map for the Frog Pond West Neighborhood.

Response: Approximately 1.77 acres of the project site are within Subdistrict 7, which is designated Large Lot Single Family (R-10), and ±3.23 acres of the site lie within Subdistrict 4, which is designated Medium Lot Single Family (R-7).

Frog Pond West Master Plan Figure 6: Frog Pond West Land Use and Subdistricts





(.06) Minimum and Maximum Residential Units:

- A. The minimum and maximum number of residential units approved shall be consistent with this code and applicable provisions of an approved legislative master plan.
 - 1. For initial development of the Frog Pond West Neighborhood, Table 1 in this Code and Frog Pond West Master Plan Table 1 establish the minimum and maximum number of residential lots for the sub-districts.
 - 2. For areas that are a portion of a sub-district, the minimum and maximum number of residential lots are established by determining the proportional gross acreage and applying that proportion to the minimums and maximums listed in Table 1. The maximum density of the area may be increased, up to a maximum of ten percent of what would otherwise be permitted, based on an adjustment to an SROZ boundary that is consistent with 4.139.06.

Response: The project area encompasses ±5.00 gross acres of the *Frog Pond West Master Plan* area. Approximately 1.77 acres are within Subdistrict 7, with the remainder, ±3.23 acres within neighboring Subdistrict 4. The following table summarizes how the proposed residential units in each subdistrict are consistent with the density range envisioned by the *Frog Pond West Master Plan*. Middle Housing units are not included within the density range calculations for the Frog Pond West area; therefore, calculations have been based on the number of parent lots rather than dwelling units.

Table 1. Proposed Residential Units

Subdistrict	Zoning Designation	Gross Subdistrict Area (acres)	Site % of Gross Subdistrict	Established Dwelling Unit Range for Subdistrict		Proportional Lot Range for Site		Maximum Lot Range with Density Transfer	Proposed Parent Lots
				Min	Max	Min	Max		
Subdistrict 4	R-7 (Medium Lot)	30.1	11%	86	107	10	12	11	11
Subdistrict 7	R-10 (Large Lot)	11.7	15%	24	30	4	5	6	6

- B. The City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of nonresidential uses and similar physical conditions.

Area Plan Designation	Frog Pond West Sub-district	Minimum Lots in Sub-district ^{a, b}	Maximum Lots in Sub-district ^{a, b}
R-10 Large Lot	7	24	30
R-7 Medium Lot	4	86	107

- ^{a.} Each lot must contain at least one dwelling unit but may contain additional units consistent with the allowance for ADUs and middle housing.
- ^{b.} For townhouses, the combined lots of the townhouse project shall be considered a single lot for the purposes of the minimum and maximum of this table. In no case shall the density of a townhouse project exceed 25 dwelling units per net acre.
- ^{c.} These metrics apply to infill housing within the Community of Hope Church property, should they choose to develop housing on the site. Housing in the Civic sub-district is subject to the R-7 Medium Lot Single Family regulations.

Response: The Applicant is not requesting a reduction in minimum density.

- (.07) Development Standards Generally:
 - A. Unless otherwise specified by this the regulations in this Residential Development Zone chapter, all development must comply with Section 4.113, Standards Applying to Residential Development in Any Zone.

Response: Compliance with applicable regulations of Section 4.113 is addressed earlier in this written narrative. Some regulations of Section 4.127 supersede those of Section 4.113.

- (.08) Lot Development Standards:
 - A. Lot development shall be consistent with this Code and applicable provisions of an approved legislative master plan.
 - B. Lot Standards Generally. For the Frog Pond West Neighborhood, Table 2 establishes the lot development standards unless superseded or supplemented by other provisions of the Development Code.
 - C. Lot Standards for Small Lot Sub-districts. [...]

Response: The project is not within a Small Lot Sub-District. The applicable lot standards are outlined below.

Neighborhood Zone Sub-District	Min. Lot Size (sq.ft.) A, B	Min. Lot Dept (ft.)	Max. Lot Coverage (%)	Min. Lot Width (ft.) I, J, N	Max. Bldg. Height (ft.) H	Setbacks K, L, M				
						Front Min. (ft.)	Rear Min. (ft.)	Side Min. (note)	Garage Min Setback from Alley (ft.)	Garage Min Setback from Street, P (ft.)
R-10 Large Lot	8,000	60'	40%E	40	35	20 F	20	M	18D	20
R-7 Medium Lot	6,000 C	60'	45%E	35	35	15 F	15	M	18D	20

- Notes:*
- A. Minimum lot size may be reduced to 80% of minimum lot size for any of the following three reasons: (1) where necessary to preserve natural resources (e.g. trees, wetlands) and/or provide active open space, (2) lots designated for cluster housing (Frog Pond West Master Plan), (3) to increase the number of lots up to the maximum number allowed so long as for each lot reduced in size a lot meeting the minimum lot size is designated for development of a duplex or triplex.
 - B. For townhouses the minimum lot size in all sub-districts is 1,500 square feet.
 - C. In R-5 and R-7 sub-districts the minimum lot size for quadplexes and cottage clusters is 7,000 square feet.

- D. In R-5 sub-districts the minimum lot size for triplexes is 5,000 square feet.
- E. On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%. Cottage clusters are exempt from maximum lot coverage standards.
- F. Front porches may extend 5 feet into the front setback.
- G. The garage setback from alley shall be minimum of 18 feet to a garage door facing the alley in order to provide a parking apron. Otherwise, the rear or side setback shall be between 3 and 5 feet.
- H. Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
- I. For townhouses in all sub-districts minimum lot width is 20 feet.
- J. May be reduced to 24' when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive or a public pedestrian access in a cluster housing (Frog Pond West Master Plan) development.
- K. Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.
- L. For cottage clusters all setbacks otherwise greater than 10 feet for other housing types is reduced to 10 feet
- M. On lots greater than 10,000 SF with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 20 ft. with a minimum of 10 ft. On other lots, minimum side setback shall be 5 ft. On a corner lot, minimum side setbacks are 10 feet.
- N. For cluster housing (Frog Pond West Master Plan) with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right-of-way or a public pedestrian access easement linking the courtyard with the Public Way.
- O. All lots with front-loaded garages are limited to one shared standard-sized driveway/apron per street regardless of the number of units on the lot.
- P. The garage shall be setback a minimum of 18 feet from any sidewalk easements that parallels the street.

Response: WDC Section 4.127, Table 2 (above) establishes the lot development standards for the Frog Pond West neighborhood. These standards supersede the setback standards of 4.113(.03). The table below demonstrates that the proposed project meets the lot dimensional standards, which are applied at the time of subdivision approval.

Table 2. Parent Lot Compliance with Neighborhood Zone Lot Development Standards

Standard	R-7 Designation		R-10 Designation	
	Required	Proposed	Required	Proposed
Min. Lot Size (sq. ft.)	6,000 square feet 4,800 square feet using 80% reduction ^A	6,000 square feet	8,000 square feet 6,400 square feet using 80% reduction ^A	8,000 square feet
Min. Lot Depth (ft.)	60 feet	60 feet	60 feet	60 feet
Min. Lot Width (ft.)	35 feet	35 feet	40 feet	40 feet
Front Setback	15 feet	15 feet	20 feet	20 feet
Rear Setback	15 feet	15 feet	20 feet	20 feet
Side Setback – Interior	5 feet	5 feet	5 feet	5 feet
Side Setback – Corner Lot	10 feet	10 feet	10 feet	10 feet
Garage Setback from street	20 feet	20 feet	20 feet	20 feet
Garage Setback from Alley	18 feet	18 feet	18 feet	18 feet
^A May be reduced to 80% of minimum lot size where necessary to preserve natural resources (e.g. trees, wetlands) and/or provide active open space, per WDC 4.127 Table 2, Note A.				

The Applicant initially studied an alternative site layout with a public street connection as envisioned by the Street Demonstration Plan (Figure 1 below), but that alternative would generate adverse impacts to natural resources. That layout was submitted to City staff for

review prior to the pre-application conference. As shown on Figure 1, an alternative site layout meeting minimum lot sizes would require the removal of three additional mature oak trees, which the proposed layout manages to preserve. Therefore, the Applicant has selected the site layout which best considered the environmental aspects of the project.

Note G of WDC Section 4.127 Table 2, above, allows lots not to have street frontage when they front on a public pedestrian access in a Cluster Housing development. Although not a cluster development, the proposed project is a Planned Development (PUD), which encourages flexibility in location and design of the neighborhood with the intent of preserving existing landscape features and natural resources and better integrating them into site design. By using common open space area with pedestrian pathway as lot frontage for six lots, the project can accommodate preservation of an existing grove of mature Oregon White Oaks. The *Frog Pond West Master Plan* prioritizes preservation of existing trees and encourages site design that maximizes front-yard orientation to natural areas and provides enhanced elevations adjacent to publicly accessible open space.

As shown on the Preliminary Plans (Exhibit A), Lots 4 through 9 have vehicular access via a private alley (North and Central Alleys). Front lot lines meet the 35-foot minimum width and abut natural resource areas. Lots 4 through 9 overlook an oak tree grove, a valuable open space for wildlife and the residents' aesthetic enjoyment. The City can make a finding that the waiver of street frontage will result in greater public benefit gained from natural resource conservation and higher quality of the community than strict adherence to the Code.

Site development standards, including lot coverage, setbacks, and heights, will be reviewed at the time of building permit approval. The preliminary conceptual building elevations included in Exhibit M demonstrate that setback, height, and lot coverage standards can be met.

D. Lot Standards Specific to the Frog Pond West Neighborhood.

2. Lots adjacent to the collector-designated portions of Willow Creek Drive and Frog Pond Lane shall not have driveways accessing lots from these streets, unless no practical alternative exists for access. Lots in Large Lot Sub-districts are exempt from this standard.

Response: The site includes a portion of Frog Pond Lane. No driveways are proposed to access the lots from that street. This standard does not apply to the project.

(.09) Open Space:

A. Purpose. The purposes of these standards for the Residential Neighborhood Zone are to:

1. Provide light, air, open space, and useable recreation facilities to occupants of each residential development.
2. Retain and incorporate natural resources and trees as part of developments.
3. Provide access and connections to trails and adjacent open space areas.

For Neighborhood Zones which are subject to adopted legislative master plans, the standards work in combination with, and as a supplement to, the park and open space recommendations of those legislative master plans. These standards supersede the Open Space requirements in WC Section 4.113(.01).

- B. *Within the Frog Pond West Neighborhood, the following standards apply:*
1. Properties within the R-10 Large Lot sub-districts and R-7 Medium Lot sub-districts are exempt from the requirements of this section. If the Development Review Board finds, based upon substantial evidence in the record, that there is a need for open space, they may waive this exemption and require open space proportional to the need.

[...]

Response: The proposed project includes properties within R-7 Medium Lot Single Family designation and R-10 Large Lot Single Family designation, which are exempt from the Open Space requirements. These criteria do not apply to the project.

(.10) *Block, access and connectivity standards:*

- A. *Purpose.* These standards are intended to regulate and guide development to create: a cohesive and connected pattern of streets, pedestrian connections and bicycle routes; safe, direct and convenient routes to schools and other community destinations; and, neighborhoods that support active transportation and Safe Routes to Schools.
- B. *Blocks, access and connectivity shall comply with adopted legislative master plans:*
1. Within the Frog Pond West Neighborhood, streets shall be consistent with Figure 18, Street Demonstration Plan, in the Frog Pond West Master Plan. The Street Demonstration Plan is intended to be guiding, not binding. Variations from the Street Demonstration Plan may be approved by the Development Review Board, upon finding that one or more of the following justify the variation: barriers such as existing buildings and topography; designated Significant Resource Overlay Zone areas; tree groves, wetlands or other natural resources; existing or planned parks and other active open space that will serve as pedestrian connections for the public; alignment with property lines and ownerships that result in efficient use of land while providing substantially equivalent connectivity for the public; and/or site design that provides substantially equivalent connectivity for the public.
 2. If a legislative master plan does not provide sufficient guidance for a specific development or situation, the Development Review Board shall use the block and access standards in Section 4.124(.06) as the applicable standards.

Response: The proposed streets are generally consistent with the Frog Pond Master Plan. As shown on Figure 18, the Street Demonstration Plan envisions a grid street plan and the opportunity for pedestrian connections within the project site. This plan is merely a “guideline” pursuant to WDC Section 4.127(.10)(A). The proposed street network

generally follows the pattern intended by the Master Plan with some minor modifications. The project intends to preserve a number of mature oak trees and a partial grove on the northern portion of Tax Lot 1300. In order to avoid impact to the greatest number of priority trees, the envisioned street was removed from the eastern edge of the property.

Please refer to the Preliminary Street Plan in Exhibit A, which illustrates the proposed blocks, access, and connectivity for Cottage Park Place project. The modified grid pattern maintains the planned pedestrian connectivity through the area, provides the same number of tiers of residential lots, and preserves trees within designated open spaces.

The City can make a finding that the proposed subdivision street plan provides for a substantially equivalent level of pedestrian connectivity. Further, the proposed street layout does not require out-of-direction pedestrian travel and does not result in greater distances for pedestrian access to the proposed subdivision from SW Brisband Road than would otherwise be the case if the Street Demonstration Plan were adhered to.

Comparison of Frog Pond Master Plan Figure 18: Street Demonstration Plan & Proposed Connections

Master Plan Concept:

Proposed Project:



(.11) *Signs.* Per the requirements of Sections 4.156.01 through 4.156.11 and applicable provisions from adopted legislative master plans.

Response: Compliance with Sections 4.156.01 through 4.156.11 is addressed further in the narrative.

(.12) *Parking.* Per the requirements of Section 4.155 and applicable provisions from adopted legislative master plans.

Response: Project meets parking Code requirements. Compliance with Section 4.155 is addressed further in the narrative.

(.13) *Corner Vision Clearance.* Per the requirements of Section 4.177.

Response: Compliance with Section 4.177 is addressed further in the narrative.

(.14) *Main Entrance Standards*

[...]

(.15) *Garage Standards:*

[...]

(.16) *Residential Design Standards:*

[...]

Response: The design of individual homes will be reviewed at the time of building permit submittal. The application includes conceptual building elevations (Exhibit M) that demonstrate the standards of subsections 4.127(.14), (.15), and (.16) can be met.

(.17) *Fences:*

A. Within Frog Pond West, fences shall comply with standards in 4.113 (.07) except as follows:

1. Columns for the brick wall along Boeckman Road and Stafford Road shall be placed at lot corners where possible.
2. A solid fence taller than four feet in height is not permitted within eight feet of the brick wall along Boeckman Road and Stafford Road, except for fences placed on the side lot line that are perpendicular to the brick wall and end at a column of the brick wall.
3. Height transitions for fences shall occur at fence posts.

Response: The project site is not adjacent to Boeckman or Stafford Roads. Fences are not proposed as part of this application; therefore, these standards do not apply to this application.

(.18) *Residential Structures Adjacent to Schools, Parks and Public Open Spaces.*

A. *Purpose.* The purpose of these standards is to ensure that development adjacent to schools and parks is designed to enhance those public spaces with quality design that emphasizes active and safe use by people and is not dominated by driveways, fences, garages, and parking.

B. *Applicability.* These standards apply to development that is adjacent to or faces schools and parks. As used here, the term adjacent includes development that is across a street or pedestrian connection from a school or park.

C. *Development must utilize one or more of the following design elements:*

1. Alley loaded garage access.
2. On corner lots, placement of the garage and driveway on the side street that does not face the school, park, or public open space.
3. Recess of the garage a minimum of four feet from the front façade of the home. A second story above the garage, with windows, is encouraged for this option.

- D. Development must be oriented so that the fronts or sides of residential structures face adjacent schools or parks. Rear yards and rear fences may generally not face the schools or parks, unless approved through the waiver process of 4.118 upon a finding that there is no practicable alternative due to the size, shape or other physical constraint of the subject property.

Response: A portion of the project site is adjacent to the planned Frog Pond school site. The school is proposed to be situated south of SW Brisband Street opposite (facing) Lots 16 and 17. These lots are proposed to be constructed with the with alley-loaded garages, meeting the above standards. Front yards are planned to face SW Brisband Street without rear yards or rear fences facing the planned school. Please see the Preliminary Plans (Exhibit A) for further details. These criteria are met.

Section 4.139.00. SIGNIFICANT RESOURCE OVERLAY ZONE (SROZ) ORDINANCE.

Response: The proposed project is not within a Significant Resource Overlay Zone (SROZ). The Applicant has completed a delineation of the wetland present on-site and has determined that it does not meet the criteria to be added to the SROZ map. As indicated in the Natural Resource Assessment attached as Exhibit F, the Applicant, Department of State Lands, and US Army Corps of Engineers concur with the accuracy of the SROZ map of the subject property.

Section 4.140 PLANNED DEVELOPMENT REGULATIONS.

(.02) Lot Qualification:

- A. Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.
- B. Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD" or specifically defined as a PD zone by this Code. All sites which are greater than two acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code. Smaller sites may also be developed through the City's PD procedures, provided that the location, size, lot configuration, topography, open space and natural vegetation of the site warrant such development.

Response: The subject site is ±5.00 acres and is suitable for Planned Development. The project accommodates 17 residential lots (34 with future Middle Housing Land Divisions), provides an efficient circulation system, and provides active and passive open space consistent with the purpose of Section 4.140. The application requests to rezone the property to RN (Residential Neighborhood). Pursuant to the *Frog Pond West Master Plan*, development in the RN zone follows the same Planned Development procedure as Planned Development (PD) zones.

(.03) Ownership:

- A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by

the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.

- B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.

Response: The proposed project consists of two lots which are under one ownership. The land use application has been signed by the property owners.

(.04) Professional Design:

- A. The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.
- B. Appropriate professionals shall include, but not be limited to the following to provide the elements of the planning process set out in Section 4.139:
1. An architect licensed by the State of Oregon;
 2. A landscape architect registered by the State of Oregon;
 3. An urban planner holding full membership in the American Institute of Certified Planners, or a professional planner with prior experience representing clients before the Development Review Board, Planning Commission, or City Council; or
 4. A registered engineer or a land surveyor licensed by the State of Oregon.
- C. One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.
- D. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff.

Response: The Applicant has selected a professional design team, AKS Engineering & Forestry, LLC, which includes registered civil engineers, certified planners, registered land surveyors, and licensed landscape architects. Each member of the professional design team has been certified or licensed by their corresponding professional board or agency. Glen Southerland, AICP, is the point of contact for planning staff with respect to the concept and details of the plan. These criteria are met.

(.05) Planned Development Permit Process:

- A. All parcels of land exceeding two acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:
1. Be zoned for planned development;
 2. Obtain a planned development permit; and
 3. Obtain Development Review Board, or, on appeal, City Council approval.

Response: The subject site is ±5.0 acres in size and is proposed for residential development. This application includes a Zoning Map Amendment to apply RN zoning to the site, Planned Development Stage I application, and Planned Development Stage II application. This criterion is met.

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

Response: The requested Zoning Map Amendment is subject to the applicable provisions of the Zoning Sections and 4.197. These provisions are addressed further in the narrative. This criterion is met.

- C. Development Review Board approval is governed by Sections 4.400 to 4.450

- D. All planned developments require a planned development permit. The planned development permit review and approval process consists of the following multiple stages, the last two or three of which can be combined at the request of the applicant:

1. Pre-application conference with Planning Department;
2. Preliminary (Stage I) review by the Development Review Board or the Planning Director for properties within the Coffee Creek Industrial Design Overlay District. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval; and
3. Final (Stage II) review by the Development Review Board or the Planning Director for properties within the Coffee Creek Industrial Design Overlay District.
4. In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan except for properties within the Coffee Creek Industrial Design Overlay District, which may receive separate zone map amendment approvals.

Response: A pre-application conference was held with the Planning Department on April 14, 2022. Concurrent Zoning Map Amendment, and Stage I and Stage II Planned Development permit applications (and a number of additional concurrent applications) have been submitted for review by the Development Review Board. These criteria are met.

[...]

(.07) *Preliminary Approval (Stage One):*

- A. Applications for preliminary approval for planned developments shall:

1. Be made by the owner of all affected property or the owner's authorized agent; and
2. Be filed on a form prescribed by the City Planning Department and filed with said Department.
3. Set forth the professional coordinator and professional design team as provided in subsection (.04), above.

4. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.

Response: This submittal includes all of the above information.

- B. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:
 1. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.
 2. Topographic information as set forth in Section 4.035.
 3. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre. Developments within the RN zone shall show how the proposed number of units complies with the applicable maximum and minimum provisions of the RN zone.
 4. A stage development schedule demonstrating that the developer intends receive Stage II approval within two years of receiving Stage I approval, and to commence construction within two years after the approval of the final development plan, and will proceed diligently to completion; unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion.
 5. A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.
 6. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.
 7. Statement of anticipated waivers from any of the applicable site development standards.

Response: A boundary survey including topographic information is provided in the Preliminary Existing Conditions Plan (Exhibit A). A tabulation of land area and residential density is included in Table 1 within this written narrative. Stage I and Stage II approvals are being requested concurrently, and a stage development schedule is not proposed.

[...]

(.09) *Final Approval (Stage Two):*

- A. Unless an extension has been granted by the Development Review Board or Planning Director, as applicable, within two years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013. As provided in Section 4.134, an application for a Stage II approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director

without a public hearing as a Class II Administrative Review as provided in Section 4.035(.03).

Response: A Stage II application has been submitted concurrently with the Stage I application.

- B. The Development Review Board or Planning Director, as applicable, shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.
- C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:
 1. The location of water, sewerage and drainage facilities;
 2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;
 3. The general type and location of signs;
 4. Topographic information as set forth in Section 4.035;
 5. A map indicating the types and locations of all proposed uses; and
 6. A grading plan.

Response: The required information is included as follows in the Cottage Park Place PUD Preliminary Plans (Exhibit A):

1. Preliminary Composite Utility Plan
2. Preliminary Landscape Plan
3. Preliminary Grading and Erosion Control Measures

Preliminary conceptual building elevations are included as Exhibit M. Sign locations are not included as part of this application.

- D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.

Response: A concurrent Site Design Review of Open Space application has been submitted. Section 4.400 Site Design Review criteria are addressed in the narrative.

- E. Copies of legal documents required by the Development Review Board or Planning Director, as applicable, for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.

Response: Draft covenants, conditions, & restrictions (CC&Rs) are included as Exhibit I.

[..]

- J. A planned development permit may be granted by the Development Review Board or Planning Director, as applicable, only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:

1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and

with any other applicable plan, development map or Ordinance adopted by the City Council.

Response: The site is located within the Frog Pond West master planned area of the Frog Pond community. The *Frog Pond West Master Plan* has been incorporated into the Comprehensive Plan and designates the site for single-family residential use. Consistency with the Comprehensive Plan is addressed earlier in the narrative. The RN zone is identified as the implementing zone for the Residential Neighborhood (RN) Comprehensive Plan designation; this zone requires that all development within it be approved as a Planned Development.

2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.
 - a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.
 - b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three new p.m. peak hour traffic trips or less;

- ii. A planned development or expansion thereof which provides an essential governmental service.
- c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.
- d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.
- e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F".

Response: DKS Associates has conducted a Transportation Impact Study (TIS) to evaluate traffic impacts from the proposed project. It addresses the provisions above. Please refer to TIS for additional detail demonstrating that the project meets the above criteria. These criteria are met.

- 3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.

Response: The site will be adequately served by public facilities and services, including utilities. The project will construct transportation infrastructure with site development and will dedicate 9.5 feet of public right-of-way width to SW Frog Pond Lane for the future widening and improvement. Therefore, this criterion is met.

(.10) Adherence to Approved Plans, Modification.

- A. Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
- B. In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the stage development schedule, the Development Review Board may, after notice and hearing, revoke a Planned Development permit. General economic conditions that affect all in a similar manner may be considered as a basis for an extension of a development schedule. The determination of the Board shall become final 30 days after the date of decision unless appealed to the City Council.
- C. Approved plans and non-conforming status with updated zoning and development standards.

1. Approved plans are the basis of legal conforming status of development except where one of the following occurs, at which point, the approved planned development becomes legally non-conforming:
 - a. the zoning of land within the plan area has been changed since adoption of the plan; or
 - b. the zoning standards for the zone under which it was approved have been substantially modified (50 percent or more of the regulatory standards have been modified as determined by the Planning Director); or
 - c. the City Council declared all planned developments in a certain zone or zones to be legal non-conforming as part of an ordinance to update or replace zoning standards; or
 - d. the City Council declared, by a stand-alone ordinance, planned developments in a certain zone not complying with current standards to be legal non-conforming. The City Council may, in an ordinance establishing non-conforming status of a planned development, declare the entire planned development to be non-conforming or declare certain standards established in the planned development to be non-conforming (i.e., lot coverage, setbacks, stormwater standards).
 2. If one of the conditions of subsection 1. is met, development that is consistent with the approved plan, but not complying with current zoning standards, shall be considered legal non-conforming and subject to the standards of Sections 4.189 thru 4.192.
 3. In no case shall a planned development approved within the previous 24 months, or under a time-extension under WC Section 4.023, be considered non-conforming; but automatically will become non-conforming after 24-months, and the end of any extensions, if it otherwise would qualify as legally non-conforming or is so declared pursuant to this subsection.
- D. The following are exempt from established residential density requirements beyond one unit per lot.
1. Accessory Dwelling Units.
 2. Duplexes.
 3. Triplexes.
 4. Quadplexes.
 5. Cluster housing.
- E. For new townhouses in existing residential planned developments in residential zones, the allowed density shall be the lesser of: (1) Four times the maximum net density for the lot(s) or parcel(s) established in the approved plan, or (2) 25 units per acre.
- F. Notwithstanding Subsection C. above, single-family residential development built consistent with an approved master plan in the

Planned Development Commercial or Planned Development Industrial zones prior to November 18, 2021 shall continue to be legal conforming uses. However, all lots within these master plans that allow for detached single-family must also allow all middle housing types with density exemptions and allowances consistent with D. and E. above. In addition, any lot coverage maximums established in the master plans less than those listed in Table 2 of Subsection 4.124(.07) are superseded by lot coverage standards in that table.

Response: These standards are understood.

- (.11) *Early Vesting of Traffic Generation.* Applicants with Stage I or Master Plan approvals occurring after June 2, 2003 may apply to vest the right to use available transportation capacity at the intersections of Wilsonville Road with Boone's Ferry Road and with Town Center Loop West, and/or the I-5 interchange. Vesting for properties with such approvals shall occur upon execution of a vesting agreement satisfactory to the City, which agreement shall include a proposed development schedule or phasing plan and either provide for the payment of any and all Supplemental Street SDCs or provide other means of financing public improvements. Vesting for properties pending such approvals shall occur upon such agreement and the date the approvals are final.

The number of trips vested is subject to modification based upon updated traffic analysis associated with subsequent development approvals for the property. A reduction in vested trips shall attend repayment of vesting fees by the City. An increase in available vested trips shall occur upon payment of necessary vesting fees.

Vesting shall remain valid and run with the property, unless an approval that is necessary for vesting to occur is terminated or a vesting agreement is terminated. If the vested right to use certain trips is lost or terminated, as determined by the Community Development Director with the concurrence of City Council, such trips shall be made available to other development upon City repayment, without interest, of associated vesting fees.

Response: No early vesting of traffic generation is requested. This standard is not applicable.

GENERAL DEVELOPMENT REGULATIONS

Section 4.154 ON-SITE PEDESTRIAN ACCESS AND CIRCULATION

(.01) On-site Pedestrian Access and Circulation

- A. The purpose of this section is to implement the pedestrian access and connectivity policies of the Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards. Development shall conform to all of the following standards:
1. *Continuous Pathway System.* A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable.

Response: The project design proposes sidewalks along the frontages of all lots providing a continuous pathway system throughout the community. In addition to the sidewalks, pedestrian pathways are proposed within Tracts A through D providing convenient connections and recreational opportunities in the open space areas. These pathways and

sidewalks provide easy connection to adjacent development, planned schools, planned parks and other local streets. These criteria are met.

2. *Safe, Direct, and Convenient.* Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:
 - a. Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.
 - b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel.
 - c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.
 - d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)B.3.d.

Response: The on-site pedestrian access and circulation system is generally consistent with *Frog Pond West Master Plan* Figure 18, Street Demonstration Plan. It provides safe, direct, and convenient connections both internally and to the surrounding street network.

3. *Vehicle/Pathway Separation.* Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards.

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

4. *Crosswalks.* Where a pathway crosses a parking area or driveway, it shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast).

Response: Proposed pathways do not cross a parking area or driveway. This standard is not applicable.

5. *Pathway Width and Surface.* Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA.

Response: As shown on the Preliminary Street Plan (Exhibit A), the pedestrian pathways are planned to be paved and are each 5 feet wide. This criterion is met.

6. All pathways shall be clearly marked with appropriate standard signs.

Response: The pedestrian pathways will be signed as required.

Section 4.155 GENERAL REGULATIONS - PARKING, LOADING AND BICYCLE PARKING

[...]

(.02) General Provisions:

[...]

(.03) Minimum and Maximum Off-Street Parking Requirements:

G. Tables 5 shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required. Structured parking and on-street parking are exempted from the parking maximums in Table 5.

(.04) Bicycle Parking:

A. Required Bicycle Parking - General Provisions.

1. The required minimum number of bicycle parking spaces for each use category is shown in Table 5, Parking Standards.

[...]

Table 5: Parking Standards			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a. Residential			
1. Single-family dwelling units, middle housing, as well as multiple-family dwelling units of nine or fewer units	1 per dwelling unit. ^{1,2} 2 spaces are encouraged for dwelling units over 1000 square feet ³	No Limit	Multiple-family dwelling units Min. of 2

NOTES:

- ¹ No additional off-street parking is required for a triplex or quadplex created through the addition to, or conversion of, an existing single-family detached dwelling.
- ² Garages (except for parking structures in the Town Center) do not count towards minimum parking unless all the requirements of Subsection 4.155 (.02) Q. are met.
- ³ No permit for single-family dwelling units, middle housing, or multiple-family dwelling units of nine or fewer units shall be denied based on only providing one parking space per unit.

Response: Table 5 requires that single-family units provide one parking space per dwelling unit. There is no maximum number listed. Each lot will accommodate a single-family home with a two-car garage and a driveway. Dimensional standards will be reviewed during building permit submittal.

Table 5 states that there is no minimum bicycle parking requirement for single-family homes. These criteria are met.

Section 4.167 GENERAL REGULATIONS - ACCESS, INGRESS AND EGRESS

- (.01) Each access onto streets or private drives shall be at defined points as approved by the City and shall be consistent with the public's health, safety and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit.

Response: Driveways will be shown on construction drawings and will be approved at the time of building permit issuance.

Section 4.171 PROTECTION OF NATURAL FEATURES AND OTHER RESOURCES

(.02) General Terrain Preparation:

- A. All developments shall be planned, designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant landforms.
- B. All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code
- C. In addition to any permits required under the Uniform Building Code, all developments shall be planned, designed, constructed and maintained so as to:
 1. Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
 2. Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination, or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
 3. Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

Response: The site has been planned and designed to avoid the natural features on the site such as the trees contained within Tracts A and B. As demonstrated within the Preliminary Plans (Exhibit A), grading, filling, and excavating will be conducted in accordance with the Uniform Building Code. The site will be protected with erosion control measures. Where removal of trees is necessary for the construction of homes and public streets, replacement trees will be planted per the provisions of this Code. These criteria are met.

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

[...]

Response: The project site does not contain slopes greater than 25 percent. These standards do not apply.

(.04) Trees and Wooded Areas.

- A. All developments shall be planned, designed, constructed and maintained so that:
1. Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.
 2. Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible.
 3. Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- B. Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:
1. Avoiding disturbance of the roots by grading and/or compacting activity.
 2. Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.
 3. Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.
 4. Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees.

Response: Existing vegetation will not be disturbed, injured, or removed prior to land use and permit approvals. Existing trees have been retained wherever possible; however, some trees will need to be removed to provide area for construction of rights-of-way and homes. Existing tree groves have been identified for protection and incorporated into the planned open spaces. The finished pathway will be built on grade according to the construction plan specified in the Preliminary Tree Preservation and Removal Plan and its location within the grove will be somewhat flexible to allow the project arborist and construction crew to preserve large roots that may be encountered. Trees identified to be retained will be protected during site preparation and construction according to the City Public Works design specifications as outlined in the Preliminary Tree Preservation and Removal Plan and Conditions of Approval.

(.07) Standards for Earth Movement Hazard Areas:

- A. No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions:
1. Stabilization of the identified hazardous condition based on established and proven engineering techniques which ensure protection of public and private property.

Appropriate conditions of approval may be attached by the City.

2. An engineering geologic study approved by the City establishing that the site is stable for the proposed use and development. The study shall include the following:
 - a. Index map.
 - b. Project description, to include: location; topography, drainage, vegetation; discussion of previous work; and discussion of field exploration methods.
 - c. Site geology, to include: site geologic map; description of bedrock and superficial materials including artificial fill; location of any faults, folds, etc.; and structural data including bedding, jointing, and shear zones.
 - d. Discussion and analysis of any slope stability problems.
 - e. Discussion of any off-site geologic conditions that may pose a potential hazard to the site or that may be affected by on-site development.
 - f. Suitability of site for proposed development from geologic standpoint.
 - g. Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
 - h. Supportive data, to include: cross sections showing subsurface structure; graphic logs of subsurface explorations; results of laboratory tests; and references.
 - i. Signature and certification number of engineering geologist registered in the State of Oregon.
 - j. Additional information or analyses as necessary to evaluate the site.
- B. Vegetative cover shall be maintained or established for stability and erosion control purposes.
- C. Diversion of storm water into these areas shall be prohibited.
- D. The principal source of information for determining earth movement hazards is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site specific engineering geologic studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the earth movement hazards database.

Response: Geotechnical investigation has been completed for the subject property, and no earth movement hazards have been identified. See Exhibit H for the geotechnical report. These standards do not apply to this application.

(.08) Standards for Soil Hazard Areas:

- A. Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.
- B. The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

Response: A geotechnical investigation has been completed for the subject property, and no soil hazard areas have been identified. See Exhibit H for the geotechnical report. These criteria are met.

(.09) Historic Protection: Purpose:

- A. To preserve structures, sites, objects, and areas within the City of Wilsonville having historic, cultural, or archaeological significance.

Response: No historic, cultural, or archaeological items have been identified on the site.

Section 4.175 PUBLIC SAFETY AND CRIME PREVENTION.

- (.01)** All developments shall be designed to deter crime and ensure public safety.
- (.02)** Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public.
- (.03)** Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties.
- (.04)** Exterior lighting shall be designed and oriented to discourage crime.

Response: The Cottage Park Place community has been designed to deter crime and ensure public safety. Streets and pedestrian connections will be lit for visibility and safety. Homes will be oriented toward these streets or open spaces to provide visibility that will deter crime. All dwellings will be addressed per building and Fire Department requirements to allow identification for emergency response personnel. No parking and loading areas are proposed. Dwellings will have exterior porch lighting, which will support public streetlights to provide safety and visibility. These criteria are met.

Section 4.176 LANDSCAPING, SCREENING, AND BUFFERING**(.02) Landscaping and Screening Standards.**

[...]

C. General Landscaping Standard.

1. **Intent.** The General Landscaping Standard is a landscape treatment for areas that are generally open. It is intended to be applied in situations where distance is used as the principal means of separating uses or developments and landscaping is required to enhance the intervening space. Landscaping may include a mixture of ground cover,

evergreen and deciduous shrubs, and coniferous and deciduous trees.

2. Required materials. Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs:
 - a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.
 - b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.

Response: This project consists of a single-family residential neighborhood subject to the General Landscaping Standard. Landscaping meeting these standards will be provided at the time of building permit submittal; these criteria will be met at such time.

D. Low Screen Landscaping Standard.

[...]

2. Required materials. The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three (3) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 22: Low Screen Landscaping).

Response: The proposed residential development is adjacent to other planned residential developments. Screening is not required, nor has it been proposed.

- (.03) Landscape Area. Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable. (For recommendations refer to the Native Plant List maintained by the City of Wilsonville).

Response: Landscaping on individual private lots will be reviewed at the time of building permit submittal. The Preliminary Landscape Plan included in Exhibit A illustrates the location and type of landscaping within public rights-of-way and open space tracts. This criterion is met.

(.06) Plant Materials.

- A. Shrubs and Ground Cover. All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three (3) years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. Native topsoil shall be preserved and reused to the extent feasible. Surface mulch or bark dust are to be fully raked into soil of appropriate depth, sufficient to control erosion, and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or barkdust are not to be used as substitutes for plant areas.
1. Shrubs. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.
 2. Ground cover. Shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.
 3. Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent (10%) of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of water, a larger percentage of turf or lawn area is appropriate. Use of lawn fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas.
 4. Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.
 5. Integrate compost-amended topsoil in all areas to be landscaped, including lawns, to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.

Response: The Preliminary Landscape Plan (Exhibit A) demonstrates compliance with these requirements. These criteria are met.

- B. Trees. All trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows:
1. Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of 2" caliper.
 2. Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame

Ash, and Honeylocust, shall be a minimum of 1-3/4" to 2" caliper.

3. Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering Pear and Kousa Dogwood, shall be 1-3/4" minimum caliper.
4. Large conifer trees such as Douglas Fir or Deodar Cedar shall be installed at a minimum height of eight (8) feet.
5. Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six (5 to 6) feet.

Response: The Preliminary Landscape Plan (Exhibit A) addresses these requirements, as applicable. These criteria are met.

D. **Street Trees.** In order to provide a diversity of species, the Development Review Board may require a mix of street trees throughout a development. Unless the Board waives the requirement for reasons supported by a finding in the record, different types of street trees shall be required for adjoining blocks in a development.

1. All trees shall be standard base grafted, well branched and typical of their type as described in current AAN Standards and shall be balled and burlapped (b&b). Street trees shall be planted at sizes in accordance with the following standards:
 - a. Arterial streets - 3" minimum caliper
 - b. Collector streets - 2" minimum caliper.
 - c. Local streets or residential private access drives - 1-3/4" minimum caliper.
 - d. Accent or median tree -1-3/4" minimum caliper.

Response: The project has frontage on SW Frog Pond Lane, which is classified as a local street west of Willow Creek Drive. SW Sherman Drive, "J Street," and SW Brisband Street are also planned as local streets. As shown on the Preliminary Landscape Plan (Exhibit A), the project complies with the above street tree requirements. These criteria are met.

2. The following trees and varieties thereof are considered satisfactory street trees in most circumstances; however, other varieties and species are encouraged and will be considered:
 - a. Trees over 50 feet mature height: *Quercus garryana* (Native Oregon White Oak), *Quercus rubra borealis* (Red Oak), *Acer Macrophyllum* (Native Big Leaf Maple), *Acer nigrum* (Green Column Black Maple), *Fraxinus americanus* (White Ash), *Fraxinus pennsylvannica* 'Marshall' (Marshall Seedless Green Ash), *Quercus coccinea* (Scarlet Oak), *Quercus pulustris* (Pin Oak), *Tilia americana* (American Linden).
 - b. Trees under 50 feet mature height: *Acer rubrum* (Red Sunset Maple), *Cornus nuttallii* (Native Pacific Dogwood), *Gleditsia triacanthos* (Honey Locust), *Pyrus calleryana* 'Bradford' (Bradford Pear), *Tilia cordata* (Little Leaf Linden), *Fraxinus oxycarpa* (Flame Ash).

- c. Other street tree species. Other species may be specified for use in certain situations. For instance, evergreen species may be specified where year-round color is desirable and no adverse effect on solar access is anticipated. Water-loving species may be specified in low locations where wet soil conditions are anticipated.

Response: Street trees have been selected in accordance with Figure 43, Street Tree Plan, and Table 2, Street Tree List of the *Frog Pond West Master Plan*. These criteria are met.

E. Types of Plant Species.

1. Existing landscaping or native vegetation may be used to meet these standards, if protected and maintained during the construction phase of the development and if the plant species do not include any that have been listed by the City as prohibited. The existing native and nonnative vegetation to be incorporated into the landscaping shall be identified.
2. Selection of plant materials. Landscape materials shall be selected and sited to produce hardy and drought-tolerant landscaping. Selection shall be based on soil characteristics, maintenance requirements, exposure to sun and wind, slope and contours of the site, and compatibility with other vegetation that will remain on the site. Suggested species lists for street trees, shrubs and groundcovers shall be provided by the City of Wilsonville.
3. Prohibited plant materials. The City may establish a list of plants that are prohibited in landscaped areas. Plants may be prohibited because they are potentially damaging to sidewalks, roads, underground utilities, drainage improvements, or foundations, or because they are known to be invasive to native vegetation.

Response: As shown the Preliminary Landscape Plan (Exhibit A), the proposed landscape materials include a mix of native trees, shrubs, and groundcovers. No prohibited plant materials are proposed. These criteria are met.

(.07) Installation and Maintenance.

- A. Installation. Plant materials shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement.
- B. Maintenance. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by a City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Failure to maintain landscaping as required in this Section shall constitute a violation of this Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.

- C. Irrigation. The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following:
1. A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.
 2. A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant.
 3. Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.
 4. A temporary permit issued for a period of one year, after which an inspection shall be conducted to assure that the plants have become established. Any plants that have died, or that appear to the Planning Director to not be thriving, shall be appropriately replaced within one growing season. An inspection fee and a maintenance bond or other security sufficient to cover all costs of replacing the plant materials shall be provided, to the satisfaction of the Community Development Director. Additionally, the applicant shall provide the City with a written license or easement to enter the property and cause any failing plant materials to be replaced.
- D. Protection. All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and the storage of materials.

Response: As detailed in Note 6 of the Preliminary Landscape Plan (Exhibit A), all landscape areas will be watered by a fully automatic underground irrigation system. These criteria are met.

- (.09) Landscape Plans. Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated. Landscape plans shall divide all landscape areas into the following categories based on projected water consumption for irrigation:
- A. High water usage areas (+/- two (2) inches per week): small convoluted lawns, lawns under existing trees, annual and perennial flower beds, and temperamental shrubs;
 - B. Moderate water usage areas (+/- one (1) inch per week): large lawn areas, average water-using shrubs, and trees;
 - C. Low water usage areas (Less than one (1) inch per week, or gallons per hour): seeded fieldgrass, swales, native plantings, drought-tolerant shrubs, and ornamental grasses or drip irrigated areas.

- D. Interim or unique water usage areas: areas with temporary seeding, aquatic plants, erosion control areas, areas with temporary irrigation systems, and areas with special water-saving features or water harvesting irrigation capabilities. These categories shall be noted in general on the plan and on the plant material list.

Response: A Preliminary Landscape Plan is included within the Frog Pond Cottage Park Place PUD Preliminary Plans (Exhibit A). Individual lot landscaping will be proposed at the time of building permit submittal. These criteria are met.

- (.10) Completion of Landscaping. The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review.

Response: No deferral is requested at this time but may be requested in the future subject to the scenarios above. This requirement is understood.

- (.11) Street Trees Not Typically Part of Site Landscaping. Street trees are not subject to the requirements of this Section and are not counted toward the required standards of this Section. Except, however, that the Development Review Board may, by granting a waiver or variance, allow for special landscaping within the right-of-way to compensate for a lack of appropriate on-site locations for landscaping. See subsection (.06), above, regarding street trees.

Response: No waiver or variance for on-site landscaping is requested. This standard is not applicable.

- (.12) Mitigation and Restoration Plantings. A mitigation plan is to be approved by the City's Development Review Board before the destruction, damage, or removal of any existing native plants. Plantings intended to mitigate the loss of native vegetation are subject to the following standards. Where these standards conflict with other requirements of this Code, the standards of this Section shall take precedence. The desired effect of this section is to preserve existing native vegetation.
- A. Plant Sources. Plant materials are to be native and are subject to approval by the City. They are to be non-clonal in origin; seed source is to be as local as possible, and plants must be nursery propagated or taken from a pre-approved transplantation area. All of these requirements are to be addressed in any proposed mitigation plan.
- B. Plant Materials. The mitigation plan shall specify the types and installation sizes of plant materials to be used for restoration. Practices such as the use of pesticides, fungicides, and fertilizers shall not be employed in mitigation areas unless specifically authorized and approved.
- C. Installation. Install native plants in suitable soil conditions. Plant materials are to be supported only when necessary because of extreme winds at the site. Where support is necessary, all stakes, guy wires or other measures are to be removed as soon as the plants can

support themselves. Protect from animal and fowl predation and foraging until establishment.

- D. **Irrigation.** Permanent irrigation systems are generally not appropriate in restoration situations, and manual or temporary watering of new plantings is often necessary. The mitigation plan shall specify the method and frequency of manual watering, including any that may be necessary after the first growing season.
- E. **Monitoring and Reporting.** Monitoring of native landscape areas is the on-going responsibility of the property owner. Plants that die are to be replaced in kind and quantity within one year. Written proof of the survival of all plants shall be required to be submitted to the City's Planning Department one year after the planting is completed.

Response: The site is currently in residential and agricultural use, and site plantings consist primarily of grass and clustered trees. The existing grass and some of the trees will be removed for site development, specifically to accommodate the planned street network and desired lot pattern. Tree removal will be mitigated as detailed in the response to Section 4.610.40. These criteria are met.

Section 4.177 STREET IMPROVEMENT STANDARDS

- (.01) Development and related public facility improvements shall comply with the standards in this section, the Wilsonville Public Works Standards, and the Transportation System Plan, in rough proportion to the potential impacts of the development. Such improvements shall be constructed at the time of development or as provided by Section 4.140, except as modified or waived by the City Engineer for reasons of safety or traffic operations.

Response: The proposed public facility improvements are designed to comply with the standards in this section, the Wilsonville Public Works Standards, and the Transportation System Plan as modified by the *Frog Pond West Master Plan* and as approved by the City Engineer. Final approval will occur with review and issuance of the Public Works construction permit.

The development will construct the remaining width of Frog Pond Lane and the bicycle/pedestrian facilities associated with it. Local streets within the project will be constructed as part of the public improvements of the project and will meet the City's public improvement standards. Please refer to the Preliminary Street Plan (Exhibit A) for the proposed street improvements. The project will provide payment of required in-lieu fees for transportation impacts on specified off-site transportation improvements. This criterion is met.

(.02) Street Design Standards.

- A. All street improvements and intersections shall provide for the continuation of streets through specific developments to adjoining properties or subdivisions.
 - 1. Development shall be required to provide existing or future connections to adjacent sites through the use of access easements where applicable. Such easements shall be required in addition to required public street dedications as required in Section 4.236(.04).

Response: The street network has been designed in substantial compliance with the Frog Pond West Street Demonstration Plan. Some streets have been relocated to maximize the number of preserved trees on the site. Future connections to adjacent sites are anticipated to the east and south. This criterion is met.

- B. The City Engineer shall make the final determination regarding right-of-way and street element widths using the ranges provided in Chapter 3 of the Transportation System Plan and the additional street design standards in the Public Works Standards.

Response: The proposed streets are designed to the standards of the *Frog Pond West Master Plan* and meet the requirements of the TSP and Public Works Standards. This criterion is met.

- C. Rights-of-way.
1. Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Transportation System Plan. All dedications shall be recorded with the County Assessor's Office.
 2. The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder's Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.
 3. In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.

Response: The site abuts SW Frog Pond Lane, a local street, to the north. The project will dedicate 9.5 feet of right-of-way to the southern edge of SW Frog Pond Lane right-of-way, which will increase the right-of-way to 42.5 feet and 52 feet with development and dedication of the north side of SW Frog Pond Lane. The tentative subdivision plat shows right-of-way dedication.

A waiver of remonstrance will be issued prior to the recordation of a final plat. The project is not adjacent to arterial streets; therefore, a special setback requirement is not required.

These criteria are met.

- D. Dead-end Streets. New dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection. A central landscaped island with rainwater management and infiltration are encouraged in cul-de-sac design. No more than 25 dwelling units shall take access to a new dead-end or cul-de-sac street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of 25 or fewer units. All other dimensional standards of dead-end streets shall be governed by the Public Works Standards.

Notification that the street is planned for future extension shall be posted on the dead-end street.

Response: The street network has been designed per the *Frog Pond West Master Plan* Street Demonstration Plan. Permanent dead-end streets have not been proposed by the Applicant; therefore, this standard does not apply.

E. Corner or clear vision area.

1. A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:
 - a. Light and utility poles with a diameter less than 12 inches.
 - b. Trees less than 6" d.b.h., approved as a part of the Stage II Site Design, or administrative review.
 - c. Except as allowed by b., above, an existing tree, trimmed to the trunk, 10 feet above the curb.
 - d. Official warning or street sign.
 - e. Natural contours where the natural elevations are such that there can be no crossvisibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.

Response: Clear vision areas will be maintained at the corner of each property. These criteria are met.

F. Vertical clearance - a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.

Response: Vertical clearances will be maintained at all streets and access drives. This criterion is met.

G. Interim improvement standard. It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Development Review Board, the following interim standards shall apply.

1. Arterials - 24 foot paved, with standard sub-base. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.
2. Half-streets are generally considered unacceptable. However, where the Development Review Board finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the requirements in the Public Works Standards:
3. When considered appropriate in conjunction with other anticipated or scheduled street improvements, the City

Engineer may approve street improvements with a single asphalt lift. However, adequate provision must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.

Response: This project is a new subdivision. SW Brisband Street will be improved to the property line. Future development south of the project will dedicate and construct SW Brisband Street beyond the adjacent sidewalk, vegetated swale, and curb and gutter. SW Sherman Drive will be constructed to include the entire paved width for the majority of the street, including sidewalks and planter strips/swales along the eastern edge of the right-of-way. Future development west of Cottage Park Place will construct the western edge of the SW Sherman Drive right-of-way. In some locations, where off-site trees are expected to be preserved, some of the paved width of the street (up to 8 feet) will be constructed by future development to the west. The applicable criteria are met.

- (.03) **Sidewalks.** Sidewalks shall be provided on the public street frontage of all development. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the City Engineer.
 - A. Sidewalk widths shall include a minimum through zone of at least five feet. The through zone may be reduced pursuant to variance procedures in Section 4.196, a waiver pursuant to Section 4.118, or by authority of the City Engineer for reasons of traffic operations, efficiency, or safety.
 - B. Within a Planned Development, the Development Review Board may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary.

Response: As shown on the Preliminary Street Plan (Exhibit A), all sidewalks within the proposed development are at least 5 feet wide. In those instances where they are located outside of the right-of-way in order to accommodate stormwater swales, a public sidewalk easement is proposed, as shown on the Preliminary Dimensioned PUD Plan and Preliminary Street Cross Sections within Exhibit A. Sidewalks are proposed on both sides of all streets where development has been planned. No adjustments are requested; therefore, these criteria are met.

- (.04) **Bicycle Facilities.** Bicycle facilities shall be provided to implement the Transportation System Plan, and may include on-street and off-street bike lanes, shared lanes, bike boulevards, and cycle tracks. The design of on-street bicycle facilities will vary according to the functional classification and the average daily traffic of the facility.

Response: As shown on the Preliminary Street Plan (Exhibit A), the proposed street cross sections comply with the street classifications and cross sections identified in the *Frog Pond West Master Plan*. The SW Frog Pond Lane cross section includes buffered bike lanes; bikes will share the vehicular lane with vehicles on local streets. Therefore, these criteria are met.

- (.05) **Multiuse Pathways.** Pathways may be in addition to, or in lieu of, a public street. Paths that are in addition to a public street shall generally run parallel to that street, and shall be designed in accordance with the Public Works

Standards or as specified by the City Engineer. Paths that are in lieu of a public street shall be considered in areas only where no other public street connection options are feasible and are subject to the following standards.

- A. Paths shall be located to provide a reasonably direct connection between likely pedestrian and bicyclist destinations. Additional standards relating to entry points, maximum length, visibility, and path lighting are provided in the Public Works Standards.
- B. To ensure ongoing access to and maintenance of pedestrian/bicycle paths, the City Engineer will require dedication of the path to the public and acceptance of the path by the City as public right-of-way; or creation of a public access easement over the path.

Response: Please see responses to WDC Section 4.127(.10), above, for more details.

(.06) Transit Improvements

Development on sites that are adjacent to or incorporate major transit streets shall provide improvements as described in this section to any bus stop located along the site's frontage, unless waived by the City Engineer for reasons of safety or traffic operations. Transit facilities include bus stops, shelters, and related facilities. Required transit facility improvements may include the dedication of land or the provision of a public easement.[...]

Response: The site is not adjacent to transit routes. These standards are not applicable.

(.07) Residential Private Access Drives. Residential Private Access Drives shall meet the following standards:

- A. Residential Private Access Drives shall provide primary vehicular access to no more than four (4) dwelling units, excluding accessory dwelling units.

Response: Private access drives providing primary vehicular access to more than four dwelling units are not proposed. Each dwelling unit will gain street access via private alleys. This standard does not apply.

(.08) Access Drive and Driveway Approach Development Standards.

- A. An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions.
- B. Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.
- C. Where emergency vehicle access is required, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.
- D. Secondary or emergency access lanes may be improved to a minimum 12 feet with an all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.
- E. Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.

- F. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.
- G. The City may limit the number or location of connections to a street, or impose access restrictions where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.
- H. The City may require a driveway to extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The City may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).
- I. Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.
- J. Driveways shall be designed so that vehicle areas, including but not limited to drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.
- K. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.
- L. As it deems necessary for pedestrian safety, the City, in consultation with the roadway authority, may require traffic-calming features, such as speed tables, textured driveway surfaces, curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site.
- M. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
- N. Where a proposed driveway crosses a culvert or drainage ditch, the City may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant applicable Public Works standards.
- O. Except as otherwise required by the applicable roadway authority or waived by the City Engineer, temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.

Response: As shown on the Preliminary Street Plan (Exhibit A), the project meets the above Code requirements, as applicable.

- P. Unless constrained by topography, natural resources, rail lines, freeways, existing or planned or approved development, or easements or covenants, driveways proposed as part of a residential or mixed-use development shall meet local street spacing standards and shall be constructed to align with existing or planned streets, if the driveway.
 1. Intersects with a public street that is controlled, or is to be controlled in the planning period, by a traffic signal;
 2. Intersects with an existing or planned arterial or collector street; or

3. Would be an extension of an existing or planned local street, or of another major driveway.

Response: As shown on the Preliminary Street Plan (Exhibit A), project streets are designed to meet local spacing standards. These criteria are met.

(.09) Minimum street intersection spacing standards.

- A. New streets shall intersect at existing street intersections so that centerlines are not offset. Where existing streets adjacent to a proposed development do not align properly, conditions shall be imposed on the development to provide for proper alignment.
- B. Minimum intersection spacing standards are provided in Transportation System Plan Table 3-2.

Response: All streets within the proposed project other than SW Frog Pond Lane are Local Streets. Centerlines are not planned to be offset and are properly aligned.

Per Table 3-2 of the Transportation System Plan, there are no minimum access spacing standards along Local Streets. Access is permitted to each individual lot fronting a Local Street; however, shared access via private alleys has been proposed. No individual lot accesses are proposed on SW Frog Pond Lane, SW Sherman Drive, "J Street", or SW Brisband Street. These criteria are met.

- (.10) Exceptions and Adjustments. The City may approve adjustments to the spacing standards of subsections (.08) and (.09) above through a Class II process, or as a waiver per Section 4.118(.03)(A.), where an existing connection to a City street does not meet the standards of the roadway authority, the proposed development moves in the direction of code compliance, and mitigation measures alleviate all traffic operations and safety concerns. Mitigation measures may include consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right in/out only), or other mitigation.

Response: No exceptions or adjustments are requested. This standard does not apply.

Section 4.180 EXCEPTIONS AND MODIFICATIONS - PROJECTIONS INTO REQUIRED YARDS

- (.01) Certain non-structural architectural features are permitted to project into required yards or courts, without requiring the approval of a Variance or Reduced Setback Agreement, as follows:

- A. Into any required yard:
1. Architectural features may project into the required yard not more than two (2) inches for each foot of required setback.
 2. Architectural features on buildings within the Coffee Creek Industrial Design Overlay District shall be subject to the applicable requirements in Section 4.134. :
 3. Open, unenclosed fire escapes may project a distance not exceeding forty-eight (48) inches.
- B. Into any required yard, adjoining a street or tract with a private drive:
1. Architectural features may project a distance not exceeding forty (40) inches.

- 2. An uncovered porch, terrace, or patio extending no more than two and one-half (2 1/2) feet above the finished elevation may extend within three (3) feet of an interior side lot line, or within ten (10) feet of a front lot line or of an exterior side lot line.

Response: No buildings are proposed with this application. Compliance with this section will be reviewed during a subsequent permit submittal; therefore, these standards are not applicable at this time.

Section 4.181 EXCEPTIONS & MODIFICATIONS - HEIGHT LIMITS.

Except as stipulated in Sections 4.800 through 4.804, height limitations specified elsewhere in this Code shall not apply to barns, silos or other farm buildings or structures on farms; to church spires; belfries; cupolas; and domes; monuments; water towers; windmills; chimneys; smokestacks; fire and hose towers; flag poles; above-ground electric transmission, distribution, communication and signal lines, towers and poles; and properly screened mechanical and elevator structures.

Response: No listed structures are proposed at this time. Architectural features of the proposed dwellings are shown within Exhibit M. Compliance with this section will be reviewed during a subsequent permit submittal. At this time, this standard does not apply.

Section 4.182 EXCEPTIONS AND MODIFICATIONS - SETBACK MODIFICATIONS

In any residential zone where the average depth of at least two (2) existing front yards on adjoining lots or within one hundred fifty (150) feet of the lot in question and within the same block front is less or greater than the minimum or maximum front yard depth prescribed elsewhere in this Code, the required depth of the front yard on such lot shall be modified. In such case, the front yard depth shall not be less than the average depth, nor more than the greater depth, of existing front yards on at least two (2) adjoining lots within one hundred and fifty (150) feet. In the case of a corner lot, the depth of the front yard may be reduced to that of the lot immediately adjoining, provided, however, that the depth of a front yard on any corner lot shall be at least ten (10) feet.

Response: No setback modifications are requested. Compliance with this section will be reviewed during a subsequent permit submittal. This standard does not apply.

[...]

Section 4.197 ZONE CHANGES AND AMENDMENTS TO THIS CODE – PROCEDURES

- (.01) The following procedure shall be followed in applying for an amendment to the text of this Chapter: [...]

Response: No zoning text amendments are proposed. This procedure is not applicable.

- B. All other quasi-judicial zone map amendments shall be reviewed by the Development Review Board to make a recommendation to City Council and all legislative zone map amendments shall be reviewed by the Planning Commission to make a recommendation to City Council.
- C. 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:

1. 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

Response: The Zone Map Amendment is being requested concurrent with a Planned Development. The application has been submitted in accordance with the procedures set forth in Section 4.140. This criterion is met.

2. 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: Concurrent with the adoption of the *Frog Pond West Master Plan*, the City added a new zoning district, Residential Neighborhood (RN), intended for application to the Master Plan area. The Applicant is requesting ±5.00 acres of unincorporated land be annexed to the City of Wilsonville and the RN zone applied to that territory. The applicable goals, policies, and objectives of the Comprehensive Plan text are addressed earlier in the narrative. This criterion is met.

3. 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 Measures 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text; and

Response: Compliance with the applicable Implementation Measures is addressed earlier within this written narrative. This criterion is met.

4. 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 ensure that all primary facilities are available and are adequately sized; and

Response: As addressed elsewhere in this written narrative, the project will extend roads and sidewalks, water, sewer, and storm drain to serve residents of the project. This criterion is met.

5. 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 abut 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 site does not contain SROZ areas, identified natural hazards, or identified geologic hazards. This standard does not apply.

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

Response: The zone change request is being submitted concurrently with a Planned Development, Subdivision, and Site Plan Review application. The Applicant plans to develop the property in a timely manner within two years of the initial approval of the zone change as feasible. Therefore, this criterion is met.

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

Response: This project is a single-family neighborhood, in accordance with the *Frog Pond West Master Plan*. Compliance with the applicable development standards of the RN zone is addressed earlier narrative. This criterion is met.

8. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment has a significant effect on the transportation system pursuant to OAR 660012-0060. A Traffic Impact Analysis (TIA) shall be prepared pursuant to the requirements in Section 4.133.05.(01).

Response: Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the construction of the project. The Applicant will extend sewer and water infrastructure and will provide storm drainage facilities to serve the project.

A Traffic Impact Analysis (TIA) was prepared by DKS Associates at the direction of the City of Wilsonville. Compliance with the Transportation Planning Rule (TPR) is included in the *Frog Pond Area Plan* and assumes full development of the Frog Pond area. The *Frog Pond Area Plan* determined that the anticipated development within Frog Pond would comply with the TPR. This criterion is met.

- (.05) In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.

[...]

Response: This project meets the applicable criteria as described above. The Applicant will sign the statement accepting and agreeing to complete the conditions of approval, as required by this section.

LAND DIVISIONS
Section 4.210 APPLICATION PROCEDURE

- (.01) Pre-application conference. Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.

Response: The Applicant held a pre-application conference with City staff on April 14, 2022. This criterion is met.

- B. Tentative Plat Submission. The purpose of the Tentative Plat is to present a study of the proposed subdivision to the Planning Department and Development Review Board and to receive approval or recommendations for revisions before preparation of a final Plat. The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:
1. Site development application form completed and signed by the owner of the land or a letter of authorization signed by the owner. A preliminary title report or other proof of ownership is to be included with the application form.
 2. Application fees as established by resolution of the City Council.
 3. Ten (10) copies and one (1) sepia or suitable reproducible tracing of the Tentative Plat shall be submitted with the application. Paper size shall be eighteen inch (18") by twenty-four inch (24"), or such other size as may be specified by the City Engineer.
 4. Name of the subdivision. No subdivision name shall duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Names may be checked through the county offices.
 5. Names, addresses, and telephone numbers of the owners and applicants, and engineer or surveyor.
 6. Date, north point and scale of drawing.
 7. Location of the subject property by Section, Township, and Range.
 8. Legal road access to subject property shall be indicated as City, County, or other public roads.
 9. Vicinity map showing the relationship to the nearest major highway or street.
 10. Lots: Dimensions of all lots, minimum lot size, average lot size, and proposed lot and block numbers.
 11. Gross acreage in proposed plat.
 12. Proposed uses of the property, including sites, if any, for multi-family dwellings, shopping centers, churches, industries, parks, and playgrounds or other public or semi-public uses.

13. Improvements: Statement of the improvements to be made or installed including streets, private drives, sidewalks, lighting, tree planting, and times such improvements are to be made or completed.
14. Trees. Locations, types, sizes, and general conditions of all existing trees, as required in Section 4.600.
15. Utilities such as electrical, gas, telephone, on and abutting the tract.
16. Easements: Approximate width, location, and purpose of all existing and proposed easements on, and known easements abutting the tract.
17. Deed Restrictions: Outline of proposed deed restrictions, if any.
18. Written Statement: Information which is not practical to be shown on the maps may be shown in separate statements accompanying the Tentative Plat.
19. If the subdivision is to be a "Planned Development," a copy of the proposed Home Owners Association By-Laws must be submitted at the time of submission of the application. The Tentative Plat shall be considered as the Stage I Preliminary Plan. The proposed By-Laws must address the maintenance of any parks, common areas, or facilities.
20. Any plat bordering a stream or river shall indicate areas subject to flooding and shall comply with the provisions of Section 4.172.
21. Proposed use or treatment of any property designated as open space by the City of Wilsonville.
22. A list of the names and addresses of the owners of all properties within 250 feet of the subject property, printed on self-adhesive mailing labels. The list shall be taken from the latest available property ownership records of the Assessor's office of the affected county.
23. A completed "liens and assessments" form, provided by the City Finance Department.
24. Locations of all areas designated as a Significant Resource Overlay Zone by the City, as well as any wetlands shall be shown on the tentative plat.
25. Locations of all existing and proposed utilities, including but not limited to domestic water, sanitary sewer, storm drainage, and any private utilities crossing or intended to serve the site. Any plans to phase the construction or use of utilities shall be indicated. [Amended by Ord. 682, 9/9/10]
26. A traffic study, prepared under contract with the City, shall be submitted as part of the tentative plat application process, unless specifically waived by the Community Development Director.

Response: The application materials include all of the information required in subsection 4.210(.01)B. These criteria are met.

D. Land division phases to be shown. Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.

Response: The proposed land division phases are shown on the submitted Preliminary Dimensioned Subdivision Plan. This criterion is met.

E. Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.

Response: The proposed subdivision does not create remainder tracts. The tentative plat accounts for all land within the plat area as lots, tracts, or right-of-way. This standard does not apply.

Section 4.232 EXPEDITED LAND DIVISIONS AND MIDDLE HOUSING LAND DIVISIONS.

(.01) Applicants for subdivisions or land partitions may request that their applications be processed as expedited land divisions, pursuant to ORS 197. In order to be processed as an expedited land division, each such request must be filed in writing at the time that the application is filed.

(.02) Additional to the relevant standards and criteria applying to partitions and subdivisions, applications for expedited land divisions shall only be approved where the subject property is in a residential zone and the application includes no requests for waivers or variances from the standards applying to land divisions in the zone.

Response: These standards related to expedited land divisions are understood, but not applicable due to the need for other concurrent land use decisions.

(.03) An applicant for a land division may process the land division as a Middle Housing land division if all the following are met:

A. The proposed land division is occupied by Middle Housing or an Accessory Dwelling Unit and the associated primary dwelling;

Response: Each Middle Housing Land Division involves a parent lot with duplex to be divided into two child lots. This criterion is met.

B. Separate utilities are provided for each dwelling unit within the land division;

Response: The Cottage Park Place project envisions 17 paired, attached and detached single-family residences for a total of 34 dwelling units. Each dwelling unit will be provided with separate utilities per the Preliminary Composite Utility Plans (Sheet P-09) contained within Exhibit A. This criterion is met.

C. Easements are provided for each dwelling unit for:

- 1. Locating, accessing, replacing and servicing all utilities;
- 2. Pedestrian access from each dwelling unit to a street or private drive;

3. Any common areas or shared building elements;
4. Any dedicated driveways or parking; and
5. Any dedicated common area.

Response: Each dwelling unit has been planned with any necessary easements to provide for the listed residential functions. These criteria are met.

- D. Evidence demonstrates how buildings or structures on a resulting middle housing land division unit will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new middle housing land division units, how structures or buildings located on the newly created middle housing land division units will comply with the Oregon residential specialty code.

Response: The proposed project will comply with the applicable building code provisions related to new dwelling units and property lines. This criterion is met.

- E. Notes are added to the final plat indicating the following:
1. Further division of the resulting middle housing land division units is prohibited;
 2. The approval of the middle housing land division is pursuant to ORS 92.010 to 92.192, as applicable.

Response: The final plat will contain language indicating that further division of the Middle Housing units is prohibited and that the Middle Housing Land Division complies with the applicable provisions of ORS 92.010 to 92.192. Therefore, these criteria are met.

- F. The Middle Housing Land Division is not used to create separate units of land for a two, three, or four-Unit Cluster Housing development on either of the following:
1. On land otherwise divisible through a partition or subdivision to create lots for detached single-family homes; or
 2. On lots in subdivisions or partitions recorded in the prior 24 month period unless the average size of the resulting land division units, determined by adding the areas of land division units and dividing by the number of land division units, is 60 percent or less of the minimum lot size in the zone.

Response: Cluster Housing units have not been planned as part of this application. These standards do not apply.

(.04) Provisions of Middle Housing Land Divisions:

1. A Middle Housing Land Division creates separate units of land for each dwelling unit in a Middle Housing development that could otherwise be built on the lot without a land division or to create a separate unit of land for an Accessory Dwelling Unit.

Response: The proposed Middle Housing Land Division creates separate units of land for each dwelling unit. In this case, a duplex on a legal parent lot is divided into two separate dwelling units on two separate units of land. This criterion is met.

2. Following a Middle Housing Land Division, the units of land resulting from a Middle Housing Land Division shall collectively be considered a single lot, along with the parent lot, for all but platting and property transfer purposes under City code and state rules and statutes, including, but not limited to, the following purposes:

A. Lot standards such as size, setback, lot coverage, and lot width and depth;

Response: Each proposed parent lot meets the applicable lot standards including lot size, setbacks, lot coverage, and lot width and depth, as explained within the written narrative responses related to Section 4.127. This criterion is met.

B. Definition of unit types (e.g., a two-Unit Cluster Housing development where each unit is on its own land division unit through a Middle Housing Land Division would still be considered two-Unit Cluster Housing rather than single-family units; a duplex would still be considered a duplex rather than townhouses);

Response: The proposed duplexes will still be considered duplexes following Middle Housing Land Division. This criterion is met.

C. Allowance of number of Middle Housing units and Accessory Dwelling Units;

Response: The proposed number of dwelling units is acceptable by the standards of the City of Wilsonville Development Code and *Frog Pond West Master Plan*. This criterion is met.

D. Compliance with Middle Housing rules and statutes in ORS 197 and OAR 660-046.

Response: The proposed Middle Housing Land Divisions comply with the applicable rules and statutes of ORS 197 and OAR 660-046. This criterion is met.

3. Middle Housing Land Division Units, the units of land resulting from a Middle Housing Division, shall:

A. Have exactly one dwelling unit (except for tracts for common space), and

B. Not be further divisible.

Response: Following the proposed Middle Housing Land Divisions, each child lot will contain exactly one dwelling unit and will be noted as ineligible for further division on the final plat. These criteria are met.

- (.05) Procedures and Requirements for Expedited Land Divisions and Middle Housing Land Divisions.

A. Expedited Land Divisions and Middle Housing Land Divisions for new middle housing, shall be subject to the same procedures and requirements as conventional land divisions, with the following exceptions:

1. The Planning Director shall have the authority to approve, conditionally approve, or deny tentative plat applications through the Administrative Review procedures of Section 4.035. The Director shall not refer an application for an expedited land division to the Development Review Board

for hearing and the Board shall not have the authority to call up the decision of the Director for review.

2. The Director shall render a decision on an expedited land division within 30 days of a complete filing, unless a time extension has been requested by the applicant.
 3. Appeals of the decisions of the Director on expedited land divisions shall be heard by a referee who has been retained by the City for the purpose of considering such appeals. Decisions of the referee shall be final and the City Council shall not have the authority to call up such decisions for review.
 4. The referee shall render a decision on an expedited land division or middle housing land division appeal within 63 days of a complete filing, unless a time extension has been requested by the applicant.
- B. Middle Housing Land Division occupied by existing middle housing or an Accessory Dwelling Unit and the associated primary dwelling shall be subject to the same procedures and requirements as partitions.
 - C. For either process described in A. and B., an applicant may submit multiple tentative middle housing land divisions within the same recorded subdivision or partition plat as a single application.
 - D. Notwithstanding Subsections A. and B. above, an applicant may elect to have one or more tentative middle housing land divisions reviewed concurrently with the tentative plat of a subdivision subject to review by the Development Review Board. Such tentative middle housing land divisions shall be shown on separate sheet(s) than the tentative subdivision plat and be clearly identified as being created from one or more lots created by the subdivision.

Response: These standards are understood. The proposed Middle Housing Land Divisions meet the applicable requirements and are submitted concurrently with the subdivision tentative plat. Middle Housing Land Divisions are shown on Sheet P-07 of the Preliminary Plans (Exhibit A), separate of the tentative subdivision plat. These criteria, as applicable, are met.

Section 4.236 GENERAL REQUIREMENTS – STREETS.

- (.01) Conformity to the Transportation System Plan. Land divisions shall conform to and be in harmony with the Transportation Systems Plan, the Bicycle and Pedestrian Master Plan, and the Parks and Recreation Master Plan.

Response: As confirmed by the TIS, the proposed street plan conforms to the Transportation System Plan and the *Frog Pond West Master Plan*. Per Figure 17 of the *Frog Pond West Master Plan*, the site is bound to the north and south by Framework Streets (SW Frog Pond Lane and SW Brisband Street). The plans comply with the applicable master plans for the area.

- (.02) Relation to Adjoining Street System.

- A. A land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Director or

Development Review Board, topographic conditions make such continuation or conformity impractical, an exception may be made. In cases where the Board or Planning Commission has adopted a plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.

Response: As shown on the Preliminary Street Plan (Exhibit A), the proposed street network is designed for future continuation and is generally consistent with the *Frog Pond West Master Plan*. Therefore, this criterion is met.

B. Where the plat submitted covers only a part of the applicant's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.

Response: The submitted tentative plat covers the entirety of the Applicant's tracts. This standard does not apply.

C. At any time when an applicant proposes a land division and the Comprehensive Plan would allow for the proposed lots to be further divided, the city may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street plans and other requirements specified in these regulations.

Response: The proposed lots follow the minimum lot size standards for R-7 and R-10 designations. Conformity with street plans and other requirements is addressed within this written narrative. This criterion is met.

(.03) All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.

Response: Compliance with the standards of Section 4.177 is addressed earlier in the narrative. This criterion is met.

(.04) Creation of Easements: The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required.

Response: The Applicant is not requesting street easements; therefore, this standard does not apply.

(.05) Topography: The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.

Response: The street layout recognizes topographical conditions. This criterion is met.

(.06) Reserve Strips: The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the Director or Board determine that a strip is necessary:

- A. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
- B. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards established by the City; or
- C. To prevent access to land abutting a street of the land division but not within the tract or parcel of land being divided; or
- D. To prevent access to land unsuitable for building development.

Response: The project does not include reserve strips. If required, reserve strips will be required in order to prevent access to adjacent lands. At this time, this standard does not apply to the application.

(.07) **Future Expansion of Street:** When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension. Notification that the street is planned for future extension shall be posted on the stub street.

Response: Local “J Street” is designed to extend to the boundary of the site and is intended for future extension. For that reason, no turnarounds are proposed for this street. The Applicant will comply with any requirements related to signage street extension objectives. This standard is met.

(.08) **Existing Streets:** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.

Response: The project will dedicate 9.5 feet of right-of-way to Frog Pond Lane as well as 15 feet for the expansion of SW Brisband Street and SW Sherman Drive at their intersection. The resulting streets are of adequate width and are anticipated to meet City standards. This criterion is met.

(.09) **Street Names:** No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.

Response: Subject to approval by the City Engineer, the street currently identified as “J Street” will conform to the City’s established name system. Other streets adjacent to the project area have established street names. This criterion is met.

Section 4.237 **GENERAL REQUIREMENTS – OTHER.**

(.01) **Blocks:**

- A. The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic, and recognition of limitations and opportunities of topography.
- B. **Sizes:** Blocks shall not exceed the sizes and lengths specified for the zone in which they are located unless topographical conditions or

other physical constraints necessitate larger blocks. Larger blocks shall only be approved where specific findings are made justifying the size, shape, and configuration.

Response: The length, width, and shape of blocks have been designed to accommodate the development established by the *Frog Pond West Master Plan*, accommodate natural resources designated for preservation, and to comply with the standards of Section 4.177. These standards are addressed above. The site is located within the RN zone and is also subject to the block, access, and connectivity standards of Section 4.127(.10). Those standards are addressed above. The placement of streets within the Cottage Park Place development and the blocks formed allow for the creation of lots which meet the standards of the pertinent sub-districts. These criteria are met.

(.02) Easements:

- A. Utility lines. Easements for sanitary or storm sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the City Engineer or Planning Director. All of the public utility lines within and adjacent to the site shall be installed within the public right-of-way or easement; with underground services extending to the private parcel constructed in conformance to the City's Public Works Standards. All franchise utilities shall be installed within a public utility easement. All utilities shall have appropriate easements for construction and maintenance purposes.
- B. Water courses. Where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. Streets or parkways parallel to water courses may be required.

Response: Public utilities are placed within public rights-of-way or within public utility easements (PUE) adjacent to the public streets. The tentative plat shows a public access and utility easement (PAUE) over the private alleys and tracts. Public and private utilities are expected to be constructed within public rights-of-way or within the provided utility easements. Qualifying existing overhead utilities are planned to be installed underground as feasible. Water courses are not located on the subject properties. Therefore, the applicable criteria are met.

(.03) Pedestrian and bicycle pathways. An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

- A. Pathways shall be required to connect to cul-de-sacs or to pass through unusually shaped blocks.
- B. Pathways required by this subsection shall have a minimum width of ten (10) feet unless they are found to be unnecessary for bicycle traffic, in which case they are to have a minimum width of six (6) feet.

Response: Due to existing tree groves slated for preservation and the layout Frog Pond Estates, currently undergoing development, the street layout originally envisioned (Figure 13 of

the *Frog Pond West Master Plan*) must be slightly modified. The pathway shown along the western boundary of the subject site is provided as a pedestrian path through a tree preservation tract and an extension of a public street, SW Sherman Drive. The layout change is compatible with the right-of-way network created by previously approved subdivisions.

Pathways are provided within the Tract A and C Open Spaces and connecting SW Frog Pond Lane to SW Sherman Drive. The primary purposes of Tracts A and C are to preserve an existing stand of trees as well as to provide pedestrian connectivity. The primary purposes of Tracts B and D are to preserve existing tree stands and provide pedestrian connection. As such, a 10-foot-wide pathway may cause greater root disturbance than desired for the preserved trees. Alternatively, two five-foot-wide pathways are provided at the north and south edges of Tracts B and D. Tracts A and C provide for a 10-foot-wide pathway from the SW Frog Pond Lane right-of-way to SW Sherman Drive right-of-way. Heavy or sustained bicycle traffic is not expected for these pathways through Tracts B and D, as other opportunities for bicycle traffic are provided by “J Street” and SW Frog Pond Lane.

- (.04) **Tree planting.** Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review Board before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.

Response: Proposed tree planting is shown on the Preliminary Landscape Plan (Exhibit A). Proposed street trees are located within public right-of-way planter strips and additional easements are not required.

- (.05) **Lot Size and shape.** The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.
- A. In areas that are not served by public sewer, an on-site sewage disposal permit is required from the City. If the soil structure is adverse to on-site sewage disposal, no development shall be permitted until sewer service can be provided.
- B. Where property is zoned or deeded for business or industrial use, other lot widths and areas may be permitted at the discretion of the Development Review Board. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- C. In approving an application for a Planned Development, the Development Review Board may waive the requirements of this section and lot size, shape, and density shall conform to the Planned Development conditions of approval.

Response: The site is served by public sewer, and no on-site sewage disposal is proposed. The property is zoned for residential use and is subject to an application for a Planned Development. The site is designated RN and is subject to the standards of that zone upon

annexation. The proposed lots meet the dimensional standards of the RN zone and the R-7 and R-10 designations as well as the general expectations of the *Frog Pond West Master Plan*. Please refer to response under WDC Section 4.127(.08). These criteria are met.

- (.06) Access. The division of land shall be such that each lot shall have a minimum frontage on a street or private drive, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:
- A. A lot on the outer radius of a curved street or tract with a private drive, or facing the circular end of a cul-de-sac shall have frontage of not less than twenty-five (25) feet upon a street or tract with a private drive, measured on the arc.
 - B. The Development Review Board may waive lot frontage requirements where in its judgment the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of this regulation or if the Board determines that another standard is appropriate because of the characteristics of the overall development.

Response: The minimum lot width in the Neighborhood (RN) Zone R-7 Subdistrict is 35 feet. Within the R-10 Subdistrict, the minimum lot width is 40 feet. As shown on the Preliminary Subdivision Plan (Exhibit A), the parent lots meet the dimensional standards. Please refer to the response to Section 4.127, addressing the standards of the Residential Neighborhood zone, previously within the narrative.

The Applicant is requesting a waiver for public street frontage for Lots 4 through 9 in order to accommodate preservation of mature Oregon White Oak tree groves within Tracts A through D. Six single-family lots will have frontage on common open space with pedestrian pathways and legal lot access via private alleys. This project is a Planned Development, which allows certain flexibility with design in order to encourage preservation of natural resources. The Development Review Board can make a finding that the lot frontage requirement can be waived in the interest of a greater public benefit and an asset to the community in the form of additional usable open space, additional pedestrian connections, and additional preserved mature trees, without nullifying the intent of the regulation.

These criteria are met.

- (.07) Through lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of one hundred (100) feet. The Development Review Board may require assurance that such screened areas be maintained as specified in Section 4.176.

Response: No through lots are proposed. This standard is not applicable.

- (.08) Lot side lines. The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street or tract with a private drive upon which the lots face.

Response: Planned side lot lines run at right angles to the street or the tract upon which they face. This criterion is met.

(.09) Large lot land divisions. In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Development Review Board considers it necessary.

Response: No future development tracts are proposed in this application; therefore, this standard does not apply.

(.10) Building line. The Planning Director or Development Review Board may establish special building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.

Response: No special building setbacks are proposed; therefore, this standard does not apply.

(.11) Build-to line. The Planning Director or Development Review Board may establish special build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

Response: There are no maximum setbacks or build-to lines required or proposed; therefore, this standard does not apply.

(.12) Land for public purposes. The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.

Response: The City has not identified any requirements for property to be reserved for public acquisition. The development will dedicate right-of-way for the public street network. This criterion is met.

(.13) Corner lots. Lots on street intersections shall have a corner radius of not less than ten (10) feet.

Response: As shown on the Preliminary Street Plan (Exhibit A), lots on street intersections are planned to have corner radii of at least 10 feet. This criterion is met.

Section 4.250 LOTS OF RECORD

All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.

Response: The application contains documents confirming that the properties are legal lots of record. This criterion is met.

Section 4.262 IMPROVEMENTS - REQUIREMENTS

(.01) Streets. Streets within or partially within the development shall be graded for the entire right-of-way width, constructed and surfaced in accordance with the Transportation Systems Plan and City Public Works Standards. Existing streets which abut the development shall be graded, constructed, reconstructed, surfaced or repaired as determined by the City Engineer.

(.02) **Curbs.** Curbs shall be constructed in accordance with standards adopted by the City.

(.03) **Sidewalks.** Sidewalks shall be constructed in accordance with standards adopted by the City.

Response: As shown on the Preliminary Street Plan (Exhibit A), streets will be graded, constructed, and surfaced according to the TSP, the cross sections incorporated into the *Frog Pond West Master Plan*, and the City's Public Works Standards as modified by the City Engineer. These criteria are met.

(.04) **Sanitary sewers.** When the development is within two hundred (200) feet of an existing public sewer main, sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the City. When the development is more than two hundred (200) feet from an existing public sewer main, the City Engineer may approve an alternate sewage disposal system.

Response: As shown on the Preliminary Composite Utility Plan (Exhibit A), the project connects to existing public sanitary sewer main adjacent to the site at the intersection of SW Brisband Street and SW Sherman Drive. The proposed sanitary sewer serves each lot in accordance with standards adopted by the City; therefore, this criterion is met.

(.05) **Drainage.** Storm drainage, including detention or retention systems, shall be provided as determined by the City Engineer.

Response: Per the Preliminary Stormwater Report (Exhibit G) and as demonstrated within the Preliminary Plans (Exhibit A), storm drainage systems are being provided as outlined in the City's Public Works Standards. This criterion is met.

(.06) **Underground utility and service facilities.** All new utilities shall be subject to the standards of Section 4.300 (Underground Utilities). The developer shall make all necessary arrangements with the serving utility to provide the underground services in conformance with the City's Public Works Standards.

Response: The standards of Section 4.300 are addressed earlier in the narrative. This criterion is met.

(.07) **Streetlight standards.** Streetlight standards shall be installed in accordance with regulations adopted by the City.

Response: Proposed streetlight locations are shown on the Preliminary Composite Utility Plan sheet (P-09) within the Preliminary Plans (Exhibit A). Streetlights will be installed per the *Frog Pond West Master Plan* and regulations adopted by the City. This criterion will be met during construction.

(.08) **Street signs.** Street name signs shall be installed at all street intersections and dead-end signs at the entrance to all dead-end streets and cul-de-sacs in accordance with standards adopted by the City. Other signs may be required by the City Engineer.

Response: Street signs will be installed per City standards. This criterion will be met upon sign installation.

(.09) **Monuments.** Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and shall be of such material, size and length as required by State Law. Any monuments that are disturbed before all improvements are completed by the developer and

accepted by the City shall be replaced to conform to the requirements of State Law.

Response: Monuments will be placed per State, Clackamas County, and City requirements. This criterion will be met.

(.10) Water. Water mains and fire hydrants shall be installed to serve each lot in accordance with City standards.

Response: Water mains and fire hydrants are proposed to serve each lot in accordance with City and Fire Department standards. Please refer to the Preliminary Composite Utility Plan (Exhibit A) for more information. This criterion will be met upon the installation of water mains and fire hydrants.

UNDERGROUND UTILITIES.

Section 4.300 GENERAL

(.02) After the effective date of this Code, the approval of any development of land within the City will be upon the express condition that all new utility lines, including but not limited to those required for power, communication, street lighting, gas, cable television services and related facilities, shall be placed underground.

(.03) The construction of underground utilities shall be subject to the City's Public Works Standards and shall meet applicable requirements for erosion control and other environmental protection.

Response: The project is subject to the requirements of this section.

Section 4.320 REQUIREMENTS

(.01) The developer or subdivider shall be responsible for and make all necessary arrangements with the serving utility to provide the underground services (including cost of rearranging any existing overhead facilities). All such underground facilities as described shall be constructed in compliance with the rules and regulations of the Public Utility Commission of the State of Oregon relating to the installation and safety of underground lines, plant, system, equipment and apparatus.

(.02) The location of the buried facilities shall conform to standards supplied to the subdivider by the City. The City also reserves the right to approve location of all surface-mounted transformers.

(.03) Interior easements (back lot lines) will only be used for storm or sanitary sewers, and front easements will be used for other utilities unless different locations are approved by the City Engineer. Easements satisfactory to the serving utilities shall be provided by the developer and shall be set forth on the plat.

Response: As demonstrated within the Preliminary Plans (Exhibit A), new utilities will be installed underground in accordance with City and other agency requirements. New interior utility easements are not proposed. These criteria are met.

SITE DESIGN REVIEW

Section 4.421 CRITERIA AND APPLICATION OF DESIGN STANDARDS

(.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant

in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)

A. **Preservation of Landscape.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

Response: Tracts A through D include open spaces which contain mature Oregon White Oak and evergreen trees. The site design incorporates preservation of natural landscape to the greatest degree practicable and minimizes tree removal so that healthy tree groves may be retained. This criterion is met.

B. **Relation of Proposed Buildings to Environment.** Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.

Response: The project layout is considerate to the natural features of the site. Homes were located on the site to avoid a grove of mature Oregon White Oak trees and groves of mature evergreen trees along the western edge of the property. A pedestrian path is placed along the north and south edges of the tree grove for residents to enjoy this natural feature. This requirement is met.

C. **Drives, Parking and Circulation.** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

Response: The drives, parking, and circulation within the development are subject to the requirements of the RN Zone, the Planned Development overlay, and Land Division requirements and are not subject to Site Design Review. This standard is not applicable.

D. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.

Response: Please refer to Exhibit G for the Preliminary Stormwater Report. The Preliminary Street Plan (Exhibit A) shows the location of Low Impact Development Approaches (LIDA) facilities within the planter strips of the public streets, on-lot facilities, and the stormwater facility within Tract E. This criterion is met.

- E. Utility Service. Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.

Response: As shown on the Preliminary Composite Utility Plan (Exhibit A), each lot will be served by a sanitary sewer line. Storm sewage disposal is provided by a storm drain system connecting to each on-site stormwater facility. This criterion is met.

- (.02) The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.

Response: This application does not include accessory buildings or exterior signs. This standard does not apply.

- (.04) Conditional application. The Planning Director, Planning Commission, Development Review Board or City Council may, as a Condition of Approval for a zone change, subdivision, land partition, variance, conditional use, or other land use action, require conformance to the site development standards set forth in this Section.

Response: This application includes a Zone Change and Planned Development, among other applications, and includes responses to the site development standards of those sections. Per City staff, the project elements subject to Site Design Review and the standards of this chapter are tracts and their landscaping as well as landscaping within the public right-of-way. Conformance with the applicable standards is shown; therefore, this criterion is met.

- (.05) The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code. In making this determination of compliance and attaching conditions, the Board shall, however, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions either singularly or accumulatively have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

Response: This single-family community has been designed in accordance with the *Frog Pond West Master Plan*, which is part of, and consistent with, the Comprehensive Plan. The site plan is consistent with allowable number of homes and other requirements established by the *Frog Pond West Master Plan* and the implementing RN zone. No additional conditions are needed to ensure that the project remains consistent with the City's adopted policies. This criterion is met.

- (.06) The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.

- A. Where the conditions of approval for a development permit specify that certain paints or colors of materials be used, the use of those paints or colors shall be binding upon the applicant. No Certificate of Occupancy shall be granted until compliance with such conditions has been verified.

- B. Subsequent changes to the color of a structure shall not be subject to City review unless the conditions of approval under which the original colors were set included a condition requiring a subsequent review before the colors could be changed.

Response: This project is an attached single-family community. Colors and materials have not been identified in the design standards of the *Frog Pond West Master Plan*. It is anticipated that building elevations, including paint and material colors, will be evaluated at the time of building permit review; however, example home elevations and floor plans have been provided as part of Exhibit M. As applicable, these criteria are met.

Section 4.440 PROCEDURE

- (.01) Submission of Documents. A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:

- A. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, offstreet parking and loading areas, and railroad tracks. The site plan shall indicate the location of entrances and exits and direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided.

Response: The Preliminary Plans (Exhibit A) provide the information listed above, as applicable. This criterion is met.

- B. A Landscape Plan, drawn to scale, showing the location and design of landscaped areas, the variety and sizes of trees and plant materials to be planted on the site, the location and design of landscaped areas, the varieties, by scientific and common name, and sizes of trees and plant materials to be retained or planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials. An inventory, drawn at the same scale as the Site Plan, of existing trees of 4" caliper or more is required. However, when large areas of trees are proposed to be retained undisturbed, only a survey identifying the location and size of all perimeter trees in the mass is necessary.

Response: The Preliminary Landscape Plan and Preliminary Tree Preservation and Removal Plan (Exhibit A) are included with this application. The plans provide the information required; therefore, this criterion is met.

- C. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Floor plans shall also be provided in sufficient detail to permit computation of yard requirements based on the relationship of indoor versus outdoor living area, and to evaluate the floor plan's effect on the exterior design of the building through the placement and configuration of windows and doors.

Response: Example building elevations and floor plans are included as Exhibit M. This criterion is met.

- D. A Color Board displaying specifications as to type, color, and texture of exterior surfaces of proposed structures. Also, a phased development schedule if the development is constructed in stages.
- E. A sign Plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.
- F. The required application fee.

Response: A color board is not included, as exterior dwelling design will be evaluated at the time of building permit review. No signs are proposed at this time. The required application fee has been submitted with this application. Phasing of the development is planned to occur as follows:

Phase 1: 2024-2026

Phase 2: 2025-2027

These criteria are met.

TREE PRESERVATION AND PROTECTION

Section 4.600.30 TREE REMOVAL PERMIT REQUIRED

- (.01) Requirement Established. No person shall remove any tree without first obtaining a Tree Removal Permit (TRP) as required by this subchapter.
- (.02) Tree Removal Permits will be reviewed according to the standards provided for in this subchapter, in addition to all other applicable requirements of Chapter 4.
- (.03) Although tree activities in the Willamette River Greenway are governed by WC 4.500 - 4.514, the application materials required to apply for a conditional use shall be the same as those required for a Type B or C permit under this subchapter, along with any additional materials that may be required by the Planning Department. An application for a Tree Removal Permit under this section shall be reviewed by the Development Review Board.

Response: As shown on the Preliminary Tree Preservation and Removal Plan included in Exhibit A, the development will remove trees and a Tree Removal Permit is required.

Section 4.600.50 APPLICATION FOR TREE REMOVAL PERMIT

- (.01) Application for Permit. A person seeking to remove one or more trees shall apply to the Director for a Tree Removal Permit for a Type A, B, C, or D permit, depending on the applicable standards as provided in this subchapter.
 - A. An application for a tree removal permit that does not meet the requirements of Type A may be submitted as a Type B application.
- (.02) Time of Application. Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating site plan or plat review, application for a Tree Removal Permit shall be made as part of the site development application as specified in this subchapter.
- (.03) Fees. A person applying for a Tree Removal Permit shall pay a non-refundable application fee; as established by resolution of the City Council.
 - A. By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant's property as may be needed to verify the information provided, to

observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.

Response: The project application includes a Type C Removal Plan for Design Review Board review and approval. The necessary Tree Removal Permit application forms, information, and fees have been submitted for review. These criteria are met.

Section 4.610.00 APPLICATION REVIEW PROCEDURE

- (.01) The permit applicant shall provide complete information as required by this subchapter in order for the City to review the application.
- (.02) Departmental Review. All applications for Tree Removal Permits must be deemed complete by the City Planning Department before being accepted for review. When all required information has been supplied, the Planning Department will verify whether the application is complete. Upon request of either the applicant or the City, the City may conduct a field inspection or review meeting. City departments involved in the review shall submit their report and recommendations to the Planning Director who shall forward them to the appropriate reviewing authority.
- (.03) Reviewing Authority.
 - A. Type A or B. Where site plan review or plat approval by the Development Review Board is not required by City ordinance, the grant or denial of the Tree Removal Permit application shall be the responsibility of the Planning Director. The Planning Director has the authority to refer a Type B permit application to the DRB under the Class II administrative review procedures of this Chapter. The decision to grant or deny a permit shall be governed by the applicable review standards enumerated in WC 4.610.10
 - B. Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council.
 - C. Type D. Type D permit applications shall be subject to the standards and procedures of Class I administrative review and shall be reviewed for compliance with the Oregon Forest Practice Rules and Statutes. The Planning Director shall make the decision to grant or deny an application for a Type D permit.
 - D. Review period for complete applications. Type A permit applications shall be reviewed within 10 (ten) working days. Type B permit applications shall be reviewed by the Planning Director within thirty (30) calendar days, except that the DRB shall review any referred application within sixty (60) calendar days. Type C permit applications shall be reviewed within the time frame established by this Chapter. Type D permit applications shall be reviewed within 15 calendar days.

Response: It is understood that the application is for a Type C Tree Removal Plan and is subject to review and approval by the Design Review Board.

Section 4.610.10 STANDARDS FOR TREE REMOVAL, RELOCATION OR REPLACEMENT

(.01) Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:

[...]

B. **Preservation and Conservation.** No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles.

C. **Developmental Alternatives.** Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.

Response: The site layout is based on and limited by factors such as allowable residential densities, lot dimensional standards, and circulation network established in the *Frog Pond West Master Plan*. The existing trees are planned to be preserved to the greatest extent practicable while meeting the objectives of the project and meeting the Development Code requirements. These preservation areas follow the guidance provided by Figure 15 of the *Frog Pond West Master Plan*. Therefore, this criterion is met.

D. **Land Clearing.** Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.

Response: The proposed land clearing is limited to designated street rights-of-way and areas necessary for the construction of single-family homes. This criterion is met.

E. **Residential Development.** Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.

Response: This project is a single-family residential neighborhood. The homes will be designed and constructed, as much as possible, to blend into the natural areas on the site. This criterion is met.

F. **Compliance with Statutes and Ordinances.** The proposed activity shall comply with all applicable statutes and ordinances.

Response: Applicable statutes and ordinances include the City's Development Code. The proposed activity will comply with this Code and any other applicable statutes and ordinances. This criterion is met.

G. **Relocation or Replacement.** The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not to be removed, in accordance with WC 4.620.10.

Response: As shown on the Preliminary Tree Preservation and Removal Plan, trees to be retained will be protected per the provisions of 4.620.10 and trees will be replaced in accordance

with 4.620.00. Those provisions are addressed in the responses to WDC Section 4.620 later in this narrative. Therefore, this criterion is met.

H. **Limitation.** Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this Chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.

1. **Necessary For Construction.** Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure or other site improvement, and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to existing or proposed buildings or structures, or creates unsafe vision clearance.

Response: As shown on the Preliminary Tree Preservation and Removal Plan (Exhibit A) and the associated Preliminary Tree Preservation and Removal Table included in the Preliminary Plans (Exhibit A), there are 99 existing trees on-site, four line trees, and 49 off-site trees. Of those trees, five are in poor or declining condition. Removal of 53 on-site trees and two off-site trees is necessary for construction of site improvements, including utilities, stormwater pond, public streets, and single-family homes. The location of public streets and connections, as well as minimum and maximum residential density and dimensional standards of residential lots, are determined by the requirements of the *Frog Pond West Master Plan*. The construction of this project is anticipated by the *Frog Pond West Master Plan*. The trees will be replaced on-site with a variety of native trees that will be planted in the open space tract. Additionally, street trees in the right-of-way planter strips will serve to soften the urban environment, contribute to stormwater management, and provide shade and protection for pedestrians. These criteria are met.

2. **Disease, Damage, or Nuisance, or Hazard.** Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 et seq., or creates unsafe vision clearance as defined in this Code.

(a) As a condition of approval of Stage II development, filbert trees must be removed if they are no longer commercially grown or maintained.

3. **Interference.** Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site.

4. **Other.** Where the applicant shows that tree removal or transplanting is reasonable under the circumstances.

I. **Additional Standards for Type C Permits.**

1. **Tree survey.** For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40, and provide a Tree

Maintenance and Protection plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.

Response: A tree survey has been completed and incorporated into the Tree Preservation and Removal Plan (Exhibit A). Therefore, this criterion is met.

2. **Platted Subdivisions.** The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.

Response: This application includes a preliminary plat (Exhibit A). Following the approval of this application, the Applicant will submit a final subdivision plat, which will include a Tree Survey and Maintenance Protection Plan, pursuant to the Code requirements. This criterion is met.

3. **Utilities.** The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.

Response: The utilities will be located and placed within rights-of-way or adjacent PUEs whenever possible. Existing overhead utilities will be installed underground as necessary and feasible to meet City requirements. Trees removed from the site will be mitigated and/or replaced per the provisions of 4.620.00. This criterion is met.

[...]

Section 4.610.40 TYPE C PERMIT

- (.01) Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.

Response: As described above, removal of 53 onsite trees is necessary for construction associated with this site development application. A Preliminary Landscape Plan and an application

for a Tree Removal Permit are included in this application. The Preliminary Landscape Plan (Exhibit A) indicates mitigation trees will be planted in the open space tract, in addition to street trees in the public rights-of-way. These criteria are met.

- (.02) The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:
- A. A plan, including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:
1. Property Dimensions. The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.
 2. Tree survey. The survey must include:
 - a. An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch (1") equals one hundred feet (100') and which provides a) the location of all trees having six inches (6") or greater d.b.h. likely to be impacted, b) the spread of canopy of those trees, (c) the common and botanical name of those trees, and d) the approximate location and name of any other trees on the property.
 - b. A description of the health and condition of all trees likely to be impacted on the site property. In addition, for trees in a present or proposed public street or road right-of-way that are described as unhealthy, the description shall include recommended actions to restore such trees to full health. Trees proposed to remain, to be transplanted or to be removed shall be so designated. All trees to remain on the site are to be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.
 - c. Where a stand of twenty (20) or more contiguous trees exist on a site and the applicant does not propose to remove any of those trees, the required tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line. Only those trees on the perimeter of the stand shall be tagged, as provided in "b," above.
 - d. All Oregon white oaks, native yews, and any species listed by either the state or federal government as rare or endangered shall be shown in the tree survey.
 3. Tree Protection. A statement describing how trees intended to remain will be protected during development, and where protective barriers are necessary, that they will be erected before work starts. Barriers shall be sufficiently substantial

- to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers."
4. Easements and Setbacks. Location and dimension of existing and proposed easements, as well as all setbacks required by existing zoning requirements.
 5. Grade Changes. Designation of grade changes proposed for the property that may impact trees.
 6. Cost of Replacement. A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size and species.
 7. Tree Identification. A statement that all trees being retained will be identified by numbered metal tags, as specified in subsection "A," above in addition to clear identification on construction documents.

Response: A Preliminary Tree Preservation and Removal Plan is included in the Preliminary Plans (Exhibit A). It includes a tree survey indicating the location of trees greater than 6-inch diameter at breast height (DBH), information about the condition of the trees, crown diameter, and proposed action for each tree. The plan also includes a statement identifying the purpose of the tree tags. Please refer to the Preliminary Existing Conditions Plan (Exhibit A) prepared by a professional surveyor for the location of existing structures and improvements. Please refer to the Preliminary Dimensioned Subdivision Site Plan and Preliminary Dimensioned Subdivision Middle Housing Plan (Exhibit A) for the location of proposed improvements and setbacks. Since tree replacement requirement is proposed to be fully satisfied on-site, payment into the tree replacement fund is not proposed; therefore, the cost estimate requirement is not applicable. Should tree replacement onsite prove infeasible, a cost estimate will be provided for payment into the tree replacement fund. The other listed applicable criteria are met.

Section 4.620.00 TREE RELOCATION, MITIGATION, OR REPLACEMENT

- (.01) Requirement Established. A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.
- (.02) Basis for Determining Replacement. The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2") or more in diameter. Alternatively, the Planning Director or Development Review Board may require the permit grantee to replace removed trees on a per caliper inch basis, based on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. Except, however, that the Planning Director or Development Review Board may allow the use of replacement Oregon white oaks and other uniquely valuable trees with a smaller diameter.

Response: The Preliminary Landscape Plan (Exhibit A) includes replacement trees at a 1:1 ratio. Project construction requires removal of 53 onsite trees. Replacement trees proposed to be planted in the planned open space tracts, in addition to street trees. All replacement trees are planned to measure a minimum of 2 inches in diameter. This criterion is met.

- (.03) **Replacement Tree Requirements.** A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.
- A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.
 - B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date.
 - C. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.
 - D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.

Response: The replacement trees have been selected by a professional landscape architect to meet the above requirements. Mitigation trees have been chosen from the approved tree list to provide comparable shade potential and other characteristics where the trees will be planted. These criteria are met.

- (.04) All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade.

(.05) **Replacement Tree Location.**

- A. **City Review Required.** The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.
- B. **Relocation or Replacement Off-Site.** When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location approved by the City.

Response: Replacement tree locations are shown on the Preliminary Landscape Plan (Exhibit A). Therefore, these criteria are met.

- (.06) **City Tree Fund.** Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the Tree Removal Permit grantee shall pay into the City Tree Fund, which fund is hereby created, an amount of money approximately the value as defined by this subchapter, of the replacement trees that would otherwise be required by this subchapter. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City.
- A. The City Tree Fund shall be used to offer trees at low cost on a first-come, first-serve basis to any Type A Permit grantee who requests a tree and registers with the City Tree Fund.
 - B. In addition, and as funds allow, the City Tree Fund shall provide educational materials to assist with tree planting, mitigation, and relocation.

Response: The Applicant intends to replace the trees on-site, where feasible. Where trees cannot be replaced on-site or at an approved off-site location, a contribution to the City Tree Fund will be provided.

- (.07) Exception. Tree replacement may not be required for applicants in circumstances where the Director determines that there is good cause to not so require. Good cause shall be based on a consideration of preservation of natural resources, including preservation of mature trees and diversity of ages of trees. Other criteria shall include consideration of terrain, difficulty of replacement and impact on adjacent property.

Response: The Applicant is not requesting an exception to the tree replacement requirement. As such, this standard does not apply to the application.

Section 4.620.10 TREE PROTECTION DURING CONSTRUCTION

- (.01) Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply: A. All trees required to be protected must be clearly labeled as such.
- B. **Placing Construction Materials Near Tree.** No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist.
- C. **Attachments to Trees During Construction.** Notwithstanding the requirement of WC 4.620.10(1)(A), no person shall attach any device or wire to any protected tree unless needed for tree protection.
- D. **Protective Barrier.** Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers as identified by an arborist to protect remaining trees. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers." The most appropriate and protective barrier shall be utilized. Barriers are required for all trees designated to remain, except in the following cases:
1. **Right-of-Ways and Easements.** Street right-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.
 2. Any property area separate from the construction or land clearing area onto which no equipment will venture may also be cordoned off as described in paragraph (D) of this subsection, or by other reasonable means as approved by the reviewing authority.

Response: The Preliminary Tree Preservation and Removal Plan (Exhibit A) provides direction regarding the protection of trees on the site. The applicable standards will be included on the construction documents as well. These criteria are met.

ANNEXATIONS AND URBAN GROWTH BOUNDARY AMENDMENTS

Section 4.700 PROCEDURES RELATING TO THE PROCESSING OF REQUESTS FOR ANNEXATION AND URBAN GROWTH BOUNDARY AMENDMENTS.

(.01) The City of Wilsonville is located within the Portland Metropolitan Area, and is therefore subject to regional government requirements affecting changes to the city limits and changes to the Urban Growth Boundary (UGB) around Wilsonville. The City has the authority to annex properties as prescribed in State law, but the City's role in determining the UGB is primarily advisory to Metro, as provided in Oregon Revised Statutes. The following procedures will be used to aid the City Council in formulating recommendations to those regional entities.

A. Proponents of such changes shall provide the Planning Director with all necessary maps and written information to allow for review by city decision-makers. The Planning Director, after consultation with the City Attorney, will determine whether each given request is quasi-judicial or legislative in nature and will make the necessary arrangements for review based upon that determination.

Response: The Applicant has provided the required information. The Planning Director has determined that the annexation request is subject to quasi-judicial review. This criterion is met.

B. Written information submitted with each request shall include an analysis of the relationship between the proposal and the City's Comprehensive Plan, applicable statutes, as well as the Statewide Planning Goals and any officially adopted regional plan that may be applicable.

Response: Please refer to the responses addressing compliance with the relevant Statewide Planning Goals, City of Wilsonville Comprehensive Plan goals, *Frog Pond West Master Plan*, and applicable sections of the City of Wilsonville Development Code. This criterion is met.

IV. Conclusion

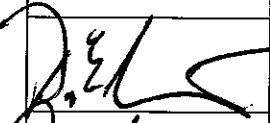

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable standards of the City of Wilsonville. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this Consolidated Land Use Application.

Exhibit B: Land Use Application Forms & Annexation Petitions (Updated Nov 2023)

PETITION FOR ANNEXATION

We, the undersigned owner(s) of the property described in **Exhibit A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Wilsonville:

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.

SIGNATURE	PRINTED NAME	I AM A: *			PROPERTY ADDRESS	PROPERTY DESCRIPTION				PRECINCT #	DATE
		PO	RV	OV		LOT #	¼ SEC	T	R		
	BRIAN MATTEONI				7252 SW Frog Pond Lane Wilsonville, OR 97070	1200	12	3S	1W	323	
	BRIAN MATTEONI				No Situs	1300	12	3S	1W	323	

- * PO - Property Owner
- RV - Registered Voter
- OV - Property Owner & Registered Voter

Exhibit C: Title Report

Clackamas County Official Records Sherry Hall, County Clerk	2021-041768
	04/22/2021 03:57:01 PM
D-D Cnt=1 Str=74 MELISSA	
\$15.00 \$16.00 \$10.00 \$62.00	\$103.00

RECORDING REQUESTED BY:

TICOR TITLE™
Company of Oregon

9200 SE Sunnybrook Blvd., Ste 130
 Clackamas, OR 97015

GRANTOR'S NAME:
 Brian E. Matteoni, Kristi Matteoni and Norman E. Matteoni

GRANTEE'S NAME:
 Sullivan Homes, LLC, a California limited liability company

AFTER RECORDING RETURN TO:
 Sullivan Homes, LLC, a California limited liability company
 6832 Firestone Court
 San Jose, CA 95138

SEND TAX STATEMENTS TO:
 Sullivan Homes, LLC, a California limited liability company
 6832 Firestone Court
 SAN Jose, CA 95138

SPACE ABOVE THIS LINE FOR RECORDER'S USE

BARGAIN AND SALE DEED - STATUTORY FORM
 (INDIVIDUAL or CORPORATION)

Brian E. Matteoni and Kristi Matteoni and Norman E. Matteoni, Grantor conveys to Sullivan Homes, LLC, a California limited liability company Grantee, the following described real property, situated in the County of Clackamas, State of Oregon,

See attached Exhibit "A"

The true consideration for this conveyance is (\$-0-). (See ORS 93.030).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

TT ACC 2104-12
 TICOR TITLE
 Courtesy Only-Not Examined

BARGAIN AND SALE DEED - STATUTORY FORM
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 4/9/2024

[Signature]
Brian E. Matteoni

[Signature]
Kristi Matteoni

[Signature]
Norman E. Matteoni

State of California
County of Santa Clara

This instrument was acknowledged before me on 4/9/2021 by Brian E. Matteoni and Kristi Matteoni and Norman E. Matteoni.

[Signature]
Notary Public - State of ~~Oregon~~ California

My Commission Expires: 1/5/2024



LEGAL DESCRIPTION**PARCEL I**

Part of Section 12, Township 3 South, Range 1 West, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

That land bounded by a line beginning 858 feet North and 1553.10 feet West of the Southeast corner of said Section 12; thence South 89°46'52" West 254.08 feet to the Southwest corner of the land conveyed to Robert C. Moritz and Robin L. Moritz by Deed recorded January 24, 1989, Fee No. 89-03381; thence North 00°02'40" East along the West line of the Moritz land 858.00 feet to the Northwest corner thereof and the true point of beginning; thence West parallel to the South line of said Section 12, a distance of 253.62 feet to the Northwest corner of the land conveyed to First Federal Savings and Loan Association of Vancouver, Vancouver, Washington by Deed recorded July 11, 1962 in Book 606, Page 578; thence South along the West line of First Federal Savings and Loan Association's land 214.5 feet; thence East parallel to the South line of said Section 12, a distance of 253.62 feet to the West line of the aforementioned Moritz tract; thence North 00°02'40" East along said West line 214.5 feet to the true point of beginning.

PARCEL II:

Part of Section 12, Township 3 South, Range 1 West, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows: That land bounded by a line beginning 858 feet North and 1553.10 feet West of the Southeast corner of said Section 12; thence South 89°46'52" West 254.08 feet to the true point of beginning, said point also being the Southwest corner of the land conveyed to Robert C. Moritz and Robin L. Moritz by Deed recorded January 24, 1989, Fee No. 89-03381; thence North 00°02'40" East along the East line of the Moritz land 858.00 feet to the Northwest corner thereof; thence West parallel to the South line of said Section 12, 253.62 feet to the Northwest corner of the land conveyed to First Federal Savings and Loan Association of Vancouver, Vancouver, Washington by Deed recorded July 11, 1962 in Book 606, Page 578; thence South along the West line of First Federal Savings and Loan Association's land 858 feet to the Southwest corner thereof; thence East parallel to the South line of said Section 12, 253.62 feet to the true point of beginning.

EXCEPT the following described tract:

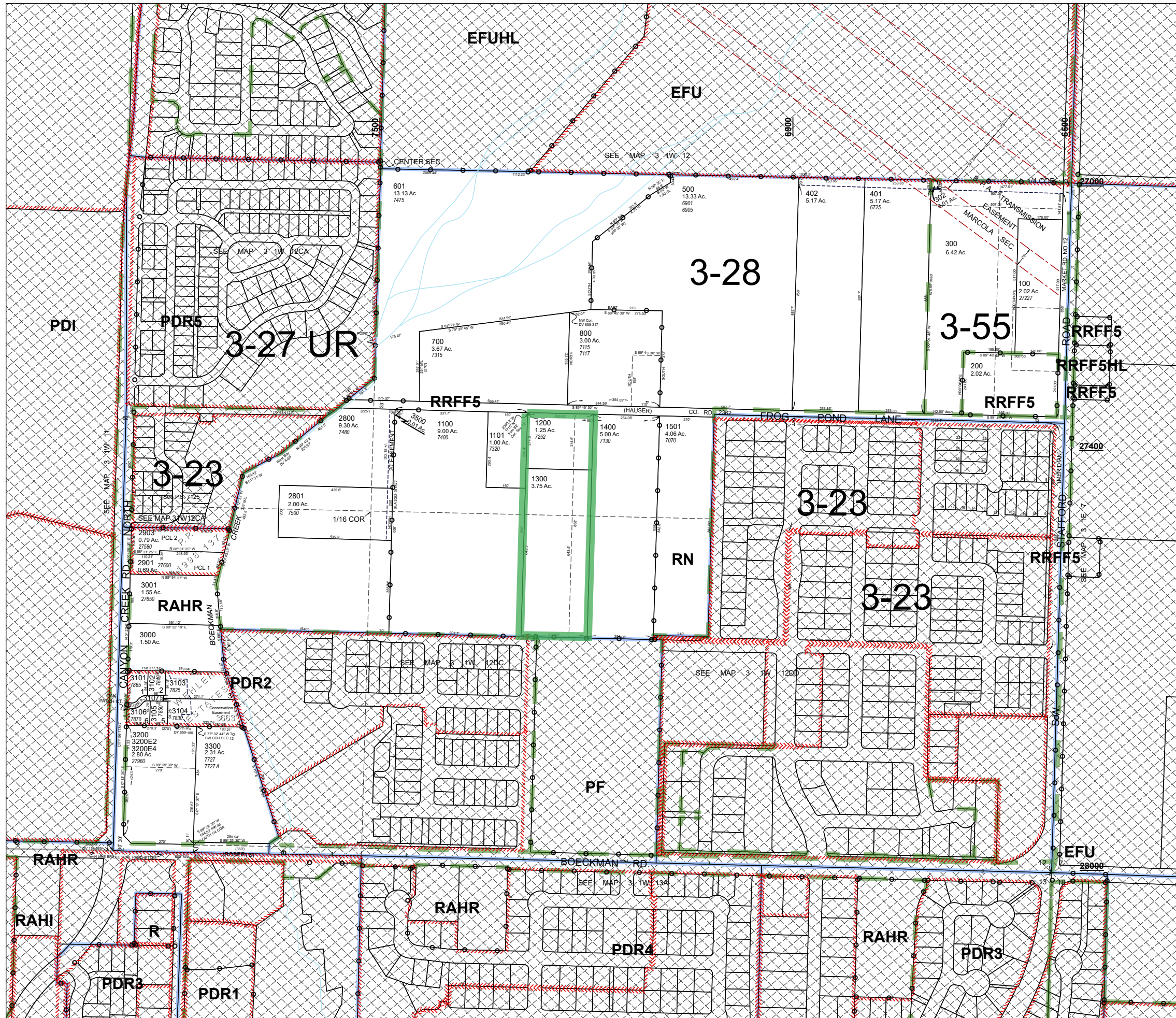
Part of Section 12, Township 3 South, Range 1 West, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

That land bounded by a line beginning 858 feet North and 1553.10 feet West of the Southeast corner of said Section 12; thence South 89°46'52" West 254.08 feet to the Southwest corner of the land conveyed to Robert C. Moritz and Robin L. Moritz by Deed recorded January 24, 1989, Fee No. 89-03381; thence North 00°02'40" East along the West line of the Moritz land 858.00 feet to the Northwest corner thereof and the true point of beginning; thence West parallel to the South line of said Section 12, a distance of 253.62 feet to the Northwest corner of the land conveyed to First Federal Savings and Loan Association of Vancouver, Vancouver, Washington by Deed recorded July 11, 1962 in Book 606, Page 578; thence South along the West line of First Federal Savings and Loan Association's land 214.5 feet; thence East parallel to the South line of said Section 12, a distance of 253.62 feet to the West line of the aforementioned Moritz tract; thence North 00°02'40" East along said West line 214.5 feet to the true point of beginning.

Exhibit D: Clackamas County Assessor's Map

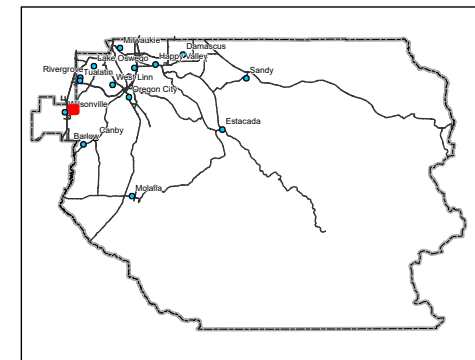
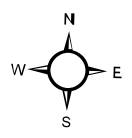
3 1W 12D
WILSONVILLE

S.E. 1/4 SEC. 12 T. 3S. R. 1W. W. M.
CLACKAMAS COUNTY
1" = 200'



Cancelled	Cancelled
900	2902
3201	604
1901	2900
1600	3200E3
400	1902
1900	1903
3400	2000
605	2001
602	2100
603	2201
2900S1	2202
2000E1	2200
3100	2300
1000	2400
600	2600
2500	2700
3300E1	2300
3200E1	1800
201	1700
301	1500

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

3 1W 12D
WILSONVILLE

Print Date: 2/15/2023

Exhibit E: Traffic Impact Study

TECHNICAL MEMORANDUM

DATE: September 16, 2022

TO: Amy Pepper, PE | City of Wilsonville

FROM: Scott Mansur, PE, PTOE | DKS Associates
 Jenna Bogert, PE | DKS Associates
 Travis Larson, EI | DKS Associates



SUBJECT: Frog Pond West Matteoni Subdivision – Trip Generation Evaluation P21123-007

INTRODUCTION

This memorandum evaluates the trip generation associated with the proposed Frog Pond West Matteoni housing development to be located near 7252 Frog Pond Lane in Wilsonville, Oregon. The developer desires to construct 34 single-family attached homes as part of the Frog Pond West Master Plan.¹ The property is in unincorporated Clackamas County but within the City’s Urban Growth Boundary (UGB) and will be annexed to the City of Wilsonville as part of the project.

The purpose of this memorandum is to provide the estimated vehicle trip generation for the proposed development, to identify potential operational impacts to the primary gateway intersection to the property, and to evaluate the proposed site plan for potential safety issues and consistency with City planning documents. The study intersection, Stafford Road/Frog Pond Lane, is shown in Figure 1.

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



FIGURE 1: STUDY AREA

¹ Frog Pond West Master Plan, City of Wilsonville, Adopted July 2017.

TRIP GENERATION

The Institute of Transportation Engineers (ITE) trip generation rates for Single-Family Detached Housing (210) and Single-Family Attached Housing (215) were used to estimate the site's trip generation, which is based on the number of lots in the development.² As one home will be removed from the site during construction, the trips from that home have been subtracted from the total trips. As shown in Table 1, the proposed development is expected to generate a net total 15 PM peak hour trips (8 in, 7 out).

TABLE 1: VEHICLE TRIP GENERATION

LAND USE	ITE DESCRIPTION (CODE)	UNITS	PM PEAK TRIP RATE ^A	PM PEAK TRIPS			WEEKDAY
				IN	OUT	TOTAL	
NEW HOMES	SINGLE-FAMILY ATTACHED HOUSING (215)	34 Lots	0.47 trips/lot	9	7	16	209
EXISTING HOME REMOVED	SINGLE-FAMILY DETACHED HOUSING (210)	1 Lot	1.00 trips/lot	-1	-0	-1	-15
TOTAL NET NEW TRIPS				8	7	15	194

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

PROJECT TRIP DISTRIBUTION

The project trips were distributed based on data from the Wilsonville Travel Demand Model and previous Frog Pond traffic analyses.³ It is estimated that 50% of trips utilize Stafford Road to/from the north, 35% of trips utilize Boeckman Road to/from the west, 10% of trips utilize Wilsonville Road to/from the south, and 5% of trips utilize Advance Road to/from the east. The project trips and distribution are shown in Figure 2.

PROJECT TRIPS THROUGH CITY OF WILSONVILLE INTERCHANGE AREAS

The project trips through the two City of Wilsonville I-5 interchange areas were estimated based on the trip generation and distribution assumptions. Approximately 5% (1 PM trip) of the project trips are expected to travel through the I-5/Wilsonville Road interchange area and 5% (1 PM trip) are expected to travel through the I-5/Elligsen Road interchange area.

² Trip Generation Manual, 11th Edition, Institute of Transportation Engineers, 2021.

³ Wilsonville Frog Pond West Oaks Subdivision, Transportation Impact Analysis, DKS Associates, November 2021.

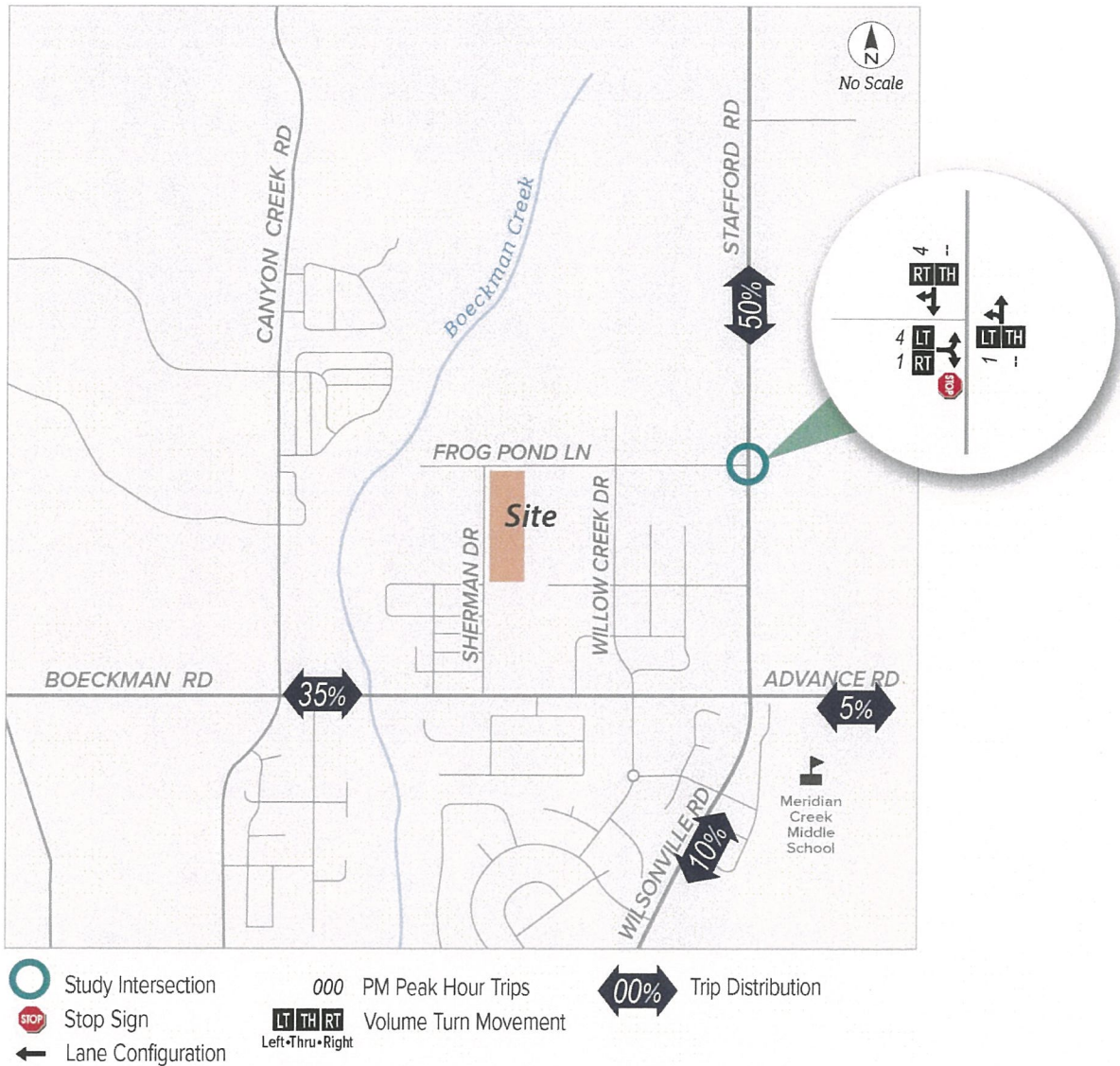


FIGURE 2: PROJECT TRIPS AND DISTRIBUTION

INTERSECTION ANALYSIS

This section contains the intersection analysis at the identified study intersection and includes a discussion of the volume development. Intersection operations were determined for the analysis scenario *Existing + Project + Stage II*.

EXISTING TRAFFIC VOLUMES

Historical PM peak period (4:00-6:00 pm) turning movement count data from September 30th, 2021, was utilized for the study intersection. The intersection counts were then factored up to 2022 conditions by assuming a yearly growth rate of 2%. This yearly growth rate is a typical growth rate used in Wilsonville traffic impact analyses and has previously been calculated using the Wilsonville Travel Demand model.

STAGE II TRAFFIC VOLUMES

Stage II development trips were included in the intersection analysis. Stage II trips represent approved developments that have not yet been constructed. The list of these developments was provided by City staff and is included in the appendix.⁴ For this analysis, the Stage II trips also included the Frog Pond West Overlook and Terrace housing developments that are still waiting for approval. A list of all these developments is also included in the appendix.

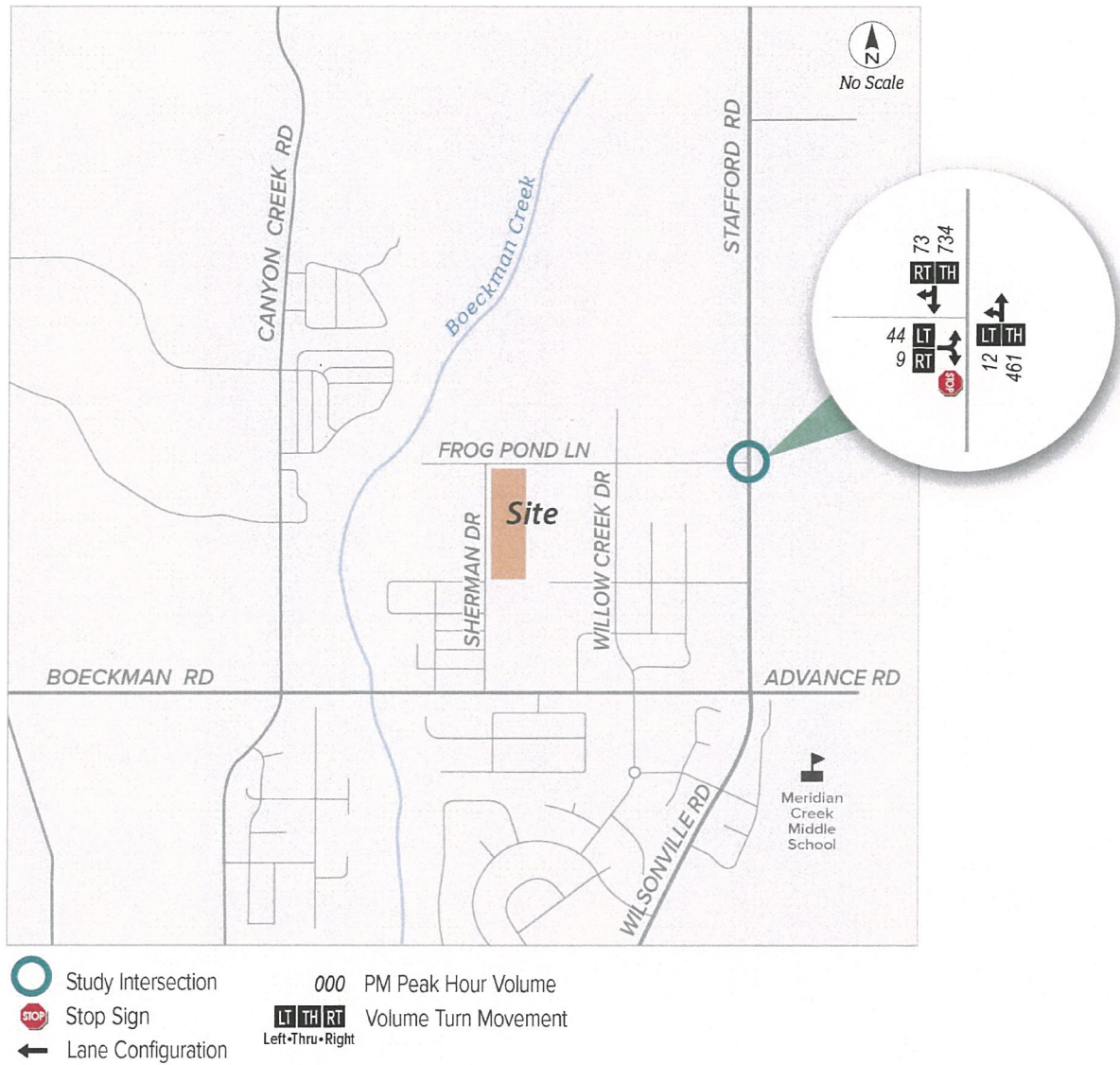


FIGURE 3: EXISTING + PROJECT + STAGE II PM PEAK HOUR TRAFFIC VOLUMES

⁴ Email from Daniel Pauly, City of Wilsonville, July 22, 2022.

INTERSECTION OPERATIONS

Intersection operations were analyzed for the PM peak hour during the Existing + Project + Stage II scenario. The traffic volumes are shown in Figure 3. The operations were determined based on the Highway Capacity Manual (HCM) 6th Edition methodology.⁵ The volume to capacity (v/c) ratio, delay, and level of service (LOS) of the study intersection is listed in Table 2.

TABLE 2: EXISTING + PROJECT + STAGE II INTERSECTION OPERATIONS – PM PEAK

INTERSECTION	OPERATING STANDARD	PM PEAK HOUR		
		V/C	DELAY	LOS
TWO-WAY STOP CONTROLLED				
STAFFORD RD/FROG POND LN	LOS D	0.33	34.9	A/D

TWO-WAY STOP CONTROLLED INTERSECTION:
 Delay = Critical Movement Delay (secs)
 v/c = Critical Movement Volume-to-Capacity Ratio
 LOS = Critical Levels of Service (Major/Minor Road)

As shown, the study intersection meets the City of Wilsonville’s operating standard for the Existing + Project + Stage II PM peak hour condition. However, the intersection is nearly at the City’s level of service (LOS) operating standard. It is expected that any subsequent developments in the area will push the intersection’s LOS to above the City’s standards.

⁵ Highway Capacity Manual, 6th Edition, Transportation Research Board, 2017.

SITE REVIEW

This section reviews the provided site plan to determine consistency with the Frog Pond West Master Plan and alignment with the Wilsonville Development Code and Construction Standards.

FROG POND WEST MASTER PLAN CONSISTENCY

The proposed street layout generally matches the framework plan as laid out in the Frog Pond West Master Plan.⁶ The primary north-south street of the development (Sherman Drive) is connected to Frog Pond Lane to the north and Brisband Street to the south. The development also includes an east-west connection that will facilitate a future connection the plot east of this development.

STREETS

The Frog Pond West Master Plan provides the street type plan and required cross sections for all streets in the Frog Pond West neighborhood.⁷ All proposed streets within and fronting this development are classified as local streets and the developer will be responsible for building all streets up to standards. Local streets include on-street parking, sidewalks, planter strips, and a public utility easement. No dedicated bicycle facilities are required.

ACCESS SPACING

The proposed project is required to comply with access spacing requirements as laid out in the City Transportation System Plan.⁸ The access points for the new development are all on local streets, for which there is no spacing requirements prescribed by the City.

SIGHT DISTANCE

Adequate sight distance should be provided at the proposed alleys and internal streets. Objects (e.g., buildings, fences, walls, or vegetation) located near the intersections may inhibit sight distance for drivers attempting to turn out of a minor street onto the major street. Prior to occupancy, sight distance at any proposed access point or local street connection will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon to assure that buildings, signs, or landscaping does not restrict sight distance.

⁶ Figure 19, Frog Pond West Master Plan, City of Wilsonville, July 17, 2017.

⁷ Figures 19-28, Frog Pond West Master Plan, City of Wilsonville, July 17, 2017.

⁸ Table 3-2, Wilsonville Transportation System Plan, Amended November 2020.

SUMMARY OF PROJECT IMPACTS

The key findings of the trip generation memo for the Frog Pond West Matteoni development are summarized below.

- The project will consist of 34 single-family attached home lots as part of the Frog Pond West Master Plan. The parcel currently contains one single-family home on it that will be removed.
- The proposed development is expected to generate a net total of 15 PM peak hour trips (8 in, 7 out).
- Approximately one (5%) trip is expected to travel through the I-5/Wilsonville Road interchange area and one (5%) trip is expected to travel through the I-5/Elligsen Road interchange area.
- The study intersection will meet the City's peak hour operating standard under Existing + Project + Stage II PM peak hour conditions. However, it is expected that any subsequent developments in the area may push the intersection's LOS to above the City's standards.
- The development's site plan is consistent with the Frog Pond West Master Plan and meets applicable City of Wilsonville standards.
- Prior to occupancy, sight distance at any proposed access point or local street connection will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon to assure that buildings, signs, or landscaping does not restrict sight distance.

Attachments:

- A. Traffic Count Data
- B. Stage II List
- C. HCM Reports – Existing + Project + Stage II
- D. Site Plan

A. TRAFFIC COUNT DATA



(303) 216-2439
www.alltrafficdata.net

Location: 6 SW Stafford Rd & SW Frog Pond Ln PM

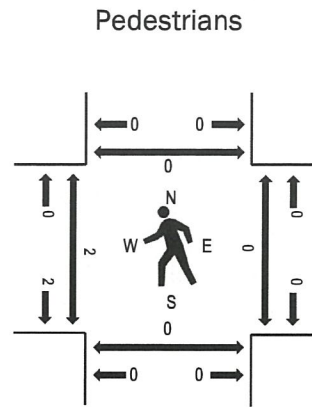
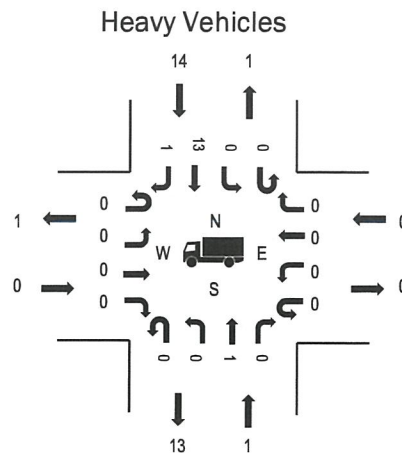
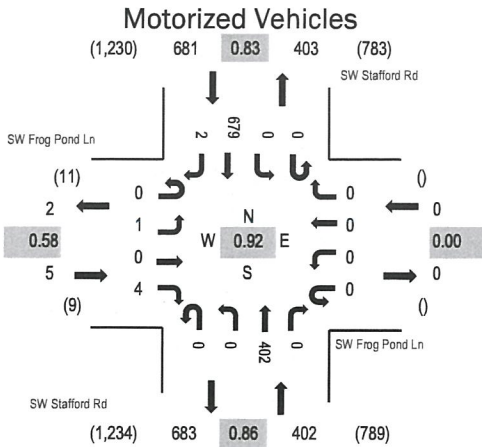
Date: Thursday, September 30, 2021

Peak Hour: 04:45 PM - 05:45 PM

Peak 15-Minutes: 05:20 PM - 05:35 PM

Item 5.

Peak Hour



Note: Total study counts contained in parentheses.

	HV%	PHF
EB	0.0%	0.58
WB	0.0%	0.00
NB	0.2%	0.86
SB	2.1%	0.83
All	1.4%	0.92

Traffic Counts - Motorized Vehicles

Interval Start Time	SW Frog Pond Ln Eastbound				SW Frog Pond Ln Westbound				SW Stafford Rd Northbound				SW Stafford Rd Southbound				Total	Rolling Hour
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right		
4:00 PM	0	0	0	1	0	0	0	0	0	1	38	0	0	0	47	0	87	971
4:05 PM	0	0	0	0	0	0	0	0	0	0	39	0	0	0	31	0	70	965
4:10 PM	0	0	0	0	0	0	0	0	0	1	33	0	0	0	48	0	82	983
4:15 PM	0	0	0	0	0	0	0	0	0	1	28	0	0	0	41	0	70	988
4:20 PM	0	0	0	0	0	0	0	0	0	1	39	0	0	0	52	0	92	1,004
4:25 PM	0	0	0	1	0	0	0	0	0	0	36	0	0	0	43	0	80	1,011
4:30 PM	0	0	0	1	0	0	0	0	0	2	19	0	0	0	44	1	67	1,036
4:35 PM	0	0	0	0	0	0	0	0	0	0	36	0	0	0	47	1	84	1,060
4:40 PM	0	0	0	0	0	0	0	0	0	0	33	0	0	0	44	0	77	1,064
4:45 PM	0	0	0	0	0	0	0	0	0	0	29	0	0	0	59	0	88	1,088
4:50 PM	0	0	0	2	0	0	0	0	0	0	34	0	0	0	57	0	93	1,084
4:55 PM	0	0	0	1	0	0	0	0	0	0	31	0	0	0	49	0	81	1,066
5:00 PM	0	0	0	0	0	0	0	0	0	0	38	0	0	0	43	0	81	1,057
5:05 PM	0	0	0	1	0	0	0	0	0	0	36	0	0	0	50	1	88	
5:10 PM	0	0	0	0	0	0	0	0	0	0	46	0	0	0	41	0	87	
5:15 PM	0	0	0	0	0	0	0	0	0	0	32	0	0	0	53	1	86	
5:20 PM	0	1	0	0	0	0	0	0	0	0	28	0	0	0	70	0	99	
5:25 PM	0	0	0	0	0	0	0	0	0	0	29	0	0	0	76	0	105	
5:30 PM	0	0	0	0	0	0	0	0	0	0	31	0	0	0	60	0	91	
5:35 PM	0	0	0	0	0	0	0	0	0	0	32	0	0	0	56	0	88	
5:40 PM	0	0	0	0	0	0	0	0	0	0	36	0	0	0	65	0	101	
5:45 PM	0	0	0	0	0	0	0	0	0	1	33	0	0	0	50	0	84	
5:50 PM	0	0	0	1	0	0	0	0	0	0	24	0	0	0	50	0	75	
5:55 PM	0	0	0	0	0	0	0	0	0	0	22	0	0	0	50	0	72	
Count Total	0	1	0	8	0	0	0	0	0	7	782	0	0	0	1,226	4	2,028	
Peak Hour	0	1	0	4	0	0	0	0	0	0	402	0	0	0	679	2	1,088	

Traffic Counts - Heavy Vehicles, Bicycles on Road, and Pedestrians/Bicycles on Crosswalk

Item 5.

Interval Start Time	Heavy Vehicles					Interval Start Time	Bicycles on Roadway					Interval Start Time	Pedestrians/Bicycles on Crosswalk				
	EB	NB	WB	SB	Total		EB	NB	WB	SB	Total		EB	NB	WB	SB	Total
4:00 PM	0	2	0	1	3	4:00 PM	0	0	0	0	0	4:00 PM	0	0	0	0	0
4:05 PM	0	0	0	1	1	4:05 PM	0	0	0	0	0	4:05 PM	0	0	0	0	0
4:10 PM	0	2	0	1	3	4:10 PM	0	0	0	0	0	4:10 PM	0	0	0	0	0
4:15 PM	0	2	0	1	3	4:15 PM	0	0	0	0	0	4:15 PM	0	0	0	0	0
4:20 PM	0	2	0	2	4	4:20 PM	0	0	0	0	0	4:20 PM	0	0	0	0	0
4:25 PM	1	0	0	0	1	4:25 PM	0	0	0	0	0	4:25 PM	0	0	0	0	0
4:30 PM	1	0	0	1	2	4:30 PM	0	0	0	0	0	4:30 PM	0	0	0	0	0
4:35 PM	0	0	0	0	0	4:35 PM	0	0	0	0	0	4:35 PM	0	0	0	0	0
4:40 PM	0	0	0	1	1	4:40 PM	0	0	0	0	0	4:40 PM	0	0	0	0	0
4:45 PM	0	0	0	2	2	4:45 PM	0	0	0	0	0	4:45 PM	0	0	0	0	0
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5:00 PM	0	0	0	0	0	5:00 PM	0	0	0	0	0	5:00 PM	0	0	0	0	0
5:05 PM	0	0	0	2	2	5:05 PM	0	0	0	0	0	5:05 PM	0	0	0	0	0
5:10 PM	0	1	0	2	3	5:10 PM	0	0	0	0	0	5:10 PM	0	0	0	0	0
5:15 PM	0	0	0	1	1	5:15 PM	0	0	0	0	0	5:15 PM	0	0	0	0	0
5:20 PM	0	0	0	1	1	5:20 PM	0	0	0	0	0	5:20 PM	0	0	0	0	0
5:25 PM	0	0	0	0	0	5:25 PM	0	0	0	0	0	5:25 PM	0	0	0	0	0
5:30 PM	0	0	0	2	2	5:30 PM	0	0	0	0	0	5:30 PM	0	0	0	0	0
5:35 PM	0	0	0	1	1	5:35 PM	0	0	0	0	0	5:35 PM	0	0	0	0	0
5:40 PM	0	0	0	1	1	5:40 PM	0	0	0	0	0	5:40 PM	2	0	0	0	2
5:45 PM	0	0	0	0	0	5:45 PM	0	0	0	0	0	5:45 PM	2	0	0	0	2
5:50 PM	0	0	0	0	0	5:50 PM	0	0	0	0	0	5:50 PM	0	0	0	0	0
5:55 PM	0	0	0	0	0	5:55 PM	0	0	0	0	0	5:55 PM	0	0	0	0	0
Count Total	2	9	0	22	33	Count Total	0	0	0	0	0	Count Total	4	0	0	0	4
Peak Hour	0	1	0	14	15	Peak Hour	0	0	0	0	0	Peak Hour	2	0	0	0	2

B. STAGE II LIST

Updated by D. Pauly 07.22.2022

Stage II Approved									
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage		Net New (Primary + Diverted) PM Peak Hour Trips not yet active		
					Internal	Pass-By	In	Out	Total
Hydro-Temp: Recent agreement with the City, the project is vested and so are the traffic trips	Office/Flex-Space	Not built	60.8 KSF				44	46	90
Mercedes Benz (Phase 2)	Auto Dealership	Not built					20	26	46
Shredding Systems (SQFT does not including paint canopy and another canopy)	Industrial/Commercial	Under construction	66.8 KSF				20	46	66
Town Center Ph III and trip dedication to Miller Paint store Uses marked with "*" have not been built and PM peak hr trip sum exceeds remaining vested trip level by 2 trips. It has yet to be determined how to allocate trips between remaining buildings.	*High Turnover Restaurant (Pad 1)	Not built	7.5 KSF				24	17	47*
	Remaining Approved Total								47
Wilsonville Road Business Park Phase II	Phase 2 - office (2-story building on west parcel)	Partially Built	21.7 KSF				15	71	86
Frog Pond-Stafford Meadows (Phase 2 and 3a of 10/18 study)	Residential	Partially Built, 34 homes built and occupied	44 units				6	4	10
Frog Pond-Frog Pond Meadows (Phase 3B, 4A, 4B of 10/18 Study)	Residential	Partially Built, 52 homes built and occupied	74 units				13	9	22
Frog Pond Ridge	Residential	Under construction, no homes built	71 units				43	28	71
Frog Pond-Morgan Farm	Residential	Partially Built, 69 homes built and occupied	78 units				5	4	9
Frog Pond Crossing	Residential	Approved	29 units				19	9	28
Frog Pond Estates	Residential	Approved	17 units				11	7	18
Frog Pond Oaks	Residential	Approved	41 units				27	14	41
Frog Pond Vista	Residential	Approved	38 units				27	17	44
Magnolia Townhomes	Residential	Under construction	6 units				3	2	5
Canyon Creek III	Residential	Approved	5 units (traffic study was for 11)				2	3	5
Coffee Creek Logistics	Industrial/Commercial	Complete	115K				16	41	57
PW Complex on Boberg	Public	Approved	15,800 office, 17,900 warehouse				11	39	50
DAS North Valley Complex	Public/Industrial	Under Construction	174,700 sf				5	15	20
Black Creek Group-Garden Acres	Industrial	Approved	148,500 sf warehouse	178			69	109	178

Stage II Approved - Villebois													
Project	Phase	Status	Land Use					Total PM Peak Trips	Trip Allocation Percentage		Net New (Primary + Diverted) PM Peak Hour Trips not yet active		
			SF	Town.	Apt.	Retail	School		Internal	Pass-By	In	Out	Total
North (Entirety)	Residential	Partially built, 364 homes sold and occupied	451								53	34	87
Central	Residential	Partially Built, 991 homes (102 single family, 319 condo/row homes, 365 apartments) occupied	102	391	510						60	30	90
FOR REFERENCE SAP EAST			537	42									
FOR REFERENCE SAP SOUTH (Includes PDP 7 Grande Point)			560										

Pending Projects for Which Traffic Analysis has been completed										
Project	Land Use	Status	Size	Total PM Peak	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass-By	Diverted	In	Out	Total
Boones Ferry Gas Station/Conv	Commercial	under review	3,460 sf store, 12 g	240		134		53	53	106
Delta Logistics	Industrial	under review	56,100 sf warehouse	33				9	24	33
Building WS Boeckman and Kins	Industrial	under review	80,000 sf manufac	54				17	37	54
Frog Pond Overlook	Residential	under review	12 lots	13				8	5	13
Frog Pond Terrace	Residential	under review	19 lots	20				12	8	20
Boones Ferry Construction Stor	Industrial	under review	1.25 acres	5				1	4	5

C. HCM REPORTS – EXISTING + PROJECT + STAGE II

Intersection

Int Delay, s/veh 1.5

Movement EBL EBR NBL NBT SBT SBR

Lane Configurations						
Traffic Vol, veh/h	44	9	12	461	734	73
Future Vol, veh/h	44	9	12	461	734	73
Conflicting Peds, #/hr	0	0	2	0	0	2
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	0	2	10
Mvmt Flow	48	10	13	501	798	79

Major/Minor Minor2 Major1 Major2

Conflicting Flow All	1367	840	879	0	-	0
Stage 1	840	-	-	-	-	-
Stage 2	527	-	-	-	-	-
Critical Hdwy	6.4	6.2	4.1	-	-	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	2.2	-	-	-
Pot Cap-1 Maneuver	164	368	777	-	-	-
Stage 1	427	-	-	-	-	-
Stage 2	596	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	160	367	776	-	-	-
Mov Cap-2 Maneuver	160	-	-	-	-	-
Stage 1	416	-	-	-	-	-
Stage 2	595	-	-	-	-	-

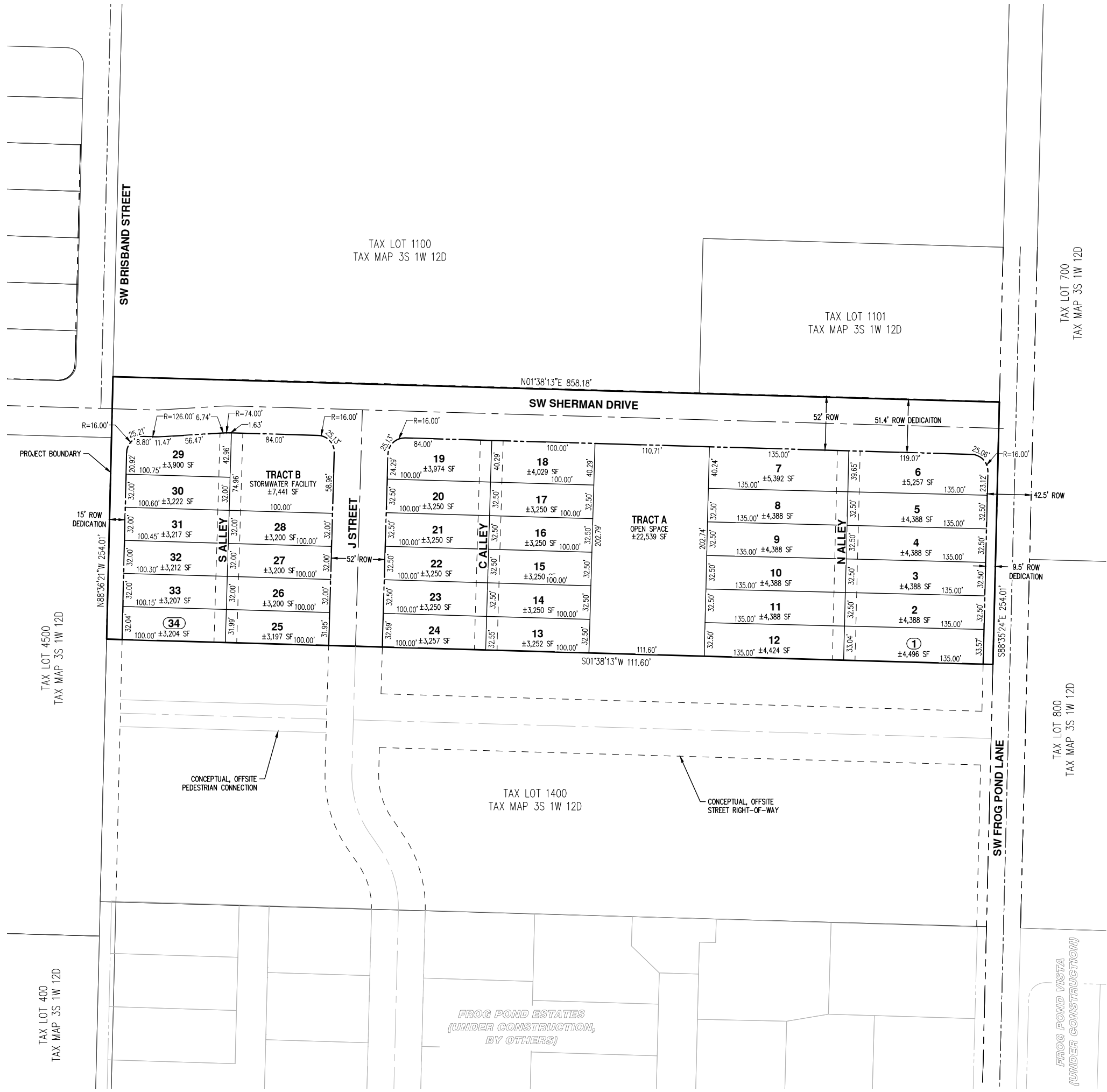
Approach EB NB SB

HCM Control Delay, s 34.9 0.2 0
HCM LOS D

Minor Lane/Major Mvmt NBL NBT EBLn1 SBT SBR

Capacity (veh/h)	776	-	177	-	-
HCM Lane V/C Ratio	0.017	-	0.325	-	-
HCM Control Delay (s)	9.7	0	34.9	-	-
HCM Lane LOS	A	A	D	-	-
HCM 95th %tile Q(veh)	0.1	-	1.3	-	-

D. SITE PLAN



	SUBDISTRICT 9 R-7	SUBDISTRICT 8 R-10
MIN. LOT SIZE	6,000 SF	8,000 SF
MIN. REDUCED LOT SIZE*	-	6,400 SF

*MINIMUM REDUCED LOT AREA FOR TREE PRESERVATION

LAND USE	SF	PERCENTAGE OF PROPERTY
1. GROSS AREA IN PLAT	217,971	-
2. LANDSCAPE COVERAGE AREA/OPEN SPACE	22,539	10%
3. ROW	60,050	28%
4. LOT AREA	127,941	59%
5. STORMWATER TREATMENT FACILITY	7,441	3%

**PRELIMINARY SITE PLAN
 FROG POND MATTEONI
 SULLIVAN HOMES, LLC.
 WILSONVILLE, OREGON**

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

JOB NUMBER: 6175
 DATE: 6/28/2022
 DESIGNED BY: CMS
 DRAWN BY: JNW
 CHECKED BY: CMS

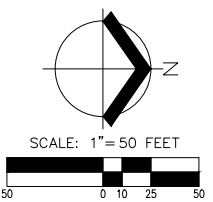


Exhibit F: USACE & DSL Wetland Concurrences



Oregon

Kate Brown, Governor

Item 5.

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

September 15, 2022

Brian Matteoni
5832 Firestone Court
San Jose, CA 95138

Kate Brown
Governor

Re: WD # 2022-0382 **Approved**
Wetland Delineation Report for 7252 Frog Pond Lane
Clackamas County; T3S R1W S12D TLs 1200 and 1300

Shemia Fagan
Secretary of State

Tobias Read
State Treasurer

Dear Brian Matteoni:

The Department of State Lands has reviewed the wetland delineation report prepared by AKS Engineering and Forestry, LLC for the site referenced above. Based upon the information presented in the report, we concur with the wetland boundaries as mapped in Figure 5 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland, totaling approximately 1.02 acres was identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Chris Stevenson, PWS, the Jurisdiction Coordinator for Clackamas County at (503) 986-5248.

Sincerely,



Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Julie Wirth-McGee, PWS, AKS Engineering & Forestry, LLC
City of Wilsonville Planning Department
Danielle Erb, Corps of Engineers
Katie Blauvelt, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Item 5.

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

- ❖ **Under 50MB** - A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- ❖ **50MB or larger** - A single unlocked PDF can be uploaded to DSL's Box.com website. After upload notify DSL by email at: wetland.delineation@dsl.oregon.gov.
- ❖ **OR** a hard copy of the unbound report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

Ways to pay review fee:

- ❖ By credit card on [DSL's epayment portal](#) after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy **OR** attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information

<input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Brian Matteoni 5832 Firestone Ct San Jose, CA 95138	Business phone # (408) 453-7407 Mobile phone # (optional) (408) 568-9579 E-mail: Brian.Matteoni@cbre.com
--	--

<input type="checkbox"/> Authorized Legal Agent, Name and Address (if different):	Business phone # Mobile phone # (optional) E-mail:
---	--

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Brian Matteoni **Signature:**
Date: _____ **Special instructions regarding site access:** _____

Project and Site Information

Project Name: 7252 Frog Pond Lane	Latitude: 45.320972° Longitude: -122.751182° decimal degree - centroid of site or start & end points of linear project
Proposed Use: Residential development	Tax Map # 31W12D Tax Lot(s) 1200 & 1300
Project Street Address (or other descriptive location): 7252 SW Frog Pond Lane	Tax Map # _____ Tax Lot(s) _____
City: Wilsonville County: Clackamas	Township 3S Range 1W Section 12 QQ D Use separate sheet for additional tax and location information
	Waterway: NA River Mile: _____

Wetland Delineation Information

Wetland Consultant Name, Firm and Address: Julie Wirth-McGee AKS Engineering and Forestry, LLC 3700 River Road, Suite 1 Keizer, OR 97303	Phone # (503) 400-6028 Mobile phone # (if applicable) E-mail: wirthmcgee@aks-eng.com
--	--

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: **Date:** 07/06/2022

Primary Contact for report review and site access is Consultant Applicant/Owner Authorized Agent
 Wetland/Waters Present? Yes No Study Area size: 4.99 acres Total Wetland Acreage: 1.0200

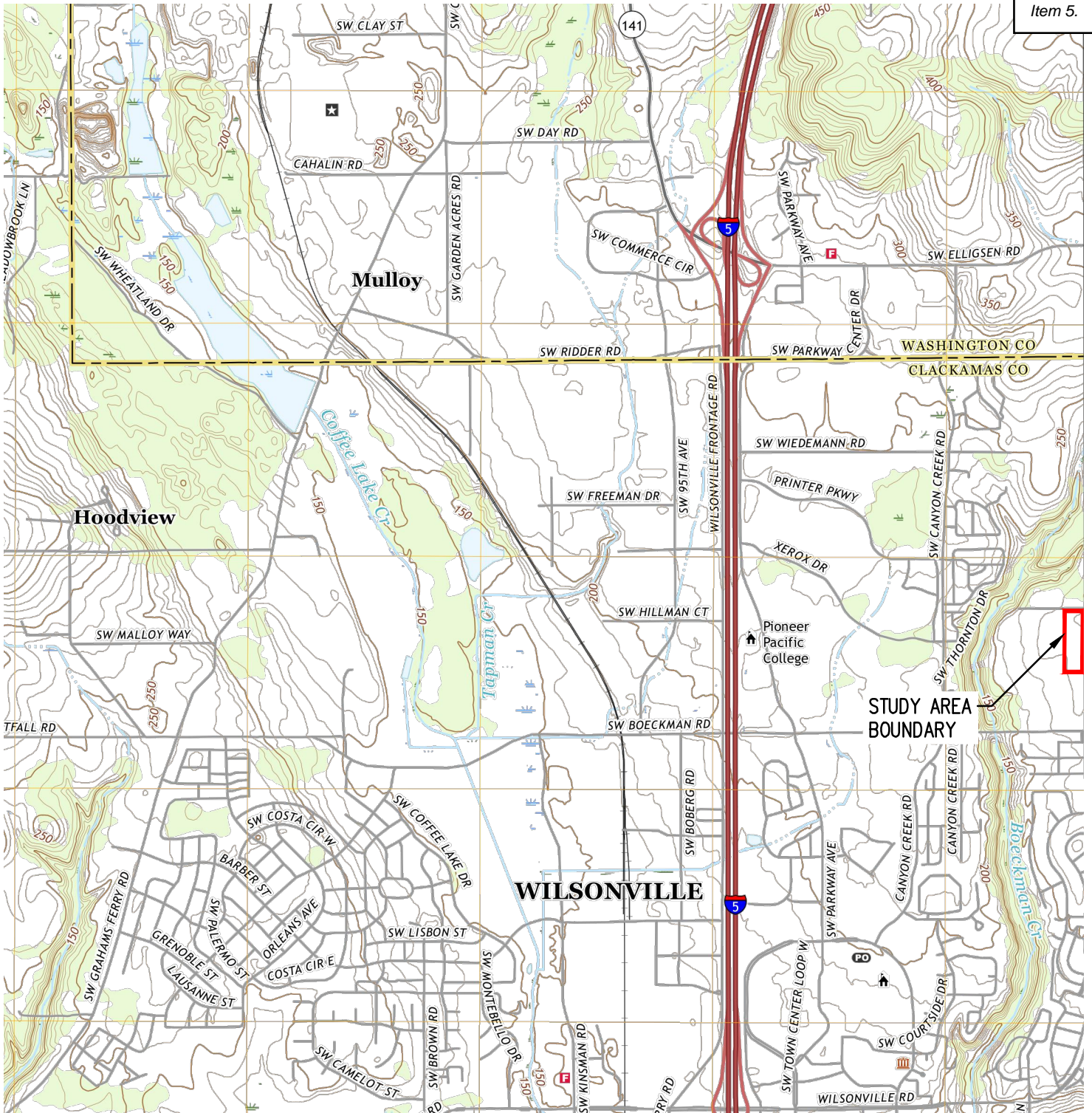
Check Applicable Boxes Below

<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____ <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	<input checked="" type="checkbox"/> Fee payment submitted \$ <u>500</u> <input type="checkbox"/> Resubmittal of rejected report (\$100) <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____ Expiration date _____ <input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____
---	---

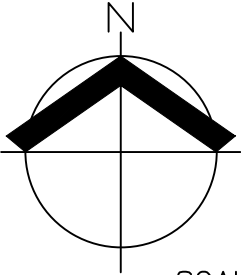
For Office Use Only

DSL Reviewer: CS Fee Paid Date: ____ / ____ / ____ DSL WD # 2022-0382
 Date Delineation Received: 7 / 12 / 22 DSL App.# _____

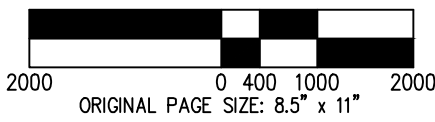
Item 5.



USGS 7.5' TOPOGRAPHIC SERIES
QUADRANGLE: SHERWOOD, OR (2020)



SCALE: 1" = 2000 FEET



DATE: 06/06/2022

USGS VICINITY MAP
7252 SW FROG POND LANE WETLAND DELINEATION REPORT

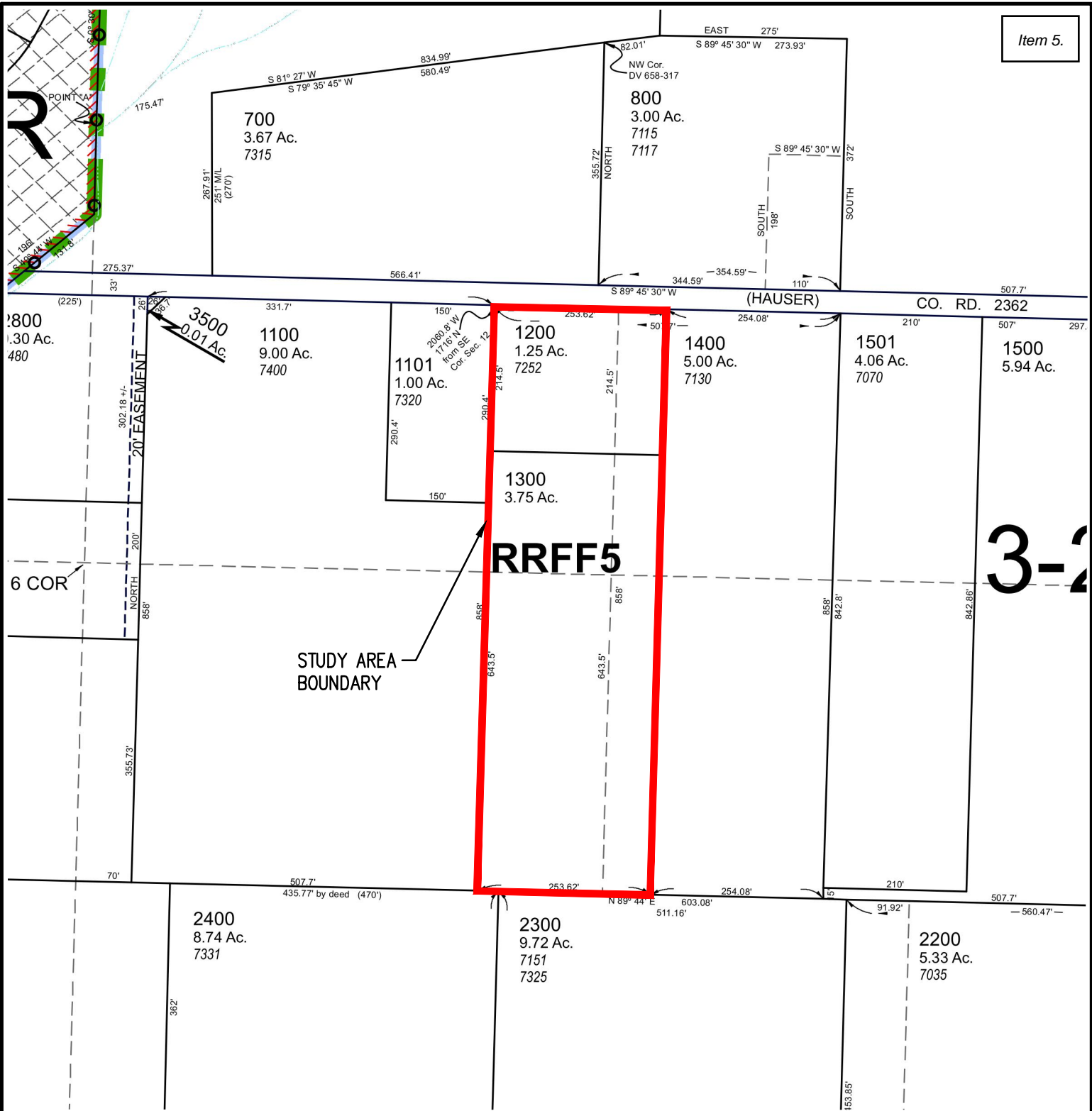
FIGURE
1

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151 WWW.AKS-ENG.COM

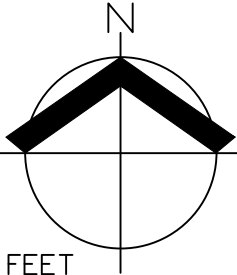


DRWN: RAS
 CHKP: SKT
 AKS 317

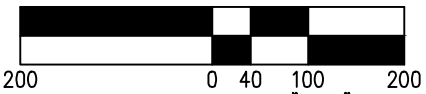
Item 5.



3-2



SCALE: 1" = 200 FEET



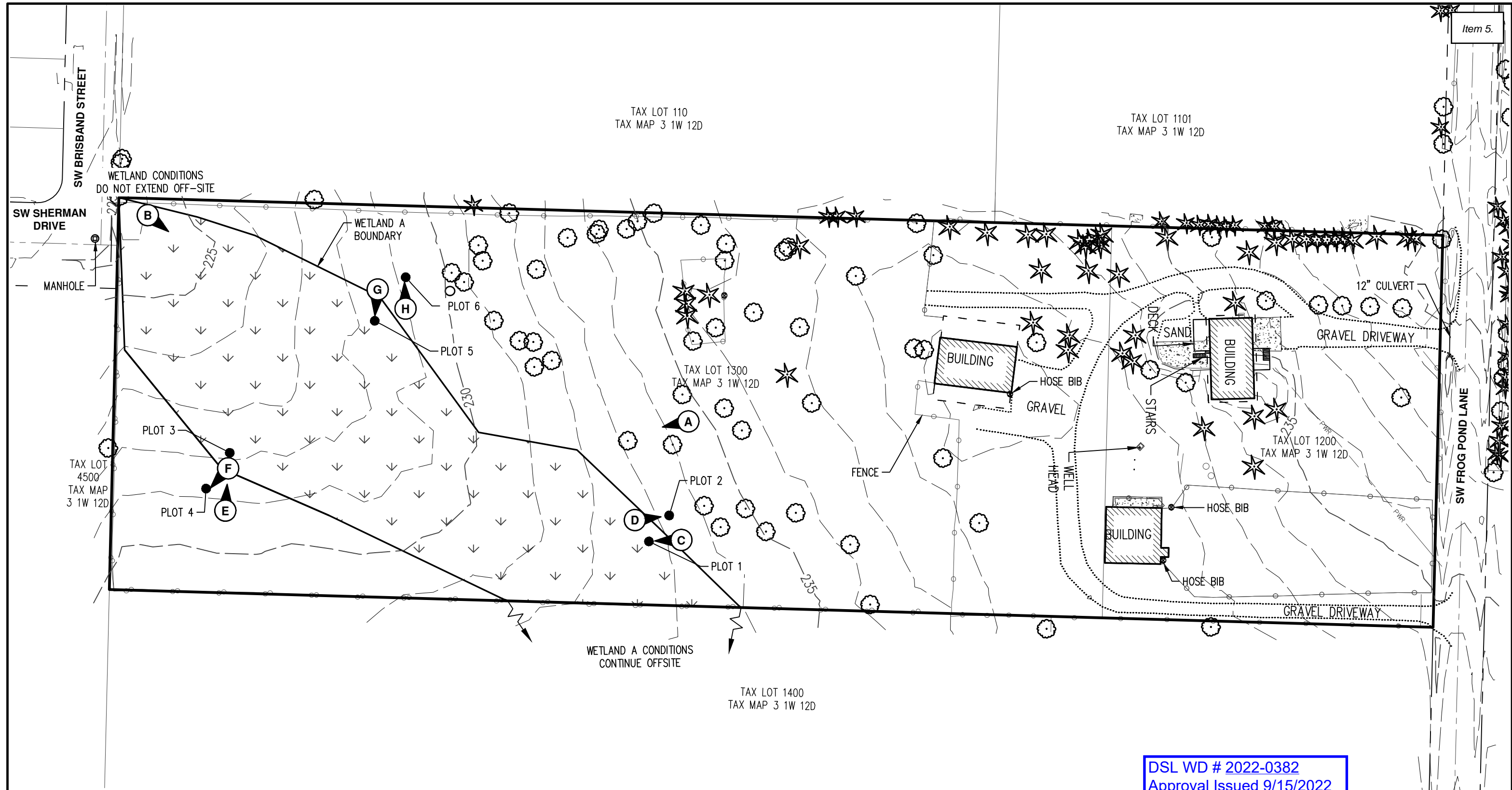
ORIGINAL PAGE SIZE: 8.5" x 11"

CLACKAMAS COUNTY
TAX LOTS 1200 AND 1300
TAX MAP 3 1W 12D

DATE: 06/06/2022



TAX MAP (MAP 3 1W 12D)		FIGURE
7252 SW FROG POND LANE WETLAND DELINEATION REPORT		2
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: RAS CHKD: SKT AKS 318





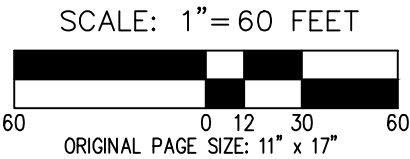
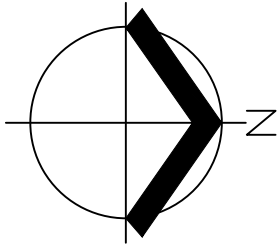
DSL WD # 2022-0382
 Approval Issued 9/15/2022
 Approval Expires 9/15/2027

LEGEND

-  TOTAL ON-SITE PEM/SLOPE WETLAND AREA
44,573 SF± (1.02 ACRES)
-  PHOTO POINT LOCATION AND ORIENTATION

1-FOOT INTERVAL GROUND CONTOURS, EXISTING CONDITIONS. TREES >6" DBH AND STUDY AREA BOUNDARY DERIVED FROM AKS PROFESSIONAL LAND SURVEY.

WETLAND BOUNDARY SHOWN WAS DELINEATED BY AKS ENGINEERING & FORESTRY, LLC ON APRIL 1, 2022. WETLAND BOUNDARY AND PLOT LOCATIONS WERE PROFESSIONALLY LAND SURVEYED BY AKS ON APRIL 5, 2022 WITH SUBMETER ACCURACY.



DATE: 06/30/2022

WETLAND DELINEATION MAP		FIGURE
7252 SW FROG POND LANE WETLAND DELINEATION REPORT		5
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: RAS CHKD: SKT AKS 319



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OR 97208-2946

Item 5.

November 23, 2022

Regulatory Branch
Corps No. NWP-2022-360

Ms. Julie Wirth-McGee
AKS Engineering and Forestry, LLC
3700 River Road, Suite 1
Kaizer, Oregon 97303
wirthmcgee@aks-eng.com

Dear Ms. Wirth-McGee:

The U.S. Army Corps of Engineers (Corps) received your request for an Approved Jurisdictional Determination (AJD) of the aquatic resources, including wetlands, within the review area on the property located at 7252 SW Frog Pond Lane, Wilsonville, Clackamas County, Oregon at Latitude/Longitude: 45.320972°, -122.751182°. Other aquatic resources, including wetlands, that may occur on this property or on adjacent properties outside the review area are not the subject of this determination.

The Corps has determined Wetland A within the review area are not waters of the U.S. The enclosed *Approved Jurisdictional Determination Form* (Enclosure 1) provides the size, criteria and rationale for jurisdiction for all aquatic resources within the review area. The perimeter of the review area and the boundaries of the delineated waters of the U.S. subject to this AJD are identified on the enclosed drawings (Enclosure 2). A copy of the AJD Form can also be found on our website (<https://www.nwp.usace.army.mil/Missions/Regulatory/Determinations/>).

If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* form (Enclosure 3). To appeal this AJD, you must submit a completed *RFA* form to the Corps Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR § 331.5, and the form must be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to the enclosed AJD.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the

- 2 -

Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form available on our website (<https://regulatory.ops.usace.army.mil/customer-service-survey/>).

If you have any questions regarding our Regulatory Program or permit requirements for work in waters of the U.S., please contact Ms. Danielle Erb by telephone at (503) 808-4368 or by email at danielle.h.erb@usace.army.mil.

Sincerely,

Brielle Cummings

For: William D. Abadie
Chief, Regulatory Branch

Enclosures

cc with drawings:

Oregon Department of State Lands (Katie Blauvelt, Katie.BLAUVELT@dsl.oregon.gov)

Oregon Department of Environmental Quality (401applications@deq.oregon.gov)

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 7, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWP-ODG NWP-2022-360 Sullivan Homes-7252 Frog Pond Lane

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Oregon County/parish/borough: Clackamas City: Wilsonville
Center coordinates of site (lat/long in degree decimal format): Lat. 45.320972° N, Long. 122.751182° W.
Universal Transverse Mercator:

Name of nearest waterbody: Boeckman Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Willamette River
Name of watershed or Hydrologic Unit Code (HUC): 170900070402

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: October 31, 2022
Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply): 1

- TNWs, including territorial seas
Wetlands adjacent to TNWs
Relatively permanent waters 2 (RPWs) that flow directly or indirectly into TNWs
Non-RPWs that flow directly or indirectly into TNWs
Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
Impoundments of jurisdictional waters
Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable): 3

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: Within the study area one palustrine emergent wetland (PEM) was identified (Wetland A). Wetland A lacks a direct surface and/or subsurface connect to a Relatively Permanent Water (RPW) or Traditional Navigable Water (TNW). The nearest RPW is located approximately 0.2 mile west of the Review Area. See Section III. F. for more information.

1 Boxes checked below shall be supported by completing the appropriate sections in Section III below.

2 For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

3 Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively perennial tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

- Watershed size: **Pick List**
- Drainage area: **Pick List**
- Average annual rainfall: inches
- Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through **Pick List** tributaries before entering TNW.

- Project waters are **Pick List** river miles from TNW.
- Project waters are **Pick List** river miles from RPW.
- Project waters are **Pick List** aerial (straight) miles from TNW.
- Project waters are **Pick List** aerial (straight) miles from RPW.
- Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: .
Tributary stream order, if known: .

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

- Tributary is:** Natural
 Artificial (man-made). Explain: .
 Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: . | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime: .

Other information on duration and volume: .

Surface flow is: **Pick List**. Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

Tributary has (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: . | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: .

Identify specific pollutants, if known: .

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

- Properties:
- Wetland size: _____ acres
 - Wetland type. Explain: _____
 - Wetland quality. Explain: _____
 - Project wetlands cross or serve as state boundaries. Explain: _____

(b) General Flow Relationship with Non-TNW:

- Flow is: **Pick List**. Explain: _____
- Surface flow is: **Pick List**
Characteristics: _____
- Subsurface flow: **Pick List**. Explain findings: _____
 Dye (or other) test performed: _____

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting
 - Discrete wetland hydrologic connection. Explain: _____
 - Ecological connection. Explain: _____
 - Separated by berm/barrier. Explain: _____

(d) Proximity (Relationship) to TNW

- Project wetlands are **Pick List** river miles from TNW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Flow is from: **Pick List**.
Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

- Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: _____
- Identify specific pollutants, if known: _____

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: _____
- Habitat for:
 - Federally Listed species. Explain findings: _____
 - Fish/spawn areas. Explain findings: _____
 - Other environmentally-sensitive species. Explain findings: _____
 - Aquatic/wildlife diversity. Explain findings: _____

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

- All wetland(s) being considered in the cumulative analysis: **Pick List**
Approximately (_____) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: linear feet width (ft), Or, acres.
 - Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 - Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

⁸See Footnote # 3.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
 - Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
 - Other: (explain, if not covered above): **Wetland A does not have direct surface or subsurface hydrologic connection to a RPW or TNW. The closest known waterway is Boeckman Creek, which is located approximately 0.20 mile west of the Review Area. There is an approximate 5-foot drop in elevation from Wetland A to the creek over the course of that distance. A search of wetlands in the nearby vicinity of Boeckman Creek did not identify any similarly situated wetlands that would indicate the potential for a significant nexus to an RPW or TNW. The wetland originates from hillside seeps that are upslope and off-site to the east. The main hydrology sources are a seasonally high groundwater table and overland low from the adjacent hillside. Any occasional surface water discharge is interrupted by an existing paved road associated with the subdivision immediately off-site to the south of the Review Area. Vegetation within the wetland consist of grasses such as a bentgrass species (Agrostis spp.; assumed facultative (FAC)) with lesser amounts of false tall rye grass (Schedonorus arundinaceous; FAC), and field meadow-foxtail (Alopecurus pratensis; FAC). Soils in the wetland are low chroma (chroma of 2 or less) displaying faint to distinct redox features in the upper 6 to 9 inches, underlain by a depleted layer meeting indicators A11 (Depleted Below Dark Surface) and F3 (Depleted Matrix). Change in vegetation between the upland and wetland plot was nearly indistinguishable. The wetland is within a broad, concave swale landform. The abutting upland is approximately 6 to 12 inches higher in elevation and has a slight slope toward the wetland. Upland vegetation at the wetland boundary is similarly dominated by grasses (Agrostis spp., S. arundinaceous, A. pratensis), but also includes subdominant species such as curly dock (Rumex crispus; FAC), and a vetch species (Vicia spp.; assumed FAC). Oregon white oak (Quercus garryana; FACU) is present at the northern boundary of the wetland. Upland soils consisted of dark brown (10YR 3/2) silt loam completely lacking redox features in some plots, to a depth of 16 inches. Soils at other upland plots were dark brown (10YR 3/2) silt loam displaying 2 percent or less redox features to a depth of 13 inches, and a depleted matrix at 13+ inches, failing to meet any hydric soil indicators. No wetland hydrology indicators were observed in upland plots.**

An 8-inch diameter concrete pipe exists near the southwest property corner, under the paved road; however, its discharge point is unknown. The stormwater system for the Morgan Farms subdivision directly south of the site discharges to the east to Boeckman Creek after flowing through stormwater treatment facilities. The stormwater as-built for Morgan Farms (Corps No. NWP-2018-162) did not show a connection to the culvert. Wetland A does not exhibit a defined channel or relatively permanent surface water. Only during extreme precipitation events would Wetland A exhibit sheet flow toward the culvert located at the southwest property corner. Under normal conditions, surface water within Wetland A infiltrates the soil before reaching the culvert. The soils downslope of the Wetland A are non-hydric, making shallow subsurface connection to Boeckman Creek unlikely. Because Wetland A does not contribute a hydrologic connection to a RPW or TNW, it does not significantly affect the chemical, physical, or biological integrity of navigable waters, interstate waterways, or the territorial seas. Wetland A is located near a recently developed residential area to the southwest (Corps No. NWP-2018-162), and another new residential development 0.10 mile to the southwest. The land upslope of Wetland A to the southeast and northeast is former farmland, where located directly east of the wetland is a residence. Wetland A does not possess an interstate commerce connection. There is no interstate use by interstate and/or foreign travelers for recreational purposes since there are no resources of special significance at this location. There are no bird or wildlife species that would attract interstate or foreign travelers; there are no fish or shellfish which could be taken or sold in interstate or foreign commerce; and there are no industrial, agriculture and silviculture purposes which could be sold in interstate/foreign commerce at this location.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: 1.02 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .

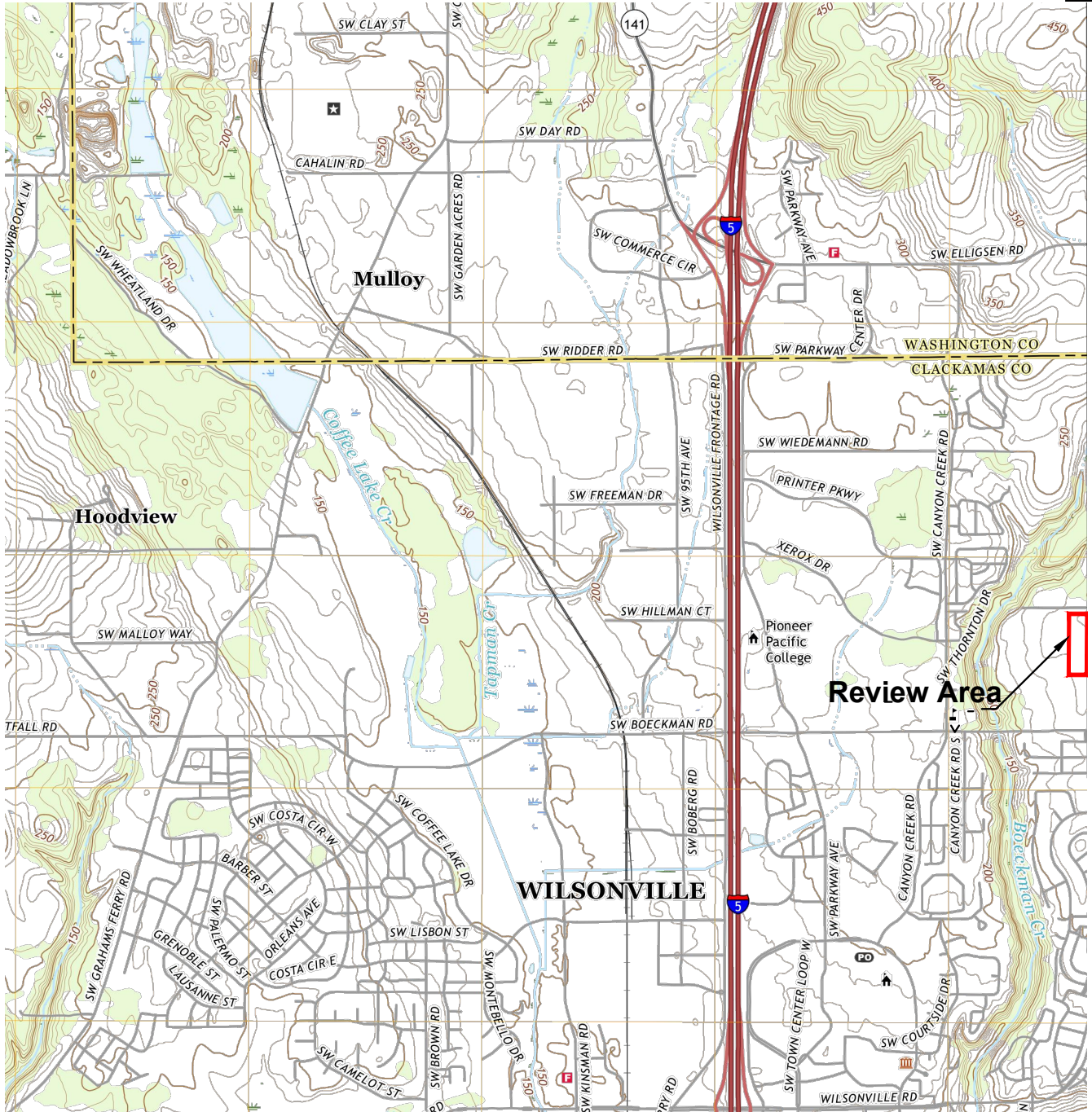
- Wetlands:

SECTION IV: DATA SOURCES.

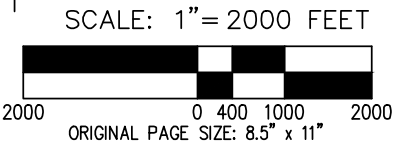
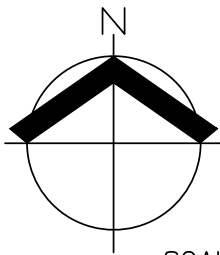
A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: 7252 Frog Pond Lane Wilsonville, Clackamas County, Oregon, Wetland Delineation Report dated July, 2022.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 7.5' Topographic Series Quadrangle, Sherwood, OR (2020).
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey for Clackamas County.
- National wetlands inventory map(s). Cite name: National Wetland Inventory layer, Oct. 2022, National Regulatory Viewer.
- State/Local wetland inventory map(s): Local Wetland Inventory layer, Oct. 2022, National Regulatory Viewer.
- FEMA/FIRM maps: #41005C0234D, effective 06/17/2008.
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): G-EGD 7/21/2018 and 10/1/2021.
or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): Corps No. NWP-2018-162.

B. ADDITIONAL COMMENTS TO SUPPORT JD: On October 31, 2022, the Corps coordinated this JD with the U.S. Environmental Protection Agency (EPA) Region 10 and Corps Headquarters (HQ). On November 3, 2022, the EPA responded, concurring with the Corps' conclusion that Wetland A is not a water of the U.S. On November 7, 2022, HQ responded stating they have no comments and that coordination is complete.



USGS 7.5' TOPOGRAPHIC SERIES
 QUADRANGLE: SHERWOOD, OR (2020)



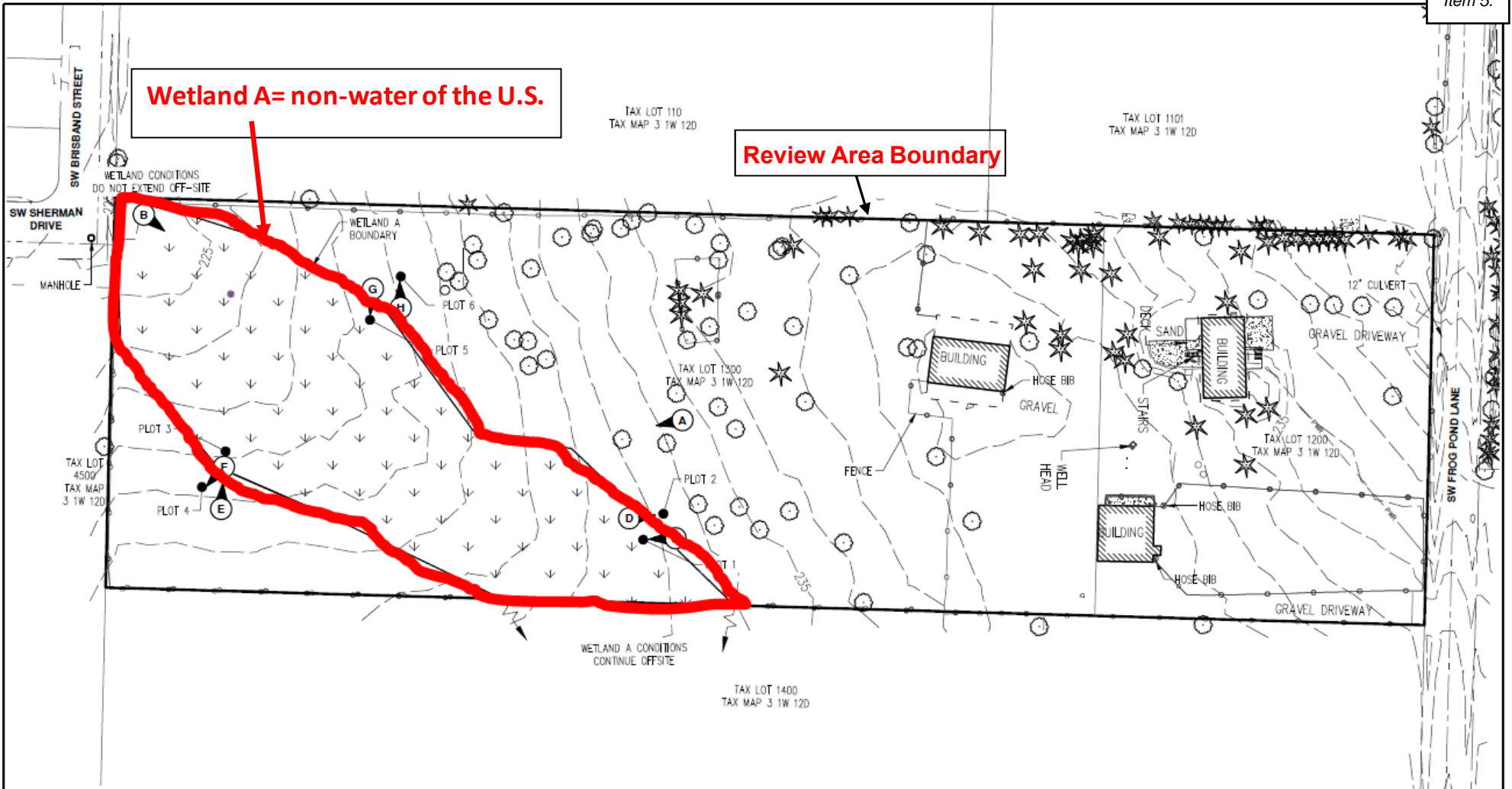
DATE: 06/06/2022

USGS VICINITY MAP		FIGURE
7252 SW FROG POND LANE WETLAND DELINEATION REPORT		1
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: RAS CHKD: SKT AKS JOB: 6175

DWG: 6175 BACKGROUND FIGURES | FIGURE 1

Wetland A= non-water of the U.S.

Review Area Boundary

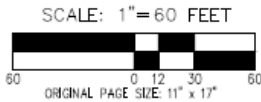
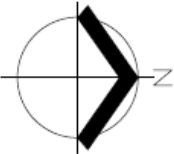


LEGEND

- TOTAL ON-SITE FEM/SLOPE WETLAND AREA
44,573 SF± (1.02 ACRES)
- PHOTO POINT LOCATION AND ORIENTATION

1-FOOT INTERVAL GROUND CONTOURS, EXISTING CONDITIONS. TREES >6" DBH AND STUDY AREA BOUNDARY DERIVED FROM AKS PROFESSIONAL LAND SURVEY.

WETLAND BOUNDARY SHOWN WAS DELINEATED BY AKS ENGINEERING & FORESTRY, LLC ON APRIL 1, 2022. WETLAND BOUNDARY AND PLOT LOCATIONS WERE PROFESSIONALLY LAND SURVEYED BY AKS ON APRIL 5, 2022 WITH SUBMETER ACCURACY.



DATE: 06/30/2022

WETLAND DELINEATION MAP		FIGURE
7252 SW FROG POND LANE WETLAND DELINEATION REPORT		5
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: RAS CHKD: SKT AKS JOB: 6175

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Julie Wirth-McGee, AKS Engineering and Forestry, LLC		File Number: NWP-2022-360	Date: November 23, 2022
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331, or at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx>

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
William D. Abadie, Chief Regulatory Branch
U.S. Army Corps of Engineers, Portland District Office
PO Box 2946
Portland, OR 97208-2946
Telephone: (503)808-4373
Email: William.D.Abadie@usace.army.mil

If you only have questions regarding the appeal process you may also contact:
Melinda M. Larsen, Regulatory Appeals Review Officer
U.S. Army Corps of Engineers, Northwestern Division
1201 NE Lloyd Blvd., Suite 400
Portland, OR 97232
Telephone: (503)808-3888
Email: Melinda.M.Larsen@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<p>_____</p> <p>Signature of appellant or agent.</p>	<p>Date:</p>	<p>Telephone number:</p>
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Exhibit I: Draft CC&Rs

AFTER RECORDING, RETURN TO:

Cottage Park Place Owners Association
c/o Sullivan Homes, LLC.
5832 Firestone Ct
San Jose, CA 95138

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS FOR
COTTAGE PARK PLACE**

(Plat of Cottage Park Place)

Clackamas County, Oregon

By:

Sullivan Homes, LLC.

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**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR COTTAGE CREEK**

THIS DECLARATION is made this ____ day of September , 2022 by **Sullivan Homes, LLC.**, an California corporation.

RECITALS

A. **SULLIVAN HOMES, LLC.** (“**Declarant**”) owns all the real property in the plat of **COTTAGE PARK PLACE** which is located within the City of Wilsonville, Clackamas County, Oregon.

B. Declarant, desires to subject a portion of such property as described in Article 2 below to the conditions, restrictions and charges set forth in this instrument for the benefit of such property, and its present and subsequent owners, and to establish such property under the Oregon Planned Community Act, ORS 94.550 to 94.783 (as the same may be amended or added to in the future, the “**Planned Community Act**”), for a one or two phase Class I planned development to be known as “**Cottage Park Place.**”

NOW, THEREFORE, Declarant, hereby declares that the property described in Section 2.1 below will be held, sold and conveyed subject to the following easements, covenants, restrictions and charges, and each such declarant, as to the real property owned by each such declarant, and does hereby grant the easements set forth in this Declaration that are located on, over and through the real property owned by each such declarant, runs with such property and is binding upon all parties having or acquiring any right, title or interest in such property or any part thereof and inures to the benefit of each owner thereof.

**Article 1
DEFINITIONS**

As used in this Declaration, the terms set forth below have the following meanings:

1.1 “**Accessory Dwelling Unit**” means a portion of a Living Unit capable of being occupied as a separate residence and which includes its own kitchen and bath facilities.

1.2 “**Additional Property**” means any land, whether or not owned by Declarant, which is made subject to this Declaration as provided in Section 2.2 below.

1.3 “**Architectural Review Committee**” or “**The Committee**” means the committee appointed pursuant to Article 7 below.

1.4 “**Articles of Incorporation**” means the Articles of Incorporation of the Association.

1.5 “**Assessments**” means all assessments and other charges, fines and fees imposed by the Association on an Owner in accordance with this Declaration or the Bylaws of the Association or provisions of the Oregon Planned Community Act, including, without limitation, General

Assessments, Special Assessments, Emergency Assessments, Limited Common Area Assessments, Project Assessments, and Individual Assessments as described in Article 10 below.

1.6 “**Association**” means the nonprofit corporation to be formed to serve as the owners association as provided in Article 8 below, and its successors and assigns.

1.7 “**Board of Directors**” or “**the Board**” means the duly appointed or elected board of directors of the Association, which is invested with the authority to operate the Association and to appoint the officers of the Association. Prior to the Turnover Meeting, Declarant will appoint the Board of Directors. After the Turnover Meeting, the Owners will elect the Board of Directors.

1.8 “**Bylaws**” means the duly adopted bylaws of the Association recorded the same day as this Declaration, as the same may hereafter be amended or replaced.

1.9 “**Common Areas**” means those lots or tracts designated as such on any plat of the Property, or in this Declaration or any declaration annexing Additional Property to Cottage Park Place, including any Improvements thereon, and also includes Common Easement Areas, Limited Common Easement Areas and any Lots converted to Common Areas as provided in Section 3.2 below.

1.10 “**Common Easement Areas**” means those easements established for the benefit of all property within Cottage Park Place pursuant to this Declaration or any plat or declaration annexing Additional Property to Cottage Park Place.

1.11 “**Common Maintenance Areas**” means the Common Areas and any other areas designated as such in Section 9.1 of this Declaration or in any declaration annexing Additional Property to Cottage Park Place as being maintained by the Association.

1.12 “**Declarant**” means Sullivan Homes, LLC.

1.13 “**Development Period**” means the period of time between the date this Declaration is recorded and the earliest of (a) when all of the property within the Master Plan has been developed and all of the Lots in the last area to be annexed to this Declaration have been conveyed to Persons other than a successor declarant to Declarant, a developer or a home builder of multiple Lots; or an entity (Declarant) who retains a portion of developed homes for rental purposes (b) when, in its discretion, Declarant so determines, as evidenced by a recorded document to that effect executed by Declarant.

1.14 “**Emergency Assessments**” means the Assessments described in Section 10.6.

1.15 “**Front Yard**” means the area between the predominant wall plane of the Living Unit toward any street and including any side yard adjoining the street. The Front Yard also includes any portion of the street right of way between the curb and the Lot line and the landscaping and trees located in that area.

1.16 “**General Assessments**” means the Assessments described in Section 10.4.

1.17 “**General Common Areas**” means those tracts or areas designated as such on the Plat of the Initial Development or any plat of Additional Property, which the Association owns or will own as set forth in any plat of the Property.

1.18 “**Governmental Authority**” means City of Wilsonville, Clackamas County, the State of Oregon, the United States of America, or other governmental entity or agency that has or acquires jurisdiction over the Property or any portion thereof, or over sales of the Property, from time to time.

1.19 “**Improvement**” means every structure or improvement of any kind, including but not limited to a fence, retaining wall, driveway, storage shelter, landscaping or other product of construction efforts on or in respect to the Property.

1.20 “**Individual Assessments**” means the Assessments described in Section 10.8.

1.21 “**Initial Development**” means the real property referred to in Section 2.1 below.

1.22 “**Limited Common Areas**” means those Common Areas established for the exclusive use or enjoyment of certain Lots as designated in this Declaration or any declaration annexing property to Cottage Creek, including Limited Common Easement Areas.

1.23 “**Limited Common Area Assessments**” means those Assessments as described in Section 10.7.

1.24 “**Limited Common Easement Areas**” means those easements established for the exclusive use or enjoyment of certain Lots as designated in this Declaration or any declaration annexing property to Cottage Creek.

1.25 “**Living Unit**” means a building or a portion of a building located upon a Lot within the Property and designated for separate residential occupancy, together with any permitted Accessory Dwelling Unit.

1.26 “**Lot**” means a platted lot, partitioned parcel, or condominium unit within the Property, with the exception of any lot marked on a plat of the Property as being common or open space or so designated in this Declaration or an annexation declaration annexing such property to Cottage Creek. Lots do not include Common Areas or common tracts that any plat of the Property indicates will be owned and maintained by the Association.

1.27 “**Master Plan**” means the Development Plan of Cottage Park Place approved by the City of Wilsonville, Oregon, as the same may hereafter be amended.

1.28 “**Cottage Park Place**” means the Initial Development and any Additional Property annexed to this Declaration.

1.29 “**Mortgage**” means a mortgage or a trust deed; “**mortgagee**” means a mortgagee or a beneficiary of a trust deed; and “**mortgagor**” means a mortgagor or a grantor of a trust deed.

1.30 “**Owner**” means the person or persons, including Declarant, owning any Lot in the Property including the holder of a life estate, but does not include a tenant or holder of a leasehold

interest or a person holding only a security interest in a Lot. If a Lot is Sold under a recorded real estate installment sale contract, the purchaser (rather than the seller) will be considered the Owner unless the contract specifically provides to the contrary. The rights, obligations and other status of being an Owner commence upon acquisition of the ownership of a Lot and terminate upon disposition of such ownership, but termination of ownership does not discharge an Owner from obligations incurred prior to termination.

1.31 “**Person**” means a human being, a corporation, partnership, limited liability company, trustee, or other legal entity.

1.32 “**Project**” means any separately designated and developed portion of the Property and comprised of discrete types of development or use, including, without limitation, duplexes, townhomes or other attached dwellings. Any such Project will be designated as a Project in the Project Declaration, this Declaration or the declaration annexing such portion of the Property to Cottage Creek.

1.33 “**Project Assessments**” means assessments levied pursuant to a specific Project Declaration.

1.34 “**Project Association**” means any association established for a specific Project pursuant to a Project Declaration.

1.35 “**Project Common Area**” means the area within a Project restricted in whole or in part to common use primarily by or for the benefit of the Owners within the Project and their families, tenants, employees, guests and invitees.

1.36 “**Project Declaration**” means a declaration of easements, covenants, conditions and restrictions imposing a unified development scheme on a particular Project, which declaration will have been executed by or bear the written approval of Declarant.

1.37 “**Project Parcel**” means the portion of the Property upon which a Project is located, as indicated, if appropriate, on the plat relating to the Project and as designated in the Project Declaration.

1.38 “**Public Areas**” means areas dedicated to the public or established for public use in any plat of the Property, or so designated in this Declaration or the declaration annexing such property to Morgan Farm.

1.39 “**Rules and Regulations**” means the rules and regulations duly adopted by the Board of Directors pursuant to Section 6.31.

1.40 “**Sold**” means that legal title has been conveyed or that a contract of sale has been executed and recorded under which the purchaser has obtained the right to possession.

1.41 “**Special Assessments**” means the Assessments described in Section 10.5.

1.42 “**Supplemental Declaration**” means an instrument recorded pursuant to Section 1.2 that subjects Additional Property to this Declaration, designates Neighborhoods, and/or imposes,

expressly or by reference, additional or different restrictions and obligations on the Additional Property described in such instrument. The term also refers to an instrument recorded by Declarant to establish Voting Groups.

1.43 **“the Property”** means Cottage Park Place.

1.44 **“this Declaration”** means all of the easements, covenants, restrictions and charges set forth in this instrument as the same may be amended or supplemented from time to time in accordance with the provisions hereof, including by the provisions of any Supplemental Declaration or Project Declaration.

1.45 **“Turnover Meeting”** means the meeting called by Declarant pursuant to Section 8.8 below, at which Declarant will turnover administrative responsibility for the Property to the Association.

Article 2
PROPERTY SUBJECT TO THIS DECLARATION

2.1 **Initial Development.** Declarant hereby declares that all of the real property described below is owned and will be owned, conveyed, hypothecated, encumbered, used, occupied and improved subject to this Declaration:

Lots 1 through 32 inclusive, and Tracts A (Open Space) and B (Stormwater), within that certain plat entitled **“Cottage Park Place”** filed in the plat records of Clackamas County, Oregon, on _____ as Plat No. _____.

2.2 **Annexation of Additional Property.** Declarant may from time to time, in its sole discretion, annex to Cottage Park Place as Additional Property any real property now or hereafter acquired by Declarant. The annexation of such Additional Property will be accomplished as follows:

(a) The Declarant as owner of the real property will record a declaration that will be executed by or bear the approval of Declarant and will, among other things, describe the real property to be annexed, designate the Project of which such property is a part, establish land classifications for the Additional Property, establish any additional limitations, uses, restrictions, covenants and conditions which are intended to be applicable to such Additional Property, and declare that such property is held and will be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to this Declaration.

(b) The Additional Property included in any such annexation will thereby become a part of Cottage Park Place and this Declaration, and the Declarant and the Association will accept and exercise administration of this Declaration with respect to such property.

(c) Notwithstanding any provision apparently to the contrary, a declaration with respect to any Additional Property may, with the consent of Declarant:

(1) Establish such new land classifications and such limitations, uses, restrictions, covenants and conditions with respect to such Additional Property as Declarant may deem to be appropriate for the development of the Additional Property.

(2) With respect to existing land classifications, establish additional or different limitations, uses, restrictions, covenants and conditions with respect to such property as Declarant may deem to be appropriate for the development of such Additional Property.

(d) There is no limitation on the number of Lots or Living Units, that Declarant may create or annex to Cottage Park Place, except as may be established by applicable ordinances of the City of Wilsonville. Similarly, there is no limitation on the right of Declarant to annex common property, except as may be established by the City of Wilsonville.

(e) Declarant does not have any obligation to build any specific future Improvement, but nothing in this Declaration limits its right to add additional Improvements. Nothing in this Declaration will establish any duty or obligation on Declarant to annex any property to this Declaration, and no owner of property excluded from this Declaration will have any right to have any such property annexed to this Declaration or Cottage Creek.

(f) Upon annexation to Cottage Park Place, additional Lots so annexed will be entitled to voting rights as set forth in Section 8.3 below.

(g) The formula to be used for reallocating the common expenses if additional Lots are annexed and the manner of reapportioning the common expenses if additional Lots are annexed during a fiscal year are set forth in Section 10.9 below.

2.3 **Improvements.** Declarant does not agree to build any other Improvements on the Property other than as required by the City of Wilsonville, but may elect, at its option, to build additional Improvements.

2.4 **Withdrawal of Property.** Declarant may withdraw property it owns from Cottage Park Place only by duly adopted amendment to this Declaration, except that Declarant may withdraw all or a portion of the Initial Development or any Additional Property annexed pursuant to a declaration described in Section 2.2 above at any time prior to the sale of the first Lot in the respective plat of the Initial Development, or in the case of Additional property, prior to the sale of the first Lot in the property annexed by the supplemental declaration, subject to the prior approval of the City of Wilsonville. Such withdrawal will be by a declaration executed by the withdrawing declarant and recorded in the deed records of Clackamas County, Oregon. If a portion of the Property is so withdrawn, all voting rights otherwise allocated to Lots being withdrawn will also be eliminated, and the common expenses will be reallocated as provided in Section 10.9 below. Such right of withdrawal will not expire except upon sale of the first Lot within the applicable phase of the Property as described above.

2.5 **Subdivisions.** Declarant hereby reserves the right to subdivide any Lots then owned by it upon receiving all required approvals from City of Wilsonville. If any two or more Lots are so subdivided, they will be deemed separate Lots for the purposes of allocating Assessments under this Declaration. No other Owner of any Lot in the Property may subdivide any Lot without the prior written approval of the Declarant during the Development Period and thereafter by the Board of

Directors, which consent may be granted or denied at the sole discretion of the Declarant or the Committee, as applicable.

2.6 **Consolidations.** Declarant has the right to consolidate any two or more Lots then owned by it upon receipt of any required approvals from City of Wilsonville. No other Owner may consolidate any Lots without the prior written approval of the Declarant during the Development Period and thereafter by the Board of Directors, which may be granted or denied at the sole discretion of the Declarant or Committee, as applicable. An approved consolidation will be effected by the recording of a supplemental declaration stating that the affected Lots are consolidated, which declaration will be executed by the Owner(s) of the affected Lots and by the president of the Association. Once so consolidated, the consolidated Lot may not thereafter be partitioned, nor may the consolidation be revoked except as provided in Section 2.5. Any Lots consolidated pursuant to this section will be considered one Lot thereafter for the purposes of this Declaration, including voting rights and allocation of Assessments.

2.7 **Dedications.** Declarant has the right to dedicate any portions of the Property then owned by it respectively to any Governmental Authority, quasi-governmental entity or entity qualifying under Section 501(c)(3) of the Internal Revenue Code or similar provisions, from time to time, for such purposes as it may deem to be appropriate, including, without limitation, for utility stations, equipment, fixtures and lines; streets and roads; sidewalks; trails; open space; recreational facilities; schools; fire, police, security, medical and similar services; and such other purposes as they and such Governmental Authority or quasi-governmental entity determine to be appropriate from time to time. Any consideration received by it because of such dedication or reason of any condemnation or any conveyance in lieu of condemnation will belong solely to Declarant.

Article 3
LAND CLASSIFICATIONS

3.1 **Land Classifications within Initial Development.** All land within the Initial Development is included in one or another of the following classifications:

- (a) **Lots**, which consist of Lots 1 through 34 of the plat of the Initial Development.
- (b) **General Common Areas**, which are the areas designated as Tracts A on the plat of the Initial Development.
- (c) **Limited Common Areas**, which are Tracts B on the plat of the Initial Development
- (d) **Public Areas**, which are SW Sherman Drive, and Street “A”, within the Initial Development.
- (e) **Common Easement Areas** and **Limited Common Easement Areas**, as shown or noted on the plat of the Initial Development.

3.2 **Conversion of Lots to Common Areas.** Declarant may elect to build common facilities on one or more Lots and designate such Lots as Common Areas by a declaration recorded in the deed records of Clackamas County, Oregon. Declarant, as owner of the Lots being converted, will execute such declaration.

3.3 **Condominium Conversions.** Declarant reserves the right to convert any Living Units then owned by Declarant into a condominium or other form of ownership in any manner permitted by Oregon law and to otherwise create and terminate any condominium containing Living Units owned solely by Declarant.

3.4 **Re-Zoning and Other Governmental Actions.** Declarant reserves the right, from time to time, to petition for and obtain re-zonings of its property; exchanges of properties; amendments to the Master Plan; and such licenses, permits and approvals from any Governmental Authority as Declarant may deem to be appropriate from time to time in connection with the then or anticipated use of such portion of the Property.

3.5 **Creation of Projects.** The Property may contain one or more Projects, each of which may contain areas that have common uses, have access to certain Project Common Areas, be treated similarly for Assessment or voting purposes, or share other common characteristics as determined by Declarant. Declarant reserves the right to designate which portions of the Property constitute a Project. Projects need not comprise the entirety of the Property, nor must all Lots be part of a Project. A Project may be composed of more than one housing type. Projects may include noncontiguous parcels of the Property.

3.6 **Project Declarations.** Declarant reserves the right to record a Supplemental or Project Declaration against a Project Parcel containing additional covenants, conditions, restrictions and reservations governing, expanding or confining the use of any such Project, reserving additional easements therein, and imposing Project Assessments upon the Owners of Lots in such Project for the ongoing operation, maintenance and repair of Project Common Areas or other portions of the Project.

3.7 **Project Associations.** The establishment of a Project may be accompanied by the formation of a Project Association. Project Associations will be nonprofit corporations with memberships composed of the Owners of the Lots within such Projects. Declarant may elect to cause any such Project Association to be formed for such purposes at any time after the Project Declaration is recorded and before any Lots therein are conveyed to Owners. Following the Development Period, the Owners of Lots within a Project, by majority vote and with the written consent of the Board of Directors, may elect to establish a Project Association. At the time a Project Association is formed, or at any time thereafter, Declarant or the Board may delegate to the Project Association certain of their respective rights and obligations with respect to the portion of the Property located within the Project and other Common Areas to which members of such Project have access. Such rights and duties may include, without limitation, the obligation to maintain Project Common Areas within the Project, establish and enforce Rules and Regulations, and hold title to and administer, manage, operate and insure property and/or easements located within such Project. Certain obligations and rights with respect to matters affecting more than one Project may be delegated by the respective declarant or the Board to two or more of such Projects.

3.8 **Project Committees.** With respect to any Project that does not have a Project Association, the Board of Directors may appoint a Project Committee composed of three to five Owners of Lots within such Project, which committee will be responsible for recommending to the Board any Rules and Regulations pertaining to Project Common Areas; for decisions pertaining to the operation, use, maintenance, repair, replacement or improvement of such Project Common Areas; and for such other matters pertaining to the Project as the Board may elect to delegate to the Project Committee.

3.9 **Conversion to Different Uses.** Declarant reserves the right to withdraw portions of the Property from any Project and its related Supplemental or Project Declaration and may also include the portion so withdrawn in a different Project pursuant to the provisions of a different Supplemental or Project Declaration. Such withdrawal is accomplished by and effective upon recording an amendment to the applicable Supplemental or Project Declaration or Declarations.

Article 4

PROPERTY RIGHTS IN COMMON AREAS

4.1 **Owners Easements of Enjoyment.** Subject to provisions of this Section, every Owner and his invitees has a right and easement of enjoyment in and to the Common Areas, which easement is appurtenant to and passes with the title to every Lot. The use of any Limited Common Areas, however, is limited to the Owners and invitees of the Lots designated in the declaration establishing the Limited Common Area.

4.2 **Common Easement Areas.** Common Easement Areas are to be maintained by the Association and no changes in landscaping will be permitted within such areas without written authorization by the Architectural Review Committee. No building, wall, paving, or construction of any type may be erected or maintained by any Owner so as to trespass or encroach upon the Common Easement Areas, nor may any such areas be used by the Owner for storm water treatment purposes. No fence or landscaping may be erected or maintained by any Owner within a Common Easement Area without the prior written approval of the Architectural Review Committee

4.3 **Title to Common Areas.** Title to the Common Areas, except Common Easement Areas, will be conveyed to the Association by Declarant, respectively, AS IS but free and clear of monetary liens, before the Turnover Meeting. If Declarant erroneously conveys to the Association any property that is not Common Area, upon request the Association will promptly reconvey the property to Declarant or its designee. Title to Common Easement Areas, subject to the easements set forth in this Declaration or the supplemental declaration creating such areas, rests and will rest in the Owners of the respective Lots within which Common Easement Areas are located, or to the public if part of dedicated street rights of way.

4.4 **Extent of Owners' Rights.** The rights and easements of enjoyment in the Common Areas created hereby are subject to the following and to all other provisions of this Declaration:

(a) **Association Easements.** Declarant grants to the Association for the benefit of the Association and all Owners of Lots within the Property the following easements over, under, and upon the General Common Areas and Limited Common Areas, and Common Easement Areas:

(1) An easement for underground installation and maintenance of power, gas, electric, water and other utility and communication lines and services installed by Declarant or with the approval of the Board of Directors of the Association and any such easement shown on any plat of the Property.

(2) An easement for construction, maintenance, repair and use of Common Areas, including common facilities thereon.

(3) An easement for making repairs or replacements to any existing structures on Common Areas to carry out the Association's maintenance obligations as set forth herein.

(b) Public and Utility Easements. The Common Areas are subject to such public and utility easements that are established in any plat of the Property. Additionally, the public is hereby granted access easements over all the pedestrian and bicycle accesses, pathways and trails within the Initial Development General Common Areas as indicated on the plat of the Initial Development. Declarant or the Association, may (and, to the extent required by law, must) grant or assign such easements to municipalities or other utilities performing utility services and to communication companies, and the Association may grant free access thereon to police, fire and other public officials and to employees of utility companies and communications companies serving the Property.

(c) Use of the Common Areas. The Common Areas may not be partitioned or otherwise divided into parcels for residential use, and no private structure of any type may be constructed on the Common Areas. Except as otherwise provided in this Declaration, the Common Areas are reserved for the use and enjoyment of all Owners and no private use by Owners or occupants of Lots may be made of the Common Areas, including Common Easement Areas, except as otherwise provided in this Declaration. No Owner may locate or cause to be located on the Common Areas any trash, fencing, structure, equipment, furniture, package or object of any kind. Nothing in this Article prevents the placing of a sign or signs by the Association upon the Common Areas identifying the Property or any Project or identifying pathways or items of interest, signs restricting certain uses or warning signs, provided such signs are approved by the Architectural Review Committee, are consistent with the City of Wilsonville Sign Code and meet vision clearance standards contained in the City of Wilsonville Land Development code. Lighting for the Common Areas must be shielded such that it does not shine on adjacent properties, and must be consistent with the City of Wilsonville Community Development Code and the lighting plan approved by the City of Wilsonville. The Board of Directors of the Association has authority to abate any trespass or encroachment upon the Common Area at any time, by any reasonable means and with or without having to bring legal proceedings. A Supplemental Declaration annexing Additional Property may provide that the Owners of such Additional Property do not have the right to use a particular Common Area or facility located on such Common Area, in which event such Common Area automatically becomes a Limited Common Area assigned to the Lots that have access thereto and the excluded Owners will not be required to share in the costs of maintaining the facility or newly characterized Limited Common Area, as is more particularly described in Section 10.7.

(d) **Alienation of the Common Areas.** The Association may not by act or omission seek to abandon, partition, subdivide, encumber as security for a debt, sell or transfer the Common Areas owned directly or indirectly by the Association for the benefit of the Lots unless the holders of at least 80 percent of the Class A Association voting rights and the Class B member (as defined in Section 8.3 below), if any, have given their prior written approval and unless approved by the City of Wilsonville. Such approvals, however, are not required for dedications under Section 2.7. This provision does not apply to the easements described in Section 4.4(b) above. The Association, upon approval in writing of at least 50 percent of the Class A Member voting rights and the Class B Member, if any, and if approved by order or resolution of the City of Wilsonville, may dedicate or convey any portion of the Common Areas to a park district or other public body. Any sale, transfer, conveyance or encumbrance permitted by this Declaration may provide that the Common Areas may be released from the restrictions imposed by this Declaration if the ballot or vote for the approval of the action also includes approval of the release; given such inclusion, the effect of the release will be the same as withdrawal of such property from this Declaration.

(e) **Leases, Easements, Rights-of-Way, Licenses and Similar Interests and Vacations of Roadways.** Notwithstanding the provisions of Section 4.4(d), the Association may execute, acknowledge and deliver leases, easements, rights-of-way, licenses and other similar interests affecting the Common Areas and consent to vacation of roadways within and adjacent to the Common Areas, subject to the approvals required by ORS 94.665(4) and (5).

(f) **Limitations on Use.** Use of the Common Areas by the Owners is subject to the provisions of this Declaration and to the following:

(1) The provisions of this Declaration and any applicable Supplemental of Project Declaration;

(2) Any restrictions or limitations contained in any deed or other instrument conveying such property to the Association;

(3) Easements reserved or granted in this Declaration or any Supplemental or Project Declaration;

(4) The Board's right to:

(A) adopt Rules and Regulations regulating use and enjoyment of the Common Areas, including rules limiting the number of guests who may use the Common Areas;

(B) suspend the right of an Owner to use the Common Areas as provided in this Declaration

(C) dedicate or transfer all or any part of the Common Areas, subject to such approval requirements as may be set forth in this Declaration;

(D) impose reasonable membership requirements and charge reasonable admission or other use fees for the use of any recreational facility situated upon the Common Areas;

(E) permit use of any recreational facilities situated on the Common Areas by Persons other than Owners, their families, lessees and guests with or without payment of use fees established by the Board;

(F) designate areas and facilities of Common Areas as Public Areas and;

(G) provide certain Owners the rights to the exclusive use of those portions of the Common Areas designated as Limited Common Areas.

4.5 **Delegation of Use.** Any Owner may delegate, in accordance with the Bylaws of the Association, his right of enjoyment of the Common Areas to the family members, tenants, invitees and guests, whose use is subject to this Declaration and Rules and Regulations adopted under this Declaration.

4.6 **Easements Reserved by Declarant.** So long as Declarant owns any Lot, Declarant reserves and is hereby granted an easement over, under and across the Common Areas to carry out sales and rental activities necessary or convenient for the sale or rental of Lots, including, without limitation, advertising and “For Sale” signs. In addition, Declarant hereby reserves to itself and for the owners of Lots in all future phases of Morgan Farm a perpetual easement and right-of-way for access over, upon and across the Common Areas for construction, utilities, communication lines, drainage, and ingress and egress over, in, upon, under and across the Common Areas and the right to store materials thereon and to make such other use thereof as may be reasonably necessary or incident to the construction of the Improvements on the Property or other real property owned by Declarant; provided, however, that no such rights may be exercised by Declarant in such a way as to unreasonably interfere with the occupancy, use, enjoyment or access to an Owner’s Lot by that Owner or the Owner’s family, tenants, employees, guests, or invitees.

4.7 **Easement to Serve Other Property.** Declarant reserves for itself and its duly authorized agents, successors, assigns and Mortgagees, and the developers of Improvements in all future phases of Cottage Park Place, a perpetual easement over the Common Areas for the purposes of enjoyment, use, access and development of the property subject to the Master Plan, even if such property is never made subject to this Declaration. This easement includes, but is not limited to, a right of ingress and egress over the Common Areas for construction, utilities, water and sanitary sewer lines, communication lines, drainage facilities, irrigation systems and signs, and ingress and egress for the benefit of other portions of Cottage Park Place and any Additional Property that becomes subject to this Declaration or any property in the vicinity of the Property or Additional Property that is then owned by Declarant, or an affiliate thereof. Declarant agrees that such users are responsible for any damage caused to the Common Areas as a result of their actions in connection with development of such property. If the easement is exercised for permanent use by such property and such property or any portion thereof benefiting from such easement is not made subject to this Declaration, Declarant, and their respective successors or assigns, will enter into a reasonable agreement with the Association to share the cost of any maintenance of such facilities. The allocation of costs in any such agreement will be based on the relative extent of use of such facilities.

4.8 **Future Development.** Owners of Lots in Cottage Park Place by virtue of purchasing their Lot(s) consent to the Master Plan for Cottage Park Place approved by the City of Wilsonville, as the same may be subsequently modified or amended by Declarant or otherwise. By adoption of the

Master Plan and this Declaration, Declarant is not committing itself to take any action that this Declaration or the Bylaws does not make an obligation. Any Person who acquires property in Cottage Park Place will have the advantage of any future development of Cottage Park Place, but does not have any legal right to insist that there be any future development of the Property or any claim against such declarants for failure to develop Cottage Park Place.

4.9 **Limited Common Areas.**

(a) **Purpose.** Certain portions of the Common Areas may be designated by Declarant or by the Master Association as Limited Common Areas reserved for the exclusive use or primary benefit of Owners and occupants of specified Lots. By way of illustration and not limitation, Limited Common Areas may include private access roads serving certain Lots. All costs associated with maintenance, repair, replacement and insurance (if insured separately from other Common Areas) of Limited Common Areas will be allocated among the Owners of the Lots to which the Limited Common Areas are assigned.

(b) **Initial Designation.** Limited Common Areas may be designated as such in this Declaration, the instrument by which they are conveyed to the Master Association or in any Supplemental Declaration, but any such assignment will not preclude the Declarant as to the Lot(s) or portion(s) thereof it owns, from later assigning use of the same Limited Common Areas to additional Lots.

(c) **Subsequent Assignments.** Limited Common Areas may be converted to General Common Areas and Limited Common Areas may be reassigned for the benefit of different Lots and Owners upon (1) approval by the Board of Directors and (2) the vote of two-thirds of the voting rights of Lots to whom any of such Limited Common Areas are then assigned. Any such conversion or reassignment also requires the written consent of the declarant, or its successor, who annexed such Limited Common Area to Cottage Park Place.

(d) **Use by Others.** Upon approval of a majority of the voting rights of Owners of Lots to which any Limited Common Area is assigned, the Association may permit other Owners to use all or a portion of such Limited Common Area upon payment of reasonable user fees, which fees will be used to offset the expenses attributable to such Limited Common Area.

4.10 **Project Common Areas.**

(a) **Purpose.** Certain portions of the Common Areas may be designated by Declarant or the Association as Project Common Areas and reserved for the exclusive use or primary benefit of Owners and occupants within a particular Project or Projects. By way of illustration and not limitation, Project Common Areas may include entry features, recreational facilities, private roads, landscaped medians and cul-de-sacs, community gardens, trails, dog parks, tot lots, or open space. All costs associated with maintenance, repair, replacement and insurance of Project Common Areas will be a Project Expense allocated among the Owners in the Project to which the Project Common Areas are assigned.

(b) **Initial Designation.** Any Project Common Area will be designated as such in this Declaration, the instrument by which they are conveyed to the Master Association or in any applicable Supplemental Declaration or Project Declaration, but any such assignment will not preclude the Declarant from later assigning use of the same Project Common Areas to additional Projects.

(c) **Subsequent Assignments.** A portion of the Common Areas may be assigned as Project Common Areas and Project Common Areas may be reassigned upon (1) approval by the Board of Directors, (2) the vote of a majority of the voting rights in the Project or Projects in which such Common Areas are and will be located, if any, and (3) for reassignments of Project Common Areas or conversion of Project Common Areas to Common Areas, the vote of two-thirds of the voting rights of Lots to whom any of such Project Common Areas are then assigned. Any such assignment or reassignment also requires Declarant's written consent if made during the Development Period.

(d) **Use by Others.** Upon approval of a majority of the voting rights of Owners of Lots within the Project to which any Project Common Areas is assigned, the Master Association may permit Owners of Lots in other Projects to use all or a portion of such Project Common Areas upon payment of reasonable user fees, which fees will be used to offset the Project Expenses attributable to such Project Common Areas.

Article 5 PROPERTY RIGHTS IN LOTS

5.1 **Use and Occupancy.** The Owner of a Lot in the Property is entitled to the exclusive use and benefit of such Lot, except as otherwise expressly provided in this Declaration, including but not limited to the restrictions contained in Article 6 below, and all other provisions of this Declaration and the provisions of any supplement or amendment to this Declaration and any applicable Project Declaration.

5.2 **Easements Reserved.** In addition to any utility and drainage easements shown on any recorded plat of the Property, Declarant hereby reserves the following easements for the benefit of Declarant and the Association:

(a) **Maintenance Easements.** The Owner of any Lot that includes a Common Maintenance Area, or adjoins or blends together visually with any Common Area must, if the Association so requires, permit the Association to enter upon the Lot to perform the maintenance of such Common Area. The Owner and occupant of each Lot is responsible for controlling the Owner's or occupant's pets so they do not harm or otherwise disturb Persons performing such maintenance on behalf of the Association.

(b) **Adjacent Common Area.** The Owner of any Lot which blends together visually with any Common Area must, if the Association elects from time to time to so require, permit the Association to enter upon the Lot to perform the maintenance of such Common Area.

(c) **Right of Entry; Easements for Maintenance, Emergency and Enforcement.** Declarant, the Architectural Review Committee, and any representative of the Association authorized by it may at any reasonable time, and from time to time at reasonable intervals, enter upon any Lot for determining if the use and/or Improvements of such Lot are then in

compliance with this Declaration, the Bylaws and the Rules and Regulations of the Association. No such entry may be deemed to constitute a trespass or otherwise create any right of action in the Owner of such Lot. Upon request given to the Owner and any occupant, any Person authorized by the Association may enter a Lot to perform necessary maintenance, repair or replacement of any property for which the Association has maintenance, repair or replacement responsibility under this Declaration, to make emergency repairs to a Lot that are necessary for the public safety or to prevent damage to Common Areas or to another Lot or Living Unit, or to enforce this Declaration or the Rules and Regulations. Requests for entry must be made in advance and for a reasonable time, except in the case of any emergency, when the right of entry is immediate. An emergency entry does not constitute a trespass or otherwise create a right of action in the Owner of the Lot.

(d) **Utility Easements.** Easement for installation and maintenance of utilities and drainage facilities may be reserved over portions of certain Lots, as shown on any recorded plat of the Property. Within such utility easements, the Architectural Review Committee will not permit any structure, planting or other material to be placed or permitted to remain on the easement area that may damage or interfere with the installation or maintenance of utilities, or that may change the direction or flow of drainage channels in the easements, or that will limit or impede access to the utility and appurtenant equipment for repair, maintenance and replacement. The utility easement area of each Lot and all permitted Improvements in it will be maintained continuously by the Owner of the Lot, except for those Improvements for which a public authority or utility company is responsible, and except for Common Maintenance Areas, which will be maintained by the Association.

(e) **Construction on Adjoining Lot.** Declarant hereby reserves for the benefit of Declarant and its assigns a temporary easement over each Lot for access to the adjoining Lot for construction purposes, including temporary placement of ladders or scaffolding. Declarant will restore the Lot to its condition as it existed prior to such access and is responsible for any damage to the Lot.

(f) **Easements for Encroachments.** Declarant grants reciprocal appurtenant easements of encroachment, and for maintenance and use of any permitted encroachment, between each Lot and any adjacent Common Areas and between adjacent Lots due to the unintentional placement or settling or shifting of the Improvements constructed, reconstructed or altered thereon (in accordance with the terms of this Declaration and the Design Guidelines) to a distance of not more than three feet, as measured from any point on the common boundary along a line perpendicular to such boundary. However, in no event does an easement for encroachment exist if such encroachment occurred due to willful and knowing conduct on the part of, or with the knowledge and consent of, the Person claiming the benefit of such easement.

5.3 **Future Easements.** Declarant reserves the nonexclusive right and power to grant and record such specific easements as may be necessary, in the sole discretion of Declarant, in connection with the development of any of the Property owned by Declarant. The location of any such easement will be subject to the written approval of the Owner of the burdened Lot, which approval will not unreasonably be withheld, delayed or conditioned.

Article 6

GENERAL USE RESTRICTIONS

6.1 **Structures Permitted.** No structures may be erected or permitted to remain on any Lot except structures containing Living Units which are permitted by applicable governmental regulations, and structures normally accessory to a residential home, all of which must have been first approved by the Architectural Review Committee pursuant to Article 7. Prohibited Structures include, but are not limited to, an Accessory Dwelling Unit, construction of a private greenhouse, storage unit, private swimming pool or structure for the storage of a boat and/or camping trailer for personal use.

6.2 **Residential Use.** Lots may only be used for residential purposes. Except with the consent of the Board of Directors of the Association, no trade, craft, business, profession, commercial or similar activity of any kind may be conducted on any Lot, nor may any goods, equipment, vehicles, materials or supplies used in connection with any trade, service or business be kept or stored on any such Lot. The mere parking on a Lot of a vehicle bearing the name of a business will not, in itself, constitute a violation of this provision. Nothing in this paragraph will be deemed to prohibit (a) activities relating to the rental or sale of Living Units, (b) the right of Declarant or any contractor or homebuilder to construct Living Units on any Lot, to store construction materials and equipment on such Lots in the normal course of construction, and to use any Living Unit as a sales or rental office or model home for purposes of sales or rental in Cottage Creek Place, and (c) the right of the Owner of a Lot to maintain his professional personal library, keep his personal business or professional records or accounts, handle his personal business or professional telephone calls or confer with business or professional associates, clients or customers, in his Living Unit to the extent allowed for home occupations by the local jurisdiction. The Board of Directors will not approve commercial activities otherwise prohibited by this paragraph unless the Board of Directors determines that only normal residential activities would be observable outside of the Living Unit and that the activities would not be in violation of applicable governmental ordinances.

6.3 **Leasing and Rental of Living Units.** An Owner may rent or lease such Owners Home or a portion thereof, however; no Owner may lease or rent his or her Living Unit for an initial period of less than thirty (30) days. All leases or rentals must be by written lease agreement, which must provide that the terms of the lease are subject in all respects to the provisions of this Declaration and Bylaws of the Association, and Rules and Regulations adopted by the Association thereunder, and that any failure by the lessee or tenant to comply with the terms of such documents will be a default under the lease. If the Board of Directors finds that a lessee or tenant has violated any provision of such documents or Rules and Regulations, the Board may require the Owner to terminate such lease or rental agreement. Other than the foregoing, there is no restriction on the right of any Owner to lease or rent his living unit.

6.4 **Offensive or Unlawful Activities.** No noxious or offensive activities will be carried out upon the Property, nor will anything be done or placed on the Property which interferes with or jeopardizes the enjoyment of the Property, or which is a source of annoyance to Owners or occupants. Occupants and Owners of Duets, and Shared Walled Living Units must use extreme care about creating disturbances, making noises or using musical instruments, radios, televisions, amplifiers or audio equipment that may disturb other occupants or Owners. No unlawful use may be made of the Property nor any part thereof, and all valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction over the Property must be observed. Owners and other occupants will not engage in any abusive or harassing behavior, either verbal or physical, or any form of intimidation or

aggression directed at owner Owners, occupants, guests, family members, invitees, or directed at the managing agent of the Association, its agents, employees, or vendors.

6.5 Animals. No animals, livestock or poultry of any kind may be raised, bred or kept or permitted within any Lot other than a reasonable number of ordinary household pets which are not kept, bred or raised for commercial purposes and which are reasonably controlled so as not to be a nuisance. The Board of Directors has the authority to determine what is an “ordinary household pet.” Any hostile, overly aggressive, unrestrained, oversized or unattended barking dog, constitutes a nuisance. Any inconvenience, damage or unpleasantness caused by such pets is the responsibility of their respective owners. No animal is permitted to roam the Property unattended, and all dogs must be kept on a leash while outside a Lot. An Owner or occupant may be required to remove a pet upon receipt of the third written notice from the Association Board of Directors of violations of any Rule or Regulation or restriction governing pets within the Property. Dog runs and doghouses must be fully screened or fenced from view from any other Lot and must not be visible from the street. The design and construction of such screening, enclosure or doghouse is subject to guidelines adopted by the Architectural Review Committee.

6.6 Maintenance of Improvements on Lots. Each Owner shall maintain the Improvements on the Owner’s Lot, including but not limited to, exterior painting or staining and repair, replacement and regular care for roofs, gutters, downspouts, exterior building surfaces, lights, perimeter fences and other exterior Improvements and glass surfaces, retaining walls, decks, porches, walkways and driveways, and sidewalks over the Owner’s Lot or between the street and the Owner’s Lot, in a clean and attractive condition, in good repair to conform to the general standards of maintenance and care as determined by the Architectural Review Committee and in such fashion as not to create a fire or other hazard, including keep the Improvements and adjacent sidewalks reasonably free of leaves, ice, and snow. All repainting or re-staining, any change in type of roof or roof color and any exterior remodeling or changes are subject to prior review and approval by the Architectural Review Committee. Any change in appearance to a Living Unit or other Improvements on a Lot must first be approved by the Committee as set forth in Article 7.

If all or any portion of a Lot or Home is damaged by fire, flood, storm, earthquake, riot, vandalism or other casualty, the Owner shall either (i) restore the damaged improvements or (ii) remove all damaged improvements, including foundations, and the leave the Lot is a clean and safe condition. Any restoration proceeding under (i) the above must be performed so that the improvements are in substantially the same condition in which they existed prior to the damage. The Owner must commence such work within ninety (90) days after the damage occurs and must complete the work within nine (9) months thereafter.

If an Owner fails to perform maintenance and / or repair that such Owner is obligated to perform pursuant to this Declaration, and if the Board determines, after notice, that such maintenance and/or repair is necessary to preserve the attractiveness, quality, nature and/or value of Cottage Creek, the Board may cause such maintenance and /or repair to be performed and may enter any such Lot whenever entry is necessary in connection with the performance thereof. An owner may request in writing, and the Board may conduct a hearing on the matter, not less than five days after receipt of notice nor more than twenty days after the request for a hearing from Owner is received. Entry shall be made with as little inconvenience to an Owner as practicable and only after advance written notice of not less than forty eight (48) hours, except in Emergency situations. The cost of such maintenance

and/or repair shall be chargeable to the Owner of the Lot as an Assessment, which may be collected and enforced as any other assessment authorized hereunder.

6.7 Recreational and Commercial Vehicles. Except as may otherwise be provided in the Rules and Regulations of the Association, parking of boats, trailers, campers or other recreational or commercial vehicles or equipment, regardless of weight, and parking of any other vehicles with a gross vehicle weight in excess of 9,000 pounds is not allowed on any part of the Property or on public streets within the Property, except only within areas that may be designated for such purposes by the Board of Directors, or within the confines of an enclosed garage or screened area the plans for which must have been reviewed and approved by the Architectural Review Committee prior to construction and no portion of the same may project beyond the screened area. If there is no rear fencing and the vehicle could be seen from outside the Lot other than from the Front Yard, the vehicle must also be screened from view from that direction. Vehicles may not be used for storage of materials for more than forty-eight (48) hours without approval from the Architectural Review Committee. Any vehicle in violation of this Section can be towed or impounded as provided in Section 11.1(c) below.

6.8 Vehicles in Disrepair. No Owner will permit any vehicle that is in an extreme state of disrepair to be abandoned or to remain parked on the Owner’s Lot unless screened from view, on the Common Area or on any street for a period in excess of forty-eight (48) hours. A vehicle will be deemed in an “extreme state of disrepair” when the Board of Directors reasonably determines that its presence offends the occupants of the area due to its appearance or continued inoperability. Should any Owner fail to remove such vehicle within five (5) days following the date on which the Association mails notice to him or her, the Association may have the vehicle removed from the property and charge the expense of such removal to the Owner. Any vehicle parked in violation of this Section can be towed or impounded as provided in Section 11.1(c) below.

6.9 Noisy and Hazardous Vehicles. The Board of Directors may restrict access to the Property of any vehicle, which, in the reasonable determination of the Board of Directors, is too noisy or constitutes a safety hazard.

6.10 Parking. Parking of vehicles by Owner is restricted to the Owner’s garage or driveway. Parking in the street by Owner is prohibited, except for any parking areas, if any, so designated by the Board of Directors. Excluding Sherman Rd, Board of Directors may allow visitor parking (non overnight parking) on one side each of the two unnamed street’s which annex the two adjacent properties.

6.11 Signs. No signs may be erected or maintained on any Lot except that not more than one “For Sale” sign temporarily displayed on a Lot by the Owner, Declarant, or by a licensed real estate agent, which may not exceed twenty-four (24) inches high and thirty-six (36) inches long, except that two such signs may be placed on a Lot during the course of initial construction of a dwelling on such Lot. “For Rent” and “For Lease” signs are prohibited. The restrictions contained in this paragraph do not prohibit the temporary placement of “political” signs on any Lot by the Owner, subject to reasonable regulations adopted by the Architectural Review Committee relating to size and length of display.

6.12 Rubbish and Trash. Trash, garbage and other waste must be kept in sanitary containers, screened from public view. No part of the Property may be used as a dumping ground for trash, garbage, waste, debris or rubbish of any kind. Yard raking, dirt and other material resulting

from landscaping work may not be dumped onto Lots, streets, or Common Areas. Should any Owner or occupant responsible for its generation fail to remove any trash, rubbish, garbage, yard rakings or any such materials from any streets or the Property where deposited by such person within ten (10) days following the date on which notice is mailed to the Owner or occupant by the Board of Directors of the Association, the Association may have such materials removed and charge the expense of such removal to the Owner. Owners must comply with trash container placement requirements for garbage and recycling collection, based upon direction from the applicable garbage/recycling collection service.

6.13 Maintenance of Landscaping. Each Owner is responsible for installing and maintaining the landscaping on any portion of the Lot not maintained by the Association neatly trimmed, properly cultivated, and free of trash, weeds and other unsightly material. An Owner may not remove street trees, materially change the Front Yard landscaping, or install additional Front Yard landscaping other than annual flowers without the prior written approval of the Architectural Review Committee. Vegetation around structures must be maintained or modified for a minimum distance of thirty (30) feet around structures to prevent the rapid spread of fire to or from the building site. Such clearance will be established prior to framing and maintained upon completion consistent with the Uniform Building Code, Appendix A, Article 16. This provision does not preclude the establishment of typical residential landscaping such as trees, shrubs, bulbs, perennials and other groundcover generally associated with residential development, but is intended to prevent the overgrowth of grasses and shrubs which exist unmaintained on a site and which could contribute to the rapid spread of fire. No weeds, noxious plants, or unmaintained vegetation may be planted or allowed to grow on a Lot. No tree over six inches (6") in diameter measured four feet (4") above adjacent grade may be removed without the prior approval of the Architectural Review Committee and prior approval of the City of Wilsonville, when applicable.

6.14 Installation of Landscaping. All landscaping (Front Yard, Side Yard and Back Yard) must be completed within six (6) months from the date of occupancy of the Living Unit constructed thereon. Landscaping must include at least grass and bark dust unless the Architectural Review Committee approved by the Board of Directors adopts a formal Xeriscape plan by resolution, and must be maintained in harmony with surrounding landscaping. In the event of undue hardship due to weather conditions, this provision may be extended for a reasonable length of time upon written approval of the Architectural Review Committee.

6.15 Temporary Structures. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuildings may be used on any Lot at any time as a residence either temporarily or permanently, except during the period of initial construction of a Living Unit on the Lot. No structure may be occupied prior to connection to power, water and sewer and issuance of a certificate of occupancy by the City of Wilsonville.

6.16 Fences and Hedges. No fences or boundary hedges may be installed without prior approval of the Architectural Review Committee consistent with Design Guidelines adopted by the Architectural Review Committee. Fences may not exceed six (6) feet in height. Fences must be well constructed of suitable materials and may not detract from the appearance of the adjacent structures and buildings.

6.17 **Service Facilities.** Service facilities (garbage cans, fuel tanks, clotheslines, clothesline poles and other outside drying of clothes, linens and such, firewood, gardening tools, and equipment, etc.) must be screened such that the elements screened are not visible at any time from the street or a neighboring property. Appliances may not be stored outside. All heat pumps and condenser units (or other utilities and devices commonly placed out of doors) must be placed or screened to reduce visual impact and noise to surrounding Lots or Common Areas. All telephone, power, natural gas, cable television, and other communication lines must be placed underground, except as otherwise mandated by a Governing Authority or public utility companies affecting the Property.

6.18 **Outside Furniture and Hot Tubs.** Furniture permitted to be left outside a Living Unit is limited to items commonly accepted as outdoor or patio furniture. Hot tubs are allowed with the prior written permission of the Architectural Review Committee. The hot tub must be installed out of sight of the main traffic patterns. Locking covers are required and must remain locked when not in use.

6.19 **Window Coverings.** Window coverings visible from the outside of the Living Unit must be: (a) in good working order; (b) a neutral color compatible with the home/trim color; and (c) of a design and materials standard in the window dressing industry such as drapes, mini-blinds, etc. Sheets, blankets, plastic paper, foil, etc. are not allowed.

6.20 **Air Conditioning Units.** Window air conditioning units are prohibited.

6.21 **Firearms and Fireworks.** No firearms may be discharged within Cottage Creek at any time. Firearms are to be unloaded at all times while in Cottage. Weapons including “BB” guns, pellet guns, dart guns, paint-ball guns and any other weapon capable of firing a projectile are considered firearms. Oregon statutory law prohibits the use of certain types of fireworks. Only fireworks considered legal will be allowed. Discharge of firearms or fireworks of any type toward any Common Area is prohibited. Owners and their guests must promptly clean up any fireworks discharged in Morgan Farm.

6.22 **Nonbiodegradable Substances.** No motor oil, paint or other caustic or nonbiodegradable substance may be deposited in any street drain, sewer system or on the grounds within Cottage Creek. Any fine and/or costs associated with the cleanup of any nonbiodegradable substance that is caused by any Owner or their guests is responsibility of the offending Owner.

6.23 **Antennas and Satellite Dishes.** Exterior antennas, satellite receiver and transmission dishes and other communication devices are not permitted to be placed upon any Lot except in accordance with rules established by the Architectural Review Committee in accordance with Section 7.3.

6.24 **Exterior Lighting or Noisemaking Devices.** Except with the consent of the Architectural Review Committee, no exterior lighting or noise making devices may be installed or maintained on any Lot, other than as originally installed by the builder of the home and security and fire alarms. Outside lighting must be designed to prevent unnecessary light spillage onto adjoining Lots, Common Areas, or public streets, and no high output exterior lighting, including, but not limited to mercury vapor and halide lights, may be installed without the specific approval of the Architectural Review Committee. The size and design of light standards and fixtures will be considered by the Architectural Review Committee in its review of plans. Seasonal holiday lighting and decorations are

permissible if consistent with any applicable Rules and Regulations and if removed within thirty (30) days after the celebrated holiday.

6.25 **Pest Control.** No Owner will permit any thing or condition to exist upon any portion of the Property, which could induce, breed or harbor infectious plant or animal diseases or noxious insects or vermin.

6.26 **Grades, Slopes and Drainage.** Each Owner of a Lot accepts the burden of, and will not in any manner alter, modify or interfere with the established drainage pattern and grades, slopes and courses related thereto over any Lot or Common Area without the express written permission of the Architectural Review Committee, and then only to the extent and in the manner specifically approved. No structure, plantings or other materials may be placed or permitted to remain on or within any grades, slopes, or courses, nor may any other activities be undertaken, which may damage or interfere with established slope ratios, create erosion or sliding problems, or which may change the direction of flow, or obstruct or retard the flow of water through drainage channels.

6.27 **Additional Restrictions.** Each Owner of a Lot, and such Owner's family, tenants, employees, guests and invitees, must also comply with any additional use restrictions contained in any Supplemental Declaration annexing such Lot to Cottage Creek and in any Project Declaration applicable to such Lot.

6.28 **Building Materials.** All building materials to be incorporated into and visible as a part of the external structure of any building or other structure may be regulated by the Architectural Review Committee as provided in Article 7.

6.29 **Subdividing and Partitioning Lots.** Except as otherwise provided in this Declaration, no Lot may be subdivided or partitioned, nor may Lot lines be adjusted, without the consent of the Declarant before the Turnover Meeting, and after the Turnover Meeting without the approval of the City of Wilsonville and the Architectural Review Committee.

6.30 **Completion of Improvements.** All structures (including flat work) constructed within the Property must be erected and completed within one year after the commencement of construction. All remodeling, reconstruction or enhancement of structures must be completed within one year of the commencement of construction. Commencement of construction will be deemed to be the date upon which a building permit was first issued for the construction, or, if no building permit was obtained, the date on which lot clearing, demolition or remodeling commenced.

6.31 **Association Rules and Regulations.** In addition, the Association from time to time may adopt, modify or revoke such nondiscriminatory Rules and Regulations governing the conduct of persons and the operation and use of the Property (including, without limitation, use of playground and parking areas) as it may deem necessary or appropriate to assure the peaceful and orderly use and enjoyment of the Property. The Association Board of Directors thereof, will deliver a copy of the Rules and Regulations, upon adoption, and a copy of each amendment, modification or revocation promptly to each Owner. The Board of Directors will be the body to adopt the Rules and Regulations on behalf of the Association, except as may be otherwise provided in the Bylaws.

Article 7 ARCHITECTURAL COMMITTEE

7.1 **Architectural Review.** No Improvement may be commenced, erected, placed or altered on any Lot until the construction plans and specifications showing the nature, shape, heights, materials, colors and proposed location of the Improvement have been submitted to and approved in writing by the Architectural Review Committee. It is the intent and purpose of this Declaration to assure quality of workmanship and materials and to assure harmony of external design with the existing Improvements and as to location with respect to topography and finished grade elevations and compliance with the setback requirements contained in applicable governmental development code standards. The building plans to be submitted will consist of one complete set of plans and specifications in the usual form showing insofar as appropriate, (i) the size and dimensions of the Improvements, (ii) the exterior design, (iii) approximate exterior color scheme, (iv) location of Improvements on the Lot, including setbacks, driveway and parking areas, and (v) location of existing trees to be removed. These plans and specifications will be left with the Committee until sixty (60) days after the Committee has received notice of completion. This is for the purpose of determining whether, after inspection by the Committee, the Improvement complies substantially with the plans and specifications submitted and approved. The Committee is not responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or any other governmental regulations, all of which are the responsibility of the applicant. The procedure and specific requirements for review and approval of construction may be set forth in Design Guidelines adopted from time to time by the Architectural Review Committee. The Committee may charge a reasonable fee to cover the cost of processing the application. In all cases in which the Architectural Review Committee consent is required by this Declaration, or any Project Declaration, the provisions of this Section apply, except that this Section does not apply to construction by Declarant.

7.2 **Committee Decision.** The Architectural Review Committee must render its decision with respect to the construction proposal within thirty (30) working days after it has received all material required by it with respect to the application. If the Committee fails to render its approval or disapproval within forty-five (45) working days after the Committee has received all material required by it with respect to the proposal, or if no suit to enforce this Declaration has been commenced within one year after completion thereof, approval will not be required and the related provisions of this Declaration will be deemed to have been fully complied with.

7.3 **Committee Discretion.** The Architectural Review Committee may, at its sole discretion, withhold consent to any proposed work if the Committee finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the Committee intends for Cottage Creek Place. Considerations of the Committee may include, but are not limited to the following: siting, shape, size, color, design, materials, height, solar access, screening, impairment of the view from other Lots or other effects on the enjoyment of other Lots, disturbance of existing terrain and vegetation, and any other factors that the Committee reasonably believes to be relevant. The Committee may take all such things into account in determining whether or not to consent to any proposed work. Regulations on siting of television antennas and satellite receiving dishes must be in conformance with any applicable Federal Communications Commission rules.

7.4 **Membership: Appointment and Removal.** The Architectural Review Committee can consist of as many persons, but not less than one, as the Declarant may from time to time appoint. The Declarant reserves the right to appoint all members of the Architectural Review Committee and all replacements thereto until Cottage Creek Place is one hundred percent (100%) built out. Declarant may remove any member of the Committee from office at its discretion at any time and may appoint new or additional members at any time. The Association will keep on file at its principal office a list of the names and addresses of the members of the Committee. Declarant may at any time delegate to the Board of Directors of the Association the right to appoint or remove members of the Architectural Review Committee. In such event, or if Declarant fails to appoint an Architectural Review Committee, the Board of Directors will assume responsibility for appointment and removal of members of the Architectural Review Committee, or if it fails to do so, the Board of Directors will serve as the Architectural Review Committee.

7.5 **Majority Action.** Except as otherwise provided in this Declaration, a majority of the members of the Architectural Review Committee have the power to act on behalf of the Committee, without the necessity of a meeting and without the necessity of consulting the remaining members of the Committee. The Committee may render its decision only by written instrument setting forth the action taken by the consenting members.

7.6 **Liability.** Neither the Architectural Review Committee nor any member thereof will be liable to any Owner, occupant, builder or developer for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the Committee or a member of the Committee, and the Association will indemnify the Committee and its members therefrom, provided only that the member has, in accordance with the actual knowledge possessed by him, acted in good faith.

7.7 **Nonwaiver.** Consent by the Architectural Review Committee to any matter proposed to it or within its jurisdiction will not be deemed to constitute a precedent or waiver impairing its right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

7.8 **Appeal.** At any time after Declarant has delegated appointment of the members of the Architectural Review Committee to the Board of Directors of the Association pursuant to Section 7.4, any Owner adversely affected by action of the Architectural Review Committee may appeal such action to the Board of Directors of the Association. Appeals must be made in writing within ten (10) days of the Committee's action and contain specific objections or mitigating circumstances justifying the appeal. A final, conclusive decision will be made by the Board of Directors of the Association within fifteen (15) working days after receipt of such notification.

7.9 **Effective Period of Consent.** The Architectural Review Committee's consent to any proposed work will automatically be revoked one year after issuance unless construction of the work has been substantially commenced in the judgment of the Architectural Review Committee and thereafter diligently pursued, unless the Owner has applied for and received an extension of time from the Committee.

7.10 **Estoppel Certificate.** Within fifteen (15) working days after written request is delivered to the Architectural Review Committee by any Owner, and upon payment to the Committee of a reasonable fee fixed by the Committee to cover costs, the Committee will provide such Owner with an estoppel certificate executed by a member of the Committee and acknowledged, certifying with respect to any Lot owned by the Owner, that as of the date thereof, either: (a) all Improvements

made or done upon or within such Lot by the Owner comply with this Declaration, or (b) such Improvements do not so comply, in which event the certificate will also identify the noncomplying Improvements and set forth with particularity the nature of such noncompliance. Any purchaser from the Owner, and any mortgagee or other encumbrancer, will be entitled to rely on such certificate with respect to the matters set forth therein, such matters being conclusive as between Declarant, the Architectural Review Committee, the Association and all Owners, and such purchaser or mortgagee.

7.11 **Enforcement.** If during or after the construction, the Architectural Review Committee finds that construction does not comply with the approved plans, the Committee may require conforming changes to be made or that construction be stopped. The cost of any required changes will be borne by the Owner. The Committee has the power and authority to order any manner of changes or complete removal of any Improvement, alteration, or other change to a Lot or the Improvements thereon for which prior written approval from the Committee is required but has not been obtained or waived in writing. The cost of the remediation that the Committee orders will be at the Owner’s expense. If an Owner fails to comply with an order of the Committee, then, subject to the Owner’s right of appeal under Section 7.8, either the Architectural Review Committee or the Association may enforce compliance in accordance with the procedures set forth in Section 11.1 below.

**Article 8
ASSOCIATION**

Declarant will organize an association of the Owners within Cottage Park Place. Such Association, its successors and assigns, will be organized as an Oregon nonprofit corporation under the name “**Cottage Park Place Owners Association**” or such similar name as Declarant will designate, and will have such property, powers, and obligations as are set forth in this Declaration and the Bylaws for the benefit of the Property and all Owners of Lots located therein.

8.1 **Organization.** Declarant will organize the Association. The Articles of Incorporation of the Association will provide for its perpetual existence, but if the Association is at any time dissolved, whether inadvertently or deliberately, an unincorporated association of the same name will automatically succeed it. In that event, the assets of the Association will be dedicated to a public body, or all of the property, powers and obligations of the incorporated association existing immediately prior to its dissolution will thereupon automatically vest in the successor unincorporated association, and such vesting will thereafter be confirmed as evidenced by appropriate conveyances and assignments by the incorporated association. To the greatest extent possible, the Articles of Incorporation and Bylaws of the Association will govern any successor-unincorporated association as if they had been made to constitute the governing documents of the unincorporated association.

8.2 **Membership.** Every Owner of one or more Lots within the Property will, immediately upon creation of the Association and thereafter during the entire period of such Owner’s ownership of one or more Lots within the Property, be a member of the Association. Such membership commences, exists and continues simply by virtue of such ownership, expires

automatically upon termination of such ownership, and need not be confirmed or evidenced by any certificate or acceptance of membership.

8.3 **Voting Rights.** The Association has two classes of voting membership:

(a) **Class A.** Class A Members are all Owners, with the exception of the Class B member, each of whom is entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons are members. The vote for such Lot will be exercised as they among themselves determine, but in no event may more than one vote be cast with respect to any Lot.

(b) **Class B.** The Class B Member is Declarant who is entitled to three votes for each Lot owned by Declarant. The Class B membership will cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

(1) When all of the Lots of the last phase of Cottage Creek have been sold and conveyed to Owners other than a successor Declarant; or

(2) At such earlier time as Declarant may elect in writing to terminate Class B membership.

8.4 **General Powers and Obligations.** The Association will have, exercise and perform all of the following powers, duties and obligations:

(a) The powers, duties and obligations granted to the Association by this Declaration.

(b) The powers and obligations of a nonprofit corporation pursuant to the general nonprofit corporation laws of the State of Oregon.

(c) The powers, duties and obligations of a homeowners association pursuant to the Oregon Planned Community Act.

(d) Any additional or different powers, duties and obligations necessary or desirable for the purpose of carrying out the functions of the Association pursuant to this Declaration or otherwise promoting the general benefit of the Owners within the Property.

The powers and obligations of the Association may from time to time be amended, repealed, enlarged or restricted by changes in this Declaration made in accordance with its provisions, accompanied by changes in the Articles of Incorporation or Bylaws of the Association made in accordance with such instruments and with the nonprofit corporation laws of the State of Oregon.

8.5 **Specific Powers and Duties.** The powers and duties of the Association will include, without limitation, the following:

(a) **Maintenance and Services.** The Association will provide maintenance and services for the Property as provided in Article 9 and other provisions of this Declaration.

(b) **Insurance.** The Association will obtain and maintain in force policies of insurance as provided in this Declaration or the Bylaws of the Association.

(c) **Rulemaking.** The Association will make, establish, promulgate, amend and repeal Rules and Regulations as provided in Section 6.31 of this Declaration.

(d) **Assessments.** The Association will adopt budgets and impose and collect Assessments as provided in Article 10 of this Declaration.

(e) **Enforcement.** The Association will perform such acts, even if they are not expressly authorized by this Declaration, which may be reasonably necessary to enforce the provisions of this Declaration and the Rules and Regulations adopted by the Association, including without limitation, enforcement of the decisions of the Architectural Review Committee.

(f) **Employment of Agents, Advisors and Contractors.** The Association through its Board of Directors, may employ the services of any person or corporation as managers, hire employees to manage, conduct and perform the business, obligations and duties of the Association, employ professional counsel and obtain advice from such person or firms or corporations such as, but not limited to, landscape architects, architects, planners, lawyers and accountants, and contract for or otherwise provide for all services necessary or convenient for the managements, maintenance and operation of the Property; provided, however, the Association may not incur or commit to incur legal fees in excess of \$5,000 for any specific matter unless the Owners have enacted a resolution authorizing the incurring of such fees by a vote of seventy-five percent (75%) of the voting rights present in person or by absentee ballot or proxy at a meeting at which a quorum is constituted. This limitation is not applicable to legal fees incurred in defending the Association or the Board of Directors from claims or litigation brought against them. The limitation set forth in this paragraph will increase by \$500 on each fifth anniversary of the recording of this Declaration.

(g) **Borrow Money, Hold Title and Make Conveyances.** The Association may borrow and repay moneys for the purpose of performing its duties under this Declaration, and subject to Section 4.4(d) above, encumber the Common Areas as security for the repayment of such borrowed money. The Association may acquire, hold title to and convey, with or without consideration, real and personal property and interest therein, including but not limited to easements across all or any portion of the Common Area, and will accept any real or personal property, leasehold or other property interests within Morgan Farm conveyed to the Association by Declarant.

(h) **Transfer, Dedication and Encumbrance of Common Area.** Except as otherwise provided in Section 4.4(d) above, the Association may sell, transfer or encumber all or any portion of the Common Area to a person, firm or entity, whether public or private, and dedicate or transfer all or any portion of the Common Area to any public agency, authority, or utility for public purposes.

(i) **Create Classes of Service and Make Appropriate Charges.** The Association may, in its sole discretion, create various classes of service and make appropriate Individual Assessments or charges therefor to the users of such services, including but not limited to reasonable admission and other fees for the use of any and all recreational facilities situated on the Common Areas, without being required to render such services to those of its members who do not assent to such charges and to such other Rules and Regulations as the Board of Directors deems

proper. In addition, the Board of Directors will have the right to discontinue any service upon nonpayment of Assessments or to eliminate such service for which there is no demand or adequate funds to maintain the same.

(j) **Implied Rights and Obligations.** The Association may exercise any other right or privilege reasonably to be implied from the existence of any right or privilege expressly given to the Association under this Declaration or reasonably necessary to effectuate any such right or privilege.

8.6 Voting Groups. In connection with the election of those directors to be elected by the Class A Members, Declarant may, from time to time, in its discretion, designate Voting Groups consisting of one or more Projects (or the Lots outside any Projects) for the purpose of electing directors to the Board of Directors, in addition to any at-large directors elected by all Class A Members. Voting Groups may be designated to ensure groups with dissimilar interests are represented on the Board and to avoid allowing Owners representing similar Projects to elect the entire Board, due to the number of Lots in such Projects, thereby excluding the representation of others. The number of Voting Groups within the Property may not exceed the total number of directors to be elected by the Class A Members. The Owners in Projects within each Voting Group will vote on a separate slate of candidates for election to the Board. Declarant will establish Voting Groups, if at all, not later than the termination of Class B Membership by filing with the Association and recording a Supplemental Declaration identifying each Voting Group by legal description or other means such that the Lots within each Voting Group can easily be determined. Such designation may be amended from time to time by Declarant, acting alone, at any time prior to termination of the Class B Membership. After termination of the Class B Membership, the Board will have the right to record a Supplemental Declaration changing the Voting Groups upon the vote of a majority of the total number of directors and approval of a majority of the voting rights in the Association. Neither recordation nor amendment of such Supplemental Declaration by Declarant will constitute an amendment to this Declaration and no consent or approval of the Owners will be required, except as stated in this section. Until Declarant establishes Voting Groups, if ever, all of the members will constitute a single Voting Group. After a Supplemental Declaration establishing Voting Groups has been recorded, any and all portions of the Property that are not assigned to a specific Voting Group will constitute a single Voting Group.

8.7 Liability. A member of the Board of Directors or an officer of the Association will not be liable to the Association or any member thereof for any damage, loss or prejudice suffered or claimed on account of any action or failure to act in the performance of his duties, except for acts of gross negligence or intentional acts. If any member of the Board of Directors or any officer of the Association is made a party to any proceeding because the individual is or was a director or officer of the Association, the Association will indemnify such individual against liability and expenses incurred to the maximum extent permitted by law. The managing agent of the Association, and its officers and employees, will not be liable to the Owners or any third parties on account of any action or failure to act in the performance of its duties as managing agent, except for acts of gross negligence or intentional acts, and the Association will indemnify the managing agent and its officers and employees from any such claims, other than for gross negligence or intentional misconduct.

8.8 Interim Board; Turnover Meeting. Declarant has the right to appoint an interim board of directors as set forth in the Bylaws. Declarant will call a meeting of the Association for the purpose of turning over administrative responsibility for the Property to the Association not later than

ninety (90) days after termination of the Class B membership in accordance with Section 8.3 above. At the Turnover Meeting the interim directors will resign and their successors will be elected by the Owners as provided in the Bylaws of the Association. If Declarant fails to call the Turnover Meeting required by this Section, any Owner or mortgagee of a Lot may call the meeting by giving notice as provided in the Bylaws.

8.9 Contracts Entered into by Declarant or Prior to Turnover Meeting.

Notwithstanding any other provision of this Declaration, any management contracts, service contracts or employment contracts entered into by the Declarant or the Board of Directors on behalf of the Association prior to the Turnover Meeting will have a term not in excess of three (3) years. In addition, any such contract will provide that it may be terminated without cause or penalty by the Association or Board of Directors upon not less than thirty (30) days' notice to the other party given not later than sixty (60) days after the Turnover Meeting.

8.10 Bylaws.

The Bylaws of the Association and any amendment or modification of the Bylaws will be recorded in the Deed Records of Clackamas County, Oregon. Declarant hereby adopts, on behalf of the Association, the initial Bylaws recorded the same day as this Declaration.

8.11 Project Associations.

Nothing in this Declaration may be construed as prohibiting the formation of Project Associations within Cottage Creek. The Board of Directors of the Association may assist the Project Associations in the performance of their duties and obligations under their respective Project Declarations, if any, and the Association will cooperate with each Project Association so that each of those entities can most efficiently and economically provide their respective services to Owners. It is contemplated that from time to time either the Association or a Project Association may use the services of the other in the furtherance of their respective obligations, and they may contract with each other to better provide for such cooperation. The payment for such contract services or a variance in services provided may be reflected in an increased Assessment by the Association for the particular Project or by an item in the Project Association's budget which will be collected through Project Assessments and remitted to the Association. If a Project Association fails or is unable to perform a duty or obligation required by its Project Declaration, then the Association at its option may, after reasonable notice and an opportunity to cure given to the Project Association, perform such duties or obligations until such time as the Project Association is able to resume such functions, and the Association may charge the Project Association or the Owners within the Project a reasonable fee for the performance of such functions.

**Article 9
MAINTENANCE, UTILITIES AND SERVICES**

9.1 Association Maintenance of Common Areas.

The Common Maintenance Areas of the Property include the General and Limited Common Areas and the Limited Common Easement Areas. The Association will perform all maintenance upon the General Common Areas and Limited Common Areas, including but not limited to landscaping, irrigation systems, walks, private roads, entrance monuments and gates, fences, walls, and signs, parking areas, walkways and trails, unless the maintenance thereof is assumed by a public body or assigned to a Project Association pursuant to any Supplemental Declaration. The Association will maintain all landscaping within the Common Areas (including perimeter fences and retaining walls for the Common Areas that are not on boundaries with Lots) and will perform or cause to be performed lawn care, irrigation, plant pruning, and bark mulch application. The Common Maintenance Areas will be maintained by the Association in an

attractive condition and in a good and workmanlike manner so as to carry out the purpose for which such areas and elements of the Property are intended. Such maintenance by the Association also includes maintenance, care and replacement for the street trees between the General Common Areas and the public right of way. Fences and walls located on boundaries between General or Limited Common Areas and Lots will be deemed 'Boundary Fences' subject to the provisions of Section 9.5 below.

9.2 Owner's Responsibility. Except for maintenance, repair and replacement expressly assigned to the Association or to be shared by adjacent Lot Owners as set forth in this Declaration, in applicable Project Declarations, or by written agreement with the Association, all maintenance of the Lots and Improvements, including street trees, driveways, adjacent sidewalks, retaining walls, and fencing thereon is the responsibility of the Owner thereof, with shared fencing subject to the provisions of Section 9.5 below. Lot Owners must maintain their Lots and Improvements in a neat and attractive condition in accordance with the community-wide standard of Cottage Creek. The Association will, in the discretion of the Board of Directors, assume the maintenance responsibilities of such Owner if, in the opinion of the Board of Directors, the level and quality of maintenance being provided by such Owner does not satisfy such standard, and the Project Association or the Project in which the Lot is located has failed to adequately provide such maintenance. Before assuming the maintenance responsibilities, the Board of Directors will notify the Owner and any applicable Project Association in writing of its intention to do so, and if such Owner or the Project Association has not commenced and diligently pursued remedial action within fifteen (15) days after mailing of such written notice, then the Association will proceed. The expenses of such maintenance by the Association will be reimbursed to the Association by the Owner, together with interest as provided in Section 11.5 below. Such charges will be an Individual Assessment and lien on the Lot as provided in Sections 10.8 and 11.2 below.

9.3 Maintenance of Utilities. The Association will perform or contract to perform maintenance of all utilities within Common Areas, such as sanitary sewer service lines, domestic water service lines, storm drainage lines and water detention facilities, except to the extent such maintenance is performed by the utilities furnishing such services or is assigned to the Lot Owner in this Declaration. The Association is not liable for any interruption or failure of such services. Each Owner is responsible for maintaining utility lines within his or her Lot, including those located in any Common Easement Area on the Lot, if the utility lines serve the Owner's Lot and no other.

9.4 Limited Common Areas. Such areas will be operated, maintained, replaced and improved by the Association, but the entire cost thereof will be assessed equally to the owners of the Lots to which such Limited Common Area pertains.

9.5 Boundary Fences. The responsibility for and cost of maintenance, repair and replacement of fencing on boundary lines between Lots will be shared by the Owners on either side of the fence in accordance with ORS Chapter 96, including sharing equally the cost of the installation of any new fence or replacement fence as necessary for the Lot and Improvements to remain in good repair and condition. Fences enclosing a Lot are the owner's responsibility, including any fence located in the Front Yard. Fences on boundary lines between Lots and Common Areas will be the sole responsibility of the Lot Owner, except as otherwise provided in this Declaration.

9.6 Security. The Association may, but is not obligated to, maintain or support certain activities within the Property designed to make the Property safer than it otherwise might be,

including, without limitation, exterior lighting for Common Areas. Neither the Association, Declarant, nor any successor Declarant may in any way be considered insurers or guarantors of security within the Property, nor will any of them be held liable for any loss or damage by reason of failure to provide adequate security or of ineffectiveness of security measures undertaken. No representation or warranty is made that any fire protection system, burglar alarm system or other security system cannot be compromised or circumvented, nor that any such systems or security measures undertaken will in all cases prevent loss or provide the detection or protection for which the system is designed or intended. Each Owner acknowledges, understands and covenants to inform its tenants that the Association, its Board of Directors and committees, the Declarant, and any successor declarant are not insurers and that each person using the Property assumes all risks for loss or damage to person, to property and to the contents of Lots resulting from acts of third parties and each such person releases the Association, the Board and committees, the Declarant, and any successor declarant from any liability therefor.

9.7 Services. The Association will provide or contract for such services as the Board may reasonably deem to be of benefit to the Property, including, without limitation, landscape services, garbage and trash removal for Common Areas. The cost of any such service or benefit that is available to some but not all Lots in Cottage Park Place will be assessed as Individual Assessments to the benefitted Lots.

9.8 Project Maintenance. The Association may at its option, in the discretion of the Board of Directors, assume the maintenance responsibilities set out in any Project Declaration for any Project located on the Property, after giving the responsible Project Owner or Association reasonable notice and an opportunity to correct its deficient maintenance. In such event, all costs of such maintenance will be assessed only against the Owner or Owners of Lots in the Project to which the services are provided and will be Individual Assessments for purposes of this Declaration. The assumption of this responsibility may take place either by contract or because, in the opinion of the Association Board of Directors, the level and quality of service than being provided is not consistent with the community-wide standard of Cottage Park Place.

9.9 Damage or Destruction by Casualty to Common Areas. In the event of damage or destruction by casualty of any structures erected on the Common Areas, the damage or destruction must be repaired, reconstructed, or rebuilt unless, within fourteen (14) days of such damage or destruction, the Board of Directors or more than ten (10) percent of the Owners have requested a special meeting of the Association. Such special meeting must be held within 30 days of the date of damage or destruction. At the time of such meeting, unless seventy-five (75) percent of the Owners, whether in person, by writing or by proxy, with the approval of seventy-five (75) percent or more of the mortgagees if and as required by this Declaration, vote not to repair, reconstruct or rebuild the damaged property, the damage or destruction is repaired, reconstructed or rebuilt, with the work commencing as soon as reasonably possible. In the event any portion of the insurance proceeds paid to the Association are not used to repair, reconstruct, or rebuild the damaged or destroyed Common Areas the proceeds attributable to Common Areas will be deposited in the Operations Fund or applied to such capital improvements as authorized pursuant to Section 10.5 of this Declaration. If the insurance proceeds are not sufficient to pay the entire cost, the Board of Directors, if necessary, may assess the Owner of each Lot such additional amounts as required to pay the cost of restoration. The responsibility for payment of the amount of the deductible in the Association's insurance policy is the responsibility of the Owners, who must maintain the insurance policies set forth in Article 7 of the Bylaws.

9.10 **Owner Liability for Damage.** If due to any act, omission, or neglect of an Owner or a member of his or her family or his or her household pet or of a guest or other Occupant or visitor of such Owner, damage is caused to the Common Areas or any Common Maintenance Areas, or any maintenance, repairs or replacements are required that would otherwise be a common expense assessed to some or all of the members of the Association, then such Owner must pay for such damage and such maintenance, repairs or replacements as may be determined by the Association, to the extent not covered by the Association’s insurance (including any deductible), as an Individual Assessment.

**Article 10
ASSESSMENTS**

10.1 **Purpose of Assessments.** The Assessments levied by the Association will be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the Owners and occupants of Cottage Creek and for the improvement, operation and maintenance of the Common Areas.

10.2 **Types and Allocation of Assessments.** The Association may levy General Assessments, Special Assessments, Emergency Assessments, Limited Common Area Assessments and Individual Assessments, all as more particularly described below. Except as may otherwise be provided with Declarant’s written consent in an applicable Supplemental Declaration annexing Additional Property to this Declaration, all Lots subject to assessment will pay an equal share of the General Assessments, Special Assessments, and Emergency Assessments, except for Lots owned by Declarant as provided in Section 10.3 below.

10.3 **Commencement of Assessments** Lots owned by Declarant, or any of their affiliates, are not subject to General Assessments (including Assessments for reserves), Special Assessments, Limited Common Area Assessments or Emergency Assessments unless and until an occupancy certificate is issued for the Living Unit located on the Lot. Declarant may, however, defer payment of the accrued reserve Assessments for a Lot from the time a Lot becomes subject to assessment until the date the Lot is conveyed, but not beyond the date of the Turnover Meeting or, if no Turnover Meeting is held, the date the Owners assume administrative control of the Association. The books and records of the Association will reflect the amount owing from Declarant, for all reserve Assessments. Except as may otherwise be provided in an applicable supplemental declaration annexing Additional Property to this Declaration, all Lots subject to assessment will pay an equal share of the General Assessments, Special Assessments and Emergency Assessments. Notwithstanding the provisions of this Section, however, a Supplemental Declaration annexing a specific Common Area facility may specify a special allocation of assessing the costs of operating and maintaining the facility on such Common Area to more fairly allocate such cost, taking into account the extent of use or other factors. Declarant may elect to delay collection of General Assessments against their Lots, but in that case, Declarant will pay the common expenses of the Association otherwise allocable to such Lots until such Assessments commence. No Owner by the Owner’s own action may claim exemption from liability for contribution towards common expenses of the Association by waiver by the Owner of use or enjoyment of any of the Common Area or by abandonment by the Owner of the Owner’s Lot. An Owner may not claim an offset against an Assessment for failure of the Association to perform its obligations, and no Owner may offset amounts owing or claimed to be owing to the Owner by the Association, or Declarant.

10.4 General Assessments. The Board of Directors of the Association will from time to time and at least annually prepare an operating budget for the Association, taking into account the current costs of maintenance and services and future needs of the Association, any previous over assessment and any common profits of the Association. The budget will take into account the numbers of Lots subject to assessment as of the first day of the fiscal year for which the budget is prepared and the number of Lots reasonably anticipated becoming subject to assessment during the fiscal year. The budget will provide for such reserve or contingency funds as the Board deems necessary or as may be required by law, but not less than the reserves required by Section 10.10 below. General Assessments for such operating expenses and reserves will then be apportioned among the Lots as provided in Section 10.3 above. Within thirty (30) days after adopting the annual budget, the Board of Directors will provide a summary for the Budget to all Owners. If the Board of Directors fails to adopt an annual budget, the last adopted budget will continue in effect. The manner of billing and collection of Assessments will be as provided in the Bylaws.

10.5 Special Assessments. In addition to the General Assessment authorized above, the Board of Directors may levy during any fiscal year a Special Assessment, applicable to that year only, for the purpose of deferring all or any part of the cost of any construction or reconstruction, unexpected repair, or acquisition or replacement of a described capital improvement, or for any other one-time expenditure not to be paid for out of General Assessments. Special Assessments which in the aggregate in any fiscal year exceed an amount equal to fifteen percent (15%) of the budgeted gross expenses of the Association for the fiscal year may be levied only if approved by a majority of the voting rights voting on such matter, together with the written consent of the Class B member, if any. Before the Turnover Meeting, any Special Assessment for acquisition or construction of new capital improvements or additions must be approved by not less than fifty percent (50%) of the Class A voting rights, together with the written consent of the Class B member. Special Assessments will be apportioned as provided in Section 10.3 above and may be payable in lump sum or in installments, with or without interest or discount, as determined by the Board of Directors. Notwithstanding anything to the contrary herein, the Association's ability to levy Special Assessments that will cover expenses that otherwise benefit some but not all of the Lots in Cottage Park Place, and which in the aggregate in any fiscal year exceed an amount equal to fifteen percent (15%) of the budgeted gross expenses attributable to that particular sub-set of the Lots at Cottage Park Place for the fiscal year, is subject to approval by a majority of the voting rights for those particular Lots, together with the written consent of the Class B Member, if any, and no further consent from the remainder of the voting rights for other un-benefitted Lots at Cottage Park Place will be required.

10.6 Emergency Assessments. If the General Assessments levied at any time are, or will become, inadequate to meet all expenses incurred under this Declaration for any reason, including nonpayment of any Owner's Assessments on a current basis, the Board of Directors of the Association will immediately determine the approximate amount of such inadequacy and issue a supplemental budget, noting the reason therefor, and levy an Emergency Assessment for the amount required to meet all such expenses on a current basis. Any Emergency Assessment which in the aggregate in any fiscal year would exceed an amount equal to five percent (5%) of the budgeted gross expenses of the Association for the fiscal year may be levied only if approved by not less than a majority of the voting rights voting on such matter, together with the written consent of the Class B member, if any. Prior to the Turnover Meeting described in Section 8.8, and the Special Assessment must be approved by not less than fifty percent (50%) of the Class A voting rights, together with the written consent of the Class B member. Emergency Assessments will be apportioned as set forth in Section 10.3 above and payable as determined by the Board of Directors.

10.7 Limited Common Area Assessments. General Assessments, Special Assessments and Emergency Assessments relating to maintenance, upkeep, repair, replacement or improvements to Limited Common Areas will be assessed exclusively to the Lots having the right to use such Association Limited Common Areas, which Assessments will be allocated equally among such Lots.

10.8 Individual Assessments. Any expense of the Association or, except as otherwise provided in this Declaration, any part of a common expense benefiting fewer than all of the Lots may be assessed exclusively against the Lots benefited. Such Individual Assessments may include any common expense that is incurred by the Association because of the fault of the Owner and that is not paid by insurance. Individual Assessments will also include default assessments levied against any Lot to reimburse the Association for costs incurred in bringing such Lot or its Owner into compliance with the provisions of this Declaration or the Rules and Regulations of the Association and for fines or other charges imposed pursuant to this Declaration for violation thereof. Unless otherwise provided by the Board of Directors, Individual Assessments will be due thirty (30) days after the Board of Directors has given written notice thereof to the Owner(s) subject to the Individual Assessments.

10.9 Annexation of Additional Property. When Additional Properties are annexed to Cottage Park Place, the Lots included therein become subject to Assessments from the date of such annexation to the extent provided in Section 10.3. The Board of Directors of the Association, however, at its option may elect to re-compute the budget based upon the additional Lots subject to assessment and additional Common Areas and recomputed General Assessments for all Lots, including the new Lots, for the balance of the fiscal year. Notwithstanding any provision of this Declaration apparently to the contrary, a declaration annexing Additional Property may provide that such Additional Property does not have the right to use a particular Common Area or facility located thereon, or that such Additional Property will not receive certain services by the Association that other Lots receive, in which case such Additional Property will not be assessed for the costs of operating, maintaining, repairing, replacing or improving such Common Area or facility.

10.10 Operations Fund. The Association will keep all funds received by it as Assessments, other than reserves described in Section 10.11, separate and apart from its other funds, in a United States bank account in the name of the Association to be known as the "Operations Fund." All expenses of the Association will be paid from the Operations Fund or the Reserve Fund referred to in Section 10.11. The Association will use such funds exclusively for promoting the recreation, health, safety and welfare of the residents within the Property and in particular for the improvement and maintenance of properties, services and facilities devoted to this purpose and related to the use and enjoyment of the Common Areas and of the Lots situated upon the Property, including but not limited to:

- (a) Payment of the cost of maintenance, utilities and services as described in Article 9.
- (b) Payment of the cost of insurance as described in the Bylaws of the Association.
- (c) Payment of taxes assessed against the Common Areas and any improvements thereon, if any.
- (d) Payment of the cost of other services that the Association deems to be of general benefit to the Owners, including but not limited to accounting, legal, and secretarial services.

10.11 Reserve Fund.

(a) **Establishment of Account.** Declarant will conduct a reserve study as described in paragraph (c) of this section and establish a United States bank account in the name of the Association (the “**Reserve Fund**”) for replacement of common properties that will normally require replacement in whole or in part in more than one (1) and less than thirty (30) years, for exterior painting if the Common Areas or other property to be maintained by the Association include exterior painted surfaces, and for other items, whether or not involving Common Areas, if the Association has responsibility to maintain the items. The Reserve Fund need not include those items that could reasonably be funded from operating Assessments or for those items for which one or more Owners are responsible for maintenance and replacement under the provisions of this Declaration or the Bylaws.

(b) **Funding of Reserve Fund.** The Reserve Fund will be funded by Assessments against the individual Lots assessed for maintenance of the items for which the Reserve Fund is being established, which sums will be included in the regular Annual Assessment for such Lots. The Reserve Fund will be established in the name of the Association. The Association is responsible for administering the Reserve Fund and making periodic payments into it.

(c) **Reserve Studies.** The reserve portion of the initial Assessment determined by Declarant will be based on a reserve study described in paragraph (c) or other sources of information. The Board of Directors annually will conduct a reserve study, or review and update an existing study, to determine the Reserve Fund requirements and may adjust the amount of payments as indicated by the study or update and provide other reserve items that the Board of Directors, in its discretion, may deem appropriate. The reserve study will include:

- (1) Identification of all items for which reserves are to be established;
- (2) The estimated remaining useful life of each item as of the date of the reserve study;
- (3) An estimated cost of maintenance, repair or replacement of each item at the end of its useful life; and
- (4) A thirty (30) year plan with regular and adequate contributions, adjusted by estimated inflation and interest earned on reserves, to meet the maintenance, repair and replacement schedule.

(d) **Use of Reserve Fund.** The Reserve Fund may be used only for the purposes for which the reserves have been established and will be kept separate from other funds. Reserves for Common Areas will be separately accounted for but need not be held in separate bank accounts. After the Turnover Meeting, however, the Board of Directors may borrow funds from the Reserve Fund to meet high seasonal demands on the regular operating funds or to meet unexpected increases in expenses if the Board of Directors has adopted a resolution, which may be an annual continuing resolution, authorizing the borrowing of funds. Funds so borrowed from the Reserve Fund must be repaid from Assessments. Not later than the adoption of the budget for the following year, the Board of Directors will adopt by resolution a written payment plan providing for repayment of the borrowed funds within a reasonable period. Nothing in this section prohibits prudent investment of the Reserve

Fund. In addition to the authority of the Board of Directors under paragraph (c) of this section, following the second year after the Turnover Meeting, the Association may elect to reduce or increase future Assessments for the Reserve Fund by an affirmative vote of not less than seventy-five percent (75%) of the voting power of the Association and may, on an annual basis by a unanimous vote, elect not to fund the Reserve Fund. Assessments paid into the Reserve Fund are the property of the Association and are not refundable to sellers or Owners of Lots. Sellers of the Lots, however, may treat their outstanding share of the Reserve Fund as a separate item in any sales agreement.

10.12 Creation of Lien and Personal Obligation of Assessments. Declarant, for each Lot owned by it within the Property, does hereby covenant, and each Owner of any lot by acceptance of a conveyance thereof, whether or not so expressed in any such conveyance, will be deemed to covenant to pay to the Association all assessments or other charges as may be fixed, established and collected from time to time in the manner provided in this Declaration or the Association Bylaws. Such assessments and charges, together with any interest, expenses or attorneys' fees imposed pursuant to Section 11.5, are a charge on the land and will be a continuing lien upon the Lot against which each such Assessment or charge is made. Such Assessments, charges and other costs are also the personal obligation of the person who was the Owner of such Lot at the time when the Assessment or charge fell due. Such liens and personal obligations will be enforced in the manner set forth in Article 11 below.

10.13 Voluntary Conveyance. In a voluntary conveyance of a Lot the grantee will be jointly and severally liable with the grantor for all unpaid assessments against the grantor of the Lot up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. However, upon request of a prospective purchaser, the Board of Directors of the Association will make and deliver a statement of the unpaid Assessments against the prospective grantor or the Lot, and the grantee in that case will not be liable for, nor will the Lot when conveyed be subject to, a lien filed thereafter for any unpaid Assessments against the grantor in excess of the amount set for the in the statement.

Article 11 ENFORCEMENT

11.1 Violation of General Protective Covenants. In the event any Owner constructs or permits to be constructed on his Lot an Improvement contrary to the provisions of this Declaration, or violates any provisions of this Declaration, the Bylaws of the Association or the Rules and Regulations, then the Association acting through its Board of Directors will notify the Owner in writing of any such specific violations. If the Owner is unable, unwilling or refuses to comply with the Association's specific directives for remedy or abatement, or the Owner and the Association cannot agree to a mutually acceptable solution within the framework and intent of this Declaration, after notice and opportunity to be heard and within fifteen (15) days of written notice to the Owner, then the Association acting through its Board of Directors, will have the right to do any or all of the following:

(a) Assess reasonable fines against such Owner, based upon a resolution adopted by the Board of Directors that is delivered to each Lot, mailed to the mailing address of each Lot or mailed to the mailing address designated by the Owner of each Lot in writing, which fines will constitute Individual Assessments for purposes of this Declaration;

(b) Enter the offending Lot and remove the cause of such violation, or alter, repair or change the item which is in violation of this Declaration in such a manner as to make it conform thereto, in which case the Association may assess such Owner for the entire cost of the work done, which amount will be payable to the Association as an Assessment, provided that no items of construction will be altered or demolished in the absence of judicial proceedings;

(c) Cause any vehicle parked in violation of this Declaration or the Rules and Regulations to be towed and impounded at the Owners' expense;

(d) Suspend the voting rights for the period that the violations remain unabated, provided that the Association will not deprive any Owner of access to and from his Living Unit; and

(e) Bring suit or action against the Owner on behalf of the Association and other Owners to enforce this Declaration.

11.2 Default in Payment of Assessments; Enforcement of Lien. If an Assessment or other charge levied under this Declaration is not paid within thirty (30) days of its due date, such Assessment or charge will become delinquent and bear interest from the due date at the rate set forth below. In such event the Association may exercise any or all of the following remedies:

(a) The Association may suspend the defaulting Owner's voting rights, any utility services paid for out of Assessments and right to use the Common Areas until such amounts, plus other charges under this Declaration, are paid in full and may declare all remaining periodic installments of any Annual Assessment immediately due and payable. In no event, however, may the Association deprive any Owner of access to and from his Lot.

(b) The Association will have a lien in accordance with ORS 94.709 against each Lot for any Assessment levied against the Lot, including any fines or other charges imposed under this Declaration or the Bylaws against the Owner of the Lot.

(c) The Association may bring an action to recover a money judgment for unpaid Assessments, fines and charges under this Declaration without foreclosing or waiving the lien described in paragraph (b) above. Recovery on any such action, however, will operate to satisfy the lien, or the portion thereof, for which recovery is made.

(d) The Association will have any other remedy available to it by law or in equity.

11.3 Reports to First Mortgagees. In response to a written request of any first mortgagee of a Lot, the Association will report to such mortgagee whether such Lot is current or past due with respect to Assessments.

11.4 Subordination of Lien to Mortgages. The lien of the Assessments or charges provided for in this Declaration will be subordinate to the lien of any mortgage or deed of trust on such Lot which was made in good faith and for value and which was recorded prior to the recordation of the notice of lien. Sale or transfer of any Lot will not affect the Assessment lien, but the sale or transfer of any Lot which is subject to any mortgage or deed of trust pursuant to a decree of foreclosure thereunder or any deed or proceeding, deed or assignment in lieu of foreclosure will extinguish any lien of an Assessment notice of which was recorded after the recording of the mortgage

or trust deed. The unpaid Assessments from such foreclosure or sale will become a common expense of all Owners, including the mortgagee or purchaser, and such sale or transfer will not release the Lot from liability for any Assessments or charges thereafter becoming due or from the lien of such Assessments or charges.

11.5 Interest, Late Charges and Expenses. Any amount not paid to the Association when due in accordance with this Declaration will bear interest from the due date until paid at the rate of eighteen percent (18%) per annum, or such other rate as may be established by the Board of Directors, but not to exceed the lawful rate of interest under the laws of the State of Oregon. A late charge may be charged for each delinquent Assessment in an amount established from time to time by resolution of the Board of Directors, which resolution is delivered to each Lot, mailed to the mailing address of each Lot or mailed to the mailing address designated by the Owner in writing, together with all expenses incurred by the Association in collecting such unpaid assessments, including attorneys’ fees (even if suit is not instituted). In the event the Association will file a notice of lien, the lien amount will also include the recording fees associated with filing the notice, and a fee for preparing the notice of lien established from time to time by resolution of the Board of Directors of the Association.

11.6 Costs and Attorneys’ Fees. In the event the Association brings any suit or action to enforce this Declaration, the Bylaws of the Association or the Rules and Regulations, or to collect any money due hereunder or to foreclose a lien, the Owner-defendant will pay to the Association all costs and expenses incurred by it in connection with such suit or action, including a foreclosure title report, and the prevailing party in such suit or action will recover such amount as the court may determine to be reasonable as attorneys’ fees at trial and upon any appeal or petition for review thereof or in connection with any bankruptcy proceedings or special bankruptcy remedies.

11.7 Nonexclusiveness and Accumulation of Remedies. An election by the Association to pursue any remedy provided for violation of this Declaration will not prevent concurrent or subsequent exercise of another remedy permitted under this Declaration. The remedies provided in this Declaration are not exclusive but will be in addition to all other remedies, including actions for damages and suits for injunctions and specific performance, available under applicable law to the Association. In addition, any aggrieved Owner may bring an action against another Owner or the Association to recover damages or to enjoin, abate or remedy any violation of this Declaration by appropriate legal proceedings.

11.8 Enforcement by City of Wilsonville. The provisions of this Declaration relating to preservation and maintenance of Common Areas will be deemed to be for the benefit of the City of Wilsonville as well as the Association and Owners of Lots, and the City may enforce such provisions by appropriate proceedings at law or in equity, or may cause such maintenance to be performed, the costs of which will become a lien upon the Property.

**Article 12
DISPUTE RESOLUTION**

12.1 Mediation.

(a) Except as otherwise provided in this section, before initiating litigation, arbitration or an administrative proceeding in which the Association and an Owner have an adversarial

relationship, the party that intends to initiate litigation, arbitration or an administrative proceeding will offer to use any dispute resolution program available within Clackamas County, Oregon, that is in substantial compliance with the standards and guidelines adopted under ORS 36.175. The written offer must be hand delivered or mailed by certified mail, return receipt requested, to the address, contained in the records of the Association, for the other party.

(b) If the party receiving the offer does not accept the offer within ten (10) days after receipt of the offer, such acceptance to be made by written notice, hand delivered or mailed by certified mail, return receipt requested, to the address, contained in the records of the Association, for the other party, the initiating party may commence the litigation, arbitration or administrative proceeding. The notice of acceptance of the offer to participate in the program must contain the name, address and telephone number of the body administering the dispute resolution program.

(c) If a qualified dispute resolution program exists within Clackamas County, Oregon, and an offer to use the program is not made as required under paragraph (a) of this section, then litigation, arbitration or an administrative proceeding may be stayed for thirty (30) days upon a motion of the noninitiating party. If the litigation, arbitration or administrative action is stayed under this paragraph, both parties will participate in the dispute resolution process.

(d) Unless a stay has been granted under paragraph (c) of this section, if the dispute resolution process is not completed within thirty (30) days after receipt of the initial offer, the initiating party may commence litigation, arbitration or an administrative proceeding without regard to whether the dispute resolution is completed.

(e) Once made, the decision of the court, arbitrator or administrative body arising from litigation, arbitration or an administrative proceeding may not be set aside on the grounds that an offer to use a dispute resolution program was not made.

(f) The requirements of this section do not apply to circumstances in which irreparable harm to a party will occur due to delay or to litigation, arbitration or an administrative proceeding initiated to collect Assessments, other than Assessments attributable to fines.

12.2 Arbitration. Any claim, controversy or dispute by or among Declarant, Association, the Architectural Control Committee or one or more Owners, or any of them, arising out of or related to this Declaration, the Bylaws of the Association, the Rules and Regulations or the Property will be first subject to mediation as described in Section 12.1 above, or otherwise, and if not timely settled by mediation, resolved by arbitration in accordance with this Article 12. The decisions and award of the arbitrator will be final, binding and nonappealable. The arbitration will be conducted in Wilsonville, Oregon, pursuant to the arbitration statutes of the State of Oregon, and any arbitration award may be enforced by any court with jurisdiction. Filing for arbitration will be treated the same as filing in court for purposes of filing a notice of pending action (“**lis pendens**”).

12.3 Selection of Arbitrator. A single arbitrator selected by mutual agreement of the parties will conduct the arbitration. The arbitrator selected will be neutral and unbiased, except to the extent the arbitrator’s prior relationship with any party is fully disclosed and consented to by the other party or parties. If the parties are unable to agree upon the arbitrator within ten (10) days after a party’s demand for arbitration, upon application of any party, the Presiding Judge of the Circuit Court of Clackamas County, Oregon will designate the arbitrator.

12.4 **Consolidated Arbitration.** Upon demand by any party, claims between or among the parties and third parties will be submitted in a single, consolidated arbitration.

12.5 **Discovery.** The parties to the arbitration will be entitled to such discovery as would be available to them in an action in Clackamas County Circuit Court. The arbitrator will have all of the authority of the Court incidental to such discovery, including without limitation authority to issue orders to produce documents or other materials, to issue orders to appear and submit to deposition, and to impose appropriate sanctions including without limitation award against a party for failure to comply with any order.

12.6 **Evidence.** The parties to the arbitration may offer such evidence as they desire and will produce such additional evidence, as the arbitrator may deem necessary for an understanding and determination of the dispute. The arbitrator will determine the admissibility of the evidence offered. All evidence will be taken in the presence of the arbitrator and all of the parties, except where any of the parties is absent in default or has waived its right to be present.

12.7 **Excluded Matters.** Notwithstanding the foregoing, the following matters will not be subject to mediation or arbitration under this Article 12 (but will be subject to the applicable provisions of Section 12.8 below): (a) actions relating to the collection of fees, assessments, fines and other charges imposed or levied by the Association (other than disputes as to the validity or amount of such fees, assessments, fines or charges, which disputes will be subject to mediation/arbitration as provided above), and (b) actions to enforce any order, decision or award rendered by arbitration pursuant to this Article 12. The filing of a lis pendens or the application to any court for the issuance of any provisional process or similar remedy described in the Oregon or Federal Rules of Civil Procedure will not constitute a waiver of the right or duty to utilize the procedures specified in this Article 12.

12.8 **Costs and Attorneys' Fees.** The fees of any mediator and the costs of mediation shall be divided and paid equally by the parties. Each party shall pay its own attorneys' fees and costs in connection with any mediation. Should any suit, action or arbitration be commenced in connection with any dispute related to or arising out of this Declaration, the Bylaws or Rules and Regulations, to obtain a judicial construction of any provision of this Declaration, the Bylaws or the Rules and Regulations, to rescind this Declaration or to enforce or collect any judgment or decree of any court or any award obtained during arbitration, each party shall pay its own attorneys' fees and costs in connection therewith. However, the Association shall be entitled to recover attorneys' fees associated with the collection of assessments, in accordance with ORS 94.630.

12.9 **Survival.** The mediation and arbitration agreement set forth in this Article 12 will survive the transfer by any part of its interest or involvement in the Property and any Lot therein and the termination of this Declaration.

Article 13 MORTGAGES

13.1 **Reimbursement of First Mortgages.** First mortgagees of Lots may, jointly or singly, pay taxes or other charges which are in default and which may or have become a charge against any Common Area and may pay overdue premiums on hazard insurance policies or secure new hazard insurance coverage on the lapse of a policy, for such Common Area. First mortgagees making such

payments will be owed immediate reimbursement therefor from the Association to the extent the same was the responsibility of the Association.

13.2 Right of First Mortgagees Relating to Maintenance. At any time that the Common Areas are not maintained or repaired by the Association to the extent reasonably necessary to protect and preserve the value of the Property for security interest purposes, then the record mortgagee, upon giving written notice as provided in this paragraph, will be entitled to exercise the rights of the Owner of a Lot as a member of the Association to vote at all regular and special meetings of the members of the Association for a period of one year following the date of such notice. During this one-year period, the Association will give notice of all regular and special meetings to both the Owner and the mortgagee, and the Owner may attend such meetings as an observer. Notice from the mortgagee under this Section will quote this Section 13.2 and will be sent postage prepaid by certified United States mail, return receipt requested, to the Owner with a copy sent by regular mail to the Association at the last known address of each.

Article 14 AMENDMENT AND REPEAL

14.1 How Proposed. Amendments to or repeal of this Declaration must be proposed by either a majority of the Board of Directors or by Owners holding thirty percent (30%) or more of the Association's voting rights. The proposed amendment or repeal must be reduced to writing and will be included in the notice of any meeting at which action is to be taken thereon or attached to any request for consent to the amendment or repeal.

14.2 Approval Required. This Declaration, or any provision thereof, as from time to time in effect with respect to all or any part of the Property, may be amended or repealed by the vote or written consent of Owners representing not less than seventy-five percent (75%) of the voting rights of the Lots, together with the written consent of the Class B member, if such Class B membership has not been terminated as provided in this Declaration. In no event may an amendment under this Section create, limit or diminish special declarant rights without Declarant's written consent, or change the boundaries of any Lot or any uses to which any Lot is restricted unless the Owners of the affected Lots unanimously consent to the amendment. Declarant may not amend this Declaration to increase the scope of special declarant rights reserved in this Declaration after the sale of the first Lot unless owners representing seventy-five percent (75%) of the total vote, other than Declarant, agree to the amendment. To the extent any amendment relates to the preservation or maintenance of the Common Areas or private utility lines, or the existence of an entity responsible for accomplishing the same, such amendment will be approved by the Zoning Administrator of the City of Wilsonville.

14.3 Recordation. Any such amendment or repeal becomes effective only upon recordation in the Deed Records of Clackamas County, Oregon of a certificate of the president and secretary of the Association setting forth in full the amendment, amendments or repeal so approved and certifying that such amendment, amendments or repeal have been approved in the manner required by this Declaration and ORS 94.590, and acknowledged in the manner provided for acknowledgment of deeds.

14.4 Regulatory Amendments. Notwithstanding the provisions of Section 14.1 above, until the Turnover Meeting has occurred, Declarant will have the right to amend this Declaration or the Bylaws of the Association to comply with the requirements of any applicable statute, ordinance or

regulation or of the Federal Housing Administration, the United States Department of Veterans Affairs, the Farmers Home Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon which insures, guarantees or provides financing for a planned community or lots in a planned community. After the Turnover Meeting, any such amendment will require the approval of a majority of the voting rights of the Association voting in person, by proxy or by ballot at a meeting or ballot meeting of the Association at which a quorum is represented.

Article 15
MISCELLANEOUS PROVISIONS

15.1 **Lessees and Other Invitees.** Lessees, employees, invitees, contractors, family members and other persons entering the Property under rights derived from an Owner will comply with all of the provisions of this Declaration restricting or regulating the Owner’s use, improvement or enjoyment of his or her Lot and other areas within the Property. The Owner is responsible for obtaining such compliance and will be liable for any failure of compliance by such persons in the same manner and to the same extent as if the failure had been committed by the Owner himself or herself.

15.2 **Nonwaiver.** Failure by the Association or by any Owner to enforce any covenant or restriction contained in this Declaration will in no event be deemed a waiver of the right to do so thereafter.

15.3 **Construction; Severability; Number; Captions.** This Declaration will be liberally construed as an entire document to accomplish the purposes thereof as stated in the introductory paragraphs hereof. Nevertheless, each provision of this Declaration will be deemed independent and severable, and the invalidity or partial invalidity of any provision will not affect the validity or enforceability of the remaining part of that or any other provision.

As used in this Declaration, the singular includes the plural and the plural the singular, and the masculine and neuter each include the masculine, feminine and neuter, as the context requires. All captions used herein are intended solely for convenience of reference and in no way limit any of the provisions of this Declaration.

15.4 **Notices and Other Documents.** Any notice or other document permitted or required by this Declaration may be delivered personally, by electronic mail, or by United States mail. Delivery by United States mail will be deemed made twenty-four (24) hours after having been deposited in the United States mail as certified or registered mail, with postage prepaid, addressed as follows: if to Declarant or the Association, to the property manager or the registered address of the Association; if to an Owner, at the address given at the time of the Owner’s purchase of a Lot, or at the Lot. The address of a party may be changed at any time by notice in writing delivered as provided herein.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the date set forth above.

DECLARANT: **Sullivan Homes, LLC** , an California corporation

By: _____
Name: Brian Matteoni
Title: Managing Member

State of Oregon)
) ss.
County of Clackamas)

The foregoing instrument was acknowledged before this _____ day of _____, 2019, by Brian Matteoni, the Managing Member of Sullivan Homes, Inc., an California corporation, on its behalf.

Notary Public
My appointment expires: _____

(Seal or stamp)

Exhibit J: Annexation Legal Description and Exhibit (Updated Nov 2023)

EXHIBIT A

City of Wilsonville Annexation Description

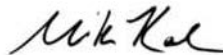
A tract of land located in the Southeast One-Quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the northeast corner of the plat "Morgan Farm No. 2", Plat No. 4610, Clackamas County Plat Records, also being on the north right-of-way line of SW Brisband Street (11.00 feet from centerline) and the City of Wilsonville city limits line; thence along said north right-of-way line and said city limits line, North 88°36'03" West 30.96 feet to the southwest corner of Document Number 2021-041768, Clackamas County Deed Records; thence leaving said city limits line along the west line of said Deed, North 01°38'13" East 858.15 feet to the northwest corner of said Deed, also being on the south right-of-way line of SW Frog Pond Lane (16.50 feet from centerline) and said city limits line; thence along said south right-of-way line and said city limits line, South 88°35'24" East 254.01 feet to the northeast corner of said Deed; thence leaving said city limits line along the east line of said Deed, South 01°38'13" West 858.11 feet to the south line of said Deed and said city limits line; thence along said south line and said city limits line, North 88°36'03" West 223.05 feet to the Point of Beginning.

The above described tract of land contains 5.00 acres, more or less.

The Basis of Bearings for this description are based on Survey Number 2022-119, Clackamas County Survey Records.

6/26/2023

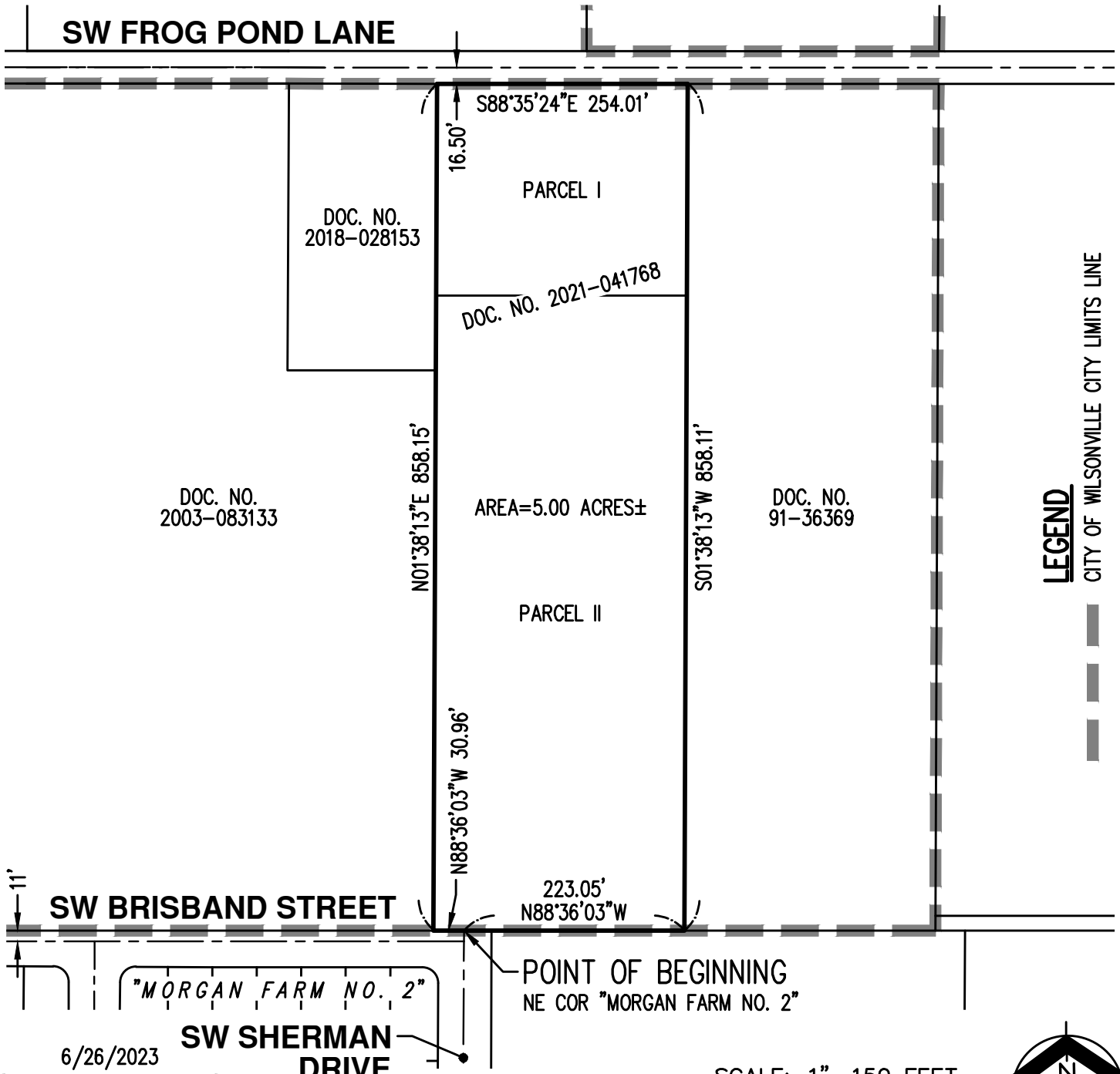
REGISTERED
PROFESSIONAL
LAND SURVEYOROREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/23

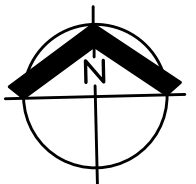
EXHIBIT B

Item 5.

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



SCALE: 1" = 150 FEET



6/26/2023
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Mike Kal
OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/25

CITY OF WILSONVILLE ANNEXATION MAP		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: WCB CHKD: MSK AKS 385



Exhibit K: Annexation County Certifications

Boundary Change Preliminary Review

DOR 3-P691-2022

Item 5.



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@dor.oregon.gov

City of Wilsonville
Planning Dept.
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville OR 97070

September 26, 2022

Documents received: 9/2/2022
From: Glen Southerland

This letter is to inform you that the Description and Map for your planned --City of Wilsonville & Metro ((Frog Pond Ln & Brisband St)(3S1W-12D & R/W)) in Clackamas County have been reviewed per your request. They DO NOT MEET the requirements for use with an Order, Ordinance, or Resolution in accordance with ORS 308.225.

--The yellow boundary on the 3 1 W 12D assessor map does not match the legal description. It does not include the portion in the road.

--Label SW Sherman Drive on the city annexation map.

--Send a copy of Document No. 2021-041768.

--Please put a Revised date on the revised documents.

If you have any questions please contact Elise Bruch, Elise.A.Bruch@dor.oregon.gov

Boundary Change Preliminary Review

DOR 3-P691-2022

Item 5.



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@dor.oregon.gov

City of Wilsonville
Planning Dept.
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville OR 97070

October 21, 2022

Documents received: 9/2/2022, 10/3/2022
From: Glen Southerland

This letter is to inform you that the Description and Map for your planned --City of Wilsonville & Metro ((Frog Pond Ln & Brisband St)(3S1W-12D & R/W)) in Clackamas County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Clackamas County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

Please use the Revised maps and descriptions dated 9-27-22 in the Final packet.
Use the revised assessor map 3 1 W 12D in the Final packet.

If you have any questions please contact Elise Bruch, Elise.A.Bruch@dor.oregon.gov



EXHIBIT A

City of Wilsonville Annexation Description

A tract of land located in the Southeast One-Quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

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The above described tract of land contains 5.39 acres, more or less.

The Basis of Bearings for this description are based on Survey Number 2022-119, Clackamas County Survey Records.

8/25/2022

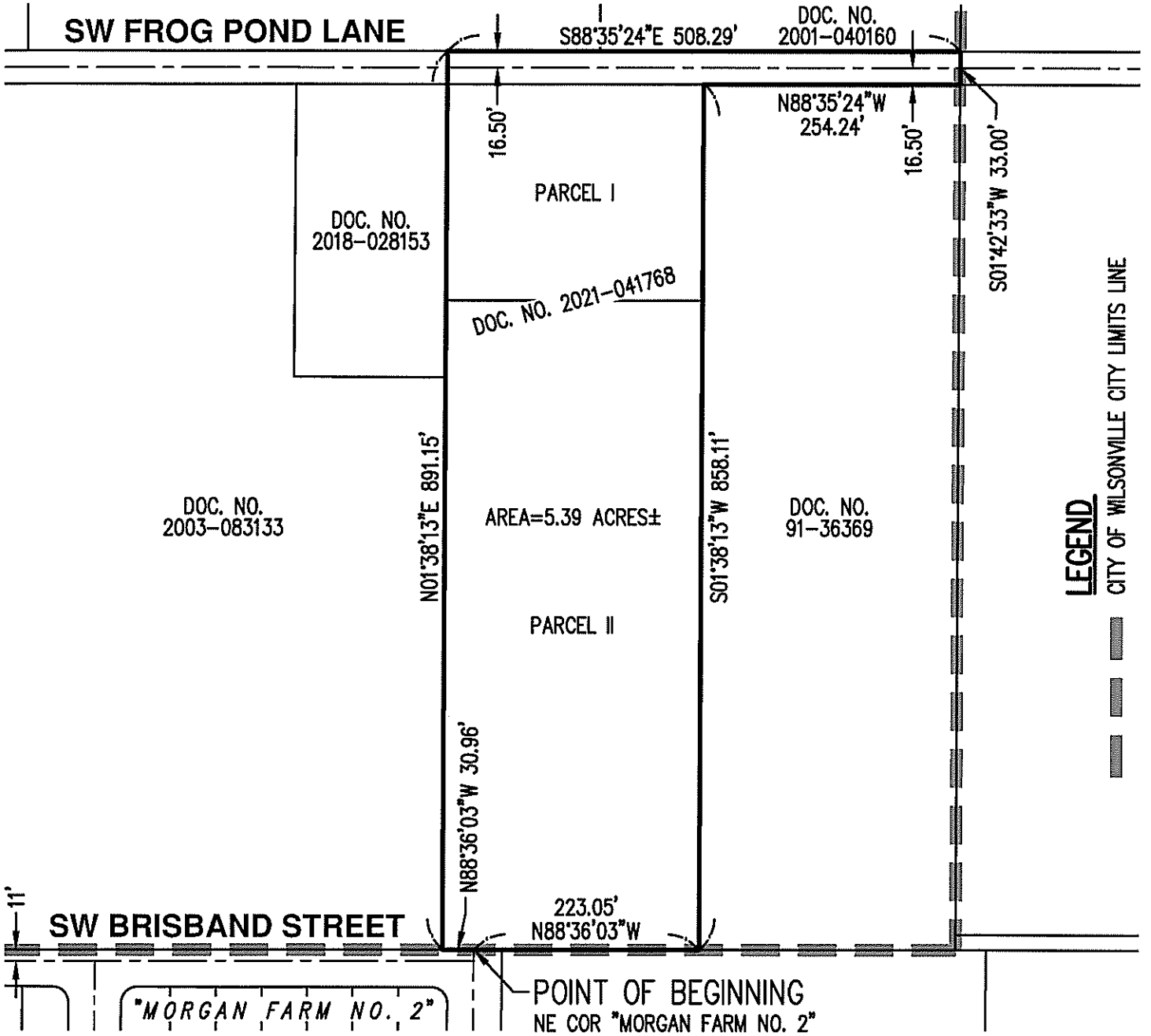
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/23

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



8/25/2022

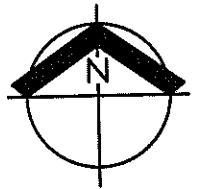
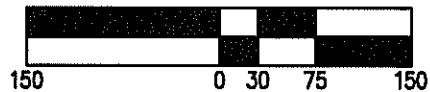
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/23

SCALE: 1" = 150 FEET



CITY OF WILSONVILLE ANNEXATION MAP

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



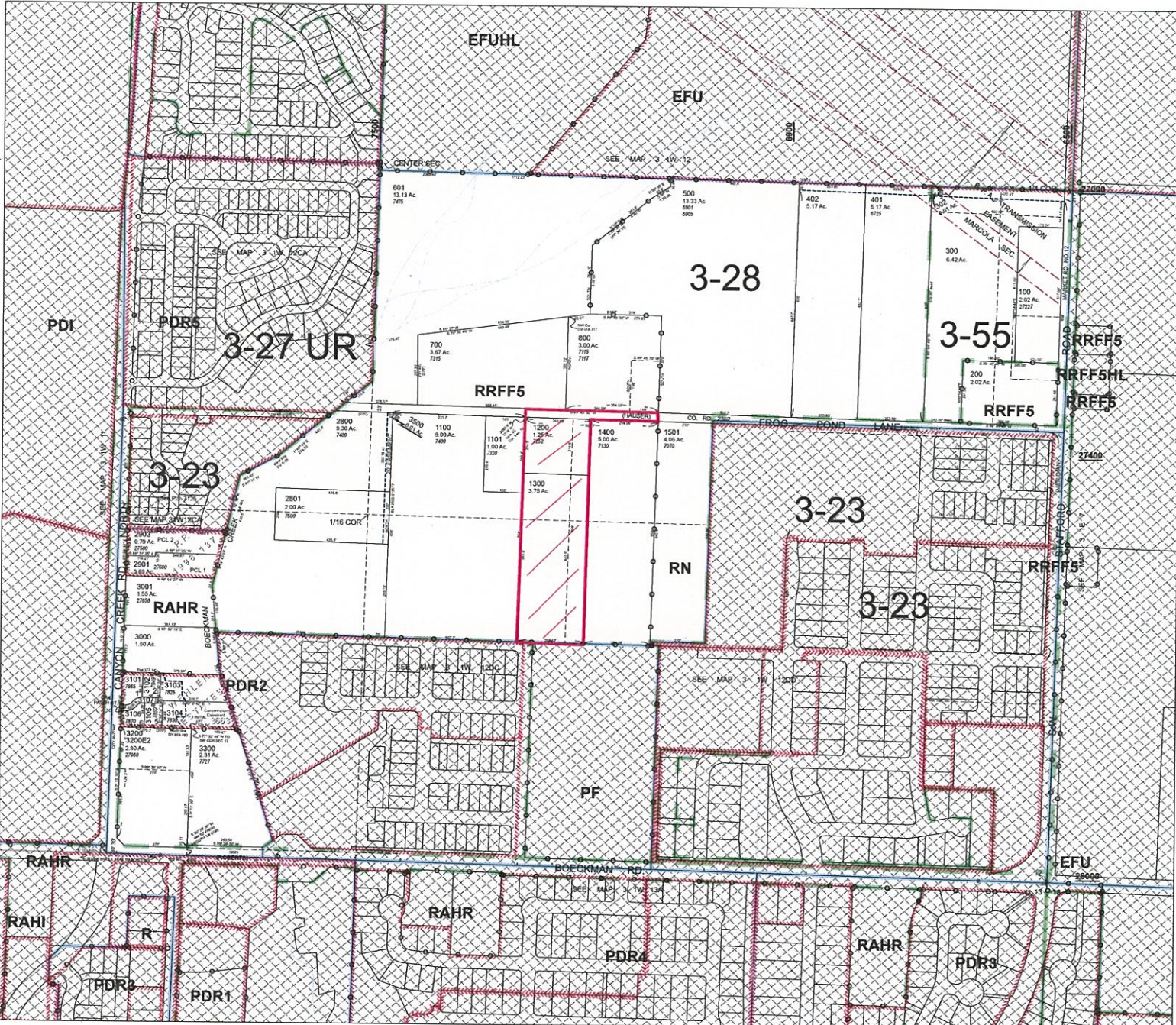
EXHIBIT
B

DRWN: WCB

CHK: AK

390

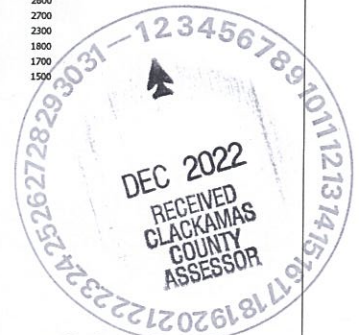
01/25



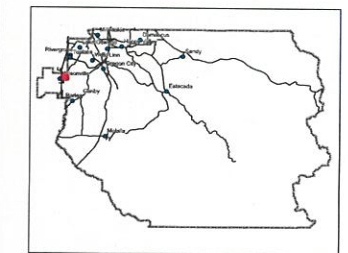
3 1W 12D
WILSONVILLE

S.E.1/4 SEC.12 T.3S. R.1W. W. M.
CLACKAMAS COUNTY
1" = 200'

Cancelled	Cancelled
900	2902
3201	604
1901	2900
1600	3200E3
400	1902
1900	1903
3400	2000
625	2901
602	2100
603	2201
2900E1	2202
2000E1	2200
3100	2300
1000	2400
600	2600
2500	2700
3300E1	2800
3200E1	1800
201	1700
301	1500



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

3 1W 12D
WILSONVILLE

Print Date: 10/24/2022



Metro District Annexation
Certification of Property Ownership of at Least
One-half of the Land Area

I hereby certify that the proposed petition for inclusion within the Metro District
Boundary contains the names of property owners 1 of at least one-half of the land area
within the annexation area, as shown on the last complete assessment roll.

Name: Terry Donovan
Title: GIS CARTOGRAPHER 2
Department: ART
County: CLACKAMAS
Date: 12/1/22



1 A landowner means any person shown as the owner of land on the last available assessment roll.
However, where such person no longer holds the title of the property, then the term refers to any person
entitled to be shown as the owner of that land on the next assessment roll. This could also include a written
agreement of sale, which specifies a purchaser to the exclusion of the seller or a public agency owning
land.

CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for annexation contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

NAME: TERRY DONOVAN
TITLE: GIS CARTOGRAPHER 2
DEPARTMENT: ~~CLACKAMAS~~ ART
COUNTY OF: CLACKAMAS
DATE: 12/1/22



¹ "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.



Metro District Annexation Certification of Legal Description and Map

I hereby certify that the description of the property included within the attached petition has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map.

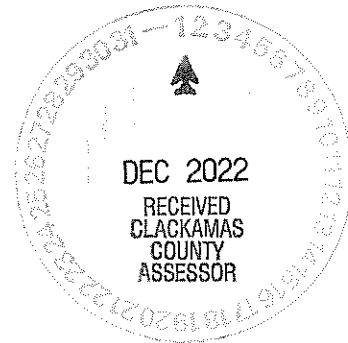
Name: TERY DONOVAN

Title: GIS CARTOGRAPHER 2

Department: ART

County: CLACKAMAS

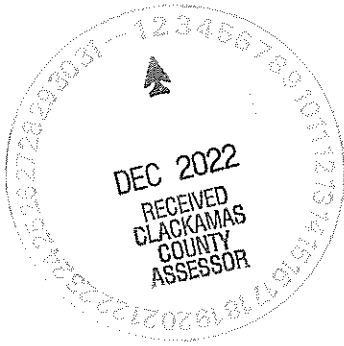
Date: 12/1/22



CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 31W12D) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

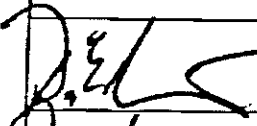
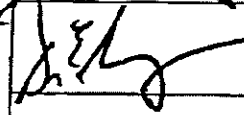

NAME: TERRY DONOVAN
TITLE: GIS CARTOGRAPHER 2
DEPARTMENT: A&T
COUNTY OF: CLACKAMAS
DATE: 12/1/22



PETITION FOR ANNEXATION

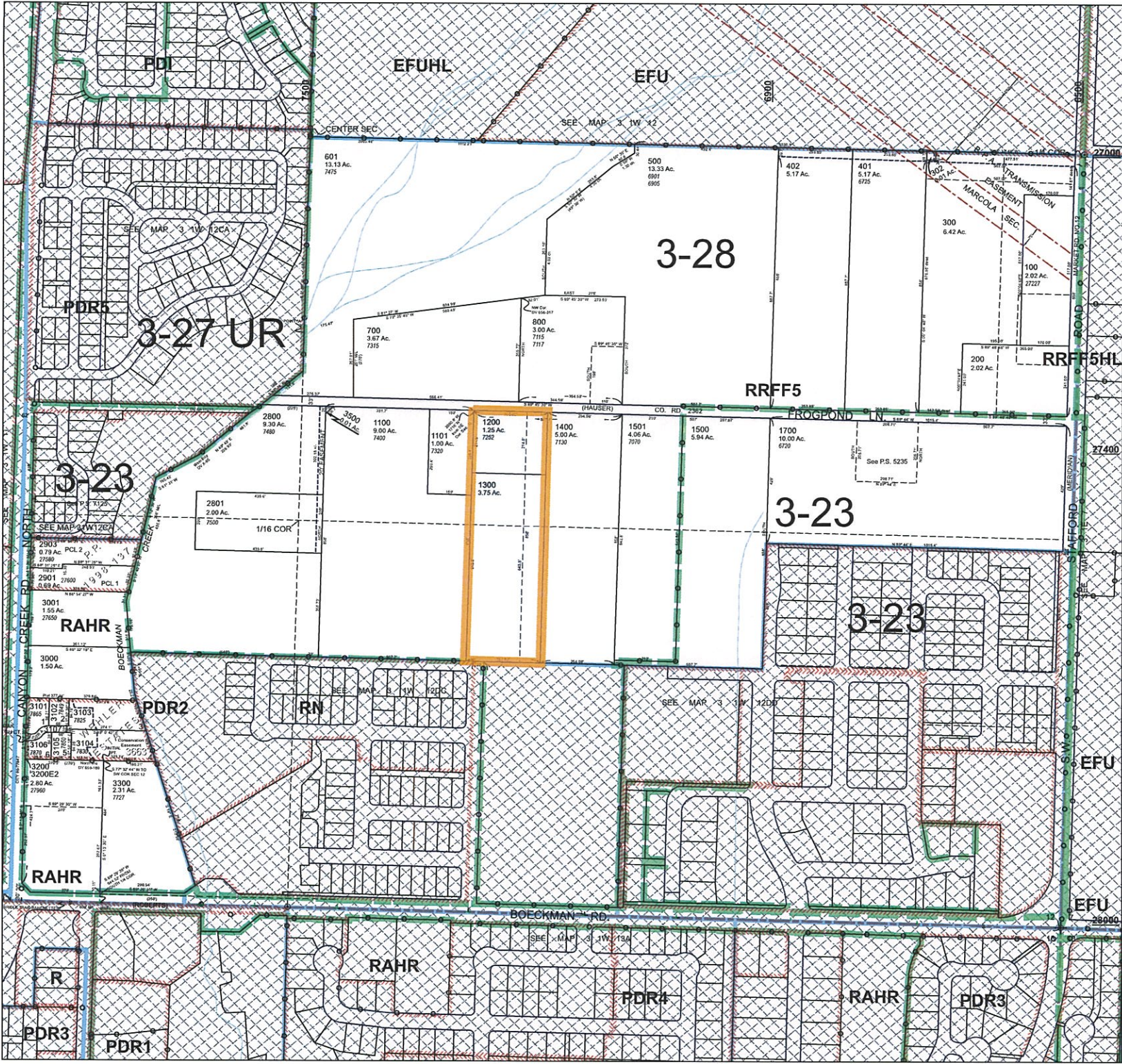
We, the undersigned owner(s) of the property described in **Exhibit A** and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Wilsonville:

NOTE: This petition may be signed by any qualified persons even though they may not know their property description or precinct number.

SIGNATURE	PRINTED NAME	I AM A:*			PROPERTY ADDRESS	PROPERTY DESCRIPTION				PRECINCT #	DATE
		PO	RV	OV		LOT #	1/4 SEC	T	R		
	BRIAN MATTSON	X			7252 SW Frog Pond Lane Wilsonville, OR 97070	1200	12	3S	1W	323	
	BRIAN MATTSON	X			No Situs	1300	12	3S	1W	323	
	WESLEY GOODE		X		7252 SW Frog Pond Lane Wilsonville, OR 97070	1200	12	3S	1W	323	08/31/22

- * PO - Property Owner
- RV - Registered Voter
- OV - Property Owner & Registered Voter

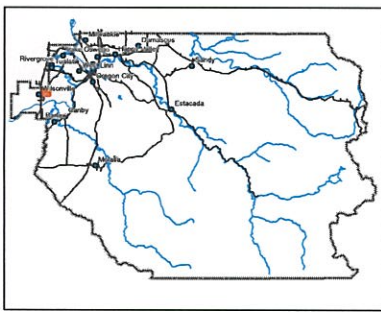
S.E. 1/4 SEC. 12 T.3S. R.1W. W.M.
 CLACKAMAS COUNTY
 1" = 200'



Cancelled Taxlots

- 2300
- 2300
- 3300E3
- 1902
- 1903
- 2000
- 2001
- 2100
- 2201
- 2202
- 2200
- 2400
- 2500
- 2700
- 201
- 301
- 400
- 600
- 602
- 603
- 604
- 605
- 900
- 1000
- 1000
- 1500
- 1900
- 2000E1
- 2500
- 2900
- 2900E1
- 2902
- 3100
- 3200E1
- 3201
- 3300E1
- 3400
- 1800

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY





STATE OF CALIFORNIA
ACTING SECRETARY OF STATE
TONY MILLER

Item 5.

LIMITED LIABILITY COMPANY
ARTICLES OF ORGANIZATION

IMPORTANT - Read instructions before completing the form.

This document is presented for filing pursuant to Section 17050 of the California Corporations Code.

1. Limited liability company name: Sullivan Homes LLC

(End the name with "LLC" or "Limited Liability Company". No periods between the letters in "LLC". "Limited" and "Company" may be abbreviated to "Ltd." and "Co.")

2. Latest date on which the limited liability company is to dissolve:
December 31, 2040

3. The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the Beverly-Killea Limited Liability Company Act.

4. Enter the name of initial agent for service of process and check the appropriate provision below:

Dean R. Westly

, which is

an individual residing in California. Proceed to Item 5.

a corporation which has filed a certificate pursuant to Section 1505 of the California Corporations Code. Skip Item 5 and proceed to Item 6.

5. If the initial agent for service of process is an individual, enter a business or residential street address in California:

Street address: 1740 Technology Drive #250

City: San Jose State: CALIFORNIA Zip Code: 95110

6. The limited liability company will be managed by: (check one)

one manager

more than one manager

limited liability company members

7. If other matters are to be included in the articles of organization attach one or more separate pages.

Number of pages attached, if any: -0-

8. It is hereby declared that I am the person who executed this instrument, which execution is my act and deed.

Signature of organizer

DEAN R. WESTLY.

Type or print name of organizer

Date: APRIL 3, 19 96



101996095017

FILED: REGISTRN/ARTICLES OF ORG.
AT SACRAMENTO, CA ON APR.04, 1996
SECRETARY OF STATE OF CALIFORNIA

SULLIVAN HOMES LLC

OPERATING AGREEMENT

DATED: March 20, 1996

Prepared By:

DEAN R. WESTLY, ESQ.
1740 Technology Drive
Suite 250
San Jose, CA 95110-1315

Telephone: (408) 441-7800

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OPERATING AGREEMENT OF SULLIVAN HOMES LLC

This Limited Liability Company Operating Agreement (this "Agreement") is made and entered into as of _____, 1996 by and between Brian E. Matteoni and Norman E. Matteoni, (collectively the "Members").

RECITALS

Brian E. Matteoni and Norman E. Matteoni have agreed to form a limited liability company in accordance with the California Limited Liability Company Act under the name "Sullivan Homes LLC" (the "Company"). Brian E. Matteoni and Norman E. Matteoni desire to enter into this Limited Liability Company Operating Agreement in order to set forth their understanding with respect to the management, operation and other matters of the Company.

NOW, THEREFORE, the members hereby agree as follows:

ARTICLE 1

DEFINITIONS

When used in this Agreement, the following terms shall have the meanings set forth below:

1.1 "Act" shall mean the California Limited Liability Company Act, California Corporations Code, Section 17101, et seq., as the same may be amended from time to time.

1.2 "Adjusted Capital Account Deficit" shall mean, with respect to any Member, the deficit balance, if any, in such Member's Capital Account as of the end of the relevant Fiscal Year, after giving effect to the following adjustments:

(a) Decreasing such deficit by any amounts which such Member is deemed to be obligated to restore pursuant to the penultimate sentence of each of Regulations Sections 1.704-2(g)(1) and 1.704-2(i)(5); and

(b) Increasing such deficit by the items described in Regulations Section 1.704-1(b)(2)(ii)(d)(4), (5) and (6).

1.3 "Affiliate" shall mean (i) any individual, partnership, corporation, limited liability company, trust, or other entity or association, directly or indirectly, through one or more

intermediaries, controlling, controlled by, or under common control with the Member and (ii) any family relation of a Member or a Member's spouse. The term "control," as used in the immediately preceding sentence, means, with respect to a corporation or limited liability company the right to exercise, directly or indirectly, more than fifty percent (50%) of the voting rights attributable to the controlled corporation or limited liability company, and, with respect to any individual, partnership, trust, other entity or association, the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of the controlled entity. An individual's family shall include his spouse, parents, children, grandchildren and siblings.

1.4 "Agreement" shall mean this Operating Agreement, as originally executed and as amended from time to time.

1.5 "Articles" shall mean the Articles of Organization for the Company originally filed with the California Secretary of State and as amended from time to time.

1.6 "Bankruptcy" shall mean: (a) the filing of an application by a Member, for his consent to, the appointment of a trustee, receiver, or custodian of his other assets; (b) the entry of an order for relief with respect to a Member in proceedings under the United States Bankruptcy Code, as amended or superseded from time to time; (c) the making by a Member of a general assignment for the benefit of creditors; (d) the entry of an order, judgment, or decree by any court of competent jurisdiction appointing a trustee, receiver, or custodian of the assets of a Member unless the proceedings and the person appointed are dismissed within ninety (90) days; (e) the failure by a Member generally to pay his debts as the debts become due within the meaning of Section 303(h)(1) of the United States Bankruptcy Code, as determined by the Bankruptcy Court, or the admission in writing of his inability to pay his debts as they become due; or (f) suffering or permitting a Member's Percentage Interest to become subject to the enforcement of any rights of a creditor of the Member, whether arising out of an attempted charge upon that

Member's Percentage Interest by judicial process or otherwise, if that Member fails to effectuate the release of those enforcement rights, whether by legal process, bonding, or otherwise, within ninety (90) days after actual notice of that creditor's action.

1.7 "Capital Account" shall mean an account established and maintained for each Member in accordance with Regulations Section 1.704, the balance of which shall be (a) increased by (i) the amount of any cash and fair market value of any property contributed (or deemed to be contributed) to the Company by such Member, and (ii) the amount of any allocations to such Member of Net Profit, and (b) decreased by (i) the amount of any cash and the fair market value of any property distributed to such Member by the Company and (ii) the amount of any allocations to such Member of Net Loss.

1.8 "Capital Contributions" shall mean the total value of cash and fair market value of property (including promissory notes) contributed to the Company by Members, as shown in the Company's books and records. The Members' Capital Contributions are set forth in Section 3.1 hereof.

1.9 "Code" shall mean the Internal Revenue Code of 1986, as amended from time to time, the provisions of succeeding law, and to the extent applicable, the Regulations.

1.10 "Company" shall mean Sullivan Homes LLC, as such Company may be constituted from time to time.

1.11 "Fiscal Year" shall mean the Company's fiscal year, which shall be the calendar year.

1.12 "Majority in Interest" shall mean one or more Percentage Interests of Members which taken together exceed fifty percent (50%) of the aggregate of all Percentage Interests.

1.13 "Manager" shall mean Brian E. Matteoni or his successor appointed in accordance with Section 4.4 of this Agreement.

1.14 "Member" shall mean each Person (other than any person who has withdrawn, died, resigned, become bankrupt or dissolved) who is an initial signatory to this Agreement and any other person who may subsequently be a signatory to this Agreement.

1.15 "Member Nonrecourse Debt" shall have the meaning set forth in Section 1.704 of the Regulations.

1.16 "Member Nonrecourse Debt Minimum Gain" means an amount, with respect to each Member Nonrecourse Debt, equal to the Company Minimum Gain that would result if such Member Nonrecourse Debt were treated as a Nonrecourse Liability, determined in accordance with Section 1.704-2(i)(3) of the Regulations.

1.17 "Member Nonrecourse Deductions" has the meaning set forth in Section 1.704-2(i)(1) and 1.704-2(i)(2) of the Regulations.

1.18 "Minimum Gain" shall mean that amount of gain which would be recognized for federal income tax purposes if, as of the close of the Fiscal Year with respect to which the calculation is being made, the Company's assets were sold for an amount equal to the total principal amount of all nonrecourse indebtedness of the Company then secured by such assets. It is the intention of the Members that the concept of Minimum Gain, as used in this Agreement, has the same meaning as it does in Section 1.704 of the Regulations.

1.19 "Net Profit" and "Net Loss" shall mean the income, gain, loss, deductions, and credits of the Company in the aggregate or separately stated, as appropriate, determined in accordance with generally accepted accounting principles employed under the method of accounting at the close of each fiscal year on the Company's information tax return filed for federal income tax purposes together with all tax items described in Section 702(a) of the Code that are not included in the Company's taxable income or loss.

1.20 "Percentage Interest" shall mean a Member's entire interest in the Company including the Member's right to vote on or participate in the management, and the right to receive information concerning the business and affairs, of the Company.

1.21 "Person" shall mean an individual, general partnership, limited partnership, limited liability company, corporation, trust, estate, real estate investment trust association or any other entity.

1.22 "Regulations" shall, unless the context clearly indicates otherwise, mean the regulations currently in force as final or temporary that have been issued by the U.S. Department of Treasury pursuant to its authority under the Code.

ARTICLE 2

ORGANIZATION

2.1 Formation; Name. The Members have caused the Company to be formed as a California limited liability company by filing Articles of Organization in accordance with the Act with the Secretary of State of the State of California, a copy of which is attached hereto as Exhibit "A". The name of the Company is "Sullivan Homes LLC." The Company may operate its business under one or more assumed names.

2.2 Registered Office; Registered Agent; Principal Office. The registered agent and office of the Company in the State of California shall be as set forth in the Articles of Organization. The Members may from time to time change the registered agent or office through appropriate filings with the Secretary of State. The principal office of the Company shall be at 16380 Oleander Avenue, Los Gatos, California 95032, or such other place as the Manager may designate from time to time, which need not be in the State of California. The Company may have such other offices as the Manager may designate from time to time.

2.3 Purposes. The purposes of, and the business to be carried on by, the Company shall be:

(a) to acquire, own, manage and hold real estate for investment;

(b) to engage in the management and development of real estate;

(c) to engage in any lawful business permitted by the Act or the laws of any jurisdiction in which the Company may do business.

The Company shall have authority to do all things necessary or convenient to accomplish such purposes and operate its business as described in this Section 2.3, but shall not conduct any other

business. The authority of the Members to bind the Company is, accordingly so limited.

2.4 Qualification To Do Business. The Company shall qualify to do business in each jurisdiction in which the conduct of its business requires such qualification.

2.5 Intention Of Members. The Members have formed the Company as a limited liability company under and pursuant to the Act and expressly do not intend hereby to form a general partnership, a limited partnership or any other venture under the laws of California. No Member shall be construed to be a partner in or of the Company or a partner of any other Member or person and the Articles of Organization, this Agreement and the relationships created thereby and arising therefrom shall not be construed to suggest otherwise.

ARTICLE 3

CAPITAL

3.1 Members' Contributions. Each Member shall make the Capital Contribution described for that Member on Exhibit "B" at the time and on the terms specified on Exhibit "B". If no time for any contribution is specified, the Capital Contributions shall be made upon the filing of the Articles of Organization with the Secretary of State. Each Member shall make such additional Capital Contributions in cash as are necessary to meet the administrative costs of the Company, and such Capital Contributions shall be made by each Member in proportion to the Percentage Interest owned by him. No interest shall be paid by the Company to any Member on any Capital Contribution.

3.2 Percentage Interest. In consideration for their Capital Contributions, the Company shall grant to the Members the Percentage Interest set forth after their names in Exhibit "B" hereto. Exhibit "B" shall be amended from time to time to indicate any changes in the Percentage Interest held by a Member arising from the transfer of Percentage Interest to or by such Member and any change in the amounts contributed or agreed to be contributed

by any Member (other than Capital Contributions made pursuant to Section 3.1.

3.3 Additional Capital Contributions. No Member shall be required to make any Capital Contributions to the Company except as provided in Section 3.1, to return all or any portion of any Capital Contributions or to lend any funds to the Company. Except as otherwise provided in this paragraph 3.3, if at any time or times the Manager determines that additional Capital Contributions (by way of the contribution of cash, property or services to the Company) are necessary or desirable to further the business purposes of the Company, the Manager may request such additional Capital Contributions from current Members, and in exchange for such Capital Contributions may issue to contributing Members such additional Percentage Interests as the Manager shall determine. Except as otherwise provided in this paragraph 3.3, the Company may also receive additional Capital Contributions from other persons in exchange for Percentage Interests if such new Members are admitted as Members of the Company in accordance with Section 4.2 of this Agreement.

Notwithstanding the preceding provisions of this Section 3.3, if any new Percentage Interests in the Company are proposed to be issued in exchange for cash or cash equivalents the Manager shall cause each Member to receive twenty (20) business days' prior notice of the terms and conditions of such issuance and each Member shall have the right to purchase on such terms and conditions (exercisable by notice and appropriate payment delivered within ten (10) business days of such Member's receipt of such notice of the issuance) a portion of such new Percentage Interest equal to his pro rata share of all Percentage Interest outstanding prior to the issuance of the new Percentage Interest.

3.4 Return of Capital to Members. Except as may be specifically provided in this Agreement, no Member shall have the right to withdraw from the Company all or any part of his Capital Contribution. Except as provided in this Agreement, no Member shall be entitled to a return of any cash or property contributed

to the Company until the full and complete winding-up and liquidation of the business and affairs of the Company; provided, however, in the event of sale by the Company of less than all of the Company property, or the refinancing of any obligations encumbering the Company property, the Manager is authorized and may, distribute the net proceeds derived therefrom, to the extent available, to the Members in accordance with the manner in which distributions are made to the Members under Section 6.1 below. No Member shall be personally liable for the return to any other Member of any portion of his Capital Contributions, but on the contrary, any such return shall be made solely from Company assets.

3.5 Loans to Company. If any Member, with the prior consent of the Manager shall make any loan or loans to the Company or shall advance money on its behalf ("Lending Member"), the amount of any such loan or advance shall not be an increase in the Capital Account (as defined herein) of the Lending Member or entitle such Lending Member to an increase in his Percentage Interest or subject him to any greater proportion of the losses which the Company may sustain. The amount of such loan or advance shall be a debt owing from the Company to such Lending Member repayable upon such terms and conditions and bearing interest at such rate as shall be mutually agreed upon by the Lending Member and the Manager.

3.6 No Personal Liability. No Member shall be liable for any debts, liabilities, contracts, or obligations of the Company except as otherwise required by the Act. The failure of the Company to observe any formalities or requirements relating to the exercise of its powers or management of its business or affairs under this Agreement or the Act shall not be grounds for imposing personal liability on the Members for any such debts, obligations or liabilities of the Company.

3.7 Capital Accounts. A separate Capital Account will be maintained for each Member. The provisions of this Agreement relating to the maintenance of Capital Accounts are intended to comply with Treasury Regulation Section 1.704-1(b), and shall be interpreted and applied in a manner consistent with such Treasury

Regulations. No Member shall be required to make a contribution to the Company by reason of any negative balance in his Capital Account, nor shall any negative balance in a Member's Capital Account create any liability on the part of a Member to a third party.

ARTICLE 4

MEMBERS AND MANAGEMENT

4.1 Members. The Company shall initially have two Members consisting of Brian E. Matteoni and Norman E. Matteoni.

4.2 Admission of New Members. A person may be admitted as a new Member upon the prior consent of all Members and on such terms and conditions, including Capital Contributions and the Percentage Interest to be received in exchange therefor, as are agreed upon by all Members. On the admission of any person as a Member, the person shall make such Capital Contribution. As a condition precedent to admission as a Member, any new Member shall become a party to this Agreement by agreeing in writing to be bound by the terms and provisions hereof. Any new Member shall also execute and acknowledge such other instrument or instruments as Management may deem necessary or desirable to effectuate the admission of the new Member. Upon admission of a new Member, this Agreement shall be amended as necessary to reflect any changes in the management and operation of the Company.

4.3 Management. Except as otherwise provided in this Agreement or in non-waivable provisions of applicable law, management of the Company shall be vested in one manager (the "Manager"). The Manager must be and remain a Member. Except as delegated to the Company's employees by the decision of the Manager, all decisions and determinations under this Agreement affecting the management and conduct of the Company's business shall be made only by the Manager. The Manager shall devote the time, effort and skill as may be reasonably necessary or appropriate to conduct the Company's business.

4.4 Appointment of Manager. Brian E. Matteoni is hereby appointed as the initial Manager of the Company. In the event of

removal, death, incapacity, resignation, or inability to act as Manager, another Member or another person may be designated as successor to such position by the affirmative vote of a majority of the Percentage Interest then outstanding and entitled to vote. Brian E. Matteoni shall be and is hereby designated as the "tax matters partner" for purposes of Section 6231(a)(7)(A) of the Internal Revenue Code of 1986, as amended (the "Code").

4.5 Powers of Management. Subject to Section 4.7, the Manager shall have the power, on behalf of the Company, to do all things necessary or convenient to carry out the business and affairs of the Company, including, without limitation, the powers to:

(a) manage, oversee and operate the business of the Company.

(b) pay or reimburse any and all fees and expenses incurred or expended in the organization of the Company, including all legal, accounting and other fees and expenses incurred;

(c) entering into, making and performing contracts, agreements and other undertakings binding the Company (including agreements to buy, manage, sell, lease, mortgage, pledge or otherwise acquire or dispose of all or any portion of the Company property) that may be necessary, appropriate, or advisable in furtherance of the purposes of the Company and making all decisions and labors thereunder;

(d) employ and dismiss employees, including entering into employment agreements and fixing compensation;

(e) engage and enter into agreements with independent contractors, agents and consultants, including accountants, engineers and attorneys;

(f) open and maintain depository and other accounts with commercial banks or other financial institutions in the name of the Company and designate authorized signatories therefor; and invest Company funds in interest bearing, money market and similar accounts;

(g) to apply for and procure letters of credit and other financial instruments;

(h) acquire property or interests in property, tangible or intangible, real or personal;

(i) incur trade and other indebtedness, whether through borrowings, with or without recourse, contingent or otherwise, including guaranteeing or indemnifying obligations of others; and, in connection therewith, to issue notes, bonds or other securities; and, as security therefor, pledge, mortgage, encumber and grant security interests in the Company's property;

(j) lend or advance Company funds to other persons and take security therefor; and

(k) cause Federal and State income tax and other returns to be prepared and timely filed and, in connection therewith, make such tax elections for the Company as they deem appropriate.

4.6 Record of Decisions. Each decision by the Manager shall be recorded in a writing and signed by the Manager, and kept with the Company's records. Copies thereof shall be provided to each Member.

4.7 Restrictions on Management. The Manager shall not:

(a) do any act in contravention of this Agreement in its present form or as amended;

(b) do any act which would make it impossible to carry on the ordinary business of the Company;

(c) confess a judgement against the Company; or

(d) possess Company property in his name, or assign the Company's right in specific Company property, for other than a Company purpose.

4.8 Removal. Upon an affirmative vote of a majority of the Percentage Interest of the Company then outstanding and entitled to vote, the Manager may be removed from his position as Manager and a successor Manager may be selected pursuant to Section 4.4 of this Agreement. Written notice of removal of the Manager shall be given to him at least 20 days prior to the effective date of such removal. Upon removal, the Manager so removed shall retain his

Percentage Interest and shall remain a Member, without any further rights, duties or obligations of a Manager.

ARTICLE 5

MEETINGS OF MEMBERS

5.1 Voting. All Members shall be entitled to vote on any matter submitted to a vote of the Members. Each Member shall be entitled to vote the Percentage Interest owned by him or for which he holds a proxy to vote on such matter. Any Transferee or Permitted Transferee (as defined herein) of a Member's Percentage Interest shall not be entitled to vote or participate on any matter of any meeting unless and until such person is admitted as a Member.

5.2 Actions to be Taken by Members. The Company shall take any of the following actions only pursuant to a vote of the Members:

- (a) the dissolution of the Company pursuant to Section 8.2(a) of this Agreement;
- (b) the continuation to the business of the Company pursuant to Section 9.2(c) of this Agreement;
- (c) the merger of the Company into or with another entity;
- (d) a transaction involving an actual or potential conflict of interest between a Manager and the Company;
- (e) an amendment to the Articles of Organization;
- (f) the sale, exchange, lease or other transfer of all of substantially all of the assets of the Company other than in the ordinary course of business; or
- (g) any matter submitted to a vote of the Members by the Manager.

Unless otherwise required by the Act or this Agreement, the Members may act upon matters submitted to them for decision by the affirmative vote of a majority of the Percentage Interest of the Company then outstanding and entitled to vote.

5.3 Meetings. An annual meeting of Members for the transaction of such business as may properly come before the meeting

shall be held at such place, on such date and at such time as the Manager shall determine. Special meetings of Members for any proper purpose or purposes may be called at any time by the Manager or the holders of at least twenty-five percent (25%) of the outstanding Percentage Interest entitled to vote. The Company shall deliver or mail written notice stating the date, time, place and purposes of any meeting to each Member entitled to vote at the meeting. Such notice shall be given not less than ten (10) nor more than sixty (60) days before the date of the meeting. All meetings of Members shall be presided over by a Chairman who shall be a Manager.

5.4 Consent. Any action required or permitted to be taken at an annual or special meeting of the Members may be taken without a meeting, without prior notice, and without a vote, if consents in writing, setting forth the action so taken, are signed by the Members having not less than the minimum number of votes that would be necessary to authorize or take action at a meeting of which all Percentage Interests entitled to vote on the action were present and voted. Every written consent shall bear the date and signature of each Member who signs the consent. Prompt notice of the taking of action without a meeting by less than unanimous written consent shall be given to all Members who have not consented in writing to such action.

5.5 Waiver. Any Member may waive notice of any meeting, before or after the date of the meeting, by delivering a signed waiver to the Company for inclusion in the minutes of the Company. The attendance of a Member at any meeting, in person or by proxy: (a) waives objection to lack of notice or defective notice of the meeting, unless the Member at the beginning of the meeting objects to holding the meeting or transacting business at the meeting, and (b) waives objection to consideration of a particular matter at the meeting that is not within the purposes described in the meeting notice, unless the Member objects to considering the matter when it is presented.

5.6 Record Date. The record date for the purpose of determining the Members entitled to notice of a Member's meeting, for demanding a special meeting, for voting, or for taking any other action shall be the tenth (10th) day prior to the date of the meeting or other action.

5.7 Proxies. Any Member may appoint a proxy to vote or otherwise act for the Member pursuant to a written appointment form executed by the Member or the Member's duly authorized attorney-in-fact. An appointment of a proxy is effective when received by any Manager of the Company. A proxy appointment is valid for eleven (11) months unless otherwise expressly stated in the appointment form.

5.8 Adjournment. At any meeting of the Members of the Company, if less than a quorum is present, a majority of the Members entitled to vote at the meeting, present in person or by proxy, shall have the power to adjourn the meeting to another time, place and date without notice other than by announcement at the meeting so adjourned. Any business may be transacted at any adjourned meeting that could have been transacted at the meeting originally noticed, but only those Members entitled to vote at the meeting originally noticed shall be entitled to vote at any adjourned meeting. If the adjournment is for more than thirty (30) days from the date of the meeting originally noticed, or if after the adjournment a new record date is fixed for the adjourned meeting, a notice of the adjourned meeting shall be given to each Member of record entitled to vote at the adjourned meeting.

ARTICLE 6

ALLOCATIONS AND DISTRIBUTIONS

6.1 Distributions and Allocation of Net Profits and Net Losses.

(a) Distributions. Except as otherwise provided by Section 6.3(b), distributions shall be made, at such times and in such amounts as the Manager may determine, to the Members pro rata according to their respective Percentage Interests.

(b) Allocation of Net Profit and Net Loss. All Net Profit and Net Loss shall be allocated among the Members pro rata according to their respective Percentage Interests.

6.2 Section 704(c) Allocations. In accordance with Code Section 704(c) and the Regulations thereunder, income, gain, loss and deductions with respect to any property contributed to the capital of the Company shall, solely for tax purposes, be allocated among the Member so as to take account of any variation between the adjusted basis of such property to the Company for federal income tax purposes and its fair market value.

6.3 Overriding Allocation Provisions. Notwithstanding anything contained herein to the contrary, the following allocations shall be made:

(a) Minimum Gain Chargeback. Except as otherwise provided in Section 1.704 of the Regulations, notwithstanding any other provision of this Agreement, if there is a net decrease in Company Minimum Gain during any Fiscal Year, the Members shall be specially allocated items of Company income and gain for such Fiscal Year (and, if necessary, subsequent Fiscal Years) in an amount equal to such Member's share of the net decrease in Company Minimum Gain, determined in accordance with Section 1.704 of the Regulations. Allocations pursuant to the previous sentence shall be made in proportion to the respective amounts required to be allocated to each Member pursuant thereto. The items to be so allocated shall be determined in accordance with Section 1.704 of the Regulations. This Subsection 6.3(a) is intended to comply with the minimum gain chargeback requirement in Section 1.704 of the Regulations and shall be interpreted consistently therewith.

(b) Member Minimum Gain Chargeback. Except as otherwise provided in Section 1.704 of the Regulations, notwithstanding any other provision of this Agreement except Section 6.3(a), if there is a net decrease in Member Nonrecourse Debt Minimum Gain attributable to a Member Nonrecourse Debt during any Company Fiscal Year, each Member who has a share of the Member Nonrecourse Debt Minimum Gain attributable to such Member Nonrecourse Debt,

determined in accordance with Section 1.704 of the Regulations, shall be specially allocated items of Company income and gain for such Fiscal Year (and, if necessary, subsequent Fiscal Years) in an amount equal to such Member's share of the net decrease in Member Nonrecourse Debt Minimum Gain attributable to such Member Nonrecourse Debt, determined in accordance with Section 1.704 of the Regulations. Allocations pursuant to the previous sentence shall be made in proportion to the respective amounts required to be allocated to each Member pursuant thereto. The items to be so allocated shall be determined in accordance with Section 1.704 of the Regulations. This Subsection 6.3(b) is intended to comply with the minimum gain chargeback requirement in Section 1.704 of the Regulations and shall be interpreted consistently therewith.

(c) Qualified Income Offset. Notwithstanding any other provision of this Agreement except Sections 6.3(a) and (b), in the event any Member unexpectedly receives any adjustments, allocations, or distributions described in Section 1.704-1 of the Regulations, items of income and gain shall be specially allocated to each such Member in an amount and manner sufficient to eliminate, to the extent required by the Regulations, the Adjusted Capital Account Deficit of such Member as quickly as possible, provided that an allocation pursuant to this Subsection 6.3(c) shall be made only if and to the extent that such Member would have an Adjusted Capital Account Deficit after all other allocations provided for this Section 6.3 have been tentatively made as if this Subsection 6.3(c) were not in this Agreement. This qualified income offset is intended to comply with Regulation Sections 1.704-1(b)(2)(ii)(d) and shall be interpreted consistently therewith.

(d) Net Loss Limitation. No Member shall be allocated Net Losses to the extent that the allocation would cause the Member to have an Adjusted Capital Account Deficit.

(e) Member Nonrecourse Deductions. Any Member Nonrecourse Deductions for any Fiscal Year shall be specially allocated to the Member who bears the economic risk of loss with respect to the Member Nonrecourse Debt to which such Member

Nonrecourse Deductions are attributable in accordance with Section 1.704 of the Regulations.

(f) Section 754 Adjustments. In the event an election under Section 754 of the Code is in effect with respect to the Company, to the extent an adjustment to the adjusted tax basis of any Company asset is required, such adjustment shall be made pursuant to all applicable Regulations.

ARTICLE 7

BOOKS, RECORDS AND ACCOUNTING

7.1 Books and Records. The Company shall maintain complete and accurate books and records of the Company's business and affairs as required by the Act.

7.2 Location of Books and Records. The Company's books of account and other records, including, without limitation, copies of all documents filed with the Secretary of State or other Federal or State officers, income tax returns and reports and financial statements shall be maintained at the Company's principal office.

7.3 Accounting Methods. The Company's financial statements and books of account shall be kept and maintained in accordance with generally accepted accounting principles, consistently applied.

7.4 Fiscal Year. Subject to any requirements imposed under the Code, the Company's fiscal year shall be the calendar year.

7.5 Financial Statements. As soon as practicable and, in any event within 120 days after the end of each fiscal year, the Company's audited financial statements for such fiscal year shall be completed and delivered to each Member. The financial statements shall be accompanied by a report and opinion of independent public accountants selected by the Members.

7.6 Distributions. Distributions from the Members' Capital Accounts may be made in cash to the Members, pro rata in accordance with each Member's Percentage Interest, at such times and in such amounts as Management shall determine, provided that no distributions shall be made if, after any such distribution, the assets of the Company are not in excess of all its liabilities.

ARTICLE 8

RESTRICTIONS ON TRANSFER OF MEMBERS' PERCENTAGE INTERESTS

8.1 Prohibition on Transfers. Except as otherwise specifically permitted hereunder, no Member may sell, assign, transfer, pledge, hypothecate, encumber or otherwise dispose of (any of which is a "Transfer") his Percentage Interest, in whole or in part, or enter into any agreement or grant any options or rights with respect thereto, whether by action of such Member or by operation of law, without the prior consent of the Manager. The Manager may withhold his consent to a Transfer in his sole and absolute discretion.

The Manager may consent to a Transfer without consenting to the admission of the transferee under such Transfer (a "Transferee") as a Member of the Company. A Transferee may only be admitted as a Member if and when (i) the Manager has consented to such admission, which consent may be withheld in his sole and absolute discretion and (ii) such Transferee shall become a party to this Agreement by agreeing in writing to be bound by the terms and provisions hereof. Any Transferee shall execute and acknowledge such other instrument or instruments as the Manager may deem necessary or desirable to effectuate the admission of the Transferee as a Member. Upon admission of a Transferee as a Member, this Agreement shall be amended as necessary to reflect any changes in the management and operation of the Company. Any Transferee not admitted as a Member of the Company shall hold the Percentage Interest acquired by Transfer and shall receive the Economic Interest of such Percentage Interest, but shall not be entitled to vote such Percentage Interest or to exercise or enjoy any of the other rights of a Member, unless and until such Transferee is admitted as a new Member.

8.2 Permitted Transfers. The Trustee, on behalf of the Trust, may Transfer the Trust's entire Percentage Interest, without the consent of the Manager, to a Permitted Transferee. For the purposes hereof, the term "Permitted Transferee" means a Trustee or

Trustees of a revocable living trust the beneficiaries of which are the transferring Member and his descendants.

The term Permitted Transferee, as used in this Agreement, does not limit the class of potential Members; rather, it defines a class of potential Members to whom the Trust may Transfer its Percentage Interest without the prior consent required in a Section 8.1. A Permitted Transferee shall be admitted as a Member if and when such Permitted Transferee shall become a party to this Agreement by agreeing in writing to be bound by the terms and provisions hereof. Any Permitted Transferee shall also execute and acknowledge such other instrument or instruments as the Manager may deem necessary or desirable to effectuate the admission of the Permitted Transferee. Upon admission of a Permitted Transferee as a Member, this Agreement shall be amended as necessary to reflect any changes in the management and operation of the Company.

8.3 Void Transfers. Any attempted Transfer of any Percentage Interests otherwise than in compliance with Section 8.1 or 8.2 is void and ineffective.

8.4 Withdrawal Prohibited. No Member may withdraw or resign from the Company until there has been a dissolution and a full and complete winding up of the Company in accordance with this Agreement and the Act.

8.5 Admission of Additional Members. Subject to the provisions of Section 3.3, the Manager may permit the admission of Members in addition to the original signatories to this Agreement (each, an "Additional Member") and the Manager shall determine the Capital Contribution to be made by any such Additional Member. An Additional Member shall be admitted as a Member if and when such Additional Member (i) shall become a party to this Agreement by agreeing in writing to be bound by the terms and provisions hereof and (ii) makes his, his or its Capital Contribution to the Company. Any Additional Member shall execute such other instrument or instruments as the Manager may deem necessary or desirable to effectuate the admission of the Additional Member as a Member. Upon admission of an Additional Member, this Agreement shall be

amended as necessary to reflect any changes in the management and operation of the Company.

ARTICLE 9

DISSOLUTION AND WINDING-UP

9.1 Term. The Company shall continue in existence for the period fixed in the Articles of Organization and shall be dissolved and its affairs wound up in accordance with the Act and this Agreement, unless extended by amendment to the Articles of Organization and this Agreement, or unless the Company is sooner dissolved and its affairs wound up in accordance with the Act or this Agreement.

9.2 Events Causing Dissolution. The Company shall be dissolved and its affairs wound up in accordance with the Act and this Agreement upon occurrence of any of the following (each, an "Event of Dissolution"):

- (a) the unanimous consent of the Members;
- (b) the sale of all or substantially all of the assets of the Company; or
- (c) the death, incapacity, bankruptcy or dissolution of a Member, unless the Company is continued by the unanimous vote of all of the remaining Members; provided, however, that the Company may not be continued unless there are at least two (2) remaining Members. Nothing in this Agreement shall restrict or limit the rights of the Members, or a surviving Member or Members, to consent to continue the business of the Company, or to consent to the admission of one (1) or more Members, as necessary to continue the business of the Company, in accordance with the provisions of the Act.

For the purposes of Section 9.2(c), the "bankruptcy" of a Member shall occur when such Member: (i) makes an assignment for the benefit of creditors; (ii) files a voluntary petition in bankruptcy; (iii) is adjudged a bankrupt or insolvent, or has entered against his an order for relief, in any bankruptcy or insolvency proceeding; (iv) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment,

liquidation, dissolution or similar relief under any statute, law or regulation; (v) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding of this nature; or (vi) seeks, consents to or acquiesces in the appointment of a trustee, receiver or liquidator of all or any substantial part of his properties.

9.3 Winding Up of the Company. Upon the dissolution of the Company, the Manager, or if there is no Manager and a Trustee is appointed, the Trustee, shall proceed to the winding up of the affairs of the Company. The assets shall be liquidated as promptly as is consistent with obtaining a fair market value therefor, and the proceeds therefrom, to the extent available, shall be applied and distributed by the Company.

(a) the distribution shall occur in the following order:

(1) to creditors, including Members who shall have loaned funds to the Company, in the order of priority as provided by law; and

(2) to the Members in the manner set forth in Section 6.1 of this Agreement.

(b) upon the completion of the winding up and liquidation of the Company, a final statement with respect thereto shall be prepared by the Manager or the Trustee and submitted to each party in interest. All liquidating distributions shall be made, in all cases, in accordance with the provisions of Article 6.

Upon completion of the liquidation, the Company shall be deemed completely dissolved and terminated.

9.4 Completion of Winding-Up. The winding up of the Company shall be completed when all its liabilities and obligations have been paid and discharged or an adequate reserve has been set aside therefor and all the remaining assets have been distributed to the Members. Upon completion of the winding up of the Company, Articles of Dissolution shall be filed with the Secretary of State in accordance with of the Act.

ARTICLE 10
MISCELLANEOUS

10.1 Amendment; Entire Agreement. This Agreement may be amended or modified from time to time only by a written instrument signed by the Members. This Agreement represents the sole and entire agreement between the Members and between the Members and the Company and supersedes all prior agreements and understandings with respect to the subject matter hereof, provided that to the extent any provision hereof is ineffective or prohibited under the Act, this Agreement shall be deemed amended only to the degree necessary to make such provision effective or to eliminate the prohibition under the Act.

10.2 Notices. All notices, consents, demands and other communications provided for herein (any of which is a "Notice") shall be in writing and shall be sent by registered United States mail, first class postage prepaid, or recognized courier service directed to a Member at the following address:

If to Brian E. Matteoni: 16380 Oleander Avenue
Los Gatos, CA 95032

If to Norman E. Matteoni: 1740 Technology Drive #250
San Jose, CA 95110

Any such Notice shall be deemed given, in the case of delivery by registered United States mail, first class postage prepaid, on the third Business Day after the day mailed, in the case of courier service, on the Business Day received. For purposes hereof, "Business Day" means any day other than Saturday, Sunday or a legal holiday observed in the country where the Notice is delivered. Another address may be designated by a Member from time to time by Notice given in accordance with the provisions of this Section 9.2

10.3 Binding Effect; Successors and Assigns. Except as otherwise herein provided, this Agreement shall be binding upon, and inure to the benefit of the Members, their successors and permitted transferees. No person, not a party to this Agreement, is intended to be a beneficiary of any of the provisions hereof, and no such person shall, except to the extent that it becomes the

transferee of Percentage Interest pursuant to the terms hereof, have any right to enforce any of the provisions of this Agreement.

10.4 Indemnification. The Manager and any employee or agent of the Company (each, an "Indemnitee"), shall be indemnified by the Company against any and all liability, loss, cost, damage or expense which such Indemnitee may sustain or incur as a result of any claim or legal proceeding arising out of such Indemnitee's actions in behalf of the Company, except where such action constitutes willful misconduct or gross negligence, to the fullest extent permitted by the Act, as it may be amended from time to time.

10.5 Specific Enforcement. Each party hereto agrees that this Agreement, and each of the provisions hereof, shall be specifically enforceable against such party by the remaining parties hereto in a court of equity by a decree of specific performance and appropriate injunctive relief may be applied for and granted in conjunction therewith, and such remedy provided for in this Agreement shall be cumulative and not exclusive and shall be available in addition to any other remedies which any party may have under this Agreement or otherwise.

10.6 Governing Law. Except to the extent that the Company and provisions of this Agreement are governed by the Act, this Agreement shall be governed by and construed in accordance with the laws of the State of California, without giving effect to its conflicts or choice of law rules.

10.7 Section Headings. The Article and Section headings used in this Agreement are for reference purposes only, and should not be used in construing this Agreement.

10.8 Gender and Number. As used in this Agreement, the masculine gender shall include the feminine and the neuter, and the singular number shall include the plural, and vice versa.

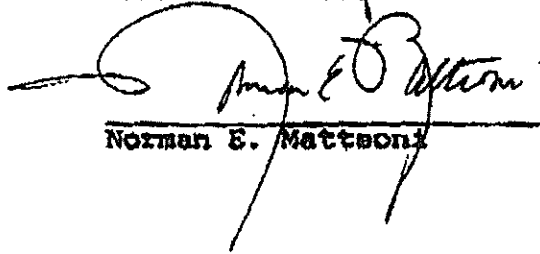
10.9 Counterparts and Execution. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original Agreement, and all of which shall constitute one Agreement.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this document as of the date first above written.

"Members"



Brian E. Matteoni

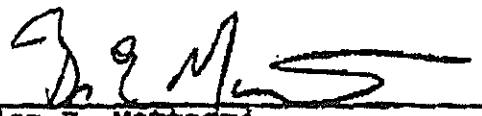


Norman E. Mattson

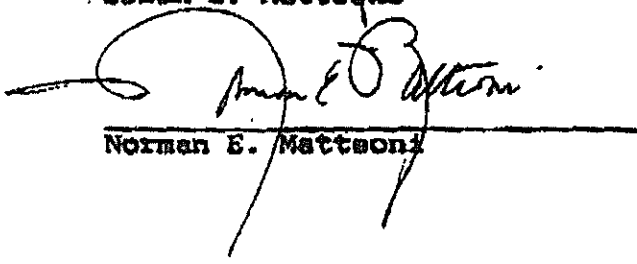
10.9 Counterparts and Execution. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original Agreement, and all of which shall constitute one Agreement.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this document as of the date first above written.

"Members"



Brian E. Matteoni



Norman E. Matteoni

EXHIBIT "A"

[INSERT ARTICLES OF ORGANIZATION]

EXHIBIT "B"

NAMES, ADDRESSES AND CONTRIBUTIONS OF MEMBERS

<u>Members</u>	<u>Initial Capital Contribution</u>	<u>Percentage Interest</u>
Brian E. Matteoni		
Norman E. Matteoni		

o:\users\norma\agreemen\a-oper.sullivan

Exhibit L: Zoning Change Legal Description and Exhibit

EXHIBIT A
Zoning Change Description

A tract of land located in the Southeast One-Quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

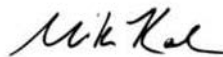
Beginning at the northeast corner of the plat "Morgan Farm No. 2", Plat No. 4610, Clackamas County Plat Records, also being on the north right-of-way line of SW Brisband Street (11.00 feet from centerline) and the City of Wilsonville city limits line; thence along said north right-of-way line and said city limits line, North 88°36'21" West 30.96 feet to the southwest corner of Document Number 2021-041768, Clackamas County Deed Records; thence leaving said city limits line along the west line of said Deed, North 01°38'13" East 858.18 feet to the south right-of-way line of SW Frog Pond Lane (16.50 feet from centerline); thence along said south right-of-way line, South 88°35'24" East 254.01 feet to the northeast corner of said Deed; thence along the east line of said Deed, South 01°38'13" West 858.11 feet to the south line of said Deed and said city limits line; thence along said south line and said city limits line, North 88°36'21" West 223.05 feet to the Point of Beginning.

The above described tract of land contains 5.00 acres, more or less.

The Basis of Bearings for this description are based on Survey Number 2022-119, Clackamas County Survey Records.

1/6/2023

REGISTERED
PROFESSIONAL
LAND SURVEYOR

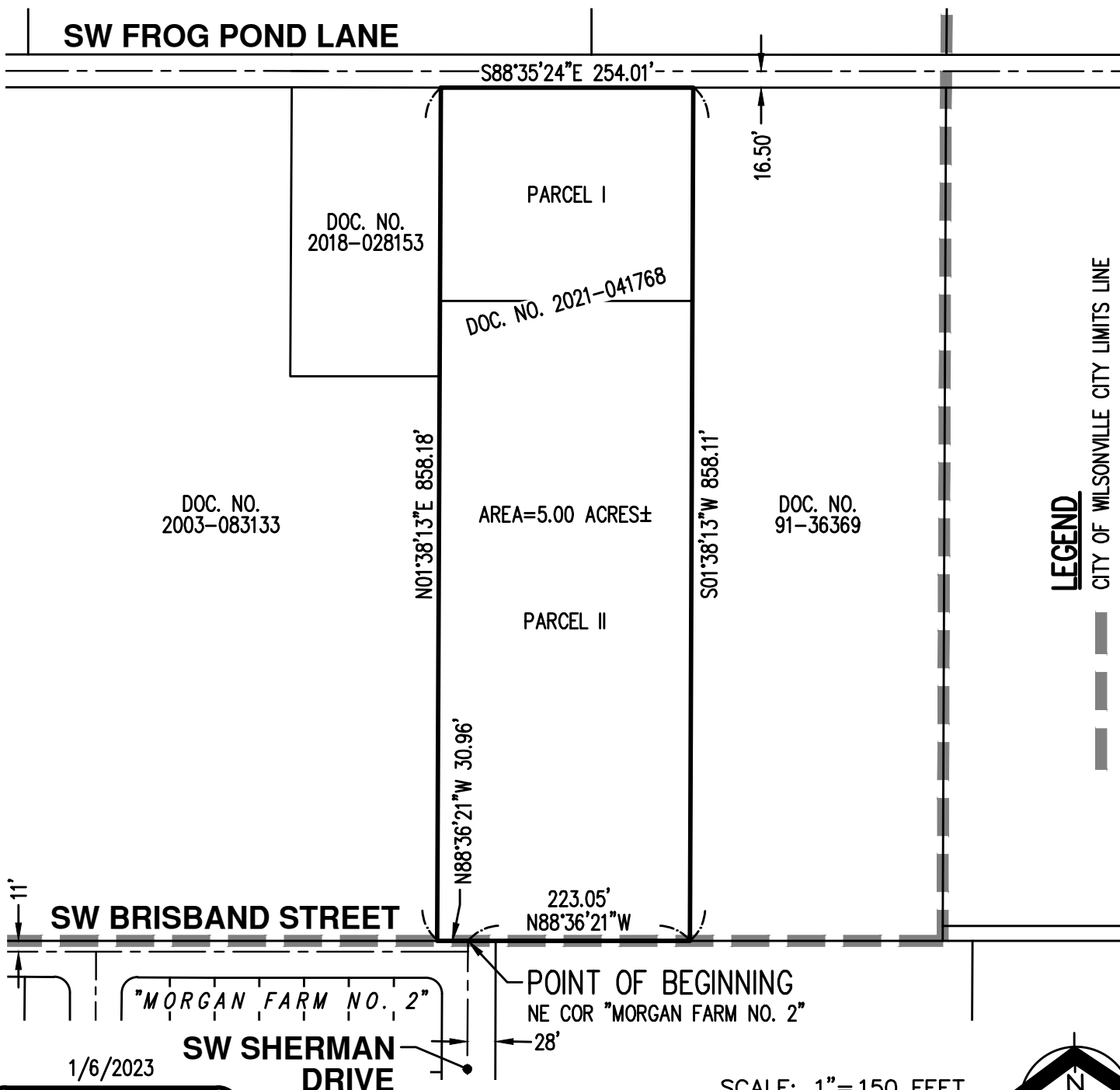


OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/23

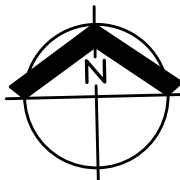
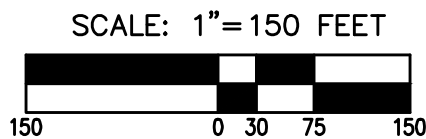
EXHIBIT B

Item 5.

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



LEGEND
CITY OF WILSONVILLE CITY LIMITS LINE



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina
OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/23

ZONING CHANGE MAP

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM

EXHIBIT
B
DRWN: WCB
CHKD: MSK
AKS 432

Exhibit M: Preliminary Conceptual Elevations (Updated Nov 2023)

REVISIONS	BY

FETER MAGARO
Architecture
A PROFESSIONAL CORPORATION

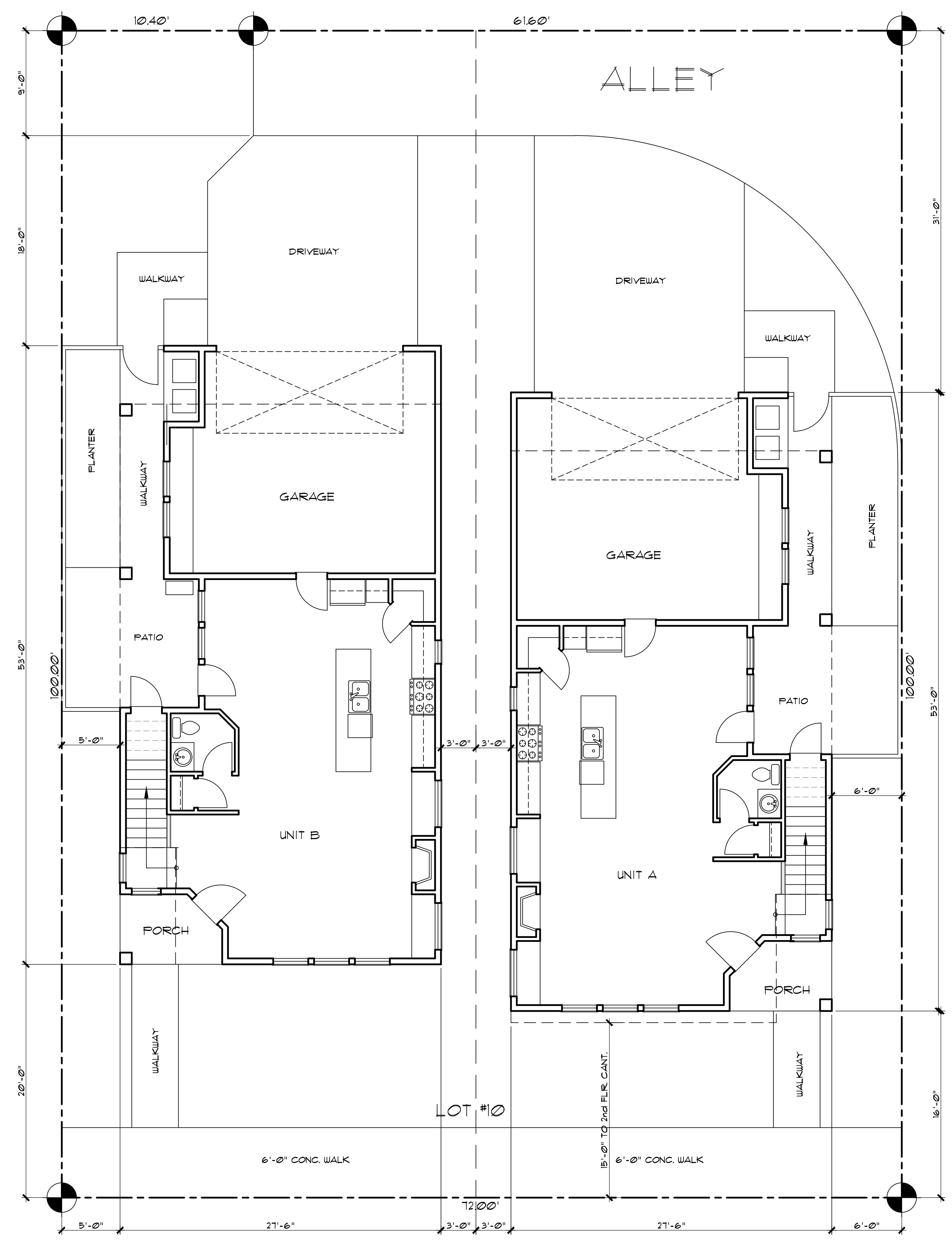
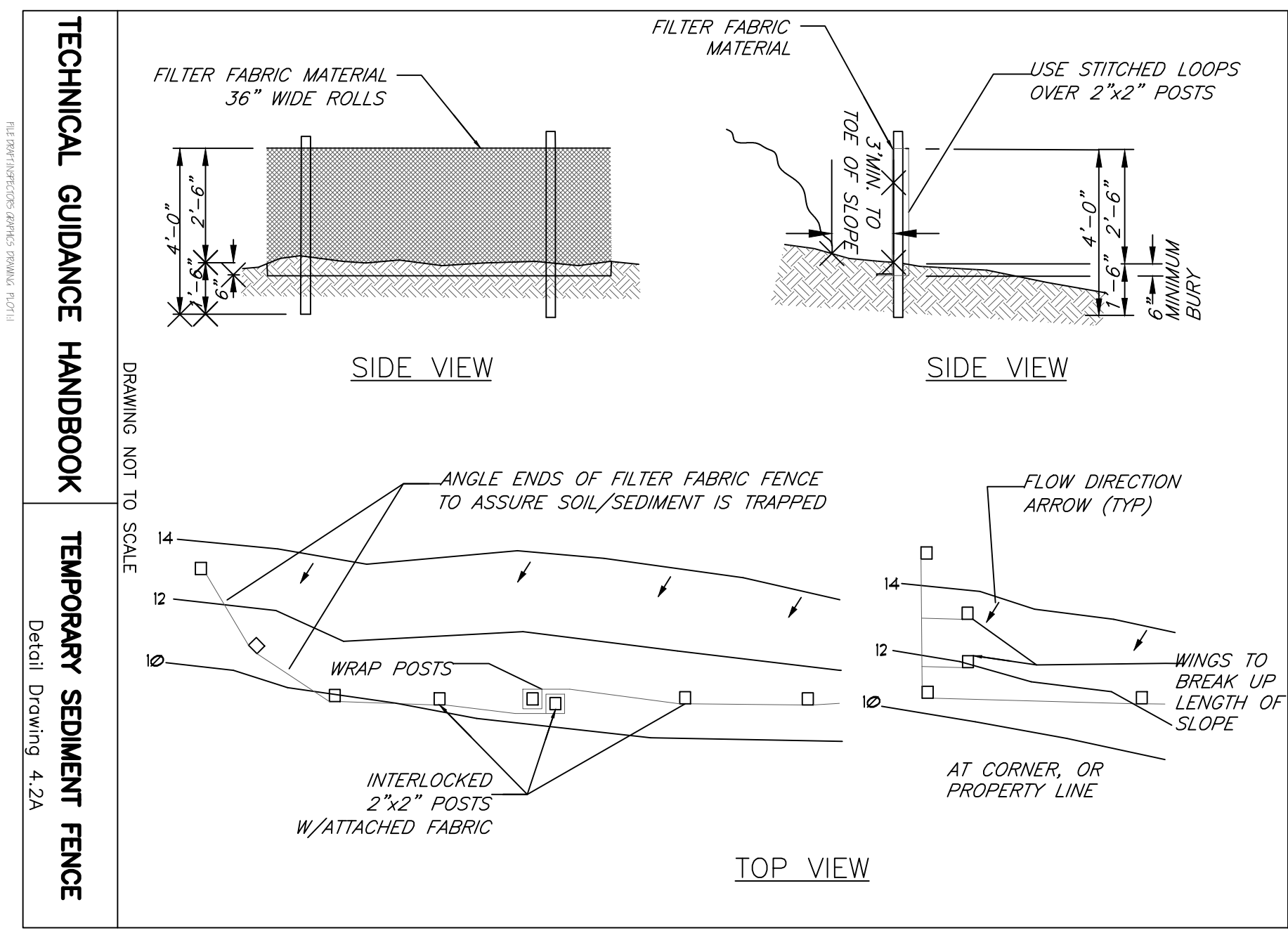
10570 S.W. Citation Drive
Beaverton, Oregon 97008
(503) 579-2421

Peter Magaro
Architect, A.I.A.

NEW CONSTRUCTION:
FROG POND ESTATES
SULLIVAN HOMES, LLC
JOB SITE: WILSONVILLE, OREGON

SITE PLAN
LOT 10 DETACHED
UNIT A & B

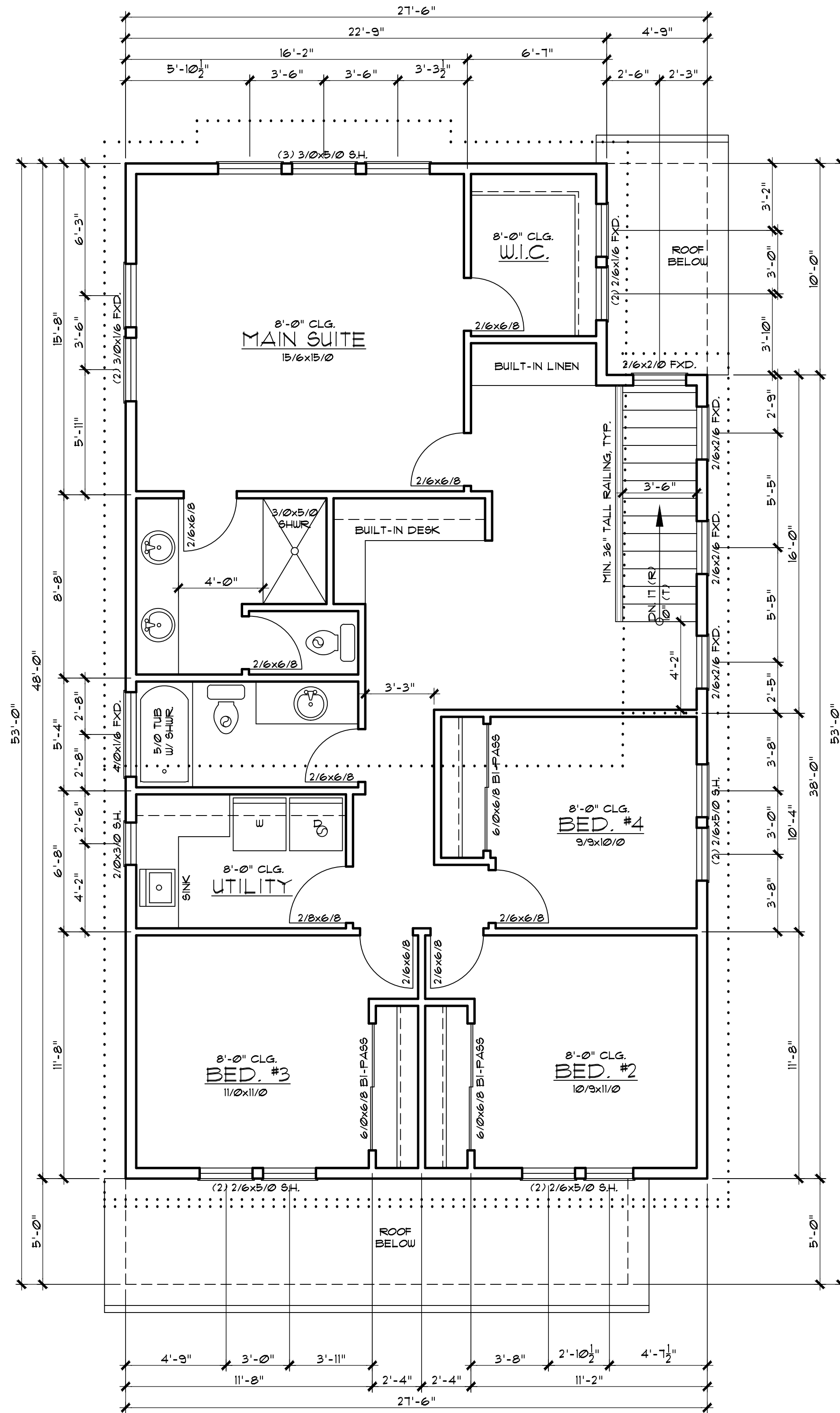
DRAWN: FEW
CHECKED
11-14-2023
SCALE
JOB. NO.
SHEET
1



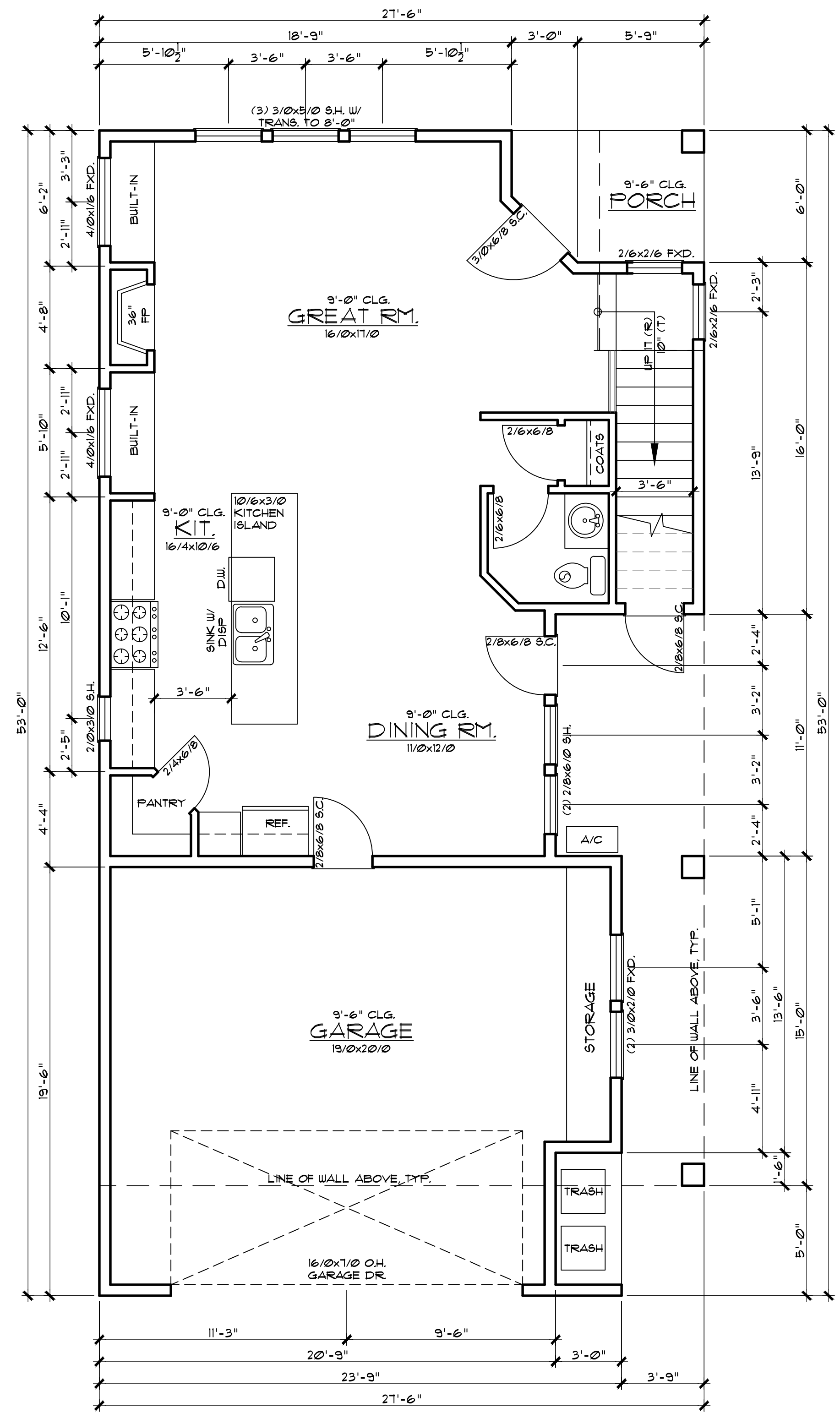
SITE PLAN
SCALE: 3/16" = 1'-0"
WILSONVILLE, OREGON



LOT #10 LOT COVERAGE CALC.
LOT SIZE = 1200 SQ. FT.
HOUSE + COVERED AREAS = 1,462 SQ. FT. UNIT A + 1438
SQ. FT. UNIT B = 2900 SQ. FT. TOTAL = 4028% LOT
COVERAGE



UPPER FLOOR PLAN
SCALE : 1/4" = 1'-0" UNIT B UPPER FLR. = 1226 SQ. FT.



MAIN FLR. FLOOR PLAN
SCALE : 1/4" = 1'-0" UNIT B MAIN FLR. = 196 SQ. FT.

GENERAL NOTES:

- ALL EXTERIOR WALLS & LIVING SPACE SHALL BE 2 X 6 STUDS @ 16" O.C. (UNO.)
- ALL INTERIOR WALLS & GARAGE EXT. WALLS SHALL BE 2 X 4 STUDS @ 16" O.C. (UNO.)
- \odot_{SD} = 110V. SMOKE DETECTOR INTERCONNECTED W/ BATTERY BACKUP.
- \odot = VENT FAN. MIN. 80 CFM IN BATHS WITH BATHING FACILITIES MIN. 50 CFM IN BATHS WITH NO BATHING FACILITIES
- \boxtimes = BEARING POINT (FULL BEARING).
- \square_{CM} CARBON MONOXIDE DETECTOR
- STRUCTURAL DETAILS
REFER TO SHEET S2 FOR STRUCTURAL DETAILS

NEW CONSTRUCTION:
FROG POND ESTATES
PLAN B
SULLIVAN HOMES, LLC
JOB SITE: WILSONVILLE, OREGON

PETER MAGARO
A PROFESSIONAL CORPORATION

10570 S.W. Citation Drive
Beaverton, Oregon 97008
(503) 579-2421

Peter Magaro
Architect, A.I.A.

DRAWN:
PFW
CHECKED:
11-14-2023

SCALE

JOB. NO.

SHEET

2

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Peter Magaro
 Architect, A.I.A.

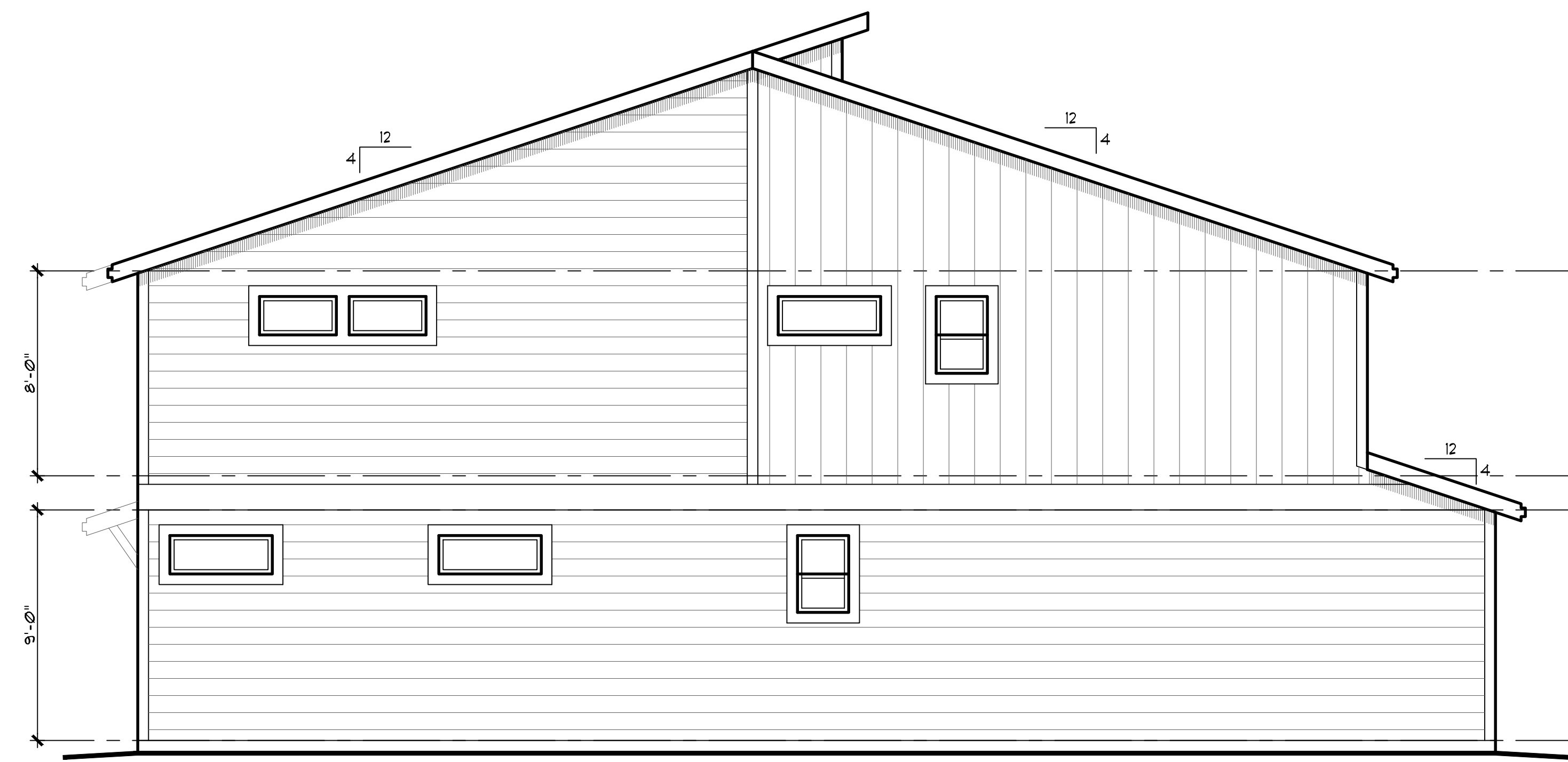
NEW CONSTRUCTION:
 FROG POND ESTATES
 PLAN B
 SULLIVAN HOMES, LLC
 JOB SITE: WILSONVILLE, OREGON

ELEVATIONS
 LOT 10 DETACHED PLAN B

DRAWN: PFW
CHECKED
11-14-2023
SCALE
JOB. NO.
SHEET
3



FRONT ELEVATION
 SCALE : 1/4" = 1'-0"



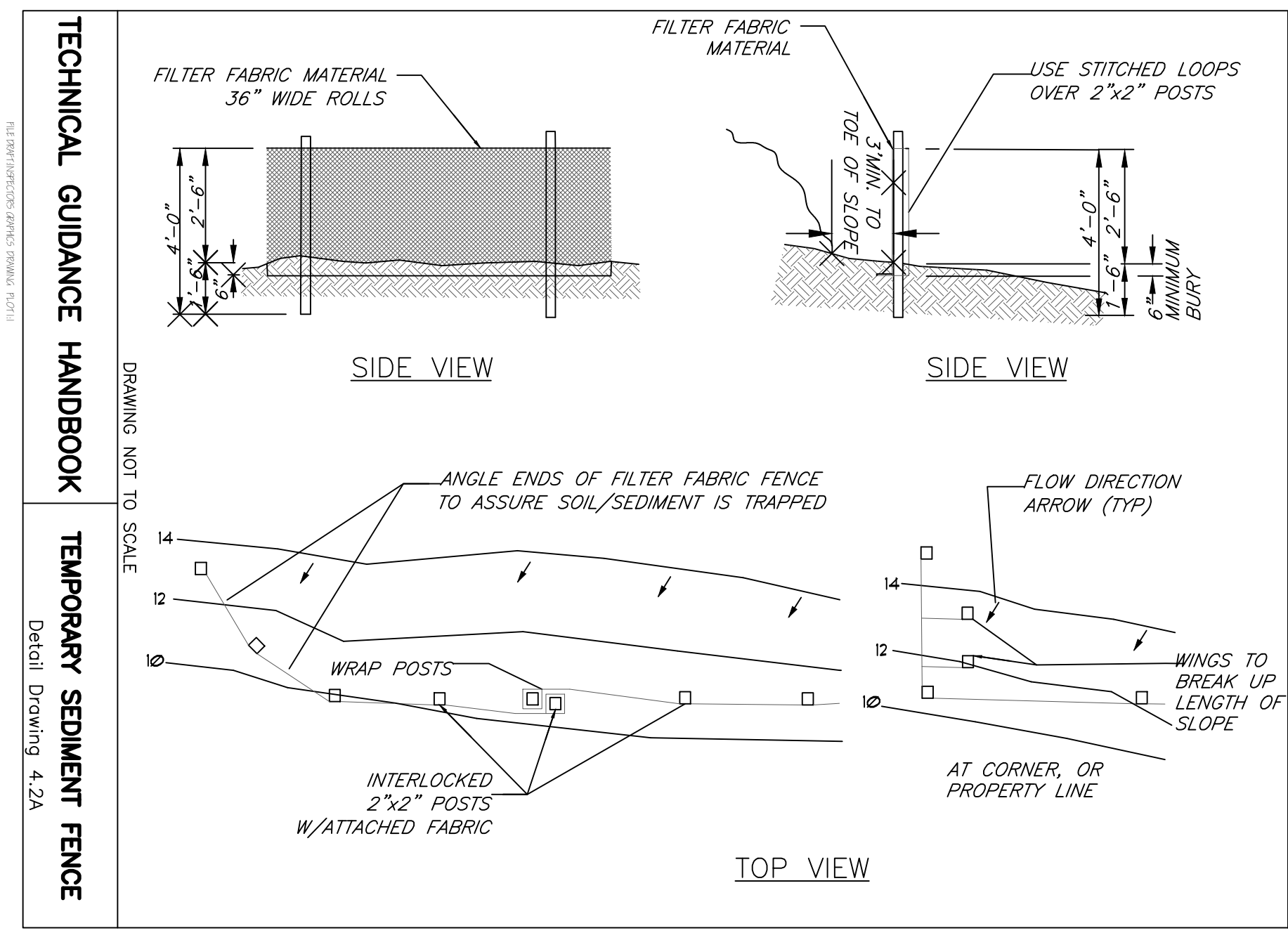
RIGHT SIDE ELEVATION
 SCALE : 1/4" = 1'-0"



REAR ELEVATION
 SCALE : 1/4" = 1'-0"

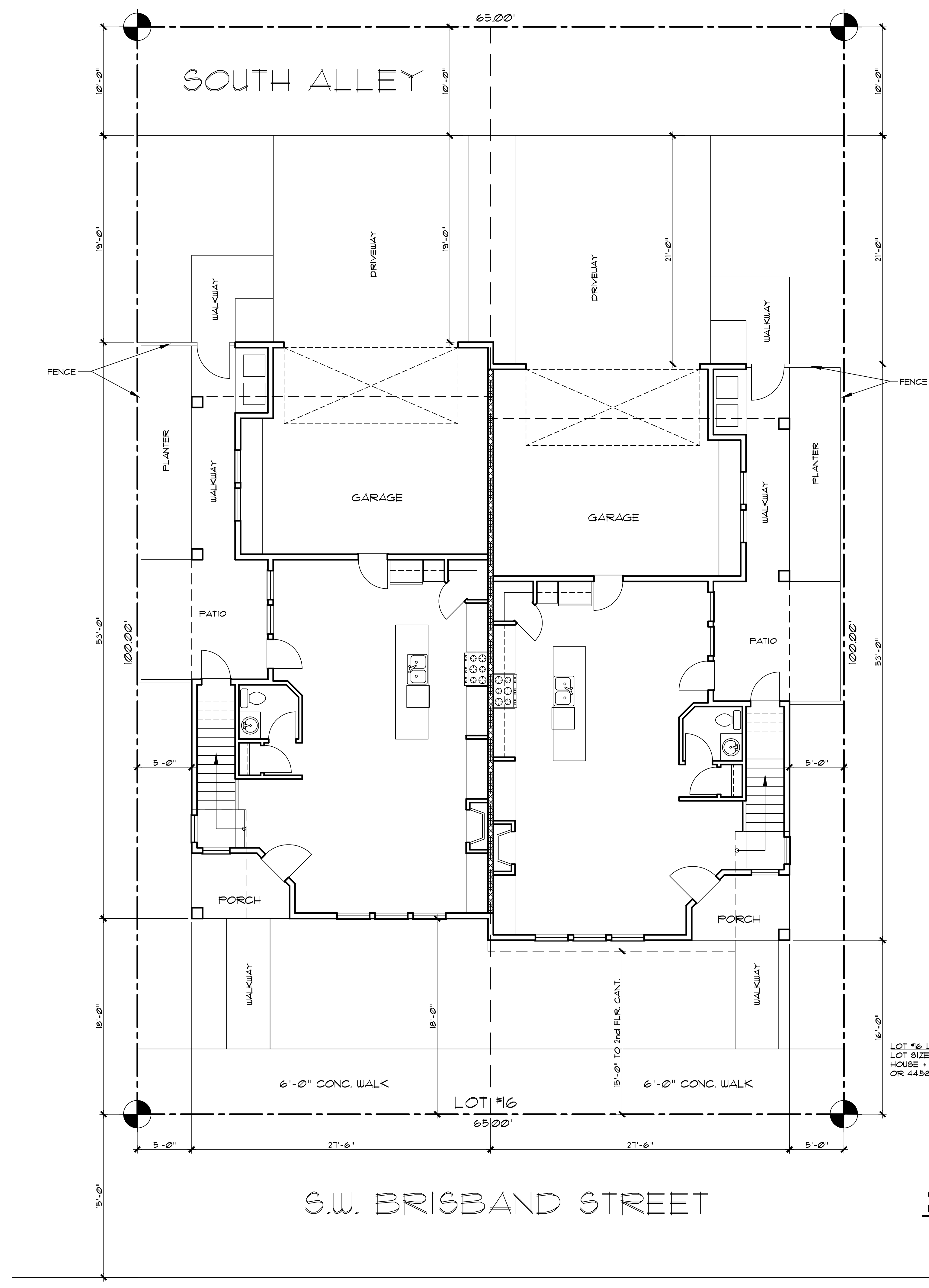


LEFT SIDE ELEVATION
 SCALE : 1/4" = 1'-0"



TECHNICAL GUIDANCE HANDBOOK
 DRAWING NOT TO SCALE
 TEMPORARY SEDIMENT FENCE
 Detail Drawing 4.2A

1 SEDIMENT FENCE DETAIL
 SCALE: N.T.S.



LOT #16 LOT COVERAGE CALC.
 LOT SIZE = 6,500 SQ. FT.
 HOUSE + COVERED AREAS = 2,898 SQ. FT.
 OR 44.58% LOT COVERAGE



SITE PLAN
 SCALE: 3/16" = 1'-0"
 LOT 16 FROG POND ESTATES
 WILSONVILLE, OREGON

REVISIONS	BY

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Peter Magaro
 Architect, A.I.A.

NEW CONSTRUCTION:
 FROG POND ESTATES
 SULLIVAN HOMES, LLC
 JOB SITE: WILSONVILLE, OREGON

SITE PLAN
 LOT 16 DUPLEX

DRAWN: PFW
CHECKED
11-13-2023
SCALE
JOB. NO.
SHEET

1

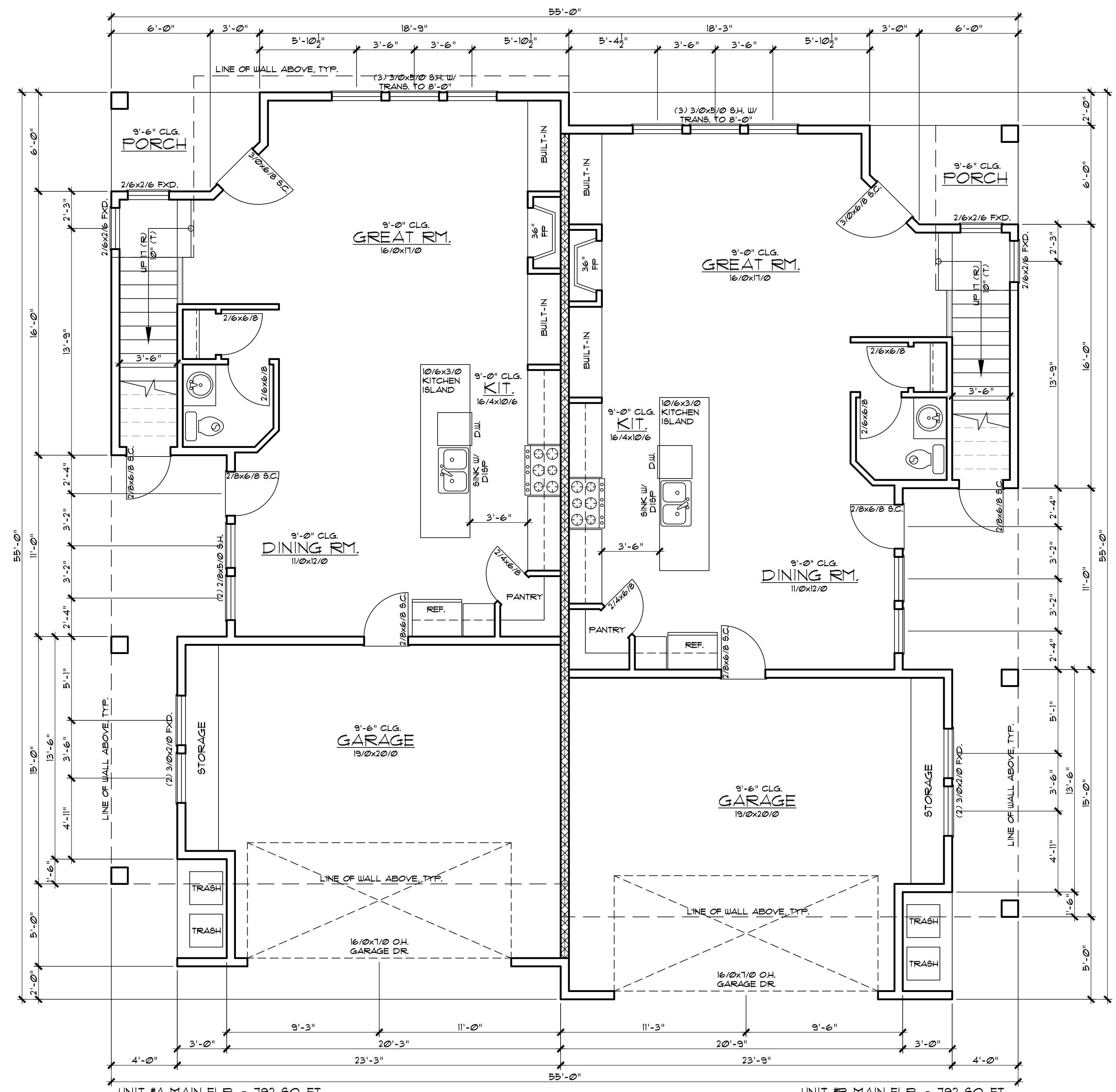
REVISIONS	BY

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 Beaverton, Oregon 97008
 (503) 579-2421
Peter Magaro
 Architect, A.I.A.

NEW CONSTRUCTION:
 FROG POND ESTATES
 SULLIVAN HOMES, LLC
 JOB SITE: WILSONVILLE, OREGON

MAIN FLOOR PLAN
 LOT 16 DUPLEX

DRAWN: PFW
CHECKED: 11-13-2023
SCALE
JOB. NO.
SHEET
2



MAIN FLR. FLOOR PLAN
 SCALE : 1/4" = 1'-0"

GENERAL NOTES:

- ALL EXTERIOR WALLS & LIVING SPACE SHALL BE 2 x 6 STUDS @ 16" O.C. (UNO.)
- ALL INTERIOR WALLS & GARAGE EXT. WALLS SHALL BE 2 x 4 STUDS @ 16" O.C. (UNO.)
- Q_{sp} = 110V. SMOKE DETECTOR INTERCONNECTED W/ BATTERY BACKUP.
- ∅ = VENT FAN. MIN. 80 CFM IN BATHS WITH BATHING FACILITIES MIN. 50 CFM IN BATHS WITH NO BATHING FACILITIES
- ⊠ = BEARING POINT (FULL BEARING).
- CM CARBON MONOXIDE DETECTOR
- **STRUCTURAL DETAILS**
 REFER TO SHEET S2 FOR STRUCTURAL DETAILS

REVISIONS	BY

PETER MAGARO
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 A PROFESSIONAL CORPORATION

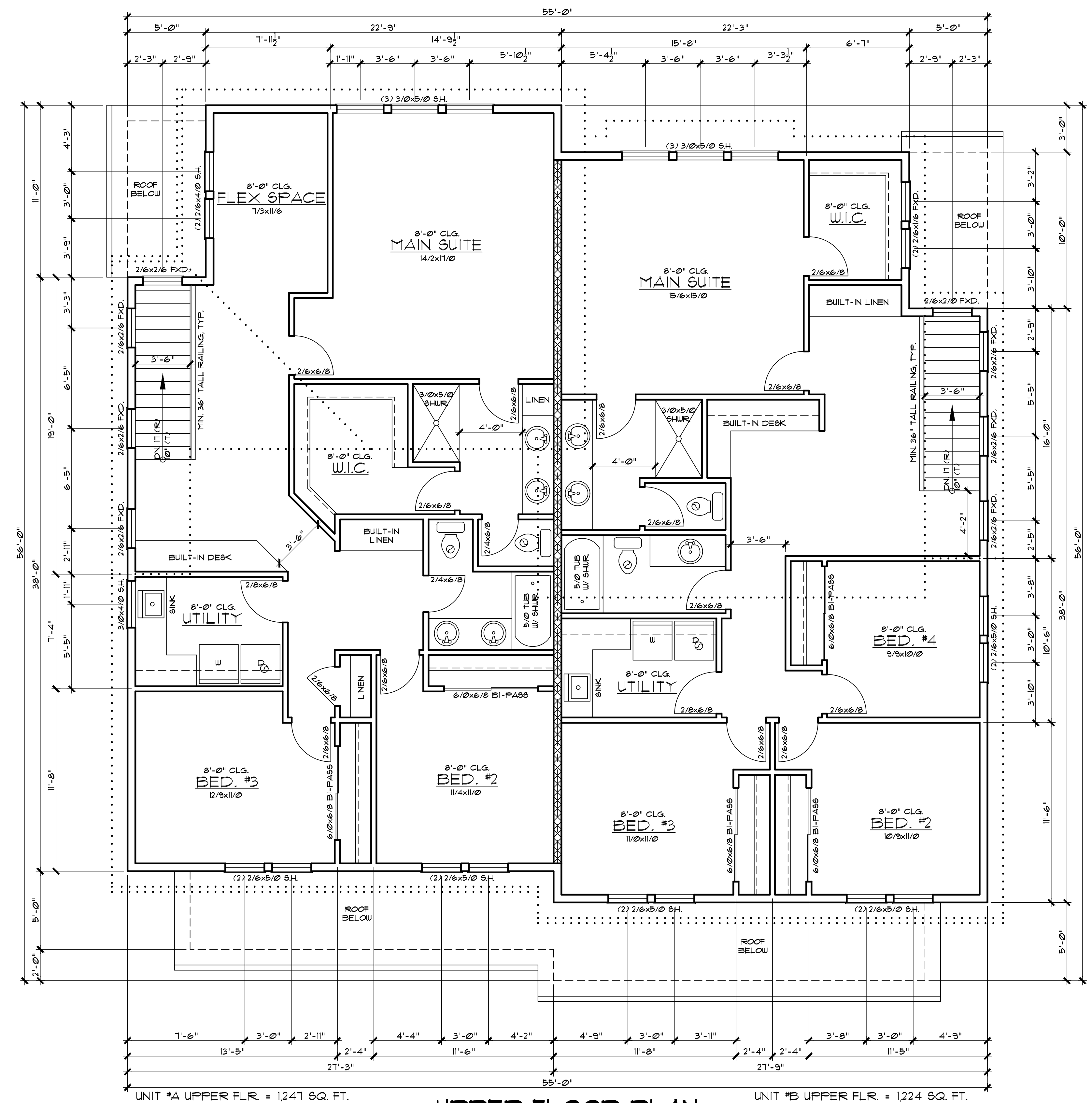
10570 S.W. Citation Drive
 Beaverton, Oregon 97008
 (503) 579-2421

Peter Magaro
 Architect, A.I.A.

NEW CONSTRUCTION:
 FROG POND ESTATES
 SULLIVAN HOMES, LLC
 JOB SITE: WILSONVILLE, OREGON

UPPER FLOOR PLAN
 LOT 16 DUPLEX

DRAWN: PFW
CHECKED: 11-13-2023
SCALE
JOB. NO.
SHEET
3



- GENERAL NOTES:**
- ALL EXTERIOR WALLS @ LIVING SPACE SHALL BE 2 x 6 STUDS @ 16" O.C. (UN.O.)
 - ALL INTERIOR WALLS & GARAGE EXT. WALLS SHALL BE 2 x 4 STUDS @ 16" O.C. (UN.O.)
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 - \boxtimes = BEARING POINT (FULL BEARING).
 - \square_{CM} CARBON MONOXIDE DETECTOR
 - **STRUCTURAL DETAILS**
 REFER TO SHEET S2 FOR STRUCTURAL DETAILS

REVISIONS	BY

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 (503) 579-2421
Peter Magaro
 Architect, A.I.A.

NEW CONSTRUCTION:
 FROG POND ESTATES
 SULLIVAN HOMES, LLC
 JOB SITE: WILSONVILLE, OREGON

ELEVATIONS
 LOT 16 DUPLEX

DRAWN: PFW
CHECKED:
11-13-2023
SCALE
JOB. NO.
SHEET
4



FRONT ELEVATION
 SCALE : 1/4" = 1'-0"



RIGHT SIDE ELEVATION
 SCALE : 1/4" = 1'-0"



REAR ELEVATION
 SCALE : 1/4" = 1'-0"



LEFT SIDE ELEVATION
 SCALE : 1/4" = 1'-0"

REVISIONS	BY

PETER MAGARO
Architecture
 A PROFESSIONAL CORPORATION
 10570 S.W. Citation Drive
 Beaverton, Oregon 97008
 (503) 579-2421

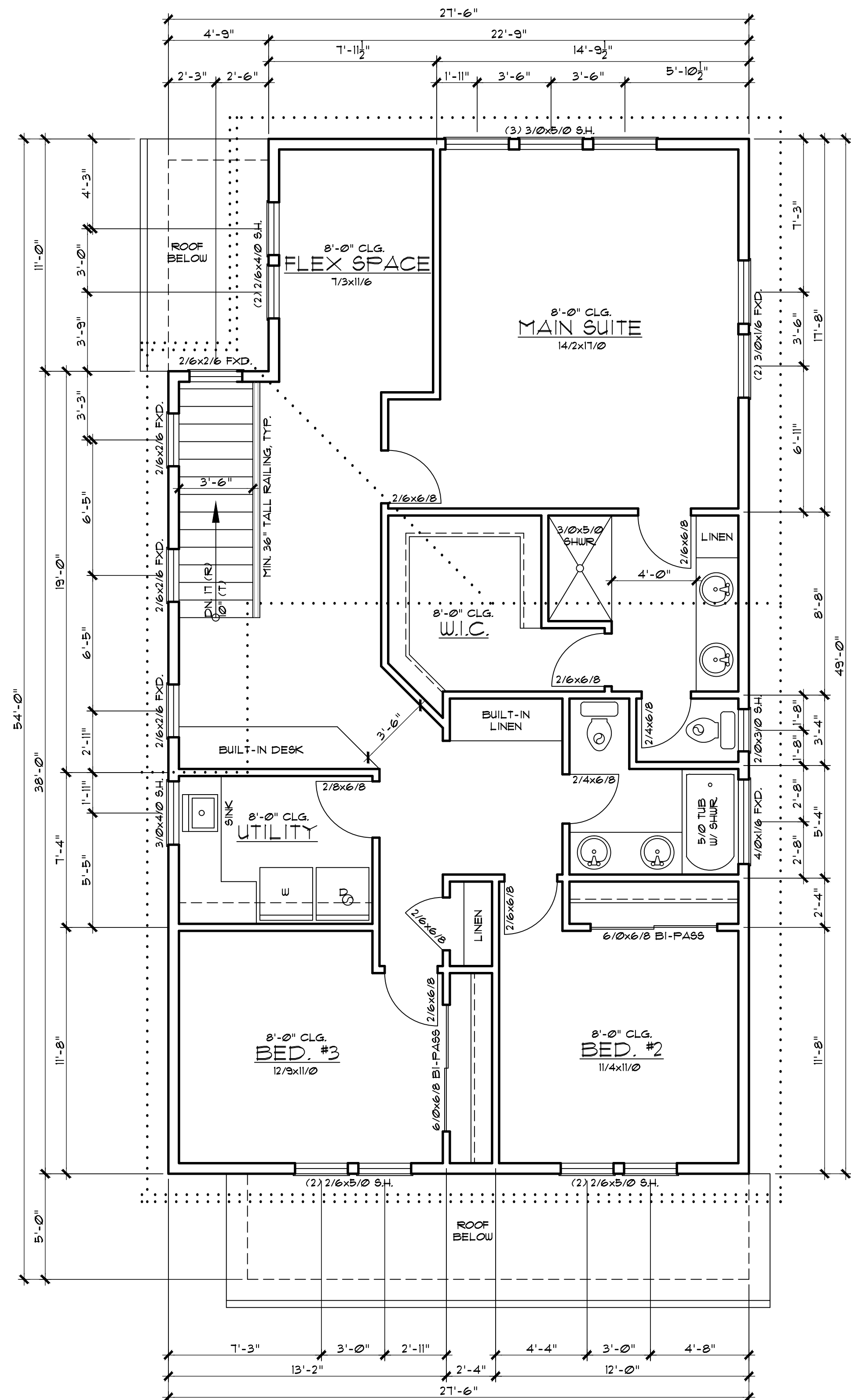
Peter Magaro
 Architect, A.I.A.

NEW CONSTRUCTION:
 FROG POND ESTATES
 PLAN A
 SULLIVAN HOMES, LLC
 JOB SITE: WILSONVILLE, OREGON

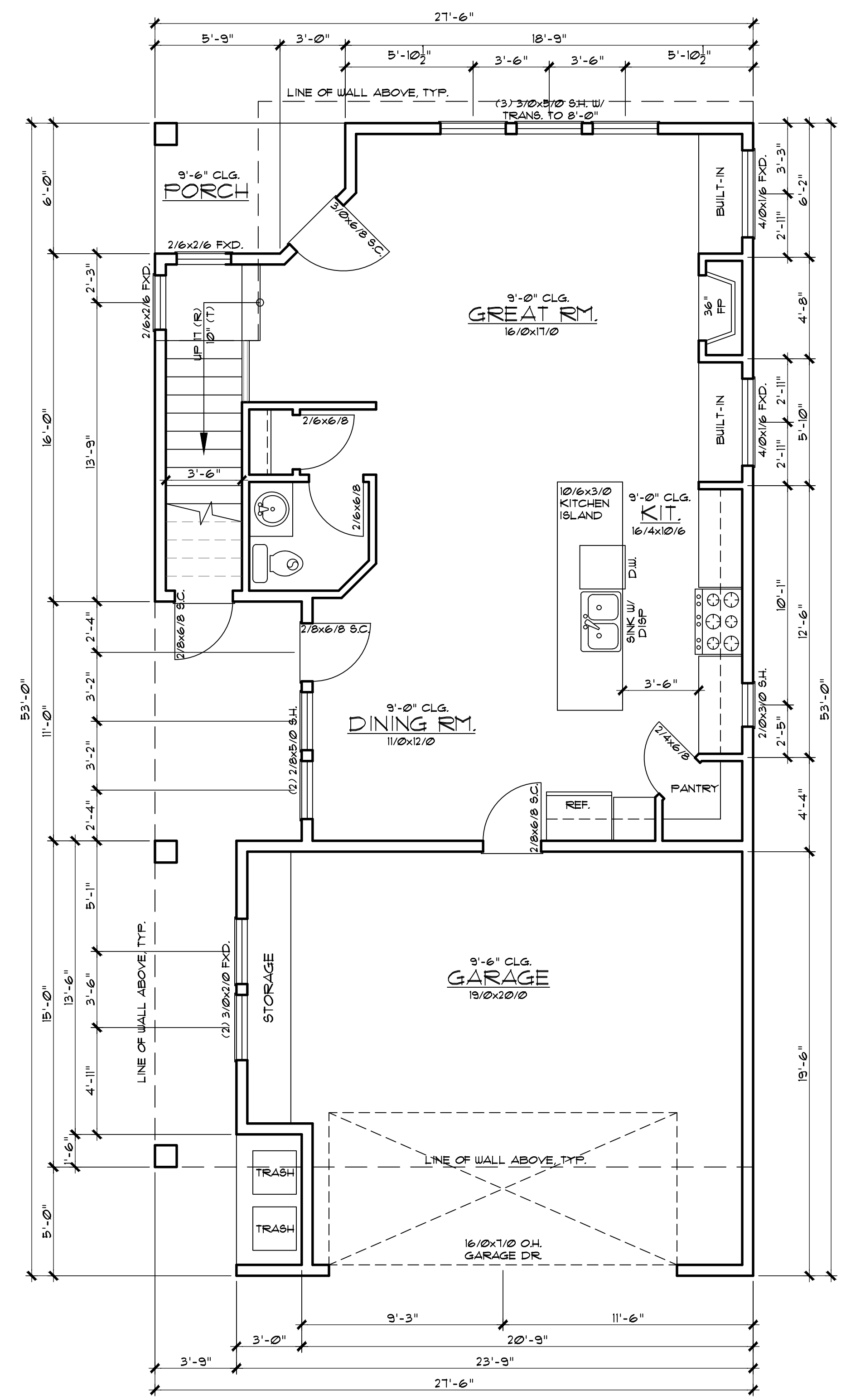
MAIN FLOOR PLAN
 DETACHED PLAN A

DRAWN: PFW
CHECKED: 11-13-2023
SCALE
JOB. NO.
SHEET

1



UPPER FLOOR PLAN
 SCALE : 1/4" = 1'-0" UNIT A UPPER FLR = 1,248 SQ. FT.



MAIN FLOOR PLAN
 SCALE : 1/4" = 1'-0" UNIT A MAIN FLR = 1,396 SQ. FT.

GENERAL NOTES:

- ALL EXTERIOR WALLS @ LIVING SPACE SHALL BE 2 X 6 STUDS @ 16" O.C. (UNO.)
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- \boxtimes = BEARING POINT (FULL BEARING).
- \square_{CM} CARBON MONOXIDE DETECTOR
- **STRUCTURAL DETAILS**
 REFER TO SHEET S2 FOR STRUCTURAL DETAILS

REVISIONS	BY

PETER MAGARO
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 A PROFESSIONAL CORPORATION

10570 S.W. Citation Drive
 Beaverton, Oregon 97008
 (503) 579-2421

Peter Magaro
 Architect, A.I.A.

NEW CONSTRUCTION:
 FROG POND ESTATES
 PLAN A
 SULLIVAN HOMES, LLC
 JOB SITE: WILSONVILLE, OREGON

ELEVATIONS
 DETACHED PLAN A

DRAWN: PFW
CHECKED
11-13-2023
SCALE
JOB. NO.
SHEET
2



FRONT ELEVATION
 SCALE : 1/4" = 1'-0"



RIGHT SIDE ELEVATION
 SCALE : 1/4" = 1'-0"

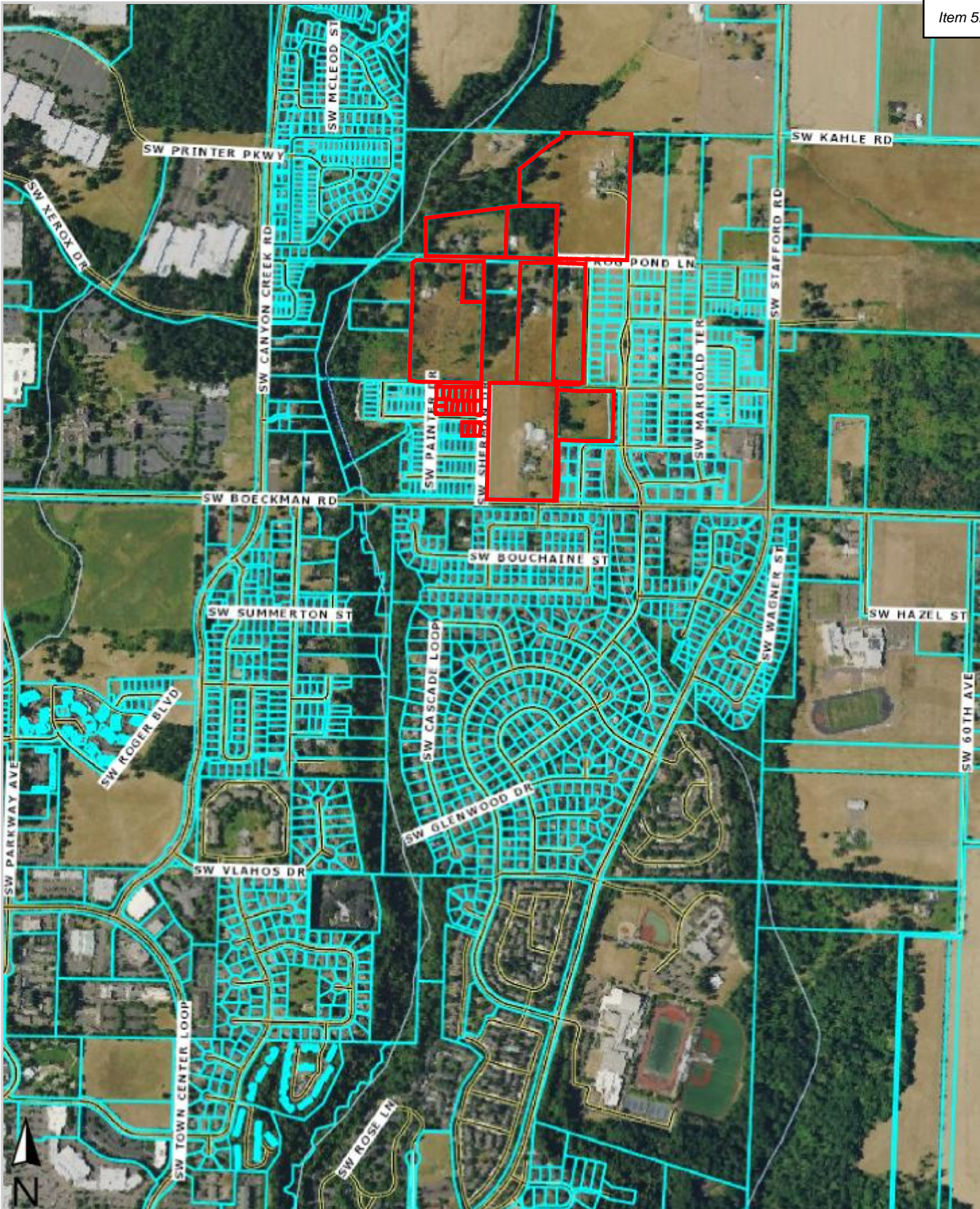


REAR ELEVATION
 SCALE : 1/4" = 1'-0"



LEFT SIDE ELEVATION
 SCALE : 1/4" = 1'-0"

Exhibit N: 250-Foot Radius Notification Labels



This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

31W12D 00500
Darrell Lauer
6901 SW Frog Pond Ln
Wilsonville, OR 97070

31W12D 01100
Ohogan P J Trustee
7400 SW Frog Pond Ln
Wilsonville, OR 97070

31W12D 01501
West Hills Land Development LLC
3330 NW Yeon Ste 200
Portland, OR 97210

31W12DC05100
Kristin McCallum
7230 SW Woodbury Loop
Wilsonville, OR 97070

31W12DC05400
Austin Hanlon
27752 SW Painter Dr
Wilsonville, OR 97070

31W12DC05700
Sudhir Isharwal
7247 SW Woodbury Loop
Wilsonville, OR 97070

31W12DC06000
Erica Dephillips
7223 SW Woodbury Loop
Wilsonville, OR 97070

31W12DC06300
Ding William & Na Li
7224 SW Brisband St
Wilsonville, OR 97070

31W12DC06600
Kameron Beeks
7248 SW Brisband St
Wilsonville, OR 97070

31W12DD22700
Venture Properties Inc
4230 Galewood St #100
Lake Oswego, OR 97035

31W12D 00700
West Hills Land Development LLC
3330 NW Yeon Ste 200
Portland, OR 97210

31W12D 01101
Victor Foksha
28576 SW Cascade Loop
Wilsonville, OR 97070

31W12DD00400
West Linn-Wils Sch Dist #3
22210 SW Stafford Rd
Tualatin, OR 97062

31W12DC05200
Donald Olson
7222 SW Woodbury Loop
Wilsonville, OR 97070

31W12DC05500
Thunyarak Katikavongkhachorn
27740 SW Painter Dr
Wilsonville, OR 97070

31W12DC05800
Stephanie Saito
7239 SW Woodbury Loop
Wilsonville, OR 97070

31W12DC06100
Mary Darm
16755 Graef Cir
Lake Oswego, OR 97035

31W12DC06400
Rory Morgan
7232 SW Brisband St
Wilsonville, OR 97070

31W12DC06700
Michael Vu
7256 SW Brisband St
Wilsonville, OR 97070

31W12D 00800
Robb Crocker
7115 SW Frog Pond Ln
Wilsonville, OR 97070

31W12D 01400
Paul Woebkenberg Jr
7130 SW Frog Pond Ln
Wilsonville, OR 97070

31W12DC04500
West Linn-Wils Sch Dist #3
22210 SW Stafford Rd
Tualatin, OR 97062

31W12DC05300
Imran Haider
7214 SW Woodbury Loop
Wilsonville, OR 97070

31W12DC05600
Taylor Collins
7255 SW Woodbury Loop
Wilsonville, OR 97070

31W12DC05900
Claudia Gonzales
7231 SW Woodbury Loop
Wilsonville, OR 97070

31W12DC06200
Julie Shelton-Egan
7216 SW Brisband Loop
Wilsonville, OR 97070

31W12DC06500
Rachel Obrien
7240 SW Brisband St
Wilsonville, OR 97070

31W12DC06800
Lauren Mclver
7264 SW Brisband St
Wilsonville, OR 97070

Exhibit O: Service Provider Letters (Updated Nov 2023)



10295 Southwest Riddle Road, Wilsonville, OR 97070
6505.576.0626 1.503.537.9307 republicservices.com

November 17, 2023

Nathan Ahrend
AKS Engineering & Forestry, LLC

Re: Cottage Park Place
Frog Pond Residential
Wilsonville, OR 97070

Dear Nathan,

Thank you, for sending us the preliminary site plans for this proposed development in Wilsonville OR.

My Company: Republic Services of Clackamas and Washington Counties has the franchise agreement to service this area with the City of Wilsonville. We will provide complete commercial waste removal and recycling services as needed on a weekly basis for this location.

Upon final completion of public streets, residential trash and recycle collection for all lots identified in this project will occur utilizing our automated residential collection vehicles. Residential collection receptacles will be serviced curbside on primary roadways, SW Brisband St., SW Sherman Dr., SW J St., and SW Frog Pond Ln.

Interim Specific receptacle placement:

- Lots 1-6 placed at curb on SW Frog Pond Ln.
- Lots 7-17 placed at curb on SW Brisband St.

Following completion of SW J Street, when collection trucks have clear passage to connecting street(s) lots 7 – 17 placements and service will occur curbside on SW Brisband St., SW Sherman Dr., or SW J St.

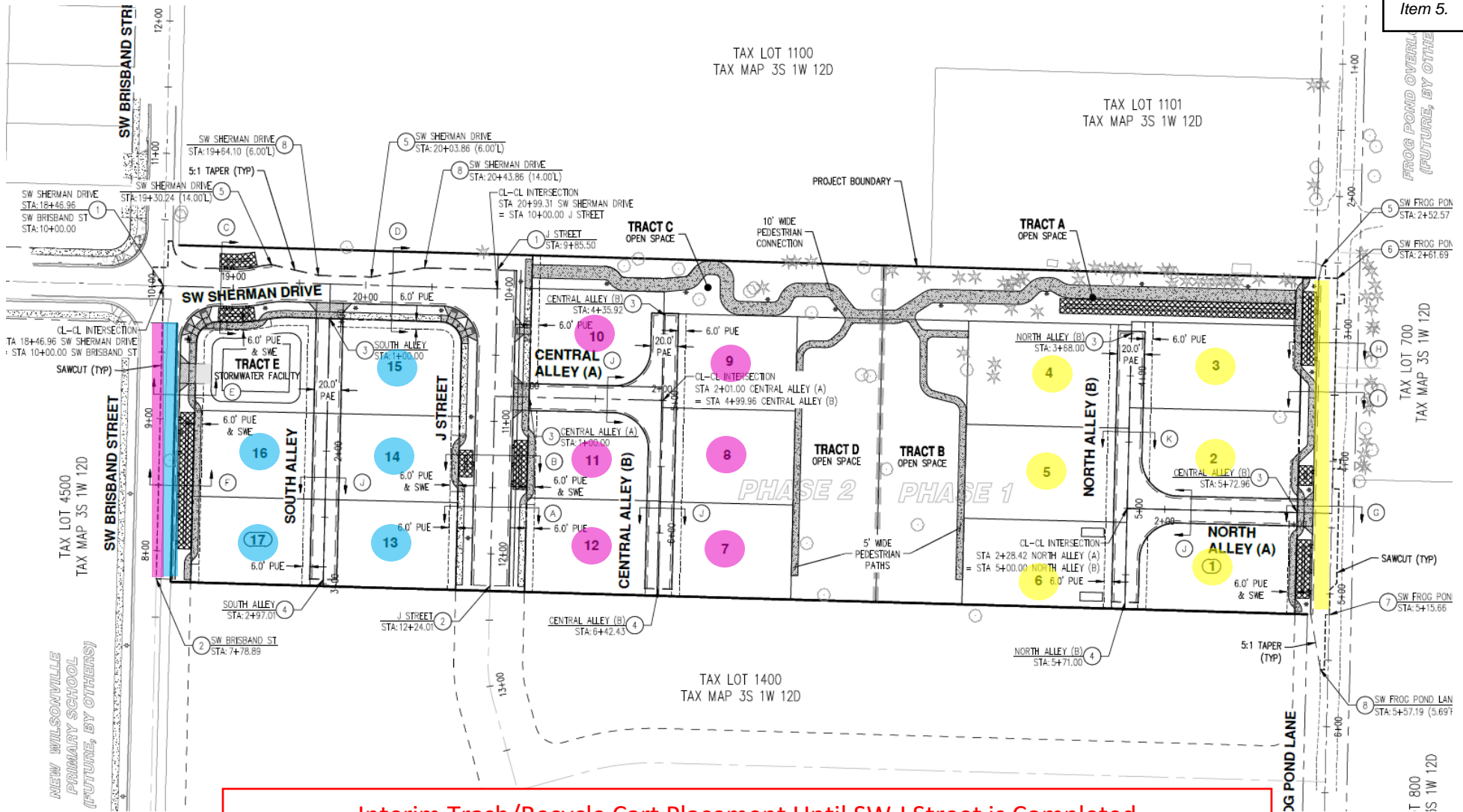
We request that residential collection receptacle placement requirements be addressed with specific recorded CC&Rs against the lots with compliance and enforcement by the HOA. Any future changes to service is to be approved by Republic Services (e.g. SW J street is extended east to create full passage).

Thanks Nathan, for your help and concerns for our services prior to this project being developed.

Sincerely,



Kelly Herrod
Operations Supervisor
Republic Services Inc.



Interim Trash/Recycle Cart Placement Until SW J Street is Completed
 and Collection Trucks Have Clear Passage to Connecting Street(s)

 Units 1 thru 6 Must Place Carts at SW Frog Pond Ln.
 Units 7 thru 17 Must Place Carts at SW Brisband St.

 Carts Should Be Curbside by 6:00AM Collection Day or The Night Before

**FIRE CODE / LAND USE / BUILDING REVIEW
APPLICATION**

Item 5.



North Operating Center
11945 SW 70th Avenue
Tigard, OR 97223
Phone: 503-649-8577

South Operating Center
8445 SW Elligsen Rd
Wilsonville, OR 97070
Phone: 503-649-8577

REV 6-30-20

Project Information

Applicant Name: AKS Engineering & Forestry, LLC
Glen Southerland, AICP
Address: 12965 SW Herman Road, Suite 100, Tualatin
Phone: (503) 563-6151
Email: SoutherlandG@aks-eng.com
Site Address: 7252 SW Frog Pond Lane
City: Wilsonville
Map & Tax Lot #: Map 31W12D; Tax Lots 1200 and 1300
Business Name: Sullivan Homes, LLC
Land Use/Building Jurisdiction: Wilsonville
Land Use/ Building Permit # _____

Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

Project Description

34-lot single-family attached subdivision on ±5-acre site

Permit/Review Type (check one):

- Land Use / Building Review - Service Provider Permit
- Emergency Radio Responder Coverage Install/Test
- LPG Tank (Greater than 2,000 gallons)
- Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
 - * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
- Explosives Blasting (Blasting plan is required)
- Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
- Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
- Temporary Haunted House or similar
- OLCC Cannabis Extraction License Review
- Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

For Fire Marshal's Office Use Only

TVFR Permit # 2023-0023
Permit Type: SPP - Wilsonville
Submittal Date: 3/2/2023
Assigned To: McGladrey
Due Date: 3/7/2023
Fees Due: N/A
Fees Paid: 0

Approval/Inspection Conditions
(For Fire Marshal's Office Use Only)

This section is for application approval only

McL 3/7/2023
Fire Marshal or Designee Date

Conditions:

See Attached Conditions: Yes No

Site Inspection Required: Yes No

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID

Date 449



AKS ENGINEERING & FORESTRY, LLC
12865 SW HERMAN RD., STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

- NOTES:**
- TRACT A IS INTENDED TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS OPEN SPACE AND IS SUBJECT TO A PUBLIC ACCESS EASEMENT OVER ITS ENTIRETY.
 - TRACT B IS FOR STORMWATER TREATMENT AND LANDSCAPE PURPOSES. IT IS SUBJECT TO A STORM DRAINAGE EASEMENT OVER ITS ENTIRETY TO BENEFIT THE CITY OF WILSONVILLE.
 - TRACT C IS INTENDED TO EITHER BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS OPEN SPACE OR DEDICATED TO THE CITY OF WILSONVILLE, AND IS SUBJECT TO A PUBLIC UTILITY EASEMENT OVER ITS ENTIRETY.
 - THE APPROVAL OF THE MIDDLE HOUSING LAND DIVISION IS PURSUANT TO ORS 92.010 TO 92.192, AS APPLICABLE.

EASEMENT LEGEND

PAE	PUBLIC ACCESS AND UTILITY EASEMENT
PSTE	PUBLIC STREET TREE EASEMENT
PUE	PUBLIC UTILITY EASEMENT

LOT SIZE SUMMARY

	SUBDISTRICT 4 R-7	SUBDISTRICT 7 R-10
MIN. LOT SIZE	6,000 SF	8,000 SF

SUMMARY OF LAND USES

LAND USE	SF	PERCENTAGE OF PROPERTY
1. GROSS AREA IN PLAT	217,971	—
2. LANDSCAPE COVERAGE AREA/OPEN SPACE	22,777	10%
3. ROW	59,811	28%
4. LOT AREA	128,266	59%
5. STORMWATER FACILITY	7,117	3%

SETBACKS

	R-7	R-10
FRONT	15 FT	20 FT
REAR	15 FT	20 FT
SIDE - INTERNAL	5 FT	5 FT
SIDE - CORNER	10 FT	10 FT
GARAGE - FROM STREET	20 FT	20 FT
GARAGE - FROM ALLEY	18 FT	18 FT
FRONT PORCH	10 FT	15 FT



APPROVED PLANS
APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.

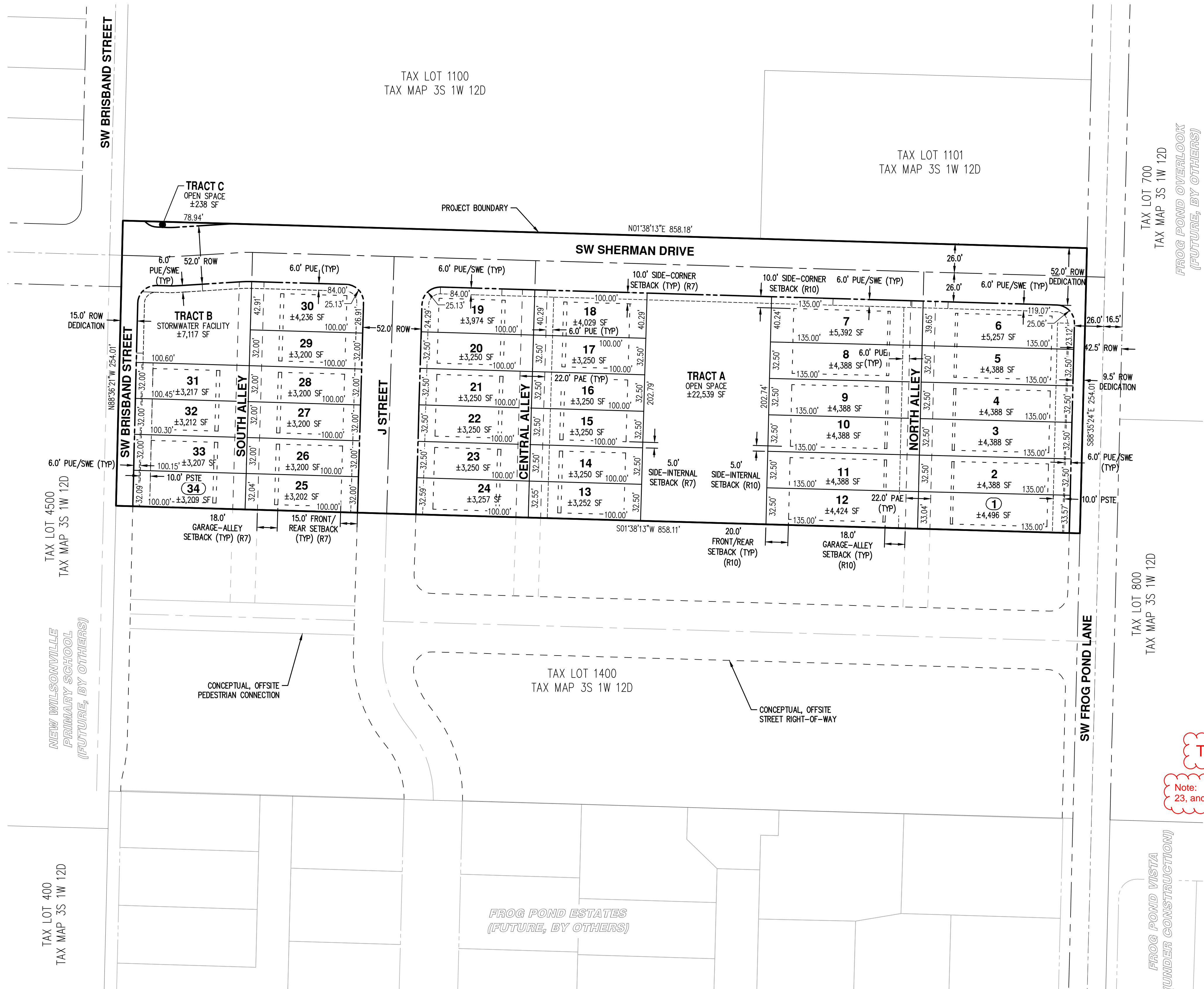
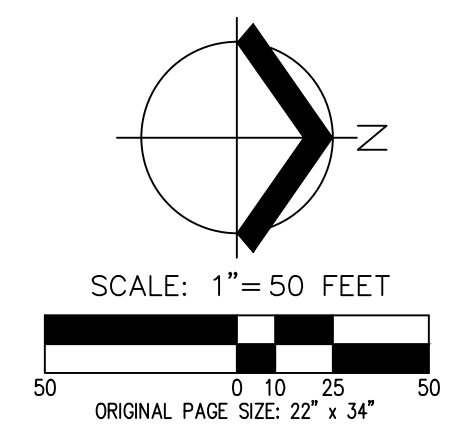
Ally McElh
Deputy Fire Marshal II

TVFR & Permit #2023-0023

Note: Removed temporary turnarounds on lots 1, 2, 23, and 24.

NOTE:
THESE PLANS ASSUME THE NEARBY FROG POND OVERLOOK SUBDIVISION AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL WILL BE CONSTRUCTED PRIOR TO OR CONCURRENT WITH THIS SUBDIVISION.

DISCLAIMER:
THE PURPOSE OF THIS PRELIMINARY DIMENSIONED PLAN IS TO SHOW LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL RECORDED FINAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES. ALL DIMENSIONS ARE SUBJECT TO CHANGE.



**PRELIMINARY DIMENSIONED SUBDIVISION PLAN
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON**

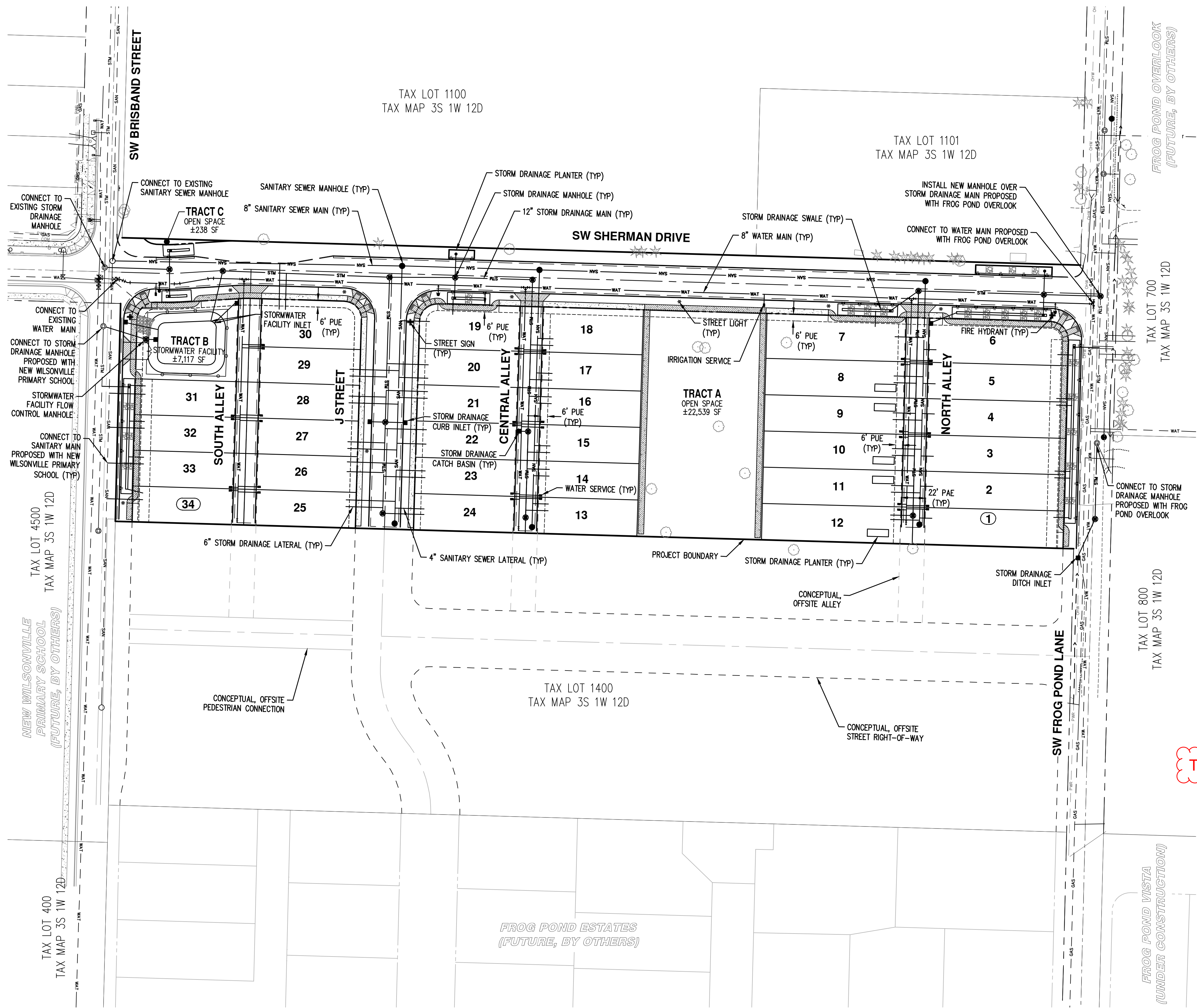
**PRELIMINARY
NOT FOR
CONSTRUCTION**

JOB NUMBER:	6175
DATE:	04/27/2023
DESIGNED BY:	NRA
DRAWN BY:	JJA
CHECKED BY:	CMS

EASEMENT LEGEND

P/AE	PUBLIC ACCESS AND UTILITY EASEMENT
P/STE	PUBLIC STREET TREE EASEMENT
P/UE	PUBLIC UTILITY EASEMENT

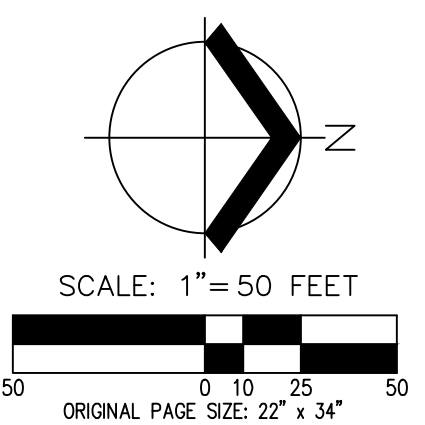
NOTE:
 STORM, SANITARY, AND WATER MAINS SHOWN ON TAX LOT 4500 AND WITHIN FROG POND LANE ADJACENT TO THE SITE ARE SCHEMATIC IN NATURE AND ASSUMED TO BE INSTALLED WITH THE NEARBY FROG POND OVERLOOK SUBDIVISION AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL PRIOR TO OR CONCURRENT WITH THIS SUBDIVISION.



APPROVED PLANS
 APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.

Alex McEll
 Deputy Fire Marshal II

TVFR & Permit #2023-0023



**PRELIMINARY COMPOSITE UTILITY PLAN
 FROG POND COTTAGE PARK PLACE
 SULLIVAN HOMES, LLC.
 WILSONVILLE, OREGON**

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

JOB NUMBER:	6175
DATE:	04/27/2023
DESIGNED BY:	NRA
DRAWN BY:	JJA
CHECKED BY:	CMS

- NOTES:**
- TRACTS A, B, C, AND D ARE INTENDED TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS OPEN SPACE AND ARE SUBJECT TO A PUBLIC ACCESS EASEMENT OVER THEIR ENTIRETY.
 - TRACT E IS FOR STORMWATER TREATMENT AND LANDSCAPE PURPOSES. IT IS SUBJECT TO A STORM DRAINAGE EASEMENT OVER ITS ENTIRETY TO BENEFIT THE CITY OF WILSONVILLE.

EASEMENT LEGEND

PAE	PUBLIC ACCESS AND UTILITY EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SWE	SIDEWALK EASEMENT

LOT COVERAGE SUMMARY

	SUBDISTRICT 9 R-7	SUBDISTRICT 8 R-10
MAX. LOT COVERAGE*	45%	40%

*LOT COVERAGE INCLUDES BUILDINGS ONLY.

LOT SIZE SUMMARY

	SUBDISTRICT 4 R-7	SUBDISTRICT 7 R-10
MIN. LOT SIZE	6,000 SF	8,000 SF

SUMMARY OF LAND USES

LAND USE	SF	PERCENTAGE OF PROPERTY
1. GROSS AREA IN PLAT	217,971	—
2. LANDSCAPE COVERAGE AREA/OPEN SPACE	49,034	22.5%
3. ROW	30,185	13.8%
4. LOT AREA	131,872	60.5%
5. STORMWATER FACILITY	6,880	3.2%

SETBACKS

	R-7	R-10
FRONT	15 FT	20 FT
REAR	15 FT	20 FT
SIDE - INTERNAL	5 FT	5 FT
SIDE - CORNER	10 FT	10 FT
GARAGE - FROM STREET	20 FT	20 FT
GARAGE - FROM ALLEY	18 FT	18 FT
FRONT PORCH	10 FT	15 FT

TVF&R
Tualatin Valley Fire & Rescue

APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.

Ally McEll
Deputy Fire Marshal II

TVF&R Permit #2023-0023

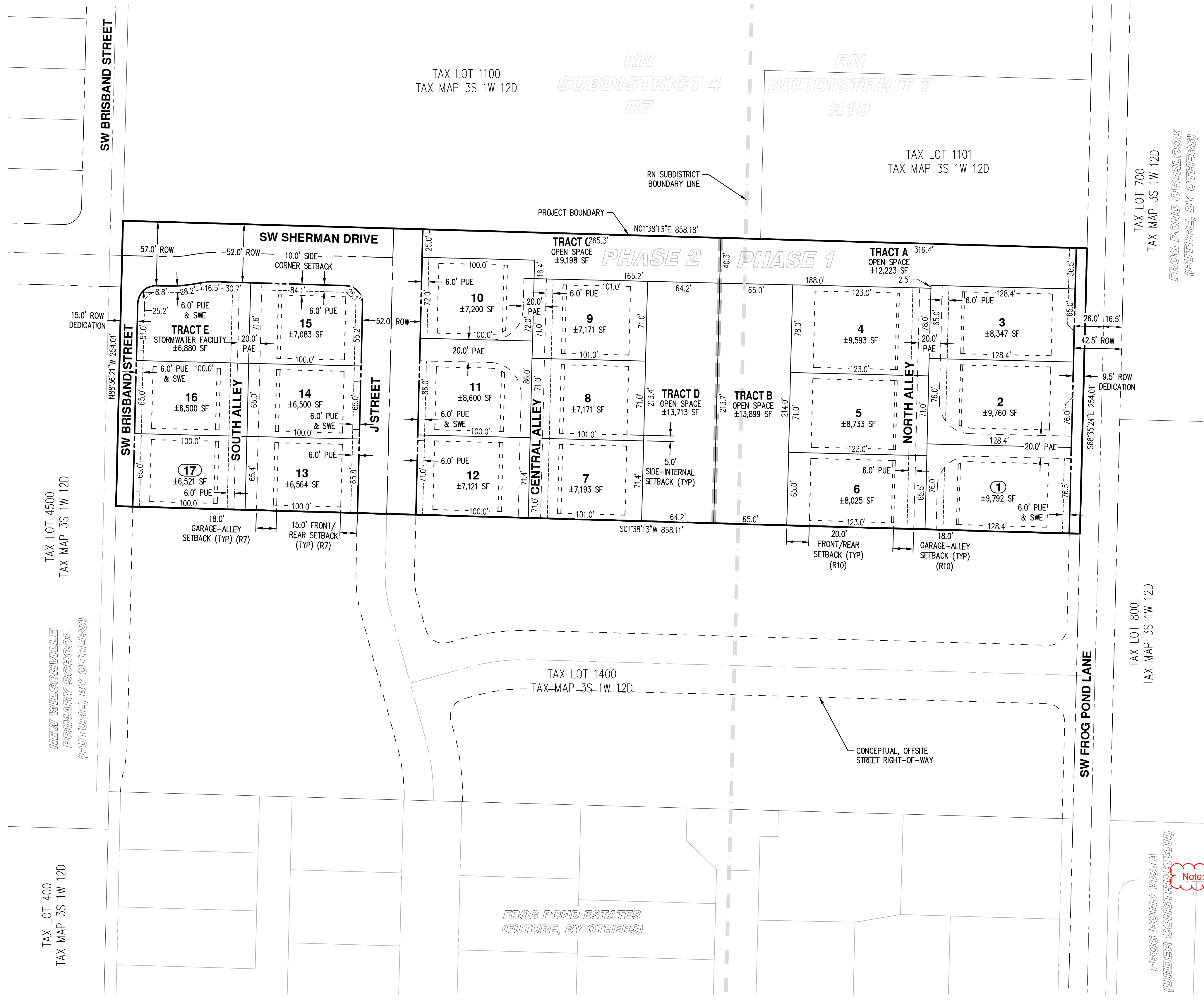
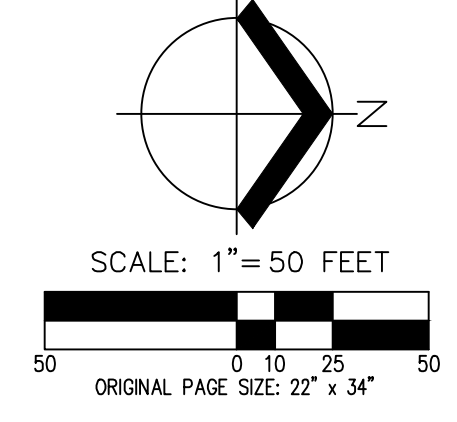
Note: Changed access layout and hydrant placement.

DISCLAIMER:

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NOTE:

THESE PLANS ASSUME THE NEARBY FROG POND OVERLOOK SUBDIVISION AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL WILL BE CONSTRUCTED PRIOR TO OR CONCURRENT WITH THIS DEVELOPMENT.



PRELIMINARY DIMENSIONED SUBDIVISION PLAN
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON

REGISTERED PROFESSIONAL ENGINEER
PRELIMINARY
NOT FOR CONSTRUCTION
COURTESY B. WILSONVILLE
RENEWAL DATE: 6/30/25

JOB NUMBER:	6175
DATE:	11/06/2023
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	CMS



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD., STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

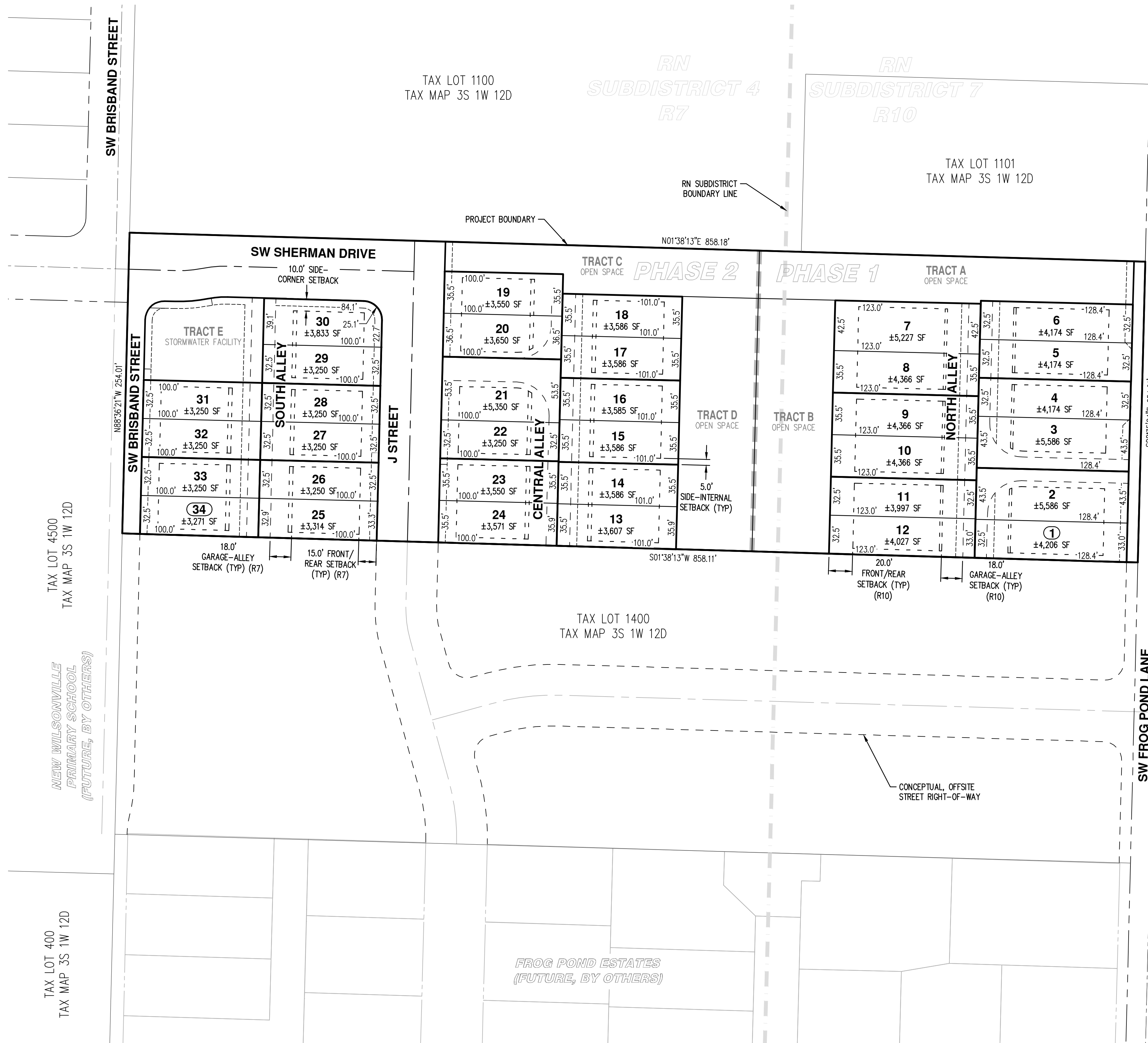
NOTES:

- FURTHER DIVISION OF THE RESULTING MIDDLE HOUSING LAND DIVISION UNITS IS PROHIBITED.
- THE APPROVAL OF THE MIDDLE HOUSING LAND DIVISION IS PURSUANT TO ORS 92.010 TO 92.192, AS APPLICABLE.

LOT COVERAGE SUMMARY		
	SUBDISTRICT 9 R-7	SUBDISTRICT 8 R-10
MAX. LOT COVERAGE*	45%	40%

*LOT COVERAGE INCLUDES BUILDINGS ONLY.

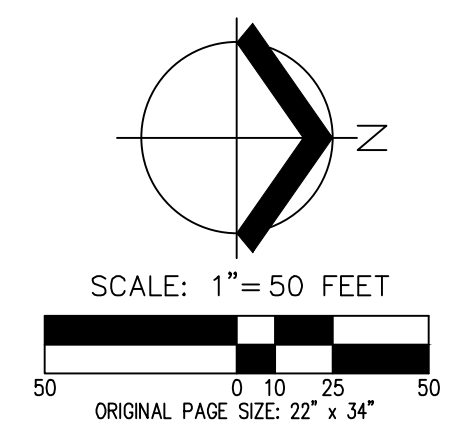
SETBACKS		
	R-7	R-10
FRONT	15 FT	20 FT
REAR	15 FT	20 FT
SIDE - INTERNAL	5 FT	5 FT
SIDE - CORNER	10 FT	10 FT
GARAGE - FROM STREET	20 FT	20 FT
GARAGE - FROM ALLEY	18 FT	18 FT
FRONT PORCH	10 FT	15 FT



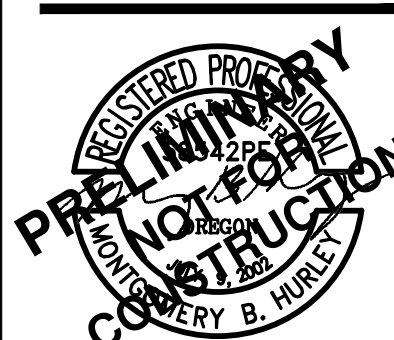
TVF&R Permit #2023-0023

DISCLAIMER:
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NOTE:
THESE PLANS ASSUME THE NEARBY FROG POND OVERLOOK SUBDIVISION AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL WILL BE CONSTRUCTED PRIOR TO OR CONCURRENT WITH THIS DEVELOPMENT.



PRELIMINARY MIDDLE HOUSING LAND DIVISION PLAT
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON



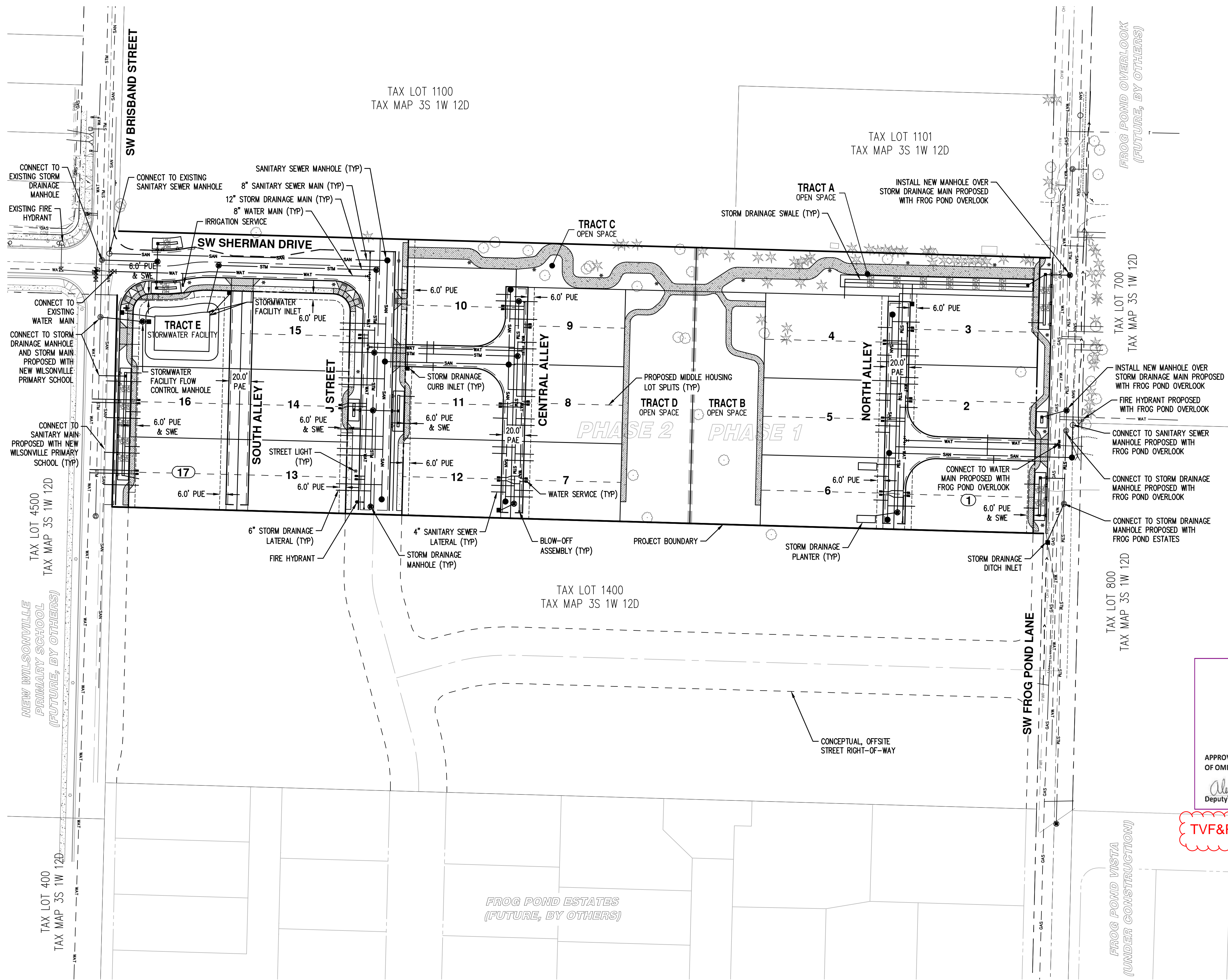
JOB NUMBER:	6175
DATE:	11/06/2023
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	CMS

P-07

EASEMENT LEGEND

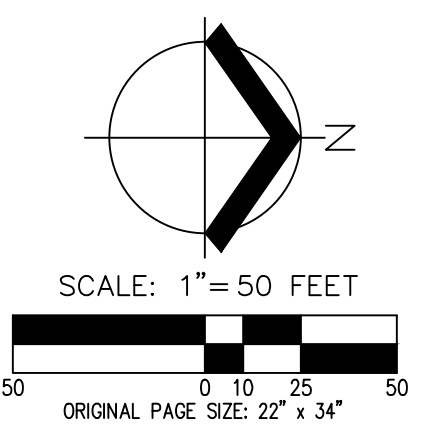
PAE	PUBLIC ACCESS AND UTILITY EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SWE	SIDEWALK EASEMENT

NOTE:
 STORM, SANITARY, AND WATER MAINS SHOWN ON TAX LOT 4500 AND WITHIN FROG POND LANE ADJACENT TO THE SITE ARE SCHEMATIC IN NATURE AND ASSUMED TO BE INSTALLED WITH THE NEARBY FROG POND OVERLOOK SUBDIVISION, FROG POND ESTATES SUBDIVISION, AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL PRIOR TO OR CONCURRENT WITH THIS SUBDIVISION.



TVF
 Tualatin Valley
 Fire & Rescue
 APPROVED PLANS
 APPROVAL OF PLANS IS NOT AN APPROVAL
 OF OMISSIONS OR OVERSIGHTS.
 Deputy Fire Marshal II

TVF&R Permit #2023-0023



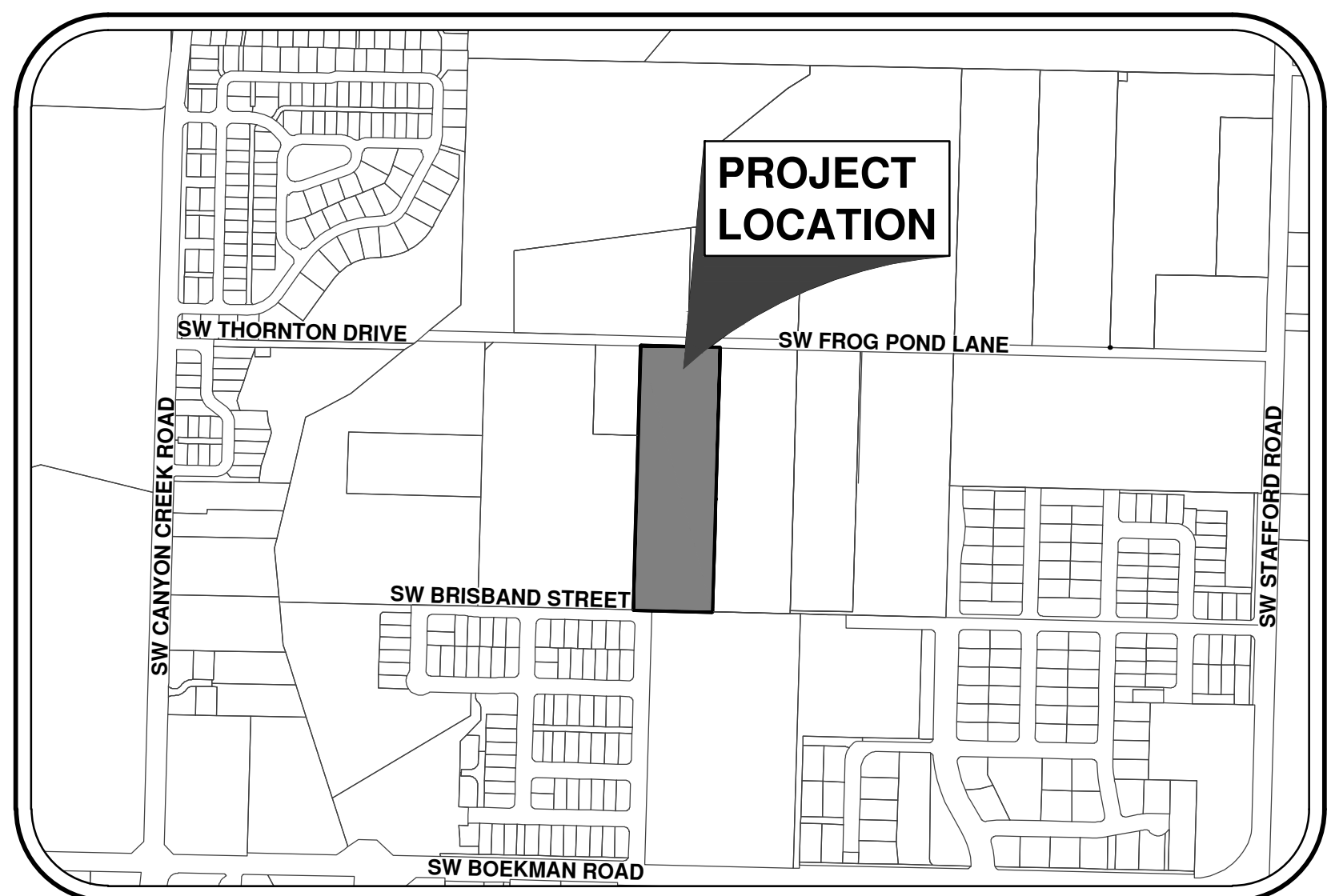
**PRELIMINARY COMPOSITE UTILITY PLAN
 FROG POND COTTAGE PARK PLACE
 SULLIVAN HOMES, LLC.
 WILSONVILLE, OREGON**

REGISTERED PROFESSIONAL ENGINEER
 PRELIMINARY
 NOT FOR CONSTRUCTION
 CONSTRUCTION
 B. HURLEY
 RENEWAL DATE: 6/30/25
 JOB NUMBER: 6175
 DATE: 11/13/2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CMS

FROG POND COTTAGE PARK PLACE

PLANNED UNIT DEVELOPMENT AND TENTATIVE MIDDLE HOUSING LAND DIVISION

PRELIMINARY PLANS



VICINITY MAP
 1" = 500'

APPLICANT: SULLIVAN HOMES, LLC
 5832 FIRESTONE COURT
 SAN JOSE, CA 95138

PLANNING / ENGINEERING / SURVEYING TEAM: AKS ENGINEERING & FORESTRY, LLC
 CONTACT: CODY STREET / MIMI DOUKAS
 12965 SW HERMAN RD, SUITE 100
 TUALATIN, OR 97062
 PH: 503-563-6151

PROJECT LOCATION: 7252 SW FROG POND LANE, WILSONVILLE, OR 97070

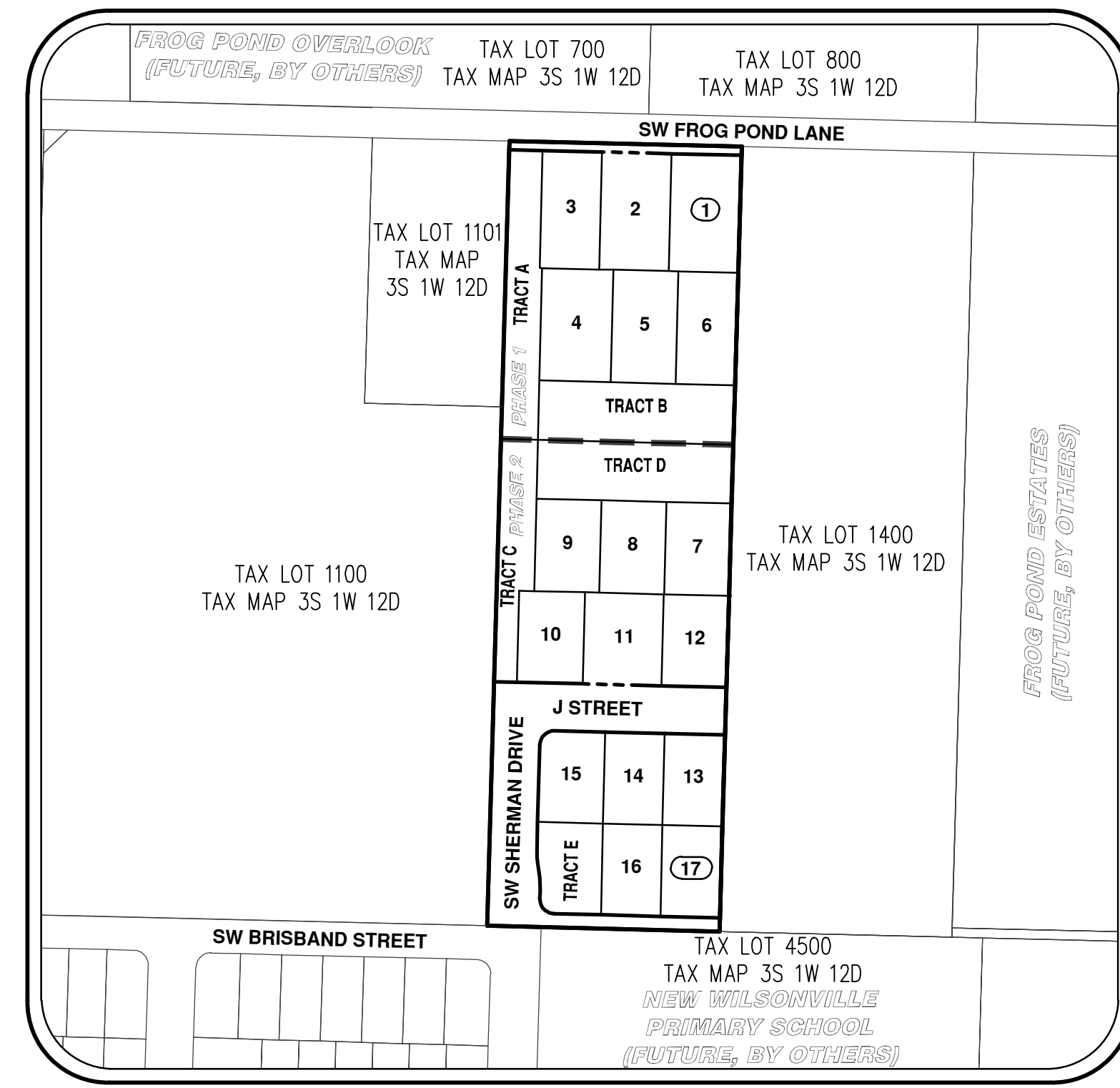
PROPERTY DESCRIPTION: TAX LOTS 1200 AND 1300, CLACKAMAS COUNTY ASSESSOR'S MAP 3S 1W 12. LOCATED IN TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 12, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON.

EXISTING LAND USE: EXISTING HOUSE WITH ACCESSORY STRUCTURES

PROJECT PURPOSE: TWO-PHASE PLANNED UNIT DEVELOPMENT FOR FUTURE SINGLE-FAMILY HOMES

VERTICAL DATUM: VERTICAL DATUM: DERIVED FROM GPS OBSERVATIONS USING THE TRIMBLE VRS NOW NETWORK (NAVD 88)

HORIZONTAL DATUM: HORIZONTAL DATUM: A LOCAL DATUM PLANE SCALED FROM OREGON STATE PLANE NORTH 3601 NAD83(2011) EPOCH 2010.0000 BY HOLDING A PROJECT MEAN GROUND COMBINED SCALE FACTOR OF 1.0001095227 AT A CALCULATED CENTRAL PROJECT POINT WITH GRID VALUES OF (NORTH:611619.612 EAST:7624210.554). THE MERIDIAN CONVERGENCE ANGLE AT THE CALCULATED CENTRAL POINT IS -1°35'37". THE STATE PLANE COORDINATES WERE DERIVED FROM THE TRIMBLE VRS NETWORK.



SITE MAP
 1" = 150'

SITE INFORMATION: GROSS AREA: 5.00 AC.
 TL 1200 AREA: 1.25 AC.
 TL 1300 AREA: 3.75 AC.
 7252 SW FROG POND LANE

SHEET INDEX

- P-01 COVER SHEET WITH LEGEND, VICINITY, AND SITE MAPS
- P-02 ZONING MAP
- P-03 ANNEXATION PLAN
- P-04 EXISTING CONDITIONS PLAN
- P-05 PRELIMINARY AERIAL PHOTOGRAPH PLAN
- P-06 PRELIMINARY DIMENSIONED SUBDIVISION PLAN
- P-07 PRELIMINARY MIDDLE HOUSING LAND DIVISION PLAT
- P-08 PRELIMINARY GRADING AND EROSION CONTROL PLAN
- P-09 PRELIMINARY COMPOSITE UTILITY PLAN
- P-10 PRELIMINARY STREET PLAN
- P-11 PRELIMINARY STREET CROSS SECTIONS
- P-12 PRELIMINARY STREET PROFILES
- P-13 PRELIMINARY TREE PRESERVATION AND REMOVAL PLAN
- P-14 PRELIMINARY TREE PRESERVATION AND REMOVAL TABLE
- P-15 PRELIMINARY DEMOLITION PLAN
- P-16 PRELIMINARY LANDSCAPE PLAN
- P-17 PRELIMINARY LANDSCAPE DETAILS AND NOTES

LEGEND

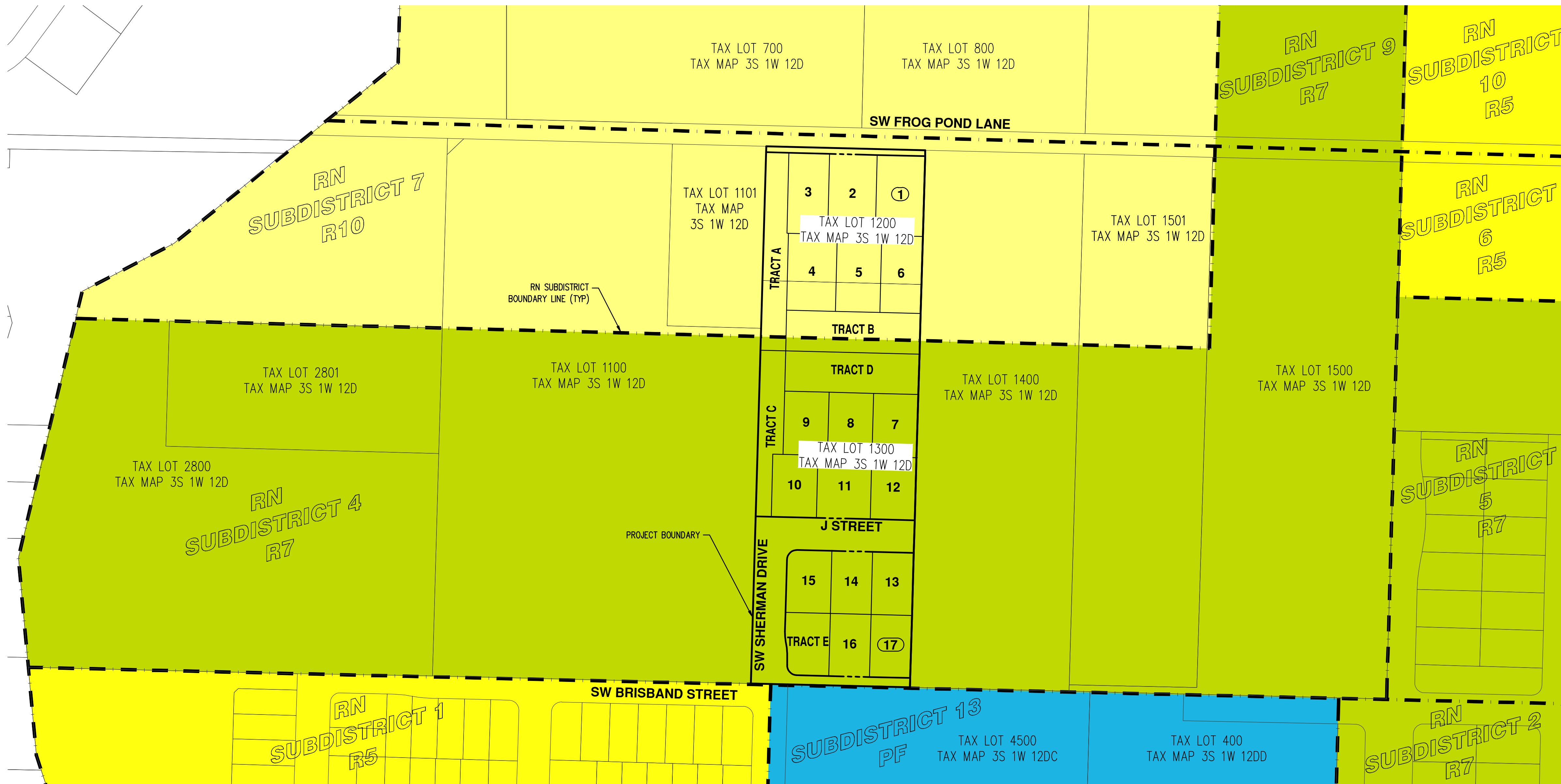
	EXISTING	PROPOSED		EXISTING	PROPOSED
DECIDUOUS TREE			STORM DRAIN CLEAN OUT		
CONIFEROUS TREE			STORM DRAIN CATCH BASIN		
FIRE HYDRANT			STORM DRAIN AREA DRAIN		
WATER BLOWOFF			STORM DRAIN MANHOLE		
WATER METER			GAS METER		
WATER VALVE			GAS VALVE		
DOUBLE CHECK VALVE			GUY WIRE ANCHOR		
AIR RELEASE VALVE			UTILITY POLE		
SANITARY SEWER CLEAN OUT			POWER VAULT		
SANITARY SEWER MANHOLE			POWER JUNCTION BOX		
SIGN			POWER PEDESTAL		
STREET LIGHT			COMMUNICATIONS VAULT		
MAILBOX			COMMUNICATIONS JUNCTION BOX		
			COMMUNICATIONS RISER		

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE		
BOUNDARY LINE		
PROPERTY LINE		
CENTERLINE		
DITCH		
CURB		
EDGE OF PAVEMENT		
EASEMENT		
FENCE LINE		
GRAVEL EDGE		
POWER LINE		
OVERHEAD WIRE		
COMMUNICATIONS LINE		
FIBER OPTIC LINE		
GAS LINE		
STORM DRAIN LINE		
SANITARY SEWER LINE		
WATER LINE		

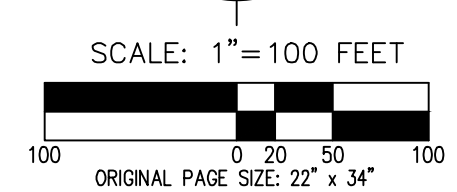
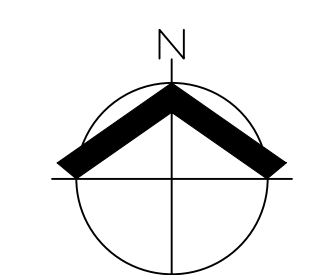
COVER SHEET WITH LEGEND, VICINITY, AND SITE MAPS
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON

REGISTERED PROFESSIONAL ENGINEER
LANDSCAPE ARCHITECTURE
CONSTRUCTION
 CODY STREET / MIMI DOUKAS
 12965 SW HERMAN RD, SUITE 100
 TUALATIN, OREGON 97062
 503.563.6151
 WWW.AKS-ENG.COM
 RENEWAL DATE: 6/30/25

JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CMS



LEGEND



ZONING MAP
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON



RENEWAL DATE: 6/30/25
 JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: NRA
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AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD., STE. 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

LEGEND

AREA TO BE ANNEXED

URBAN GROWTH BOUNDARY

CITY LIMITS



ANNEXATION PLAN
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON



RENEWAL DATE: 6/30/25
 JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CMS

N

SCALE: 1" = 200 FEET

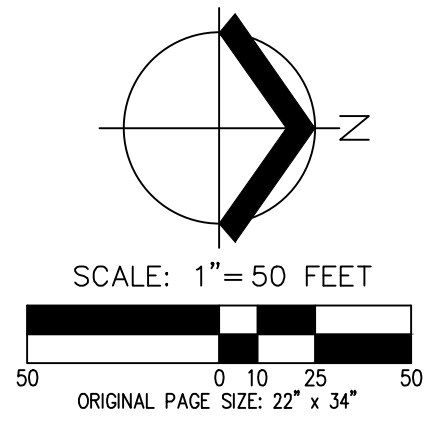
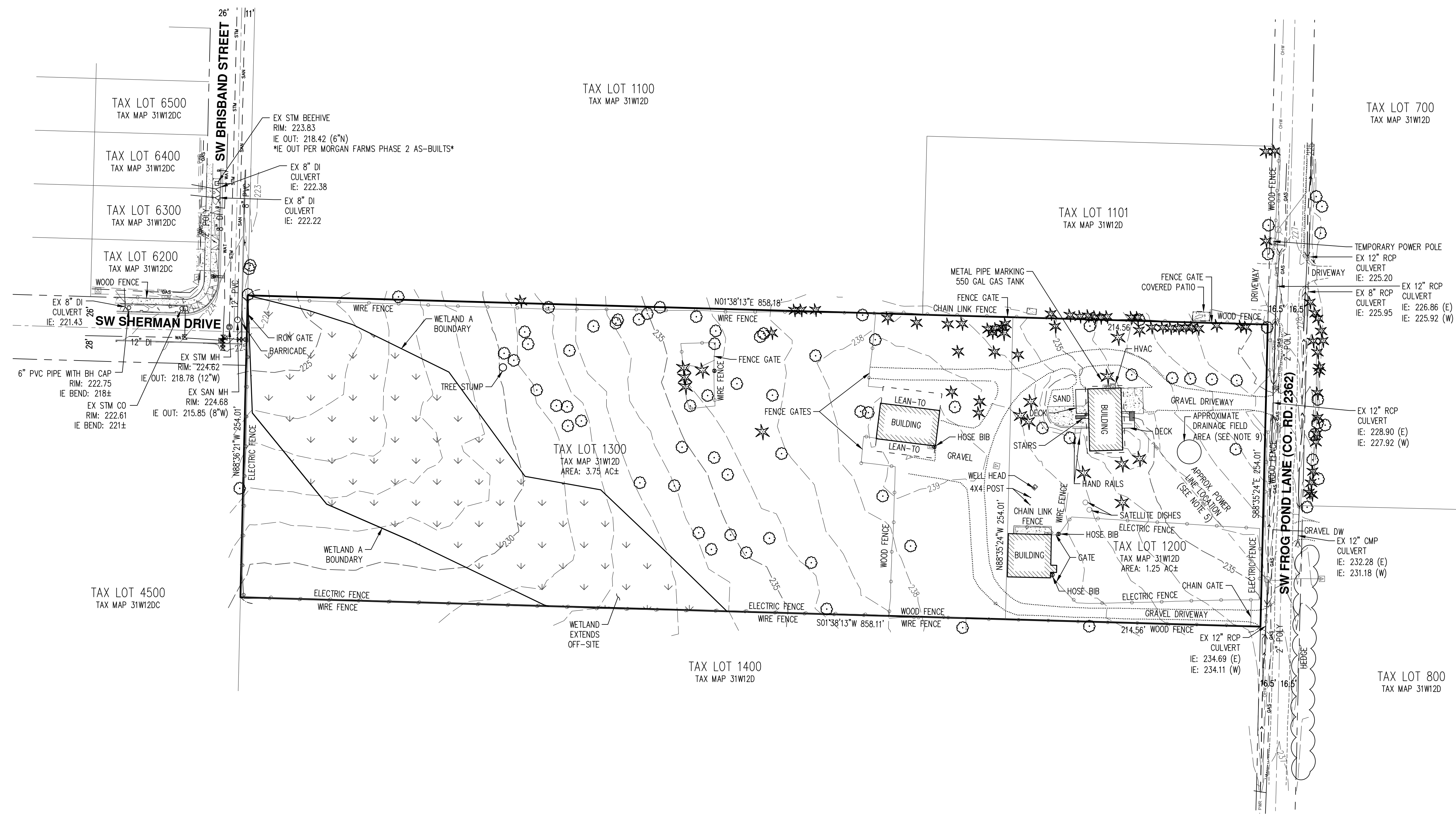
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AKS ENGINEERING & FORESTRY, LLC
12945 SW HERMAN RD., STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

- NOTES:**
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBER 22093719 AND 22093749. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
 - FIELD WORK WAS CONDUCTED APRIL 4-7, 2022.
 - VERTICAL DATUM: DERIVED FROM GPS OBSERVATIONS USING THE TRIMBLE VRS NOW NETWORK (NAVD 88).
 - HORIZONTAL DATUM: A LOCAL DATUM PLANE SCALED FROM OREGON STATE PLANE NORTH 3601 NAD83(2011) EPOCH 2010.0000 BY HOLDING A PROJECT MEAN GROUND COMBINED SCALE FACTOR OF 1.0001095227 AT A CALCULATED CENTRAL POINT WITH GRID VALUES OF (NORTH:611619.612 EAST:7624210.554). THE MERIDIAN CONVERGENCE ANGLE AT THE CALCULATED CENTRAL POINT IS -1'35"37". THE STATE PLANE COORDINATES WERE DERIVED FROM THE TRIMBLE VRS NETWORK.
 - THE DENOTED UNDERGROUND POWER LINE WAS MAPPED PER DISCUSSION WITH ONE OF THE LOCATORS WHO LOCATED PER SAID TICKETS MENTIONED IN NOTE 1. THE LOCATION IS APPROXIMATE.
 - BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
 - CONTOUR INTERVAL IS 1 FOOT.
 - TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.
 - APPROXIMATE LOCATION OF SEPTIC DRAIN FIELD SHOWN BASED ON CURRENT OCCUPANT'S DESCRIPTION.
 - WETLAND BOUNDARIES SHOWN WERE DELINEATED BY AKS ENGINEERING AND FORESTRY, LLC. ON 04/01/2022 & 05/05/2022 AND WERE PROFESSIONALLY SURVEYED BY AKS ON 04/05/2022 & 05/05/2022.
 - TOTAL SITE AREA: 5 AC±



**EXISTING CONDITIONS PLAN
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON**

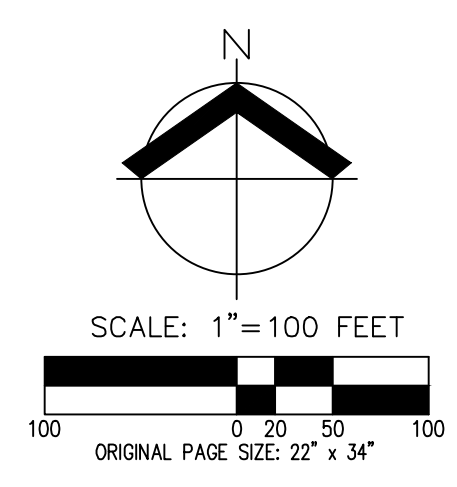
REGISTERED PROFESSIONAL LAND SURVEYOR
~~PRELIMINARY~~
~~NOT FOR CONSTRUCTION~~
 JANUARY 2005
 BOB D. RETTIG
 80124LS
 RENEWS: 12/31/24

JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY:
 DRAWN BY: NJS
 CHECKED BY: RDR

**PRELIMINARY AERIAL PHOTOGRAPH PLAN
 FROG POND COTTAGE PARK PLACE
 SULLIVAN HOMES, LLC.
 WILSONVILLE, OREGON**

REGISTERED PROFESSIONAL SURVEYOR
PRELIMINARY
NOT FOR CONSTRUCTION
 WILSONVILLE, OREGON
 CHRISTOPHER B. WURLEY
 RENEWAL DATE: 6/30/25

JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CMS





AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD., STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

- NOTES:**
- TRACTS A, B, C, AND D ARE INTENDED TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AS OPEN SPACE AND ARE SUBJECT TO A PUBLIC ACCESS EASEMENT OVER THEIR ENTIRETY.
 - TRACT E IS FOR STORMWATER TREATMENT AND LANDSCAPE PURPOSES. IT IS SUBJECT TO A STORM DRAINAGE EASEMENT OVER ITS ENTIRETY TO BENEFIT THE CITY OF WILSONVILLE.

EASEMENT LEGEND

PAE	PUBLIC ACCESS AND UTILITY EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSTE	PUBLIC STREET TREE EASEMENT
SWE	SIDEWALK EASEMENT

LOT COVERAGE SUMMARY

	SUBDISTRICT 9 R-7	SUBDISTRICT 8 R-10
MAX. LOT COVERAGE*	45%	40%

*LOT COVERAGE INCLUDES BUILDINGS ONLY.

LOT SIZE SUMMARY

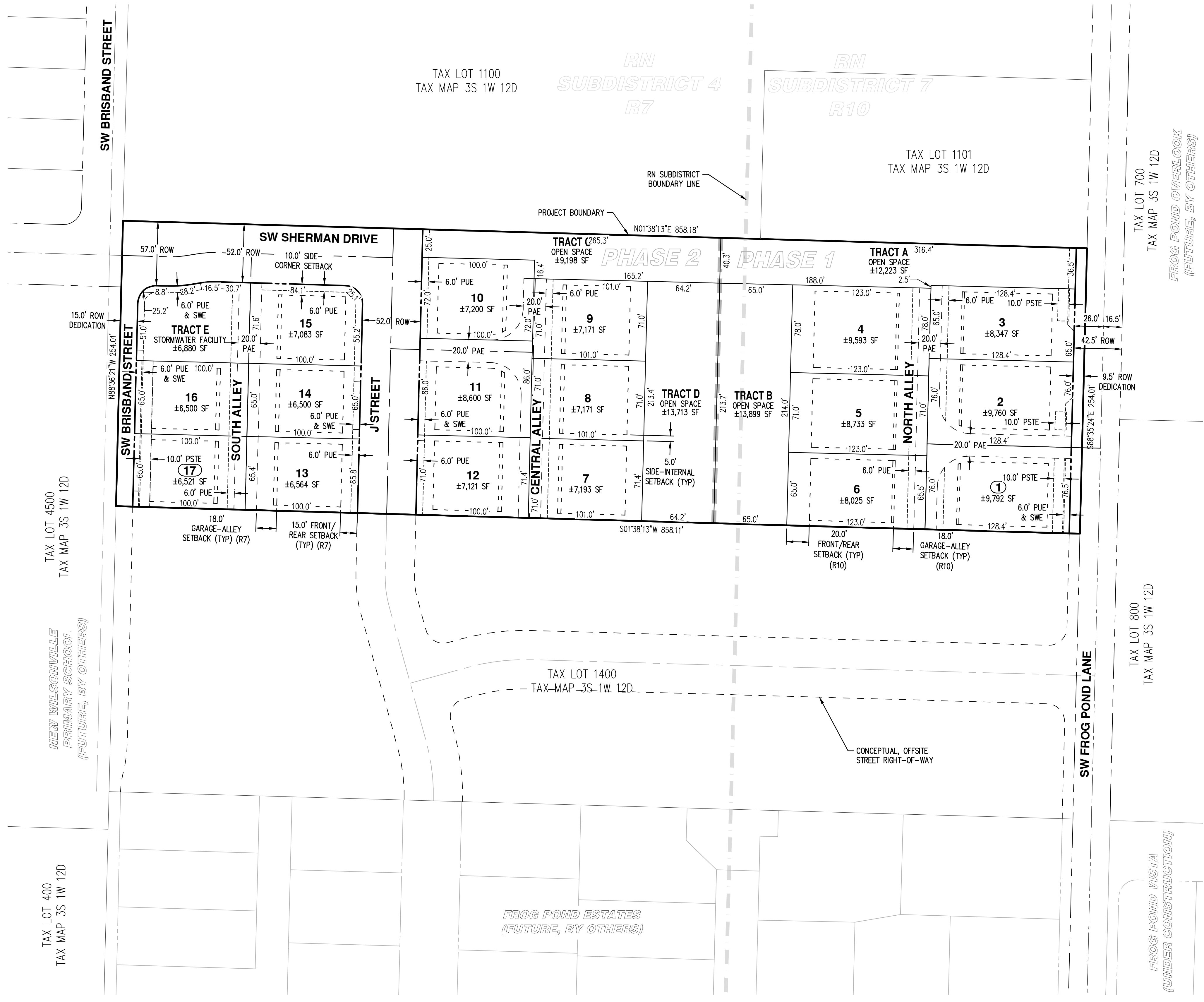
	SUBDISTRICT 4 R-7	SUBDISTRICT 7 R-10
MIN. LOT SIZE	6,000 SF	8,000 SF

SUMMARY OF LAND USES

LAND USE	SF	PERCENTAGE OF PROPERTY
1. GROSS AREA IN PLAT	217,971	—
2. LANDSCAPE COVERAGE AREA/OPEN SPACE	49,034	22.5%
3. ROW	30,185	13.8%
4. LOT AREA	131,872	60.5%
5. STORMWATER FACILITY	6,880	3.2%

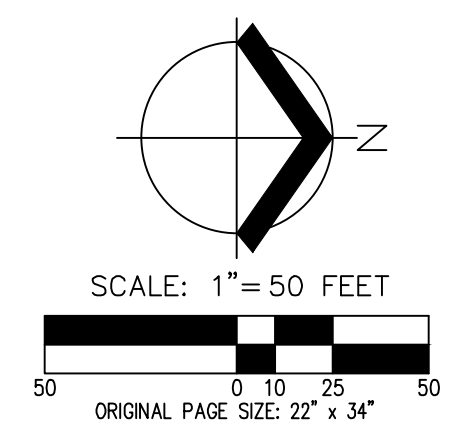
SETBACKS

	R-7	R-10
FRONT	15 FT	20 FT
REAR	15 FT	20 FT
SIDE - INTERNAL	5 FT	5 FT
SIDE - CORNER	10 FT	10 FT
GARAGE - FROM STREET	20 FT	20 FT
GARAGE - FROM ALLEY	18 FT	18 FT
FRONT PORCH	10 FT	15 FT

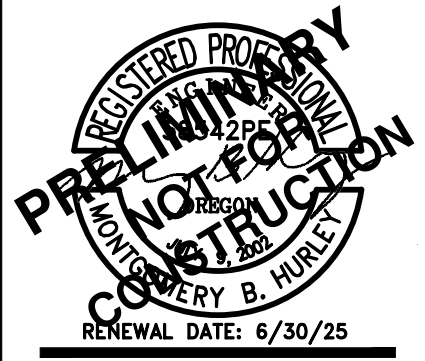


NOTE:
THESE PLANS ASSUME THE NEARBY FROG POND OVERLOOK SUBDIVISION AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL WILL BE CONSTRUCTED PRIOR TO OR CONCURRENT WITH THIS DEVELOPMENT.

DISCLAIMER:
THE PURPOSE OF THIS PRELIMINARY DIMENSIONED PLAN IS TO SHOW LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL RECORDED FINAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES. ALL DIMENSIONS ARE SUBJECT TO CHANGE.



**PRELIMINARY DIMENSIONED SUBDIVISION PLAN
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON**



RENEWAL DATE: 6/30/25
JOB NUMBER: 6175
DATE: 11/15/2023
DESIGNED BY: NRA
DRAWN BY: NRA
CHECKED BY: CMS



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD., STE 100
TUALATIN, OR 97062
503.563.6161
WWW.AKS-ENG.COM

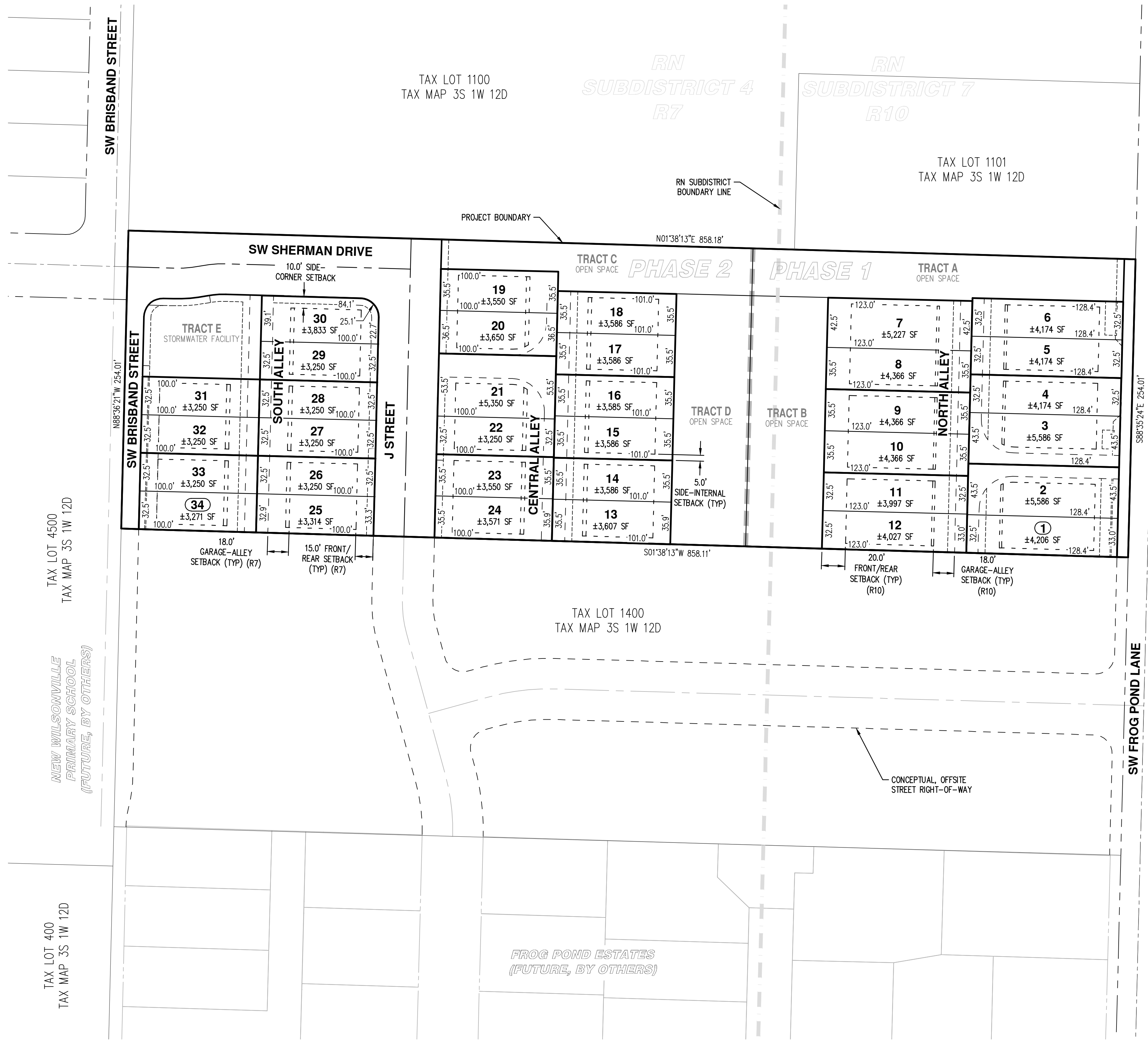
ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

- NOTES:**
- FURTHER DIVISION OF THE RESULTING MIDDLE HOUSING LAND DIVISION UNITS IS PROHIBITED.
 - THE APPROVAL OF THE MIDDLE HOUSING LAND DIVISION IS PURSUANT TO ORS 92.010 TO 92.192, AS APPLICABLE.

LOT COVERAGE SUMMARY		
	SUBDISTRICT 9 R-7	SUBDISTRICT 8 R-10
MAX. LOT COVERAGE*	45%	40%

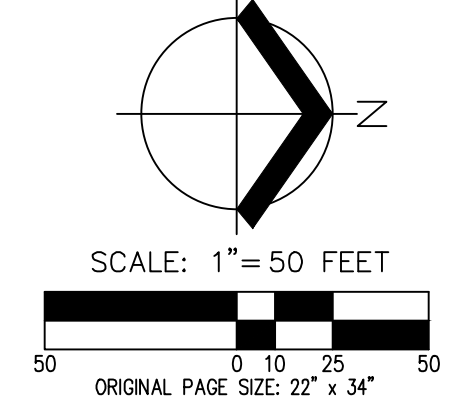
*LOT COVERAGE INCLUDES BUILDINGS ONLY.

SETBACKS		
	R-7	R-10
FRONT	15 FT	20 FT
REAR	15 FT	20 FT
SIDE - INTERNAL	5 FT	5 FT
SIDE - CORNER	10 FT	10 FT
GARAGE - FROM STREET	20 FT	20 FT
GARAGE - FROM ALLEY	18 FT	18 FT
FRONT PORCH	10 FT	15 FT



DISCLAIMER:
THE PURPOSE OF THIS PRELIMINARY DIMENSIONED PLAN IS TO SHOW LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL RECORDED FINAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES. ALL DIMENSIONS ARE SUBJECT TO CHANGE.

NOTE:
THESE PLANS ASSUME THE NEARBY FROG POND OVERLOOK SUBDIVISION AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL WILL BE CONSTRUCTED PRIOR TO OR CONCURRENT WITH THIS DEVELOPMENT.



**PRELIMINARY MIDDLE HOUSING LAND DIVISION PLAT
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON**

REGISTERED PROFESSIONAL ENGINEER
PRELIMINARY
NOT FOR CONSTRUCTION
COURTESY B. WURLEY
RENEWAL DATE: 6/30/25
JOB NUMBER: 6175
DATE: 11/15/2023
DESIGNED BY: NRA
DRAWN BY: NRA
CHECKED BY: CMS
P-07

PRELIMINARY GRADING AND EROSION CONTROL PLAN
FROG POND COTTAGE PARK PLACE
 SULLIVAN HOMES, LLC.
 WILSONVILLE, OREGON



JOB NUMBER:	6175
DATE:	11/15/2023
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	CMS

P-08

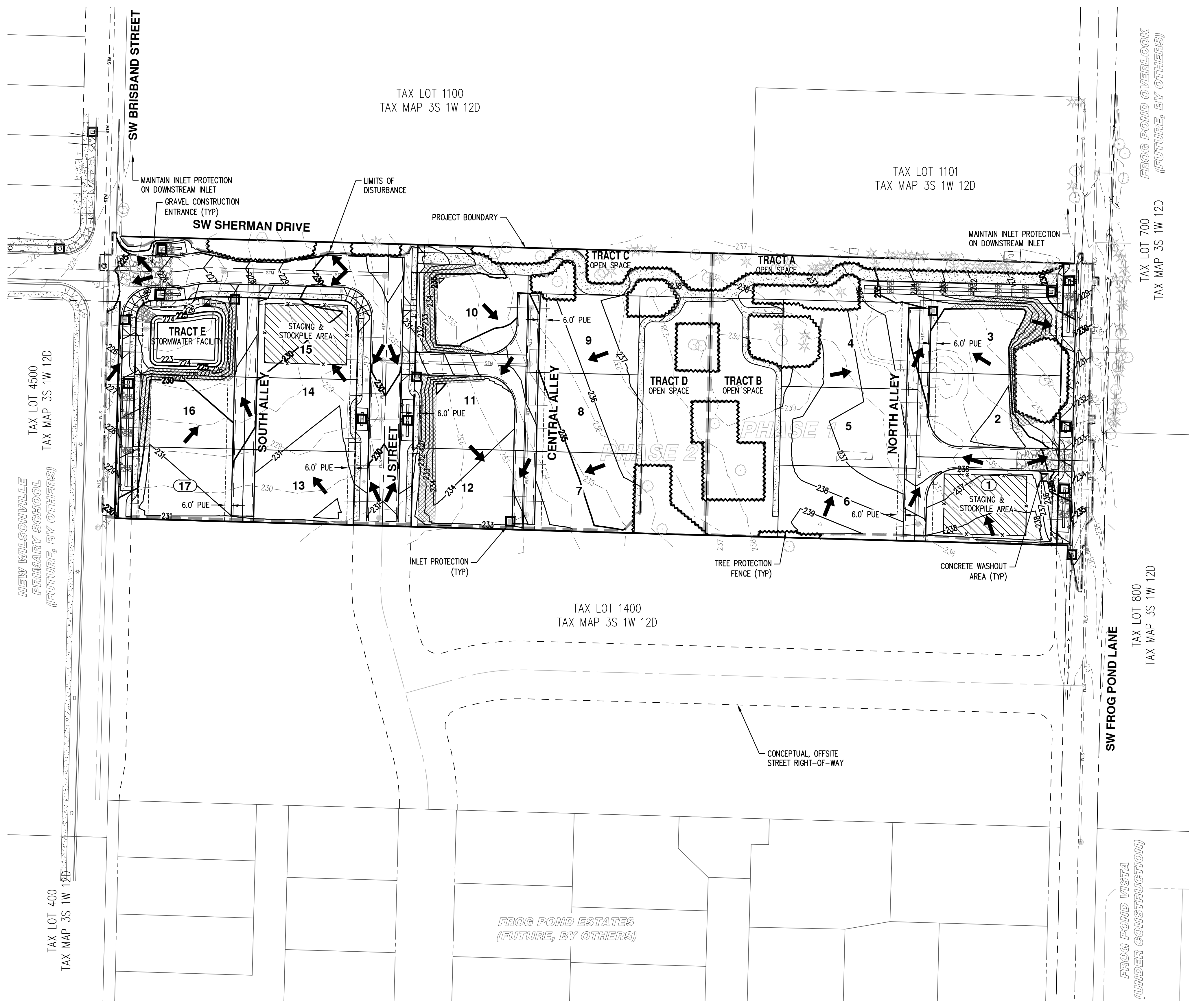
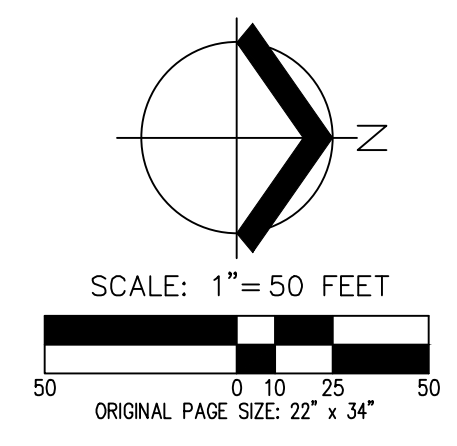
EASEMENT LEGEND

PAE	PUBLIC ACCESS AND UTILITY EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSTE	PUBLIC STREET TREE EASEMENT
SWE	SIDEWALK EASEMENT

LEGEND

EXISTING GROUND CONTOUR (1 FT)	--- 349 ---
EXISTING GROUND CONTOUR (5 FT)	--- 350 ---
FINISHED GRADE CONTOUR (1 FT)	--- 344 ---
FINISHED GRADE CONTOUR (5 FT)	--- 345 ---
SEDIMENT FENCE (TO BE INSTALLED PRIOR TO GRADING)	- x - x -
SEDIMENT FENCE (TO BE INSTALLED AFTER GRADING)	- x x -
INLET PROTECTION	[Symbol]
INLET PROTECTION	[Symbol]
DRAINAGE FLOW DIRECTION	[Arrow]
GRAVEL CONSTRUCTION ENTRANCE	[Symbol]
SLOPE MATTING	[Symbol]
LIMITS OF DISTURBANCE	--- ---
TREE PROTECTION/CONSTRUCTION FENCE	[Symbol]
EXISTING CONIFEROUS TREE TO REMAIN	[Symbol]
EXISTING DECIDUOUS TREE TO REMAIN	[Symbol]

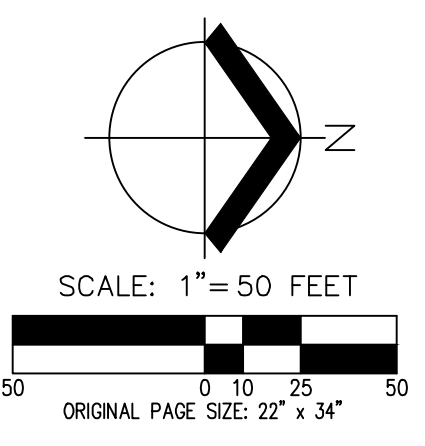
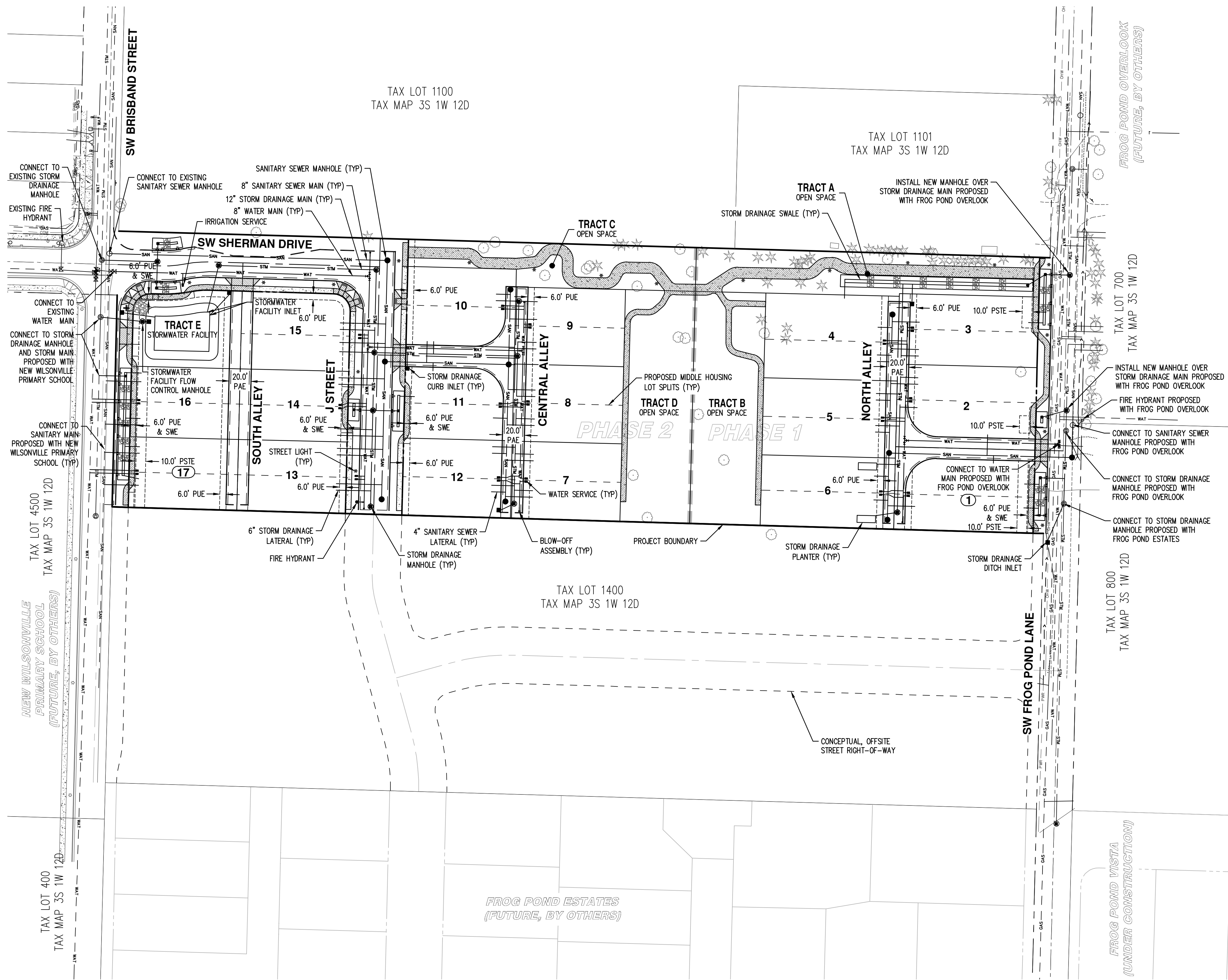
NOTE:
 THESE PLANS ASSUME THE NEARBY FROG POND OVERLOOK SUBDIVISION AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL WILL BE CONSTRUCTED PRIOR TO OR CONCURRENT WITH THIS DEVELOPMENT.



EASEMENT LEGEND

PAE	PUBLIC ACCESS AND UTILITY EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSTE	PUBLIC STREET TREE EASEMENT
SWE	SIDEWALK EASEMENT

NOTE:
 STORM, SANITARY, AND WATER MAINS SHOWN ON TAX LOT 4500 AND WITHIN FROG POND LANE ADJACENT TO THE SITE ARE SCHEMATIC IN NATURE AND ASSUMED TO BE INSTALLED WITH THE NEARBY FROG POND OVERLOOK SUBDIVISION, FROG POND ESTATES SUBDIVISION, AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL PRIOR TO OR CONCURRENT WITH THIS SUBDIVISION.



**PRELIMINARY COMPOSITE UTILITY PLAN
 FROG POND COTTAGE PARK PLACE
 SULLIVAN HOMES, LLC.
 WILSONVILLE, OREGON**

**REGISTERED PROFESSIONAL ENGINEER
 PRELIMINARY
 NOT FOR CONSTRUCTION
 WILSONVILLE, OREGON
 COUNTRY B. WURLEY
 RENEWAL DATE: 6/30/25**

JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CMS

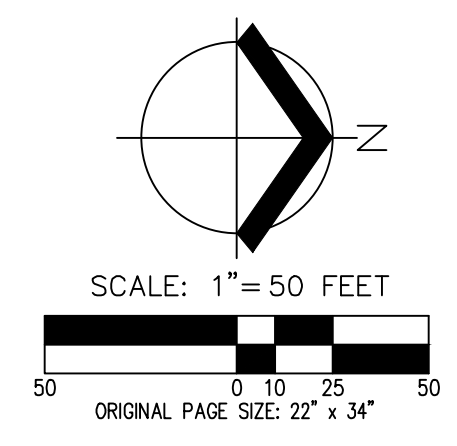
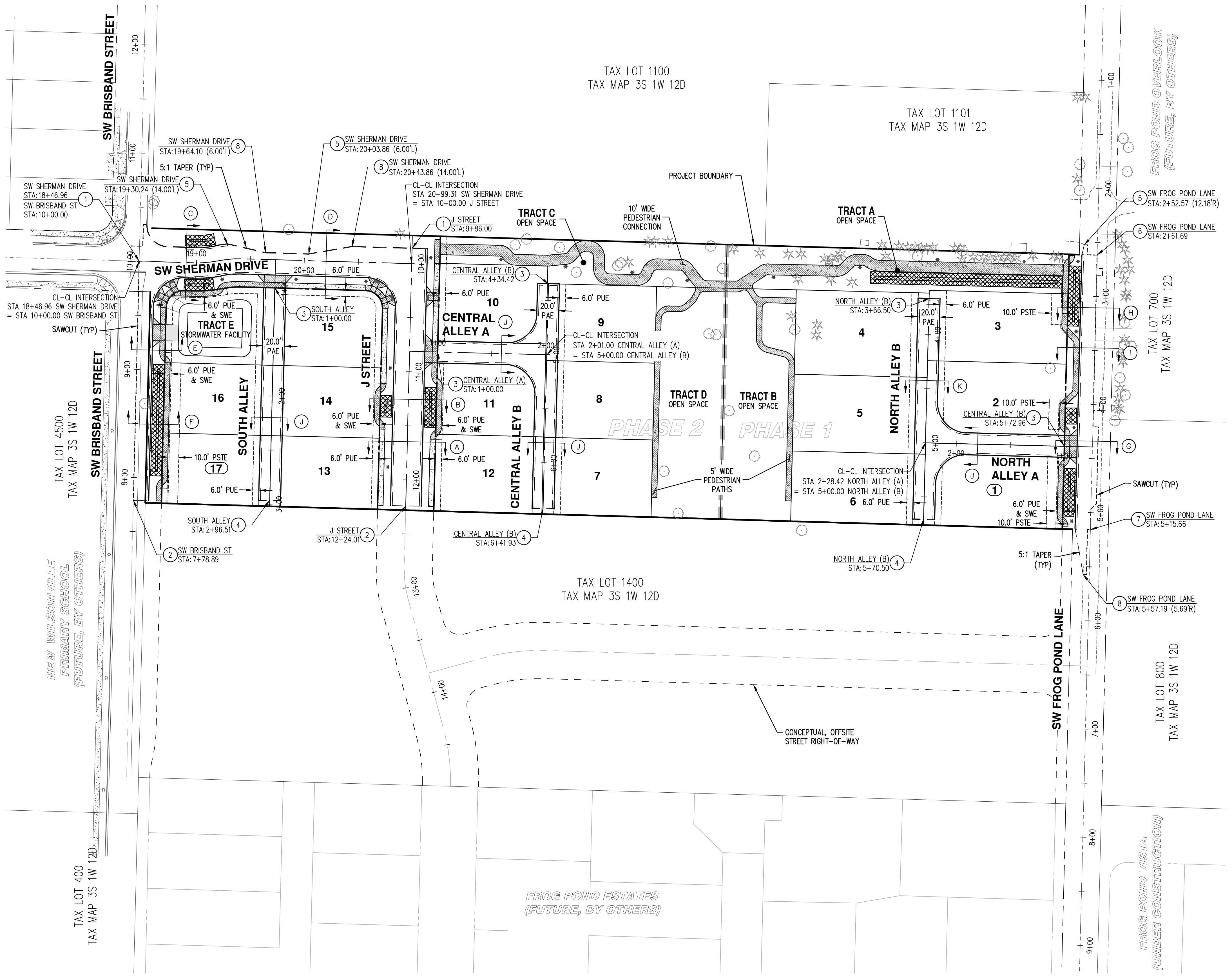
EASEMENT LEGEND	
PAE	PUBLIC ACCESS AND UTILITY EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSTE	PUBLIC STREET TREE EASEMENT
SWE	SIDEWALK EASEMENT

- # KEYED NOTES
- BEGIN STREET IMPROVEMENTS.
 - END STREET IMPROVEMENTS.
 - BEGIN ALLEY IMPROVEMENTS.
 - END ALLEY IMPROVEMENTS.
 - BEGIN AC TAPER.
 - END AC TAPER, BEGIN HALF STREET IMPROVEMENTS.
 - END HALF STREET IMPROVEMENTS, BEGIN AC TAPER.
 - END AC TAPER.

LEGEND	
	SIDEWALK TO BE INSTALLED BY HOMEOWNER.
	SIDEWALK AND DRIVEWAY APPROACHES TO BE INSTALLED BY CONTRACTOR.
	STORMWATER SWALE/PLANTER TO BE CONSTRUCTED BY CONTRACTOR
	ASPHALT CONCRETE PAVEMENT
	SAWCUT LINE

NOTE:
 STREET & ALLEY CROSS SECTIONS
 (A) THROUGH (K) ON SHEET P-11.

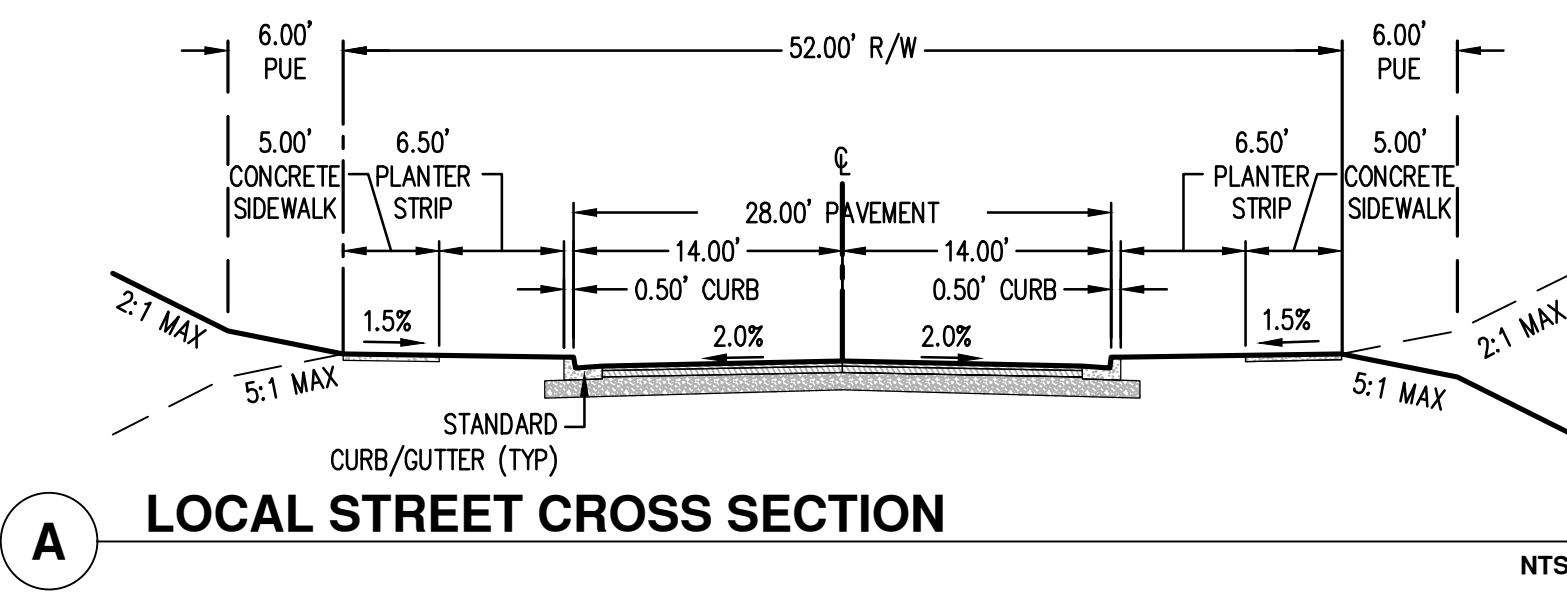
NOTE:
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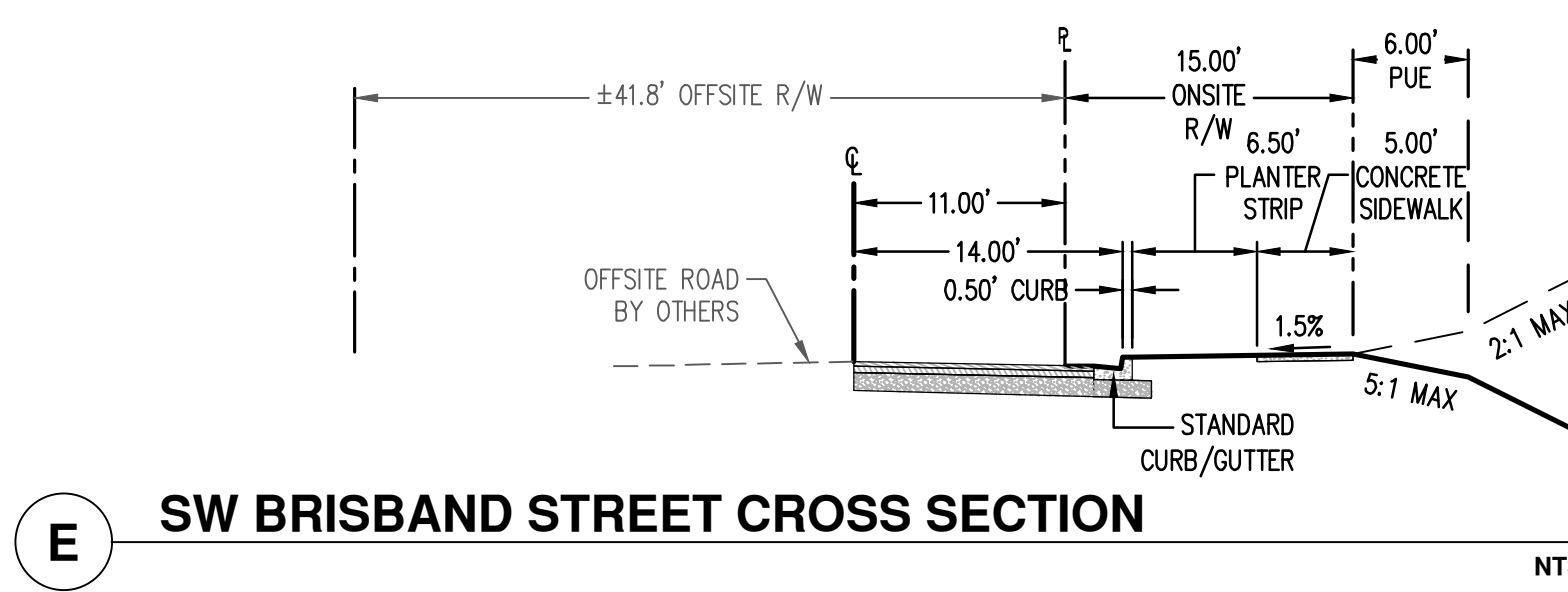
**PRELIMINARY STREET PLAN
 FROG POND COTTAGE PARK PLACE
 SULLIVAN HOMES, LLC.
 WILSONVILLE, OREGON**

REGISTERED PROFESSIONAL ENGINEER
PRELIMINARY
NOT FOR CONSTRUCTION
 WILSONVILLE, OREGON
 COUNTRY B. WILSON
 RENEWAL DATE: 6/30/25

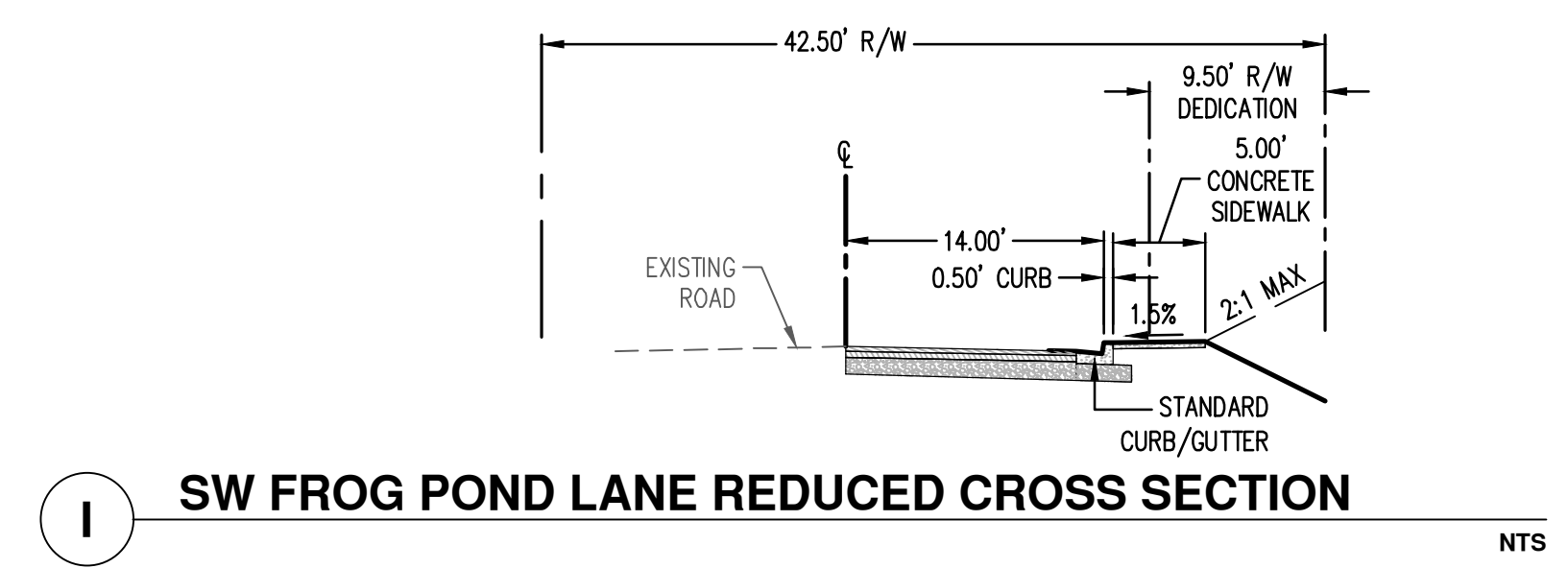
JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CMS



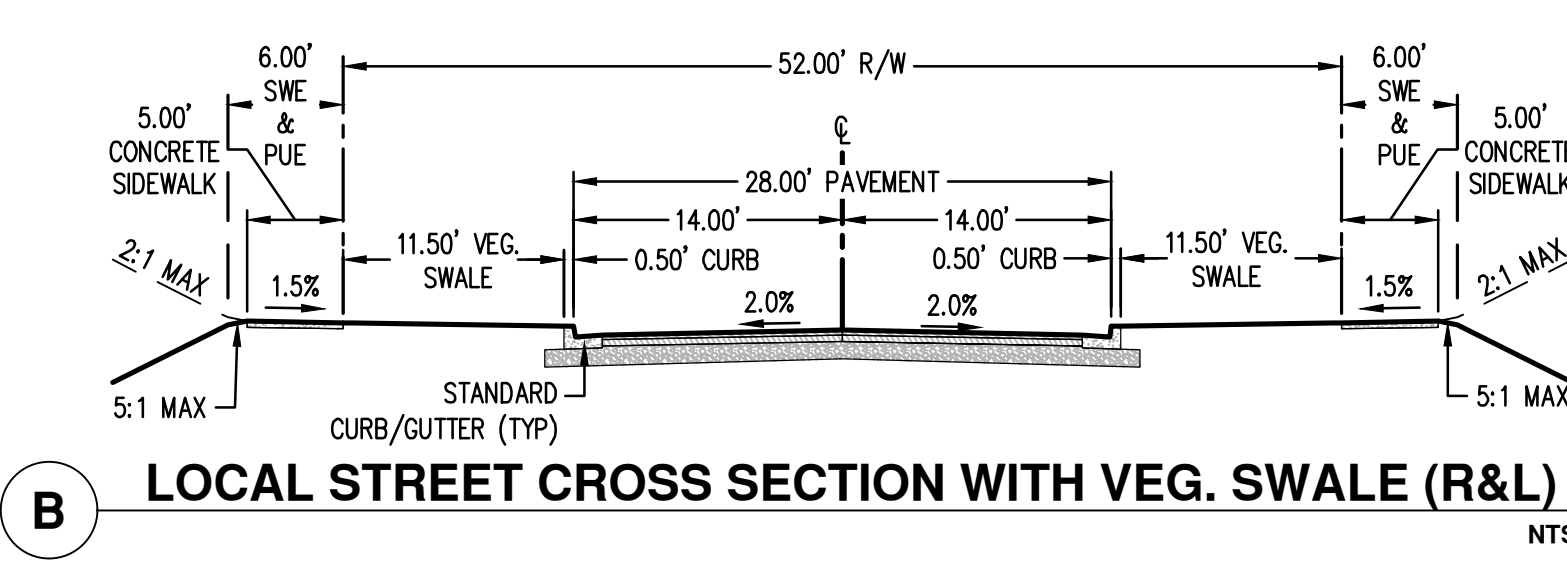
A LOCAL STREET CROSS SECTION NTS



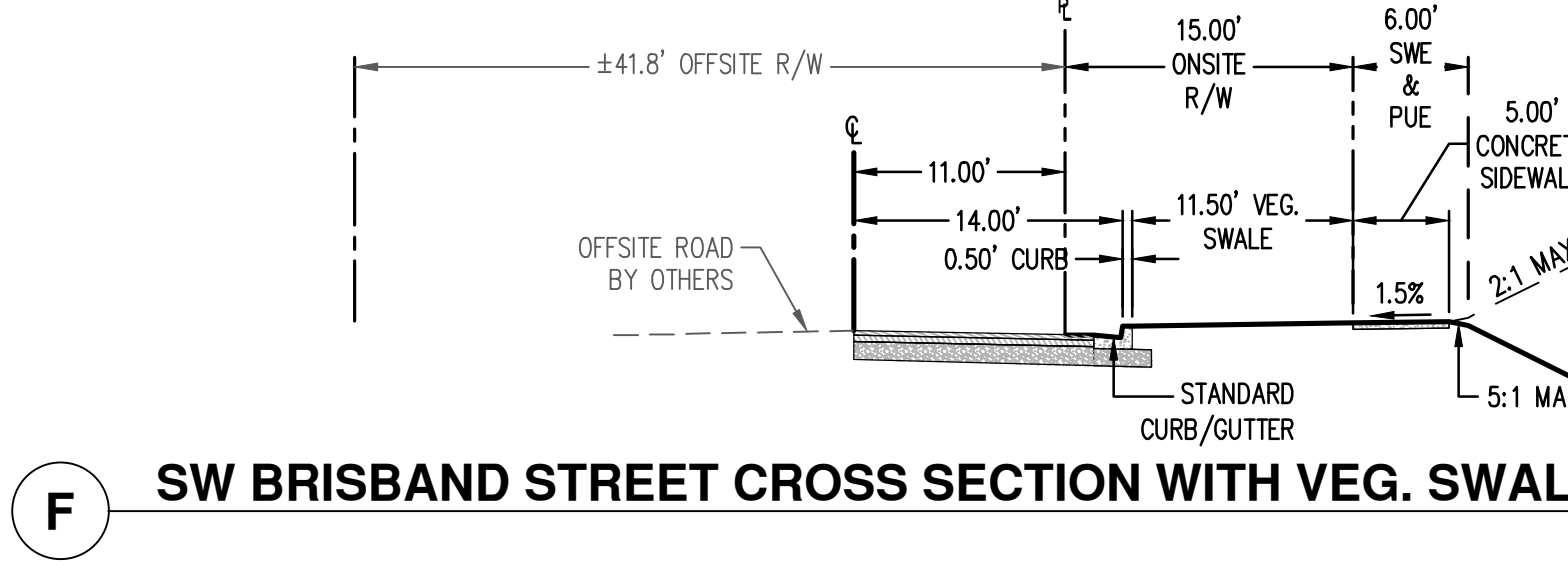
E SW BRISBAND STREET CROSS SECTION NTS



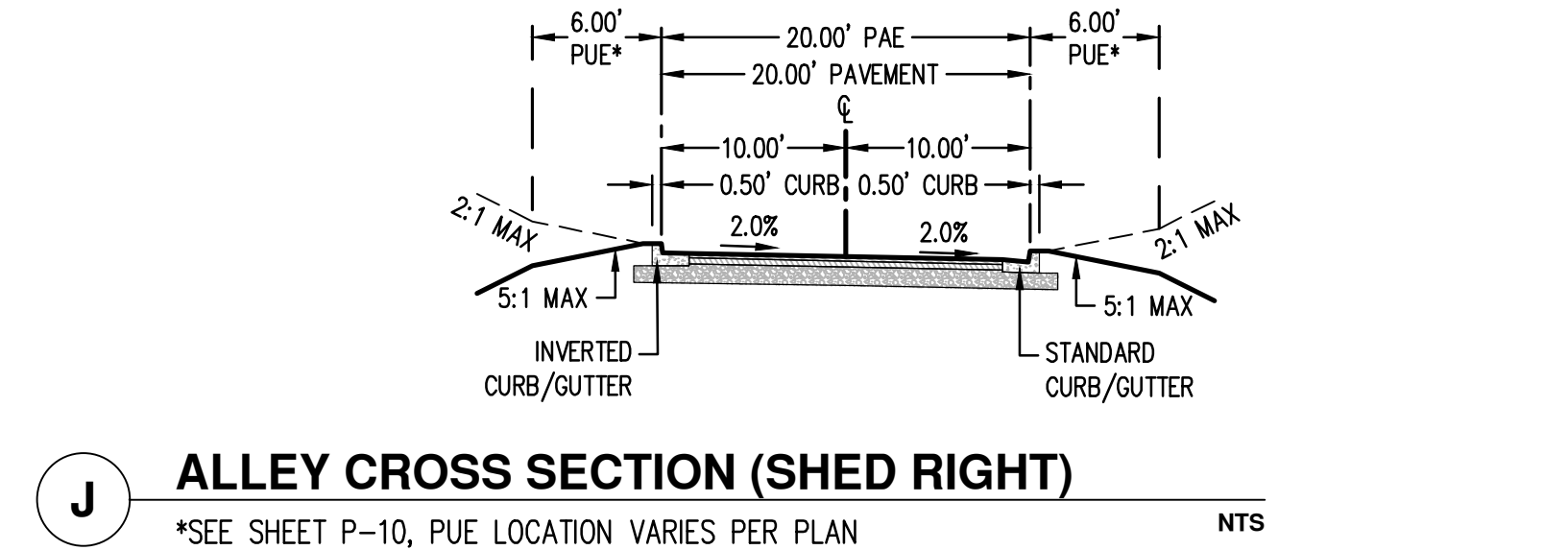
I SW FROG POND LANE REDUCED CROSS SECTION NTS



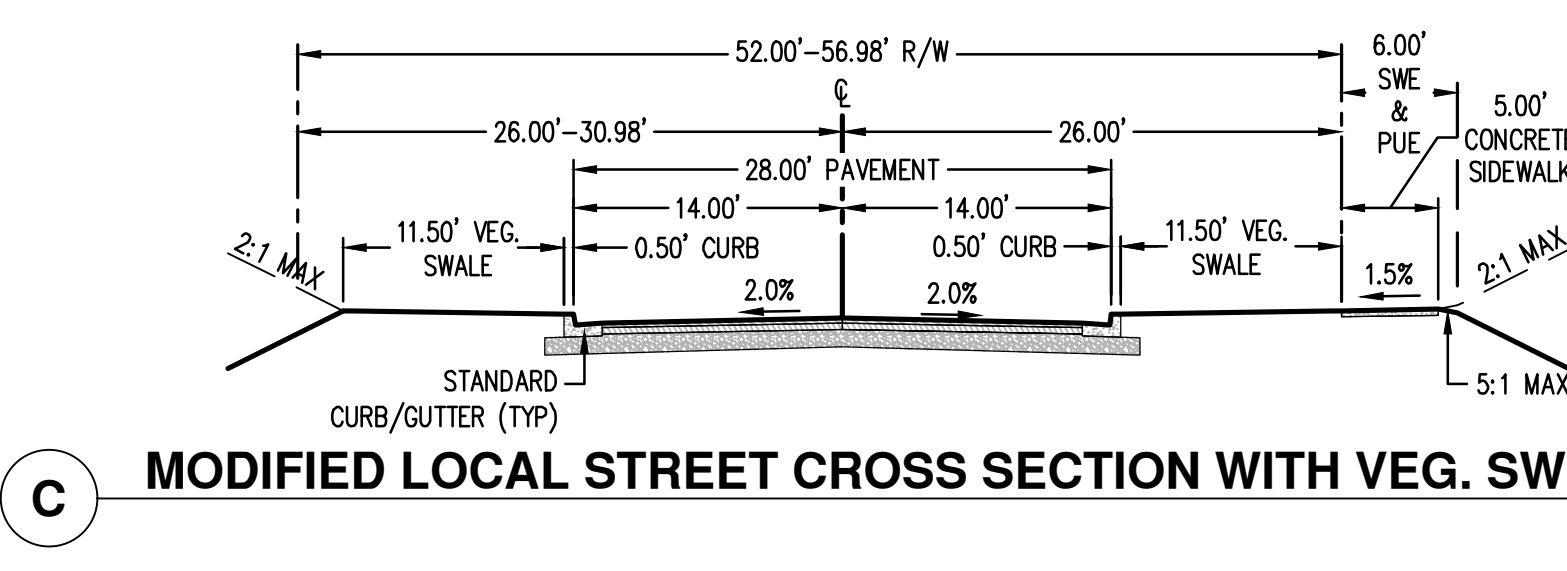
B LOCAL STREET CROSS SECTION WITH VEG. SWALE (R&L) NTS



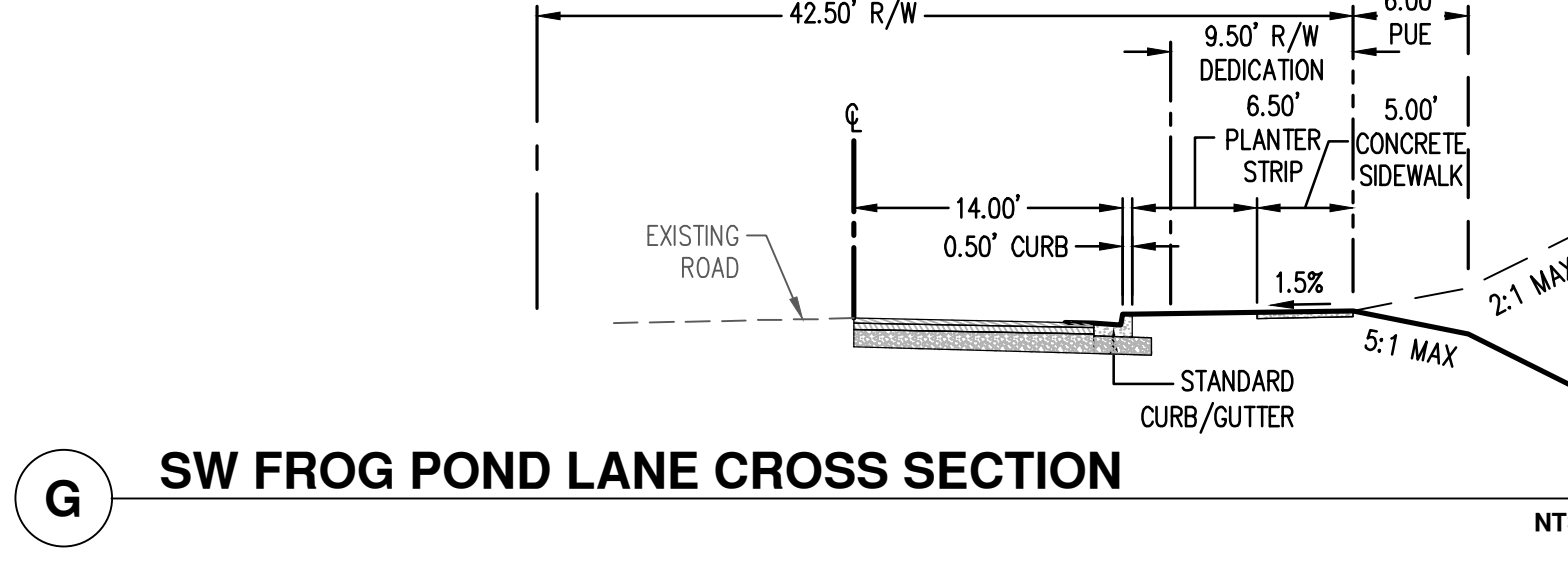
F SW BRISBAND STREET CROSS SECTION WITH VEG. SWALE (R) NTS



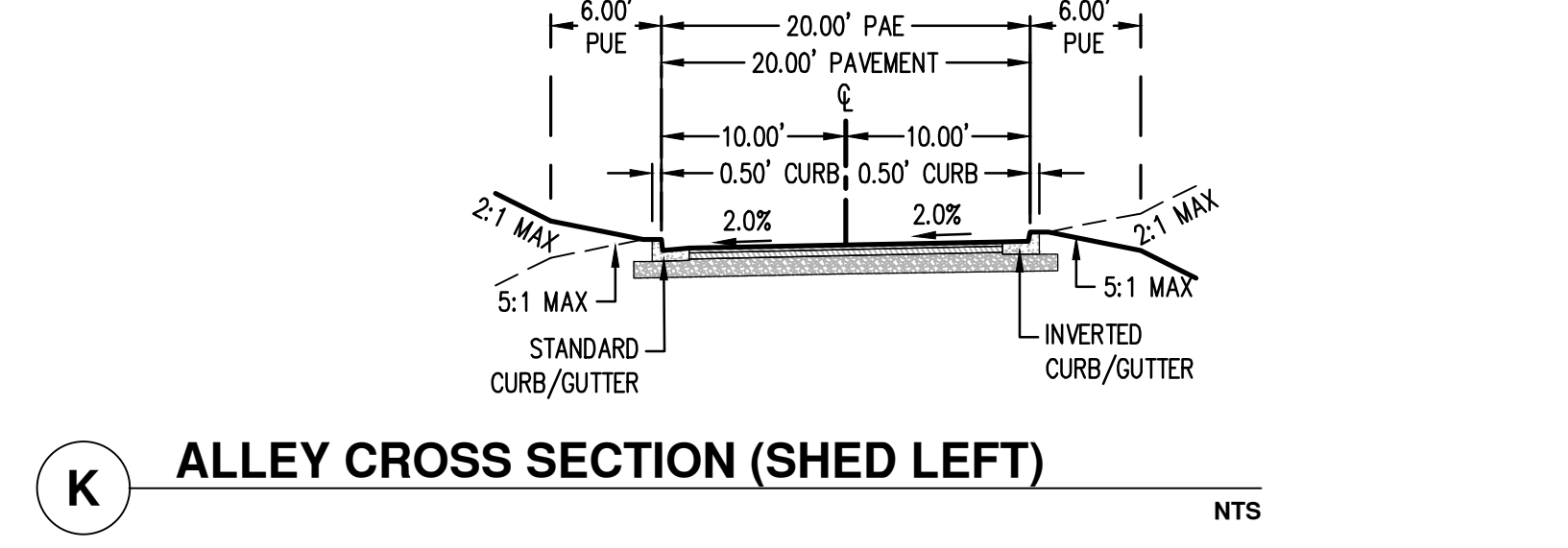
J ALLEY CROSS SECTION (SHED RIGHT) NTS
 *SEE SHEET P-10, PUE LOCATION VARIES PER PLAN



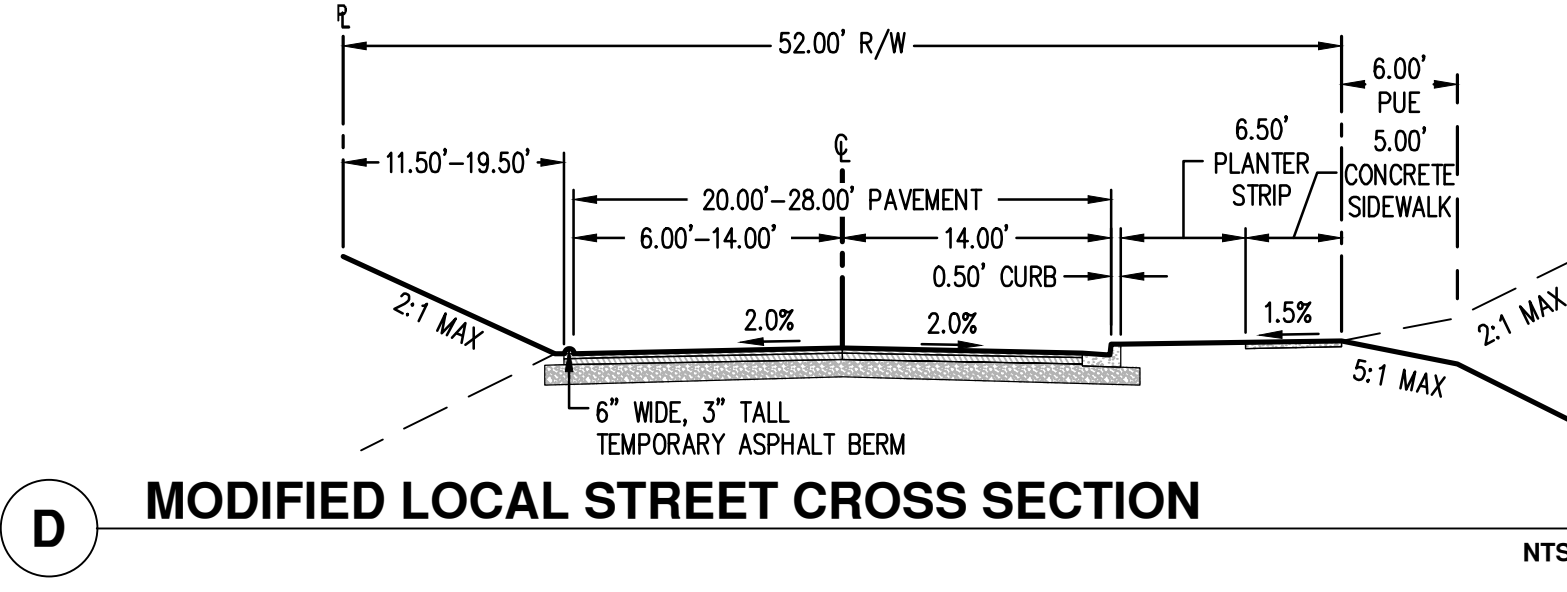
C MODIFIED LOCAL STREET CROSS SECTION WITH VEG. SWALE (R&L) NTS



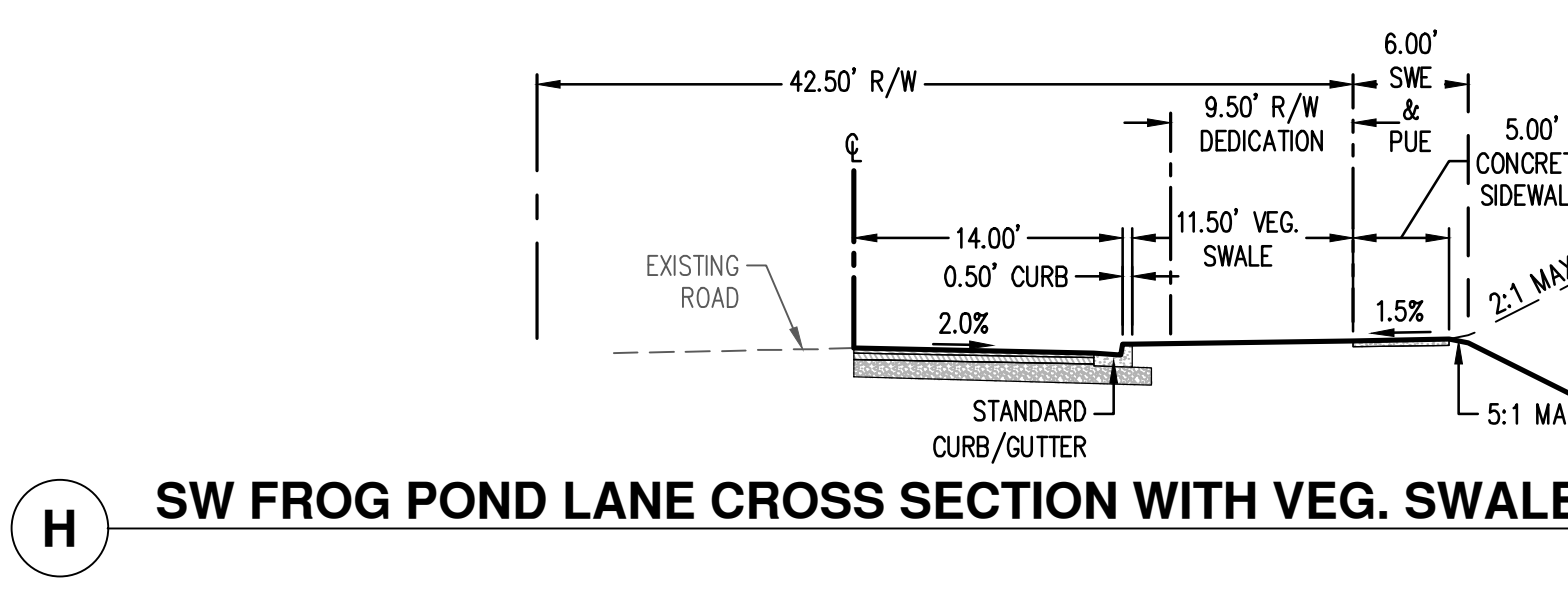
G SW FROG POND LANE CROSS SECTION NTS



K ALLEY CROSS SECTION (SHED LEFT) NTS



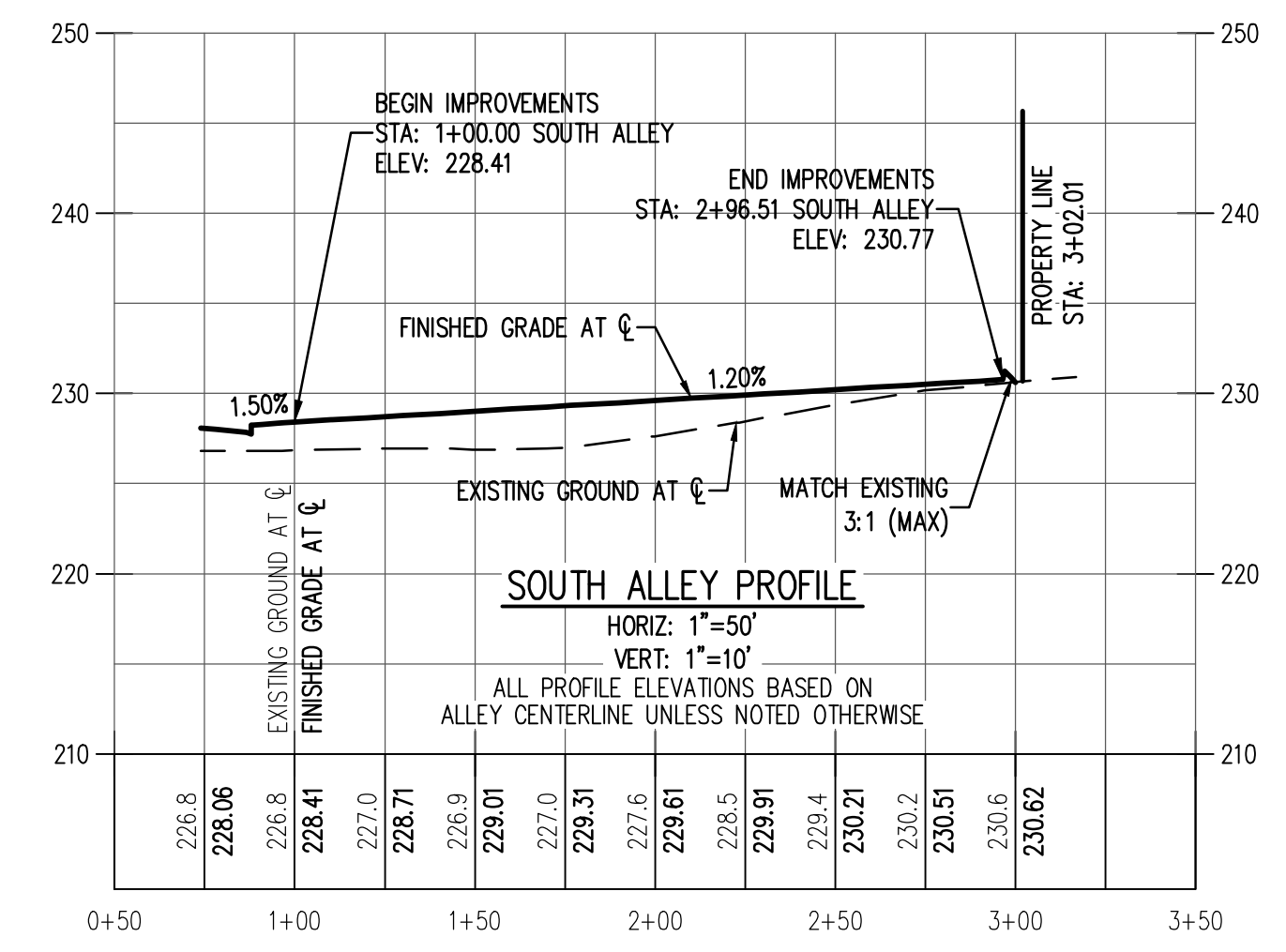
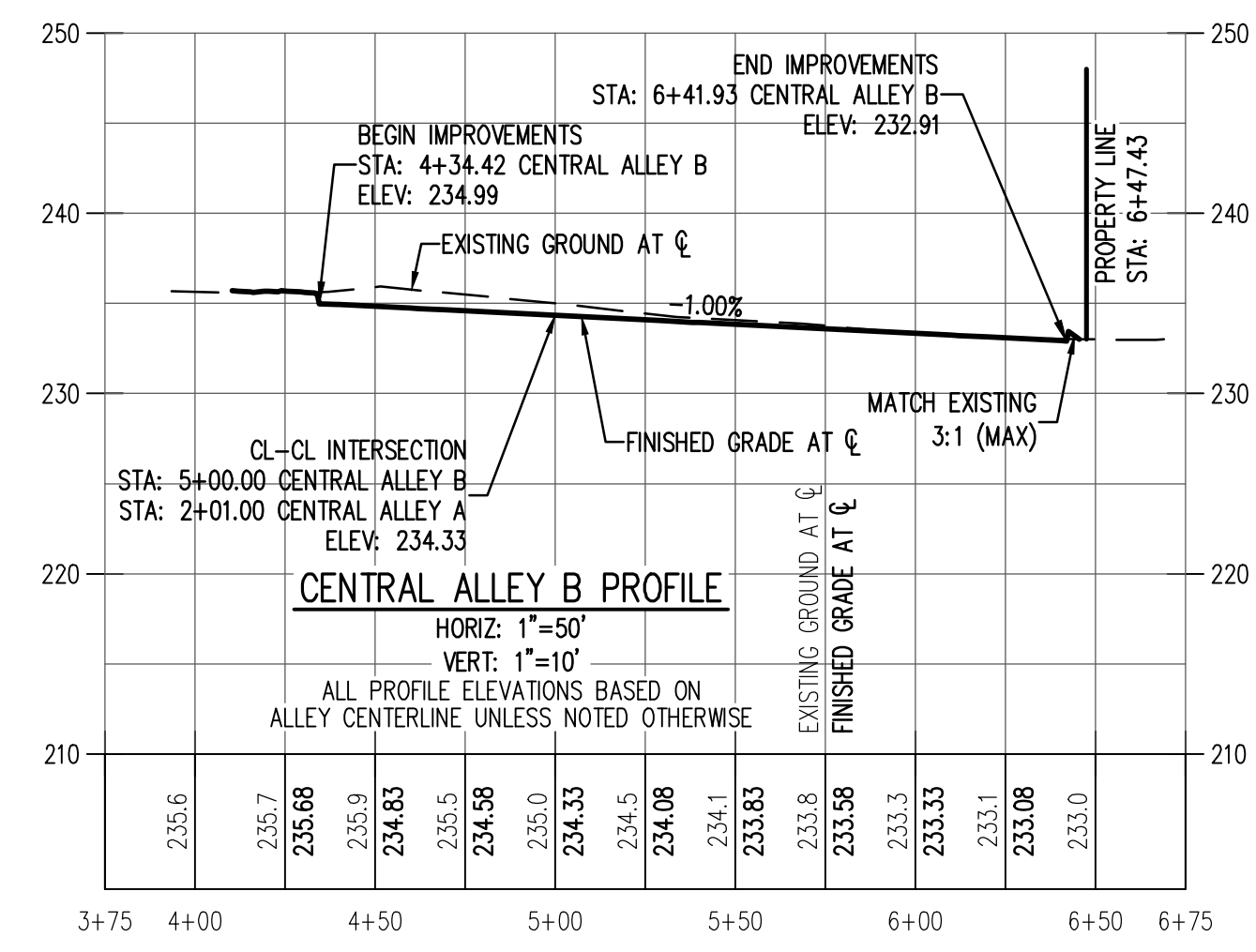
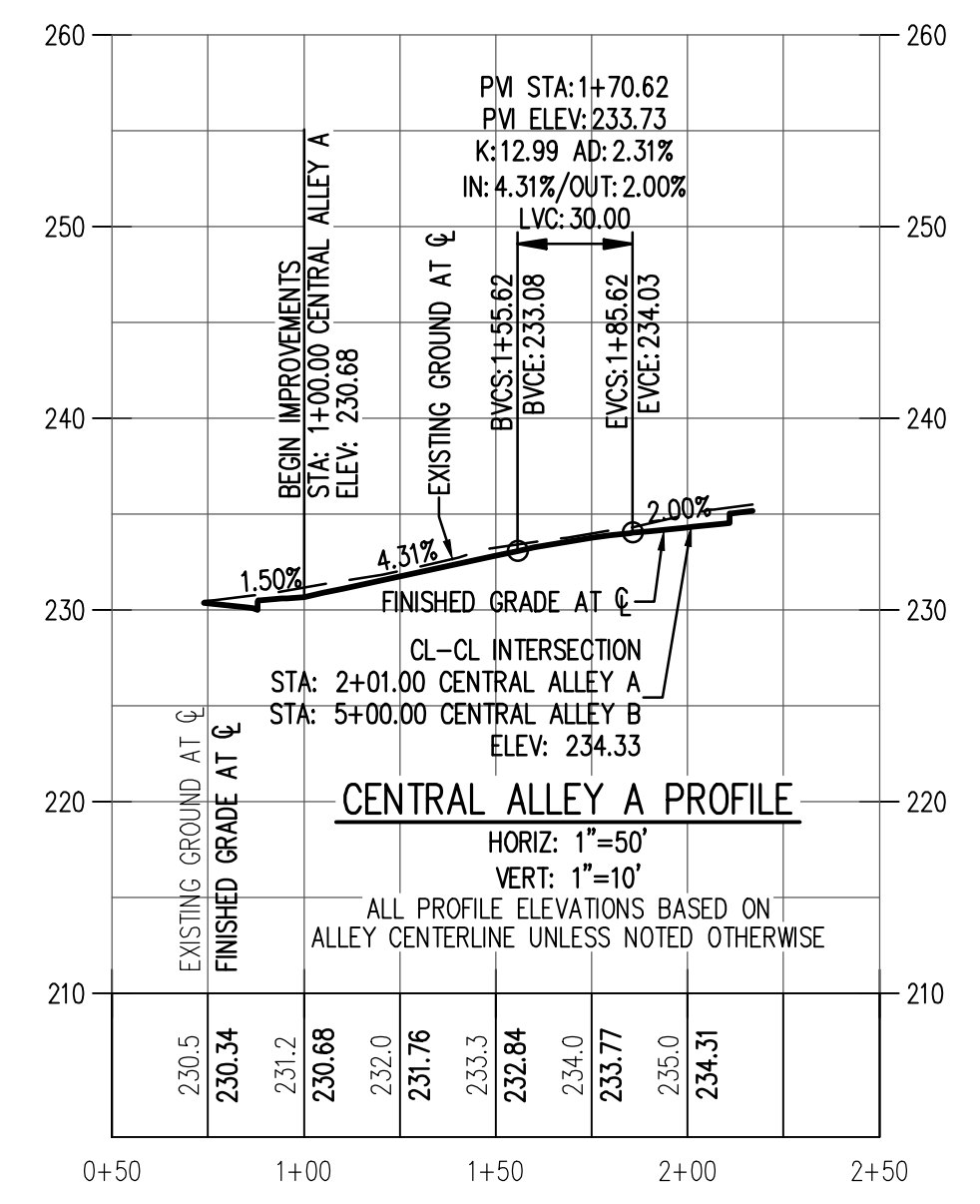
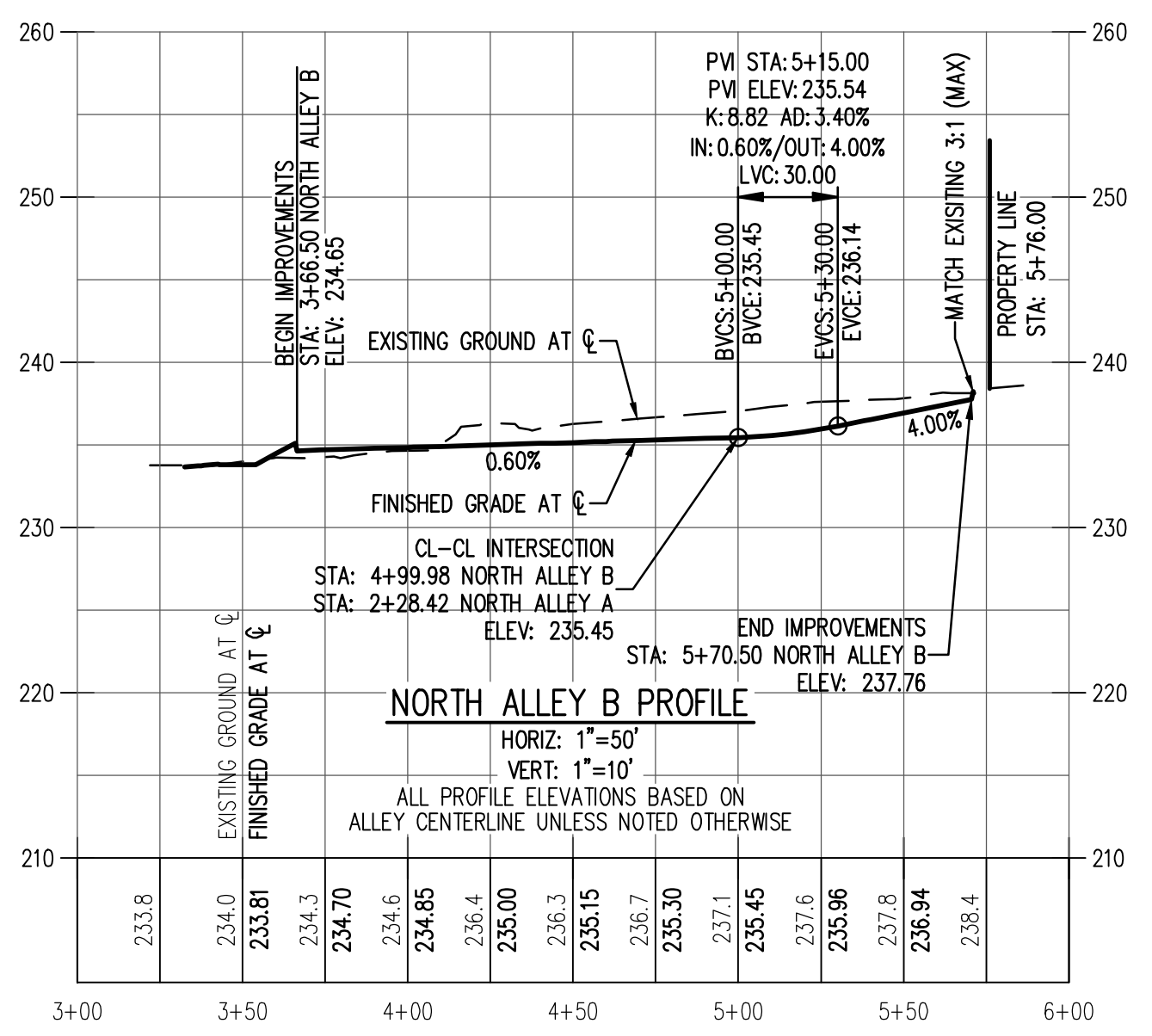
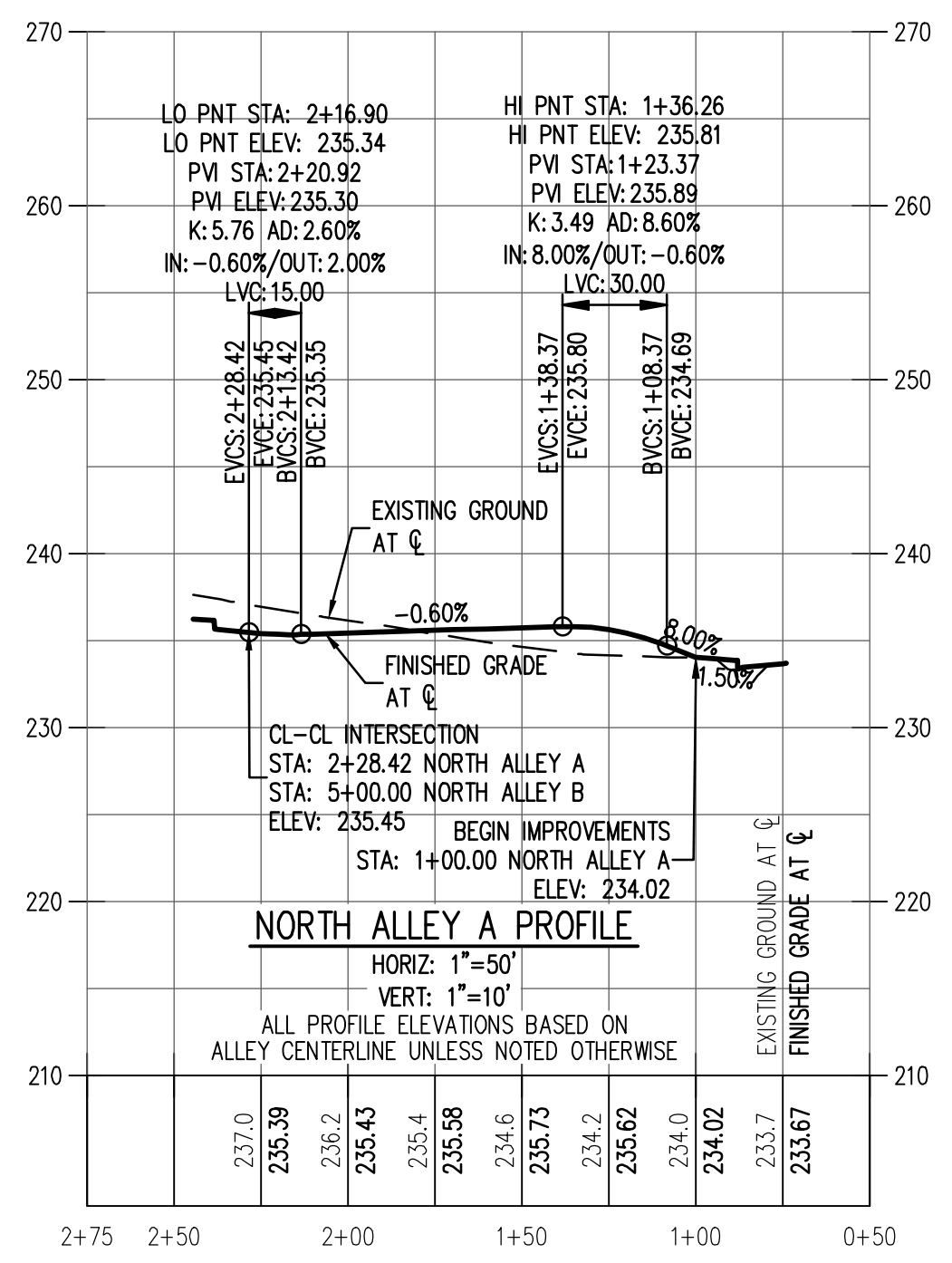
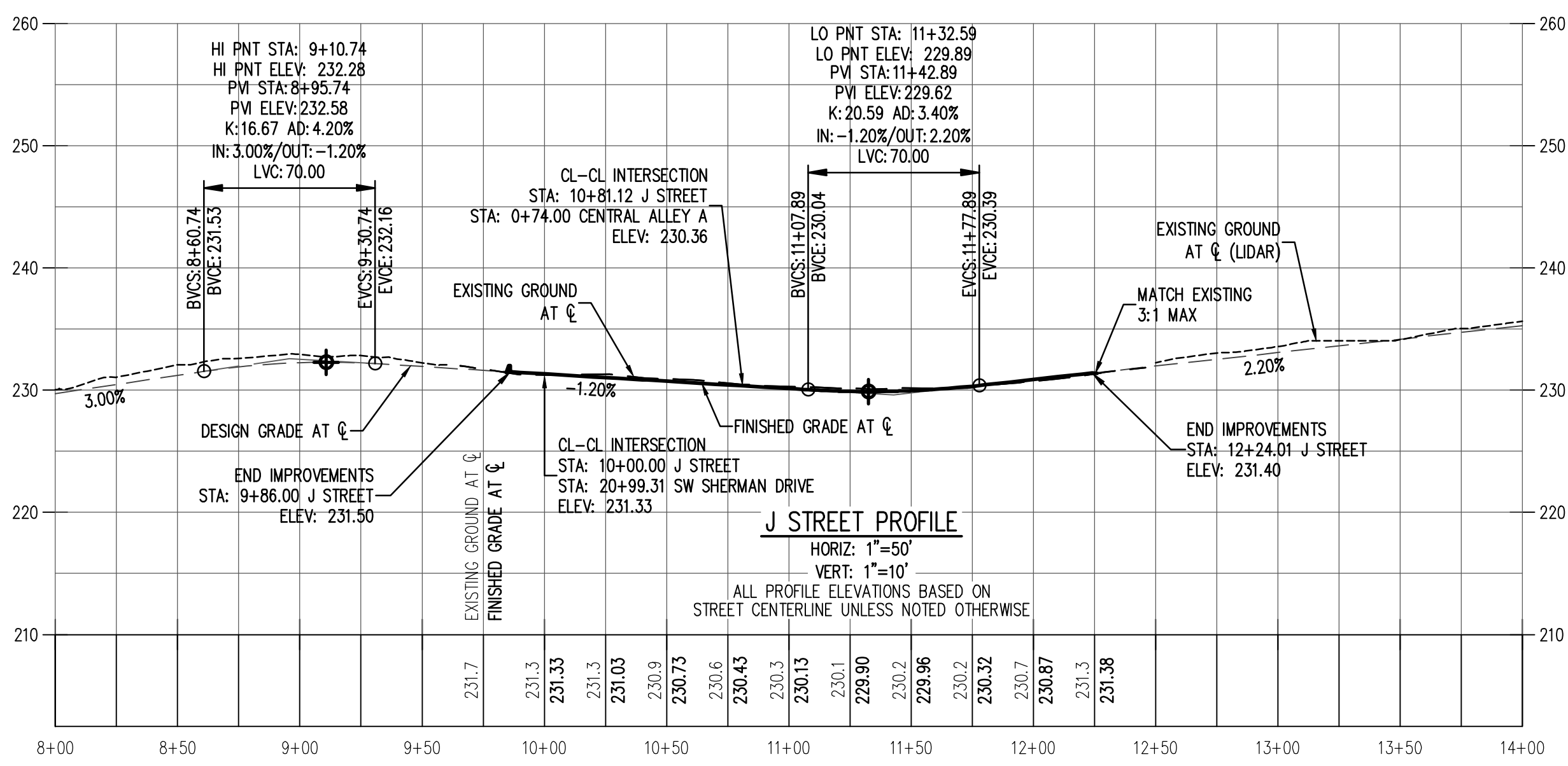
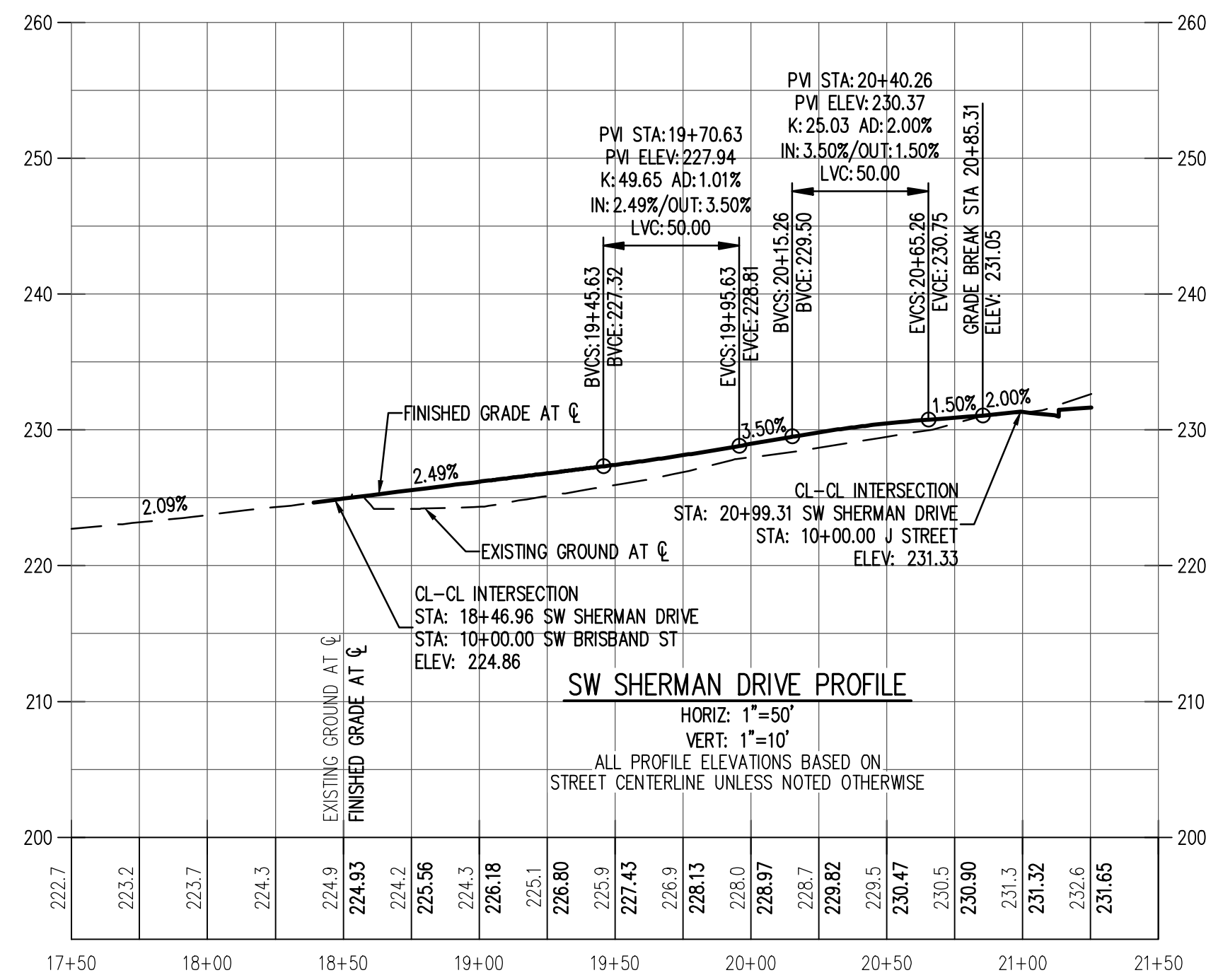
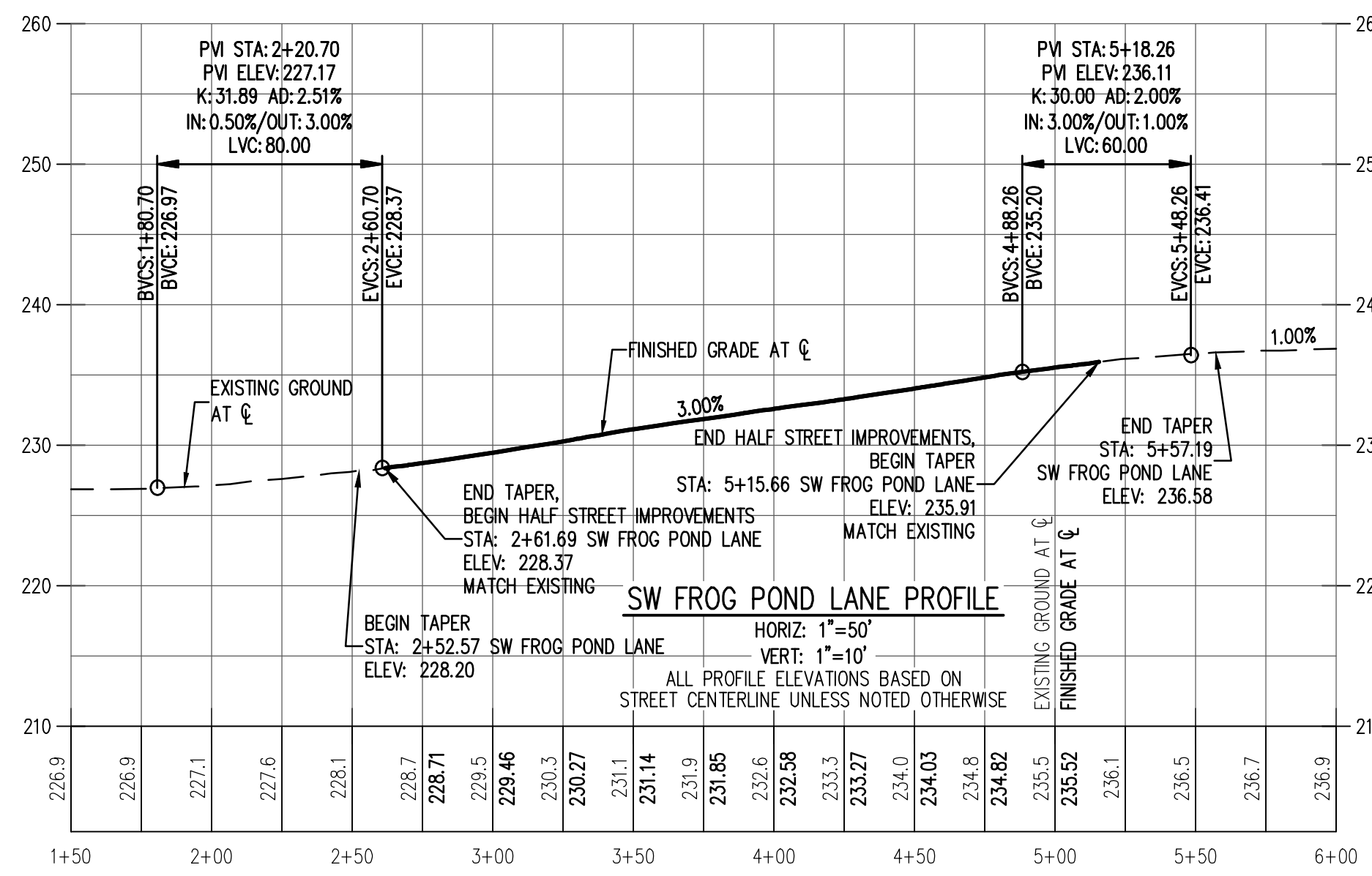
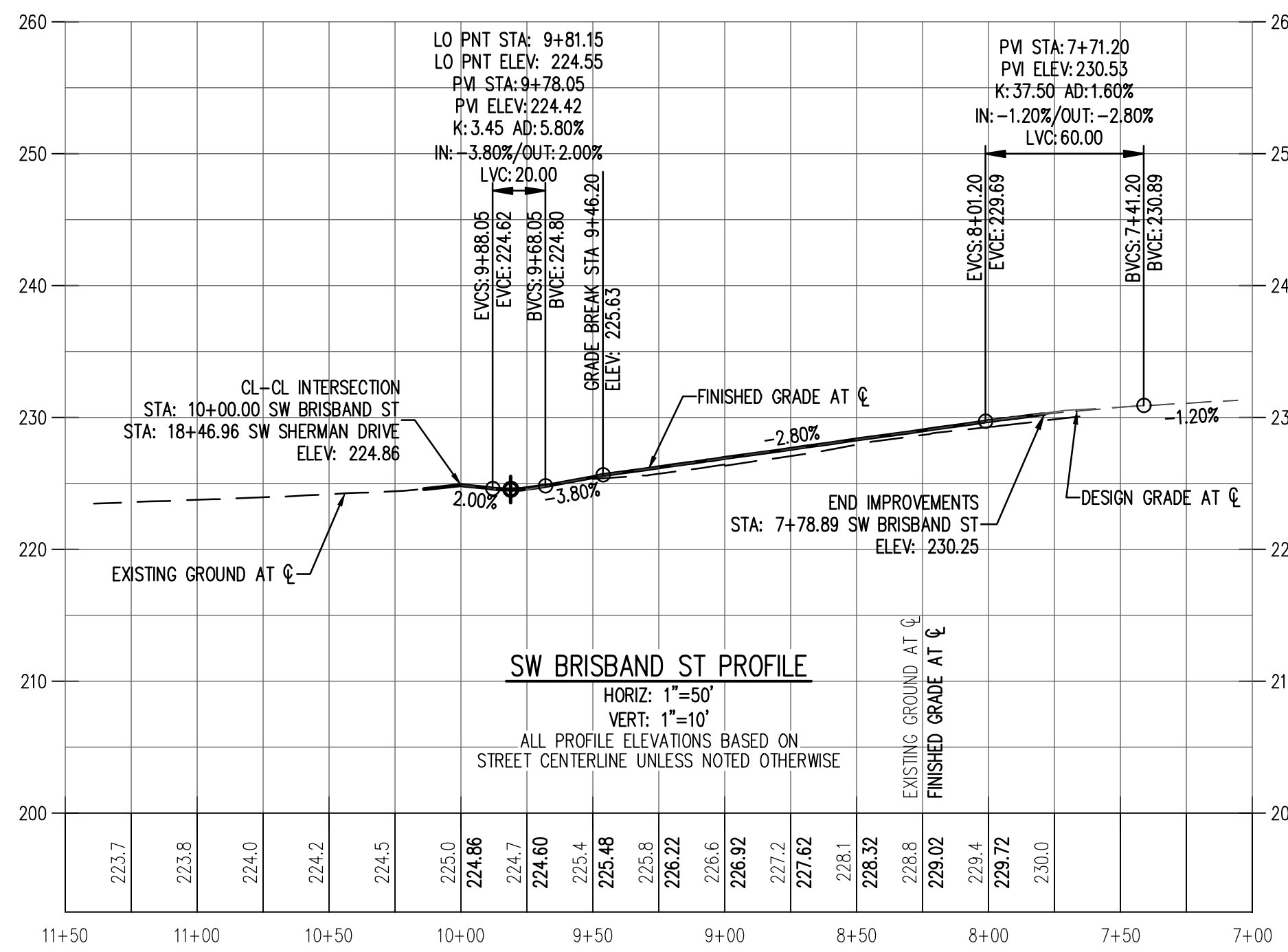
D MODIFIED LOCAL STREET CROSS SECTION NTS



H SW FROG POND LANE CROSS SECTION WITH VEG. SWALE (R) NTS

PRELIMINARY STREET CROSS SECTIONS
 FROG POND COTTAGE PARK PLACE
 SULLIVAN HOMES, LLC.
 WILSONVILLE, OREGON

REGISTERED PROFESSIONAL ENGINEER
 NOT FOR CONSTRUCTION
 WILSONVILLE, OREGON
 RENEWAL DATE: 6/30/25
 JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CMS

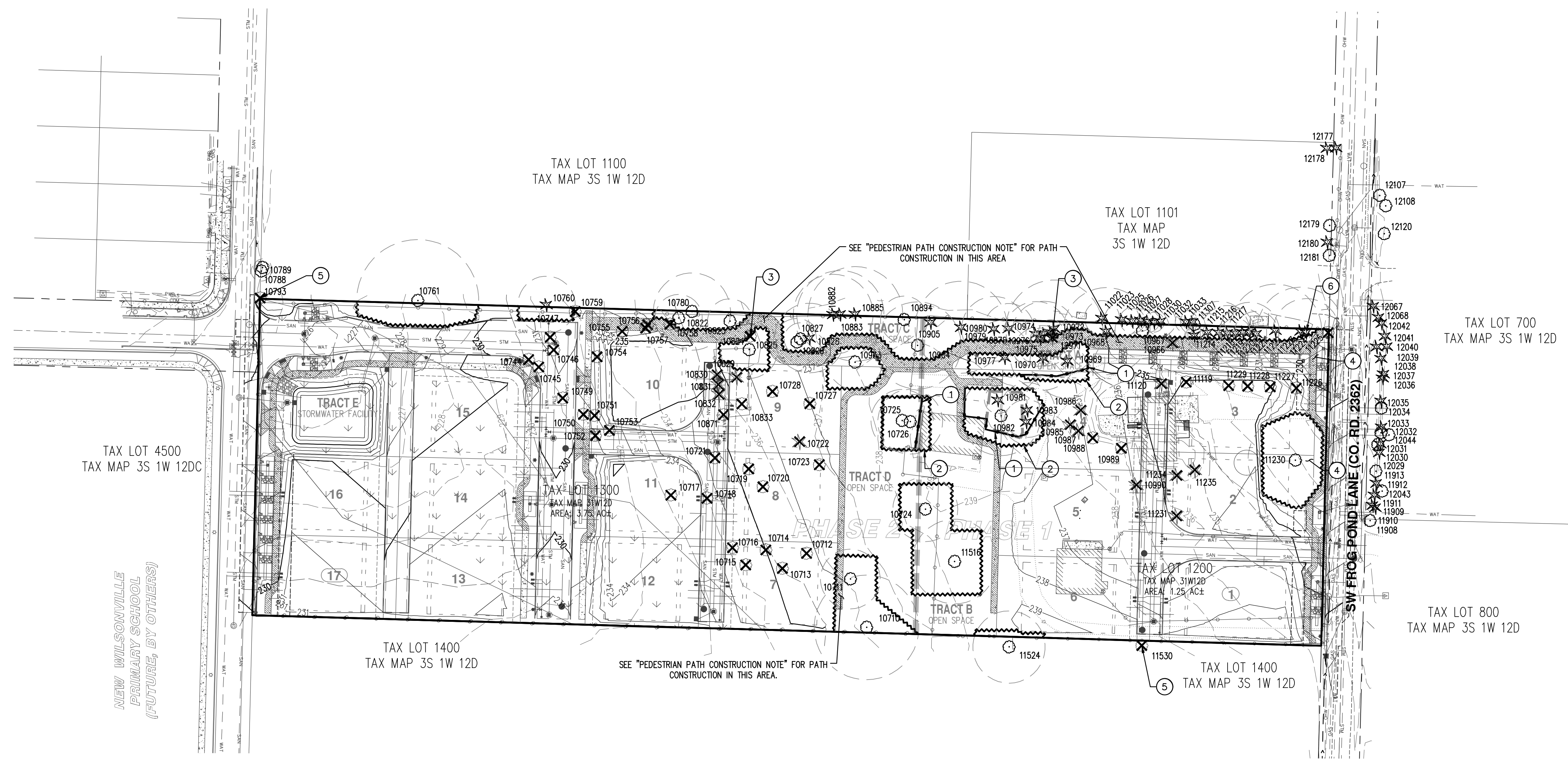


PRELIMINARY STREET PROFILES
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON

REGISTERED PROFESSIONAL ENGINEER
 NOTED FOR CONSTRUCTION
 WILSONVILLE, OREGON
 RENEWAL DATE: 6/30/25
 JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CMS

PRELIMINARY TREE PRESERVATION AND REMOVAL PLAN
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON

REGISTERED PROFESSIONAL
 LANDSCAPE ARCHITECT
 BRUCE R. BALDWIN
 CERTIFICATE NUMBER: PN-6665A
 EXPIRATION DATE: 12/31/23
 RENEWAL DATE: 6/30/25
 JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: BRK
 DRAWN BY: BRK
 CHECKED BY: BRB



PEDESTRIAN PATH CONSTRUCTION NOTE:

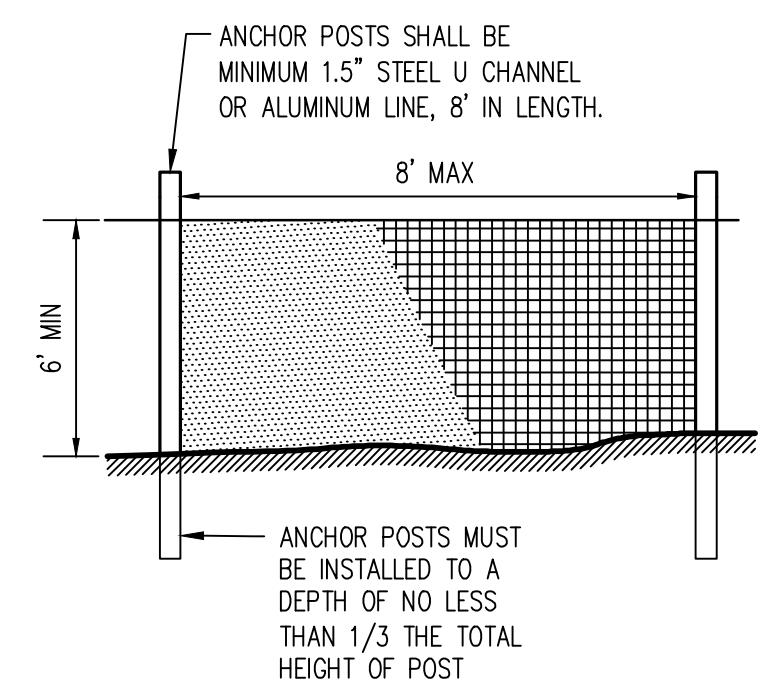
PEDESTRIAN PATH BEING PLACED NEAR TREES TO BE PRESERVED SHALL BE CONSTRUCTED BY STRIPPING GRASS/ORGANIC MATERIAL TO BARE SOIL, BEING CAREFUL NOT TO DAMAGE TREE ROOTS, AND THEN PLACING PATH CONSTRUCTION MATERIALS. EXCAVATION BEYOND STRIPPING GRASS/ORGANIC MATERIAL SHALL NOT OCCUR. IF NECESSARY TO LEVEL THE PATH, MINOR AMOUNTS OF FILL MATERIAL SHALL BE USED INSTEAD OF EXCAVATING SOIL. IF TRENCHING FOR LIGHTING CONDUIT IS REQUIRED, TRENCHING SHALL BE PERFORMED USING HAND TOOLS AND METHODS, BEING CAREFUL TO AVOID SEVERING ROOTS 1" OR GREATER. THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT ARBORIST PRIOR TO BEGINNING CONSTRUCTION IN THIS AREA. THE PROJECT ARBORIST MAY REQUIRE ADDITIONAL TREE PROTECTION MEASURES OR ALTERNATIVE CONSTRUCTION METHODS. A CERTIFIED ARBORIST SHALL BE ONSITE DURING PATH CONSTRUCTION IN THIS AREA.

TREE PROTECTION KEYED NOTES:

- LOCATION OF TREE PROTECTION FENCE DURING DEMOLITION. TREE PROTECTION FENCE TO BE ADJUSTED TO FINAL LOCATION AS SHOWN BY NOTE #2 FOLLOWING DEMOLITION AND PRIOR TO GROUND DISTURBING ACTIVITIES.
- LOCATION OF TREE PROTECTION FENCE AFTER DEMOLITION IS COMPLETE (PRIOR TO ANY GROUND DISTURBING ACTIVITIES).
- ARBORIST OBSERVATION REQUIRED DURING TREE REMOVAL AND OTHER WORK DONE BEHIND TREE PROTECTION FENCE.
- FRANCHISE UTILITIES SHALL BE BORED WITHIN THE ROOT ZONE OF TREES TO BE PRESERVED. CONTRACTOR TO COORDINATE WITH THE PROJECT ARBORIST PRIOR TO FRANCHISE UTILITY INSTALLATION IN THIS AREA. MODIFICATIONS TO THE FRANCHISE UTILITY PLAN MAY BE REQUIRED.
- OFFSITE TREE REMOVAL TO BE COORDINATED WITH ADJACENT PROPERTY OWNER.
- PROPOSED CONSTRUCTION ACTIVITIES MAY RESULT IN SIGNIFICANT NEGATIVE IMPACTS TO THE TREE. ARBORIST OBSERVATION REQUIRED FOR CONSTRUCTION ACTIVITIES WITHIN THE TREE ROOT ZONE.

LEGEND

EXISTING GROUND CONTOUR (1 FT)	---	149
EXISTING GROUND CONTOUR (5 FT)	---	150
FINISHED GRADE CONTOUR (1 FT)	---	149
FINISHED GRADE CONTOUR (5 FT)	---	150
EXISTING CONIFEROUS TREE	★	
EXISTING DECIDUOUS TREE	○	
TREE REMOVAL	✕	
TREE PROTECTION/CONSTRUCTION FENCE (TREE PROTECTION AREA)	~	
LOCATION TREE PROTECTION FENCE DURING DEMOLITION (TO BE ADJUSTED FOLLOWING DEMOLITION AS DENOTED BY KEYED NOTE #2)	—	
ASSUMED TREE ROOT ZONE (1-FT RADIUS PER 1-IN OF DBH)	○	



ANCHOR POSTS SHALL BE MINIMUM 1.5" STEEL U CHANNEL OR ALUMINUM LINE, 8' IN LENGTH.

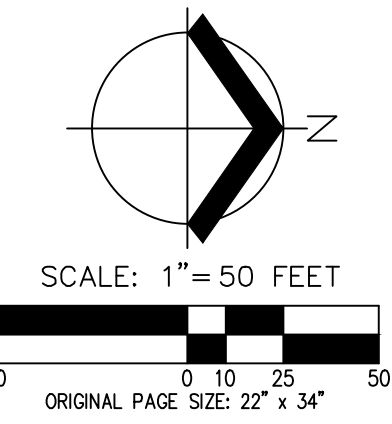
ANCHOR POSTS MUST BE INSTALLED TO A DEPTH OF NO LESS THAN 1/3 THE TOTAL HEIGHT OF POST

NOTES:
 1. 2" MESH CHAIN LINK FENCE FOR TREE PROTECTION DEVICE OR APPROVED EQUAL.
 2. AVOID DAMAGE TO TREE ROOT ZONE. DO NOT DAMAGE OR SEVER LARGE ROOTS WHEN INSTALLING POSTS.
 3. DEVICE SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

TREE PROTECTION FENCE



BRUCE R. BALDWIN
 CERTIFICATE NUMBER: PN-6665A
 EXPIRATION DATE: 12/31/23



Detailed Tree Inventory for Frog Pond Cottage Park Place

AKS Job No. 6175 - Evaluation Date: 5/20/2022 - Evaluated By: BRK

Tree #	DBH (in.)	Avg. Crown Radius (ft)	Tree Species Common Name (Scientific name)	Comments	Health Rating*	Structure Rating**	Remove/Preserve
10710	42	31	Oregon White Oak (Quercus garryana)		1	1	Preserve
10711	24	27	Oregon White Oak (Quercus garryana)	1-sided canopy (W)	1	2	Preserve
10712	30	25	Oregon White Oak (Quercus garryana)		1	1	Remove
10713	20	18	Oregon White Oak (Quercus garryana)	1-sided canopy (E)	1	2	Remove
10714	20	21	Oregon White Oak (Quercus garryana)	1-sided canopy (W)	1	2	Remove
10715	24	20	Oregon White Oak (Quercus garryana)	Broken limbs; Dead limbs; Epicormic sprouts; Sparse canopy	2	2	Remove
10716	27	23	Oregon White Oak (Quercus garryana)		1	1	Remove
10717	27	19	Oregon White Oak (Quercus garryana)		1	1	Remove
10718	36	30	Oregon White Oak (Quercus garryana)	Codominant with included bark	1	2	Remove
10719	27	25	Oregon White Oak (Quercus garryana)	Some dead branches	2	1	Remove
10720	28	26	Oregon White Oak (Quercus garryana)		1	1	Remove
10721	25	19	Oregon White Oak (Quercus garryana)		1	1	Remove
10722	25	20	Douglas-fir (Pseudotsuga menziesii)		1	1	Remove
10723	23	24	Oregon White Oak (Quercus garryana)	Few broken limbs	1	1	Remove
10724	26	27	Oregon White Oak (Quercus garryana)		1	1	Preserve
10725	25	22	Oregon White Oak (Quercus garryana)	Large dead branches; Epicormic sprouts; 1-sided canopy (S)	2	2	Preserve
10726	26	30	Oregon White Oak (Quercus garryana)	1-sided canopy (N)	1	2	Preserve
10727	26	19	Oregon White Oak (Quercus garryana)	Dead branches; Sparse foliage; Cavity at base	2	2	Remove
10728	26	20	Oregon White Oak (Quercus garryana)		1	1	Remove
10744	23,19	30	Oregon White Oak (Quercus garryana)	Codominant base; 1-sided canopy (S)	1	2	Remove
10745	15.9	17	Oregon White Oak (Quercus garryana)	Codominant base	1	1	Remove
10746	8.8,12	15	Oregon White Oak (Quercus garryana)	Epicormic sprouts; Some dead branches	2	1	Remove
10747	19,18	20	Oregon White Oak (Quercus garryana)	Codominant base	1	1	Remove
10749	33,12	29	Oregon White Oak (Quercus garryana)		1	1	Remove
10750	24,11	40	Oregon White Oak (Quercus garryana)	1-sided canopy (S)	1	2	Remove
10751	24	25	Oregon White Oak (Quercus garryana)		1	1	Remove
10752	18	32	Oregon White Oak (Quercus garryana)	1-sided canopy (SE)	1	2	Remove
10753	37	30	Oregon White Oak (Quercus garryana)		1	1	Remove
10754	24	21	Oregon White Oak (Quercus garryana)		1	1	Remove
10755	20,12	19	Oregon White Oak (Quercus garryana)	Some dead branches; Epicormic sprouts	2	1	Remove
10756	31	25	Oregon White Oak (Quercus garryana)	1-sided canopy (W)	1	2	Remove
10757	10,7	30	Oregon White Oak (Quercus garryana)	Pruned codominant stem with decay; Suppressed; Epicormic sprouts; 1-sided canopy (W)	2	2	Remove
10758	25	0	Oregon White Oak (Quercus garryana)	Dead (~75')	3	3	Remove
10759	39	31	Oregon White Oak (Quercus garryana)	1-sided canopy (W)	1	2	Remove
10760	23	18	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line	1	1	Preserve
10761	49	29	Oregon White Oak (Quercus garryana)	OFFSITE; Evaluated from property line	1	1	Preserve
10760	31	38	Oregon White Oak (Quercus garryana)	LINE TREE; 1-sided canopy (W)	1	2	Preserve
10788	8	8	Willow (Salix sp.)	OFFSITE; Many dead branches; Sparse canopy; In decline	3	2	Preserve
10789	7	0	Willow (Salix sp.)	OFFSITE; Dead	3	3	Preserve
10793	7,6.5,6.6	13	Willow (Salix sp.)	OFFSITE; Dead limbs; Broken branches	2	2	Remove
10822	19	13	Oregon White Oak (Quercus garryana)	Many epicormic sprouts; Dead branches; Sparse canopy	2	2	Preserve
10823	18,17	15	Oregon White Oak (Quercus garryana)	Codominant base	1	1	Preserve
10824	22	23	Sweet Cherry (Prunus avium)	Crooked bole; Lean (W); Damage at base	1	2	Remove
10825	23	25	Oregon White Oak (Quercus garryana)		1	1	Preserve
10826	19	19	Oregon White Oak (Quercus garryana)	1-sided canopy (W); Dead branches; many epicormic sprouts	2	2	Preserve
10827	13	13	Oregon White Oak (Quercus garryana)	Epicormic sprouts; Sparse canopy	2	2	Preserve
10828	28	19	Douglas-fir (Pseudotsuga menziesii)	Slight sweep (N)	1	1	Preserve
10829	14	10	Douglas-fir (Pseudotsuga menziesii)	Dead branches; Epicormic sprouts; Sparse canopy	2	2	Remove
10830	17	13	Douglas-fir (Pseudotsuga menziesii)	Dead branches	2	1	Remove
10831	13	13	Douglas-fir (Pseudotsuga menziesii)		1	1	Remove
10832	16	16	Douglas-fir (Pseudotsuga menziesii)		1	1	Remove
10833	11	8	Sweet Cherry (Prunus avium)		1	1	Remove
10871	29	29	Oregon White Oak (Quercus garryana)	Cavity in base with decay and fungal growth	2	2	Remove
10882	32	23	Douglas-fir (Pseudotsuga menziesii)	LINE TREE	1	1	Preserve
10883	35	15	Douglas-fir (Pseudotsuga menziesii)	LINE TREE; Dead branches; Sparse canopy	2	2	Preserve
10885	38	18	Douglas-fir (Pseudotsuga menziesii)	LINE TREE; Dead at very top; Some dead branches	2	1	Preserve
10894	19	20	Bigleaf Maple (Acer macrophyllum)	Lean (W)	1	2	Preserve
10904	35	27	Oregon White Oak (Quercus garryana)		1	1	Preserve
10905	45	18	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
10933	22	17	Oregon White Oak (Quercus garryana)		1	1	Preserve
10966	43	16	Douglas-fir (Pseudotsuga menziesii)	Some bore holes; Codominant base; Deformed boles; Dead branches	2	2	Remove
10967	22	22	Oregon White Oak (Quercus garryana)	1-sided canopy (S)	1	2	Preserve
10968	35	21	Ponderosa Pine (Pinus ponderosa)	Large failed limbs	1	2	Preserve
10969	30	21	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
10970	26	20	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
10971	6	0	Douglas-fir (Pseudotsuga menziesii)	Dead (~15')	3	3	Remove
10972	39	22	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
10973	10	3	Douglas-fir (Pseudotsuga menziesii)	Suppressed; Epicormic sprouts	2	2	Preserve
10974	26	14	Douglas-fir (Pseudotsuga menziesii)	Epicormic sprouts; Dead branches; Sparse canopy	2	2	Preserve
10975	8	3	Douglas-fir (Pseudotsuga menziesii)	Suppressed; Abnormal bulges	2	2	Preserve
10976	26	21	Douglas-fir (Pseudotsuga menziesii)	1-sided canopy (S)	1	2	Preserve
10977	30	21	Douglas-fir (Pseudotsuga menziesii)	Deformed bole	1	2	Preserve
10978	20	15	Incense Cedar (Calocedrus decurrens)		1	1	Preserve
10979	26	19	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
10980	37	23	Douglas-fir (Pseudotsuga menziesii)	Epicormic sprouts; Dead branches; Sparse canopy	2	2	Preserve
10981	11	15	Lodgepole Pine (Pinus contorta)		1	1	Preserve
10982	32	31	Oregon White Oak (Quercus garryana)	1-sided canopy (E)	1	2	Preserve
10983	22	19	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
10984	18	19	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
10985	16	16	Ponderosa Pine (Pinus ponderosa)	Codominant with included bark; Some broken limbs	1	2	Remove
10986	9	5	Douglas-fir (Pseudotsuga menziesii)	Pruned codominant stem; 1-sided canopy (S)	1	2	Remove
10987	10	14	Lodgepole Pine (Pinus contorta)		1	1	Remove
10988	16	16	European White Birch (Betula pendula)	Dead; Few remaining lower limbs (~30')	3	3	Remove
10989	22,16	30	Norway Maple (Acer platanoides)		1	1	Remove
10990	40	19	Incense Cedar (Calocedrus decurrens)	Some scorched foliage	1	1	Remove
11022	14	15	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from behind fence; 1-sided canopy (W)	1	2	Preserve
11023	14	11	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from behind fence; 1-sided canopy (W); Deformed bole	1	2	Preserve
11025	10	12	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from behind fence; 1-sided canopy (W)	1	2	Preserve
11026	9	10	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from behind fence; 1-sided canopy (W); Deformed bole	1	2	Preserve
11027	9	12	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from behind fence; 1-sided canopy (W); Deformed bole	1	2	Preserve
11028	8	13	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from behind fence; 1-sided canopy (W)	1	2	Preserve
11030	12	10	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from behind fence; 1-sided canopy (W)	1	2	Preserve
11032	9	8	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from behind fence; 1-sided canopy (W)	1	2	Preserve
11033	10	10	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from behind fence; 1-sided canopy (W)	1	2	Preserve
11119	12	13	Sweet Cherry (Prunus avium)	Abnormal bulges; Pruned branches	2	1	Remove

Detailed Tree Inventory for Frog Pond Cottage Park Place

AKS Job No. 6175 - Evaluation Date: 5/20/2022 - Evaluated By: BRK

Tree #	DBH (in.)	Avg. Crown Radius (ft)	Tree Species Common Name (Scientific name)	Comments	Health Rating*	Structure Rating**	Remove/Preserve
11120	25	15	Deodar Cedar (Cedrus deodara)	Codominant top with many leaders	1	2	Remove
11214	7	5	Deodar Cedar (Cedrus deodara)		1	1	Preserve
11215	15	15	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
11216	25	16	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
11217	22	16	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
11218	12	17	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
11219	19	17	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
11220	24	17	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
11221	18	16	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
11222	37	17	Douglas-fir (Pseudotsuga menziesii)	Epicormic sprouts; Dead branches; Sparse canopy	2	2	Preserve
11223	35	16	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
11224	27	16	Douglas-fir (Pseudotsuga menziesii)		1	1	Preserve
11225	10,9.6	31	Norway Maple (Acer platanoides)		1	1	Preserve
11226	8,8.6	12	Sweet Cherry (Prunus avium)	Pruned limbs; Small cavities with decay; Exposed roots with damage	2	2	Remove
11227	7	8	Sweet Cherry (Prunus avium)	Small cavities with decay; Sparse canopy; Lean (SE)	2	2	Remove
11228	15	14	Sweet Cherry (Prunus avium)	Exposed roots with damage; Bulges; Pruned limbs with decay	2	2	Remove
11229	7,6.6	12	Sweet Cherry (Prunus avium)	Small cavities with decay; Pruned limbs; Sparse canopy	2	2	Remove
11230	38	23	Oregon White Oak (Quercus garryana)		1	1	Preserve
11231	30	24	Douglas-fir (Pseudotsuga menziesii)		1	1	Remove
11234	22	20	Deodar Cedar (Cedrus deodara)	Codominant top with several leaders	1	2	Remove
11235	18	22	Lodgepole Pine (Pinus contorta)	Weak leader (W)	1	2	Remove
11307	10	0	Willow (Salix sp.)	OFFSITE; Evaluated from behind fence; 2' tall stump	3	3	Preserve
11516	34	24	Oregon White Oak (Quercus garryana)		1	1	Preserve
11524	29	35	Oregon White Oak (Quercus garryana)	OFFSITE; Evaluated from property line	1	1	Preserve
11530	37	27	Bigleaf Maple (Acer macrophyllum)	OFFSITE; Evaluated from property line; Large dead limbs; Dead codominant stem; In decline	3	2	Remove
11908	7	11	Black Cottonwood (Populus trichocarpa)	OFFSITE; Evaluated from property line; 1-sided canopy (E); Lean (E)	1	2	Preserve
11909	15	16	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line; 1-sided canopy (S)	1	2	Preserve
11910	19	16	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line; 1-sided canopy (S)	1	2	Preserve
11911	16	16	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line; 1-sided canopy (S)	1	2	Preserve
11912	17	18	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line; 1-sided canopy (S)	1	2	Preserve
11913	20	20	Black Cottonwood (Populus trichocarpa)	OFFSITE; Evaluated from property line	1	1	Preserve
12029	14	15	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line	1	1	Preserve
12030	18	25	Black Cottonwood (Populus trichocarpa)	OFFSITE; Evaluated from property line; 1-sided canopy (S)	1	2	Preserve
12031	15	15	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line	1	1	Preserve
12032	13	20	Black Cottonwood (Populus trichocarpa)	OFFSITE; Evaluated from property line; 1-sided canopy (S)	1	2	Preserve
12033	10	6	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line	1	1	Preserve
12034	9	17	Sweet Cherry (Prunus avium)	OFFSITE; Evaluated from property line; 1-sided canopy (S)	1	2	Preserve
12035	21	18	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line	1	1	Preserve
12036	16	18	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line	1	1	Preserve
12037	16	18	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line	1	1	Preserve
12038	6	6	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line	1	1	Preserve
12039	19	16	Ponderosa Pine (Pinus ponderosa)	OFFSITE; Evaluated from property line	1	1	Preserve
12040	8	6	Douglas-fir (Pseudotsuga menziesii)	OFFSITE; Evaluated from property line	1	1	Preserve
12041	6	5	Blue Spruce (Picea pungens)	OFFSITE; Evaluated from property line	1	1	Preserve
12042	6	5	Blue Spruce (Picea pungens)	OFFSITE; Evaluated from property line	1	1	Preserve
12043	27,15	18	Black Cottonwood (Populus trichocarpa)	OFFSITE; Evaluated from property line	1	1	Preserve
12044	21,20	5	Black Cottonwood (Populus trichocarpa)	OFFSITE; Evaluated from property line	1	1	Preserve
12067	10	6	Blue Spruce (Picea pungens)	OFFSITE; Evaluated from property line	1	1	Preserve
12068	10	0	Leyland Cypress (Cupressus × leylandii)	OFFSITE; Evaluated from property line; Dead (~20')	3	3	Preserve
12107	26	30	Pin Oak (Quercus palustris)	OFFSITE; Evaluated from property line; Exposed roots (S); 1-sided canopy (W)	1	2	Preserve
12108	19	30	Pin Oak (Quercus palustris)	OFFSITE; Evaluated from property line; Some dead branches	2	1	Preserve
12120	18,17	28	Pin Oak (Quercus palustris)	OFFSITE; Evaluated from property line; 1-sided canopy (E)	1	2	Preserve
12177	14	14	Lodgepole Pine (Pinus contorta)	OFFSITE; Evaluated from property line; Topped for overhead wires; Decay	2	3	Preserve
12178	16	14	Lodgepole Pine (Pinus contorta)	OFFSITE; Evaluated from property line	1	1	Preserve
12179	9	15	Japanese Maple (Acer palmata)	OFFSITE; Evaluated from property line	1	1	Preserve
12180	17	16	Deodar Cedar (Cedrus deodara)	OFFSITE; Evaluated from property line; North side pruned for OHW; 1-sided canopy (S)	1	2	Preserve
12181	12	14	Sweet Cherry (Prunus avium)	OFFSITE; Evaluated from property line; Broken limbs; Pruned for overhead wires	1	2	Preserve

Total # of Existing Trees Inventoried = 152

Total # of Existing Onsite Trees = 99

Total # of Existing Onsite Trees to be Preserved = 46

Total # of Existing Onsite Trees to be Removed = 53

Total # of Existing Offsite Trees = 49

Total # of Existing Offsite Trees to be Preserved = 47

Total # of Existing Offsite Trees to be Removed = 2

Total # of Existing Line Trees = 4

Total # of Existing Line Trees to be Preserved =

**PRELIMINARY DEMOLITION PLAN
 FROG POND COTTAGE PARK PLACE
 SULLIVAN HOMES, LLC.
 WILSONVILLE, OREGON**

REGISTERED PROFESSIONAL
PRELIMINARY
 NOT FOR CONSTRUCTION
 WILSONVILLE, OREGON
 CHRISTOPHER B. HURLEY
 RENEWAL DATE: 6/30/25
 JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CMS

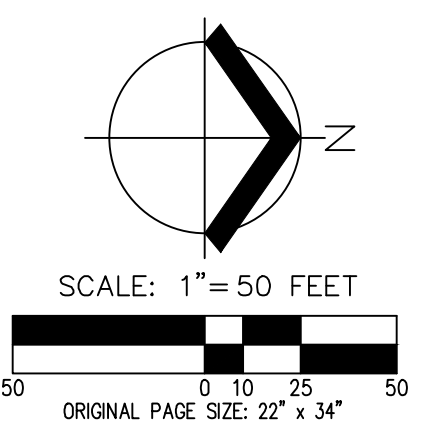
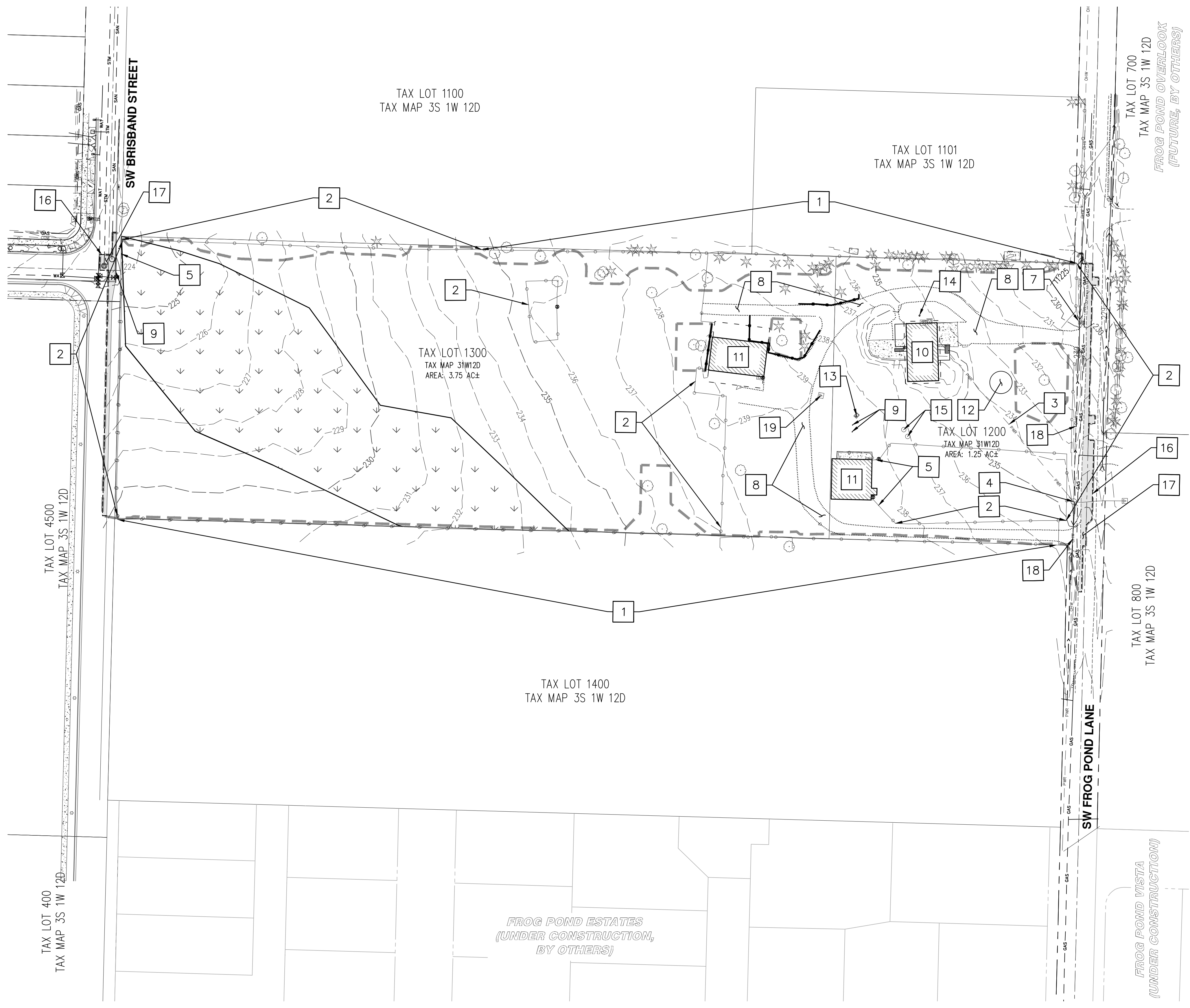
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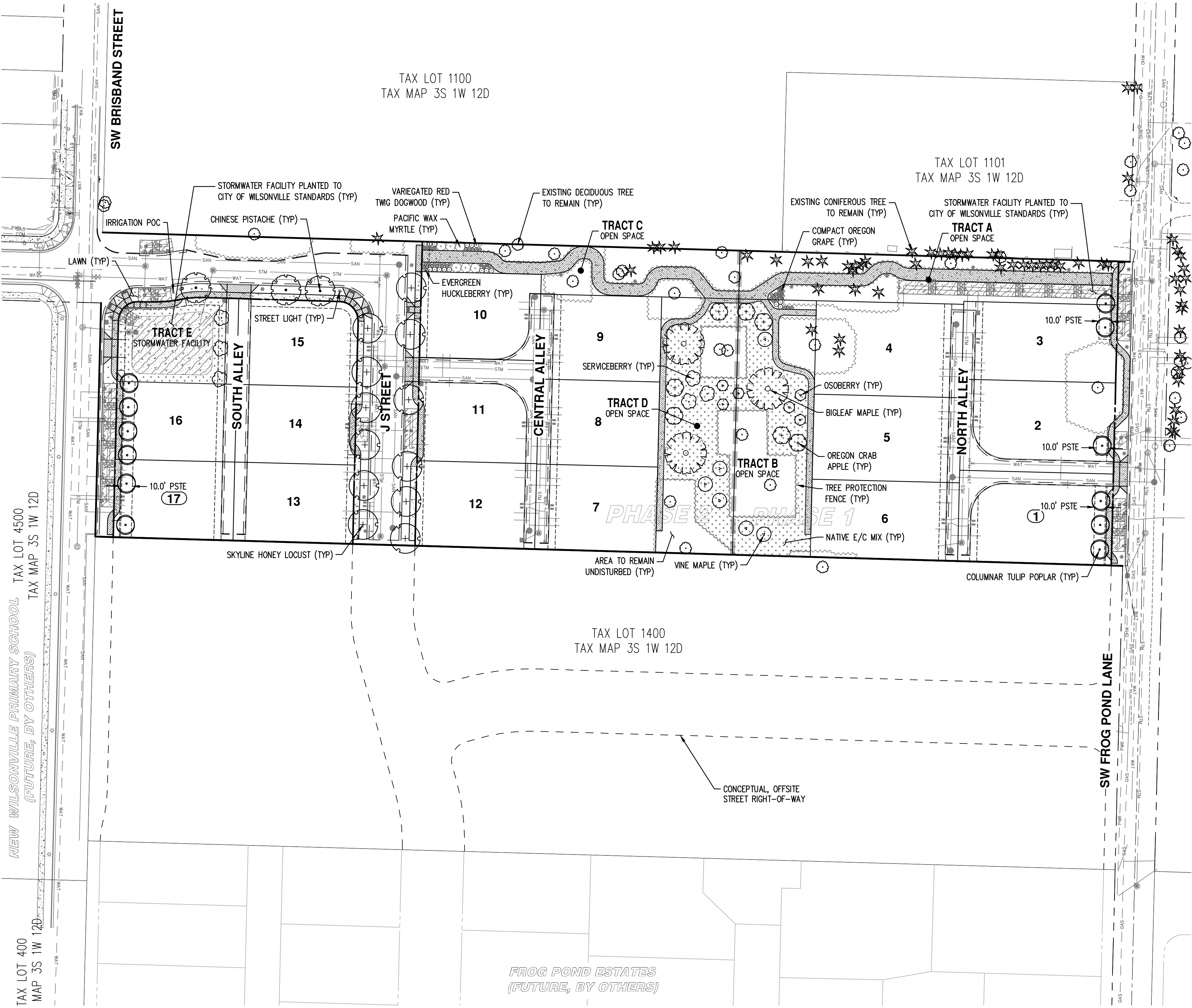
EXISTING GROUND CONTOUR (1 FT)	--- 234 ---
EXISTING GROUND CONTOUR (5 FT)	--- 235 ---
DEMOLITION LIMITS OF DISTURBANCE	-----
DEMOLITION TREE PROTECTION FENCE (SEE SHEETS P-13 & P-14)	-----
EXISTING TREE TO REMAIN	★ ○
AC CONCRETE TO BE REMOVED	□

DEMOLITION KEYED NOTES

1. PRESERVE EXISTING FENCE.
2. REMOVE OR RELOCATE EXISTING FENCE. COORDINATE WITH ADJACENT PROPERTY OWNER FOR PERIMETER FENCING.
3. REMOVE EXISTING OVERHEAD WIRE.
4. REMOVE EXISTING UTILITY POLE.
5. REMOVE EXISTING GATE.
6. REMOVE EXISTING SIGN.
7. RELOCATE EXISTING MAILBOX.
8. REMOVE EXISTING GRAVEL DRIVEWAY.
9. REMOVE EXISTING WOOD POSTS.
10. REMOVE EXISTING HOUSE AND ASSOCIATED STRUCTURES.
11. REMOVE EXISTING STRUCTURE.
12. DECOMMISSION EXISTING SANITARY SEPTIC TANK AND DRAIN FIELD.
13. DECOMMISSION EXISTING WELL.
14. REMOVE EXISTING FUEL TANK.
15. REMOVE EXISTING SATELLITE DISHES.
16. SAWCUT LINE.
17. REMOVE ASPHALT PAVEMENT TO SAWCUT LINE.
18. EXISTING OVERHEAD WIRES TO BE RELOCATED UNDERGROUND.
19. REMOVE EXISTING POWER AND ASSOCIATED WIRING (TYP).

NOTE:
 SEE SHEET P-13 & P-14 FOR TREE PRESERVATION AND REMOVAL INFORMATION.





PRELIMINARY PLANT SCHEDULE

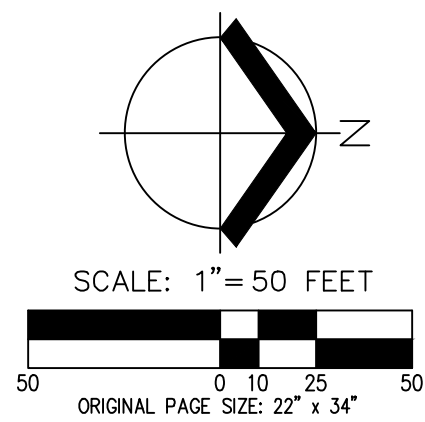
MITIGATION TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	6	ACER CIRCINATUM (NATIVE/LOW WATER USAGE)	VINE MAPLE	2" CAL. B&B (MULTI-STEM, CUMULATIVE TRUNKS)	AS SHOWN
	3	ACER MACROPHYLLUM (NATIVE/LOW WATER USAGE)	BIGLEAF MAPLE	2" CAL. B&B	AS SHOWN
	6	AMELANCHIER ALNIFOLIA (NATIVE/LOW WATER USAGE)	SERVICEBERRY	2" CAL. B&B (MULTI-STEM, CUMULATIVE TRUNKS)	AS SHOWN
	7	MALUS FUSCA (NATIVE/LOW WATER USAGE)	OREGON CRAB APPLE	2" CAL. B&B	AS SHOWN
	6	OEMLERIA CERASIFORMIS (NATIVE/LOW WATER USAGE)	OSOBERRY	2" CAL. B&B	AS SHOWN
TOTAL ONSITE MITIGATION TREES: 28					
STREET TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	12	GLEDITSIA TRIACANTHOS INERMIS 'SKYCOLE'™ (LOW WATER USAGE)	SKYLINE HONEY LOCUST	2" CAL. B&B	AS SHOWN
	12	LIRIODENDRON TULIPIFERA 'FASTIGIATA' (LOW WATER USAGE)	COLUMNAR TULIP POPLAR	2" CAL. B&B	AS SHOWN
	3	PISTACIA CHINENSIS (LOW WATER USAGE)	CHINESE PISTACHE	2" CAL. B&B	AS SHOWN
TOTAL STREET TREES: 27					
EXISTING TREES REMOVED: 55					
NEW TREES PROPOSED TOTAL: 55					
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	17	CORNUS SERICEA 'VARIEGATA' (NATIVE CULTIVAR/LOW WATER USAGE)	VARIEGATED RED TWIG DOGWOOD	3 GAL. CONT.	48" o.c.
	14	MAHONIA AQUIFOLIUM 'COMPACTA' (NATIVE CULTIVAR/LOW WATER USAGE)	COMPACT OREGON GRAPE	2 GAL. CONT.	36" o.c.
	6	MORELLA CALIFORNICA (NATIVE/LOW WATER USAGE)	PACIFIC WAX MYRTLE	2 GAL. CONT.	96" o.c.
	27	VACCINIUM OVATUM (NATIVE/LOW WATER USAGE)	EVERGREEN HUCKLEBERRY	2 GAL. CONT.	36" o.c.
GROUND COVERS	QTY	DESCRIPTION			
	±17,007 SF	NATIVE E/C MIX (NATIVE/MODERATE WATER USAGE - PERMANENT IRRIGATION NOT PROPOSED)			
	±7,418 SF	MEADOW BARLEY (HORDEUM BRACHYANTHERUM) 40%; CALIFORNIA BROME (BROMUS CARINATUS) 35%; NATIVE RED FESCUE (FESTUCA RUBRA RUBRA) 20%; TUFTED HAIRGRASS (DESCHAMPSIA CAESPITOSA) 3%; SPIKE BENTGRASS (AGROSTIS EXERATA) 2%			
		APPLY AT A RATE OF 1 LB PER 1,000 SF OR AS RECOMMENDED BY SUPPLIER FOR FULL COVERAGE. OBTAIN FROM SUNMARK SEEDS OR OTHER APPROVED SUPPLIER.			
	±7,418 SF	STORMWATER FACILITY PLANTED TO CITY OF WILSONVILLE STANDARDS (MODERATE WATER USAGE - PERMANENT IRRIGATION NOT PROPOSED)			
	±693 SF	LAWN - NORTHWEST SUPREME LAWN MIX. SUNMARK SEEDS OR APPROVED EQUAL. COMPOSITION BY WEIGHT: CUTTER II PERENNIAL RYEGRASS (LOLIUM PERENNE VAR CUTTER II) 35%; DASHER III PERENNIAL RYEGRASS (LOLIUM PERENNE VAR DASHER III) 35%; GARNET CREEPING RED FESCUE (FESTUCA RUBRA) 15%; MINDWARD CHEWINGS FESCUE (FESTUCA RUBRA SPP. LONGIFOLIA) 15%			
		APPLY AT A RATE OF 8 LBS PER 1,000 SF OR AS RECOMMENDED BY SUPPLIER FOR FULL COVERAGE. (HIGH WATER USAGE - PERMANENT IRRIGATION)			

GENERAL NOTE

1. REFER TO SHEET P-17 FOR LANDSCAPE DETAILS AND NOTES.

EASEMENT LEGEND

PAE	PUBLIC ACCESS AND UTILITY EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSTE	PUBLIC STREET TREE EASEMENT
SWE	SIDEWALK EASEMENT



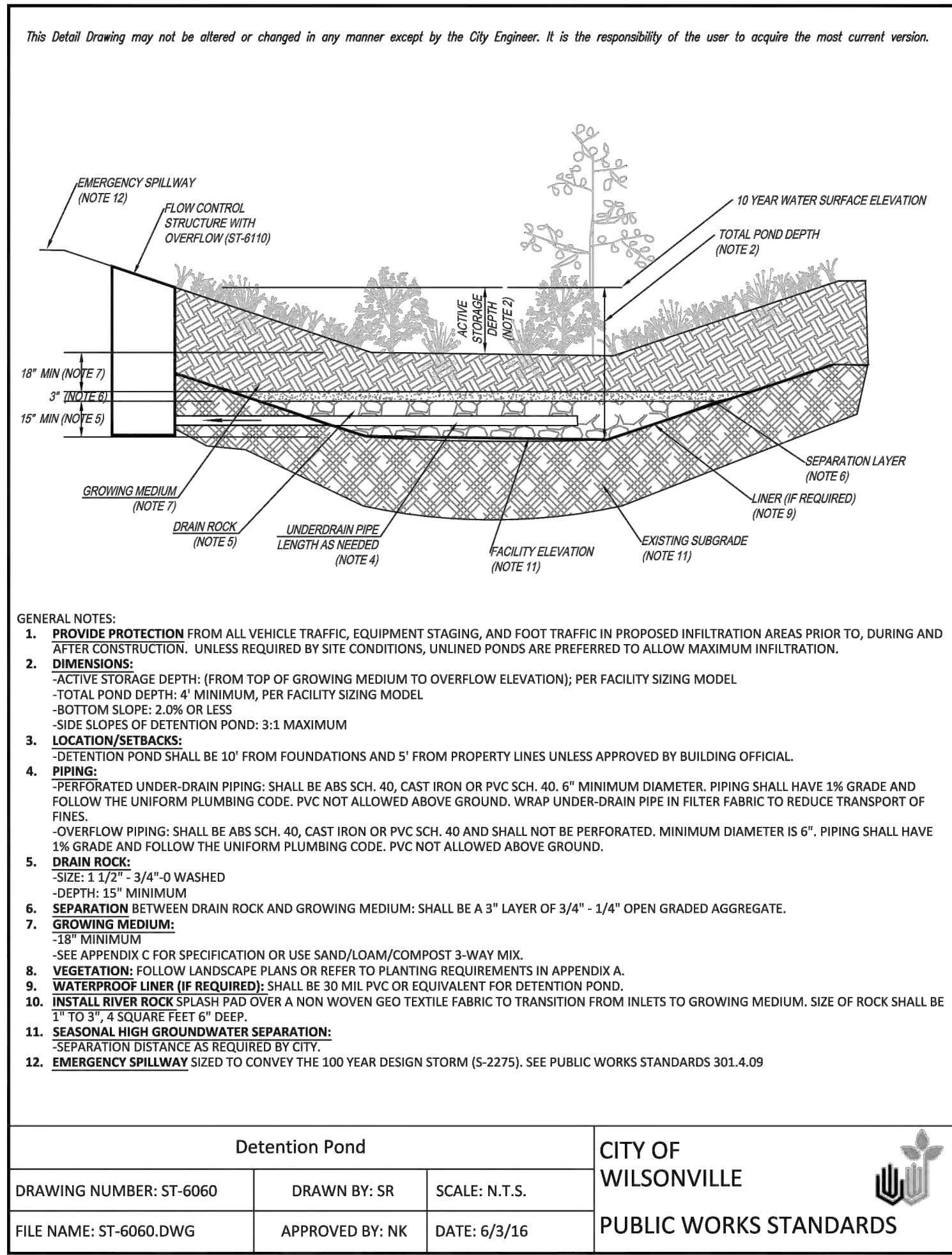
TAX LOT 400
 MAP 3S 1W 12D
 NEW WILSONVILLE PRIMARY SCHOOL
 (FUTURE, BY OTHERS)
 TAX LOT 4500
 TAX MAP 3S 1W 12D

FROG POND ESTATES
 (FUTURE, BY OTHERS)

PRELIMINARY LANDSCAPE PLAN
 FROG POND COTTAGE PARK PLACE
 SULLIVAN HOMES, LLC.
 WILSONVILLE, OREGON

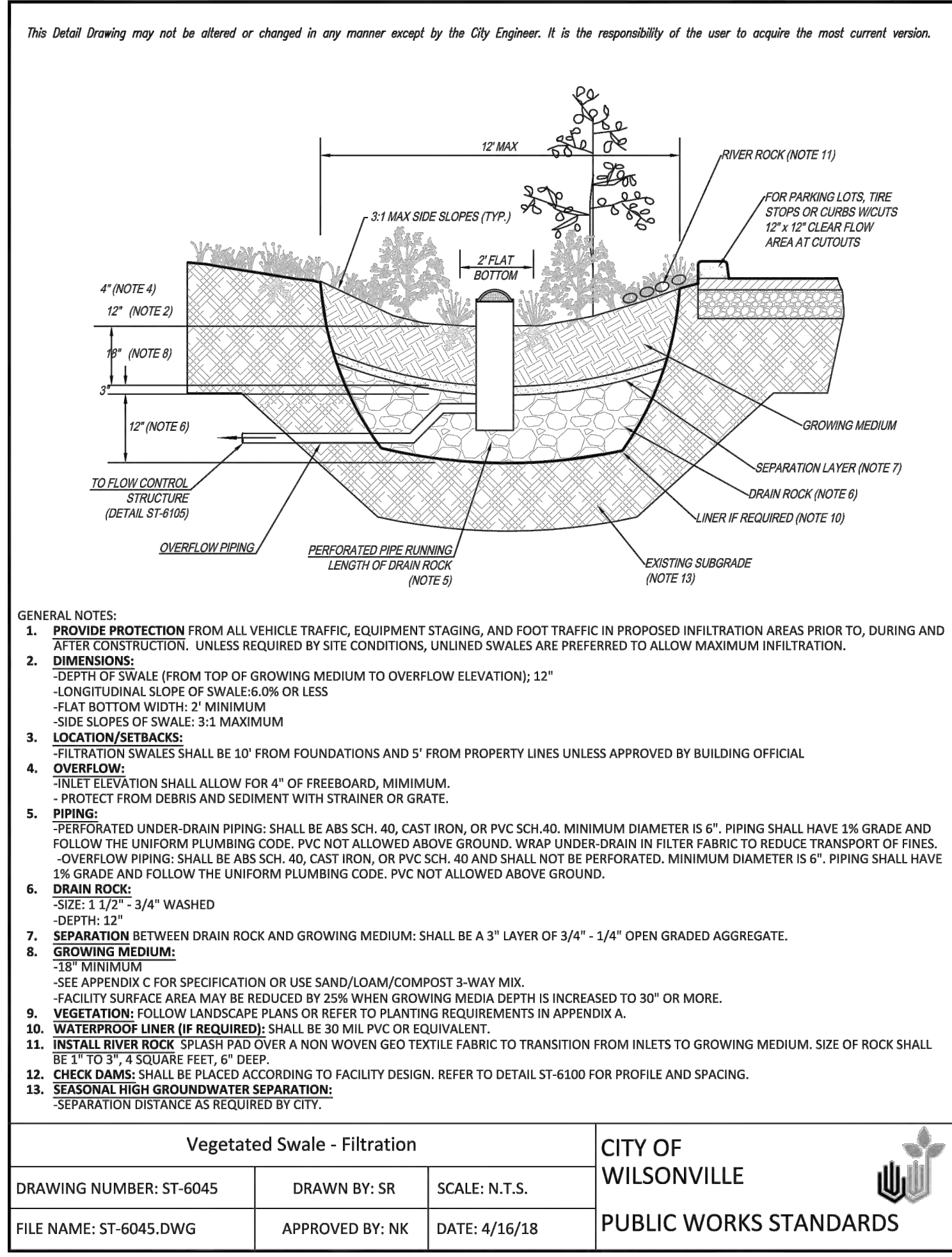
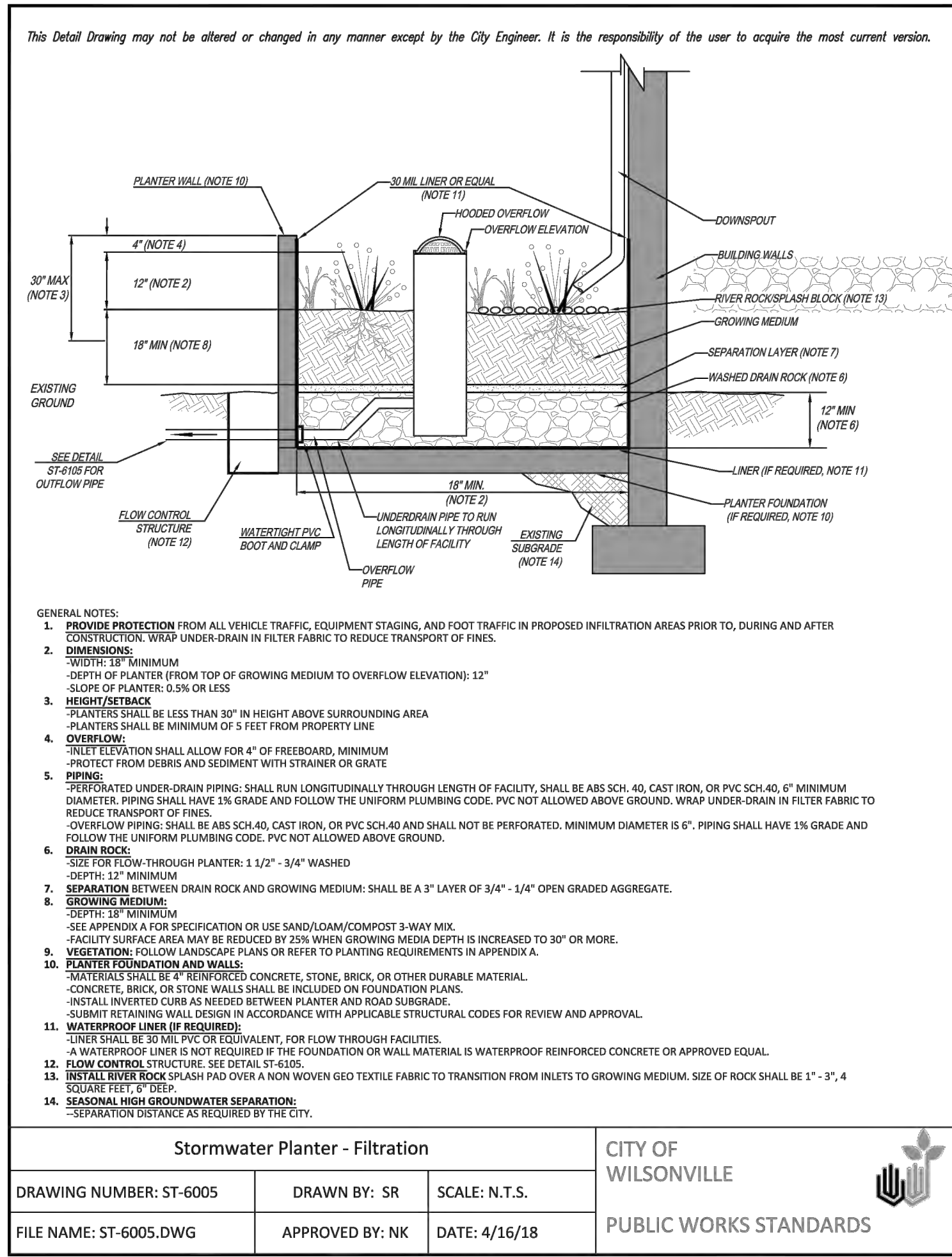
REGISTERED
 LANDSCAPE ARCHITECT
 PRELIMINARY
 NOT FOR CONSTRUCTION

JOB NUMBER: 6175
 DATE: 11/15/2023
 DESIGNED BY: JRH
 DRAWN BY: JRH
 CHECKED BY: KAH



PRELIMINARY LANDSCAPE NOTES

- PLANTS AND PLANTINGS ARE PRELIMINARY AND SHOWN TO PORTRAY THE CHARACTER OF THE SITE. PLAN REVISIONS INCLUDING CHANGES TO PLANT SPECIES, SIZES, SPACING, QUANTITIES, ETC., DUE TO PLANT AVAILABILITY, FINAL FIELD LOCATIONS OF DRIVEWAYS, UTILITIES, ETC., OR UNFORESEEN SITE CONDITIONS, MAY BE MADE PRIOR TO INSTALLATION WHERE ALLOWED BY THE CITY OF WILSONVILLE DESIGN STANDARDS.
- ALL PLANTS AND INSTALLATION SHALL CONFORM TO THE CITY OF WILSONVILLE LANDSCAPE DESIGN STANDARDS AND TO THE AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, CURRENT EDITION, IN ALL WAYS. TREES AND OTHER LANDSCAPING PLANT MATERIAL SHALL BE WELL-BRANCHED AND TYPICAL FOR THE SPECIES, BEING FREE OF DAMAGE, DISEASE, OR PESTS.
- PLANT MATERIALS SHALL BE INSTALLED TO CURRENT BEST PRACTICE INDUSTRY STANDARDS, SUCH AS THOSE ADOPTED BY THE OREGON LANDSCAPE CONTRACTORS BOARD (OLCB).
- ALL TREES SHALL BE DOUBLE STAKED. SUPPORT DEVICES (CUT WIRES, ETC.) SHALL NOT INTERFERE WITH NORMAL PEDESTRIAN OR VEHICULAR MOVEMENT OR PLACED IN SUCH A WAY TO DAMAGE TREE BARK. CENTER TREE IN PLANTING STRIP BETWEEN CURB AND SIDEWALK WHERE APPLICABLE.
- LANDSCAPING WITHIN VISION CLEARANCE AREAS SHALL BE MAINTAINED TO THE STANDARDS OF SECTION 4.177. OF THE CITY OF WILSONVILLE'S DEVELOPMENT CODE.
- WATERING WILL BE PROVIDED FOR NEW PLANTING ESTABLISHMENT AND LONG TERM PLANT HEALTH. IRRIGATION SYSTEMS SHALL BE DESIGN-BUILD BY THE LANDSCAPE CONTRACTOR IN THE FOLLOWING AREAS, UNLESS OTHER WATERING METHODS ARE APPROVED BY THE CITY OF WILSONVILLE:
 - TRACT A, B, C, D OPEN SPACE AND TRACT E STORMWATER FACILITY AND OPEN SPACE: TEMPORARY, ABOVE GROUND IRRIGATION SYSTEM OF NEW PLANTINGS UNTIL ESTABLISHMENT (2 YEARS).
 - ALL STORMWATER PLANTERS WITHIN THE RIGHT OF WAY SHALL HAVE TEMPORARY, UNDERGROUND IRRIGATION SYSTEMS INSTALLED AND MAINTAINED BY THE ADJACENT HOMEOWNER/HOMEOWNER. IRRIGATION SYSTEMS SHALL USE WATER EFFICIENT COMPONENTS TO THE GREATEST EXTENT PRACTICABLE AND INCLUDE ALL MATERIALS, COMPONENTS, CITY APPROVED BACKFLOW OR ANTI-SIPHON DEVICES, VALVES, ETC. NECESSARY FOR THE COMPLETE AND EFFICIENT COVERAGE OF LANDSCAPE AREAS SHOWN. IRRIGATION AREAS SHALL BE APPROPRIATELY ZONED BASED ON WATER NEEDS (HIGH WATER USAGE, MODERATE WATER USAGE, LOW WATER USAGE, AND INTERIM (TEMPORARY) IRRIGATION). WATERING RATES SHALL BE PROVIDED AT A RATE TO MAINTAIN ALL PLANTINGS IN A HEALTHY THRIVING CONDITION DURING ESTABLISHMENT. A MINIMUM OF 1 INCH PER WEEK, INCLUDING NATURAL RAINFALL TOTALS, IS RECOMMENDED DURING THE DRY MONTHS.
 - LAWN AREAS WITHIN RIGHT OF WAY ADJACENT TO TRACTS E SHALL HAVE PERMANENT UNDERGROUND IRRIGATION.
 - IRRIGATION OF STREET TREES AND RIGHT OF WAY PLANTING ABUTTING INDIVIDUAL LOTS, WATERED, AND MAINTAINED BY THE ADJACENT LANDOWNER/HOMEBUILDING WITH LOT DEVELOPMENT.
- MULCH: APPLY 3" DEEP WELL-AGED DARK HEMLOCK, OR FIR, MEDIUM GRIND, UNDER AND AROUND ALL PLANTS IN PLANTING BEDS. WHERE TREES OR OTHER WOODY PLANT MATERIAL ARE PLANTED IN SEEDBED AREAS, A MINIMUM 3" DIAMETER BARK MULCH SHALL BE USED AND CENTERED ON THE PLANT TRUNK FOR EASE OF MAINTENANCE AND SOIL MOISTURE RETENTION.
- CONTRACTOR TO LAY LAWN SEED MIX IN CURB RETURNS, AND FRONTAGE AREAS DENOTED ON PLANS. AREAS AROUND STORMWATER PLANTERS TO BE LAID WITH BARK MULCH AS NOTED. NO BARK MULCH ON SIDES OR WITHIN STORMWATER PLANTERS. ALL OTHER AREAS TO BE SEEDDED BY HOMEOWNER.



Frog Pond Cottage Park Place Wilsonville, Oregon

Preliminary Stormwater Report

Date: November 2023

Client: Sullivan Homes, LLC
5832 Firestone Court
San Jose, CA 95138

Engineering Contact: Cody Street, EI
(503) 563-6151

Prepared By: Nathaniel Ahrend, PE

Engineering Firm: AKS Engineering & Forestry, LLC
12965 SW Herman Road
Suite 100
Tualatin, OR 97062

AKS Job Number: 6175



RENEWAL DATE: 6/30/25



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- Appendix B:** Pre-Developed Catchment Map and Detail
- Appendix C:** Post-Developed Catchment Map and Detail
- Appendix D:** BMP Sizing Tool Report
- Appendix E:** Stormwater Facilities Location Map
- Appendix F:** Emergency Overflow Calculations
- Appendix G:** Downstream Analysis
- Appendix H:** Information from NRCS Soil Survey of Clackamas County, Oregon
- Appendix I:** Relevant Information from City of Wilsonville Stormwater and Surface Water Standards
- Appendix J:** Additional Downstream Analysis Reference Documents

Preliminary Stormwater Report

FROG POND COTTAGE PARK PLACE WILSONVILLE, OREGON

1.0 Purpose of Report

The purpose of this report is to analyze the effect development of Frog Pond Cottage Park Place will have on the downstream stormwater conveyance system, document the criteria the proposed stormwater system was designed to meet, identify the sources of information on which the analysis was based, detail the design methodology, and document the results of the analysis.

2.0 Project Location/Description

The development is located on Tax Lot 1200 & 1300 of Clackamas County Assessor's Map 3 1W 12D. The project site is located on the south side of SW Frog Pond Lane in Wilsonville, Oregon. The site area is ±5.00 acres. The site area generally slopes towards the northwest and southwest corners. Currently, the south basin collects most of the existing stormwater runoff from this site, which drains to the southwest corner of the site. The north basin of the site drains northwest to the existing ditch along SW Frog Pond Lane. Stormwater runoff from this development will be collected and routed to new low impact development (LID) stormwater facilities throughout the site to meet city standards for water quality and flow control. Stormwater runoff from both basins of the site will be routed through a series of underground pipes and eventually discharge into Boeckman Creek. The site will be developed in two phases, with Phase 1 generally encompassing the north basin, and Phase 2 generally encompassing the south basin.

3.0 Regulatory Design Criteria

3.1. Water Quality Requirements

Per City of Wilsonville 2015 Stormwater & Surface Water Design & Construction Standards, water quality facilities shall be designed to capture and treat 80 percent of the average annual runoff volume to the maximum extent practicable (MEP) with the goal of removing 70 percent of total suspended solids (TSS). The BMP Sizing Tool addresses these water quality requirements to size stormwater management facilities meeting best management practices (BMPs).

3.2. Flow Control Requirements

Per the 2015 City of Wilsonville *Stormwater & Surface Water Design & Construction Standards*, the duration of peak flow rates from post-development conditions shall be less than or equal to the duration of peak flow rates from pre-developed conditions for all peak flows between 42 percent of the 2-year design storm peak flow rate and the 10-year design storm peak flow rate. The BMP Sizing Tool incorporates these flow control requirements to size stormwater management facilities.

4.0 Design Methodology

The BMP Sizing Tool was used to design and size LID stormwater facilities to meet city standards. The Santa Barbara Urban Hydrograph (SBUH) method will be used to design the stormwater conveyance system. The SBUH method uses the Soil Conservation Service (SCS) Type 1A 24-hour storm. HydroCAD computer software will aid in the analysis.

5.0 Design Parameters

5.1. Design Storms

5.1.1. On-Site Inlet and Conduit Sizing

Stormwater inlets for the site will be placed at locations that will adequately capture stormwater runoff from the roadways. The on-site stormwater conduit pipes will be sized with Manning's equation, based on peak flows for the 25-year, 3.9-inch storm event.

5.1.2. Upstream Basin

Existing stormwater runoff from a small upstream area near the northeast corner of the site drains towards the north basin of the site. The site will be graded to direct this runoff north to a ditch inlet installed upstream of the site along the south side of SW Frog Pond Lane.

Existing stormwater runoff from a small upstream area near the southeast corner of the site may drain towards the south basin of the site. The site will be graded to direct this runoff south towards an area drain installed by the future Frog Pond Primary School Project on the north side of SW Brisband Street.

5.2. Pre-Developed Site Topography and Land Use

5.2.1. Site Topography

The existing stormwater runoff drains to the northwest and southwest corners of the site. The vegetative cover of the site consists of grass, trees, and brush.

5.2.2. Land Use

Tax Lots 1200 & 1300 currently have a single-family home and several outbuildings on site. All existing structures will be removed as a part of this development.

5.3. Soil Type

The soils present on the site are classified as Aloha silt loam (hydrologic soil group C/D), and Woodburn silt loam (hydrologic soil group C) by the Natural Resources Conservation Service (NRCS) Soil Survey for Clackamas County. Information on these soil types is provided in Appendix H.

5.4. Post-Developed Site Topography and Land Use

5.4.1. Site Topography

The post-developed site topography will be altered from the pre-developed site topography to allow for the construction of public streets, attached single-family homes, stormwater facilities, and other associated infrastructure.

5.4.2. Land Use

The post-developed land use will consist of 22 attached single-family homes, 12 detached single-family homes, public streets, alleys, open space, and stormwater facilities.

5.4.3. Post-Developed Input Parameters

The City of Wilsonville 2015 Stormwater & Surface Water Design & Construction Standards assesses each dwelling with 2,750 square feet of impervious area. This area is not practical for the smaller lot sizes in this development; therefore, the assumed impervious area for each lot is based on an anticipated home product with a roof area of approximately 1,540 square feet, plus 360 square feet for an assumed 20-foot-wide by 18-foot-long driveway per lot. A total impervious area of 1,900 square feet was used for each lot.

5.5. Infiltration Rate

Per the infiltration testing and report prepared by GeoPacific Engineering, Inc. dated July 5, 2022, falling-head infiltration testing on the project site demonstrated an infiltration rate of 0.0 inches per hour.

6.0 Calculation Methodology

6.1. Proposed Stormwater Conduit Sizing and Inlet Spacing

The on-site stormwater conduit pipes will be sized using Manning's equation for the 25-year, 3.9 inch storm event. Stormwater inlets will be placed at locations to adequately capture stormwater runoff from the streets and alleys.

6.2. Proposed Stormwater Quality Control Facility Design

The new vegetated swales, planters and the stormwater pond will provide water quality management for stormwater runoff from impervious areas within the new street right-of-way, driveways, alleys, and roof areas. Lots 11 and 12 will utilize individual on-lot planters to provide water quality management for stormwater runoff from the lot's roof area. All LID stormwater facilities were sized with BMP Sizing Tool to accommodate flows generated by developed areas of the subject property in compliance with city water quality requirements (described in Section 3.1)

6.3. Proposed Stormwater Quantity Facility Design

The new vegetated swales, planters and stormwater pond will provide flow control management for stormwater runoff from impervious areas within the new street right-of-way and roof areas. Lots 11 and 12 will utilize individual on-lot planters to provide flow control management for stormwater runoff from the lot's roof area. All LID stormwater facilities were sized with the BMP Sizing Tool to accommodate flows generated by developed areas of the subject property in compliance with city flow control requirements (described in Section 3.2).

6.4. Emergency Overflow Calculations

The emergency overflow weir was sized to convey the 100-year storm event. Calculations are included in Appendix F. If the stormwater facility's outlet structures become plugged and cannot convey runoff from the site, the overflow stormwater from the stormwater facility will back up out of the catch basin along SW Brisband Street and flow down SW Brisband Street towards Boeckman Creek. If this catch basin becomes plugged, overflow will sheet flow out of the pond and across the overflow riprap pad and the curb ramp at the corner of SW Brisband Street and SW Sherman Drive, and down SW Brisband Street towards Boeckman Creek.

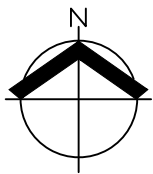
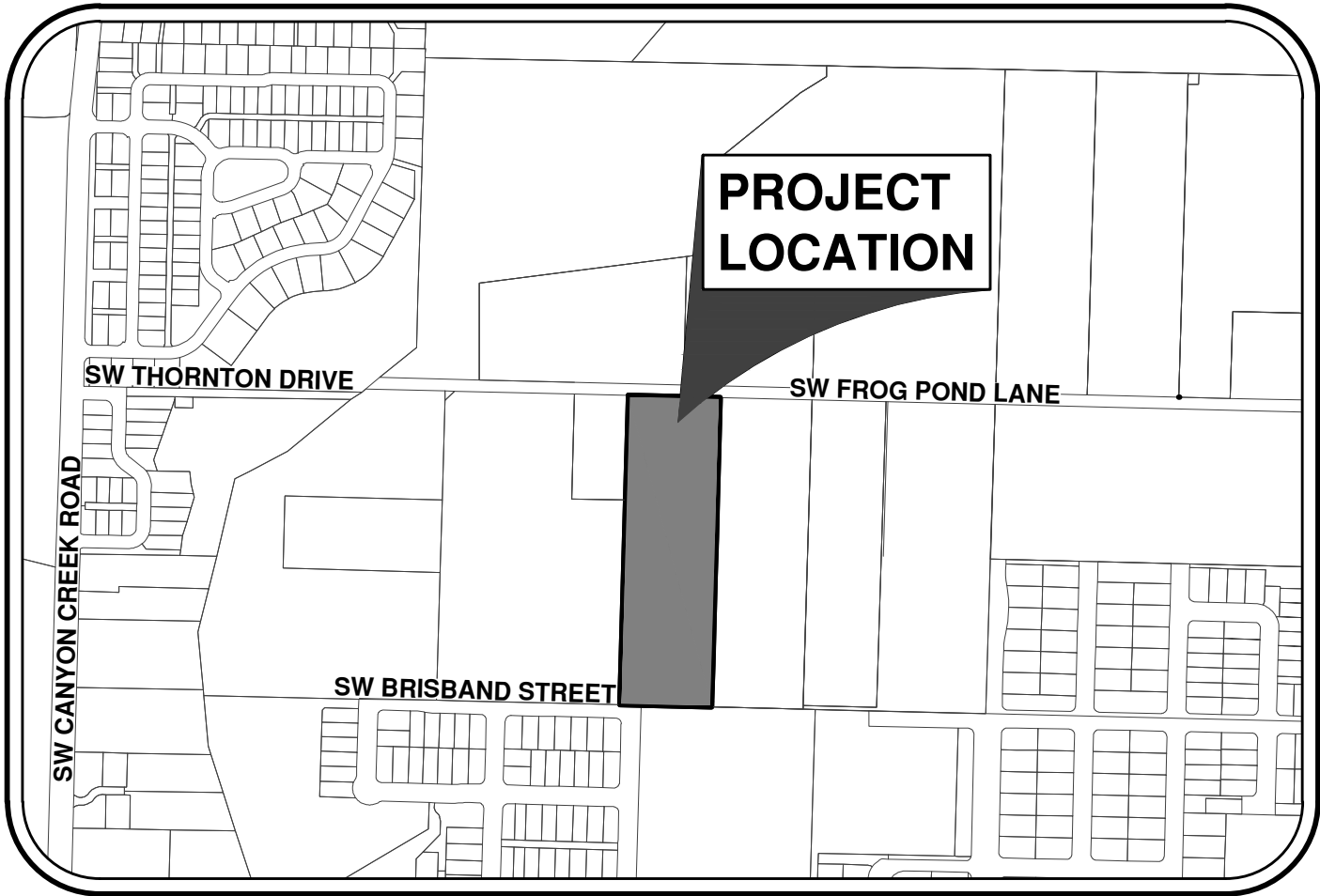
6.5. Downstream Analysis

Phase 1 will connect to the storm drain system proposed with the nearby Frog Pond Overlook development, and stormwater discharged at this location will travel west through Frog Pond Overlook and the nearby Frog Pond Terrace development and ultimately outfall into Boeckman Creek. Per the City of Wilsonville Stormwater Standards, the conveyance system of these developments will be sized to accommodate upstream runoff from the post-developed 25-year storm event, which includes the north basin of this site. Coordination and verification of downstream capacity will occur with final design.

Phase 2 will connect to an existing storm drain manhole constructed with Morgan Farm Ph. 2 in the intersection of SW Brisband Street & SW Sherman Drive, and the storm drain system proposed with the adjacent Frog Pond Primary School project. Stormwater discharged from the site at this location continues

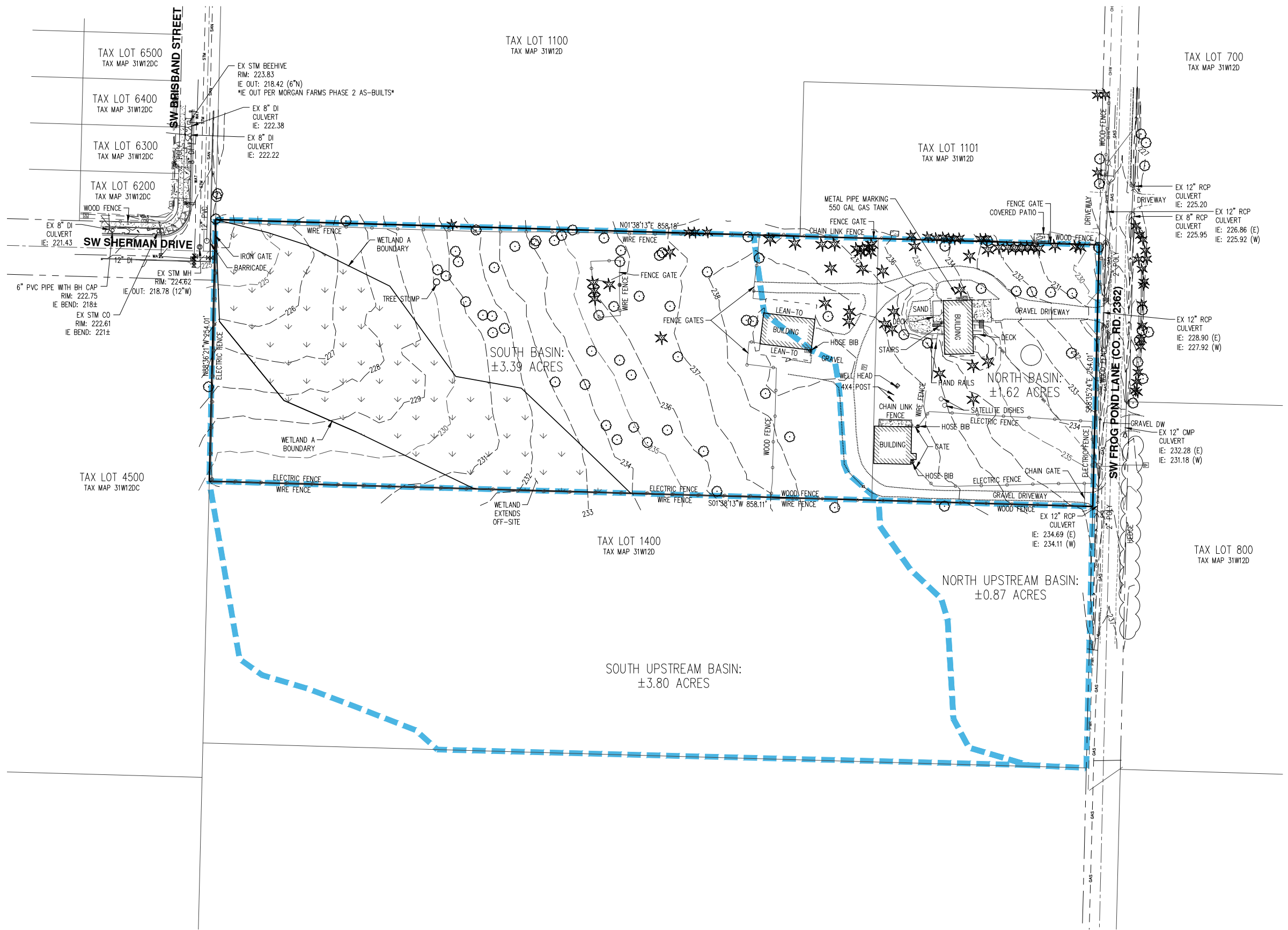
through Morgan Farm Ph. 2 and discharges into Boeckman Creek. Per the Morgan Farm Ph. 2 downstream analysis included in Appendix G, the existing system within Morgan Farm Ph. 2 has capacity to convey upstream runoff from the post-developed 25-year storm event (which includes the south basin of this site) while maintaining a minimum of ± 1.23 feet of freeboard within the conveyance system.

Appendix A: Vicinity Map



VICINITY MAP
NOT TO SCALE

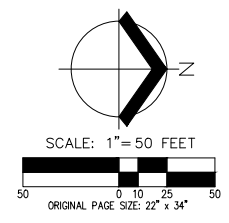
Appendix B: Pre-Developed Catchment Map and Detail



PRE-DEVELOPED MAP
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER:	6175
DATE:	MAY 2023
DESIGNED BY:	NRA
DRAWN BY:	JJA
CHECKED BY:	CMS



Appendix C: Post-Developed Catchment Map and Detail

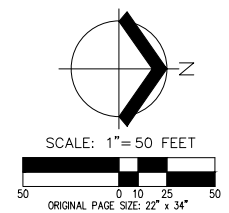


NOTE:
 STORM MAINS SHOWN ON TAX LOT 4500 AND WITHIN FROG POND LANE ADJACENT TO THE SITE ARE SCHEMATIC IN NATURE AND ASSUMED TO BE INSTALLED WITH THE NEARBY FROG POND OVERLOOK SUBDIVISION AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL PRIOR TO OR CONCURRENT WITH THIS SUBDIVISION.

POST-DEVELOPED MAP
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER:	6175
DATE:	NOVEMBER 2023
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	CVS



Appendix D: BMP Sizing Tool Report

WES BMP Sizing Software Version 1.6.0.2, May 2018

WES BMP Sizing Report

Project Information

Project Name	FROG POND COTTAGE PARK PLACE
Project Type	Subdivision
Location	
Stormwater Management Area	2535
Project Applicant	AKS ENGINEERING & FORESTRY
Jurisdiction	OutofDistrict

Drainage Management Area

Name	Area (sq-ft)	Pre-Project Cover	Post-Project Cover	DMA Soil Type	BMP
BASIN 7 ROOFS	18,480	Grass	Roofs	D	BASIN 7, 10 & 13 POND
BASIN 7 IMPERVIOUS	10,923	Grass	ConventionalCo ncrete	D	BASIN 7, 10 & 13 POND
BASIN 7 PERVIOUS	14,880	Grass	LandscapeDsoil	D	BASIN 7, 10 & 13 POND
BASIN 11 IMPERVIOUS	5,700	Grass	ConventionalCo ncrete	D	BASIN 11 SWALE
BASIN 11 PERVIOUS	1,200	Grass	LandscapeDsoil	D	BASIN 11 SWALE
BASIN 14 ROOFS	6,160	Grass	Roofs	D	BASIN 14 SWALE
BASIN 14 IMPERVIOUS	2,564	Grass	ConventionalCo ncrete	D	BASIN 14 SWALE
BASIN 14 PERVIOUS	4,906	Grass	LandscapeDsoil	D	BASIN 14 SWALE
BASIN 1 IMPERVIOUS	1,075	Grass	ConventionalCo ncrete	C	BASIN 1 SWALE
BASIN 1 ROOF	3,080	Grass	Roofs	C	BASIN 1 SWALE
BASIN 1 PERVIOUS	4,185	Grass	LandscapeCsoil	C	BASIN 1 SWALE
BASIN 5 ROOF	1,540	Grass	Roofs	C	BASIN 5 PLANTER
BASIN 12 IMPERVIOUS	5,700	Grass	ConventionalCo ncrete	D	BASIN 12 SWALE

BASIN 12 PERVIOUS	1,200	Grass	LandscapeDsoil	D	BASIN 12 SWALE
BASIN 3 IMPERVIOUS	2,820	Grass	ConventionalConcrete	C	BASIN 3 SWALE
BASIN 2 IMPERVIOUS	2,078	Grass	ConventionalConcrete	C	BASIN 2 SWALE
BASIN 13 PERVIOUS	263	Grass	LandscapeDsoil	D	BASIN 7, 10 & 13 POND
BASIN 13 IMPERVIOUS	1,420	Grass	ConventionalConcrete	D	BASIN 7, 10 & 13 POND
BASIN 4 IMPERVIOUS	10,628	Grass	ConventionalConcrete	C	BASIN 4 SWALE
BASIN 3 PERVIOUS	8,630	Grass	LandscapeCsoil	C	BASIN 3 SWALE
BASIN 3 ROOF	1,540	Grass	LandscapeCsoil	C	BASIN 3 SWALE
BASIN 4 PERVIOUS	12,780	Grass	LandscapeCsoil	C	BASIN 4 SWALE
BASIN 4 ROOFS	10,780	Grass	Roofs	C	BASIN 4 SWALE
BASIN 8 IMPERVIOUS	4,940	Grass	ConventionalConcrete	D	BASIN 8 SWALE
BASIN 8 PERVIOUS	1,865	Grass	LandscapeDsoil	D	BASIN 8 SWALE
BASIN 8 ROOFS	3,080	Grass	Roofs	D	BASIN 8 SWALE
BASIN 9 IMPERVIOUS	4,040	Grass	ConventionalConcrete	D	BASIN 9 SWALE
BASIN 9 PERVIOUS	1,480	Grass	LandscapeDsoil	D	BASIN 9 SWALE
BASIN 6 ROOF	1,540	Grass	Roofs	C	BASIN 6 PLANTER
BASIN 10 IMPERVIOUS	7,740	Grass	ConventionalConcrete	D	BASIN 7, 10 & 13 POND
BASIN 10 PERVIOUS	6,560	Grass	LandscapeDsoil	D	BASIN 7, 10 & 13 POND
BASIN 10 ROOFS	6,160	Grass	Roofs	D	BASIN 7, 10 & 13 POND

LID Facility Sizing Details

LID ID	Design Criteria	BMP Type	Facility Soil Type	Minimum Area (sq-ft)	Planned Areas (sq-ft)	Orifice Diameter (in)
BASIN 5 PLANTER	FlowControlAndTreatment	Stormwater Planter - Filtration	Lined	107.8	110.0	0.4

BASIN 6 PLANTER	FlowControlAndTreatment	Stormwater Planter - Filtration	Lined	107.8	110.0	0.4
BASIN 1 SWALE	FlowControlAndTreatment	Vegetated Swale - Filtration	Lined	437.3	440.0	0.9
BASIN 2 SWALE	FlowControlAndTreatment	Vegetated Swale - Filtration	Lined	145.5	146.0	0.4
BASIN 11 SWALE	FlowControlAndTreatment	Vegetated Swale - Filtration	Lined	261.6	270.0	0.9
BASIN 14 SWALE	FlowControlAndTreatment	Vegetated Swale - Filtration	Lined	486.3	1,030.0	1.3
BASIN 12 SWALE	FlowControlAndTreatment	Vegetated Swale - Filtration	Lined	261.6	270.0	0.9
BASIN 3 SWALE	FlowControlAndTreatment	Vegetated Swale - Filtration	Lined	553.4	555.0	1.1
BASIN 4 SWALE	FlowControlAndTreatment	Vegetated Swale - Filtration	Lined	1,945.9	1,950.0	1.8
BASIN 8 SWALE	FlowControlAndTreatment	Vegetated Swale - Filtration	Lined	373.0	380.0	1.1
BASIN 9 SWALE	FlowControlAndTreatment	Vegetated Swale - Filtration	Lined	203.0	210.0	0.8

Pond Sizing Details

Pond ID	Design Criteria(1)	Facility Soil Type	Max Depth (ft)(2)	Top Area (sq-ft)	Side Slope (1:H)	Facility Vol. (cu-ft)(3)	Water Storage Vol. (cu-ft)(4)	Adequate Size?
BASIN 7, 10 & 13 POND	FCWQT	Lined	4.25	2,313.0	3	5,537.9	3,693.3	Yes

1. FCWQT = Flow control and water quality treatment, WQT = Water quality treatment only

2. Depth is measured from the bottom of the facility and includes the three feet of media (drain rock, separation layer and growing media).

3. Maximum volume of the facility. Includes the volume occupied by the media at the bottom of the facility.

4. Maximum water storage volume of the facility. Includes water storage in the three feet of soil media assuming a 40 percent porosity.

Simple Pond Geometry Configuration

Pond ID: BASIN 7, 10 & 13 POND
 Design: FlowControlAndTreatment

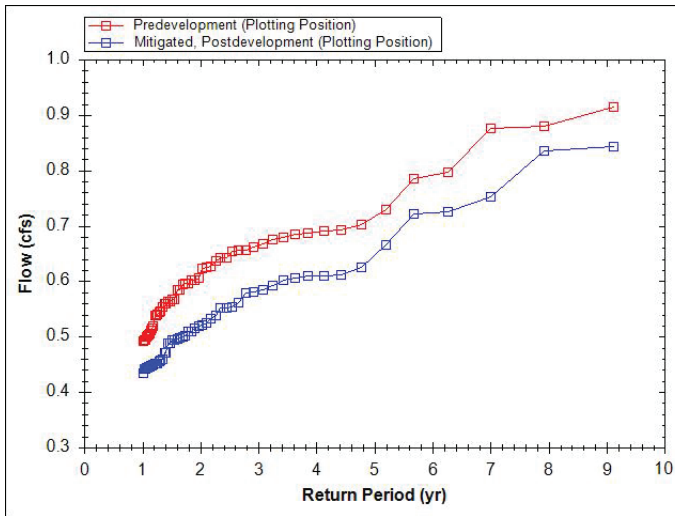
Shape Curve

Depth (ft)	Area (sq ft)
4.3	2,313.0

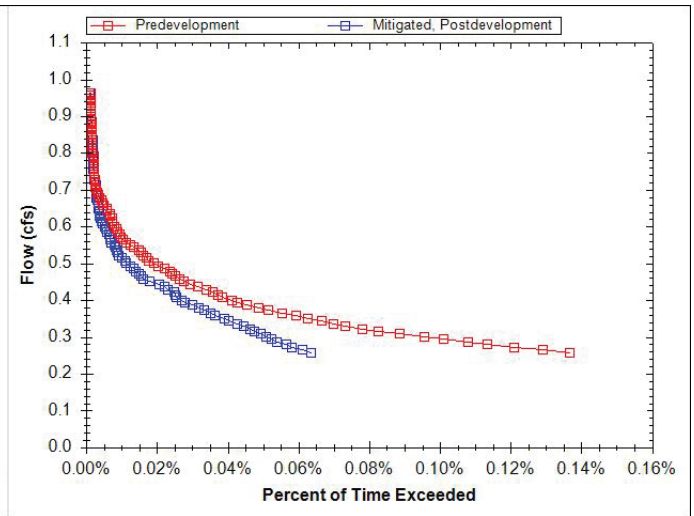
Outlet Structure Details

Lower Orifice Invert (ft)	0.0
Lower Orifice Dia (in)	2.2
Upper Orifice Invert(ft)	2.8
Upper Orifice Dia (in)	4.8
Overflow Weir Invert(ft)	3.3
Overflow Weir Length (ft)	6.3

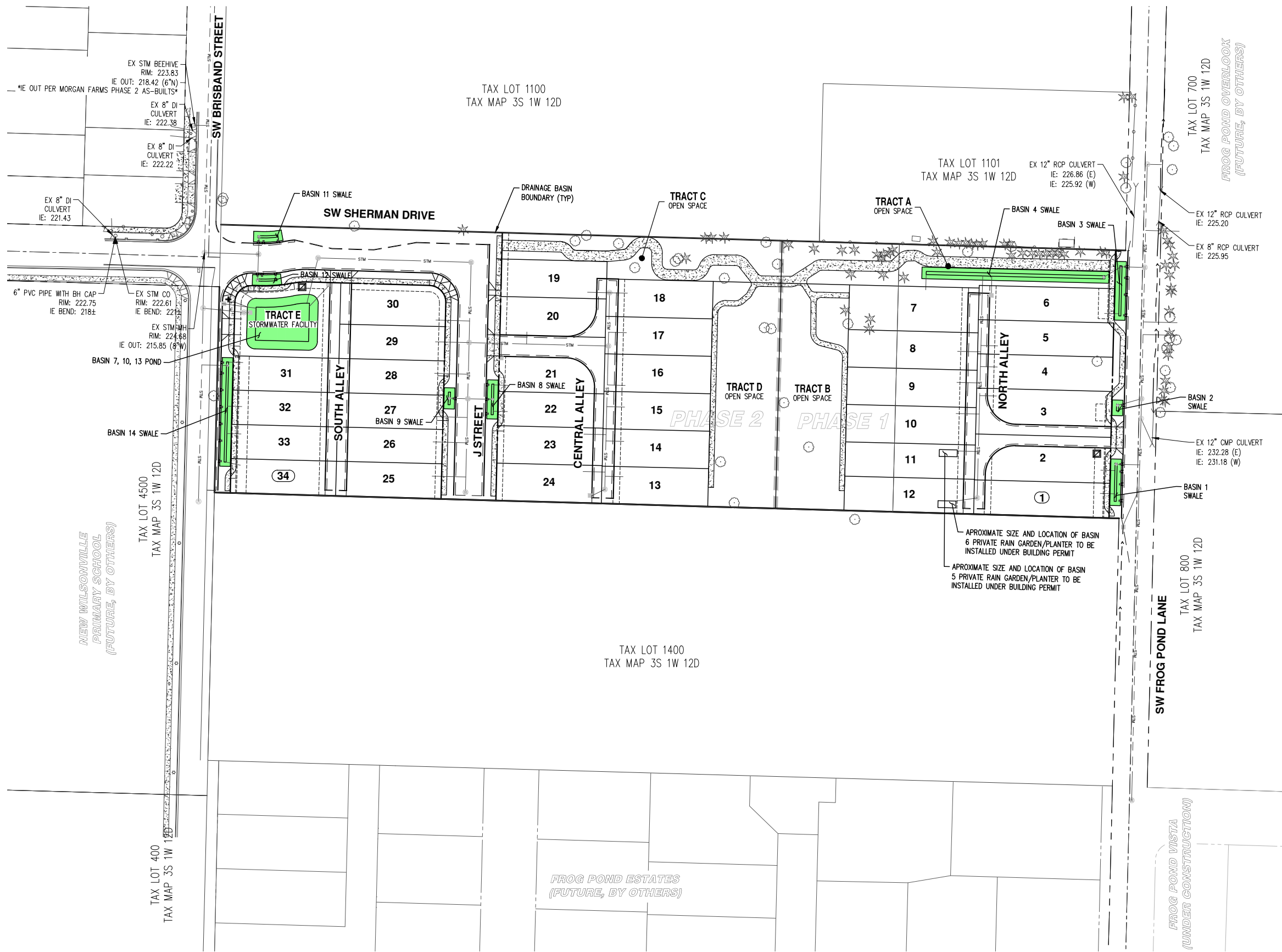
Flow Frequency Chart



Flow Duration Chart



Appendix E: Stormwater Facilities Location Map

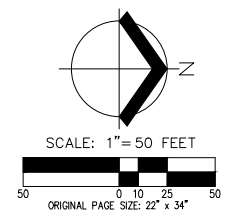


NOTE:
 STORM MAINS SHOWN ON TAX LOT 4500 AND WITHIN FROG POND LANE, ADJACENT TO THE SITE ARE SCHEMATIC IN NATURE AND ASSUMED TO BE INSTALLED WITH THE NEARBY FROG POND OVERLOOK SUBDIVISION AND ADJACENT NEW WILSONVILLE PRIMARY SCHOOL PRIOR TO OR CONCURRENT WITH THIS SUBDIVISION.

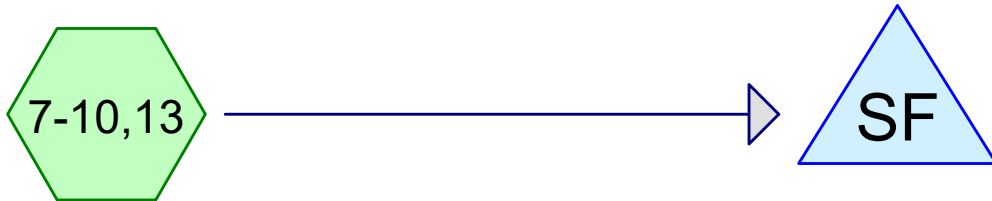
STORMWATER FACILITIES LOCATION MAP
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER:	6175
DATE:	NOVEMBER 2023
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	CVS

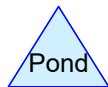
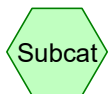


Appendix F: Emergency Overflow Calculations



Basins To Pond

LID STORMWATER FACILITY



Routing Diagram for 6175 HydroCAD Overflow
Prepared by AKS Engineering & Forestry, LLC, Printed 11/14/2023
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6175 HydroCAD Overflow

Prepared by AKS Engineering & Forestry, LLC

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Area Listing (all nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
29,063	98	Impervious (7-10,13)
25,048	80	Pervious (7-10,13)
27,720	98	Roofs (7-10,13)
81,831	92	TOTAL AREA

6175 HydroCAD Overflow

Prepared by AKS Engineering & Forestry, LLC

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Type IA 24-hr 100-YR Rainfall=4.50"

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Page 3

Summary for Subcatchment 7-10,13: Basins To Pond

Runoff = 1.63 cfs @ 7.98 hrs, Volume= 25,222 cf, Depth> 3.70"

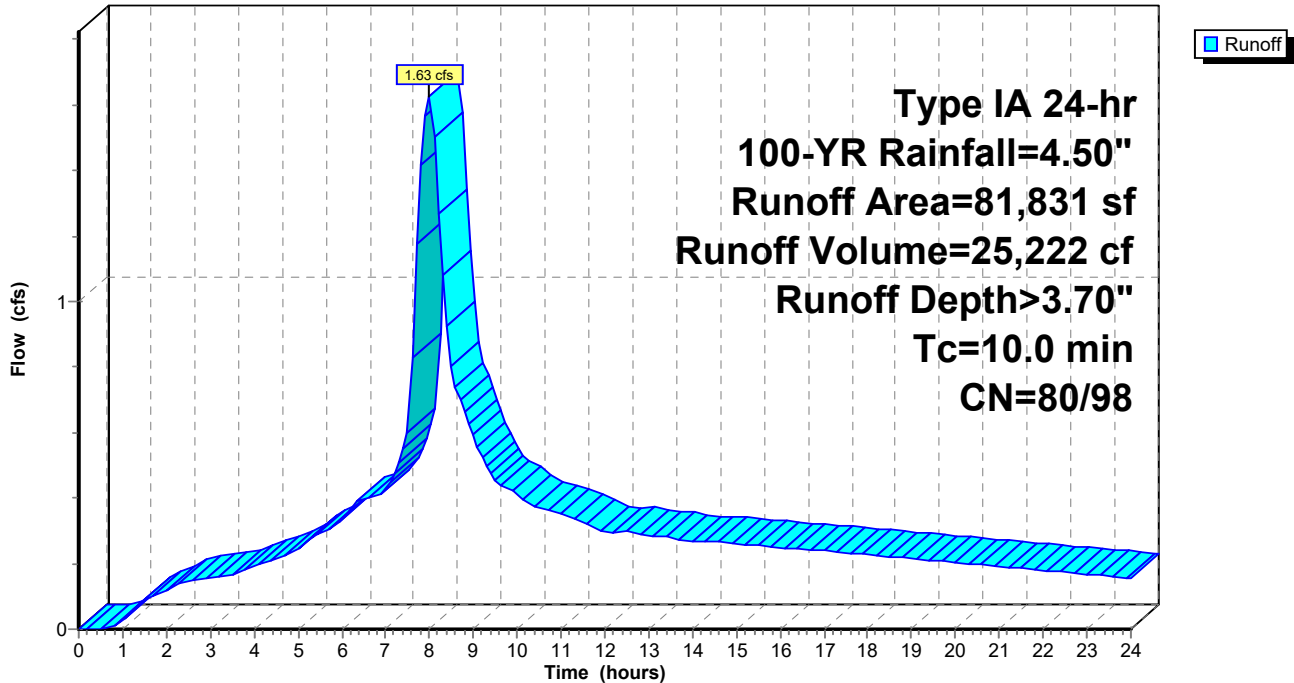
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type IA 24-hr 100-YR Rainfall=4.50"

	Area (sf)	CN	Description
*	29,063	98	Impervious
*	25,048	80	Pervious
*	27,720	98	Roofs
<hr/>			
	81,831	92	Weighted Average
	25,048		30.61% Pervious Area
	56,783		69.39% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
10.0					Direct Entry,

Subcatchment 7-10,13: Basins To Pond

Hydrograph



6175 HydroCAD Overflow

Type IA 24-hr 100-YR Rainfall=4.50"

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Summary for Pond SF: LID STORMWATER FACILITY

Inflow Area = 81,831 sf, 69.39% Impervious, Inflow Depth > 3.70" for 100-YR event
 Inflow = 1.63 cfs @ 7.98 hrs, Volume= 25,222 cf
 Outflow = 0.93 cfs @ 8.43 hrs, Volume= 16,325 cf, Atten= 43%, Lag= 26.9 min
 Primary = 0.93 cfs @ 8.43 hrs, Volume= 16,325 cf

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs / 2
 Peak Elev= 225.61' @ 8.43 hrs Surf.Area= 3,291 sf Storage= 9,176 cf

Plug-Flow detention time= 384.5 min calculated for 16,258 cf (64% of inflow)
 Center-of-Mass det. time= 176.0 min (864.0 - 688.0)

Volume	Invert	Avail.Storage	Storage Description			
#1	219.75'	10,453 cf	Custom Stage Data (Pyramidal) Listed below (Recalc)			
Elevation (feet)	Surf.Area (sq-ft)	Voids (%)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)	Wet.Area (sq-ft)	
219.75	1,683	0.0	0	0	1,683	
222.70	1,683	40.0	1,986	1,986	2,167	
222.75	1,683	100.0	84	2,070	2,175	
224.00	2,361	100.0	2,516	4,586	2,889	
225.00	2,967	100.0	2,658	7,244	3,529	
225.50	3,291	100.0	1,564	8,808	3,872	
226.00	3,291	100.0	1,646	10,453	3,987	

Device	Routing	Invert	Outlet Devices												
#1	Primary	225.50'	10.0' long x 8.0' breadth Broad-Crested Rectangular Weir												
			Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00												
			2.50 3.00 3.50 4.00 4.50 5.00 5.50												
			Coef. (English) 2.43 2.54 2.70 2.69 2.68 2.68 2.66 2.64 2.64												
			2.64 2.65 2.65 2.66 2.66 2.68 2.70 2.74												

Primary OutFlow Max=0.88 cfs @ 8.43 hrs HW=225.61' (Free Discharge)
 ↑1=**Broad-Crested Rectangular Weir**(Weir Controls 0.88 cfs @ 0.80 fps)

6175 HydroCAD Overflow

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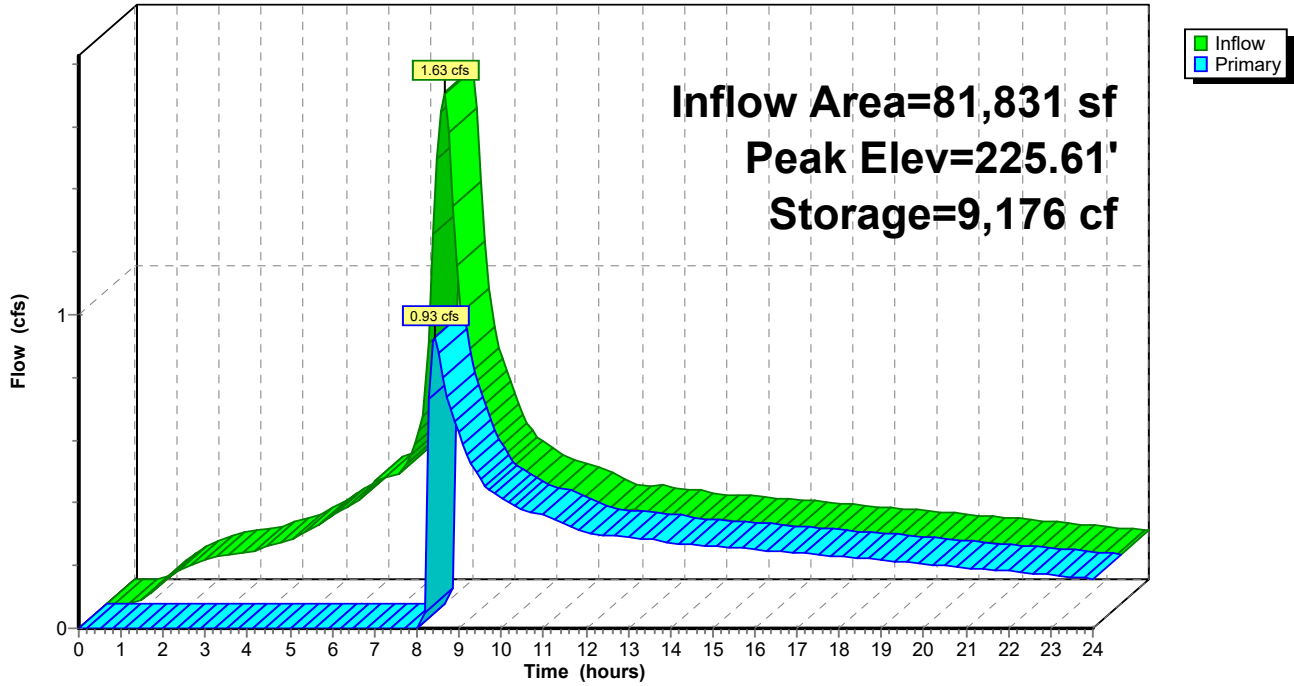
Type IA 24-hr 100-YR Rainfall=4.50"

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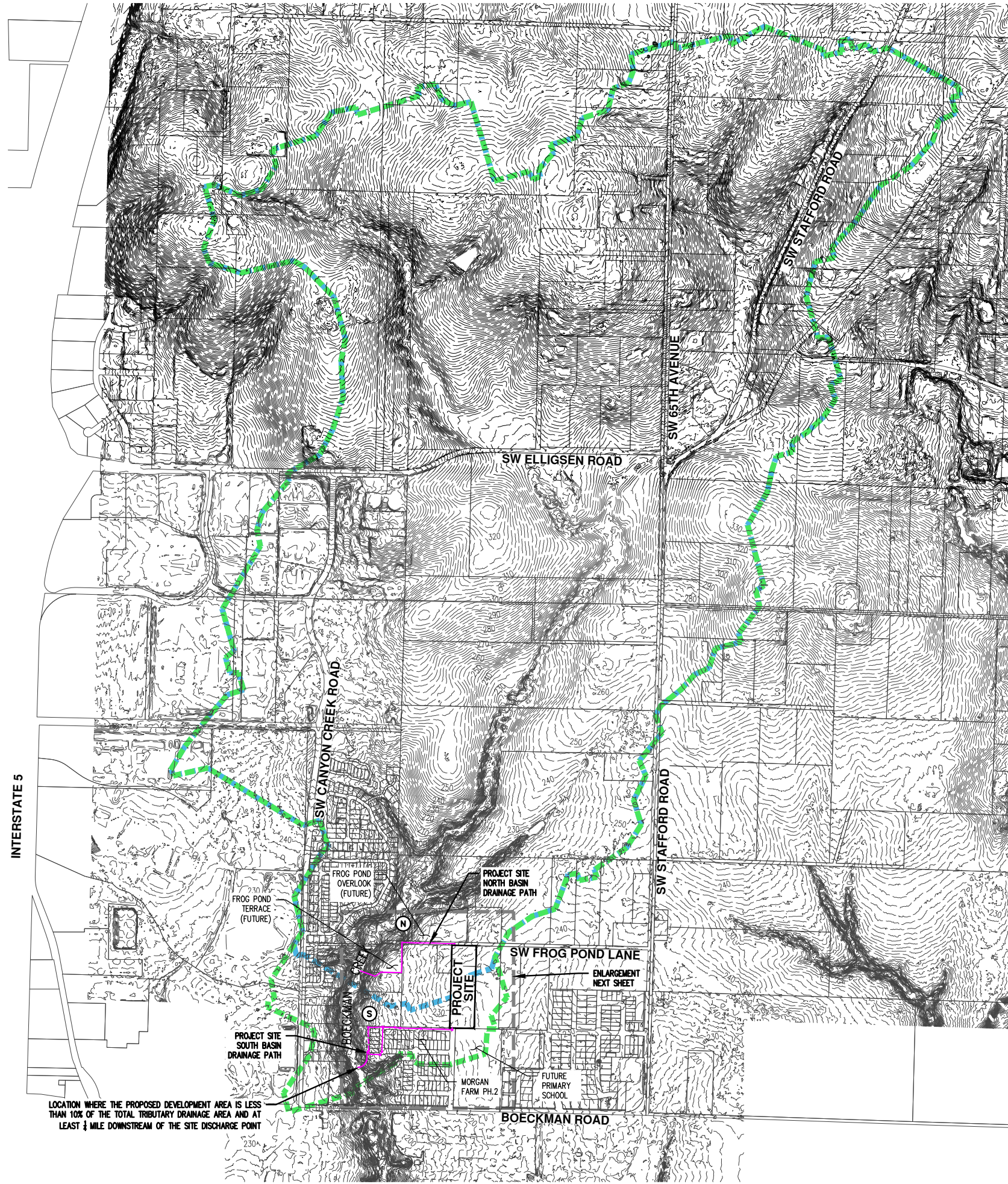
Page 5

Pond SF: LID STORMWATER FACILITY


Hydrograph




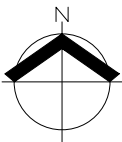
Appendix G: Downstream Analysis



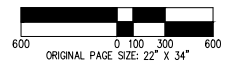
BASIN LEGEND

 NORTH

 SOUTH



SCALE: 1" = 600 FEET



ORIGINAL PAGE SIZE: 22" X 34"

DOWNSTREAM BASIN MAP
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON

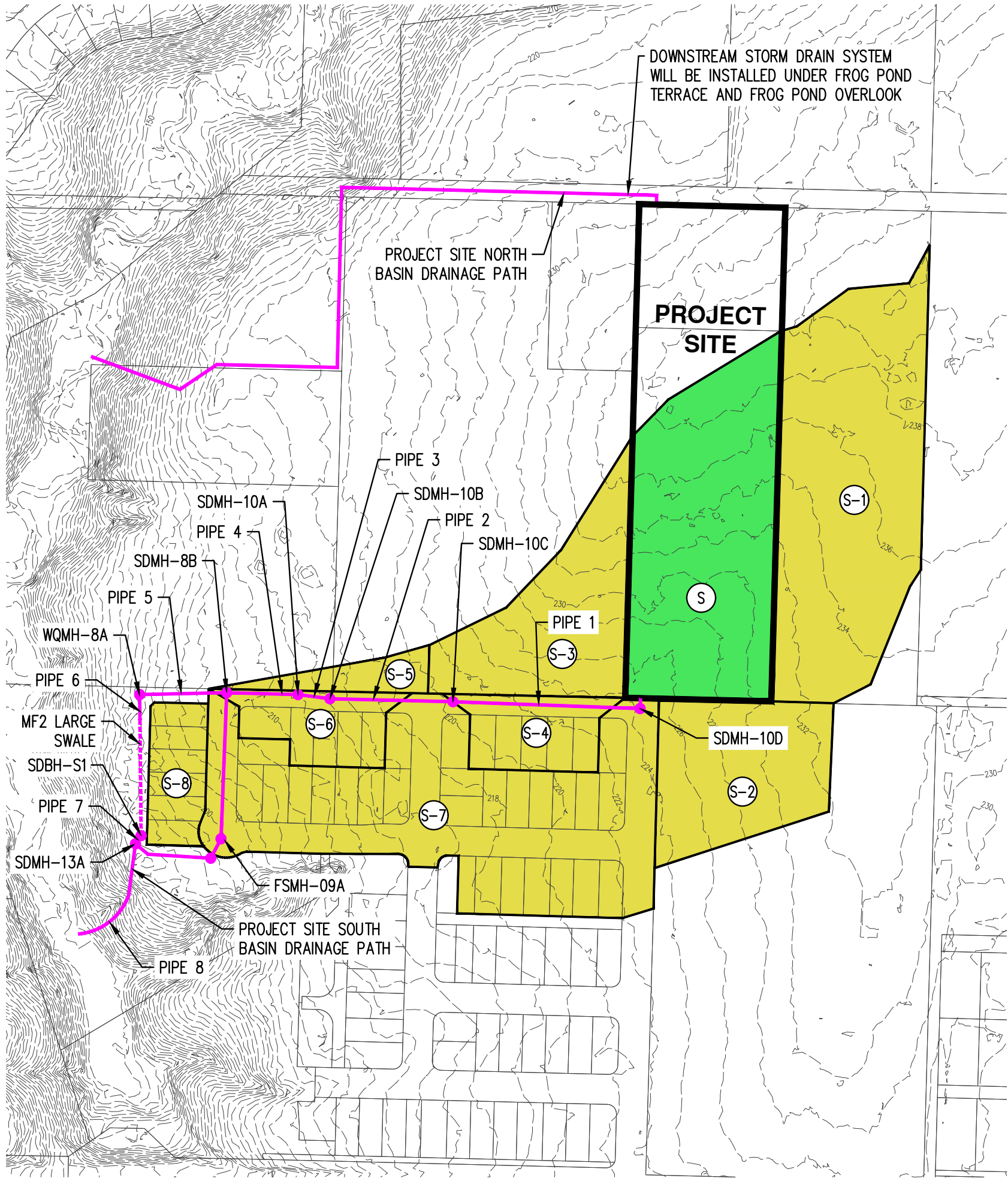
PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER: 6175
 DATE: NOVEMBER 2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CWS


DOWNSTREAM BASIN MAP ENLARGEMENT
FROG POND COTTAGE PARK PLACE
SULLIVAN HOMES, LLC.
WILSONVILLE, OREGON


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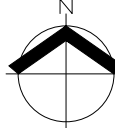
JOB NUMBER: 6175
 DATE: NOVEMBER 2023
 DESIGNED BY: NRA
 DRAWN BY: NRA
 CHECKED BY: CVS



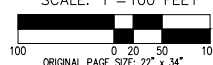
BASIN LEGEND

 SOUTH - ONSITE

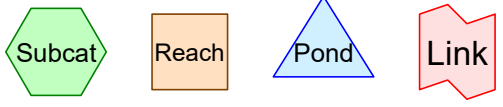
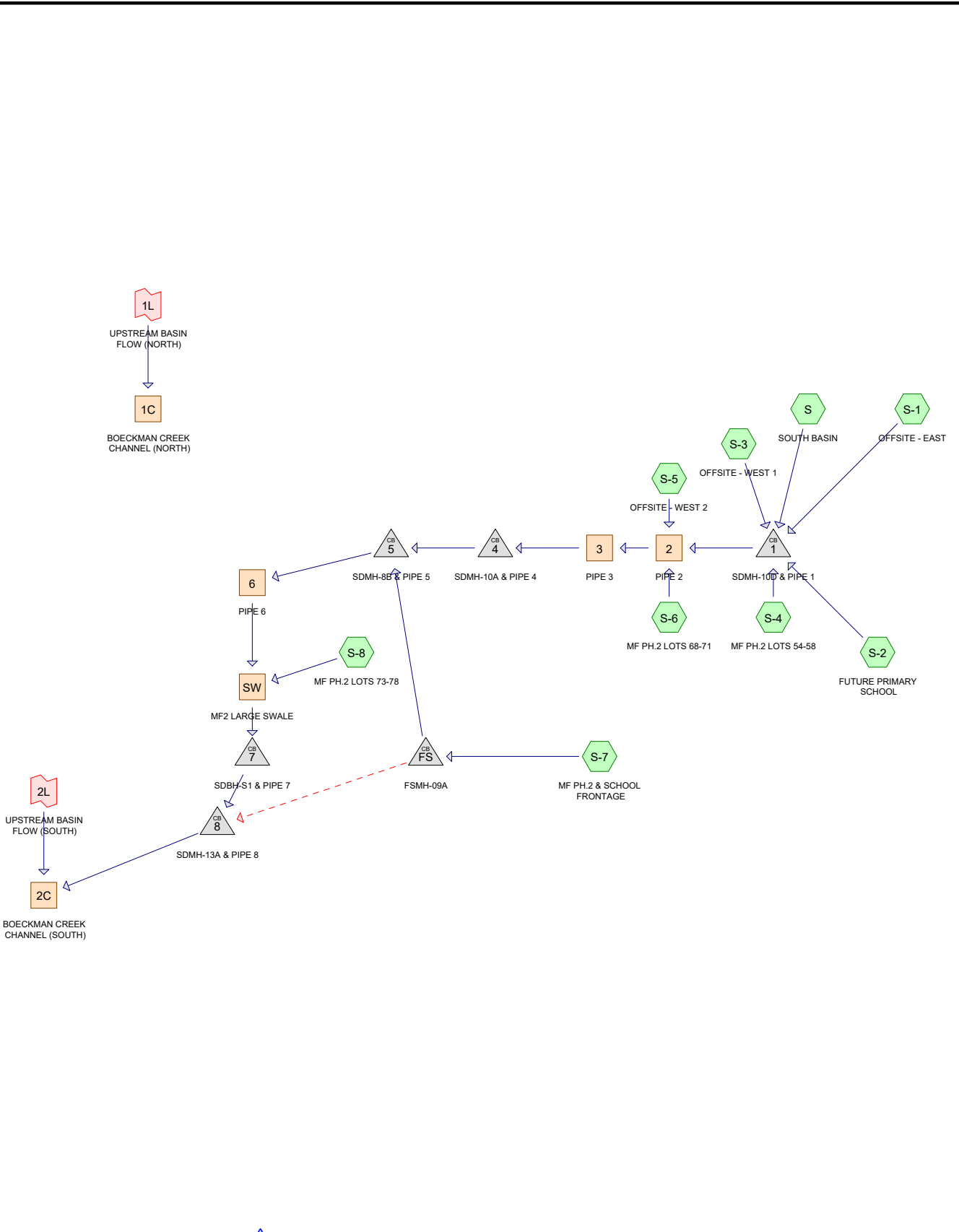
 SOUTH - OFFSITE



SCALE: 1" = 100 FEET



ORIGINAL PAGE SIZE: 22" x 34"



Routing Diagram for 6175 Prelim Downstream
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6175 Prelim Downstream

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Area Listing (all nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
64,362	74	>75% Grass cover, Good, HSG C (S-6, S-7, S-8)
68,555	80	>75% Grass cover, Good, HSG D (S, S-2, S-4)
43,027	98	BASIN 5-11 IMPERVIOUS (S)
33,880	98	BASIN 5-11 ROOFS (S)
102,950	98	IMPERVIOUS (S-2, S-4, S-6, S-7)
91,513	74	Pasture/grassland/range, Good, HSG C (S-3, S-5)
167,500	80	Pasture/grassland/range, Good, HSG D (S-1)
115,509	98	ROOFS (S-4, S-6, S-7, S-8)
32,918	79	Woods/grass comb., Good, HSG D (S)
720,214	86	TOTAL AREA

6175 Prelim Downstream

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Pipe Listing (all nodes)

Line#	Node Number	In-Invert (feet)	Out-Invert (feet)	Length (feet)	Slope (ft/ft)	n	Diam/Width (inches)	Height (inches)	Inside-Fill (inches)
1	2	215.09	206.41	213.8	0.0406	0.013	12.0	0.0	0.0
2	3	206.20	203.59	55.9	0.0467	0.013	12.0	0.0	0.0
3	6	194.42	191.90	28.7	0.0878	0.013	15.0	0.0	0.0
4	1	218.89	215.29	327.4	0.0110	0.013	12.0	0.0	0.0
5	4	203.39	200.94	124.2	0.0197	0.013	12.0	0.0	0.0
6	5	196.70	194.97	140.3	0.0123	0.013	15.0	0.0	0.0
7	7	188.48	187.89	17.6	0.0335	0.013	12.0	0.0	0.0
8	8	187.69	185.99	50.0	0.0340	0.013	12.0	0.0	0.0
9	FS	200.29	196.90	250.2	0.0135	0.013	15.0	0.0	0.0
10	FS	200.12	199.85	47.2	0.0057	0.013	12.0	0.0	0.0

6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Time span=0.00-24.00 hrs, dt=0.10 hrs, 241 points

Runoff by SBUH method, Split Pervious/Imperv.

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

SubcatchmentS: SOUTH BASIN Runoff Area=142,170 sf 54.10% Impervious Runoff Depth>2.84"
Tc=5.0 min CN=79/98 Runoff=2.28 cfs 33,664 cf

SubcatchmentS-1: OFFSITE - EAST Runoff Area=167,500 sf 0.00% Impervious Runoff Depth>1.90"
Flow Length=815' Tc=55.1 min CN=80/0 Runoff=0.92 cfs 26,526 cf

SubcatchmentS-2: FUTURE PRIMARY Runoff Area=39,074 sf 26.53% Impervious Runoff Depth>2.41"
Tc=5.0 min CN=80/98 Runoff=0.52 cfs 7,837 cf

SubcatchmentS-3: OFFSITE - WEST 1 Runoff Area=76,554 sf 0.00% Impervious Runoff Depth>1.50"
Flow Length=550' Slope=0.0270 '/' Tc=29.3 min CN=74/0 Runoff=0.37 cfs 9,546 cf

SubcatchmentS-4: MF PH.2 LOTS 54-58 Runoff Area=30,788 sf 75.63% Impervious Runoff Depth>3.24"
Tc=5.0 min CN=80/98 Runoff=0.57 cfs 8,322 cf

SubcatchmentS-5: OFFSITE - WEST 2 Runoff Area=14,959 sf 0.00% Impervious Runoff Depth>1.51"
Flow Length=200' Slope=0.0350 '/' Tc=16.7 min CN=74/0 Runoff=0.09 cfs 1,880 cf

SubcatchmentS-6: MF PH.2 LOTS 68-71 Runoff Area=30,682 sf 76.24% Impervious Runoff Depth>3.15"
Tc=5.0 min CN=74/98 Runoff=0.54 cfs 8,056 cf

SubcatchmentS-7: MF PH.2 & SCHOOL Runoff Area=194,137 sf 74.64% Impervious Runoff Depth>3.12"
Tc=5.0 min CN=74/98 Runoff=3.39 cfs 50,418 cf

SubcatchmentS-8: MF PH.2 LOTS 73-78 Runoff Area=24,350 sf 67.80% Impervious Runoff Depth>2.97"
Tc=5.0 min CN=74/98 Runoff=0.40 cfs 6,027 cf

Reach 1C: BOECKMANCREEK Avg. Flow Depth=0.65' Max Vel=2.48 fps Inflow=111.00 cfs 9,630,360 cf
n=0.040 L=541.0' S=0.0080 '/' Capacity=40,939.08 cfs Outflow=112.22 cfs 9,561,761 cf

Reach 2: PIPE 2 Avg. Flow Depth=0.62' Max Vel=9.92 fps Inflow=5.12 cfs 95,830 cf
12.0" Round Pipe n=0.013 L=213.8' S=0.0406 '/' Capacity=7.18 cfs Outflow=5.10 cfs 95,787 cf

Reach 2C: BOECKMANCREEK Avg. Flow Depth=0.69' Max Vel=2.59 fps Inflow=125.79 cfs 10,302,944 cf
n=0.040 L=541.0' S=0.0080 '/' Capacity=40,939.08 cfs Outflow=125.63 cfs 10,231,859 cf

Reach 3: PIPE 3 Avg. Flow Depth=0.59' Max Vel=10.48 fps Inflow=5.10 cfs 95,787 cf
12.0" Round Pipe n=0.013 L=55.9' S=0.0467 '/' Capacity=7.70 cfs Outflow=5.10 cfs 95,776 cf

Reach 6: PIPE 6 Avg. Flow Depth=0.56' Max Vel=14.83 fps Inflow=7.90 cfs 123,087 cf
15.0" Round Pipe n=0.013 L=28.7' S=0.0878 '/' Capacity=19.14 cfs Outflow=7.90 cfs 123,082 cf

Reach SW: MF2 LARGE SWALE Avg. Flow Depth=0.70' Max Vel=2.89 fps Inflow=8.30 cfs 129,109 cf
n=0.030 L=217.0' S=0.0100 '/' Capacity=54.57 cfs Outflow=8.19 cfs 128,916 cf

Pond 1: SDMH-10D & PIPE 1 Peak Elev=222.28' Inflow=4.49 cfs 85,894 cf
12.0" Round Culvert n=0.013 L=327.4' S=0.0110 '/' Outflow=4.49 cfs 85,894 cf

6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Pond 4: SDMH-10A & PIPE 4Peak Elev=205.71' Inflow=5.10 cfs 95,776 cf
12.0" Round Culvert n=0.013 L=124.2' S=0.0197 ' Outflow=5.10 cfs 95,776 cf**Pond 5: SDMH-8B & PIPE 5**Peak Elev=199.28' Inflow=7.90 cfs 123,087 cf
15.0" Round Culvert n=0.013 L=140.3' S=0.0123 ' Outflow=7.90 cfs 123,087 cf**Pond 7: SDBH-S1 & PIPE 7**Peak Elev=193.67' Inflow=8.19 cfs 128,916 cf
12.0" Round Culvert n=0.013 L=17.6' S=0.0335 ' Outflow=8.19 cfs 128,916 cf**Pond 8: SDMH-13A & PIPE 8**Peak Elev=193.59' Inflow=8.79 cfs 152,024 cf
12.0" Round Culvert n=0.013 L=50.0' S=0.0340 ' Outflow=8.79 cfs 152,024 cf**Pond FS: FSMH-09A**Peak Elev=201.14' Inflow=3.39 cfs 50,418 cf
Primary=2.79 cfs 27,310 cf Secondary=0.60 cfs 23,108 cf Outflow=3.39 cfs 50,418 cf**Link 1L: UPSTREAMBASIN FLOW (NORTH)**Manual Hydrograph Inflow=111.00 cfs 9,630,360 cf
Primary=111.00 cfs 9,630,360 cf**Link 2L: UPSTREAMBASIN FLOW (SOUTH)**Manual Hydrograph Inflow=117.00 cfs 10,150,920 cf
Primary=117.00 cfs 10,150,920 cf

Total Runoff Area = 720,214 sf Runoff Volume = 152,275 cf Average Runoff Depth = 2.54"
58.99% Pervious = 424,848 sf 41.01% Impervious = 295,366 sf

6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Subcatchment S: SOUTH BASIN

Runoff = 2.28 cfs @ 7.95 hrs, Volume= 33,664 cf, Depth> 2.84"

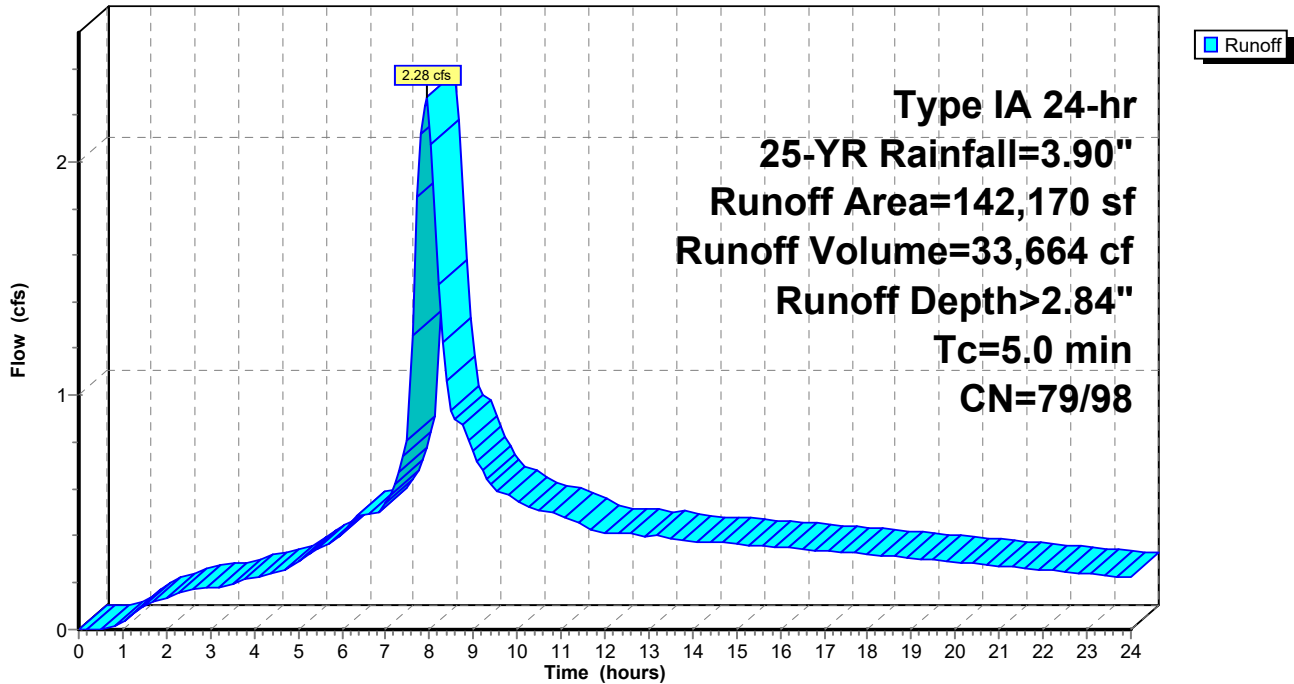
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

Area (sf)	CN	Description
32,345	80	>75% Grass cover, Good, HSG D
* 43,027	98	BASIN 5-11 IMPERVIOUS
* 33,880	98	BASIN 5-11 ROOFS
32,918	79	Woods/grass comb., Good, HSG D
142,170	90	Weighted Average
65,263		45.90% Pervious Area
76,907		54.10% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

Subcatchment S: SOUTH BASIN

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Subcatchment S-1: OFFSITE - EAST

Runoff = 0.92 cfs @ 8.30 hrs, Volume= 26,526 cf, Depth> 1.90"

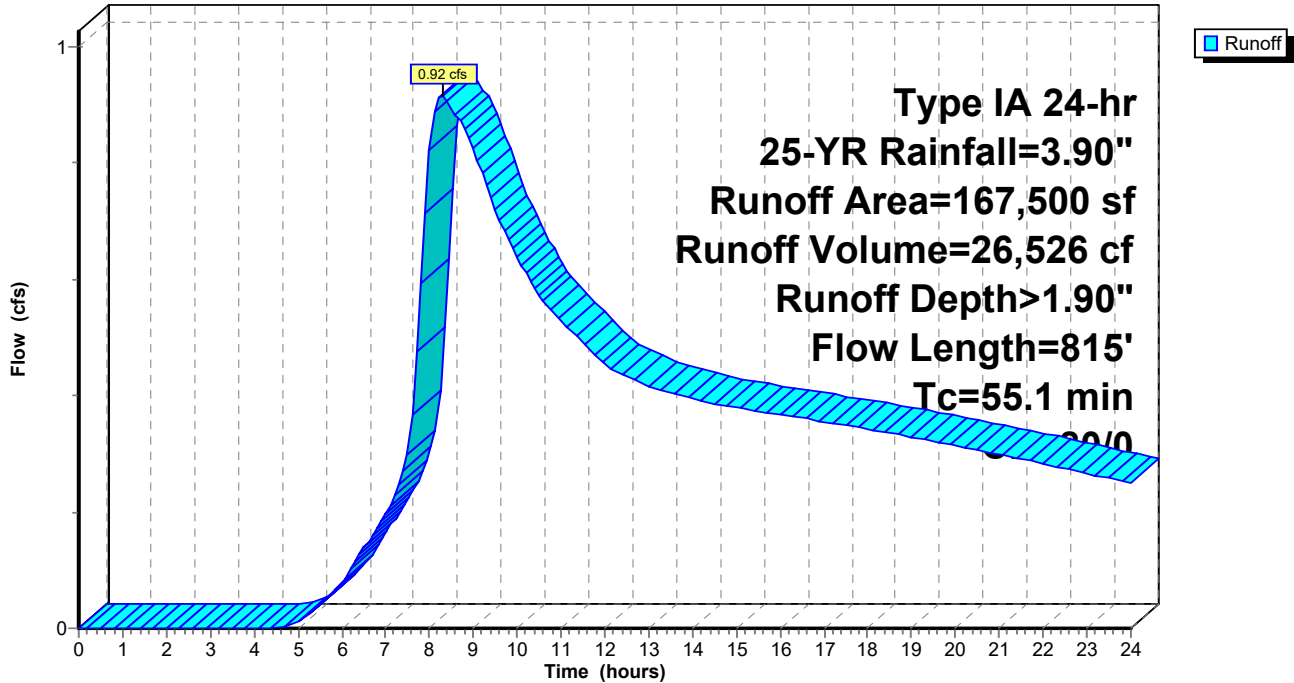
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

Area (sf)	CN	Description
167,500	80	Pasture/grassland/range, Good, HSG D
167,500		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
42.8	300	0.0150	0.12		Sheet Flow, Grass: Dense n= 0.240 P2= 2.60"
12.3	515	0.0100	0.70		Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps
55.1	815	Total			

Subcatchment S-1: OFFSITE - EAST

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Subcatchment S-2: FUTURE PRIMARY SCHOOL

Runoff = 0.52 cfs @ 7.96 hrs, Volume= 7,837 cf, Depth> 2.41"

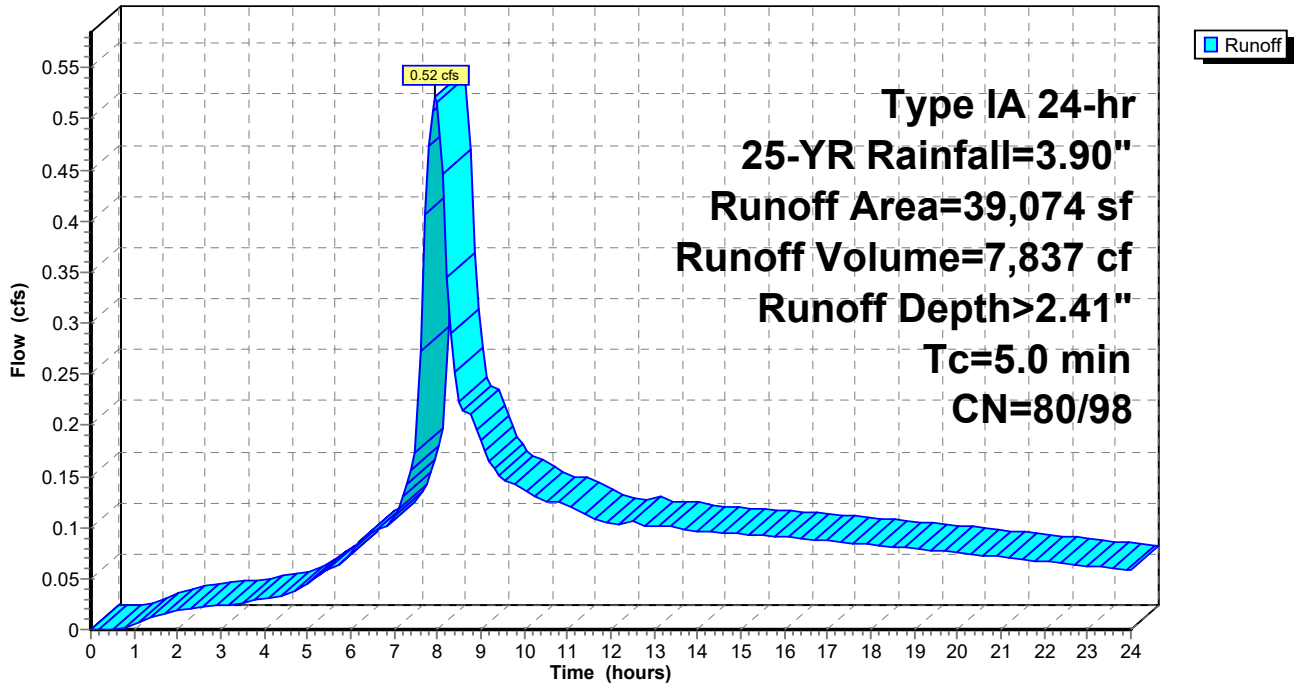
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	10,368	98	IMPERVIOUS
	28,706	80	>75% Grass cover, Good, HSG D
	39,074	85	Weighted Average
	28,706		73.47% Pervious Area
	10,368		26.53% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

Subcatchment S-2: FUTURE PRIMARY SCHOOL

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Subcatchment S-3: OFFSITE - WEST 1

Runoff = 0.37 cfs @ 8.15 hrs, Volume= 9,546 cf, Depth> 1.50"

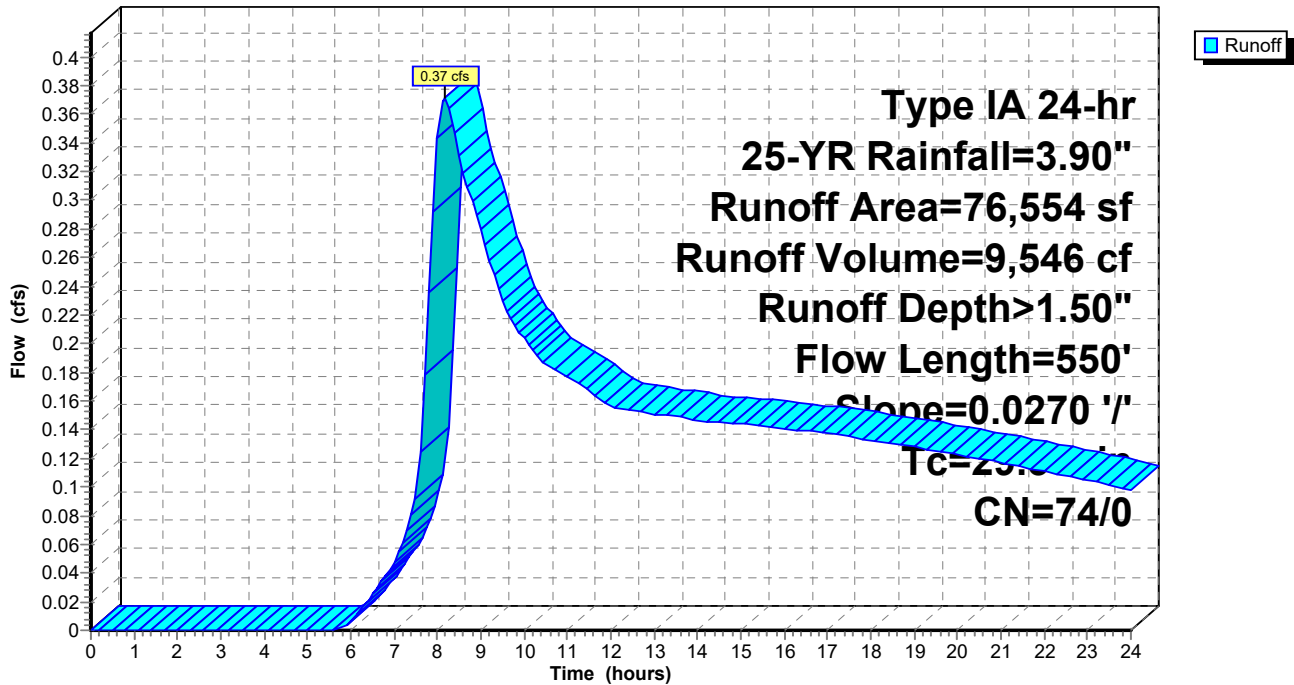
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

Area (sf)	CN	Description
76,554	74	Pasture/grassland/range, Good, HSG C
76,554		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
25.7	300	0.0270	0.19		Sheet Flow, Cultivated: Residue>20% n= 0.170 P2= 2.60"
3.6	250	0.0270	1.15		Shallow Concentrated Flow, Short Grass Pasture Kv= 7.0 fps
29.3	550	Total			

Subcatchment S-3: OFFSITE - WEST 1

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Subcatchment S-4: MF PH.2 LOTS 54-58

Runoff = 0.57 cfs @ 7.93 hrs, Volume= 8,322 cf, Depth> 3.24"

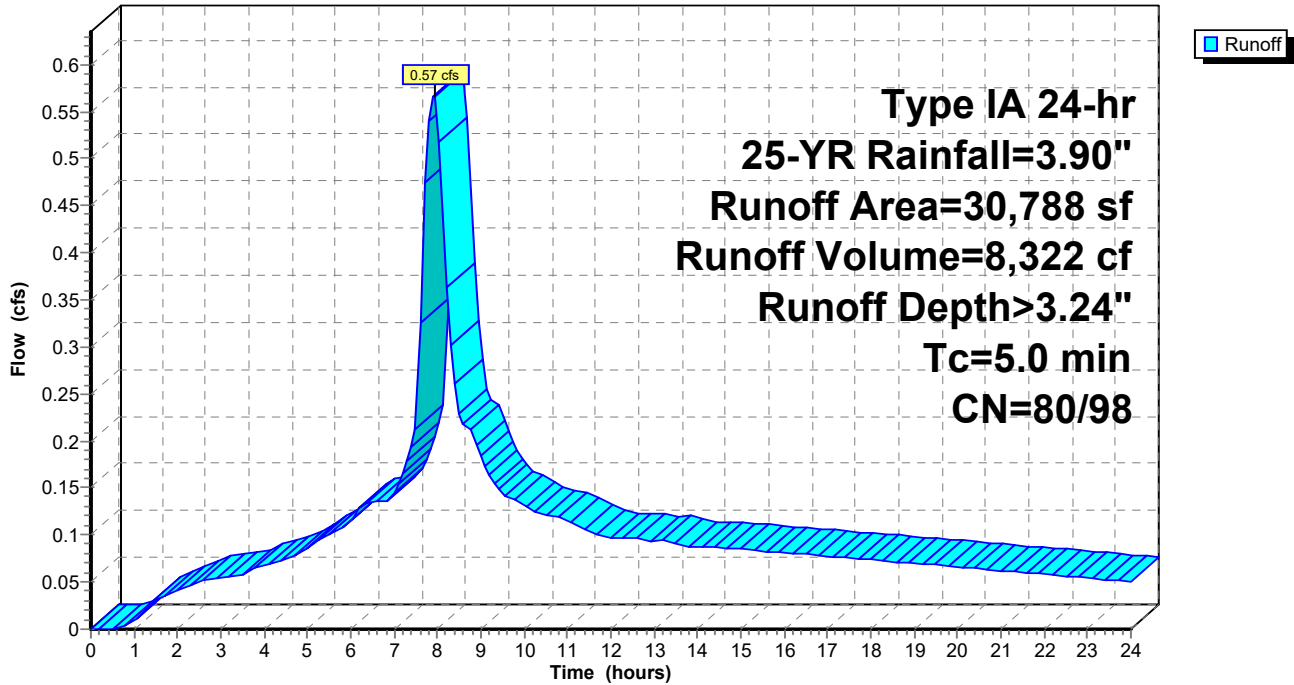
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	9,534	98	IMPERVIOUS
	7,504	80	>75% Grass cover, Good, HSG D
*	13,750	98	ROOFS
	30,788	94	Weighted Average
	7,504		24.37% Pervious Area
	23,284		75.63% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

Subcatchment S-4: MF PH.2 LOTS 54-58

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Subcatchment S-5: OFFSITE - WEST 2

Runoff = 0.09 cfs @ 8.08 hrs, Volume= 1,880 cf, Depth> 1.51"

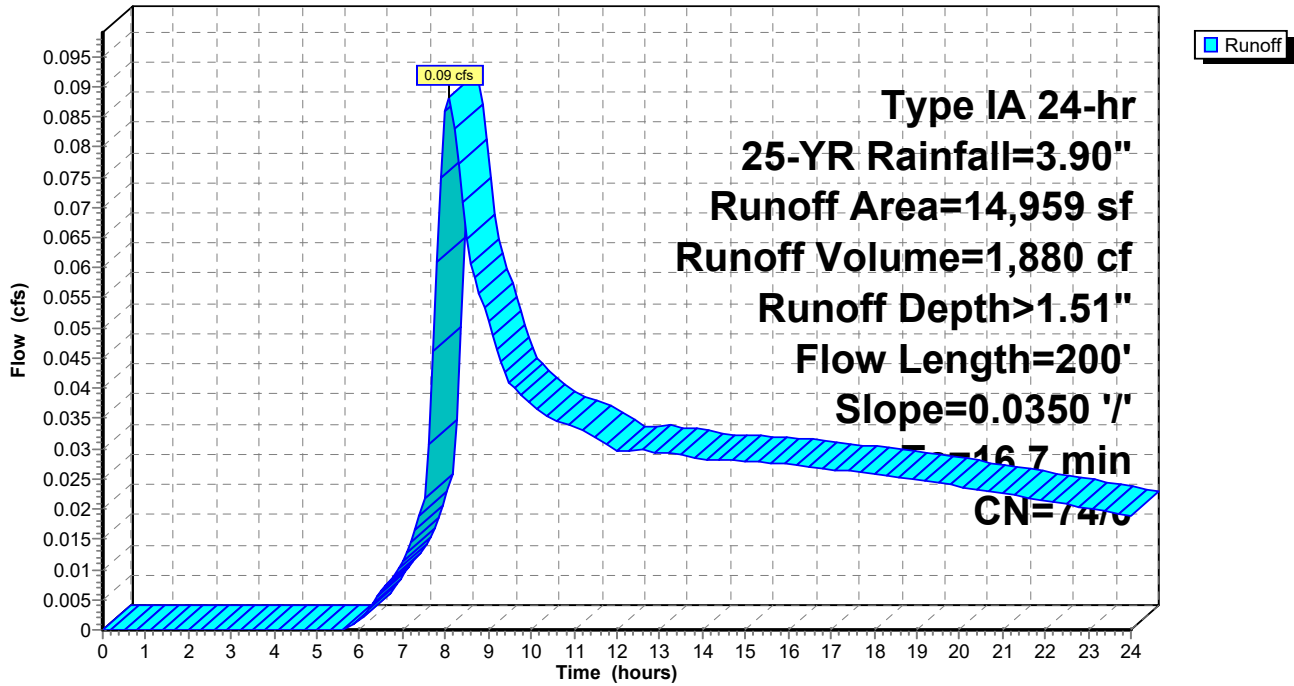
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

Area (sf)	CN	Description
14,959	74	Pasture/grassland/range, Good, HSG C
14,959		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
16.7	200	0.0350	0.20		Sheet Flow, Cultivated: Residue>20% n= 0.170 P2= 2.60"

Subcatchment S-5: OFFSITE - WEST 2

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Subcatchment S-6: MF PH.2 LOTS 68-71

Runoff = 0.54 cfs @ 7.94 hrs, Volume= 8,056 cf, Depth> 3.15"

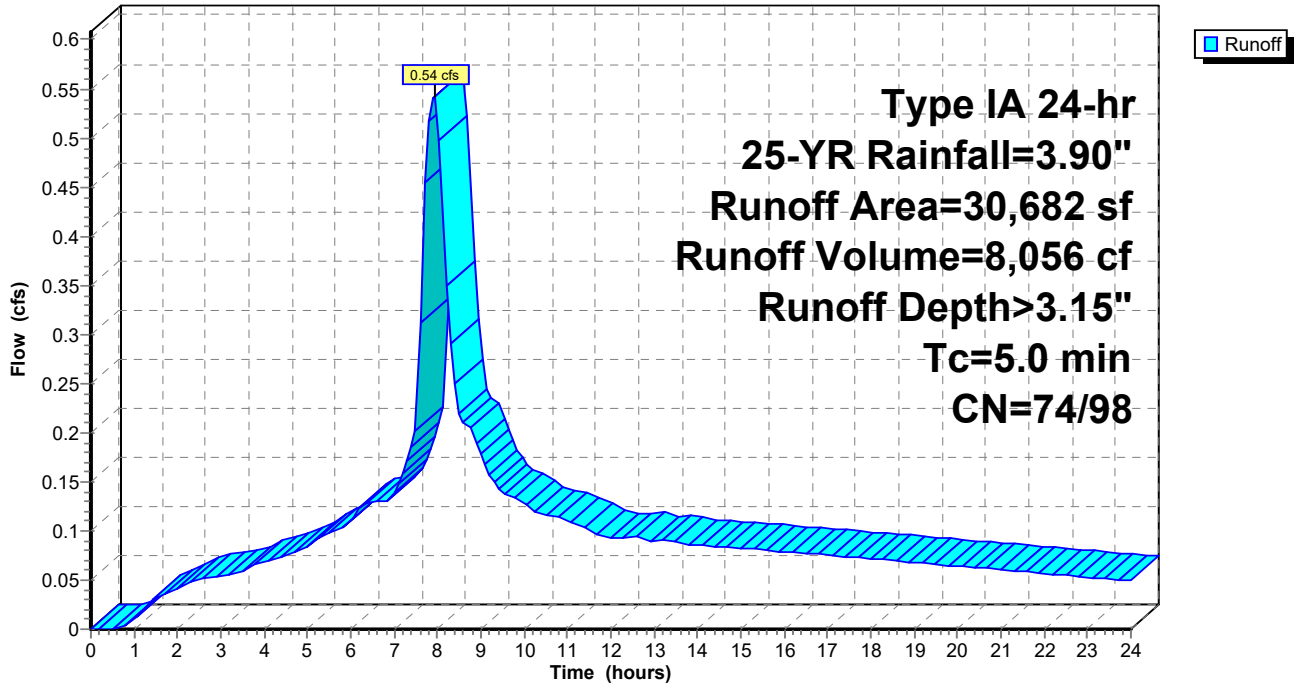
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

Area (sf)	CN	Description
7,289	74	>75% Grass cover, Good, HSG C
* 13,750	98	ROOFS
* 9,643	98	IMPERVIOUS
30,682	92	Weighted Average
7,289		23.76% Pervious Area
23,393		76.24% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

Subcatchment S-6: MF PH.2 LOTS 68-71

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Subcatchment S-7: MF PH.2 & SCHOOL FRONTAGE

Runoff = 3.39 cfs @ 7.94 hrs, Volume= 50,418 cf, Depth> 3.12"

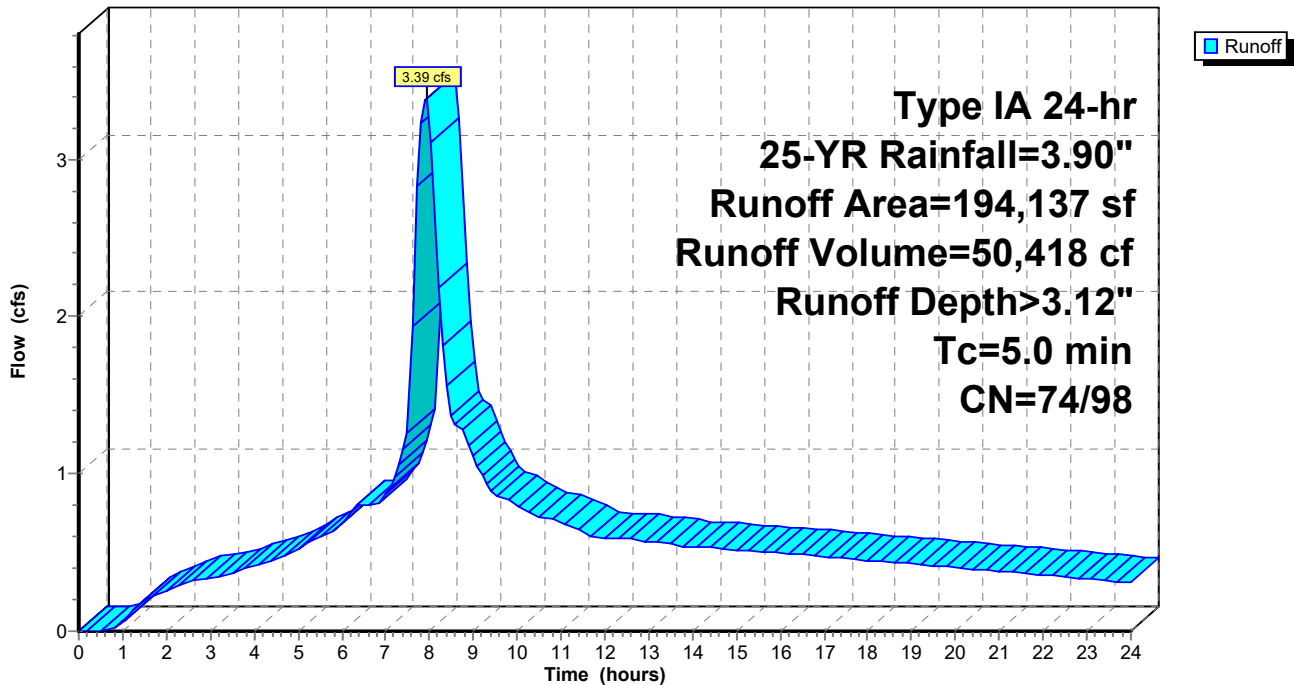
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	73,405	98	IMPERVIOUS
	49,232	74	>75% Grass cover, Good, HSG C
*	71,500	98	ROOFS
	194,137	92	Weighted Average
	49,232		25.36% Pervious Area
	144,905		74.64% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

Subcatchment S-7: MF PH.2 & SCHOOL FRONTAGE

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Subcatchment S-8: MF PH.2 LOTS 73-78

Runoff = 0.40 cfs @ 7.94 hrs, Volume= 6,027 cf, Depth> 2.97"

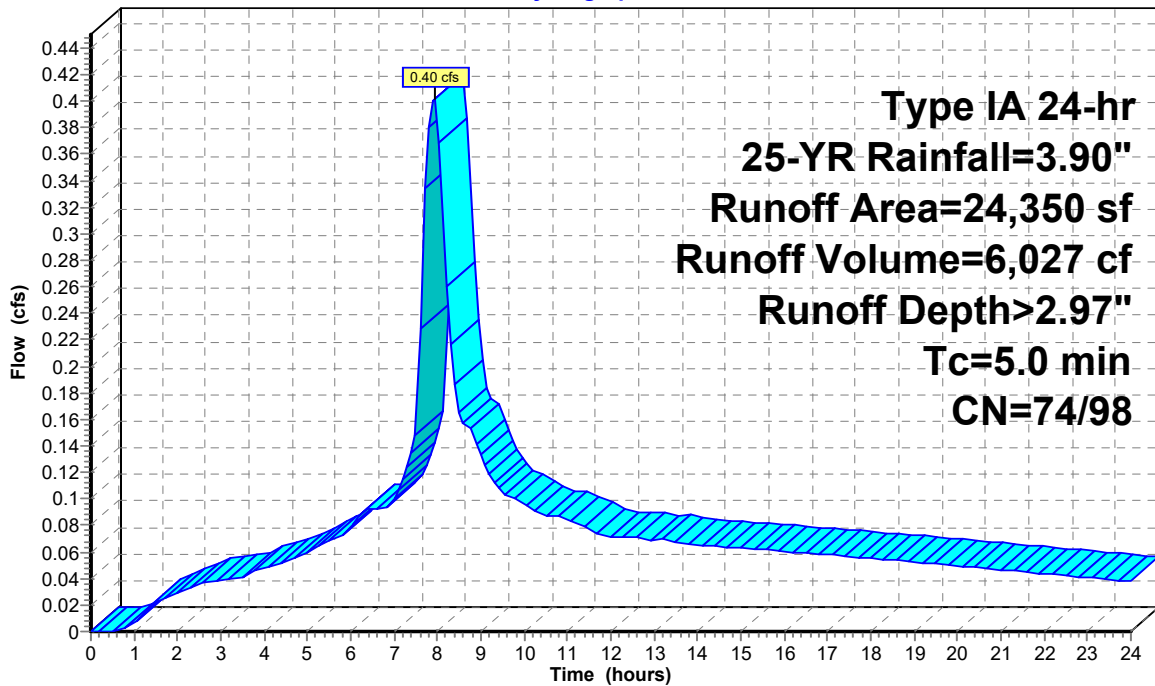
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

Area (sf)	CN	Description
7,841	74	>75% Grass cover, Good, HSG C
* 16,509	98	ROOFS
24,350	90	Weighted Average
7,841		32.20% Pervious Area
16,509		67.80% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

Subcatchment S-8: MF PH.2 LOTS 73-78

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Reach 1C: BOECKMAN CREEK CHANNEL (NORTH)

Inflow = 111.00 cfs @ 0.00 hrs, Volume= 9,630,360 cf
 Outflow = 112.22 cfs @ 0.30 hrs, Volume= 9,561,761 cf, Atten= 0%, Lag= 18.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Max. Velocity= 2.48 fps, Min. Travel Time= 3.6 min
 Avg. Velocity = 2.46 fps, Avg. Travel Time= 3.7 min

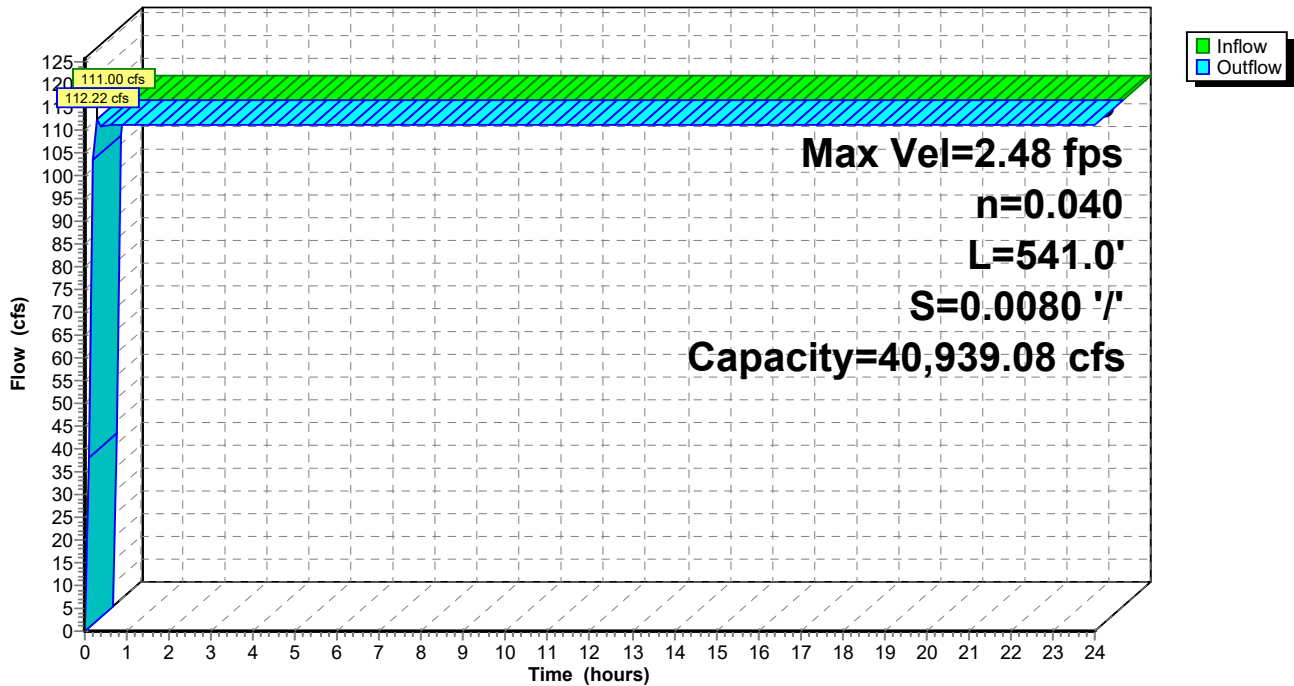
Peak Storage= 24,701 cf @ 0.20 hrs
 Average Depth at Peak Storage= 0.65'
 Bank-Full Depth= 20.00' Flow Area= 2,140.0 sf, Capacity= 40,939.08 cfs

69.00' x 20.00' deep channel, n= 0.040 Mountain streams
 Side Slope Z-value= 1.7 2.1 ' / ' Top Width= 145.00'
 Length= 541.0' Slope= 0.0080 ' / '
 Inlet Invert= 138.50', Outlet Invert= 134.17'



Reach 1C: BOECKMAN CREEK CHANNEL (NORTH)

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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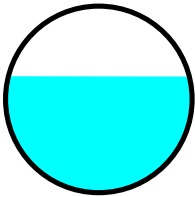
Summary for Reach 2: PIPE 2

Inflow Area = 501,727 sf, 26.70% Impervious, Inflow Depth > 2.29" for 25-YR event
 Inflow = 5.12 cfs @ 7.98 hrs, Volume= 95,830 cf
 Outflow = 5.10 cfs @ 7.98 hrs, Volume= 95,787 cf, Atten= 0%, Lag= 0.4 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Max. Velocity= 9.92 fps, Min. Travel Time= 0.4 min
 Avg. Velocity = 6.32 fps, Avg. Travel Time= 0.6 min

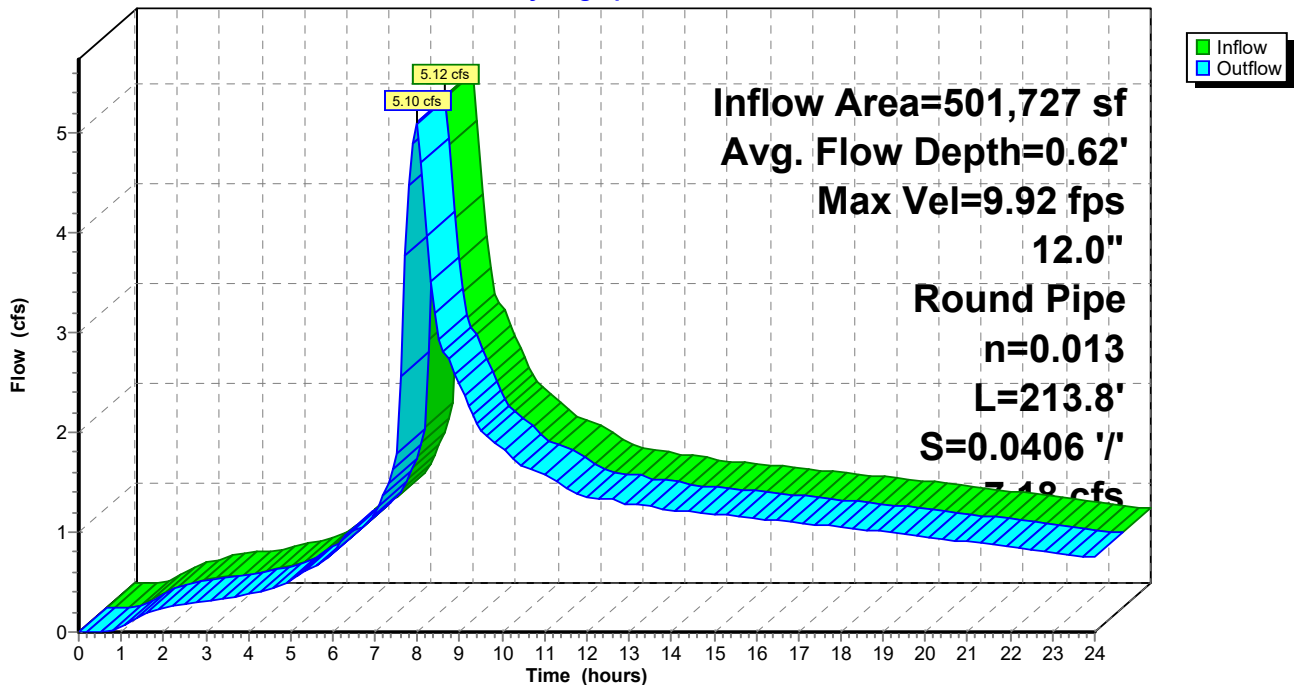
Peak Storage= 110 cf @ 7.98 hrs
 Average Depth at Peak Storage= 0.62'
 Bank-Full Depth= 1.00' Flow Area= 0.8 sf, Capacity= 7.18 cfs

12.0" Round Pipe
 n= 0.013 PVC, smooth interior
 Length= 213.8' Slope= 0.0406 '/'
 Inlet Invert= 215.09', Outlet Invert= 206.41'



Reach 2: PIPE 2

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Reach 2C: BOECKMAN CREEK CHANNEL (SOUTH)

Inflow Area = 720,214 sf, 41.01% Impervious, Inflow Depth >171.66" for 25-YR event
 Inflow = 125.79 cfs @ 7.99 hrs, Volume= 10,302,944 cf
 Outflow = 125.63 cfs @ 8.08 hrs, Volume= 10,231,859 cf, Atten= 0%, Lag= 5.2 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Max. Velocity= 2.59 fps, Min. Travel Time= 3.5 min
 Avg. Velocity = 2.53 fps, Avg. Travel Time= 3.6 min

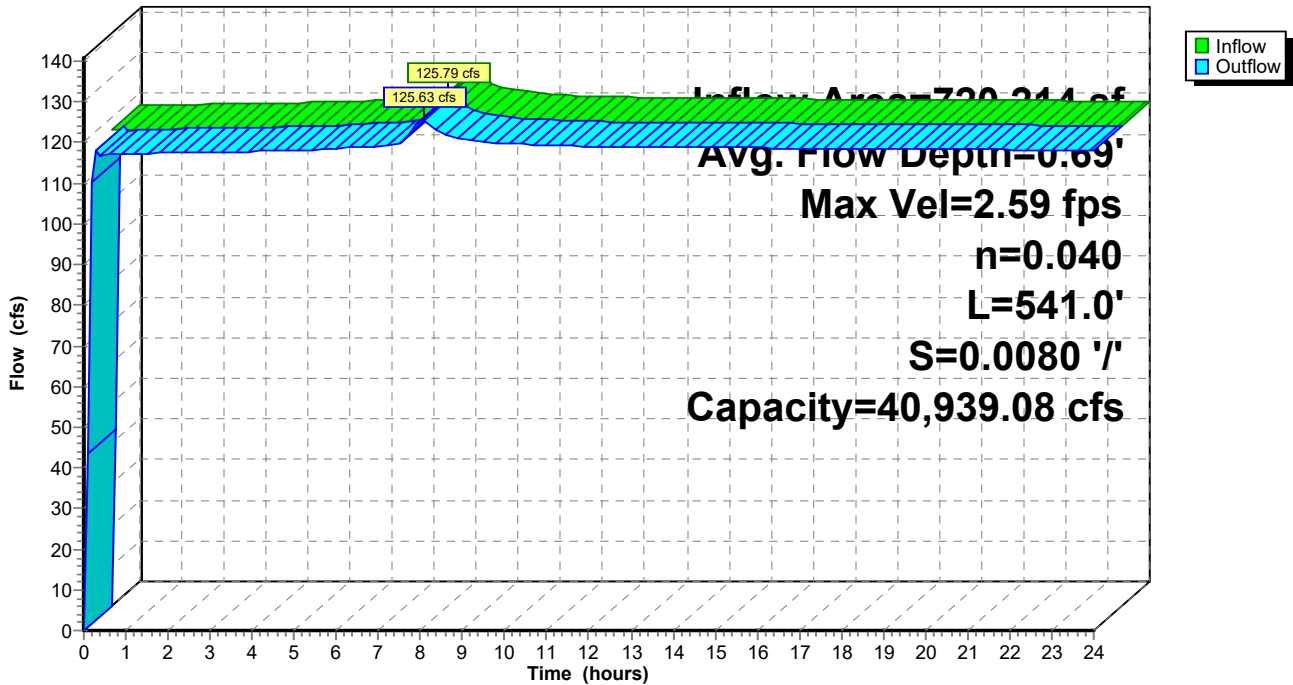
Peak Storage= 26,294 cf @ 8.02 hrs
 Average Depth at Peak Storage= 0.69'
 Bank-Full Depth= 20.00' Flow Area= 2,140.0 sf, Capacity= 40,939.08 cfs

69.00' x 20.00' deep channel, n= 0.040 Mountain streams
 Side Slope Z-value= 1.7 2.1 '/' Top Width= 145.00'
 Length= 541.0' Slope= 0.0080 '/'
 Inlet Invert= 138.50', Outlet Invert= 134.17'



Reach 2C: BOECKMAN CREEK CHANNEL (SOUTH)

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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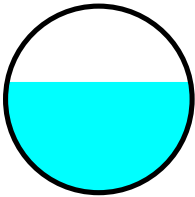
Summary for Reach 3: PIPE 3

Inflow Area = 501,727 sf, 26.70% Impervious, Inflow Depth > 2.29" for 25-YR event
 Inflow = 5.10 cfs @ 7.98 hrs, Volume= 95,787 cf
 Outflow = 5.10 cfs @ 7.99 hrs, Volume= 95,776 cf, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Max. Velocity= 10.48 fps, Min. Travel Time= 0.1 min
 Avg. Velocity = 6.65 fps, Avg. Travel Time= 0.1 min

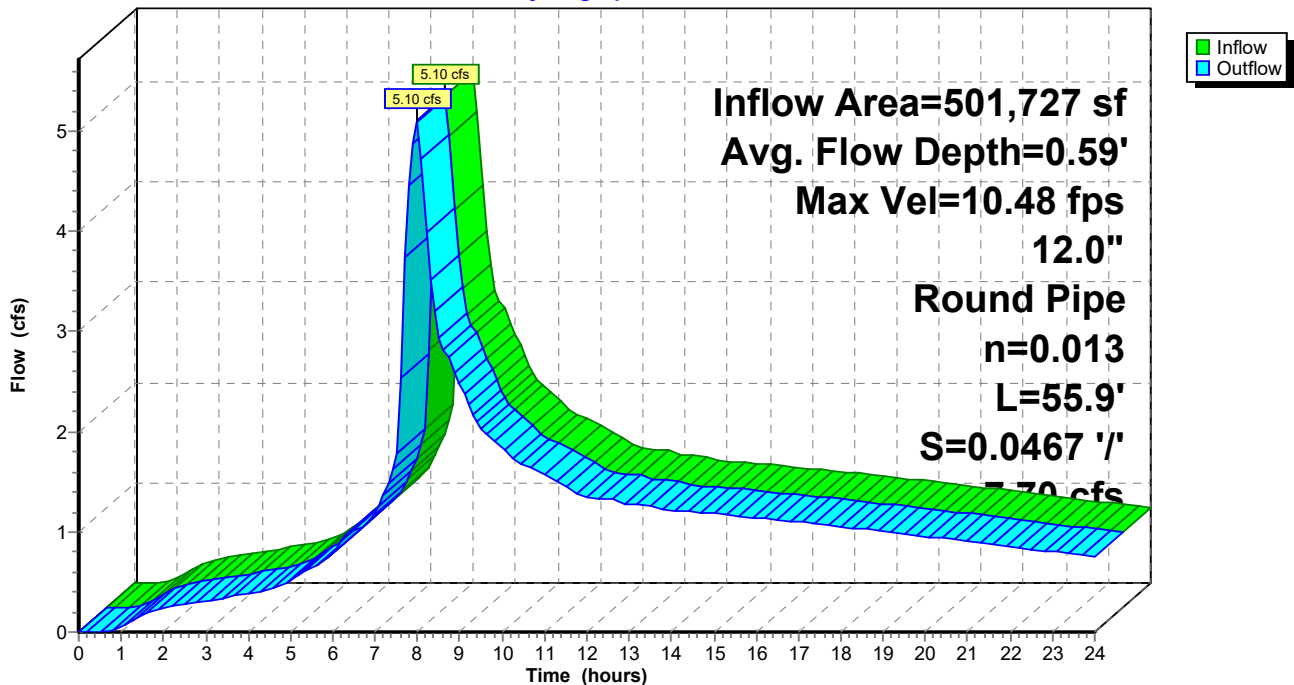
Peak Storage= 27 cf @ 7.99 hrs
 Average Depth at Peak Storage= 0.59'
 Bank-Full Depth= 1.00' Flow Area= 0.8 sf, Capacity= 7.70 cfs

12.0" Round Pipe
 n= 0.013 PVC, smooth interior
 Length= 55.9' Slope= 0.0467 '/'
 Inlet Invert= 206.20', Outlet Invert= 203.59'



Reach 3: PIPE 3

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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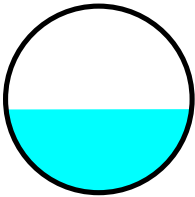
Summary for Reach 6: PIPE 6

Inflow Area = 695,864 sf, 40.07% Impervious, Inflow Depth > 2.12" for 25-YR event
 Inflow = 7.90 cfs @ 7.97 hrs, Volume= 123,087 cf
 Outflow = 7.90 cfs @ 7.97 hrs, Volume= 123,082 cf, Atten= 0%, Lag= 0.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Max. Velocity= 14.83 fps, Min. Travel Time= 0.0 min
 Avg. Velocity = 8.69 fps, Avg. Travel Time= 0.1 min

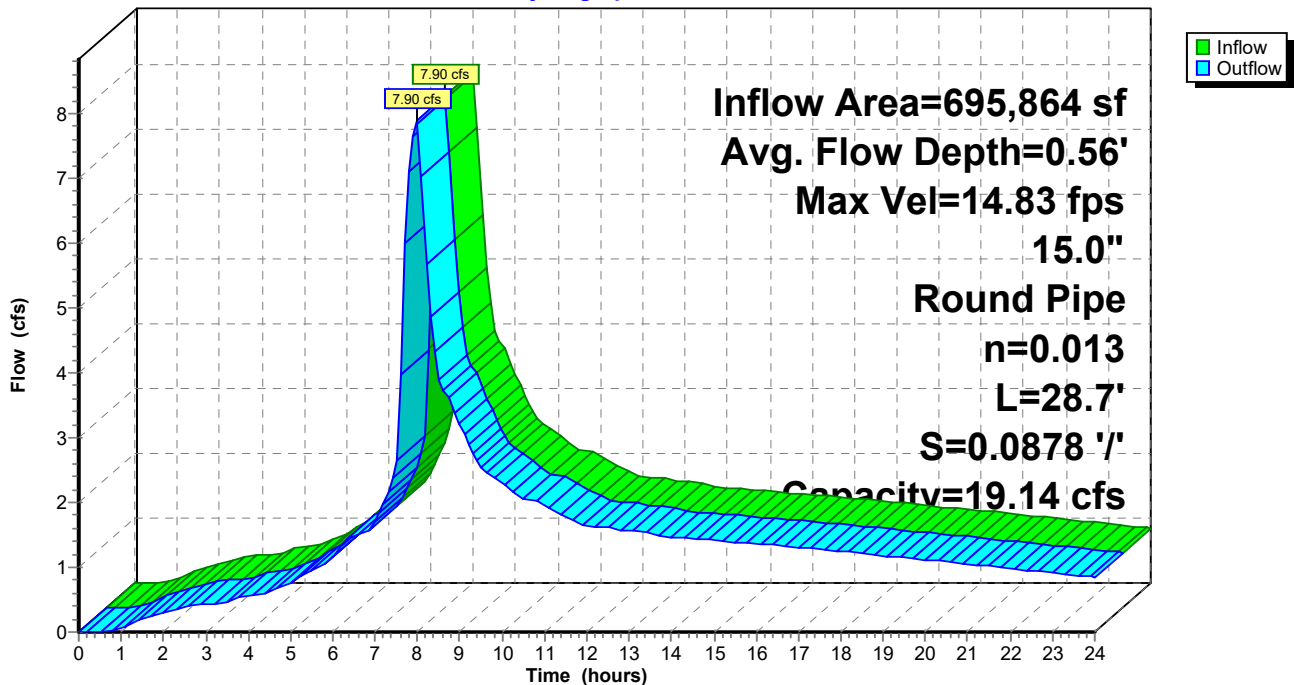
Peak Storage= 15 cf @ 7.97 hrs
 Average Depth at Peak Storage= 0.56'
 Bank-Full Depth= 1.25' Flow Area= 1.2 sf, Capacity= 19.14 cfs

15.0" Round Pipe
 n= 0.013
 Length= 28.7' Slope= 0.0878 '/'
 Inlet Invert= 194.42', Outlet Invert= 191.90'



Reach 6: PIPE 6

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Reach SW: MF2 LARGE SWALE

Inflow Area = 720,214 sf, 41.01% Impervious, Inflow Depth > 2.15" for 25-YR event
 Inflow = 8.30 cfs @ 7.97 hrs, Volume= 129,109 cf
 Outflow = 8.19 cfs @ 7.99 hrs, Volume= 128,916 cf, Atten= 1%, Lag= 1.4 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Max. Velocity= 2.89 fps, Min. Travel Time= 1.3 min
 Avg. Velocity = 1.69 fps, Avg. Travel Time= 2.1 min

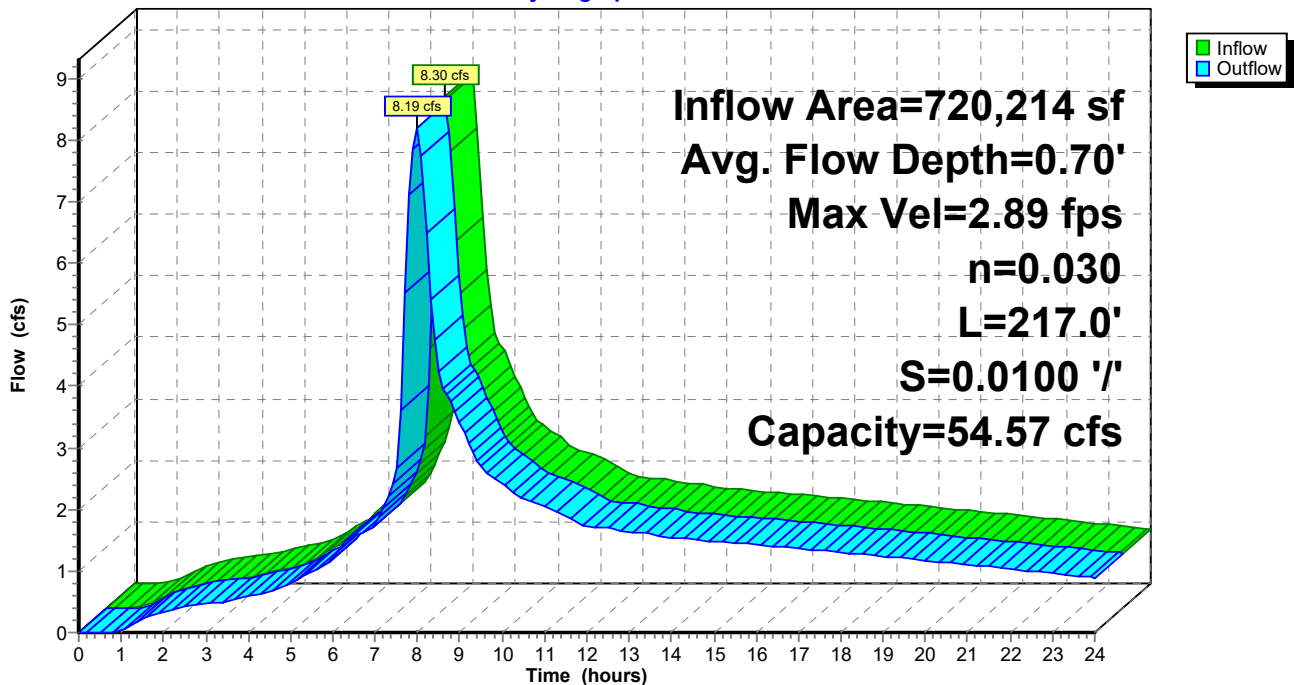
Peak Storage= 621 cf @ 7.98 hrs
 Average Depth at Peak Storage= 0.70'
 Bank-Full Depth= 1.66' Flow Area= 11.6 sf, Capacity= 54.57 cfs

2.00' x 1.66' deep channel, n= 0.030 Earth, grassed & winding
 Side Slope Z-value= 3.0 '/' Top Width= 11.96'
 Length= 217.0' Slope= 0.0100 '/'
 Inlet Invert= 190.65', Outlet Invert= 188.48'



Reach SW: MF2 LARGE SWALE

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Pond 1: SDMH-10D & PIPE 1

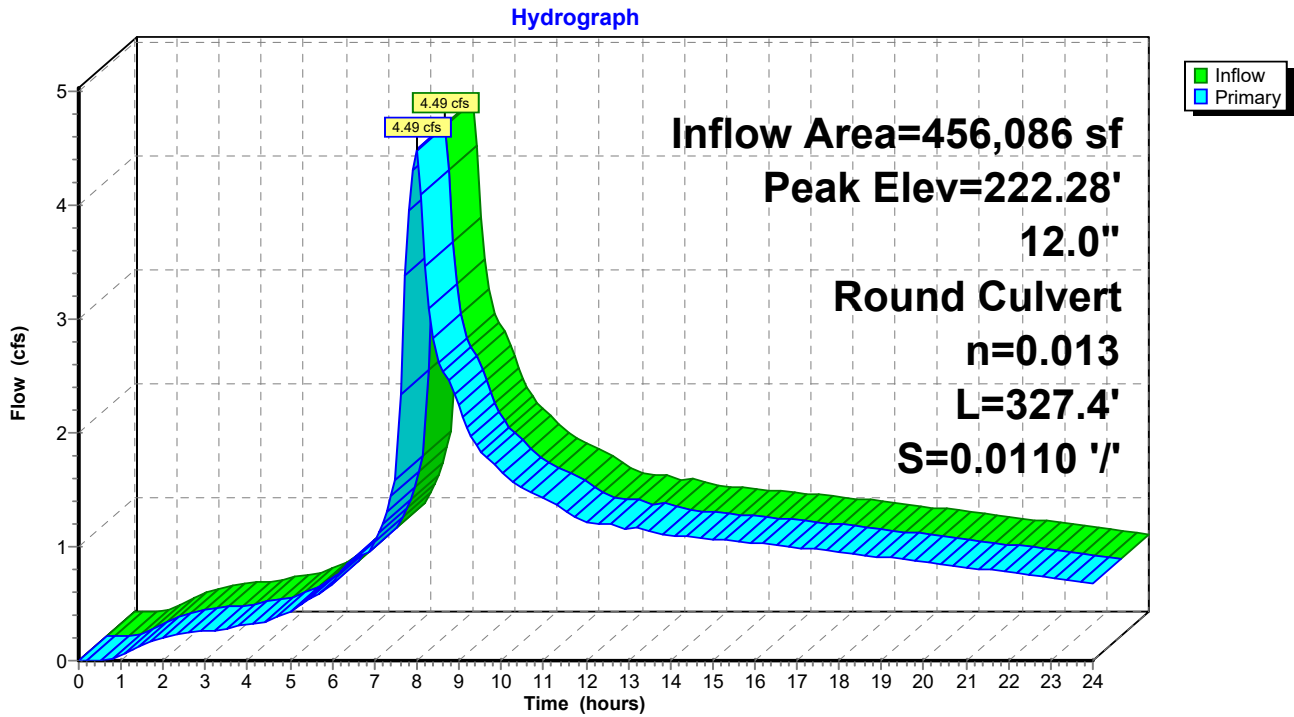
Inflow Area = 456,086 sf, 24.24% Impervious, Inflow Depth > 2.26" for 25-YR event
 Inflow = 4.49 cfs @ 7.98 hrs, Volume= 85,894 cf
 Outflow = 4.49 cfs @ 7.98 hrs, Volume= 85,894 cf, Atten= 0%, Lag= 0.0 min
 Primary = 4.49 cfs @ 7.98 hrs, Volume= 85,894 cf

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Peak Elev= 222.28' @ 7.98 hrs

Device	Routing	Invert	Outlet Devices
#1	Primary	218.89'	12.0" Round Culvert L= 327.4' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 218.89' / 215.29' S= 0.0110 '/ Cc= 0.900 n= 0.013, Flow Area= 0.79 sf

Primary OutFlow Max=4.45 cfs @ 7.98 hrs HW=222.16' (Free Discharge)
 ↳ **1=Culvert** (Barrel Controls 4.45 cfs @ 5.67 fps)

Pond 1: SDMH-10D & PIPE 1



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Pond 4: SDMH-10A & PIPE 4

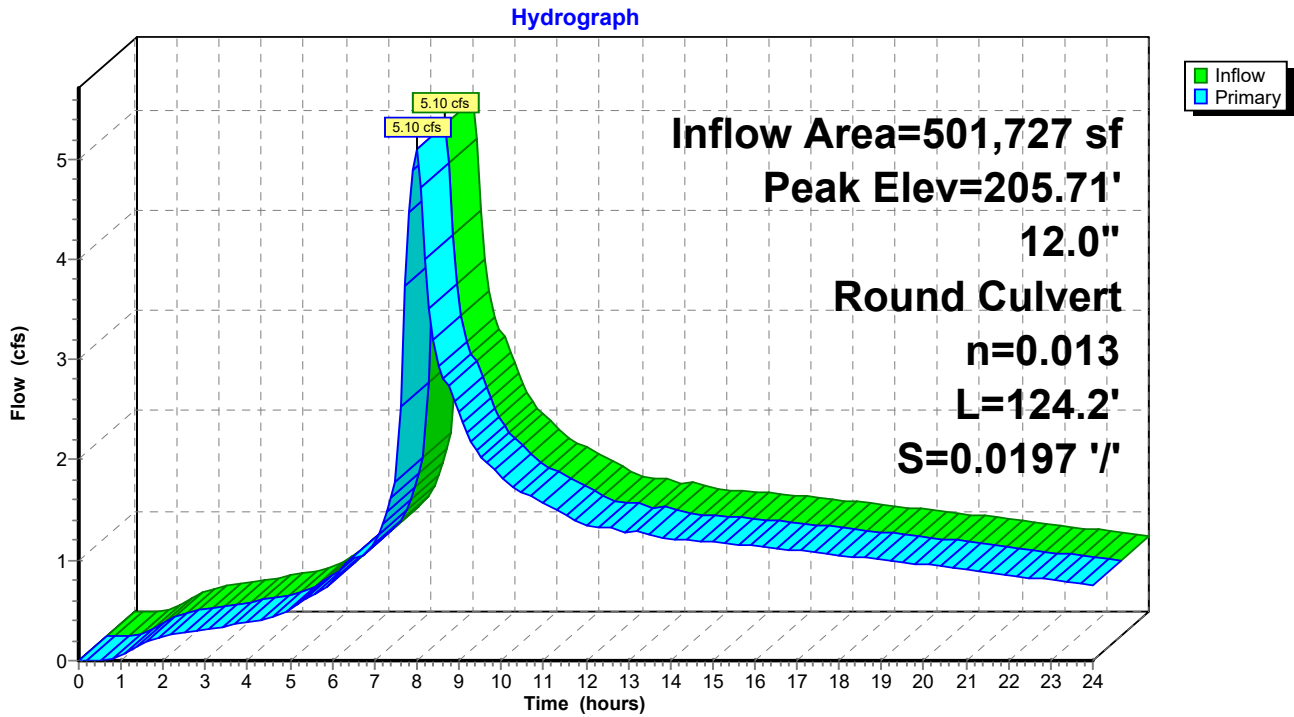
Inflow Area = 501,727 sf, 26.70% Impervious, Inflow Depth > 2.29" for 25-YR event
 Inflow = 5.10 cfs @ 7.99 hrs, Volume= 95,776 cf
 Outflow = 5.10 cfs @ 7.99 hrs, Volume= 95,776 cf, Atten= 0%, Lag= 0.0 min
 Primary = 5.10 cfs @ 7.99 hrs, Volume= 95,776 cf

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Peak Elev= 205.71' @ 7.99 hrs

Device #	Routing	Invert	Outlet Devices
#1	Primary	203.39'	12.0" Round Culvert L= 124.2' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 203.39' / 200.94' S= 0.0197 '/ Cc= 0.900 n= 0.013, Flow Area= 0.79 sf

Primary OutFlow Max=5.06 cfs @ 7.99 hrs HW=205.68' (Free Discharge)
 ↑1=Culvert (Inlet Controls 5.06 cfs @ 6.45 fps)

Pond 4: SDMH-10A & PIPE 4



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Pond 5: SDMH-8B & PIPE 5

Inflow Area = 695,864 sf, 40.07% Impervious, Inflow Depth > 2.12" for 25-YR event
 Inflow = 7.90 cfs @ 7.97 hrs, Volume= 123,087 cf
 Outflow = 7.90 cfs @ 7.97 hrs, Volume= 123,087 cf, Atten= 0%, Lag= 0.0 min
 Primary = 7.90 cfs @ 7.97 hrs, Volume= 123,087 cf

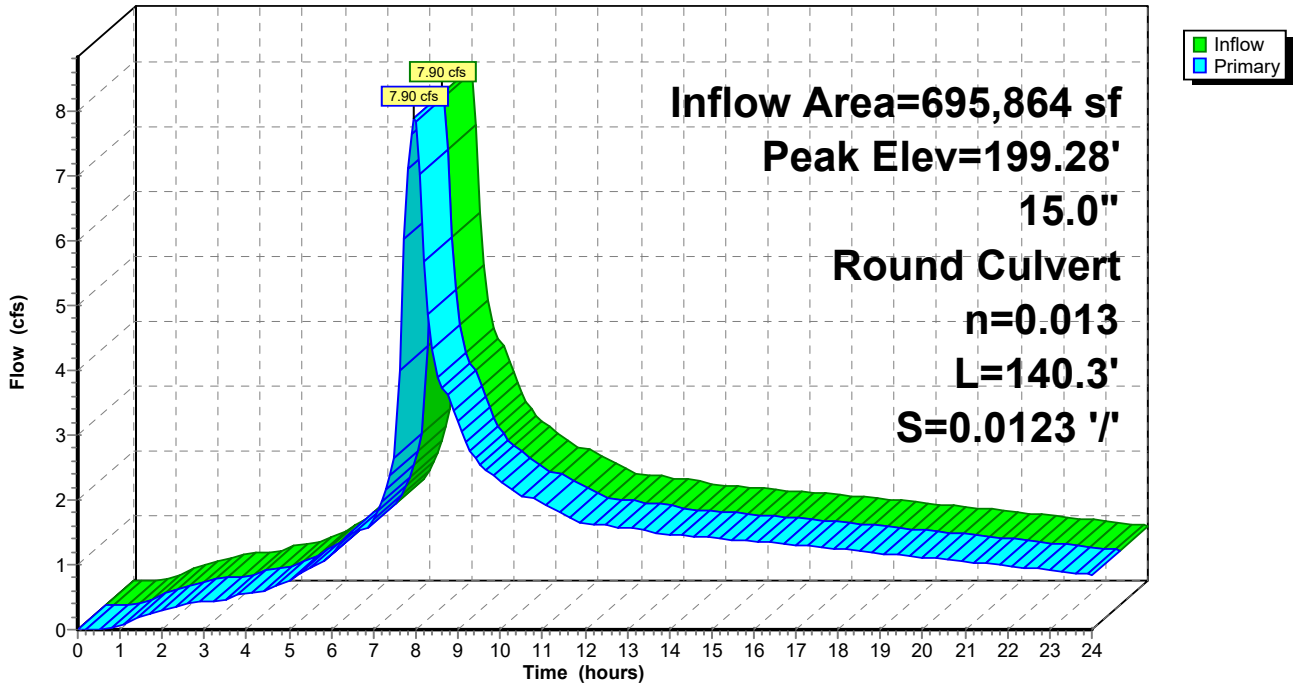
Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Peak Elev= 199.28' @ 7.97 hrs

Device #	Routing	Invert	Outlet Devices
1	Primary	196.70'	15.0" Round Culvert L= 140.3' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 196.70' / 194.97' S= 0.0123 '/ Cc= 0.900 n= 0.013, Flow Area= 1.23 sf

Primary OutFlow Max=7.79 cfs @ 7.97 hrs HW=199.21' (Free Discharge)
 1=Culvert (Barrel Controls 7.79 cfs @ 6.35 fps)

Pond 5: SDMH-8B & PIPE 5

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Pond 7: SDBH-S1 & PIPE 7

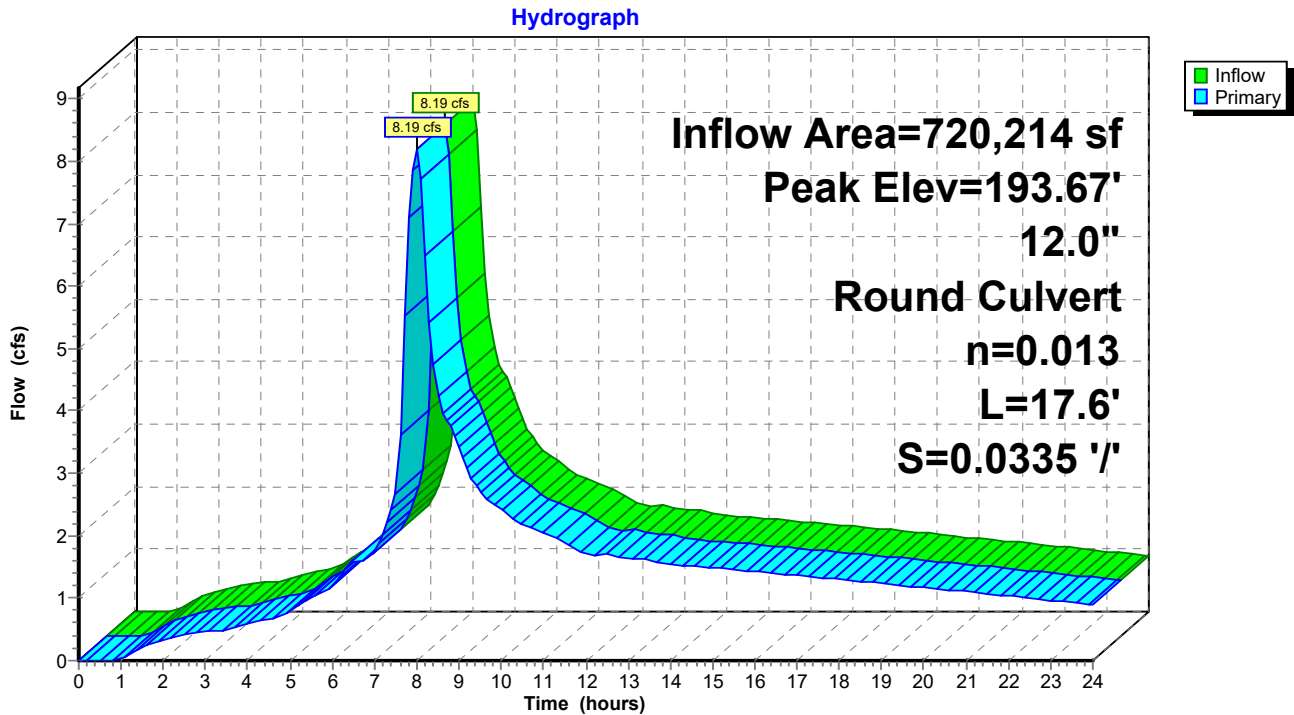
Inflow Area = 720,214 sf, 41.01% Impervious, Inflow Depth > 2.15" for 25-YR event
 Inflow = 8.19 cfs @ 7.99 hrs, Volume= 128,916 cf
 Outflow = 8.19 cfs @ 7.99 hrs, Volume= 128,916 cf, Atten= 0%, Lag= 0.0 min
 Primary = 8.19 cfs @ 7.99 hrs, Volume= 128,916 cf

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Peak Elev= 193.67' @ 7.99 hrs

Device	Routing	Invert	Outlet Devices
#1	Primary	188.48'	12.0" Round Culvert L= 17.6' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 188.48' / 187.89' S= 0.0335 '/ Cc= 0.900 n= 0.013, Flow Area= 0.79 sf

Primary OutFlow Max=8.17 cfs @ 7.99 hrs HW=193.64' (Free Discharge)
 ↑1=Culvert (Inlet Controls 8.17 cfs @ 10.40 fps)

Pond 7: SDBH-S1 & PIPE 7



6175 Prelim Downstream

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Summary for Pond 8: SDMH-13A & PIPE 8

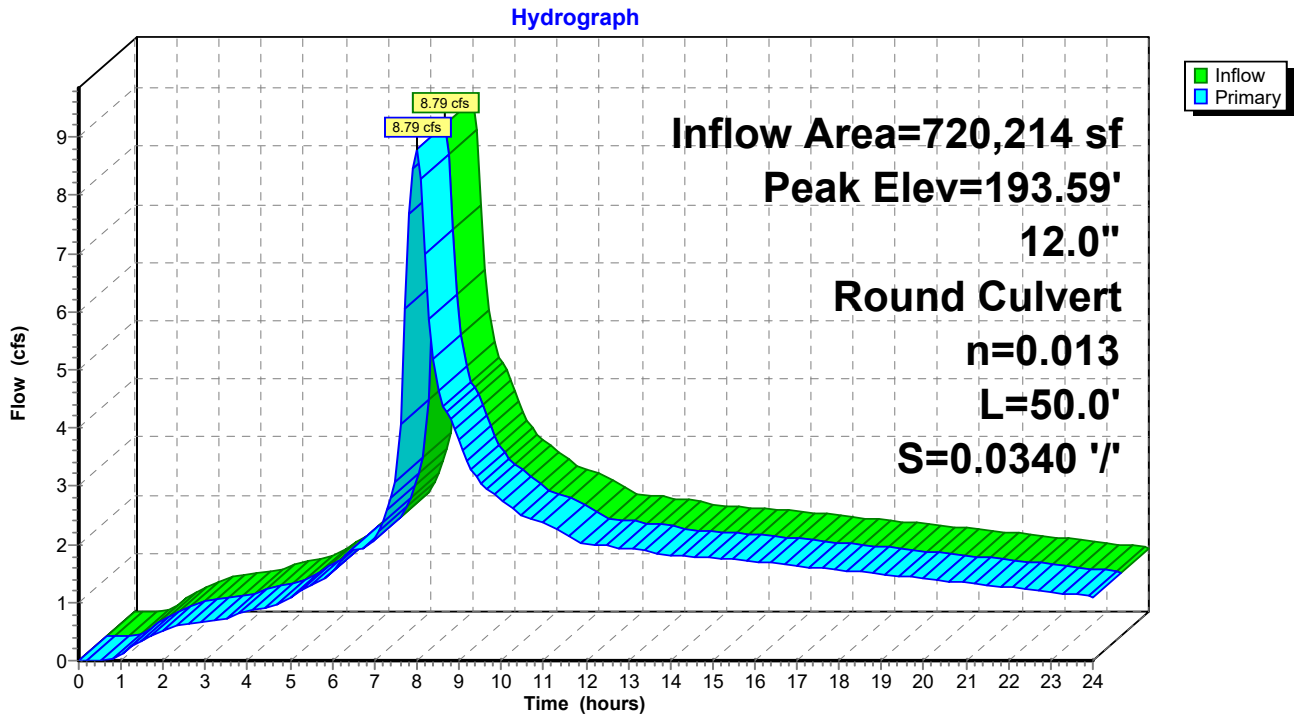
Inflow Area = 720,214 sf, 41.01% Impervious, Inflow Depth > 2.53" for 25-YR event
 Inflow = 8.79 cfs @ 7.99 hrs, Volume= 152,024 cf
 Outflow = 8.79 cfs @ 7.99 hrs, Volume= 152,024 cf, Atten= 0%, Lag= 0.0 min
 Primary = 8.79 cfs @ 7.99 hrs, Volume= 152,024 cf

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Peak Elev= 193.59' @ 7.99 hrs

Device #	Routing	Invert	Outlet Devices
#1	Primary	187.69'	12.0" Round Culvert L= 50.0' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 187.69' / 185.99' S= 0.0340 '/ Cc= 0.900 n= 0.013, Flow Area= 0.79 sf

Primary OutFlow Max=8.75 cfs @ 7.99 hrs HW=193.54' (Free Discharge)
 ←1=Culvert (Inlet Controls 8.75 cfs @ 11.14 fps)

Pond 8: SDMH-13A & PIPE 8



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Pond FS: FSMH-09A

Inflow Area = 194,137 sf, 74.64% Impervious, Inflow Depth > 3.12" for 25-YR event
 Inflow = 3.39 cfs @ 7.94 hrs, Volume= 50,418 cf
 Outflow = 3.39 cfs @ 7.94 hrs, Volume= 50,418 cf, Atten= 0%, Lag= 0.0 min
 Primary = 2.79 cfs @ 7.94 hrs, Volume= 27,310 cf
 Secondary = 0.60 cfs @ 7.93 hrs, Volume= 23,108 cf

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs
 Peak Elev= 201.14' @ 7.94 hrs

Device	Routing	Invert	Outlet Devices
#1	Primary	200.29'	15.0" Round Culvert L= 250.2' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 200.29' / 196.90' S= 0.0135 '/' Cc= 0.900 n= 0.013, Flow Area= 1.23 sf
#2	Secondary	200.12'	12.0" Round Culvert L= 47.2' RCP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 200.12' / 199.85' S= 0.0057 '/' Cc= 0.900 n= 0.013, Flow Area= 0.79 sf
#3	Device 2	200.12'	4.9" Vert. Orifice/Grate C= 0.600
#4	Device 2	201.12'	4.0' long Sharp-Crested Rectangular Weir 2 End Contraction(s)

Primary OutFlow Max=2.77 cfs @ 7.94 hrs HW=201.14' (Free Discharge)

↑**1=Culvert** (Inlet Controls 2.77 cfs @ 3.13 fps)

Secondary OutFlow Max=0.60 cfs @ 7.93 hrs HW=201.14' (Free Discharge)

↑**2=Culvert** (Passes 0.60 cfs of 2.29 cfs potential flow)

↑**3=Orifice/Grate** (Orifice Controls 0.57 cfs @ 4.34 fps)

↑**4=Sharp-Crested Rectangular Weir**(Weir Controls 0.03 cfs @ 0.42 fps)

6175 Prelim Downstream

Prepared by AKS Engineering & Forestry, LLC

HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

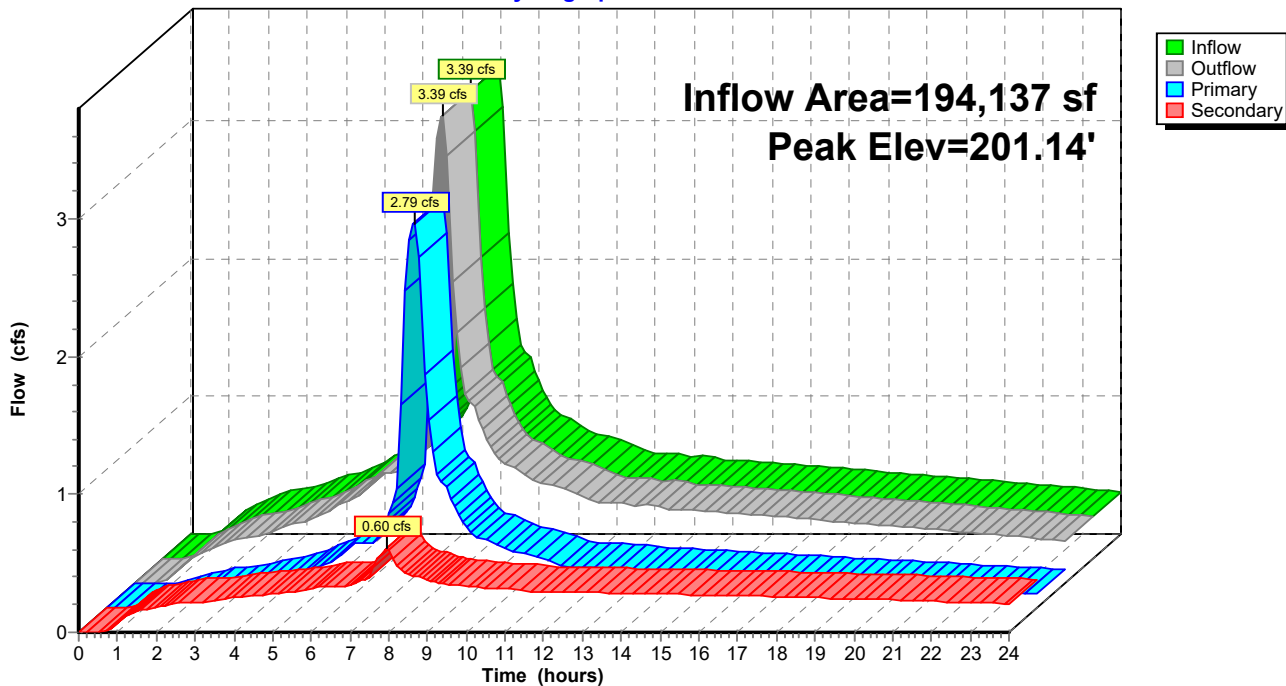
Type IA 24-hr 25-YR Rainfall=3.90"

Printed 11/14/2023

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Pond FS: FSMH-09A

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

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Summary for Link 1L: UPSTREAM BASIN FLOW (NORTH)

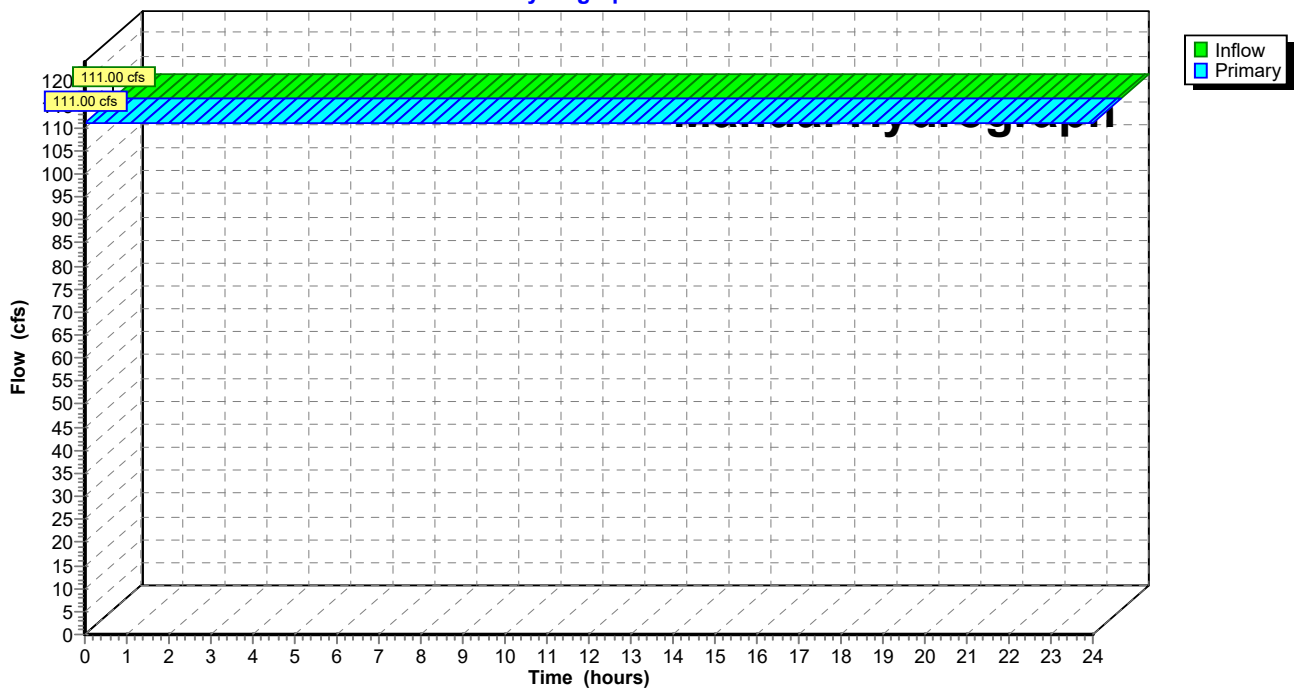
Inflow = 111.00 cfs @ 0.00 hrs, Volume= 9,630,360 cf
Primary = 111.00 cfs @ 0.00 hrs, Volume= 9,630,360 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs

Constant Inflow= 111.00 cfs

Link 1L: UPSTREAM BASIN FLOW (NORTH)

Hydrograph



6175 Prelim Downstream

Type IA 24-hr 25-YR Rainfall=3.90"

Prepared by AKS Engineering & Forestry, LLC

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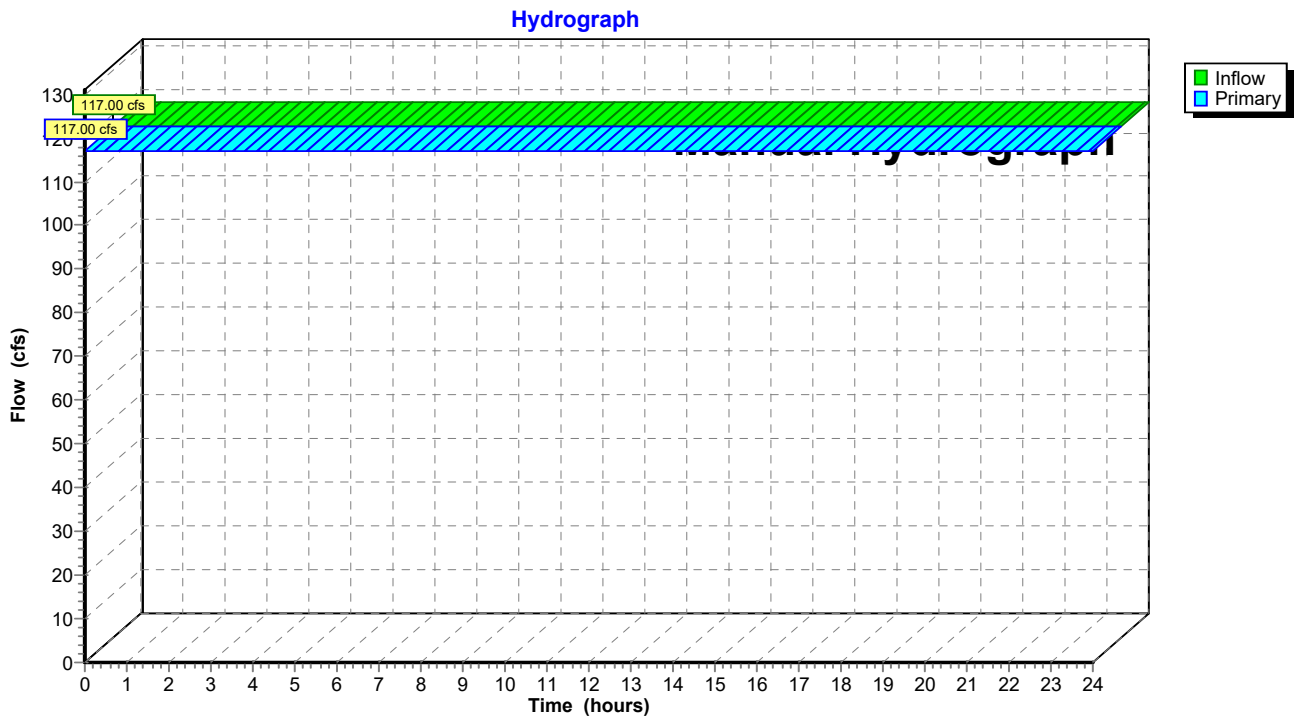
Summary for Link 2L: UPSTREAM BASIN FLOW (SOUTH)

Inflow = 117.00 cfs @ 0.00 hrs, Volume= 10,150,920 cf
Primary = 117.00 cfs @ 0.00 hrs, Volume= 10,150,920 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-24.00 hrs, dt= 0.10 hrs

Constant Inflow= 117.00 cfs

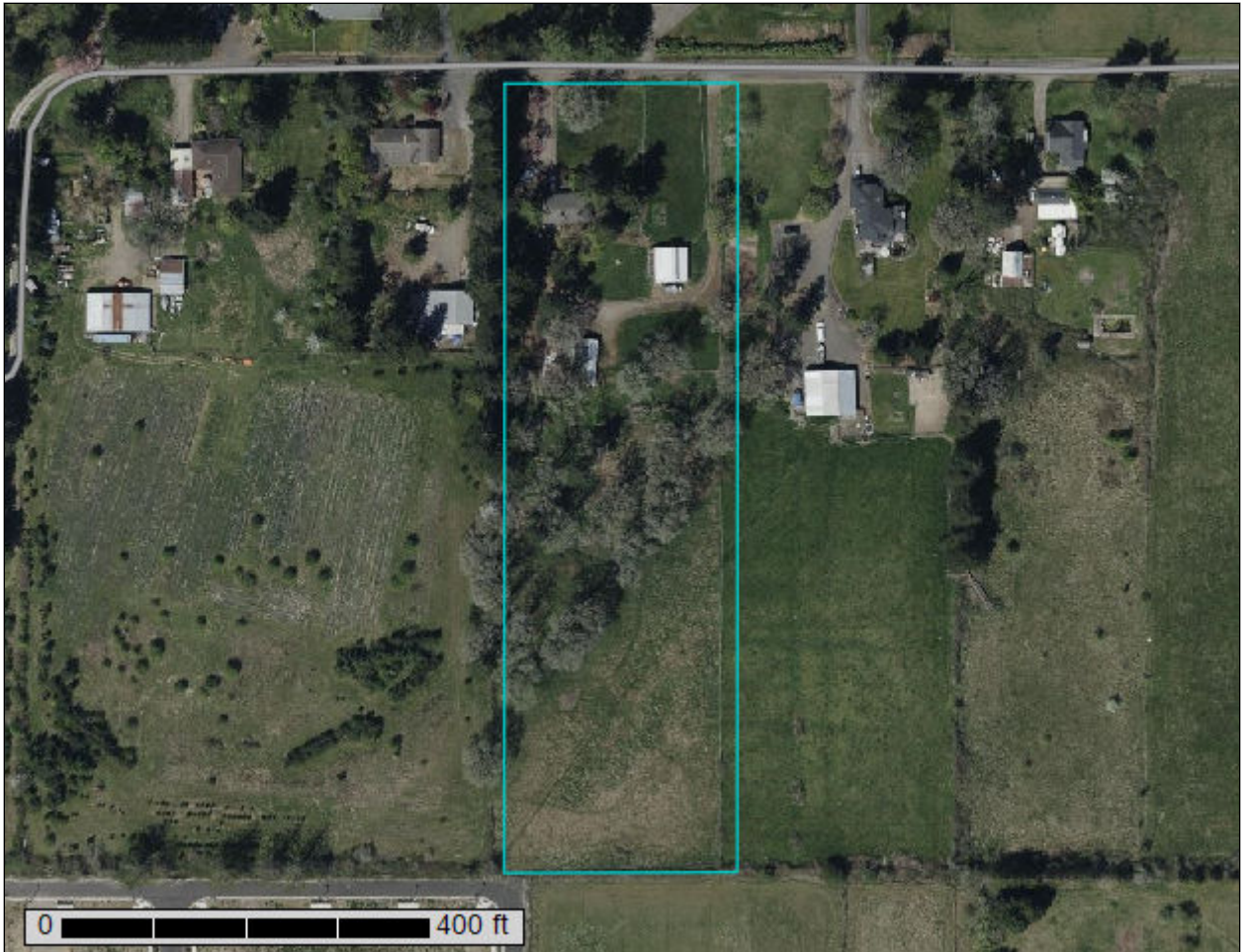
Link 2L: UPSTREAM BASIN FLOW (SOUTH)



Appendix H: Information from NRCS Soil Survey of Clackamas County, Oregon

Custom Soil Resource Report for Clackamas County Area, Oregon

Item 5.



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

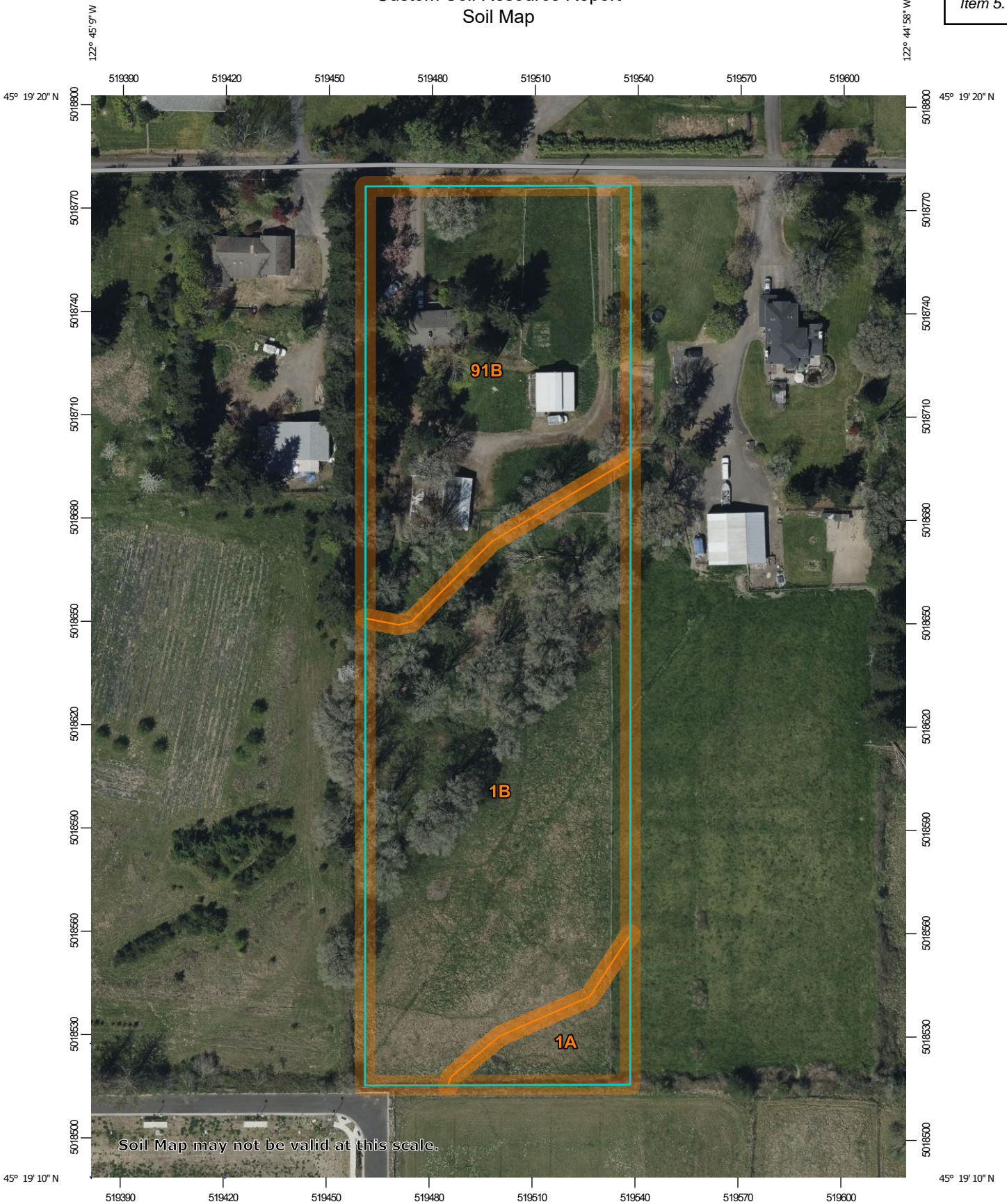
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

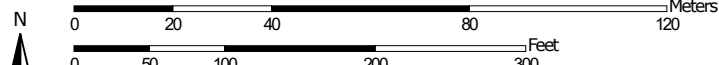
The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map

Item 5.




Map Scale: 1:1,530 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Clackamas County Area, Oregon
 Survey Area Data: Version 18, Oct 27, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 16, 2021—Apr 18, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1A	Aloha silt loam, 0 to 3 percent slopes	0.3	5.2%
1B	Aloha silt loam, 3 to 6 percent slopes	2.7	54.7%
91B	Woodburn silt loam, 3 to 8 percent slopes	2.0	40.0%
Totals for Area of Interest		5.0	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or

landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Clackamas County Area, Oregon

1A—Aloha silt loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2231
Elevation: 150 to 400 feet
Mean annual precipitation: 40 to 60 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Aloha and similar soils: 85 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Aloha

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Stratified glaciolacustrine deposits

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 51 inches: silt loam
H3 - 51 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: About 18 to 24 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: High (about 11.9 inches)

Interpretive groups

Land capability classification (irrigated): 2w
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: C/D
Ecological site: R002XC007OR - Valley Swale Group
Forage suitability group: Somewhat Poorly Drained (G002XY005OR)
Other vegetative classification: Somewhat Poorly Drained (G002XY005OR)
Hydric soil rating: No

Minor Components

Huberly

Percent of map unit: 3 percent
Landform: Swales on terraces

Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

Dayton

Percent of map unit: 2 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

1B—Aloha silt loam, 3 to 6 percent slopes**Map Unit Setting**

National map unit symbol: 223m
Elevation: 150 to 400 feet
Mean annual precipitation: 40 to 60 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Aloha and similar soils: 85 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Aloha**Setting**

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Stratified glaciolacustrine deposits

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 51 inches: silt loam
H3 - 51 to 80 inches: silt loam

Properties and qualities

Slope: 3 to 6 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: About 18 to 24 inches

Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: High (about 11.9 inches)

Interpretive groups

Land capability classification (irrigated): 2w
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: C/D
Ecological site: R002XC007OR - Valley Swale Group
Forage suitability group: Somewhat Poorly Drained (G002XY005OR)
Other vegetative classification: Somewhat Poorly Drained (G002XY005OR)
Hydric soil rating: No

Minor Components

Huberly

Percent of map unit: 3 percent
Landform: Swales on terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

Dayton

Percent of map unit: 2 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

91B—Woodburn silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 227z
Elevation: 150 to 400 feet
Mean annual precipitation: 40 to 50 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Woodburn and similar soils: 90 percent
Minor components: 4 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Woodburn

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Stratified glaciolacustrine deposits

Typical profile

H1 - 0 to 16 inches: silt loam
H2 - 16 to 38 inches: silty clay loam
H3 - 38 to 60 inches: silt loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 25 to 32 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C
Ecological site: R002XC008OR - Valley Terrace Group
Forage suitability group: Moderately Well Drained < 15% Slopes (G002XY004OR)
Other vegetative classification: Moderately Well Drained < 15% Slopes (G002XY004OR)
Hydric soil rating: No

Minor Components

Huberly

Percent of map unit: 2 percent
Landform: Swales on terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

Dayton

Percent of map unit: 1 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

Aquolls

Percent of map unit: 1 percent

Landform: Flood plains
Hydric soil rating: Yes

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**Appendix I: Relevant Information from City of
Wilsonville Stormwater and Surface Water Standards**



2015

**STORMWATER & SURFACE WATER
DESIGN & CONSTRUCTION STANDARDS**

SECTION 3 - PUBLIC WORKS STANDARDS



**Community Development Department
29799 SW Town Center Loop E
Wilsonville, OR 97070**

Revised December 2015

allowable maximum density to use in the upstream basin analysis for ultimate development potential and conveyance system sizing.

301.1.12 Extension of Public Storm Sewer Systems

- a. The extension or upsizing of the public stormwater systems in excess of 12 inches in diameter (or equivalent flows) or as shown in the Wilsonville Stormwater Master Plan to serve the ultimate development density of the contributing area shall be done by the property owner or permit applicant and may be subject to applicable System Development Charge (SDC) credits.
- b. The City reserves the right to perform the work or cause it to be performed and bill the owner for the cost of the work or to pursue special assessment proceedings.
- c. The public storm sewer system shall extend to the most distant parcel boundary and be designed at a size and grade to facilitate future extension to serve development of the entire contributing area.
- d. Where public infrastructure improvements paid for by the property owner or permit applicant directly benefit adjacent properties, the property owner or permit applicant may pursue establishment of a reimbursement district per Section 3.116 of the City Code.
- e. The City's authorized representative may require a storm pipeline that serves or may serve more than one property to be a public system.

301.1.13 Conveyance System Hydraulic Standards

- a. The conveyance system shall be designed to convey and contain at least the peak runoff for the 25-year design storm.
- b. Structures for proposed pipe systems must be demonstrated to provide a minimum of 1 foot of freeboard between the hydraulic grade line and the top of the structure or finish grade above pipe for the 25-year post-development peak rate of runoff.
- c. Design surcharge in new pipe systems shall not be allowed if it will cause flooding in a habitable structure, including below-floor crawl spaces.
- d. The 25-year design shall be supplemented with an overland conveyance component demonstrating how a 100-year event will be accommodated. The overland component shall not be allowed to flow through or inundate an existing building.
- e. Flows in streets during the 25-year event shall not run deeper than 4 inches against the curb or extend more than 2 feet into the travel lane.
- f. Open channel systems shall be designed for minimum 1-foot freeboard from bank full, provided that no structures are impacted by the design water surface elevation.

301.1.14 Storm Systems and Fish Passage

For pipe systems that convey flows from a stream or through sensitive areas, a local representative of ODFW or other applicable state or federal agency shall be contacted to

Protecting undisturbed, uncompacted areas from construction activities provides more rainfall interception, evapo-transpiration and runoff rate attenuation than clearing and replanting, even with soil amendments. On the Preliminary Site Plan, identify areas that will not be cleared during construction.

(c) Minimize Soil Compaction

Avoid any construction activity that could cause soil compaction in areas designated for stormwater management facilities to preserve filtration and infiltration characteristics of the soil. Also avoid soil compaction in natural resource areas, and mitigation and/or re-vegetation areas. Delineate these areas on the Preliminary Site Plan and protect them during construction with orange construction fencing.

(d) Minimize Imperviousness

Complete and attach the Impervious Area Threshold Determination Form. The form allows for impervious area reduction credits for use of porous pavement, green roofs, tree preservation and tree planting (tree credits apply to non-single family developments only). Identify proposed impervious area reduction methods, and show them on the Preliminary Site Plan.

4. Proposed Stormwater Management Strategy

Given suitable site and soil conditions, the City requires that development shall incorporate LID facilities to infiltrate stormwater runoff to the Maximum Extent Practicable (MEP) to recharge groundwater and mimic pre-development hydrologic conditions. LID facilities will be designed and sized according to the soil classification and/or infiltration testing rate. Onsite soil characteristics may require a geotechnical report to address soil conditions, infiltration rates and groundwater to incorporate an infiltration strategy into the stormwater management plan to the MEP.

For the *Site Assessment and Planning Checklist*, the applicant must identify and select a proposed stormwater management strategy from the choices below.

- (a) LID facilities to the MEP – Check this option if LID facilities will be utilized to the MEP to address the water quality and flow control requirements of the site. LID facilities must be sized according to the design requirements in [Section 301.4.00](#), “Stormwater Management Facility Selection and Design” utilizing either the BMP Sizing Tool or the Engineered Method. MEP is defined as installing LID facilities with a surface area of at least 10% of the total new or redeveloped impervious area. Approved stormwater management facilities that qualify as LID facilities are defined in [Section 301.4.00](#).
- (b) Onsite retention of the 10-year design storm – Where possible, retain and infiltrate all stormwater runoff up to and including the 10-year storm onsite using LID facilities. Infiltration of the full 10-year design storm is assumed to satisfy both water quality and flow control requirements of [Section 301.4.00](#), “Stormwater Management Facility Selection and Design”.

(c) Limiting conditions for LID facilities - The following limiting conditions restrict the practicality of using onsite infiltration and may require the use of lined, non-infiltrating stormwater management facilities or underground facilities to meet stormwater management requirements. When sites have limiting conditions, a report is required to document one of the following:

- (1) Stormwater management facilities will be located on fill.
- (2) Site areas with steep slopes ($\geq 20\%$) and/or slope stability concerns (geotechnical engineering or geologist report and City approval required for infiltration facilities on moderate slopes of 10-20%).
- (3) Sites in areas of seasonal high groundwater table (for site planning submittal, sites with jurisdictional wetlands or FEMA floodplains may be required to perform a seasonal high groundwater table assessment and determine that the seasonal groundwater table is below the proposed bottom elevation of stormwater infiltration facilities).
- (4) Sites with contaminated soils (sites that have contaminated soils conditions must be evaluated by the Oregon Department of Environmental Quality (ODEQ) and/or the Environmental Protection Agency to determine if areas on the property are suitable for infiltration without the risk of mobilizing contaminants in the soil or groundwater. Documentation showing contamination assessment and determination must be submitted to the City at the time of application).
- (5) There is a conflict with required source controls for high-risk sites (a geotechnical report is not required to document this limiting condition, but approval from the City is required to install lined and/or underground facilities in place of LID facilities).

5. Facility Selection/Sizing

After selecting a stormwater management strategy, applicants shall indicate which stormwater management facilities are proposed for the site based on the results of the site assessment and planning process. The BMP Sizing Tool shall be used to calculate the size of the facilities and the BMP Sizing Tool report shall be included as part of the application. All proposed impervious area reduction methods and proposed stormwater management facilities shall be shown on the Preliminary Site Plan.

301.3.00 SUBMITTAL REQUIREMENTS

The Developer's engineer shall submit sufficient supporting information as outlined below to justify the proposed stormwater management design meets all the provisions within these standards and the land use conditions of approval. It is the design engineer's responsibility to ensure that engineering plans are sufficiently clear and concise to construct the project in proper sequence, using specified methods and materials, with sufficient dimensions to fulfill the intent of these design standards. A Storm Drainage Report as outlined in [Section 301.3.02](#), "Storm Drainage Report", is required to be prepared and submitted with the design plans.

301.4.01 Impervious Area Used in Design

- a. Stormwater management facilities are required when proposed development establishes or increases the impervious surface area by more than 5,000 square feet. Development includes new development, redevelopment, and/or partial redevelopment.
- b. For single-family and duplex residential subdivisions, stormwater management facilities shall be sized for all impervious areas created by the subdivision, including all residences on individual lots at the current rate of 2,750 square feet of impervious surface area per dwelling unit.
- c. For all developments other than single-family and duplex dwellings, including row houses and condominiums, the sizing of stormwater management facilities shall be based on the impervious area to be created by the development, including structures and all roads and impervious areas. Impervious surfaces shall be based on building permits, construction plans, or other appropriate methods of measurement deemed reliable by the City's authorized representative.
- d. The City encourages design initiatives that reduce the effective impervious area. For developments other than single-family and duplex dwellings, a smaller stormwater management facility may be possible.

301.4.02 Criteria for Requiring a Stormwater Management Facility

A stormwater management facility shall be constructed on site unless, in the judgment of the City's authorized representative, any of the following conditions exist:

- a. The site location, size, gradient, topography, soils, or presence of an SROZ make it impractical or ineffective to construct an on-site facility.
- b. The subbasin has a more effective, existing regional site designed to incorporate the development or which has the capacity to treat the site stormwater.
- c. The development is for construction of one- or two-family (duplex) dwellings on existing lots of record which will establish or create less than 5,000 square feet of impervious surface.

301.4.03 Facility Selection

LID facilities such as planters, swales, rain gardens, ponds, and other vegetated facilities are the preferred strategy to meet the stormwater management requirements for water quality treatment and flow control. Impervious area reduction techniques, such as preservation of existing trees, retaining vegetation and open space, clustering buildings, disconnecting residential downspouts, and constructing pervious pavement and green roofs, may be used as techniques to help mitigate stormwater runoff and reduce the size of the required stormwater management facilities.

- a. The following types of stormwater management facilities can be used to meet these standards:
 1. Impervious Area Reduction Methods:

- c. **Alternate Facilities** - Applicants may propose stormwater management facilities that are not listed in **Table 3.10**. Such a proposal will require the applicant to submit a request for a modification to these standards. Alternate facilities must be sized using the Engineered Method as described in this section. An example of an alternate facility would be for the use of a drywell, infiltration trench, or other underground injection control (UIC) facility on private property. To propose a UIC on private property, the applicant would need to prepare appropriate registration information to ODEQ and submit a modification request to the City.

301.4.04 Design Criteria

Stormwater management facility design is based on meeting the City's design criteria to address LID requirements, water quality treatment standards, and flow control requirements.

- a. **LID to the MEP:** The goal is to prioritize the use of LID facilities to the MEP to mimic the natural stormwater runoff conditions of the pre-developed site and recharge the groundwater. The City's strategy to meet this goal is to incorporate LID principles in site planning and facility design.

Either one of the following two options may be used to meet the LID requirement:

1. **LID facilities to the MEP** – Utilize LID facilities to the MEP to address the water quality and flow control requirements of the site. LID facilities shall be sized according to the design requirements of this section, utilizing either the BMP Sizing Tool or the Engineered Method. When site constraints limit the surface area available for stormwater management facilities, MEP is defined as installing LID facilities with a surface area of at least 10% of the total new plus replaced impervious area.
 2. **Onsite Retention** – Retain and fully infiltrate the 10-year design storm on site using LID facilities. This is equivalent to retaining and infiltrating runoff from new impervious surface for the 3.4-inch storm over 24 hours. The facility shall fully infiltrate within 72 hours following the beginning of the storm event. Infiltration of the full 10-year design storm is assumed to satisfy both water quality and flow control requirements.
- b. **Limited Infiltration:** For sites with conditions that limit the use of infiltration (fill, steep slopes, high groundwater table, well-head protection areas, and/or contaminated soils), utilizing LID facilities may not be practicable and the applicant may use lined, non-infiltrating or underground stormwater management facilities. In such cases, the applicant shall submit documentation of limiting conditions from a geotechnical engineer or engineering geologist registered in the State of Oregon, or documentation from ODEQ.
- c. **Water Quality Requirement:** Water quality facilities shall be designed to capture and treat 80% of the average annual runoff volume to the MEP with the goal of 70% total suspended solids (TSS) removal. In this context, MEP means less effective treatment may not be substituted when it is practicable to provide more effective treatment. The treatment volume equates to a design storm of 1.0 inch over 24 hours.

The BMP Sizing Tool addresses these water quality requirements to size stormwater management facilities.

Hydrodynamic separators, when used as a sole method of stormwater treatment, do not meet the MEP requirement for stormwater treatment effectiveness with regard to these stormwater standards.

- d. **Flow Control Requirement:** The duration of peak flow rates from post-development conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42% of the 2-year storm peak flow rate¹ up to the 10-year peak flow rate. A hydrologic/hydraulic analytical model capable of performing a continuous simulation of flows from local long-term rainfall data shall be used to determine the peak flow rates, recurrence intervals and durations. The BMP Sizing Tool incorporates these flow control requirements to size stormwater management facilities.

301.4.05 Design Methods

This section explains the two methods accepted by the City for designing stormwater management facilities: the BMP Sizing Tool Method and the Engineered Method. To use a different method for sizing a treatment facility type not covered in these standards, applicants shall obtain approval from the City’s authorized representative prior to submitting permit applications for review.

a. BMP Sizing Tool Method:

- 1. A BMP Sizing Tool application is available from the City to assist with the sizing of stormwater management facilities that meet the requirements of these standards. The following facilities can be sized using the tool:
 - (a) Rain Garden – Infiltration and Filtration
 - (b) Stormwater Planter – Infiltration and Filtration
 - (c) Vegetated Swale - Infiltration and Filtration
 - (d) Infiltrator
 - (e) Detention Pond
- 2. The detention pond option will allow credit for the utilization of upstream LID facilities.
- 3. The report generated by the BMP Sizing Tool shall be included with permit application submittals. The BMP Sizing Tool can be used during the initial site

¹ The lower threshold of 42% of the 2-year peak flow rate for flow-duration matching is based on a 2008 study by the Oregon Department of Transportation (ODOT) titled, “Water Quantity (Flow Control) Design Storm Performance Standard.” ODOT’s study found that bed movement in sand-bedded streams occurs at approximately two-thirds of the bank full flow, which is assumed to be roughly equivalent to the 1.2 year discharge. ODOT’s flow frequency analysis established that two thirds of the 1.2-year discharge is approximately equivalent to 42 percent of the 2-year discharge.

Table 2-2a Runoff curve numbers for urban areas ^{1/}

Cover description		Curve numbers for hydrologic soil group			
Cover type and hydrologic condition	Average percent impervious area ^{2/}	A	B	C	D
Fully developed urban areas (vegetation established)					
Open space (lawns, parks, golf courses, cemeteries, etc.) ^{3/} :					
Poor condition (grass cover < 50%)		68	79	86	89
Fair condition (grass cover 50% to 75%)		49	69	79	84
Good condition (grass cover > 75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)					
		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way)					
		98	98	98	98
Paved; open ditches (including right-of-way)					
		83	89	92	93
Gravel (including right-of-way)					
		76	85	89	91
Dirt (including right-of-way)					
		72	82	87	89
Western desert urban areas:					
Natural desert landscaping (pervious areas only) ^{4/}					
		63	77	85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)					
		96	96	96	96
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82

Developing urban areas

Newly graded areas
(pervious areas only, no vegetation) ^{5/}

		77	86	91	94
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Idle lands (CN's are determined using cover types
similar to those in table 2-2c).

¹ Average runoff condition, and $I_a = 0.2S$.

² The average percent impervious area shown was used to develop the composite CN's. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition. CN's for other combinations of conditions may be computed using figure 2-3 or 2-4.

³ CN's shown are equivalent to those of pasture. Composite CN's may be computed for other combinations of open space cover type.

⁴ Composite CN's for natural desert landscaping should be computed using figures 2-3 or 2-4 based on the impervious area percentage (CN = 98) and the pervious area CN. The pervious area CN's are assumed equivalent to desert shrub in poor hydrologic condition.

⁵ Composite CN's to use for the design of temporary measures during grading and construction should be computed using figure 2-3 or 2-4 based on the degree of development (impervious area percentage) and the CN's for the newly graded pervious areas.

Table 2-2b Runoff curve numbers for cultivated agricultural lands ^{1/}

Cover description			Curve numbers for hydrologic soil group			
Cover type	Treatment ^{2/}	Hydrologic condition ^{3/}	A	B	C	D
Fallow	Bare soil	—	77	86	91	94
	Crop residue cover (CR)	Poor	76	85	90	93
		Good	74	83	88	90
Row crops	Straight row (SR)	Poor	72	81	88	91
		Good	67	78	85	89
	SR + CR	Poor	71	80	87	90
		Good	64	75	82	85
	Contoured (C)	Poor	70	79	84	88
		Good	65	75	82	86
	C + CR	Poor	69	78	83	87
		Good	64	74	81	85
	Contoured & terraced (C&T)	Poor	66	74	80	82
		Good	62	71	78	81
C&T+ CR	Poor	65	73	79	81	
	Good	61	70	77	80	
Small grain	SR	Poor	65	76	84	88
		Good	63	75	83	87
	SR + CR	Poor	64	75	83	86
		Good	60	72	80	84
	C	Poor	63	74	82	85
		Good	61	73	81	84
	C + CR	Poor	62	73	81	84
		Good	60	72	80	83
	C&T	Poor	61	72	79	82
		Good	59	70	78	81
C&T+ CR	Poor	60	71	78	81	
	Good	58	69	77	80	
Close-seeded or broadcast legumes or rotation meadow	SR	Poor	66	77	85	89
		Good	58	72	81	85
	C	Poor	64	75	83	85
		Good	55	69	78	83
	C&T	Poor	63	73	80	83
		Good	51	67	76	80

¹ Average runoff condition, and $I_a=0.2S$

² Crop residue cover applies only if residue is on at least 5% of the surface throughout the year.

³ Hydraulic condition is based on combination factors that affect infiltration and runoff, including (a) density and canopy of vegetative areas, (b) amount of year-round cover, (c) amount of grass or close-seeded legumes, (d) percent of residue cover on the land surface (good $\geq 20\%$), and (e) degree of surface roughness.

Poor: Factors impair infiltration and tend to increase runoff.

Good: Factors encourage average and better than average infiltration and tend to decrease runoff.

Table 2-2c Runoff curve numbers for other agricultural lands ^{1/}

Cover description	Hydrologic condition	Curve numbers for hydrologic soil group			
		A	B	C	D
Pasture, grassland, or range—continuous forage for grazing. ^{2/}	Poor	68	79	86	89
	Fair	49	69	79	84
	Good	39	61	74	80
Meadow—continuous grass, protected from grazing and generally mowed for hay.	—	30	58	71	78
Brush—brush-weed-grass mixture with brush the major element. ^{3/}	Poor	48	67	77	83
	Fair	35	56	70	77
	Good	30 ^{4/}	48	65	73
Woods—grass combination (orchard or tree farm). ^{5/}	Poor	57	73	82	86
	Fair	43	65	76	82
	Good	32	58	72	79
Woods. ^{6/}	Poor	45	66	77	83
	Fair	36	60	73	79
	Good	30 ^{4/}	55	70	77
Farmsteads—buildings, lanes, driveways, and surrounding lots.	—	59	74	82	86

¹ Average runoff condition, and $I_a = 0.2S$.

² **Poor:** <50% ground cover or heavily grazed with no mulch.

Fair: 50 to 75% ground cover and not heavily grazed.

Good: > 75% ground cover and lightly or only occasionally grazed.

³ **Poor:** <50% ground cover.

Fair: 50 to 75% ground cover.

Good: >75% ground cover.

⁴ Actual curve number is less than 30; use CN = 30 for runoff computations.

⁵ CN's shown were computed for areas with 50% woods and 50% grass (pasture) cover. Other combinations of conditions may be computed from the CN's for woods and pasture.

⁶ **Poor:** Forest litter, small trees, and brush are destroyed by heavy grazing or regular burning.

Fair: Woods are grazed but not burned, and some forest litter covers the soil.

Good: Woods are protected from grazing, and litter and brush adequately cover the soil.

Table 2-2d Runoff curve numbers for arid and semiarid rangelands ^{1/}

Cover description		Curve numbers for hydrologic soil group			
Cover type	Hydrologic condition ^{2/}	A ^{3/}	B	C	D
Herbaceous—mixture of grass, weeds, and low-growing brush, with brush the minor element.	Poor		80	87	93
	Fair		71	81	89
	Good		62	74	85
Oak-aspen—mountain brush mixture of oak brush, aspen, mountain mahogany, bitter brush, maple, and other brush.	Poor		66	74	79
	Fair		48	57	63
	Good		30	41	48
Pinyon-juniper—pinyon, juniper, or both; grass understory.	Poor		75	85	89
	Fair		58	73	80
	Good		41	61	71
Sagebrush with grass understory.	Poor		67	80	85
	Fair		51	63	70
	Good		35	47	55
Desert shrub—major plants include saltbush, greasewood, creosotebush, blackbrush, bursage, palo verde, mesquite, and cactus.	Poor	63	77	85	88
	Fair	55	72	81	86
	Good	49	68	79	84

¹ Average runoff condition, and I_a , = 0.2S. For range in humid regions, use table 2-2c.

² Poor: <30% ground cover (litter, grass, and brush overstory).

Fair: 30 to 70% ground cover.

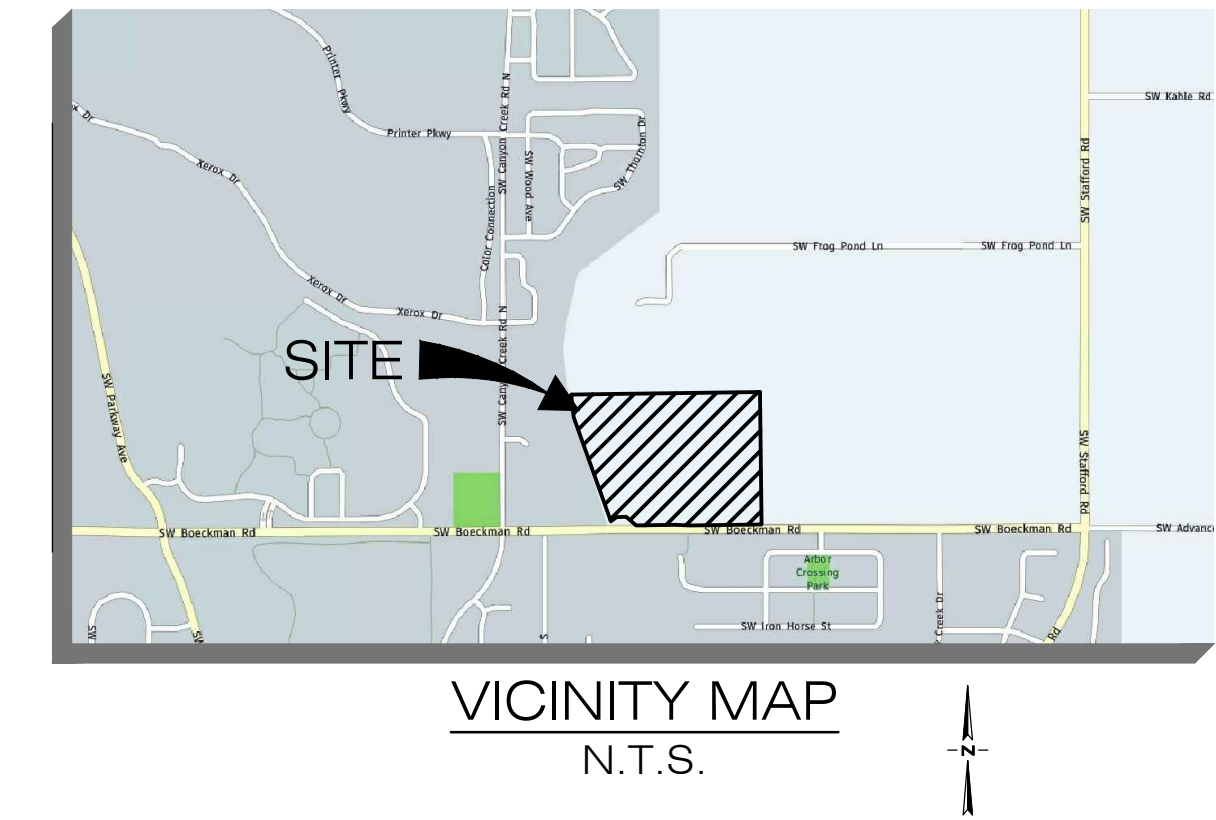
Good: > 70% ground cover.

³ Curve numbers for group A have been developed only for desert shrub.

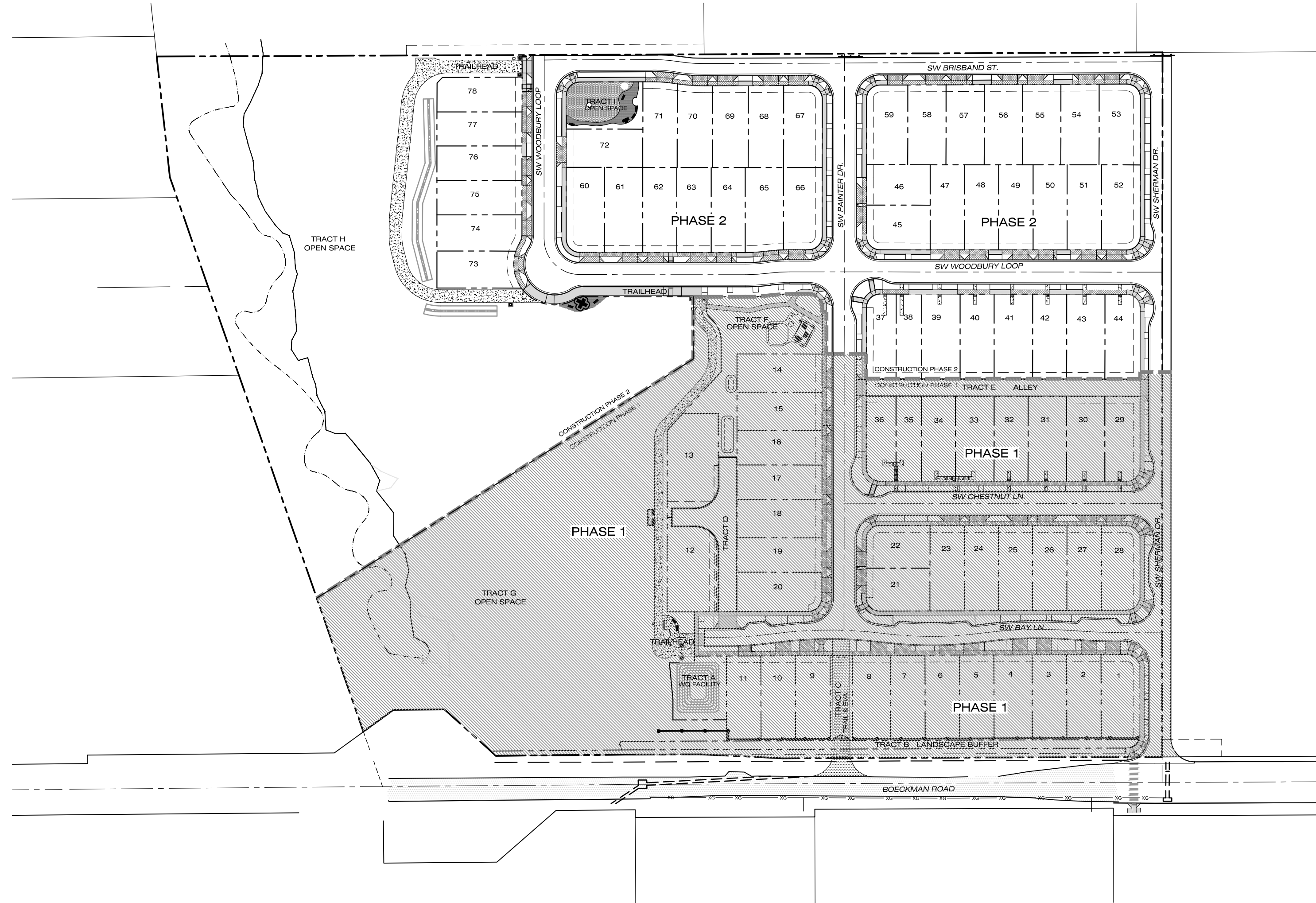
Appendix J: Additional Downstream Analysis Reference Documents

MORGAN FARM (PHASE 2)

PHASE 2 OF A PLANNED DEVELOPMENT FOR A 78-LOT SUBDIVISION - LOTS 37-78
TAX LOTS 2400, 2600 & 2700, TAX MAP T3S, R1W, SEC. 12D



Item 5
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COVER SHEET

Designed by	Date	TCC
Drawn by	12/2018	TCC
Reviewed by	12/2018	BEF
Project No.	321-002	REF.
Horiz. Scale	N/A	
Vert. Scale	N/A	

RECORD DRAWINGS
DATE: 12/18/2018 THESE RECORD DRAWINGS HAVE BEEN PREPARED BASED ON FIELD OBSERVATION AND SURVEYED INFORMATION.

Project: MORGAN FARM PH.2
No.: 321-002
Type: AS-BUILTS
Sheet: C0.0

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LIGHTING DESIGNER
R&W ENGINEERING, INC.
9615 SW ALLEN BLVD., SUITE 107
BEAVERTON, OR 97005
P: (503) 292-6000
E: dhall@rweng.com
CONTACT: DENNIS HALL

PROJECT BIOLOGIST
SWCA ENVIRONMENTAL CONSULTANTS
1220 SW MORRISON ST., SUITE 700
PORTLAND, OR 97205
P: (503) 224-0333
E: cmwalker@swca.com
CONTACT: C. MIRTH WALKER

VERTICAL DATUM

CITY OF WILSONVILLE CONTROL SURVEY PS25218
STATION #5806 - A 3 1/4" BRASS DISC IN MONUMENT BOX -
THE SECTION CORNER COMMON TO SECTIONS 11, 12, 13 &
14, T3S R1E, IN THE CENTER OF BOECKMAN RD, EAST OF
BOONES FERRY RD.

ELEVATION = 213.19'
DATUM: NAVD 88, US FEET

SITE INFORMATION

SITE ADDRESS: 7331 & 7447 SW BOECKMAN RD.
1/4 SECTION MAP: T3S R1W SEC 12D
TAX LOTS: 2400, 2600 & 2700
SITE SIZE: 20.13 ACRES

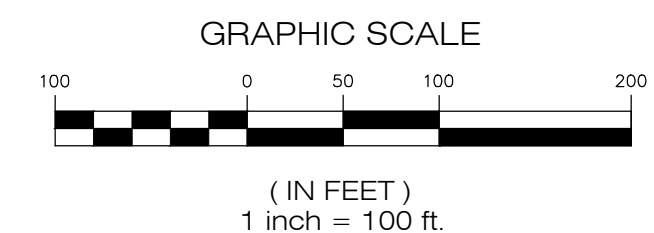
LOCATES (48 HOURS NOTICE REQUIRED)

ONE CALL SYSTEM 1-800-332-2344
(GENERAL TELEPHONE, NORTHWEST
NATURAL GAS, PORTLAND GENERAL
ELECTRIC)

REPAIR EMERGENCIES

NORTHWEST NATURAL GAS - 800-882-3377
QWEST - 503-242-6064
PORTLAND GENERAL ELECTRIC - 503-464-7777
COMCAST - 888-824-8264
CITY OF WILSONVILLE - 866-252-3614
VERIZON - 503-526-2220

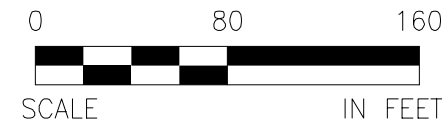
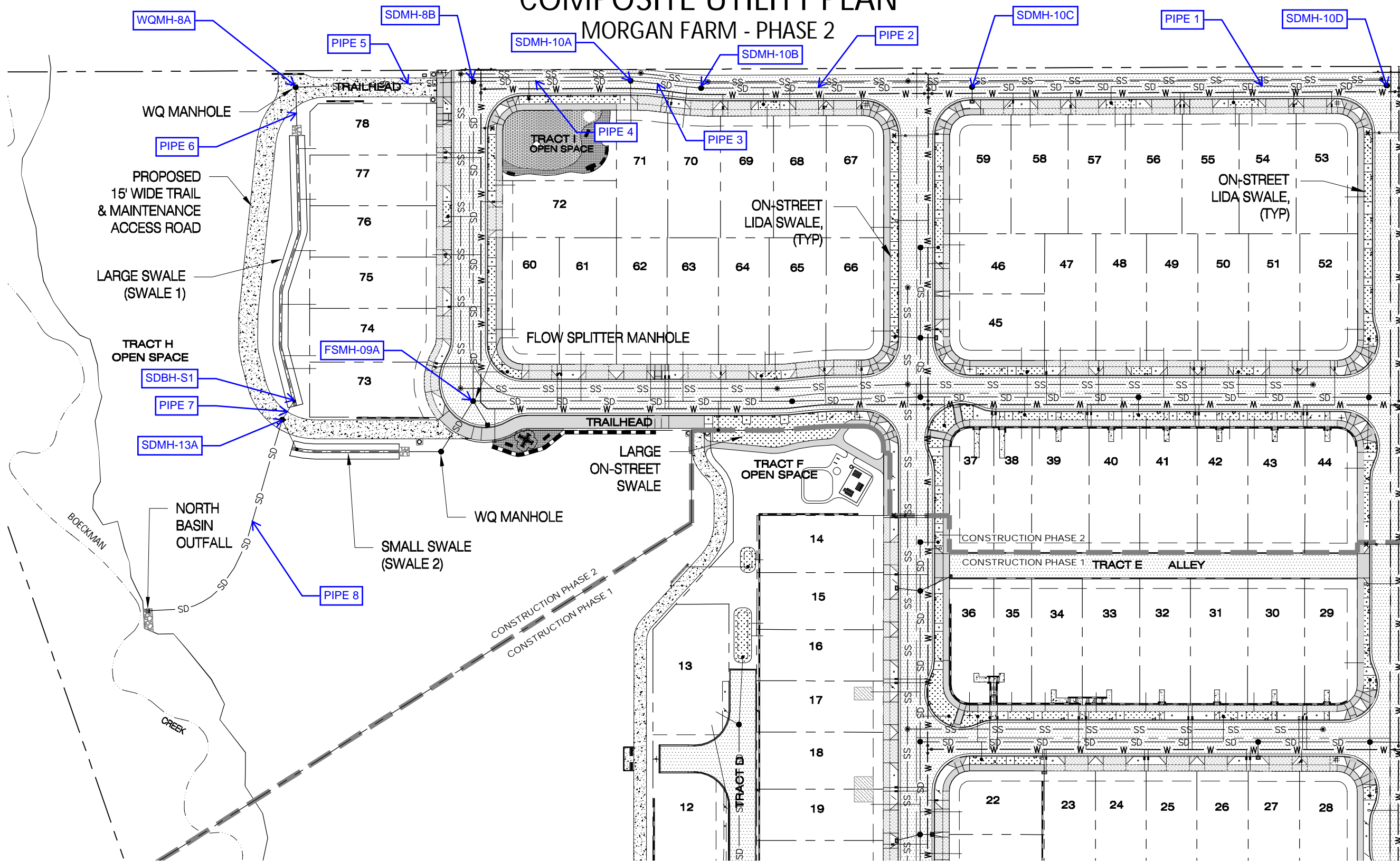
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW
RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION
CENTER. THOSE RULES ARE SET FORTH IN OAR
952-001-0010 THROUGH OAR 952-001-0090. YOU MAY
OBTAIN COPIES OF THE RULES BY CALLING THE OREGON
UTILITY NOTIFICATION CENTER AT 503-232-1987.



THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO
UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1)
FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A
SUBDIVISION OR PARTITION PLAT. NO DESIGN EXCEPTIONS
NOR FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF
THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE
TO BE PLACED WITHIN THE PROHIBITED AREA.

COMPOSITE UTILITY PLAN

MORGAN FARM - PHASE 2



9020 SW WASHINGTON SQUARE RD.
 SUITE 170
 PORTLAND, OREGON 97223
 p 503.643.8286
 f 844.715.4743
 www.pd-grp.com



PIONEER DESIGN GROUP, INC.

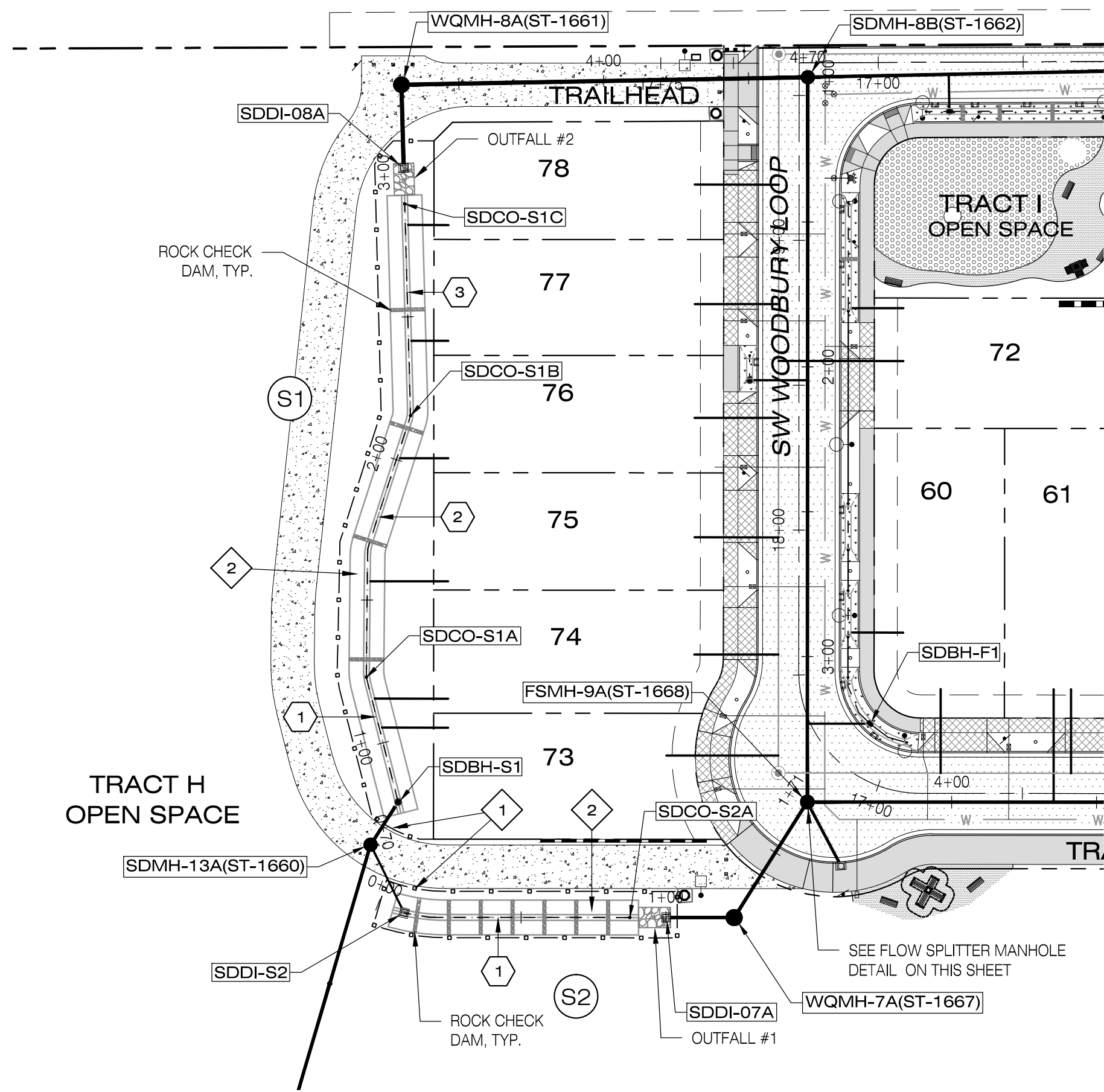
Designed by	TCC	Date	01/18
Drawn by	TCC	Date	01/18
Reviewed by	BEF	Date	01/18
Project No.	321-002	REF.	
Horiz. Scale:	1"=80'		
Vert. Scale:			

Project
MORGAN FARMS

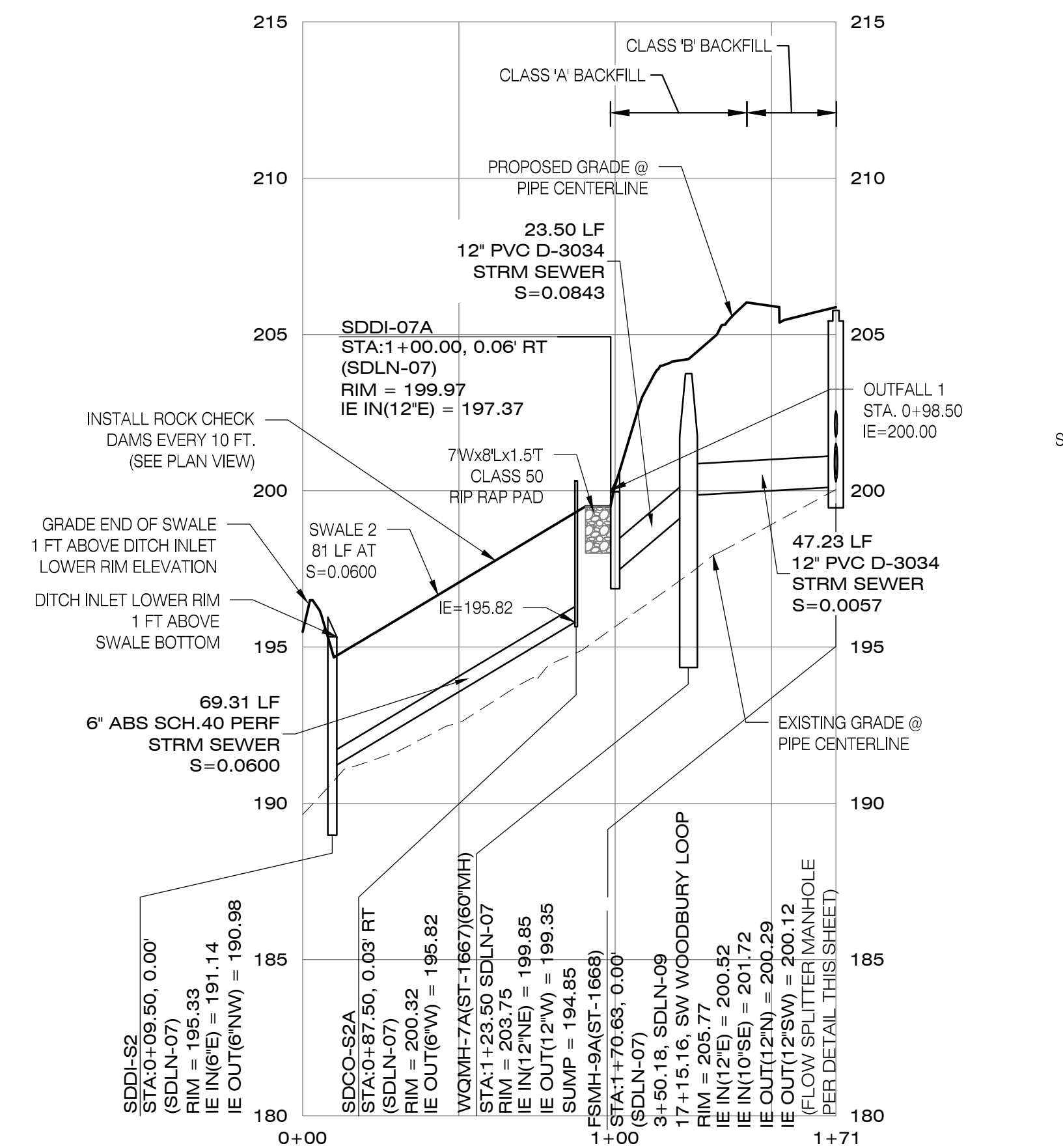
No.
321-002

Type
ENGINEERING

Sheet



SDLN-07 / SDLN-08 / SWALES 1 & 2 - PLAN
SCALE: 1"=40' (H)

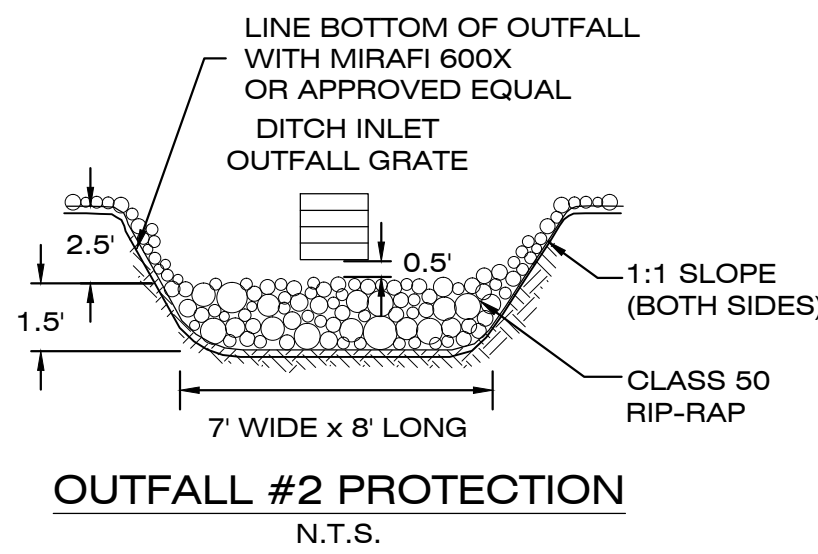
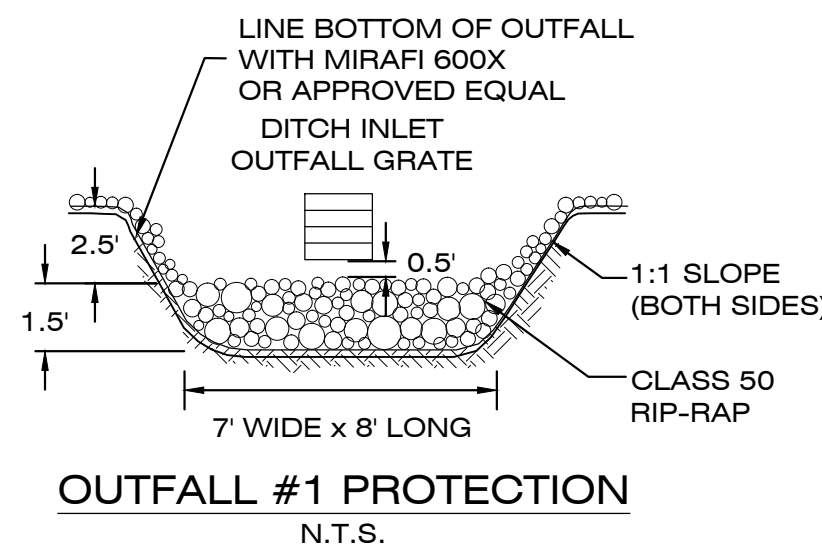


SDLN-07 / SWALE 2 - PROFILE
SCALE: 1"=40' (H), 1"=4' (V)

BEEHIVE INLET STRUCTURE DATA							
TAG	TYPE	STATION	RIM ELEV	IE IN	IE OUT	SLOPE	PIPE
SDBH-S1	Beehive Inlet	0+78.89 0.00' RT SDLN-08	193.85	189.35	188.48	0.0337	17.50 LF 12" PVC D-3034
SDDI-S2	Ditch Inlet	0+09.50 0.00' RT SDLN-07	195.33	191.14	190.98	0.1091	26.21 LF 6" PVC D-3034

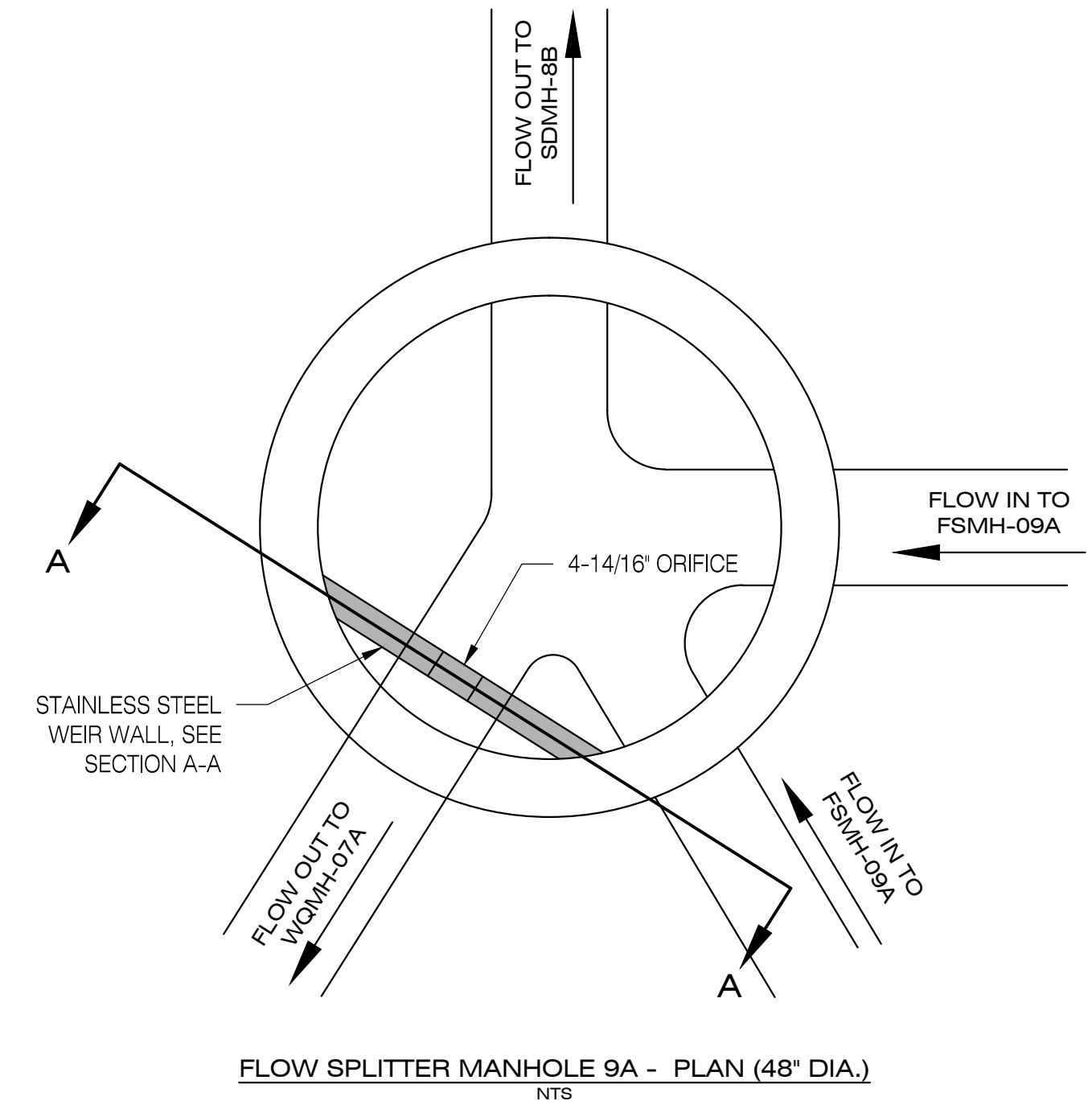
VEGETATED SWALE 1	
SWALE SIZE (SF)	2604 SF
①	44.5 LF - 6" ABS SCH.40 PERF PIPE
②	92.6 LF - 6" ABS SCH.40 PERF PIPE
③	73.1 LF - 6" ABS SCH.40 PERF PIPE

VEGETATED SWALE 2	
SWALE SIZE (SF)	1020 SF
①	78.0 LF - 6" ABS SCH.40 PERF PIPE

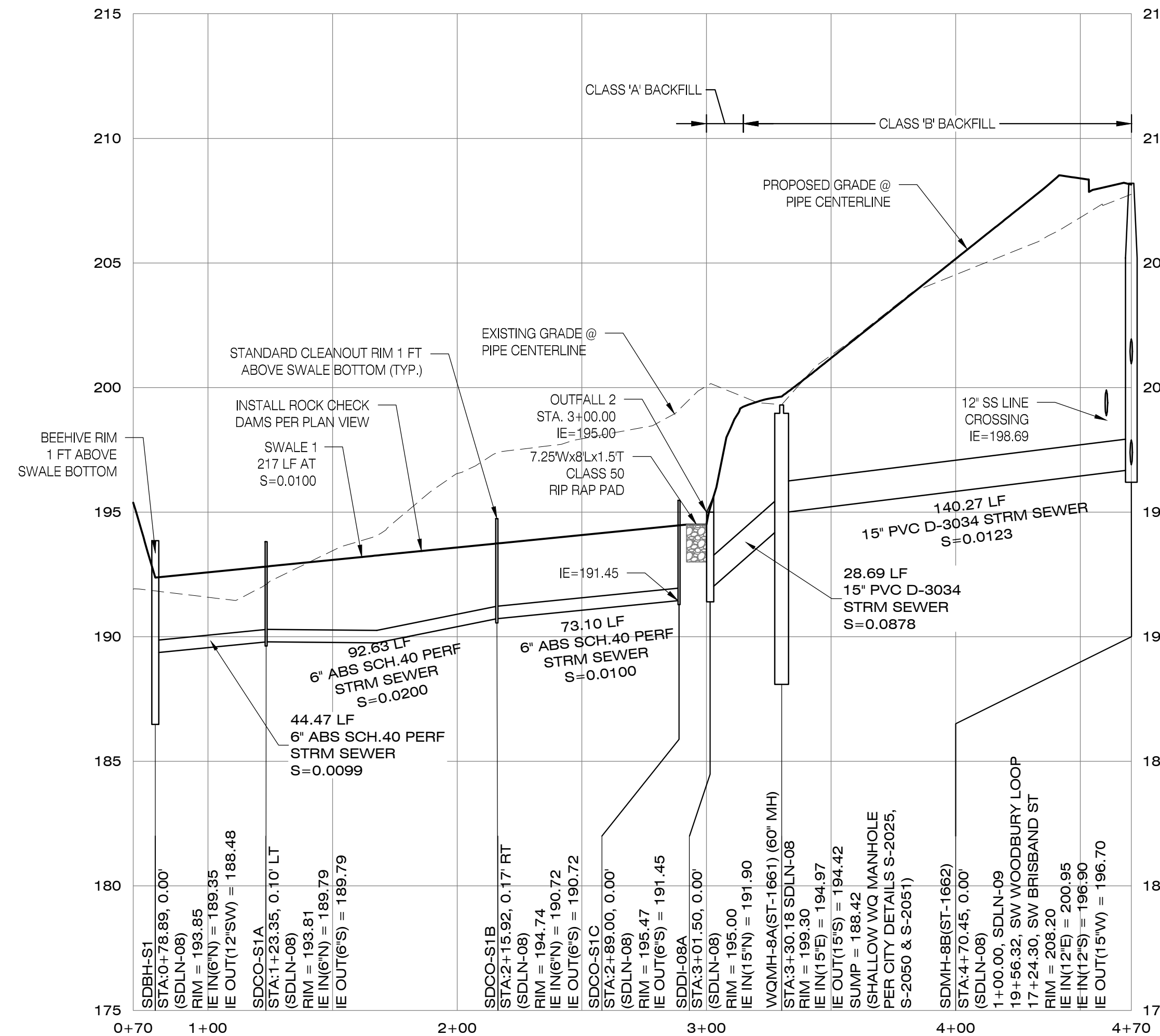


CONSTRUCTION NOTES

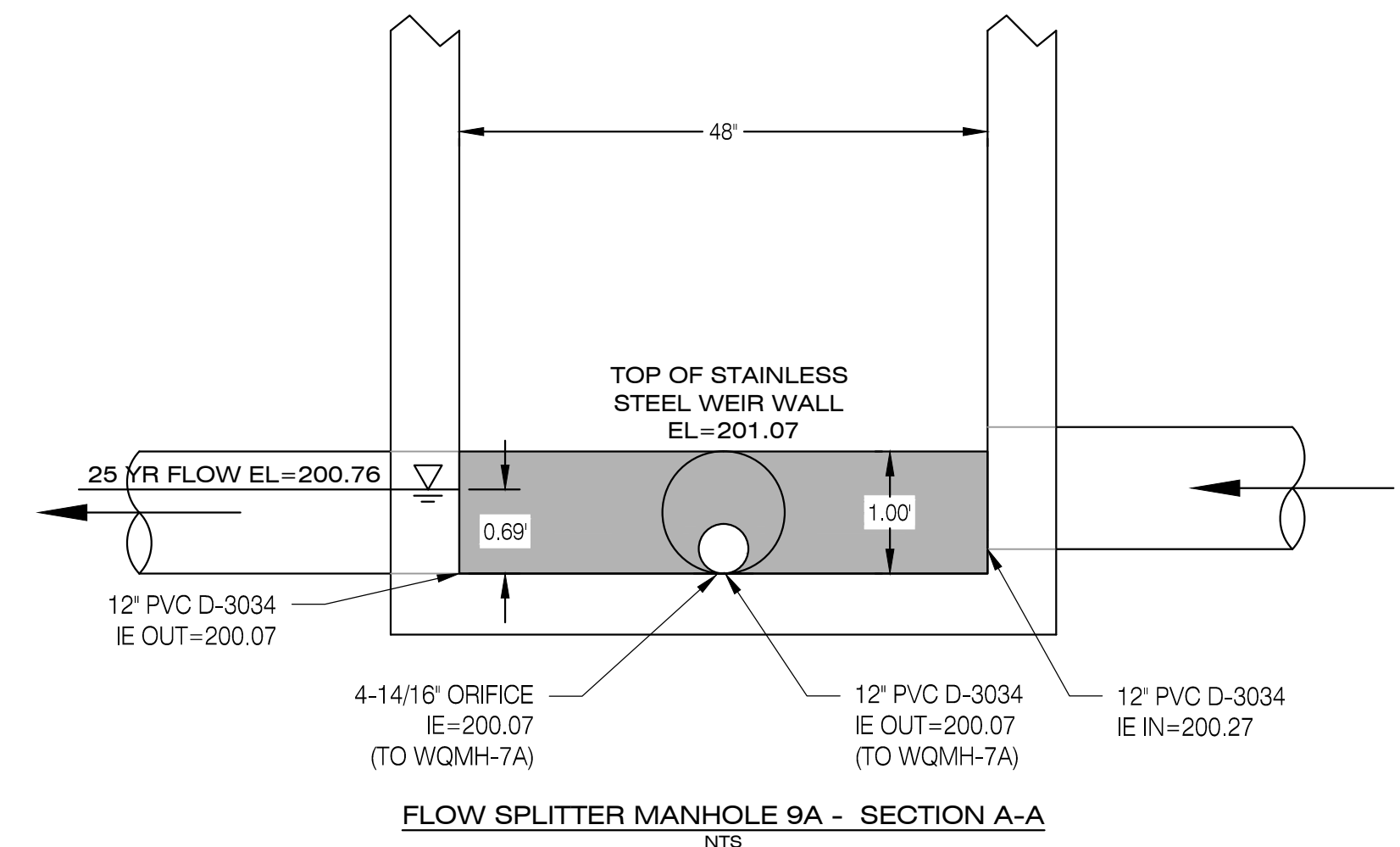
- ① INSTALL 4' HIGH ORNAMENTAL FENCE WITH 12' WIDE ACCESS GATE. SEE LANDSCAPE PLANS FOR FENCING DETAILS.
- ② VEGETATED SWALES TO BE COMPLETELY LINED WITH 30 MIL PLASTIC LINER OR APPROVED EQUAL PER CITY DETAIL ST-6045.



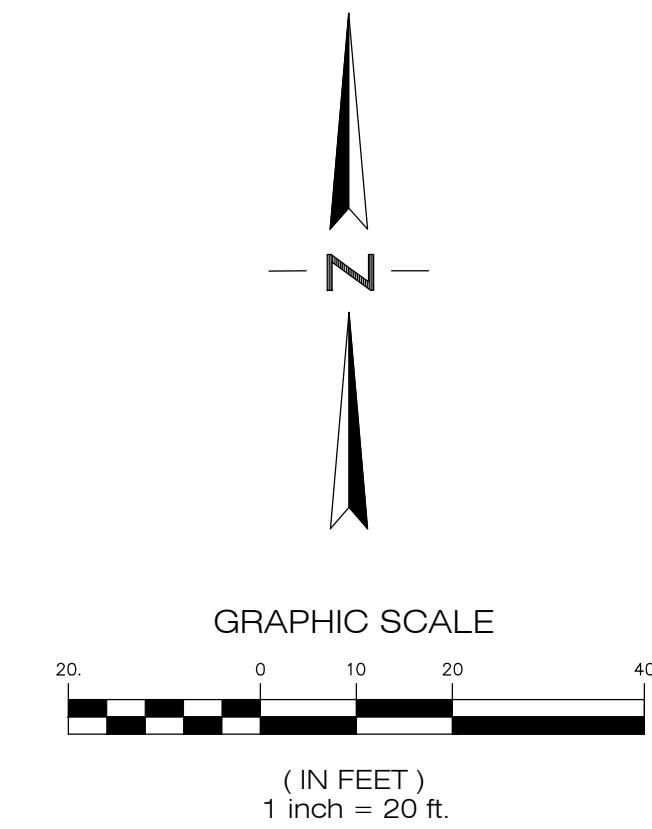
FLOW SPLITTER MANHOLE 9A - PLAN (48" DIA.)
N.T.S.



SDLN-08 / SWALE 1 - PROFILE
SCALE: 1"=40' (H), 1"=4' (V)



FLOW SPLITTER MANHOLE 9A - SECTION A-A
N.T.S.



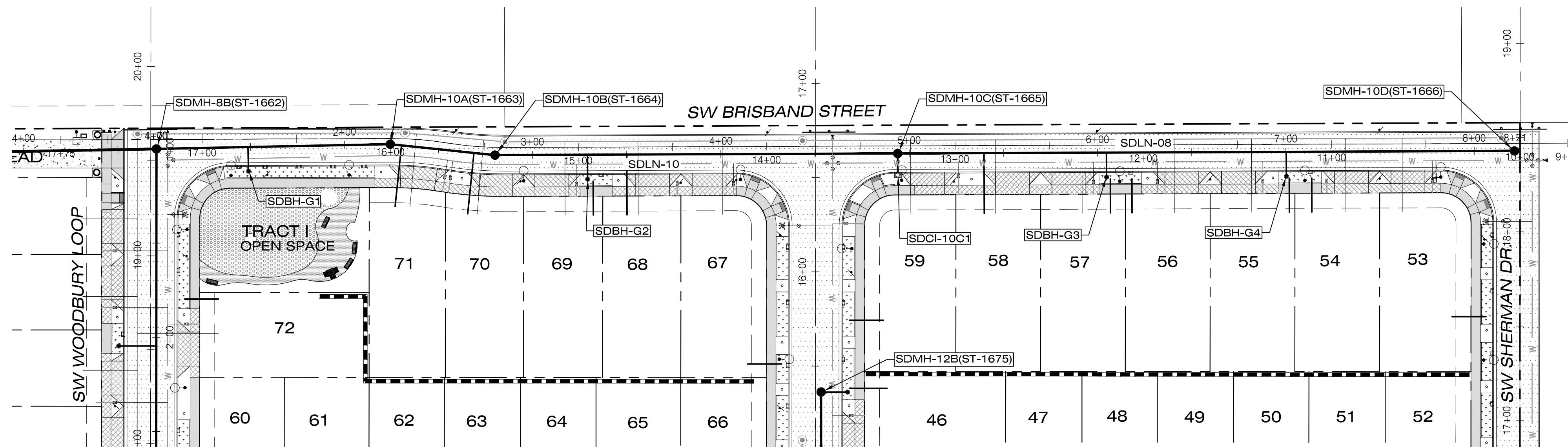
SDLN-07, SDLN-08, SWALES 1 & 2 - PLAN AND PROFILE

MORGAN FARM PHASE 2
CITY OF WILSONVILLE, OREGON

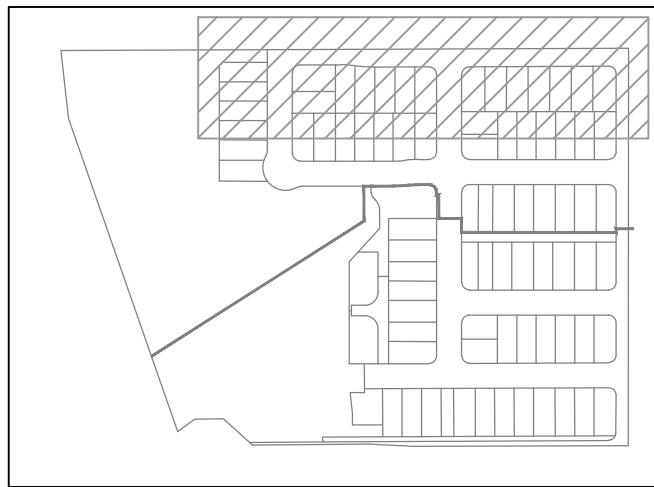
Designed by	Date	TCC
	12/2018	
Drawn by	Date	TCC
	12/2018	
Reviewed by	Date	BEF
	12/2018	
Project No.	Scale	REF.
321-002	N/A	
Horiz. Scale	Vert. Scale	
N/A	N/A	

RECORD DRAWINGS
DATE: 12/18/2018 THESE RECORD DRAWINGS HAVE BEEN PREPARED BASED ON FIELD OBSERVATION AND SURVEYED INFORMATION.

Project: MORGAN FARM PH.2
No.: 321-002
Type: AS-BUILTS
Sheet



SW BRISBAND STREET / SDLN-10 (PUBLIC) PLAN
SCALE: 1"=40' (H)



KEY MAP
NTS

LEGEND

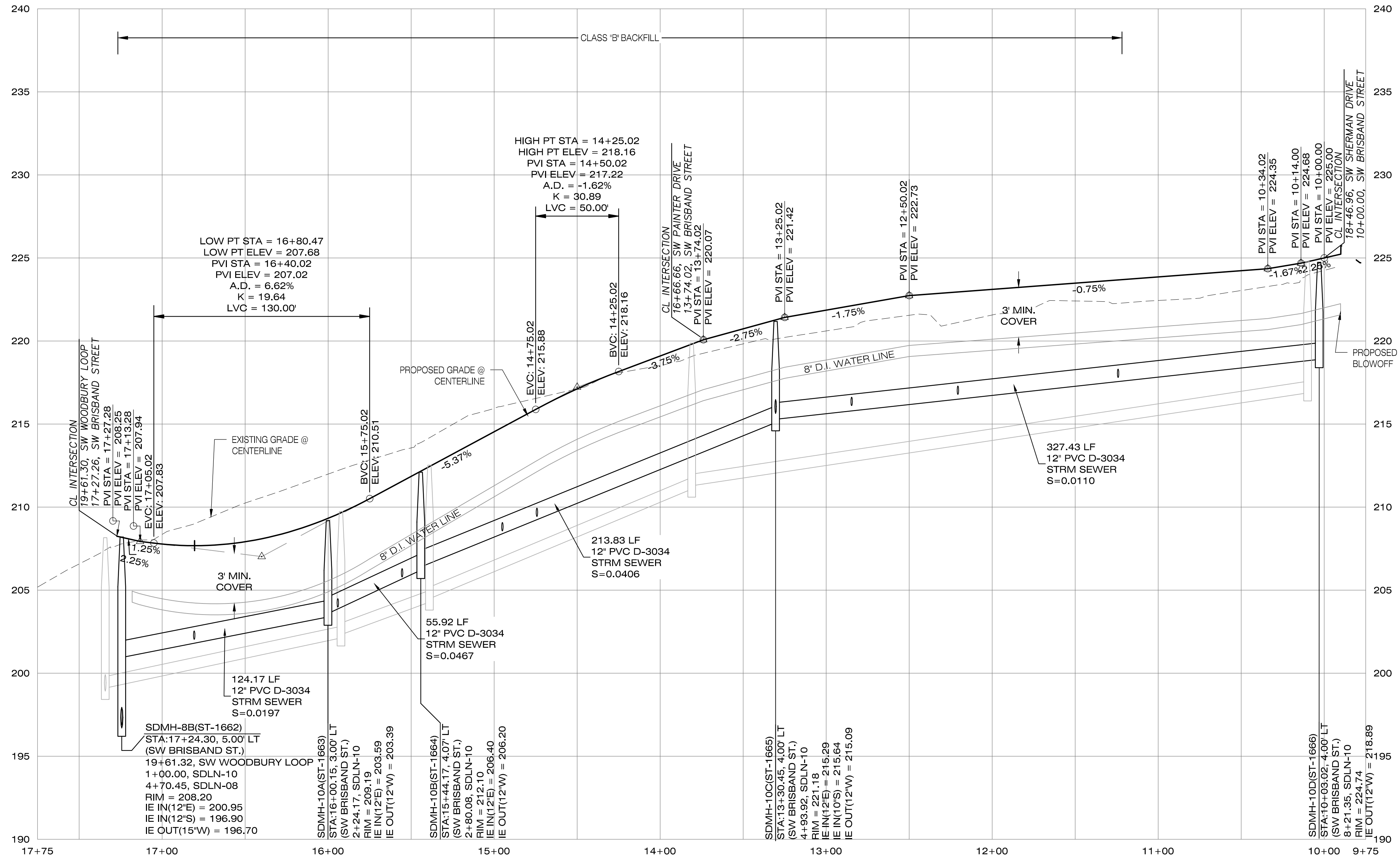
- PROPOSED SIDEWALK WITH FACILITY PERMIT
- PROPOSED SIDEWALK (BY HOMEBUILDER)
- PROPOSED CONCRETE CURB AND GUTTER
- PROPOSED STORM LINE & MANHOLE
- PROPOSED SANITARY LINE & MANHOLE
- PROPOSED WATERLINE & VALVE
- PROPOSED PAVEMENT

STORM LATERAL DATA							
LOT NO.	D.S. M.H.	DIST. FROM D.S. M.H.	LENGTH	INV. EL. @ MAINLINE	INV. EL. @ PLUG	SLOPE	DEPTH @ PLUG
1) 54	LIDA	--	18.0'	222.37	222.55	0.0100	0.9'
1) 55	LIDA	--	18.0'	222.50	222.68	0.0100	0.9'
1) 56	LIDA	--	18.0'	221.94	222.12	0.0100	0.9'
1) 57	LIDA	--	18.0'	221.57	221.75	0.0100	0.9'
58	10C	45.80'	32.0'	216.04	217.43	0.0434	5.0'
68	10B	69.94'	32.0'	209.49	211.36	0.0584	5.0'
1) 69	LIDA	--	18.0'	213.75	213.93	0.0100	1.0'
70	10A	44.71'	32.5'	205.93	207.08	0.0354	5.0'
71	10A	6.00'	32.6'	204.12	205.07	0.0292	5.0'

1) STORM LATERAL TO BE 6" DUCTILE IRON PIPE.

PUBLIC CATCH BASIN DATA							
TAG	TYPE	STATION	TC ELEV	IE IN	IE OUT	SLOPE	PIPE
SDCI-10C1	CG-30	13+30.47 14.00' LT BRISBAND	221.30	--	216.40	0.0668	11.38 LF 10" PVC C900

BEEHIVE LATERAL DATA						
BEEHIVE NO.	D.S. M.H.	DIST. FROM D.S. M.H.	LENGTH	INV. EL. @ MAINLINE	INV. EL. @ BEEHIVE	SLOPE
G1	8B	43.63'	12.8'	202.06	202.23	0.0133
G2	10B	49.13'	13.0'	208.64	210.38	0.1338
G3	10C	109.80'	13.0'	216.75	217.35	0.0462
G4	10C	206.30'	13.0'	217.80	218.42	0.0474



SW BRISBAND STREET / SDLN-10 (PUBLIC) PROFILE
SCALE: 1"=40' (H), 1"=4' (V)

CONSTRUCTION NOTES

ALL 6" STORM LATERALS THAT OFFFALL INTO STREET SIDE SWALES WILL BE DUCTILE IRON PIPE INSTALLED UNDER THE SIDEWALK AT S=0.0100 TO MAXIMIZE COVER AT THE END OF THE PIPE. SEE STORM LATERAL TO SWALE DETAIL ON SHEET C4.2.

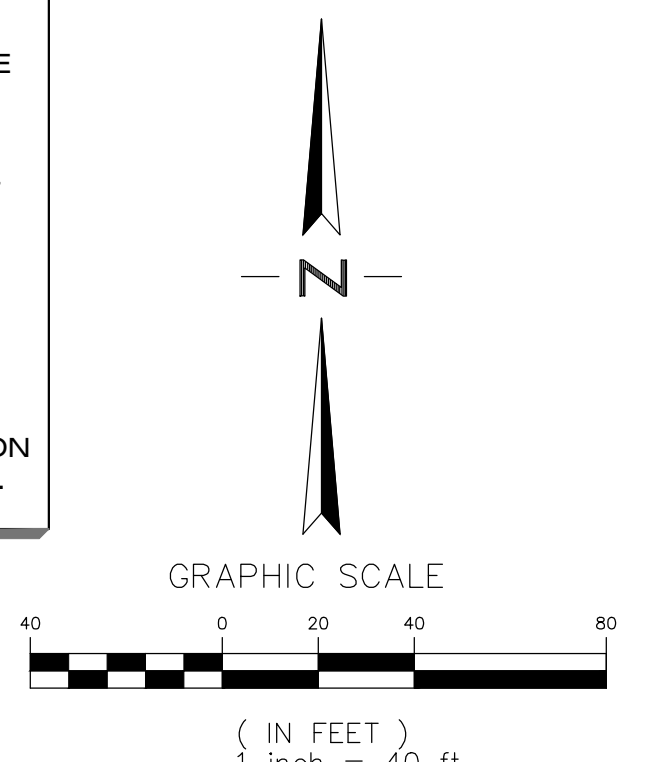
STORM SEWER NOTES

UNLESS OTHERWISE NOTED, ALL LATERALS ARE TO BE 6" PVC (ASTM D3034) WITH A MINIMUM SLOPE OF 0.0100. LATERAL CONNECTIONS TO MAIN SEWER LINE TO BE MADE WITH MANUFACTURED TEES.

ALL 2" x 4" STORM SERVICE CONNECTION MARKERS TO BE COLOR CODED WHITE. CONTRACTOR TO NOTE LENGTH OF BOARD USED ON EACH MARKER.

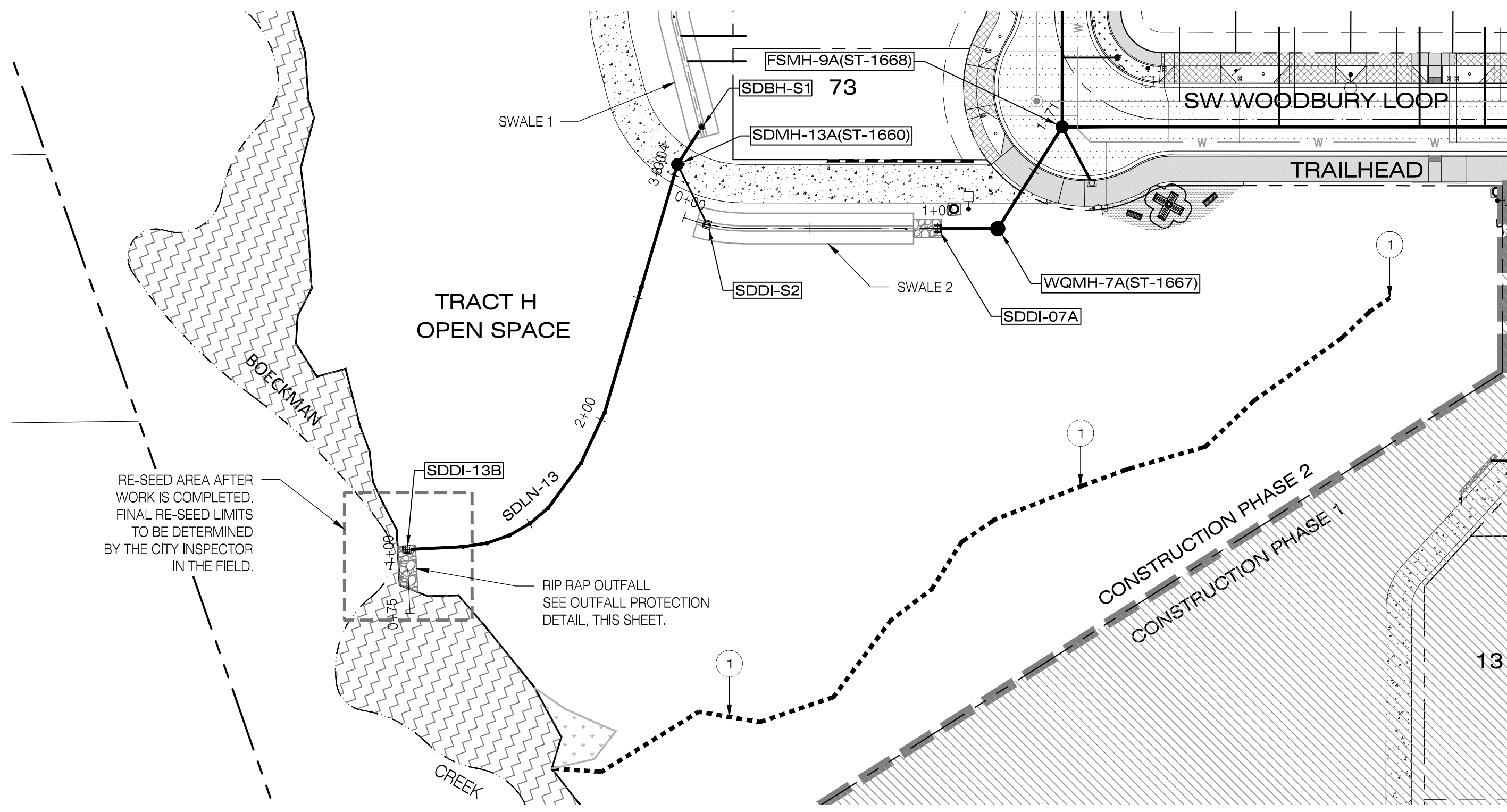
BACKFILL NOTE: PIPES UNDER PAVED SURFACES REQUIRE GRANULAR BACKFILL. FOR PIPES OUTSIDE PAVEMENT, NATIVE BACKFILL IS PERMITTED, UNLESS OTHERWISE NOTED.

THE CONTRACTOR SHALL FIELD VERIFY THE SIZE, LOCATION & DEPTH OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.

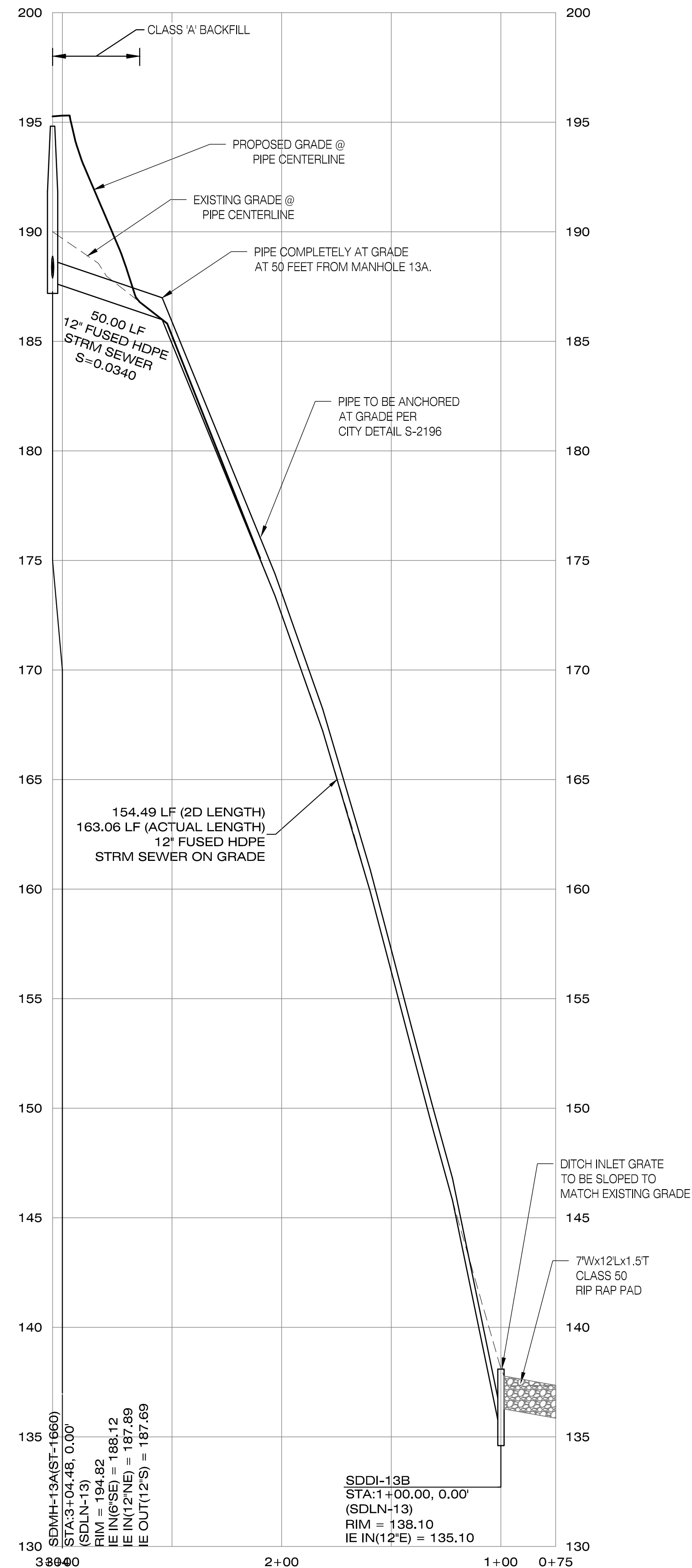


Designed by	TCC	Date	12/2018
Drawn by <td>TCC <td>Date <td>12/2018</td> </td></td>	TCC <td>Date <td>12/2018</td> </td>	Date <td>12/2018</td>	12/2018
Reviewed by <td>BEF <td>Date <td>12/2018</td> </td></td>	BEF <td>Date <td>12/2018</td> </td>	Date <td>12/2018</td>	12/2018
Project No.	321-002 <td>REF.</td> <td></td>	REF.	
Horiz. Scale	1" = 40'		
Vert. Scale	1" = 4'		

RECORD DRAWINGS
DATE: 12/18/2018 THESE RECORD DRAWINGS HAVE BEEN PREPARED BASED ON FIELD OBSERVATION AND SURVEYED INFORMATION.



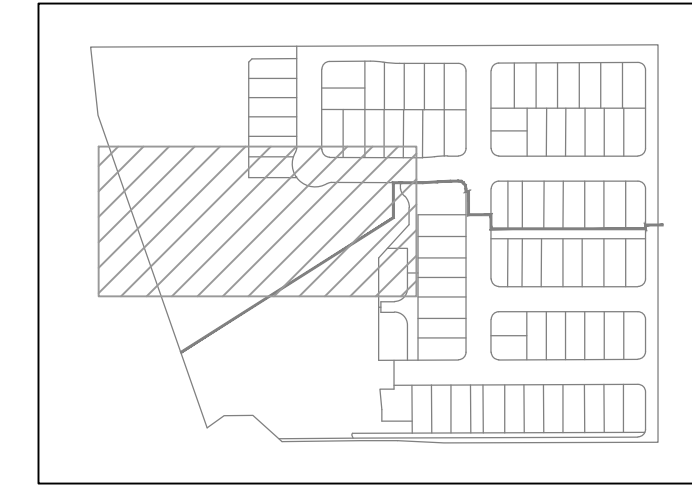
SDLN-13 (PUBLIC) PLAN
SCALE: 1"=40' (H)



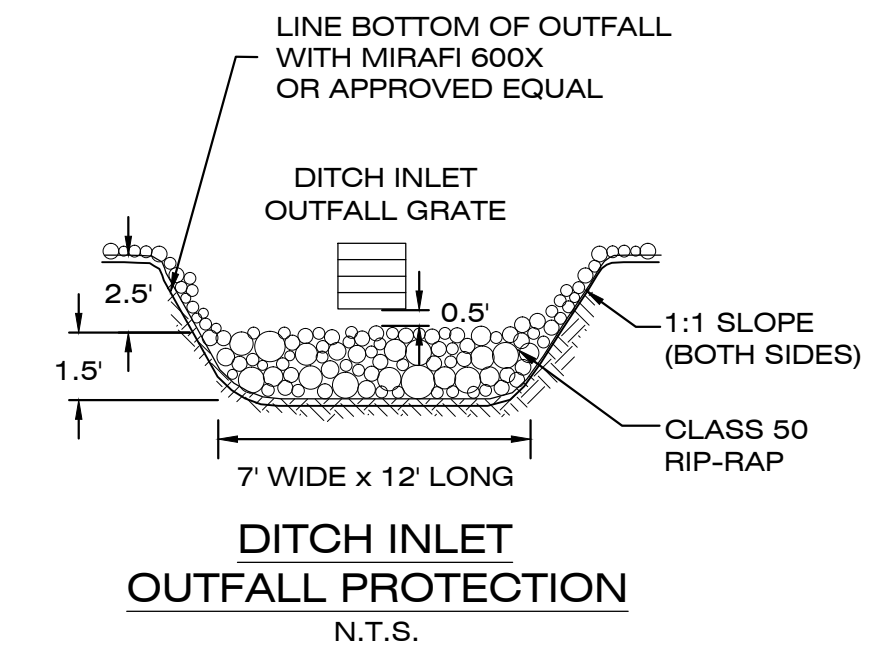
SDLN-13 (PUBLIC) PROFILE
SCALE: 1"=40' (H), 1"=4' (V)

LEGEND

- PROPOSED SIDEWALK WITH FACILITY PERMIT
- PROPOSED SIDEWALK (BY HOMEBUILDER)
- PROPOSED CONCRETE CURB AND GUTTER
- PROPOSED STORM LINE & MANHOLE
- PROPOSED SANITARY LINE & MANHOLE
- PROPOSED WATERLINE & VALVE
- PROPOSED PAVEMENT



KEY MAP
NTS



DITCH INLET
OUTFALL PROTECTION
N.T.S.

STORM SEWER NOTES

UNLESS OTHERWISE NOTED, ALL LATERALS ARE TO BE 6" PVC (ASTM D3034) WITH A MINIMUM SLOPE OF 0.0100. LATERAL CONNECTIONS TO MAIN SEWER LINE TO BE MADE WITH MANUFACTURED TEES.

ALL 2" x 4" STORM SERVICE CONNECTION MARKERS TO BE COLOR CODED WHITE. CONTRACTOR TO NOTE LENGTH OF BOARD USED ON EACH MARKER.

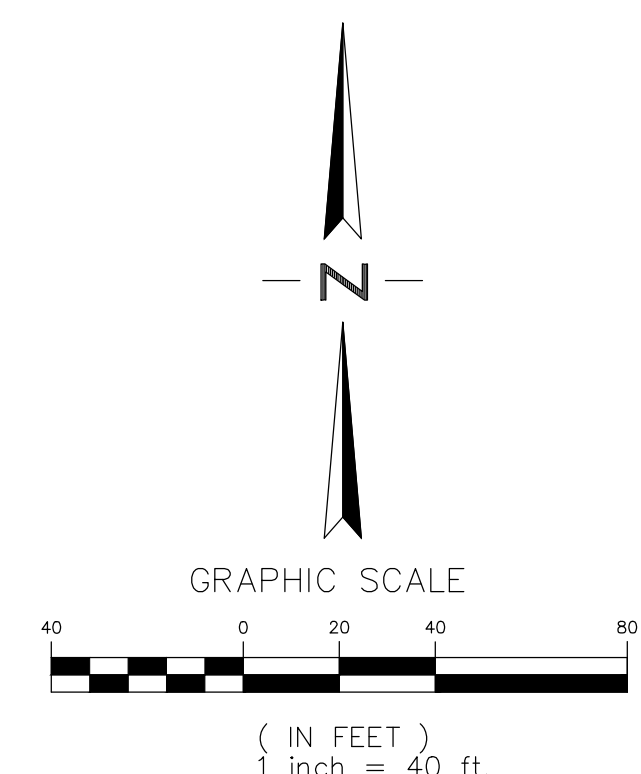
BACKFILL NOTE: PIPES UNDER PAVED SURFACES REQUIRE GRANULAR BACKFILL. FOR PIPES OUTSIDE PAVEMENT, NATIVE BACKFILL IS PERMITTED, UNLESS OTHERWISE NOTED.

THE CONTRACTOR SHALL FIELD VERIFY THE SIZE, LOCATION & DEPTH OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.

CONSTRUCTION NOTES

- 1 STREAM STABILIZATION USING BEAVER DAM ANALOGS TO BE COMPLETED ALONG THE EXISTING DRAINAGEWAY. REFER TO APPROVED REPORT AND DESIGN PLANS FROM WOLFE WATER RESOURCES INC. DATED JULY 2018. THIS WORK WILL BE COMPLETED BY OTHERS AND IS NOTED FOR REFERENCE ONLY.

CONTRACTOR TO VERIFY FINAL LOCATION OF FUSED HDPE PIPE IN THE FIELD PRIOR TO INSTALLATION. SHOULD THE LOCATION OF PIPE NEED TO CHANGE, CONTACT THE ENGINEER IMMEDIATELY .



SDLN-13 PLAN AND PROFILE

MORGAN FARM PHASE 2
CITY OF WILSONVILLE, OREGON

Designed by	Date	Reviewed by	Date	Project No.	Horiz. Scale	Vert. Scale
TCC	12/2018	BEF	12/2018	321-002	1" = 40'	1" = 4'

RECORD DRAWINGS
DATE: 12/18/2018 THESE RECORD DRAWINGS HAVE BEEN PREPARED BASED ON FIELD OBSERVATION AND SURVEYED INFORMATION.

Project: MORGAN FARM PH.2
No.: 321-002
Type: AS-BUILTS
Sheet:



CIVIL LAND USE PLANNING SURVEY
P 503.643.8286 F 844.715.4743 www.pd-grp.com
9020 SW Washington Square Rd Suite 170
Portland, Oregon 97223

Final Storm Drainage Report

Morgan Farm – Phase 2

City of Wilsonville, Oregon



VALID THROUGH 12-31-19

Date: January 16, 2019

Prepared By: T.C. Campbell, P.E.

Reviewed By: Brent E. Fitch, P.E.

PDG Job No. 321-002

Applicant: Pahlisch Homes, Inc.
15333 SW Sequoia Pkwy.
Suite 190
Portland, OR 97224
(503) 317-6500

Engineer: Pioneer Design Group, Inc.
9020 SW Washington Sq. Dr.
Suite 170
Portland, OR 97223
(503) 643-8286

Hydrologic Soil Group—Clackamas County Area, Oregon



Soil Map may not be valid at this scale.



Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Clackamas County Area, Oregon (OR610)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
1A	Aloha silt loam, 0 to 3 percent slopes	C/D	0.7	5.4%
1B	Aloha silt loam, 3 to 6 percent slopes	C/D	10.4	74.2%
91C	Woodburn silt loam, 8 to 15 percent slopes	C	2.7	19.0%
92F	Xerochrepts and Haploxerolls, very steep	B	0.2	1.4%
Totals for Area of Interest			13.9	100.0%

RUNOFF CURVE NUMBERS (TR55)

Table 2-2a: Runoff curve numbers for urban areas¹

Cover description		CN for hydrologic soil group			
Cover type and hydrologic condition	Average percent impervious area ²	A	B	C	D
<i>Fully developed urban areas (vegetation established)</i>					
Open space (lawns, parks, golf courses, cemeteries, etc.) ³ :					
Poor condition (grass cover <50%)		68	79	86	89
Fair condition (grass cover 50% to 75%)		49	69	79	84
Good condition (grass cover >75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way)		98	98	98	98
Paved; open ditches (including right-of-way)		83	89	92	93
Gravel (including right-of-way)		76	85	89	91
Dirt (including right-of-way)		72	82	87	89
Western desert urban areas:					
Natural desert landscaping (pervious areas only) ⁴		63	77	85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)		96	96	96	96
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
<i>Developing urban areas</i>					
Newly graded areas (pervious areas only, no vegetation) ⁵	77	86	91	94	
Idle lands (CNs are determined using cover types similar to those in table 2-2c)					

1: Average runoff condition, and $I_a = 0.2S$.

2: The average percent impervious area shown was used to develop the composite CN's. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition. CN's for other combinations of conditions may be computed using figure 2-3 or 2-4.

3: CN's shown are equivalent to those of pasture. Composite CN's may be computed for other combinations of open space cover type.

4: Composite CN's for natural desert landscaping should be computed using figures 2-3 or 2-4 based on the impervious area percentage (CN = 98) and the pervious area CN. The pervious area CN's are assumed equivalent to desert shrub in poor hydrologic condition.

5: Composite CN's to use for the design of temporary measures during grading and construction should be computed using figure 2-3 or 2-4 based on the degree of development (impervious area percentage) and the CN's for the newly graded pervious areas.

3J CONSULTING

CIVIL ENGINEERING | WATER RESOURCES | COMMUNITY PLANNING

PRELIMINARY DRAINAGE REPORT

NEW WILSONVILLE PRIMARY SCHOOL
7151 BOECKMAN ROAD
WILSONVILLE, OREGON

Planning DB No. TBD

November 2, 2022

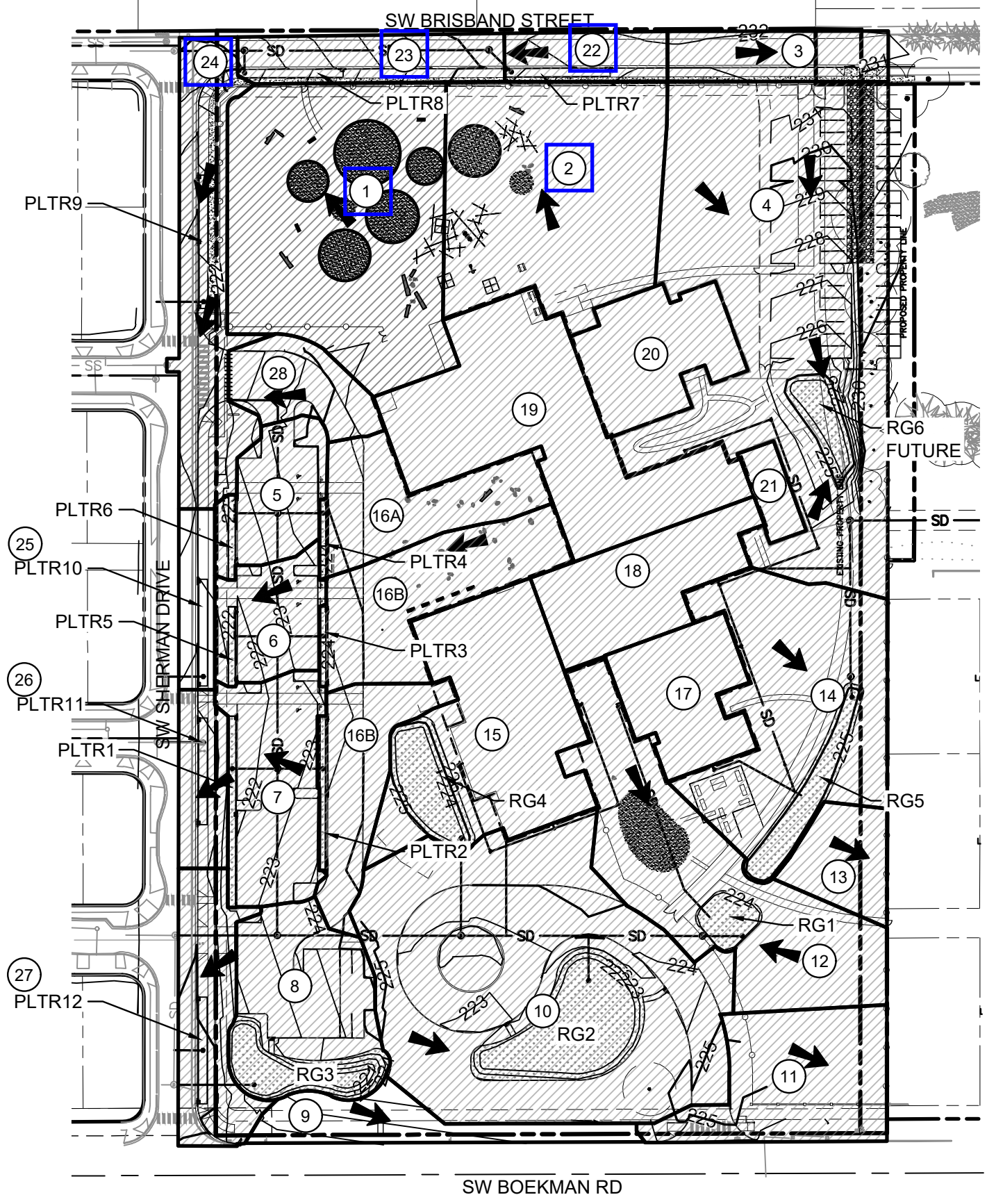
Applicant:

West Linn-Wilsonville School District
22210 SW Stafford Road
Tualatin, Oregon 97062
503-673-7000










EXPIRES:12/31/2023

Prepared By:
3J Consulting, Inc.
9600 SW Nimbus Avenue, Suite 100
Beaverton, Oregon 97008
Project No: 21680
Kathleen Freeman, PE
Water Resources Project Manager



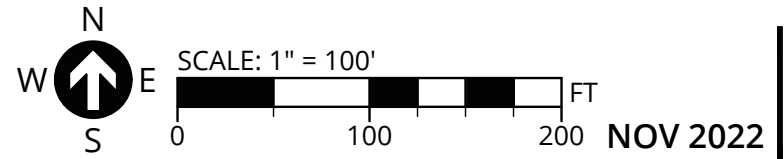
LEGEND

-  PROPERTY LINE
-  EXTG. RIGHT OF WAY
-  STORM STRUCTURES
-  MAJOR DESIGN CONTOUR
-  MINOR DESIGN CONTOUR
-  DRAINAGE BASIN
-  DIRECTION OF FLOW

EAST / WEST BASIN TOTALS

EAST	155,885 SF - 3.59 ACRES
WEST	277,571 SF - 6.37 ACRES

NOTE:
SEE PROPOSED DRAINAGE BASIN TABLE
TABLE ABOVE DOES NOT INCLUDE 7,921 SF OF REPAVING
ON SHERMAN DRIVE FOR HALF STREET IMPROVEMENTS



NEW WILSONVILLE PRIMARY SCHOOL

WEST LINN / WILSONVILLE SCHOOL DISTRICT

PROPOSED DRAINAGE BASIN PLAN

3J CONSULTING
CIVIL ENGINEERING . WATER RESOURCES . COMMUNITY PLANNING

Included in downstream analysis per drainage flow arrows on basin map

DRAINAGE BASIN TABLE

#	IMP AREA (SF)	PERV AREA (SF)	¹ DIRECTION OF DRAINAGE	FACILITY ID	MIN LID SIZE (FT)	ORIFICE SIZE (IN)
1	0	33,544	MF PH1	OFFSITE	N/A	N/A
2	0	27,467	MF PH2	OFFSITE	N/A	N/A
3	5,855	374	EAST	OFFSITE	N/A	N/A
4	11,720	40,771	SM CULVERT	RG6 FUTURE	1,986	2.51
5	5,493	1,856	MF PH1	PLTR6	204	0.96
6	5,323	1,592	MF PH1	PLTR5	194	0.93
7	9,428	2,447	MF PH1	PLTR1	334	1.22
8	8,338	5,983	MF PH1	RG3	501	1.21
9	0	6,876	MF PH1	OFFSITE	N/A	N/A
10	17,937	31,413	MF PH1	RG2	1597	2.24
11	759	12,609	EAST	OFFSITE	N/A	N/A
12	3,464	20,578	MF PH1	RG1	576	1.45
13	0	5,222	EAST	OFFSITE	N/A	N/A
14	22,325	1,745	SM CULVERT	RG5	2746	2.66
15	16,032	6,105	MF PH1	RG4	812	1.50
16A	2,675	7,393	MF PH1	PLTR4	236	1.12
16B	2,749	9,853	MF PH1	PLTR3	290	1.26
16C	7,205	1,755	MF PH1	PLTR2	253	1.06
17	8,633	0	SM CULVERT	RG5	SEE BASIN 14	
18	10,815	0	SM CULVERT	RG5	SEE BASIN 14	
19	23,645	0	SM CULVERT	RG5	SEE BASIN 14	
20	9,398	0	SM CULVERT	RG6 FUTURE	SEE BASIN 4	
21	2,014	0	SM CULVERT	RG5	SEE BASIN 14	
22	4,016	489	MF PH2	PLTR7	131	0.75
23	6,352	750	MF PH2	PLTR8	206	0.94
24	9,127	5,375	MF PH1	PLTR9	289	1.18
25	2,639	1,015	MF PH1	PLTR10	64	0.55
26	2,685	2,119	MF PH1	PLTR11	89	0.67
27	5,017	4,384	MF PH1	PLTR12	176	0.95
28	3,795	2,192	MF PH1	NOT TREATED	N/A	N/A
TOTAL	207,469	233,907				

Included with MF PH2 for downstream analysis per pipe routing diagram

¹MF PH1 = MORGAN FARM SUBDIVISION PHASE 1
 MF PH2 = MORGAN FARM SUBDIVISION PHASE 2
 SM CULVERT = STAFFORD MEADOWS CULVERT
 BASINS 24-27 INCLUDE HALF STREET IMPROVEMENTS TO SHERMAN

Table 2-2a Runoff curve numbers for urban areas ^{1/}

Cover description	Average percent impervious area ^{2/}	Curve numbers for hydrologic soil group			
		A	B	C	D
<i>Fully developed urban areas (vegetation established)</i>					
Open space (lawns, parks, golf courses, cemeteries, etc.) ^{3/} :					
Poor condition (grass cover < 50%)		68	79	86	89
Fair condition (grass cover 50% to 75%)		49	69	79	84
Good condition (grass cover > 75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way)		98	98	98	98
Paved; open ditches (including right-of-way)		83	89	92	93
Gravel (including right-of-way)		76	85	89	91
Dirt (including right-of-way)		72	82	87	89
Western desert urban areas:					
Natural desert landscaping (pervious areas only) ^{4/}		63	77	85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)		96	96	96	96
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
<i>Developing urban areas</i>					
Newly graded areas					
(pervious areas only, no vegetation) ^{5/}		77	86	91	94
Idle lands (CN's are determined using cover types similar to those in table 2-2c).					

¹ Average runoff condition, and $I_a = 0.2S$.

² The average percent impervious area shown was used to develop the composite CN's. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition. CN's for other combinations of conditions may be computed using figure 2-3 or 2-4.

³ CN's shown are equivalent to those of pasture. Composite CN's may be computed for other combinations of open space cover type.

⁴ Composite CN's for natural desert landscaping should be computed using figures 2-3 or 2-4 based on the impervious area percentage (CN = 98) and the pervious area CN. The pervious area CN's are assumed equivalent to desert shrub in poor hydrologic condition.

⁵ Composite CN's to use for the design of temporary measures during grading and construction should be computed using figure 2-3 or 2-4 based on the degree of development (impervious area percentage) and the CN's for the newly graded pervious areas.



Real-World Geotechnical Solutions
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Geotechnical Engineering Report

Frog Pond Cottage Park Place
7252 SW Frog Pond Lane
Wilsonville, Oregon

GeoPacific Engineering, Inc. Project No. 22-6060
November 14, 2023



City of Wilsonville
Exhibit B4 DB23-0004



Real-World Geotechnical Solutions
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- 2 Site Plan and Exploration Locations



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November 14, 2023
 Project No. 22-6060

Brian Matteoni
Sullivan Homes
 5832 Firestone Court
 San Jose, CA 95138
 Via email: Brian.Matteoni@cbre.com

SUBJECT: GEOTECHNICAL ENGINEERING REPORT
FROG POND COTTAGE PARK PLACE
7252 SW FROG POND LANE
WILSONVILLE, OREGON

1.0 PROJECT INFORMATION

This report presents the results of a geotechnical engineering study conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above-referenced project. The purpose of our investigation was to evaluate subsurface conditions at the site, and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with GeoPacific Proposal No. P-8087, dated May 4, 2022, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

Site Location:	7252 SW Frog Pond Lane Wilsonville, Oregon (Figures 1 and 2)
Developer:	Sullivan Homes 5832 Firestone Court San Jose, CA 95138 Phone: (408) 453-7404
Jurisdictional Agency:	City of Wilsonville, Oregon
Civil Engineer:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Unit 100 Tualatin, Oregon 97062 Tel (503) 563-6151

2.0 SITE AND PROJECT DESCRIPTION

The subject site is approximately 5 acres in size and located on the south side of SW Frog Pond Lane in the City of Wilsonville, Clackamas County, Oregon (Figure 1). Topography is gently sloping to the west with grades of 5 percent or less. The site is currently occupied by one home and two outbuildings. Vegetation consists primarily of short grasses and sparse trees.

It is our understanding that the site will be developed for 34 lots for single family detached and attached townhomes, new streets, water quality facilities, open space, and associated underground utilities (Figure 2). A grading plan has not been provided for our review; however, we anticipate maximum cuts and fill may be up to 4 feet.

3.0 REGIONAL GEOLOGIC SETTING

The project site is located on the southwestern margin of the Portland West Hills, in the northwest portion of the Tualatin Basin. The Tualatin Basin is an east/west trending structural feature produced by broad regional down warping of the area. Regionally, the subject site lies within the Willamette Valley/Puget Sound lowland, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. A series of discontinuous faults subdivide the Willamette Valley into a mosaic of fault-bounded, structural blocks (Yeats et al., 1996). Uplifted structural blocks form bedrock highlands, while down-warped structural blocks form sedimentary basins.

The site is underlain by the Quaternary age (last 1.6 million years) Willamette Formation, a catastrophic flood deposit associated with repeated glacial outburst flooding of the Willamette Valley (Yeats et al., 1996; Gannett and Caldwell, 1998). The last of these outburst floods occurred about 10,000 years ago. These deposits typically consist of horizontally layered, micaceous, silt to coarse sand forming poorly-defined to distinct beds less than 3 feet thick.

The Willamette Formation is underlain by the Miocene age (about 14.5 to 16.5 million years ago) Columbia River Basalt Formation, a thick sequence of lava flows that form the crystalline bedrock of Tualatin Valley (Yeats et al., 1996; Gannett and Caldwell, 1998). These basalts are dense, finely crystalline rock that is commonly fractured along blocky and columnar vertical joints. Individual basalt flow units typically range from 25 to 125 feet thick and interflow zones are typically vesicular, scoriaceous, and brecciated, and sometimes include sedimentary rocks. Typically, the upper portion of the basalt is deeply weathered and decomposed to a residual soil consisting of red-brown, clayey silt.

4.0 REGIONAL SEISMIC SETTING

At least three major fault zones capable of generating damaging earthquakes are thought to exist in the vicinity of the subject site. These include the Portland Hills Fault Zone, the Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone.

4.1 Portland Hills Fault Zone

The Portland Hills Fault Zone is a series of NW-trending faults that include the central Portland Hills Fault, the western Oatfield Fault, and the eastern East Bank Fault. These faults occur in a northwest-trending zone that varies in width between 3.5 and 5.0 miles. The combined three faults vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years) sediment (Madin, 1990). The Portland Hills Fault occurs

along the Willamette River at the base of the Portland Hills and is approximately 9.7 miles northeast of the site. The Oatfield Fault occurs along the western side of the Portland Hills and is approximately 8.7 miles northeast of the site. The East Bank Fault occurs along the eastern margin of the Willamette River and is located approximately 14.4 miles northeast of the site. The accuracy of the fault mapping is stated to be within 500 meters (Wong, et al., 2000). No historical seismicity is correlated with the mapped portion of the Portland Hills Fault Zone, but in 1991 a M3.5 earthquake occurred on a NW-trending shear plane located 1.3 miles east of the fault (Yelin, 1992). Although there is no definitive evidence of recent activity, the Portland Hills Fault Zone is assumed to be potentially active (Geomatrix Consultants, 1995).

4.2 Gales Creek-Newberg-Mt. Angel Structural Zone

The Gales Creek-Newberg-Mt. Angel Structural Zone is a 50-mile-long zone of discontinuous, NW-trending faults that lies approximately 10.3 miles southwest of the subject site. These faults are recognized in the subsurface by vertical separation of the Columbia River Basalt and offset seismic reflectors in the overlying basin sediment (Yeats et al., 1996; Werner et al., 1992). A recent geologic reconnaissance and photogeologic analysis study conducted for the Scoggins Dam site in the Tualatin Basin revealed no evidence of deformed geomorphic surfaces along the structural zone (Unruh et al., 1994). No seismicity has been recorded on the Gales Creek or Newberg Faults (the faults closest to the subject site); however, these faults are considered to be potentially active because they may connect with the seismically active Mount Angel Fault and the rupture plane of the 1993 M5.6 Scotts Mills earthquake (Werner et al. 1992; Geomatrix Consultants, 1995).

4.3 Cascadia Subduction Zone

The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year (Goldfinger et al., 1996). A growing body of geologic evidence suggests that prehistoric subduction zone earthquakes have occurred (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). This evidence includes: (1) buried tidal marshes recording episodic, sudden subsidence along the coast of northern California, Oregon, and Washington, (2) burial of subsided tidal marshes by tsunami wave deposits, (3) paleoliquefaction features, and (4) geodetic uplift patterns on the Oregon coast. Radiocarbon dates on buried tidal marshes indicate a recurrence interval for major subduction zone earthquakes of 250 to 650 years with the last event occurring 300 years ago (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). The inferred seismogenic portion of the plate interface lies approximately along the Oregon Coast at depths of between 20 and 40 kilometers below the surface.

5.0 FIELD EXPLORATION AND SUBSURFACE CONDITIONS

Our site-specific explorations for this report were conducted on June 10, 2022. Six exploratory test pits (designated TP-1 through TP-6) were excavated with a medium sized backhoe to depths ranging between 11.5 and 12.5 feet at the approximate locations presented on Figure 2. It should be noted that exploration locations were located in the field by pacing or taping distances from apparent property corners and other site features shown on the plans provided. As such, the locations of the explorations should be considered approximate.

A GeoPacific Engineering Geologist continuously monitored the field exploration program and logged the test pits. Soils observed in the explorations were classified in general accordance with the Unified Soil Classification System (USCS). During exploration, our geologist also noted

geotechnical conditions such as soil consistency, moisture and groundwater conditions. Logs of test pits are attached to this report. The following report sections are based on the exploration program and summarize subsurface conditions encountered at the site.

5.1 Soil Descriptions

Undocumented Fill: Undocumented fill was not encountered in our explorations conducted for this study. We anticipate that areas of undocumented fill may be present outside our test pit locations – especially in the vicinity of the existing structures, driveways, and along the frontage of SW Frog Pond Lane.

Topsoil Horizon: The ground surface in test pits TP-1 through TP-6 was directly underlain by a moderately to highly organic topsoil horizon. The topsoil horizon consisted of brown to dark grayish brown silt (OL-ML) that was loose and contained fine roots throughout. In test pits TP-1 through TP-6, the topsoil extended to a depth of 8 to 15 inches.

Willamette Formation: Underlying the topsoil horizon in explorations was clayey silt (ML) belonging to the Willamette Formation. The light brown, clayey silt was generally stiff to very stiff; however, near surface soils in test pits TP-2 and TP-5 had a soft to medium stiff consistency. The clayey silt transitioned to silt below a depth of 2.5 to 6 feet in test pits. The silt transitioned to silt with sand below a depth of 8 to 9 feet in test pits TP-1 through TP-3 and TP-5 and to sandy silt below a depth of 9 feet in test pit TP-4. In test pits, material belonging to the Willamette Formation extended beyond the maximum depth of exploration (11.5 to 12.5 feet).

5.2 Groundwater and Soil Moisture

On June 10, 2022, observed soil moisture conditions were generally moist to wet. Groundwater seepage was encountered in test pits TP-1, TP-2, TP-4, and TP-5 at depths of 2 to 10.5 feet. Discharge was visually estimated at ½ to 2 gallons per minute. Our review of nearby water well logs indicate that static groundwater is present at a depth of approximately 40 to 60 feet below the native ground surface (Oregon Water Resources Department, 2023). It is anticipated that groundwater conditions will vary depending on the season, local subsurface conditions, changes in site utilization, and other factors. Perched groundwater may be encountered in localized areas. Seeps and springs may exist in areas not explored and may become evident during site grading. If the seasonal fluctuation of the static groundwater table underlying the subject site require detailed understanding, piezometers may be installed and periodically monitored.

6.0 INFILTRATION TESTING

Soil infiltration testing was performed using the pushed pipe infiltration method in test pits TP-1 through TP-4. Soil in the test pits was pre-saturated for a period of over 2 hours. The water level was measured to the nearest tenth of an inch every fifteen minutes to half hour with reference to the ground surface. Falling head infiltration testing continued until rates stabilized. Table 1 presents the results of our falling head infiltration tests.

Table 1. Summary of Infiltration Test Results

Test Pit	Depth (feet)	Soil Type	Infiltration Rate (in/hr)	Hydraulic Head Range (inches)
TP-1	5	Silt (ML)	0	37-38
TP-2	8	Silt (ML)	0	21-22
TP-3	4	Clayey Silt (ML)	0	11-12
TP-4	7	Silt (ML)	0.1	19-20

Due to the presence of fine grained soil conditions, it is our opinion that the site is not suitable for infiltration.

7.0 CONCLUSIONS AND RECOMMENDATIONS

Our site investigation indicates that the proposed construction appears to be geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project. Our explorations indicate the native soils on site are generally stiff to very stiff and are suitable for development utilizing conventional spread footing foundations. The primary geotechnical conditions detrimental to development include:

1. Soft to medium stiff, near surface soils were encountered in test pits TP-2 and TP-5 in the upper 2 to 3 feet. Additional depths of excavation for subgrade preparation and foundations may be required in areas.
2. Shallow, perched groundwater conditions that could make utility trenching difficult, especially in the winter months. Minor caving of the test pit sidewalls was observed in test pit TP-1, TP-2, and TP-5. Adequate shoring (and dewatering) should be maintained.
3. Low permeability soils. Our infiltration testing indicates on site, fine grained soils are not suitable for infiltration of stormwater.

7.1 Site Preparation Recommendations

Areas of proposed construction and areas to receive fill should be cleared of any organic and inorganic debris. Inorganic debris and organic materials from clearing should be removed from the site. Organic-rich soils and root zones should then be stripped from construction areas of the site or where engineered fill is to be placed. Depth of stripping of existing topsoil is estimated to be approximately 6 to 9 inches across the majority of the site, however depth of organic soil layers may increase in areas. The final depth of soil removal will be determined because of a site inspection after the stripping/excavation has been performed. Stripped topsoil should be removed from areas proposed for placement of engineered fill. Any remaining topsoil should be stockpiled only in designated areas and stripping operations should be observed and documented by the geotechnical engineer or his representative.

If encountered, undocumented fills and any subsurface structures (dry wells, basements, driveway and landscaping fill, old utility lines, septic leach fields, field drain tiles, etc.) should be completely

removed and the excavations backfilled with engineered fill. Field drain tiles should be intercepted at the high end of the site and routed to the storm drain system.

We recommend that areas proposed for placement of engineered fill are scarified to a minimum depth of 12 inches and recompacted prior to placement of structural fill. Prior to placement of engineered fill, the underlying soils be over-excavated, ripped, aerated to optimum moisture content, and recompacted to project specifications for engineered fill as determined by the Modified Proctor (ASTM D1557).

Areas proposed to be left at grade may require additional over-excavation of structural areas in order to reach soils which will provide adequate bearing support for the proposed structures. Site earthwork may be impacted by shallow groundwater. Stabilization of subgrade soils will require aeration and recompaction. If subgrade soils are found to be difficult to stabilize, over-excavation, placement of granular soils, or cement treatment of subgrade soils may be feasible options. GeoPacific should be onsite to observe preparation of subgrade soil conditions prior to placement of engineered fill.

7.2 Engineered Fill

In general, we anticipate that low to moderately expansive soils from planned cuts and utility trench excavations will be suitable for use as engineered fill provided they are adequately moisture conditioned prior to compacting. Imported fill material should be reviewed by GeoPacific prior to being imported to the site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

All grading for the proposed construction should be performed as engineered grading in accordance with the applicable building code at the time of construction with the exceptions and additions noted herein. Site grading should be conducted in accordance with the requirements outlined in the 2015 International Building Code (IBC), Chapter 18 and Appendix J. Areas proposed for fill placement should be prepared as described in the *Site Preparation Recommendations* section. Surface soils should then be scarified and recompacted prior to placement of structural fill. Site preparation, soil stripping, and grading activities should be observed and documented by a geotechnical engineer or his representative. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 12 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 90 percent of the maximum dry density determined by ASTM D1557 (Modified Proctor) or equivalent. Field density testing should conform to ASTM D2922 and D3017, or D1556. All engineered fill should be observed and tested by the project geotechnical engineer or his representative. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd³, whichever requires more testing. Because testing is performed on an on-call basis, we recommend that the earthwork contractor be held contractually responsible for test scheduling and frequency.

Site earthwork may be impacted by shallow groundwater, soil moisture and wet weather conditions. Earthwork in wet weather would likely require extensive use of additional crushed aggregate, cement or lime treatment, or other special measures, at considerable additional cost compared to earthwork performed under dry-weather conditions.

7.3 Excavating Conditions and Utility Trench Backfill

Subsurface test pit exploration indicates that, in general, utility trenches can be excavated using conventional heavy equipment such as dozers and trackhoes. Shallow, perched groundwater conditions could cause sidewall caving in excavations and moderate caving was observed in test pits TP-1, TP-2, and TP-4. These conditions could make utility trenching difficult, especially in the winter months, and adequate shoring should be maintained.

We anticipate that onsite soils can generally be excavated using conventional heavy equipment. Maintenance of safe working conditions, including temporary excavation stability, is the responsibility of the contractor. Actual slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions. All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Health Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing near surface native soils classify as Type B Soil and temporary excavation side slope inclinations as steep as 1H:1V may be assumed for planning purposes. These cut slope inclinations are applicable to excavations above the water table only.

Shallow, perched groundwater and saturated soils may be encountered during the wet weather season and should be anticipated in excavations and utility trenches. We anticipate that dewatering systems consisting of ditches, sumps and pumps would be adequate for control of perched groundwater. Regardless of the dewatering system used, it should be installed and operated such that in-place soils are prevented from being removed along with the groundwater. Trench bottom stabilization, such as one to two feet of compacted crushed aggregate base, may be necessary in deeper trenches.

Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

Underground utility pipes should be installed in accordance with the procedures specified in ASTM D2321 and City of Wilsonville standards. We recommend that the upper 4 feet of structural trench backfill be compacted to at least 95 percent of the maximum dry density obtained by the Modified Proctor (ASTM D698) or equivalent. Structural trench backfill below 4 feet should be compacted to at least 90 percent of the maximum dry density obtained by the Modified Proctor (ASTM D1557) or equivalent. Initial backfill lift thicknesses for a $\frac{3}{4}$ "-0 crushed aggregate base may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, at least one density test is taken for every 4 vertical feet of backfill on each 100-lineal-foot section of trench.

7.4 Erosion Control Considerations

During our field exploration program, we did not observe soil conditions that are considered to be susceptible to erosion. In our opinion, the primary concern regarding erosion potential will occur during construction in areas that have been stripped of vegetation. Erosion at the site during construction can be minimized by implementing the project erosion control plan, which should include judicious use of straw wattles, fiber rolls, and silt fences. If used, these erosion control devices should remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

7.5 Wet Weather Earthwork

Soils underlying the site are likely to be moisture sensitive and will be difficult to handle or traverse with construction equipment during periods of wet weather. Earthwork is typically most economical when performed under dry weather conditions. Earthwork performed during the wet-weather season will require expensive measures such as cement treatment or imported granular material to compact areas where fill may be proposed to the recommended engineering specifications. If earthwork is to be performed or fill is to be placed in wet weather or under wet conditions when soil moisture content is difficult to control, the following recommendations should be incorporated into the contract specifications.

- Earthwork should be performed in small areas to minimize exposure to wet weather. Excavation or the removal of unsuitable soils should be followed promptly by the placement and compaction of clean engineered fill. The size and type of construction equipment used may have to be limited to prevent soil disturbance. Under some circumstances, it may be necessary to excavate soils with a backhoe to minimize subgrade disturbance caused by equipment traffic.
- The ground surface within the construction area should be graded to promote run-off of surface water and to prevent the ponding of water.
- Material used as engineered fill should consist of clean, granular soil containing less than 5 percent passing the No. 200 sieve. The fines should be non-plastic. Alternatively, cement treatment of on-site soils may be performed to facilitate wet weather placement.
- The ground surface within the construction area should be sealed by a smooth drum vibratory roller, or equivalent, and under no circumstances should be left uncompacted and exposed to moisture. Soils which become too wet for compaction should be removed and replaced with clean granular materials.
- Excavation and placement of fill should be observed by the geotechnical engineer to verify that all unsuitable materials are removed and suitable compaction and site drainage is achieved.
- Geotextile silt fences, straw wattles, and fiber rolls should be strategically located to control erosion.

If cement or lime treatment is used to facilitate wet weather construction, GeoPacific should be contacted to provide additional recommendations and field monitoring.

7.6 Spread Foundations

Based upon communication with the client and review of project plans (Figure 2), GeoPacific understands that site development will consist of a subdivision for 34 detached single family and attached townhome lots, new public streets, and associated underground utility installations. It is our understanding that the homes will be constructed with typical spread foundations and crawl spaces. We anticipate that maximum structural loading on column footings and continuous strip footings of the homes will be on the order of 10 to 35 kips, and 4 kips/ft respectively.

The proposed residential structures may likely be supported on shallow foundations bearing on competent undisturbed, low to moderately expansive native soils and/or engineered fill, appropriately designed and constructed as recommended in this report. Soft to medium stiff native silt soils were encountered in the upper 2 to 3 feet in test pits TP-2 and TP-5, which were located in the southern portion of the site. Additional depths of excavation for subgrade preparation and foundations may be required in areas. Areas where homes are to be constructed where no engineered fill will be placed should either be prepared as recommended for roadway areas; or the foundation envelopes of the proposed homes should be over-excavated to expose native soils on a lot by lot basis. (See *Site Preparation Recommendations* section).

Foundation design, construction, and setback requirements should conform to the applicable building code at the time of construction. For maximization of bearing strength and protection against frost heave, spread footings should be embedded at a minimum depth of 12 inches below exterior grade. If soft soil conditions are encountered at footing subgrade elevation, they should be removed and replaced with compacted crushed aggregate.

The anticipated allowable soil bearing pressure is 1,500 lbs/ft² for footings bearing on competent, native soil and/or engineered fill. The recommended maximum allowable bearing pressure may be increased by 1/3 for short-term transient conditions such as wind and seismic loading. For loads heavier than 35 kips, the geotechnical engineer should be consulted. If heavier loads than described above are proposed, it may be necessary to over-excavate point load areas and replace with additional compacted crushed aggregate. The coefficient of friction between on-site soil and poured-in-place concrete may be taken as 0.42, which includes no factor of safety. The maximum anticipated total and differential footing movements (generally from soil expansion and/or settlement) are 1 inch and ¾ inch over a span of 20 feet, respectively. We anticipate that the majority of the estimated settlement will occur during construction, as loads are applied. Excavations near structural footings should not extend within a 1H:1V plane projected downward from the bottom edge of footings.

Footing excavations should penetrate through topsoil and any disturbed soil to competent subgrade that is suitable for bearing support. All footing excavations should be trimmed neat, and all loose or softened soil should be removed from the excavation bottom prior to placing reinforcing steel bars. Due to the moisture sensitivity of on-site native soils, foundations constructed during the wet weather season may require over-excavation of footings and backfill with compacted, crushed aggregate.

Our recommendations are for residential construction incorporating raised wood floors and conventional spread footing foundations. After site development, a Final Soil Engineer's Report should either confirm or modify the above recommendations.

7.7 Concrete Slabs-on-Grade

Preparation of areas beneath concrete slab-on-grade floors should be performed as recommended in the *Site Preparation Recommendations* section. Care should be taken during excavation for foundations and floor slabs, to avoid disturbing subgrade soils. If subgrade soils have been adversely impacted by wet weather or otherwise disturbed, the surficial soils should be scarified to a minimum depth of 8 inches, moisture conditioned to within about 3 percent of optimum moisture content, and compacted to engineered fill specifications. Alternatively, disturbed soils may be removed and the removal zone backfilled with additional crushed rock.

For evaluation of the concrete slab-on-grade floors using the beam on elastic foundation method, a modulus of subgrade reaction of 150 kcf (87 pci) should be assumed for the medium stiff, fine-grained soils anticipated to be present at foundation subgrade elevation following adequate site preparation as described above. This value assumes the concrete slab system is designed and constructed as recommended herein, with a minimum thickness of 8 inches of 1½"-0 crushed aggregate beneath the slab. The total thickness of crushed aggregate will be dependent on the subgrade conditions at the time of construction, and should be verified visually by proof-rolling. Under-slab aggregate should be compacted to at least 95 percent of its maximum dry density as determined by ASTM D1557 (Modified Proctor) or equivalent.

In areas where moisture will be detrimental to floor coverings or equipment inside the proposed structure, appropriate vapor barrier and damp-proofing measures should be implemented. A commonly applied vapor barrier system consists of a 10-mil polyethylene vapor barrier placed directly over the capillary break material. Other damp/vapor barrier systems may also be feasible. Appropriate design professionals should be consulted regarding vapor barrier and damp proofing systems, ventilation, building material selection and mold prevention issues, which are outside GeoPacific's area of expertise.

7.8 Footing and Roof Drains

Construction should include typical measures for controlling subsurface water beneath the structure, including positive crawlspace drainage to an adequate low-point drain exiting the foundation, visqueen covering the expose ground in the crawlspace, and crawlspace ventilation (foundation vents). The client should be informed and educated that some slow flowing water in the crawlspaces is considered normal and not necessarily detrimental to the home given these other design elements incorporated into its construction. Appropriate design professionals should be consulting regarding crawlspace ventilation, building material selection and mold prevention issues, which are outside GeoPacific's area of expertise.

Down spouts and roof drains should collect roof water in a system separate from the footing drains to reduce the potential for clogging. Roof drain water should be directed to an appropriate discharge point and storm system well away from structural foundations. Grades should be sloped downward and away from buildings to reduce the potential for ponded water near structures.

If the proposed structure will have a raised floor, and no concrete slab-on-grade floors are used, perimeter footing drains may be eliminated at the discretion of the geotechnical engineer based on soil conditions encountered at the site and experience with standard local construction practices. Where it is desired to reduce the potential for moist crawl spaces, footing drains may be installed. If concrete slab-on-grade floors are used, perimeter footing drains should be installed as recommended below.

Where necessary, perimeter footing drains should consist of 3 or 4-inch diameter, perforated plastic pipe embedded in a minimum of 1 ft³ per lineal foot of clean, free-draining drain rock. The drain pipe and surrounding drain rock should be wrapped in non-woven geotextile (Mirafi 140N, or approved equivalent) to minimize the potential for clogging and/or ground loss due to piping. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. In our opinion, footing drains may outlet at the curb, or on the back sides of lots where sufficient fall is not available to allow drainage to meet the street.

7.9 Permanent Below-Grade Foundation Walls

Lateral earth pressures against below-grade foundation retaining walls will depend upon the inclination of any adjacent slopes, type of backfill, degree of wall restraint, method of backfill placement, degree of backfill compaction, drainage provisions, and magnitude and location of any adjacent surcharge loads. At-rest soil pressure is exerted on a retaining wall when it is restrained against rotation. In contrast, active soil pressure will be exerted on a wall if its top is allowed to rotate or yield a distance of roughly 0.001 times its height or greater.

If the subject retaining walls will be free to rotate at the top, they should be designed for an active earth pressure equivalent to that generated by a fluid weighing 35 pcf for level backfill against the wall. For restrained wall, an at-rest equivalent fluid pressure of 55 pcf should be used in design, again assuming level backfill against the wall. These values assume that the recommended drainage provisions are incorporated, and hydrostatic pressures are not allowed to develop against the wall.

During a seismic event, lateral earth pressures acting on below-grade structural walls will increase by an incremental amount that corresponds to the earthquake loading. Based on the Mononobe-Okabe equation and peak horizontal accelerations appropriate for the site location, seismic loading should be modeled using the active or at-rest earth pressures recommended above, plus an incremental rectangular-shaped seismic load of magnitude 6.5H, where H is the total height of the wall.

We assume relatively level ground surface below the base of the walls. As such, we recommend passive earth pressure of 300 pcf for use in design, assuming wall footings are cast against competent native soils or engineered fill. If the ground surface slopes down and away from the base of any of the walls, a lower passive earth pressure should be used and GeoPacific should be contacted for additional recommendations.

A coefficient of friction of 0.42 may be assumed along the interface between the base of the wall footing and subgrade soils. The recommended coefficient of friction and passive earth pressure values do not include a safety factor, and an appropriate safety factor should be included in design. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

The above recommendations for lateral earth pressures assume that the backfill behind the subsurface walls will consist of properly compacted structural fill, and no adjacent surcharge loading. If the walls will be subjected to the influence of surcharge loading within a horizontal distance equal to or less than the height of the wall, the walls should be designed for the additional horizontal pressure. For uniform surcharge pressures, a uniformly distributed lateral pressure of 0.3 times the surcharge pressure should be added. Traffic surcharges may be estimated using an additional vertical load of 250 psf (2 feet of additional fill), in accordance with local practice.

The recommended equivalent fluid densities assume a free-draining condition behind the walls so that hydrostatic pressures do not build-up. This can be accomplished by placing a 12 to 18-inch wide zone of sand and gravel containing less than 5 percent passing the No. 200 sieve against the walls. A 3-inch minimum diameter perforated, plastic drain pipe should be installed at the base of the walls and connected to a suitable discharge point to remove water in this zone of sand and gravel. The drain pipe should be wrapped in filter fabric (Mirafi 140N or other as approved by the geotechnical engineer) to minimize clogging.

Wall drains are recommended to prevent detrimental effects of surface water runoff on foundations – not to dewater groundwater. Drains should not be expected to eliminate all potential sources of water entering a basement or beneath a slab-on-grade. An adequate grade to a low point outlet drain in the crawlspace is required by code. Underslab drains are sometimes added beneath the slab when placed over soils of low permeability and shallow, perched groundwater.

Water collected from the wall drains should be directed into the local storm drain system or other suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. Down spouts and roof drains should not be connected to the wall drains in order to reduce the potential for clogging. The drains should include clean-outs to allow periodic maintenance and inspection. Grades around the proposed structure should be sloped such that surface water drains away from the building.

GeoPacific should be contacted during construction to verify subgrade strength in wall keyway excavations, to verify that backslope soils are in accordance with our assumptions, and to take density tests on the wall backfill materials.

Structures should be located a horizontal distance of at least 1.5H away from the back of the retaining wall, where H is the total height of the wall. GeoPacific should be contacted for additional foundation recommendations where structures are located closer than 1.5H to the top of any wall.

7.10 Pavement Design

For design purposes, we used an estimated resilient modulus of 6,000 for compacted native soil. Table 2 presents our recommended minimum pavement section for dry weather construction.

Table 2. Recommended Minimum Dry-Weather Pavement Section

Material Layer	Light-duty Public Streets	Compaction Standard
Asphaltic Concrete (AC)	3 in.	92% of Rice Density AASHTO T-209
Crushed Aggregate Base ¾"-0 (leveling course)	4 in.	95% of Modified Proctor AASHTO T-180
Crushed Aggregate Base 1½"-0	10 in.	95% of Modified Proctor AASHTO T-180
Subgrade	12 in.	95% of Standard Proctor AASHTO T-99

Any pockets of organic debris or loose fill encountered during ripping or tilling should be removed and replaced with engineered fill (see *Site Preparation* Section). In order to verify subgrade strength, we recommend proof-rolling directly on subgrade with a loaded dump truck during dry weather and on top of base course in wet weather. Soft areas that pump, rut, or weave should be

stabilized prior to paving. If pavement areas are to be constructed during wet weather, the subgrade and construction plan should be reviewed by the project geotechnical engineer at the time of construction so that condition specific recommendations can be provided. The moisture sensitive subgrade soils make the site a difficult wet weather construction project.

During placement of pavement section materials, density testing should be performed to verify compliance with project specifications. Generally, one subgrade, one base course, and one asphalt compaction test is performed for every 100 to 200 linear feet of paving.

7.11 Wet Weather Construction Pavement Section

This section presents our recommendations for wet weather pavement section and construction for new pavement sections at the project. These wet weather pavement section recommendations are intended for use in situations where it is not feasible to compact the subgrade soils to City of Wilsonville requirements, due to wet subgrade soil conditions, and/or construction during wet weather.

Based on our site review, we recommend a wet weather section with a minimum subgrade deepening of 6 inches to accommodate a working subbase of additional 1½"-0 crushed rock. Geotextile fabric, Mirafi 500x or equivalent, should be placed on subgrade soils prior to placement of base rock.

In some instances, it may be preferable to use Special Treated Base (STB) in combination with over-excavation and increasing the thickness of the rock section. GeoPacific should be consulted for additional recommendations regarding use of STB in wet weather pavement sections if it is desired to pursue this alternative. Cement treatment of the subgrade may also be considered instead of over-excavation. For planning purposes, we anticipate that treatment of the onsite soils would involve mixing cement powder to approximately 6 percent cement content and a mixing depth on the order of 12 to 18 inches.

With implementation of the above recommendations, it is our opinion that the resulting pavement section will provide equivalent or greater structural strength than the dry weather pavement section currently planned. However, it should be noted that construction in wet weather is risky and the performance of pavement subgrades depend on a number of factors including the weather conditions, the contractor's methods, and the amount of traffic the road is subjected to. There is a potential that soft spots may develop even with implementation of the wet weather provisions recommended in this letter. If soft spots in the subgrade are identified during roadway excavation, or develop prior to paving, the soft spots should be over-excavated and backfilled with additional crushed rock.

During subgrade excavation, care should be taken to avoid disturbing the subgrade soils. Removals should be performed using an excavator with a smooth-bladed bucket. Truck traffic should be limited until an adequate working surface has been established. We suggest that the crushed rock be spread using bulldozer equipment rather than dump trucks, to reduce the amount of traffic and potential disturbance of subgrade soils.

Care should be taken to avoid over-compaction of the base course materials, which could create pumping, unstable subgrade soil conditions. Heavy and/or vibratory compaction efforts should be applied with caution. Following placement and compaction of the crushed rock to project specifications (95 percent of Modified Proctor), a finish proof-roll should be performed before paving.

The above recommendations are subject to field verification. GeoPacific should be on-site during construction to verify subgrade strength and to take density tests on the engineered fill, base rock and asphaltic pavement materials.

8.0 SEISMIC DESIGN

The Oregon Department of Geology and Mineral Industries (Dogami), Oregon HazVu: 2023 Statewide GeoHazards Viewer indicates that the site is in an area where severe ground shaking is anticipated during an earthquake. Single family structures should be designed to resist earthquake loading in accordance with the methodology described in the 2021 International Building Code (IBC) with applicable Oregon Structural Specialty Code (OSSC) revisions (current 2022). We recommend Site Class D be used for design as defined in ASCE 7, Chapter 20, Table 20.3-1. Design values determined for the site using the Applied Technology Council (ATC) *ASCE7-16 Hazards By Location Online Tool* are summarized in Table 3 and are based upon existing soil conditions.

Table 3. Recommended Earthquake Ground Motion Parameters (ATC 2022)

Parameter	Value
Location (Lat, Long), degrees	45.321, -122.751
Mapped Spectral Acceleration Values (MCE):	
Peak Ground Acceleration PGA_M	0.458
Short Period, S_s	0.82 g
1.0 Sec Period, S_1	0.381 g
Soil Factors for Site Class D:	
F_a	1.172
F_v	*1.919
$SD_s = 2/3 \times F_a \times S_s$	0.641 g
$SD_1 = 2/3 \times F_v \times S_1$	*0.487 g
Residential Seismic Design Category	D

* The F_v value reported in the above table is a straight-line interpolation of mapped spectral response acceleration at 1-second period, S_1 per Table 1613.2.3(2) of OSSC 2019 with the assumption that Exception 2 of ASCE 7-16 Chapter 11.4.8 is met. SD_1 is based on the F_v value. The structural engineer should evaluate exception 2 and determine whether or not the exception is met. If Exception 2 is not met, and the long-period site coefficient (F_v) is required for design, GeoPacific Engineering can be consulted to provide a site-specific procedure as per ASCE 7-16, Chapter 21.

8.1 Soil Liquefaction

The Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: 2023 Statewide GeoHazards Viewer indicates that the site is in an area considered to be at low to moderate risk for soil liquefaction during an earthquake. Soil liquefaction is a phenomenon wherein saturated soil deposits temporarily lose strength and behave as a liquid in response to ground shaking caused by strong earthquakes. Soil liquefaction is generally limited to loose,

sands and granular soils located below the water table, and fine-grained soils with a plasticity index less than 15.

For construction of single family structures or townhomes three stories or less, special design or construction measures are not required by code to mitigate the effects of liquefaction. However, GeoPacific may be consulted to perform further study of seismic hazards on the site if desired. We anticipate that our additional explorations on the site for the purpose of evaluating seismic hazards would include at least two cone penetrometer tests.

9.0 UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and their consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. The checklist attached to this report outlines recommended geotechnical observations and testing for the project. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

We appreciate this opportunity to be of service.

Sincerely,

GEOPACIFIC ENGINEERING, INC.



Beth K. Rapp, C.E.G.
Senior Engineering Geologist



James D. Imbrie, G.E., C.E.G.
Principal Geotechnical Engineer

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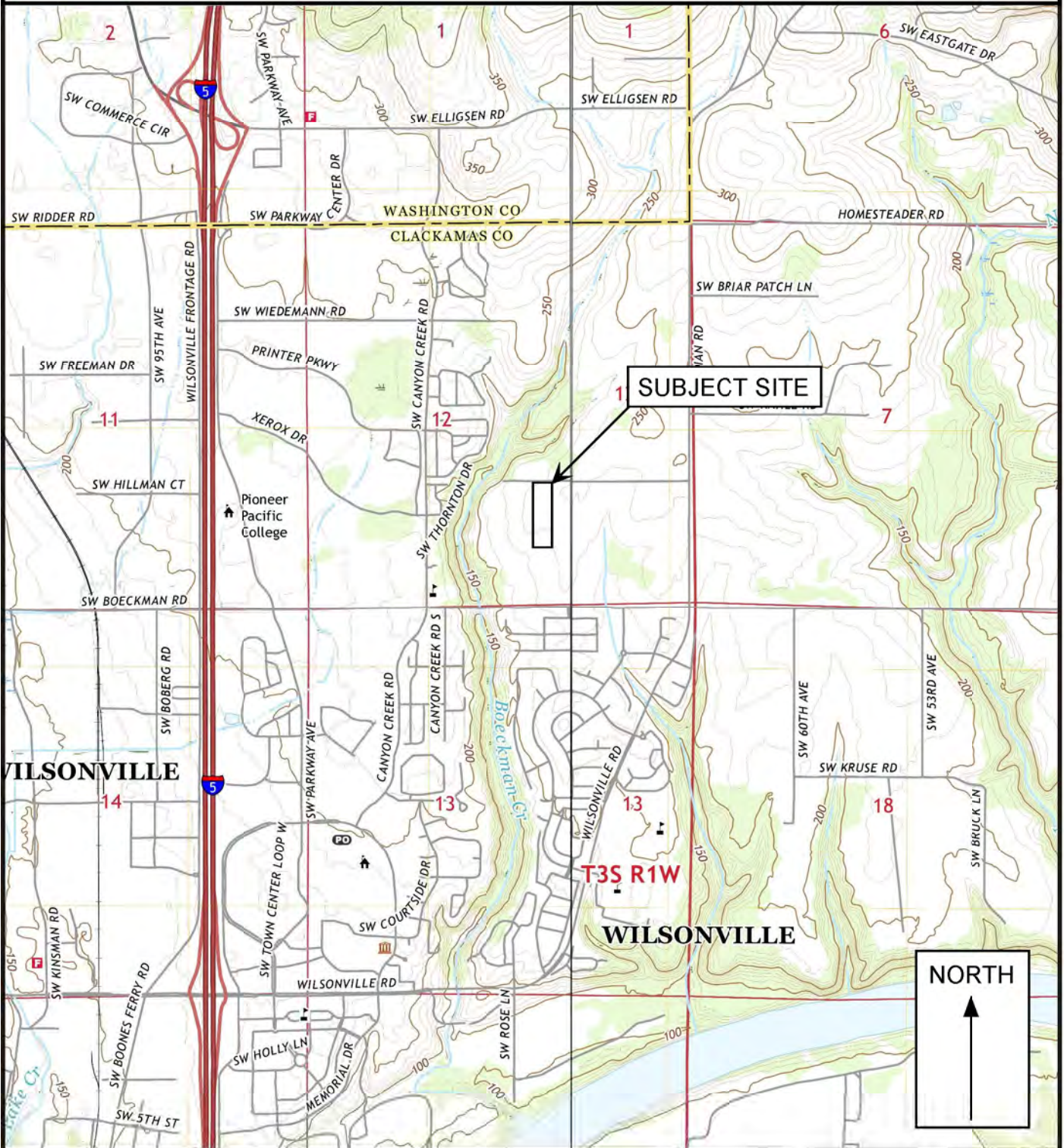
CHECKLIST OF RECOMMENDED GEOTECHNICAL TESTING AND OBSERVATION

Item No.	Procedure	Timing	By Whom	Done
1	Preconstruction meeting	Prior to beginning site work	Contractor, Developer, Civil and Geotechnical Engineers	
2	Fill removal from site or sorting and stockpiling	Prior to mass stripping	Soil Technician/ Geotechnical Engineer	
3	Stripping, aeration, and root-picking operations	During stripping	Soil Technician	
4	Compaction testing of engineered fill (90% of Modified Proctor)	During filling, tested every 2 vertical feet	Soil Technician	
5	Retaining Wall Keyway and Subbase	During Excavation	Soil Technician/ Geotechnical Engineer	
6	Retaining Wall Backfill and Geogrid Placement	During Construction	Soil Technician/ Geotechnical Engineer	
7	Compaction testing of trench backfill (95% of Modified Proctor above 4 feet - 90% of Modified Proctor below 4 feet)	During backfilling, tested every 4 vertical feet for every 200 linear feet	Soil Technician	
8	Street Subgrade Inspection (95% of Standard Proctor)	Prior to placing base course	Soil Technician	
9	Base course compaction (95% of Modified Proctor)	Prior to paving, tested every 200 linear feet	Soil Technician	
10	Asphalt Compaction (92% Rice Value)	During paving, tested every 100 linear feet	Soil Technician	
11	Final Geotechnical Engineer's Report	Completion of project	Geotechnical Engineer	



14835 SW 72nd Avenue
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VICINITY MAP



Legend Date: 11/14/2023
Drawn by: EKR

Approximate Scale 1 in = 2,000 feet

Base map: U.S. Geological Survey 7.5 minute Topographic Map Series, Canby, Oregon Quadrangle, and Sherwood, Oregon Quadrangle, 2020.

Project: Frog Pond Cottage Park Place
Wilsonville, Oregon

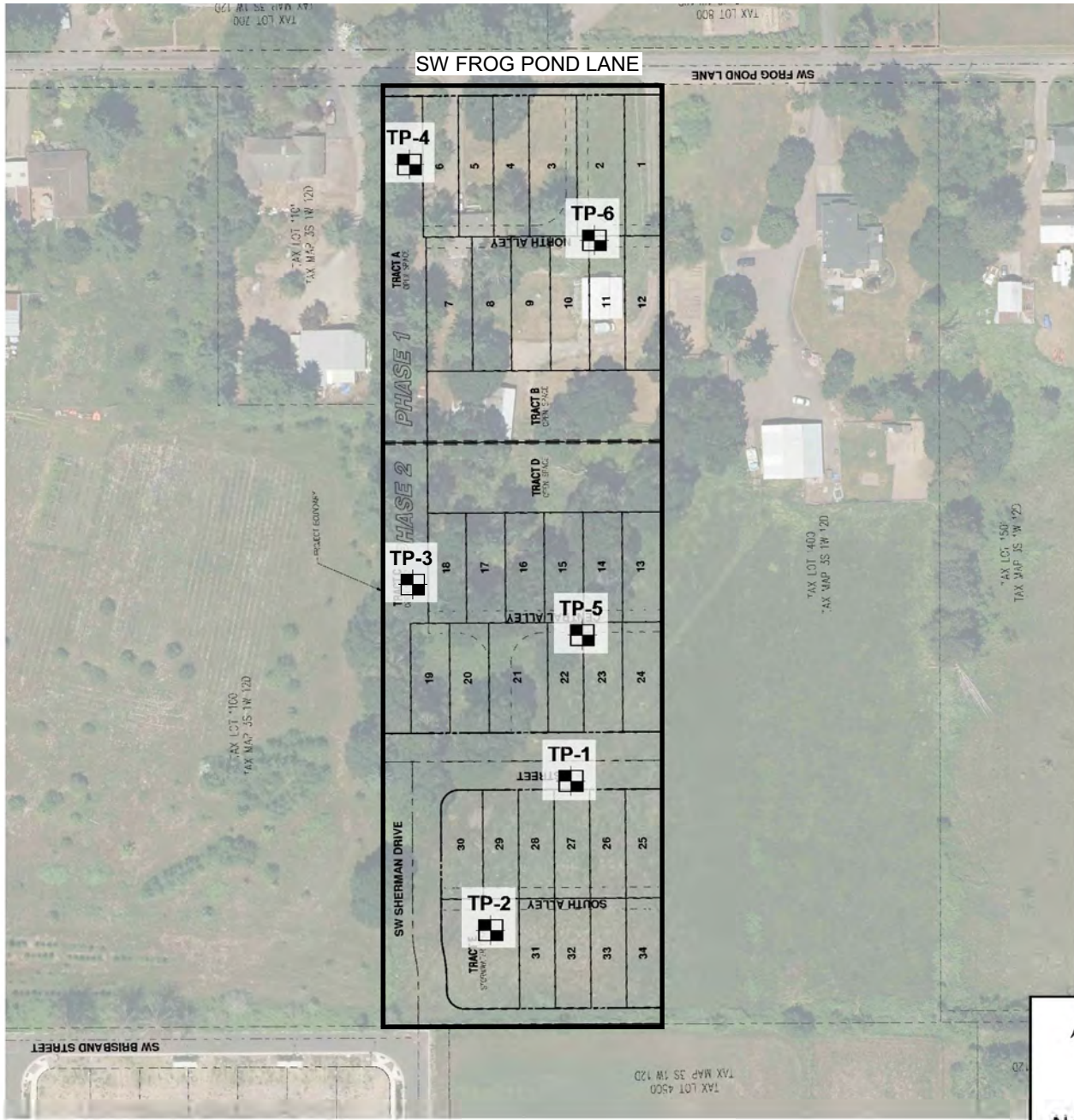
Project No. 22-6060

FIGURE 1




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SITE PLAN AND EXPLORATION LOCATIONS



Legend

TP-1
 Test Pit Designation and Approximate Location

Date: 11/14/2023
 Drawn by: EKR



Project: Frog Pond Cottage Park Place
 Wilsonville, Oregon

Project No. 22-6060

FIGURE 2



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Item 5.

TEST PIT LOG

Project: Frog Pond Cottage Park Place Wilsonville, Oregon	Project No. 22-6060	Test Pit No. TP-1
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Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Type	In-Situ Dry Density (lb/ft ³)	Moisture Content (%)	Water Bearing Zone	Material Description
1	1.5					Moderately organic SILT (OL-ML), dark gray brown, fine roots throughout, loose, wet (Topsoil Horizon)
2	2.5					Stiff to very stiff, clayey SILT (ML), light brown, micaceous, trace black staining, strong orange and gray mottling, minor caving of sidewall, moist to wet (Willamette Formation)
3	2.5					
4	2.0					
5						
6						Stiff, SILT (ML), light brown, micaceous, subtle orange and gray mottling, moist (Willamette Formation)
7						
8						With trace fine grained sand below 8 feet.
9						
10						
11						
12						
13						Test Pit Terminated at 12.5 Feet.
14						Note: Groundwater seepage encountered at 2.5 to 3.5 feet. Discharge visually estimated at 2 gallons per minute.
15						
16						
17						

LEGEND

Bag Sample	5 Gal. Bucket	Shelby Tube Sample	Seepage	Water Bearing Zone	Water Level at Abandonment
------------	---------------	--------------------	---------	--------------------	----------------------------

Date Excavated: 6/10/2022
 Logged By: B. Rapp
 Surface Elevation:




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Item 5.

TEST PIT LOG

Project: Frog Pond Cottage Park Place Wilsonville, Oregon	Project No. 22-6060	Test Pit No. TP-2
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Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Type	In-Situ Dry Density (lb/ft ³)	Moisture Content (%)	Water Bearing Zone	Material Description
1	0.5					Highly organic SILT (OL-ML), dark brown, fine roots throughout, 3 to 4 inch thick root mat, loose, moist (Topsoil Horizon)
2	0.5					Soft to medium stiff, clayey SILT (ML), light brown, micaceous, trace black staining, strong orange and gray mottling, wet (Willamette Formation)
3	3.5					Stiff to very stiff, SILT (ML), light brown, micaceous, subtle orange and gray mottling, minor sidewall caving below 5 feet, moist (Willamette Formation)
4	2.5					
5						
6						
7						
8						With trace fine grained sand and strong mottling below 9 feet.
9						
10						
11						
12						Test Pit Terminated at 12.5 Feet. Note: Groundwater seepage encountered at 2 to 2.5 feet. Discharge visually estimated at 1 gallon per minute.
13						
14						
15						
16						
17						

LEGEND

 Bag Sample	 Bucket Sample	 Shelby Tube Sample	 Seepage	 Water Bearing Zone	 Water Level at Abandonment
--	---	--	---	--	--

Date Excavated: 6/10/2022
 Logged By: B. Rapp
 Surface Elevation:



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Item 5.

TEST PIT LOG

Project: Frog Pond Cottage Park Place Wilsonville, Oregon	Project No. 22-6060	Test Pit No. TP-3
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Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Type	In-Situ Dry Density (lb/ft ³)	Moisture Content (%)	Water Bearing Zone	Material Description
1	1.0					Moderately organic SILT (OL-ML), dark brown, fine roots throughout, 3 to 4 inch thick root mat, loose, moist (Topsoil Horizon)
2	2.5					Stiff to very stiff, clayey SILT (ML), light brown, micaceous, trace roots to 2.5 feet, strong orange and gray mottling, moist (Willamette Formation)
3	4.0					
4	3.0					
5						Stiff, SILT (ML), light brown, micaceous, subtle orange and gray mottling, trace black staining, moist (Willamette Formation)
6						
7						
8						
9						With trace fine grained sand below 9 feet.
10						<p>Test Pit Terminated at 12.5 Feet.</p> <p>Note: No seepage or groundwater encountered.</p>
11						
12						
13						
14						
15						
16						
17						

LEGEND

Bag Sample	5 Gal. Bucket	Shelby Tube Sample	Seepage	Water Bearing Zone	Water Level at Abandonment
------------	---------------	--------------------	---------	--------------------	----------------------------

Date Excavated: 6/10/2022
 Logged By: B. Rapp
 Surface Elevation:




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Item 5.

TEST PIT LOG

Project: Frog Pond Cottage Park Place Wilsonville, Oregon	Project No. 22-6060	Test Pit No. TP-4
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Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Type	In-Situ Dry Density (lb/ft ³)	Moisture Content (%)	Water Bearing Zone	Material Description
1	2.5					Moderately organic SILT (OL-ML), brown, abundant roots throughout, loose, moist (Topsoil Horizon)
2	3.5					Stiff to very stiff, clayey SILT (ML), light brown, micaceous, trace roots to 3.5 feet, trace black staining, strong orange and gray mottling, moist (Willamette Formation)
3	4.0					
4	4.5					
5						
6						
7						Stiff to very stiff, SILT (ML), light brown, micaceous, subtle orange and gray mottling, moist (Willamette Formation)
8						
9						
10						Stiff, sandy SILT (ML), light brown, micaceous, subtle orange and gray mottling, minor sidewall caving, moist to wet (Willamette Formation)
11						
12						Test Pit Terminated at 11.5 Feet.
13						Note: Groundwater seepage encountered at 10 to 10.5 feet. Discharge visually estimated at 1 gallon per minute.
14						
15						
16						
17						

LEGEND

 Bag Sample	 5 Gal. Bucket	 Shelby Tube Sample	 Seepage	 Water Bearing Zone	 Water Level at Abandonment
--	---	--	---	--	--

Date Excavated: 6/10/2022
 Logged By: B. Rapp
 Surface Elevation:




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Item 5.

TEST PIT LOG

Project: Frog Pond Cottage Park Place Wilsonville, Oregon	Project No. 22-6060	Test Pit No. TP-5
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Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Type	In-Situ Dry Density (lb/ft ³)	Moisture Content (%)	Water Bearing Zone	Material Description
1	1.0					Moderately to highly organic SILT (OL-ML), dark brown, fine roots throughout, loose, moist (Topsoil Horizon)
2	1.0					Medium stiff, clayey SILT (ML), light brown, micaceous, trace black staining, strong orange and gray mottling, moist to wet (Willamette Formation)
3	2.0					
4	2.5					
5						Stiff to very stiff, SILT (ML), light brown, micaceous, subtle orange and gray mottling, trace black staining, moist (Willamette Formation)
6						
7						
8						With trace fine grained sand below 8 feet.
9						
10						
11						
12						
13						Test Pit Terminated at 12.5 Feet.
14						Note: Groundwater seepage encountered at 2 to 2.5 feet. Discharge visually estimated at 1/2 gallon per minute.
15						
16						
17						

LEGEND

 Bag Sample	 Bucket Sample	 Shelby Tube Sample	 Seepage	 Water Bearing Zone	 Water Level at Abandonment
--	---	--	---	--	--

Date Excavated: 6/10/2022
 Logged By: B. Rapp
 Surface Elevation:



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Item 5.

TEST PIT LOG

Project: Frog Pond Cottage Park Place Wilsonville, Oregon	Project No. 22-6060	Test Pit No. TP-6
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Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Type	In-Situ Dry Density (lb/ft ³)	Moisture Content (%)	Water Bearing Zone	Material Description
1	2.5					Moderately to highly organic SILT (OL-ML), dark brown, fine roots throughout, loose, moist (Topsoil Horizon)
2	3.0					Stiff to very stiff, clayey SILT (ML), light brown, micaceous, trace roots, strong orange and gray mottling, moist (Willamette Formation)
3	3.0					
4	3.0					
5						Stiff, SILT (ML), light brown, micaceous, subtle orange and gray mottling, trace black staining, moist (Willamette Formation)
6						
7						
8						
9						
10						
11						
12						Test Pit Terminated at 12 Feet. Note: No seepage or groundwater encountered.
13						
14						
15						
16						
17						

LEGEND

Bag Sample	Bucket Sample	Shelby Tube Sample	Seepage	Water Bearing Zone	Water Level at Abandonment
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Date Excavated: 6/10/2022
 Logged By: B. Rapp
 Surface Elevation:



Real-World Geotechnical Solutions
Investigation • Design • Construction Support

MAINTENANCE OF HILLSIDE HOMESITES AND SLOPES

All homes and slopes require a certain level of maintenance for general upkeep and to preserve the overall integrity of structures and land. Hillside homesites and slopes require some additional maintenance because they are subject to natural slope processes, such as runoff, erosion, shallow soil sloughing, soil creep, perched groundwater, etc. If not properly controlled, these processes could adversely affect your or neighboring properties. Although surface processes are usually only capable of causing minor damage, if left unattended, they could possibly lead to more serious instability problems. Slumps are common and unpredictable and should be considered part of standard slope maintenance.

The primary source of problems on hillsides is uncontrolled surface water runoff and blocked groundwater seepage which can erode, saturate, and weaken soil. Therefore, it is important that drainage and erosion control features be implemented on the property, and that these features be maintained in operative condition (unless changed on the basis of qualified professional advice). By employing simple precautions, you can help properly maintain your hillside site and avoid most potential problems. The following is an abbreviated list of common Do's and Don'ts recommended for maintaining hillside homesites and slopes – including those within open spaces.

Do List

1. Make sure that roof rain drains are connected to the street, local storm drain system, or transported via enclosed conduits or lined ditches to suitable discharge points away from structures and improvements. In no case, should rain drain water be discharged onto slopes or in an uncontrolled manner. Energy dissipation devices should be employed at discharge points to help prevent erosion.
2. Check your roof drains, gutters, and spouts to make sure that they are clear. Roofs are capable of producing a substantial flow of water. Blocked gutters, etc., can cause water to pond or run off in such a way that erosion or adverse oversaturation of soil can occur.
3. Make sure that drainage ditches and/or berms are kept clear throughout the rainy season. If you notice that a neighbor's ditches are blocked such that water is directed onto your property or in an uncontrolled manner, politely inform them of this condition.
4. Locate and check all drain inlets, outlets, and weep holes from foundation footings, retaining walls, driveways, etc. on a regular basis. Clean out any of these that have become clogged with debris.
5. Watch for wet spots on the property. These may be caused by natural seepage or indicate a broken or leaking water or sewer line. In either event, professional advice regarding the problem should be obtained followed by corrective action, if necessary.
6. Do maintain the ground surface adjacent to lined ditches so that surface water is collected in the ditch. Water should not be allowed to collect behind or flow under the lining.

Don't List

1. Do not change the grading or drainage ditches on the property without professional advice. You could adversely alter the drainage pattern across the site and cause erosion or soil movement.
2. Do not allow water to pond on the property. Such water will seep into the ground causing unwanted saturation of soil.
3. Do not allow water to flow onto slopes in an uncontrolled manner. Once erosion or oversaturation occurs, damage can result quickly or without warning.
4. Do not let water pond against foundations, retaining walls or basements. Such walls are typically designed for fully-drained conditions.
5. Do not connect roof drainage to subsurface disposal systems unless approved by a geotechnical engineer.
6. Do not irrigate in an unreasonable or excessive manner. Regularly check irrigation systems for leaks. Drip systems are preferred on hillsides.

Public Hearing:

6. **Resolution No. 422. ParkWorks Industrial Building and Partition.** The applicant is requesting approval of a Stage I Preliminary Plan, Stage 2 Final Plan, Site Design Review, Type C Tree Removal Plan and Tentative Partition Plat for development of an industrial spec building with accessory office space and associated road and site improvements at 26600 SW Parkway Avenue.

Case Files:

- DB22-0009 ParkWorks Industrial Building and Partition
- Stage 1 Preliminary Plan (STG122-0007)
- Stage 2 Final Plan (STG222-0009)
- Site Design Review (SDR22-0009)
- Type C Tree Removal Plan (TPLN22-0007)
- Tentative Partition Plat (PART22-0002)

This item was continued to this date certain at the December 11, 2023 DRB Panel A meeting

The applicant has requested a continuance to the February 12, 2024 DRB Panel A meeting.



Planning Division Memorandum

From: Georgia McAlister, Associate Planner
To: Development Review Board Panel A
Date: December 28, 2023
RE: DB22-0009 ParkWorks Industrial Building and Partition – Request to Continue Public Hearing to Panel A on February 12, 2024

The public hearing for the DB22-0009 ParkWorks Industrial Building and Partition application was held before Development Review Board (DRB) Panel A on December 11, 2023, with the DRB continuing the public hearing and decision to a date certain of January 8, 2024. Requests for this application include:

DB22-0009 ParkWorks Industrial Building and Partition

- Stage 1 Preliminary Plan (STG122-0007)
- Stage 2 Final Plan (STG222-0009)
- Site Design Review (SDR22-0009)
- Type C Tree Removal Plan (TPLN22-0007)
- Tentative Partition Plat (PART22-0002)

At the December 11 public hearing, the applicant expressed interest in further discussion with City staff about the proposed conditions of approval for infrastructure improvements. City staff met with the applicant on December 27, 2023 to discuss options for these conditions. To allow additional time for discussion between staff and the applicant, the applicant requested that the public hearing be continued to a date certain of February 12, 2024. The DRB will need to make a motion at the January 8, 2024 meeting to continue this public hearing.

Because the 120-day period, including previously requested extensions, within which a decision must be made on the application expires on February 23, 2024, the applicant has requested an additional waiver of the 120-day rule, giving the City through April 5, 2024 to make a final decision on the application. Therefore, continuing the DRB public hearing to February 12, 2024, is well within the extended 120-day review period.

DEVELOPMENT REVIEW BOARD MEETING
JANUARY 8, 2024
6:30 PM

Item 7.

Board Member Communications:

7. Recent City Council Action Minutes

City Council Meeting Action Minutes
December 4, 2023

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville - Excused
Councilor Berry
Councilor Dunwell

Dwight Brashear, Transit Director
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Kerry Rappold, Natural Resources Manager
Mark Ottenad, Public/Government Affairs Director
Marissa Rauthause, Civil Engineer
Matt Lorenzen, Economic Development Manager
Nancy Kraushaar, PE, Civil Engineer
Andy Stone, IT Director
Zach Weigel, City Engineer
Zoe Mombert, Assistant to the City Manager

STAFF PRESENT

Bryan Cosgrove, City Manager
Amanda Guile-Hinman, City Attorney
Andrew Barrett, Capital Projects Eng. Manager
Bill Evans, Communications & Marketing Manager
Chris Neamtzu, Community Development Director
Dan Pauly, Planning Manager

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:00 p.m.
A. Boeckman Road Corridor Project	Staff informed Council of the Boeckman Road Corridor Project, Resolution No. 3022, and URA Resolution No. 338. The resolutions authorize the City Manager to execute Guaranteed Maximum Price amendment no. 3 to the progressive design-build agreement for the Boeckman Road Corridor Project with Tapani Sundt A Joint Venture.
B. Town Center Urban Renewal Feasibility Study (Update)	Staff provided an update on the nearly complete Urban Renewal Feasibility Study for Town Center. The Council reviewed the list of projects that would – if funded through a future Urban Renewal Plan – create the infrastructure that would stimulate walkable, private development as envisioned by the community in the 2019 Town Center Plan.
C. Frog Pond East and South Development Code	Council’s input was sought on development standards to be established within the Frog Pond East and South Master Plan area to regulate the size and location of new buildings to provide more flexibility for developers to meet objectives set forth in the Frog Pond East and South Master Plan and other housing policies, including the Equitable Housing Strategic Plan.

REGULAR MEETING

Mayor’s Business

- A. Wilsonville Wildcats Week Proclamation

- B. Employment Contract Renewal for Municipal Court Judge Fred Weinhouse

- C. Upcoming Meetings

The Mayor read a proclamation declaring December 4 -8, 2023 as Wilsonville Wildcats Week and presented proclamations to coaches and members of the Wilsonville Wildcats Girls Varsity Soccer Team.

Council made a motion to approve the extension of Fred Weinhouse’s employment agreement as Municipal Court Judge from January 5, 2024 to January 5, 2026 as outlined in the employment agreement. Passed 4-0.

Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.

Communications

- A. None.

Consent Agenda

- A. **Resolution No. 3094**
A Resolution Of The City Of Wilsonville Authorizing The Sole Source Selection Of Friends Of Trees For FY 23-24 Through FY 25-26.

- B. **Resolution No. 3095**
A Resolution Of The City Of Wilsonville Adopting The Updated South Metro Area Regional Transit Public Transportation Agency Safety Plan.

- C. **Resolution No. 3098**
A Resolution Of The City Of Wilsonville Authorizing Acquisition Of Property And Property Interests Related To Construction Of The Priority 1B Water Distribution Improvements Project.

- D. **Resolution No. 3100**
A Resolution Of The City Of Wilsonville Authorizing The Sole Source Selection Of The Backyard Habitat Certification Program For FY 23-24 Through FY 25-26.

- E. **Resolution No. 3101**
A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute A Contract

The Consent Agenda was adopted 4-0.

<p>With Absco Solutions For Updating Card Access And Security Cameras At The Library.</p> <p>F. <u>Resolution No. 3102</u> A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute A Contract With CompuNet, Inc. For Refresh Of The Virtual Computing Environment.</p> <p>G. Minutes of the November 6, 2023 Council Meeting.</p>	
<p><u>New Business</u></p> <p>A. <u>Resolution No. 3022</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute Guaranteed Maximum Price (GMP) Amendment No. 3 To The Progressive Design-Build Agreement For The Boeckman Road Corridor Project With Tapani Sundt A Joint Venture</p>	<p>Resolution No. 3022 was adopted 4-0.</p>
<p><u>Continuing Business</u></p> <p>A. <u>Resolution No. 3091</u> A Resolution Of The City Of Wilsonville Adopting The Findings And Recommendations Of The Solid Waste Collection Rate Report Date October 2023 And Modifying The Current Republic Services Rate Schedule For Collection And Disposal Of Solid Waste, Recyclables, Organic Materials And Other Materials, Effective February 1, 2024.</p>	<p>Council made a motion to table Resolution No. 3091 until the next City Council meeting, December 18, 2023. Approved 4-0.</p>
<p><u>Public Hearing</u></p> <p>A. None.</p>	
<p><u>City Manager’s Business</u></p>	<p>The City Manager reminded Council to respond to the email regarding training for the Council’s trip to Kitakata, Japan. Once, responses were received staff would create an itinerary for the training.</p>
<p><u>Legal Business</u></p>	<p>Council moved to approve the public contracting solicitation thresholds, stated in Senate Bill (SB) 1047 for the City of Wilsonville, beginning January 1, 2024. Passed 4-0.</p>
<p>URBAN RENEWAL AGENCY</p>	
<p><u>URA Consent Agenda</u></p>	<p>The URA Consent Agenda was adopted 4-0.</p>

<p>A. URA Resolution No. 338 A Resolution Of The City Of Wilsonville Urban Renewal Agency Authorizing The City Manager To Execute Guaranteed Maximum Price (GMP) Amendment No. 3 To The Progressive Design-Build Agreement For The Boeckman Road Corridor Project With Tapani Sundt A Joint Venture.</p> <p>B. Minutes of the October 2, 2023 URA Meeting.</p>	
<p><u>New Business</u> A. None.</p>	
<p><u>Continuing Business</u> A. None.</p>	
<p><u>URA Public Hearing</u> A. None.</p>	
<p>ADJOURN</p>	<p>8:05 p.m.</p>

City Council Meeting Action Minutes
December 18, 2023

Item 7.

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell

Chris Neamtzu, Community Development Director
Dan Pauly, Planning Manager
Jeanna Troha, Assistant City Manager
Kimberly Rybold, Senior Planner
Kimberly Veliz, City Recorder
Mark Ottenad, Public/Government Affairs Director
Matt Lorenzen, Economic Development Manager
Scott Simonton, Fleet Services Manager
Stephanie Davidson, Assistant City Attorney
Zoe Mombert, Assistant to the City Manager

STAFF PRESENT

Amanda Guile-Hinman, City Attorney
Bryan Cosgrove, City Manager
Cindy Luxhoj, Associate Planner

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:00 p.m.
A. Town Center Urban Renewal Feasibility Study	Staff discussed preparing a resolution that, if adopted, would place an advisory vote on the May 2024 ballot that asks voters to consider whether the City should utilize Urban Renewal as a mechanism to fund infrastructure development to activate the Town Center Plan.
B. Frog Pond East and South Development Code	Staff sought guidance on the development of code amendments that would define development standards in Frog Pond East and South.
C. Coffee Creek Draft Assessment	Staff provided Council with an update on the status of the Coffee Creek Industrial Design Overlay District form-based code assessment, and sought Council input on possible modifications to the form-based code standards.
D. Transit-Oriented Development (TOD) Financing	Staff presented on Resolution No. 3096, which authorizes applying the Current Parks System Development Charge To The Multifamily Portion Of The Wilsonville Transit Center Transit-Oriented Development Project.

REGULAR MEETINGMayor's Business

A. Reappointments / Appointment

Arts, Culture, and Heritage Commission – Appointment

Appointment of Nadine Elbitar to the Arts, Culture, and Heritage Commission for a term beginning 1/1/2024 to 6/30/2024. Passed 5-0.

Budget Committee – Appointment

Appointment of Christopher Moore to the Budget Committee for a term beginning 1/1/2024 to 12/31/2024. Passed 5-0.

Budget Committee – Appointment

Appointment of Tabi Traugher and Tyler Beach to the Budget Committee for a term beginning 1/1/2024 to 12/31/2026. Passed 5-0.

DRB – Reappointment

Reappointment of John Andrews and Megan Chuinard to the Development Review Board for a term beginning 1/1/2024 to 12/31/2025. Passed 5-0.

DRB – Appointment

Appointment of Kamran Mesbah to the Development Review Board for a term beginning 1/1/2024 to 12/31/2025. Passed 5-0.

DEI Committee – Reappointment

Reappointment of David Siha, Tracy (Tre) Hester and Fay Gyapong-Porter to the Diversity, Equity and Inclusion Committee for a term beginning 1/1/2024 to 12/31/2026. Passed 5-0.

DEI Committee – Appointment

Appointment of Justin Brown to the Diversity, Equity and Inclusion Committee for a term beginning 1/1/2024 to 12/31/2024. Passed 5-0.

DEI Committee – Appointment

Appointment of Carolina Wilde to the Diversity, Equity and Inclusion Committee for a term beginning 1/1/2024 to 12/31/2026. Passed 5-0.

DEI Committee – Student Appointment

Reappointment of George Luo and Aasha Patel to the Diversity, Equity and Inclusion Committee for a term beginning 1/1/2024 to 12/31/2024. Passed 5-0.

Kitakata Sister City Advisory Board – Reappointment

Reappointment of John (Michael) Bohlen and Adrienne Scritsmier to the Kitakata Sister City Advisory Board for a term beginning 1/1/2024 to 12/31/2026. Passed 5-0.

Kitakata Sister City Advisory Board – Appointment

Appointment of Karen Kreitzer to the Kitakata Sister City Advisory Board for a term beginning 1/1/2024 to 12/31/2026. Passed 5-0.

Parks and Recreation Board – Appointment

Appointment of Bill Bagnall and Paul Diller to the Parks and Recreation Board for a term beginning 1/1/2024 to 12/31/2027. Passed 5-0.

Planning Commission – Reappointment

Reappointment of Jennifer Willard to the Planning Commission for a term beginning 1/1/2024 to 12/31/2027. Passed 5-0.

Planning Commission – Appointment

Appointment of Matt Constantine, Sam Scull and Yana Semenova to the Planning Commission for a term beginning 1/1/2024 to 12/31/2027. Passed 5-0.

Tourism Promotion Committee – Appointment

Appointment of Lynn Sanders to the Tourism Promotion Committee for a term beginning 1/1/2024 to 6/30/2026. Passed 5-0.

Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.

B. Upcoming Meetings

Consent Agenda

The Consent Agenda was approved 5-0.

- A. **Resolution No. 3096**
A Resolution Of The City Of Wilsonville Authorizing Applying The Current Parks System Development Charge To The Multifamily Portion Of The Wilsonville Transit Center Transit-Oriented Development Project.
- B. **Resolution No. 3097**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Tapani, Inc. For The Charbonneau Lift Station Rehabilitation Project (Capital Improvement Project #2106).
- C. **Resolution No. 3104**
A Resolution Of The City Council Revising Section 4.E. Of The Diversity, Equity And Inclusion (DEI) Committee Charter.
- D. **Resolution No. 3105**
A Resolution Of The City Of Wilsonville Authorizing The Purchase Of One Asphalt Patch Truck From Premier Truck Group Of Portland.
- E. Minutes of the December 4, 2023 Council Meeting.

New Business

A. None.

Continuing Business

- A. **Resolution No. 3091**
A Resolution Of The City Of Wilsonville Adopting The Findings And Recommendations Of The Solid Waste Collection Rate Report Date October 2023 And Modifying The Current Republic Services Rate

Resolution No. 3091 was adopted by a vote of 4-1.

Schedule For Collection And Disposal Of Solid Waste, Recyclables, Organic Materials And Other Materials, Effective February 1, 2024.	
<p><u>Public Hearing</u></p> <p>A. <u>Ordinance No. 884</u> An Ordinance Of The City Of Wilsonville Annexing Approximately 2.02 Acres Of Property Located At The Northwest Corner Of SW Frog Pond Lane And SW Stafford Road For Development Of An 11-Lot Residential Subdivision</p> <p>B. <u>Ordinance No. 885</u> An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5-Acre (RRFF-5) Zone To The Residential Neighborhood (RN) Zone On Approximately 2.02 Acres Located At The Northwest Corner Of SW Frog Pond Lane And SW Stafford Road For Development Of An 11-Lot Residential Subdivision.</p>	<p>After a public hearing was conducted, Ordinance No. 884 was adopted on first reading by a vote of 5-0.</p> <p>After a public hearing was conducted, Ordinance No. 885 was adopted on first reading by a vote of 5-0.</p>
<u>City Manager's Business</u>	Councilors discussed the materials in the monthly City Manager reports.
<u>Legal Business</u>	No report.
<p><u>Communications</u></p> <p>A. Polling on Tolling Request</p>	West Linn Mayor Rory Bialostosky discussed collaboration among local jurisdictions to better understand resident attitudes toward tolling and requested Council contribute \$5,000 towards the administration of a statistically valid survey. Passed 5-0.
ADJOURN	9:00 p.m.