

AGENDA

**WILSONVILLE CITY COUNCIL MEETING
MARCH 7, 2016
7:00 P.M.**

**CITY HALL
29799 SW TOWN CENTER LOOP
WILSONVILLE, OREGON**

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Julie Fitzgerald
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

To protect and enhance Wilsonville’s livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

Executive Session is held in the Willamette River Room, City Hall, 2nd Floor

- 5:00 P.M. EXECUTIVE SESSION** [45 min.]
 - A. Pursuant to ORS 192.660(2)(e) Real Property Transactions, and ORS 192.660(2)(h) Legal Counsel
 - 5:45 P.M. REVIEW OF AGENDA** [5 min.]
 - 5:50 P.M. COUNCILORS’ CONCERNS** [5 min.]
 - 5:55 P.M. PRE-COUNCIL WORK SESSION**
 - A. Cooperative Utility Agreement with WWSP & ODOT – Kinsman Road Project (Mende) [15 min.]
 - B. WGG Agreement Calendar (Kohlhoff) [15 min.] Page 4
 - 6:50 P.M. ADJOURN**
-

CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, March 7, 2016 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on February 26, 2016. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered therewith except where a time limit for filing has been fixed.

- 7:00 P.M. CALL TO ORDER**
 - A. Roll Call
 - B. Pledge of Allegiance
 - C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

2/29/2016 11:53 AM Last Updated

7:05 P.M. MAYOR’S BUSINESS

- A. 2016 State of the City Address – Mayor Knapp
- B. Upcoming Meetings

Page 7

8:00 P.M. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

8:10 P.M. COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

- A. Council President Starr – (Park & Recreation Advisory Board Liaison)
- B. Councilor Fitzgerald – (Development Review Panels A & B Liaison)
- C. Councilor Stevens – (Library Board and Wilsonville Seniors Liaison)
- D. Councilor Lehan– (Planning Commission and CCI Liaison)

8:20 P.M. CONSENT AGENDA

- A. **Resolution No. 2570** **Page 8**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Cooperative Utility Agreement With The Oregon Department Of Transportation And The Willamette Water Supply Program For The Inclusion Of A Water Transmission Pipeline In The Kinsman Road Project (Capital Improvement Project #4004). (staff – Mende)
- B. **Resolution No. 2571** **Page 32**
A Resolution Of The City Of Wilsonville Approving An Accord Agreement For Regional Park 5 Between The City Of Wilsonville, The Urban Renewal Agency Of The City Of Wilsonville, And Polygon Northwest Company, LLCRP5 –(Staff – Kohlhoff)

8:25 P.M. PUBLIC HEARING

- A. **Ordinance No. 787** – 1st reading **Page 57**
An Ordinance Of The City Of Wilsonville Annexing Approximately 1 Acre At 11700 SW Tooze Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lot 1203 Of Section 15 T3S-R1W, Clackamas County, Oregon, Jay And Theresa Nims, Petitioners. (staff – Pauly)
- B. **Ordinance No. 788** – 1st Reading **Page 89**
An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Village (V) Zone On Approximately 1 Acre At 11700 SW Tooze Road. Comprising Tax Lot 1203 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon WLH LLC, Applicant. (staff – Pauly)

9:30 P.M. CONTINUING BUSINESS

- A. **Ordinance No. 784** – 2nd reading **Page 219**
An Ordinance Of The City Of Wilsonville Annexing Approximately 8.72 Acres Of Territory Located At The Southwest Corner Of SW Day Road And SW Boones Ferry Road Into The City Limits Of The City Of Wilsonville, Oregon. The Territory Is More Particularly Described As Tax Lots 400, 500 And 501 Of Section 2B, T3S, R1W, Washington County, Oregon, Universal Health Services, Inc., Willamette Valley Behavioral Health, Applicant.

2/29/2016 11:53 AM Last Updated

B. **Ordinance No. 785** – 2nd Reading **Page 232**
An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From The Washington County Future Development – 20 (FD-20) District To The City Of Wilsonville Industrial Designation On Approximately 8.72 - Acres Comprising Tax Lots 400, 500 And 501 Of Section 2B, T3S, R1W, Washington County, Oregon, Universal Health Services, Inc., Willamette Valley Behavioral Health, Applicant.

C. **Ordinance No. 786** – 2nd Reading **Page 248**
An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Washington County Future Development - 20 (FD-20) Zone To The City's Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) Zone On Approximately 8.72 - Acres Comprising Tax Lots 400, 500 And 501 Of Section 2B, T3S, R1W, Washington County, Oregon, Universal Health Services, Inc., Willamette Valley Behavioral Health Facility, Applicant.

9:50 P.M. CITY MANAGER'S BUSINESS

9:55 P.M. LEGAL BUSINESS

10:00 P.M. ADJOURN

An Urban Renewal Agency meeting will immediately follow.

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated. The Mayor will call for a majority vote of the Council before allotting more time than indicated for an agenda item.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the meeting. The city will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting:-Qualified sign language interpreters for persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503)570-1506 or king@ci.wilsonville.or.us



29799 SW Town Center Loop E
 Wilsonville, Oregon 97070
 (503) 682-1011
 (503) 682-1015 Fax Administration
 (503) 682-7025 Fax Community Development

MEMORANDUM

TO: Honorable Mayor and City Council
 City Manager

FROM: Michael E. Kohlhoff, Special Projects City Attorney

DATE: February 23, 2016

RE: Status of Water Plant Master Plan, Right of Way Negotiations, and
 IGA Entity Negotiations

The City of Wilsonville and the Tualatin Valley Water District (TVWD) entered into an agreement to build a Water Treatment Plant and intake facility to provide treated water from the Willamette River in 2002. The intake facility was sized to receive 120 mgd of water to treat, and the City has 20 mgd of its capacity, with TVWD having the remaining 100 mgd. The plant facilities were planned to treat up to 70 mgd of capacity, but were initially phased to treat up to 15 mgd of water, with Wilsonville having 10 mgd of plant capacity and TVWD having 5 mgd, which it sold to the City of Sherwood.

However, a portion of the plant facilities include a 63-inch pipe that transmits water from the plant to Wilsonville Road, where it joins a 48-inch pipeline. Currently, this 48-inch pipeline runs from Wilsonville Road, within the Kinsman right-of-way, to Boeckman Road, then along Boeckman Road and Tooze Road to a nearby pump station. This line is owned by Wilsonville and Sherwood in various segments, with capacity ranging from 20 mgd each to 10 mgd for Wilsonville and 20 mgd for Sherwood. The pump station is also jointly owned and currently pumps water to Sherwood. It is designed to service water for Wilsonville from a future reservoir to the west. Other than as specified above, Wilsonville solely owns its distribution system.

Wilsonville has a water right for 30 cfs (19,389,450 mgd) that it will need to perfect by 2042, i.e., establish it is being beneficially used under state water standards. Wilsonville has had a summer peak day demand, which has grown over time to approximately 7 mgd. Wilsonville's water right does not have any fish persistency regulatory conditions that could curtail use.

TVWD has a water right up to 202 cfs (130,555,630 mgd). TVWD formed a water coalition group with the cities of Sherwood, Tualatin, and Tigard, which is named the Willamette River Water Coalition (WRWC). Our agreements with TVWD allow for TVWD to assign any of its interests in the intake and plant facilities to the WRWC. One of the provisions of our agreements with TVWD



allows for TVWD (or the WRWC) to take over management of the plant when its capacity use is greater than 50%. For example, if the plant were expanded to accommodate Wilsonville's full water right of approximately 20 mgd, then when plant capacity was over 40 mgd, management could shift. Within the WRWC, TVWD has obligated 25.8 mgd of its 130.5 mgd to Tigard and has obligated another 15 mgd to Tualatin (a total of 20 mgd), leaving TVWD with 84.7 mgd.

The City of Hillsboro entered into an agreement with Adair Village to acquire 36 mgd of Willamette River water rights and requested of Oregon Water Resources to transfer it diversion point to the intake facility jointly owned by Wilsonville and TVWD. The City of Beaverton is seeking additional Willamette River water rights, with the diversion point to be at the intake facility. The City of Hillsboro has entered into agreements with TVWD to plan and construct a 66 to 72-inch water transmission line, with certain reservoir sites from Hillsboro to the Willamette River Water Treatment Plant.

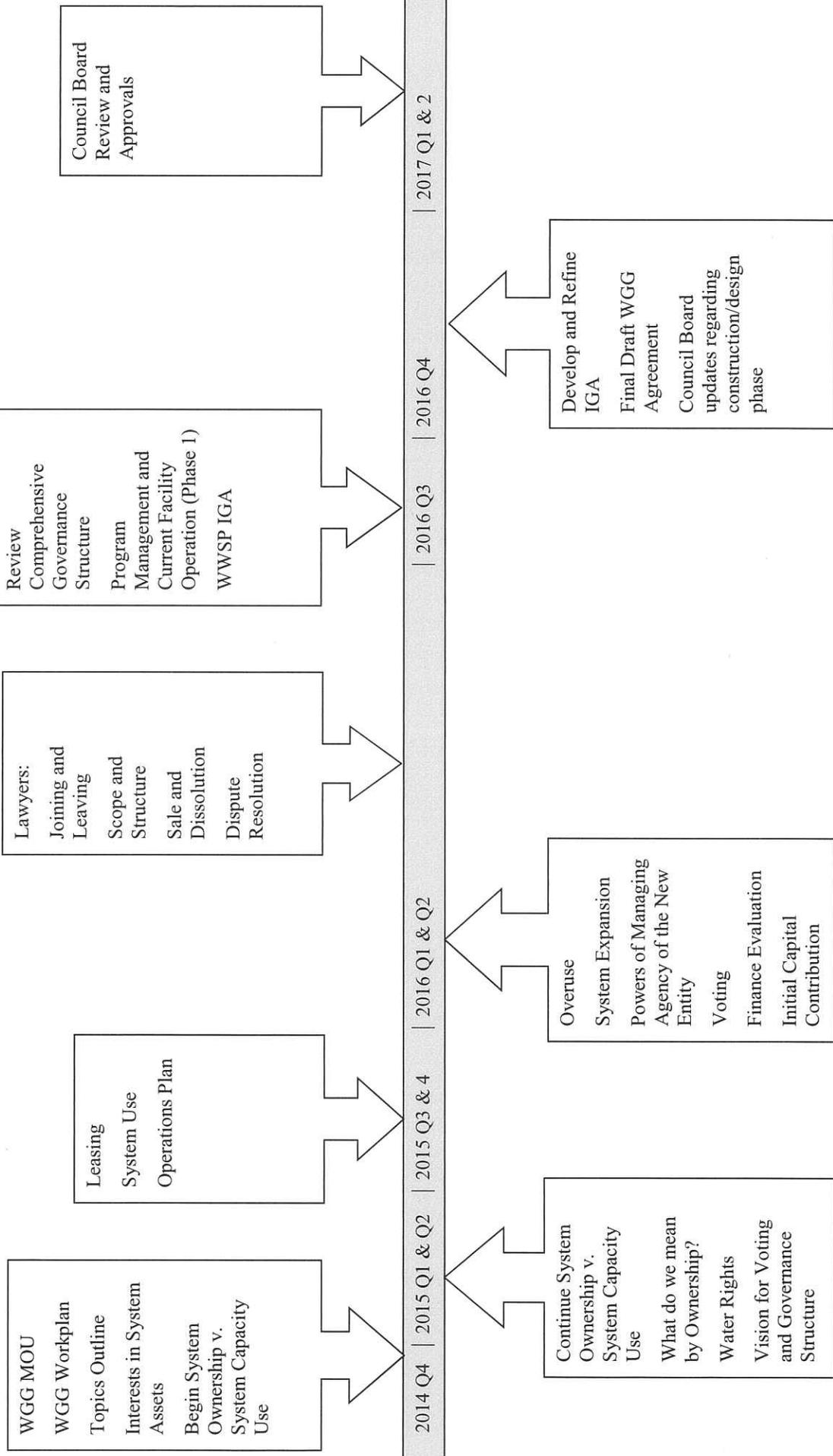
There are several activities occurring simultaneously that affect Wilsonville. One is to determine, through a Master Plan, the scope of the need for expanding the existing plant facilities, including the long range need of a second plant, and the timing, phasing, and estimated costs for designing, constructing, and operating expanded plant facilities. Wilsonville was in the process of doing its own master plan, as it estimates it will need an expansion by 2019-2020, so joined in with the other parties in commissioning an overall master plan. It is projected that TVWD and Hillsboro will need treated water by 2026. Completion of the Master Plan is scheduled for the summer of 2016.

A second activity is the planning and construction by TVWD and Hillsboro for a major transmission line, 66 – 72 inches in diameter, to service TVWD and Hillsboro, and potentially Beaverton, Tigard, and Tualatin. A part of this activity is to tie construction to road projects along the route in order to save tearing up newly constructed roads and replacing them. Wilsonville has one such project, the Kinsman Road extension project, and Washington County has the 124th/Grahams Ferry Road project. The City has jurisdiction over a portion of Grahams Ferry Road involved in the county project. Because ODOT is the conduit for federal funding for the Kinsman project, a Utility Construction Agreement with ODOT is necessary to allow TVWD and Hillsboro to construct the pipeline. To keep everything on schedule, the City is moving ahead with the Utility Construction Agreement, but negotiations for paying for using the City's rights-of-way are concurrently occurring with a drop dead date of May 26, 2016.

Another activity, given the additional parties involved, is the planning of the potential formation of a new entity to replace the WRWC. Wilsonville has been invited to and is participating in the negotiations for drafting an intergovernmental cooperative agreement (IGA) to form this new entity. This involves a facilitated planning effort by all the above-identified parties over the last year and a half. Basically, a general outline of the various sections needed for such an entity was devised by the lawyers representing the various parties, and various options for the different sections were also proposed. Attached to this memo is a timeline, and a listing of the various section elements for discussion within the timeline. It is hoped that a proposed agreement for adoption by the respective bodies, including determination to join, will occur in the winter/spring of 2017.

encl.

**Willamette Governance Group
Proposed Topics Timeline**
(Updated 2-25-16)



CITY COUNCIL ROLLING SCHEDULE**Board and Commission Meetings 2016****Items known as of 02/29/16****MARCH**

DATE	DAY	TIME	EVENT	LOCATION
3/1	Tuesday	10:00 a.m.	Tourism Promotion Committee	Council Chambers
3/7	Monday	7 p.m.	Council Meeting	Council Chambers
3/9	Wednesday	1 p.m.	Wilsonville Community Seniors Inc.	Community Center
3/9	Wednesday	6 p.m.	Planning Commission	Council Chambers
3/10	Thursday	4:30 p.m.	Parks & Recreation Advisory Board	Council Chambers
3/14	Monday	6:30 pm.	DRB Panel A	Council Chambers
3/21	Monday	7 p.m.	Council Meeting	Council Chambers
3/23	Wednesday	6:30 p.m.	Library Board	Library
3/28	Monday	6:30 p.m.	DRB Panel B	Council Chambers

COMMUNITY EVENTS**Grace Chapel Rummage Sale**

March 11 and 12, Grace Chapel 9600 SW Boeckman Rd.

A View From The Bridge, by Arthur Miller directed by Terry Kester

Presented by Wilsonville Stage, March 3-5 at Frog Pond Grange. Curtain lifts at 7:30 p.m.

Tickets can be purchased online at www.wilsonvilletheater.com, or at the door.

Park Rental Reservations

Residents and businesses can make park facility reservations starting March 14th. For more information on availability and fees contact Ahsamon at 503-570-1530 or visit the Parks and Recreation website.

Community Garden Sign Up

March 17th registration opens for community garden plots at 8 a.m. Contact Brian Stevenson at 503-570-1523 for more information, or visit the Parks and Recreation website.

Wilsonville Egg Hunt

March 26, Memorial Park, 10 a.m.

For ages 1-11

OTHER MEETINGS:

- March 1 – Tourism Promotion Committee 10 a.m. to 12 p.m. City Council Chambers
- March 17 – Wilsonville Leadership Academy 6-9 p.m. City Hall



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: March 07, 2016</p>	<p>Subject: Resolution No. 2570 Authorizing a Cooperative Improvement (Utility) Agreement between the City of Wilsonville, the Oregon Department of Transportation, and The Willamette Water Supply Program for the Kinsman Road Project (CIP 4004)</p> <p>Staff Member: Eric Mende, PE, Capital Projects Engineering Manager Department: Community Development</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation: N/A</p>	
<p><input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda</p>	<p><input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable</p> <p>Comments:</p>	
<p>Staff Recommendation: Staff recommends Council approve Resolution No. 2570.</p>		
<p>Recommended Language for Motion: I move to approve the Consent Agenda.</p>		
<p>Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i></p>		
<p><input checked="" type="checkbox"/> Council Goals/Priorities Well-Maintained Infrastructure</p>	<p><input checked="" type="checkbox"/> Adopted Master Plan(s) Transportation System Plan Wastewater Collection System Master Plan</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

A resolution authorizing the City Manager to execute a Cooperative Improvement (Utility) Agreement between the City of Wilsonville, the Oregon Department of Transportation (ODOT), and the City of Tualatin and the City of Hillsboro (Tualatin/Hillsboro) for inclusion of the

Tualatin/Hillsboro's 66-inch diameter water transmission pipeline and the City's Coffee Creek Interceptor Phase 1 sewer pipeline in the Kinsman Road project.

EXECUTIVE SUMMARY:

The Cooperative Improvement (Utility) Agreement (CUA), attached to **Resolution No. 2570** as **Exhibit 1** and incorporated herein, establishes the financial and performance commitments of the parties to the agreement with respect to utility infrastructure that will be installed concurrent with the federally funded Kinsman Road project. The project location is shown on **Attachment A to Exhibit 1 of Resolution No. 2570**. ODOT requires a fully executed CUA, due no later than March 19, 2016, as part of the final pre-bid certification submittals for the Kinsman Road project (CIP 4004). Tualatin/Hillsboro and ODOT are also scheduling this item for consideration and approval to meet this timeframe. Tualatin/Hillsboro is an entity established by the Tualatin Valley Water District and Hillsboro to manage the regional water supply project that will treat and distribute Willamette River water to their customers.

City staff has been working with Tualatin/Hillsboro staff over the last year to coordinate inclusion of Tualatin/Hillsboro's 66-inch diameter transmission pipeline with the City's Kinsman Road project. The CUA identifies the scope and financial responsibility for utility work that is non-participatory, i.e., "non-Project" work, and ineligible for federal funding. In this case, the CUA includes non-participatory work consisting of a water transmission pipeline for the Willamette Water Supply Program (Tualatin/Hillsboro) and a sewer line for the City (the Coffee Creek Interceptor Phase 1 – CIP 2079). ODOT requires the CUA before allowing the project to be advertised for bid.

The CUA was prepared by Tualatin/Hillsboro attorneys with review by Mike Kohlhoff, Special Projects Attorney, for the City. The estimated costs and cost split methodology (**Attachment B to Exhibit 1 of Resolution No. 2570**) were developed by City and Tualatin/Hillsboro engineering staff. Tualatin/Hillsboro is required to provide advance funding through a Local Government Investment Pool (LGIP) deposit. The Agreement also includes provisions for "trueing up" the cost share based on actual costs to be calculated at the end of the project.

EXPECTED RESULTS:

Approval of Resolution No. 2570 and City Manager execution of the CUA keeps the project on schedule and documents ODOT, Tualatin/Hillsboro, and Wilsonville obligations for funding the water and sewer pipelines added to the Kinsman Road project.

TIMELINE:

The bid date for the project is May 26, 2016. Delays in submittal of a fully executed CUA beyond 3/19/16 will delay the bid date.

CURRENT YEAR BUDGET IMPACTS:

The CUA assigns Tualatin/Hillsboro the responsibility for all costs for the Tualatin/Hillsboro transmission pipeline which are estimated at \$4,790,500. In addition, separate from the CUA, City staff costs for coordination efforts are tracked and invoiced backed to Tualatin/Hillsboro.

The CUA identifies a cost estimate of \$1,237,200 as the City's obligation to construct the Coffee

Creek Interceptor Phase 1 with the Project. The work will be completed in 2016-17. Year-end 2015-16 costs for the interceptor design are estimated at \$90,000. The resulting total design and construction cost estimate for the interceptor is \$1,327,200 (not including City administrative overhead costs). The adopted 2015-16 Wilsonville budget, sewer project #2079, includes \$1,844,500 for 2015-16 and \$1,021,500 for future year costs. These amounts exceed the new design and construction cost estimate (even with a conservative 12% City administrative overhead cost included). The cost savings can be attributed to more refined design information as well as the efficiencies of a combined project.

The CUA identifies a cost estimate of \$5,722,400 as the City's obligation to construct Kinsman Road. The work will be done in 2016-17 and 2017-18. Approximately \$2,730,000 of Federal funding is available for construction, leaving the City with the difference of \$2,992,400 plus approximately \$200,000 for City administrative overhead for a total of \$3,192,400. The adopted 2015-16 Wilsonville budget includes \$2,906,958 for future years beyond 2015-16. Staff will be proposing sufficient funding in the upcoming 2016-17 budget for the City's obligation to construct Kinsman Road.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: ___SCole___ Date: ___2/26/16_____

LEGAL REVIEW / COMMENT:

Reviewed by: ___BJacobson___ Date: ___2/26/16_____

COMMUNITY INVOLVEMENT PROCESS:

Tualatin/Hillsboro held open houses in 2014 and 2015 and publishes a monthly newsletter. Council briefings have also been held. Community involvement for the Kinsman Road project has included public open houses and articles in the Boones Ferry Messenger.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups):

The Kinsman Road project will fill an existing gap (between Barber Street and Boeckman Road) in the City's transportation system and provide a more complete travel network on the west side of I-5. The project includes a 10-foot wide sidewalk on the west side that borders the Coffee Creek wetland.

The sewer interceptor project is identified in the Wastewater Collection System Master Plan as an improvement needed to upsize existing pipe capacity to serve growth in the Coffee Creek and Basalt Creek concept plan areas. The new pipe will be better located in the new Kinsman Road right-of-way, replacing the existing pipe located in the adjacent Coffee Creek wetland area.

The Tualatin/Hillsboro water transmission line is part of a major regional water supply system expansion that will provide potable water from the Willamette River to Tualatin Valley Water District and Hillsboro customers. The pipeline crosses the Barber Street/Kinsman Road intersection and its construction may require a short term (3-week) closure of Barber Street at Kinsman. Alternative construction and traffic control methods to keep both Barber Street (and bridge) and Kinsman Road partially open during pipeline construction are being evaluated.

ALTERNATIVES:

There are no alternatives to the CUA if the pipeline is included in the project. Removing the water transmission and sewer interceptor pipelines from the project will eliminate the need for the CUA.

CITY MANAGER COMMENT:

ATTACHMENTS:

Resolution No. 2570

RESOLUTION NO. 2570

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE UTILITY AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION AND THE WILLAMETTE WATER SUPPLY PROGRAM FOR THE INCLUSION OF A WATER TRANSMISSION PIPELINE IN THE KINSMAN ROAD PROJECT (CAPITAL IMPROVEMENT PROJECT #4004).

WHEREAS, the City and Oregon Department of Transportation (ODOT) have jointly planned and budgeted for the completion of the Kinsman Road project (the Project), and have executed previous Project Agreements documenting such; and

WHEREAS, the Project is partially funded by Federal monies and is therefore being administered by ODOT, and must meet ODOT documentation requirements; and

WHEREAS, ODOT requires a Cooperative Utility Agreement documenting the Terms and Conditions under which utilities can be constructed in conjunction with the Project; and

WHEREAS, the Tualatin Valley Water District and the City of Hillsboro (Tualatin/Hillsboro) desire to construct a water transmission pipeline within the roadway in conjunction with the Project, and pay for same in order to avoid later disruption and reconstruction of the roadway at additional cost; and

WHEREAS, the City, ODOT and Tualatin/Hillsboro jointly desire to document the financial and performance responsibilities of the parties through the Cooperative Utility Agreement.

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

1. The Terms and Conditions of the Cooperative Utility Agreement, a copy of which is attached hereto as **Exhibit A** and incorporated by reference herein, clearly place the full financial burden for the pipeline construction and a proportionate share of the associated road construction costs solely on Tualatin/Hillsboro, and are therefore fair and equitable to the citizens of Wilsonville; and further preserves the condition precedent for the pipeline construction with Tualatin/Hillsboro to reach a separate

agreement with the City for use of the City's rights-of way on or before May 26, 2016.

2. The City of Wilsonville City Council, acting as the Local Contract Review Board, authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, a Cooperative Utility Agreement with ODOT and Tualatin/Hillsboro.
2. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 7th day of March 2016, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Lehan

Councilor Fitzgerald

Councilor Stevens

COOPERATIVE IMPROVEMENT (UTILITY) AGREEMENT
Project Name KINSMAN RD: S.W. BOECKMAN – S.W. BARBER (WILSONVILLE)-
KN14429

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" the City of Wilsonville (Wilsonville), Tualatin Valley Water District (TVWD) and the City of Hillsboro (Hillsboro), each acting by and through their elected officials. Hereinafter TVWD and Hillsboro are collectively referred to as "Agency," or by entity name and all entities to this Agreement are herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. **Kinsman Rd: S.W. Boeckman – S.W. Barber (Wilsonville) are part of the** city street system under the jurisdiction and control of the City of Wilsonville.
2. By the authority granted in Oregon Revised Statutes (ORS) [190.110](#), [366.572](#) and [366.576](#), State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. By the authority granted in ORS [366.425](#), State may accept deposits of money or an irrevocable letter of credit from any county, city, ~~unit of~~ local government or its unit, road district, person, firm, or corporation for the performance of work on any public highway within the State. When said money or a letter of credit is deposited, State shall proceed with the Project. Money so deposited shall be disbursed for the purpose for which it was deposited.
4. State is conducting a project to extend S.W. Kinsman Road from S.W. Barber Street to S.W. Boeckman Road under a Local Agency Agreement with the City of Wilsonville dated April 1, 2009 (Kinsman Road Project). While the Kinsman Road Project is under construction, State will use this opportunity to install a Waterline for Agency (TVWD and Hillsboro) and a Sewerline for Wilsonville under Kinsman Road.
5. The City of Wilsonville, Tualatin Valley Water District and the City of Hillsboro have entered into a Memorandum of Understanding dated July 21, 2015 whereby Wilsonville has consented to inclusion of the Agency Waterline within the Kinsman Road Project rights of way subject to the provisions of the Memorandum of Understanding.
6. The Parties desire to provide for the allocation and responsibility for costs of the Waterline Project, the Sewerline Project and the Kinsman Road Project.

State/Wilsonville/Agency
Agreement No. 31109

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. State, Wilsonville and Agency agree that State or its contractor shall install Agency's non reimbursable waterline within Kinsman Road, and Wilsonville's non-reimbursable sewer line as part of the State's Kinsman Road Project. The Waterline installation component shall hereinafter be referred to as the "Waterline Project." The location of the Waterline Project is approximately as shown on the sketch map attached hereto, marked **Exhibit A**, and by this reference made a part hereof. The Sewerline Project is also shown on Exhibit A.
2. The Waterline Project will be financed by Agency at an estimated cost of \$4,790,500, including construction engineering and contingency, in Agency funds. The Wilsonville portion of the Kinsman Road Project is estimated at \$6,959,600, including \$1,237,200 for the Sewerline Project and \$5,722,400 for the Kinsman Road Project. The estimated costs for each component is subject to change. Agency shall be responsible for all Waterline Project associated work as described in **Exhibit B**, attached hereto, and by this reference made a part hereof. Wilsonville shall be responsible for all Sewerline Project costs and Kinsman Road Project costs as set forth on Exhibit B. All costs will be reconciled and tried up based on final actual costs at completion of the work, according to the methodology in Exhibit B.
3. Agency, Wilsonville and State shall coordinate Change Order(s) affecting the Agency's facilities. Coordination shall involve provision for Wilsonville to comment on Waterline changes affecting the Kinsman Road right-of-way. The fillable Contract Change Order, form 734-1169, is available at the following web site:

<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/pages/hwyconstforms1.aspx>
4. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Waterline Project, Sewerline Project and Kinsman Road Project and final payment or five (5) calendar years following the date all required signatures are obtained, whichever is sooner, or upon the terms for termination provided for in the General Provisions section set forth below.

AGENCY OBLIGATIONS

1. Through the separate agreement between State and the City of Wilsonville, the aforementioned Memorandum of Understanding between Wilsonville and Agency and by this Agreement, Wilsonville grants State and Agency the right to enter onto Wilsonville right of way for the performance of duties to construct the Agency Waterline Project as set forth in this Agreement. By this Agreement, Agency authorizes State to construct the Waterline Project described in Exhibits A and B.

State/Wilsonville/Agency
Agreement No. 31109

2. Agency, through Tualatin Valley Water District, shall make funds for Waterline the Project available to State through a **Local Government Investment Pool (LGIP)**^[BSM1] account for payment of services under this Agreement and provide State with a signed power of attorney to draw on the account for purposes of payment for services performed. Agency shall deposit funds no sooner than completion of State's review of Final Plans, Specifications and Estimates (PS&E), anticipated to be February 26, 2016. Agency shall notify State's Project Manager when the funds have been made available. Agency agrees that State may withdraw funds from the LGIP account to cover State's costs for the Waterline Project done under this Agreement and State agrees to provide Agency written notice of such withdrawal including itemized documentation of what the funds have been or will be used for within 30 days of processing a contractor pay request. Agency will deposit \$ **_____** in to the LGIP account which covers Agency's estimated cost for Waterline Project work performed by State.
3. Upon final completion of the Waterline Project and receipt from State of an itemized statement of the actual total cost of the Waterline Project, Agency shall pay any amount which, when added to Agency's advance deposit, will equal 100 percent of actual total State costs for the Waterline Project. Any portion of said advance deposit which is in excess of the State's total costs will be refunded or released to Tualatin Valley Water District and final disposition of any surplus shall be mutually agreed by Tualatin Valley Water District and City of Hillsboro.
4. The Agency Waterline Project and water system appurtenances installed by State or its contractor will require inspections and must be approved and accepted by Agency. Agency personnel will work directly with State personnel. Agency shall not contact or communicate with State's contractor without State's consent. Agency will provide all necessary documentation to State. State shall present to Agency any Contract Change Order for review and written approval by Agency. State shall include Agency in periodic and final inspection and obtain Agency acceptance of the Waterline work under the construction contract documents. Agency inspections may include, but not limited to, on site materials testing and weld inspection during construction and in-plant inspection and testing during pipe fabrication, by firms contracted by Agency. Agency will perform inspections promptly and notify State of unacceptable work. Upon substantial completion, Agency will promptly provide State with a list of Waterline Project punch list items, if any.
5. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the specific agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment (or completion of Project -- if applicable.) Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
6. Agency acknowledges that the City of Wilsonville, by execution of a separate agreement with State, and by this Agreement gives its consent as required by ORS

State/Wilsonville/Agency
Agreement No. 31109

373.030(2) and ORS 105.760 to any and all changes of grade within the Wilsonville right of way limits, and as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the Waterline Project covered by the Agreement.

7. Agency's Project Manager for the Waterline Project is Todd Perimon, Program Delivery and Real Estate Manager, 1850 SW 170th Ave Beaverton OR 97003, 503-642-1511, todd.perimon@twwd.org, or assigned designee upon individual's absence. Agency shall notify the other Parties in writing of any contact information changes during the term of this Agreement.

WILSONVILLE OBLIGATIONS

1. State, and Wilsonville have entered into separate agreements regarding design and construction of Kinsman Road Project and Sewerline Project. Wilsonville acknowledges and agrees to pay the amounts for the Sewerline Project and Kinsman Road Project set forth on Exhibit B.
2. Wilsonville's Project Manager for this Kinsman Road Project is Zachary Weigel, City of Wilsonville, 29799 S.W. Town Center Loop, Wilsonville, Oregon 97070,

_____ or other designee
appointed by the City Manager. Wilsonville shall notify the other Parties in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. State, or its consultant, in consultation with Agency and its consultant, shall conduct the necessary field surveys, environmental studies, traffic investigations, preliminary engineering and design work required to produce and provide final plans, specifications and cost estimates for the Waterline Project; identify and obtain all required permits; perform all construction engineering, including all required materials testing and quality documentation; prepare all bid and contract documents; advertise for construction bid proposals; award all contracts; pay all contractor costs, provide technical inspection, project management services and other necessary functions for sole administration of the construction contract entered into for this Project. State will work with Agency to determine acceptable minimum qualifications of contractor and subcontractor installing the Waterline Project and mutually determine whether a proposed contractor or subcontractor meets those qualifications.
2. State shall include Agency in periodic and final inspection and final acceptance of the Waterline Project under the construction contract documents. State shall provide Agency access to conduct inspections as desired by Agency. State will allow Agency to review and comment on submittals, requests for clarifications, and

State/Wilsonville/Agency
Agreement No. 31109

related inquiries and will not allow contractor to proceed with Waterline Project unless approved. State will allow Agency staff to identify work not in compliance with Agency's portion of the construction documents and witness the required corrections. State will provide Agency access to and/or copies of all documents during construction related to the Waterline Project. State will work with Agency related to claims or potential claims associated with the Waterline Project and related settlement.

3. State shall make a request in writing to Agency as described in Agency OBLIGATIONS paragraph 2 to place funds into a Local Government Investment Pool (LGIP) account in Tualatin Valley Water District's name and provide State with a power of attorney to draw funds for reimbursement for the Waterline Project. Prior to withdrawal of funds, State will provide Agency written notice and itemized documentation of what funds have been or will be used for within 30 days of processing a contractor pay request. Agency will have the opportunity to review and comment on contractor pay requests pertaining to the Waterline Project. State may request Agency to deposit funds no sooner than completion of State's review of Final Plans Specifications and Estimates (PS&E), anticipated to be February 26, 2016. Agency will deposit \$ [REDACTED] into the LGIP account, which covers Agency's estimated cost for the Waterline Project work performed by State.
4. Upon completion of the Waterline Project, State shall either send to Agency a bill for the amount which, when added to Agency's advance deposit, will equal 100 percent of the total State costs for the Waterline Project or State will refund to Agency any portion of said advance deposit which is in excess of the total State costs for the Waterline Project within [REDACTED] days of completion.
5. State, or its consultant, in consultation with Wilsonville and its consultant, shall conduct the necessary field surveys, environmental studies, traffic investigations, preliminary engineering and design work required to produce and provide final plans, specifications and cost estimates for the Sewerline Project and Kinsman Road Project; identify and obtain all required permits; perform all construction engineering, including all required materials testing and quality documentation; prepare all bid and contract documents; advertise for construction bid proposals; award all contracts; pay all contractor costs, provide technical inspection, project management services and other necessary functions for sole administration of the construction contract entered into for this Project. State will work with Wilsonville to determine acceptable minimum qualifications of contractor and subcontractor installing the Sewerline Project and Kinsman Road Project.
6. State shall include Wilsonville in periodic and final inspection and final acceptance of the Sewerline Project and Kinsman Road Project under the construction contract documents. State shall provide Wilsonville access to conduct inspections as desired by Wilsonville. State will allow Wilsonville to review and comment on submittals, requests for clarifications, and related inquiries and will not allow contractor to proceed with Sewerline Project and Kinsman Road Project unless approved. State will allow Wilsonville staff to identify work not in compliance with

State/Wilsonville/Agency
Agreement No. 31109

Wilsonville's portion of the construction documents and witness the required corrections. State will provide Wilsonville access to and/or copies of all documents during construction related to the Sewerline Project and Kinsman Road Project. State will work with Wilsonville related to claims or potential claims associated with the Sewerline Project and Kinsman Road Project and related settlement.

7. State shall make a request in writing to Wilsonville as described in Terms of Agreement in paragraph 2 to place funds into a (LGIP) account in Wilsonville's name and provide State with a power of attorney to draw funds for reimbursement for the Sewerline Project and Kinsman Road Project. Prior to withdrawal of funds, State will provide Wilsonville written notice and itemized documentation of what funds have been or will be used for. Wilsonville will have the opportunity to review and comment on contractor pay requests pertaining to the Sewerline Project and Kinsman Road Project. State may request Wilsonville to deposit funds no sooner than completion of State's review of Final Plans Specifications and Estimates (PS&E), anticipated to be February 26, 2016. Wilsonville will deposit \$ [REDACTED] into the LGIP account, which covers Wilsonville's estimated cost for the Sewerline Project and Kinsman Road Project work performed by State.
8. Upon completion of the Kinsman Road Project, State shall either send to Wilsonville a bill for the amount which, when added to Wilsonville's advance deposit, will equal 100 percent of the total State costs for the Sewerline Project and Kinsman Road Project or State will refund to Wilsonville any portion of said advance deposit which is in excess of the total State costs for the Sewerline Project and Kinsman Road Project within [REDACTED] days of completion.
9. All employers, including State, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS [656.017](#) and provide the required Workers' Compensation coverage unless such employers are exempt under ORS [656.126](#). Employers Liability insurance with coverage limits of not less than \$500,000 must be included. State shall ensure that each of its contractors complies with these requirements.
10. State shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS [279C.505](#), [279C.515](#), [279C.520](#), [279C.530](#) and [279B.270](#) incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, State expressly agrees to comply with (i) [Title VI of Civil Rights Act of 1964](#); (ii) [Title V and Section 504 of the Rehabilitation Act of 1973](#); (iii) the [Americans with Disabilities Act of 1990](#) and ORS [659A.142](#); (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
11. State's Project Manager for this Waterline Project is Heather Howe, State Utility Liaison, ODOT – Technical Services, 4040 Fairview Ind. Drive SE, MS#2 Salem OR 97302, 503-986-3658, Heather.C.Howe@odot.state.or.us, or assigned designee

upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by any Party upon thirty (30) days notice, in writing and delivered by certified mail or in person. If the Agency Waterline work is terminated, the Sewerline work and Kinsman Road Project work may continue under this Agreement.
2. A Party may terminate this Agreement effective upon delivery of written notice to the other Party, or at such later date as may be established by the Party seeking termination, under any of the following conditions:
 - a. If the a Party fails to provide the services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If the a Party fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from the other Party fails to correct such failures within ten (10) days or such longer period as the other Party may authorize.
 - c. If a Party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow that Party, in the exercise of its reasonable administrative discretion, to continue to advance this Project or the terms of this Agreement.
 - d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or Agency is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
4. If any third Party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State, Wilsonville, or Agency with respect to which the other Party may have liability, the notified Parties must promptly notify the other Parties in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

State/Wilsonville/Agency
Agreement No. 31109

5. With respect to a Third Party Claim for which State is jointly liable with Agency or Wilsonville (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency or Wilsonville in such proportion as is appropriate to reflect the relative fault of State on the one hand and of the other Parties on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency or Wilsonville on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
6. With respect to a Third Party Claim for which Agency or Wilsonville is jointly liable with State (or would be if joined in the Third Party Claim), Agency or Wilsonville shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency or Wilsonville on the one hand and of the other Parties on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of any Party shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
7. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
8. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
9. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure

State/Wilsonville/Agency
Agreement No. 31109

of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

Tualatin Valley Water District, by and through its elected officials

By _____

Title _____

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Counsel

Date _____

Agency Contact:

Todd Perimon, Program Delivery & Real Estate Manager
1850 SW 170th Ave
Beaverton OR 97003
503-642-1511
todd.perimon@tvwd.org

City of Hillsboro, by and through its elected officials

By: _____
Mayor

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY

By: _____
City Attorney

Date: _____

STATE OF OREGON, by and through its Department of Transportation

By _____
State Right of Way Manager

Date _____

APPROVAL RECOMMENDED

By _____

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General (If Over \$150,000)

Date _____

State Contact:

Heather Howe, State Utility Liaison
ODOT – Technical Services
4040 Fairview Ind. Drive SE MS#2
Salem OR 97302
503-986-3658
Heather.C.Howe@odot.state.or.us

City of Wilsonville, by and through its elected officials

By _____
Mayor

State/Wilsonville/Agency
Agreement No. 31109

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
City Attorney

Date _____

Agency Contact:

Tyler Wubbena, Engineering Manager
150 E Main Street
Civic Center, 5th Floor
Hillsboro, Oregon 97123-4028
503-615-6708,
tyler.wubbena@hillsboro-oregon.gov

Wilsonville Contact:

Zachary Weigel
City of Wilsonville
29799 SW Town Center Loop
Wilsonville, Oregon 97070
503-
Email:

State/Wilsonville/Agency
Agreement No. 31109

City of Wilsonville Resolution No. 2570 EXHIBIT 1, Attachment A – Project Location Map

STATE OF OREGON
DEPARTMENT OF TRANSPORTATION

PLANS FOR PROPOSED PROJECT

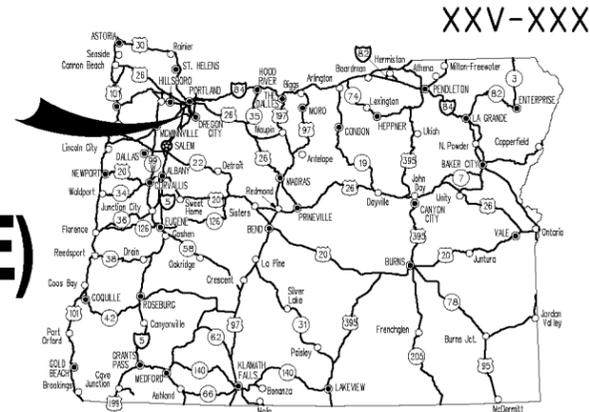
GRADING, DRAINAGE, PAVING & ILLUMINATION

KINSMAN RD: SW BOECKMAN - SW BARBER (WILSONVILLE)

KINSMAN ROAD

**CLACKAMAS COUNTY, OREGON
OCTOBER 2015**

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	Title Sheet
1A	Index Of Sheets Cont'd. & Std. Drg. Nos.



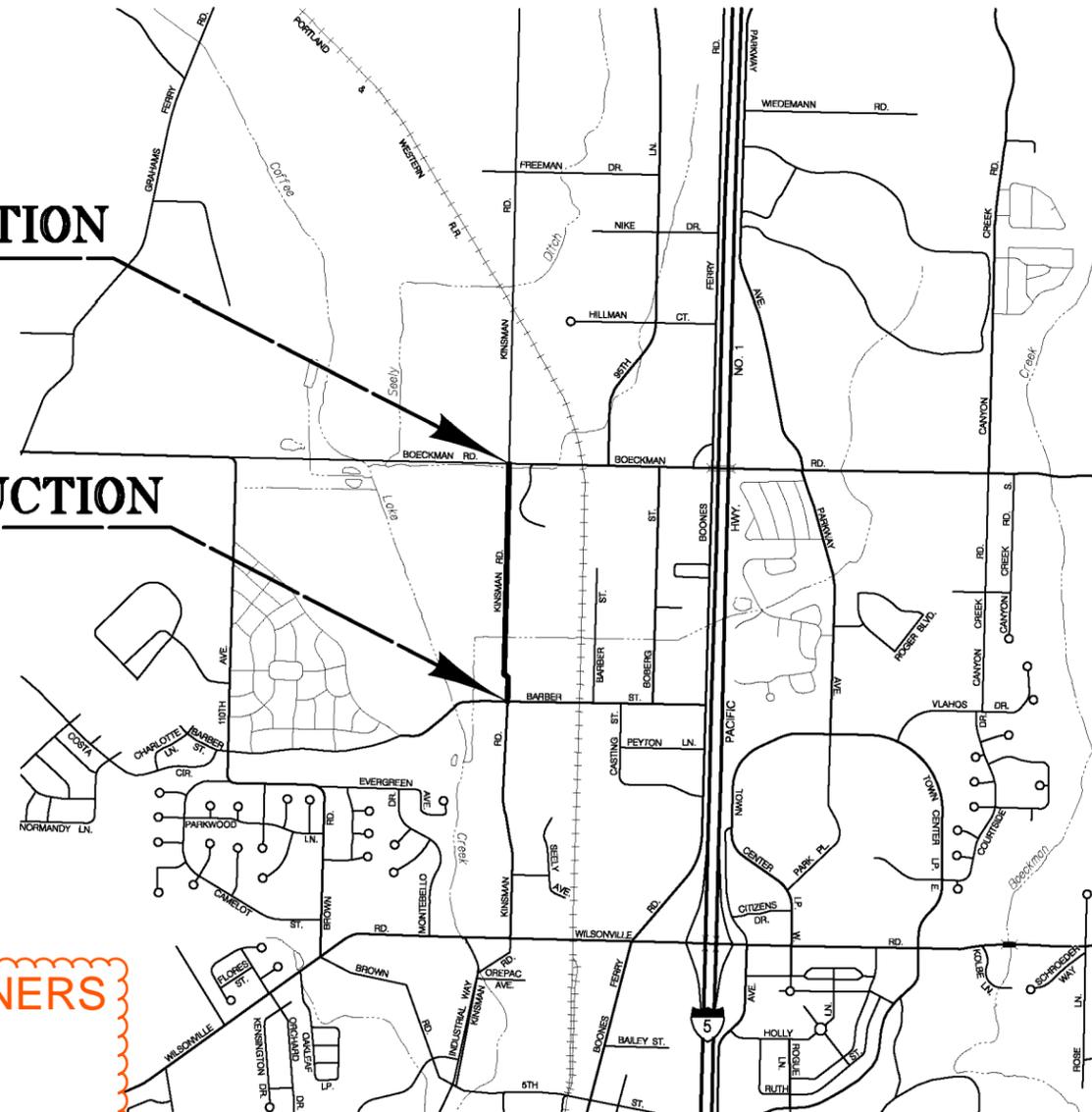
Overall Length Of Project - 0.50 Miles



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 Center. (Note: The Telephone Number For The Oregon Utility Center Is (503) 232-1987.)

END CONSTRUCTION
STA. "K" 39+89.3

BEGIN CONSTRUCTION
STA. "K" 13+61.1



(NOT TO SCALE)

T. 3 S., R. 1 W., W.M.



PLANS PREPARED FOR
OREGON DEPARTMENT OF TRANSPORTATION



Corporate Office: 920 COUNTRY CLUB ROAD, SUITE 100B EUGENE, OREGON 97401-4008
5006 SW MEADOWS ROAD, SUITE 120 LAKE OSWEGO, OREGON 97035-4288
2285 MISSION STREET SE, SUITE 100 SALEM, OREGON 97302-1205
831 OHARE PARKWAY MEDFORD, OREGON 97504-4005

OREGON TRANSPORTATION COMMISSION

- Catherine Mater CHAIR
- David Lohman COMMISSIONER
- Tammy Baney COMMISSIONER
- Susan Morgan COMMISSIONER
- Alando Simpson COMMISSIONER
- Matthew L. Garrett DIRECTOR OF TRANSPORTATION

These plans were developed using AASHTO design standards. Exceptions to these standards, if any, have been submitted and approved by the ODOT Chief Engineer or their delegated authority.

Approving Authority: _____
Signature & date

AMY JONES PROJECT MANAGER
Print name and title

Concurrence by ODOT Chief Engineer

KINSMAN RD: SW BOECKMAN - SW BARBER (WILSONVILLE)

KINSMAN ROAD
CLACKAMAS COUNTY, OREGON

FEDERAL HIGHWAY ADMINISTRATION	PROJECT NUMBER	SHEET NO.
OREGON DIVISION	...	1

File No.

**WILLAMETTE WATER SUPPLY PARTNERS
KINSMAN ROAD PIPELINE
ADVANCE PLANS - DECEMBER 2015
NOT FOR CONSTRUCTION**

State/Wilsonville/Agency
Agreement No. 31109

City of Wilsonville Resolution No. 2570 EXHIBIT 1 - Attachment B

Grading, Paving and Structure

Kinsman Road: SW Boeckman Road - SW Barber (Wilsonville) ODOT Key No. 14429

Advance Plans Cost Estimate

January 22, 2016

Estimate Date 01/15/16

Rows that are not highlighted are roadway project pay items. No water, no sewer. 100% Project (participating)
 Red highlighted rows are pay items identified as "shared cost" items. See line item notes for cost share percentages.
 Blue Highlighted Rows are pay items specific to the waterline Construction. Costs are 100% WWSP.
 Green Highlighted Rows are pay items specific to the Sanitary Construction. Costs are 100% City.

Spec. No.	Item No.	Item	Bid Unit	Est. Unit	Quantity	Unit Price	Total Price	Roadway Project Cost	Waterline TVWD Cost	Sanitary Sewer City Cost	Proposed Cost Share
TEMPORARY FEATURES AND APPURTENANCES											
00210	10	Mobilization	Lump Sum	Lump Sum	All	Lump Sum	\$ 953,300.00	\$ 464,268.13	\$ 388,659.25	\$ 100,372.62	Shared cost. Prorate by Percentage of other costs
00225	20	Temporary Protection and Direction of Traffic - Barber	Lump Sum	Lump Sum	All	Lump Sum	\$ 15,000.00		\$ 15,000.00		100% WWSP
00225	21	Temporary Protection and Direction of Traffic - Boeckman	Lump Sum	Lump Sum	All	Lump Sum	\$ 25,000.00	\$ 12,500.00	\$ 12,500.00		Shared Cost. Equal Split - Roadway and WWSP
00225	30	Temporary Signs	Sq. Ft.	Sq. Ft.	910	\$ 15.00	\$ 13,650.00	\$ 6,825.00	\$ 6,825.00		Shared Cost. Equal Split - Roadway and WWSP
00225	30	Temporary Barricades, Type II	Each	Each	6	\$ 50.00	\$ 300.00	\$ 150.00	\$ 150.00		Shared Cost. Equal Split - Roadway and WWSP
00225	40	Temporary Barricades, Type III	Each	Each	12	\$ 150.00	\$ 1,800.00	\$ 900.00	\$ 900.00		Shared Cost. Equal Split - Roadway and WWSP
00225	50	Flaggers - Barber	Hour	Hour	300	\$ 50.00	\$ 15,000.00		\$ 15,000.00		100% WWSP
00225	51	Flaggers - Boeckman	Hour	Hour	100	\$ 50.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00		Shared Cost. Equal Split - Roadway and WWSP
00225	60	BPA Safety Watchers	Hour	Hour	600	\$ 100.00	\$ 60,000.00	\$ 30,000.00	\$ 30,000.00		Shared Cost. Equal Split - Roadway and WWSP
00240	70	Temporary Sanitary Sewer Diversion	Lump Sum	Lump Sum	All	Lump Sum	\$ 20,000.00			\$ 20,000.00	100% Sanitary Sewer. City Cost.
00245	80	Temporary Water Management Facility at Station "K" 19+96	Each	Each	1	\$ 15,000.00	\$ 15,000.00	\$ 7,500.00	\$ 7,500.00		Shared Cost. Equal Split - Roadway and WWSP
00270	90	Temporary Type CL Chain-Link Fence	Ln. Ft.	Ln. Ft.	2800	\$ 9.50	\$ 26,600.00	\$ 13,300.00	\$ 13,300.00		Shared Cost. Equal Split - Roadway and WWSP
00280	100	Erosion Control	Lump Sum	Lump Sum	All	Lump Sum	\$ 16,000.00	\$ 8,000.00	\$ 8,000.00		Shared Cost. Equal Split - Roadway and WWSP
00280	110	Construction Entrance, Type 1	Each	Each	2	\$ 2,000.00	\$ 4,000.00	\$ 2,000.00	\$ 2,000.00		Shared Cost. Equal Split - Roadway and WWSP
00280	120	Check Dam, Type 3	Each	Each	60	\$ 100.00	\$ 6,000.00	\$ 3,000.00	\$ 3,000.00		Shared Cost. Equal Split - Roadway and WWSP
00280	130	Inlet Protection, Type 4	Each	Each	20	\$ 100.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00		Shared Cost. Equal Split - Roadway and WWSP
00280	140	Sediment Barrier, Type 2	Each	Each	7	\$ 50.00	\$ 350.00	\$ 175.00	\$ 175.00		Shared Cost. Equal Split - Roadway and WWSP
00280	150	Sediment Barrier, Type 3	Ln. Ft.	Ln. Ft.	105	\$ 10.00	\$ 1,050.00	\$ 525.00	\$ 525.00		Shared Cost. Equal Split - Roadway and WWSP
00280	160	Compost Filter Berm	Ln. Ft.	Ln. Ft.	5150	\$ 4.00	\$ 20,600.00	\$ 10,300.00	\$ 10,300.00		Shared Cost. Equal Split - Roadway and WWSP
00280	170	Matting Type B	Sq. Yd.	Sq. Yd.	2240	\$ 3.00	\$ 6,720.00	\$ 3,360.00	\$ 3,360.00		Shared Cost. Equal Split - Roadway and WWSP
00290	180	Pollution Control Plan	Lump Sum	Lump Sum	All	Lump Sum	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00		Shared Cost. Equal Split - Roadway and WWSP
ROADWORK											
00305	190	Construction Survey Work - Roadwork and Storm	Lump Sum	Lump Sum	All	Lump Sum	\$ 10,000.00	\$ 10,000.00			100% Roadway Project Cost. Work is road related.
00305	191	Construction Survey Work - Water	Lump Sum	Lump Sum	All	Lump Sum	\$ 5,000.00		\$ 5,000.00		100% WWSP
00305	192	Construction Survey Work - Sewer	Lump Sum	Lump Sum	All	Lump Sum	\$ 3,000.00			\$ 3,000.00	100% Sanitary Sewer. City Cost.
00310	200	Asphalt Pavement Sawcutting	Ft.	Ft.	465.00	\$ 3.00	\$ 1,395.00	\$ 697.50	\$ 697.50		Shared Cost. Equal Split - Roadway and WWSP
310	210	Removal of Structures and Obstructions	Lump Sum	Lump Sum	All	Lump Sum	\$ 10,000.00	\$ 10,000.00			100% Roadway Project Cost. Work is road related.
310	220	Removal of Pipes	Ft.	Ft.	1727	\$ 7.00	\$ 12,089.00	\$ 2,417.80		\$ 9,671.20	Shared Cost. 20% Roadway, 0% WWSP, 80% Sewer
310	230	Removal of Inlets	Each	Each	4	\$ 400.00	\$ 1,600.00	\$ 1,600.00			100% Roadway Project Cost. Work is road related.
310	240	Removal of Manholes	Each	Each	5	\$ 700.00	\$ 3,500.00	\$ 700.00		\$ 2,800.00	Shared Cost. 20% Roadway, 0% WWSP, 80% Sewer
00310	250	Removal and reinstall existing gate	Each	Each	1	\$ 700.00	\$ 700.00	\$ 700.00			100% Roadway Project Cost. Work is road related.

Spec. No.	Item No.	Item	Bid Unit	Est. Unit	Quantity	Unit Price	Total Price	Roadway Project Cost	Waterline TVWD Cost	Sanitary Sewer City Cost	Proposed Cost Share
00330	260	Clearing and Grubbing	Acre	Acre	7.19	\$2,000.00	\$ 14,380.00	\$ 7,190.00	\$ 6,471.00	\$ 719.00	Shared Cost. 50% Roadway, 45% WWSP, 5% sewer
330	270	Overexcavation	Cu. Yd.	Cu. Yd.	8,116	\$ 15.00	\$ 121,740.00	\$ 76,790.00	\$ 44,950.00		Shared Cost. Calculated. See footnote 1
00330	280	Foundation Excavation	Cu Yd	Cu Yd	9,241.0	\$ 15.00	\$ 138,615.00	\$ 138,615.00			100% Roadway Project Cost. Work is road related.
00330	290	Stone Embankment	Cu Yd	Cu Yd	17,357.0	\$ 25.00	\$ 433,925.00	\$ 340,275.00	\$ 93,650.00		Shared Cost. Calculated. See footnote 1
00350	300	Embankment Geotextile	Sq. Yd.	Sq. Yd.	16,798	\$1.00	\$ 16,798.00	\$ 16,798.00			100% Roadway Project Cost. Work is road related.
00350	310	Embankment in Place	Cu. Yd.	Cu. Yd.	24,916	\$12.00	\$ 298,992.00	\$ 298,992.00	\$ -		Revised per OBEC Est.
00390	320	Subgrade Geotextile	Sq. Yd.	Sq. Yd.	14,376	\$1.00	\$ 14,376.00	\$ 14,376.00			100% Roadway Project Cost. Work is road related.
00390	330	Loose Riprap, Class 50	Cu. Yd.	Cu. Yd.	37	\$75.00	\$ 2,775.00	\$ 2,775.00			100% Roadway Project Cost. Work is road related.
DRAINAGE AND SEWERS											
00405	340	Trench Foundation	Cu. Yd.	Cu. Yd.	1270	\$ 56.94	\$ 72,313.80		\$ 72,313.80		100% WWSP. Work is water pipeline related.
00405	350	Dewatering	Lump Sum	Lump Sum	All	\$632,435.00	\$632,435.00		\$474,326.25	\$158,108.75	Shared Cost. 0% Roadway,75% WWSP, 25% sewer
00410	360	6-Inch Service Line Reconnection	Each	Each	1.0	\$1,500.00	\$ 1,500.00			\$ 1,500.00	100% Sanitary Sewer. City Cost.
00445	370	27 Inch Sanitary Sewer Pipe, 10 Ft Depth	Ft.	Ft.	1285.0	\$190.00	\$ 244,150.00			\$ 244,150.00	100% Sanitary Sewer. City Cost.
00445	380	27 Inch Sanitary Sewer Pipe, 20 Ft Depth	Ft.	Ft.	479.0	\$210.00	\$ 100,590.00			\$ 100,590.00	100% Sanitary Sewer. City Cost.
00445	390	30 Inch Sanitary Sewer Pipe, 10 Ft Depth	Ft.	Ft.	551.0	\$240.00	\$ 132,240.00			\$ 132,240.00	100% Sanitary Sewer. City Cost.
00445	400	30 Inch Sanitary Sewer Pipe, 20 Ft Depth	Ft.	Ft.	542.0	\$260.00	\$ 140,920.00			\$ 140,920.00	100% Sanitary Sewer. City Cost.
00445	410	6 Inch Culvert Pipe, 5 Ft Depth	Ft.	Ft.	210.0	\$60.00	\$ 12,600.00	\$ 12,600.00			100% Roadway Project Cost. Work is road related.
00445	420	10 Inch Culvert Pipe, 5 Ft Depth	Ft.	Ft.	402.0	\$75.00	\$ 30,150.00	\$ 30,150.00			100% Roadway Project Cost. Work is road related.
00445	430	12 Inch Culvert Pipe, 5 Ft Depth	Ft.	Ft.	1340.0	\$80.00	\$ 107,200.00	\$ 107,200.00			100% Roadway Project Cost. Work is road related.
00445	440	18 Inch Storm Sewer Pipe, 5 Ft Depth	Ft.	Ft.	78.0	\$75.00	\$ 5,850.00	\$ 5,850.00			100% Roadway Project Cost. Work is road related.
00445	450	24 Inch Culvert Pipe, 5 Ft Depth	Ft.	Ft.	452.0	\$150.00	\$ 67,800.00	\$ 67,800.00			100% Roadway Project Cost. Work is road related.
00445	460	30 Inch Culvert Pipe, 5 Ft Depth	Ft.	Ft.	348.0	\$250.00	\$ 87,000.00	\$ 87,000.00			100% Roadway Project Cost. Work is road related.
00445	470	36 Inch Storm Sewer Pipe, 5 Ft Depth	Ft.	Ft.	78.0	\$300.00	\$ 23,400.00	\$ 23,400.00			100% Roadway Project Cost. Work is road related.
00445	480	Concrete in Blocks	Cu. Yd.	Cu. Yd.	11.0	\$400.00	\$ 4,400.00			\$ 4,400.00	100% Sanitary Sewer. City Cost.
00470	490	Concrete Storm Sewer Manholes	Each	Each	8.0	\$3,500.00	\$ 28,000.00	\$ 28,000.00			100% Roadway Project Cost. Work is road related.
00470	500	Concrete Manholes, Water Quality	Each	Each	1.0	\$9,000.00	\$ 9,000.00	\$ 9,000.00			100% Roadway Project Cost. Work is road related.
00470	510	Concrete Manholes, Large Precast	Each	Each	10.0	\$8,200.00	\$ 82,000.00			\$ 82,000.00	100% Sanitary Sewer. City Cost.
00470	520	Concrete Manholes, Over Existing Sewer, Large	Each	Each	2.0	\$9,600.00	\$ 19,200.00			\$ 19,200.00	100% Sanitary Sewer. City Cost.
00470	530	Concrete Inlets, Type CG-2	Each	Each	1.0	\$1,500.00	\$ 1,500.00	\$ 1,500.00			100% Roadway Project Cost. Work is road related.
00470	540	Concrete Inlets, Type CG-30	Each	Each	9.0	\$1,800.00	\$ 16,200.00	\$ 16,200.00			100% Roadway Project Cost. Work is road related.
00470	550	Concrete Inlets, Type CG-48	Each	Each	4.0	\$3,500.00	\$ 14,000.00	\$ 14,000.00			100% Roadway Project Cost. Work is road related.
00470	560	Concrete Inlets, Type Beehive	Each	Each	8.0	\$1,500.00	\$ 12,000.00	\$ 12,000.00			100% Roadway Project Cost. Work is road related.
00470	570	Concrete Inlets, Swale Inlet	Each	Each	105.0	\$200.00	\$ 21,000.00	\$ 21,000.00			100% Roadway Project Cost. Work is road related.
00490	580	Connect to Existing Structures	Each	Each	1.0	\$1,800.00	\$ 1,800.00	\$ 1,800.00			100% Roadway Project Cost. Work is road related.
00490	590	Filling Abandoned Structures	Each	Each	9	\$1,200.00	\$ 10,800.00			\$ 10,800.00	100% Sanitary Sewer. City Cost.
00490	600	Connect to Existing Structures	Each	Each	1.0	\$500.00	\$ 500.00			\$ 500.00	100% Sanitary Sewer. City Cost.
00495	610	Trench Resurfacing Water Transmission Line Construction, Sta. 161+00 to 163+45 and Sta. 189+80 to 190+60	Sq. Yd.	Sq. Yd.	400	\$ 67.07	\$ 26,828.00		\$ 26,828.00		100% WWSP. Work is water pipeline related.
Kinsman Road Box Culvert (Br #21574)											
00510	620	Structure Excavation	Lump Sum	Cu. Yd.	360.0	\$ 40.00	\$ 14,400.00	\$ 14,400.00			100% Roadway Project Cost. Work is road related.
00509	630	Granular Wall Backfill	Lump Sum	Cu. Yd.	20.0	\$ 100.00	\$ 2,000.00	\$ 2,000.00			100% Roadway Project Cost. Work is road related.

Spec. No.	Item No.	Item	Bid Unit	Est. Unit	Quantity	Unit Price	Total Price	Roadway Project Cost	Waterline TVWD Cost	Sanitary Sewer City Cost	Proposed Cost Share
00510	640	Granular Structure Backfill	Lump Sum	Cu. Yd.	60.0	\$ 80.00	\$ 4,800.00	\$ 4,800.00			100% Roadway Project Cost. Work is road related.
00570	650	Timber and Lumber (for Wildlife Crossing)	MFBM	MFBM	0.2	\$ 10,000.00	\$ 2,200.00	\$ 2,200.00			100% Roadway Project Cost. Work is road related.
00595	660	Reinforced Concrete Box Culverts	Ft	Ft	88.0	\$ 1,500.00	\$ 132,000.00	\$ 132,000.00			100% Roadway Project Cost. Work is road related.
00595	670	Wingwalls and Aprons	Lump Sum	Lump Sum	1.0	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00			100% Roadway Project Cost. Work is road related.
01091	680	Fish Rocks	Lump Sum	Cu. Yd.	100.0	\$ 70.00	\$ 7,000.00	\$ 7,000.00			100% Roadway Project Cost. Work is road related.
Kinsman Road Retaining Wall #21xxx											
00596	690	Cast-in-Place Concrete Gravity Retaining Wall	S.F.	S.F.	725.0	\$ 90.00	\$ 65,250.00	\$ 65,250.00			100% Roadway Project Cost. Work is road related.
BASES											
00640	700	Aggregate Base	Ton	Ton	4618.0	\$ 25.00	\$ 115,450.00	\$ 115,450.00			100% Roadway Project Cost. Work is road related.
WEARING SURFACES											
00744	710	Level 3, 1/2 Inch Dense ACP Mixture in Leveling	Ton	Ton	2420.0	\$ 110.00	\$ 266,200.00	\$ 266,200.00			100% Roadway Project Cost. Work is road related.
00756	720	Plain Concrete Pavement, Dowelled, 11 Inches Thick	Sq. Yd.	Sq. Yd.	12,582	\$90.00	\$ 1,132,380.00	\$ 1,132,380.00			100% Roadway Project Cost. Work is road related.
00759	730	Concrete Curbs, Curb and Gutter	L.F.	L.F.	6,203	\$15.00	\$ 93,045.00	\$ 93,045.00			100% Roadway Project Cost. Work is road related.
00759	740	Concrete Curbs, Low Profile Mountable Curb	L.F.	L.F.	358	\$20.00	\$ 7,160.00	\$ 7,160.00			100% Roadway Project Cost. Work is road related.
00759	750	Non-Mountable Vertical Curb	L.F.	L.F.	254	\$15.00	\$ 3,810.00	\$ 3,810.00			100% Roadway Project Cost. Work is road related.
00759	760	Concrete Walks	Sq. Ft.	Sq. Ft.	43,262	\$5.00	\$ 216,310.00	\$ 216,310.00			100% Roadway Project Cost. Work is road related.
00759	770	Concrete Driveways, Reinforced	Sq. Ft.	Sq. Ft.	4564.0	\$ 9.00	\$ 41,076.00	\$ 41,076.00			100% Roadway Project Cost. Work is road related.
00759	770	4 Inch Concrete Surfacing	Sq. Ft.	Sq. Ft.	1118.0	\$ 8.00	\$ 8,944.00	\$ 8,944.00			100% Roadway Project Cost. Work is road related.
00759	780	6 Inch Concrete Surfacing	Sq. Ft.	Sq. Ft.	4699.0	\$ 10.00	\$ 46,990.00	\$ 46,990.00			100% Roadway Project Cost. Work is road related.
PERMANENT TRAFFIC SAFETY AND GUIDANCE DEVICES											
00855	790	Mono-Directional White Type 1 Markers	Each	Each	30	\$5.00	\$ 150.00	\$ 150.00			100% Roadway Project Cost. Work is road related.
00855	800	Bi-Directional Yellow Type 1 Markers	Each	Each	100	\$5.00	\$ 500.00	\$ 500.00			100% Roadway Project Cost. Work is road related.
00865	810	Thermoplastic, Profile, 120 Mils, Extruded	Ft.	Ft.	18,200	\$1.00	\$ 18,200.00	\$ 18,200.00			100% Roadway Project Cost. Work is road related.
00867	820	Pavement Legend, Type B: Arrows	Each	Each	4	\$250.00	\$ 1,000.00	\$ 1,000.00			100% Roadway Project Cost. Work is road related.
00867	830	Pavement Legend, Type B-HS: Bicycle Lane Stencil	Each	Each	2	\$270.00	\$ 540.00	\$ 540.00			100% Roadway Project Cost. Work is road related.
00867	550	Pavement Legend, Type B-HS: Yield Line Triangle	Each	Each	24	\$40.00	\$ 960.00	\$ 960.00			100% Roadway Project Cost. Work is road related.
00867	840	Pavement Bar, Type B-HS	Sq. Ft.	Sq. Ft.	550.0	\$ 8.00	\$ 4,400.00	\$ 4,400.00			100% Roadway Project Cost. Work is road related.
PERMANENT TRAFFIC CONTROL AND ILLUMINATION SYSTEMS											
00930	850	Perforated Steel Square Tube Anchor Sign Supports	Lump Sum	Lbs.	540	\$5.00	\$ 2,700.00	\$ 2,700.00			100% Roadway Project Cost. Work is road related.
00940	860	Type "G1" Signs in Place	Sq. Ft.	Sq. Ft.	25	\$25.00	\$ 625.00	\$ 625.00			100% Roadway Project Cost. Work is road related.
00940	580	Type "R" Signs in Place	Sq. Ft.	Sq. Ft.	54	\$25.00	\$ 1,350.00	\$ 1,350.00			100% Roadway Project Cost. Work is road related.
00940	870	Type "Y1" Signs in Place	Sq. Ft.	Sq. Ft.	59	\$25.00	\$ 1,475.00	\$ 1,475.00			100% Roadway Project Cost. Work is road related.
00940	880	Type "W1" Signs in Place	Sq. Ft.	Sq. Ft.	39	\$25.00	\$ 975.00	\$ 975.00			100% Roadway Project Cost. Work is road related.
00950	890	Removal of Electrical Systems	Lump Sum	Lump Sum	1	\$7,500.00	\$ 7,500.00	\$ 7,500.00			100% Roadway Project Cost. Work is road related.
00970	900	Pole Foundations	Lump Sum	Lump Sum	1.0	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00			100% Roadway Project Cost. Work is road related.
00970	910	Lighting Poles, Fixed Base	Lump Sum	Lump Sum	1.0	\$ 29,500.00	\$ 29,500.00	\$ 29,500.00			100% Roadway Project Cost. Work is road related.
00970	630	Lighting Pole Arms	Lump Sum	Lump Sum	1.0	\$ 10,500.00	\$ 10,500.00	\$ 10,500.00			100% Roadway Project Cost. Work is road related.
00970	920	Luminaires, Lamps, and Ballasts	Lump Sum	Lump Sum	1.0	\$ 16,500.00	\$ 16,500.00	\$ 16,500.00			100% Roadway Project Cost. Work is road related.
00970	930	Switching, Conduit, and Wiring	Lump Sum	Lump Sum	1.0	\$ 97,500.00	\$ 97,500.00	\$ 97,500.00			100% Roadway Project Cost. Work is road related.

Spec. No.	Item No.	Item	Bid Unit	Est. Unit	Quantity	Unit Price	Total Price	Roadway Project Cost	Waterline TVWD Cost	Sanitary Sewer City Cost	Proposed Cost Share	
RIGHT OF WAY DEVELOPMENT AND CONTROL												
01012	940	Water Quality Swale, WQ1	Lump Sum	Lump Sum	1.0	\$6,200.00	\$ 6,200.00	\$ 6,200.00			100% Roadway Project Cost. Work is road related.	
01012	950	Water Quality Swale, WQ2	Lump Sum	Lump Sum	1.0	\$2,200.00	\$ 2,200.00	\$ 2,200.00			100% Roadway Project Cost. Work is road related.	
01012	960	Water Quality Swale, WQ3	Lump Sum	Lump Sum	1.0	\$14,700.00	\$ 14,700.00	\$ 14,700.00			100% Roadway Project Cost. Work is road related.	
01012	970	Water Quality Swale, WQ4	Lump Sum	Lump Sum	1.0	\$2,200.00	\$ 2,200.00	\$ 2,200.00			100% Roadway Project Cost. Work is road related.	
01012	980	Water Quality Swale, WQ5	Lump Sum	Lump Sum	1.0	\$7,500.00	\$ 7,500.00	\$ 7,500.00			100% Roadway Project Cost. Work is road related.	
01012	990	Water Quality Swale, WQ6	Lump Sum	Lump Sum	1.0	\$21,400.00	\$ 21,400.00	\$ 21,400.00			100% Roadway Project Cost. Work is road related.	
01012	1000	Water Quality Swale, WQ7	Lump Sum	Lump Sum	1.0	\$5,600.00	\$ 5,600.00	\$ 5,600.00			100% Roadway Project Cost. Work is road related.	
01012	1010	Water Quality Swale, WQ8	Lump Sum	Lump Sum	1.0	\$6,500.00	\$ 6,500.00	\$ 6,500.00			100% Roadway Project Cost. Work is road related.	
01012	1020	Water Quality Swale, WQ9	Lump Sum	Lump Sum	1.0	\$7,900.00	\$ 7,900.00	\$ 7,900.00			100% Roadway Project Cost. Work is road related.	
01030	1030	Permanent Seeding	Acre	Acre	1.3	\$2,200.00	\$ 2,750.00	\$ 2,750.00			100% Roadway Project Cost. Work is road related.	
01030	1040	Water Quality Seeding	Acre	Acre	0.3	\$4,800.00	\$ 1,488.00	\$ 1,488.00			100% Roadway Project Cost. Work is road related.	
01030	1050	Native Plant Seeding	Acre	Acre	1.2	\$4,800.00	\$ 5,952.00	\$ 5,952.00			100% Roadway Project Cost. Work is road related.	
01040	1060	Soil Testing	Each	Each	4.0	\$500.00	\$ 2,000.00	\$ 2,000.00			100% Roadway Project Cost. Work is road related.	
01040	1070	Water Quality Mixture	Cu. Yd.	Cu. Yd.	1150.0	\$50.00	\$ 57,500.00	\$ 57,500.00			100% Roadway Project Cost. Work is road related.	
01040	1080	Conifer Trees, 4 Ft. Height	Each	Each	29.0	\$115.00	\$ 3,335.00	\$ 3,335.00			100% Roadway Project Cost. Work is road related.	
01040	1090	Deciduous Trees, 2 Inch Caliper	Each	Each	103.0	\$250.00	\$ 25,750.00	\$ 25,750.00			100% Roadway Project Cost. Work is road related.	
01040	1100	Deciduous Trees, 2 Inch Caliper	Each	Each	266.0	\$75.00	\$ 19,950.00	\$ 19,950.00			100% Roadway Project Cost. Work is road related.	
01040	1110	Shrubs, No. 1 Container	Each	Each	2300.0	\$7.00	\$ 16,100.00	\$ 16,100.00			100% Roadway Project Cost. Work is road related.	
01040	1120	Shrubs, No. 3 Container	Each	Each	60.0	\$18.00	\$ 1,080.00	\$ 1,080.00			100% Roadway Project Cost. Work is road related.	
01040	1130	Groundcovers, No. 1 Container	Each	Each	425.0	\$7.25	\$ 3,081.25	\$ 3,081.25			100% Roadway Project Cost. Work is road related.	
01040	1140	Rooted Plant Cuttings	Each	Each	100.0	\$3.50	\$ 350.00	\$ 350.00			100% Roadway Project Cost. Work is road related.	
01040	1150	Wetland Plants, Plugs	Each	Each	4950.0	\$2.25	\$ 11,137.50	\$ 11,137.50			100% Roadway Project Cost. Work is road related.	
01040	1160	Bark Mulch	Cu. Yd.	Cu. Yd.	130.0	\$35.00	\$ 4,550.00	\$ 4,550.00			100% Roadway Project Cost. Work is road related.	
01040	1170	Root Barrier	Ft.	Ft.	3560.0	\$8.50	\$ 30,260.00	\$ 30,260.00			100% Roadway Project Cost. Work is road related.	
01050	1180	CL-6 Black Vinyl Coated Chain Link Fence with Black Posts and Hardware	Ft.	Ft.	4900.0	\$18.00	\$ 88,200.00	\$ 88,200.00			100% Roadway Project Cost. Work is road related.	
01050	1190	24 Foot x 72 Inch Chain-Link Double Gates	Each	Each	4.0	\$1,800.00	\$ 7,200.00	\$ 7,200.00			100% Roadway Project Cost. Work is road related.	
01050	1200	40 Foot x 72 Inch Chain-Link Double Gates	Each	Each	4.0	\$1,800.00	\$ 7,200.00	\$ 7,200.00			100% Roadway Project Cost. Work is road related.	
WATER SUPPLY SYSTEMS												
01120	1210	Irrigation System	Lump Sum	Lump Sum	1.0	\$60,000.00	\$ 60,000.00	\$ 60,000.00			100% Roadway Project Cost. Work is road related.	
01145	1220	66-inch Nom ID, 0.375 inch wall thickness MLPCSP Water Transmission Line Trench Section A	Ln. Ft.	Ln. Ft.	2,961	\$ 777.94	\$ 2,303,480.34		\$ 2,303,480.34		100% WWSP. Work is water pipeline related.	
01150	1230	Blow-off Assembly for Water Transmission Line	Each	Each	2	\$ 56,110.26	\$ 112,220.52		\$ 112,220.52		100% WWSP. Work is water pipeline related.	
01145	1240	24 inch Buried Access Manway For Water Transmission Line	Each	Each	2	\$ 13,237.01	\$ 26,474.02		\$ 26,474.02		100% WWSP. Work is water pipeline related.	
01145	1250	Pressure Test, Clean, and Drain Water From Water Transmission Pipeline	Lump Sum	Lump Sum	All	\$ 20,514.85	\$ 20,514.85		\$ 20,514.85		100% WWSP. Work is water pipeline related.	
01149	1260	78-inch min ID Steel Casing and Appurtenances	Ln. Ft.	Ln. Ft.	30	\$ 2,188.87	\$ 65,666.10		\$ 65,666.10		100% WWSP. Work is water pipeline related.	
01145	1270	Access Vault with Manway and Temporary Air Valve	Each	Each	1	\$ 49,129.03	\$ 49,129.03		\$ 49,129.03		100% WWSP. Work is water pipeline related.	
01150	1280	Air Valve Assembly For Water Transmission Line	Each	Each	1	\$ 62,735.72	\$ 62,735.72		\$ 62,735.72		100% WWSP. Work is water pipeline related.	
01180	1290	Cathodic Protection System for Water Transmission Pipeline	Lump Sum	Lump Sum	All	\$ 104,439.59	\$ 104,439.59		\$ 104,439.59		100% WWSP. Work is water pipeline related.	
SUBTOTAL WITHOUT MOBILIZATION								\$ 8,838,466	\$ 4,304,435	\$ 3,603,432	\$ 930,599	\$8,838,466

Spec. No.	Item No.	Item	Bid Unit	Est. Unit	Quantity	Unit Price	Total Price	Roadway Project Cost	Waterline TVWD Cost	Sanitary Sewer City Cost	Proposed Cost Share
		Calculated Mobilization (item 10)					\$ 953,300	\$ 464,268	\$ 388,659	\$ 100,373	\$953,300
		SUBTOTAL OF ITEMS:					\$ 9,791,766	\$ 4,768,703	\$ 3,992,091	\$ 1,030,972	\$9,791,766
		Contingencies @ 5%:					\$ 489,588	\$ 238,435	\$ 199,605	\$ 51,549	\$489,589
		Construction Engineering @ 15%:					\$ 1,468,765	\$ 715,305	\$ 598,814	\$ 154,646	\$1,468,765
		TOTAL CONSTRUCTION ESTIMATE (rounded):					\$ 11,750,100	\$ 5,722,400	\$ 4,790,500	\$ 1,237,200	\$11,750,120
								ROAD	WATER	SEWER	

Footnotes

- Including the WWSP pipe in the project changed the methodology for consolidating weak soils under the street section. The WWSP cost share for overexcavation and embankment is calculated as the "extra" cost compared to a calculated pre-load/consolidation cost that would have otherwise applied to the project if the WWSP pipe did not exist. Subject to final True Up, the calculated pre load cost (all Wilsonville) = 15,500 CY X (Unit Rate for Embankment (\$12 for this estimate)) = \$186,000. Subject to final True Up, the calculated total cost for 8116 CY of overexcavation and corresponding stone embankment fill = 8116 x (overexcavation unit cost (\$15)+ stone embankment unit cost (\$25)) = \$324,640. Subject to final True Up, the Calculated WWSP Cost Share = \$324,640 - \$186,000 = \$138,600. For calculation purposes, the WWSP allocation to the Overexcavation line item and Stone Embankment line item are input as fixed dollar amounts (\$44,950 and \$93,650 respectively), with the remainder (Road/Wilsonville) cost calculated as the difference between the total and the WWSP allocation.
- Dewatering costs apply only to the water line and sewer line construction. No dewatering costs are assumed for the road project, due to the elevated grade (above existing grade) of the majority of the road construction. Agreed-to cost split percentages are based on estimate by CH2M.



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: March 7, 2016</p>	<p>Subject: Resolution No. 2571 Approving Accord Agreement for the development of Regional Park 5 (Trocahero Park) with Polygon NW LLC</p> <p>Staff Member: Michael Kohlhoff Department: Legal</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda</p>	<p><input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable</p> <p>Comments:</p>	
<p>Staff Recommendation: City Council and URA Board approve applicable Resolution.</p>		
<p>Recommended Language for Motion: For the Council meeting: I move to approve Resolution No. 2571. For the URA meeting: I move to approve URA Resolution No. 263.</p>		
<p>Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i></p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input checked="" type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Whether to approve an agreement that will permit the construction of Regional Park 5 (Trocahero Park) in Villebois.

EXECUTIVE SUMMARY:

The Accord Agreement sets forth the terms and conditions applicable to the City, the URA, and Polygon for the construction of, and payment for the construction of, Regional Park 5 (RP 5) in

Villebois. Originally, Addendum 5 to the 2004 Development Agreement with Villebois Village LLC addressed the proportionality splits for various infrastructure projects associated with some of the Tonquin Woods subdivisions in Villebois. At the time of Addendum 5, the URA owned land that would be part of RP 5, as did the Chang family, some of whom lived in China. The Chang land also was outside the City and, rather than go through a county partition, it was determined to reach an accord later on the development of RP 5, after an easement could be obtained from the Chang family for park use on the needed portion of land. An easement now has been obtained. The Changs then decided to annex their property into the City, which has now been accomplished. Additionally, the URA portion has been sold to Polygon through a Purchase and Sale Agreement, all contingencies have been satisfied, and it is set to close on or before March 9, 2016. The design and development of RP 5 have been approved through the Design Review Board process, together with the approval of a subdivision for the rest of the site the URA sold to Polygon. The current estimate for the Park is \$748,322. The City's share is 61% of the hard costs as a regional park, and Polygon's is 39% under *Dolan* rough proportionality standards, which the parties have agreed. The City also has a standard reimbursement of 29% of construction costs for permits and soft costs. The City's total share is estimated at \$474,464. The Park SDCs from the contributing subdivision lots set forth in the agreement will provide funds in excess of the capped costs. The URA will not be contributing funds to this because of the above-mentioned sale to Polygon, but as a participant in the Addendum 5 determination to go forward with an accord agreement, and to record that it is no longer fiscally responsible for the park's development; the URA is a party to the Accord Agreement.

EXPECTED RESULTS:

Development of quality infrastructure for the subdivision and for the City, which, in turn promotes the economic development goals of the City, the URA, and the property owner/developer.

TIMELINE:

RP 5 is scheduled to be substantially completed by Polygon on or before December 31, 2016. Polygon has 60 days to submit for reimbursement after substantial completion, and the City has 60 days to review the submitted costs and to make payment, assuming no cost disputes.

CURRENT YEAR BUDGET IMPACTS:

None. Reimbursement will be in the next fiscal year.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: ___SCole_____ Date: ___2/2616_____

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: February 24, 2016
Author of the report.

COMMUNITY INVOLVEMENT PROCESS:

Design approval has gone through a public hearing process. The Accord Agreement is being adopted at a public hearing of the City Council and is available to the public to review.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups):

Adds a regional park for the community, in keeping with community expectations and the Villebois Master Plan.

ALTERNATIVES:

Since this satisfies a contractual obligation under Addendum 5, there are no good alternatives and litigation could otherwise result.

CITY MANAGER COMMENT:

ATTACHMENTS:

- A. Resolution No. 2571
- B. Accord Agreement for Regional Park 5

RESOLUTION NO. 2571

A RESOLUTION OF THE CITY OF WILSONVILLE APPROVING AN ACCORD AGREEMENT FOR REGIONAL PARK 5 BETWEEN THE CITY OF WILSONVILLE, THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE, AND POLYGON NORTHWEST COMPANY, LLC

WHEREAS, the City of Wilsonville ("City"), the Urban Renewal Agency of the City of Wilsonville ("URA"), and Polygon Northwest LLC ("Polygon") entered into Addendum 5 to the 2004 Development Agreement with Villebois LLC, and as part of Addendum 5, agreed to enter into an accord agreement to construct Regional Park 5 (RP 5), which has been named and is known as "Trocadero Park"; and

WHEREAS, the parties now desire to enter into the Accord Agreement for Regional Park 5, a copy of which is marked **Exhibit A**, attached hereto, and incorporated by reference as if fully set forth herein, which establishes the roles and responsibilities between the City and Polygon NW for the development of the park, and that the URA has no financial responsibility for the park's development as it has sold to Polygon its interest in lands that would have contributed, in part, to the park's development.

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

1. The above recitals are incorporated herein.
2. City Council hereby authorizes the City Manager to enter into the Accord Agreement for Regional Park 5, in substantially the form of **Exhibit A**, attached hereto and incorporated by reference herein, with final approval as to form by the Special Projects City Attorney.
2. This Resolution becomes effective upon the date of adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 7th day of March, 2016, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Lehan
Councilor Fitzgerald
Councilor Stevens

Attachments: Exhibit A: Accord Agreement for Regional Park 5

**ACCORD AGREEMENT FOR REGIONAL PARK 5 BETWEEN
THE CITY OF WILSONVILLE, THE URBAN RENEWAL AGENCY,
AND POLYGON NORTHWEST COMPANY, LLC**

WHEREAS, the Development Agreement of May 24, 2004, between the City of Wilsonville (City), the Urban Renewal Agency of the City of Wilsonville (URA), and Villebois LLC, et al. (Developer), was amended by Addendum No. 5 to the Development Agreement, which applied only to the City, the URA, and Polygon Northwest Company L.L.C. (Polygon), and which provides as follows:

“6. Regional Park 5

Regional Park 5 is currently located on land owned by the URA, Polygon, and the Chang family. The Chang family doesn't currently desire to develop their property, but has recently expressed an interest in the park's development going forward and discussing their involvement going forward. The park facilities and their location are conceptual under the Park Technical Plan to the Villebois Master Plan. The URA, the City, and Polygon see mutual public and private benefit and cost savings if the park could be graded at the time Polygon advances the grading of its adjoining property and if the restroom facilities and major park amenity facilities be relocated on the URA and Polygon properties. The parcels owned by the URA and the Chang family are not currently within the City and, unless annexed, are subject to County partitioning regulations. Time is needed to reach an accord on the various issues. Therefore, the parties agree to negotiate in good faith to reach an accord by a target date of December 1, 2014. Some of the issues to be determined are cost share responsibility, location of facilities, design of the park, maintenance, and annexation or other means to allow park development, such as easements. Polygon agrees to dedicate land for Regional Park 5 as required by its conditions to approval and as shown on **Exhibit 11.**” (Exhibit 11 omitted.); and

WHEREAS, the term “Polygon” in Addendum 5 and in this Accord Agreement refers to Polygon Northwest Company, L.L.C., Polygon at Villebois III, L.L.C., Polygon WLH LLC, or other affiliates of Polygon Northwest Company, L.L.C., as the context requires; and

WHEREAS, since the parties were in good faith making progress in reaching an accord and there were several items identified in the above Section 6, Regional Park 5 (RP 5), of Addendum 5 that would need a longer time period to accomplish than the target date of December 1, 2014; therefore, it was orally agreed to extend the date to the spring/summer of 2016; and

WHEREAS, the Chang family has executed an easement for the purposes of constructing RP 5 over the portions of lands it owns, with certain conditions the parties hereto are in agreement with, and which easement has been recorded in Clackamas County Deed Records, No. _____, on _____, 2016; and

WHEREAS, the Chang family has further caused their property, including that over which they provided the aforementioned easement, to be annexed into the City of Wilsonville, thereby eliminating the need for partitioning under Clackamas County regulations; and

WHEREAS, Polygon has secured development permits for Villebois Tonquin Woods Phases 4 and 5 (73 lots), for Villebois Tonquin Woods Phases 6 and 7 (42 lots), and has received approval for the design and development of RP 5, which has been named Trocadero Park, but shall be referred to herein as RP 5. A copy of the approved site plan for RP 5 is marked **Exhibit 1**, attached hereto and incorporated by reference as if fully set forth herein; and

WHEREAS, the aforementioned Addendum 5 also provides for a sharing of costs for the development of Regional Park 4 (RP 4) and to reimburse a portion of Parks SDC charges as creditable from lot development of Villebois Tonquin Woods Phases 4, 5, 6, and 7, up to a capped amount of \$313,920; and

WHEREAS, Polygon has entered into a Purchase and Sale Agreement with the URA to purchase an approximately 10-acre site, commonly referred to as the old school site, which site encompassed the City's portion of the site for RP 5. The purchase and sale is set to close no later than May 9, 2016, at which time Polygon will have acquired the City's portion of RP 5; and

WHEREAS, Polygon has a development application to develop the old school site and an adjacent site, formerly owned by the Nims family, together with an annexation request for the Nims' property, with the two properties totaling 63 lots and to be known together as Calais East, which is recommended for approval / has been approved with conditions to participate in the development of RP 5, at the February 8, 2016 Development Review Board; and

WHEREAS, Polygon has further advised it will be seeking subdivision approval for Tonquin Woods, Phase 9, consisting of 12 lots, which will be part of the HOA to maintain RP 5 and whose lots will also be subject to Parks SDCs; and

WHEREAS, Polygon, through its ownership, its purchase agreement with the URA, and the Changs' easement, is or will be in control of all the parcel tracts necessary to construct RP 5 and intends to do so in the summer of 2016, subject to the provisions of this Accord Agreement; and

WHEREAS, the legal description for the Polygon parcel is marked as **Exhibit 2**, the legal description of the URA parcel Polygon is purchasing is marked as **Exhibit 3**, the easement the Changs have provided is over two tax lots and is marked as **Exhibits 4 and 5**, and Exhibits 2 through 5 are attached hereto and incorporated by reference as if fully set forth herein.

NOW, THEREFORE, based on the consideration and mutual agreements set forth herein, the parties agree as follows:

1. The above recitals are incorporated as if fully set forth herein, representing the parties' understanding and intent upon which this Accord Agreement is premised.
2. The parties acknowledge that when Polygon acquires the school site and the Nims property, Polygon will undertake the responsibility of constructing Regional Park 5, as shown in **Exhibit 1**

and described in **Exhibits 2 - 5**, incorporated by reference herein, and the following terms and conditions are agreed to:

2.1. Construction of RP 5.

2.1.1. Current Estimate To Be Used. Polygon estimates the hard cost of construction of RP 5 to be \$627,265, which the City shall review and determine reasonableness in accordance with Section 2.4.3, below. See estimates set forth in **Exhibit 6**, attached hereto and incorporated by reference herein. Out of this estimated amount, the City's estimated share for hard construction cost for extra capacity is \$382,632, together with 24% for soft costs (\$91,832), as set forth in Section 2.4.1 below, which total is \$474,464. Polygon's per lot Parks SDC charge shall be collected at the time a building permit for a lot is pulled from Tonquin Woods 4-7 and 9, and Calais East. Polygon shall be reimbursed by the City once the amount of Parks SDCs paid for each building permit collectively reaches the \$474,464 amount, plus such amount as may be creditable against RP 4, which is capped at \$313,920. If, for any reasons, sufficient Parks SDC funds are not collected from the aforementioned lot developments to fund the City's share, the City is still obligated to reimburse Polygon upon completion of RP 5, as set forth in Section 2.2.1, below. The current estimate of costs, as set forth in the above-referenced Addendum 5, is greater than in the park cost exhibits to the 2004 Villebois Development Agreement, as amended by Addendum 2 to that Agreement. The current estimate shall be applicable and prevail over those in the 2004 Villebois Development Agreement. However, the original proportions for sharing the costs are maintained and are reflected in the above allocation of costs, wherein 61% of the cost is reimbursable and 39% is to be paid by Polygon.

2.1.2. Completion. Polygon will complete substantial construction of RP 5 by December 31, 2016.

2.1.3. Bonds and Insurance. Polygon, or its contractor, shall supply payment and performance bonds, in a form acceptable to the City, in the full amount of the contract price for RP 5. Polygon shall cause the City to be named as an additional insured on the applicable contractor's insurance policy for the construction of RP 5, in amounts and coverages satisfactory to the City.

2.1.4. Rough Proportionality. All parties agree that the proportionate share of the costs for RP 5 allocated above to each party is roughly proportionate to the aforementioned lot developments and meets the *Dolan v. City of Tigard* test.

2.2. Reimbursement to Polygon Upon Final Completion. Within 60 days of final completion of RP 5, including all punch list items, Polygon will provide the City with detailed invoices for the work performed, documenting the full amount it wishes to be reimbursed by the City. Upon receipt and approval by the City of such documentation (such approval not to be unreasonably withheld or delayed beyond 60 days of receipt without written notice to Polygon of good reason by the City), the City shall pay Polygon the City's share as set forth above. All of the parties acknowledge that the costs set forth in this Accord Agreement are estimates only and that the final costs and respective share of RP 5 may vary based on final

design approved and actual construction costs, to be reviewed and approved, in writing, by the City. Polygon will consult with the City on any change order over \$20,000. Additional reimbursement of any RP 5 costs shall not exceed a true up final hard construction cost of \$689,992, unless City approval is first obtained, which approval may be granted or denied in the City's sole discretion. If denied by the City, costs above the \$689,992 amount shall be paid by Polygon. Therefore, a true up of each party's share of actual hard costs will occur upon completion and submittal of detailed cost receipts by Polygon in proportion, totaling the contributions outlined above, with the City contribution being 61% and Polygon contributing 39%. Thus, the 61% City share would be capped at \$420,895, together with 24% for soft costs (\$101,015), for a total of \$521,910, unless otherwise agreed to by the City.

2.3. Maintenance of Regional Park 5 and Subsequent Dedication to the City. The provisions regarding maintenance and dedication by Polygon of RP 5 to the City shall remain as set forth in the 2004 Villebois Development Agreement and Contract Addendum No. 1 thereto. Polygon shall assume maintenance responsibility of RP 5, which Polygon is permitted to delegate to its homeowners' association. This obligation shall run with the land and shall be binding upon the successors and assigns of Polygon and will expire five (5) years after the date of final acceptance of the RP 5 improvements by the City, subject to an inspection at the end of the five years to ensure RP 5 has been properly maintained, and if it has not been properly maintained, then the necessary maintenance and repair must occur before the City will accept RP 5 for maintenance. Polygon will enter into a separate recorded Operations and Maintenance Agreement with the City and will repair and maintain RP 5 for a period of five (5) years from the date of final acceptance of the RP 5 improvements by the City, in accordance with the above. After construction of RP 5 and being reimbursed as set forth herein, Polygon shall dedicate any and all of its ownership interest in RP 5 to the City, including but not limited to any interests in the Chang easement described above.

2.4. SDC Credit and Reimbursement Calculations.

2.4.1. Included Costs. The standards for calculating the costs of constructing infrastructure, including both soft and hard construction costs, are standards known to the City and Polygon and have been used for the calculations herein, against which SDC credits are calculated and reimbursement provided. Soft costs incurred in connection with the improvements described in this Accord Agreement are included in SDC credits. Polygon shall be treated equitably and consistently with the other developers receiving SDC credits in Villebois, and such soft costs for the purposes of SDC credits shall be calculated as a percentage of construction costs as follows: Design, Engineering, and Surveying, 10%; City Permit Fee, 7%; Geotechnical Inspection, 2%; and Construction Management, 5%, for a total of 24% of construction costs. The 2004 Villebois Development Agreement addresses the respective SDC and SDC credit calculations and is to be followed, except as may otherwise be specifically set forth in this Accord Agreement.

2.4.2. Excluded Costs. The parties to this Accord Agreement agree that the various infrastructure costs and SDC credit calculations shall not include the cost of any property or any easement, right of entry, or license for any property necessary to be dedicated to or otherwise transferred by any of the respective parties to this Accord Agreement to the

City for RP 5 and its infrastructure improvements provided for in this Accord Agreement and any such dedication or transfer shall be provided to the City without cost to the City.

2.4.3. Final Estimates and True Up. In order to secure a Public Works permit for RP 5, plans for the construction of RP 5 must be provided to and approved by the City. In constructing RP 5, the approved plans must be followed and, to ensure the cost for providing RP 5 is reasonable, and thus any credit entitlement is reasonable, Polygon shall provide the construction contract costs for RP 5 to the City as the final estimate for the City's review and approval, which approval shall not be unreasonably withheld. The final cost, SDC credits, and reimbursements shall be based on actual costs trued up from the construction contract costs; provided, however, that for any such true-up change cost, the parties must mutually agree they are reasonable.

2.5. Miscellaneous. This Accord Agreement is intended to implement Section 6 of Addendum 5 to the 2004 Villebois Development Agreement, as previously amended.

2.6. Assignment. Polygon shall have the right to assign, without release, this Accord Agreement to an affiliate of Polygon, including Polygon at Villebois, L.L.C. An affiliate of Polygon is defined as any entity that is managed or controlled by the same people who manage Polygon.

2.7. SDC Adjustments. All references to SDCs in this Accord Agreement are references to system development charges established for the 2015-2016 fiscal year. However, those charges are subject to adjustment on an annual, fiscal year, basis proportionate to the changes in the Seattle Engineering Record's published construction cost index in May of each year, and such adjusted SDC charges in effect at the time a building permit for a lot is pulled shall be the charges applied and collected.

2.8. Legal Action/Attorney Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If the City is required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

2.9. Notices. All notices, demands, consents, approvals, and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States Mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail, or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall

also be sent by telecopy or fax machine, such notice shall be deemed given at the time and on the date of machine transmittal.

To City: Barbara A. Jacobson
City Attorney
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville OR 97070

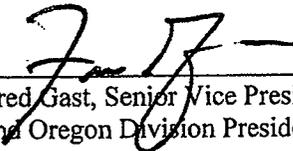
To Polygon: Polygon Northwest Company, L.L.C.
Attn: Fred Gast
109 E. 13th Street
Vancouver WA 98660

with a copy to: Radler White Parks & Alexander LLP
Attn: Barbara Radler
111 SW Columbia Street, Suite 1100
Portland, OR 97201

IN WITNESS WHEREOF, the parties have hereunto set their hands effective as of the _____ day of _____, 2016.

POLYGON NORTHWEST COMPANY, L.L.C.,
a Washington limited liability company

By: Polygon WLH LLC,
a Delaware limited liability company,
Its Sole Member

By: 
Fred Gast, Senior Vice President
and Oregon Division President

CITY OF WILSONVILLE,
an Oregon municipal corporation

APPROVED AS TO FORM:

By: _____
Bryan Cosgrove, City Manager

Michael E. Kohlhoff, OSB #690940
Special Projects City Attorney

THE URBAN RENEWAL AGENCY OF THE
CITY OF WILSONVILLE

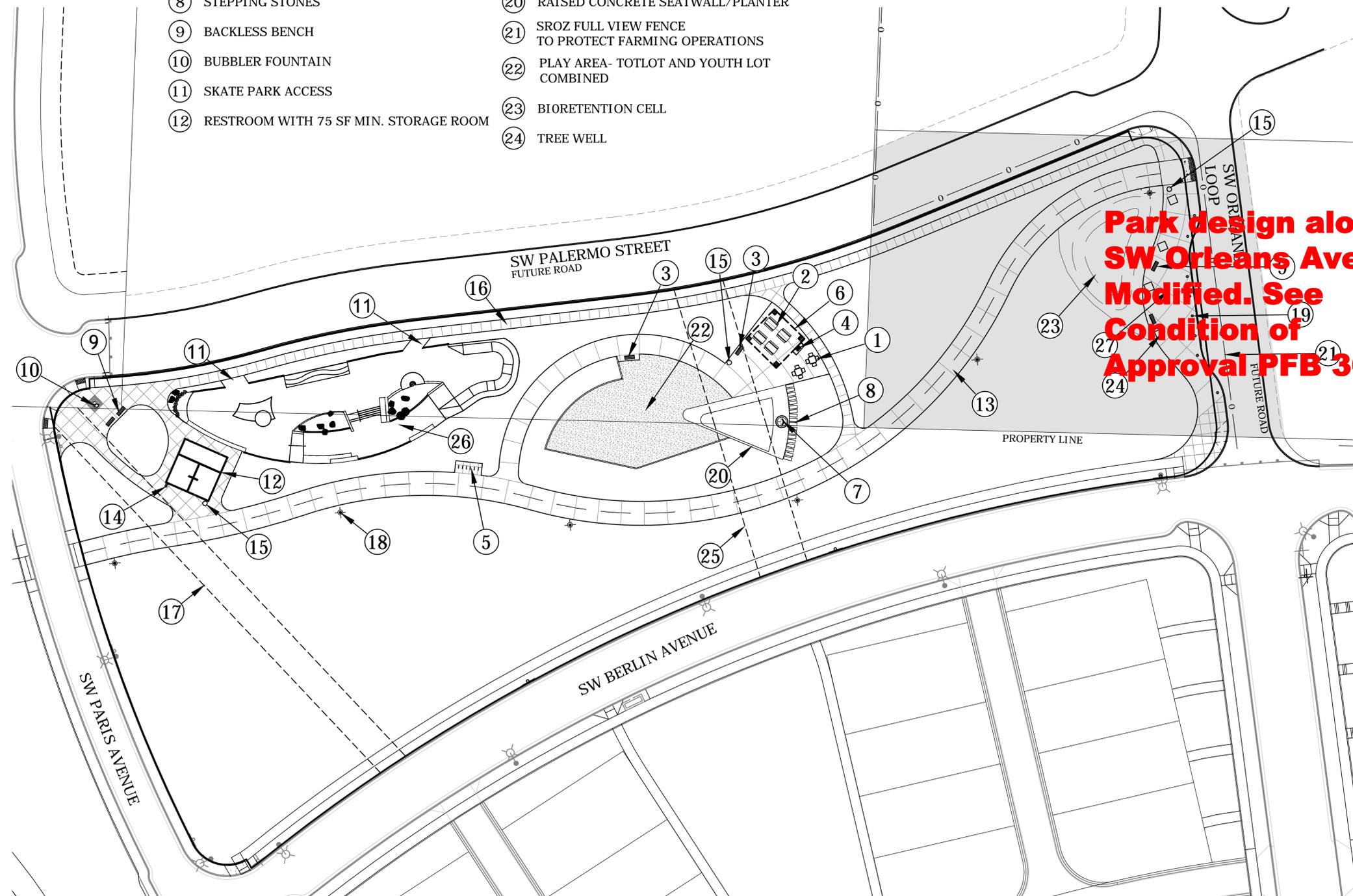
By: _____
Bryan Cosgrove, Executive Director

LEGEND

- | | | |
|---|--|--|
| ① PEDESTAL TABLE | ⑬ TONQUIN REGIONAL TRAIL | ⑳ EXISTING WATER PIPE LINE EASMENT |
| ② PICNIC TABLE | ⑭ JUG FILLER | ㉑ SKATE PARK- SEE L1.02 FOR DETAIL |
| ③ BENCH | ⑮ TRASH RECEPTACLE | ㉒ TRANSIT STOP |
| ④ GAS GRILL | ⑯ SIDEWALK | |
| ⑤ BIKE RACK WITH 12 SPACES | ⑰ EXISTING STORM DRAIN EASEMENT | |
| ⑥ SHELTER | ⑱ PEDESTRIAN POLE LIGHT | NOTE:
SEE DRAWING L3.01 AND L3.02 FOR DETAILS |
| ⑦ URBAN INLAY - MT. HOOD DIRECTIONAL | ⑲ URBAN BOLLARD | |
| ⑧ STEPPING STONES | ㉀ RAISED CONCRETE SEATWALL/PLANTER | |
| ⑨ BACKLESS BENCH | ㉁ SROZ FULL VIEW FENCE TO PROTECT FARMING OPERATIONS | |
| ⑩ BUBBLER FOUNTAIN | ㉂ PLAY AREA- TOTLOT AND YOUTH LOT COMBINED | |
| ⑪ SKATE PARK ACCESS | ㉃ BIORETENTION CELL | |
| ⑫ RESTROOM WITH 75 SF MIN. STORAGE ROOM | ㉄ TREE WELL | |



COUNTY JURISDICTION INCLUDED FOR REFERENCE



Park design along SW Orleans Avenue Modified. See Condition of Approval PFB 36

① TROCADERO PARK LAYOUT PLAN



SCALE
0 15 30
1 INCH = 30 FEET



Villebois



POLYGON NW COMPANY



PDP/FDP
VILLEBOIS

TROCADERO PARK

Preliminary
Development Plan
&
Final Development
Plan

LAYOUT
PLAN

DATE 7/15/15

L1.01



LEGAL DESCRIPTION
Park Easement
RP5 Park
Map 3S1W15AB Tax Lot 542

An easement over the entirety of Tract "EEE", plat of "Tonquin Woods at Villebois No. 6", Clackamas County Plat Records, in the Northwest and Northeast Quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the Northwest corner of said Tract "EEE";

thence along the northerly line of said Tract "EEE", South 88° 34'09" East, a distance of 589.08 feet to the Northeast corner of said Tract "EEE";

thence along the southerly line of said Tract "EEE" for the following 7 courses:

along a 24.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North 81°09'08" West, arc length of 31.12 feet, central angle of 74°17'43", chord distance of 28.99 feet, and chord bearing of South 45°59'44" West to a point of reverse curvature,

along a 913.00 foot radius reverse curve to the left, arc length of 509.36 feet, central angle of 31°57'55", chord distance of 502.78 feet, and chord bearing of South 67°09'38" West to an angle point,

along a 24.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North 39°24'50" West, arc length of 3.66 feet, central angle of 08°44'15", chord distance of 3.66 feet, and chord bearing of South 54°57'18" West to an angle point,

North 30°41'50" West, a distance of 5.00 feet to an angle point,

along a 19.00 foot radius non-tangential curve, concave northerly, with a radius point bearing North 30°41'50" West, arc length of 31.13 feet, central angle of 93°52'11", chord distance of 27.76 feet, and chord bearing of North 73°45'45" West to a point of compound curvature,

along a 763.00 foot radius compound curve to the right, arc length of 181.84 feet, central angle of 13°39'16", chord distance of 181.41 feet, and chord bearing of North 20°00'01" West to a point of compound curvature,



along a 1136.00 foot radius compound curve to the right, arc length of 50.67 feet, central angle of $02^{\circ}33'19''$, chord distance of 50.66 feet, and chord bearing of North $11^{\circ}53'43''$ West to the POINT OF BEGINNING.

Containing 1.43 acres, more or less.

Basis of bearings being plat of "Tonquin Woods at Villebois No. 6", Clackamas County Plat Records.

Property Vested in:

Polygon at Villebois III, L.L.C.

Map 3S1W15AB Tax Lot 542

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

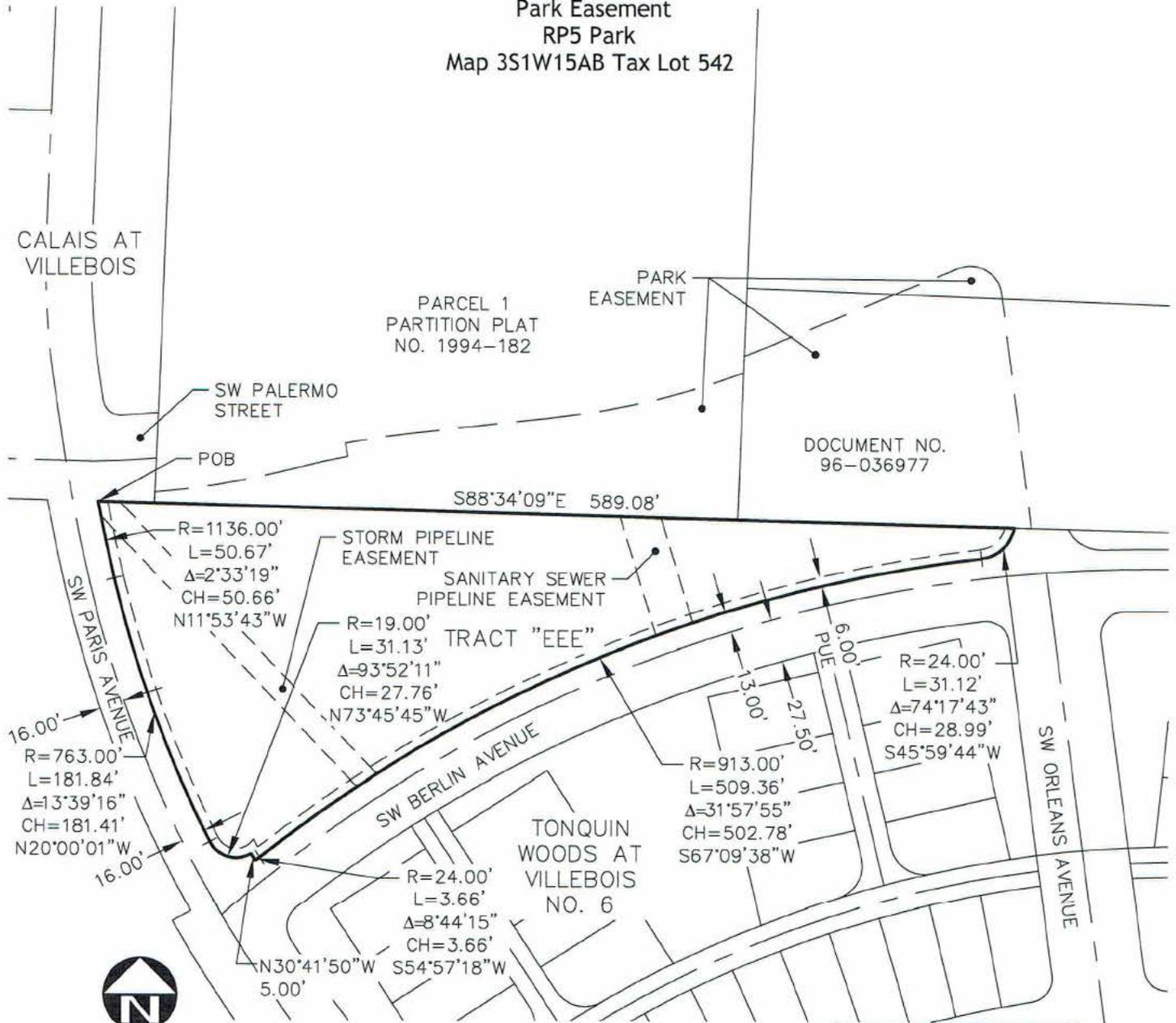
OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2017

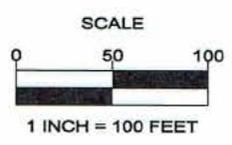


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Park Easement
RP5 Park
Map 3S1W15AB Tax Lot 542



DOCUMENT NO.
96-036977



Property Vested in:
POLYGON AT VILLEBOIS III, L.L.C.
Map 3S1W15AB Tax Lot 542

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2017



LEGAL DESCRIPTION
Park Easement
RP5 Park
Map 3S1W15 Tax Lot 1100

An easement within Parcel 1, Partition Plat No. 1994-182, Clackamas County Plat Records, in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at Southeast corner of said Parcel 1;

thence along the southerly line of said Parcel 1, North $88^{\circ} 34' 09''$ West, a distance of 375.10 feet to the Southwest corner of said Parcel 1;

thence along the westerly line of said Parcel 1, North $02^{\circ} 14' 16''$ East, a distance of 7.36 feet;

thence leaving said westerly line for the following 7 courses:

along a 529.50 foot radius non-tangential curve, concave northerly, with a radius point bearing North $04^{\circ} 58' 03''$ West, arc length of 93.92 feet, central angle of $10^{\circ} 09' 46''$, chord distance of 93.80 feet, and chord bearing of North $79^{\circ} 57' 04''$ East,

along a 478.00 foot radius reverse curve to the right, arc length of 29.57 feet, central angle of $03^{\circ} 32' 38''$, chord distance of 29.56 feet, and chord bearing of North $76^{\circ} 38' 30''$ East,

along a 99.50 foot radius compound curve to the right, arc length of 3.13 feet, central angle of $01^{\circ} 48' 01''$, chord distance of 3.13 feet, and chord bearing of North $79^{\circ} 18' 50''$ East,

North $09^{\circ} 47' 10''$ West, a distance of 9.04 feet,

along a 487.00 foot radius non-tangential curve, concave southerly, with a radius point bearing South $11^{\circ} 11' 06''$ East, arc length of 39.96 feet, central angle of $04^{\circ} 42' 04''$, chord distance of 39.95 feet, and chord bearing of North $81^{\circ} 09' 56''$ East,

North $83^{\circ} 30' 58''$ East, a distance of 92.00 feet,

along a 520.25 foot radius tangential curve to the left, arc length of 128.69 feet, central angle of $14^{\circ} 10' 23''$, chord distance of 128.37 feet, and chord bearing of North $76^{\circ} 25' 46''$ East to a point on the easterly 1/4 section line of the Northwest Quarter of said Section 15,



thence along said easterly 1/4 section line, South 02°09'29" West, a distance of 96.12 feet to the POINT OF BEGINNING;

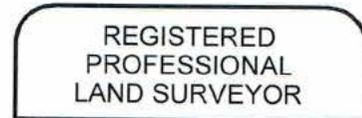
Containing 0.43 acres, more or less.

Basis of bearings being plat of "Tonquin Woods at Villebois No. 6", Clackamas County Plat Records.

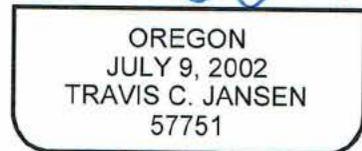
Property Vested in:

Urban Renewal Agency of the City of Wilsonville

Map 3S1W15 Tax Lot 1100



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

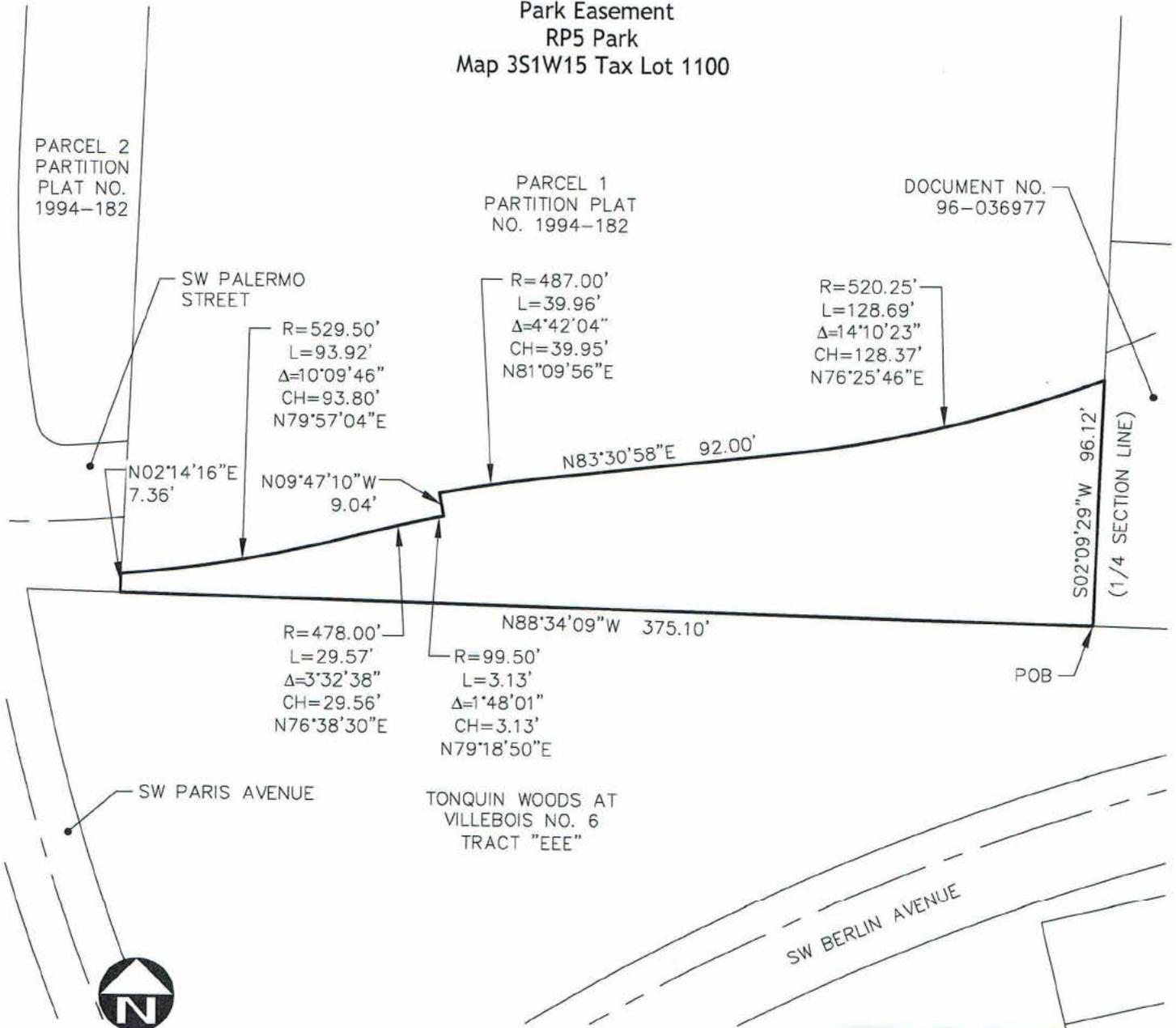


RENEWS: 6/30/2017



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Park Easement
RP5 Park
Map 351W15 Tax Lot 1100



DOCUMENT NO.
96-036977

PARCEL 2
PARTITION
PLAT NO.
1994-182

PARCEL 1
PARTITION PLAT
NO. 1994-182

SW PALERMO
STREET

N02°14'16"E
7.36'

R=529.50'
L=93.92'
Δ=10°09'46"
CH=93.80'
N79°57'04"E

N09°47'10"W
9.04'

R=487.00'
L=39.96'
Δ=4°42'04"
CH=39.95'
N81°09'56"E

N83°30'58"E 92.00'

R=520.25'
L=128.69'
Δ=14°10'23"
CH=128.37'
N76°25'46"E

S02°09'29"W 96.12'
(1/4 SECTION LINE)

POB

R=478.00'
L=29.57'
Δ=3°32'38"
CH=29.56'
N76°38'30"E

N88°34'09"W 375.10'

R=99.50'
L=3.13'
Δ=1°48'01"
CH=3.13'
N79°18'50"E

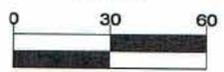
SW PARIS AVENUE

TONQUIN WOODS AT
VILLEBOIS NO. 6
TRACT "EEE"

SW BERLIN AVENUE



SCALE



1 INCH = 60 FEET

Property Vested in:
URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE
Map 351W15 Tax Lot 1100

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Travis C. Jansen
OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2017



LEGAL DESCRIPTION
Park Easement
RP5 Park
Map 31W15 Tax Lot 800

An easement within the land described as Parcel 2 in Document No. 96-036978, Clackamas County Deed Records, in the Northeast Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the Southeast corner of Parcel 1 of Partition Plat No. 1994-182, Clackamas County Plat Records;

thence along the easterly line of said Parcel 1, North 02° 09'23" East, a distance of 106.96 feet;

thence leaving said easterly line, along a 503.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North 21° 13'35" West, arc length of 9.95 feet, central angle of 01° 08'02", chord distance of 9.95 feet, and chord bearing of North 68° 12'24" East;

thence North 67° 38'23" East, a distance of 96.98 feet to a point on the southerly line of Tax Lot 900, Map 31W15 dated 6/3/2014, Clackamas County Assessors Map;

thence along said southerly line, South 88° 34'09" East, a distance of 66.55 feet;

thence leaving said southerly line, South 07° 23'08" East, a distance of 151.79 feet to a point on the northerly plat line of "Tonquin Woods at Villebois No. 6", Clackamas County Plat Records;

thence along said northerly plat line, North 88° 34'09" West, a distance of 189.06 feet to the POINT OF BEGINNING.

Containing 24,372 square feet, more or less.

Basis of bearings being plat of "Tonquin Woods at Villebois No. 6", Clackamas County Plat Records.

Property Vested in:

Victor C. Chang, Ju-Tsun Chang, Freddie C. Tseng, Roger (Chen-Sung) Chang, and Allen Y. Chang

Map 31W15 Tax Lot 800

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2015



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Park Easement
RP5 Park
Map 31W15 Tax Lot 800



R=503.00'
L=9.95'
Δ=1°08'02"
CH=9.95'
N68°12'24"E

PARCEL 1
PARTITION PLAT
NO. 1994-182

24,372 SQ. FT.

TAX LOT 900
MAP 31W15

TAX LOT 800
MAP 31W15

POB

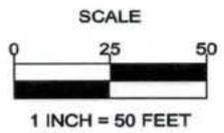
TRACT "EEE"

TRACT "FFF"

SW BERLIN AVENUE

SW ORLEANS AVENUE

TONQUIN WOODS AT
VILLEBOIS NO. 6



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

Property Vested in:

Victor C. Chang, Ju-Tsun Chang, Freddie C. Tseng, Roger
(Chen-Sung) Chang, and Allen Y. Chang

Map 31W15 Tax Lot 800

RENEWS: 6/30/2015



LEGAL DESCRIPTION
Park Easement
RP5 Park
Map 31W15 Tax Lot 900

An easement within the land described as Parcel 2 in Document No. 96-036978, Clackamas County Deed Records, in the Northeast Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, State of Oregon, more particularly described as follows:

COMMENCING at the Southeast corner of Parcel 1 of Partition Plat No. 1994-182, Clackamas County Plat Records;

thence along the easterly line of said Parcel 1, North 02°09'23" East, a distance of 106.96 feet;

thence leaving said easterly line, along a 503.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North 21°13'35" West, arc length of 9.95 feet, central angle of 01°08'02", chord distance of 9.95 feet, and chord bearing of North 68°12'24" East;

thence North 67°38'23" East, a distance of 96.98 feet to a point on the southerly line of Tax Lot 900, Map 31W15 dated 6/3/2014, Clackamas County Assessors Map, being the POINT OF BEGINNING;

thence leaving said southerly line, North 67°38'23" East, a distance of 42.03 feet;

thence along a 20.00 foot radius tangential curve to the right, arc length of 36.64 feet, central angle of 104°58'29", chord distance of 31.73 feet, and chord bearing of South 59°52'23" East;

thence South 07°23'08" East, a distance of 1.74 feet to a point on said southerly line;

thence along said southerly line, North 88°34'09" West, a distance of 66.55 feet to the POINT OF BEGINNING.

Containing 759 square feet, more or less.

Basis of bearings being plat of "Tonquin Woods at Villebois No. 6", Clackamas County Plat Records.

Property Vested in:

Victor C. Chang, Ju-Tsun Chang, Fredie C. Tseng, Roger (Chen-Sung) Chang, and Allen Y. Chang

Map 31W15 Tax Lot 900

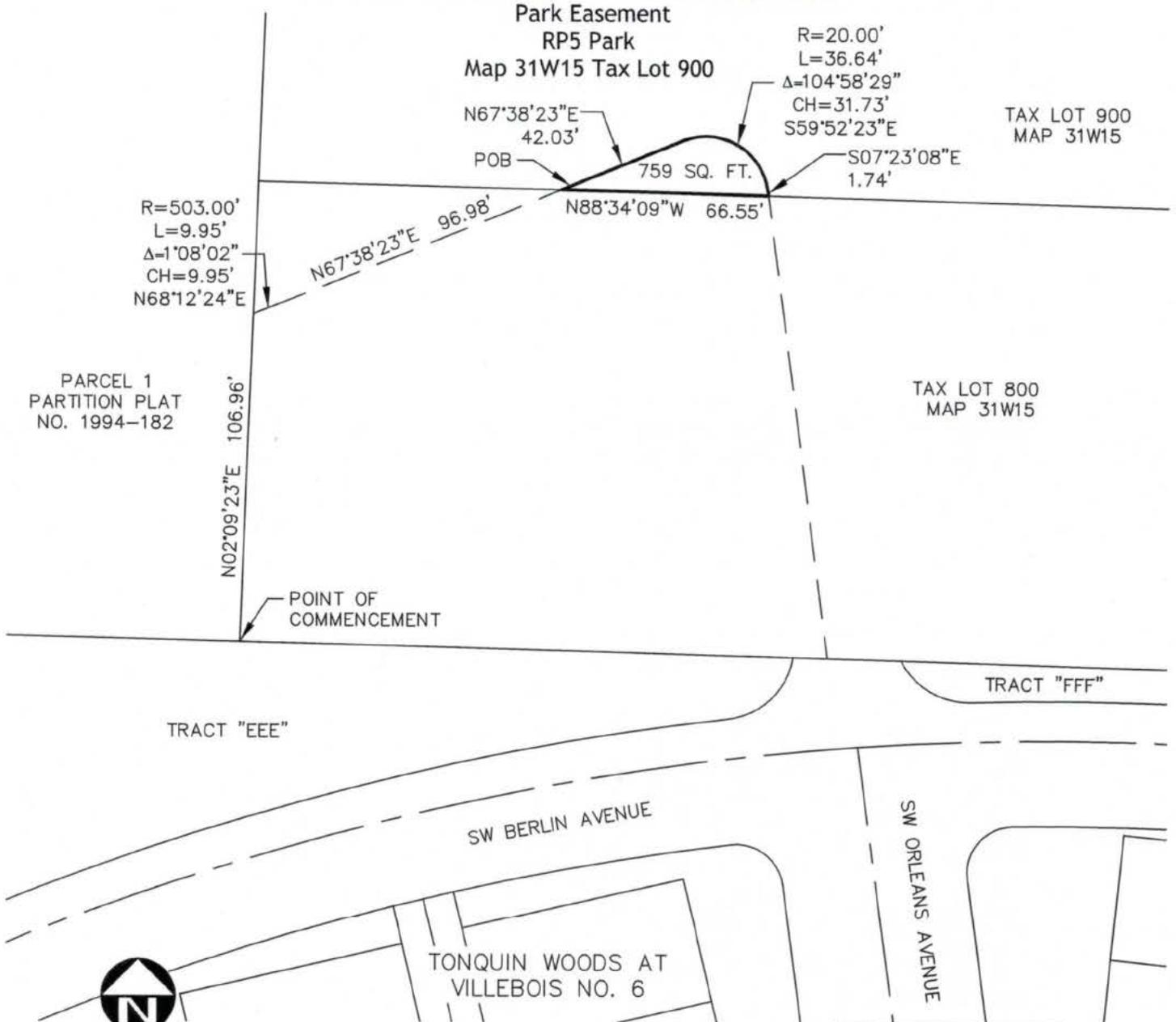
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

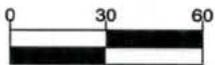
RENEWS: 6/30/2015



SKETCH TO ACCOMPANY LEGAL DESCRIPTION



SCALE



1 INCH = 60 FEET

Property Vested in:

Victor C. Chang, Ju-Tsun Chang, Freddie C. Tseng, Roger (Chen-Sung) Chang, and Allen Y. Chang

Map 31W15 Tax Lot 900

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2015

Prel Estimate No. 5 Villebois Regional Park 5- Overall Cost

Item	Unit Price	Unit	Quantity	Cost	Comments
General Conditions / Erosion Control					
Mobilization	2,000.00	ls	1	2,000	
Silt Fence	2,000.00	ls	1	2,000	
fine grading	12,000.00	ls	1	12,000	
Construction Entrance	2,000.00	ea	1	2,000	
Total General/EC Costs				18,000	
Surfacing					
General					
6" concrete paving , float broom finish	5.30	sf	7,405	39,247	regional trail/drivable
4" concrete paving	4.00	sf	11,044	44,176	
exting street 4" concrete sidewalk	3.25	sf	2,481	8,063	Paris and Berlin- cost by patrick 5.12.2015
concrete stepping stones	10.00	sf	108	1,080	
skate park					
skate park	25.00	SF	6,000	150,000	
Play Area					
Wood chipSurfacing 3229 sf 12" depth	95.00	cy	119	11,305	
Play area curb	12.00	lf	159	1,908	
Total Surfacing				255,779	
Walls, Stairs and Handrails					
concrete raised seatwall	17.00	s.f	553	9,401	
urban inlay marker	500.00	ls	1	500	
Total Walls, Stairs and Handrails				9,901	
Amenties					
Park Entrance sign	2,000.00	ea	1	2,000	
Play Equipment 2-5 year	34,000.00	ls	1	34,000	
play it safe sign, skate rules sign	300.00	ls	2	600	
Play Equipment Install	4,080.00	ls	1	4,080	12% of equipment cost
Total AmentiesCosts				40,680	
Site Furnishings					
benches	1,624.00	ea	7	11,368	
picnic tables	1,000.00	ea	4	4,000	
barbque	1,600.00	ea	1	1,600	
Bike Racks- staple rack	248.00	ea	6	1,488	
drinking fountain	3,700.00	ea	1	3,700	
trash receptacles	850.00	ea	3	2,550	
Total Site Furnishing Costs				24,706	

Prel Estimate No. 5 Villebois Regional Park 5- Overall Cost

	Item	Unit Price	Unit	Quantity	Cost	Comments
--	------	------------	------	----------	------	----------

This Estimate Does NOT include the following:

- 1 **assumes row sidewalk, lawn, street trees and irrigation are included**
- 2 connection fees, building permit, and other building permit fees.
- 3 Front yard landscaping and sidewalks
- 4 Maintenance costs
- 5 Contingency - we would recommend a minimum of 10% contingency on construction and design costs
- 6 fencing on lots
- 7 assumes no fuel/asbestos clean-up
- 8 School Construction Excise Tax
- 9 Metro Construction Excise Tax
- 10 Home Sprinkler cost or up-sized meter
- 11 Striping and signage
- 12 Mailbox Kiosks



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: March 7, 2016		Subject: Ordinance Nos. 787 and 788 Annexation and Zone Map Amendment of approximately 1 acre at 11700 SW Tooze Road Staff Member: Daniel Pauly AICP, Associate Planner Department: Community Development, Planning Division	
Action Required		Development Review Board Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: March 7. <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: March 7, 2016. <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: March 21, 2016 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable	
		Comment: Following their review at the February 8, 2016 meeting, the Development Review Board, Panel A, recommends approval of Annexation and a Zone Map Amendment for the subject property. The DRB also approved a Specific Area Plan Amendment, Preliminary Development Plan, Tentative Subdivision Plat, Type C Tree Removal Plan, and Final Development Plan copies of which are included for reference.	
Staff Recommendation: Staff recommends that the City Council adopt Ordinance Nos. 787 and 788.			
Recommended Language for Motion: In two separate motions, I move to adopt Ordinance Nos. 787 and 788 on the 1 st reading.			
PROJECT / ISSUE RELATES TO: Annexation, Zone Map Amendment.			
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Village Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL: Approve, modify, or deny Ordinance Nos.: 787 and 788 to annex and rezone approximately 1 acre located at 11700 SW Tooze Road.

EXECUTIVE SUMMARY: The proposal brings this final piece of Villebois (approximately 1 acre) into the City and rezones it to the Village (V) zone concurrently with plans to develop it with adjacent property previously annexed and rezoned.

EXPECTED RESULTS: Adoption of Ordinances

TIMELINE: Annexation and Zone Map Amendment will be in effect 30 days after the ordinances are adopted and the annexation records with the Secretary of State as provided by ORS 222.180.

CURRENT YEAR BUDGET IMPACTS: None.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole, Date: 2/26/16

LEGAL REVIEW / COMMENT:

Reviewed by: , Date: , 2016

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

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY: The ordinances will provide:

- Continued build-out of the Villebois Master Plan
- Expanded Property Tax Base

ALTERNATIVES: The alternatives are to approve or deny the annexation request.

CITY MANAGER COMMENT:

EXHIBITS AND ATTACHMENTS:

Exhibit A - Annexation Ordinance No. 787

Attachment 1 Legal Description and Sketch Depicting Land/Territory to be Annexed

Attachment 2 Signatures of Owners of Land and Electors within Territory to be Annexed

Attachment 3 Annexation Findings

Attachment 4 Compliance Report Submitted with Petition

Attachment 5 Development Review Board Panel 'A' Resolution 321 Recommending Approval of Annexation

Exhibit B – Zone Map Amendment Ordinance No. 788

Attachment 1, Zoning Order DB15-0085 including legal description and sketch depicting zone map amendment

Attachment 2 Zone Map Amendment Findings

Attachment 3 DRB Resolution No. 321 recommending approval of Zone Map Amendment

Exhibit C – Amended and Adopted Staff Report and DRB Recommendation

ORDINANCE NO. 787

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 1 ACRE AT 11700 SW TOOZE ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 1203 OF SECTION 15 T3S-R1W, CLACKAMAS COUNTY, OREGON, JAY AND THERESA NIMS, PETITIONERS.

WHEREAS, Jay and Theresa Nims are the owners of and only electors residing on certain real property legally described and depicted in Attachment 1; and

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by the owners of all real property in the territory to be annexed; and

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Villebois Village Master Plan; and

WHEREAS, the land to be annexed is contiguous to the City and can be served by City services; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of all owners of land and a majority of electors within the territory and enables the City Council to dispense with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on February 9, 2016 recommended City Council approve the annexation; and

WHEREAS, on March 7, 2016, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared and considered as required by law; and because the annexation is not contested by any party, the City Council chooses not to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings, conclusions, Development Review Board's recommendation to City Council; and

WHEREAS, the annexation is not contested by any necessary party;

NOW, THEREFORE, THE CITY OF WILSONVILLE DOES ORDAIN AS FOLLOWS:

Section 1. The tracts of land, described and depicted in Attachment 1, is declared annexed to the City of Wilsonville.

Section 2. The findings and conclusions incorporated in Attachment 3 are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 7th day of March 2016, and scheduled the second reading on March 21, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Signed by the Mayor on _____.

Tim Knapp, Mayor

ATTEST:

APPROVED AS TO FORM:
Michael Kohlhoff

Sandra C. King, City Recorder

City Attorney

Summary of Votes:

Mayor Knapp
Councilor Starr
Councilor Stevens
Councilor Fitzgerald
Councilor Lehan

Attachment 1 Legal Description and Sketch Depicting Land/Territory to be Annexed

Attachment 2 Petition for Annexation

Attachment 3 Annexation Findings

Attachment 4 Development Review Board Panel A Resolution No. 321 recommending approval of the annexation



LEGAL DESCRIPTION
Annexation
PDP 4N
Map 3S1W15 Tax Lot 1203

The land described in Document No. 73-30518, Clackamas County Deed Records, in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the most easterly Northeast corner of Tract "E", plat of "Calais at Villebois";

thence along the northerly line of said Tract "E", North 88°22'03" West, a distance of 89.82 feet to an angle point;

thence along the easterly plat line of said plat, North 02°14'46" East, a distance of 483.82 feet to the most northerly Northeast corner of said plat;

thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), South 88°34'09" East, a distance of 89.83 to the Northwest corner of Parcel 2, Partition Plat No. 1994-182;

thence along the westerly line of said Parcel 2, South 02°14'46" West, a distance of 484.14 feet to the POINT OF BEGINNING.

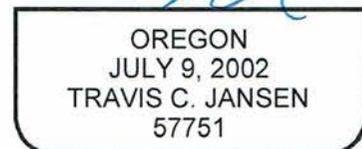
Containing 1.00 acres, more or less.

Basis of bearings being plat of "Calais at Villebois", Clackamas County Plat Records.

Property Vested in:

Jay R. Nims and Theresa C. Nims

Map 3S1W15 Tax Lot 1203



RENEWS: 6/30/2017

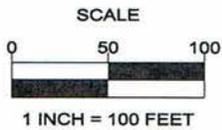
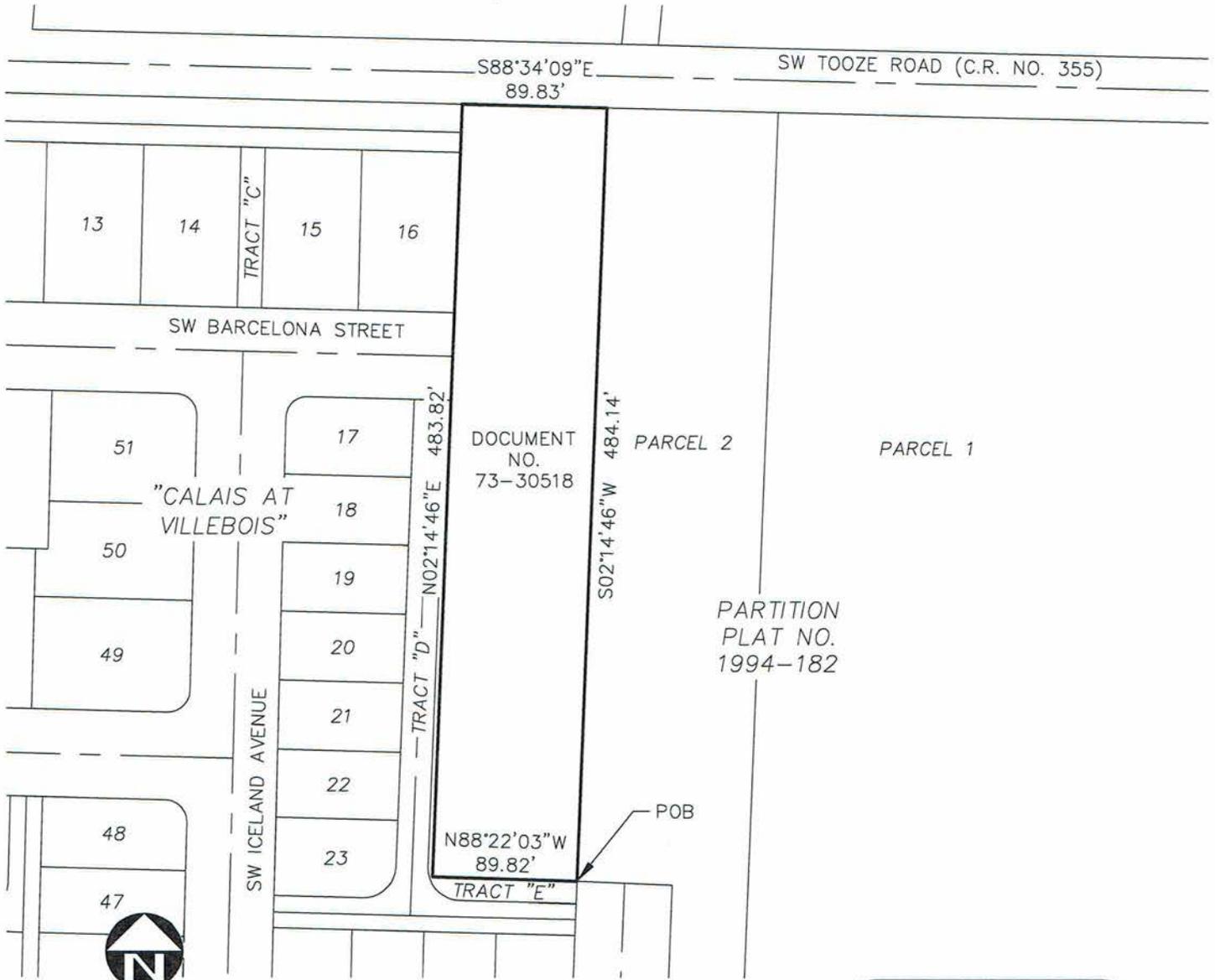


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Annexation

PDP 4N

Map 3S1W15 Tax Lot 1203



Property Vested in:

Jay R. Nims and Theresa C. Nims
Map 3S1W15 Tax Lot 1203

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2017

Ordinance 787 Attachment 3
Annexation Findings

Polygon Homes- Calais East at Villebois Single-family Subdivision
Villebois Phase 4 North

City Council
Quasi-Judicial Public Hearing

Hearing Date: March 7, 2016
Date of Report: February 16, 2016

Application No.: DB15-0084 Annexation

Request/Summary The City Council is asked to review a Quasi-judicial Annexation of a 1 acre property concurrently with its proposed development with adjoining land previously annexed.

Location: 11700 SW Tooze Road. The property is specifically known as Tax Lot 1203, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owners/Electors/

Petitioners: Jay and Theresa Nims

Applicant: Fred Gast, Polygon NW Company

Applicant's Rep.: Stacy Connery, AICP
Pacific Community Design, Inc.

Comprehensive Plan Map Designation: Residential-Village

Zone Map Classification: V RRFF5 (Clackamas County Rural Residential Farm Forest 5)

Staff Reviewers: Daniel Pauly AICP, Associate Planner

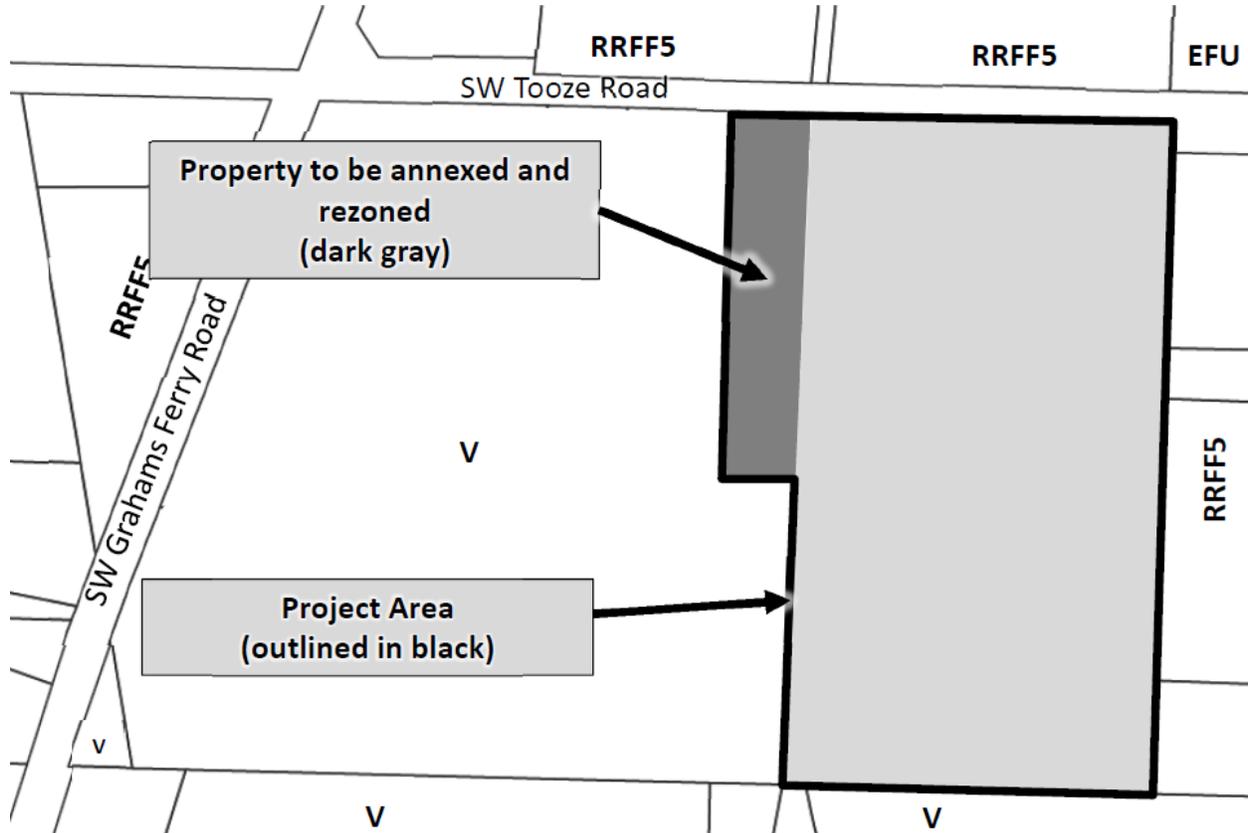
Staff Recommendations: Annex the land as requested.

Applicable Review Criteria

Development Code	
Section 4.700	Annexation
Other City Planning Documents	
Comprehensive Plan	
Villebois Village Master Plan	
Regional and State Planning Documents	
Metro Code Chapter 3.09	Local Government Boundary Changes
Metro Function Plan Titles 1,2,3,6 and 7	

ORS 222.111	Authority and Procedures for Annexation
ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 22.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	

Vicinity Map



Background/Summary:

Annexation (DB15-0084)

The proposed annexation brings this final piece of Villebois into the City concurrently with plans to develop it with adjacent property previously annexed. The City’s Comprehensive Plan already designates the property as “Residential-Village” in anticipation of annexation concurrent with applications to develop the property. Jay and Theresa Nims, the owners and only electors residing on the property, have signed the petition for annexation found in Section IIB of the applicant’s notebook, Exhibit B1, thus consenting to annexation. As all owners of property and all electors within the area being annexed have consented in writing to annexation the City is able to process the request through the DRB and City Council as defined in the Development Code without any election. The area being annexed is approximately 1 acre.

Conclusionary Findings

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

Request : DB15-0084 Annexation

Comprehensive Plan

Allowed Annexation

Implementation Measure 2.2.1.a.

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

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on page 2 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) the required consistency is fulfilled by being consistent with the Villebois Village Master Plan.

Annexation Review Standards

Implementation Measure 2.2.1.e.

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

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on page 3 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) the requirements are fulfilled by being consistent with the Villebois Village Master Plan or by compliance with state and regional policies as found elsewhere the findings supporting this request.

Development in “Residential Village” Map Area

Implementation Measure 4.1.6.a. and c.

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The subject site is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the “Village” Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the site has been included with a concurrent Preliminary Development Plan application for Phase 4 of SAP North. The site must be brought into City limits before the V zone can be applied.

Development Code

Authority to Review Annexation

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

A4. Review Criteria: These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial, the DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation.

Finding: These criteria are satisfied.

Explanation of Finding: The subject annexation request has been determined to be quasi-judicial and is being reviewed by the DRB and City Council consistent with these subsections.

Annexation

Section 4.700

A5. Review Criteria: This section defines the criteria and process for annexation review within the City. The full text of the criteria is on pages 5-6 of the applicant’s narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on page 6 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) the request is within the UGB, contiguous with current City boundaries, and is in compliance with state, regional, and local policies as found elsewhere the findings supporting this request.

Metro Code

Local Government Boundary Changes

Chapter 3.09

A6. Review Criteria: This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region. The full text of the criteria is on pages 7-10 of the applicant’s narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 7-10 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) the request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, is consistent with the Comprehensive Plan, Villebois Village Concept Plan, and Villebois Village Master Plan.

Oregon Revised Statutes

Authority and Procedure for Annexation

ORS 222.111

A7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 10-11 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 10-11 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) the applicable requirements in state statute are met including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and 100% of electors within the annexed area have provided their consent in writing.

Procedure Without Election by City Electors

ORS 222.120

A8. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 11-12 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 13 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) there is no City charter requirement for election for annexation, a public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the facts that all property owners and 100% of electors within the annexed area have provided their consent in writing.

Annexation by Consent of All Owners of Land and Majority of Electors

ORS 222.125

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

Finding: These criteria are satisfied.

Explanation of Finding: All property owners and 100% of electors within the annexed area have provided their consent in writing. However, a public hearing process is being followed as prescribed in the City’s Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The area requested to be annexed will be developed consistent with the City’s Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals. The applicant has provided additional findings related to statewide planning goals on pages 13-14 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4).

**SUPPORTING COMPLIANCE REPORT
ANNEXATION TO CITY OF WILSONVILLE**

SECTION II

TABLE OF CONTENTS

I. CITY OF WILSONVILLE COMPREHENSIVE PLAN..... 2
 IMPLEMENTATION MEASURE 2.2.1.A. 2
 IMPLEMENTATION MEASURE 2.2.1.E..... 2
 IMPLEMENTATION MEASURE 4.1.6.A..... 3
 IMPLEMENTATION MEASURE 4.1.6.C..... 3

II. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE..... 4
 SECTION 4.008 APPLICATION PROCEDURES - IN GENERAL..... 4
 SECTION 4.030 JURISDICTION AND POWERS OF PLANNING DIRECTOR AND COMMUNITY
 DEVELOPMENT DIRECTOR..... 4
 SECTION 4.031 AUTHORITY OF THE DEVELOPMENT REVIEW BOARD 4
 SECTION 4.033 AUTHORITY OF CITY COUNCIL..... 5
 SECTION 4.700 PROCEDURES RELATING TO THE PROCESSING OF REQUESTS FOR
 ANNEXATION AND URBAN GROWTH BOUNDARY AMENDMENTS 5

III. METRO CODE 7
 CHAPTER 3.09 LOCAL GOVERNMENT BOUNDARY CHANGES..... 7

IV. OREGON REVISED STATUTES 10

V. OREGON STATEWIDE PLANNING GOALS 13

VI. PROPOSAL SUMMARY & CONCLUSION..... 17

I. CITY OF WILSONVILLE COMPREHENSIVE PLAN

URBAN GROWTH MANAGEMENT - IMPLEMENTATION MEASURES

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 Comprehensive Plan states:

- *Figures provided by Metro in 1996 indicated that Wilsonville had more than three jobs for each housing unit within the City.*
- *Based on Metro's (1981) regional growth allocation statistics, Wilsonville's population was projected to grow to 15,600 by the year 2000. In the same time period, the City's economic growth was expected to generate a total of 14,400 jobs. Those projections proved to be surprisingly accurate. In fact, Wilsonville's population in 2000 approached the 15,600 figure, and the number of jobs exceeded the 14,400 figure.*

The *Villebois Village Master Plan* was created and approved to address the jobs-housing imbalance and population growth within the City of Wilsonville. The *Master Plan* shows single family residential land uses within the subject site, Tax Lot 1203. Therefore, as a portion of *Villebois Village*, the subject site addresses a demonstrated need for urban growth.

The *Villebois Parks & Open Space Plan* ensures adequate parks and open space opportunities, which include a range of experiences for residents and visitors. Chapter 4 of the *Villebois Village Master Plan* evaluates compliance of the planned sanitary sewer, storm drainage, and water systems with the City's Wastewater Collections System Master Plan, Stormwater Master Plan, and Water System Master Plan. Chapter 5 of the *Master Plan* analyzes compliance of the *Villebois* circulation system with the City's Transportation Systems Plan. The *Master Plan* includes implementation measures to ensure compliance with the City's public facility master plans and Transportation Systems Plan. Concurrent applications for a SAP North Amendment and for PDP 4N have been submitted. PDP 4N (see Notebook Section IV) includes a *Preliminary Utility Plan* and *Circulation Plan*. PDP 4 North is consistent with the concurrent SAP North Amendment, as further described in the PDP 4N Compliance Report (see Notebook Section IVB), and is therefore, generally consistent with the *Master Plan*. Therefore, the proposed annexation is generally consistent with future planned public services and the capacity of public facilities.

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 *Villebois Village Master Plan* set forth implementation measures to ensure the orderly and economic provision of public facilities and services for this area. Site development is proposed with a concurrent application for Preliminary Development Plan for Phase 4 of SAP - North (see Notebook Section IV). Public facilities and services proposed with Tax Lot 1203 within PDP 4 North are generally consistent with the *Villebois Village Master Plan* and the City's Finance Plan and Capital Improvements Plan. Therefore, adequate public facilities and services will be available within the subject area.

2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.

Response: The availability of sufficient land was demonstrated by the adoption of the *Villebois Village Master Plan*, which plans for the development of the 480-acre Villebois Village area. At the time of *Master Plan* approval, Villebois Village was found to have a wide range of residential choices. Annexation of the subject area to the City will allow development to occur that is consistent with the *Master Plan* and that provides the anticipated housing choices.

3. Statewide Planning Goals.

Response: Compliance with Statewide Planning Goals is addressed in Section V of this report.

4. Applicable Metro Plans;

Response: Compliance with Metro Code 3.09 is addressed in Section III of this report.

5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.

Response: Tax lot 1203 is located within the UGB, but is not currently within city limits. Annexation of the site is necessary to allow build out consistent with the *Villebois Village Master Plan*. The remaining tax lots have already been annexed into the City.

COMPACT URBAN DEVELOPMENT - IMPLEMENTATION MEASURES

IMPLEMENTATION MEASURE 4.1.6.A

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

IMPLEMENTATION MEASURE 4.1.6.C

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

Response: The subject site is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the “Village” Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to Tax Lot 1203 within the site has been included with a concurrent Preliminary Development Plan application for Phase 4 of SAP - North. The site must be brought into City limits before the V zone can be applied.

II. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

SECTION 4.008 APPLICATION PROCEDURES - IN GENERAL

(.01) The general application procedures listed in Section 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:

K. Annexations, pursuant to Section 4.700

Response: The proposed land use action is an annexation. Compliance with Section 4.700 and other applicable sections of the City of Wilsonville Land Development Ordinance are addressed below.

SECTION 4.030 JURISDICTION AND POWERS OF PLANNING DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR

(.01) Authority of Planning Director. The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:

11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.

Response: The proposed annexation is subject to a quasi-judicial process, as indicated by City Staff.

SECTION 4.031 AUTHORITY OF THE DEVELOPMENT REVIEW BOARD

(.01) As specified in Chapter 2 of the Wilsonville Code and except as specified herein, the Board shall have authority to act on the following types of applications:

K. Initial review of requests for quasi-judicial annexations to the City of Wilsonville.

(.02) Once an application is determined or deemed to be complete pursuant to Section 4.011, it shall be scheduled for public hearing before the Development Review Board. The City shall provide public notice of the hearing as specified in Section 4.012.

Response: The proposed annexation is subject to a quasi-judicial process. Therefore, it is subject to initial review before the Development Review Board.

SECTION 4.033 AUTHORITY OF CITY COUNCIL

(.01) Upon appeal, the City Council shall have final authority to act on all applications filed pursuant to Chapter 4 of the Wilsonville Code, with the exception of applications for expedited land divisions, as specified in Section 4.232. Additionally, the Council shall have final authority to interpret and enforce the procedures and standards set forth in this Chapter and shall have final decision-making authority on the following:

- F. Review of requests for annexations to the City of Wilsonville.

Response: The Applicant understands that the City Council has the final authority to act on this request for annexation to the City of Wilsonville.

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. [Amended by Ordinance No. 538, 2/21/02.]

- 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.
- 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.
- C. The Planning Director shall review the information submitted by the proponents and will prepare a written report for the review of the City Council and the Planning Commission or Development Review Board. If the Director determines that the information submitted by the proponents does not adequately support the request, this shall be stated in the Director's staff report.
- D. If the Development Review Board, Planning Commission, or City Council determine that the information submitted by the proponents does not adequately support the request, the City Council may oppose the request to the regional entity having the final decision making authority.

- (.02) Each quasi-judicial request shall be reviewed by the Development Review Board, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.03) Each legislative request shall be reviewed by the Planning Commission, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.04) The City Council shall consider the information in the record of the Development Review Board or Planning Commission and shall, after concluding a public hearing on the request, determine the appropriate course of action. This course of action may be:
 - A. In the case of a proposed annexation to the City, select from the following as allowed by State law (ORS 222):
 - 1. Take no action;
 - 2. Declare the subject property, or some portion thereof, to be annexed;
 - 3. Set the matter for election of the voters residing within the affected territory; or
 - 4. Set the matter for election of City voters.
- (.05) The City Council may adopt a development agreement with owners of property that is proposed for annexation to the City, and such agreement may include an agreement to annex at a future date. A development agreement with an agreement to annex shall be subject to the same procedural requirement as other annexations in terms of staff report preparation, public review, and public hearings.

RESPONSE: The Applicant requests annexation of areas within the City's UGB. Annexation of contiguous property within the UGB is within the authority of the City of Wilsonville as prescribed by State Law. The proposed annexation is consistent with the Comprehensive Plan as the subject site has a Comprehensive Plan designation of Residential - Village and as demonstrated in Section I of this report. Additionally, the site is included in the *Villebois Village Master Plan*.

This report provides a written description of the request and demonstrates compliance with applicable criteria. The attached exhibits include a legal description and sketch, which depict the proposed annexation area. This report includes analysis demonstrating compliance with the City's Comprehensive Plan (Section I), City of Wilsonville Development Code (Section II), Metro Code Chapter 3.09 (Section III), ORS 222 (Section IV), and Statewide Planning Goals (Section V), as applicable to this request. City staff has determined that the proposed annexation is subject to a quasi-judicial review process. Therefore, it is subject to a public hearing before the DRB and City Council.

III. METRO CODE

CHAPTER 3.09 LOCAL GOVERNMENT BOUNDARY CHANGES

3.09.020 DEFINITIONS

- I. “Minor boundary change” means an annexation or withdrawal of territory to or from a city or district or from a county to a city. “Minor boundary change” also means an extra-territorial extension of water or sewer service by a city or a district. “Minor boundary change” does not mean withdrawal of territory from a district under ORS 222.520.

Response: Annexation is requested from territory within Clackamas County to the City of Wilsonville. Therefore, the proposed annexation is defined as a “minor boundary change” and Metro Code Chapter 3.09 applies to this request.

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 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: This application serves as the petition for a boundary change of city limits and requests approval by the City of Wilsonville. A legal description and sketch is attached in Notebook Section IIC. Notebook Section IIB includes property ownership and elector information, including names and mailing addresses. A copy of the signed petition (see Notebook Section IIB) demonstrates that all property owners and all of the electors within the territory proposed to be annexed have provided their consent in writing. Compliance with ORS 222.125 is addressed in Section IV of this report. In addition, a copy of the check for City annexation fee plus the Metro mapping fee is provided in Notebook Section IC.

3.09.050 HEARING AND DECISION REQUIREMENTS FOR DECISIONS 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.

- 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;
 - 2. Whether the proposed boundary change will result from the withdrawal of the affected territory from the legal boundary of any necessary party;
 - 3. The proposed effective date of the boundary change.
- B. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.
- C. 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: This report includes analysis demonstrating compliance with the City's Comprehensive Plan (Section I), City of Wilsonville Development Code (Section II), Metro Code Chapter 3.09 (Section III), ORS 222 (Section IV), and Statewide Planning Goals (Section V), as applicable to this request. Compliance with subsections (D) and (E) of Section 3.09.045 is addressed below.

3.09.045 EXPEDITED DECISIONS

- A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

Response: The proposed annexation is subject to a quasi-judicial process, as indicated by City Staff. Quasi-judicial annexation applications are subject to public hearing before the Development Review Board and City Council. Therefore, an expedited decision is not applicable to this request. However, in accordance with Metro Code 3.09.050(C), the criteria and factors set forth in subsections (D) and (E) are applicable. Pursuant to Section 3.09.050(C), compliance with subsections (D) and (E) of Section 3.09.045 is addressed below.

- 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:
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
 - b. Any applicable annexation plan adopted pursuant to ORS 195.205;

- c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

Response: There is not an applicable urban service agreement adopted pursuant to ORS 195.065, annexation plan adopted pursuant to ORS 195.205, or cooperative planning agreement adopted pursuant to 195.020(2).

- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Response: The *Villebois Village Master Plan* includes implementation measures to ensure compliance with the City's public facility master plans and the Transportation Systems Plan. Site development is proposed with concurrent applications for an Amendment to SAP North (see Section III) and for Preliminary Development Plan for Phase 4 (see Notebook Section IV). Therefore, future development of the subject site will comply with public facility plans as applicable.

- e. Any applicable comprehensive plan;

Response: Compliance with the City's Comprehensive Plan is addressed in Section I of this report.

- f. Any applicable concept plan; and

Response: The Villebois Village plan area, including the subject site, is designated as "Residential - Village" on the Comprehensive Plan Map. The V Zone District is applied to Residential - Village areas in implementation of the *Villebois Village Master Plan*. The proposed annexation is required before the V Zone can be applied to the site and prior to site development. A Zone Change application is submitted concurrently in Notebook Section VI. An application for PDP 4 North is submitted concurrently (see Notebook Section IV), and is consistent with the concurrent SAP North Amendment. Therefore, the proposed annexation is generally consistent with the *Master Plan*.

2. Consider whether a 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 *Villebois Village Master Plan* includes implementation measures that require the provision of public facilities and services to be adequate, timely, orderly, economic, and not be unnecessarily duplicated. Currently, Specific Area Plan - North provides public services, including: transportation, rainwater management; water; sanitary sewer; fire and police services; recreation, parks and open spaces; education; and transit. Site development is proposed with a concurrent application for Preliminary Development Plan for Phase 4 of SAP - North (see Notebook Section IV). Public facilities and services proposed with PDP 4 North are generally consistent with the *Villebois Village Master Plan*, the concurrent SAP - North Amendment, and the City's Finance Plan and Capital Improvements Plan. Therefore, the boundary change will comply with these standards.

- 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 subject site is territory located within the UGB. Therefore, the city may annex the territory in accordance with this Section.

IV. OREGON REVISED STATUTES

ORS 222.111 AUTHORITY AND PROCEDURE FOR ANNEXATION

- (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 (Authority and procedure for annexation) to 222.180 (Effective date of annexation) or 222.840 (Short title) to 222.915 (Application of ORS 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 area of proposed annexation is within the UGB and is contiguous to the city. The subject property is entirely within Clackamas County. Therefore, the proposed city boundary includes territories that may be annexed per ORS 222.111.

- (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: This proposal for annexation of territory to the City of Wilsonville has been initiated by owners of real property within the territory to be annexed. A copy of the application signed by property owners is provided in Notebook Section IB.

- (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

Response: This standard is not applicable. During the pre-application conference or subsequent correspondence regarding this application, City staff has not indicated whether the provisions of this section apply to the proposed annexation.

- (4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).

Response: The subject properties are not located within a domestic water supply district, water control district, or sanitary district, as named in ORS 222.510. Therefore, this Section does not apply.

- (5) The legislative body of the city shall submit, except when not required under ORS 222.120 (Procedure without election by city electors), 222.170 (Effect of consent to annexation by territory) 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 without election by city electors) 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.

Response: The proposed annexation is not subject to an election by electors as all owners of land and 100% of the electors within the territory proposed to be annexed have provided their consent in writing. A copy of the signed petition is provided in Notebook Section IIB. A copy of the application, signed by property owners, is provided in Notebook Section IB. Compliance with ORS 222.120 is addressed below.

ORS 222.120 PROCEDURE WITHOUT ELECTION BY CITY ELECTORS

- (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.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.
- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall

cause notices of the hearing to be posted in four public places in the city for a like period.

- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - a. Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - b. Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 (Annexation by consent of all owners of land and majority of electors) or 222.170 (Effect of consent to annexation by territory), prior to the public hearing held under subsection (2) of this section; or
 - c. Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915).
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 (Annexation by consent of all owners of land and majority of electors) and 222.170 (Effect of consent to annexation by territory), owner or landowner 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 parcels land mass and assessed value for purposes of 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.

Response: City Charter does not require an election for this request. Per Section 4.700 and correspondence with Planning Staff, the proposed annexation is subject to a Class III quasi-judicial review process, which requires a public hearing before the DRB and public hearing(s) before the City Council.

As demonstrated below, this annexation request is submitted in compliance with ORS 222.125 (Annexation by consent of all owners of land and majority of electors). All owners of the land as well as 100% of the electors within the subject area have provided their consent in writing, as demonstrated by the attached petition (see Notebook Section IIB).

A legal description and sketch of the proposed annexation area is provided in Notebook Section IIC.

The territory proposed to be annexed to the City is not located within a sanitary district or water control or water supply district as named in ORS 222.465. Additionally, the site is not located within a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district). Future development of the site will have access to City water, storm, sewer, and parks services. Therefore, ORS 222.465 and ORS 222.510 are not applicable.

ORS 222.125 ANNEXATION BY CONSENT OF ALL OWNERS OF LAND AND MAJORITY OF ELECTORS

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

Response: All owners of the land, who are also 100% of the electors within the subject area, have provided their consent in writing, as demonstrated by the attached petition (see Notebook Section IIB). A copy of a legal description and sketch for the proposed annexation is provided in Notebook Section IIC.

V. OREGON STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures 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 basis for such decisions and actions.

Response: The City of Wilsonville is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing that plan. Section III of this report 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.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

Response: Agricultural land is defined in Goal 3 to exclude all land within an acknowledged urban growth boundary. The site is within an acknowledged urban growth boundary. Therefore, Goal 3 is not applicable to this request.

Goal 4: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: The subject site does not include any lands acknowledged as forest lands. Therefore, Goal 4 is not applicable to this request.

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 City of Wilsonville is already in compliance with Goal 5 as the required inventories and policy implementation occurred with adoption of the Significant Resource Overlay Zone. Villebois Village preserves SROZ areas with the provision of open space areas. In addition, development within Villebois Village is required to comply with SROZ standards. The site is not within an SROZ zone, therefore, Goal 5 is not applicable to this request.

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: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 6. Development within Villebois protects water and land resources by providing protection for areas of steep slopes and natural resources and by not encroaching into these areas. The concurrent application for PDP 4N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 6.

Goal 7: Areas Subject to Natural Hazards

To protect people and property from natural hazards.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 7. No development is located in areas identified as natural hazards within the subject site. Goal 7 is not applicable as no areas subject to natural hazards are included in the proposed annexation area.

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: The City's Comprehensive Plan has been acknowledged to be in compliance with Goal 8. The Destination Resort provisions of this Goal are not applicable to this request or to the City of Wilsonville. The *Villebois Village Master Plan* provides park and open spaces that total approximately 25% of the gross area of Villebois. The concurrent application for PDP 4N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation 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: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 9. Villebois Village was planned with land uses to be a complete community, including a mixed-use Village Center with residential, office, retail and/or employment uses, surrounded by at least 2,300 residential units. The concurrent application for PDP 4N (see Notebook Section IV) demonstrates the provision of a mix of single-family residential dwellings within the subject site, which is generally consistent with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 5.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 10. The City is currently conducting a Housing Needs Analysis to meet Goal 10 Periodic Review requirements and to project housing needs over the next 20 years.

The *Villebois Village Master Plan* was created and approved to address the jobs-housing imbalance and growth within the City of Wilsonville. The *Master Plan* shows single family residential land uses within the site. The concurrent application for PDP 4N (see Notebook Section IV) demonstrates the provision of a mix of single-family residential dwellings within the subject site that is generally consistent with the *Master Plan*. The proposed annexation will allow the site to develop with residential land uses, as directed by this Comprehensive Plan and land use policies. Therefore, this petition for annexation 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's Comprehensive Plan has been acknowledged as being in compliance with Goal 11. The *Villebois Village Master Plan* includes 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 Systems Plan. The concurrent application for PDP 4N (see Notebook Section IV) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 11.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 12. The *Villebois Village Master Plan* includes implementation measures related to transportation to ensure compliance with the City's Transportation Systems Plan. The concurrent application for PDP 4N (see Notebook Section IV) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 12.

Goal 13: Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 13. The concurrent application for PDP 4N (see Notebook Section IV) demonstrates general compliance with the *Master Plan* and development standards as applicable to energy conservation. Therefore, the proposed annexation is consistent with Goal 13.

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 14. Section III of this report demonstrates that the proposed amendments are consistent with the applicable urbanization policies of the City of Wilsonville Comprehensive Plan. Therefore, the proposed annexation is consistent with Goal 14.

Goal 15 (Willamette River Greenway) is not applicable to this request as the site is not near the Willamette River. Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), and Goal 18 (Beaches and Dunes) are not applicable to this request as the site is not located near the coast or any of these coastal resource areas.

VI. PROPOSAL SUMMARY & CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Comprehensive Plan and Planning & Land Development Ordinance, Metro Code, ORS 222, and Statewide Planning Goals for the requested annexation. Therefore, the applicant requests approval of this petition.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 321**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) FOR THE APPROXIMATELY 1 ACRE PROPERTY LOCATED AT 11700 SW TOOZE ROAD AND ADOPTING FINDINGS AND CONDITIONS APPROVING AN AMENDMENT TO SAP-NORTH INCLUDING REFINEMENTS TO THE VILLEBOIS VILLAGE MASTER PLAN, A PRELIMINARY DEVELOPMENT PLAN, A TENTATIVE SUBDIVISION PLAT, A TYPE C TREE PLAN, AND A FINAL DEVELOPMENT PLAN FOR A 63-LOT SINGLE FAMILY SUBDIVISION IN VILLEBOIS AND ASSOCIATED IMPROVEMENTS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1100, 1101, AND 1203, OF SECTION 15, AND TAX LOT 8900 OF SECTION 15BA, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY- APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated February 1, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on February 8, 2016, at which time exhibits, together with findings and public testimony were entered into the public record, and

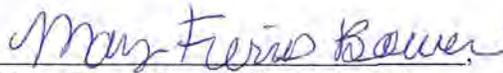
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

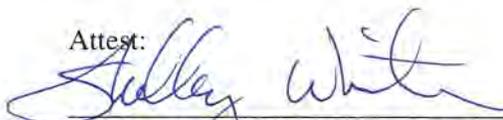
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated February 1, 2016, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to, as applicable for Tax Lot 1203 at 11700 SW Tooze Road, City Council approval of the Annexation and Zone Map Amendment Requests (DB15-0084 and DB15-0085) for:

DB15-00086 through DB15-0090, Specific Area Plan Amendment, Preliminary Development Plan, Tentative Subdivision Plat, Type C Tree Plan, and Final Development Plan for a 63-lot residential subdivision, and associated parks and open space and other improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of February, 2016 and filed with the Planning Administrative Assistant on February 9, 2016. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).


Mary Fierros Bower Chair, Panel A
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant

ORDINANCE NO. 788

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5 (RRFF5) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 1 ACRE AT 11700 SW TOOZE ROAD. COMPRISING TAX LOT 1203 OF SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON, POLYGON WLH LLC, APPLICANT.

RECITALS

WHEREAS, certain real property within the Villebois Village Master Plan is being annexed into the City; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with their Wilsonville Comprehensive Plan Map designation of “Residential-Village” rather than maintain the current Clackamas County zoning designations.

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

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on February 8, 2016;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on February 8, 2016, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 321 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB15-0085), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on March 7, 2016, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the Property to the City, by Zoning Order DB15-0085, attached hereto as Attachment 1, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 7th day of March 2016, and scheduled for the second and final reading on March 21, 2016, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

ENACTED by the City Council on the 7th day of March, 2016, by the following votes: Yes:___ No:___

Sandra C. King, CMC, City Recorder

DATED and signed by the Mayor this ____ day of ____, 2016.

Tim Knapp, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Councilor Starr
Councilor Stevens
Councilor Fitzgerald
Councilor Lehan

Attachments:

- Attachment 1: Zoning Order DB14-0065.including legal description and sketch depicting zone map amendment
- Attachment 2: Zone Map Amendment Findings
- Attachment 3: DRB Panel A Resolution No. 321 recommending approval of the Zone Map Amendment

ORD. NO. 788 ATTACHMENT 1

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

In the Matter of the Application of)	
Polygon NW Company)	
for a Rezoning of Land and Amendment)	ZONING ORDER DB15-0085
of the City of Wilsonville)	
Zoning Map Incorporated in Section 4.102)	
of the Wilsonville Code.)	

The above-entitled matter is before the Council to consider the application of DB15-0085, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

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

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

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 1 acre at 11700 SW Tooze Road comprising Tax Lot 1203 of Section 15, as more particularly shown and described in the attached legal description and sketch,, is hereby rezoned to Village (V), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 21st day of March, 2016.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, CMC, City Recorder

Attachment: Legal Description and Sketch Depicting Land/Territory to be Rezoned



LEGAL DESCRIPTION
Zone Change
PDP 4N
Map 3S1W15 Tax Lot 1203

The land described in Document No. 73-30518, Clackamas County Deed Records, in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the most easterly Northeast corner of Tract "E", plat of "Calais at Villebois";

thence along the northerly line of said Tract "E", North 88°22'03" West, a distance of 89.82 feet to an angle point;

thence along the easterly plat line of said plat, North 02°14'46" East, a distance of 483.82 feet to the most northerly Northeast corner of said plat;

thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), South 88°34'09" East, a distance of 89.83 to the Northwest corner of Parcel 2, Partition Plat No. 1994-182;

thence along the westerly line of said Parcel 2, South 02°14'46" West, a distance of 484.14 feet to the POINT OF BEGINNING.

Containing 1.00 acres, more or less.

Basis of bearings being plat of "Calais at Villebois", Clackamas County Plat Records.

Property Vested in:

Jay R. Nims and Theresa C. Nims

Map 3S1W15 Tax Lot 1203

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2017

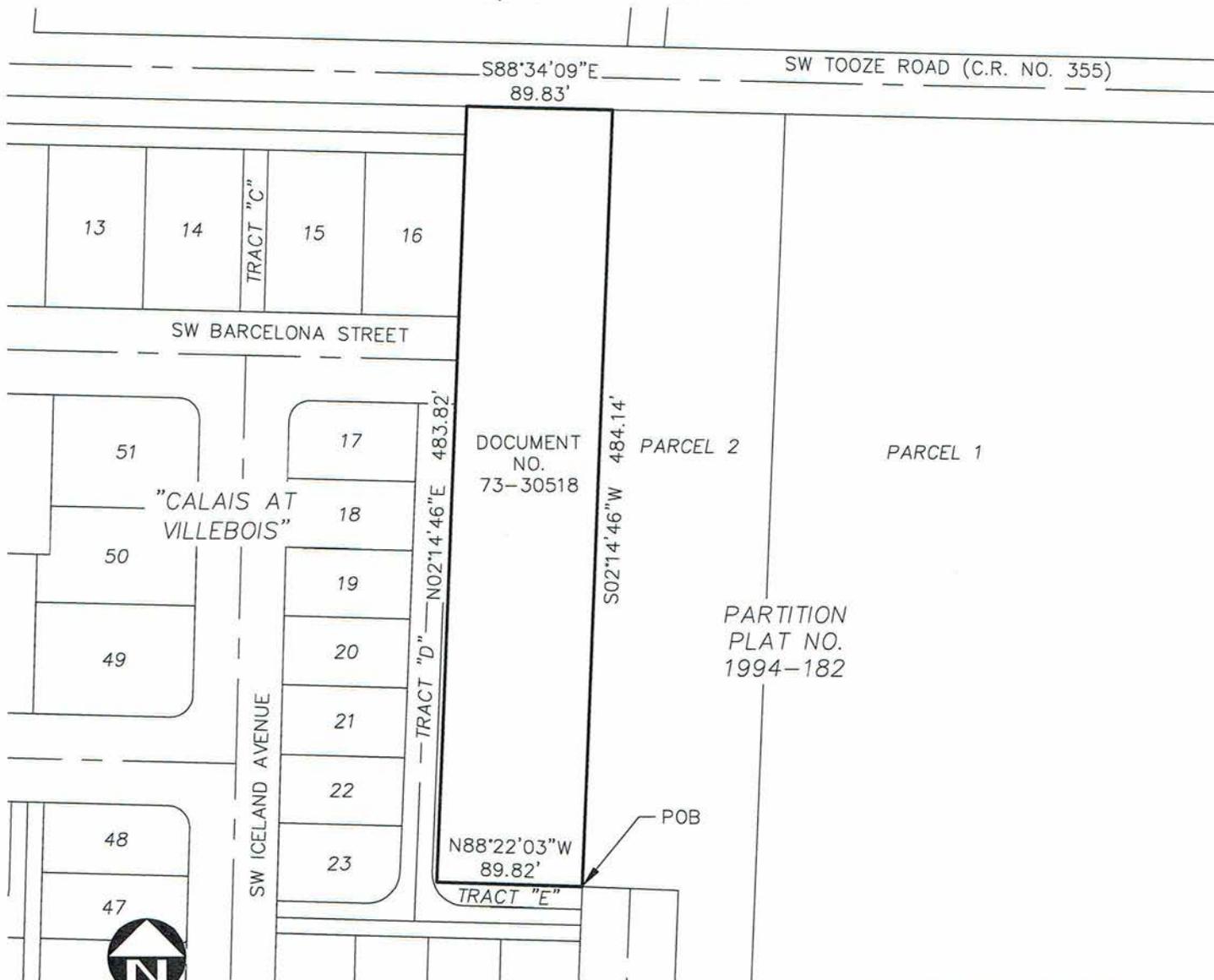


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Zone Change

PDP 4N

Map 3S1W15 Tax Lot 1203



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

Property Vested in:

Jay R. Nims and Theresa C. Nims

Map 3S1W15 Tax Lot 1203

RENEWS: 6/30/2017

Ordinance 788 Attachment 3
 Zone Map Amendment Findings

Polygon Homes- Calais East at Villebois Single-family Subdivision
 Villebois Phase 4 North

City Council
 Quasi-Judicial Public Hearing

Hearing Date: March 7, 2016
Date of Report: February 16, 2016

Application Nos.: DB15-0085 Zone Map Amendment

Request/Summary : The City Council is asked to review a Quasi-judicial Zone Map Amendment of a 1 acre property concurrently with its proposed development.

Location: 11700 SW Tooze Road. The property is specifically known as Tax Lot 1203, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owners: Jay and Theresa Nims
Applicant: Fred Gast, Polygon NW Company
Applicant’s Rep.: Stacy Connery, AICP
 Pacific Community Design, Inc.

Comprehensive Plan Map Designation: Residential-Village

Zone Map Classification (Current): RRFF5 (Clack. County Rural Residential Farm Forest 5)

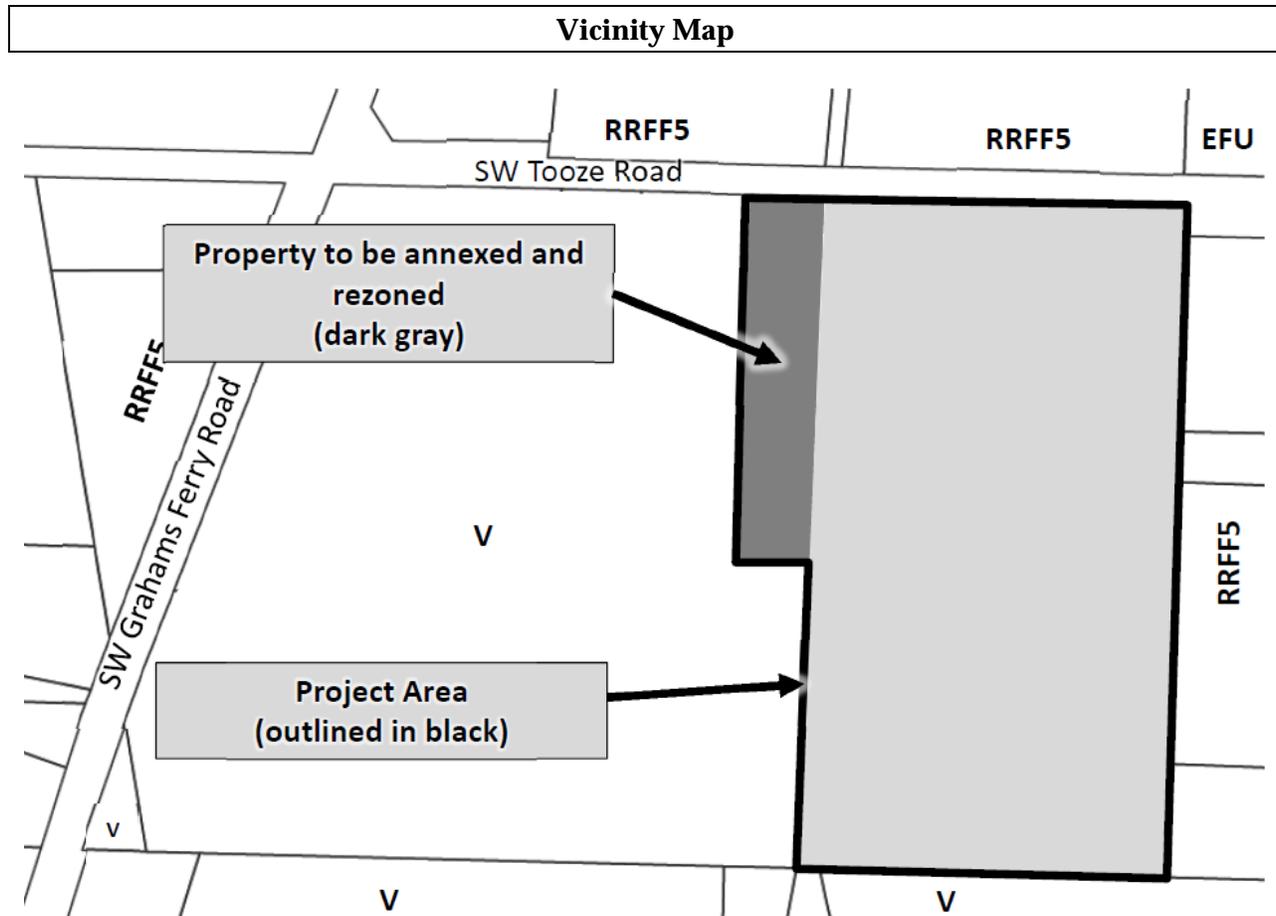
Zone Map Classification (Proposed): V (Village)

Staff Reviewers: Daniel Pauly AICP, Associate Planner

Staff Recommendations: Adopt the requested Zone Map Amendment.

Applicable Review Criteria

Development Code	
Section 4.110	Zones
Section 4.125	V-Village Zone
Section 4.197	Zone Changes and Amendments to Development Code- Procedures
Other City Planning Documents	
Comprehensive Plan	
Villebois Village Master Plan	



Background/Summary:

Zone Map Amendment (DB15-0085)

Concurrent with an annexation request, the applicant requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) zone for the 1 acre property at 11700 SW Tooze Road. The Village zone has been applied to all of Villebois as it has developed. The remainder of the area for the proposed subdivision is already zoned as Village (V).

Findings of Fact:

1. The statutory 120-day time limit applies to this application. The application was received on November 17, 2015. On December 17, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On December 23, 2015 and January 27, 2016, the Applicant submitted additional materials. On January 28, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by May 27, 2016

2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	V	Vacant/Rural Residential
South:	V	Trocadero Park/Residential
West:	V	Residential

3. Prior land use actions include:

Legislative:

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

Quasi Judicial:

- DB07-0054 et seq – SAP-North
- DB07-0087 et seq – PDP-1N, Arbor at Villebois
- DB11-0024 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
- DB12-0066 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
- DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW
- DB14-0009 et seq – PDP-3N, SAP North Amendment Polygon NW

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Conclusionary Findings

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

Request: DB15-0085 Zone Map Amendment

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

Comprehensive Plan

Development in "Residential Village" Map Area
Implementation Measure 4.1.6.a. and c.

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

Finding: These criteria are satisfied.

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

Contents of Villebois Village Master Plan
Implementation Measure 4.1.6.b.

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

Finding: These criteria are not applicable

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

Applying "Village" Zone
Implementation Measure 4.1.6.c.

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

Finding: This criterion is satisfied.

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

Wide Range of Uses in “Village” Zone
Implementation Measure 4.1.6.d.

- B4. Review Criterion:** “The “Village” Zone District shall allow a wide range of uses that benefit and support an “urban village,” including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses.”
Finding: This criterion is satisfied.
Explanation of Finding: The area covered by the proposed zone change is proposed for residential uses, and parks and open space as shown in the Villebois Village Master Plan.

Development Code

Zoning Consistent with Comprehensive Plan
Section 4.029

- B5. Review Criterion:** “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”
Finding: This criterion is satisfied.
Explanation of Finding: The applicant is applying for a zone change concurrently with a Preliminary Development Plan, which is equivalent to a Stage II Final Plan for a planned development.

Base Zones
Subsection 4.110 (.01)

- B6. Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.
Finding: This criterion is satisfied.
Explanation of Finding: The requested zoning designation of Village “V” is among the base zones identified in this subsection.

Village Zone Purpose
Subsection 4.125 (.01)

- B7. Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”
Finding: These criteria are satisfied.
Explanation of Finding: The subject lands are designated Residential-Village on the Comprehensive Plan map and are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

Village Zone Permitted Uses
Subsection 4.125 (.02)

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

Finding: These criteria are satisfied.

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

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

B9. Review Criterion: "... Application for a zone change shall be made concurrently with an application for PDP approval..."

Finding: This criterion is satisfied.

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

Zone Change Procedures
Subsection 4.197 (.02) A.

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

Finding: These criteria are satisfied.

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

Conformance with Comprehensive Plan Map, etc.
Subsection 4.197 (.02) B.

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

Finding: These criteria are satisfied.

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

Residential Designated Lands
Subsection 4.197 (.02) C.

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

Finding: These criteria are satisfied.

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

Public Facility Concurrency
Subsection 4.197 (.02) D.

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

Finding: These criteria are satisfied.

Explanation of Finding: The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project. Section IVC of the applicant’s notebook, Exhibit B1, includes supporting utility and drainage reports. In addition, the applicant has provided a Traffic Impact Analysis, which is in Section IVD of the applicant’s notebook, Exhibit B1.

Impact on SROZ Areas
Subsection 4.197 (.02) E.

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

Finding: These criteria are satisfied.

Explanation of Finding: No SROZ is within the area to be rezoned.

Development within 2 Years
Subsection 4.197 (.02) F.

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

Finding: This criterion is satisfied.

Explanation of Finding: Related land use approvals for PDP 4 North expire after 2 years, so requesting the land use approvals assumes development would commence within two

(2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

Development Standards and Conditions of Approval
Subsection 4.197 (.02) G.

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

Finding: These criteria are satisfied.

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

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 321**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) FOR THE APPROXIMATELY 1 ACRE PROPERTY LOCATED AT 11700 SW TOOZE ROAD AND ADOPTING FINDINGS AND CONDITIONS APPROVING AN AMENDMENT TO SAP-NORTH INCLUDING REFINEMENTS TO THE VILLEBOIS VILLAGE MASTER PLAN, A PRELIMINARY DEVELOPMENT PLAN, A TENTATIVE SUBDIVISION PLAT, A TYPE C TREE PLAN, AND A FINAL DEVELOPMENT PLAN FOR A 63-LOT SINGLE FAMILY SUBDIVISION IN VILLEBOIS AND ASSOCIATED IMPROVEMENTS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1100, 1101, AND 1203, OF SECTION 15, AND TAX LOT 8900 OF SECTION 15BA, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY- APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated February 1, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on February 8, 2016, at which time exhibits, together with findings and public testimony were entered into the public record, and

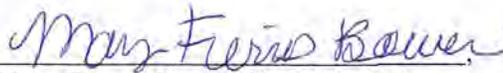
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

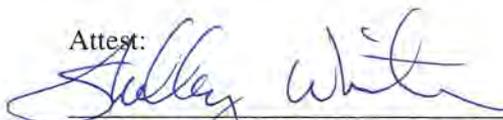
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated February 1, 2016, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to, as applicable for Tax Lot 1203 at 11700 SW Tooze Road, City Council approval of the Annexation and Zone Map Amendment Requests (DB15-0084 and DB15-0085) for:

DB15-00086 through DB15-0090, Specific Area Plan Amendment, Preliminary Development Plan, Tentative Subdivision Plat, Type C Tree Plan, and Final Development Plan for a 63-lot residential subdivision, and associated parks and open space and other improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of February, 2016 and filed with the Planning Administrative Assistant on February 9, 2016. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.


Mary Fierros Bower Chair, Panel A
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant

February 9, 2016

DEVELOPMENT REVIEW BOARD PANEL A

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Villebois Phase 4 North: Calais East at Villebois

Case Files:	Request A:	DB15-0084	Annexation (Tax Lot 1203 only)
	Request B:	DB15-0085	Zone Map Amendment (Tax Lot 1203 only)
	Request C:	DB15-0086	SAP North Amendment
	Request D:	DB15-0087	Preliminary Development Plan
	Request E:	DB15-0088	Tentative Subdivision Plat
	Request F:	DB15-0089	Type C Tree Plan
	Request G:	DB15-0090	Final Development Plan

Owners: Calais at Villebois LLC
Jay & Theresa Nims
City of Wilsonville

Applicant: Fred Gast – Polygon WLH LLC

**Applicant's
Representative:** Stacy Connery, AICP – Pacific Community Design, Inc.

**Property
Description:** Tax Lots 1100, 1101 and 1203 of Section 15 and Tax Lot 8900 of
Section 15BA; T3S R1W; Clackamas County; Wilsonville, Oregon.

Location: Phase 4 of SAP North, Villebois

On February 8, 2016, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Requests A and B: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, March 7, 2016 to hear these items.*

Requests C, D, E, F and G:
Approved with conditions of approval.
For Tax Lot 1203 (Nims property) these approvals are contingent upon City Council's approval of Requests A and B.

An appeal of Requests C, D, E, F and G to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of Decision. WC

Sec. 4.022(.02). A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830*.

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 9th day of February 2016 and is available for public inspection. The decision regarding Requests C, D, E, F and G shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*.

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 321, including adopted staff report with conditions of approval.

Exhibit A1
Staff Report
Wilsonville Planning Division

Polygon Homes- Calais East at Villebois Single-family Subdivision
Villebois Phase 4 North

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

Amended and Adopted February 8, 2016
Added language ***bold italic underline***

Hearing Date:	February 8, 2016
Date of Report:	February 1, 2016

Application Nos.: DB15-0084 Annexation
DB15-0085 Zone Map Amendment
DB15-0086 SAP-North Amendment
DB15-0087 SAP-North PDP 4, Preliminary Development Plan
DB15-0088 Tentative Subdivision Plat
DB15-0089 Type C Tree Plan
DB15-0090 Final Development Plan for Parks and Open Space

Request/Summary The Development Review Board is asked to review a Quasi-judicial Annexation (Tax Lot 1203 only), Zone Map Amendment (Tax Lot 1203 only), Villebois Specific Area Plan North Amendment, Preliminary Development Plan, Tentative Subdivision Plat, Type C Tree Plan, and Final Development Plan for an 63-lot residential subdivision and associated improvements.

Location: South of SW Tooze Road, approximately 600 feet east of SW Grahams Ferry Road, extending south to SW Palermo Street. The properties are specifically known as Tax Lots 1100, 1101, and 1203, Section 15, Tax Lot 8900, Section 15BA Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owners: Calais at Villebois LLC, Jay and Theresa Nims, and City of Wilsonville

Applicant: Fred Gast, Polygon NW Company

Applicant's Rep.: Stacy Connery, AICP
Pacific Community Design, Inc.

Comprehensive Plan Map Designation: Residential-Village

Zone Map Classification: V RRRF5 (Clackamas County Rural Residential Farm Forest 5)

Staff Reviewers: Daniel Pauly AICP, Associate Planner
 Steve Adams PE, Development Engineering Manager
 Kerry Rappold, Natural Resource Program Manager

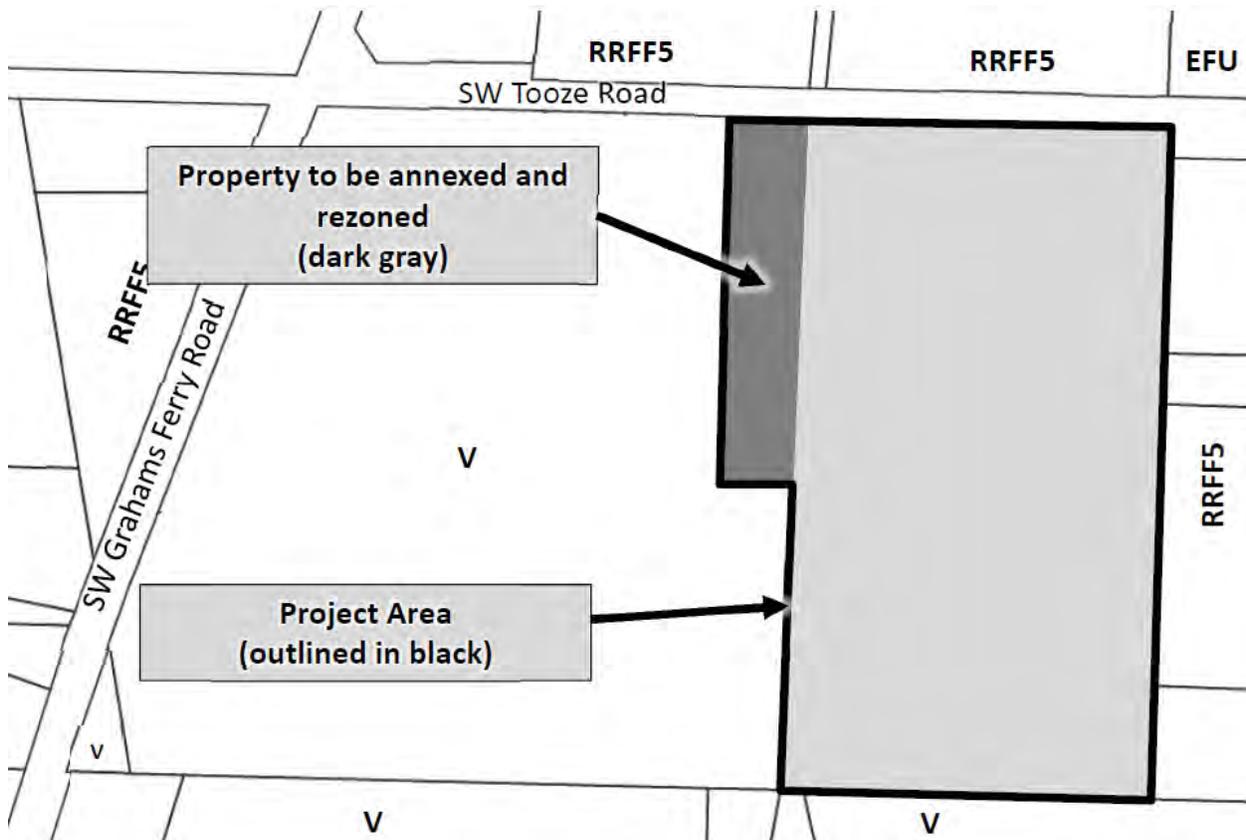
Staff Recommendations: Approve with conditions the requested SAP Amendment, Preliminary Development Plan, Tentative Subdivision Plat, Tree Removal Plan, and Final Development Plan for Parks and Open Space. Recommend approval of the requested Annexation and Zone Map Amendment to City Council.

Applicable Review Criteria

Development Code	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Residential Development in Any Zone
Section 4.125	V-Village Zone
Section 4.154	Bicycle, Pedestrian, and Transit Facilities
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.169	General Regulations-Double Frontage Lots
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
Sections 4.200 through 4.220	Land Divisions
Sections 4.236 through 4.270	Land Division Standards
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600 through 4.640.20 as applicable	Tree Preservation and Protection
Section 4.700	Annexation
Other City Planning Documents	
Comprehensive Plan	
Villebois Village Master Plan	
SAP North Approval Documents	
Regional and State Planning	

Documents	
Metro Code Chapter 3.09	Local Government Boundary Changes
Metro Function Plan Titles 1,2,3,6 and 7	
ORS 222.111	Authority and Procedures for Annexation
ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 22.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	

Vicinity Map



Background/Summary:

Annexation (DB15-0084)

The proposed annexation brings this final piece of Villebois into the City concurrently with plans to develop it with adjacent property previously annexed. The City’s Comprehensive Plan already designates the property as “Residential-Village” in anticipation of annexation concurrent with applications to develop the property. Jay and Theresa Nims, the owners and only electors residing on the property, have signed the petition for annexation found in Section IIB of the applicant’s notebook, Exhibit B1, thus consenting to annexation. As all owners of

property and all electors within the area being annexed have consented in writing to annexation the City is able to process the request through the DRB and City Council as defined in the Development Code without any election. The area being annexed is approximately 1 acre.

Zone Map Amendment (DB15-0085)

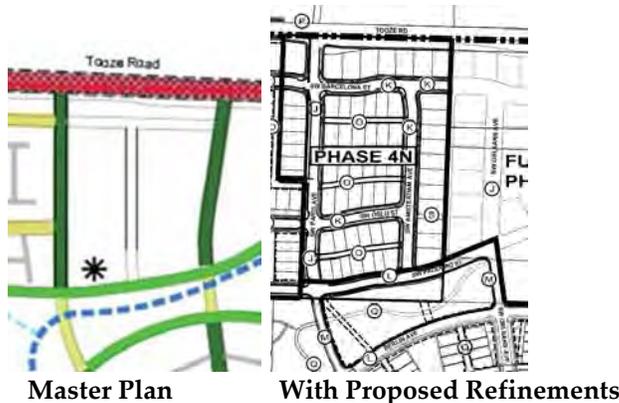
Concurrent with the annexation request, the applicant requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) zone for the 1 acre property at 11700 SW Tooze Road. The Village zone has been applied to all of Villebois as it has developed. The remainder of the area for the proposed subdivision is already zoned as Village (V).

SAP North Amendment (DB15-0086)

The proposed SAP Amendment adopts two SAP Elements, a Historic and Cultural Resource Inventory and Tree Inventory, for the subject property not previously approved with the last SAP North Amendment. The last SAP North Amendment was adopted with Phase 3 North in 2014 (Case File DB14-0013). In addition, the SAP North Amendment requests a number of changes to the previously approved SAP and related Villebois Village Master Plan refinements as follows:

Street Network

Two changes to the street network shown in the Villebois Village Master Plan and previous SAP North approval are proposed. First, the Master Plan and previous SAP Plans show streets on both sides of Regional Park-5 (SW Paris Avenue and SW Orleans Avenue) extending to and connecting with SW Tooze Road. The City has since evaluated planned improvements for Tooze Road and determined to move the connection to Tooze Road and limit it to one access point on SW Paris Avenue. Eliminating one of the connections better preserves the function of Tooze Road, which is a minor arterial. Second, SW Oslo Street continues through an additional block to terminate at SW Amsterdam Avenue rather than SW Paris Avenue. This change adds connectivity for vehicles, bicycles, and pedestrians.



Parks, Trails, and Open Spaces

Proposed is an additional mid-block trail connection increasing connectivity for bikes and pedestrians as well as adding private open space.

Utilities and Storm Water Facilities

The Villebois Village Master Plan shows onsite water quality along Tooze Road and a larger area reserved for Rainwater Management. Tooze Road improvements affect the location and space of onsite stormwater and rainwater facilities. Water quality facilities have been moved off-site and retrofitted to meet Tooze Road improvements. The refinements to rainwater management within Phase 4 North include street trees and bio-retention cells located in planter strips in rights-of-way, as shown within the utility plans. See applicant's notebook, Exhibit B1, Section IVB.

Land Use and Density

The Master Plan and reflective previous SAP North plans for the subject area shows large, standard, medium, small single-family detached houses within the Phase 4 area. Proposed are 63 single family detached houses – 23 small, 21 medium, 11 standard, and 8 large. The refinements to the Master Plan include a change in mix and unit counts, as well as a reconfiguration of the locations of the types of units. The refinement achieves a better mix of smalls and mediums within each block and along each street frontage. Additionally, the refinement places large lots along Tooze Road at the edge of the project. Overall, this supports the transition from larger units to smaller units moving toward the Villebois Greenway; south of the Greenway are smalls, cottages, and row homes, increasing in density and massing toward the core of the Village Center. Overall unit count remains well above 2,300 units.



Master Plan

Proposed with Refinements

	Currently Approved Count in SAP N	Proposed Unit Count in SAP N	% Change
Medium/Standard/Large/Estate	174	179	2.87%
Small Detached/Small Cottage/Row Homes/Neighborhood Apt.	273	246	-9.89%
Total	447	425	-4.92%

PDP 4N Preliminary Development Plan (DB15-0087)

The proposed Preliminary Development Plan 4 of Specific Area Plan North (also known as Calais East at Villebois) comprises 10.85 acres. The applicant proposes a variety of single-family housing types totaling 63 units, 0.72 acres of parks and open space, 3.93 acres of public streets, and associated infrastructure improvements. The front of all the houses will face tree lined streets, parks and green spaces.



Proposed Housing Type	Number of Units
Large Size Single Family	8
Standard Size Single Family	11
Medium Size Single Family	21
Small Size Single Family	23
Total	63

Tentative Subdivision Plat (DB15-0088)

The applicant is proposing the subdivision of the properties into 63 residential lots, along with alleys, park areas, and street rights-of-way. The name of the proposed subdivision approved by Clackamas County is “Calais East at Villebois.”

Type C Tree Plan (DB15-0089)

The majority of the site is open land with trees concentrated around the existing residential dwelling at the northwestern site corner. An “Important” Red Oak tree sits along SW Tooze Road and the subdivision and SW Tooze Road improvements are being designed to preserve the tree. All other trees on the properties are proposed to be removed due to construction of street or homes, or health and condition of the tree.

Treatment Recommendation	General Condition Rating					Total
	D	P	M	G	I	
Retain	0	0	0	0	1	1 (3%)
Remove	0	2	15	11	0	28 (97%)
Total	0 (0%)	2 (7%)	15 (52%)	11 (38%)	1 (3%)	29 (100%)

Final Development Plan for Parks and Open Space (DB15-0090)

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

Conclusion and Conditions of Approval

Staff has reviewed the applicant’s analysis of compliance with the applicable criteria. This Staff Report adopts the applicant’s responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board approve the proposed applications (DB15-0086, DB15-0087, DB15-0088, DB15-0089, and DB15-0090) and recommend approval of the annexation and zone map amendment to City Council (DB15-0084 and DB15-0085) with the following conditions:

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

Planning Division Conditions:

Request A: DB15-0084 Annexation

This action recommends Annexation to the City Council for Tax Lot 1203 (Nims Property). The Zone Map Amendment (DB15-0085) and all approvals contingent on it for Tax Lot 1203 are contingent on annexation. The SAP Amendment (DB15-0086) is also contingent upon annexation for those areas requested to be annexed.

Request B: DB15-0085 Zone Map Amendment

This action recommends adoption of the Zone Map Amendment to the City Council for Tax Lot 1203 (Nims Property). This action is contingent upon annexation of the subject property to the City of Wilsonville (DB15-0084). For the portions related to Tax Lot 1203, case files DB15-0087, DB15-0088, DB15-0089, and DB15-0090 are contingent upon City Council’s action on the Zone Map Amendment request.

Request C: DB15-0086 SAP-North Amendment and Master Plan Refinements

PDC 1. For Tax Lot 1203 (Nims Property), approval of DB15-0086, SAP North Amendment and Master Plan Refinements, is contingent upon annexation (Case File DB15-0084).

PDC 2. Curb extensions shall be provided in the locations and orientations shown in the SAP North Community Elements Book including: crossing Paris Avenue at Barcelona Street, crossing Paris Avenue at Oslo Street, crossing Amsterdam Avenue at Barcelona Street, crossing Palermo Street at Paris Avenue, and crossing Palermo Street at Amsterdam Avenue. A minimum of 20 feet curb to curb street width shall be maintained. See Findings C29 and C52.

Request D: DB15-0087 SAP-North PDP 4, Preliminary Development Plan

PDD 1. For Tax Lot 1203 (Nims Property), approval of DB15-0087 SAP-North PDP 4, Preliminary Development Plan is contingent upon annexation of the subject property to the City of Wilsonville (Case File DB15-0084) and City Council approval of the Zone Map Amendment from Clackamas County Rural Residential Farm Forest 5 (RRFF5) to Village (V) (Case File DB15-0085).

PDD 2. Street lighting types and spacing shall be as shown in the Community Elements Book. See Finding D28.

PDD 3.	All park and open space improvements approved by the Development Review Board shall be completed prior the issuance of the 32nd house permit for PDP 4 North. If weather or other special circumstances prohibit completion, bonding for the improvements will be permitted. See Finding D55.
PDD 4.	The applicant/owner shall enter into an Operations and Maintenance Agreement for the subdivision that clearly identifies ownership and maintenance for parks, <u>trees</u> , open space, and paths. Such agreement shall ensure maintenance in perpetuity and shall be recorded with the subdivision for 'Calais East at Villebois.' Such agreement shall be reviewed and approved by the City Attorney prior to recordation. <u>Such agreement shall include maintenance of Tree 70001, an important red oak, and a proportionate share of maintenance of Regional Park 5 during the homeowner's association maintenance period.</u> See also Finding G4.
PDD 5.	The applicant/owner shall install courtyard fencing in the front yard of no less than thirty percent (30%) of the houses, which is 19 of the 63 houses. The applicant/owner is especially encouraged to place the courtyards in the front yard of homes facing the open space or linear greens and that do not have a porch as well as alley loaded homes. The design and placement of the required courtyard fencing shall be consistent with the Architectural Pattern Book and the architectural style of the house. The courtyard area enclosed by the fence shall not exceed a 5 percent slope from front building line of the house to the point of the courtyard closest to the front lot line or between the points of the courtyard closest to opposite side lot lines. Where necessary, the applicant shall install dry stack rock or brick wall along the front or side of the lot to ensure a 5 percent or less slope is maintained. See Finding D25.
PDD 6.	Where a building foundation is exposed in the public view shed more than would be typical on a level lot, the foundation shall have a brick or stone façade matching the design of the house. <u>(Note: Daylight basements will match siding on remainder of house.)</u>

Request E DB15-0088 Tentative Subdivision Plat

PDE 1.	For Tax Lot 1203 (Nims Property) approval of DB15-0088 Tentative Subdivision Plat is contingent upon annexation of the subject property to the City of Wilsonville (Case File DB15-0084) and City Council approval of the Zone Map Amendment from Clackamas County Rural Residential Farm Forest 5 (RRFF5) to Village (V) (Case File DB15-0085).
PDE 2.	Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
PDE 3.	Alleyways shall remain in private ownership and be maintained by the Homeowner's Association established by the subdivision's CC&Rs. The CC&Rs shall be reviewed and approved by the City Attorney prior to recordation.
PDE 4.	The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing

	process for PDP-4N or the Tentative Plat.
PDE 5.	A non-access reservation strip shall be applied on the final plat to those lots with access to a public street and an alley. All lots with access to a public street and an alley must take vehicular access from the alley to a garage or parking area. A plat note effectuating that same result can be used in the alternative. The applicant shall work with the County Surveyor and City Staff regarding appropriate language. See Finding E3.
PDE 6.	All reserve strips and street plugs shall be detailed on the Final Subdivision Plat. See Finding E3.
PDE 7.	All tracts shall, except those indicated for future home development, shall include a public access easement across their entirety.
PDE 8.	The applicant/owner shall submit subdivision bylaws, covenants, and agreements to the City Attorney prior to recordation. See Finding E6.
PDE 9.	The applicant/owner shall record with Clackamas County Recorder’s Office a waiver of remonstrance against formation of a local improvement district as part of the recordation of the final plat.
PDE 10.	Easements for sanitary or storm sewers, drainage, water mains, or other public utilities shall be dedicated wherever necessary consistent with the City’s Public Works Standards. This includes over park and open space and alley tracts with public utilities beneath them. See Finding E28.

Request F: DB15-0089 Type C Tree Plan

PDF 1.	For Tax Lot 1203 (Nim’s Property) approval of DB15-0089 Type C Tree Plan is contingent upon annexation of the subject properties to the City of Wilsonville (Case File DB15-0084) and City Council approval of the Zone Map Amendment from Clackamas County Rural Residential Farm Forest 5 (RRFF5) to Village (V) (Case File DB15-0085).
PDF 2.	Trees planted as replacement of removed trees shall be, state Department of Agriculture Nursery Grade No. 1. or better, shall meet the requirements of the American Association of Nursery Men (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade, shall be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee’s successors-in-interest for two (2) years after the planting date. A “guaranteed” tree that dies or becomes diseased during that time shall be replaced. See Findings F21 and F22.
PDF 3.	Solvents, building material, construction equipment, soil, or irrigated landscaping, shall not be placed within the drip line of any preserved tree, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist. See Finding F24.
PDF 4.	Before and during development, land clearing, filling or any land alteration the applicant shall erect and maintain suitable tree protective barriers which shall include the following: <u><i>special care shall be taken in protecting Tree 70001, an important red oak along Tooze Road.</i></u> <ul style="list-style-type: none"> • 6’ high fence set at tree drip lines.

- Fence materials shall consist of 2 inch mesh chain links secured to a minimum of 1 ½ inch diameter steel or aluminum line posts.
 - Posts shall be set to a depth of no less than 2 feet in native soil.
 - Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first.
 - Tree protection fences shall be maintained in a full upright position.
- See Findings F24.

Request G: DB15-0090 Final Development Plan for Parks and Open Space

PDG 1.	For Tax Lot 1203 (Nims property) approval of DB15-0090 Final Development Plan is contingent upon annexation of the subject properties to the City of Wilsonville (Case File DB15-0084) and City Council approval of the Zone Map Amendment from Clackamas County Rural Residential Farm Forest 5 (RRFF5) to Village (V) (Case File DB15-0085).
PDG 2.	All plant materials shall be installed consistent with current industry standards. See Finding G25.
PDG 3.	All construction, site development, and landscaping of the parks shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor alterations may be approved by the Planning Division through the Class I Administrative Review process. See Finding G30.
PDG 4.	All retaining walls within the public view shed shall be a decorative stone or brick construction or veneer. Final color and material for the retaining walls shall be approved by the Planning Division through the Class I Administrative Review Process. See Finding G35.
PDG 5.	All hand rails, if any, within the parks and open space shall be of a design similar to the approved courtyard fencing shown in the Architectural Pattern Book. Final design of any hand rails in parks and open space shall be approved by the Planning Division through the Class I Administrative Review Process. See Finding G37.
PDG 6.	All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board. See Finding G39 through G41.
PDG 7.	The applicant shall submit final parks, landscaping and irrigation plans to the City prior to construction of parks. The irrigation plan must be consistent with the requirements of Section 4.176(.07)C.
PDG 8.	Prior to occupancy of each house the Applicant/Owner shall install landscaping along the public view-sheds of each house, unless otherwise approved by the Community Development Director. Homeowners association shall contract with a professional landscape service to maintain the landscaping.
PDG 9.	No street trees shall be planted where their growth would interfere with preserved trees. Street trees shall be appropriately placed between curb cuts. See Finding G23.
PDG 10.	Street trees shall be planted as each house or park is built.
PDG 11.	The street tree plan shall be revised as necessary, based on construction drawings, to

comply with the spacing requirements of Public Works Standards Detail Drawing RD-1240 "Street Tree Location and Clearances."
PDG 12. The applicant shall install secondary site identifiers at the intersection of SW Paris Avenue and SW Tooze Road consistent with the SAP North Signage & Wayfinding Plan. See Finding G6.

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: DB15-0087 Preliminary Development Plan

PFD 1.	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.				
PFD 2.	At the request of Staff, DKS Associates completed a Transportation Review Memorandum dated January 25, 2016. The project is hereby limited to no more than the following impacts.				
	<table> <tr> <td>Estimated New PM Peak Hour Trips</td> <td style="text-align: right;">64</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area</td> <td style="text-align: right;">18</td> </tr> </table>	Estimated New PM Peak Hour Trips	64	Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	18
Estimated New PM Peak Hour Trips	64				
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	18				
PFD 3.	Recent traffic analysis reports done for Villebois have indicated that the intersection of Grahams Ferry Road and Tooze Road would operate at LOS F with the build-out of this and other approved Villebois subdivisions. Improvements to this intersection are planned and funded by the City with CIP 4146 and construction work is anticipated to be completed by summer 2018.				
PFD 4.	In the 2013 Transportation Systems Plan Tooze Road is identified as a Minor Arterial. Applicant shall dedicate sufficient right-of-way to accommodate Tooze Road as a Minor Arterial. This will require additional right-of-way dedication to the City of 40.0 feet to accommodate future Tooze/Boeckman Road improvements.				

PFD 5.	Connections to the Tooze/Boeckman Road public right-of-way shall occur at Paris Avenue. Internal Villebois street connections shall be via Palermo Street, Oslo Street, Paris Avenue and Barcelona Street to streets previously constructed with Villebois SAP North PDP 2 and SAP North PDP 3.
PFD 6.	Applicant shall completely design and construct Paris Avenue north of Barcelona Street to the near PT of the street corner radius at Tooze/Boeckman Road, and the street shall be barricaded until the City completes the Tooze/Boeckman road improvement project, CIP 4146. This is due to safety concerns with left-turning traffic entering and exiting Tooze/Boeckman Road. With completion of CIP 4146 the City will open the Paris Avenue roadway connection.
PFD 7.	To minimize impacts to the root zone of the large red oak tree (southeast corner of intersection of Paris Avenue and Tooze/Boeckman Road), applicant shall coordinate with City staff in shifting the alignment of Barcelona Street and adjacent lots southward several feet.
PFD 8.	Applicant shall work with City staff to determine the correct elevation and grades along the north edge of the development so that these grades align with the design of CIP 4146.
PFD 9.	Applicant shall be responsible for constructing a 5-foot temporary AC sidewalk from the end of permanent improvements on the west side of Paris Avenue to the exiting sidewalk adjacent to the Villebois Calais subdivision adjacent to Tooze/Boeckman Road. The City will construct a permanent sidewalk west of Paris Avenue and the sidewalk east of Paris Avenue with CIP 4146.
PFD 10.	With previous approval of Villebois RP-5 (Trocadero Regional Park) concerns were expressed regarding adequate parking adjacent to the skate park facility. Applicant shall construct Palermo Street with a minimum of 100-ft of parallel parking along the south side of the street, as shown in the plans dated 12/14/2015.
PFD 11.	All internal streets shall be lighted with approved Westbrooke style street lights per the Villebois street lighting master plan.
PFD 12.	The proposed subdivision lies within the Coffee Lake storm basin which is exempt from stormwater detention requirements as established per City Ordinance No. 608.
PFD 13.	For stormwater quality treatment the City has agreed to allow the Applicant use of vacant City-owned property north of Tooze Road (southwest of the abandoned Tooze/110 th Avenue intersection). Applicant shall be responsible for design and construction of water quality improvements and shall coordinate this work with City staff.
PFD 14.	Applicant shall coordinate with City staff for design and construction of off-site stormwater improvements in Tooze Road. The City will be responsible for design and construction cost for the storm pipeline and manholes from the north edge of the development to the City-owned property north of Tooze Road (southwest of the abandoned Tooze/110 th Avenue intersection). Applicant shall be responsible for the design and construction of the storm pipeline and manholes within the parcel of land to be used for water quality treatment.

PFD 15.	Rainwater management components will be allowed to be located in the public right-of-way, however such components shall be maintained by the Applicant, or subsequent HOA, and this shall be included in the Ownership and Maintenance agreement per Exhibit C1, Item 26.
PFD 16.	<p>The applicant shall provide 'stamped' engineering details with dimensions for intersection sight distance verification and AutoTURN layouts for all proposed intersections, including alley/street connections. Adequate clearance shall be provided at all intersections and alleyways. The sight distance point for exiting vehicles shall be located 14.4 feet from the edge of the traveled way.</p> <p>At a minimum, the applicant shall provide 'stamped' engineering AutoTURN layouts for fire trucks and buses (WB-60) that show the overhang and/or mirrors of the vehicle as opposed to the wheel paths. Turning vehicles may use the width of the minor street to start the appropriate turn. The vehicle must however, stay within the appropriate receiving (inside) lane of the major street. Additionally, the turning vehicle must not intrude onto the wheel chair ramp on the inside of the turning movement.</p>
PFD 17.	Alleys that are identified by Tualatin Valley Fire and Rescue (TVF&R) as possible routes for medical and/or fire emergencies shall meet TVF&R's design requirements.
PFD 18.	Applicant shall connect to the existing public sanitary sewer stub installed north of Berlin Avenue with the Villebois SAP North PDP 2 project (lying within future RP-5, Trocadero Park).
PFD 19.	Applicant shall connect to the existing 8" public water main lines in Barcelona Street, Paris Avenue, and Palermo Street. Applicant shall extend an 8" water main in Paris Avenue north of Barcelona Street and terminate at a valved Tee with fire hydrant at the edge of street improvements.
PFD 20.	Applicant shall remove the existing 8"x 8" flanged Tee on the water line at Paris Avenue and Oslo Street and install an 8"x 8" flanged cross and extend this water line east in Oslo Street to Amsterdam Avenue.
PFD 21.	Existing abandoned water, sanitary, or stormwater lines shall either be completely removed, grouted in place, or abandoned per a City approved recommendation from a Registered Geotechnical Engineer.
PFD 22.	Applicant shall provide sufficient mail box units for this proposed phasing plan; applicant shall construct mail kiosk at locations coordinated with City staff and the Wilsonville U.S. Postmaster.
PFD 23.	At the time of plan submittal for a Public Works Permit, the applicant shall provide to the City a copy of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to issuance of a Public Works Permit, the applicant shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easements or right-of-way be required to construct the public improvements or to relocate a franchised utility, the applicant shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities

	within the general area, the applicant shall obtain written approval from the appropriate utility prior to commencing any construction.
PFD 24.	All construction traffic shall access the site via Tooze Road and Paris Avenue. Applicant shall post MUTCD approved trucks entering roadway signage.
PFD 25.	SAP North PDP 3 consists of 63 lots. All construction work in association with the Public Works Permit and Project Corrections List shall be completed prior to the City Building Division issuing a certificate of occupancy, or a building permit for the housing unit(s) in excess of 50% of total (32 nd lot).
PFD 26.	The subdivision is located within a sanitary sewer reimbursement district adopted with Resolution No. 2350 and is subject to the requirements established by this resolution.

Request E: DB15-0088 Tentative Subdivision Plat

PFE 1.	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, <i>unless otherwise approved by City Engineer.</i>
PFE 2.	Subdivision or Partition Plats: Paper copies of all proposed subdivision/partition plats shall be provided to the City for review. Once the subdivision/partition plat is approved, applicant shall have the documents recorded at the appropriate County office. Once recording is completed by the County, the applicant shall be required to provide the City with a 3 mil Mylar copy of the recorded subdivision/partition plat.
PFE 3.	Subdivision or Partition Plats: All newly created easements shown on a subdivision or partition plat shall also be accompanied by the City's appropriate Easement document (on City approved forms) with accompanying survey exhibits that shall be recorded immediately after the subdivision or partition plat.

Natural Resources Division Conditions:

All Requests

NR 1.	Natural Resource Division Requirements and Advisories listed in Exhibit C3 apply to the proposed development.
--------------	---

Building Division Conditions:

No Comments or Conditions

Master Exhibit List:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case Files DB15-0084 through DB15-0090.

- A1.** Staff report and findings (this document)
- A2.** Slides and notes for Staff's Public Hearing Presentation (*available at Public Hearing*)
- B1.** Applicant's Notebook for PDP/Tentative Plat/Zone Change/Tree Removal Plan/Final Development Plan: *Under separate cover*
 - Section I: General Information
 - IA) Introductory Narrative
 - IB) Form/Ownership Documentation
 - IC) Fee Calculation
 - ID) Mailing List *This information has been revised*
 - Section II: Annexation
 - IIA) Supporting Compliance Report
 - IIB) Copy of Petition & Ownership/Elector Info
 - IIC) Legal Description & Sketch
 - Section III: SAP Amendment (Master Plan Refinements)
 - IIIA) Supporting Compliance Report
 - IIIB) Reduced Drawings
 - IIIC) Updated Master Plan and SAP Unit Counts
 - IIID) Historic/Cultural Resource Inventory-Included separately as Exhibit B5
 - IIIE) Tree Report
 - IIIF) Community Elements Book Amendments (Maps Only)
 - IIIG) Architectural Pattern Book Amendments (Maps Only)
 - IIIH) Master Signage and Wayfinding Plan Amendment (Maps Only)
 - Section IV: Preliminary Development Plan
 - IVA) Supporting Compliance Report
 - IVB) Reduced Drawings
 - IVC) Utility & Drainage Reports
 - IVD) Traffic Analysis
 - IVE) Tree Report
 - IVF) Conceptual Elevations
 - Section V: Tentative Subdivision Plat
 - VA) Supporting Compliance Report
 - VB) Tentative Plat *Revised See Exhibit B6*
 - VC) Draft CC&R's
 - VD) Copy of Certification of Assessments and Liens
 - VE) Subdivision Name Approval
 - Section VI: Zone Change
 - VIA) Supporting Compliance Report

- VIB) Zone Change Map
- VIC) Legal Description & Sketch
- Section VII: Tree Removal Plan
 - VIIA) Supporting Compliance Report
 - VIIIB) Tree Report
 - VIIIC) Tree Preservation Plan
- Section VIII: Final Development Plan
 - VIIIA) Supporting Compliance Report
 - VIIIB) Reduced Plans
- B2.** Applicant's SAP Large Format Plans (Smaller 11x17 plans included in Sections IIIB of the applicant's notebook Exhibit B1.) *Under separate cover.*
 - Sheet 1 Cover Sheet
 - Sheet 2 Phasing Plan
 - Sheet 3 Existing Conditions
 - Sheet 4 Aerial Photograph
 - Sheet 5 Land Use Key
 - Sheet 6 Land Use Plan
 - Sheet 7 Circulation Plan
 - Sheet 8 Street Sections
 - Sheet 9 Park/Open Space/Pathways Plan
 - Sheet 10 SROZ Plan
 - Sheet 11 Street Tree Plan
 - Sheet 12 Tree Preservation Plan
 - Sheet 13 Grading Plan
 - Sheet 14 Utility Plan
- B3.** Applicant's Large Format Plans PDP/Tentative Plat/Tree Plan (Smaller 11x17 plans included in Sections IVB of the applicant's notebook Exhibit B1.) *Under separate cover.*
 - Sheet 1 Cover Sheet
 - Sheet 2 Existing Conditions
 - Sheet 3 Site Plan
 - Sheet 4 Preliminary Plat *Revised, See Exhibit B6*
 - Sheet 5 Grading Plan
 - Sheet 6 Composite Utility Plan
 - Sheet 7 Circulation Plan
 - Sheet 8 Parking Plan
 - Sheet 9 Tree Plan
 - Sheet 10 Street Tree/Lighting Plan
- B4.** Applicant's Large Format Plans Final Development Plan (Smaller 11x17 plans included in Section VIIIB of the applicant's notebook, Exhibit B1.) *Under separate cover.*
 - Sheet 1 Cover Sheet
 - Sheet L1 Street Tree Plan *Revised, See Exhibit B7*
 - Sheet L2 Open Space Planting Plan

Sheet L3 Details

- B5. Historic Resource Inventory
- B6. Revised Sheet 4 Preliminary Plat January 28, 2016
- B7. Revised Sheet L1 Street Tree Plan January 28, 2016
- B8. *Email correspondence from Stacy Connery regarding requested changes to Conditions of Approval.***
- C1. Comments and Conditions from Engineering Division
- C2. Comments and Conditions from Natural Resources
- C3. Comments from Public Works

Findings of Fact:

1. The statutory 120-day time limit applies to this application. The application was received on November 17, 2015. On December 17, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On December 23, 2015 and January 27, 2016, the Applicant submitted additional materials. On January 28, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by May 27, 2016
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	V	Vacant/Rural Residential
South:	V	Trocadero Park/Residential
West:	V	Residential

3. Prior land use actions include:

Legislative:

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

Quasi Judicial:

DB07-0054 et seq – SAP-North

DB07-0087 et seq – PDP-1N, Arbor at Villebois

DB11-0024 et seq – PDP-1N Modification, SAP North Amendment Polygon NW

DB12-0066 et seq – PDP-1N Modification, SAP North Amendment Polygon NW

DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW

DB14-0009 et seq – PDP-3N, SAP North Amendment Polygon NW

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Conclusionary Findings

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

General Information

Application Procedures-In General

Section 4.008

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

Finding: These criteria are met.

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

Who May Initiate Application

Section 4.009

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

Finding: This criterion is satisfied.

Explanation of Finding: The applications have been submitted on behalf of contract purchaser Polygon Homes, and is signed by the property owners, Calais at Villebois LLC (TL 8900), City of Wilsonville (TL’s 1100 and 1101) and both Jay and Theresa Nims (TL 1203).

Pre-Application Conference

Subsection 4.010 (.02)

Review Criteria: This section lists the pre-application process

Development Review Board Panel ‘A’ Staff Report February 1, 2016

Exhibit A1

Polygon Homes-Villebois Phase 4 North Calais East at Villebois

Amended and Adopted February 8, 2016

Page 20 of 113

Finding: These criteria are satisfied.

Explanation of Finding: A pre-application conference was held on November 5, 2015 in accordance with this subsection.

Lien Payment before Application Approval

Subsection 4.011 (.02) B.

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

Finding: This criterion is satisfied.

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

General Site Development Permit Submission Requirements

Subsection 4.035 (.04) A.

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

Finding: These criteria are satisfied.

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

Zoning-Generally

Section 4.110

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

Finding: These criteria are satisfied.

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

Request A: DB15-0084 Annexation

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

Comprehensive Plan

Allowed Annexation

Implementation Measure 2.2.1.a.

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

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on page 2 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1) the required consistency is fulfilled by being consistent with the Villebois Village Master Plan.

Annexation Review Standards

Implementation Measure 2.2.1.e.

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

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on page 3 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1) the requirements are fulfilled by being consistent with the Villebois Village Master Plan or by compliance with state and regional policies as found elsewhere the findings supporting this request.

Development in “Residential Village” Map Area

Implementation Measure 4.1.6.a. and c.

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The subject site is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the “Village” Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the site has been included with a concurrent Preliminary Development Plan application for Phase 4 of SAP North. The site must be brought into City limits before the V zone can be applied.

Development Code

Authority to Review Annexation

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

A4. Review Criteria: These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial, the DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation.

Finding: These criteria are satisfied.

Explanation of Finding: The subject annexation request has been determined to be quasi-judicial and is being reviewed by the DRB and City Council consistent with these subsections.

Annexation

Section 4.700

A5. Review Criteria: This section defines the criteria and process for annexation review within the City. The full text of the criteria is on pages 5-6 of the applicant’s narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on page 6 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1) the request is within the UGB, contiguous with current City boundaries, and is in compliance with state, regional, and local policies as found elsewhere the findings supporting this request.

Metro Code

Local Government Boundary Changes

Chapter 3.09

A6. Review Criteria: This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region. The full text of the criteria is on pages 7-10 of the applicant’s narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 7-10 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1) the request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, is consistent with the Comprehensive Plan, Villebois Village Concept Plan, and Villebois Village Master Plan.

Oregon Revised Statutes

Authority and Procedure for Annexation ORS 222.111

A7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 10-11 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 10-11 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1) the applicable requirements in state statute are met including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and 100% of electors within the annexed area have provided their consent in writing.

Procedure Without Election by City Electors ORS 222.120

A8. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 11-12 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 13 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1) there is no City charter requirement for election for annexation, a public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the facts that all property owners and 100% of electors within the annexed area have provided their consent in writing.

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

A9. **Review Criteria:** "The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing

in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”

Finding: These criteria are satisfied.

Explanation of Finding: All property owners and 100% of electors within the annexed area have provided their consent in writing. However, a public hearing process is being followed as prescribed in the City’s Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The area requested to be annexed will be developed consistent with the City’s Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals. The applicant has provided additional findings related to statewide planning goals on pages 13-14 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Request B: DB15-0085 Zone Map Amendment

The applicant’s findings in Section VIA of their PDP notebook, Exhibit B1, respond to the majority of the applicable criteria.

Comprehensive Plan

Development in “Residential Village” Map Area
Implementation Measure 4.1.6.a. and c.

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

Finding: These criteria are satisfied.

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

Contents of Villebois Village Master Plan
Implementation Measure 4.1.6.b.

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

Finding: These criteria are not applicable

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

Applying "Village" Zone
Implementation Measure 4.1.6.c.

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

Finding: This criterion is satisfied.

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

Wide Range of Uses in "Village" Zone
Implementation Measure 4.1.6.d.

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

Finding: This criterion is satisfied.

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

Development Code

Zoning Consistent with Comprehensive Plan
Section 4.029

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

Finding: This criterion is satisfied.

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

Base Zones

Subsection 4.110 (.01)

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

Finding: This criterion is satisfied.

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

Village Zone Purpose

Subsection 4.125 (.01)

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

Finding: These criteria are satisfied.

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

Village Zone Permitted Uses

Subsection 4.125 (.02)

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

Finding: These criteria are satisfied.

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

Zone Change Concurrent with PDP Approval

Subsection 4.125 (.18) B. 2.

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

Finding: This criterion is satisfied.

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

Zone Change Procedures

Subsection 4.197 (.02) A.

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

Finding: These criteria are satisfied.

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

Conformance with Comprehensive Plan Map, etc.
Subsection 4.197 (.02) B.

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

Finding: These criteria are satisfied.

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

Residential Designated Lands
Subsection 4.197 (.02) C.

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

Finding: These criteria are satisfied.

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

Public Facility Concurrency
Subsection 4.197 (.02) D.

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

Finding: These criteria are satisfied.

Explanation of Finding: The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project. Section IVC of the applicant’s notebook, Exhibit B1, includes supporting utility and drainage reports. In addition, the applicant has provided a Traffic Impact Analysis, which is in Section IVD of the applicant’s notebook, Exhibit B1.

Impact on SROZ Areas
Subsection 4.197 (.02) E.

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

Finding: These criteria are satisfied.

Explanation of Finding: No SROZ is within the area to be rezoned.

Development within 2 Years
Subsection 4.197 (.02) F.

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

Finding: This criterion is satisfied.

Explanation of Finding: Related land use approvals for PDP 4 North expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors due not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

Development Standards and Conditions of Approval
Subsection 4.197 (.02) G.

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

Finding: These criteria are satisfied.

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

Request C: DB15-0086 SAP-North Amendment

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

Wilsonville Comprehensive Plan

Development in the "Residential-Village" Map Area

Implementation Measure 4.1.6.a.

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

Finding: These criteria are satisfied.

Explanation of Finding: As found in this report, development is being proposed consistent with the Villebois Village Master Plan and the "Village" Zone District. See Findings C3 through C78.

Application of the "Village" Zone District

Implementation Measure 4.1.6.c.

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

Finding: These criteria are satisfied.

Explanation of Finding: The "Village" Zone is proposed to be applied to the property owned by the Nims. See Request B. The City owned property was previously rezoned to "Village" by Zoning Order DB14-0065. The Calais at Villebois LLC property was previously rezoned to "Village by Zoning Order DB14-0010.

Villebois Village Master Plan General- Land Use Plan

Complete Community/Range of Choices

General-Land Use Plan Policy 1

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

Finding: These criteria are satisfied.

Explanation of Finding: The proposed SAP amendment continues the provision of a mix of types and densities resulting in a minimum of 2,300 dwelling units within the Villebois area. Commercial areas continue to be concentrated around the Village Center.

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The proposed SAP Amendment further defines the residential uses in the subject area and other components are in the general configuration shown in the Master Plan. As can be seen on Sheet 6 Land Use Plan of the applicant’s submitted plan set, Exhibit B2, the residential uses include large, standard, medium, and small detached single-family. They are arranged as a similar pattern as other areas in Villebois with large lots on the edges with a mix of lot sizes on the interior of the site. See Findings C97 through C102 regarding Master Plan land use mix and density refinements as part of the SAP Amendment request.

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The Master Plan does not show any recreational or open space within the area affected by the SAP Amendment. Park and open space to serve the development is located immediately to the south in Regional Park 5 (Trocadero Park) as well in the upland forest preserve and Regional Park 4 (Edelweiss Park) to the southwest. Regional Park 6 is planned to the southeast.

Full Public Services
General-Land Use Plan Policy 4

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

Finding: These criteria are satisfied.

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

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

- C7. **Review Criteria:** “Development of Villebois shall be guided by a Finance Plan and the City’s Capital Improvement Plan, ensuring that the availability of services and

development occur in accordance with the City's concurrency requirements (see Implementation Measure 4, below)."

Finding: These criteria are satisfied.

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

Unique Planning and Regulatory Tools

General-Land Use Plan Implementation Measure 1

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

Finding: These criteria are satisfied.

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

Master Plan Refinements

General-Land Use Plan Implementation Measure 3

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

Finding: These criteria are satisfied.

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

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

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

Finding: These criteria are satisfied.

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

Villebois Village Master Plan Residential Neighborhood Housing

Variety of Housing Options

Residential Neighborhood Housing Policy 1

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

Finding: These criteria are satisfied.

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

Affordable Rental and Ownership Opportunities

Residential Neighborhood Housing Policy 2

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

Finding: These criteria are satisfied.

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

Average Density Requirement

Residential Neighborhood Housing Policy 3

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

Finding: These criteria are satisfied.

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

Minimum Total Dwelling Units

Residential Neighborhood Housing Policy 4

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

Finding: These criteria are satisfied.

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

Mix of Housing Types in Neighborhoods

Residential Neighborhood Housing Policy 5

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

Finding: These criteria are satisfied.

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

Community Housing Requirements
Residential Neighborhood Housing Policy 5

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

Finding: These criteria are satisfied.

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

Governor’s Livability Initiative
Residential Neighborhood Housing Policy 7

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

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on page 6 of their supporting compliance report for amendment to Specific Area Plan-North (Section IIA of Exhibit B1) the Specific Area Plan is consistent with the objectives and initiative referenced in this subsection.

Increasing Transportation Options
Residential Neighborhood Housing Policy 8

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

Finding: These criteria are satisfied.

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

Incorporating Natural Features
Residential Neighborhood Housing Policy 10

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

Finding: These criteria are satisfied.

Explanation of Finding: No natural features, such as wetlands or forested areas, are within the area impacted by the proposed SAP Amendment.

Compact, Pedestrian Oriented Character
Residential Neighborhood Housing Implementation Measure 1

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

Finding: These criteria are satisfied.

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

Pattern Books
Residential Neighborhood Housing Implementation Measure 2

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

Finding: These criteria are satisfied.

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

Villebois Village Master Plan Parks & Open Space

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

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

Finding: These criteria are satisfied.

Explanation of Finding: Existing trees have been inventoried for Phase 4 North, are being incorporated where feasible, and planted where appropriate. See Request F, Type C Tree Plan, and Request G, Final Development Plan for Parks and Open Space.

Sanitary Sewer Goal, Policy, and Implementation Measures

C23. Review Criteria: “Goal: The Villebois Village shall include adequate sanitary sewer service.”

Policy

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

Various project specific implementation measures

Finding: These criteria are satisfied.

Explanation of Finding: The Utility Plan, Sheet 14 of Exhibit B2, shows the approved sanitary system. The sanitary system within Phase 4 of SAP North will comply with Policies 1 through 7 of the City of Wilsonville Wastewater Master Plan, as demonstrated by the Utility Plan and the attached Utility & Drainage Report, applicant's notebook, Exhibit B1, Section IVC. No refinements to sanitary sewer are proposed.

Water System Goal, Policy, and Implementation Measures

C24. **Review Criteria:**

“Goal

The Villebois Village shall include adequate water service.

Policy

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

Implementation Measures

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

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The Utility Plan, Sheet 14 of Exhibit B2, shows the water system for SAP North, reflecting the proposed water system for Phase 4. The proposed water system will comply with Policies 1 through 7 of the Water System Master Plan.

Storm Water Goal

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

C25. Review Criteria: “The onsite storm water system for Villebois shall meet the necessary requirements of the City of Wilsonville Stormwater Master Plan and Public Works Standards.”

Finding: These criteria are satisfied.

Explanation of Finding: The Utility Plan, Sheet 14 of Exhibit B2, shows the stormwater system for SAP North, reflecting the proposed stormwater system for Phase 4. A supporting Utility and Drainage Report is included in Notebook (Exhibit B1) Section IIC, which demonstrates that the stormwater system will meet the necessary requirements of the City of Wilsonville Stormwater Master Plan and Public Works Standards.

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

C26. Review Criteria: “Villebois Village shall strive to minimize the development “footprint” on the hydrological cycle through the combination of stormwater management and rainwater management.”

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

Finding: These criteria are satisfied.

Explanation of Finding: Rainwater Management Systems are integrated into parks and open space areas as shown on the Park/Open Space/Pathways Plan, Sheet 9 of Exhibit B2. A minor refinement is proposed to water quality/stormwater/rainwater facilities.. See Findings C91 through C96.

Stormwater Facility Maintenance
Storm Water Implementation Measure 11

C27. Review Criteria: “Pursuant to the City’s Stormwater Master Plan Policies 9.2.4 and 9.2.5, maintenance of stormwater conveyance facilities, including detention/retention facilities, will be planned as part of the Specific Area Plans for the Villebois Village.”

Finding: These criteria are satisfied.

Explanation of Finding: Ownership and maintenance of stormwater conveyance facilities in SAP North Phase 4 and other future phases will be addressed through the future Ownership & Maintenance Agreement to be prepared with Final Plat Review.

Circulation System Goal

Encourage Alternative Modes, Accommodate All Modes
Circulation System Policy 1

C28. Review Criteria: “The Villebois Village shall encourage alternatives to the automobile, while accommodating all travel modes, including passenger cars, trucks, buses, bicycles and pedestrians.”

Finding: These criteria are satisfied.

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

Curb Extensions
Circulation System Implementation Measure 5

C29. Review Criteria: “Curb extensions may be utilized within the Villebois Village area under the following basic principles for their placement and design:

- A minimum of 20-foot face-of-curb to face-of-curb street width shall be provided at all Residential street intersections, even where curb extensions are located. In the Village Center (inside the Village Loop), the minimum curb-to-curb public street width should be 22 feet, in order to accommodate delivery and garbage truck movements.
- Fire trucks, buses, and single-unit trucks (i.e., garbage trucks) shall be able to negotiate from Collector/Arterial streets without crossing the Collector/Arterial street centerline. Fire trucks shall be able to negotiate through Residential streets, although it is acceptable for them to cross the street centerline on Residential streets.
- Passenger car turning movements shall be able to stay within the street centerline on all streets.
- Bike lanes shall not be forced into vehicle travel lanes.

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

Finding: These criteria are satisfied by Condition of Approval PDC 2.

Explanation of Finding: The Condition of Approval requires curb extensions in locations shown in the Community Elements Book and meeting the minimum 20 foot curb to curb width.

Statewide Planning Goals

Citizen Involvement
Goal 1

C30. Review Criterion: “To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”

Finding: This criterion is satisfied.

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

Land Use Planning

Goal 2

C31. Review Criterion: “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

Finding: This criterion is satisfied.

Explanation of Finding: The City is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing the plan. The Villebois Village Master Plan was adopted consistent with the planning policies in the Comprehensive Plan. The Villebois Village Master Plan was found to be consistent with Goal 2 because it creates a more specific plan for a portion of the City that provides additional guidance for future regulations. The proposed SAP amendment does not alter these circumstances. No additional needed connections beyond what is proposed by the applicant in Phase 4 North have been identified.

Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5

C32. Review Criterion: “To protect natural resources and conserve scenic and historic areas and open spaces.”

Finding: This criterion is satisfied.

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

Air, Water and Land Resource Quality

Goal 6

C33. Review Criteria: “To maintain and improve the quality of the air, water and land resources of the state.”

Finding: These criteria are satisfied.

Explanation of Finding: The Villebois Village Master Plan is consistent with the air, water and land resources policies of the Comprehensive Plan. The Villebois Village Master Plan protects water and land resources by providing protection for natural resource areas and limiting development to areas that have less impact on natural resources. The Master Plan does not propose any residential structures within the 100-year floodplain. The Plan also calls for measures to use environmentally sensitive techniques for storm drainage.

The Plan provides for a mixed-use, compact, interconnected Village that will provide transportation benefits by reducing the need for lengthy vehicle trips and increase the opportunity for bicycle and pedestrian transportation. The proposed SAP amendment does not alter these conditions as it remains consistent with the Master Plan in this regard.

Areas Prone to Natural Disasters and Hazards

Goal 7

C34. Review Criteria: “To protect life and property from natural disasters and hazards.”

Finding: These criteria are satisfied.

Explanation of Finding: No areas prone to floods, erosion, landslides, wildfire, etc. have been identified in the area affected by the SAP Amendment.

Recreational Needs

Goal 8

C35. Review Criteria: “To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

Finding: These criteria are satisfied.

Explanation of Finding: Consistent with the Master Plan no parks are proposed within the area affected by the SAP Amendment. Park and open space to serve the development is located immediately to the south in Regional Park 5 (Trocadero Park) as well in the upland forest preserve and Regional Park 4 (Edelweiss Park) to the southwest. Regional Park 6 is planned to the southeast. A mid-block trail crossing does provide an additional amenity.

Housing

Goal 10

C36. Review Criteria: “To provide for the housing needs of citizens of the state.”

Finding: These criteria are satisfied.

Explanation of Finding: The Villebois Village Master Plan complies with local and regional policies and requirements to implement this goal. The housing density and number goals for Villebois continue to be met with the number units and type of housing proposed for SAP North, including Phase 4.

Public Facilities and Services

Goal 11

C37. Review Criteria: “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

Finding: These criteria are satisfied.

Explanation of Finding: The Villebois Village Master Plan is consistent with the applicable provisions of the City’s various utility plans (see Chapter 4 – Utilities of the Master Plan). It proposes to coordinate future development with the provision of the

public facility infrastructure in the area (Figure 6 – Conceptual Composite Utilities Plan). The proposed SAP amendment does not change the planned utilities as shown in the Master Plan.

Transportation

Goal 12

C38. Review Criteria: “To provide and encourage a safe, convenient and economic transportation system.”

Finding: These criteria are satisfied.

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

Energy Conservation

Goal 13

C39. Review Criteria: “Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

Finding: These criteria are satisfied.

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

Urbanization

Goal 14

C40. Review Criteria: “To provide for an orderly and efficient transition from rural to urban land use.”

Finding: These criteria are satisfied.

Explanation of Finding: The Villebois Village Master Plan is consistent with Comprehensive Plan urbanization policies and the Residential – Village Land Use designation. The proposed SAP amendment for SAP North continues to comply with and further the intent of Goal 14 by providing a coordinated plan for urbanization of the Master Plan area that coordinates development of the area with development of public

facilities, including the transportation system, and protects natural resources. The SAP amendment continues to provide more detailed plans for the urbanization of an area already determined to be within the City's urban growth boundary.

Village Zone Generally

Permitted Uses in Village Zone

Subsection 4.125 (.02)

C41. Review Criteria: This subsection lists the uses typically permitted in the Village Zone, including single-family detached dwellings, row houses, and non-commercial parks, playgrounds, and recreational facilities.

Finding: These criteria are satisfied.

Explanation of Finding: The uses proposed includes single-family homes, which are permitted in the Village Zone.

Villebois Block, Alley, Pedestrian and Bicycle Standards:

Maximum Block Perimeter and Spacing Between Streets

Subsection 4.125 (.05) A. 1.-2

C42. Review Criteria: "Maximums Block Perimeter: 1,800 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent a block perimeter from meeting this standard."

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

Finding: These criteria are satisfied.

Explanation of Finding: As shown in the PDP plans, Exhibit B3, all blocks have a perimeter of less than 1800 feet. The block east of SW Amsterdam Avenue is longer than 530 feet but a path is provided mid-block across from the intersection with SW Oslo Street.

Intervening Pedestrian and Bicycle Access

Subsection 4.125 (.05) A. 3.

C43. Review Criteria: "If the maximum spacing for streets for local access exceeds 530 feet, intervening pedestrian and bicycle access shall be provided, with a maximum spacing of 330 feet from those local streets, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions from meeting this standard."

Finding: These criteria are satisfied.

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

Access

Subsection 4.125 (.05) B.

C44. Review Criterion: “All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.”

Finding: This criterion is satisfied.

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

Fences

Subsection 4.125 (.05) D.

C45. Review Criterion: This subsection establishes provisions for fences in the Village Zone, including being consistent with the Master Fencing Program and the Architectural Pattern Book.

Finding: This criterion is satisfied.

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

Parks & Open Space

Subsection 4.125 (.08)

C46. Review Criteria: This subsection prescribes the open space requirement for development in the Village Zone.

Finding: These criteria are satisfied.

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

Villebois Street Alignment and Access Improvements

Conformity with Master Plan, etc.

Subsection 4.125 (.09) A. 1. a.

C47. Review Criterion: “All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the Specific Area Plan, Preliminary Development Plan, or Final Development Plan . . .”

Finding: This criterion will be satisfied.

Explanation of Finding: The street alignments are generally consistent with those shown in the Villebois Village Master Plan. Some minor refinements are proposed. See Findings C79 through C84.

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

C48. Review Criteria: “All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.”

Finding: These criteria are satisfied.

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

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

C49. Review Criterion: “All streets shall be developed according to the Master Plan.”

Finding: This criterion is satisfied.

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

Intersections Angles
Subsection 4.125 (.09) A. 2. a. and b.

C50. Review Criteria:

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

Finding: These criteria are satisfied.

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

Intersection Offsets
Subsection 4.15 (.09) A. 2. c.

C51. Review Criterion: “Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:

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

Finding: These criteria are satisfied.

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

Curb Extensions

Subsection 4.125 (.09) A. 2. d.

C52. Review Criteria: “Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:

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

Finding: These criteria are satisfied by Condition of Approval PDC 2.

Explanation of Finding: A condition of approval requires curb extensions consistent with the Community Elements Book and meeting the curb to curb width of this subsection.

Street Grades

Subsection 4.125 (.09) A. 3.

C53. Review Criteria: “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

Finding: These criteria are satisfied.

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

Centerline Radius Street Curves

Subsection 4.125 (.09) A. 4.

C54. Review Criterion: “The minimum centerline radius street curves shall be as follows:

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

Finding: These criteria are satisfied.

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

Rights-of-way

Subsection 4.125 (.09) A. 5.

C55. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for rights-of-way as no other provisions are noted.

Finding: These criteria are satisfied.

Explanation of Finding: Proposed rights-of-way are shown on the applicant’s plan sheets, Exhibit B2. Rights-of-way will also be reviewed as part of the Preliminary Development

Plan and Tentative Plat to ensure compliance. Rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177.

Access Drives

Subsection 4.125 (.09) A. 6.

C56. Review Criteria: Access drives are required to be 16 feet for two-way traffic. Otherwise, pursuant to subsection (.09) A. above, the provisions of 4.177 apply for access drives as no other provisions are noted.

Finding: These criteria are satisfied.

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

Clear Vision Areas

Subsection 4.125 (.09) A. 7.

C57. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for clear vision areas as no other provisions are noted.

Finding: These criteria are satisfied.

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

Vertical Clearance

Subsection 4.125 (.09) A. 8.

C58. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for vertical clearance as no other provisions are noted.

Finding: These criteria are satisfied.

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

Sidewalk and Pathway Improvement Standards

Subsection 4.125 (.10)

C59. Review Criteria: "The provisions of Section 4.178 shall apply within the Village zone."

Finding: These criteria are satisfied.

Explanation of Finding: The applicant states, "All sidewalks and pathways within SAP SAP North Phase 4 will be constructed in accordance with the standards of Section 4.178 and the Villebois Village Master Plan." Sidewalks and pathways are shown in the circulation plan and street cross-sections (Sheets 7 and 8, Exhibit B2).

Other Village Zone Standards

Landscaping, Screening and Buffering

Subsection 4.125 (.11)

C60. Review Criteria: “Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:

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

Finding: These criteria are satisfied.

Explanation of Finding: The appropriate landscaping is provided. The proposed street trees are among the choices provided in the Community Elements Book.

Signage and Wayfinding

Subsection 4.125 (.12)

C61. Review Criteria: “Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.”

Finding: These criteria are satisfied.

Explanation of Finding: A Master Signage and Wayfinding Program has previously been adopted for SAP North and the proposed development will remain consistent with the previous approval including signage at the SW Paris Avenue entrance to Villebois.

Village Zone Design Principles

Subsection 4.125 (.13)

C62. Review Criteria: “The following design principles reflect the fundamental concepts, and support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities of the built environment within the Village zone.

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

Finding: These criteria are satisfied.

Explanation of Finding: The SAP Drawings, Exhibit B2, the Architectural Pattern Book, and the Community Elements Book are intended to guide the Preliminary Development Plan and Final Development Plan applications to achieve a built environment that reflects the fundamental concepts and objectives of the Master Plan. The Design Principles of Section (.13) have driven the development of the SAP Drawings, the Architectural Pattern Book and the Community Elements Book, which have previously been approved for SAP

North and will work in concert to assure that the vision of Villebois is Phase 4 of SAP North as well as future phases of SAP North.

Design Standards: Flag Lots

Subsection 4.125 (.14) A. 1. a.

C63. Review Criterion: “Flag lots are not permitted.”

Finding: This criterion is satisfied.

Explanation of Finding: No flag lots are proposed.

Building and Site Design Requirements

Subsection 4.125 (.14) A. 2. a. - e. and h. – k.

C64. Review Criteria: “Building and site design shall include:

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

Finding: These criteria are satisfied.

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

Lighting and Site Furnishings

Subsection 4.125 (.14) A. 3.

C65. Review Criteria: “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

Finding: These criteria are satisfied.

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

Building Systems

Subsection 4.125 (.14) A. 4.

C66. Review Criteria: “Building systems, as noted in Tables V-3 and V-4 (Permitted Materials and Configurations), below, shall comply with the materials, applications and configurations required therein. Design creativity is encouraged. The LEED Building Certification Program of the U.S. Green Building Council may be used as a guide in this regard.”

Finding: These criteria are satisfied.

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

Villebois Specific Area Plan Approval

Specific Area Plan Purpose

Subsection 4.125 (.18) C. 1.

C67. Review Criterion: “Purpose – A SAP is intended to advance the design of the Villebois Village Master Plan.”

Finding: This criterion is satisfied.

Explanation of Finding: As shown in Findings C3 through C66 above, the proposed SAP amendment is advancing the design of the Villebois Village Master Plan.

Who Can Initiate a SAP Application

Subsection 4.125 (.18) C. 2.-3.

C68. Review Criterion: “If not initiated by the City Council, Planning Commission or Development Review Board, an application for SAP approval shall be submitted by the Master Planner, or by landowners pursuant to subsection C.3 below. The application shall be accompanied by payment of a fee established in accordance with the City’s fee schedule.

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

Finding: This criterion is satisfied.

Explanation of Finding: The Master Planner previously submitted SAP North, which included the approval of many SAP elements. Some elements were not defined because

they were not yet known. A subsequent SAP amendment defined the additional components for Phases 2 and 3. With Phase 3 approval was granted for SAP Components for future additional phases that did not require access to the properties, including definition of street alignment and land uses consistent with the Master Plan. This request provides the required additional details for Phase 4, and has been signed by the property owners of Phase 4.

SAP Submittal Requirements: Existing Conditions

Subsection 4.125 (.18) D 1.

C69. Review Criterion: “Existing Conditions – An application for SAP approval shall specifically and clearly show the following features and information on maps, drawings, application form or attachments. The SAP shall be drawn at a scale of 1" = 100' (unless otherwise indicated) and may include multiple sheets depicting the entire SAP area, as follows:” Listed a. through h.

Finding: These criteria are satisfied.

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

SAP Submittal Requirements: Development Information

Subsection 4.125 (.18) D. 2.

C70. Review Criterion: “SAP Development Information – The following information shall also be shown at a scale of 1" = 100' and may include multiple sheets depicting the entire SAP area:” Listed a. through n.

Finding: These criteria are satisfied.

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

SAP Submittal Requirements: Architectural Pattern Book

Subsection 4.125 (.18) D. 3.

C71. Review Criterion: “Architectural Pattern Book – An Architectural Pattern Book shall be submitted with a SAP application. The Architectural Pattern Book shall apply to all development outside of the Village Center Boundary, as shown on Figure 1 of the currently adopted Villebois Village Master Plan. An Architectural Pattern Book shall address the following:” Listed a. through h.

Finding: These criteria are satisfied.

Explanation of Finding: The SAP North Architectural Pattern Book has previously been approved for the entirety of SAP North, including Phase 4 and future phases.

SAP Submittal Requirements: Community Elements Book

Subsection 4.125 (.18) D. 4.

C72. Review Criterion: “Community Elements Book – A Community Elements Book shall be submitted, including the following:” Listed a. through n.

Finding: These criteria are satisfied.

Explanation of Finding: The SAP North Community Elements Book has previously been approved for the entirety of SAP North, including Phase 4 and future phases.

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

C73. Review Criterion: “Rainwater Management Program – A Rainwater Management Program shall be submitted, addressing the following:” Listed a. through c. vii.

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

Explanation of Finding: The SAP North Rainwater Management Program has previously been approved for the entirety of SAP North, including Phase 4 and future phases.

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

C74. Review Criterion: “Master Signage and Wayfinding – A Master Signage and Wayfinding Plan shall be submitted with an SAP application and shall address the following:” Listed a. through e.

Finding: These criteria are satisfied.

Explanation of Finding: The SAP North Master Signage and Wayfinding program has previously been approved for the entirety of SAP North, including Phase 4 and future phases.

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

C75. Review Criterion: “SAP Narrative Statement – A narrative statement shall be submitted, addressing the following:” Listed a. through f.

Finding: These criteria are satisfied.

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

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

C76. Review Criteria: “Is consistent with the Villebois Village Master Plan. Those elements of the Village Master Plan with which the SAP must be consistent are the Plan’s Goals, Policies, and Implementation Measures, and, except as the text otherwise provides, Figures 1, 5, 6A, 7, 8, 9A, and 9B.”

Finding: These criteria are satisfied.

Explanation of Finding: Findings C3 through C66 above demonstrate compliance of proposed SAP amendment with the Villebois Village Master Plan.

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

C77. Review Criteria: “If the SAP is to be phased, as enabled by Sections 4.125(.18)(D)(2)(g) and (h), that the phasing sequence is reasonable.”

Finding: These criteria are satisfied.

Explanation of Finding: Proposed Phase 4 is contiguous with the previously approved Phases 2 and 3 and it is reasonable to be the next phase developed of SAP North. Other future Phases will be contiguous to approved or built phases which allows flexibility for these phases to be built a various factors dictate.

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

C78. Review Criteria: “The Development Review Board may require modifications to the SAP, or otherwise impose such conditions, as it may deem necessary to ensure conformance with the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

Finding: These criteria are satisfied.

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

SAP Refinements to Villebois Village Master Plan

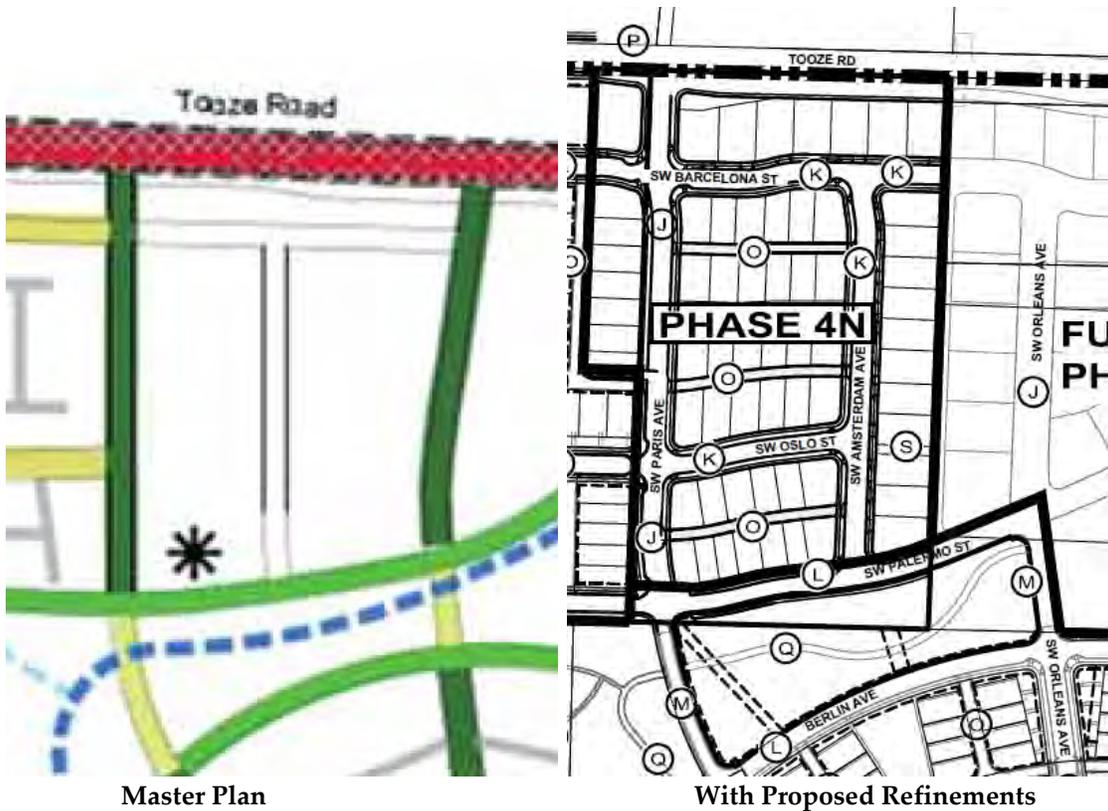
Refinement 1 Street Network

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

C79. Review Criteria: “Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.”

Finding: These criteria are satisfied.

Explanation of Finding: Two changes to the street network shown in the Villebois Village Master Plan are proposed. First, the Master Plan shows streets on both sides of Regional Park-5 (SW Paris Avenue and SW Orleans Avenue) extending to and connecting with SW Tooze Road. The City has since evaluated planned improvements for Tooze Road and determined to move the connection to Tooze Road and limit it to one access point on SW Paris Avenue. Eliminating one of the connections better preserves the function of Tooze Road, which is a minor arterial. Second, SW Oslo Street continues through an additional block to terminate at SW Amsterdam Avenue rather than SW Paris Avenue. This change adds connectivity for vehicles, bicycles, and pedestrians.



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

C80. Review Criteria: “As used herein, “significant” means:

- b. i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(F)(1)(a), above, or,
- a. vi. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the function of collector or minor arterial streets.

Finding: These criteria are satisfied.

Explanation of Finding: Quantifiable measures related to this refinement request include circulation system function and connectivity. Level of Service (LOS) is the quantifiable performance measure related to circulation system function for motor vehicles. No data is available nor practical to obtain regarding the circulation system function for bicycles and pedestrians. Pedestrian and bicycle connections will be maintained or increased. Vehicle connectivity to SW Tooze has been balanced with the desired through function of SW Tooze Road. While the number of connection points to arterials in an quantifiable matter, and the small number of connection points would make this proposed change significant, it is necessary to substantially improve the function of SW Tooze Road. While the traffic study did not compare LOS as various intersections with and without the proposed refinements, LOS of service continues to be met with the proposed changes.

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

C81. Review Criteria: “As used herein, “significant” means:

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

Finding: These criteria are satisfied.

Explanation of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding C82 below, the proposed refinements do not negatively affect qualitative features of the street network.

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

C82. Review Criteria: “The refinements will equally or better meet the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

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

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

The refinement allows for smaller block lengths, thus increasing walkability, and adds connectivity for vehicles, bicycles, and pedestrians.

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

There will continue to be access to all homes and destinations from a variety of travel modes.

Refinements: Impact on Resources

Subsection 4.125 (.18) F. 2. b.

C83. Review Criteria: “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the SAP and Village area, and”

Finding: These criteria are satisfied.

Explanation of Finding: No impact has been identified on the listed resources due to the proposed refinement.

Refinements: Relation to Adjoining Areas

Subsection 4.125 (.18) F. 2. c.

C84. Review Criteria: “The refinement will not preclude an adjoining or subsequent SAP area from development consistent with the Master Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: The refinements only impact SAP North.

Refinement 2 Parks, Trails, and Open Spaces

Refinements to the Master Plan: Parks, Trails, and Open Space

Subsection 4.125 (.18) F. 1. a. ii.

C85. Review Criteria: “Changes to the nature or location of park types, trails or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Specific Area Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed refinement adds a mid-block trail connection increasing connectivity for bikes and pedestrians as well as adds private open space.

Refinements: Definition of Significant-Quantitative

Subsection 4.125 (.18) F. 1. b. i.

C86. Review Criteria: “As used herein, “significant” means:

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

Finding: These criteria are satisfied.

Explanation of Finding: The additions increases any quantifiable measures of connectivity and recreational amenities.

Refinements: Definition of Significant-Qualitative

Subsection 4.125 (.18) F. 1. B. ii.

C87. Review Criteria: “As used herein, “significant” means:

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

Finding: These criteria are satisfied.

Explanation of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding C88 below, the proposed refinements do not negatively affect qualitative features of the parks, trails, and open space.

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

C88. Review Criteria: “The refinements will equally or better meet the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: Adding an additional trail increases connectivity and adds an additional recreational amenity within the Villebois Village Master Plan.

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

C89. Review Criteria: “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the SAP and Village area, and”

Finding: These criteria are satisfied.

Explanation of Finding: The additional trail does not have a detrimental impact the environment or the listed resources.

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

C90. Review Criteria: “The refinement will not preclude an adjoining or subsequent SAP area from development consistent with the Master Plan.”

Finding: These criteria are satisfied.

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

Refinement 3 Utilities and Storm Water Facilities

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

C91. Review Criteria: “Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.”

Finding: These criteria are satisfied.

Explanation of Finding: The Master Plan for the subject area shows Onsite Water Quality along Tooze Road and a larger area reserved for Rainwater Management. Tooze Road improvements affect the location and space of onsite stormwater and rainwater facilities. Water quality facilities have been moved off-site and retrofitted to meet Tooze Road improvements. The refinements to rainwater management within PDP 4N include street trees and bio-retention cells located in planter strips in rights-of-way, as shown within the attached utility plans (see applicant’s notebook, Exhibit B1, Section IVB), in order to utilize the space available.

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

C92. Review Criteria: “As used herein, “significant” means:

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

Finding: These criteria are satisfied.

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

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

C93. Review Criteria: “As used herein, “significant” means:

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

Finding: These criteria are satisfied.

Explanation of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding C94 below, the proposed refinements do not negatively affect qualitative features of the parks, trails, and open space.

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

C94. Review Criteria: “The refinements will equally or better meet the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: Keeping the similar level of service and function will equally meet the Master Plan.

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

C95. Review Criteria: “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the SAP and Village area, and”

Finding: These criteria are satisfied.

Explanation of Finding: No evidence has been provided that changes will have a negative impact on the environment or natural or scenic resources.

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

C96. Review Criteria: “The refinement will not preclude an adjoining or subsequent SAP area from development consistent with the Master Plan.”

Finding: These criteria are satisfied.

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

Refinement 4 Land Use and Density

Refinements to the Master Plan: Mix of Land Uses and Density
Subsection 4.125 (.18) F. 1. a. iv. and v.

C97. Review Criteria: “Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the affected SAP.”

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

Finding: These criteria are satisfied.

Explanation of Finding: The Master Plan for the subject area shows large, standard, medium, small, and neighborhood apartment uses within the Phase 4 area. PDP 4N proposes 63 single family detached dwellings – 23 small lots, 21 medium lots, 11 standard lots, and 8 large lots. The refinements to the Master Plan include a change in mix and unit counts, as well as a reconfiguration of the locations of the types of units. The refinement achieves a better mix of smalls and mediums within each block and along each street frontage. Additionally, the refinement places large lots along Tooze Road at the edge of the project. Overall, this creates a transition from larger units to smaller units moving toward the Villebois Greenway; south of the Greenway are smalls, cottages, and row homes, increasing in density and massing toward the core of the Village Center. Overall unit count remains well above 2,300 units.



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

C98. Review Criteria: “As used herein, “significant” means:

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

Finding: These criteria are satisfied.

Explanation of Finding: Quantifiable measures related to this refinement include number of units within the aggregate land use category, which, as shown in the table, is being reduced within the allowable 10% limit for the SAP. The density reduction is minimal at less than 5% for the SAP and less than 1% for the Master Plan, resulting in a unit count of 2,593.

	Currently Approved Count in SAP N	Proposed Unit Count in SAP N	% Change
Medium/Standard/Large/Estate	174	179	2.87%
Small Detached/Small Cottage/Row Homes/Neighborhood Apt.	273	246	-9.89%
Total	447	425	-4.92%

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

C99. Review Criteria: “As used herein, “significant” means:

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

Finding: These criteria are satisfied.

Explanation of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding C100 below, the proposed refinements do not negatively affect qualitative features of the street network.

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

C100. Review Criteria: “The refinements will equally or better meet the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 39-40 of their supporting compliance report for the SAP Amendment (Exhibit B1), increasing the variety of housing products in Phase 4 and slightly reducing the density equally or better meets the Villebois Village Master Plan

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

C101. Review Criteria: “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the SAP and Village area, and”

Finding: These criteria are satisfied.

Explanation of Finding: The change in housing mix and reduction in overall density does not have any detrimental impacts on the environment or natural or scenic resources.

Refinements: Relation to Adjoining Areas

Subsection 4.125 (.18) F. 2. c.

C102. Review Criteria: “The refinement will not preclude an adjoining or subsequent SAP area from development consistent with the Master Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: The changes in housing mix and reduction in overall density for Phase 4 will not preclude adjacent future phases from developing with the housing mix and density shown in the Villebois Village Master Plan.

Protection of Natural Features & Other Resources

General Terrain Preparation

Subsection 4.171 (.02)

C103. Review Criteria:

- “All developments shall be planned designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.
- All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code, all development shall be planned, designed, constructed and maintained so as to:
 - Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
 - Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
 - Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

Finding: These criteria are satisfied.

Explanation of Finding: The subject area is relatively flat without the features listed. Grading will be required to follow the Uniform Building Code, as will be reviewed for grading permits for the site.

Trees and Wooded Area

Subsection 4.171 (.04)

C104. Review Criteria:

- “All developments shall be planned, designed, constructed and maintained so that:

- Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.
- Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible.
- Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:
 - Avoiding disturbance of the roots by grading and/or compacting activity.
 - Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.
 - Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.
 - Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees.

Finding: These criteria are satisfied.

Explanation of Finding: No wooded areas exist within Phase 4. Individual trees of been inventoried and reviewed for preservation consistent with the Villebois Village Master Plan and the City's Tree Ordinance. See Request F.

Historic Protection
Subsection 4.171 (.09)

C105. Review Criteria: This subsection establishes requirements for protection of historic resources.

Finding: This criterion is satisfied.

Explanation of Finding: A cultural resource inventory has been performed. See Exhibit B5. According to a professionally preferred historic inventory of the subject site, no resources exist worthy for preservation or listing, and no further research or inventory is needed.

Request D: DB15-0087 SAP-North PDP 4, Preliminary Development Plan

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

Village Zone

Permitted Uses in Village Zone

Subsection 4.125 (.02)

D1. Review Criteria: This subsection lists the uses typically permitted in the Village Zone, including single-family detached dwellings, row houses, and non-commercial parks, playgrounds, and recreational facilities.

Finding: These criteria are satisfied.

Explanation of Finding: The uses proposed includes single-family homes, which are permitted in the Village Zone.

Block, Alley, Pedestrian, and Bicycle Standards

Subsection 4.125 (.05) A.

D2. Review Criteria: This subsection lists the block, alley, pedestrian, and bicycle standards applicable in the Village Zone.

Finding: These criteria are satisfied.

Explanation of Finding: The Preliminary Development Plan drawings, Exhibit B4, shows blocks, alleys, pedestrian, and bicycle paths consistent with this subsection and the SAP, as proposed to be amended.

Access

Subsection 4.125 (.05) B.

D3. Review Criterion: "All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer."

Finding: This criterion is satisfied.

Explanation of Finding: A condition of approval for the Tentative Subdivision Plat will ensure compliance with this standard. See Request E.

Development Standards
Table V-1

D4. **Review Criteria:**

Table V-1: Development Standards												
Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width ^{10, 12} (%age)	Max. Bldg. Height ⁹ (ft.)	Setbacks ^{10, 13, 20}				Alley-Loaded Garage (note)	Street-Loaded Garage (note)
							Front (ft.)	Front (ft.)	Rear (ft.)	Side (ft.)		
Single-Family Dwellings	2250	35	50	1	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17
Notes:	NR No Requirement NA Not Allowed 2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%, Estate Lots: 45% Maximum Lot Coverage 5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way. 6 For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback. 7 The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement. 8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main façade of the associated dwelling unit. 9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space. 10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements. 12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width. 13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley. 14 15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code. 16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way. 17 Dwellings on lots without alley access shall be at least 36 feet wide. 20 Lots are categorized as small, medium, standard, large or estate as shown in the Pattern Book. [Table V-1 amended by Ord. 667 on 8/17/09; Ord. 682, 9/9/10]											

Finding: These criteria are satisfied.

Explanation of Finding: In previous PDP's it has consistently been interpreted to allow the lot width and lot sizes to be governed by the Pattern Book. All lot dimensions and sizes meet the standards established in the SAP North Pattern Book.

Off-Street Parking, Loading & Bicycle Parking
Subsection 4.125 (.07) Table V-2

D5. **Review Criteria:**

Table V-2: Off Street Parking Requirements				
	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short-term (Spaces)	Bicycle Long-term (Spaces)
Permitted or Conditional Use				
Permitted Uses				
Single-Family Detached Dwellings	1.0/DU	NR	NR	NR

Finding: These criteria are satisfied.

Explanation of Finding: At least two (2) parking spaces are provided for each home, exceeding the minimum of one (1).

Parks & Open Space
Subsection 4.125 (.08)

D6. Review Criteria: This subsection prescribes the open space requirement for development in the Village Zone.

Finding: These criteria are satisfied.

Explanation of Finding: Figure 5 Parks & Open Space Plan of the Villebois Village Master Plan states that there are a total of 159.73 acres within Villebois, which is approximately 33% of Villebois. As described in the Parks, Trails, and Open Space refinement as part of the SAP Amendment, Request C, a mid-block trail is being added increasing the amount of parks and open space.

Street Alignment and Access Improvements

Conformity with Master Plan, etc.
Subsection 4.125 (.09) A. 1. a.

D7. Review Criterion: “All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the Specific Area Plan, Preliminary Development Plan, or Final Development Plan . . .”

Finding: This criterion is satisfied.

Explanation of Finding: The street alignments and access improvements conform with SAP North plans which have been found to be in compliance with the Villebois Village Master Plans with some minor refinements regarding alignment of the streets. See Request C Findings C69 and Findings C101 through C106.

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

D8. Review Criteria: “All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: All street improvements within this PDP will comply with the applicable Public Works Standards and make the connections to adjoining properties and phases as shown in the Villebois Village Master Plan, as refined in Request C.

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

D9. Review Criterion: “All streets shall be developed according to the Master Plan.”

Finding: This criterion is satisfied.

Explanation of Finding: All streets within this PDP will be developed with curbs, landscape strips, sidewalks, and bikeways or pedestrian pathways as depicted on the Circulation Plan and Street Sections, Sheet 7 of Exhibit B4, , which are consistent with the

cross sections shown in the Master Plan and as approved by the City Engineer for Grahams Ferry Road and Tooze Road.

Intersections of Streets: Angles and Intersections

Subsection 4.125 (.09) A. 2. a. & b.

D10. Review Criteria:

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

Finding: These criteria are satisfied.

Explanation of Finding: The Circulation Plan, Sheet 7 of Exhibit B4, demonstrates that all proposed streets will intersect at angles consistent with the above standards.

Intersection of Streets: Offsets

Subsection 4.15 (.09) A. 2. c.

D11. Review Criterion: “Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:

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

Finding: These criteria are satisfied.

Explanation of Finding: The Circulation Plan, Sheet 7 of Exhibit B4, demonstrate that opposing intersections on public streets are offset, as appropriate, so that no danger to the traveling public is created.

Curb Extensions

Subsection 4.125 (.09) A. 2. d.

D12. Review Criteria: “Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:

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

Finding: These criteria are satisfied.

Explanation of Finding: Curb extensions are shown on the Circulation Plan, Sheet 7 of Exhibit B4. Curb extensions will not obstruct bicycle lanes on collector streets. The plan

sheets illustrate that all local street intersections will have a minimum 20 foot wide clear distance between curb extensions.

Street Grades

Subsection 4.125 (.09) A. 3.

D13. Review Criteria: “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

Finding: These criteria are satisfied.

Explanation of Finding: No streets are proposed that exceed or approach the maximum grade.

Centerline Radius Street Curves

Subsection 4.125 (.09) A. 4.

D14. Review Criterion: “The minimum centerline radius street curves shall be as follows:

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

Finding: These criteria are satisfied.

Explanation of Finding: Compliance is shown on the Circulation Plan, Sheet 7 of Exhibit B4.

Rights-of-way

Subsection 4.125 (.09) A. 5.

D15. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for rights-of-way as no other provisions are noted.

Finding: These criteria are satisfied.

Explanation of Finding: Proposed rights-of-way are shown on the applicant’s plan sheets, including Sheet 4, Preliminary Plat, in Exhibit B4 as revised in Exhibit B6. Rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177.

Access Drives

Subsection 4.125 (.09) A. 6.

D16. Review Criteria: Access drives are required to be 16 feet for two-way traffic. Otherwise, pursuant to subsection (.09) A. above, the provisions of 4.177 apply for access drives as no other provisions are noted.

Finding: These criteria are satisfied.

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

Clear Vision Areas

Subsection 4.125 (.09) A. 7.

D17. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for clear vision areas as no other provisions are noted.

Finding: These criteria are satisfied.

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

Vertical Clearance

Subsection 4.125 (.09) A. 8.

D18. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for vertical clearance as no other provisions are noted.

Finding: These criteria are satisfied.

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

Interim Improvement Standards

Subsection 4.125 (.09) A. 9.

D19. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for interim improvement standards as no other provisions are noted.

Finding: This criterion will be satisfied.

Explanation of Finding: With Phase 4, an interim street section improvement will be provided on SW Tooze Road to create consistency with street improvements completed with earlier phases of SAP North and for future improvements to Tooze Road. Additionally, an interim improvement will be provided on Firenze Avenue as sufficient right-of-way will not exist until the adjacent property is developed.

Sidewalk and Pathway Improvement Standards

Subsection 4.125 (.10)

D20. Review Criteria: "The provisions of Section 4.178 shall apply within the Village zone."

Finding: These criteria are satisfied.

Explanation of Finding: All sidewalks and pathways within PDP 4 North will be constructed in accordance with the standards of Section 4.154 (which replaced 4.178) and

the Villebois Village Master Plan. Sidewalks and pathways are shown in the Circulation Plan and Street Cross-sections, Sheet 7 of Exhibit B4.

Landscaping, Screening and Buffering

Subsection 4.125 (.11)

D21. Review Criteria: “Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:

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

Finding: These criteria are satisfied.

Explanation of Finding: The appropriate landscaping is provided. The proposed street trees are among the choices provided in the Community Elements Book.

Signage and Wayfinding

Subsection 4.125 (.12)

D22. Review Criteria: “Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.”

Finding: These criteria are satisfied.

Explanation of Finding: Signage will be provided consistent with the SAP North Signage & Wayfinding Plan.

Design Principles Applying to the Village Zone

Subsection 4.125 (.13)

D23. Review Criteria: “The following design principles reflect the fundamental concepts, and support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities of the built environment within the Village zone.

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

Finding: These criteria are satisfied.

Explanation of Finding: The Architectural Pattern Book and Community Elements Book ensure the design meets the fundamental design concepts and support the objectives of the Villebois Village Master Plan. By complying with an approved Architectural Pattern Book and Community Elements Book, the design of the PDP will satisfy these criteria. See also Final Development Plan, Request G.

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

D24. Review Criterion: “Flag lots are not permitted.”

Finding: This criterion is satisfied.

Explanation of Finding: No flag lots are proposed.

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

D25. Review Criteria: “Building and site design shall include:

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

Finding: These criteria are satisfied or will be satisfied by Conditions of Approval.

Explanation of Finding: The application requests PDP approval for single family detached houses. Conformance with the Pattern Book and Community Elements Book will assure consistency with the Design Standards of subsection (.14). Conformance with the Architectural Pattern Book will be reviewed at the issuance of each building permit. Conceptual front elevations of the planned homes are provided. See Section IIF) of Exhibit B3. Compliance with the Community Elements Book is being reviewed as part of Request F Final Development Plan. In order to increase consistency with the Architectural Pattern Book and other development elsewhere in Villebois Condition of Approval PDD 5 requires courtyard fencing consistent with the pattern book and the architectural style of the home for at least 30% of the homes with usable courtyards not exceeding a 5% slope.

Landscape Plans
Subsection 4.125 (.14) A. 2. g.

D26. Review Criterion: “Building and site design shall include:

- A landscape plan in compliance with Sections 4.125(.07) and (.11), above.”

Finding: This criterion is satisfied.

Explanation of Finding: The appropriate landscape plans have been provided. See FDP Plans, Exhibit B5.

Protection of Significant Trees

Subsection 4.125 (.14) A. 2. f.

D27. Review Criterion: “Building and site design shall include:

- The protection of existing significant trees as identified in an approved Community Elements Book.”

Finding: This criterion is satisfied.

Explanation of Finding: Tree protection information is provided. See also Request F.

Lighting and Site Furnishings

Subsection 4.125 (.14) A. 3.

D28. Review Criteria: “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

Finding: These criteria are satisfied or will be required to do so by Condition of Approval PDD 2.

Explanation of Finding: No park lighting or furnishings are proposed or required.

Building Systems

Subsection 4.125 (.14) A. 4.

D29. Review Criteria: “Building systems, as noted in Tables V-3 and V-4 (Permitted Materials and Configurations), below, shall comply with the materials, applications and configurations required therein. Design creativity is encouraged. The LEED Building Certification Program of the U.S. Green Building Council may be used as a guide in this regard.”

Finding: These criteria are satisfied.

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

Preliminary Development Plan Approval

Submission Timing

Subsection 4.125 (.18) G. 1. a.

D30. Review Criterion: “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed with the City Planning Division for the entire SAP, or when submission of the SAP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.”

Finding: This criterion is satisfied.

Explanation of Finding: This PDP addresses Phase 4 on the SAP North Phasing Plan as amended with Request C.

Owners' Consent

Subsection 4.125 (.18) G. 1. b.

D31. Review Criterion: "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be made by the owner of all affected property or the owner's authorized agent;"

Finding: This criterion is satisfied.

Explanation of Finding: This application is made by Fred Gast of Polygon Homes. The PDP application has been signed by owners City of Wilsonville, Calais at Villebois LLC, as well as Jay and Theresa Nims.

Proper Form & Fees

Subsection 4.125 (.18) G. 1. c.

D32. Review Criterion: "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution;"

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has used the prescribed form and paid the required application fees.

Professional Coordinator

Subsection 4.125 (.18) G. 1. d.

D33. Review Criterion: "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall set forth the professional coordinator and professional design team for the project;"

Finding: This criterion is satisfied.

Explanation of Finding: A professional design team is working on the project with Stacy Connery AICP from Pacific Community Design as the professional coordinator.

Mixed Uses

Subsection 4.125 (.18) G. 1. e.

D34. Review Criterion: "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall state whether the development will include mixed land uses, and if so, what uses and in what proportions and locations."

Finding: This criterion is satisfied.

Explanation of Finding: The proposed PDP includes only residential uses with supporting amenities and utilities.

Land Division

Subsection 4.125 (.18) G. 1. f.

D35. Review Criterion: “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a preliminary land division (concurrently) per Section 4.400, as applicable.”

Finding: This criterion is satisfied.

Explanation of Finding: A preliminary subdivision plat has been submitted concurrently with this request. See Request E.

Zone Map Amendment

Subsection 4.125 (.18) G. 1. g.

D36. Review Criterion: “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.”

Finding: This criterion is satisfied.

Explanation of Finding: A zone map amendment request has been submitted concurrently with this request. See Request B.

Information Required

Subsection 4.125 (.18) G. 2. a. – c.

D37. Review Criteria: “The application for Preliminary Development Plan approval shall include conceptual and quantitatively accurate representations of the entire development sufficient to demonstrate conformance with the approved SAP and to judge the scope, size and impact of the development on the community and shall be accompanied by the following information:

- A boundary survey or a certified boundary description by a surveyor licensed in the State of Oregon.
- Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, (e.g., flood plain, wetlands, forested areas, steep slopes or adjacent to stream banks). Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
 - One (1) foot contours for slopes of up to five percent (5%);
 - Two (2) foot contours for slopes from six percent (6%) to twelve (12%);
 - Five (5) foot contours for slopes from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
 - Ten (10) foot contours for slopes exceeding twenty percent (20%).
- The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the PDP and within 50 feet of the PDP boundary, as required by Section 4.139.

Finding: These criteria are satisfied.

Explanation of Finding: All of the listed information has been provided. See Exhibits B3 and B4.

Land Area Tabulation

Subsection 4.125 (.18) G. 2. d.

D38. Review Criteria: “A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.”

Finding: These criteria are satisfied.

Explanation of Finding: Following is a tabulation of land area devoted to the various uses and a calculation of net residential density:

Approx. Gross Acreage	10.85 Acres
Parks and Open Space	0.72 Acres
Public Streets	3.93 Acres
Lots and Alleys	6.20 Acres

Net Residential Density: 63 lots / 6.20 Acres = 10.16 units per net acre

Streets, Alleys, and Trees

Subsection 4.125 (.18) G. 2. e.

D39. Review Criteria: “The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the PDP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails, and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only.”

Finding: These criteria are satisfied.

Explanation of Finding: Information on planned alleys and streets are provided or the information is readily available. Easements, sidewalks, bike routes and bikeways, trails, and other relevant features are shown. The required trees are shown. See Exhibit B4.

Building Drawings

Subsection 4.125 (.18) G. 2. f.

D40. Review Criteria: “Conceptual drawings, illustrations and building elevations for each of the listed housing products and typical non-residential and mixed-use buildings to be constructed within the Preliminary Development Plan boundary, as identified in the approved SAP, and where required, the approved Village Center Design.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed PDP includes Large, Standard, Medium, and Small detached single-family housing products. Conceptual elevations have been provided. See Section IIF) of applicant’s notebook, Exhibit B3.

Utility Plan

Subsection 4.125 (.18) G. 2. g.

D41. Review Criterion: "A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP."

Finding: This criterion is satisfied.

Explanation of Finding: A composite utility plan has been provided. See applicant's Sheet 6, Exhibit B3.

Phasing Sequence

Subsection 4.125 (.18) G. 2. h.

D42. Review Criterion: "If it is proposed that the Preliminary Development Plan will be executed in Phases, the sequence thereof shall be provided."

Finding: This criterion is satisfied.

Explanation of Finding: The PDP is proposed to be executed in a single phase.

Security for Capital Improvements

Subsection 4.125 (.18) G. 2. i.

D43. Review Criterion: "A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project."

Finding: This criterion is satisfied.

Explanation of Finding: The applicant states "the applicant will provide a performance bond or other acceptable security for the capital improvements required by the project."

Traffic Report

Subsection 4.125 (.18) G. 2. j.

D44. Review Criterion: "At the applicant's expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the SAP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2)."

Finding: This criterion is satisfied.

Explanation of Finding: The required traffic report has been provided, and can be found in Section IVD of the applicant's notebook, Exhibit B1.

PDP Submittal Requirements

General PDP Submission Requirements Subsection 4.125 (.18) H. 1.

D45. Review Criteria: “The Preliminary Development Plan shall conform with the approved Specific Area Plan, and shall include all information required by (.18)(D)(1) and (2), plus the following:

- The location of water, sewerage and drainage facilities;
- Conceptual building and landscape plans and elevations, sufficient to indicate the general character of the development;
- The general type and location of signs;
- Topographic information as set forth in Section 4.035;
- A map indicating the types and locations of all proposed uses; and
- A grading and erosion control plan illustrating existing and proposed contours as prescribed previously in this section.”

Finding: These criteria are satisfied.

Explanation of Finding: The PDP matches the requested approval of the SAP North, as requested to be amended in Request C, and the application includes all of the requested information.

Traffic Report Subsection 4.125 (.18) H. 2.

D46. Review Criteria: “In addition to this information, and unless waived by the City’s Community Development Director as enabled by Section 4.008(.02)(B), at the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the PDP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire PDP, and it shall meet Subsection 4.140(.09)(J)(2) for the full development of all five SAPs.”

Finding: These criteria are satisfied.

Explanation of Finding: The required traffic report is included in Section IVD of the applicant’s notebook, Exhibit B1.

Level of Detail Subsection 4.125 (.18) H. 3.

D47. Review Criterion: “The Preliminary Development Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the phase of development. However, approval of a Final Development Plan is a separate and more detailed review of proposed design features, subject to the standards of Section 4.125(.18)(L) through (P), and Section 4.400 through Section 4.450.”

Finding: This criterion is satisfied.

Explanation of Finding: The required level of detail has been shown, similar to other PDP's approved throughout Villebois.

Copies of Legal Documents

Subsection 4.125 (.18) H. 4.

D48. Review Criterion: "Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted."

Finding: This criterion is satisfied.

Explanation of Finding: The required legal documents for review have been provided. See Section IVC in the applicant's notebook, Exhibit B3.

PDP Approval Procedures

Subsection 4.125 (.18) I.

D49. Review Criteria: "An application for PDP approval shall be reviewed using the following procedures:

- Notice of a public hearing before the Development Review Board regarding a proposed PDP shall be made in accordance with the procedures contained in Section 4.012.
- A public hearing shall be held on each such application as provided in Section 4.013.
- After such hearing, the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application."

Finding: These criteria are satisfied.

Explanation of Finding: The request is being reviewed according to this subsection.

PDP Approval Criteria

PDP Consistent with Standards of Section 4.125

Subsection 4.125 (.18) K. 1. a.

D50. Review Criteria: "Is consistent with the standards identified in this section."

Finding: These criteria are satisfied.

Explanation of Finding: As shown elsewhere in this request, the proposed Preliminary Development Plan is consistent with the standards of Section 4.125.

PDP Complies with the Planning and Land Development Ordinance

Subsection 4.125 (.18) K. 1. b.

D51. Review Criterion: "Complies with the applicable standards of the Planning and Land Development Ordinance, including Section 4.140(.09)(J)(1)-(3)."

Finding: This criterion is satisfied.

Explanation of Finding: Findings are provided showing compliance with applicable standards of the Planning and Land Development Ordinance. Specifically Findings D57 through D59 address Subsections 4.140 (.09) J. 1. through 3.

PDP Consistent with Approved SAP
Subsection 4.125 (.18) K. 1. c.

D52. Review Criterion: "Is consistent with the approved Specific Area Plan in which it is located."

Finding: This criterion is satisfied.

Explanation of Finding: The requested PDP approval is consistent with the SAP, as requested to be amended by Request C.

PDP Consistent with Approved Pattern Book
Subsection 4.125 (.18) K. 1. d.

D53. Review Criterion: "Is consistent with the approved Pattern Book and, where required, the approved Village Center Architectural Standards."

Finding: This criterion is satisfied.

Explanation of Finding: The proposed conceptual drawings have been found by the consultant architect to be consistent with the Architectural Pattern Book. The proposed lots are of sizes enabling conformance with the Architectural Pattern Book.

Reasonable Phasing Schedule
Subsection 4.125 (.18) K. 2.

D54. Review Criterion: "If the PDP is to be phased, that the phasing schedule is reasonable and does not exceed two years between commencement of development of the first, and completion of the last phase, unless otherwise authorized by the Development Review Board."

Finding: This criterion is satisfied.

Explanation of Finding: The PDP will be completed in a single phase.

Parks Concurrency
Subsection 4.125 (.18) K. 3.

D55. Review Criterion: "Parks within each PDP or PDP Phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase, unless weather or other special circumstances prohibit completion, in which case bonding for such improvements shall be permitted."

Finding: This criterion will be satisfied by Condition of Approval PDD 3.

Explanation of Finding: A condition of approval ensures the parks within PDP 4 North completed prior to occupancy of 50% of the housing units of the phase or bonding will be provided if special circumstances prevent completion. Specifically, park improvement shown must be completed prior to the granting of the building permit for the 32nd house in the PDP.

DRB Conditions
Subsection 4.125 (.18) K. 5.

D56. Review Criteria: “The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

Finding: This criterion is satisfied.

Explanation of Finding: No additional conditions of approval are recommended.

Planned Development Regulations

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

D57. Review Criteria: “The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.”

Finding: These criteria are satisfied.

Explanation of Finding: The applicant’s findings demonstrate the location, design, size, and uses proposed with the PDP are both separately and as a whole consistent with SAP North as proposed to be amended in Request C, and thus the Villebois Village Master Plan, the City’s Comprehensive Plan designation of Residential – Village for the area, and any other applicable ordinance of which staff is aware.

Meeting Traffic Level of Service D
Subsection 4.140 (.09) J. 2.

D58. Review Criteria: That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City’s adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

Finding: These criteria are satisfied.

Explanation of Finding: The location, design, size and uses are such that traffic generated within the PDP at the most heavily used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D. The proposed uses and the circulation system are consistent with SAP North, as requested to be amended in Request C. A copy of the Traffic Impact Analysis is included in Section IVD of the applicant’s notebook, Exhibit B1.

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

D59. Review Criteria: “That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.”

Finding: These criteria are satisfied.

Explanation of Finding: As shown in the Utility and Drainage Report, Section IIIC of the applicant’s notebook, Exhibit B3, and the applicant’s Composite Utility Plan, Sheet 6 of Exhibit B4, adequate or immediately planned facilities and services are sufficient to serve the planned development.

Protection of Natural Features & Other Resources

General Terrain Preparation
Subsection 4.171 (.02)

D60. Review Criteria:

- “All developments shall be planned designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.
- All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code, all development shall be planned, designed, constructed and maintained so as to:
 - Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
 - Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
 - Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

Finding: These criteria are satisfied.

Explanation of Finding: The PDP matches the SAP North approvals, as requested to be amended in Request C and found to meet the requirements of this subsection.

Hillsides
Subsection 4.171 (.03)

D61. Review Criterion: “Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:”

Finding: This criterion does not apply.

Explanation of Finding: No development is proposed on such slopes.

Trees and Wooded Area

Subsection 4.171 (.04)

D62. Review Criteria:

- “All developments shall be planned, designed, constructed and maintained so that:
 - Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.
 - Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible.
 - Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:
 - Avoiding disturbance of the roots by grading and/or compacting activity.
 - Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.
 - Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.
 - Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees.

Finding: These criteria are satisfied.

Explanation of Finding: The Tree Preservation Plan, Section VI of Exhibit B3 and Sheet 10 of Exhibit B4, depicts existing trees within the subject area and identifies trees to be retained and to be removed. This application includes a request for approval of a Type “C” Tree Removal Plan. See Request F.

High Voltage Power Lines

Subsection 4.171 (.05)

D63. Review Criteria: “High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:

- Due to the restrictions placed on these lands, no residential structures shall be allowed within high voltage power line easements and rights of way and petroleum pipeline easements, and any development, particularly residential, adjacent to high voltage power line easements and rights of way and petroleum pipeline easement shall be carefully reviewed.
- Any proposed non-residential development within high voltage power line easements and rights of way and petroleum pipeline easements shall be coordinated with and approved by the Bonneville Power Administration, Portland General Electric Company or other appropriate utility, depending on the easement or right of way ownership.

Finding: These criteria do not apply.

Explanation of Finding: The development area and surrounding area are not around high voltage power lines.

Safety Hazards

Subsection 4.171 (.06)

D64. Review Criteria: “

- To protect lives and property from natural or human-induced geologic or hydrologic hazards and disasters.
- To protect lives and property from damage due to soil hazards.
- To protect lives and property from forest and brush fires.
- To avoid financial loss resulting from development in hazard areas.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant states that development of the subject area will occur in a manner that minimizes potential hazards to safety.

Earth Movement Hazard Areas

Subsection 4.171 (.07)

D65. **Review Criterion:** “No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions.”

Finding: This criterion is satisfied.

Explanation of Finding: No areas of land movement, slump, earth flow, or mud or debris flow have been identified in the project area.

Standards for Soil Hazard Areas

Subsection 4.171 (.08)

D66. Review Criteria:

- “Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.
- The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulleting and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

Finding: These criteria are satisfied.

Explanation of Finding: No soil hazard areas have been identified within the subject area.

Historic Protection

Subsection 4.171 (.09)

D67. **Review Criteria:** This subsection establishes requirements for protection of historic resources.

Finding: This criterion is satisfied.

Explanation of Finding: The PDP matches the SAP North approvals, as requested to be amended in Request C and found to meet the requirements of this subsection.

Landscaping, Screening, and Buffering
Section 4.176

D68. Review Criteria: This section establishes landscape, screening, and buffering requirements for development within the City.

Finding: These criteria are satisfied.

Explanation of Finding: Landscaping will be provided in accordance with the standards in Section 4.176. The Street Tree/Lighting Plan depicts street trees along rights-of-way within the subject Preliminary Development Plan area. The plan has been developed in conformance with the *Community Elements Book* and the applicable standards of Section 4.176. Landscaping in the parks and linear green areas will be reviewed with Request G, Final Development Plan.

Street Improvement Standards
Section 4.177

D69. Review Criteria: This section establishes street improvements standards for development within the City.

Finding: These criteria are satisfied.

Explanation of Finding: The PDP matches the SAP North approvals, as requested to be amended in Request C and found to meet the requirements of this subsection.

Request E: DB15-0088 Tentative Subdivision Plat

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

Permitted Uses in the Village Zone
Subsection 4.125 (.02)

E1. Review Criteria: This subsection lists the permitted uses in the Village Zone.

Finding: These criteria are satisfied.

Explanation of Finding: The proposed subdivision is for uses including single family homes and parks and open space are permitted in the Village Zone.

Development Standards Applying to All Development in Village Zone

Block, Alley, Pedestrian, and Bicycle Standards
Subsection 4.125 (.05) A.

E2. Review Criteria: This subsection lists the block, alley, pedestrian, and bicycle standards applicable in the Village Zone.

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows blocks, alleys, pedestrian, and bicycle paths consistent with this subsection and the proposed PDP.

Access Standards

Subsection 4.125 (.05) B.

E3. Review Criterion: “All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.”

Finding: This criterion will be satisfied by Condition of Approval PDE 5.

Explanation of Finding: Condition of Approval PDE 6 requires a non-access reservation strip on the street side of lots with street access helping to ensure this criterion is met.

Development Standards in the Village Zone

Table V-1

E4. Review Criteria: This table shows the development standards, including setback for different uses in the Village Zone.

Finding: These criteria are satisfied.

Explanation of Finding: As been consistently interpreted for PDP approvals in Villebois, lot dimensions in the Architectural Pattern Book can govern such things as lot width and size even when it is not consistent with the table. The proposed lots facilitate the construction that meets relevant standards of the table and the Architectural Pattern Book for SAP North.

Open Space Requirements

Subsection 4.125 (.08)

E5. Review Criteria: This subsection establishes the open space requirements for the Village Zone.

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDE 9.

Explanation of Finding: The tentative subdivision plat shows open space consistent with the requirements of the Village Zone and the proposed PDP. Consistent with the requirements of (.08) C. the condition of approval require the City Attorney to review and approve pertinent bylaws, covenants, or agreements prior to recordation.

Street and Improvement Standards:

General Provisions

Subsection 4.125 (.09) A. 1.

E6. Review Criteria: “Except as noted below, the provisions of Section 4.177 shall apply within the Village zone:

- General Provisions:
 - All street alignment and access improvements shall conform to Figures 7, 8, 9A, and 9B of the Villebois Village Master Plan, or as refined in an

approved Specific Area Plan, Preliminary Development Plan, or Final Development Plan, and the following standards:

- All street improvements shall conform to the Public Works Standards and the Transportation Systems Plan, and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.
- All streets shall be developed according to the Master Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows street alignments, improvements, and access improvements consistent with the approved PDP and SAP found to be consistent with the Master Plan and Transportation Systems Plan.

Intersection of Streets
Subsection 4.125 (.09) A. 2.

E7. Review Criteria: “Intersections of streets:

- **Angles:** Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.
- **Intersections:** If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of a thirty (30) foot centerline radius and said angle shall not be less than sixty (60) degrees. Any angle less than ninety 90 degrees shall require approval by the City Engineer after consultation with the Fire District.
- **Offsets:** Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:
 - 1000 ft. for major arterials
 - 600 ft. for minor arterials
 - 100 ft. for major collector
 - 50 ft. for minor collector
- **Curb Extensions:**
 - Curb extensions at intersections shall be shown on the Specific Area Plans required in Subsection 4.125(.18)(C) through (F), below, and shall:
 - Not obstruct bicycle lanes on collector streets.
 - Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections, meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows street intersections as proposed in the proposed PDP consistent with these standards.

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

- E8. Review Criteria:** “The minimum centerline radius street curves shall be as follows:
- Arterial streets: 600 feet, but may be reduced to 400 feet in commercial areas, as approved by the City Engineer.
 - Collector streets: 600 feet, but may be reduced to conform with the Public Works Standards, as approved by the City Engineer.
 - Local streets: 75 feet”

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows streets found to meet these standards under Requests C and D.

Street and Improvement Standards: Rights-of-way
Subsections 4.125 (.09) A. 5. and 4.177 (.01) C.

- E9. Review Criteria:**
- “Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Street System Master Transportation Systems Plan. All dedications shall be recorded with the County Assessor's Office.
 - The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder’s Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.
 - In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.”

Finding: These criteria will be satisfied by Condition of Approval PDE 9.

Explanation of Finding: As stated by the applicant, “rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177.” A condition of approval requires the waiver of remonstrance.

Plat Review Process

Plats Reviewed by Planning Director or DRB
Subsection 4.202 (.01) through (.03)

- E10. Review Criteria:** “Pursuant to ORS Chapter 92, plans and plats must be approved by the Planning Director or Development Review Board (Board), as specified in Sections 4.030 and 4.031, before a plat for any land division may be filed in the county recording office for any land within the boundaries of the City, except that the Planning Director shall

have authority to approve a final plat that is found to be substantially consistent with the tentative plat approved by the Board.

The Development Review Board and Planning Director shall be given all the powers and duties with respect to procedures and action on tentative and final plans, plats and maps of land divisions specified in Oregon Revised Statutes and by this Code.

Approval by the Development Review Board or Planning Director of divisions of land within the boundaries of the City, other than statutory subdivisions, is hereby required by virtue of the authority granted to the City in ORS 92.”

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat is being reviewed by the Development Review Board according to this subsection. The final plat will be reviewed by the Planning Division under the authority of the Planning Director to ensure compliance with the DRB review of the tentative subdivision plat.

Legal Creation of Lots

Subsection 4.202 (.04) A.

E11. Review Criterion: “No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.”

Finding: This criterion is satisfied.

Explanation of Finding: It is understood that no lots will be sold until the final plat has been approved by the Planning Director and recorded.

Undersized Lots

Subsection 4.202 (.04) B.

E12. Review Criterion: “It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved by the Development Review Board or City Council. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through the Variance procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.118.”

Finding: This criterion is satisfied.

Explanation of Finding: No lots will be divided into a size smaller than allowed.

Pre-Application Conference

Subsection 4.210 (.01)

E13. Review Criterion: “Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.”

Finding: This criterion is satisfied.

Explanation of Finding: A pre-application conference was held on November 5, 2015 in accordance with this subsection.

Preparation of Tentative Plat
Subsection 4.210 (.01) A.

E14. Review Criterion: “The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.”

Finding: This criterion is satisfied.

Explanation of Finding: Sheet 4 of Exhibit B3, as shown revised in Exhibit B6, is a tentative subdivision plat prepared in accordance with this subsection.

Tentative Plat Submission
Subsection 4.210 (.01) B.

E15. Review Criteria: “The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:” Listed 1. through 26.

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat has been submitted with the required information.

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

E16. Review Criteria: “Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.”

Finding: These criteria are satisfied.

Explanation of Finding: The land is intended to be developed in a single phase.

Remainder Tracts
Subsection 4.210 (.01) E.

E17. Review Criteria: “Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.”

Finding: These criteria are satisfied.

Explanation of Finding: All affected property has been incorporated into the tentative subdivision plat.

Conformity to the Master Plan or Map
Subsection 4.236 (.01)

E18. Review Criteria: "Land divisions shall conform to and be in harmony with the Transportation Master Plan (Transportation Systems Plan), the Bicycle and Pedestrian Master Plan, the Parks and Recreation Master Plan, the Official Plan or Map and especially to the Master Street Plan."

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat is consistent with applicable plans including the Transportation Systems Plan and Villebois Village Master Plan as requested to be refined in Request C.

Relation to Adjoining Street System
Subsection 4.236 (.02)

E19. Review Criteria:

- A land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Director or Development Review Board, topographic conditions make such continuation or conformity impractical, an exception may be made. In cases where the Board or Planning Commission has adopted a plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.
- Where the plat submitted covers only a part of the applicant's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.
- At any time when an applicant proposes a land division and the Comprehensive Plan would allow for the proposed lots to be further divided, the city may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street plans and other requirements specified in these regulations.

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows streets meeting these standards consistent with the proposed PDP. See Request D.

Streets: Conformity to Standards Elsewhere in the Code
Subsection 4.236 (.03)

E20. Review Criteria: "All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone."

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows streets consistent with the proposed Master Plan Amendment and PDP under Requests C and D which meets Section 4.177 and the block requirements of the zone.

Creation of Easements
Subsection 4.236 (.04)

E21. Review Criteria: "The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required."

Finding: These criteria are satisfied.

Explanation of Finding: No specific easements are requested pursuant to this subsection.

Topography
Subsection 4.236 (.05)

E22. Review Criterion: "The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations."

Finding: This criterion is satisfied.

Explanation of Finding: The tentative subdivision plat shows street alignments recognizing topographic conditions consistent with the requested PDP.

Reserve Strips
Subsection 4.236 (.06)

E23. Review Criteria: "The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the Director or Board determine that a strip is necessary:" Reasons listed A. through D.

Finding: These criteria are satisfied.

Explanation of Finding: No reserve strips are being required for the reasons listed in this subsection. However, reserve strips are being required by Condition of Approval PDE 5 to prevent access to the front side of lots served by an alley. See also Findings E3.

Future Expansion of Street
Subsection 4.236 (.07)

E24. Review Criteria: When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension.

Finding: These criteria are satisfied.

Explanation of Finding: Streets are being extended consistent with this subsection.

Additional Right-of-Way for Existing Streets

Subsection 4.236 (.08)

E25. Review Criteria: “Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: The necessary rights-of-way for SW Tooze Road is being dedicated.

Street Names

Subsection 4.236 (.09)

E26. Review Criteria: “No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.”

Finding: These criteria are satisfied.

Explanation of Finding: Street names will be reviewed by Engineering staff and be subject to approval by the City Engineer consistent with this subsection.

Blocks

Subsection 4.237 (.01)

E27. Review Criteria:

- The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic, and recognition of limitations and opportunities of topography.
- Sizes: Blocks shall not exceed the sizes and lengths specified for the zone in which they are located unless topographical conditions or other physical constraints necessitate larger blocks. Larger blocks shall only be approved where specific findings are made justifying the size, shape, and configuration.

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows blocks consistent with those proposed Preliminary Development Plan. See Request D.

Easements

Subsection 4.237 (.02)

E28. Review Criteria:

- Utility lines. Easements for sanitary or storm sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the City Engineer or Planning Director. All of the public utility lines within and adjacent to the site shall be installed within the public right-of-way or easement; with underground services extending to the private parcel constructed in conformance to the City's Public Works Standards. All franchise utilities shall be installed within a public utility easement. All utilities shall have appropriate easements for construction and maintenance purposes.
- Water courses. Where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. Streets or parkways parallel to water courses may be required.

Finding: These criteria are satisfied or will be satisfied by Conditions of Approval PDE 10.

Explanation of Finding: The necessary easements are required by a condition of approval.

Mid-block Pedestrian and Bicycle Pathways

Subsection 4.237 (.03)

E29. Review Criteria: "An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

- Pathways shall be required to connect to cul-de-sacs or to pass through unusually shaped blocks.
- Pathways required by this subsection shall have a minimum width of ten (10) feet unless they are found to be unnecessary for bicycle traffic, in which case they are to have a minimum width of six (6) feet.

Finding: These criteria are satisfied.

Explanation of Finding: Pathways are being provided consistent with the Village Zone requirements and the Villebois Village Master Plan.

Tree Planting & Tree Access Easements

Subsection 4.237 (.04)

E30. Review Criteria: "Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review Board before the planting is begun. Easements or other documents shall be provided,

guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed street trees are within the proposed public right-of-way.

Lot Size and Shape

Subsection 4.237 (.05)

E31. Review Criteria: “The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.”

Finding: These criteria are satisfied.

Explanation of Finding: Proposed lot sizes, widths, shapes and orientations are appropriate for the proposed development and are in conformance with the Village Zone requirements as discussed under Requests C and D.

Access

Subsection 4.237 (.06)

E32. Review Criteria: “The division of land shall be such that each lot shall have a minimum frontage on a street or private drive, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:”
Listed A. and B.

Finding: These criteria are satisfied.

Explanation of Finding: Each lot has the minimum frontage on a street or greenbelt, as allowed in the Architectural Pattern Book.

Through Lots

Subsection 4.237 (.07)

E33. Review Criteria: “Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation.”

Finding: These criteria are satisfied.

Explanation of Finding: While certain lots front both SW Tooze Road and SW Barcelona Street, no access will be allowed directly from SW Tooze Road.

Lot Side Lines

Subsection 4.237 (.08)

E34. Review Criteria: “The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street or tract with a private drive upon which the lots face.”

Finding: These criteria are satisfied.

Explanation of Finding: Generally side lot lines are at right angles with the front lot line. Where they do not, they run at the closest possible angle to 90 degrees as allowed by block shape, adjacent lot shape, and required alley orientation.

Large Lot Land Divisions
Subsection 4.237 (.09)

E35. Review Criteria: “In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Development Review Board considers it necessary.”

Finding: These criteria are satisfied.

Explanation of Finding: No future divisions of the lots included in the tentative subdivision plat is anticipated.

Building Line and Built-to Line
Subsection 4.237 (.10) and (.11)

E36. Review Criteria: The Planning Director or Development Review Board may establish special:

- building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.
- build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

Finding: These criteria are satisfied.

Explanation of Finding: No building lines or built-to lines are proposed or recommended.

Land for Public Purposes
Subsection 4.237 (.12)

E37. Review Criterion: “The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.”

Finding: This criterion is satisfied.

Explanation of Finding: No property reservation is recommended as described in this subsection.

Corner Lots
Subsection 4.237 (.13)

E38. Review Criterion: “Lots on street intersections shall have a corner radius of not less than ten (10) feet.”

Finding: This criterion is satisfied.

Explanation of Finding: All proposed corner lots meet the minimum corner radius of ten (10) feet.

Lots of Record
Section 4.250

E39. Review Criteria: “All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.”

Finding: These criteria are satisfied.

Explanation of Finding: The parcels and tracts being divided are of record, and the resulting subdivision lots will be lots of record.

Request F: DB15-0089 Type C Tree Plan

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

Access to Site for Tree Related Observation
Subsection 4.600.50 (.03) A.

F1. Review Criterion: “By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant’s property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.”

Finding: This criterion will be satisfied.

Explanation of Finding: The ability for the City to inspect tree conditions on the site is understood.

Type C Tree Removal Review Authority
Subsection 4.610.00 (.03) B.

F2. Review Criterion: “Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council.”

Finding: This criterion is satisfied.

Explanation of Finding: The requested tree removal is connected to site plan review by the Development Review Board for the proposed development. The tree removal is thus being reviewed by the DRB.

Conditions Attached to Type C Tree Permits
Subsection 4.610.00 (.06) A.

- F3. Review Criterion:** “Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;”
Finding: This criterion is met.
Explanation of Finding: No additional conditions are recommended pursuant to this subsection.

Completion of Operation
Subsection 4.610.00 (.06) B.

- F4. Review Criterion:** “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Fix a reasonable time to complete tree removal operations;”
Finding: This criterion is satisfied.
Explanation of Finding: It is understood the tree removal will be completed by the time construction of all homes, parks, and other improvements in the PDP are completed, which is a reasonable time frame for tree removal.

Security
Subsection 4.610.00 (.06) C.

- F5. Review Criterion:** “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter. 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.”
Finding: This criterion is satisfied.
Explanation of Finding: As allowed by Subsection 1 the bonding requirement is being waived as the application is required to comply with WC 4.264(1).

Standards for Tree Removal, Relocation or Replacement

Standards for Preservation and Conservation
Subsection 4.610.10 (.01) B.

- F6. Review Criteria:** “No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a principle shall be equal in concern and importance as other design principles.”
Finding: These criteria are satisfied.

Explanation of Finding: As shown on the Existing Conditions Plan, Sheet 2 of Exhibit B3, the majority of the site is pasture with trees concentrated around existing residential dwelling at the northwestern site corner. An "Important" Red Oak tree sits along Tooze Road and the subdivision and adjacent road way are being designed to preserve the tree. All other trees on the properties are proposed to be removed due to construction of street or homes, or health and condition of the tree.

Standards for Development Alternatives

Subsection 4.610.10 (.01) C.

- F7. **Review Criteria:** "Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements."

Finding: These criteria are satisfied.

Explanation of Finding: The majority of the site is pasture with trees located around existing residential dwelling. An "Important" Red Oak tree sits along Tooze Road and the subdivision and adjacent road way are being designed to preserve the tree. All other trees on the properties are proposed to be removed due to construction of street or homes, or health and condition of the tree.

Standards for Land Clearing

Subsection 4.610.10 (.01) D.

- F8. **Review Criteria:** "Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements."

Finding: These criteria are satisfied.

Explanation of Finding: This standard is being followed as shown in the applicant's plan set, Exhibit B3.

Standards for Residential Development

Subsection 4.610.10 (.01) E.

- F9. **Review Criteria:** "Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape."

Finding: These criteria are satisfied.

Explanation of Finding: The subject site is relatively flat and is being development with a pattern similar to other areas of Villebois.

Standards for Compliance with Statutes and Ordinances

Subsection 4.610.10 (.01) F.

- F10. **Review Criteria:** "The proposed activity shall comply with all applicable statutes and ordinances."

Finding: These criteria are satisfied.

Explanation of Finding: This standard is broad and duplicative. As found elsewhere in this report, the applicable standards are being applied.

Standards for Relocation and Replacement

Subsection 4.610.10 (.01) G.

F11. Review Criteria: “The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not removed, in accordance with WC 4.620.10.

Finding: These criteria are satisfied.

Explanation of Finding: The proposed tree activity is being reviewed in accordance to the referenced sections related to replacement and protection.

Limitation on Tree Removal

Subsection 4.610.10 (.01) H.

F12. Review Criteria: “Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.” Listed 1. through 4.

Finding: These criteria are satisfied.

Explanation of Finding: The proposed tree removal is either necessary for construction or is due to the health and condition of the trees.

Additional Standards for Type C Permits: Tree Survey

Subsection 4.610.10 (.01) I. 1.

F13. Review Criteria: “For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40 , and provide a Tree Maintenance and Protection Plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.”

Finding: These criteria are satisfied.

Explanation of Finding: The required Tree Maintenance and Protection Plan has been submitted. See Section VI(C) of Exhibit B1.

Additional Standards for Type C Permits: Platted Subdivision

Subsection 4.610.10 (.01) I. 2.

F14. Review Criteria: “The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.”

Finding: These criteria are satisfied.

Explanation of Finding: The required plan has been submitted. See Section VIIC) of Exhibit B1.

Additional Standards for Type C Permits: Utilities
Subsection 4.610.10 (.01) I. 3.

F15. Review Criteria: “The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.”

Finding: These criteria are satisfied.

Explanation of Finding: The Composite Utility Plan, Sheet 6 of Exhibit B2, shows little potential for environmental adverse consequences of utility placement. Utility placement in relation to the preserved tree will be further reviewed during review of construction drawings and utility easement placement on the final plat.

Type C Tree Plan Reviewed with Stage II Final Plan
Subsection 4.610.40 (.01)

F16. Review Criteria: “Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed Type C Tree Plan is being reviewed concurrently with the Preliminary Development Plan, which is the equivalent of a Stage II Final Plan in the Village Zone.

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

F17. Review Criteria: “The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:” Listed A. 1. through A. 7.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See Section VIIC of the applicants notebook, Exhibit B1 and Sheet 9 of the applicant’s plan set, Exhibit B3.

Tree Replacement Requirement
Subsection 4.620.00 (.01)

F18. Review Criterion: “A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.”

Finding: This criterion is satisfied.

Explanation of Finding: The tree mitigation requirements will be more than exceeded by the planned street tree and trees in parks and linear greens.

Basis for Determining Replacement
Subsection 4.620.00 (.02)

F19. Review Criteria: “The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2”) or more in diameter.”

Finding: These criteria are satisfied.

Explanation of Finding: More trees are planned to be planted that proposed to be removed. Each tree, including street trees and trees in parks and linear greens will meet the minimum diameter requirement.

Replacement Tree Requirements
Subsection 4.620.00 (.03)

F20. Review Criteria: “A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.

A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.

B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee’s successors-in-interest for two (2) years after the planting date.

C. A “guaranteed” tree that dies or becomes diseased during that time shall be replaced.

D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.”

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDF 2.

Explanation of Finding: The condition of approval will ensure the relevant requirements of this subsection are met.

Replacement Tree Stock Requirements

Subsection 4.620.00 (.04)

F21. Review Criteria: “All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade.”

Finding: These criteria will be satisfied by Condition of Approval PDF 2.

Explanation of Finding: Condition of Approval PDF 2 assures this is met.

Replacement Trees Locations

Subsection 4.620.00 (.05)

F22. Review Criteria: “The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.”

Finding: These criteria are satisfied.

Explanation of Finding: The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed development.

Tree Protection During Construction

Section 4.620.10

F23. Review Criteria: “Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:” Listed A. through D.

Finding: These criteria are satisfied or will be satisfied by Condition of Approvals PDF 3 and PDF 4.

Explanation of Finding: The conditions of approval assure the applicable requirements of this Section will be met.

Request G: DB15-0090 Final Development Plan for Parks and Open Space

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

Permitted Uses in the Village Zone

Subsection 4.125 (.02)

G1. Review Criteria: This subsection lists the uses typically permitted in the Village Zone including “Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.”

Finding: These criteria are satisfied.

Explanation of Finding: The requested Final Development Plan is for parks and open space allowed within the Village Zone.

Parks and Open Space in the Village Zone-Amount Required
Subsection 4.125 (.08) A.

G2. Review Criteria: "In all residential developments and in mixed-use developments where the majority of the developed square footage is to be in residential use, at least twenty-five percent (25%) of the area shall be open space, excluding street pavement and surface parking. In multi-phased developments, individual phases are not required to meet the 25% standard as long as an approved Specific Area Plan demonstrates that the overall development shall provide a minimum of 25% open space. Required yard areas shall not be counted towards the required open space area."

Finding: These criteria are satisfied.

Explanation of Finding: Park and Open Space is being provided consistent with the PDP found to meet these criteria.

Parks and Open Space in the Village Zone-Ownership
Subsection 4.125 (.08) B.

G3. Review Criteria: "Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City of Wilsonville standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage."

Finding: These criteria are satisfied.

Explanation of Finding: This discretion of the DRB is understood. Ownership will be by the homeowners association.

Parks and Open Space in the Village Zone-Protection and Maintenance
Subsection 4.125 (.08) C.

G4. Review Criteria: "The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review and approve any pertinent bylaws, covenants, or agreements prior to recordation."

Finding: These criteria are satisfied.

Explanation of Finding: Protection and maintenance of the open space and recreational areas are covered in the CCR's being reviewed by the City, and Operation and Maintenance Agreements between the developer and the City.

Landscaping Screening and Buffering
Subsection 4.125 (.11)

G5. Review Criteria: “Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:” “Streets in the Village zone shall be developed with street trees as described in the Community Elements Book.”

Finding: These criteria are satisfied.

Explanation of Finding: Findings G16 through G27 pertain to Section 4.176. Street trees are proposed consistent with the Community Elements Book.

Signs Compliance with Master Sign and Wayfinding Plan for SAP
Section 4.125 (.12) A.

G6. Review Criterion: “All signage and wayfinding elements within the Village Zone shall be in compliance with the adopted Signage and wayfinding Master Plan for the appropriate SAP.”

Finding: This criterion will be met by Condition of Approval PDG 12.

Explanation of Finding: The Condition of Approval requires a Secondary Site Identifier consistent with the SAP North Signage & Wayfinding Plan.

Design Standards Applying to the Village Zone

Details to Match Architectural Pattern Book and Community Elements Book
Subsection 4.125 (.14) A. 2. b.

G7. Review Criteria: “Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.”

Finding: These criteria are satisfied.

Explanation of Finding: The Architectural Pattern Book is not applicable to the parks except that any retaining walls within the public view shed must be consistent with the materials in the Architectural Pattern Book and the Master Fencing shown in the pattern book. Proposed plant materials are consistent with the Community Elements Book.

Protection of Significant Trees
Subsection 4.125 (.14) A. 2. f.

G8. Review Criterion: “The protection of existing significant trees as identified in an approved Community Elements Book.”

Finding: This criterion is satisfied.

Explanation of Finding: Significant trees are being protected. See Request F.

Landscape Plan

Subsection 4.125 (.14) A. 2. g.

G9. Review Criteria: “A landscape plan in compliance with Sections 4.125(.07) and (.11), above.”

Finding: This criterion is satisfied.

Explanation of Finding: Landscape plans have been provided in compliance with the referenced sections.

Lighting and Site Furnishings

Subsection 4.125 (.14) C.

G10. Review Criteria: “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

Finding: These criteria will be satisfied by a condition of approval.

Explanation of Finding: The condition of approval requires the lighting and site furnishings to be consistent with the Community Elements Book.

Final Development Plan Approval Procedures

Subsection 4.125 (.18) L.

G11. Review Criteria: This subsection establishes the approval procedures for Final Development Plans.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has followed the applicable procedures set out in this subsection for approval of a FDP.

Final Development Plan Submittal Requirements

Subsection 4.125 (.18) M.

G12. Review Criteria: “An application for approval of a FDP shall be subject to the provisions of Section 4.034.”

Finding: These criteria are satisfied.

Explanation of Finding: The necessary materials have been submitted for review of the FDP.

Final Development Plans Subject to Site Design Review Criteria

Subsections 4.125 (.18) N. and P. 1.

G13. Review Criteria: “An application for approval of a FDP shall be subject to the provisions of Section 4.421”

Finding: These criteria are satisfied.

Explanation of Finding: The provisions of Section 4.421 are being used as criteria in the review of the FDP. See Findings G31 through G35.

Refinements to Preliminary Development Plan as part of Final Development Plan
Subsection 4.125 (.18) O.

G14. Review Criteria: This subsection identifies the process and requirements for refinements to a preliminary development plan as party of a final development plan.

Finding: These criteria are satisfied.

Explanation of Finding: No refinements are proposed as part of the requested FDP.

Final Development Plan Compliance with Architectural Pattern Book, Community Elements Book, and PDP Conditions of Approval
Subsection 4.125 (.18) P.2.

G15. Review Criteria: "An application for an FDP shall demonstrate that the proposal conforms to the applicable Architectural Pattern Book, Community Elements Book, Village Center Architectural Standards and any conditions of a previously approved PDP."

Finding: These criteria are satisfied.

Explanation of Finding: Overall, as demonstrated by Finding G8 above, the FDP demonstrates compliance with the SAP North Community Elements Book. The proposed landscaping is in conformance with the Community Elements Book. There are no relevant portions of the Architectural Pattern Book, or Conditions of Approval for a previously approved PDP to which to demonstrate compliance.

Landscape Standards

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

G16. Review Criterion: "All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length"

Finding: This criterion is satisfied.

Explanation of Finding: No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

Landscape Area and Locations
Subsection 4.176 (.03)

G17. Review Criteria: "Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total

lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed parks are predominantly covered with vegetative plant materials other than areas for walkways, etc. The plantings are in a variety of areas.

Buffering and Screening

Subsection 4.176 (.04)

G18. Review Criteria: “Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.

D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.

E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.

F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.”

Finding: These criteria are satisfied.

Explanation of Finding: No conditions requiring buffering and screening are within the area covered by the subject FDP request.

Plant Materials-Shrubs and Groundcover

Subsection 4.176 (.06) A.

G19. Review Criteria: This subsection establishes plant material and planting requirements for shrubs and ground cover.

Finding: These criteria are satisfied.

Explanation of Finding: Applicant’s sheet L2 in their FDP plan set, Exhibit B4, indicates the requirements established by this subsection will be met by the proposed plantings.

Plant Materials-Trees

Subsection 4.176 (.06) B.

G20. Review Criteria: This subsection establishes plant material requirements for trees.

Finding: These criteria are satisfied.

Installation and Maintenance of Landscaping

Subsection 4.176 (.07)

G25. Review Criteria: This subsection establishes installation and maintenance standards for landscaping.

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDG 2.

Explanation of Finding: The installation and maintenance standards are or will be met as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- A note on the applicant's Sheet L2 in their FDP plan set, Exhibit B4, indicates "coordinate landscape installation with installation of underground sprinkler and drainage systems."

Landscape Plans

Subsection 4.176 (.09)

G26. Review Criterion: "Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated."

Finding: This criterion is satisfied.

Explanation of Finding: Landscape plans have been submitted with the required information. See Exhibits B4 and B7.

Completion of Landscaping

Subsection 4.176 (.10)

G27. Review Criterion: "The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review."

Finding: This criterion is satisfied.

Explanation of Finding: As a condition of PDP approval the parks for the PDP or PDP phase must be completed prior to fifty percent (50%) of the house permits are issued

unless certain conditions exist, similar to what is described in this subsection, in which case a bond can be posted. See Finding D55 and Condition of Approval PDD 3.

Site Design Review

Excessive Uniformity, Inappropriateness of Design, Etc.
Subsection 4.400 (.01)

G28. Review Criteria: “Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.”

Finding: These criteria are satisfied.

Explanation of Finding:

Excessive Uniformity: A variety of parks with a variety of features and amenities are provided consistent with the diversity of park uses described in the Villebois Village Master Plan avoiding excessive uniformity in park and open space design.

Inappropriate or Poor Design of the Exterior Appearance of Structures: No structures are proposed in the parks.

Inappropriate or Poor Design of Signs: Signs within parks and open spaces are required to be consistent with the Master Sign and Wayfinding program which is a comprehensive signage package that ensures signs in parks and open spaces, like elsewhere in Villebois, are of a quality design and appropriate for the Villebois context.

Lack of Proper Attention to Site Development: The appropriate professional services have been used to design the park and open spaces incorporating unique features of the site including natural features, demonstrating appropriate attention being given to site development.

Lack of Proper Attention to Landscaping: Landscaping has been professionally designed by a landscape architect, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

Purposes of Objectives of Site Design Review
Subsection 4.400 (.02)

G29. Review Criterion: “The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:” Listed A through J.

Finding: These criteria are satisfied.

Explanation of Finding: It is staff's professional opinion that the applicant has provided sufficient information demonstrating compliance with the purposes and objectives of site design review. In addition, site features are consistent with the Community Element Book, which has previously been reviewed to ensure consistency with the Villebois Village Master Plan which has similar purposes and objectives as site design review.

Site Design Review-Jurisdiction and Power of the Board
Section 4.420

G30. Review Criteria: The section states the jurisdiction and power of the Development Review Board in relation to site design review including the application of the section, that development is required in accord with plans, and variance information.

Finding: These criteria will be satisfied by Condition of Approval PDG 3.

Explanation of Finding: A condition of approval has been included to ensure construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. No grading or other permits will be granted prior to development review board approval. No variances are requested from site development requirements.

Site Design Review-Design Standards
Subsection 4.421 (.01)

G31. Review Criteria: "The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards." Listed A through G.

Finding: These criteria are satisfied.

Explanation of Finding: The scope of design standards refers only to the parks and open spaces, as the single-family homes are not subject to site design review. The park elements are appropriate for a relatively flat site. Surface water drainage has been thoroughly reviewed consistent with the Villebois Village Master Plan and the Rainwater Master Plan for SAP North.

Applicability of Design Standards to Various Site Features
Subsection 4.421 (.02)

G32. Review Criteria: "The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures."

Finding: These criteria are satisfied.

Explanation of Finding: Design standards have been applied to all applicable site features, which does not include single-family homes.

Objectives of Section 4.400 Serve as Additional Criteria and Standards
Subsection 4.421 (.03)

G33. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.”

Finding: These criteria are satisfied.

Explanation of Finding: The purposes and objectives in Section 4.400 are being used as additional criteria and standards. See Finding G29 above.

Site Design Review-Conditions of Approval
Subsection 4.421 (.05)

G34. Review Criterion: “The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code.”

Finding: This criterion is satisfied.

Explanation of Finding: No additional conditions of approval are recommended.

Color or Materials Requirements
Subsection 4.421 (.06)

G35. Review Criterion: “The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.”

Finding: This criterion will be satisfied by Condition of Approvals PDG 4 and PDG 5.

Explanation of Finding: The Conditions of Approval requires specific materials for any retaining walls or hand rails to ensure a quality of design consistent with the Architectural Pattern Book.

Site Design Review-Procedures
Section 4.440

G36. Review Criteria: “A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:” Listed A through F.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has submitted the required additional materials, as applicable.

Time Limit on Approval
Section 4.442

G37. Review Criterion: "Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

Finding: This criterion is satisfied.

Explanation of Finding: It is understood that the approval will expire after 2 years if a building permit hasn't been issued unless an extension has been granted by the board.

Landscape Installation or Bonding
Subsection 4.450 (.01)

G38. Review Criterion: "All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant."

Finding: This criterion is satisfied.

Explanation of Finding: As a condition of PDP approval the parks for the PDP or PDP phase must be completed prior to fifty percent (50%) of the house permits being issued. See Finding D55 in Request D and Condition of Approval PDD 3.

Approved Landscape Plan Binding
Subsection 4.450 (.02)

G39. Review Criterion: "Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code."

Finding: This criterion will be satisfied by Condition of Approval PDG 6.

Explanation of Finding: The condition of approval shall provide ongoing assurance this criterion is met.

Landscape Maintenance and Watering

Subsection 4.450 (.03)

G40. Review Criterion: “All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.”

Finding: This criterion will be satisfied by Condition of Approval PDG 6.

Explanation of Finding: The condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

Addition and Modifications of Landscaping

Subsection 4.450 (.04)

G41. Review Criterion: “If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City’s development review process, that removal or modification must first be approved through the procedures of Section 4.010.”

Finding: This criterion will be satisfied by Condition of Approval PDG 6.

Explanation of Finding: The condition of approval shall provide ongoing assurance that this criterion is met by preventing modification or removal without the appropriate City review.

ORDINANCE NO. 784

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 8.72 ACRES OF TERRITORY LOCATED AT THE SOUTHWEST CORNER OF SW DAY ROAD AND SW BOONES FERRY ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON. THE TERRITORY IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 400, 500 AND 501 OF SECTION 2B, T3S, R1W, WASHINGTON COUNTY, OREGON, UNIVERSAL HEALTH SERVICES, INC., WILLAMETTE VALLEY BEHAVIORAL HEALTH, APPLICANT.

RECITALS

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by the owner of real property in the territory to be annexed, a copy of the petition is on file with the City Recorder; and

WHEREAS, written consent has been obtained from the only owner of the territory and the only elector in the territory proposed to be annexed, a copy of which is on file with the City Recorder; and

WHEREAS, the land to be annexed is within Wilsonville's Urban Growth Boundary and a copy of the legal description and survey is attached as Attachment 1 and a locational map is attached as Attachment 2, and both are incorporated by reference as if fully set forth herein; and

WHEREAS, the territory to be annexed is contiguous to the City and can be served by City services; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of the only owner of the land and a majority of electors within the territory and enables the City Council to dispense with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Panel B of the Development Review Board considered the annexation, and after a duly advertised public hearing held on January 25, 2016 recommended City Council approve the annexation; and

WHEREAS, on February 18, 2016, the City Council held a public hearing as required by Metro Code 3.09.050 and received testimony and exhibits including Exhibit A, Annexation Findings Adopted Staff Report and DRB Recommendation (Exhibit A1), dated

January 25, 2016 and the application on compact disc; and Exhibit D, January 25, 2016 DRB Minutes; and

WHEREAS, reports were prepared and considered as required by law; and notice was duly given, the Council finds that the annexation is not contested by any party, neither before the DRB or at the City Council hearing, therefore, the City Council finds that it is not necessary to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings and conclusions attached hereto by reference as Exhibit C, Development Review Board’s recommendation to City Council, which the Council adopts; and

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

Section 1. The above recitals are fully incorporated herein. The territory legally described and surveyed on a map in Attachment 1 and located on a map Attachment 2 is declared annexed to the City of Wilsonville.

Section 2. The findings and conclusions and in Exhibit A are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on February 18, 2016 and scheduled for the second reading on March 7, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of March, 2016 by the following votes: Yes: _____ No: _____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of March, 2016.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Lehan
Councilor Stevens

Exhibits and Attachments:

Attachment 1, Legal Description and Survey Map
Attachment 2, Map Depicting Annexation

Exhibit A - Annexation Findings, January 26, 2016
Exhibit B - DRB Resolution No. 322
Exhibit C - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated
January 25, 2016 and the application on compact disk.
Exhibit D – January 25, 2016 DRB Minutes
Exhibit E – Petition for Annexation.

EXHIBIT "A"

Annexation to the City of Wilsonville
 Washington County, Oregon
 Portion of Tax Lots 400, 500 and 501, 3S 1 2B
 December 2, 2015
 Project No. 2542-001

PROPERTY DESCRIPTION

Real property lying in Washington County, Oregon being a portion of Section 2, Township 3 South, Range 1 West of the Willamette Meridian described as follows:

Beginning at a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223 on the west right of way line of S.W. Boone's Ferry Road 50.00 feet from the centerline thereof measured at a right angle, said point also being 63.42 feet southerly of the centerline of S.W. Day Road measured at a right angle;
 thence along said west right of way line as conveyed to the State of Oregon by Document Number 96053177 through the following three courses:
 South 13°53'24" East, 134.77 feet, South 16°12'41" East, 247.33 feet, and South 13°53'39" East, 96.96 feet to the easterly extension of the north line of the plat "Riverwood Industrial Campus Condominium";
 thence along said north line and the north line of that property conveyed to "R & R Property Holdings Inc" by Document Number 2013-104658, South 89°36'39" West, 841.93 feet;
 thence along the east line of that property conveyed to "Hill" by Document Number 2005-130325, North 00°13'04" West, 489.97 feet to the south right of way line of S.W. Day Road being 37.00 feet from the centerline thereof measured at a right angle;
 thence along said south right of way line as conveyed to the State of Oregon by Document Numbers 2002-035075 and 2001-124306, North 89°37'54" East, 691.58 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223;
 thence along the right of way lines at the southwest corner of the intersection of S.W. Day Road and S.W. Boones Ferry Road for the following two courses: South 58°21'35" East, 18.34 feet, and South 35°36'46" East, 20.45 feet to the Point of Beginning.

Containing 8.728 acres more or less.

Bearings shown per Washington County Survey Number 17,450.

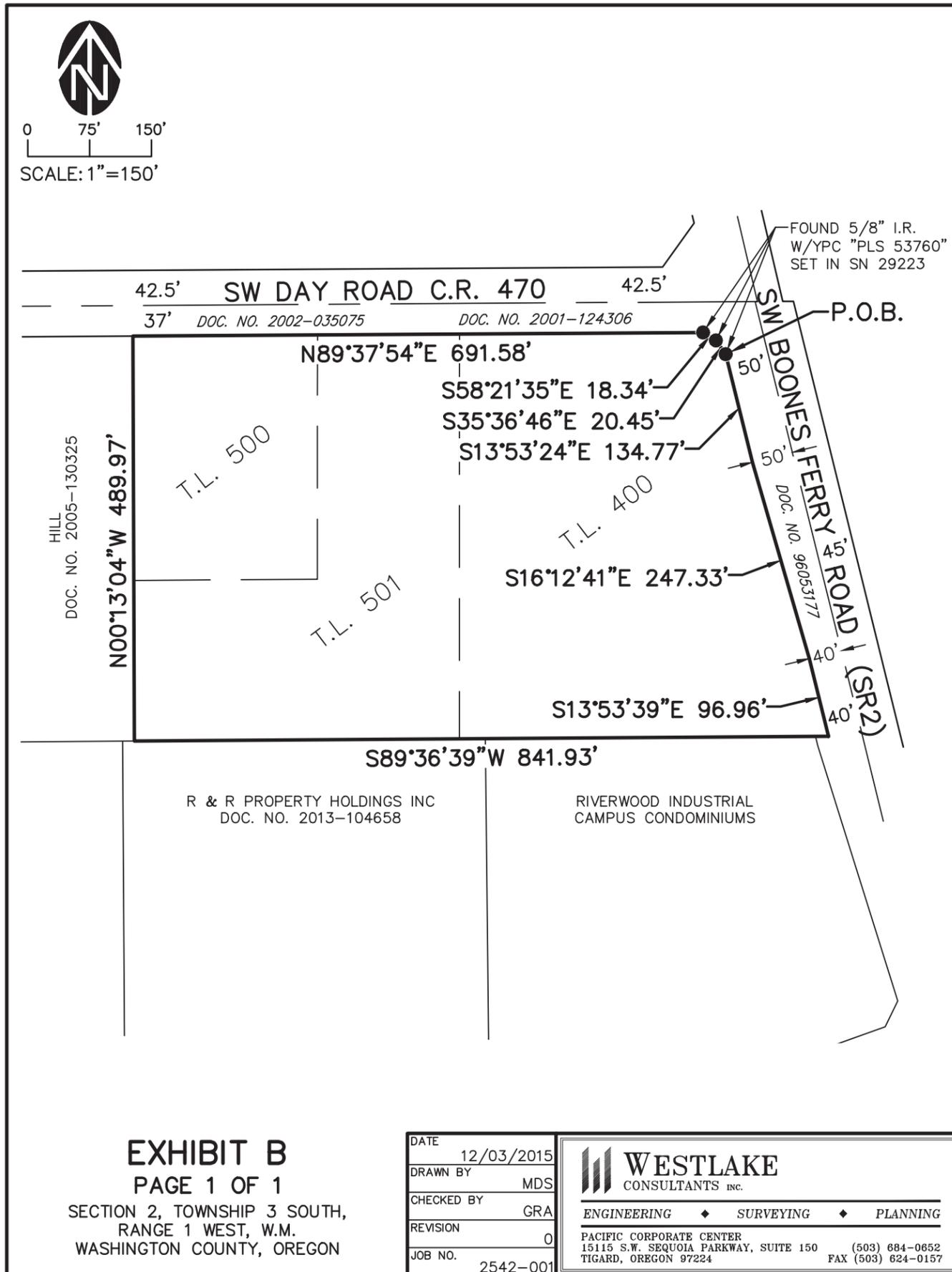
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Michael D. Spelts

**OREGON
 NOVEMBER 12, 2013
 MICHAEL D. SPELTS
 87475PLS**

RENEWS: 06-30-2016

J:\2542-001.15\Survey\CAD\WORK\PD-Annexation.docx



DRAWING NAME: J:\2542-001.15\Survey\CAD\WORK\PD-Annexation.dwg DEC 03, 2015 - 7:30AM - MDS



**City Council Exhibit A
STAFF REPORT
WILSONVILLE PLANNING DIVISION**

***Universal Health Services Inc.*
CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING
ANNEXATION**

HEARING DATE	February 18, 2016
DATE OF REPORT:	January 26, 2016

REQUEST/SUMMARY: DB15-0091 Annexation. The City Council is being asked to review a quasi-judicial request for annexation of approximately 8.72 acres into the City of Wilsonville for property located at 9470 SW Day Road.

LOCATION: Described as Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon as depicted on the map below.



REQUEST/SUMMARY: SUMMARY: The City Council is being asked to review the above referenced application request for Universal Health Services, Inc., – Willamette Valley Behavioral Health (UHS). Ordinance 784 proposes annexation of 8.72 acres to the City of Wilsonville; Concurrently proposed are a Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type ‘C’ Tree Removal Plan and Class III signs are to enable development of an approximately 62,000 square foot behavioral health facility with adult inpatient crisis stabilization services and mental health programs, inpatient child and adolescent services, inpatient geriatric services, autism programs, women’s programs, substance abuse treatment, behavioral pain management, as well as outpatient services. In addition, the facility will serve a number of veterans with behavioral and mental health needs. Approval of the other applications included with this request is contingent upon annexation into the City of Wilsonville by this ordinance.

LOCATION: Approximately 8.72 acres at the southwest corner of SW Day Road and SW Boones Ferry Road. Described Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon.

OWNER: Mr. David C. Brown, of the David C. Brown Revocable Living Trust U/T/A

APPLICANT: Universal Health Services Inc. – Willamette Valley Behavioral Health

PETITIONER FOR ANNEXATION: Mr. David C. Brown

APPLICANT’S REPRESENTATIVE: Mr. Kenneth Sandblast – Westlake Consultants

STAFF REVIEWER: Blaise Edmonds, Manager of Current Planning.

DEVELOPMENT REVIEW BOARD RECOMMENDATION: Resolution No 322 recommended approval of the requested Annexation.

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 4.029	Zoning to be consistent with Comp. Plan
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Section 4.700	Annexation
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan: Policy 4.1.3 Implementation Measure 4.3.1.a. Implementation Measure 4.1.3.b. Implementation Measure 4.1.3.c. Implementation Measure 4.1.3.d. Implementation Measure 4.1.3.e. Implementation Measure 4.1.3.f. Implementation Measure 4.1.3.g. Implementation Measure 4.1.3.h. Implementation Measure 4.1.3.i. Implementation Measure 4.1.3.j.	Industrial
Comprehensive Plan - Annexation and Boundary Changes. Implementation Measure 2.2.1.e. Implementation Measure 2.2.1.a.	Annexation:
<u>REGIONAL AND STATE PLANNING DOCUMENTS</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and

	Majority of Electors
ORS 222.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	
Transportation Systems Plan Stormwater Master Plan	
State Transportation Planning Rule	OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment.

Staff: The subject property and adjacent SW Day Road and SW Boones Ferry Road are within the City’s UGB.

Site description provided by the applicant:

“The site consists of a majority of mowed fields with trees scattered around small stands or around existing structures. There are a large stand of trees running the entire length of the western boundary going into the adjacent parcel. There are gentle slopes on the property from north to south. The western end of the site consists of steeper slopes within the forest stand along the western boundary.”

“The site currently has three existing structures which consist of 2 dwellings and a garage. Prior uses on the site were residential and agriculture.”

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

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

Finding: This criterion is met.

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

Section 4.009 Who May Initiate Application

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

Finding: This criterion is satisfied.

Explanation of Finding: The application has been submitted on behalf of Universal Health Services Inc. – Willamette Valley Behavioral Health.

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

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

Finding: This criterion is satisfied.

Explanation of Finding: No applicable liens exist for the subject property.

REQUEST A: ANNEXATION

Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

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

Finding: This criterion is satisfied.

Explanation of Finding: The subject property and adjacent SW Day Road and SW Boones Ferry Road are within the City UGB. Westerly properties are within the City UGB and at the south are within the City Limits and UGB. The subject 8.72 acre site is ready for annexation for development within the City of Wilsonville. Therefore, the subject property addresses a demonstrated need for the proposed use. Furthermore, the City Comprehensive Plan and the Engineering Division evaluates compliance of planned sanitary sewer, storm drainage, and water systems with the City’s Wastewater Collections System Master Plan, Stormwater Master Plan, Water System Master Plan and the City’s Transportation Systems Plan.

Implementation Measure 2.2.1.e.

A2. **Review Criterion:** “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.
2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.
3. Statewide Planning Goals.
4. Applicable Metro Plans;
5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.”

Finding: These criteria are satisfied.

Explanation of Findings: The requirements are fulfilled by being consistent the City's UGB which recognizes the subject property described herein as a future site for industrial, office or manufacturing uses, or similar use as determined by the Planning Director. In this case a behavioral health facility is in compliance with state and regional policies as found in other applicant's and staff findings supporting this request.

Orderly, Economic Provision of Public Facilities and Services: The site is designed for the orderly and economic provision of public facilities and services. Development in the UGB and future urban reserve areas would also bring needed and adequately sized public facilities onto the subject property.

Encouraging Development within City Limits prior to UGB: Development is proposed with this application in request DB15-0096. The subject property is not currently included in a City Comprehensive Plan Map designation. The applicant is requesting a Comprehensive Plan Map Amendment to apply the Industrial designation. This Implementation Measure establishes precedence for the "Planned Development Industrial (PDI -RSIA)" zone designation to be applied to the subject property area. An application for a Zone Map Amendment to apply the PDI-RSIA zone to the property has also been included. The site must be brought into City limits before the Comprehensive Plan 'Industrial' designation and the PDI-RSIA zone can be applied.

Furthermore, UHS (applicant) is seeking to annex the subject 8.72 acre property. Annexation will enable review of Site Development Permits for a 62,000 sq. ft. behavioral health facility. SW Day Road and SW Boones Ferry Road right-of-way are currently in the UGB and will be used for needed street improvements to serve the subject property.

Development Code

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

A3. Review Criteria: These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial. The DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation. Both bodies conduct public hearings for the request.

Finding: These criteria are satisfied.

Explanation of Finding: The subject annexation request has been determined to be quasi-judicial as this is a site specific owner/applicant initiated request, its' a quasi-judicial application and is being reviewed by the DRB and City Council consistent with these subsections.

Section 4.700 Annexation

A4. Review Criteria: This section defines the criteria and process for annexation review within the City.

Finding: These criteria are satisfied.

Explanation of Finding: All the necessary materials defined by this section have been submitted for City review. The annexation is being considered as a quasi-judicial application. Staff recommends the City Council, upon considering the DRB's recommendation, declare the subject property annexed.

Metro Code

Chapter 3.09 Local Government Boundary Changes

A5. Review Criteria: This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.

Finding: These criteria are satisfied.

Explanation of Finding: The subject property or territory referenced herein is within the UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner (there are no electors), and has submitted a petition with the required information consistent with the UGB.

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

A6. Review Criteria: ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: The applicable requirements in state statute are met including the fact the subject property is within the UGB, is contiguous to the north side of the city, the request has been initiated by the property owner of the land being annexed, and there are no electors in the area to be annexed.

ORS 222.120 Procedure Without Election by City Electors

A7. Review Criteria: ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: There is no City charter requirement for election for annexation. A public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the fact that the single owner of the subject property is the petitioner and thus have consented in writing to annexation. There are no electors or residents within the territory to be annexed.

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

A8. Review Criteria: "The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by

resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”

Finding: These criteria are satisfied.

Explanation of Finding: The territory to be annexed is all owned by the current property owner, and he has petitioned and consented to annexation in writing. There are no electors or within the territory to be annexed. However, a public hearing process is being followed as prescribed in the City’s Development Code concurrent with a Comprehensive Plan Map and Zone Map Amendment request.

Oregon Statewide Planning Goals

A9. Review Criteria: The goals include: citizen involvement, land use planning, natural resources and open spaces, recreational needs, economic development, housing, public facilities and services, and transportation.

Finding: On pages 20 - 22 of Exhibit B1 the applicant has prepared response findings to Statewide Planning Goals. These criteria are satisfied.

Explanation of Finding: The territory requested to be annexed will be developed consistent with the City’s Comprehensive Plan, which has been found to meet the Statewide Planning Goals.

A10. Transit: SMART is willing and able to provide service to the site. It would then follow to include a conclusion that, upon annexation, the site will become part of SMART’s service territory.

SUMMARY FINDING:

The proposed Annexation meets all applicable requirements and may be approved by the City Council.

PETITION FOR ANNEXATION TO THE CITY OF WILSONVILLE, OREGON

To the City Council of the City of Wilsonville:

We, the undersigned owners and/or electors, petition and consent to be annexed to the City of Wilsonville

PETITION SIGNERS							
Signature	Printed Name	I Am A* (check both if applicable)		Owner's /Elector's Mailing Address	Property Description		Date**
		PO	RV		Tax Map	Tax Lot	
<i>David C. Brown</i>	David C. Brown	X		P.O. Box 1997 Wilsonville, OR 97070	2B	400, 500, 501	11/11/15

* PO = Property Owner, RV = Registered Voter

** Within 1 year from the date of filing petition with City

ORDINANCE NO. 785

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM THE WASHINGTON COUNTY FUTURE DEVELOPMENT – 20 (FD-20) DISTRICT TO THE CITY OF WILSONVILLE INDUSTRIAL DESIGNATION ON APPROXIMATELY 8.72 - ACRES COMPRISING TAX LOTS 400, 500 AND 501 OF SECTION 2B, T3S, R1W, WASHINGTON COUNTY, OREGON, UNIVERSAL HEALTH SERVICES, INC., WILLAMETTE VALLEY BEHAVIORAL HEALTH, APPLICANT.

RECITALS

WHEREAS, Universal Health Services, Inc. – Willamette Valley Behavioral Health Facility (“Applicant”) has made a development application requesting, among other things, a Comprehensive Plan Map Amendment for the Property; and

WHEREAS, the development application form has been signed by David C. Brown, Trustee for David C. Brown Revocable Living Trust, as Owner of the real property legally described and shown on Attachments 1 and 2, attached hereto and incorporated by reference herein (“Property”); and

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

WHEREAS, the City of Wilsonville Planning Staff analyzed the Comprehensive Plan Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Comprehensive Plan Map Amendment and recommending approval of the Comprehensive Plan Map Amendment, which staff report was presented to the Development Review Board on January 25, 2016; and

WHEREAS, the Development Review Board Panel B held a public hearing on the application for a Comprehensive Plan Map Amendment on January 25, 2016, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 322 which recommends that the City Council approve a request for a Comprehensive Plan Map Amendment (Case File DB15-0092), adopts the staff report with findings and recommendations, all as placed on the record at the hearing, certain of which are contingent on City Council approval of the Comprehensive Plan Map Amendment and authorizes the Planning Director to issue approvals to the Applicant consistent with the staff report, as adopted by DRB Panel B; and

WHEREAS, on February 18, 2016, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board's Comprehensive Plan Findings, Exhibit A; DRB Resolution No. 322, Exhibit B; Staff Report and DRB Recommendation and Application on Compact Disc, Exhibit C, DRB Meeting Minutes, Exhibit D, all the exhibits are attached hereto and incorporated by reference as if fully set forth herein; and received a City Council staff report on file with the City Recorder; took public testimony; and, upon deliberation, concluded that the proposed Comprehensive Plan Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code.

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

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

Section 2. Order. Upon adoption of Ordinance No. 784, which is the proposed annexation of the property which is being considered contemporaneously herewith, and the filing of Ordinance No. 784 with the required agencies to finalize the annexation of the Property to the City, which property is described in Attachments 1 and 2, the Comprehensive Plan designation for the property shall be changed from Washington County's Future Development - 20 District to Industrial on Wilsonville's Comprehensive Plan Map.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on February 18, 2016 and scheduled for the second reading on March 7, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of March, 2016 by the following

votes: Yes: _____ No: _____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of March, 2016.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Councilor Starr

Councilor Fitzgerald

Councilor Lehan

Councilor Stevens

Exhibits and Attachments:

Attachment 1, Legal Description and Survey Map

Attachment 2, Map Depicting Comp. Plan Map Amendment

Exhibit A – Comp Plan Map Amendment Findings, January 26, 2016.

Exhibit B - DRB Resolution No. 322

Exhibit C - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated January 25, 2016 and the application on compact disk.

Exhibit D – January 25, 2016 DRB Minutes

EXHIBIT "A"

Annexation to the City of Wilsonville
 Washington County, Oregon
 Portion of Tax Lots 400, 500 and 501, 3S 1 2B
 December 2, 2015
 Project No. 2542-001

PROPERTY DESCRIPTION

Real property lying in Washington County, Oregon being a portion of Section 2, Township 3 South, Range 1 West of the Willamette Meridian described as follows:

Beginning at a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223 on the west right of way line of S.W. Boone's Ferry Road 50.00 feet from the centerline thereof measured at a right angle, said point also being 63.42 feet southerly of the centerline of S.W. Day Road measured at a right angle;
 thence along said west right of way line as conveyed to the State of Oregon by Document Number 96053177 through the following three courses:
 South 13°53'24" East, 134.77 feet, South 16°12'41" East, 247.33 feet, and South 13°53'39" East, 96.96 feet to the easterly extension of the north line of the plat "Riverwood Industrial Campus Condominium";
 thence along said north line and the north line of that property conveyed to "R & R Property Holdings Inc" by Document Number 2013-104658, South 89°36'39" West, 841.93 feet;
 thence along the east line of that property conveyed to "Hill" by Document Number 2005-130325, North 00°13'04" West, 489.97 feet to the south right of way line of S.W. Day Road being 37.00 feet from the centerline thereof measured at a right angle;
 thence along said south right of way line as conveyed to the State of Oregon by Document Numbers 2002-035075 and 2001-124306, North 89°37'54" East, 691.58 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223;
 thence along the right of way lines at the southwest corner of the intersection of S.W. Day Road and S.W. Boones Ferry Road for the following two courses: South 58°21'35" East, 18.34 feet, and South 35°36'46" East, 20.45 feet to the Point of Beginning.

Containing 8.728 acres more or less.

Bearings shown per Washington County Survey Number 17,450.

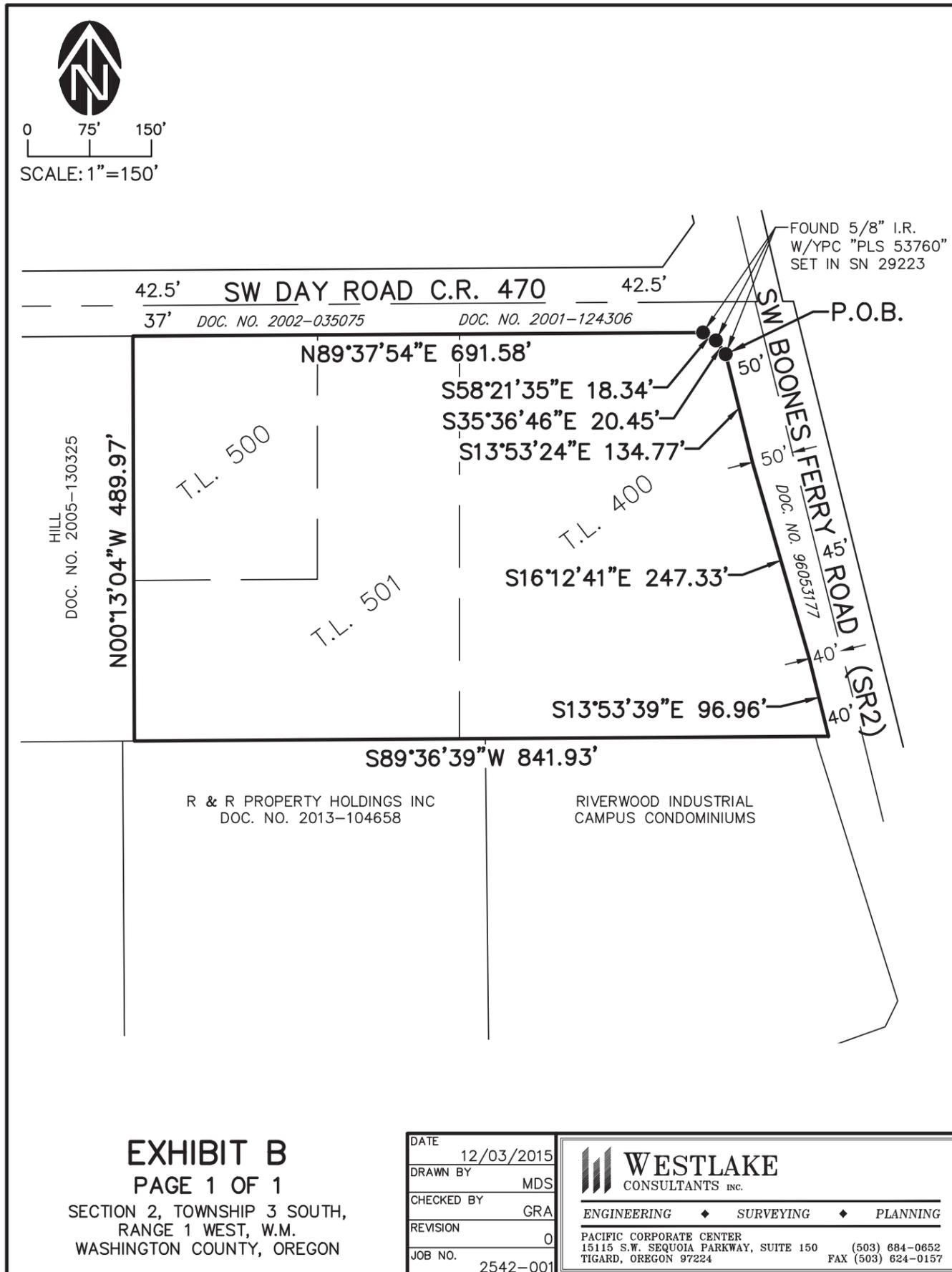
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**



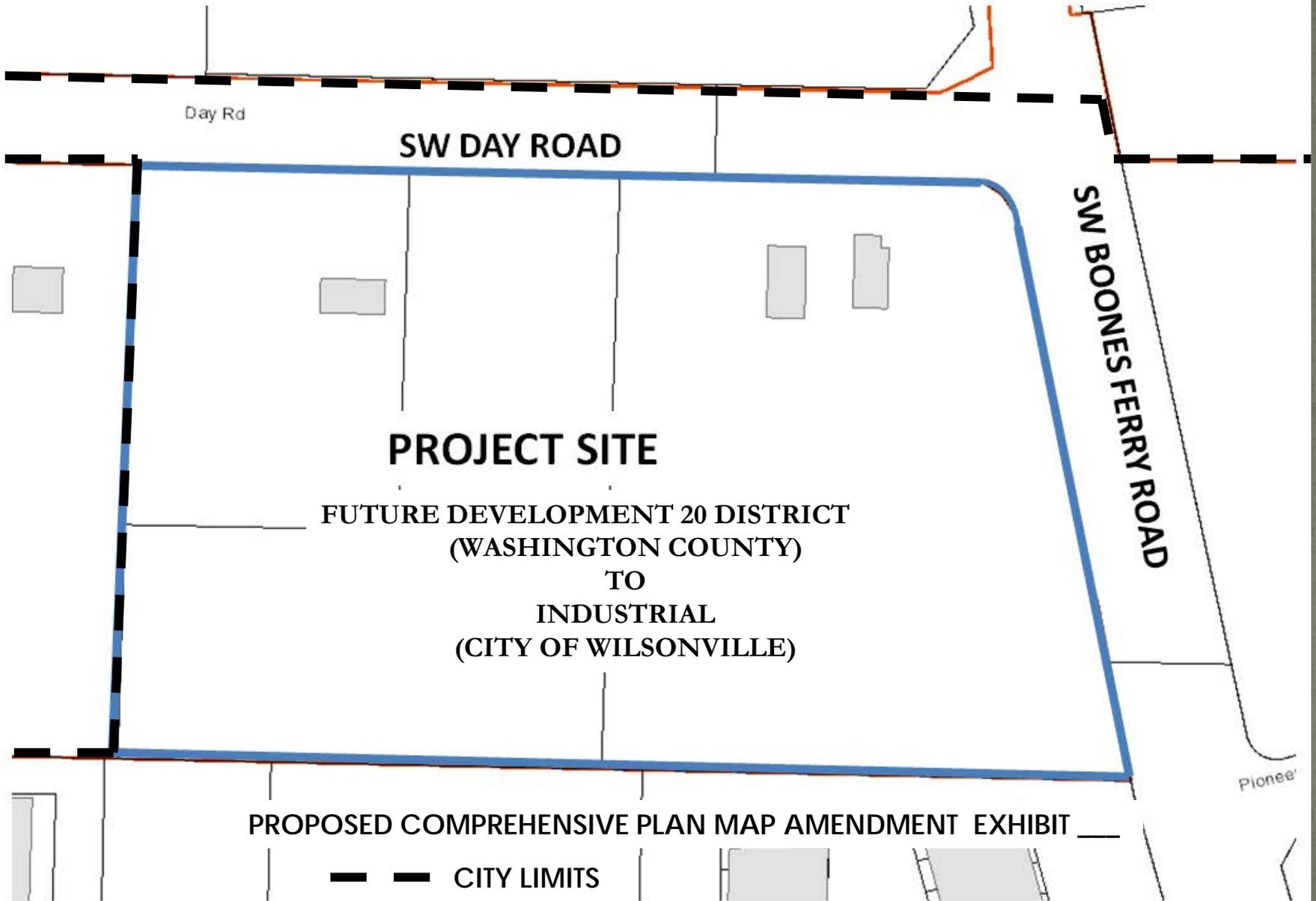
**OREGON
 NOVEMBER 12, 2013
 MICHAEL D. SPELTS
 87475PLS**

RENEWS: 06-30-2016

J:\2542-001.15\Survey\CAD\WORK\PD-Annexation.docx



DRAWING NAME: J:\2542-001.15\Survey\CAD\DWG\2542-001E.DWG DEC 03, 2015 - 7:30AM - MDS



Ordinance No. 785
City Council Exhibit A

STAFF REPORT
WILSONVILLE PLANNING DIVISION

Universal Health Services Inc., Willamette Valley Behavioral Health
Comprehensive Plan Map Amendment
CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE	February 18, 2016
DATE OF REPORT:	January 26, 2016

REQUEST: DB15-0092 Comprehensive Plan Map Amendment

SUMMARY: The City Council is being asked to review Ordinance 785 to amend the Comprehensive Plan Map from Washington County 'Future Development - 20 District' (FD-20) to the City 'Industrial' Designation contingent on the approval of annexation with Ordinance 784. Concurrently proposed are a Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and Class III signs to enable development of an approximately 62,000 square foot behavioral health facility.

LOCATION: Approximately 8.72 acres at the southwest corner of SW Day Road and SW Boones Ferry Road. Described Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon.

OWNER: Mr. David C. Brown, of the David C. Brown Revocable Living Trust U/T/A

APPLICANT: Universal Health Services Inc. – Willamette Valley Behavioral Health

PETITIONER FOR ANNEXATION: Mr. David C. Brown

APPLICANT'S REPRESENTATIVE: Mr. Kenneth Sandblast – Westlake Consultants

COMPREHENSIVE PLAN MAP DESIGNATION: 'Future Development - 20 District' (FD-20) (Washington County)

PROPOSED PLAN MAP DESIGNATION: Industrial – Area H (City of Wilsonville)

STAFF REVIEWER: Blaise Edmonds, Manager of Current Planning.

DEVELOPMENT REVIEW BOARD RECOMMENDATION: In Resolution No. 322 DRB Panel B Recommended approval of the requested Comprehensive Plan Amendment to City Council.

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 4.029	Zoning to be consistent with Comp. Plan
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Section 4.198	Comprehensive Plan Map Amendments
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan: Policy 4.1.3 Implementation Measure 4.3.1.a. Implementation Measure 4.1.3.b. Implementation Measure 4.1.3.c. Implementation Measure 4.1.3.d. Implementation Measure 4.1.3.e. Implementation Measure 4.1.3.f. Implementation Measure 4.1.3.g. Implementation Measure 4.1.3.h. Implementation Measure 4.1.3.i. Implementation Measure 4.1.3.j.	Industrial
REGIONAL AND STATE PLANNING DOCUMENTS	
Statewide Planning Goals	
Transportation Systems Plan Stormwater Master Plan	
State Transportation Planning Rule	OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment.

Staff: The subject property and adjacent SW Day Road and SW Boones Ferry Road are within the City's UGB.



Vicinity Map

Comprehensive Plan Map Amendment (DB15-0092). The applicant is requesting to change the current Washington County Comprehensive Plan Map designation ‘Future Development - 20 District’ (FD-20) to the City of Wilsonville Comprehensive Plan Map designation ‘Industrial’ which is the appropriate designation for the 8.72 acre site.

REQUEST B: DB15-0092 COMPREHENSIVE PLAN MAP AMENDMENT

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

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

Finding: This criterion is met.

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

Section 4.009 Who May Initiate Application

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

Finding: This criterion is satisfied.

Explanation of Finding: The application has been submitted on behalf of Universal Health Services Inc. – Willamette Valley Behavioral Health.

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

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

Finding: This criterion is satisfied.

Explanation of Finding: No applicable liens exist for the subject property.

COMPREHENSIVE PLAN MAP AMENDMENT

Comprehensive Plan – Comprehensive Plan Changes

The City of Wilsonville’s Comprehensive Plan, provide the following procedure for amending the Comprehensive Plan:

B1. Review Criteria: Who May Initiate Plan Amendments

Finding: This criterion is satisfied.

Explanation of Finding: The owner through their authorized agent (Mr. Kenneth Sandblast, AICP) has made application to modify the Comprehensive Plan map designation for the subject property from the Washington County Comprehensive Plan designation FD-20 to City Comprehensive Plan designation ‘Industrial’.

Application for Comprehensive Plan Amendment

The applicant has met all applicable filing requirements for a Comprehensive Plan Map amendment.

B2. Review Criteria: Consideration of Plan Amendment

Finding: This criterion is satisfied.

Explanation of Finding: The Planning Division received the application on November 16, 2015. Staff met with the applicant subsequent to the submittal of the application to discuss the completeness of the application and perceived deficiencies of the application. The application was deemed complete on January 11, 2016. The findings and recommended conditions of approval adopted by the Development Review Board in review of the

application to modify the Comprehensive Plan Map designation will be forwarded as a recommendation to the City Council.

- B3. Review Criteria:** Standards for Development Review Board and City Council Approval of Plan Amendments (page 8 of the Comprehensive Plan): The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.

Finding: This criterion is satisfied.

Explanation of Finding: Findings B1 through B29, which satisfy these Plan policies.

- B4. Review Criteria:** b. The granting of the amendment is in the public interest.

Finding: This criterion is satisfied.

Explanation of Finding: 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. The public interest is served by providing a behavioral health facility.

- B5. Review Criteria:** c. The public interest is best served by granting the amendment at this time.

Finding: This criterion is satisfied.

Explanation of Finding: UHS plans to construct the site over 2016 in preparation for opening in 2017. The applicant has satisfied requirements of citizen involvement and public notice requirements.

- B6. Review Criteria:** d. The following factors have been adequately addressed in the proposed amendment:

Suitability of the various areas for particular land uses and improvements;

Finding: This criterion is satisfied.

Explanation of Finding: The subject 8.72 acre property has two existing houses and land with moderate slopes at the southerly side but is suitable for the specific planned use and associated improvements. Existing houses and accessory structures will be razed for the development of the UHS facility. The subject property has direct frontage on SW Day Road for temporary access until the westerly adjoining property is developed and a joint permanent access would be required. The City Engineering Division has indicated through Public Facilities (PF) conditions of approval found in this staff report that public utilities, i.e., water, sanitary sewer, storm sewer and street improvements can be accomplished to serve the subject property.

- B7. Review Criteria:** Land uses and improvements in the area;

Finding: This criterion is satisfied.

Explanation of Finding: Adjacent uses to the west are primarily rural residential but for future urban development.

- B8. **Review Criteria:** Trends in land improvement;
Finding: This criterion is satisfied.
Explanation of Finding: The proposal is for a behavioral health facility which is responding to a public need.
- B9. **Review Criteria:** Density of development:
Finding: This criterion is not applicable.
Explanation of Finding: The proposal does not plan for residential development.
- B10. **Review Criteria:** Property values:
Finding: This criterion is satisfied.
Explanation of Finding: A professional analysis of property values has not been shared with staff.
- B11. **Review Criteria:** Needs of economic enterprises in the future development of the area;
Finding: This criterion is satisfied.
Explanation of Finding: The subject property is within the City UGB and would involve capital projects for public infrastructure improvements.
- B12. **Review Criteria:** Transportation access:
Finding: This criterion is satisfied.
Explanation of Finding: The DKS Transportation Impact Analysis (Exhibit P of Exhibit B1) proposes several transportation mitigation recommendations for the subject property. The City Engineering Division has considered the mitigation recommendations and has factored them in the proposed Public Facilities (PF) conditions of approval for the Stage II Final Plan.
- B13. **Review Criteria:** Natural resources; and Public need for healthful, safe and aesthetic surroundings and conditions:
Finding: This criterion is satisfied.
Explanation of Finding: The subject property does not have Metro Title 3/13 and Statewide Planning Goal 5 natural resource areas.

Wilsonville Development Code (WC) – Comprehensive Plan Changes

Subsection 4.198(.01) of the Development Code stipulates, “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:

- B14. **Review Criteria:** Approval Criterion A: “That the proposed amendment meets a public need that has been identified;”
Finding: This criterion is satisfied.
Explanation of Finding: See the applicant’s response finding on page 9 of the project

narrative in Exhibit B1 meeting this criterion. "The proposed use of the site as a behavioral health facility will produce jobs and increase the economics of the state."

- B15. Review Criteria:** Approval Criterion B: "That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;"

Finding: This criterion is satisfied.

Explanation of Finding: The current Washington County Zoning Map identifies the subject property as FD-20. It is appropriate to designate these properties as Industrial.

- B16. Review Criteria:** Approval Criterion C: "That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;"

Finding: This criterion is satisfied.

Explanation of Finding: With the implementation of the proposed conditions of approval, the proposed amendment supports the applicable Statewide Planning Goals. Findings to the Statewide Planning Goals were prepared by the applicant in the response findings of Exhibit B1.

- B17. Review Criteria:** Approval Criterion D: "That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended."

Finding: This criterion is satisfied.

Explanation of Finding: The applicant is requesting an amendment to the Comprehensive Plan Map for the subject property referenced herein. The applicant does not propose to modify or amend any other portion of the City of Wilsonville Comprehensive Plan.

INDUSTRIAL DEVELOPMENT

Policy 4.1.3 City of Wilsonville shall encourage light industry compatible with the residential and urban nature of the City.

- B18. Review Criteria: Implementation Measure 4.1.3.a** Develop an attractive and economically sound community.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners. Site design must adhere to the Day Road Design Overlay District (DOD) design standards to assure high-quality industrial development that would help develop an attractive and economically sound community.

- B19. Review Criteria: Implementation Measure 4.1.3.b** Maintain high-quality industrial development that enhances the livability of the area and promotes diversified economic growth and a broad tax base.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners. Site design must adhere to the Day Road Design Overlay District (DOD) design standards to assure high-quality industrial development that would enhance the livability of the area and would promote economic growth and a broad tax base. See request G of this staff report for detailed analysis of the building, site and design plans.

- B20. Review Criteria: Implementation Measure 4.1.3.c** Favor capital intensive, rather than labor intensive, industries within the City.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed project is estimated to cost over 25 million dollars and employ people with family wage jobs.

- B21. Review Criteria: Implementation Measure 4.1.3.d** Encourage industries interested in and willing to participate in development and preservation of a high-quality environment. Continue to require adherence to performance standards for all industrial operations within the City.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners with the goal in mind to preserve as many significant trees along the west side and northeast corner of the property.

- B22. Review Criteria: Implementation Measure 4.1.3.e** Site industries where they can take advantage of existing transportation corridors such as the freeway, river, and railroad.

Finding: This criterion is satisfied.

Explanation of Finding: The subject property is in close proximity to Interstate 5 via SW Day Road and SW Boones Ferry Road to the Stafford Interchange.

- B23. Review Criteria: Implementation Measure 4.1.3.f** Encourage a diversity of industries compatible with the Plan to provide a variety of jobs for the citizens of the City and the local area.

Finding: This criterion is satisfied.

Explanation of Finding: See the applicant's response finding on page 21 of Exhibit B1.

- B24. Review Criteria: Implementation Measure 4.1.3.g** Encourage energy-efficient, low-pollution industries.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects and engineers including an energy-efficient hospital type building with no pollution.

B25. Review Criteria: Implementation Measure 4.1.3.h The City, in accordance with Title 4 of the Metro Urban Growth Management Functional Plan, supports appropriate retail development within Employment and Industrial Areas. Employment and Industrial areas are expected to include some limited retail commercial uses, primarily to serve the needs of people working or living in the immediate Employment or Industrial Areas, as well as office complexes housing technology-based industries. Where the City has already designated land for commercial development within Metro's employment areas, the City has been exempted from Metro development standards.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project does not include retail uses so this criterion is not applicable.

B26. Review Criteria: Implementation Measure 4.1.3.i The City shall limit the maximum amount of square footage of gross leasable retail area per building or business in areas designated for industrial development. In order to assure compliance with Metro's standards for the development of industrial areas, retail uses with more than 60,000 square feet of gross leasable floor area per building or business shall not be permitted in areas designated for industrial development.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project does not include retail uses so this criterion is not applicable.

B27. Review Criteria: Implementation Measure 4.1.3.j All industrial areas will be developed in a manner consistent with industrial planned developments in Wilsonville. Non-industrial uses may be allowed within a Planned Development Industrial Zone, provided that those non-industrial uses do not limit the industrial development potential of the area.

Finding: This criterion is satisfied.

Explanation of Finding: In Requests D and E of this staff report the proposed UHS facility is being reviewed by the applicable Planned Development Code criteria within the PDI-RSIA zone. The project location at the southwest corner of SW Day Road and SW Boones Ferry Road would not limit industrial development potential of properties west of the UHS property.

OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment

B28. Review Criteria: Review Criteria: Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

- (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- (2). A plan or land use regulation amendment significantly affects a transportation facility if it:
- (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing a functional classification system;
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

Finding: These criteria are satisfied.

Explanation of Finding: The City's TSP was approved by the City Council on June 17, 2013. The applicant's proposal would not significantly affect transportation facilities identified in the City's Transportation System Plan (TSP). The proposed PF conditions of approval would mitigate any impacts in Request F for the Stage II Final Plan. The Comprehensive Plan Amendment and Zone Map Amendment do not propose any new amendments to the TSP. The proposed Comprehensive Plan Map and Zone Map Amendments do not propose to change the functional classification of an existing City street facility or one planned in the TSP. Furthermore the proposed Comprehensive Plan Map and Zone Map Amendments legislative do not propose to change standards implementing a functional classification system. Finally, the City has adopted traffic concurrency standards which will be applied to development in the subject property UGB area during subsequent development review to ensure levels of travel and access are not inconsistent with the functional classification of a transportation facility and maintain performance standards adopted in the TSP.

DKS Associates has prepared a Transportation Impact Analysis for this application in Exhibit P of Exhibit B1. The on-site circulation system proposed in the Stage II Final Plan, Plan Sheet C100 in Exhibit B1 is designed to reflect the principles of smart growth encouraging alternatives to the automobile while accommodating all travel modes, including car pool, SMART dial-a-ride, bicycles and pedestrians.

TPR 0060: ODOT received the public notice for the Universal Health Services, Inc., application. See Exhibit C8. The property is located at the intersection of SW Day Rd and SW Boones Ferry Rd which is an ODOT intersection. On page 23 of the DKS TIA in Exhibit B1 contains the TPR findings of “no significant effect” based on consistency with the City Comprehensive Plan and Transportation Systems Plan (TSP).

SUMMARY FINDING

The proposed Comprehensive Plan Map Amendment meets all applicable requirements and can be approved by the City Council.

ORDINANCE NO. 786

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE WASHINGTON COUNTY FUTURE DEVELOPMENT - 20 (FD-20) ZONE TO THE CITY'S PLANNED DEVELOPMENT INDUSTRIAL – REGIONALLY SIGNIFICANT INDUSTRIAL AREA (PDI-RSIA) ZONE ON APPROXIMATELY 8.72 - ACRES COMPRISING TAX LOTS 400, 500 AND 501 OF SECTION 2B, T3S, R1W, WASHINGTON COUNTY, OREGON, UNIVERSAL HEALTH SERVICES, INC., WILLAMETTE VALLEY BEAVIORAL HEALTH FACILITY, APPLICANT.

RECITALS

WHEREAS, Universal Health Services, Inc., Willamette Valley Behavioral Health Facility (“Applicant”) has made a development application requesting, among other things, a Zone Map Amendment of the Property from FD-20 to PDI-RSIA; and

WHEREAS, the development application form has been signed by David C. Brown, Trustee for David C. Brown Revocable Living Trust, as Owner of the real property legally described and shown on Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, the Zone Map Amendment is contingent on annexation of the Property to the City of Wilsonville and an amendment to the Comprehensive Plan Map, which annexation and Comprehensive Plan Map Amendment have been petitioned for and applied for concurrently with the Zone Map Amendment request; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment which staff report was presented to the Development Review Board on January 25, 2016;

WHEREAS, the Development Review Board Panel B held a public hearing on the application for a Zone Map Amendment on January 25, 2016, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 322 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB15-0093), adopts the staff report (Exhibit B) with findings and recommendation, all as placed on the record at the hearing, certain elements of which are contingent upon City Council approval of the Zone Map Amendment and authorizes the Planning Director to issue approvals to the Applicant consistent with the staff report, as adopted by DRB Panel B; and

WHEREAS, on February 18, 2016, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

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

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the Property to the City, by Zoning Order DB15-0093, attached hereto as Exhibit A, from the Washington County Future Development - 20 (FD-20) Zone to the Planned Development Industrial – Regionally Significant Industrial Area (PDI - RSIA) Zone described and shown on Attachments 1 and 2.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on February 18, 2016 and scheduled for the second reading on March 7, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of March, 2016 by the following votes: Yes: _____ No: _____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of March, 2016.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Councilor Starr

Councilor Fitzgerald

Councilor Lehan

Councilor Stevens

Exhibits and Attachments:

Exhibit A - Zoning Order DB15-0093.

Attachment 1, Legal Description and Survey Map

Attachment 2, Map Depicting Zone Amendment

Exhibit B Zone Map Amendment Findings, January 26, 2016.

Exhibit C - DRB Resolution No. 322

Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1), dated January 25, 2016 and the application on compact disk.

Exhibit E – January 25, 2016 DRB Minutes

EXHIBIT A

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
UNIVERSAL HEALTH SERVICES INC.,
WILLAMETTE VALLEY BEHAVIORAL HEALTH FACILITY**

In the Matter of an Application of)	
Kenneth Sandblast, Agent for)	
Universal Health Services, Inc.,)	ZONING ORDER
Willamette Valley Behavioral Health,)	NO. DB15-0093
Applicant, Acting on behalf of)	
David C. Brown, Trustee, Owner)	
for a Rezoning of Land on the City of)	
Wilsonville Zoning Map)	
Incorporated in Section 4.102)	
Of the Wilsonville Code)	

The above-entitled matter is before the Council to consider the application of DB15-0093, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached Exhibit 1 has heretofore appeared on the Washington County zoning map as Future Development - 20 (FD-20).

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

THEREFORE, IT IS HEREBY ORDERED that The Property, consisting of approximately 8.72 acres comprising Tax Lots 400, 500 and 501 Section 2B, 3S 1W as more particularly shown in the Zone Map Amendment Map, Attachment 1 and described and shown in Attachment 2 is hereby rezoned to Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA). The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This _____ day of March, 2016.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Barbara Jacobson, City Attorney

ATTEST:

Sandra C. King, MMC, City Recorder

Exhibit A: Zoning Order
Attachment 1, Legal Description and Survey Map
Attachment 2, Map Depicting Zone Amendment

EXHIBIT "A"

Annexation to the City of Wilsonville
 Washington County, Oregon
 Portion of Tax Lots 400, 500 and 501, 3S 1 2B
 December 2, 2015
 Project No. 2542-001

PROPERTY DESCRIPTION

Real property lying in Washington County, Oregon being a portion of Section 2, Township 3 South, Range 1 West of the Willamette Meridian described as follows:

Beginning at a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223 on the west right of way line of S.W. Boone's Ferry Road 50.00 feet from the centerline thereof measured at a right angle, said point also being 63.42 feet southerly of the centerline of S.W. Day Road measured at a right angle;
 thence along said west right of way line as conveyed to the State of Oregon by Document Number 96053177 through the following three courses:
 South 13°53'24" East, 134.77 feet, South 16°12'41" East, 247.33 feet, and South 13°53'39" East, 96.96 feet to the easterly extension of the north line of the plat "Riverwood Industrial Campus Condominium";
 thence along said north line and the north line of that property conveyed to "R & R Property Holdings Inc" by Document Number 2013-104658, South 89°36'39" West, 841.93 feet;
 thence along the east line of that property conveyed to "Hill" by Document Number 2005-130325, North 00°13'04" West, 489.97 feet to the south right of way line of S.W. Day Road being 37.00 feet from the centerline thereof measured at a right angle;
 thence along said south right of way line as conveyed to the State of Oregon by Document Numbers 2002-035075 and 2001-124306, North 89°37'54" East, 691.58 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS 53760" set in Washington County Survey Number 29,223;
 thence along the right of way lines at the southwest corner of the intersection of S.W. Day Road and S.W. Boones Ferry Road for the following two courses: South 58°21'35" East, 18.34 feet, and South 35°36'46" East, 20.45 feet to the Point of Beginning.

Containing 8.728 acres more or less.

Bearings shown per Washington County Survey Number 17,450.

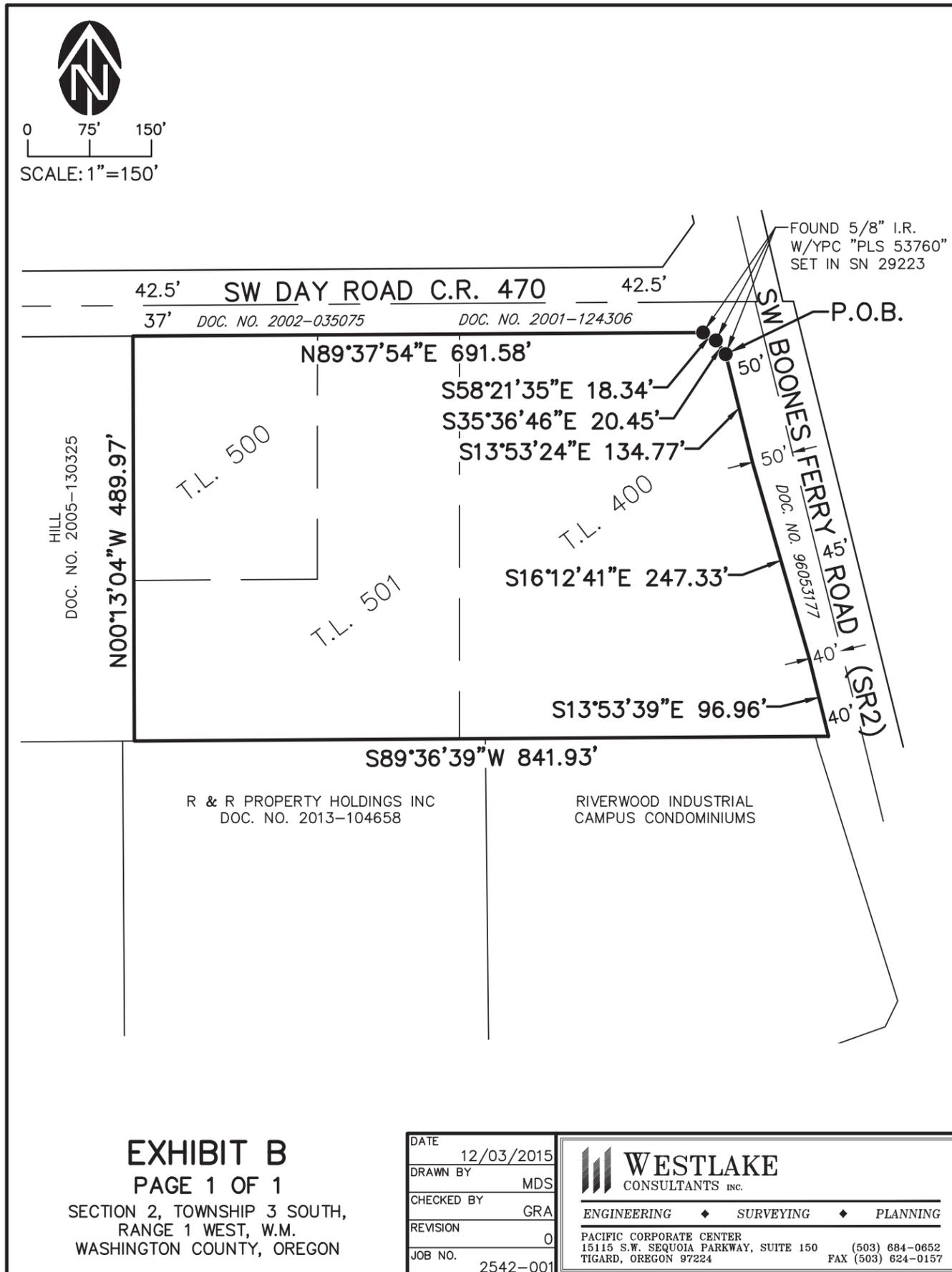
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**



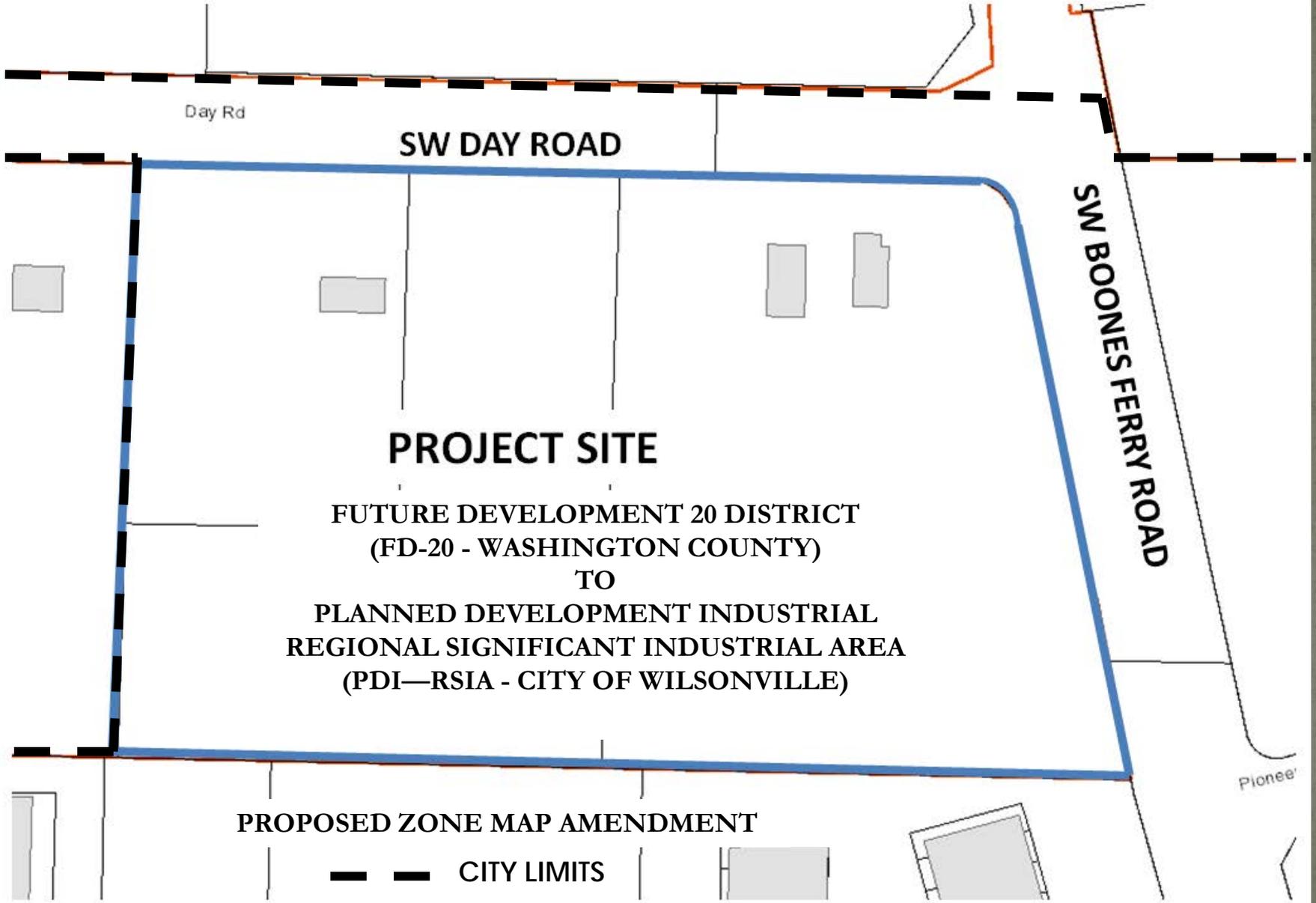
**OREGON
 NOVEMBER 12, 2013
 MICHAEL D. SPELTS
 87475PLS**

RENEWS: 06-30-2016

J:\2542-001.15\Survey\CAD\WORK\PD-Annexation.docx



DRAWING NAME: J:\2542-001.15\Survey\CAD\WORK\2542-001E.DWG DEC 03, 2015 - 7:30AM - MDS



Day Rd

SW DAY ROAD

SW BOONES FERRY ROAD

PROJECT SITE

FUTURE DEVELOPMENT 20 DISTRICT
(FD-20 - WASHINGTON COUNTY)
TO
PLANNED DEVELOPMENT INDUSTRIAL
REGIONAL SIGNIFICANT INDUSTRIAL AREA
(PDI—RSIA - CITY OF WILSONVILLE)

PROPOSED ZONE MAP AMENDMENT

— — CITY LIMITS

Pioneer

**Ordinance No. 786
City Council Exhibit B**

**STAFF REPORT
WILSONVILLE PLANNING DIVISION**

**Universal Health Services Inc., Willamette Valley Behavioral Health Facility
Zone Map Amendment
CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING**

HEARING DATE	February 18, 2016
DATE OF REPORT:	January 26, 2016

Request: DB15-0093 Zone Map Amendment

REQUEST/SUMMARY: The City Council is being asked to review a Zone Map Amendment from Washington County 'Future Development - 20' (FD-20) Zone to City 'Planned Development Industrial – Regionally Significant Industrial Area' (PDI-RSIA) Zone consistent with the Comprehensive Plan Map designation of "Industrial" requested concurrently with Ordinance No. 785. The Zone Map Amendment request is contingent on the City Council approving annexation of the property into the City of Wilsonville with Ordinance No. 784. The DRB has reviewed the Annexation, Comprehensive Plan map amendment, and Zone Map amendment and recommended approval to the City Council. The DRB also approved a Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and Class III signs to enable development of an approximately 62,000 square foot behavioral health facility.

LOCATION: Approximately 8.72 acres at the southwest corner of SW Day Road and SW Boones Ferry Road. Described Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon.

OWNER: Mr. David C. Brown, of the David C. Brown Revocable Living Trust U/T/A

APPLICANT: Universal Health Services Inc. – Willamette Valley Behavioral Health Facility

PETITIONER FOR ANNEXATION: Mr. David C. Brown

APPLICANT'S REPRESENTATIVE: Mr. Kenneth Sandblast – Westlake Consultants

COMPREHENSIVE PLAN MAP DESIGNATION: 'Future Development 20 District' (FD 20) (Washington County)

PROPOSED PLAN MAP DESIGNATION: Industrial (City of Wilsonville)

ZONE MAP CLASSIFICATION: Future Development - 20 Acre District (FD-20), Washington County)

PROPOSED ZONE MAP DESIGNATION: Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA), City of Wilsonville. The subject property is within the Day Road Design Overlay District (DOD). Day Road DOD is an overlay district within the larger Planned Development Industrial - Regionally Significant Industrial Area (RSIA) Zone.

STAFF REVIEWER: Blaise Edmonds, Manager of Current Planning.

DEVELOPMENT REVIEW BOARD RECOMMENDATION: In Resolution No. 322 the Development Review Board recommended approval of the requested Zone Map Amendment to City Council.

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 4.029	Zoning to be consistent with Comp. Plan
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Section 4.134	Day Road Design Overlay District
Section 4.135 and 4.135.5	Planned Development Industrial (PDI) Zone RSIA
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan: Policy 4.1.3 Implementation Measure 4.3.1.a. Implementation Measure 4.1.3.b. Implementation Measure 4.1.3.c. Implementation Measure 4.1.3.d. Implementation Measure 4.1.3.e. Implementation Measure 4.1.3.f. Implementation Measure 4.1.3.g. Implementation Measure 4.1.3.h.	Industrial

Implementation Measure 4.1.3.i. Implementation Measure 4.1.3.j.	
Comprehensive Plan - Annexation and Boundary Changes. Implementation Measure 2.2.1.e. Implementation Measure 2.2.1.a.	Annexation:
REGIONAL AND STATE PLANNING DOCUMENTS	
Statewide Planning Goals	
Transportation Systems Plan Stormwater Master Plan	
State Transportation Planning Rule	OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment.

Zone Map Amendment (DB15-0093). The applicant is requesting to change the current Washington County zoning designation from the Future Development - 20 District (FD-20) to the City of Wilsonville zone designation of ‘Planned Development Industrial – Regionally Significant Industrial Area’ (PDI - RSIA) which is the appropriate designation to the site.

CONCLUSIONS and CONDITIONS OF APPROVAL:

Approve the requested Annexation, Comprehensive Plan Amendment and Zone Map Amendment. **The findings and recommended conditions of approval adopted by the Development Review Board in review of the above requests will be forwarded as a recommendation to the City Council.**

FINDINGS OF FACT

1. The statutory 120-day time limit applies to this application. The application was received on November 16, 2015. On November 30, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period. The applicant submitted new material on January 11, 2016. On January 11, 2015 staff determined the application to be complete. The City must render a final decision for the request, including any appeals, by **May 9, 2016**.
2. Except for the adoption of the Coffee Creek Industrial Area Concept Plan, the Day Road Design Overlay District (DOD) and the Urban Growth Boundary (UGB) there are no prior city land use actions on the property.

3. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

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

Finding: This criterion is met.

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

Section 4.009 Who May Initiate Application

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

Finding: This criterion is satisfied.

Explanation of Finding: The application has been submitted on behalf of Universal Health Services Inc. – Willamette Valley Behavioral Health.

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

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

Finding: This criterion is satisfied.

Explanation of Finding: No applicable liens exist for the subject property.

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.

REQUEST C: ZONE MAP AMENDMENT

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

C1. Review Criterion: “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

Finding: This criterion is satisfied.

Explanation of Finding: The applicant is applying for a zone map amendment concurrently with requests for planned development applications (Requests D - G) which will make the zoning consistent with the Comprehensive Plan.

Subsection 4.110 (.01) Base Zones

C2. Review Criterion: This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

Explanation of Finding: The requested zoning designation from Washington County zone of Future Development - 20 District (FD-20) to the City Planned Development Industrial-Regionally Significant Industrial Area (PDI-RSIA) zone is among the base zones identified in this subsection.

Subsection 4.135 and 4.135.5 Planned Development Industrial (PDI-RSIA) Zone Purpose

C3. Review Criteria: The PDI-RSIA Zone

Finding: These criteria are satisfied.

Explanation of Finding: See the applicant’s response finding on page 21-22 of Exhibit B1. The applicant, Universal Health Services (UHS), proposes a behavioral health facility in the Coffee Creek Industrial Area, which is designated as a Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA). There are many factors to consider when evaluating the compatibility and appropriateness of the proposed use in the RSIA zone including: compatibility with existing and future industrial uses; urban form, design and architecture as expressed in the Day Road Design Overlay Zone (Wilsonville Code Section 4.134) and the draft regulations found in the Coffee Creek Industrial Area Form Based Code; minimization of PM peak hour trip generation; the emerging and evolving nature of industry; job creation and wages; compliance with industrial performance standards; traded

and local sector benefits; as well as consistency with the purpose section of the RSIA zone (WC Section 4.135.5).

The applicant's findings state that the application is consistent with the purpose section of the RSIA zone (please refer to pages 21 and 22 of the applicant's narrative), particularly *Section .03(N) Permitted Uses* because the operation is "1) compatible with industrial operations, 2) it provides an employment center consistent with the Wilsonville Comprehensive Plan, 3) it facilitates the redevelopment of under-utilized industrial sites within the Coffee Creek Master Plan area and within the Day Road Design Overlay District, and 4) is a transition point between zoning districts and the Day Road Design Overlay District."

The applicant's narrative goes into detail regarding each of the above issues. The Coffee Creek Industrial Area was added to Wilsonville's UGB in 2004. The Coffee Creek Industrial Area Master Plan was adopted in 2007. The Day Road Design Overlay Zone was adopted in 2008. For the past 11 plus years, there have been no proposals to develop in the Coffee Creek Industrial Area, until this application. This is in large part due to the fact that utilities, particularly sanitary sewer and potable water are not located together in all parts of the project area. The Coffee Creek Urban Renewal District is being created to assist in the installation of critical infrastructure that will benefit the area.

The applicant is proposing what could be a catalytic development for the area, in that it will set the stage for both Coffee Creek and Basalt Creek industrial areas, demonstrating the high quality built form for the employment area that is envisioned to be created. The applicant's proposal is catalytic in that it will provide essential right-of-way necessary to implement the required Transportation System Plan functional classification for Day Road, which ultimately will be a five lane section, as well as has the potential to generate significant tax increment for the planned Coffee Creek Urban Renewal area which was passed on an advisory vote by the citizens of the city this past November.

The applicant's narrative goes on to state that components of the proposed project contain many of the permitted uses listed in the PDI-RSIA zone such as research and training with local educational institutions, accessory storage and warehousing of medical equipment and supplies, non-retail uses and the minimization of PM peak hour traffic impacts by staggering work shifts to avoid these times. While not primary uses, these incidental aspects of the operation are supportive of the PDI-RSIA zone.

Code Linkages:

The Wilsonville Code is unique and contains many linkages between various sections of the Code. *WC Section 4.135 Planned Development Industrial* lists Public Facilities (WC 4.135 .Q) as an outright permitted use. The Public Facilities zone (WC Section 4.136) purpose section states: *The PF zone is intended to be applied to existing public lands and facilities, including quasi-public lands and facilities which serve and benefit the community and its citizens. Typical uses*

permitted in the PF Zone are schools, churches, public buildings, hospitals, parks and public utilities. Not all of the uses permitted in this zone are expected to be publically owned.

The PDI and the PDI-RSIA zone contain many of the same objectives and are very similar in nature. It is not unreasonable to assume that since the PDI zone allows public facilities, and the Public Facility zone permits hospitals, that the PDI-RSIA zone could permit hospitals in a similar manner as the proposed use is not a retail use, does not generate significant traffic during the PM peak hour due to staggered work and visitor shifts and is compatible with the performance standards of the PDI-RSIA zone (see Finding F13).

Urban Form:

The Day Road Design Overlay zone is applied to all properties that front along Day Road in the Coffee Creek Industrial Area, and include the subject site. The findings in this section augment the findings provided in G1 on page 68 of this staff report. The purpose of this overlay zone is to *establish standards for the design and exterior architecture of all structure located in the Day Road DOD in order to assure high quality design of development and re-development at the Day Road gateway to the City of Wilsonville. These standards are intended to create an aesthetically pleasing aspect for properties abutting Day Road by ensuring:*

A. Coordinated design of building exteriors, additions and accessory structure exteriors.

Response: The applicant's proposal results in coordinated design of building exteriors with buildings located close to the street framing the public realm resulting in an aesthetically pleasing streetscape.

B. Preservation of trees and natural features.

Response: The applicant's site plan proposes to protect large mature native and ornamental trees throughout the site, specifically at the corner of Day Road and Boones Ferry Road as well as along the west property line supporting this criterion.

C. Minimization of adverse impacts on adjacent properties from development that detracts from the character and appearance of the area.

Response: This is the first building to be proposed under the Day Road DOD thus setting the stage for the expectations for the type of lasting architecture and quality materials that will continue along the Day Road frontage. The proposal does not result in the creation of adverse impacts on adjacent properties as all activities will be conducted indoors or in the secure internal courtyard and the site planning and architecture do not detract from the character and appearance of the area. This standard is met.

D. Integration of the design of signage into architectural and site design, and

Response: The proposed site is at a very visible gateway corner to the Coffee Creek Industrial District. The applicant proposes gateway signage that is tasteful and appropriate for this corner location providing identification for the larger Coffee Creek Industrial area. This standard is satisfied by the applicant's proposal.

E. Minimization of the visibility of vehicular parking, circulation and loading areas.

Response: The applicant proposes to locate parking to the west and south of the building and not between the building and the street, masking, screening and minimizing the presence of vehicle parking and loading areas supporting the above design criteria.

It should also be noted that the applicant's proposal contains many of the elements of good design drafted in the Coffee Creek Industrial Area Form Based Code. Specifically, the building is oriented toward the street, attention is paid to connectivity and improved pedestrian circulation on the perimeter of the site, an enhanced public realm with art and landscaping is provided, a building with durable and attractive materials with a base, body and top, tree preservation, parking located away from the public-street as well as façade articulation, building massing, glazing and height along Day Road.

Performance Standards of the PDI-RSIA Zone:

The analysis contained in Finding F13 demonstrates that the proposed use is in conformance with the performance standards of the PDI-RSIA zone and will not have any external impacts that will affect surrounding industrial operations.

Traded and Local Sector:

The traded sector includes industries and employers which produce goods and services that are consumed outside the region where they are made. The local sector, on the other hand, consists of industries and firms that produce goods and services that are consumed locally in the region where they were made.

Both sectors – traded and local – are essential to economic health. Traded-sector employers export products or services, bring in new money into a region. In part, this money gets spent in the local economy, supporting jobs and incomes in the local sector. Local-sector employers provide necessary goods and services that both improve quality of life and contribute to the productivity and competitiveness of the traded sector.

Most forms of manufacturing, specialized design services, advertising and management, and technical consulting are classified as traded in this analysis. Retail trade, construction, **healthcare**, education, real estate and food services are found in all metropolitan areas and mostly fall into the local sector (source: Portland Metro's Traded Sector, 2012).

The applicant's narrative states that there will be approximately 190 new jobs created at the site (average of 29 jobs per acre), many of which are higher paying positions with medical specialization, such as doctors, nurses and psychiatric support services. Higher job densities are desired in today's economy to make more efficient use of the land. One of the many objectives of the RSIA industrial zone is to provide an opportunity to create employment centers with higher wage jobs, which this proposal satisfies.

Conclusion: The applicant has requested a use interpretation by the Director for the proposed behavioral health facility located in the Planned Development Industrial - Regionally Significant Industrial zone. Given the applicant's findings of fact (pages 21 and 22 of the submittal documents), and the above findings, the Director finds that the proposed use:

- Is compatible with the unique nature of the surrounding industrial area.
- Is supportive of many of the objectives of the PDI-RSIA zone including job creation and higher salaries.
- Provides an employment center consistent with the intent of the Comprehensive Plan at job densities that support an employment center.
- Provides quality urban form consistent with the intent and vision established in the Day Road Design Overlay Zone (and the Form Based Code).
- Creates a gateway to the larger Coffee Creek Industrial Area.
- Does not generate traffic that would negatively impact the transportation network in the PM peak hour due to staggered shift changes and a transportation management plan.
- Is supportive of the purpose section of the PDI-RSIA zone.
- Provides many of the primary permitted uses which are ancillary to the primary operation.
- Has the potential to be a catalytic project that facilitates the redevelopment of under-utilized industrial sites within the Coffee Creek Master Plan area and within the Day Road Design Overlay District.

Given the above analysis and findings, staff recommends that the DRB approve the use as consistent with the intent of WC Section 4.135.5 N. *"other similar uses which in the judgment of the Planning Director are consistent with the purpose of the PDI-RSIA zone"*.

Subsection 4.197 (.02) A. Zone Change Procedures

C4. Review Criteria: "That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;"

Finding: These criteria are satisfied.

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

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

C5. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed Zone Map Amendment is consistent with the proposed Comprehensive Map designation of Industrial and as shown in the applicant’s response findings in Exhibit B1.

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

C6. **Review Criterion:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

Finding: With the proposed PF conditions in this staff report, this criterion can be met.

Explanation of Finding: The City Engineering Division has performed an analysis of existing primary public facilities, (i.e., roads and sidewalks, water, sewer and storm sewer) to determine availability and adequacy to serve the subject property. Furthermore, a Transportation Impact Analysis (TIA) was prepared by DKS Associates. See Exhibit P of Exhibit B1.

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

C7. **Review Criteria:** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has also conducted a natural resources analysis by Pacific Habitat Services, found in Exhibit O of Exhibit B1 and no significant natural resources were found on the property.

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

- C8. **Review Criterion:** "That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

Finding: This criterion is satisfied.

Explanation of Finding: Development on the subject property will begin in 2016.

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

- C9. **Review Criterion:** "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards."

Finding: This criterion is satisfied.

Explanation of Finding: Nothing about the zone change would prevent development on the subject property from complying with applicable development standards.

Planned Development Industrial-Regional Significant Industrial Area (PDI-RSIA) Zone

- C10. **Review Criterion:** The purpose of the proposed PDI-RSIA Zone is to provide opportunities for a variety of industrial development.

Finding: This criterion is satisfied.

Details of Finding: See the applicant's response finding on page 21 of Exhibit B1. No commercial uses are proposed.

SUMMARY FINDING FOR REQUEST C:

- C11. The proposed Zone Map Amendment meets all applicable requirements and its approval may be recommend to the City Council. *This action recommends adoption of the Zone Map Amendment to the City Council for the subject property. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB15-0091). Case files DB15-0094, DB15-0095, DB15-0096, DB15-0097, DB15-0098, and DB15-0099 are contingent upon City Council's action on the Zone Map Amendment request.*

January 28, 2016

DEVELOPMENT REVIEW BOARD PANEL B

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Universal Health Services

Case Files:	Request A:	DB15-0091	Annexation
	Request B:	DB15-0092	Comprehensive Plan Map Amendment
	Request C:	DB15-0093	Zone Map Amendment
	Request D:	DB15-0094	Stage I Preliminary Plan
	Request E:	DB15-0095	Two (2) Waivers
	Request F:	DB15-0096	Stage II Final Plan
	Request G:	DB15-0097	Site Design Review
	Request H:	DB15-0098	Type C Tree Plan
	Request I:	DB15-0099	Class III Signs

Owner: David C. Brown of the David C. Brown Revocable Living Trust U/T/A

Applicant: Universal Health Inc., Willamette Valley Behavioral Health

**Applicant's
Representative:** Mr. Kenneth Sandblast – Westlake Consultants

**Property
Description:** Tax Lots 400, 500, and 501 in Section 2B; T3S R1W; Washington
County; Wilsonville, Oregon.

Location: 9470 SW Day Road and SW Boones Ferry Road

On January 25, 2016, at the meeting of the Development Review Board Panel B, the following action was taken on the above-referenced proposed development applications:

Requests A, B and C: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Thursday, February 18, 2016 to hear these items.*

Requests D, E, F, G, H and I:
Approved with conditions of approval.
This approval is contingent upon City Council's approval of Requests A, B and C.

An appeal of Requests D, E, F, G, H and I to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of

Decision. *WC Sec. 4.022(.02)*. A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830*.

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 26th day of January 2016 and is available for public inspection. The decision regarding Requests D, E, F, G, H and I shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*.

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 322, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 322**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION OF TERRITORY AND APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM WASHINGTON COUNTY – FUTURE DEVELOPMENT 20 DISTRICT (FD-20) DESIGNATION TO CITY – INDUSTRIAL DESIGNATION, APPROVING A ZONE MAP AMENDMENT FROM WASHINGTON COUNTY – FUTURE DEVELOPMENT – 20 DISTRICT (FD-20) TO CITY – PLANNED DEVELOPMENT INDUSTRIAL – REGIONAL SIGNIFICANT INDUSTRIAL AREA (PDI-RSIA) ZONE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY DEVELOPMENT PLAN, WAIVERS, STAGE II FINAL PLAN, SITE DESIGN REVIEW, TYPE ‘C’ TREE PLAN AND SIGNS FOR A 9.72 ACRE SITE. THE SUBJECT SITE IS LOCATED ON TAX LOTS 400, 500 AND 501 OF SECTION 2B, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, WASHINGTON COUNTY, OREGON. UNIVERSAL HEALTH SERVICES, INC., WILLAMETTE VALLEY BEHAVIORAL HEALTH– APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated January 14, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on January 25, 2016, at which time exhibits, together with findings and public testimony were entered into the public record, and

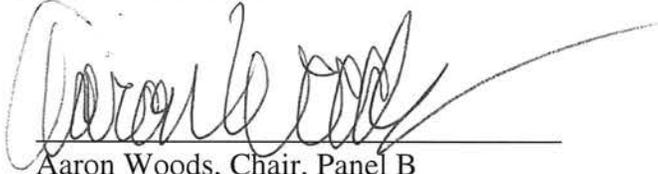
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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 January 14, 2016, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to, as applicable, City Council approval of the Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment Requests (DB15-0091, DB15-0092 and DB15-0093) for:

DB15-0094 Stage I Preliminary Plan (Master Plan)
DB15-0095 Waivers
DB15-0096 Stage II Final Plan
DB15-0097 Site Design Review
DB15-0098 Type ‘C’ Tree Removal Plan
DB15-0099 Class III Signs

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25th day of January, 2016 and filed with the Planning Administrative Assistant on Jan. 28, 2016. 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)*.



Aaron Woods, Chair, Panel B
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant

DRB Exhibit A1

STAFF REPORT
WILSONVILLE PLANNING DIVISION

Universal Health Services Inc., Willamette Valley Behavioral Health
Annexation, Comprehensive Plan Map Amendment,
Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan,
Waivers, Site Design Review (Day Road Overlay District), Type 'C' Tree Removal Pan and
Class III Signs

DEVELOPMENT REVIEW BOARD PANEL 'B'
QUASI-JUDICIAL PUBLIC HEARING
STAFF REPORT
(AMENDED AND ADOPTED JANUARY 25, 2016)

HEARING DATE	January 25, 2016
DATE OF REPORT:	January 14, 2016

Strike-through = Deleted words
Bold/Italic = New words

Requests:

- Request A: DB15-0091 Annexation
- Request B: DB15-0092 Comprehensive Plan Map Amendment
- Request C: DB15-0093 Zone Map Amendments (Base Zone)
- Request D: DB15-0094 Stage I Preliminary Plan (Master Plan)
- Request E: DB15-0095 Two (2) Waivers
- Request F: DB15-0096 Stage II Final Plan
- Request G: DB15-0097 Site Design Review
- Request H: DB15-0098 Type 'C' Tree Removal Plan
- Request I: DB15-0099 Class III Signs

REQUEST/SUMMARY: The Development Review Board is being asked to review the above referenced application requests for Universal Health Services, Inc., – Willamette Valley Behavioral Health (UHS). Proposed is Annexation of 8.72 acres (right-of-way dedication is expected to reduce the private development area to a total of about 8.4 acres) to the City of Wilsonville, a Comprehensive Plan Map Amendment from Washington County 'Future Development 20 Acre District' FD-20 to the City 'Industrial' Designation, approve a Zone Map Amendment from Washington County 'Future Development – 20 District' (FD-20) Zone to City 'Planned Development Industrial – Regional Significant Industrial Area' (PDI-RSIA) Zone, and approve Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and signs to enable development of an approximately 62,000 square foot

behavioral health facility with adult inpatient crisis stabilization services and mental health programs, inpatient child and adolescent services, inpatient geriatric services, autism programs, women's programs, substance abuse treatment, behavioral pain management, as well as outpatient services. In addition, the facility will serve a number of veterans with behavioral and mental health needs.

LOCATION: Approximately 8.72 acres located at 9470 SW Day Road and SW Boones Ferry Road. The subject property is more specifically described Tax Lots 400, 500 and 501, Section 2B, Township 3 South, Range 1W, Willamette Meridian, Washington County, Oregon. The subject property and adjacent SW Day Road and SW Boones Ferry Road are within the City UGB.

OWNER: Mr. David C. Brown, of the David C. Brown Revocable Living Trust U/T/A

APPLICANT: Universal Health Services Inc. – Willamette Valley Behavioral Health

PETITIONER FOR ANNEXATION: Mr. David C. Brown

APPLICANT'S REPRESENTATIVE: Mr. Kenneth Sandblast – Westlake Consultants

CURRENT COMPREHENSIVE PLAN MAP DESIGNATION: Future Development 20 Acre District (FD-20, Washington County)

PROPOSED PLAN MAP DESIGNATION: Industrial – Area H (City of Wilsonville)

Area H is bordered by Clay Street and Day Roads on the north and railroad tracks on the west.

CURRENT ZONE MAP CLASSIFICATION: Future Development 20 Acre District (FD-20, Washington County)

PROPOSED ZONE DESIGNATION: Planned Development Industrial (PDI-RSIA), City of Wilsonville). The subject property is within the Day Road Design Overlay District (DOD). DOD is an overlay district within the larger Planned Development Industrial - Regionally Significant Industrial Area (RSIA) Zone.

STAFF REVIEWERS: Blaise Edmonds, Manager of Current Planning, Steve Adams, Development Engineering Manager Don Walters, Plans Examiner, Kerry Rappold, Natural Resources Program Manager and Jason Arn, TVFR.

STAFF RECOMMENDATION: Recommends approval of the requested Annexation, Comprehensive Plan Amendment and Zone Map Amendment to City Council. The findings adopted by the Development Review Board in review of the above requests will be forwarded as a recommendation to the City Council.

Approve the Stage I Preliminary Plan (Master Plan), two waivers, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and Class III signs. However, DRB approval of the above requests is contingent upon City Council approval of ordinances for the proposed Annexation, Comprehensive Plan Map Amendment 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 4.029	Zoning to be consistent with Comp. Plan
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Section 4.134	Day Road Design Overlay District
Section 4.135 and 4.135.5	Planned Development Industrial (PDI) Zone RSIA
Section 4.140(.07)	Stage I Preliminary Plan (Master Plan)
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
Section 4.700	Annexation
Section 4.198	Comprehensive Plan Map Amendments
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan: Policy 4.1.3 Implementation Measure 4.3.1.a. Implementation Measure 4.1.3.b. Implementation Measure 4.1.3.c. Implementation Measure 4.1.3.d. Implementation Measure 4.1.3.e. Implementation Measure 4.1.3.f. Implementation Measure 4.1.3.g. Implementation Measure 4.1.3.h. Implementation Measure 4.1.3.i. Implementation Measure 4.1.3.j.	Industrial
Comprehensive Plan - Annexation and Boundary Changes. Implementation Measure 2.2.1.e. Implementation Measure 2.2.1.a.	Annexation:
<u>REGIONAL AND STATE PLANNING DOCUMENTS</u>	

Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	
Transportation Systems Plan Stormwater Master Plan	
State Transportation Planning Rule	TPR 0060, Section 9 to make findings of no significant effect based on consistency with the Comp Plan/TSP. OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment.

Site Specific Development Standards

Section 4.110	Zones
Section 4.116	Standards Applying to Commercial Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.134	The Day Road Design Overlay District (DOD)
Section 4.135	Planned Development Industrial Zone
Section 4.135.5	Planned Development Industrial – Regional Industrial Significant Area (PDI-RSIA)
Section 4.140	Planned Development Regulations – Stage I Preliminary Plan and Stage II Final Plan.
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	Sign Regulations
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 4.179	Mixed Solid Waste and Recyclables Storage
Sections 4.199.20 through 4.199.60	Outdoor Lighting
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

Site description provided by the applicant:

“The site consists of a majority of mowed fields with trees scattered around small stands or around existing structures. There are a large stand of trees running the entire length of the western boundary going into the adjacent parcel. There are gentle slopes on the property from

north to south. The western end of the site consists of steeper slopes within the forest stand along the western boundary.”

“The site currently has three existing structures which consist of 2 dwellings and a garage. Prior uses on the site were residential and agriculture.”



Vicinity Map

SUMMARY

Annexation, comprehensive plan mapping and rezoning of the subject property is proposed to begin laying the foundation for development applications for a behavioral health facility. The applicant proposes to construct the project in 2016.

A detailed executive summary and compliance report in support of the application is provided by the applicant found on pages 1 through 4 of Exhibit B1. The applicant’s narrative on page adequately describes the requested application components, and compliance findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, staff has relied upon the applicant’s submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Annexation (DB15-0091). Universal Health Services, Inc. – Willamette Valley Behavioral Health (UHS) is seeking to annex the subject 8.72 acre property.

Comprehensive Plan Map Amendment (DB15-0092). The applicant is requesting to change the current Washington County Comprehensive Plan Map designation ‘Future Development 20

District' (FD-20) to the City of Wilsonville Comprehensive Plan Map designation 'Industrial' which is the appropriate designation for the site.

Zone Map Amendment (DB15-0093). The applicant is requesting to change the current Washington County zoning designation from 'Future Development 20 District' (FD-20) to the City of Wilsonville zone designation of 'Planned Development Industrial – Regional Significant Industrial Area' (PDI - RSIA) which is the appropriate designation to the site.

Stage I Preliminary Plan (DB15-0094). The applicant is requesting approval of a Stage I Preliminary Plan comprising for a behavioral health facility on 8.4 net acres in one development phase.

Two (2) Waivers (DB15-0095). See Exhibit B1 for the applicant's response findings to support the proposed waivers of which staff recommending approval. Regarding the proposed waivers the applicant has met Section 4.118.03 by listing the following waivers:

1. A waiver to the Day Road Overlay District minimum 48 foot building height to allow 38.4' on one portion of the building and dropping down to 28.4' on the remainder building measured to the top of parapet walls; and
2. Waiver to reduce 20% glazing for building elevations fronting on SW Day Road or on the frontage on corner lots. Proposed is 24% at SW Day Road but 16% at SW Boones Ferry Road.

Stage II Final Plan (DB15-0096). With the exception for proposed parking space numbers that is discussed in Finding F42 the Stage II Final Plan meets the following key approval criteria:

- **Section 4.140.09(J)(1) Land Use.** The location, design, size of the project, both separately and as a whole, are consistent with the proposed PDI - RSIA Zone. See Finding C4 demonstrating compliance of health care use within the PDI-RSIA Zone.
- **Section 4.140.09(J)(2) Traffic.** The location, design, size of the project is such that traffic generated by UHS can be accommodated safely, and without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project which complies with Subsection 4.140.09(J)(2).
- **Section 4.140.09(J)(3) Public Facilities and Services.** The location, design, size and uses of the proposed project are such that the use to be accommodated will be adequately served by existing or immediately planned facilities and services.

Site Design Review (DB15-0097)

Architectural Design

The building architecture has elements meeting the Day Road Design Overlay District criteria. Key features include a variety of materials and building articulation. Extensive use of glass enhances the building facing SW Day Road.

Landscape Design. The project landscape architect, Walker/Macy, is highly regarded for their landscape designs that respond to the natural environment. Key to this project is to have attractive landscaping along SW Day Road which requires the most attention. Proposed are a variety of narrow bands of ground covers, sedges and shrubs. Retained trees are incorporated into the landscape plan. New landscaping will cover 39% and undisturbed native area at 17% of the site. Proposed new landscaping is better than typically found in other industrial/office parks.

Type 'C' Tree Removal Plan (DB15-0098)

146 regulated trees were inventoried on the site and adjoining right-of-way areas. Tree species primary include Douglas fir, London planetree, and bigleaf maple. A number of trees are being preserved as a mature intact stand at the west end and northeast corner of the property. The applicant proposes removing 41 trees and 19 trees are situational. 76 retained trees.

The trees proposed as part of the site landscaping exceed the required mitigation. Up to seventy (70) regulated trees would be removed. (See Arborist's Report in Exhibit B1).

Class III Signs (DB15-0099)

The applicant proposes an industrial district sign, site ID monument sign, directional signs and parking lot signs meeting code.

DISCUSSION POINTS

Day Road Design Overlay District

The architecture of the building is required to apply the Day Road Design Overlay District (DOD) requirements. The applicant provides a detailed analysis of the standards found on pages 34 through 41 in Exhibit B1. The proposed architecture is modern style similar to other buildings in the Kruse Way Business District of Lake Oswego. The applicant's design team and staff had several meetings to refine the conceptual building architecture for the purpose of achieving DOD requirements. But given the unique function of health services the applicant is requesting two waivers from the DOD criteria which are discussed in the following "Waiver" discussion point.

Waivers

The applicant is requesting two waivers; 1) to reduce the minimum building height from 48 feet to 38.3 feet, and 2) to reduce the percentage of window glazing at SW Boones Ferry Road. The

height waiver supports variation of the parapet and more architectural features supportive of compliance with the Day Road Design Overlay District requirements. Staff supports the proposed waivers with the detailed discussion found in Request F of this staff report.

Parking

How much parking is required? 200 space number based on city code for hospitals may be too much; UHS current site Plan Sheet L100 shows 120 spaces but the applicant's parking finding indicates 114 spaces. In the professional opinion of planning staff there enough room to add twenty (20) more on site spaces for total 140 spaces. Staff is reluctant to underestimate it because there is no on-street parking in this area, and no nearby offsite parking. See Finding F42 for the detailed parking requirement analysis.

SMART/TriMet Service

According to SMART in Exhibit C5 (Mr. Stephan Lashbrook – SMART Transit Director); "The subject property, being on the south side of Day Road, is not within TriMet territory. However, it occurs to me that we may want to include a finding in the annexation staff report that SMART is willing and able to provide service to the site. It would then follow to include a conclusion that, upon annexation, the site will become part of SMART's service territory." Proposed Finding A12 is intended to include the site in the SMART service territory.

Fencing

Proposed along the south side of the UHS building is a 12 – 14 foot high 'no climb' security fence. The fence would not be plainly visible to public view but Subsection 4.176(.04) F requires DRB review of any fence over 6 feet high measured from soil surface at the outside of fence line. See Plan Sheet A-300.

CONCLUSIONS and CONDITIONS OF APPROVAL:

Approve the requested Annexation, Comprehensive Plan Amendment and Zone Map Amendment to City Council. **The findings and recommended conditions of approval adopted by the Development Review Board in review of the above requests will be forwarded as a recommendation to the City Council.**

Approve the Stage I Preliminary Plan (Master Plan), two (2) waivers, Stage II Final Plan, Site Design Review, Type 'C' Tree Removal Plan and signs. However, the DRB approval of those requests is contingent on City Council approval of ordinances for the proposed Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment.

PD = Planning Division: No conditions of approval are proposed.
PF = Engineering Conditions
NR = Natural Resources Conditions
TVFR Conditions
BD = Building Division Conditions
PW = Public Works Department Conditions

REQUEST A: DB15-0091 ANNEXATION

This action recommends annexation to the City Council for the subject property with no conditions of approval.

REQUEST B: DB15-0092 COMPREHENSIVE PLAN MAP AMENDMENT

This action recommends adoption of the Comprehensive Plan Map Amendment to the City Council for the subject property with no conditions of approval.

REQUEST C: DB15-093_ ZONE MAP AMENDMENT

This action recommends adoption of the Zone Map Amendment to the City Council for the subject property with no conditions of approval.

REQUEST D: DB15-0094 STAGE I PRELIMINARY PLAN

This action approves the Stage I Preliminary Plan with no conditions of approval. Approval of the subject Stage I Preliminary Plan is contingent upon City Council approvals of Case Files DB15-0091 through DB15-0093 involving Annexation, Zone Map Amendment and Comprehensive Plan Map Amendment.

REQUEST E: DB15-0095 STAGE II FINAL PLAN

Approval of the subject Stage II Final Plan is contingent upon City Council approvals of Case Files DB15-0091 through DB15-0093 involving Annexation, Zone Map Amendment and Comprehensive Plan Map Amendment.

PDE 1. The approved Stage II Final Plan shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an

<p>approved Stage II Final Plan may be approved by the Planning Director through the Class I Administrative Review Process if such changes are consistent with the purposes and general character of the development plan</p>
<p>PDE 2. The Applicant/Owner shall provide 140 total on-site parking spaces. Up to 40% of the parking may be compact car spaces of not less than seven (7) feet, six (6) inches wide and fifteen (15) feet long. The remaining parking spaces shall be standard nine (9) feet wide and eighteen (18) feet long, and including required ADA parking spaces. The revised parking plan shall be reviewed through Class I Administrative Review. See Finding F42.</p>
<p>PDE 3. Interior long-term bicycle parking spaces shall be in a secure or monitored location and meet the spacing, space size, and anchoring requirements in Subsection 4.155 (.04) B. which include:</p> <ul style="list-style-type: none"> • Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle. • An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way. • When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly. • Bicycle lockers or racks, when provided, shall be securely anchored.
<p>PDE 4. The Applicant/Owner shall provide ADA accessible path from the gates of the southerly accessible ramp to the concrete basketball courts to the concrete walks to the building entrances serving the recreational yards. See Finding 35.</p>
<p>PDE 5. The Applicant/Owner shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site. Before the start of construction, a waiver of right to remonstrate shall be submitted to the city attorney.</p>
<p>PDE 6. <i>The applicant is encouraged to install not less than 2 Electrical Vehicle charging stations to the facility.</i></p>

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, 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 PF Conditions: See Exhibit C1 for Public Works Plan requirements and other engineering requirements.

DB15-0096 Stage II Final Plan

PF1.	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.												
PF2.	At the request of Staff, DKS Associates completed a Transportation Impact Study dated January 7, 2016. The project is hereby limited to no more than the following impacts.												
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Estimated New PM Peak Hour Trips</td> <td style="text-align: right;">107</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area</td> <td style="text-align: right; vertical-align: bottom;">75</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area</td> <td style="text-align: right; vertical-align: bottom;">6</td> </tr> </table> <p>As part of the Transportation Impact Study DKS Associates looked at a variety of uses allowed under the proposed PDI-RSIA Zone Change. The worst case trip generator for the proposed zone change would be expected to produce the following impacts.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Estimated New PM Peak Hour Trips</td> <td style="text-align: right;">127</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area</td> <td style="text-align: right; vertical-align: bottom;">88</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area</td> <td style="text-align: right; vertical-align: bottom;">7</td> </tr> </table>	Estimated New PM Peak Hour Trips	107	Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area	75	Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	6	Estimated New PM Peak Hour Trips	127	Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area	88	Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7
Estimated New PM Peak Hour Trips	107												
Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area	75												
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	6												
Estimated New PM Peak Hour Trips	127												
Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area	88												
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7												
PF3.	Applicant shall enter into a development agreement with the City of Wilsonville describing construction responsibilities and City SDC credits available with this project.												
PF4.	In the 2013 Transportation Systems Plan Day Road is identified as a Major Arterial. Applicant shall dedicate sufficient right-of-way to accommodate Day Road as a Major Arterial; this will require an additional 16.5 feet of right-of-way dedication to the City to accommodate a half-street right-of-way width of 53.5-ft (total right-of-way width of 107 feet), which includes ½ of a 14-ft center turn lane/median, two 12-ft travel lanes, a 6-ft bike lane, an 8.5 foot landscape and irrigation area with street lighting, and an 8-ft sidewalk.												
PF5.	Applicant shall demolish existing curb and gutter and construct new roadway in												

	compliance with the 2013 Transportation Systems Plan and the 2014 Public Works Standards, and as outlined in condition of approval PF 4. In addition to the specifications in the 2013 Transportation Systems Plan and the 2014 Public Works Standards, the City requests adding a 2-ft bike buffer lane to the street cross section. The additional costs for the bike buffer on Day Road are Street SDC creditable/reimbursable by the City.
PF6.	The additional cost to construct the Day Road section from a Residential structural section to a Major Arterial structural section is Street SDC creditable/reimbursable by the City.
PF7.	In order to accommodate the additional 2-ft bike buffer within the street profile and maintain a 16.5-ft landscape/sidewalk area the City request a 2-ft sidewalk and public access easement on property fronting Day Road. The additional cost for this easement along Day Road is Street SDC creditable/reimbursable by the City.
PF8.	The widening of Day Road to meet Major Arterial requirements will leave the existing signal pole too close to the planned paved roadway. Applicant shall work with City engineering staff and Oregon Department of Transportation in the design and approval of the relocated signal pole, sidewalk and ADA ramps in this area. The additional costs for the relocation/reconstruction of the signal pole are Street SDC creditable/reimbursable by the City.
PF9.	Applicant shall dedicate additional right-of-way for reconstruction of the signal pole at the southwest corner of the Boones Ferry Road / Day Road intersection (northeast corner of the property). Necessary right-of-way will be a diagonal from the tangent radius points of the two intersecting right-of-way lines.
PF10.	In the 2013 Transportation Systems Plan Boones Ferry Road is identified as a Major Arterial. Applicant shall dedicate sufficient right-of-way to accommodate Boones Ferry Road as a Major Arterial; this will require a varying width of right-of-way dedication to the City to accommodate a half-street right-of-way width of 50.0-ft (total right-of-way width of 100 feet).
PF11.	Boones Ferry Road is presently constructed as a Major Arterial and no additional roadway construction is required. However, frontage along Boones Ferry Road is lacking a sidewalk, landscaping and street lighting. Applicant shall construct a 5-foot sidewalk, an approximate 8-ft landscape strip with irrigation, and street lighting within the Boones Ferry Road right-of-way. Existing topography descends away from the curb and Applicant is allowed to construct the sidewalk at a lower elevation than the curb. Applicant shall work with City engineering staff with design, elevation and location of this sidewalk.
PF12.	Applicant shall obtain stormwater service by tying into either the public storm system in Boones Ferry Road or the public storm system in Day Road.
PF13.	The proposed development lies within the Coffee Creek Industrial Area. Both the City Wastewater Master Plan (November 2014) and the Coffee Creek Industrial Master Plan (April 2007) indicate that this land is intended to be serviced via a planned sanitary main line to be installed across the Coffee Creek Industrial Area and extend east under Day Road. Applicant is allowed to obtain temporary sanitary sewer

	<p>service by tying into the public sanitary sewer system in Boones Ferry Road. However, applicant shall design the system to be able to divert the flow westward <i>northward</i> and extend a dry pipe to the west <i>north</i> property edge such that future sanitary sewer service can be obtained via the future main line extending from the Coffee Creek Industrial Area once that line is constructed and accepted by the City. Applicant shall work with City engineering staff with design and location of this sanitary line.</p>
PF14.	<p>Applicant shall tie into the existing public water main located in Day Road or Boones Ferry Road.</p>
PF15.	<p>Applicant shall bring existing overhead utilities underground on frontages along both Boones Ferry Road and Day Road. Additionally, the City requests these utilities remain underground through the far right-of-way of each roadway. The additional costs to place conduit and extend the underground utilities from the southwest corner of the intersection to the east side of Boones Ferry Road and the north side of Day Road is creditable/reimbursable by the City.</p>
PF16.	<p><i>With construction of improvements along Day Road and Boones Ferry Road (both designated as major arterials), and City concerns regarding impacts to the public, Applicant shall work with City staff to minimize disruptions to the traveling public. This could include limiting work hours to outside of the AM and PM peak hours. No lane closures can occur without first receiving approval from City Engineering.</i></p>

Natural Resources NR Conditions: All Requests

NR1. Natural Resource Division Requirements and Advisories listed in Exhibit C4 apply to the proposed development.

TVF&R Conditions:

- FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)
- DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. (OFC 503.2.5 & D103.1)

3. **ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL HEIGHT:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. (D104.1)
4. **MULTIPLE ACCESS ROADS SEPARATION:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area to be served (as identified by the Fire Code Official), measured in a straight line between accesses. (OFC D104.3) Exception: Buildings equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
5. **AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2)
6. **AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4)
7. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. The fire district will approve access roads of 12 feet for up to three dwelling units and accessory buildings. (OFC 503.2.1 & D103.1)
8. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, “No Parking” signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read “NO PARKING - FIRE LANE” and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

NO PARKING: Parking on emergency access roads shall be as follows (OFC D103.6.1-2):

1. 20-26 feet road width – no parking on either side of roadway (signage to indicate the no parking)
 2. 26-32 feet road width – parking is allowed on one side (signage to indicate the no parking side)
 3. Greater than 32 feet road width – parking is not restricted
9. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked “NO PARKING FIRE LANE” at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)
10. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)
11. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3)
12. **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)
13. **GATES:** Gates securing fire apparatus roads shall comply with all of the following (OFC D103.5, and 503.6):
1. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width), or two 10 foot sections.
 2. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.
 3. Electric gates shall be equipped with a means for operation by fire department personnel
 4. Electric automatic gates shall comply with ASTM F 2200 and UL 325.
 5. Removable bollards are not an approved alternate to a swinging gate.
14. **TRAFFIC CALMING DEVICES:** Shall be prohibited unless approved by the Fire Code Official. (OFC 503.4.1)
15. **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 507.5.1)

- This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.
- The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code.

16. **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in (OFC Table C105.1)
17. **FIRE DEPARTMENT CONNECTIONS:** A fire hydrant shall be located within 100 feet of a fire department connection (FDC) or as approved. Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle. (OFC 912 & NFPA 13)
18. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the fire code official. (OFC C102.1)
19. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)
20. **EMERGENCY RESPONDER RADIO COVERAGE:** In new buildings where design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&R and Washington County Consolidated Communications Agency shall be provided. (OFC 510.1)
21. **KNOX BOX:** A Knox Box for building access may be required for structures and gates. See Appendix C for further information and detail on required installations. Order via www.tvr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1)
22. **UTILITY IDENTIFICATION:** Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of ½ inch, and be plainly legible, and contrast with its background. (OFC 509.1)

Building Division Conditions:

BD 1. Requirements and Advisories: Building Division Requirements and Advisories listed in Exhibit C2 apply to the proposed development.

BD 2. Accessible Parking. Three accessible parking spaces are shown on the submitted plans. With 120 total parking spaces no less than five accessible parking spaces are required as per Section 1106 of the Oregon Structural Specialty Code. Further discussion will be required to determine if Section 1106.3 also applies to this project. If 1106.3 is found to be applicable additional accessible parking spaces may be required.

BD 3. Property Line. The proposed building is shown as crossing existing property lines. As the building code does not allow structures to cross property lines, the property lines ~~surrounding~~ the proposed building shall be removed.

SMART and TriMet Comments: See Exhibits C5 and C6.

Public Works Department Conditions: No comments.

REQUEST F: DB15-0096 Two (2) Waiver

No conditions for this request

REQUEST G: DB15-0097 Site Design Review

Approval of the subject Site Design Plan is contingent upon City Council approvals of Case Files DB15-0091 through DB15-0093 involving Annexation, Zone Map Amendment and Comprehensive Plan Map Amendment.

PDG 1. 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.

PDG 2. All landscaping required and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to 110% of the cost of the landscaping, as determined by the Planning Director, is filed with the City assuring such installation within 6 months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed

<p>within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant.</p>
<p>PDG 3. 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.</p>
<p>PDG 4. All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered as allowed by Wilsonville’s Development Code.</p>
<p>PDG 5. 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” to 12” 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" 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. ● 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.
<p>PDG 6. 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.</p>
<p>PDG 7. Lighting shall be reduced one hour after close, but in no case later than 10 p.m., to 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code. See Finding G41.</p>
<p>PDG 8. In the event the overhead electric power lines along the frontage of the project site in SW Boones Ferry Road are installed underground as part of the City Public Works</p>

<p>Permit, the Applicant/Owner shall plant 3" caliper, deciduous street trees. See Finding G30.</p>
<p>PDG 9. The Applicant/Owner shall substitute the Common hornbeam parking lot trees with another parking lot friendly deciduous tree type that has more shading coverage. See Finding F37.</p>

REQUEST H: DB15-0098 Type 'C' Tree Removal Plan

<p>Approval of the subject Type 'C' Tree Removal Plan is contingent upon City Council approvals of Case Files DB15-0091 through DB15-0093 involving Annexation, Zone Map Amendment and Comprehensive Plan Map Amendment.</p>
<p>PDH 1. Prior to removal the Applicant/Owner shall obtain a Type C Tree Permit from the Planning Division through the Class I Administrative review process ensuring compliance with the approved Type C Tree Plan. Replacement trees for each tree removed shall be planted within twelve (12) months of removal.</p>
<p>PDH 2. Trees planted as replacement of removed trees shall be, state Department of Agriculture Nursery Grade No. 1. or better, shall meet the requirements of the American Association of Nursery Men (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade, shall be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.</p>
<p>PDH 3. Trees planted as replacement of removed trees shall be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.</p>
<p>PDH 4. Solvents, building material, construction equipment, soil, or irrigated landscaping, shall not be placed within the drip line of any preserved tree, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist.</p>
<p>PDH 5. Before and during development, land clearing, filling or any land alteration the applicant shall erect and maintain suitable tree protective barriers which shall include the following:</p> <ul style="list-style-type: none"> • 6' high fence set at tree drip lines. • Fence materials shall consist of 2 inch mesh chain links secured to a minimum of 1 ½ inch diameter steel or aluminum line posts. • Posts shall be set to a depth of no less than 2 feet in native soil. • Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. • Tree protection fences shall be maintained in a full upright position. • Fence posts placement within drip lines and root zones of preserved trees shall be hand dug and supervised by the project arborist. If roots are encountered alternative fence post placement is required as determined by the project arborist.

<p>PDH 6. If such issues or situations arise the project arborist shall provide City staff with a written explanation of the measures considered to preserve the trees along with the line of reasoning that makes the preservation of the tree not feasible. Prior to further construction within the tree protection zone, the City will verify the validity of the report through review by an additional arborist to ensure that the tree cannot be preserved. If it is ultimately decided that the tree cannot be preserved by both arborists, then the applicant/property owner may remove the tree and additional trees shall be planted to ensure applicable landscaping tree spacing requirements are met.</p>
<p>PDH 7. The property owner/applicant or their successors in interest shall grant access to the property for authorized City representatives as needed to verify the tree related information provided, to observe tree related site conditions, and to verify, once a removal permit is granted, that the terms and conditions of the permit are followed.</p>
<p>PDH 8. Utilities, including franchise utilities, public utilities, and private utilities and service lines shall be directionally bored as necessary to avoid the root zone of preserved trees.</p>

Request I: DB15-0099 Class III Signs

<p>PDI 1. Approved signs shall be installed in a manner substantially similar to the plans approved by the DRB and stamped approved by the Planning Division.</p>
<p>PDI 2. The site ID monument sign shall have the building address unless written approval from TVF&R to be exempt from the requirement is submitted by the applicant to the Planning Division.</p>

MASTER EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case Files DB15-0091 through DB15-0099.

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

- A1. Staff Report, findings, recommendations and conditions.
- A2. Staff PowerPoint presentation.

Applicant's Written and Graphic Materials:

- B1. Executive summary, narrative and response findings, application, annexation petition and permit application, tax assessor's map, metes and bounds description, ALTA survey and legal description, letter from Republic Services, tax lot map, aerial photograph Comp. Plan and Zoning maps, letter from republic Services, Preliminary Storm Drainage Report, Arborist Report, Wetlands/Natural resources Report. Geotechnical Report, pre-application meeting notes, architectural plan set, civil plan set, landscaping plan set, lighting plan set, site design plan set, technical reports and DKS Transportation Impact Analysis.
- B2. CD of items listed in Exhibit B1.

Small and Large Plan Sets associated with exhibit B1:

Concept and Utility Plan – Exhibit A
Cover Sheet
Plan Sheet Level 01 - A-101
Plan Sheet Level 02 - A-102
Roof Plan A-103
Schematic Elevations - Exterior Elevations A-300
Perspectives A-310
Site Sections A-320
Site Art A-330
Land Use Site Plan C100
Land Use Tree Removal and Protection Plan C101
Land Use Tree Removal and Protection Table C102
Land Use Grading Plan C200
Land Use Utility Plan C300
Landscape Plan L-100
Landscape Plan Legend and Notes L-101
Landscape Details L-102
Legends, Schedules and Details E100
Specifications E-200
Site Lighting Plan E-300
Property Line Vertical Calculations E-00
Sign Design S-101

Sign Design S-102

Sign Location Plan S-201

Additional Parking Exhibit EXH S

Exhibits M-Q Technical Reports (stormwater report, arborist report, wetlands/natural resources report, traffic study and geotechnical report

Exhibits R-S Completeness memo and plan (incompleteness narrative and additional parking exhibit)

B3. Materials Board (*Available at Public Hearing*)

Development Review Team

C1. Engineering Division Conditions, dated January 8, 2016

C2. Building Division Conditions, date received Dec. 22, 2016

C3. Memo, Jason Arn, TVFR, dated Dec. 14, 2015.

C4. Natural Resources Conditions, Dated January 8, 2016

C5. E-mail, Stephan Lashbrook, SMART dated Nov. 25, 2015

C6. Letter, Tri-Met, dated Dec. 16, 2016

C7. Memo, Public Works Department, dated Jan. 11, 2016

C8. E-mail, Marah Danielson, Senior Planner, ODOT R1 Development Review Planning Lead, dated December 28, 2015.

Exhibit D1. Email from Grace Lucini with responses from Steve Adams, Development Engineering Manager

Exhibit D2. Errata Sheet

Exhibit D3. New building renderings dated January 25, 2016

Exhibit D4. E-mail dated January 25, 2016 from Kenneth Sandblast, Westlake Consultants, requesting two clarifications regarding Conditions PF13 and PDG7.

Public Testimony

Letters (neither For nor Against):

Letters (In Favor): None submitted,

Letters (Opposed): None submitted.

FINDINGS OF FACT

1. The statutory 120-day time limit applies to this application. The application was received on November 16, 2015. On November 30, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period. The applicant submitted new material on January 11, 2016. On January 11, 2015 staff determined the application to be complete. The City must render a final decision for the request, including any appeals, by May 9, 2016.
2. Except for the adoption of the Day Road Design Overlay District (DOD) *the Coffee Creek Industrial Area Master Plan* and the Urban Growth Boundary (UGB) there are no prior land use actions.
3. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

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

Finding: This criterion is met.

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

Section 4.009 Who May Initiate Application

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

Finding: This criterion is satisfied.

Explanation of Finding: The application has been submitted on behalf of Universal Health Services Inc. – Willamette Valley Behavioral Health.

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

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

applicant that payments must be made current or the existence of liens will necessitate denial of the application.”

Finding: This criterion is satisfied.

Explanation of Finding: No applicable liens exist for the subject property.

CONCLUSIONARY FINDINGS FOR ALL OF THE REQUESTS

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.

REQUEST A: ANNEXATION

The applicant’s response findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures found in Exhibit B1, are hereby incorporated in this staff report as findings for the recommended action.

Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

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

Finding: This criterion is satisfied.

Explanation of Finding: The subject territory is within the City UGB. Westerly properties are within the City UGB and at the south are within the City Limits and UGB. The adjacent SW Day Road and SW Boones Ferry Road are within Wilsonville City Limits. The subject 8.72 acre site is ready for annexation for development within the City of Wilsonville. Therefore, the subject territory addresses a demonstrated need for the proposed use. Furthermore, the City Comprehensive Plan and the Engineering Division evaluates compliance of planned sanitary sewer, storm drainage, and water systems with the City’s Wastewater Collections System Master Plan, Stormwater Master Plan, Water System Master Plan and the City’s Transportation Systems Plan.

Implementation Measure 2.2.1.e.

A2. Review Criterion: “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.
2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.
3. Statewide Planning Goals.
4. Applicable Metro Plans;

5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.

Finding: These criteria are satisfied.

Explanation of Findings: The requirements are fulfilled by being consistent the City's UGB which recognizes the subject territory described herein as a future site for industrial, office or manufacturing uses, or similar use as determined by the Planning Director. In this case a behavioral health facility is in compliance with state and regional policies as found in other applicant's and staff findings supporting this request.

Orderly, Economic Provision of Public Facilities and Services: The subject territory is designed for the orderly and economic provision of public facilities and services. Development in the UGB and future urban reserve areas would also bring needed and adequately sized public facilities onto the subject property.

Encouraging Development within City Limits prior to UGB: Development is proposed with this application in request DB15-0096. The subject territory is not currently included in a City Comprehensive Plan Map designation. The applicant is requesting a Comprehensive Plan Map Amendment to apply the Industrial designation. This Implementation Measure establishes precedence for the "Planned Development Industrial (PDI -RSIA)" zone designation to be applied to the subject territory. An application for a Zone Map Amendment to apply the PDI-RSIA zone to the subject territory has also been included. The subject territory must be brought into City limits before the Comprehensive Plan 'Industrial' designation and the PDI-RSIA zone can be applied.

Furthermore, UHS (applicant) is seeking to annex the subject 8.72 acre territory. Annexation will enable review of Site Development Permits for a 62,000 sq. ft. behavioral health facility.

Development Code

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

A3. **Review Criteria:** These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial. The DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation. Both bodies conduct public hearings for the request.

Finding: These criteria are satisfied.

Explanation of Finding: The subject annexation request has been determined to be quasi-judicial this is a site specific, owner/applicant initiated request, its' a quasi-judicial application and is being reviewed by the DRB and City Council consistent with these subsections.

Section 4.700 Annexation

A4. **Review Criteria:** This section defines the criteria and process for annexation review within the City.

Finding: These criteria are satisfied.

Explanation of Finding: All the necessary materials defined by this section have been submitted for City review. The annexation is being considered as a quasi-judicial application. Staff recommends the City Council, upon the DRB's recommendation, declare the subject territory annexed.

Metro Code

Chapter 3.09 Local Government Boundary Changes

A5. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.

Finding: These criteria are satisfied.

Explanation of Finding: The subject territory referenced herein is within the UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner (there are no electors), and has submitted a petition with the required information consistent with the UGB.

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

A6. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: The applicable requirements in state statute are met including the fact the subject territory is within the UGB, is contiguous to the north side of the city, the request has been initiated by the property owner of the land being annexed, and there are no electors in the area to be annexed.

ORS 222.120 Procedure Without Election by City Electors

A7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

Finding: These criteria are satisfied.

Explanation of Finding: There is no City charter requirement for election for annexation. A public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the fact that the single owner of the subject territory is the petitioner and thus have consented in writing to annexation.

There is a residential dwelling within the territory to be annexed but is planned to be demolished for the future development of the UHS facility.

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

A8. Review Criteria: “The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”

Finding: These criteria are satisfied.

Explanation of Finding: The territory to be annexed is all owned by the current property owner, and he has petitioned and consented to annexation in writing. However, a public hearing process is being followed as prescribed in the City’s Development Code concurrent with a Comprehensive Plan Map and Zone Map Amendment request.

Oregon Statewide Planning Goals

A11. Review Criteria: The goals include: citizen involvement, land use planning, natural resources and open spaces, recreational needs, economic development, housing, public facilities and services, and transportation.

Finding: On pages 21 - 22 of Exhibit B1 the applicant has prepared response findings to Statewide Planning Goals. These criteria are satisfied.

Explanation of Finding: The territory requested to be annexed will be developed consistent with the City’s Comprehensive Plan, which has been found to meet the Statewide Planning Goals.

A12. Transit: SMART is willing and able to provide service to the site. It would then follow to include a conclusion that, upon annexation, the site will become part of SMART’s service territory.

SUMMARY FINDING FOR REQUEST A:

A13. The proposed Annexation meets all applicable requirements and its approval may be recommend to the City Council.

REQUEST B: COMPREHENSIVE PLAN MAP AMENDMENT
--

The applicant's response findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures found in Exhibit B1, are hereby incorporated in this staff report as findings for the recommended action.

Comprehensive Plan – Comprehensive Plan Changes

The City of Wilsonville's Comprehensive Plan, provide the following procedure for amending the Comprehensive Plan:

B1. Review Criterion: Who May Initiate Plan Amendments

Finding: This criterion is satisfied.

Explanation of Finding: The owner through their authorized agent (Mr. Kenneth Sandblast AICP) has made application to modify the Comprehensive Plan map designation for the subject property from the Washington County Comprehensive Plan designation FD-20 to City Comprehensive Plan designation 'Industrial'.

Application for Comprehensive Plan Amendment

The applicant has met all applicable filing requirements for a Comprehensive Plan Map amendment.

B2. Review Criterion: Consideration of Plan Amendment

Finding: This criterion is satisfied.

Explanation of Finding: The Planning Division received the application on November 16, 2015. Staff met with the applicant subsequent to the submittal of the application to discuss the completeness of the application and perceived deficiencies of the application. The application was deemed complete on January 11, 2016. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to modify the Comprehensive Plan Map designation will be forwarded as a recommendation to the City Council.

B3. Review Criterion: Standards for Development Review Board and City Council Approval of Plan Amendments (page 8 of the Comprehensive Plan):

- a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.

Finding: This criterion is satisfied.

Explanation of Finding: Findings B1 through B29, which satisfy these Plan policies.

B4. Review Criterion: b. The granting of the amendment is in the public interest.

Finding: This criterion is satisfied.

Explanation of Finding: 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. The public interest is served by providing a behavioral health facility.

- B5. Review Criterion:** c. The public interest is best served by granting the amendment at this time.
Finding: This criterion is satisfied.
Explanation of Finding: UMS UHS plans to construct the site over 2016 in preparation for opening in 2017. The applicant has satisfied requirements of citizen involvement and public notice requirements.
- B6. Review Criterion:** d. The following factors have been adequately addressed in the proposed amendment:
Suitability of the various areas for particular land uses and improvements;
Finding: This criterion is satisfied.
Explanation of Finding: The subject 8.72 acre property is has two existing houses and land with moderate slopes at the southerly side but is suitable for the specific planned use and associated improvements. Existing houses and accessory structures will be razed for the development of the UHS facility. The subject property has direct frontage on SW Day Road for temporary access until the westerly adjoining property is developed and a joint permanent access would be required. The City Engineering Division has indicated through Public Facilities (PF) conditions of approval found in this staff report that public utilities, i.e., water, sanitary sewer, storm sewer and street improvements can be accomplished to serve the subject property.
- B7. Review Criterion:** Land uses and improvements in the area;
Finding: This criterion is satisfied.
Explanation of Finding: Adjacent uses to the west are primarily rural residential but for future urban development.
- B8. Review Criterion:** Trends in land improvement;
Finding: This criterion is satisfied.
Explanation of Finding: The proposal is for a behavioral health facility which is responding to a semi-public need.
- B9. Review Criterion:** Density of development:
Finding: This criterion is not applicable.
Explanation of Finding: The proposal does not plan for residential development.
- B10. Review Criterion:** Property values:
Finding: This criterion is satisfied.
Explanation of Finding: A professional analysis of property values has not been shared with staff.
- B11. Review Criterion:** Needs of economic enterprises in the future development of the area;
Finding: This criterion is satisfied.
Explanation of Finding: The subject property is within the City UGB and would involve capital projects for public infrastructure improvements.

B12. Review Criterion: Transportation access:

Finding: This criterion is satisfied.

Explanation of Finding: The DKS Transportation Impact Analysis (Exhibit P of Exhibit B1) proposes several transportation mitigation recommendations for the subject property. The City Engineering Division has considered the mitigation recommendations and has factored them in the proposed Public Facilities (PF) conditions of approval for the Stage II Final Plan in this staff report.

B13. Review Criterion: Natural resources; and Public need for healthful, safe and aesthetic surroundings and conditions:

Finding: This criterion is satisfied.

Explanation of Finding: The subject property does not have Metro Title 3/13 and Statewide Planning Goal 5 natural resource areas.

Review Criteria: e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.

Wilsonville Development Code (WC) – Comprehensive Plan Changes

Subsection 4.198(.01) of the Development Code stipulates, “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:

B14. Review Criterion: Approval Criterion A: “That the proposed amendment meets a public need that has been identified;”

Finding: This criterion is satisfied.

Explanation of Finding: See the applicant’s response finding on page 9 of the project narrative in Exhibit B1 meeting this criterion. “The proposed use of the site as a behavioral health facility will produce jobs and increase the economics of the state.”

B15. Review Criterion: Approval Criterion B: “That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;”

Finding: This criterion is satisfied.

Explanation of Finding: The current Washington County Zoning Map identifies the subject property as FD-20. It is appropriate to designate these properties as Industrial.

B16. Review Criterion: Approval Criterion C: “That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

Finding: This criterion is satisfied.

Explanation of Finding: With the implementation of the proposed conditions of approval, the proposed amendment supports the applicable Statewide Planning Goals. Findings to the Statewide Planning Goals were prepared by the applicant in the response

findings of Exhibit B1.

B17. Review Criterion: Approval Criterion D: “That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”

Finding: This criterion is satisfied.

Explanation of Finding: The applicant is requesting an amendment to the Comprehensive Plan Map for the subject property referenced herein. The applicant does not propose to modify or amend any other portion of the City of Wilsonville Comprehensive Plan.

INDUSTRIAL DEVELOPMENT

Policy 4.1.3 City of Wilsonville shall encourage light industry compatible with the residential and urban nature of the City.

B18. Review Criteria: Implementation Measure 4.1.3.a Develop an attractive and economically sound community.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners. Site design must adhere to the Day Road Design Overlay District (DOD) design standards to assure high-quality industrial development that would help develop an attractive and economically sound community.

B19. Review Criteria: **Implementation Measure 4.1.3.b Maintain high-quality industrial development that enhances the livability of the area and promotes diversified economic growth and a broad tax base.**

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners. Site design must adhere to the Day Road Design Overlay District (DOD) design standards to assure high-quality industrial development that would enhance the livability of the area and would promote economic growth and a broad tax base. See request G of this staff report for detailed analysis of the building, site and design plans.

B20. Review Criterion: **Implementation Measure 4.1.3.c Favor capital intensive, rather than labor intensive, industries within the City.**

Review Criteria: Finding: This criterion is satisfied.

Explanation of Finding: The proposed project is estimated to cost 25 million dollars and employ people with family wage jobs.

B21. Review Criterion: **Implementation Measure 4.1.3.d Encourage industries interested in and willing to participate in development and preservation of a high-quality environment. Continue to require adherence to performance standards for all industrial operations within the City.**

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects, engineers and land use planners with the goal in mind to preserve as many significant trees along the west side and northeast corner of the property.

B22. Review Criteria: Implementation Measure 4.1.3.e Site industries where they can take advantage of existing transportation corridors such as the freeway, river, and railroad.

Finding: This criterion is satisfied.

Explanation of Finding: The subject property is in close proximity to Interstate 5 via SW Day Road and SW Boones Ferry Road to the Stafford Interchange.

B23. Review Criteria: Implementation Measure 4.1.3.f Encourage a diversity of industries compatible with the Plan to provide a variety of jobs for the citizens of the City and the local area.

Finding: This criterion is satisfied.

Explanation of Finding: See the applicant's response finding on page 21 of Exhibit B1.

B24. Review Criteria: Implementation Measure 4.1.3.g Encourage energy-efficient, low-pollution industries.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project is being designed by professional architects and engineers including an energy-efficient hospital type building with no pollution.

B25. Review Criteria: Implementation Measure 4.1.3.h The City, in accordance with Title 4 of the Metro Urban Growth Management Functional Plan, supports appropriate retail development within Employment and Industrial Areas. Employment and Industrial areas are expected to include some limited retail commercial uses, primarily to serve the needs of people working or living in the immediate Employment or Industrial Areas, as well as office complexes housing technology-based industries. Where the City has already designated land for commercial development within Metro's employment areas, the City has been exempted from Metro development standards.

B26. Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project does not include retail uses so this criterion is not applicable.

B26. Review Criteria: Implementation Measure 4.1.3.i The City shall limit the maximum amount of square footage of gross leasable retail area per building or business in areas designated for industrial development. In order to assure compliance with Metro's standards for the development of industrial areas, retail uses with more than 60,000 square feet of gross leasable floor area per building or business shall not be permitted in areas designated for industrial development.

B27. Finding: This criterion is satisfied.

Explanation of Finding: The proposed UHS project does not include retail uses so this criterion is not applicable.

B27. Review Criteria: Implementation Measure 4.1.3.j All industrial areas will be developed in a manner consistent with industrial planned developments in Wilsonville. Non-industrial uses may be allowed within a Planned Development Industrial Zone, provided that those non-industrial uses do not limit the industrial development potential of the area.

B28. Finding: This criterion is satisfied.

Explanation of Finding: In Requests D and E of this staff report the proposed UHS facility is being reviewed by the applicable Planned Development Code criteria within the PDI-RSIA zone. The project location at the southwest corner of SW Day Road and SW Boones Ferry Road would not limit industrial development potential of properties west of the UHS property.

OAR 660-012-0060 Transportation Planning Rule for Plan and Land Use Regulation Amendment

B28. Review Criteria: Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

- (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- (2). A plan or land use regulation amendment significantly affects a transportation facility if it:
- (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing a functional classification system;
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

Finding: These criteria are satisfied.

Explanation of Finding: The City's TSP was approved by the City Council on June 17, 2013. The applicant's proposal would not significantly affect transportation facilities identified in the City's Transportation System Plan (TSP). The proposed PF conditions of approval would mitigate any impacts in Request F for the Stage II Final Plan. The Comprehensive Plan Amendment and Zone Map Amendment do not propose any new amendments to the TSP. The proposed Comprehensive Plan Map and Zone Map

Amendments do not propose to change the functional classification of an existing City street facility or one planned in the TSP. Furthermore the proposed Comprehensive Plan Map and Zone Map Amendments legislative do not propose to change standards implementing a functional classification system. Finally, the City has adopted traffic concurrency standards which will be applied to development in the subject property UGB area during subsequent development review to ensure levels of travel and access are not inconsistent with the functional classification of a transportation facility and maintain performance standards adopted in the TSP.

DKS Associates has prepared a Transportation Impact Analysis for this application in Exhibit P of Exhibit B1. The on-site circulation system proposed in the Stage II Final Plan, Plan Sheet C100 in Exhibit B1 is designed to reflect the principles of smart growth encouraging alternatives to the automobile while accommodating all travel modes, including car pool, SMART dial-a-ride, bicycles and pedestrians.

TPR 0060: ODOT received the public notice for the Universal Health Services, Inc., application. See Exhibit C8. The property is located at the intersection of SW Day Rd and SW Boones Ferry Rd which is an ODOT intersection. On page 23 of the DKS TIA in Exhibit B1 contains the TPR findings of no significant effect based on consistency with the City Comprehensive Plan and Transportation Systems Plan (TSP).

SUMMARY FINDING FOR REQUEST B:

B30. The proposed Comprehensive Plan Map Amendment meets all applicable requirements and its approval may be recommend to the City Council.

REQUEST C: ZONE MAP AMENDMENT

The applicant's response findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures found in Exhibit B1, are hereby incorporated in this staff report as findings for the recommended action.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

- C1. Review Criterion:** "If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development."

Finding: This criterion is satisfied.

Explanation of Finding: The applicant is applying for a zone map amendment concurrently with requests for planned development applications (Requests D - G) which will make the zoning consistent with the Comprehensive Plan.

Subsection 4.110 (.01) Base Zones

- C2. Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

Explanation of Finding: The requested zoning designation from Washington County zone of Future Development 20 District (FD-20) to the City Planned Development Industrial-Regional Significant Industrial Area (PDI-RSIA) zone is among the base zones identified in this subsection.

Subsection 4.135 and 4.135.5 Planned Development Industrial (PDI-RSIA) Zone Purpose

- C3. Review Criteria:** The PDI-RSIA Zone

Finding: These criteria are satisfied.

Explanation of Finding: See the applicant's response finding on page 21-22 of Exhibit B1. The applicant, Universal Health Services (UHS), proposes a behavioral health facility in the Coffee Creek Industrial Area, which is designated as a Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA). There are many factors to consider when evaluating the compatibility and appropriateness of the proposed use in the RSIA zone including: compatibility with existing and future industrial uses; urban form, design and architecture as expressed in the Day Road Design Overlay Zone (Wilsonville Code Section 4.134) and the draft regulations found in the Coffee Creek Industrial Area Form Based Code; minimization of PM peak hour trip generation; the emerging and evolving nature of industry; job creation and wages; compliance with industrial performance standards; traded

and local sector benefits; as well as consistency with the purpose section of the RSIA zone (WC Section 4.135.5).

The applicant's findings state that the application is consistent with the purpose section of the RSIA zone (please refer to pages 21 and 22 of the applicant's narrative), particularly *Section .03(N) Permitted Uses* because the operation is "1) compatible with industrial operations, 2) it provides an employment center consistent with the Wilsonville Comprehensive Plan, 3) it facilitates the redevelopment of under-utilized industrial sites within the Coffee Creek Master Plan area and within the Day Road Design Overlay District, and 4) is a transition point between zoning districts and the Day Road Design Overlay District."

The applicant's narrative goes into detail regarding each of the above issues. The Coffee Creek Industrial Area was added to Wilsonville's UGB in 2004. The Coffee Creek Industrial Area Master Plan was adopted in 2007. The Day Road Design Overlay Zone was adopted in 2008. For the past 11 plus years, there have been no proposals to develop in the Coffee Creek Industrial Area, until this application. This is in large part due to the fact that utilities, particularly sanitary sewer and potable water are not located together in all parts of the project area. The Coffee Creek Urban Renewal District is being created to assist in the installation of critical infrastructure that will benefit the area.

The applicant is proposing what could be a catalytic development for the area, in that it will set the stage for both Coffee Creek and Basalt Creek industrial areas, demonstrating the high quality built form for the employment area that is envisioned to be created. The applicant's proposal is catalytic in that it will provide essential right-of-way necessary to implement the required Transportation System Plan functional classification for Day Road, which ultimately will be a five lane section, as well as has the potential to generate significant tax increment for the planned Coffee Creek Urban Renewal area which was passed on an advisory vote by the citizens of the city this past November.

The applicant's narrative goes on to state that components of the proposed project contain many of the permitted uses listed in the PDI-RSIA zone such as research and training with local educational institutions, accessory storage and warehousing of medical equipment and supplies, non-retail uses and the minimization of PM peak hour traffic impacts by staggering work shifts to avoid these times. While not primary uses, these incidental aspects of the operation are supportive of the PDI-RSIA zone.

Code Linkages:

The Wilsonville Code is unique and contains many linkages between various sections of the Code. *WC Section 4.135 Planned Development Industrial* lists Public Facilities (WC 4.135 .Q) as an outright permitted use. The Public Facilities zone (WC Section 4.136) purpose section states: *The PF zone is intended to be applied to existing public lands and facilities, including quasi-public lands and facilities which serve and benefit the community and its citizens. Typical uses*

*permitted in the PF Zone are schools, churches, public buildings, **hospitals**, parks and public utilities. Not all of the uses permitted in this zone are expected to be publically owned.*

The PDI and the PDI-RSIA zone contain many of the same objectives and are very similar in nature. It is not unreasonable to assume that since the PDI zone allows public facilities, and the Public Facility zone permits hospitals, that the PDI-RSIA zone could permit hospitals in a similar manner as the proposed use is not a retail use, does not generate significant traffic during the PM peak hour due to a ~~condition of approval requiring~~ a transportation management plan avoiding shift changes during the PM peak and is compatible with the performance standards of the PDI-RSIA zone (see Finding F13).

Urban Form:

The Day Road Design Overlay zone is applied to all properties that front along Day Road in the Coffee Creek Industrial Area, and include the subject site. The findings in this section augment the findings provided in G1 on page 68 of this staff report. The purpose of this overlay zone is to *establish standards for the design and exterior architecture of all structure located in the Day Road DOD in order to assure high quality design of development and re-development at the Day Road gateway to the City of Wilsonville. These standards are intended to create an aesthetically pleasing aspect for properties abutting Day Road by ensuring:*

A. *Coordinated design of building exteriors, additions and accessory structure exteriors.*

Response: The applicant's proposal results in coordinated design of building exteriors with buildings located close to the street framing the public realm resulting in an aesthetically pleasing streetscape.

B. *Preservation of trees and natural features.*

Response: The applicant's site plan proposes to protect large mature native and ornamental trees throughout the site, specifically at the corner of Day Road and Boones Ferry Road as well as along the west property line supporting this criterion.

C. *Minimization of adverse impacts on adjacent properties from development that detracts from the character and appearance of the area.*

Response: This is the first building to be proposed under the Day Road DOD thus setting the stage for the expectations for the type of lasting architecture and quality materials that will continue along the Day Road frontage. The proposal does not result in the creation of adverse impacts on adjacent properties as all activities will be conducted indoors or in the secure internal courtyard and the site planning and architecture do not detract from the character and appearance of the area. This standard is met.

D. Integration of the design of signage into architectural and site design, and

Response: The proposed site is at a very visible gateway corner to the Coffee Creek Industrial District. The applicant proposes gateway signage that is tasteful and appropriate for this corner location providing identification for the larger Coffee Creek Industrial area. This standard is satisfied by the applicant's proposal.

E. Minimization of the visibility of vehicular parking, circulation and loading areas.

Response: The applicant proposes to locate parking to the west and south of the building and not between the building and the street, masking, screening and minimizing the presence of vehicle parking and loading areas supporting the above design criteria.

It should also be noted that the applicant's proposal contains many of the elements of good design drafted in the Coffee Creek Industrial Area Form Based Code. Specifically, the building is oriented toward the street, attention is paid to connectivity and improved pedestrian circulation on the perimeter of the site, an enhanced public realm with art and landscaping is provided, a building with durable and attractive materials with a base, body and top, tree preservation, parking located away from the public-street as well as façade articulation, building massing, glazing and height along Day Road.

Performance Standards of the PDI-RSIA Zone:

The analysis contained in Finding F13 demonstrates that the proposed use is in conformance with the performance standards of the PDI-RSIA zone and will not have any external impacts that will affect surrounding industrial operations.

Traded and Local Sector:

The traded sector includes industries and employers which produce goods and services that are consumed outside the region where they are made. The local sector, on the other hand, consists of industries and firms that produce goods and services that are consumed locally in the region where they were made.

Both sectors – traded and local – are essential to economic health. Traded-sector employers export products or services, bring in new money into a region. In part, this money gets spent in the local economy, supporting jobs and incomes in the local sector. Local-sector employers provide necessary goods and services that both improve quality of life and contribute to the productivity and competitiveness of the traded sector.

Most forms of manufacturing, specialized design services, advertising and management, and technical consulting are classified as traded in this analysis. Retail trade, construction,

healthcare, education, real estate and food services are found in all metropolitan areas and mostly fall into the local sector (source: Portland Metro's Traded Sector, 2012).

The applicant's narrative states that there will be approximately 190 new jobs created at the site (average of 29 jobs per acre), many of which are higher paying positions with medical specialization, such as doctors, nurses and psychiatric support services. Higher job densities are desired in today's economy to make more efficient use of the land. One of the many objectives of the RSIA industrial zone is to provide an opportunity to create employment centers with higher wage jobs, which this proposal satisfies.

Conclusion: The applicant has requested a use interpretation by the Director for the proposed behavioral health facility located in the Planned Development Industrial - Regionally Significant Industrial zone. Given the applicant's findings of fact (pages 21 and 22 of the submittal documents), and the above findings, the Director finds that the proposed use:

- Is compatible with the unique nature of the surrounding industrial area.
- Is supportive of many of the objectives of the PDI-RSIA zone including job creation and higher salaries.
- Provides an employment center consistent with the intent of the Comprehensive Plan at job densities that support an employment center.
- Provides quality urban form consistent with the intent and vision established in the Day Road Design Overlay Zone (and the Form Based Code).
- Creates a gateway to the larger Coffee Creek Industrial Area.
- Does not generate traffic that would negatively impact the transportation network in the PM peak hour due to staggered shift changes and a transportation management plan.
- Is supportive of the purpose section of the PDI-RSIA zone.
- Provides many of the primary permitted uses which are ancillary to the primary operation.
- Has the potential to be a catalytic project that facilitates the redevelopment of under-utilized industrial sites within the Coffee Creek Master Plan area and within the Day Road Design Overlay District.

Given the above analysis and findings, staff recommends that the DRB approve the use as consistent with the intent of WC Section 4.135.5 N. *"other similar uses which in the judgment of the Planning Director are consistent with the purpose of the PDI-RSIA zone"*.

Subsection 4.197 (.02) A. Zone Change Procedures

C4. Review Criteria: "That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(18)(B)(2), or, in the case of a Planned Development, Section 4.140;"

Finding: These criteria are satisfied.

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

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

- C5. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed Zone Map Amendment is consistent with the proposed Comprehensive Map designation of Industrial and as shown in the applicant’s response findings in Exhibit B1.

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

- C6. **Review Criterion:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

Finding: With the proposed PF conditions in this staff report, this criterion can be met.

Explanation of Finding: The City Engineering Division has performed an analysis of existing primary public facilities, (i.e., roads and sidewalks, water, sewer and storm sewer) to determine availability and adequacy to serve the subject property. Furthermore, a Transportation Impact Analysis (TIA) was prepared by DKS Associates. See Exhibit P of Exhibit B1.

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

- C7. **Review Criteria:** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has also conducted a natural resources analysis by Pacific Habitat Services, found in Exhibit O of Exhibit B1 and no significant natural resources were found on the property.

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

C8. **Review Criterion:** "That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

Finding: This criterion is satisfied.

Explanation of Finding: Development on the subject property will begin in 2016.

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

C9. **Review Criterion:** "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards."

Finding: This criterion is satisfied.

Explanation of Finding: Nothing about the zone change would prevent development on the subject property from complying with applicable development standards.

Planned Development Industrial-Regional Significant Industrial Area (PDI-RSIA) Zone

C10. **Review Criterion:** The purpose of the proposed PDI-RSIA Zone is to provide opportunities for a variety of industrial development.

Finding: This criterion is satisfied.

Details of Finding: See the applicant's response finding on page 21 of Exhibit B1. No commercial uses are proposed.

SUMMARY FINDING FOR REQUEST C:

C11. The proposed Zone Map Amendment meets all applicable requirements and its approval may be recommend to the City Council. *This action recommends adoption of the Zone Map Amendment to the City Council for the subject property. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB15-0091). Case files DB15-0094, DB15-0095, DB15-0096, DB15-0097, DB15-0098, DB15-0099 are contingent upon City Council's action on the Zone Map Amendment request.*

REQUEST D: STAGE I PRELIMINARY PLAN
--

Planned Development Regulations***Subsection 4.140 (.01) Purpose of Planned Development Regulations***

D1. Review Criterion: The proposed Stage I Master Plan shall be consistent with the Planned Development Regulations purpose statement.

Finding: This criterion is satisfied.

Details of Finding: See the applicant's response finding on page 21 of Exhibit B1.

Subsection 4.140 (.02) Lot Qualifications for Planned Developments

D2. Review Criterion: "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."

Finding: This criterion is satisfied.

Details of Finding: Section 4.136(.08)B of the PDI Zone requires approval of a Master Plan (Stage I Preliminary Plan) subject to Section 4.140 (Planned Development Regulations). Thus, the proposed project is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140 where applicable.

D3. Review Criterion: "Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD." All sites which are greater than two (2) 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."

Finding: This criterion is satisfied.

Details of Finding: See the applicant's response finding on page 21 of Exhibit B1. The subject 8.4 net acre property will be developed as behavioral health facility. This use is subject to Sections 4.134 through 4.450 WC.

Subsection 4.140 (.03) Ownership Requirements for Submitting Planned Development Application

D4. Review Criterion: "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."

Finding: This criterion is satisfied.

Details of Finding: The land subject to development is in one ownership.

Subsection 4.140 (.04) Professional Design Team Required for Planned Developments

D5. **Review Criterion:** “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. One of the professional consultants chosen by the applicant shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.”

Finding: This criterion is satisfied.

Details of Finding: As can be found in the applicant’s submitted materials, appropriate professionals have been involved in the planning and permitting process. Mr. Kenneth Sandblast AICP, has been designated the coordinator for the planning portion of the project.

Subsection 4.140 (.05) Planned Development Permit Process

D6. **Review Criteria:** “All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of 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.”

Finding: These criteria are satisfied.

Details of Finding: The subject 8.4 net acre property will be developed as a behavioral health facility.

Subsection 4.140 (.06) Stage I Master Plan Consistent with Comprehensive Plan

D7. **Review Criterion:** “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.” “The applicant may proceed to apply for Stage I - Preliminary Approval - upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.”

Finding: This criterion is satisfied.

Details of Finding: The proposed project, as found elsewhere in this report, with rezoning into the PDI-RSIA Zone, which with the proposed Comprehensive Plan Map Amendment in Request B would implement the Comprehensive Plan designation of Industrial for this property. All other applicable Development Code criteria that implement the Comprehensive Plan would be met with the review of Section 4.140 where applicable and Site Design Review in Sections 4.400 through 4.450 being met with conditions of approval.

Subsection 4.140 (.07) Stage I Master Plan Application Requirements and Hearing Process

D8. **Review Criteria:** This subsection establishes that the Development Review Board shall consider a Stage I Master Plan after completion or submission of a variety of application requirements.

Finding: These criteria are satisfied.

Details of Finding: Review of the proposed Stage I Master Plan has been scheduled for a public hearing before the Development Review Board in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:

- The property affected by the revised Stage I Master Plan will be under the sole ownership of UHS. The application has been signed by the current property owner.
- The application for a Stage I Master Plan has been submitted on a form prescribed by the City.
- The professional design team and coordinator have been identified on the application form in Exhibit B1.
- The applicant has stated the public schools and park uses involved in the Master Plan and their locations.
- In terms of a boundary survey, see Exhibit C (ALTA Survey) of Exhibit B1.
- Sufficient topographic information has been submitted.
- A tabulation of the land area to be devoted to various uses has been provided; 8.4 net acre site for a 62,000 sq. ft. building and associated site development.
- The subject property is undeveloped. The project will be constructed in 1 phase.
- Any necessary performance bonds will be required.
- Since the subject property will be re-zoned to PDI-RSIA any deviation from the development standards would require a waiver not a variance.

Section 4.023 Expiration of Development Approvals

D9. **Review Criterion:** "Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section."

Finding: This criterion is satisfied.

Details of Finding: It is anticipated that the construction of the project will begin in 2016.

D10. **Review Criterion:** Wilsonville Transportation System Plan – Chapter 3, Pedestrian and Bicycle Facilities

Finding: This criterion is satisfied.

Details of Finding: Pedestrian Trails: Sidewalks and bike lanes do not currently exist adjacent to the subject property on SW Day Road but not at SW Boones Ferry Road. DKS Associates has prepared a Traffic Study for this application in Exhibit P of Exhibit B1. The report DKS report has recommendations and mitigations measures.

SUMMARY FINDING FOR REQUEST D:

D11. The proposed Stage I Preliminary Plan meets all applicable zoning requirements for DRB approval.

REQUEST E: TWO (2) WAIVERS

The Applicant has provided compliance findings to the applicable criteria (Exhibit B1). Staff concurs with these findings except where otherwise noted.

E1. Review Criteria: Section 4.118.03 - *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 approve waivers. The code requires that all waivers be specified at the time of Stage 1 Master Plan and Preliminary Plat approval.*

Waivers - Subsection 4.118.03(B) as applicable to the proposed project: (.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;
- Proposed: 3. height and yard requirements;**
4. lot coverage;
5. lot depth;
6. street widths;
7. sidewalk requirements;
- Proposed: 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;
- Proposed: 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.

Finding: These criteria are satisfied.

Details of Finding:

Proposed - Two (2) Waivers: See pages 34 through 36 in Exhibit B1 for the applicant's response findings to support the proposed waivers of which staff recommending approval. Regarding the proposed waivers the applicant has met Section 4.118.03 by listing the following waivers:

The following additional waivers are requested:

1. A waiver to the Day Road Overlay District minimum 48 foot building height to allow 38.4' on one portion of the building and dropping down to 28.4' on the remainder building measured to the top of parapet walls; and
2. Waiver to reduce 20% glazing for building elevations fronting on SW Day Road or on the frontage on corner lots. Proposed is 24% at SW Day Road but 16% at SW Boones Ferry Road.

E2. Review Criteria: *Section 4.140. Planned Development Regulations.*

Section 4.140 (.01) Purpose.

A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

B. It is the further purpose of the following Section:

1. To take advantage of advances in technology, architectural design, and functional land use design:
2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

Section 4.140. Planned Development Regulations.

6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

Finding: These criteria are satisfied.

Details of Finding: The applicant's responses to the proposed setback waiver are found on pages 34 through 36 of the Compliance Narrative in Exhibit B1. This site planning process and the resulting waivers are consistent with Subsection 4.140.01B(4) with respect to providing flexibility in the placement of buildings through the PD process to address building height and architecture.

- E3. **Review Criteria:** Section 4.134(.05)D Standards Applying to Day Road Overlay District, generally Minimum Building Height: Forty-eight (48) feet fronting SW Day Road, and Section 4.134(.05)B glazing percentage.

Section 4.140.05(C). Development Review Board approval is governed by Sections 4.400 to 4.450. Particularly Section 4.400.02 (A through J). In this case as it relates to the decision criteria for reviewing waivers.

Section 4.140(.04) B. It is the further purpose of the following Section:

- E4. **Review Criterion** 1. To take advantage of advances in technology, architectural design, and functional land use design:

Finding: This criterion is satisfied.

Details of Finding: While the applicant has sought to take advantage of advances in functional land use design, the applicant must balance the requirements of the Development Code, e.g. building height and glazing percentage. In order to provide industrial component that is both walk-able and functional, the applicant has sought to reduce the minimum building height at SW Day Road, and reduce energy costs and to provide patient safety by reducing the percentage of glazing at SW Boones Ferry Road. It is necessary to retain the functionality of the project.

- E5. **Review Criterion** 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;

Finding: This criterion is satisfied.

Details of Finding: The applicant is seeking to develop the property for a Universal Health Services facility and not a residential development.

- E6. **Review Criterion:** 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

Finding: This criterion is satisfied.

Details of Finding: Proposed is the PDI-RSIA zone. Planned developments allow for non-traditional land use development. Planned developments also allow for traditional zoning rules to be waived in order to promote innovation and coordinated development. Rather than approaching development on a lot-by-lot basis, as typically occurs under traditional

zoning, the entire parcel is planned in a comprehensive and integrated fashion. In this case it is being developed for a behavioral health facility.

- E7. **Review Criterion:** 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;

Finding: This criterion is satisfied.

Details of Finding: The very purpose of the Planned Development Regulations is to permit flexibility of site design. Staff finds that the proposed waivers would allow the applicant the flexibility to utilize the site more efficiently meeting code.

- E8. **Review Criterion:** 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

Finding: This criterion is satisfied.

Details of Finding: Staff concurs with the applicant's findings that the two waivers *are warranted*. Which ~~allows~~ permits flexibility to construct such a development.

- E9. **Review Criterion:** 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.

Finding: This criterion is satisfied.

Details of Finding: Adequate public facilities exist or will be made available.

Review Criterion: 7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.

Finding: This criterion is satisfied.

Details of Finding: Industrial development has been an integral part of the land use for the subject property since the City's first Comprehensive Plan was adopted in 1971. In keeping with that vision, the applicant is proposing to construct a Universal Health Services facility.

- E10. **Review Criteria:** *Section 4.118 Standards applying to all Planned Development Zones:*

Section 4.118 01. "Height Guidelines: The Development Review Board may regulate heights as follows:

- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.

- B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.”
- C. to regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided reasonable rational for a reduced building heights which provides for fire protection access, is not adjacent to a low density residential zone, and does not impact scenic views of Mt. Hood or the Willamette River. Furthermore, TVFR has indicated that building design for the UHS facility is consistent with adequate provision of fire protection and fire-fighting apparatus height limitations meeting this criterion.

SUMMARY FINDING FOR REQUEST E:

- E11. Staff concurs with the applicant that reduced building heights and reduced window glazing better implements the purpose and objectives of the Day Road Overlay District especially in regards to functional land use design and flexibility in design. Thus, the proposed waivers is consistent with Subsection 4.140.01B(3) with respect to producing a development equal or better than would be achieved through the strict application of the standard.

REQUEST F: STAGE II FINAL PLAN

Industrial Development in Any Zone

Subsection 4.117 (.01) Standards Applying to Industrial Development in Any Zone

- F1. **Review Criteria:** “All industrial developments, uses, or activities are subject to performance standards. If not otherwise specified in the Planning and Development Code, industrial developments, uses, and activities shall be subject to the performance standards specified in Section 4. 135(.05) (PDI Zone).”

Finding: This criterion is satisfied.

Details of Finding: All applicable performance standards are being and will continue to be met.

Standards Applying in All Planned Development Zones

- F2. Subsection 4.118 (.01) Additional Height Guidelines

Finding: This criterion is satisfied.

Details of Finding: See Request E for the detailed discussion about proposed waivers

Subsection 4.118 (.02) Underground Utilities

F3. **Review Criterion:** "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."

Finding: This criterion is satisfied.

Details of Finding: All additional utilities on the property will be installed underground.

Subsection 4.118 (.03) Waivers

F4. **Review 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.

Finding: These criteria are satisfied.

Details of Finding: See Request E for the detailed discussion about proposed waivers.

Subsection 4.118 (.03) E. Other Requirements or Restrictions

F5. **Review Criterion:** "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:"

Finding: This criterion is satisfied.

Details of Finding: No additional requirements or restrictions are recommended pursuant to this subsection.

Subsection 4.118 (.05) Requirements to Set Aside Tracts for Certain Purposes

F6. **Review Criterion:** "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."

Finding: This criterion is satisfied.

Details of Finding: No additional tracts are being required for the purposes given.

Subsection 4.118 (.09) Habitat Friendly Development Practices

F7. **Review 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.”

Finding: These criteria are satisfied.

Details of Finding: Where practicable with the proposed building size and necessary parking and circulation area, native *trees and* vegetation ~~and trees is~~ *are* being preserved on the west side of the site and additional native plants are being planted to enhance the area. All storm water will be managed according to the City’s new low impact development storm water standards.

Subsection 4.133.04 (.04) A. Access to Public Streets to be Jointly Reviewed by City and ODOT

- F8. **Review Criterion:** “Approval of access to City streets within the IAMP Overlay Zone shall be granted only after joint review by the City and the Oregon Department of Transportation (ODOT). Coordination of this review will occur pursuant to Section 4.133.05(.02).”

Finding: This criterion is satisfied.

Details of Finding: The proposal has been reviewed by the City’s traffic consultant, see DKS Transportation Impact Analysis in Exhibit B1, the City Engineering staff, and ODOT has been notified and given the opportunity to comment. The primary access is at SW Day Road and secondary emergency vehicle access only at SW Boones Ferry Road. *The subject site is not in an area where an Interchange Area Management Plan (IAMP) applies.* The proposal has been reviewed by the City’s traffic consultant, see DKS Transportation Impact Analysis in Exhibit B1, the City Engineering staff, and ODOT has been notified and given the opportunity to comment.

Planned Development Industrial Zone

Subsection 4.135 (.01) Purpose of Planned Development Industrial Zone

- F9. **Review Criterion:** “The purpose of the PDI zone is to provide opportunities for a variety of industrial operations and associated uses.”

Finding: This criterion is satisfied.

Details of Finding: On the basis of the applicant’s finding found on pages 21 and 22 of Exhibit B1 the proposed behavioral health facility is consistent with the purpose of the PDI-RSIA zone.

Subsection 4.135 (.02) PDI Zone Governed by Planned Development Regulations

F10. **Review Criterion:** “The PDI Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.”

Finding: This criterion is satisfied.

Details of Finding: As described in the findings for this request and associated Stage I /II and Site Design Review requests, the proposed behavioral health facility use is being reviewed in accordance with Section 4.140.

Subsection 4.135 (.03) Allowed Uses in PDI Zone

F11. **Review Criteria:** “Uses that are typically permitted:” Listed A. through T.

Finding: These criteria are satisfied.

Details of Finding: On the basis of the applicant’s finding found on pages 21 and 22 of Exhibit B1 the proposed behavioral health facility is consistent with the purpose of the PDI-RSIA zone.

Subsection 4.135 (.04) Block and Access Standards in PDI Zone

F12. **Review Criteria:** “The PDI zone shall be subject to the same block and access standards as the PDC zone, Section 4.131(.02) and (.03).”

Finding: These criteria are satisfied.

Details of Finding: This criterion is not relevant to this application. Section 4.131(.03) only applies to residential or mixed-use development – not industrial uses.

Subsection 4.135 (.05) Industrial Performance Standards

F13. **Review Criteria:** “The following performance standards apply to all industrial properties and sites within the PDI Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property.” Standards listed A. through N.

Finding: These criteria are satisfied.

Details of Finding: The proposed project meets the performance standards of this subsection as follows:

- Pursuant to standard A (enclosure of uses and activities), the proposed behavioral health facility will be enclosed.
- Pursuant to standard B (vibrations), there is no indication that the proposed use of the site will produce vibrations detectable off site without instruments.
- Pursuant to standard C (emissions), the proposed use has given no indication that odorous gas or other odorous matter is or will be produced.

- Pursuant to standard D (open storage), portions of the high security/privacy wings of the ~~UMS~~ **UHS** facility will be screened with fencing and landscape screening, according to the development code standards.
- Pursuant to standard E (night operations and residential areas), the proposed UHS site is not in the vicinity of any residential areas. The closest residences are located a significant distance to the west.
- Pursuant to standard F (heat and glare), none of the UHS operations would produce any heat or glare.
- Pursuant to standard G (dangerous substances), there are no prohibited dangerous substances expected on the development site.
- Pursuant to standard H (liquid and solid wastes), staff has no evidence to suggest that the standards defined for liquid and solid waste in this subsection would be violated.
- Pursuant to standard I (noise), the proposed UHS use would not violated the City's Noise Ordinance.
- Pursuant to standard J (electrical disturbances), staff has no evidence to suggest that any prohibited electrical disturbances would be produced by the proposed UHS facility.
- Pursuant to standard K (discharge of air pollutants), staff has no evidence to suggest that any prohibited discharges would be produced by the proposed project.
- Pursuant to standard L (open burning), no open burning is proposed on the development site.
- Pursuant to standard M (outdoor storage), the proposed UHS facility will not have outdoor storage.

Subsection 4.135 (.06) Other PDI Standards

F14. Review Criteria: This section lists other standards of the PDI zone including: minimum individual lot size, maximum lot coverage, front yard setback, rear and side yard setback, corner vision, off street parking and loading, and signs.

Finding: These criteria are satisfied.

Details of Finding: The proposed development meets these standards as follows:

- The property is of sufficient size to allow for the required amount of landscaping, parking, and other applicable site requirements along with lot coverage of the proposed development.
- The required thirty foot (30') front, rear, and side yard requirements are exceeded by the proposed UHS facility.
- The vision clearance standards of Section 4.177 are met.
- Off-street parking and loading requirements are or will be met.
- Signs are proposed. See Request J for detailed analysis of the proposed signs.

Section 4.139.02 Applicability of SROZ Regulations

- F15. Review Criteria:** This section identifies where the Significant Resource Overlay Zone (SROZ) regulations apply.
Finding: These criteria are satisfied.
Details of Finding: None of the proposed development is within the SROZ or its impact area, thus the SROZ regulations do not apply.

Planned Development Regulations

Subsection 4.140 (.01) Purpose of Planned Development Regulations

- F16. Review Criterion:** The proposed Stage II Final Plan shall be consistent with the Planned Development Regulations purpose statement.
Finding: This criterion is satisfied.
Details of Finding: Based on the information provided in the application narrative, staff finds that the purpose of the planned development regulations is met by the proposed Stage II Final Plan, based on the findings in this report.

Subsection 4.140 (.02) Lot Qualifications for Planned Developments

- F17. Review Criterion:** “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.”
Finding: This criterion is satisfied.
Details of Finding: The subject development site is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140 as noted in the findings in this report.

- F18. Review Criterion:** “Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned ‘PD.’ All sites which are greater than two (2) 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.”
Finding: This criterion is satisfied.
Details of Finding: The 8.4 net acre site is greater than 2 acres, will be designated ‘Industrial’ on the Comprehensive Plan Map, and is zoned “Planned Development Industrial – Regional Significant Industrial Area” on the Zoning Map. The property will be developed as a component of a planned development in accordance with this subsection.

Subsection 4.140 (.03) Ownership Requirements for Submitting Planned Development Application

F19. Review Criterion: “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.”

Finding: This criterion is satisfied.

Details of Finding: The 8.4 net acres included in the proposed Stage II Final Plan is under the single ownership and has signed the application.

Subsection 4.140 (.04) Professional Design Team Required for Planned Developments

F20. Review Criterion: “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. One of the professional consultants chosen by the applicant shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.”

Finding: This criterion is satisfied.

Details of Finding: As can be found in the applicant’s submitted materials, appropriate professionals have been involved in the planning and permitting process. Mr. Sandblast has been designated the coordinator for the planning portion of the project.

Subsection 4.140 (.05) Planned Development Permit Process

F21. Review Criteria: “All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of 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.”

Finding: These criteria are satisfied.

Details of Finding: The subject 8.4 net acres is greater than 2 acres, is proposed for Industrial on the Comprehensive Plan Map, and will be rezoned to PDI-RSIA. The property will be developed as a planned development in accordance with this subsection.

Stage II Final Plan Submission Requirements and Process

Subsection 4.140 (.09) A. Timing of Submission

F22. Review Criterion: “Unless an extension has been granted by the Development Review Board, within two (2) 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”

Finding: This criterion is satisfied.

Details of Finding: The applicant has submitted a Stage II Final Plan concurrently with a Stage I Preliminary Plan.

Subsection 4.140 (.09) B. Determination by Development Review Board

F23. Review Criterion: “the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application”.

Finding: This criterion is satisfied.

Details of Finding: The Development Review Board shall consider all applicable permit criteria set forth in the Planning and Land Development Code, and the staff is recommending the Development Review Board approve the application with conditions of approval.

Subsection 4.140 (.09) C. Conformance with Stage I and Additional Submission Requirements

F24. Review Criteria: “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:” listed 1. through 6.

Finding: These criteria are satisfied.

Details of Finding: The applicant states, and staff concurs, that the Stage II Final Plan substantially conforms to the proposed Stage I Preliminary Plan. The applicant has provided the required drawings and other documents showing all the additional information required by this subsection.

Subsection 4.140 (.09) D. Stage II Final Plan Detail

F25. Review Criterion: “The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development.”

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided sufficiently detailed information to indicate fully the ultimate operation and appearance of the proposed UHS facility, including a detailed site plan, elevation drawings, and material information to review the application.

Proposed Stage II Final Plan		
Area 8.4 net acres	Size	% of Total Site
Building area footprint, including courtyards.	85,866 SF	23%
Parking, drive lanes, walkways	48,036SF	13%

New landscaping area	142,962 SF	39%
Undisturbed native area	60,755 SF	17%
Pedestrian hardscape area	19,178 SF	5%
Gravel and access roads	9,584 SF	3%
Total site area:	acres	100%

Subsection 4.140 (.09) E. Submission of Legal Documents

F26. Review Criterion: “Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner’s association, shall also be submitted.”

Finding: This criterion is satisfied.

Details of Finding: No additional legal documentation is required for dedication or reservation of public facilities.

Subsection 4.140 (.09) I. and Section 4.023 Expiration of Stage II Approval

F27. Review Criterion: This subsection and section identify the period for which Stage II approvals are valid.

Finding: This criterion is satisfied.

Details of Finding: The Stage II Final Plan approval, along other associated applications, will expire two (2) years after approval, unless an extension is approved in accordance with these subsections.

Subsection 4.140 (.09) J. 1. Planned Development Permit Requirements: Conformance with Comprehensive Plan and other Applicable Plans and Ordinances

F28. Review Criterion: “The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.”

Finding: This criterion is satisfied.

Details of Finding: In Request C the applicant is seeking rezoning to PDI-RSIA consistent with the proposed Industrial designation the Comprehensive Plan in Request B. As noted in this report, the location, design, size, and use are consistent with other applicable plans, maps, and ordinances, or will be consistent by meeting the recommended conditions of approval.

Subsection 4.140 (.09) J. 2. Planned Development Permit Requirements: Traffic Concurrency

F29. Review Criterion: “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.” Additional qualifiers and criteria listed a. through e.

Finding: This criterion is satisfied.

Details of Finding: A Transportation Impact Study for the proposed development was prepared by DKS Associates for the project which can be found in Exhibit B1. Off-site transportation mitigation is necessary.

Estimated New PM Peak Hour Trips	107
Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area	75
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	6

As part of the Transportation Impact Study DKS Associates looked at a variety of uses allowed under the proposed PDI-RSIA Zone Change. The worst case trip generator for the proposed zone change would be expected to produce the following impacts.

Estimated New PM Peak Hour Trips	127
Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area	88
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7

Subsection 4.140 (.09) J. 3. Planned Development Permit Requirements: Facilities and Services Concurrency

F30. Review Criterion: “That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.”

Finding: This criterion is satisfied.

Details of Finding: Facilities and services, including utilities, are available and sufficient to serve the proposed development.

On-site Pedestrian Access and Circulation

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

F31. **Review Criterion:** "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."

Finding: This criterion is satisfied.

Explanation of Finding: A 5 foot wide sidewalk is ~~at~~ *currently along* SW Day Road. *An 8' wide sidewalk is proposed along SW Day Road.* A five (5) foot wide concrete sidewalk is proposed along the east side of the building at SW Boones Ferry Road.

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

F32. **Review Criteria:** "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 do 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)."

Finding: These criteria are satisfied.

Explanation of Finding:

- All proposed pathways are of smooth and consistent concrete and no hazards are evident on the site plan.
- All proposed pathways are straight and provide direct access to intended destinations.
- The pathways next to the ~~UMS~~ *UHS* building connect to the primary building entrance.
- Where required, pathways meet ADA requirements or will be required to by the building code.
- No parking area is larger than 3 acres in size.

Subsection 4.154 (.01) B. 3. Vehicle/Pathway Separation

F33. **Review Criterion:** "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."

Finding: This criterion is satisfied.

Explanation of Finding: All pathways affected by this review are separated consistent with this subsection.

Subsection 4.154 (.01) B. 4. Crosswalks

F34. **Review Criterion:** "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)."

Finding: This criterion is satisfied.

Explanation of Finding: The method of marking the crosswalks is clear from the plans.

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

F35. **Review Criterion:** "Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA."

Finding: This criterion is satisfied.

Explanation of Finding: Primary pathways are the required width and will be constructed of concrete or asphalt. However, the Applicant/Owner must provide ADA accessible path from the gates of the southerly accessible ramp to the concrete basketball courts to the concrete walks to the building entrances serving the recreational yards.

Parking and Loading

Subsection 4.155 (.02) General Parking Provisions

F36. **Review Criteria:** This subsection lists a number of general provisions for parking.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided sufficient information demonstrating compliance with the provisions in this subsection applicable to Stage II Final Plan review. Among the information provided is Plan Sheet C100. Staff specifically points out the following:

- In relation to provision A no waivers to parking standards have been requested
- In relation to provision B parking areas are accessible and usable for parking.
- In relation to provision D parking is being calculated summing the requirements of different uses.
- Parking will not be used for any other business activity.

- In relation to provision K the parking areas will be paved and provided with adequate drainage.
- In relation to provision L compliance with the outdoor lighting ordinance and vegetative screening will prevent artificial lighting from shining into adjoining structures or affecting passersby
- In relation to provision M all the proposed uses are listed in the Code
- In relation to provision N. ~~498~~ parking spaces or ~~40~~ ~~39~~% of the parking is proposed as compact.
- In relation to provision O all planting areas that vehicles may overhang are seven feet (7') or greater in depth.

Subsection 4.155 (.03) A. Functional Design of Parking, Loading, and Delivery Areas

- F37. **Review Criteria:** "Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:
1. Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked.
 2. To the greatest extent possible, separate vehicle and pedestrian traffic."

Finding: These criteria are satisfied.

Details of Finding: The functional needs of the site for exterior parking and loading include employee and visitor parking of standard passenger vehicles and delivery of vehicles by carrier trucks. The required amount of parking is provided, with drive aisles of widths adequate to accommodate two-way truck and passenger vehicle traffic. All turning radii are adequate. Access is being provided from one driveway access at SW Day Road. Loading berths meeting number of size requirements of the development code are provided and is considered adequate to serve the expected amount of delivery to the site. The needs for Solid Waste and Recycling pick up vehicles and fire apparatus are being reviewed separately and have been approved by Republic Services and TVF&R.

The required loading and delivery berth is located at the west side of the proposed ~~UMS~~ **UHS** building, separated from the main employee and customer areas. The access drive is shared, but separate access drives are not required or practical with the site design.

Circulation patterns are clearly evident by the standard width of the drive aisles which are equivalent to a local street without pavement markings, and the clear delineation of the edge of the drive aisles by painted parking stalls, landscape planters, and the building. Otherwise the pedestrian circulation system is on raised sidewalks meeting the separation standards of Section 4.154.

Subsection 4.155 (.03) B. 1.-3. Parking Area Landscaping

- F38. **Review Criteria:** "Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:" Listed 1 through 3.

Finding: These criteria are satisfied.

Details of Finding: 39% of the site area will be landscaped. Nearly all of the landscaping is adjacent to the proposed UMS building and parking areas. The proposed landscape includes perimeter landscaping as well as interior landscape islands which would be identified as parking area landscaping. The proposed landscaping strips/areas provide screening from the public right-of-way and off-site.

Furthermore, the Applicant/Owner must substitute the Common hornbeam parking lot trees with another parking lot friendly deciduous tree species that has more shading coverage.

Subsection 4.155 (.03) C. Parking and Loading Areas-Safe and Convenient Access

F39. Review Criterion: “Be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces., provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.”

Finding: This criterion is satisfied.

Details of Finding: Nine (9) ADA stalls are proposed, meeting the standard established in this subsection. ADA parking will also be reviewed as part of the review of the Building Code requirements for the Building Permit.

Subsection 4.155 (.03) D. Parking Connectivity and Efficient On-site Circulation

F40. Review Criterion: “Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking.”

Finding: This criterion is satisfied.

Details of Finding: There are no existing and adjacent parking areas to the project site.

Subsection 4.155 (.03) F. On-Street Parking

F41. Review Criterion: “On-street parking spaces, directly adjoining the frontage of and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards.”

Finding: This criterion is satisfied.

Details of Finding: No on-street parking spaces are part of the space count to meet the minimum parking standards, SW Day Road and SW Boones Ferry Road would not allow on-street parking.

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

F42. Review Criterion: “Tables 5, below, 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.”

Finding: With proposed Condition PDE2 this criterion can be resolved.

Details of Finding: 200 parking spaces based on city code for hospitals may be too much; UHS current site plan sheet L100 shows 120 spaces but the applicant’s parking finding indicates 114 spaces. For PM peak hour traffic trips the DKS traffic consultant used a rate that was 75% of the ITE Code 610 rate. Firm data on what is an acceptable high and low rate for parking for behavioral health hospitals was not available at the time of writing this staff report. Staff is reluctant to underestimate it because there is no on-street parking in this area, and no nearby offsite parking. Steve Adams, Development Engineering Manager has commented to planning staff; “Key evidence is to find out from UHS is the maximum overlap they anticipate at shift changes, if 90 staff leave the day shift and 50 come on the night shift staff can see a need for at least 140 parking spots just for staff, plus additional for visitors.” **In the professional opinion of planning staff the applicant must provide minimum 140 parking spaces.**

Table 5 of the Parking Code identifies two use groups to determine parking provisions:

Use	Use (as listed in Section 4.155 Table 5)	Parking Min.	Parking Max.	Bicycle Min.
Sanitarium, convalescent hospital, nursing home, rest home, home for the aged.	1 space/2 beds for patients. (100 beds)	50	No limit	1 per 6,000 sq. ft. Min. of 2 =11
Hospital	2 spaces/bed. (100 beds)	200	No limit	1 per 20 parking spaces Min. of 2.
Proposed Parking		120		12 including 6 long term

The applicant’s table shown below, 114 parking spaces are proposed.

The following table was provided by the applicant for proposed parking:

Peak-Hour Parking Need Analysis

Inpatient Parking (100 Beds)	Less than 5% of average inpatient daily census	3.75
Outpatient Parking	Daily therapy visits = 15% of average inpatient census (75%) x 80% drivers	9.00
Visitor & Vendor Parking	20% of average inpatient census split between day and evening visiting hours	7.50
Dedicated UHS Van Parking	2 patient transport vans	2.00
Peak Shift Staff Parking (63 x 80%)	63 day staff x 80% drivers (7 AM to 5 PM)	50.40
Non-Peak Afternoon Staff Parking (38 x 80%)	38 afternoon staff x 80% drivers (3 PM to 11 PM)	30.40
Total		103.05
Peak Factor (10%)		10.31
Total		113.36

use 114

Notes:

This 100-bed facility will operate with an Average Daily Census (ADC) of 75%
 Hours of operation is 24 hours a day, 7 days a week.
 Total staff is 190, operating in 3 shifts as follows: Day Shift (Peak) = 63, Afternoon Shift (Non-peak) = 38, Night Shift (Off Peak) = 25, Weekend Shift = 63
 20% of staff will use alternative means of transportation, on-average
 Scheduled Visiting Hours are Noon to 2 PM and 7 to 9 PM.
 Peak parking load will occur during the shift-change hours of 3 PM to 5 PM
 Inpatients typically are transported by relatives or friends, ambulance or taxi cabs, and are not encouraged to drive.
 UHS vans are used for both inpatient and outpatient transport

The applicant’s Plan Sheet L100 shows 120 parking spaces. Three (3) parking spaces for the disabled are proposed.

On pages 19 and 20 of the DKS Transportation Impact Analysis it states:

“The City of Wilsonville code provides a minimum required number of vehicular parking stalls and bicycle parking spaces based on the proposed development and size. However, the code does not include parking requirements based on the proposed Behavioral Health Hospital institution. Two similar land uses that are provided in the City code (“convalescent hospital, nursing home, sanitarium, rest home, home for the aged” and “hospital”) are summarized below in Table 12. Based on discussions with the City, the estimated parking demand of the proposed Behavioral Health Hospital institution is assumed to be within the two ranges (minimum of 50 to 200 parking spaces) of parking requirements in Table 12.”

Table 12: Parking Requirements for Comparable Land Uses

Land Use	Size (Number of Beds)	Vehicle Parking		Bicycle Parking	
		Requirement	Minimum	Requirement	Minimum
Convalescent hospital ^a	100 beds	1 space/ 2 beds	50	1 per 6 KSF ^b	10
Hospital		1 space/ 1 bed	200	1 per 20 veh. spaces	10

^aConvalescent hospital land use also includes nursing home, sanitarium, rest home, and home for the aged

^bKSF = 1,000 square feet (proposed 62,000 square foot Behavioral Health Hospital)

The two land uses do not include maximum parking requirements

“In order to determine the estimated peak parking demand of the proposed development, UHS provided a breakdown of the staff levels by time of day, estimated number of visitors, outpatient parking, etc. The primary factors considered in the parking evaluation provided was a 20% rate of alternative modes of transportation for the estimated number of staff. Additionally, seven visitor and vendor parking were assumed during each of the scheduled

visiting hours (12 pm to 2 pm and 7pm to 9pm). The resulting proposed number of parking stalls provided by UHS was 114, the complete breakdown assumptions and parking needs can be found in the appendix.”

“Although there is a bus stop on the south leg of the Boones Ferry Road/Day Road intersection that serves the Wilsonville, Tualatin, and Portland City Center areas (TriMet Route 96), based on the surrounding study vicinity it is recommended that the alternative modes of transportation means be reduced from 20% to 5%. Additionally, it is recommended that the estimated visitor/vendor parking number be increased from 7.5 to 15. These recommendations would result in a worst case parking demand scenario. Table 13 shows the UHS parking estimation compared to the recommended parking. As shown, with the above recommendations, the parking need analysis would increase by 26 stalls to a total of 140. The 140 stalls would include three ADA stalls (City code requires one ADA stall for every 50 standard stalls).”

Table 13: UHS Peak-Hour Parking Needs Estimation and DKS Recommendation

Parking Needs Scenario	Assumed Alternative Transportation Rate	Estimated Visitors/ Vendors ^a	Total Peak Hour Parking Needs
UHS Proposed Parking	20%	7.5	114 stalls
Recommended (worst case)	5%	15	140 stalls

^aDuring each visitor parking period

The current site plan includes a total of 120 parking spaces and does not show a number of bicycle parking spaces provided. It is recommended that the plan be revised to include a minimum of 140 parking stalls (including a minimum of three ADA stalls). The site should also provide a minimum of seven bicycle spaces.

Subsection 4.155 (.03) H. Electric Vehicle Charging

F43. Review Criteria: “Electrical Vehicle Charging Stations:

1. Parking spaces designed to accommodate and provide one or more electric vehicle charging stations on site may be counted towards meeting the minimum off-street parking standards.
2. Modification of existing parking spaces to accommodate electric vehicle charging stations on site is allowed outright.”

Finding: These criteria are satisfied.

Details of Finding: No electric vehicle charging stations are proposed.

Subsection 4.155 (.03) I. Motorcycle Parking

F44. Review Criteria: “Motorcycle parking:

1. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.
2. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.

Finding: These criteria are satisfied.

Details of Finding: No motorcycle parking is proposed.

Subsection 4.155 (.04) Bicycle Parking

Subsection 4.155 (.04) A. Bicycle Parking-General Provisions

F45. Review Criteria: "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.
2. Bicycle parking spaces are not required for accessory buildings. If a primary use is listed in Table 5, bicycle parking is not required for the accessory use.
3. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
4. Bicycle parking space requirements may be waived by the Development Review Board per Section 4.118(.03)(A.) (9.) and (10.).

Finding: These criteria are satisfied.

Details of Finding: ~~11-12~~ total bicycle parking spaces with 6 long term bicycle parking spaces are provided.

Subsection 4.155 (.04) B. Bicycle Parking-Standards

F46. Review Criteria: "Standards for Required Bicycle Parking

1. Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle.
2. An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
3. When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly.
4. Bicycle lockers or racks, when provided, shall be securely anchored.
5. Bicycle parking shall be located within 30 feet of the main entrance to the building or inside a building, in a location that is easily accessible for bicycles. For multi-tenant developments, with multiple business entrances, bicycle parking may be distributed on-site among more than one main entrance."

Finding: These criteria are satisfied.

Details of Finding: 12 bicycle parking spaces are provided. 6 are covered near the main building entrance 6 are in the landscape island near the circular drop-off drive. The stalls

are 2' by 6' and have a 5' aisle behind them. The covered parking spaces are within 30 feet of a customer entry. The additional 6 required spaced are covered long-term spaces.

Subsection 4.155 (.04) C. 2. Long-term Bicycle Parking Requirements and Standards

F47. Review Criteria: "For a proposed multi-family residential, retail, office, or institutional development, or for a park and ride or transit center, where six (6) or more bicycle parking spaces are required pursuant to Table 5, 50% of the bicycle parking shall be developed as long-term, secure spaces. Required long-term bicycle parking shall meet the following standards:

- a. All required spaces shall meet the standards in subsection (B.) above, and must be covered in one of the following ways: inside buildings, under roof overhangs or permanent awnings, in bicycle lockers, or within or under other structures.
- b. All spaces must be located in areas that are secure or monitored (e.g., visible to employees, monitored by security guards, or in public view).
- c. Spaces are not subject to the locational criterion of (B.)(5)."

Finding: These criteria are satisfied.

Details of Finding: The 6 bicycle parking spaces are long-term spaces provided under a canopy.

Subsection 4.155 (.05) Required Number of Loading Berths

F48. Review Criterion: "Every building that is erected or structurally altered to increase the floor area, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths on the basis of minimum requirements as follows:" listed 1. through 2. "A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long, and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased to accommodate the larger vehicles."

Finding: This criterion is satisfied.

Details of Finding: A minimum of 1 loading berth is required. 1 is provided at the west side of the ~~UMS~~ UHS building.

Subsection 4.155 (.06) Carpool and Vanpool Parking Requirements

F49. Review Criterion: This subsection lists the requirements for carpool and vanpool parking.

Finding: This criterion is satisfied.

Details of Finding: Six (6) signed carpool parking spaces are proposed near the main public and employee building entrance on the west side of the building.

Section 4.167 Access, Ingress, and Egress

F50. **Review 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."

Finding: This criterion is satisfied.

Details of Finding: The one existing access drive at SW Day Road serving the development has been approved by the City.

Natural Features

Section 4.171 Protection of Natural Features and Other Resources

F51. **Review Criterion:** 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 power-line easements and rights of way and petroleum pipeline easements, earth movement hazard areas, soil hazard areas, historic resources, and cultural resources.

Finding: This criterion is satisfied.

Details of Finding: As noted herein, there are no significant natural features or resources on the site. The property has moderate sloping terrain with small tree groves on the west side and northeast corner of the property. Trees have been considered as part of site planning and many of the trees on the westerly side of the property are being retained. No other hillsides, power-line easements, etc. needing protection exist on the site.

Public Safety and Crime Prevention

Subsection 4.175 (.01) Design to Deter Crime and Ensure Public Safety

F52. **Review Criterion:** "All developments shall be designed to deter crime and insure public safety."

Finding: This criterion is satisfied.

Details of Finding: The applicant has not provided any summary findings in response to these criteria. Staff finds no evidence and has not received any testimony that the design of the site and buildings would lead to crime or negatively impact public safety.

Subsection 4.175 (.02) Addressing and Directional Signing

F53. **Review Criterion:** "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."

Finding: This criterion is not satisfied.

Details of Finding: The address is shown on submitted building elevations or signs.

Subsection 4.175 (.03) Surveillance and Police Access

F54. **Review Criterion:** “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.”

Finding: This criterion is satisfied.

Details of Finding: The parking and loading areas are easily assessable and no areas of particular vulnerability to crime have been identified warranting additional surveillance.

Subsection 4.175 (.04) Lighting to Discourage Crime

F55. **Review Criterion:** “Exterior lighting shall be designed and oriented to discourage crime.”

Finding: This criterion is satisfied.

Details of Finding: Lighting has been designed in accordance with the City’s outdoor lighting standards, which will provide sufficient lighting to discourage crime.

Subsection 4.177 (.01) B. Curbs, Utility Strips, and Sidewalks Required

F56. **Review Criterion:** “All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.”

Finding: This criterion is satisfied.

Details of Finding: SW Day Conditions of Approval require the right-of-way dedication to enable full build out of SW Day Road to TSP standards.

Subsection 4.177 (.01) E. Access Drives and Travel Lanes

F57. **Review Criterion:** This subsection sets standards for access drives and travel lanes.

Finding: This criterion is satisfied.

Details of Finding:

- The existing driveway at SW Day Road provides a clear travel lane, free from obstructions. The driveway may be relocated farther west to provide greater separation from future intersection improvements of SW Day Road and SW Boones Ferry Road. Ultimately the driveway should be combined with an adjacent driveway. Emergency access is proposed at SW Boones Ferry Road.
- The driveway at SW Day Road will have concrete apron and asphalt and capable of carrying a 23-ton load.
- Proposed emergency access lanes must be improved to a minimum of 12 feet and the development has been reviewed and approved by the Fire District.
- The access proposed is sufficient for the intended function of the site.

Subsection 4.177 (.01) F. Corner or Clear Visions Area

F58. Review Criterion: “A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:” Listed a. through e.

Finding: This criterion is satisfied.

Details of Finding: Clear vision area criteria have been reviewed by Engineering Staff and are met.

SUMMARY FINDING FOR REQUEST F:

F59. The proposed Stage II Final Plan is consistent with:

- **Section 4.140.09(J)(1) Land Use.** With proposed conditions of approval the location, design, size of the project, both separately and as a whole, can be made consistent with the proposed PDI - RSIA Zone. See pages 21 and 22 of Section 2 in Exhibit B1 for the applicant’s detailed finding demonstrating compliance with the PDI-RSIA Zone.
- **Section 4.140.09(J)(2) Traffic.** The location, design, size of the project is such that traffic generated by the ~~townhomes~~ *project* can be accommodated safely, and without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project which complies with Subsection 4.140.09(J)(2).
- **Section 4.140.09(J)(3) Public Facilities and Services.** The location, design, size and uses of the proposed project are such that the use to be accommodated will be adequately served by existing or immediately planned facilities and services.

REQUEST G: SITE DESIGN REVIEW

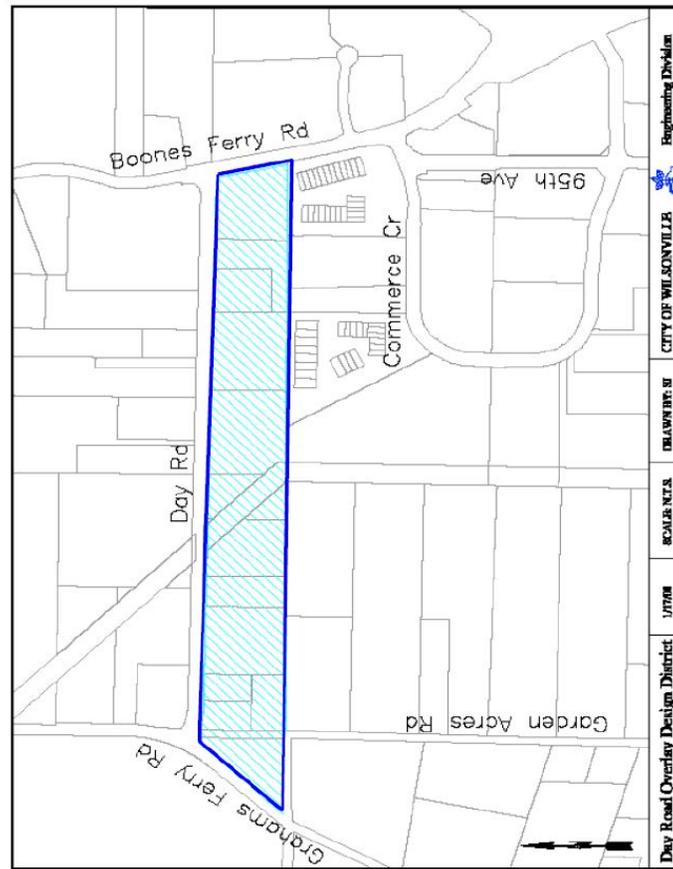


Figure D-1: Day Road Design Overlay District Area Map

Figure D-1: Day Road Overlay District Area Map

G1. Review Criteria: Section 4.134. Day Road Design Overlay District

(.01) Purpose. The Day Road Design Overlay District (DOD) is an overlay district within the larger Planned Development Industrial - Regionally Significant Industrial Area (RSIA) Zone. It is the purpose of the Day Road DOD to establish standards for site design and exterior architecture of all structures located in the Day Road DOD in order to ensure high quality design of development and redevelopment at the Day Road gateway to the City of Wilsonville. These standards are intended to create an aesthetically pleasing aspect for properties abutting Day Road by ensuring:

- A. Coordinated design of building exteriors, additions and accessory structure exteriors
- B. Preservation of trees and natural features
- C. Minimization of adverse impacts on adjacent properties from development that detracts from the character and appearance of the area
- D. Integration of the design of signage into architectural and site design, and
- E. Minimization of the visibility of vehicular parking, circulation and loading areas. It is the intent to create improved pedestrian linkages and to provide for public transit. It is

also the intent of this section to encourage architectural design in relationship to the proposed land use, site characteristics and interior building layout.

Finding: These criteria are satisfied.

Details of Finding: The Universal Health Services facility will be new building construction including associated site improvements. Professional architects, engineers, arborists and land use planners have prepared the land use application and design drawings to meet or exceed the criteria listed above.

G2. Review Criterion: (.02) Applicability. The Day Road DOD shall apply to all properties abutting Day Road.

The provisions of this section shall apply to:

- A. All new building construction
- B. Any exterior modifications to existing, non-residential buildings
- C. All new parking lots
- D. All outdoor storage and display areas
- E. All new signage
- F. All building expansions greater than 1,250 square feet.

Finding: These criteria are satisfied.

Details of Finding: The Universal Health Services facility will be new building construction including associated site improvements and new parking lots. New signs are proposed. Thus Day Road DOD is applicable to this application.

G3. Review Criteria: (.03) Exceptions. This section does not apply to the following activities:

- A. Maintenance of the exterior of an existing industrial/employment structure such as painting to the approved color palette, reroofing, or residing with the same or similar materials
- B. Industrial/employment building expansions less than 1,250 square feet
- C. Interior remodeling
- D. Essential public facilities
- E. Existing dwellings and accessory buildings
- F. Agricultural buildings

Finding: These criteria are satisfied.

Details of Finding: The Universal Health Services facility will be new building construction including site improvements so exceptions to the Day Road DOD are not proposed.

G4. Review Criterion: (.04) Review Process.

- A. Compliance with the Day Road DOD shall be reviewed as part of Stage One – Preliminary Plan, Stage Two - Final Approval and Site Design Review. Such review shall be by the Development Review Board. Building expansions less than 2500 square feet and exterior building modifications less than 2500 square feet may be reviewed under Class II Administrative procedures.

Finding: This criterion is satisfied.

Details of Finding: The applicant has prepared response findings to the Day Road DOD criteria found on pages 34 through 41 of Exhibit B1. The applicant has submitted Stage I Preliminary Plan, Stage II Final Plan and Site Design Review which are discussed in detail in requests E through F of this Staff Report.

- G5. **Review Criterion:** B. Waivers. Under City Code [4.118(.03)], waivers to several development standards may be approved, including waivers to height and yard requirements, and architectural design standards, provided that the proposed development is equal to or better than that proposed under the standards to be waived. For example, a height waiver might be granted on a smaller site if the façade presentation was significantly enhanced, additional landscaping or open space is provided and site modifications are necessary to preserve significant trees. Waivers to the additional front yard setback for future improvements on Day Road may not be granted. [4.134(.05)(C)(1)]
Finding: This criterion is satisfied.

Details of Finding: In Request E the applicant is requesting two waivers to reduce the minimum 48 foot height limit for the subject **UMS UHS** building facing SW Day Road and to reduce the percentage of glazing at SW Boones Ferry Road. See Request E of this Staff Report for the detailed discussion of the proposed waivers.

- G6. **Review Criterion:** (.05) Design Review Standards. The DRB shall use the standards in this section together with the standards in Sections 4.400 – 4.421 to ensure compliance with the purpose of the Day Road DOD. These standards shall apply on all Day Road frontages, and on the frontage of corner lots abutting both Day Road and either Boones Ferry Road, Kinsman Road, Garden Acres Road or Grahams Ferry Road.
Finding: This criterion is satisfied.

Details of Finding: The subject property is a corner lot located at the southwest corner of SW Day Road and SW Boones Ferry Road. As demonstrated in the following staff findings and in the response findings that were prepared by the applicant in Exhibit B1 the DRB his reviewing this project together with the standards in Sections 4.400 – 4.421 to ensure compliance with the purpose of the Day Road DOD.

- G7. **Review Criterion:** A. Natural Features: Buildings shall be sited in compliance with WC 4.171, Protection of Natural Features and Other Resources and with WC 4.600, Tree Preservation and Protection.

Finding: This criterion is satisfied.

Details of Finding: There are no significant natural features or resources on the site. The property has moderate sloping terrain with small tree groves on the west side and northeast corner of the property. Trees have been considered as part of site planning and many of the trees on the westerly side of the property are proposed to be retained. No other hillsides, power-line easements, etc. needing protection exist on the site. Request H of this staff report provides a detailed analysis of the proposed Type 'C' Tree Removal and Preservation Plan addressing Section 4.600WC.

- G8. Review Criterion:** B. Building Location and Orientation: New buildings shall have at least one principal building entrance oriented towards the Day Road frontage. All building elevations fronting on Day Road or on the frontage on corner lots as described in (.05) above, shall have at least 20% glazing.

Finding: This criterion is satisfied.

Details of Finding: Proposed is one principal door entrance at the east end of the proposed UMS building with a covered canopy. Though it does not face directly to SW Day Road it is easily identified with a canopy and plaza like approach from SW Day Road.

- G9. Review Criteria:** C. Setbacks:

1. Front Yard: For public health and safety reasons, the front yard setback shall be 30' plus additional setback (15' minimum) to accommodate future improvements to Day Road.

2. Side and rear setbacks shall be 30'. Side and rear yard setbacks may be reduced from the 30' minimum setback requirement where the setback is adjacent to industrial development subject to meeting other requirements of this section and Building Code requirements.

Finding: These criteria are satisfied.

Details of Finding: The front yard distance to the proposed ~~UMS~~ **UHS** building at SW Day Road is 45 feet. The street side yard at SW Boones Ferry Road is approximately 80 feet. The rear (south) yard is 100'+ Feet. The west side is 100+ feet.

- G10. Review Criterion:** D. Building Height: A minimum building height of three stories, 48' is required. On the Day Road frontage and on frontages described in (.05) above. Sites may contain a combination of taller building space abutting the identified street frontages together with 1 or 2-story lab, R&D, and/or manufacturing building space on the remainder of the site. The 1 and 2-story portions of the buildings will be designed to be compatible with the taller structure's design, building materials and colors. Increased building height is encouraged, particularly in combination with site amenities such as under-structure parking, preservation of significant trees rated good or better in the arborist's report, and/or provision of trail segments or of open space areas open to the public.

Finding: This criterion is satisfied.

Details of Finding: In the findings in Request E and the applicants findings in Exhibit B1 regarding a waiver to the Day Road Overlay District minimum 48 foot building height to allow 38.4' on one portion of the building and dropping down to 28.4' on the remainder building measured to the top of parapet walls.

Sites may contain a combination of taller building space abutting the SW Boones Ferry Road (Gymnasium) together with 1-story lab and building space on the remainder of the site. The 1-story portion of the building is designed to be compatible with the taller structure's design, building materials and colors. The applicant is proposing site

amenities; hard-scape plaza, art sculpture, preservation of significant trees at the northeast corner of the property at SW Day Road and SW Boones Ferry Road.

G11. Review Criterion: E. Building Design:

1. Buildings shall be planned and designed to incorporate green building techniques wherever possible.

Finding: This criterion is satisfied.

Details of Finding: Green building techniques include lighter color roofing to reflect solar heat from the building, extra window glazing for greater R value, solar access at south building elevation and energy efficient HVAC system.

G12. Review Criteria: 2. Exterior Building Design: Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls that can be viewed from public streets or public spaces shall be designed using architectural features for at least 60% of the wall. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall. Possible techniques include:

- a. Vary the planes of the exterior walls in depth and/or direction.
- b. Vary the height of the building, so that it appears to be divided into distinct massing elements.
- c. Articulate the different parts of a building's facade by use of color, arrangement of facade elements, or a change in materials.
- d. Avoid blank walls at the ground-floor levels. Utilize windows, trellises, wall articulation, arcades, change in materials—textured and/or colored block or similar finished surface, landscape, or other features to lessen the impact of an otherwise bulky building.
- e. Define entries within the architecture of the building.
- f. Incorporate, if at all possible, some of the key architectural elements used in the front of the building into rear and side elevations where seen from a main street or residential district.

Finding: These criteria are satisfied.

Details of Finding:

- a. The planes of the proposed exterior walls have depth and/or direction are varied by recessing the center of the dining portion of the building.
- b. The height of the proposed UHS building is divided into two distinct massing elements; 1-story and 2-story.
- c. The proposed building architecture articulates the different parts of a building's facade by use of brick veneer (blends in brick color), arrangement of facade elements, or change in materials from brick veneer to horizontal cedar siding.
- d. To the greatest extent possible the proposed building architecture has avoided blank walls at the ground-floor levels. Large windows will be utilized, wall articulation is proposed, there will be change in materials—blends in brick color, attractive landscaping, and art/sculpture to lessen the impact of an otherwise bulky building.

e. The proposed primary building entrance will have a substantial structural canopy which would clearly define the entrance of the architecture of the building.

f. It is not entirely possible to incorporate some of the key architectural elements used on the front of the building facing SW Day Road from what would be viewed from the street side yard at SW Boones Ferry Road. The proposed UHS building has different functions in the north portion of the building facing SW Day Road including administrative, dining gymnasium and support services where the project architect has more architectural freedom with building massing and fenestration. The southerly portion of the building has nursing units and patient beds in a 1-story building layout having much smaller windows for privacy and security reasons.

G13. Review Criterion: 3. Building Color: All colors shall be harmonious and compatible with colors of other structures in the development and the natural surroundings. Concrete finishes must be painted. The general overall atmosphere of color must be natural tones. Stained wood, natural stone, brick, dark aluminum finishes, etc. shall be used as background colors. The use of corporate colors is permitted provided that such colors are not patterned so as to compete for visual attention. The use of corporate colors shall not create an advertisement of the building itself. Corporate colors shall not violate any other color or design limitations within the Code.

Finding: This criterion is satisfied.

Details of Finding: The proposed brick veneer will have ranges of brick color, stained horizontal cedar siding between floors at window storefronts, painted cement board siding and painted window surrounds. The colors are earth tone and would be harmonious with the natural surroundings comprising of existing trees that will be saved. Corporate colors are not proposed.

G14. Review Criteria: 4. Building façade articulation: Both vertical and horizontal articulation is required. If a building is at a corner, all facades must meet the requirement. Incorporation of several of the techniques is the preferred option. The purpose is not to create a standard rigid solution but rather to break up the mass in creative ways.

a. Horizontal articulation: Horizontal facades shall be articulated into smaller units. Appropriate methods of horizontal façade articulation include two or more of the following elements:

i. change of façade materials

ii. change of color

iii. façade planes that are vertical in proportion

iv. bays and recesses. breaks in roof elevation, or other methods as approved
Building facades shall incorporate design features such as offsets, projections, reveals, and/or similar elements to preclude large expanses of uninterrupted building surfaces. Articulation shall extend to the roof.

Finding: These criteria are satisfied.

Details of Finding:

- i. The proposed UHS building will have variety of exterior building materials including concrete masonry units, brick veneer, cedar, cement panels and window glazing.
- ii. The proposed brick veneer will have ranges of brick color, stained horizontal cedar siding between floors at window storefronts, painted cement board siding and painted window surrounds.
- iii. The proposed façade planes (walls and store front windows) are rectangular and vertical in proportion.
- iv. The proposed wall planes are made up of undulating building shapes of various sizes at all elevations. Those forms have breaks in 1-story and 2-story roof elevations. Other methods of building facades include design features such as a main entry canopy and reveals.

G15. Review Criteria: b. Vertical Facade Articulation: The purpose is to provide articulation, interest in design and human scale to the façade of buildings through a variety of building techniques. Multi-story buildings shall express a division between base and top. Appropriate methods of vertical façade articulation for all buildings include two or more of the following elements:

- i. Change of material.
- ii. Change of color, texture, or pattern of similar materials.
- iii. Change of structural expression (for example, pilasters with storefronts spanning between at the base and punched openings above)
- iv. Belt course
- v. The division between base and top shall occur at or near the floor level of programmatic division.
- vi. Base design shall incorporate design features such as recessed entries, shielded lighting, and/or similar elements to preclude long expanses of undistinguished ground level use
- vii. Differentiation of a building's base shall extend to a building's corners but may vary in height

Finding: These criteria are satisfied.

Details of Finding:

b. Vertical Facade Articulation: The purpose is to provide articulation, interest in design and human scale to the façade of buildings through a variety of building techniques. Multi-story buildings shall express a division between base and top. Appropriate methods of vertical façade articulation for all buildings include two or more of the following elements:

- i. The proposed UHS building will have variety of exterior building materials including concrete masonry units, brick veneer, cedar, cement panels and window glazing.
- ii. The proposed brick veneer will have ranges of brick colors, stained horizontal cedar siding between floors at window storefronts, painted cement board siding and painted window surrounds.

- iii. The change of structural expression is accomplished by strong vertical walls in brick veneer flanking large rectangular window store fronts. horizontal cedar siding between floors at window storefronts
- iv. The base or belt course of the proposed UHS building will be concrete masonry units.
- v. The proposed ~~UMS~~ **UHS** building is proposed at 2 stories and not a multi-story building that would have a division between base and top at or near the floor level of programmatic division.
- vi. The proposed UHS building base design incorporates design features such as a canopy entry, shielded lighting, horizontal and vertical articulation to preclude long expanses of undistinguished ground level use.
- vii. The proposed UHS building has differentiation of a building's base sand it extends to a building's corners but may vary in height.

G16. Review Criteria: 5. Building Materials:

- a. No less than 50% of the exterior exposed walls of any new building, or any expansion over 1,250 square feet, shall be constructed of noncombustible, non-degradable and low maintenance construction materials such as face brick, architectural or decorative block, natural stone, specially designed pre-cast concrete panels, concrete masonry units, concrete tilt panels, or other similar materials. Metal roofs may be allowed if compatible with the overall architectural design of the building. Where an elevation of the building is not currently, or will not likely in the future, be exposed to public view, the above standard does not apply.
- b. Accessory structures visible to the public shall be constructed of materials similar to or the same as the principal building(s) on the site.

Finding: These criteria are satisfied.

Details of Finding:

- a. More than 50% of the exterior exposed walls of the proposed UHS building will be constructed of noncombustible brick veneer, cement concrete panels and window glazing which are non-degradable and low maintenance construction materials.
- b. Accessory structures are not proposed.

G17. Review Criteria: 6. Roof Design:

- a. Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate for the architectural design of the building. Variations within an architectural style are highly encouraged. Visible rooflines and roofs that project over the exterior wall of buildings, and especially over entrances, are highly encouraged.
- b. Mechanical Equipment and Service Areas: Mechanical equipment and service areas shall be screened from adjacent properties, from Day Road and on Day Road corner properties abutting SW Boones Ferry Road, Kinsman Road, Garden Acres Road and Grahams Ferry Road. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units,

trash enclosures, dumpsters, loading docks and service yards. Such screening shall blend visually with the related structure.

Finding: These criteria are satisfied.

Details of Finding: The UHS roofs are designed to hidden behind moderate to high parapet walls intended to reduce the apparent exterior mass of a building, add a taller building appearance visual interest and be appropriate for the architectural design of the building. There are variations of 1 story and 2 story building heights within. There will be a visible canopy roofline that would project over the exterior wall of building, and especially over the primary building entrance.

b. Mechanical Equipment and Service Areas: Mechanical equipment and service areas will be screened by parapet walls and HVAC fence screening from adjacent properties, from SW Day Road and SW Boones Ferry Road. Such screening must blend visually with the related structure.

G18. Review Criteria: 7. Pedestrian Walkways:

a. A continuous pedestrian walkway shall be provided from the primary entrance to the sidewalk along Day Road for access to building entrances and to transit facilities.

b. Walkways from parking areas to building entrances shall be at least six (6) feet in width, and shall be separated from moving vehicles. Walkways shall be distinguished from vehicular areas through the use of special pavers, bricks, scored concrete or similar materials providing a clear demarcation between pedestrian and vehicular traffic.

c. Buildings shall be connected with onsite walkways at least six (6) feet in width.

Finding: These criteria are satisfied.

Details of Finding: The applicant is proposing pedestrian access from the existing sidewalk at SW Day Road. Proposed is a walkway from parking areas to the westerly primary building entrance. It will be separated from moving vehicles. The walkway will be distinguished from vehicular areas through the use of scored concrete providing a clear demarcation between pedestrian and vehicular traffic.

G19. Review Criterion: 8. Community Amenities: Community amenities such as patio seating, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, connections to area trails, parks and open spaces, and similar amenities are strongly encouraged.

Finding: This criterion is satisfied.

Details of Finding: The proposed development will be on private property and the nature of the use is a behavioral health facility with adult inpatient crisis stabilization services and mental health programs, inpatient child and adolescent services, inpatient geriatric services, autism programs, women's programs, substance abuse treatment, behavioral pain management, as well as outpatient services. Thus UHS has high degree of privacy and security protocol to not have unlimited access by the general public. However, the applicant is proposing direct pedestrian access at SW Day Road and from the parking lot to the primary entrance at the west side of the building. At that entrance there will be a

court yard with bench seating. Also proposed is a sculpture at the northeast corner of the project site facing the intersection of SW Day Road and SW Boones Ferry Road.

- G20. Review Criterion:** 9. Lighting and Flag Poles: All lighting shall be shielded and directed interior to the site, including parking lot lighting. Lighting shall not spill over onto adjacent properties. Light poles, light fixtures and flagpoles shall conform to the City's Outdoor Lighting Standards. Flagpoles shall not exceed 40' in height.

Finding: This criterion is satisfied.

Details of Finding: The project site is within Lighting Zone 2 (LZ2) and the proposed outdoor lighting systems are reviewed under the standards of this lighting zone. See the applicant's detailed analysis for exterior lighting in Exhibit B1.

- G21. Review Criterion:** 10. Signage: Signage shall include a monument sign on the Day Road frontage identifying the industrial/business park and buildings therein. Each building may have wall signage, and such other directional and informational signage as allowed by WC 4.156.05, 4.156.08, and 4.156.09. Pole signs are prohibited. The design of signage must be integrated into the overall architectural and site design for the project.

Finding: This criterion is satisfied.

Details of Finding: See Request I for the detailed analysis of the proposed signs.

- G22. Review Criterion:** 11. Parking: Employee parking shall be located at the rear of the building, or in courtyard parking areas between buildings. If no other option is available due to site limitations, then employee parking may be located to the side of buildings. Time and number limited visitor parking is allowed at the front of the building. Within a Stage I master plan, employee parking may be combined in a shared facility or facilities with mutual use agreements. Any parking areas visible from Day Road shall be screened from view with broadleaf evergreen or coniferous shrubbery and/or architectural walls or berms.

Finding: This criterion is satisfied.

Details of Finding: Proposed parking would be located at the west side and south sides (rear) of the proposed UHS building which would be partially visible from SW Day Road and SW Boones Ferry Road.

- G23. Review Criterion:** (.06) Infill construction. The following general rules shall be followed when constructing a new building adjacent to existing industrial/employment buildings built under the Day Road DOD. Adjacent includes buildings north of Day Road built under the Day Road DOD.

Finding: This criterion is not applicable.

Details of Finding: The proposed UHS building is the first site development project to be reviewed under the Day Road DOD design standards so it is not an infill project. Thus, this criterion is not applicable.

Landscaping

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

G24. Review Criterion: “All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length”

Finding: This criterion is satisfied.

Details of Finding: The project landscape architect, Walker/Macy, is highly regarded for their landscape designs that respond to the natural environment. Key to this project is to have attractive landscaping along SW Day Road which requires the most attention. Proposed are a variety of narrow bands of ground covers, sedges and shrubs. Retained trees are incorporated into the landscape plan. As shown in their submitted landscape plans (Plan Sheets L-100 and L-101 of Exhibit B1). No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

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

G25. Review Criterion: These subsections identify the various landscaping standards, including the intent of where they should be applied, and the required materials.

Finding: This criterion is satisfied.

Details of Finding: The minimum or higher standard has been applied throughout different landscape areas of the site and landscape materials are proposed to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which includes a thorough analysis of the functional application of the landscaping standards.

Subsection 4.176 (.03) Landscape Area and Locations

G26. Review Criteria: “Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.”

Finding: These criteria are satisfied.

Details of Finding: Consistent with the proposed Stage II Final Plan for the site, applicant's Plan Sheets L-100 and L-101 in Exhibit J of Exhibit B1 indicates new landscaping will cover 39% and undisturbed native area at 17% of the site. Landscaping is proposed in a variety of different areas. Planting areas are provided around the proposed building. A wide variety of plants have been proposed to achieve a professional design. The design includes consideration of using native plants and trees, including use of Western sword fern, Vine Maple, Western red cedar and Douglas-fir.

Subsection 4.176 (.04) Buffering and Screening

G27. Review Criteria: "Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

- A. All intensive or higher density developments shall be screened and buffered from less intense or lower density developments.
- B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas.
- C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.
- D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.
- E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.
- F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fence-line shall require Development Review Board approval."

Finding: These criteria are satisfied.

Details of Finding: The project site is not adjacent to residential areas. All exterior, roof and ground mounted, mechanical and utility equipment will be screened from ground level off-site view from adjacent streets or properties. The proposed back-up generators will be in a building attached to the main UHS building. Consistent with the proposed Stage II Final Plan, adequate screening is proposed.

Subsection 4.176 (.06) A. Plant Materials-Shrubs and Groundcover

Review Criteria: This subsection establishes plant material and planting requirements for shrubs and ground cover.

Finding: This criterion is satisfied.

Details of Finding: The condition of approval requires that the detailed requirements of this subsection are met.

Subsection 4.176 (.06) B. Plant Materials-Trees

G28. **Review Criteria:** This subsection establishes plant material requirements for trees.

Finding: This criterion is satisfied.

Details of Finding: The plants material requirements for trees will be met as follows:

- The applicant's planting plan (Plan Sheets L-101 of Exhibit B1) shows all trees as B&B (Balled and Burlapped)
- Plant materials installed will conform in size and grade to "American Standard for Nursery Stock" current edition."
- The applicant's planting plan lists tree sizes meeting requirements.

Subsection 4.176 (.06) C. Plant Materials-Large Buildings

G29. **Review Criterion:** "Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Development Review Board may require larger or more mature plant materials:" Listed 1.-3.

Finding: This criterion is satisfied.

Details of Finding: Appropriate plant materials are provided for the development no requirements for larger or more mature trees are recommended.

Subsection 4.176 (.06) D. Plant Materials-Street Trees

G30. **Review Criterion:** This subsection establishes plant material requirements for street trees.

Finding: This criterion is satisfied.

Details of Finding: SW Day Road: Street trees were planted with the reconstruction of SW Day Road when Coffee Creek Prison was built. They are planted within *a* five (5) *foot* planting strip. SW Boones Ferry Road: 3" minimum caliper streets trees are required for arterial streets. SW Boones Ferry Road is a major arterial. In the event the overhead electric power lines along the frontage of the project site in SW Boones Ferry Road are installed underground as part of the City Public Works Permit, the Applicant/Owner shall plant 3" caliper, deciduous street trees. See Condition PDG 8.

Subsection 4.176 (.06) E. Types of Plant Species

G31. **Review Criterion:** This subsection discusses use of existing landscaping or native vegetation, selection of plant materials, and prohibited plant materials.

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided sufficient information in their landscape plan (Plan Sheets L-100 and L-101) showing the proposed landscape design meets the standards of this subsection.

Subsection 4.176 (.06) F. Tree Credit

Details of Finding: Applicant's Plan Sheets L-100 and L-101 provides the required information.

Subsection 4.176 (.10) Completion of Landscaping

G36. Review Criterion: "The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review."

Finding: This criterion is satisfied.

Details of Finding: The applicant has not requested to defer installation of plant materials.

Section 4.179 Mixed Solid Waste and Recyclables Storage

G37. Review Criterion: This section establishes standards for mixed solid waste and recyclables storage in new multi-family residential and non-residential buildings.

Finding: This criterion is satisfied.

Details of Finding: The required storage area is shown on the Site Plan Exhibit I and the building plan in Exhibit H of Exhibit B1. The standard required for the facility is 258 sq. ft. The site will provide 895 sq. ft.

Outdoor Lighting

Sections 4.199.20 and 4.199.60 Applicability of Outdoor Lighting Standards and Major Additions

G38. Review Criterion: Section 4.199.20 states that the outdoor lighting ordinance is applicable to "Installation of new exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas" and "Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas." In addition the exempt luminaires and lighting systems are listed. Section 4.199.60 identifies the threshold for major additions.

Finding: This criterion is satisfied.

Details of Finding: A new exterior lighting system is being installed for a new development. The Outdoor Lighting standards are thus applicable.

Section 4.199.30 Outdoor Lighting Zones

G39. Review Criterion: “The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance.”

Finding: This criterion is satisfied.

Details of Finding: The project site is within LZ2 and the proposed outdoor lighting systems are reviewed under the standards of this lighting zone.

Subsection 4.199.40 (.01) A. Performance or Prescriptive Option for Compliance

G40. Review Criteria: “All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option.

Finding: These criteria are satisfied.

Details of Finding: The applicant has elected to comply with the Performance Option and is demonstrated in the lighting plans shown in Exhibit K of Exhibit B1.

Subsection 4.199.40 (.02) D. Lighting Curfew

G41. Review Criteria: “All prescriptive or performance based exterior lighting systems shall be controlled by automatic device(s) or system(s) that:

1. Initiate operation at dusk and either extinguish lighting one hour after close or at the curfew times according to Table 10; or
2. Reduce lighting intensity one hour after close or at the curfew time to not more than 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code unless waived by the DRB due to special circumstances; and
3. Extinguish or reduce lighting consistent with 1. and 2. above on Holidays.

The following are exceptions to curfew:

- a. Exception 1: Building Code required lighting.
- b. Exception 2: Lighting for pedestrian ramps, steps and stairs.
- c. Exception 3: Businesses that operate continuously or periodically after curfew.

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDG7.

Details of Finding: The applicant did not state that the lighting will be controlled by an automatic device to reduce lighting to not more than 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code.

Sections 4.199.40 4.199.50 Outdoor Lighting Standards Submittal Requirements

G42. Review Criteria: These sections identify the Outdoor Lighting Standards for Approval and Submittal Requirements.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided the necessary information consistent with this section.

Site Design Review

Subsections 4.400 (.01) and 4.421 (.03) Excessive Uniformity, Inappropriateness of Design, Etc.

G43. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.”

Finding: These criteria are satisfied.

Explanation of Finding:

Excessive Uniformity: A variety of signs are proposed which do not create excessive uniformity.

Inappropriate or Poor Design of Signs: Signs are typical of the type of development proposed found to be appropriate throughout the City.

Lack of Proper Attention to Site Development: The appropriate professional services have been used to design the site in relation to signs

Lack of Proper Attention to Landscaping: Appropriate landscaping is placed around freestanding and monument signs.

Subsections 4.400 (.02) and 4.421 (.03) Purposes of Objectives of Site Design Review

G44. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:” Listed A through J. including D. which reads “Conserve the City’s natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;”

Finding: These criteria are satisfied.

Explanation of Finding: It is staff’s professional opinion that the signs comply with the purposes and objectives of site design review, especially objective D. which specifically mentions signs. The proposed signs are of a scale and design appropriately related to the subject site and the appropriate amount of attention has been given to visual appearance.

Subsection 4.421 (.01) Site Design Review-Design Standards

G45. **Review Criteria:** This subsection lists the design standards for Site Design Review. Listed A through G is applicable to this application.

Finding: These criteria are satisfied.

Explanation of Finding: There is no indication that the size, location, design, lighting or material of the proposed building would detract from the design of the building and the surrounding properties.

Subsection 4.421 (.02) Applicability of Design Standards to Signs

G46. **Review Criteria:** "The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures."

Finding: These criteria are satisfied.

Explanation of Finding: Design standards have been applied to exterior signs, as applicable.

Subsection 4.421 (.05) Site Design Review-Conditions of Approval

G47. **Review Criterion:** "The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code."

Finding: This criterion is satisfied.

Explanation of Finding: No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development in relation to signs.

Subsection 4.421 (.06) Color or Materials Requirements

G48. **Review Criterion:** "The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City."

Finding: This criterion is satisfied.

Explanation of Finding: Staff does not recommend any additional requirements for materials or colors for the proposed signs.

Section 4.430 Design of Trash and Recycling Enclosures

G49. **Review Criteria:** "The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code." Listed (.02) A. through (.04) C.

Finding: These criteria are satisfied.

Details of Finding: Sheet A002 of Exhibit B1 shows an enclosure meeting all the standards listed in this Section. The enclosure has also been approved by the franchise solid waste hauler. See Exhibit B3.

Section 4.440 Site Design Review-Procedures

G50. Review Criteria: “A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:” Listed A through F.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has submitted a sign plan as required by this section.

Site Design Review

Subsection 4.400 (.01) and Subsection 4.421 (.03) Excessive Uniformity, Inappropriateness of Design, Etc.

G51. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.”

Finding: These criteria are satisfied.

Explanation of Finding: Staff summarizes the compliance with this subsection as follows:

Excessive Uniformity: The UHS building has architectural form to match the Day Road Design Overlay District (DOD) design standards.

Inappropriate or Poor Design of the Exterior Appearance of Structures: The proposed UHS building is professionally designed with attention given meeting the Day Road Design Overlay District (DOD) design standards and building a quality building.

Inappropriate or Poor Design of Signs: Signs have been professionally designed, and has found in Request I, meet the standards for design in relation to architecture and landscaping on the site.

Lack of Proper Attention to Site Development: The appropriate professional services have been used to design the site incorporating unique features of the site including site size and shape and available access, demonstrating appropriate attention being given to site development.

Lack of Proper Attention to Landscaping: Landscaping is provided exceeding the area requirements, has been professionally designed by a landscape architect, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

Subsection 4.400 (.02) and Subsection 4.421 (.03) Purposes of Objectives of Site Design Review

G52. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:” Listed A through J.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has demonstrated compliance with the listed purposes and objectives. In short, the proposal provides a high quality design appropriate for the site and its location in Wilsonville, including meeting the Day Road Design Overlay District (DOD) design standards.

Section 4.420 Site Design Review-Jurisdiction and Power of the Board

G53. Review Criterion: The section states the jurisdiction and power of the Development Review Board in relation to site design review including the application of the section, that development is required in accord with plans, and variance information.

Finding: This criterion is satisfied.

Details of Finding: A condition of approval has been included to ensure construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. No building permits will be granted prior to development review board approval. No variances are requested from site development requirements.

Subsection 4.421 (.01) Site Design Review-Design Standards

G54. Review Criteria: “The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards.”

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided sufficient information demonstrating compliance with the standards of this subsection. Among the information provided is a written response to these standards in the applicant’s notebook, Exhibit B1.

Subsection 4.421 (.02) Applicability of Design Standards to Various Site Features

G55. Review Criteria: “The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.”

Finding: These criteria are satisfied.

Details of Finding: Design standards have been applied to the UHS building and other site features.

Subsection 4.421 (.03) Objectives of Section 4.400 Serve as Additional Criteria and Standards

G56. Review Criterion: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.”

Finding: This criterion is satisfied.

Details of Finding: The purposes and objectives in Section 4.400 are being used as additional criteria and standards.

Subsection 4.421 (.05) Site Design Review-Conditions of Approval

G57. Review Criterion: “The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code.”

Finding: This criterion is satisfied.

Details of Finding: No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development.

Subsection 4.421 (.06) Color or Materials Requirements

G58. Review Criterion: “The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.”

Finding: This criterion is satisfied.

Details of Finding: It is the professional opinion of staff that the proposed coloring is appropriate for the proposed UHS building and no additional requirements are necessary.

Section 4.430 Design of Trash and Recycling Enclosures

G59. Review Criteria: “The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code.” Listed (.02) A. through (.04) C.

Finding: These criteria are satisfied.

Details of Finding: Trash and mixed solid waste will be inside the building next to a loading area meeting with all the standards listed in this Section and approved by the franchise solid waste hauler.

Section 4.440 Site Design Review-Procedures

G60. Review Criteria: "A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:" Listed A through F.

Finding: These criteria are satisfied.

Details of Finding: The applicant has submitted the required additional materials, as applicable.

Section 4.442 Time Limit on Approval

G61. Review Criterion: "Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

Finding: This criterion is satisfied.

Details of Finding: The applicant has indicated that they will pursue development within two (2) years and it is understood that the approval will expire after 2 years if a building permit hasn't been issued unless an extension has been granted by the board.

Subsection 4.450 (.01) Landscape Installation or Bonding

G62. Review Criterion: "All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant."

Finding: This criterion can be satisfied.

Details of Finding: The condition of approval will assure installation or appropriate security at the time occupancy is requested.

Subsection 4.450 (.02) Approved Landscape Plan Binding

G63. Review Criterion: “Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code.”

Finding: This criterion will be satisfied.

Details of Finding: The condition of approval shall provide ongoing assurance this criterion is met.

Subsection 4.450 (.03) Landscape Maintenance and Watering

G64. Review Criterion: “All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.”

Finding: This criterion will be satisfied.

Details of Finding: The condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

Subsection 4.450 (.04) Addition and Modifications of Landscaping

G65. Review Criterion: “If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City’s development review process, that removal or modification must first be approved through the procedures of Section 4.010.”

Finding: This criterion will be satisfied.

Details of Finding: The condition of approval shall provide ongoing assurance that this criterion is met by preventing modification or removal without the appropriate City review.

SUMMARY FINDING FOR REQUEST G:

G66. The proposed Site Design Review Plan is consistent with Section 4.134 Day Road Design Overlay District.

REQUEST H: TYPE C TREE REMOVAL PLAN

Subsection 4.600.50 (.03) A. Access to Site for Tree Related Observation

H1. Review Criterion: “By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant’s property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.”

Finding: This criterion is satisfied.

Details of Finding: It is understood the City has access to the property to verify information regarding trees.

Subsection 4.610.00 (.03) B. Type C Tree Removal Review Authority

H2. Review Criterion: “Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council.”

Finding: This criterion is satisfied.

Details of Finding: The requested removal is connected to site plan review by the Development Review Board for new development. The tree removal is thus being reviewed by the DRB.

Subsection 4.610.00 (.06) A. Conditions Attached to Type C Tree Permits

H3. Review Criterion: “Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;”

Finding: This criterion is satisfied.

Details of Finding: No additional conditions are recommended pursuant to this subsection.

Subsection 4.610.00 (.06) B. Completion of Operation

H4. Review Criterion: “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Fix a reasonable time to complete tree removal operations;”

Finding: This criterion is satisfied.

Details of Finding: It is understood the tree removal will be completed by the time construction of the UHS project is completed, which is a reasonable time frame for tree removal.

Subsection 4.610.00 (.06) C. Security

H5. **Review Criterion:** “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter. 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.”

Finding: This criterion is satisfied.

Details of Finding: No bond is anticipated to be required to ensure compliance with the tree removal plan as a bond is required for overall landscaping.

Subsection 4.610.10 (.01) Standards for Tree Removal, Relocation or Replacement

H6. **Review Criteria:** “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:” Listed A. through J.

Finding: These criteria are satisfied.

Details of Finding: The standards of this subsection are met as follows:

- The proposed tree removal is not within the Significant Resource Overlay Zone
- The applicant states tree preservation was taken into consideration the preservation of trees on the site.
- Two significant wooded areas or trees would be preserved by practicable design alternatives.
- Land clearing will not exceed the permitted areas.
- It is understood the proposed development will comply with all applicable statutes and ordinances.
- The necessary tree replacement and protection is planned according to the requirements of the tree preservation and protection ordinance.
- Tree removal is limited, either as proposed or by condition of approval, to where it is necessary for construction or to address nuisances or where the health of the trees warrants removal.
- A tree survey has been provided.
- No utilities are proposed to be located where they would cause adverse environmental consequences.

Subsection 4.610.40 (.01) Type C Tree Plan Reviewed with Stage II Final Plan

H7. Review Criteria: “Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.”

Finding: These criteria are satisfied.

Details of Finding: The proposed Type C Tree Plan is being reviewed concurrently with the Stage II Final Plan.

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

H8. Review Criteria: “The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:” Listed A. 1. through A. 7.

Finding: These criteria are satisfied.

Details of Finding: The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See the applicant’s notebook, Exhibit B1. The Arborist Report is in Exhibit B1. Tree locations are shown on Plan Sheet C101, Existing Conditions.

Subsection 4.620.00 (.01) Tree Replacement Requirement

H9. Review Criterion: “A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.”

Finding: This criterion is satisfied.

Details of Finding: 146 regulated trees were inventoried on the site and adjoining right-of-way areas. Tree species primary include Douglas fir, London planetree, and bigleaf maple. A number of trees are being preserved as a mature intact stand at the west end and northeast corner of the property. The applicant proposes removing 41 trees and 19 trees are situational, 76 retained trees.

The trees proposed as part of the site landscaping exceed the required mitigation. Up to seventy 70) regulated trees would be removed. (see Arborist's Report in Exhibit B1).

Subsection 4.620.00 (.02) Basis for Determining Replacement

H10. Review Criterion: "The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2") or more in diameter."

Finding: This criterion is satisfied.

Details of Finding: Trees are proposed to be planted meeting or exceeding one to one ratio. Trees will meet the minimum caliper requirement or will be required to by Condition of Approval.

Subsection 4.620.00 (.03) Replacement Tree Requirements

H11. Review Criteria: "A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.

A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.

B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date.

C. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.

D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat."

Finding: These criteria are satisfied.

Details of Finding: The condition of approval will ensure the relevant requirements of this subsection are met.

Subsection 4.620.00 (.04) Replacement Tree Stock Requirements

H12. Review Criterion: "All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade."

Finding: This criterion is satisfied.

Details of Finding: The applicant has indicates the appropriate quality of trees will be planted.

Subsection 4.620.00 (.05) Replacement Trees Locations

H13. Review Criterion: “The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.”

Finding: This criterion is satisfied.

Details of Finding: The applicant proposes to mitigate for all removed regulated trees on site and in the appropriate locations for the proposed development.

Section 4.620.10 Tree Protection During Construction

H14. Review Criteria: “Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:” Listed A. through D.

Finding: These criteria are satisfied or will be satisfied by Condition of Approvals PDE 3 and PDE 4.

Details of Finding: The conditions of approval assure the applicable requirements of this Section will be met.

SUMMARY FINDING FOR REQUEST H:

H15. The proposed Class C Tree Removal Plan is consistent with Section 4.610.00 (.03).

REQUEST I: CLASS III SIGNS

Subsection 4.031 (.01) M. and Subsection 4.156.02 (.03) Review Process

I1. Review Criterion: These subsections establish that Class III Sign Permits are reviewed by the Development Review Board.

Finding: This criterion is satisfied.

Explanation of Finding: The application qualifies as a Class III Sign Permit and is being reviewed by the Development Review Board.

Subsection 4.156.02 (.06) Class III Sign Permits Generally

I2. Review Criterion: “Sign permit requests shall be processed as a Class III Sign Permit when associated with new development, or redevelopment requiring DRB review, and not requiring a Master Sign Plan; when a sign permit request is associated with a waiver or non-administrative variance; or when the sign permit request involves one or more freestanding or ground mounted signs greater than eight (8) feet in height in a new location.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposal is associated with new development requiring DRB review and does not require a Master Sign Plan as it involves a single tenant.

Subsection 4.156.02 (.06) A. Class III Sign Permit Submission Requirements

I3. Review Criterion: This subsection identifies submission requirements for Class III Sign Permits, which includes the submission requirements for Class II sign permits.

Finding: This criterion is satisfied.

Explanation of Finding: As indicated in the table below the applicant has satisfied the submission requirements:

Requirement	Submitted	Waiver Granted		Condition of Approval	Not Applicable	Additional findings/notes
		Info Already Available to City	Info Not Necessary for Review			
Completed Application Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sign Drawings or Descriptions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Documentation of Building/Tenant Space Lengths	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Drawings of Sign Placement of Building Facades	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Project Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Information on Any Requested Waivers or Variances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Subsection 4.156.02 (.06) B. Class III Sign Permit Review Criteria

“The review criteria for Class II Sign Permits plus waiver or variance criteria when applicable.”

Subsection 4.156.02 (.05) E. Class II Sign Permit Review Criteria: Generally and Site Design Review

- I4. **Review Criteria:** "Class III Sign Permits shall satisfy the sign regulations for the applicable zoning district and the Site Design Review Criteria in Sections 4.400 through 4.421,"

Finding: These criteria are satisfied.

Explanation of Finding: As indicated in Findings in Request G this criterion is met.

Subsection 4.156.02 (.05) E. 1. Class II Sign Permit Review Criteria: Compatibility with Zone

- I5. **Review Criterion:** "The proposed signage is compatible with developments or uses permitted in the zone in terms of design, materials used, color schemes, proportionality, and location, so that it does not interfere with or detract from the visual appearance of surrounding development;"

Finding: This criterion is satisfied.

Explanation of Finding: The proposed signs are typical of and compatible with development within the PDI zone. This includes a design and colors reflecting corporate identity with non-illuminated letters and logos. The placement of building signs are for direction such as "Main Entrance" on window glazing. No evidence exists nor has testimony been received that the subject signs would detract from the visual appearance of the surrounding development.

Subsection 4.156.02 (.05) E. 2. Class II Sign Permit Review Criteria: Nuisance and Impact on Surrounding Properties

- I6. **Review Criterion:** "The proposed signage will not create a nuisance or result in a significant reduction in the value or usefulness of surrounding development;"

Finding: This criterion is satisfied.

Explanation of Finding: There is no evidence and no testimony has been received that the subject signs would create a nuisance or negatively impact the value of surrounding properties.

Subsection 4.156.02 (.05) E. 3. Class II Sign Permit Review Criteria: Items for Special Attention

- I7. **Review Criterion:** "Special attention is paid to the interface between signs and other site elements including building architecture and landscaping, including trees."

Finding: This criterion is satisfied.

Explanation of Finding: The proposed signs are within an architectural feature, which demonstrates consideration of the interface between the signs and building architecture. No sign-tree conflicts have been noted.

Section 4.156.03 Sign Measurement

Subsection 4.156.03 (.01) A. Measurement of Cabinet Signs and Similar

- I8. **Review Criterion:** “The area for signs enclosed by cabinet, frame, or other background (including lighted surface) not otherwise part of the architecture of a building or structure shall be the area of a shape drawn around the outer dimension of the cabinet, frame, or background.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed monument ID and Industrial District signs are measured consistent with this subsection.

Subsection 4.156.03 (.01) B. Measurement of Individual Element Signs

- I9. **Review Criterion:** “The area for signs constructed of individual elements (letters, figures, etc.) attached to a building wall or similar surface or structure shall be the summed area of up to three squares, rectangles, circles, or triangles drawn around all sign elements.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed building signs have been measured consistent with this subsection using rectangles.

Subsection 4.156.03 (.02) A. Measurement of Sign Height Above Ground

- I10. **Review Criterion:** “The height above ground of a freestanding or ground-mounted sign is measured from the average grade directly below the sign to the highest point of the sign or sign structure except as follows:” Listed 1.-2.

Finding: This criterion is satisfied.

Explanation of Finding: The proposed signs have been measured consistent with this subsection.

Subsection 4.156.03 (.03) A.-B. Measurement of Sign Height and Length

- I11. **Review Criteria:** “Height of a sign is the vertical distance between the lowest and highest points of the sign.”

Length of a sign is the horizontal distance between the furthest left and right points of the sign.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed signs have been measured consistent with this subsection.

Subsection 4.156.08 (.01) Freestanding and Ground Mounted Signs in the PDC, PDI, and PF Zones, Subsection 4.156.08 (.01) A. General Allowance:

I12. **Review Criteria:** "One freestanding or ground mounted sign is allowed for the first two-hundred (200) linear feet of site frontage. One additional freestanding or ground mounted sign may be added for through and corner lots having at least two-hundred (200) feet of frontage on one street or right-of-way and one-hundred (100) feet on the other street or right-of-way."

Finding: These criteria are satisfied.

Explanation of Finding: The subject site has frontage on both SW Day Road and SW Boones Ferry Road, and is eligible for signs on both frontages.

Subsection 4.156.08 (.01) B. Allowed Height

I13. **Review Criterion:** "The allowed height above ground of a freestanding or ground mounted sign is twenty (20) feet except as noted in 1-2 below."

Finding: This criterion is satisfied.

Explanation of Finding: The ID sign and the Industrial District sign at 7 feet high, being in the Day Road Overlay Zone and not along I-5 frontage, is limited to 8 feet in height.

Subsection 4.156.08 (.01) C. Allowed Area

I14. **Review Criterion:** This subsection identifies the allowed area for freestanding signs.

Finding: This criterion is satisfied.

Explanation of Finding: The signs pertain to a single tenant with 62,000 square feet of gross floor area. Thus each freestanding sign is allowed to be up to 64 square feet. The proposed ID sign is 24.5 sq. ft. and the Industrial District sign is 6 sq. ft.

Subsection 4.156.08 (.01) D. Pole or Sign Support Placement

I15. **Review Criterion:** "Pole or sign support placement shall be installed in a full vertical position."

Finding: This criterion is satisfied.

Explanation of Finding: The proposed ID monument sign and Industrial District sign support is in a full vertical position.

Subsection 4.156.08 (.01) G. Design of Freestanding Signs to Match or Complement Design of Buildings

I16. **Review Criterion:** "Freestanding and ground mounted signs shall be designed to match or complement the architectural design of buildings on the site."

Finding: This criterion is satisfied.

Explanation of Finding: The proposed ID monument sign and Industrial District sign are set on a plain concrete bases. The bases will be partially screened by landscape material. The sign bases are of a coloring and material complementary of the building. The ID monument sign is consistent with the branding appearing in the building signs.

Subsection 4.156.08 (.01) H. Width vs. Height of Signs Over 8 Feet

I17. **Review Criterion:** “For freestanding and ground mounted signs greater than eight (8) feet in height, the width of the sign shall not exceed the height.”

Finding: This criterion is satisfied.

Explanation of Finding: The ID sign and Industrial District sign are 7 feet high less than 8 feet in height, and are much less in width than in height.

Subsection 4.156.08 (.01) J. Sign Setback

I18. **Review Criterion:** “Freestanding and ground mounted signs shall be no further than fifteen (15) feet from the property line and no closer than two (2) feet from a sidewalk or other hard surface in the public right-of-way.”

Finding: This criterion is satisfied.

Explanation of Finding: The ID sign at SW Day Road and the Industrial District sign at the corner of SWS Day Road and SW Boones Ferry Road will be field determined with the City Engineering Division.

Subsection 4.156.08 (.01) K. Address Requirement

I19. **Review Criterion:** “Except for those signs fronting Interstate 5, freestanding and ground mounted signs shall include the address number of associated buildings unless otherwise approved in writing by the City and the Fire District.”

Finding: This criterion will be satisfied by Condition of Approval PDI 2.

Explanation of Finding: A condition of approval requires the address unless otherwise approved by TVF&R.

Subsection 4.156.08 (.01) L. Design of Sign Based on Initial Tenant Configuration and Size

I20. **Review Criterion:** “When a sign is designed based on the number of planned tenant spaces it shall remain a legal, conforming sign regardless of the change in the number of tenants or configuration of tenant spaces.”

Finding: This criterion is satisfied.

Explanation of Finding: A development is being designed for a single tenant and the signs are being planned accordingly.

Subsection 4.156.08 (.02) Building Signs in the PDC, PDI, and PF Zones

Subsection 4.156.08 (.02) A. Sign Eligible Facades

I21. Review Criteria: “Building signs are allowed on a facade of a tenant space or single tenant building when one or more of the following criteria are met:

1. The facade has one or more entrances open to the general public;
2. The facade faces a lot line with frontage on a street or private drive with a cross section similar to a public street, and no other buildings on the same lot obstruct the view of the building facade from the street or private drive; or
3. The facade is adjacent to the primary parking area for the building or tenant.”

Finding: These criteria are satisfied.

Explanation of Finding: The facades are sign eligible as follows:

Façade	Sign Eligible	Criteria making sign eligible
North	Yes	Entrance open to general public
East	Yes	Entrance open to emergency vehicles.
South	No	No
West	Yes	No

Subsection 4.156.08 (.02) B. Building Sign Area Allowed

I22. Review Criteria: This subsection includes a table identifying the sign area allowed for facades based on the linear length of the façade. Exceptions are listed 2 through 5.

Finding: These criteria are satisfied.

Explanation of Finding: The proposed sign area is within the allowance for each façade or waivers have been requested as follows

Façade	Linear Length	Sign Area Allowed	Proposed Sign Area
North	Approx. 257 feet	36 sq. ft. plus 12 sq. ft. for each 24 linear feet or portion thereof greater than 72 up to maximum 200 sq. ft.	24.5 sf

East	Approx. 137 feet	36 sq. ft. plus 12 sq. ft. for each 24 linear feet or portion thereof greater than 72 up to maximum 200 sq. ft. 250 sf	6 sf
------	------------------	--	------

Subsection 4.156.08 (.02) B. 6. Calculating Linear Length to Determine Sign Area Allowed.

I23. Review Criteria: “For facades of a single tenant building the length the facade measured at the building line, except as noted in a. and b. below. For multi-tenant buildings the width of the façade of the tenant space shall be measured from the centerline of the party walls or the outer extent of the exterior wall at the building line, as applicable, except as noted in a. and b. below. Applicants shall provide the dimensions needed to calculate the length. Each tenant space or single occupant building shall not be considered to have more than five (5) total facades.”

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has supplied the required measurements used to determine linear lengths according to this subsection.

Subsection 4.156.08 (.02) C. Building Sign Length Allowed

I24. Review Criterion: “The length of individual tenant signs shall not exceed seventy-five (75) percent of the length of the facade of the tenant space.”

Finding: This criterion is satisfied.

Explanation of Finding: None of the facades have signs exceeding seventy-five (75) percent of the length of the façade.

Subsection 4.156.08 (.02) D. Building Sign Height Allowed

I25. Review Criterion: “The height of building signs shall be within a definable sign band, fascia, or architectural feature and allow a definable space between the sign and the top and bottom of the sign band, fascia, or architectural feature.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed building signs are within a definable architectural feature and have a definable space between the sign and the top and bottom of the architectural feature.

Subsection 4.156.08 (.02) E. Building Sign Types Allowed

I26. Review Criterion: “Types of signs permitted on buildings include wall flat, fascia, projecting, blade, marquee and awning signs. Roof-top signs are prohibited.”

Finding: This criterion is satisfied.

Explanation of Finding: All the proposed buildings signs are wall flat, which is an allowable type.

Subsection 4.156.08 (.03) A. Additional Signs: Directional Signs

I27. Review Criteria: “Notwithstanding the signs allowed based on the site in (.01) and (.02) above, the following signs may be permitted, subject to standards and conditions in this Code:” “In addition to exempt directional signs allowed under Subsection 4.156.05 (.02) C. freestanding or ground mounted directional signs six (6) square feet or less in area and four (4) feet or less in height:

1. The signs shall be designed to match or complement the architectural design of buildings on the site;
2. The signs shall only be placed at the intersection of internal circulation drives; and
3. No more than one (1) sign shall be placed per intersection corner with no more than two (2) signs per intersection.”

Finding: These criteria are satisfied.

Explanation of Finding: Directional signs are proposed. Each sign is 5.83 square feet and 2’-6” high. The signs must be placed at the intersection of internal circulation drives.

SUMMARY FINDING FOR REQUEST I:

I28. The proposed signs are consistent with Section 4.156.

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

**Development Review Board – Panel B
MOTIONS–January 25, 2016 6:30 PM**

VI. Consent Agenda:

A. Approval of minutes of November 23, 2015 meeting

Shawn O’Neil moved to approve the November 23, 2015 DRB Panel B meeting minutes as presented. Richard Martens seconded the motion, which passed unanimously.

VII. Public Hearing:

A. Resolution No. 322. Universal Health Services: Universal Health Services, Inc., Willamette Valley Behavioral Health– Applicant. The applicant is requesting approval of an Annexation of territory, a Comprehensive Plan Map Amendment from Washington County – Future Development – 20 District (FD-20) designation to City – Industrial designation, a Zone Map Amendment from Washington County – Future Development – 20 District (FD-20) to City – Planned Development Industrial – Regional Significant Industrial Area (PDI-RSIA) zone, a Stage I Preliminary Development Plan, Waivers, Stage II Final Plan, Site Design Review, Type ‘C’ Tree Plan and Signs for an 8.72 acre site. The subject site is located on Tax Lots 400, 500 and 501 of Section 2B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon.

Case Files: DB15-0091 – Annexation
 DB15-0092 – Comprehensive Plan Map Amendment
 DB15-0093 – Zone Map Amendment
 DB15-0094 – Stage I Preliminary Plan (Master Plan)
 DB15-0095 – Two (2) Waivers
 DB15-0096 – Stage II Final Plan
 DB15-0097 – Site Design Review
 DB15-0098 – Type C Tree Plan
 DB15-0099 – Class III Signs

The DRB action on the Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment is a recommendation to the City Council.

The following exhibits were entered into the record:

- **Exhibit D1:** Email correspondence between Tualatin resident Grace Lucini, the Cities of Tualatin and Wilsonville Planning Staffs, and City Development Engineering Manager, Steve Adams dated January 14, 2016 through January 20, 2016.
- **Exhibit D2:** Memorandum dated January 22, 2016 from Planning Director Chris Neamtzu noting corrections to the Staff report.
- **Exhibit D3:** Five new color renderings dated January 25, 2016 submitted by the Applicant, featuring the view east on Day Rd, the entryway, the view from Boones Ferry Rd looking south and to the north, and the gateway.
- **Exhibit D4:** Email dated January 25, 2016 from Kenneth Sandblast, Director, Land Use Planning, Westlake Consultants, requesting two clarifications regarding Conditions PF13 and PDG7.

Shawn O'Neil moved to approve Resolution No 322, adopting the Staff report dated January 14, 2016 as amended by Exhibit D2, in which the changes to Conditions PF13 and PDG7 from Exhibit D4 were incorporated, with the addition of Exhibits D1 and D3, and recommending the installation of two electric vehicle charging stations. Dianne knight seconded the motion, which passed unanimously.