

ORDINANCE NO. 852

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM PUBLIC FACILITY (PF) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 1.40 ACRES IN THE VILLEBOIS VILLAGE CENTER, ADJACENT TO THE PIAZZA AT VILLEBOIS TO THE NORTHEAST AND NORTHWEST; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 2800 AND ADJACENT RIGHT-OF-WAY, SECTION 15AC, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. COSTA PACIFIC COMMUNITIES, APPLICANT.

WHEREAS, certain real property is within the Villebois Village Master Plan boundary; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with the Wilsonville Comprehensive Plan Map designation of “Residential-Village” rather than maintain the current zoning designations as has been done for the rest of the land as it developed within the Villebois Village Master Plan area; 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 September 27, 2021; and

WHEREAS, Development Review Board Panel 'B' held a public hearing on the application for a Zone Map Amendment, among other requests, on September 27, 2021, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 393-A which recommends City Council approval of the Zone Map Amendment request (Case File DB21-0008) and adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on October 4, 2021, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record on the Zone Map Amendment Case File 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. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Exhibit B, as if fully set forth herein.

Section 2. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB21-0008, attached hereto as Exhibit A, from the Public Facility (PF) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 4th day of October 2021, and scheduled the second reading on October 18, 2021 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 4th day of October 18, 2021, by the following

votes: Yes: 4 No: 0

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 18th day of October, 2021

DocuSigned by:
Julie Fitzgerald
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Julie Fitzgerald Mayor

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Excused

ORDINANCE NO. 852

EXHIBITS:

- A. Ordinance No. 852 Exhibit A – Zoning Order DB21-0008 including legal description and sketch depicting zone map amendment
- B. Ordinance No. 852 Exhibit B – Compliance findings
- C. Ordinance No. 852 Exhibit C – DRB Resolution No. 393-A recommending approval of Zone Map Amendment

Ordinance No. 852 Exhibit A

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

In the Matter of the Application of)
Costa Pacific Communities, for a Rezoning)
of Land and Amendment of the) **ZONING ORDER DB21-0008**
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 DB21-0008, 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 City of Wilsonville zoning map as Public Facility (PF).

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

THEREFORE IT IS HEREBY ORDERED that the Property, consisting of approximately 1.4 acres in the Villebois Village Center, adjacent to the Piazza at Villebois to the northeast and northwest, comprising Tax Lot 2800, of Section 15AC and adjacent right-of way, 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 18th day of October, 2021.

DocuSigned by:
Julie Fitzgerald
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Julie Fitzgerald, MAYOR

APPROVED AS TO FORM:

Barbara A. Jacobson
Barbara A. Jacobson, City Attorney

Ordinance No. 852 Exhibit A

ATTEST:

DocuSigned by:

Kimberly Veliz _____
E781DE10276B498..., City Recorder

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



LEGAL DESCRIPTION

Zone Change

Lot 76

Map 3S1W15AC Tax Lot 2800

Lot 76, plat of "Villebois Village Center No. 3", Clackamas County Plat Records, in the Northeast 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 southerly corner of Lot 11, plat of "Berkshire No. 2", Clackamas County Plat Records;

thence along the southeasterly line of said lot and its extension, North 47°02' 56" East, a distance of 225.50 feet to a point on the centerline of SW Valencia Lane;

thence along said centerline, South 42° 56' 37" East, a distance of 169.09 feet;

thence leaving said centerline, North 47°03' 23" East, a distance of 91.00 feet;

thence along the southwesterly line of Tract A, plat of "Siena", Clackamas County Plat Records, and its extension, South 42° 56' 37" East, a distance of 193.00 feet to a point on the northerly Right-of-Way line of SW Villebois Drive North;

thence along said northerly Right-of-Way line, South 47°03' 23" West, a distance of 80.69 feet to an angle point;

thence continuing along said Right-of-Way line, South 47°03' 24" West, a distance of 71.31 feet to the most easterly corner of Tract O, plat of "Villebois Village Center", Clackamas County Plat Records;

thence along the northeasterly line of said Tract O and Parcel 5, Partition Plat No. 2013-051, Clackamas County Plat Records, North 42° 56' 36" West, a distance of 162.50 feet to an angle point;

thence continuing along the northeasterly line of said Parcel 5, North 47° 03' 24" East, a distance of 15.00 feet to an angle point;

thence continuing along said northeasterly line, North 42° 56' 36" West, a distance of 63.00 feet to the most northerly corner of said Parcel 5;

thence along the northwesterly line of said Parcel 5, South 47° 03' 24" West, a distance of 179.50 feet to the most westerly Southwest corner of said Parcel 5;



thence along the northeasterly Right-of-Way line of SW Barber Street, North 42° 56' 36" West, a distance of 136.56 feet to the POINT OF BEGINNING.

Containing 1.40 acres, more or less.

Basis of bearings being plat of "Villebois Village Center No. 3", Clackamas County Plat Records.

Property Vested in:

RCS - Villebois Development, LLC

Map 3S1W15AC Tax Lot 2800

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2021

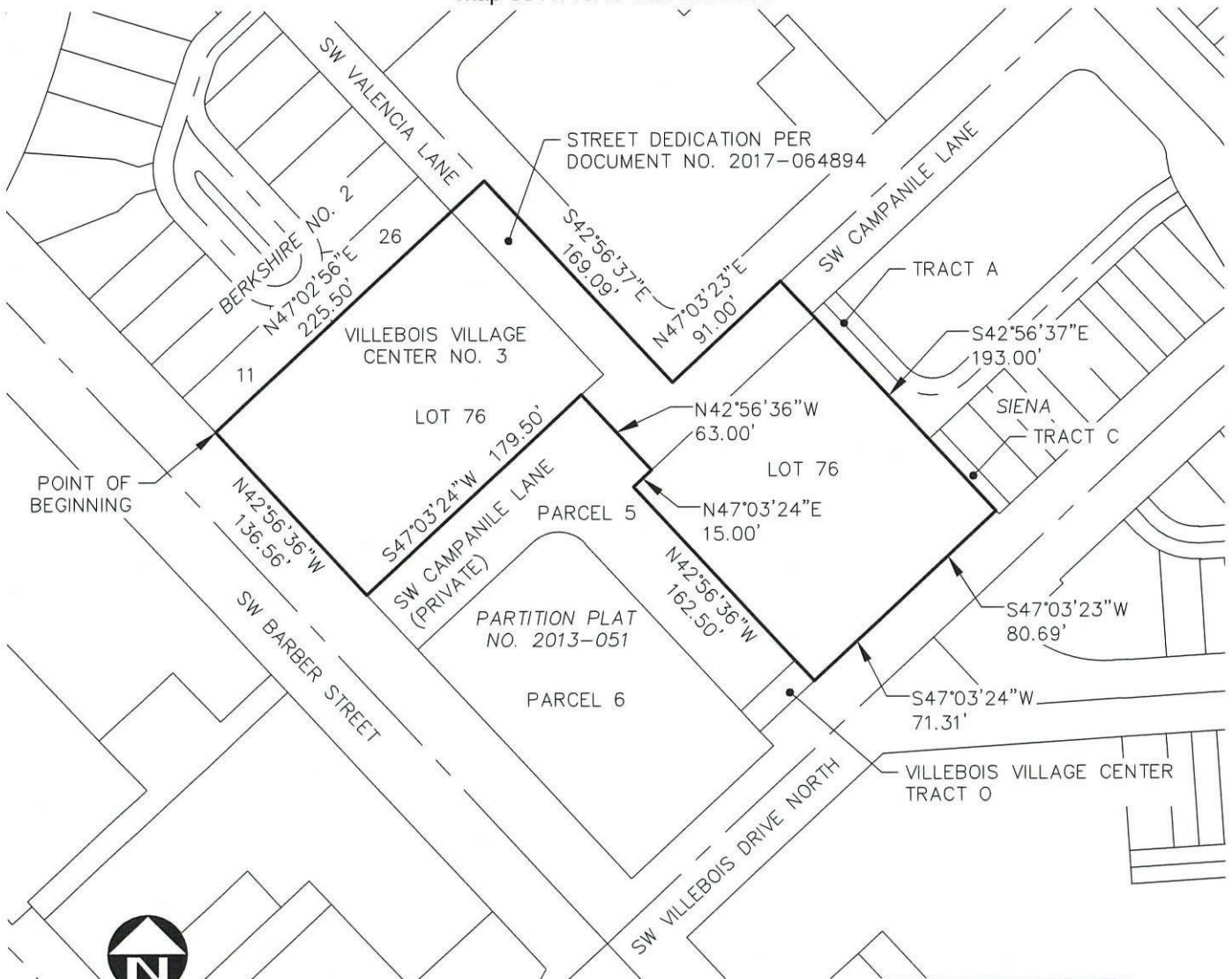


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

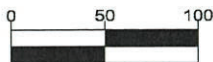
Zone Change

Lot 76

Map 3S1W15AC Tax Lot 2800



SCALE



1 INCH = 100 FEET

Property Vested in:
RCS - VILLEBOIS DEVELOPMENT, LLC
Map 3S1W15AC Tax Lot 2800

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Handwritten signature of Travis C. Jansen

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2021



Ordinance No. 852 Exhibit B
Zone Map Amendment Compliance Findings

Villebois Village Center Mixed Use
Special Area Plan (SAP) Central
PDPs 12C Lot 76

City Council
Quasi-Judicial Public Hearing

Hearing Date: October 4, 2021
Date of Report: September 27, 2021

Application Nos.: DB21-0008 Zone Map Amendment

Request/Summary: The request before the City Council is a Zone Map Amendment for approximately 1.40 acres.

Location: Villebois Village Center. The property described as Tax Lot 2800 and adjacent right-of-way, Section 15AC, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

Owner: RCS Villebois Development LLC (Contact: Rudy Kadlub)

Applicant: Costa Pacific Communities (Contact: Rudy Kadlub)

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

Comprehensive Plan Designation: Residential-Village

Zone Map Classification: Current: Public Facility (PF)
Proposed: Village (V)

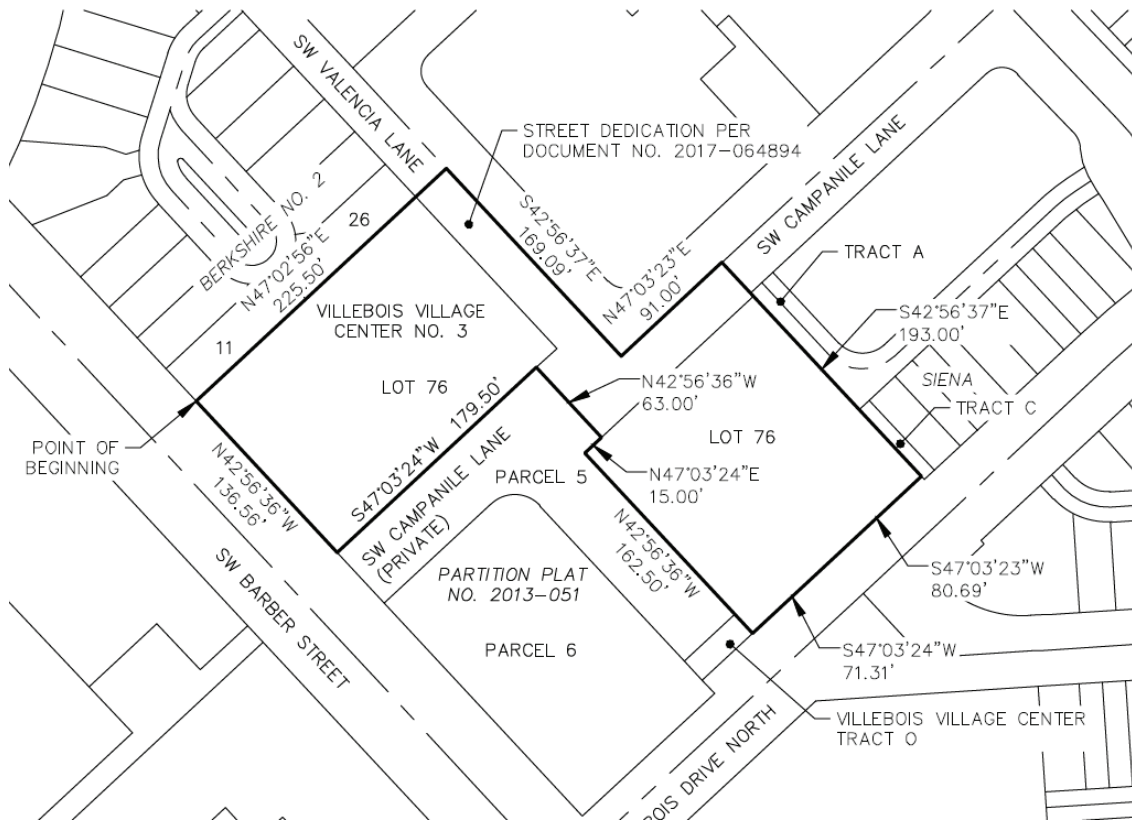
Staff Reviewers: Cindy Luxhoj AICP, Associate Planner

DRB/Staff Recommendation: Adopt the requested Zone Map Amendment

Applicable Review Criteria:

Development Code:	
Section 4.110	Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.197	Zone Changes
Comprehensive Plan and Sub-elements:	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Villebois Village Master Plan	
Regional and State Law and Planning Documents	
Statewide Planning Goals	

Vicinity Map:



Summary:

Zone Map Amendment (DB21-0008)

As shown by the outlined area in the figure on Page 2, the request is to change the zoning for SAP Central PDP 12C Lot 76 (Tax Lot 2800) from Public Facility (PF) to Village (V). The site is designated Residential-Village on the Comprehensive Plan Map. Approval of the zone change is consistent with the Comprehensive Plan Map designation and enables development of the property consistent with the Villebois Village Master Plan.

Findings:

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

General Information

Application Procedures-In General Section 4.008

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

Who May Initiate Application Section 4.009

The application has been submitted on behalf of the property owner, RCS Villebois Development LLC, and is signed by an authorized representative, Rudy Kadlub.

Request: DB21-0008 Zone Map Amendment

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Comprehensive Plan

Residential Development Implementation Measure 4.1.4.

- A1. The subject site is part of the Villebois Village Master Plan, which is comprised of a variety of housing opportunities of varying densities. There are many different housing types within the Villebois community, ranging from multifamily to larger lots. Villebois includes opportunities for affordable, senior, and community housing. Compliance with this Implementation Measure was addressed with the Villebois Village Master Plan. The land use plan for the subject area is consistent with the Villebois Village Master Plan.

Development in Residential Village Applicable Plans and Code Implementation Measure 4.1.6.a. and c.

- A2. The review of the proposed development includes reviewing and applying applicable portions of the Villebois Village Concept Plan, Villebois Village Master Plan, SAP Central, the Comprehensive Plan, and the Development Code. Rezoning the property to Village (V) will allow application of the Village Zone standards created to implement these plans, policies, and codes.

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

- A3. The concurrent proposal for a PDP implements the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Applying Village Zone to Residential Village Comprehensive Plan Designation Implementation Measure 4.1.6.c.

- A4. The request is to apply the Village Zone to an area designated as Residential Village in the Comprehensive Plan.

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

- A5. The subject property is made up of two sites with a combined area of approximately 1.19 acres within the Villebois Village Center. The plan for the subject property includes two mixed use buildings, one for each site. Both buildings will have retail space, common areas, and residential units on their first floors with residential units on the top three floors. The proposed residential land use and housing types in this area are consistent with those portrayed in the Villebois Village Master Plan, which this regulation is intended to implement.

Development Code

Zoning Concurrent with Planned Development Approval Section 4.029

- A6. The applicant is applying for a zone change concurrent with a PDP for the subject property in conformance with the Code.

Base Zoning Designations Subsection 4.110 (.01) H.

- A7. The requested zoning designation of Village (V) is among the base zones identified in this subsection.

Village Zone Purpose

Subsection 4.125 (.01)

- A8.** Consistent with the Village Zone purpose, the proposal is for land designated Residential-Village on the Comprehensive Plan map and within the Villebois Village Master Plan area to receive the zoning designation of Village (V).

Village Zone Permitted Uses

Subsection 4.125 (.02)

- A9.** The proposed mixed-use buildings are consistent with the uses permitted in Village Zone and Villebois Village Master Plan.

Zone Change Concurrent with PDP Approval

Subsection 4.125 (.18) B. 2.

- A10.** The requested zone map amendment is concurrent with a request for PDP approval.

Zone Change Procedures

Subsection 4.197 (.02) A.

- A11.** The applicant submitted the request for a zone map amendment as set forth in the applicable code sections.

Conformance with Comprehensive Plan Map, etc.

Subsection 4.197 (.02) B.

- A12.** The subject area is designated Residential Village on the Comprehensive Plan Map. Therefore, application of the Village Zone is consistent with the Comprehensive Plan.

Residential Designated Lands-Housing Variety

Subsection 4.197 (.02) C.

- A13.** Implementation Measures 4.1.4. b, d, e, q, and x require a variety of housing. The proposed zone map amendment allows for furthering of these implementation measures by permitting development of the diverse housing types called for in the Villebois Village Master Plan, with which development on the subject property must conform.

Public Facility Concurrency

Subsection 4.197 (.02) D.

- A14.** The PDP compliance report, plan sheets, and supporting utility and drainage report demonstrate that the existing primary public facilities are available and can be provided in conjunction with the project. The Traffic Impact Analysis confirms traffic concurrency.

Impact on SROZ Areas

Subsection 4.197 (.02) E.

- A15.** No SROZ is within the area to be rezoned.

Development within 2 Years

Subsection 4.197 (.02) F.

A16. As stated in the application materials, the applicant is committed to a schedule demonstrating that development of the subject property is reasonably expected to commence within two (2) years of the initial approval of the zone change. In the event the applicant or their successors do not commence development within two (2) years, allowing related land use approvals to expire, the zone change will remain in effect.

Development Standards and Conditions of Approval

Subsection 4.197 (.02) G.

A17. 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. 393-A**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM PUBLIC FACILITY (PF) TO VILLAGE (V) FOR THE SUBJECT SITES LOCATED ON TAX LOT 2800 AND ADJOINING RIGHT OF WAY OF SECTION 15AC, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR COSTA PACIFIC COMMUNITIES – APPLICANT AND RCS DEVELOPMENT LLC – OWNER.

WHEREAS, an application, together with planning exhibits for the above-captioned request, 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 a staff report on the above-captioned subject, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on September 27, 2021, 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, on September 27, 2021, the Development Review Board recommended approval to City Council of the Zone Map Amendment (DB21-0008) from Public Facility (PF) to Village (V) for the subject site, 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 portion of the staff report dated September 20, 2021, attached hereto as Exhibit A1, with findings and recommendations contained therein, pertaining to the Zone Map Amendment request (DB21-0008) and forwards the recommendation for approval to City Council for their consideration.


ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 27th day of September, 2021, and filed with the Planning Administrative Assistant on Sept. 30, 2021. 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)*.



Sammy Nada, Chair, Panel B

Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant