

ORDINANCE NO. 706

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE PLANNED DEVELOPMENT COMMERCIAL (PDC) ZONE TO THE PLANNED DEVELOPMENT RESIDENTIAL - 5 (PDR-5) ZONE ON 1.14 ACRES COMPRISING TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON; "FOX CENTER TOWNHOMES" SEEMA, LLC, APPLICANT

WHEREAS, SEEMA, LLC ("Applicant"), as owner of the real property legally shown and described on **Exhibit A**, Attachments 1 and 2, attached hereto and incorporated by reference herein ("Property"), has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the request and prepared a staff report, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, attached hereto as **Exhibit B** and incorporated by reference herein, which staff report was presented to the Development Review Board (DRB) on August 13 and October 8, 2012;

WHEREAS, the DRB Panel A held two public hearings on the application for a Zone Map Amendment (DB12-0034) and other related development applications (DB12-0033, 0035 and 0036, TR12-0067 and DB12-0039) on August 13, 2012, and after taking public testimony, receiving exhibits, and giving full consideration to the matter, determined to continue the hearing in order to allow the Applicant additional time to consider and address public testimony concerns and DRB Panel A member concerns; and

WHEREAS, on October 8, 2012, DRB Panel A reconvened and continued the public hearing on the application for the aforementioned Zone Map Amendment and related applications and, after taking additional public testimony, receiving exhibits, and being fully advised in the matter, DRB Panel A adopted Resolution No. 234, attached hereto as **Exhibit C** and incorporated by reference herein, which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB12-0034); approve all other related applications; adopt the staff report with modified findings and recommendations, all as placed on the record at the hearing; and contingent upon City Council approval of the Zone Map Amendment, authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on November 5, 2012, 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 staff report, which record was incorporated into the City Council public hearing record; took public testimony, received exhibits; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code and conforms to the Comprehensive Plan Map Amendment, Ordinance No. 705, adopted by the City Council on November 5, 2012 contemporaneously herewith;

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

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

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB12-0034, attached hereto as **Exhibit A**, from Planned Development Commercial (PDC) Zone to Planned Development Residential - 5 (PDR-5) Zone.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of November, 2012, and scheduled for second reading at a regular meeting thereof on the 19th day of November, 2012 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 17th day of December, 2012, by the following votes: Yes: 4 No: 0

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 18th day of December, 2012.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp Yes

Council President Nunez Yes

Councilor Goddard Excused

Councilor Starr Yes

Councilor Fitzgerald Yes

Attachments:

Exhibit A – Zoning Order DB12-0034

Attachment 1, Map Depicting Zone Amendment

Attachment 2, Legal Description

Exhibit B – Zone Map Amendment Findings

Exhibit C – DRB Resolution No. 234

Exhibit A
BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
Fox Center Townhomes

In the Matter of the Application of)
Mr. Lee Leighton of Westlake Consultants,)
Inc., Agent for the Applicant,)
Seema, LLC., for a)
Rezoning of Land and Amendment)
of the City of Wilsonville)
Zoning Map Incorporated in Section 4.102)
of the Wilsonville Code.)

ZONING ORDER DB12-0034

The above-entitled matter is before the Council to consider the application of DB12-0034, 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 shown and described on Attachments 1 and 2, has heretofore appeared on the City of Wilsonville Zoning Map as Planned Development Commercial (PDC).

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 1.14 acres of Tax Lot 100 as more particularly shown in the Zone Map Amendment Map, Attachment 1 and described in Attachment 2 is hereby rezoned to Planned Development Residential - 5 (PDR-5). 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 ___, 2012.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, CMC, City Recorder

Exhibit A: Zone Order

Attachment 1: Map depicting Zone Map Amendment

Attachment 2: Legal Description

Exhibit B: Zone Map Amendment Findings

GRAHAMS OAK PARK

SW WILSONVILLE ROAD

Lot 1
Block 1
Fox Chase
Subdivision
Tax Lot 100

**SUBJECT
PROPERTY**

**PROPOSED:
RE-ZONE: PDC TO PDR-5**

VALLEY
CHRISTIAN
CHURCH

WILLAMETTE WAY EAST

CITY COUNCIL
EXHIBIT B

CHANNITLY

EXHIBIT

Lot 1, Block 1, FOX CHASE (Volume 86, Page 6, Clackamas County Plats), in the City of Wilsonville, County of Clackamas and State of Oregon, more particularly described per Plat dimensions as follows:

Commencing at an angle point in the north line of said FOX CHASE being North $64^{\circ}31'00''$ East, 1 147.50 feet from the northwest corner thereof;

thence, along the north line of said FOX CHASE North $52^{\circ}43'59''$ East, 76.04 feet to the point of beginning;

thence, continuing along said north line, North $52^{\circ}43'59''$ East, 182.72 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $116^{\circ}27'25''$, [chord bears South $69^{\circ}02'18''$ East, 25.50 feet] an arc distance of 30.49 feet;

thence, South $10^{\circ}48'35''$ East, 283.61 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $75^{\circ}28'35''$, [chord bears South $26^{\circ}55'43''$ West, 18.36 feet] an arc distance of 19.76 feet;

thence, South $64^{\circ}40'$ West, 16.52 feet;

thence, along a tangent 113.00 foot radius curve to the right, through a central angle of $38^{\circ}54'45''$, [chord bears South $84^{\circ}07'23''$ West, 75.28 feet] an arc distance of 76.74 feet;

thence, North $76^{\circ}25'15''$ West, 73.73 feet;

thence, along a tangent 137.00 foot radius curve to the left, through a central angle of $7^{\circ}06'21''$, [chord bears North $79^{\circ}58'25''$ West, 16.98 feet] an arc distance of 33.75 feet;

thence, North $10^{\circ}48'35''$ West, 191.34 feet to the point of beginning.

**COUNCIL EXHIBIT B
STAFF REPORT**

**WILSONVILLE PLANNING DIVISION
CITY COUNCIL
QUASI - JUDICIAL PUBLIC HEARING
*Fox Center Townhomes***

Public Hearing Date: November 5, 2012

Application Number: DB12-0034 Zone Map Amendment

Property Owner/Applicant: Seema, LLC

REQUEST: Mr. Lee Leighton, AICP, of Westlake Consultants Inc., acting as agent for Seema, LLC, Applicant, proposes a 15 unit townhome residential development on 1.14 acres located at the southwest corner of SW Wilsonville Road and Willamette Way East being Lot 1, Block 1 of Fox Chase subdivision.

The Applicant is proposing to modify the Fox Chase Stage I Preliminary Plan (Master Plan – Case File 83PC09) to change 1.14 acres in commercial into a multi-family residential use townhomes. In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly for at least one unit. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing. Proposed are Comprehensive Plan Map Amendment and a Zone Map Amendment which would enable development of the project. The Applicant's project introduction is found on pages 1 and 2 of Exhibit B1 and revised in Exhibit B9. Approvals of Requests C through F are contingent upon City Council approval of the Comprehensive Plan Amendment and the Zone Map Amendment in case files DB12-0033 and DB12-0034 (Requests A and B).

Current Comprehensive Plan Map Designation: Commercial

Proposed Comp. Plan Map Designation: Residential 10 – 12 units/acre

Zone Map Designation: Planned Development Commercial (PDC).

Proposed Zone: Planned Development Residential – 5 (PDR-5) See Ordinance #705

STAFF RECOMMENDATION: Approve the application.

Location: 30625 SW Willamette Road East. The property is more particularly described as being Tax Lot 100 of Section 22AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon. The subject site has relatively level terrain with 11 deciduous and coniferous trees at the northerly part of the property.

VICINITY MAP



APPLICABLE REVIEW CRITERIA:

Wilsonville Code Section(s)	Description
Sections 4.008-4.015	Application Process – Findings and Conditions
Section 4.100	Zoning - Purpose
Section 4.113 (as applicable)	Standards for Residential Development in Any Zone
Section 4.118 (as applicable)	Standards for All Planned Development Zones
Section 4.131	Planned Development Commercial (PDC) Zone
Section 4.124.5	Planned Development Residential – 5 (PDR-5) Zone
Section 4.140	Planned Development Regulations
Section 4.140.07	Stage I Preliminary Plan
Section 4.197.02(A through G)	Zone Map Amendment

Other Planning Documents:
Storm Water Master Plan
Transportation Systems Plan
Comprehensive Plan: Policy 4.1.4, Implementation Measures 4.1.4.b, 4.1.4.c, 4.1.4.d, 4.1.4.e, 4.1.4.f, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, 4.1.4.p, 4.1.4.q, 4.1.4.v, and 4.1.4.x.
Applicable Statewide Planning Goals: 1) Citizen Involvement, 2) Land Use Planning, 6) Air, Water and Land Resources Quality, 9) Economic Development. 10) Housing, 11) Public Facilities, and 12) Transportation.
Fox Chase Master Plan

Staff Reviewers: Blaise Edmonds, Manager of Current Planning, Mike Ward, City Civil Engineer, Don Walters, Plans Examiner, and Kerry Rappold, Natural Resources Program Manager.

BACKGROUND:

The subject property was part of the Willamette Village Master Plan represented by John Grossman/Wilcox Development in 1971. A master plan and a zone map amendment were approved by the City Council on September 7, 1977. A tentative subdivision plat for Phase 1 was also approved by the Planning Commission. In 1978 the 1000 Friends of Oregon appealed the Planning Commission decision to the City Council citing non-compliance with Statewide Goals. The Statewide Goals were in effect because the City's Comprehensive Plan had not yet been acknowledged by the State. The City records reflect that the City Council upheld the Planning Commission decision. Shortly after, a national economic recession delayed the construction start of the Willamette Village subdivision.

In 1983, the Planning Commission, in Resolution 83PC09, approved a modified preliminary plat renaming Willamette Village to Fox Chase. Subsequent City approvals re-platted the project to become Fox Chase subdivision and the adjacent Rivergreen subdivision. An elaborate parks and recreation plan shown on the earlier 1978 Willamette Village Master Plan comprising tennis courts, baseball fields, tot lots, pathways, etc., were deleted. However, a neighborhood commercial center shown on both the Willamette Village and Fox Chase master plans was kept in place.

In 1995 and 1996 under Resolutions No.'s 95PC21 and 96DB23 following a controversial process that involved citizen concerns about the proposed retail uses. The Development Review Board approved a small retail commercial center of which the land use approvals ultimately expired. For over 35 years there has not been a successful effort to develop the subject property into a commercial use so the Applicant is proposing a townhouse residential development which requires amendments to the Comprehensive Plan Map and the Official Zone Map.

PROJECT SUMMARY AND RECOMMENDATIONS:

A detailed project introduction and compliance report in support of the application is provided by the Applicant found in Exhibits B1 and B9. The Applicant's introduction on pages 1 and 2 of Exhibit B1 adequately describes the project, 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:

Zone Map Amendment

The proposal is to change the Planned Development Commercial (PDC) Zone on 1.14 acres to the Planned Development Residential - 5 (PDR-5) Zone. The proposed townhome - residential use is permitted under Wilsonville Code Section 4.124. The proposed Zone Map Amendment would enable the development permitting process.

As demonstrated in findings B1 through B27, the proposed Zone Map Amendment meets all applicable requirements in Section 4.197 subject to compliance with proposed conditions of approval.

Revised Stage I Preliminary Plan

The Code minimum and maximum densities can be achieved through the proposed Zone Map Amendment together with the proposed revised Stage I Preliminary Plan for the Fox Chase subdivision.

As demonstrated in findings C1 through C60, the proposed revised Stage I Preliminary Plan meets all applicable requirements in Section 4.140.01 through .07.

DISCUSSION TOPICS

Housing Density: In this application age restricted rental housing is proposed for persons 55 and over. In a separate land use action found in Ordinance No. 703, the City Council approved zone map amendment for Brenchley Estates – North. Council adopted as a finding that the “Applicant voluntarily reduced housing density and imposed age restriction on certain yet to be built and designed units.” For the proposed Fox Center Townhomes the Applicant is not proposing to build the project at the Comprehensive Plan Map density of 10 – 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units or 14 units). Instead the Applicant is seeking to obtain 15 dwelling units through Implementation Measure 4.1.4.v; “*Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).*” This would be a net increase of 1.32 dwelling units over the maximum Comprehensive Plan density or 10% of 14 units. However, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is: 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density.

DB12-0034: Zone Map Amendment

On the basis of findings B1 through B27 this action approves the Zone Map Amendment from PDC to PDR-5 with no proposed conditions of approval.

EXHIBIT LIST

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

- A1.** Staff Report, findings, recommendations and conditions.
- A2.** Staff PowerPoint presentation.

Applicant’s Written and Graphic Materials:

- B1.** Land Use application in a binder notebook and on compact disk, date received July 13, 2012 including; Code compliance/findings. Application, mailing list, introduction/project narrative, Comprehensive Plan Map & Zoning Map Illustrations, neighborhood meeting documentation, compliance reports, Economic Opportunity Analysis Report, Table 1 – Modification of Fox Chase Final Plat/Planned Development Approval, application form, Fox Center Townhomes Tree Maintenance and Protection Plan, Correspondence with Allied Waste Management, legal description, DKS Traffic Report, site plan sheets, conceptual building elevations and arborist’s report for requests A through F.

Full Size Drawings/Plan Sheets.

Sheet Number Sheet title

B2. A1.1: Site Plan

B3. A3.1 Preliminary Building Elevations

B4. A3.2 Preliminary Building Elevations

B5. C1.0 Preliminary Grading Plan

B6. C2.0 Preliminary Utility Plan

B7. New Entry Fencing Perspective Illustration

B8. Applicant's powerpoint presentation at the 8.13.12 DRB meeting.

B9. The Applicant submitted revised application materials replacing or modifying the items listed in Exhibit B1.

B10. E-mail, tolling the 120-day review period, dated August 21, 2012.

Development Review Team

C1. Engineering Division Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.

C2. Natural Resources Program Director Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.

C3. Building Division Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.

C4. TVFR Conditions, Dated July 26, 2012. Included in this staff report in the Conditions of Approval.

C5. Public Works Department Condition, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.

SMART Transit, no conditions provided.

C6. *Engineering Division memorandum regarding Condition PW, Dated August 9, 2012.*

Public Testimony:

Letters (neither for nor Against):

Letters (In Favor): None submitted

Letters (Opposed): D1. Letter, Robert Meyer dated August 13, 2012.

FINDINGS OF FACT

1. **Existing Site Conditions:** The Applicant has provided a full project description in Exhibit B1. The subject property is currently zoned PDC.

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Boones Ferry Primary and Wood Middle School – PF Zone
East	Valley Christian Church
South	Fox Chase Subdivision
West	Fox Chase Subdivision

Natural Characteristics: The relatively level property is 1.14 acres which includes a group of eleven conifer and deciduous trees.

Streets: The subject property is a corner lot with three side fronting Wilsonville Road at the north, Willamette Way East on the east and Chantilly at the south.

Previous Planning Applications Relevant to the subject property: See the background statement on page 3 of this staff report. Also;

83PC09: Fox Chase, Stage I Preliminary Plan (Master Plan)

95PC21: Stage II Final Plan for retail center.

96DB23: Site Design Review for retail center.

2. 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.
3. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.
4. The statutory 120-day time limit applies to this application. The application was initially received on June 15, 2012. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the Applicant by letter on June 25, 2012, of missing items. On July 13, 2012, the Applicant submitted additional materials intended to complete the application. On July 16, 2012 the application was deemed complete. On August 13 the Board conducted a public hearing on the subject and continued the public hearing to October 8. The Applicant granted a 56 – day extension which moved the date for issuing the city decision from November 12, 2012 to January 8, 2013. Thus the City must render a final decision for the request, including any appeals, by January 8, 2013.

CONCLUSIONARY FINDINGS

The Applicant's compliance findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Exhibit B1 and are hereby incorporated into this staff report as findings for approval.

DB12-0034: ZONE MAP AMENDMENT

This request is for approval of a Zone Map Amendment from the Planned Development Commercial Zone to the Planned Development Residential – 5 (PDR-5) Zone for 1.14 acres involving Tax Lot 100. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance.

As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Board must at a minimum, adopt findings addressing Criteria A-G, below.

Criterion 'A'

“That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140.”

B1. The Applicant has provided findings in Exhibits B1 and B9 addressing the Zone Map Amendment criteria, which are included in this staff report as findings for approval. Approval of the proposed Zoning Map Amendment is contingent on approval by the City Council by a City Ordinance.

Criterion 'B'

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

Proposed Comprehensive Plan Designation: Residential 10 - 12 dwelling units per acre.

B2. The subject site is currently zoned Planned Development Commercial (PDC). The Applicant proposes to change the PDC Zone to the Planned Development Residential - 5 (PDR-5) Zone on 1.14 acres to enable development of 15 townhomes for rent. On the basis of Section 4.124.05 (Table 1) the Applicant is seeking the appropriate PDR-5 zone based on the 10 - 12 d.u. per acre Comprehensive Plan Density.

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

B3. The proposed Comprehensive Plan Map designation is Residential 10 – 12 dwelling units per acre. The gross site area of the subject property is 1.14 acres so the maximum Comprehensive Plan density is 13.68 dwelling units. However, the Comprehensive Plan ‘Residential 10 - 12 du/ac’ density is intended to be implemented by the PDR zones in Section 4.124, so the actual maximum density allowed by the PDR-5 zone at 19.9 or 20 dwelling units. An approval of the proposed revised Stage I Preliminary Development Plan is reviewed in Request C of this staff report.

B4. Housing Density: In this application age restricted housing is proposed for persons 55 and over. In a separate land use action found in Ordinance No. 703, it involved City Council approval of a zone map amendment for Brenchley Estates – North. Council adopted as a finding that the “*Applicant voluntary reduced housing density and imposed age restriction on certain yet to be built and designed units.*” In this subject application the Applicant is not proposing to build the project at the maximum Comprehensive Plan Map density of 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units). Instead the Applicant is seeking approval for 15 dwelling units through Implementation Measure 4.1.4.v; “*Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).*” This would be a net increase of 1.32 dwelling units over the maximum plan density. In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing. Furthermore, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density. See the following table:

Allowed Housing Units under Section 4.124.5:

Table 1: Fox Center Townhouses -Proposed PDR-5 Zone 15 Apartments Units			
Size (Gross Acres)	Net Acres	Total Housing 15 Units	<u>PDR-5</u> 2,500 SF, Maximum Units 4,000 SF, Minimum Units
1.14 acres (49,658 SF), gross site area	1.14 net acres		49,658 SF/2500 = 19.86 units 49,658 SF/4000 = 12.4 units 15 – 12.4 = 2.6 units above minimum zoning density and 4.86 units below maximum zoning density.

Variety/Diversity of Housing

Implementation Measures 4.1.4.c, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, and 4.1.4.p speak to the City’s desire to plan for and establish a variety and diversity of housing types that meet the social and economic needs of the residents, including the need for affordable housing and a balance of housing with jobs.

B5. The Applicant’s zone change proposal seeks to enable 15 townhome/apartment units dispersed in 4 buildings. The Applicant’s response findings in Exhibits B1 and B9 to Section 4.198.01(A) speak to the providing for additional multi-family housing in the City, meeting these measures.

Implementation Measures 4.1.1.j, 4.1.4.i, 4.1.4.o, and 4.1.4.r speak to the City’s desire to approve new residential development concurrent with the availability of public facilities.

B6. Water, sanitary sewer, and storm sewer are either available to the proposed site (with appropriate connections) or can be supplied to the project. The Applicant will be constructing a private drive system internal to the site to serve the proposed townhomes.

Implementation Measure 4.1.4.h: “Require new housing developments to pay an equitable share of the cost of required capital improvements for public services.”

B7. The Applicant will be required to pay the equitable share (as determined by the Community Development Director) of the capital improvement costs for public services.

Area of Special Concern

B8. The subject property is not located in an area of special concern by the Comprehensive Plan.

Implementation Measure 4.1.4.b – Variety in Housing Type “Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City’s desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes

the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.”

- B9.** Implementation Measures 4.1.4.b, d, and o declares the City’s desire to seek a diversity of housing types and affordability. The Applicant’s proposal would add ~~46~~ **15** townhomes to the City’s housing diversity. With regard to traffic, through the conditions of approval recommended by staff, the project can be adequately served with urban services designed to minimize off-site impacts the project.
- B10.** Because of the staggering economy and the national home mortgage crisis there are high foreclosures but low vacancy rates in multi-family housing in the Metro area. See findings A9 though A11. This provides circumstantial evidence that there is a demand for more multi-family housing in proposed Fox Center Townhomes. The proposed Zone Map Amendment is to implement the residential objectives of the Comprehensive Plan by providing diversity in housing types. Changing the PDC Zone to the proposed PDR-5 Zone meets IM 4.1.4b. Adequate public services can be made available to the site. Thus, the Zone Map Amendment together with the proposed Fox Center Townhomes project meets IM 4.1.4.b.
- B11.** Metro’s Urban Growth Management Functional Plan Title 1 of the Urban Growth Management Functional Plan (UGMFP) and the Comprehensive Plan requires 80% maximum density at build-out of any particular parcel. With the revision of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The Applicant is requesting a Zone Map Amendment to Planned Development Residential - 5 (PDR-5) which corresponds to a Comprehensive Plan Map density of Residential 10 - 12 dwelling units per acre. Furthermore, the Applicant’s proposal will fully achieve compliance with the minimum density required at build-out. Metro’s Functional Plan provides that this deficiency is justified, in order to approximate the density of adjacent, surrounding neighborhoods. See the Applicants’ response findings found on pages 17 through 22 of Exhibit B1, and Exhibit B9.
- B12. Section 4.140.09(J)(2) Traffic:** The DKS Associates traffic study completed for the project found in Exhibit B1 indicates existing streets will provide sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan. The proposed zone change is expected to result in significantly fewer trips being generated by (i.e., 16 peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under the existing zoning) the project. The location, design, size and the proposed residential apartments are such that traffic generated by the development can be accommodated safely for up to 13 (9 in 4 out) p.m. peak hour trips of which 7 p.m. peak hour trips through the and I-5/Wilsonville interchange area, 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 and it will maintain LOS ‘D’, which complies with Subsection 4.140.09(J)(2).

According to the DKS Traffic Analysis in Exhibit B1: *“Because the proposed zone change is expected to result in significantly fewer trips being generated by the project*

(i.e., 16 p.m. peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under existing zoning), no additional Transportation Planning Rule (TPR) analysis needed since there would be no impacts from the proposed zone change.”

Implementation Measure 4.1.4.d – Diversity of Housing Types “Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms,” and;

Implementation Measure 4.1.4.e “Targets are to be set in order to meet the City’s Goals for housing and to assure compliance with State and regional standards.”

B13. The original, adopted City of Wilsonville Comprehensive Plan Map in 1980, geographically distributed housing density for the purpose of maintaining the balance of housing types and to not concentrate higher density for multi-family housing in a few areas of the City. Historically, with the exception of adding Villebois Village, there have been a few amendments to the Comprehensive Plan Map relative to the geographic distribution of housing density. Through the years the City has approved Comprehensive Plan Amendments that changed Residential to Industrial to enable the development of Canyon Creek Business Park – North, and changed Residential to Industrial on Mentor Graphics property south of SW Boeckman Road (formally part of the Ash Meadows Master Plan residential area). Those plan amendments reduced residential housing density in the City. Otherwise, residential projects that were approved within the City correspond with the Comprehensive Plan Map and with PDR minimum and maximum densities allowed by Land Use and Development Code.

B14. Pages 2 and 3 of the Comprehensive Plan: “Wilsonville’s planning programs are required to support Metro’s 2040 Regional Framework Plan, and any Functional Plans that are formally adopted by Metro Council. Such Metro plans are intended to direct the region’s urban growth and development.” “The residential designations include planned density ranges which have been changed to reflect Metro’s requirement that minimum densities be at least 80% of maximums. In order to meet that requirement, the lower end of the planned density range has been increased and the higher end left unchanged.” This in effect increases residential density with new development and is expected with the proposed project. Thus, the proposed Zone Map Amendment meets IM 4.1.4.d and 4.1.4.e.

B15. The proposed project offers 1.4 townhomes for market rate rent housing meeting IM 4.1.4.d. The March, 2012 City Housing Unit Summary indicates 9,060 dwelling units:

City Wide Housing Units

Type	New	YTD	Total
Apartment	324	376	4591
Condominium	0	0	563
Duplex	0	0	68
Mobile Homes	0	0	20
Mobile Home/park	0	0	143
Single Family	10	77	3675
Totals	334	453	9060

On the basis of that inventory there are 56.75% multi-family (including 563 condominiums), 41.5% single-family (including 68 duplexes) and 1.75% mobile homes. Adjusting the housing units to include the recently approved Brenchley Estates - North project comprising 320 apartment units and 39 single-family units, the revised housing unit split is 58.4% multi-family, 40.3% single family and 1.3% mobile homes. The proposed 15 apartment unit project would increase the percentage of land in PDR zoning and apartment units by a negligible amount.

Though the City has historically through an older version of the Comprehensive Plan sought to achieve 50 percent in single-family houses, 40 percent in multi-family units and 10 percent in manufactured houses at mobile home parks those percentages the Comprehensive Plan no longer has a stated goal of maintaining those percentages. The Comprehensive Plan was revised in its entirety by City Council Ordinance No. 517 on October 16, 2000. Housing is now determined by density ranges in Table 1 in Finding B2 for each mapped zoning district. Residential development must also be balanced with Policy 4.1.4 and its implementation measures that seek to “provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.” In the near future, multi-family and single-family housing percentages will become more balanced with the construction of Tonquin Woods (27 homes); Woods 2 phases I and II (168 homes); Coppercreek (21 homes); Jory Trail at the Grove (30 homes); Brenchley Estates – North (39 homes); Retherford Meadows (88 homes); SAP-East, Phase 3 (185 homes) and Willamette Landing (33 homes), for total of 591 homes.

- B16.** The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City. See findings A7 through A11 for the need demonstration for the proposed 15 townhome units. Thus the proposed Zone Map Amendment meets a public need that has been identified for rental housing.

Implementation Measure 4.1.4.v Site development standards and performance criteria have been developed for determining the approval of specific densities within each district. Densities may be increased through the Planned Development process to provide for meeting specific needs (e.g., low/moderate income, elderly, or handicapped).

B17. On pages 19 and 20 of Exhibit B1 the Applicant has responded to IM 4.1.4.v but has misinterpreted how the PDR-5 maximum density limitation is determined at one unit per 3,000 SF under Subsection 4.124.5(.01). Per Subsection 4.124.5(.02) the maximum density is 49,658/2,500 SF/DU = 19.86 or 20 dwelling units. Per Subsection 4.124.5(.03) the minimum density is 49,658/4,000 SF = 12.4 or 12 dwelling units. Proposed are 15 dwelling units which are between 12 and 20. However, the proposed Comprehensive Plan designation of Residential 10 – 12 du/ac, allows 13.68 or 14 maximum units. The Comprehensive Plan ‘Residential 10 - 12 du/ac’ density is intended to be implemented by the PDR zones in Section 4.124WDC, so the actual maximum density allowed by the PDR-5 zone is 19.9 or 20 dwelling units.

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B18. In terms of the proposed Residential 10 – 12 dwelling units per acre Comprehensive Plan Map designation for the project is considered medium density. Though this density is higher than its parent Fox Chase subdivision at Residential 6 – 7 du/ac. The Comprehensive Plan on page D-19 identifies Residential 6 – 7 du/ac and 10 – 12 du/ac as “medium density housing areas.” It should also be noted that the adjacent Valley Christian Church property and the Autumn Park Apartments are designated 10 – 12 du/ac.

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Implementation Measure 4.1.4.q “The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.”

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B19. The Applicant is not proposing to site mobile (manufactured) homes in this application so this criterion is not applicable.

Criterion ‘D’ – Public Facilities: “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.”

B20. The Deputy City Engineer’s recommended Public Facility (PF) conditions impose further performance upon the Stage II Final Plan application, which requires the Applicant to provide adequate water, drainage and sanitary sewer infrastructure to serve the proposed project. As currently configured, the project satisfies all design requirements regarding needed infrastructure improvements.

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

B21. The subject property is not designated within the Significant Resource Overlay Zone (SROZ).

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

B22. The Applicant’s submittal documents indicate the intent to develop 15 market rent townhomes after final approvals is obtained from the City within the next year meeting Code.

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

B23. The Applicant’s proposal, together with the Stage II Final Plan conditions of approval will bring it into compliance with all applicable development standards.

Subsection 4.197(.03) provides that “If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied.”

B24. The Applicant has made affirmative findings in Exhibits B1 and B9 to Subsection 4.197.02(A)-(G) meeting Subsection 4.197(.03).

Subsection 4.197(.04) stipulates that the “City Council action approving a change in zoning shall be in the form of a Zoning Order.”

B25. Staff recommends approval of the proposed Zone Map Amendment with no conditions of approval being proposed. A City Council Zoning Order and Ordinance regarding the proposed Zone Map Amendment is required subsequent to contingent approval of the requested companion applications.

Subsection 4.197(.05) provides “In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.”

B26. Staff recommends adoption of these findings to the Development Review Board in review of the application to modify the Zone Map designation from PDC to PDR-5. Upon recommendation of approval by the Board, these will be forwarded to the City Council for final action.

SUMMARY FINDING:

B27. The Applicant has demonstrated that the proposed Zone Map Amendment will meet all applicable requirements.

October 11, 2012

DEVELOPMENT REVIEW BOARD PANEL A

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

Project Name: Fox Center Townhomes

Case Files: Request A: DB12-0033 – Comp. Plan Map Amendment
Request B: DB12-0034 – Zone Map Amendment
Request C: DB12-0035 – Revised Fox Chase, Stage I Preliminary Plan
Request D: DB12-0036 – Stage II Final Plan
Request E: TR12-0067 – Type ‘C’ Tree Plan
Request F: DB12-0039 – Waiver to front yard setback

Applicant / Owner: Seema LLC

Property Description: Tax Lots 100, Section 22AC, T3S-R1W, Clackamas, County,
Wilsonville, Oregon

Location: 30625 SW Willamette Way East

On October 8, 2012, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Request A and B: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, November 5, 2012 to hear these items.*

Requests C, D, E, and F: Approved with conditions of approval.
These approvals are contingent upon City Council's approval of Request A and B.

An appeal of Requests C, D, E, and F 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 11th day of October 2012 and is available for public inspection. The decision regarding Requests C, D, E, and F 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. 234, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 234**

A RESOLUTION ADOPTING FINDINGS AND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL 10 – 12 DU/AC AND A ZONE MAP AMENDMENT FROM PLANNED DEVELOPMENT COMMERCIAL (PDC) TO PLANNED DEVELOPMENT RESIDENTIAL - 5 (PDR-5), AND ADOPTING FINDINGS AND CONDITIONS APPROVING A REVISED STAGE I PRELIMINARY PLAN FOR FOX CHASE, A STAGE II FINAL PLAN, A TYPE ‘C’ TREE PLAN AND A WAIVER TO ENABLE DEVELOPMENT OF FIFTEEN (15) TOWNHOME UNITS FOR FOX CENTER TOWNHOMES. THE SUBJECT 1.14 ACRE PROPERTY IS LOCATED ON TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON. SEEMA, LLC, 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 reports on the above-captioned subject dated July 31, 2012 and September 19, 2012, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meetings conducted on August 13, 2012 and October 8, 2012, 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 application 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 Panel A of the City of Wilsonville recommends that the City Council approve a Comprehensive Plan Map Amendment a Zone Map Amendment (Case Files DB12-0033 and DB12-0034), approve a revised Stage I Preliminary Plan, Stage II Final Plan, Type ‘C’ Tree Plan and a waiver to a front yard setback, and does hereby adopt the staff report attached hereto as Exhibit A1 with modified findings, recommendations and conditions placed on the record herein and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

DB12-0033 Comprehensive Plan Map Amendment
DB12-0034 Zone Map Amendment
DB12-0035 Revised Fox Chase, Stage I Preliminary Plan
DB12-0036 Stage II Final Plan

RESOLUTION NO. 234

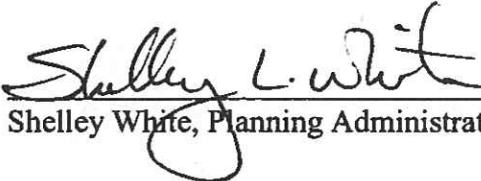
TR12-0067 Type 'C' Tree Plan
DB12-0039 Waiver to front yard setback

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of October 2012 and filed with the Planning Administrative Assistant on October 11, 2012. 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)*.



Douglas King, Chair
Development Review Board, Panel A

Attest:



Shelley White, Planning Administrative Assistant