

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.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 21st day of March, 2016, by the following votes:

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 22nd day of March, 2016.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Starr	Yes
Councilor Stevens	Yes
Councilor Fitzgerald	Excused
Councilor Lehan	Yes

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.)

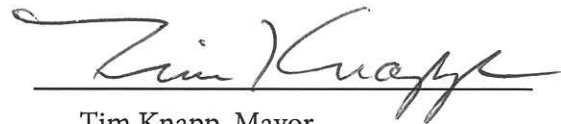
The above-entitled matter is before the Council to consider the application of DB15-0085, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

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:


Barbara A. Jacobson, City Attorney

ATTEST:


Sandra C. King, MMC, City Recorder

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

EXHIBIT A



LEGAL DESCRIPTION

Zone Change

PDP 4N

Map 351W15 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.

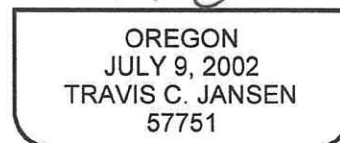
Property Vested in:

Jay R. Nims and Theresa C. Nims

Map 351W15 Tax Lot 1203



A handwritten signature in black ink, appearing to be "T. Jansen".



RENEWS: 6/30/2017

EXHIBIT B

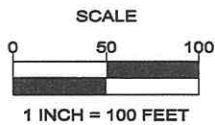
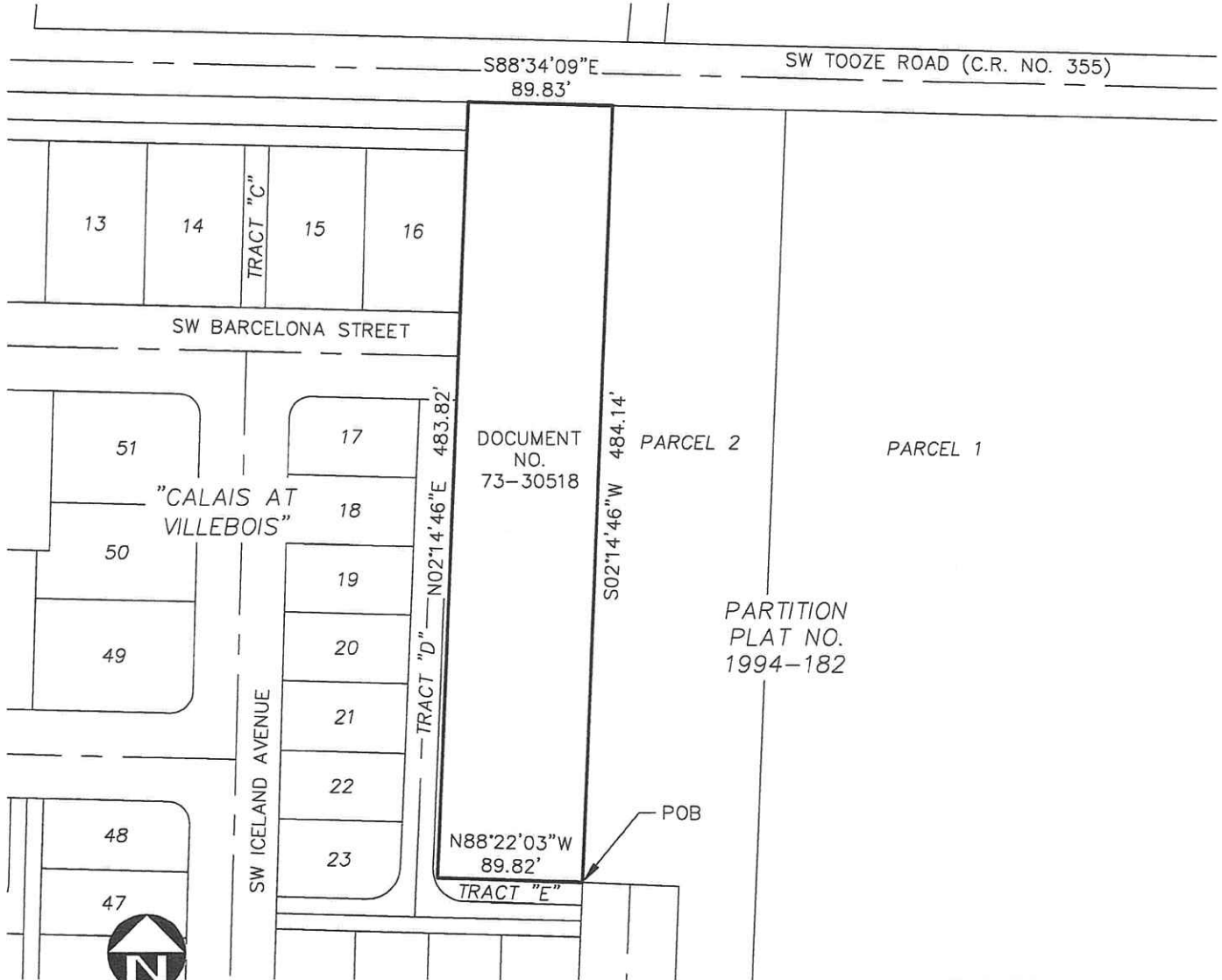


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Zone Change

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 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)

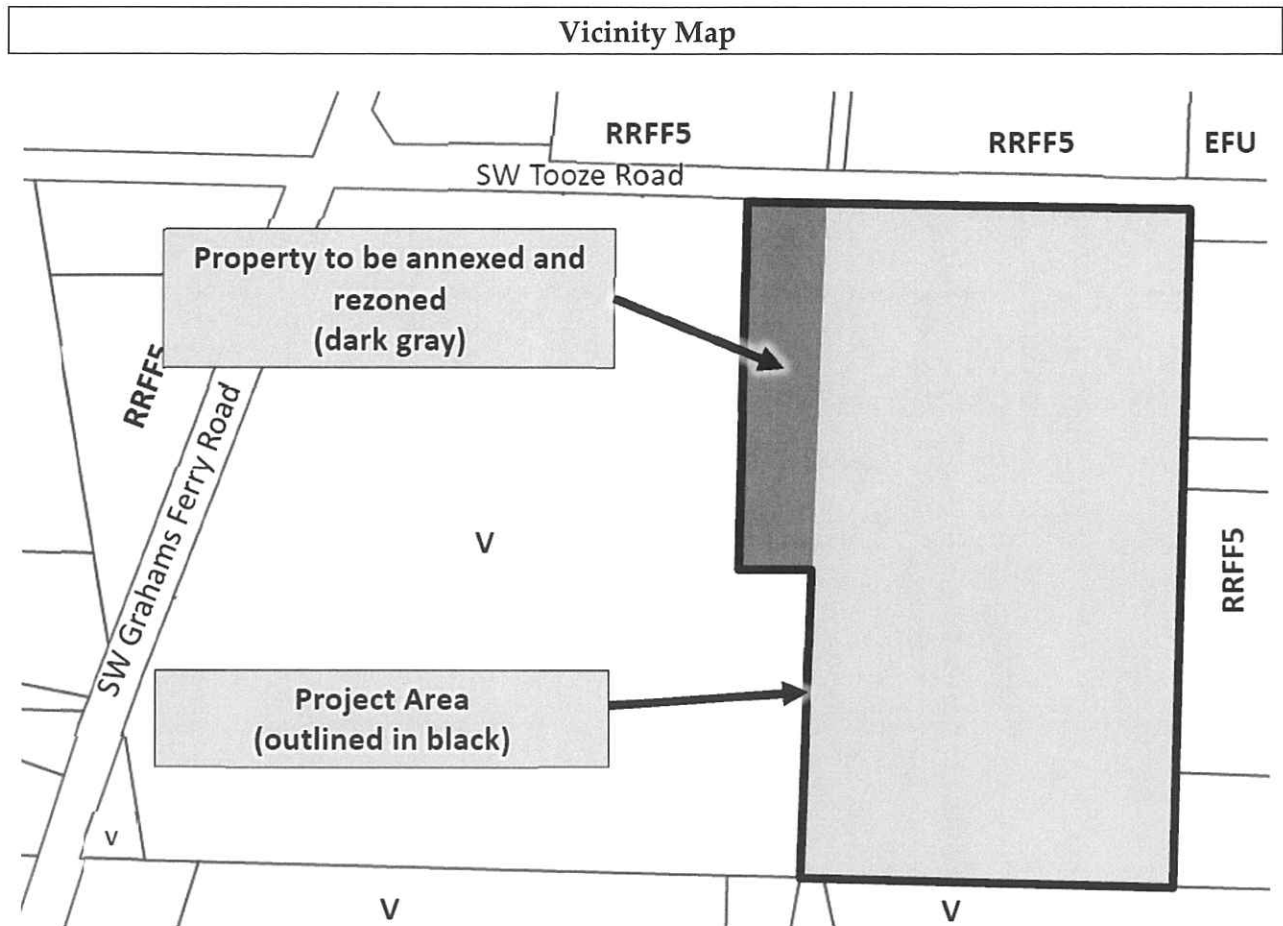
Zone Map Classification (Proposed): V (Village)

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 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.

**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