

ORDINANCE NO. 641

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE PUBLIC FACILITY (PF) ZONE TO VILLAGE (V) ZONE ON APPROXIMATELY 5.35 ACRES IN CENTRAL PORTION OF VILLEBOIS VILLAGE, ADOPTING ZONING ORDER DB07-0026 AND APPROVING PRELIMINARY DEVELOPMENT PLAN (DB07-0023) FOR PHASE 2, IN THE SOUTHWEST CORNER OF TAX LOT 2907, SECTION 15, T3S-R1W, CLACKAMAS COUNTY, OREGON. COSTA PACIFIC COMMUNITIES, APPLICANT.

WHEREAS, On July 23, 2007, after proper legal notification, Panel B of the Development Review Board reviewed a proposed Zone Map Amendment (File No. DB07-0026), a Preliminary Development Plan for SAP-Central, Phase 2 (File No. DB07-0023), and other land use applications, including;

DB07-0025 Tentative Subdivision Plat,

DB07-0024 Type 'C' Tree Preservation and Removal Plan, and,

WHEREAS, after reviewing the materials submitted by the applicant and after reviewing the record, the materials, and taking public testimony, and after deliberation, adopted Resolution Number 109, recommending approval, with conditions, of all the applications, and recommended that the Council approve the proposed Zone Map Amendment and Preliminary Development Plan, with conditions of approval, and

WHEREAS, the Wilsonville Planning Staff prepared a supplemental staff report to City Council dated August 20, 2007 (Exhibit 2A), and

WHEREAS, on August 20, 2007, after proper legal notification the City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and staff reports, took testimony, and upon deliberation, has concluded that the staff recommended Zone Map Amendment of Tax Lot 2907, Section 15, and approval of the Preliminary Development Plan meets the applicable approval criteria under the City's land 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 staff reports in this matter dated July 12, 2007, Exhibit A, and August 20, 2007, Exhibit 2A, which Exhibits are attached hereto and incorporated herein as if fully set forth.

Section 2. Zoning Order. The official City of Wilsonville Zone Map is hereby amended in Zoning Order DB07-0026, attached hereto, from the *Public Facilities (PF)* zone to the *Village (V)* zone on a portion of Tax Lot 2907, Section 15, T3S-R1W, Clackamas County, Oregon, as depicted on the attached map (Attachment 1), Clackamas County, Wilsonville, Oregon and described in attached legal description (Attachment 2).

Section 3. Order. The City Council hereby approves the above-referenced Preliminary Development Plan for Phase 2 subject to those conditions, as amended by council, specified in the attached Staff Reports and DRB resolution.

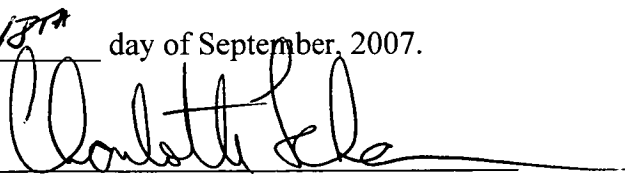
SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 20th day of August 2007, and scheduled for a second reading at a regular meeting thereof on the 17th of September, 2007 commencing at the hour of 7 p.m. at the Wilsonville City Hall.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 17th day of August, 2007, by the following votes: Yes:-4- No:-0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 18th day of September, 2007.


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes
Councilor Kirk	Excused
Councilor Nunez	Yes

Attachments:

Zoning Order DB07-0026

Exhibit 2A – Planning Division Staff Report to City Council dated August 20, 2007

Exhibit A – Development Review Board Resolution 109 and adopted Staff Report dated July 23, 2007

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

In the Matter of the Application of

Costa Pacific Communities

for a Rezoning of Land

ZONING ORDER DB07-0026

and Amendment of the City of Wilsonville

Zoning Map incorporated in Section

4.102 Wilsonville Code.

The above-entitled matter is before the Council to consider the application of Costa Pacific Communities for a Zone Map Amendment and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

It appears to the Council that the property, which is the subject of this application, is described as follows: The southwest portion of Tax Lot 2907 in Section 15, T3S-R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Clackamas County Zoning Map as *Public Facilities (PF)*.

The Council having heard and considered all matters relevant to the application, including the Development Review Board record and recommendation, finds that the application should be approved, and it is therefore,

ORDERED that approximately 5.35 acres of Tax Lot 2907, in Section 15, T3S-R1W, Wilsonville, Clackamas County, Oregon, more particularly shown in proposed zone map amendment map, Attachment 1 and described in Attachment 2 to this order, is hereby rezoned *to Village (V)*, and such 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 17th day of September 2007.

CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

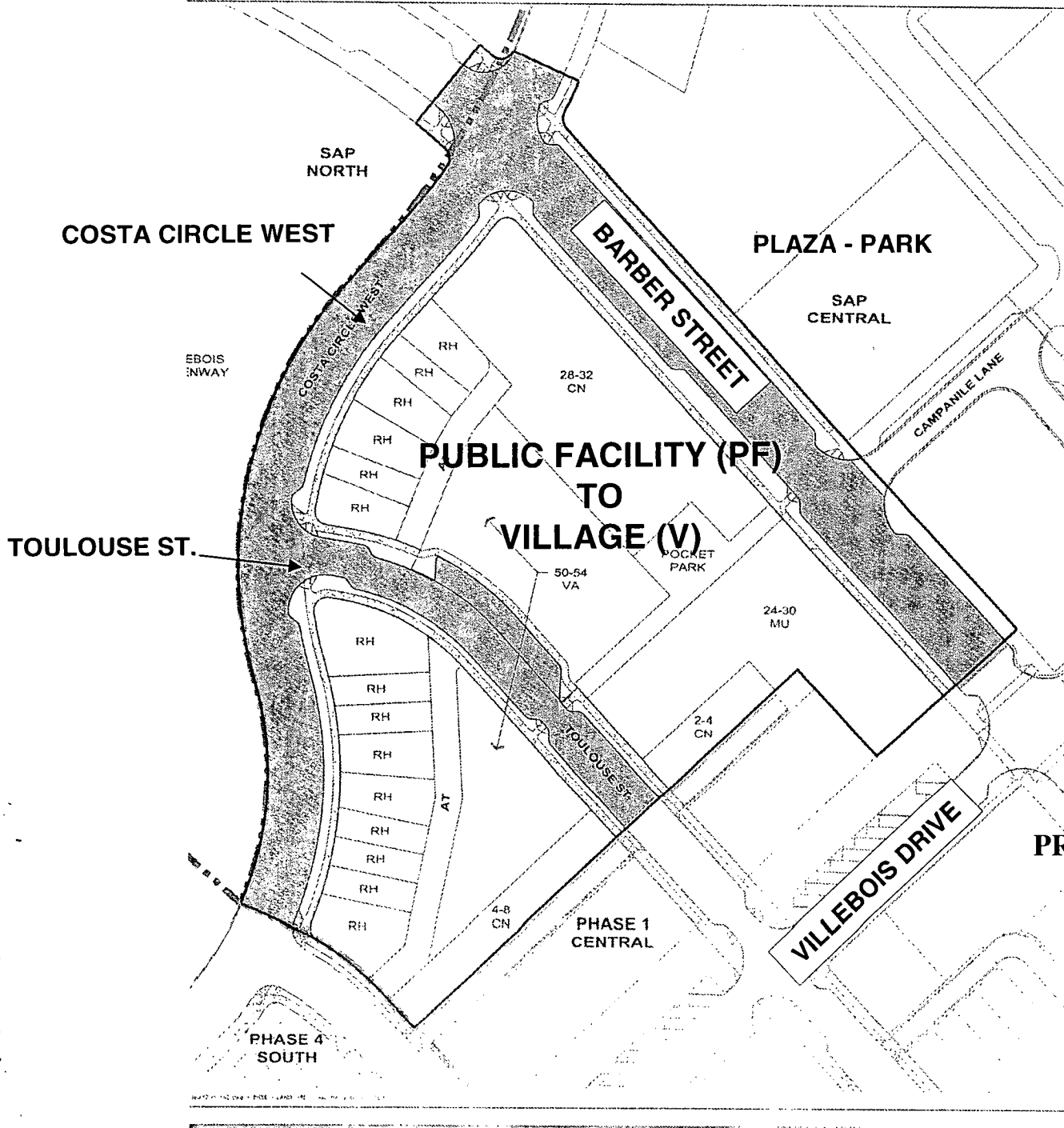
ATTEST:

Sandra C. King, MMC, City Recorder

Attachment 1: Map depicting zone change

Attachment 2: Legal Description

**PROPOSED ZONE MAP
AMENDMENT
ATTACHMENT 1**



Attachment 1



LEGAL DESCRIPTION

PHASE 2 PDP ZONING CHANGE (a portion of LOT 2, VILLEBOIS)
JOB NO: 0398-0032

A PARCEL OF LAND LOCATED IN THE NORTHEAST, SOUTHWEST AND NORTHWEST QUARTERS OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY BOUNDARY OF LOT 2, "VILLEBOIS" AND BEING THE MOST NORTHERLY CORNER OF TRACT "E", "VILLEBOIS VILLAGE CENTER"; THENCE ALONG THE BOUNDARY LINE OF SAID LOT 2, "VILLEBOIS" AND THE BOUNDARY LINE OF "VILLEBOIS VILLAGE CENTER" SOUTH 47°03'23" WEST, 399.41 FEET; THENCE LEAVING SAID PLAT BOUNDARIES NORTH 42°56'38" WEST, 35.11 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 212.50 FOOT RADIUS CURVE, BEING CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 23°40'41", 87.82 FEET (THE LONG CHORD BEARS NORTH 54°46'58" WEST, 87.19 FEET); THENCE NORTH 66°37'18" WEST, 41.62 FEET TO A POINT ON A CURVE; THENCE ALONG THE ARC OF A NON-TANGENT 242.00 FOOT RADIUS CURVE, THE RADIUS BEARS NORTH 66°37'18" WEST, BEING CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 40°14'01", 169.93 FEET (THE LONG CHORD BEARS NORTH 03°15'42" EAST, 166.46 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 318.00 FOOT RADIUS CURVE, BEING CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 58°02'17", 322.12 FEET (THE LONG CHORD BEARS NORTH 12°09'41" EAST, 308.52 FEET); THENCE NORTH 41°10'50" EAST, 73.62 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 482.00 FOOT RADIUS CURVE, BEING CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 05°31'31", 46.48 FEET (THE LONG CHORD BEARS NORTH 38°04'05" EAST, 46.46 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 10.00 FOOT RADIUS CURVE, BEING CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 83°46'55", 14.62 FEET (THE LONG CHORD BEARS NORTH 06°35'10" WEST, 13.35 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A 612.00 FOOT RADIUS CURVE, BEING CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 02°46'35", 29.65 FEET (THE LONG CHORD BEARS NORTH 49°51'55" WEST, 29.65 FEET); THENCE NORTH 38°44'48" EAST, 76.00 FEET TO A POINT ON A CURVE; THENCE ALONG THE ARC OF A NON-TANGENT 688.00 FOOT RADIUS CURVE, THE RADIUS BEARS SOUTH 38°44'48" WEST, BEING CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 01°04'55", 12.99 FEET (THE LONG CHORD BEARS SOUTH 50°42'45" EAST, 12.99 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 10.00 FOOT RADIUS CURVE, BEING CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 106°25'42", 18.58 FEET (THE LONG CHORD BEARS NORTH 76°36'52" EAST, 16.02 FEET); THENCE SOUTH 66°35'58" EAST, 56.00 FEET TO A POINT ON A CURVE; THENCE ALONG THE ARC OF A NON-TANGENT 538.00 FOOT RADIUS CURVE, THE RADIUS BEARS NORTH 66°35'58" WEST, BEING CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 02°49'25", 26.51 FEET

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Attachment 2

(THE LONG CHORD BEARS SOUTH 24°48'44" EAST, 26.51 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 10.00 FOOT RADIUS CURVE, BEING CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 69°49'22", 12.19 FEET (THE LONG CHORD BEARS SOUTH 08°41'15" EAST, 11.45 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 688.00 FOOT RADIUS CURVE, BEING CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 00°39'20", 7.87 FEET (THE LONG CHORD BEARS SOUTH 43°16'17" EAST, 7.87 FEET); THENCE SOUTH 42°56'36" EAST, 507.54 FEET TO A POINT ON THE BOUNDARY LINE OF "VILLEBOIS VILLAGE CENTER"; THENCE ALONG SAID BOUNDARY SOUTH 47°20'44" WEST, 144.35 FEET; THENCE NORTH 43°25'07" WEST, 90.00 FEET TO THE POINT OF BEGINNING.

THIS PARCEL OF LAND CONTAINS 232,944 SQUARE FEET OR 5.35 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS THE PLAT OF "VILLEBOIS VILLAGE CENTER".

VILLEBOIS SAP CENTRAL
PRELIMINARY DEVELOPMENT PLAN 2

Zoning Map Amendment DB07-0026
Preliminary Development Plan DB07-0023

INDEX

1. Ordinance adopting Zoning Order DB07-0026
2. Zoning Order DB07-0026
 - a. Attachment 1: Map Depicting Zone Change
 - b. Attachment 2: Legal Description
3. Exhibit 2A: Staff Memorandum to City Council dated August 20, 2007
 - Attachment 1: Drawing showing Villebois SAP's and PDP's
 - Attachment 2: Exhibit A DRB adopted Resolution 109 and staff report dated July 23, 2007, including adopted conditions of approval
 - Attachment 3: 11 x 17 drawings of proposal
4. Draft Minutes from July 23, 2007 meeting

**WILSONVILLE PLANNING DIVISION
STAFF MEMORANDUM
CITY COUNCIL
QUASI-JUDICIAL HEARING**

DATE: August 20, 2007

TO: Honorable Mayor and City Councilors

FROM: Blaise Edmonds, Manager of Current Planning

SUBJECT: Proposed Zone Map Amendment and Preliminary Development Plan. Costa Pacific Communities (Master Planner and developer), Villebois Village – Central.

DESCRIPTION OF ACTION:

The City Council is being asked to consider the DRB decision recommending approval case file DB07-0026, a Zone Map Amendment from Public Facilities (PF) to Village (V) and approve case file DB07-0023, a Preliminary Development Plan for Phase -2 in SAP-Central in Villebois.

SUMMARY:

The applicant's proposed Zone Map Amendment meets all applicable goals, policies, and implementation measures of the City of Wilsonville Comprehensive Plan.

The applicant is requesting to phase the final platting and infrastructure construction of PDP 2 Central in three phases. The first phase is shown as Phase 1 and includes two lots and roadway access to a 52-unit community housing/apartment development. The DRB has approved the Final Development Plans for the community housing/apartment development and the approval is contingent upon Council approving the zone change. The second phase will incorporate two lots across from the Carvalho Condominiums proposed for small "carriage houses (housing units over garages)" and the mixed use lot and pocket park in Tract A. The third phase will include the remainder of PDP 2 Central including row houses and condominiums.

Existing public facilities are, or can be made available, and are of adequate size to serve the proposed project. However, in order to accommodate future development in SAP-North, which Phase 1 of SAP-North is anticipated to be constructed in the spring or summer of 2008, streets, sanitary sewer, water and storm sewer lines must be constructed in PDP 2 Central. Recognizing the importance of infrastructure planning the DRB adopted Public Facilities (PF) Conditions PFA28 and PFA29 requiring:

PFA28 *"Applicant shall be required to complete full design and construction of Barber Street, curb to curb and including street lighting, from the existing roadway in Villebois*

Central PDP 1 to the boundary of Villebois North PDP 1, including all intersections through the far corner radii. Design and construction shall include all underground storm, sanitary, and water systems as shown in the Villebois Master Plan and as needed to service other areas of the Villebois development, and all franchise utility conduit and systems needed to service other areas of the Villebois development.” and,

PFA29 “Applicant shall be required to complete full design and construction of all roadways bordering the Central PDP 2 (Barber Street, Costa Circle West and Toulouse Street) project site through the far right-of-way.”

The DRB found with conditions of approval that the proposed Preliminary Development Plan, Tentative Subdivision Plat and Type ‘C’ Tree preservation and Removal Plan meets all applicable requirements.

BACKGROUND:

Zone Map Amendment and Preliminary Development Plan

In Resolution No. 109, the Development Review Board recommends approval of the proposed Zone Map Amendment and Preliminary Development Plan for Phase 2 to the City Council. Under the applicant’s proposal, the Zone Map designation would change from PF to V. This will allow the development of 117 to 143 dwelling units (row houses, condominiums, apartments and 5,000 sq. ft. commercial space) on 5.35 acres.

In the separate, companion applications (DB07-0025 and DB07-0024) the DRB approved a Tentative Subdivision Plat comprising 21 lots and Type ‘C’ Tree Preservation and Removal Plan.

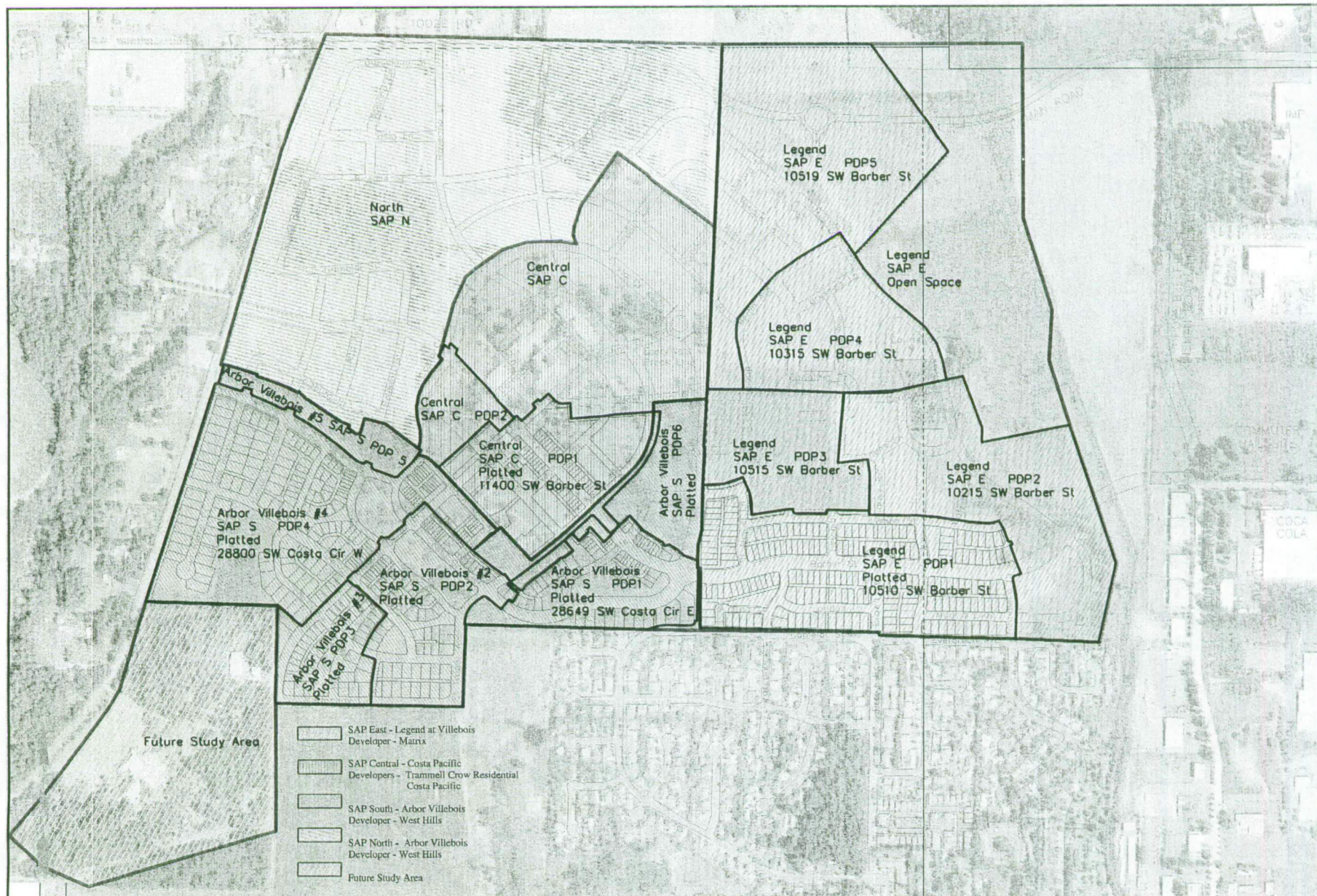
RECOMMENDATION:

Staff is recommending that Council approve the Zone Map Amendment and Preliminary Development Plan for Phase 2. The Tentative Subdivision Plat and Type ‘C’ Tree Preservation and Removal Plan are contingent upon Council approval of the Zone Map Amendment.

Attachment 1: Drawing showing Villebois SAP’s and PDP’s

Attachment 2: Exhibit A DRB adopted Resolution 109 and staff report dated July 23, 2007, including adopted conditions of approval

Attachment 3: 11 x 17 drawings of proposal



Villebois SAP's & PDP's

6/26/07

SCALE: N.T.S.

DRAWN BY: SJ

CITY OF WILSONVILLE

Engineering Division

**DEVELOPMENT REVIEW BOARD PANEL B
RESOLUTION NO. 109**

PDP-2, SAP-CENTRAL, VILLEBOIS

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING THE FOLLOWING APPLICATIONS: PRELIMINARY DEVELOPMENT PLAN-2 AND REFINEMENTS; ZONE MAP AMENDMENT TO CHANGE THE PUBLIC FACILITY ZONE TO VILLAGE ZONE; TENTATIVE SUBDIVISION PLAT AND TREE PRESERVATION AND REMOVAL PLAN. THE PROPERTY IS LOCATED ON TAX LOT 2907, SECTION 15, T3S-R1W, CLACKAMAS COUNTY, OREGON. COSTA PACIFIC COMMUNITIES, APPLICANT.

WHEREAS, an applications, 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 reports on the above-captioned subject dated July 12, 2007, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at regularly scheduled meeting conducted on July 23, 2007, 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 applications and the recommendations contained in the staff reports, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff reports attached hereto as Exhibit A with findings and recommendations contained therein, and with amendments as read into the record, and approves:

DB07-0023 Preliminary Development Plan-2 of SAP-Central and refinements.
DB07-0025 Tentative Subdivision Plat
DB07-0024 Type 'C' Tree Plan

and recommends that the Council approve:

DB07-0026 Zone Map amendment- Public Facility zone to Village zone:

for Villebois Village Specific Area Plan-Central, consistent with said recommendations. Approvals under this Resolution are subject to City Council approval of a Zone Map Amendment. A City Council hearing date is scheduled for August 20, 2007.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 23rd day of July 2007, and filed with the Planning Project Coordinator on July 26, 2007. 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)*.

Al Levit
Al Levit – Vice-chair Panel B
Wilsonville Development Review Board

Attest:

Sally Hartill
Sally Hartill, Planning Project Coordinator

**WILSONVILLE PLANNING DIVISION
STAFF MEMORANDUM
CITY COUNCIL**

DATE: September 12, 2007

TO: Honorable Mayor and City Councilors

FROM: Blaise Edmonds, Manager of Current Planning

SUBJECT: Ordinance No. 641: Zone Map Amendment and Preliminary Development Plan, Phase 2 in SAP Central

The Engineering Division is proposing Conditions PFA44 and PFA45 for your consideration to assure that public infrastructure will be constructed to serve PDP-2 and to adjacent properties. Please see Mr. Steve Adams memorandum Dated September 11, 2007.

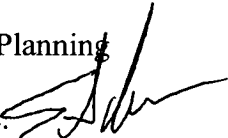


Engineering Department
29799 SW Town Center Lp. E.
Wilsonville, OR 97070
503-682-4960
503-682-7025 fax

MEMO
Community Development Department
Engineering Division

DATE: September 11, 2007

TO: Blaise Edmonds
Manager of Current Planning

FROM: Steve R. Adams, P.E. 
Deputy City Engineer – Private Development

**RE: *Villebois SAP Central PDP 2
Conditions of Approval
Ordinance No. 641***

This memo is intended to clarify PF Conditions of Approval for the above referenced project by adding the following additional conditions:

PFA 44. By March 1 2008, the Applicant/Owner shall be required to provide the City with a performance bond, standby letter of credit, assignment of deposit or other financial instrument acceptable to the City in the amount of 150% of the approved engineer's estimate for all public facilities improvements within the Villebois SAP Central PDP 2 development.

PFA 45. As stated by the Applicant at the first reading of Ordinance No. 641 before the City Council, construction of all public facilities improvements within the Villebois SAP Central PDP 2 development shall be completed by December 31, 2008.

Should you have further questions or concerns regarding this matter, please contact me at 503-682-4960.