

**ORDINANCE NO. 607**

**AN ORDINANCE AMENDING WILSONVILLE CODE SECTION 4.125(.18)(K.) CONCERNING PARK DEVELOPMENT FOR PRELIMINARY DEVELOPMENT PLANS**

WHEREAS, in the process of approving Preliminary Development Plans (PDPs) for the Villebois Urban Village, the city has identified a need to ensure that parks will be constructed and available about the time the majority of homes in the PDP are occupied; and,

WHEREAS, as an element of the recent amendments to the Villebois Village Master Plan, Chapter 3: Parks and Open Spaces, plan Implementation Measures 18 and 21, relating to the phasing of parks improvements and the manner in which construction of parks in PDPs and in the Central Specific Area Plan (SAP) are secured, were adopted by the City Council; and,

WHEREAS, to further implement the phasing and security measures, the language in the Village zone should be amended to codify the changes,

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

Section 1. Findings. The City Council hereby adopts as findings the staff report in this matter, attached as Exhibit 1 and incorporated herein as if fully set forth.

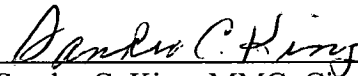
Section 2. Wilsonville Code section 4.125(.18)(K.) is amended to read as follows:

(.18)(K.) PDP Approval Criteria. The Development Review Board may approve an application for a PDP only upon finding that the following approval criteria are met:

1. That the proposed PDP:
  - a. Is consistent with the standards identified in this section.
  - b. Complies with the applicable standards of the Planning and Land Development Ordinance, including Sections 4.140(.09)(J) (1)-(3).
  - c. Is consistent with the approved Specific Area Plan in which it is located.
  - d. Is consistent with the approved Architectural Pattern Book and, where required, the approved Village Center Architectural Standards.

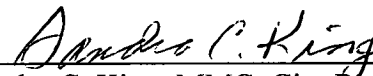
2. If the PDP is to be phased, that the phasing schedule is reasonable and does not exceed two years between commencement of development of the first, and completion of the last phase, unless otherwise authorized by the Development Review Board.
3. **Parks within each PDP or PDP phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase, unless weather or other special circumstances prohibit completion, in which case bonding for the improvements shall be permitted.**
4. **In the Central SAP, parks shall be constructed within each PDP as provided above, and that pro rata portion of the estimated cost of Central SAP parks not within the PDP, calculated on a dwelling unit basis, shall be bonded or otherwise secured to the satisfaction of the city.**
5. The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.

SUBMITTED to the Wilsonville City Council and read for the first time at regular meeting thereof on the 20<sup>th</sup> day of March, 2006, and scheduled for second reading at a regular meeting on the 3rd day of April, 2006 at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, Oregon.

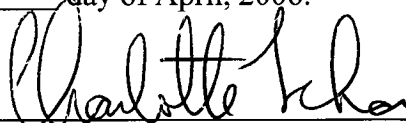
  
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 3rd day of April, 2006, by the following votes:

YEAS: -4-      NAYS: -0-

  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 4<sup>th</sup> day of April, 2006.

  
CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	<u>Yes</u>
Councilor Holt	Excused
Councilor Knapp	Yes
Councilor Ripple	Yes

Attachments: Exhibit 1, Staff reports dated March 13, 2006

WILSONVILLE PLANNING DIVISION  
*Legislative*  
STAFF REPORT

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HEARING DATE: March 20, 2006

DATE OF REPORT: March 13, 2006

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FILE NO.: LP-06-0002

APPLICANT: City of Wilsonville

REQUEST: Amendments to Wilsonville Development Code, Village Zone,  
Section 4.125(.18)(K) relating bonding for future parks improvements

LOCATION: Villebois

STAFF REVIEWER: Sandi Young, Planning Director

CRITERIA: *Wilsonville Comprehensive Plan:*  
Citizen Involvement Goal 1.1; Implementation Measures 1.1.1.a,  
1.1.1.e, 1.1.1.f, 1.1.1.g

*Planning and Land Development Ordinance:*  
Section 4.008 (.01)(F) Application Procedures  
Section 4.197(.01)(B) Zone change Amendments

*Villebois Village Master Plan*

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**SUMMARY:**

The Planning Commission conducted public hearings on February 8 and February 22, 2006 on the proposed changes to the Village Zone regarding bonding for future park improvements and recommended Council approval of Ordinance No. 607.

**RECOMMENDATION:**

Staff supports the recommendation of the Planning Commission, and recommends that the City Council approve Ordinance No. 607, on first reading.

**BACKGROUND:**

This amendment implements Implementation Measure # 21 of the proposed Parks and Recreation Plan for Villebois, which the Planning Commission had, earlier in the evening, forwarded to the Council with a recommendation for approval. The Planning Commission listened to testimony from Costa Pacific Communities in opposition to the amendment, and reviewed a memo Eldon Johansen, Community Development Director in support of the amendment. (See Exhibits) The Commission supported Mr. Johansen's memo, and voted to recommend approval of Ordinance No. 607.

The City allows bonding in similar situations. For example, in Section 4.176(10), "The installation of plant materials (in an approved landscape plan) may be deferred for a period of time specified by the Board"... "in order to avoid hot summer or cold winter periods, or in response to water shortages." ... "No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for completion of the landscaping..." Part of the reason for not constructing Hilltop Park in conjunction with early PDPs in Central SAP is the lack of water until water lines are extended as part of the phasing of development.

Under Land Divisions, Section 4.264. Improvements - Assurance. Section 4.264(01)(B.) states that, "A bond or other form of security satisfactory to the Community Development Director or a certified check, equal to one and one-half times the City Engineer's estimate of the cost of such improvements has been posted with the city to assure completion of all required improvements". This section applies to some or all of improvements such as streets, water and sewer lines, etc. It is not used often in Wilsonville, since improvements are generally installed prior to approval and recording of final plats.

**CONCLUSION:**

The proposed amendment is consistent with city requirements for bonding of future improvements, and assures that the parks in SAP Central will be built, even if ownership changes.