

ORDINANCE NO. 663

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL (R) ZONE TO THE PLANNED DEVELOPMENT - 4 RESIDENTIAL (PDR-4) ZONE ON APPROXIMATELY 0.13 ACRES OF TAX LOT 1300, SECTION 23AC, T3S, R1W, CLACKAMAS COUNTY, OREGON. SFA DESIGN GROUP, LLC, ACTING AS AGENT FOR THE APPLICANT/OWNER, FRANCIS M. DEPRATER.

WHEREAS, *SFA Design Group, LLC* has requested a Zone Map Amendment described in attached Zoning Order DB09-0006; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated March 23, 2009, wherein it reported that the request is consistent with and meets requirements for approval of a Zone Map Amendment; and

WHEREAS, the Development Review Board Panel 'B' held a public hearing on this request on March 23, 2009, and after taking testimony, gave full consideration to the matter and recommended approval of the request; and

WHEREAS, the Wilsonville Planning Staff prepared a memo to City Council dated April 6, 2009; and

WHEREAS, on April 6, 2009, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and staff report, took testimony, and, upon deliberation, has concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City's land development code and Comprehensive Plan,

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 in this matter dated March 13, 2009, which Exhibit A is attached hereto as Attachment 2 and incorporated herein as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended in Zoning Order: DB09-0006, attached hereto, from Residential (R) to Planned Development

Residential - 4 (PDR-4) on Tax Lot 1300, Section 23AC, T3S, R1W, Clackamas County, Oregon, depicted on the attached map (Attachment 2), and in the attached Legal Description (Attachment 1), Clackamas County, Wilsonville, Oregon.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 6th day of April 2009, and scheduled the second reading on April 20, 2009 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 20th day of April, 2009, by the following votes:

Yes: -5-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 21st day of April , 2009.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Hurst	Yes
Councilor Ripple	Yes
Councilor Kirk	Yes
Councilor Nunez	Yes

Attachments:

1. Zoning Order DB09-0006
 - Attachment 1: Legal Description
 - Attachment 2: Map depicting zone change
2. Planning Division Staff Report to the Development Review Board, March 23, 2009, labeled Exhibit A

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

In the Matter of the Application of)
SFA Design Group, LLC, acting as agent)
For the applicant and owner)
Francis M. DePrater, 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 DB09-0006

The above-entitled matter is before the Council to consider the application of *SFA Design Group, LLC*, acting as agent for the applicant/owner, *Francis M. DePrater*, 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: Tax Lot 1300 in Section 23AC, T3S R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Wilsonville Zoning Map as *Residential (R)*.

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 0.13 acres of Tax Lot 1300 in Section 23AC, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 1 to this order, is hereby rezoned to *Planned Development Residential - 4 (PDR-4)*, 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 20th day of April, 2009.


TIM KNAPP, MAYOR

APPROVED AS TO FORM:



Paul Lee, Assistant City Attorney

ATTEST:



Sandra C. King, MMC, City Recorder

Attachment 1: Legal Description
Attachment 2: Map depicting zone change



SFA Design Group, LLC

STRUCTURAL | CIVIL | LAND USE PLANNING | SURVEYING

9020 SW Washington Square Dr. • Suite 350 • Portland, Oregon 97223
P: 503-641-8311 • F: 503-643-7905 • www.sfadesigngroup.com

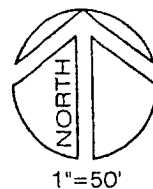
LEGAL DESCRIPTION

A tract of land located in the northeast one-quarter of Section 23, Township 3 South, Range 1 West, Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

Beginning at the southwest corner of that certain tract of land described in Document No. 93-39310, Clackamas County Deed Records, also being a point on the easterly right-of-way line of Magnolia Avenue; thence along said right-of-way line $N07^{\circ}42'00''E$, a distance of 52.06 feet; thence leaving said right-of-way line $S82^{\circ}18'00''E$, a distance of 126.00 feet; thence $S07^{\circ}42'00''W$, a distance of 43.40 feet; thence $S89^{\circ}52'23''W$, a distance of 127.19 feet to the **Point of Beginning**.

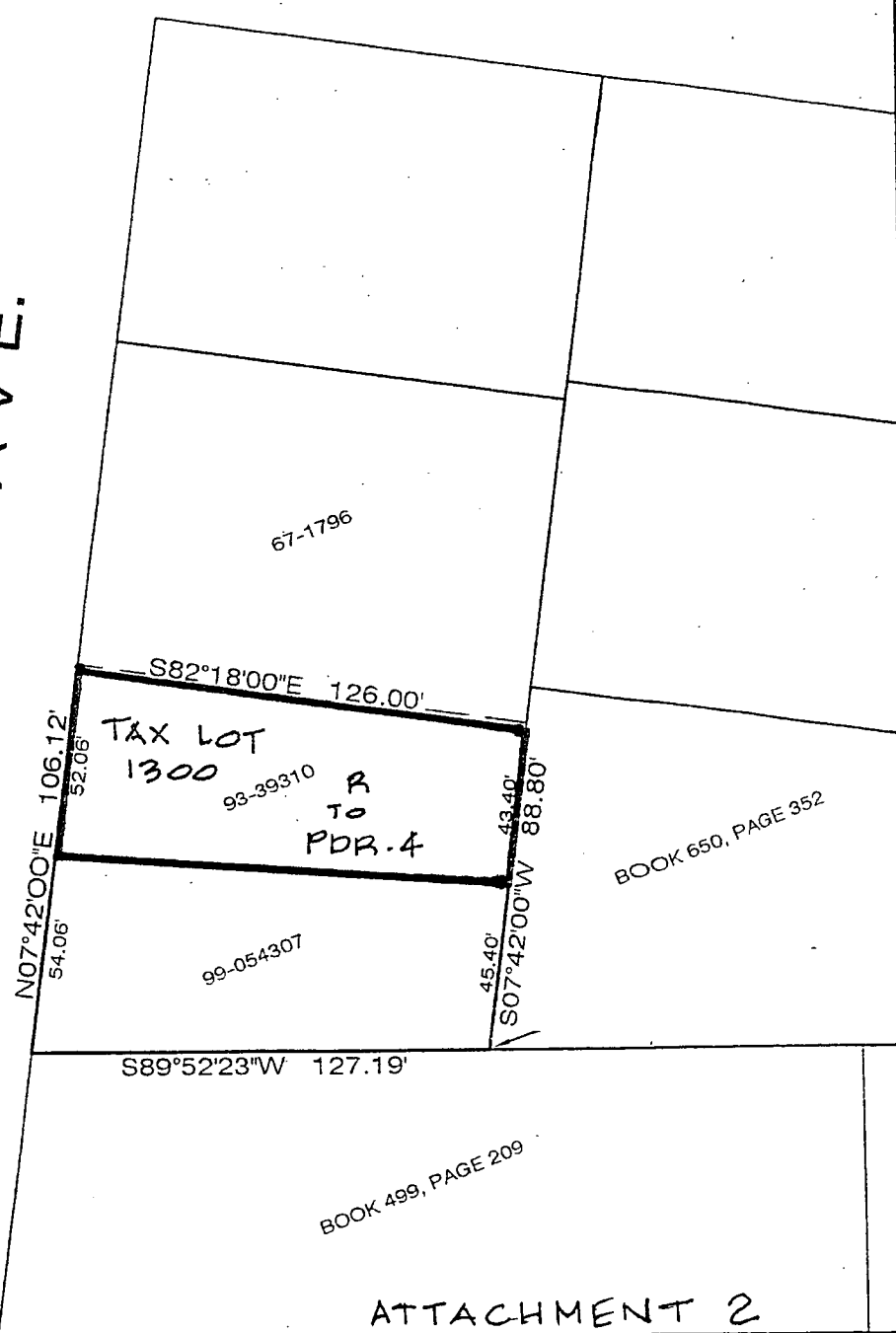
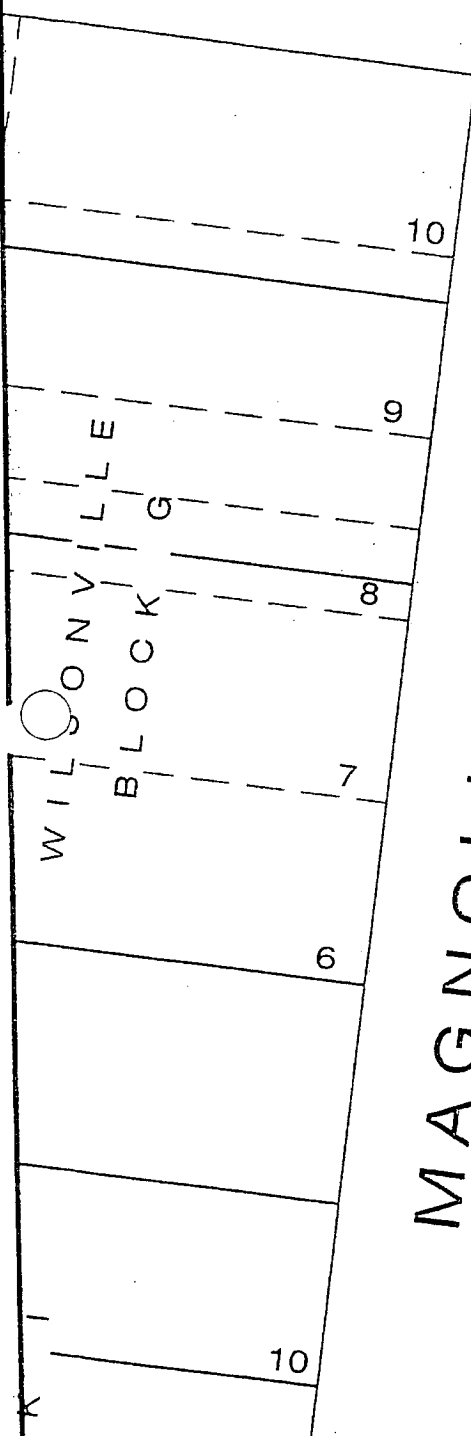
Containing 6,014 square feet more or less.

ATTACHMENT 1



4TH STREET

MAGNOLIA AVE.



ATTACHMENT 2

SFA JOB NO.: 092	DATE: 1/6/2009	PREPARED FOR: CHRIS BROWN	SKETCH TO ACCOMPANY LEGAL DESCRIPTION
------------------	----------------	---------------------------	---------------------------------------



SFA Design Group, LLC
 STRUCTURAL | CIVIL | LAND USE PLANNING | SURVEYING
 9020 SW Washington Square Dr. • Suite 350 • Portland, Oregon 97223
 Phone 503.641.8311 Fax 503.643.7905

A TRACT OF LAND
 LOCATED IN THE NE 1/4 OF SECTION 23,
 TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
 IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON.

WILSONVILLE PLANNING DIVISION
STAFF MEMORANDUM
CITY COUNCIL
QUASI-JUDICIAL HEARING

DATE: April 6, 2009
TO: Honorable Mayor and City Councilors
FROM: Blaise Edmonds, Manager of Current Planning
SUBJECT: Zone Map Amendment - Case File DB09-0006. (Francis M. Deprater)

DESCRIPTION OF ACTION:

The City Council is being asked to consider DRB Resolution No. 160 recommending approval of case file DB09-0006, a Zone Map Amendment from Residential (R) to Planned Development Residential -4 (PDR-4).

SUMMARY:

The applicant's proposed Zone Map Amendment meets all applicable zoning and Comprehensive Plan requirements.

BACKGROUND:

The applicant/owner of Lot 1300 is proposing to remodel and expand their existing house. Total development site area is approximately 0.13 acres. It has been explained to staff that the proposed addition is for the applicant's daughter and her children as a live-in care giver for her. Even though the property is designated for higher intensity use the current R zoning limits the allowable lot coverage to 20%. This lot coverage limitation will not accommodate the proposed house addition. Proposed lot coverage including the proposed addition @ 2280 SF house = approximately 43% lot coverage. The PDR-4 zone would allow for 50% lot coverage. Therefore, in order to accommodate the proposed remodel, a zone change to PDR-4 is being requested.

Existing public facilities are, or can be made available, and are of adequate size to serve the proposed house addition.

RECOMMENDATION:

In Resolution No. 160 the Development Review Board recommends approval the proposed Zone Map Amendment to the City Council. Staff is recommending that Council approve the Zone Map Amendment.