

**ORDINANCE NO. 703**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT from the *RESIDENTIAL AGRICULTURAL - HOLDING (RA-H) ZONE* to the *PLANNED DEVELOPMENT RESIDENTIAL - 4 (PDR-4) ZONE* ON 19.962 - ACRES COMPRISING THE NORTHERLY PORTIONS OF TAX LOTS 103, 105 AND 200 OF SECTION 14A, T3S, R1W, CLACKAMAS COUNTY, OREGON. HOLLAND PARTNER GROUP, APPLICANT.**

WHEREAS, HOLLAND PARTNER GROUP has made certain development application requests, among which it has requested a Zone Map Amendment of certain property described in Attachments 1 and 2 of this Ordinance; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated March 19, 2012, 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 26, 2012, and after taking testimony, gave full consideration to the matter and recommended approval of the request to the City Council which has final approval authority over Zone Map Amendments; and

WHEREAS, on April 16, 2012, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and the staff report, took testimony, and, upon deliberation, continued the hearing until May 7, 2012, leaving the record open for additional evidence and testimony;

WHEREAS, on May 7, 2012, the City Council reconvened the public hearing and took additional testimony from staff and the applicant and accepted additional evidence and written testimony into the record; and

WHEREAS, during testimony at the May 7, 2012 public hearing, the Applicant, having heard concerns expressed concerning the proposed density of the Applicant's project during the April 16 public hearing, testified that he would voluntarily agree to reduce the number of proposed dwelling units by 39 units and that the Applicant would voluntarily age restrict forty six (46) units (the type of housing yet to be determined) to be contained in the next phase the Applicant's development, which is included in this application, to people age 50 and older, excluding 25 market rate single family homes which will not be age restricted; and

WHEREAS the City Council concluded that the proposed Zone Map Amendment, with the reduction of 39 dwelling units and the above described age restrictions proposed by the Applicant 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, including the Applicant's voluntary reduction in density and imposition of the age restriction on certain yet to be built and designed units, as described above and as placed on the record, along with the staff reports in this matter, labeled Exhibits B and D, as amended by the Applicant's voluntary density reduction and age restriction imposition, all of which are incorporated herein as if fully set forth.

**Section 2. Order.** The official City of Wilsonville Zone Map is hereby amended in Zoning Order DB12-0012 attached hereto as Exhibit A, from Residential Agricultural - Holding (RA-H) Zone to Planned Development Residential - 4 (PDR-4) Zone on the upper portions of Tax Lots 103, 105 and 200 Section 14A, T3S-R1W, Clackamas County, Oregon, depicted in the attached Legal Description (Zoning Order, Attachment 2), Clackamas County, Wilsonville, Oregon.

**SUBMITTED** to the Wilsonville City Council by first reading on April 16, 2012, with continuation of the public hearing until May 7, 2012 for additional evidence and second reading thereof at the City Council meeting held on May 7, 2012. At the May 7,

2012 continued public hearing additional evidence testimony and exhibits were received from the Applicant. There was no opposition testimony provided at the either the April 16, 2012 or May 7, 2012 hearings. The hearing on May 7, 2012 was then closed. The City Council voted to approve the application with conditions and with the proviso that the decision would be reopened in the event of the receipt by the City Council of any rebuttal testimony and/or rebuttal evidence to the new evidence presented at the May 7, 2012, within a period of seven (7) days from the date of the May 7, 2012 decision.

**ENACTED** by the City Council on the 7th day of May, 2012, by the following votes:

**Yes:-5- No: -0-**

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Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this \_\_\_\_ day of May, 2012.

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Tim Knapp, MAYOR

**SUMMARY OF VOTES:**

Mayor Knapp	Yes
Council President Núñez	Yes
Councilor Hurst	Yes
Councilor Starr	Yes
Councilor Goddard	Yes

**Attachments:**

Exhibit A - Zoning Order DB12-0012

Attachment 1: Map depicting Zone Map Amendment

Attachment 2: Legal Description

Exhibit B – Planning Division Staff Report, Zone Change findings, and Recommendation to City Council, April 16, 2012

Exhibit C - DRB Panel B Notice of Decision and Resolution No. 226.

Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1), March 26, 2012 and Brenchley Estates application dated February 24, 2012 on compact disk.

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WILSONVILLE, OREGON  
Brenchley Estates - North**

In the matter of the application of )  
Mr. Jerry Offer of OTAK, Inc, )  
acting as agent for the Applicant, )  
Holland Partner Group, for a ) **ZONING ORDER DB12-0012**  
rezoning of land and amendment )  
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 DB12-0012, 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 property, which is the subject of this application, is described as follows: Northerly portions of Tax Lot 200, 103 and 105 in Section 14A, T3S-R1W, Clackamas County, Wilsonville, Oregon, including adjacent right-of-ways, and such property has heretofore appeared on the City of Wilsonville Zoning Map as Residential Agriculture - Holding (RA-H).

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

ORDERED that approximately 19.962 acres of the northerly portions of Tax Lot 200, 103 and 105, Section 14A, T3S-R1W, Wilsonville, Clackamas County, Oregon, more particularly shown in the Zone Map Amendment Map, Attachment 1 and described in Attachment 2 to this order, is hereby rezoned to Planned Development Residential - 4 (PDR-4), subject to conditions detailed in the Order's adopting Ordinance 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 \_\_\_\_\_ day of May, 2012.

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TIM KNAPP, MAYOR

APPROVED AS TO FORM:

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Michael E. Kohlhoff, City Attorney

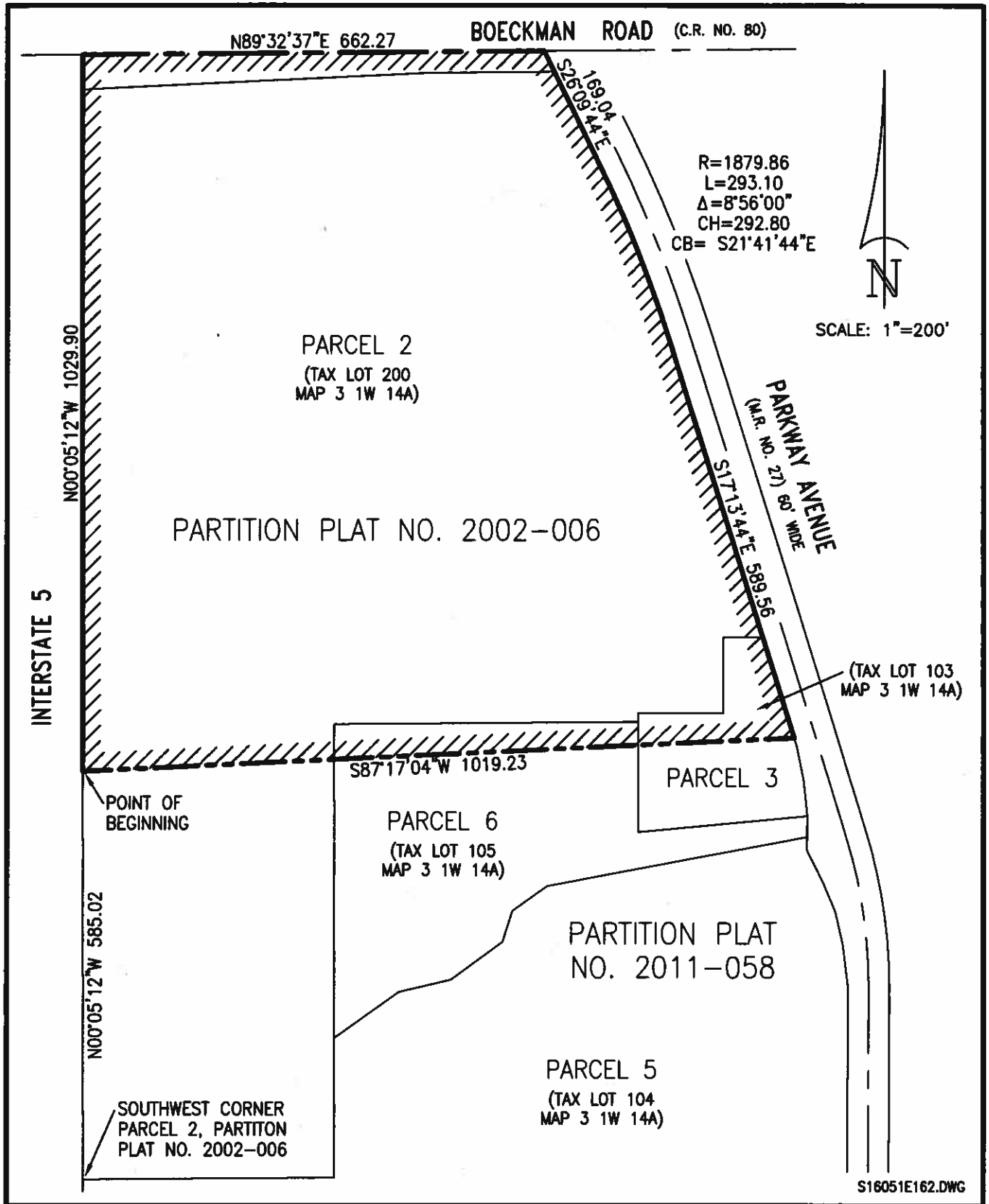
ATTEST:

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Sandra C. King, MMC, City Recorder

Attachment 1: Legal Description

Attachment 2: Map depicting Zone Map Amendment



**RA-H ZONE AREA  
 BRENCHLEY PROJECT  
 NE1/4 SECTION 14, T.3S., R.1W., W.M.  
 CITY OF WILSONVILLE  
 CLACKAMAS COUNTY, OREGON  
 MARCH 12, 2012**

**otak**  
 Incorporated

surveyors  
 engineers  
 planners

17355 S.W. BOONES FERRY ROAD  
 LAKE OSWEGO, OREGON 97035  
 (503)635-3618 FAX (503)635-5395

**RA-H ZONE AREA  
BRENCHLEY PROJECT**

**Description  
March 12, 2012**

A tract of land in the northeast one-quarter of Section 14, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

Beginning at a point on the west line of Parcel 2 (Tax Lot 200), Partition Plat No. 2002-006, Clackamas County Plat Records, said point bearing North  $00^{\circ}05'12''$  West, a distance of 585.02 feet from the southwest corner of said Parcel 2 (Tax Lot 200); thence North  $00^{\circ}05'12''$  West along said west line and its northerly extension, a distance of 1,029.90 feet to the centerline of Boeckman Road (C.R. No. 80); thence North  $89^{\circ}32'37''$  East along said centerline, a distance of 662.27 feet to the northerly extension of the westerly right of way line of Parkway Avenue (M.R. No. 27); thence South  $26^{\circ}09'44''$  East along said northerly extension and westerly right of way line, a distance of 169.04 feet to the point of curve right of a 1,879.86 foot radius curve; thence continuing along said westerly right of way line on the arc of said curve right through a central angle of  $8^{\circ}56'00''$ , a distance of 293.10 feet (chord bears South  $21^{\circ}41'44''$  East, a distance of 292.80 feet); thence continuing along said westerly right of way line South  $17^{\circ}13'44''$  East, a distance of 589.56 feet to a point on the easterly line of Parcel 3 (Tax Lot 103), said Partition Plat No. 2002-006; thence leaving said westerly right of way line and running through said Parcel 3 (Tax Lot 103), Parcel 6 (Tax Lot 105), Partition Plat No. 2011-058, Clackamas County Plat Records, and said Parcel 2 (Tax Lot 200) South  $87^{\circ}17'04''$  West, a distance of 1,019.23 feet to the Point of Beginning.

Contains 19.962 acres, more or less.