

ORDINANCE NO. 720

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE PUBLIC FACILITY (PF) ZONE, AND THE EXCLUSIVE FARM USE (EFU) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 28.91 - ACRES COMPRISING TAX LOTS 2915, 2922, 2992 AND 2995 AND PORTIONS OF TAX LOTS 2916 OF SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON, POLYGON AT VILLEBOIS II, LLC AND POLYGON AT VILLEBOIS III, LLC APPLICANT.

RECITALS

WHEREAS, Polygon at Villebois II LLC and Polygon at Villebois III LLC (“Applicant”), as owner of the real property legally described and shown on Exhibits A and B, attached hereto and incorporated by reference herein (“Property”) has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the 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 June 10, 2013;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on June 10, 2013, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 259 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB13-0023), adopts the staff report with modified findings and recommendation, all as placed on the record at the hearing, contingent on City Council approval of the Zone Map Amendment and authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on June 17, 2013, 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 Development Review Board staff report, as contained in the record of the above described DRB hearing and incorporates it by reference herein, as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB13-0023, attached hereto as Exhibit A, from the Public Facility (PF) Zone and the Exclusive Farm Use (EFU) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 17th day of June 2013, and scheduled for the second and final reading on July 15, 2013, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

/s/
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 15th day of July, 2013, by the following

votes: Yes: -4- No:-0-

/s/
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 16 day of July 2013.

/s/
Tim Knapp, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp - Yes
- Council President Starr - Yes
- Councilor Goddard - Excused
- Councilor Stevens - Yes
- Councilor Fitzgerald - Yes

Attachments:

Exhibit A, Zoning Order DB13-0023.

Attachment 1, Legal Description

Attachment 2, Map Depicting Zone Amendment

Exhibit B Zone Map Amendment Findings, June 17, 2013.

Exhibit C DRB Resolution No. 259

**STAFF REPORT
WILSONVILLE PLANNING DIVISION**

*Polygon at Villebois II, LLC and Polygon at Villebois III, LLC- Villebois PDP 2 North
“Tonquin Wood at Villebois No. 4”
Zone map amendment*

**CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING**

HEARING DATE June 17, 2013

APPLICATION NOS.: DB13-0023 Zone Map Amendment

REQUEST/SUMMARY: The City Council is being asked to review a Zone Map Amendment that will enable the development of a 90-lot residential subdivision, and associated parks and open space and other improvements.

LOCATION: West of 110th Avenue, east of Grahams Ferry Road, north of Barber Street and former Dammasch State Hospital site. The property is specifically known as Tax Lots 2915, 2992 and 2995, and portions of 2916 and 2922, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

**PROPERTY OWNER/
APPLICANT:**

Fred Gast
Polygon at Villebois II, LLC
Polygon at Villebois III, LLC

APPLICANT’S REP.: Stacy Connery, AICP
Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATIONS: PF (Public Facility)
EFU (Exclusive Farm Use)

STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner

DRB RECOMMENDATIONS: **Approve** the requested Zone Map Amendment.

APPLICABLE REVIEW CRITERIA

<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.033	Authority of City Council
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.125	V-Village Zone
Sections 4.139.00 through 4.139.11 as applicable	Significant Resource Overlay Zone (SROZ)
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
<u>COMPREHENSIVE PLAN</u>	
Implementation Measure 4.1.6.a.	
Implementation Measure 4.1.6.b.	
Implementation Measure 4.1.6.c.	
Implementation Measure 4.1.6.d.	
<u>OTHER PLANNING DOCUMENTS</u>	
Villebois Village Master Plan	
SAP Central Approval Documents	

Vicinity Map



BACKGROUND/SUMMARY:

PDP 2N Preliminary Development Plan (DB13-0020)

The proposed Preliminary Development Plan (PDP) 2 of Specific Area Plan North (also known as PDP 2N) comprises approximately 28.91 acres. The applicant proposes a variety of single-family detached houses totaling 90 units, 19.12 acres of park/open space areas, and associated infrastructure improvements. Most of the homes in the development will back up to alleys. 10 standard sized lots that back up to Grahams Ferry Road will not back up to an alley. The front of all the homes will face tree lined streets, parks and green spaces.

Proposed Housing Type	Number of Units
Standard Detached Single Family	10
Medium Detached Single Family	6
Small Detached Single Family	37
Small Cottage Detached Single Family	37
Total	90

Zone Map Amendment (DB13-0023)

The primary proposal is to change the current Public Facility (PF) and Exclusive Farm Use (EFU) zones to the Village (V) zone. The proposed residential and park uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the applicant’s analysis of compliance with the applicable criteria. This Staff report adopts the applicant’s responses as Findings of Fact except as noted in the Findings.

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on April 15, 2013. On May 15, 2013, staff issued a notice that the application was incomplete within the statutorily allowed 30-day review period. The applicant has submitted a number of additional materials since the original submission, the last of which materials was May 31, 2013. On May 31, 2012 the application was deemed complete. The City must render a final decision for the request, including any appeals, by September 28, 2013

2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	--	Unincorporated Rural Residential
East:	V	Phase 3 East Villebois (approved/unbuilt)
South:	PF/V	Phase 1 North Villebois (under construction) Future Phase 4 Central (proposed) Undeveloped portions of SAP Central
West:	--	Unincorporated Rural 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)

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

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.

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Finding: These criteria are met.

Details of Finding: The application is being processed in accordance with the applicable general procedures of this Section.

Section 4.009 Who May Initiate Application

Review Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Finding: This criterion is satisfied.

Details of Finding: The application has been submitted on behalf of the property owner. Polygon at Villebois III, LLC. The application form is signed by Fred Gast, President.

Subsection 4.010 (.02) Pre-Application Conference

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Details of Finding: A pre-application conference was held on March 28, 2013 in accordance with this subsection.

Subsection 4.011 (.02) B. Lien Payment before Application Approval

Review Criterion: "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

Finding: This criterion is satisfied.

Details of Finding: No applicable liens exist for the subject property. The application can thus move forward. Section IIID of the applicant's notebook, Exhibit B1, includes a copy of certification of assessments and liens.

Section 4.014 Burden of Proof is on the Applicant

Review Criterion: "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. In the case of an appeal, the burden of proof rests with the appellant."

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided the necessary findings of fact for approval with conditions of the requested development applications in accordance with this Section.

Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements

Review Criteria: “An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.” Listed 1. through 6. j.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided all of the applicable general submission requirements contained in this subsection.

Section 4.110 Zoning-Generally

Review Criteria: “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

Finding: These criteria are satisfied.

Details of Finding: This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

CONCLUSIONARY FINDINGS, REQUEST D: DB13-0023 ZONE MAP AMENDMENT

The applicant’s findings in Section IVA of their notebook, Exhibit B1, respond to the majority of the applicable criteria.

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

1. **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.
Details of Finding: The subject area is within SAP-North, which was previously approved and found, in case file DB07-0054, to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance.

Implementation Measure 4.1.6.b.

2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.
Finding: These criteria are not applicable
Details of Finding: The current proposal is for a preliminary development plan implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Implementation Measure 4.1.6.c.

3. **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.
Details of Finding: The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

Implementation Measure 4.1.6.d.

4. **Review Criterion:** “The “Village” Zone District shall allow a wide range of uses that befit 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.
Details of Finding: The area covered by the proposed zone change is proposed for residential uses, parks, and open space as shown in the Villebois Village Master Plan.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

5. **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.

Details of Finding: The applicant is applying for a zone change concurrently with other land use applications for the development as required by this section.

Subsection 4.110 (.01) Base Zones

6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

Details of Finding: The requested zoning designation of Village “V” is among the base zones identified in this subsection.

Subsection 4.125 (.01) Village Zone Purpose

7. **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.

Details of Finding: The subject lands are designated Residential-Village on the Comprehensive Plan map and our within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

Subsection 4.125 (.02) Village Zone Permitted Uses

8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The proposed residential, park, and open space uses are consistent with the Village Zone designation and Villebois Village Master Plan.

Subsection 4.125 (.18) B. 2. Zone Change Concurrent with PDP Approval

9. **Review Criterion:** “... Application for a zone change shall be made concurrently with an application for PDP approval...”

Finding: This criterion is satisfied.

Details of Finding: A zone map amendment is being requested concurrently with a request for PDP approval.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

10. **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.

Details of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

11. **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.

Details of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings 1 through 4 substantially comply with applicable Comprehensive Plan text.

Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands

12. **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.

Details 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.

Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency

13. **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.

Details 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 IIC 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 IID of the applicant’s notebook, Exhibit B1.

Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas

14. **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.
- Details of Finding:** Portions of the property is within the Significant Resource Overlay Zone. The DRB has reviewed and approved the development and mitigation related to the SROZ and found that the development will not have a significant adverse effect. See Case File SI13-0001.

Subsection 4.197 (.02) F. Zone Change: Development within 2 Years

15. **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.
- Details of Finding:** The applicant has provided information stating they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors due not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

16. **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.
- Details 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.