

ORDINANCE NO. 799

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE PUBLIC FACILITY (PF) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 1.29 ACRES LOCATED IN THE VILLEBOIS VILLAGE CENTER AT THE NORTHEAST CORNER OF SW COSTA CIRCLE WEST AND SW BARBER STREET. COMPRISING TAX LOT 3300 OF SECTION 15AC, T3S, R1W, CLACKAMAS COUNTY, OREGON, RCS-VILLEBOIS LLC, APPLICANT.

RECITALS

WHEREAS, RCS-VILLEBOIS LLC has made a development application requesting, among other things, a Zone Map Amendment for the Property to develop a 16 unit row house development and associated alleys and other improvements consistent with the Villebois Village Master Plan; and

WHEREAS, RCS-Villebois Development LLC as the property owner and an authorized representative has signed the appropriate application form; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment 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 September 26, 2016;

WHEREAS, the Development Review Board Panel 'B' held a public hearing on the application for a Zone Map Amendment and associated development applications on September 26, 2016, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 333 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB16-0031) and adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on October 17, 2016, 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;

ORDINANCE NO. 799– ATTACHMENT 1

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

In the Matter of the Application of)
RCS-Villebois, LLC)
for a Rezoning of Land and Amendment) **ZONING ORDER DB16-0031**
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 DB16-0031, 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 subject property (“Property”), legally described and shown on Attachment, has heretofore appeared on the City of Wilsonville zoning map as Public Facility (PF).

The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 1.29 acres located in the Villebois Village Center at the northeast corner of SW Barber Street and SW Costa Circle West. Comprising tax lot 3300 of Section 15AC, T3S, R1W, Clackamas County, Oregon, as more particularly shown and described in Attachment A, is hereby rezoned to Village (V), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing 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: October 17, 2016.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Barbara A. Jacobson, City Attorney

ATTEST:

Sandra C. King, MMC, City Recorder

Attachment A: Legal Description and Sketch Depicting Land/Territory to be Rezoned



LEGAL DESCRIPTION

Zone Change

Lot 81

Map 351W15AC Tax Lot 3300

Lot 81, plat of "Villebois Village Center No. 3", Clackamas County Plat Records, in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the most southerly corner of said Lot 81;

thence along the northerly Right-of-Way line of SW Barber Street, North $42^{\circ}56'36''$ West, a distance of 177.25 feet to a point of tangential curvature;

thence continuing along said northerly Right-of-Way line, along a 688.00 foot radius tangential curve to the left, arc length of 7.69 feet, central angle of $00^{\circ}38'27''$, chord distance of 7.69 feet, and chord bearing of North $43^{\circ}15'50''$ West to an angle point;

thence continuing along said northerly Right-of-Way line, along a 10.00 foot radius non-tangential curve, concave easterly, with a radius point bearing North $46^{\circ}24'27''$ East, arc length of 12.18 feet, central angle of $69^{\circ}49'28''$, chord distance of 11.44 feet, and chord bearing of North $08^{\circ}40'49''$ West to an angle point;

thence along the easterly Right-of-Way line of SW Costa Circle West, along a 538.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North $63^{\circ}46'34''$ West, arc length of 26.51 feet, central angle of $02^{\circ}49'24''$, chord distance of 26.51 feet, and chord bearing of North $24^{\circ}48'45''$ East to a point of reverse curvature;

thence continuing along said easterly Right-of-Way line, along a 538.00 foot radius compound curve to the left, arc length of 135.75 feet, central angle of $14^{\circ}27'26''$, chord distance of 135.39 feet, and chord bearing of North $16^{\circ}10'26''$ East to a point of reverse curvature;

thence continuing along said easterly Right-of-Way line, along a 562.00 foot radius reverse curve to the right, arc length of 66.48 feet, central angle of $06^{\circ}46'40''$, chord distance of 66.44 feet, and chord bearing of North $12^{\circ}20'03''$ East to the most northerly corner of said Lot 81;

thence along the northeasterly line of said Lot 81, South $63^{\circ}35'56''$ East, a distance of 33.64 feet to a point of tangential curvature;

thence continuing along said northeasterly line, along a 185.00 foot radius tangential curve to the right, arc length of 66.69 feet, central angle of $20^{\circ}39'19''$, chord distance of 66.33 feet, and chord bearing of South $53^{\circ}16'17''$ East to a point of tangency;



thence continuing along said northeasterly line, South 42°56'37" East, a distance of 215.01 feet to the most easterly corner of said Lot 81;

thence along the southeasterly line of said Lot 81, South 47°02'56" West, a distance of 225.50 feet to the POINT OF BEGINNING.

Property Vested in:

RCS - Villebois Development, LLC

Map 3S1W15AC Tax Lot 3300

REGISTERED
PROFESSIONAL
LAND SURVEYOR

A handwritten signature in blue ink, appearing to read "Travis C. Jansen".

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2017

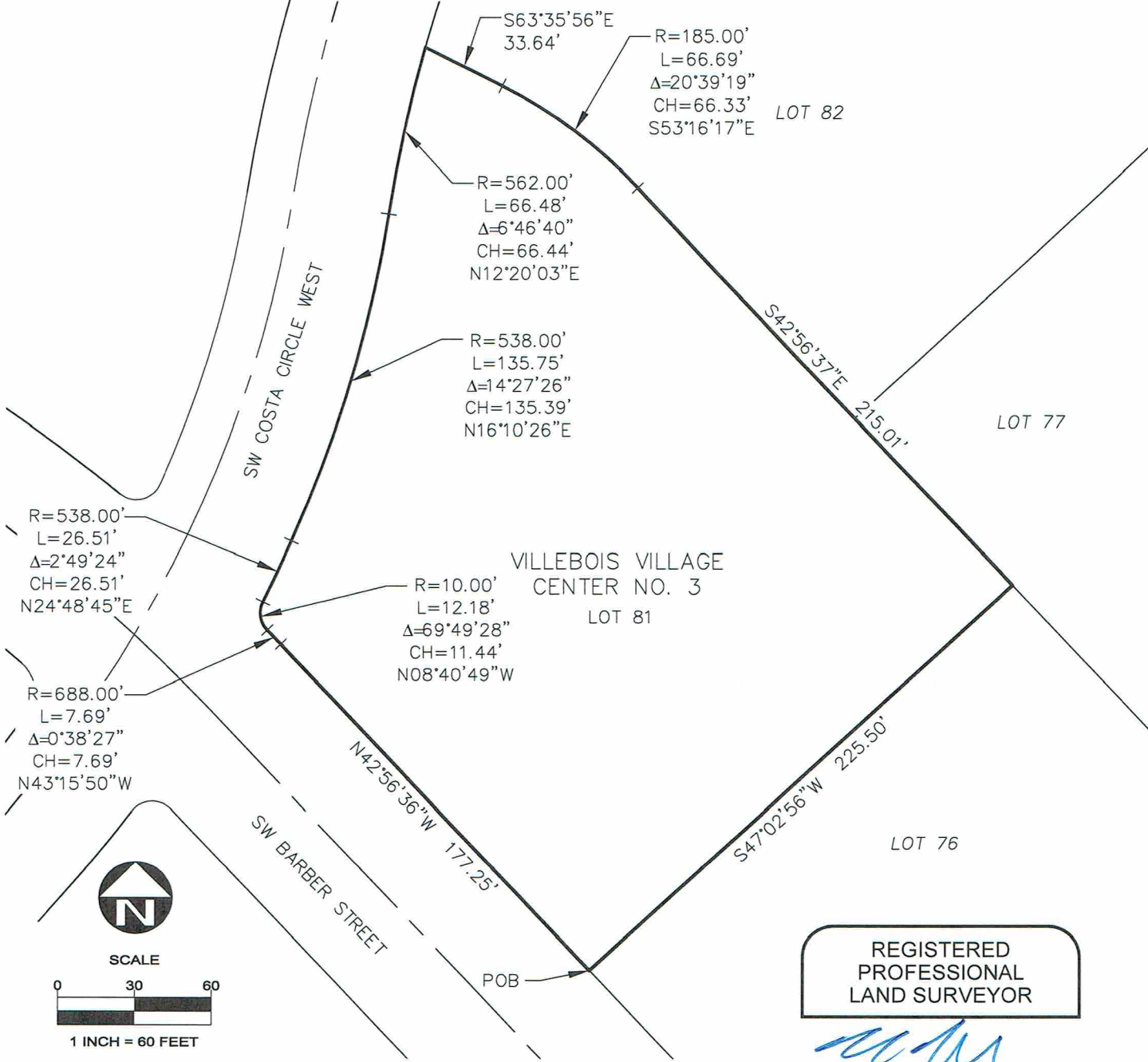


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Zone Change

Lot 81

Map 3S1W15AC Tax Lot 3300



Property Vested in:
 RCS - VILLEBOIS DEVELOPMENT, LLC
 Map 3S1W15AC Tax Lot 3300

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 9, 2002
 TRAVIS C. JANSEN
 57751

RENEWS: 6/30/2017

Ord. No. 799 Attachment 2
Staff Report
Wilsonville Planning Division

Berkshire No. 2

City Council
Quasi-Judicial Public Hearing

Hearing Date: October 17, 2016
Date of Report: October 10, 2016

Application Nos.: DB16-0031 Zone Map Amendment

Request/Summary: The applicant requests the City Council review a Quasi-judicial Zone Map Amendment for a 16-unit “detached” row house residential development and associated improvements.

Location: Villebois Village Center, northeast of intersection of Barber Street and Costa Circle West. The property is specifically known as Tax Lot 3300, Section 15AC, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owner: Sharon Eshima, RCS- Villebois LLC

Applicant: Rudy Kadlub/David Nash, RCS-Villebois LLC

Applicant’s Rep.: Stacy Connery, AICP, Pacific Community Design, Inc.

Comprehensive Plan Designation: Residential-Village
Zone Map Classification (Current): PF (Public Facility)
Zone Map Classification (Proposed): V (Village)

Staff Reviewer: Daniel Pauly AICP, Senior Planner

Staff and DRB Recommendation: 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 4.031	Authority of the Development Review Board
Section 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application

Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Residential Development in Any Zone
Section 4.125	V-Village Zone
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
<u>Other City Planning Documents:</u>	
Comprehensive Plan	
Villebois Village Master Plan	
SAP Central Approval Documents	

Vicinity Map



Background/Summary:

Zone Map Amendment (DB16-0031)

The subject property still has “Public Facility” zoning dating from its time as part of the campus of Dammasch State Hospital. Consistent with other portions of the former campus, a request to update the zoning consistent with the Comprehensive Plan is included concurrent with applications to develop the property.

Discussion Topics:

Parking

The 16 row houses require 16 vehicle spaces and no bicycle parking. Besides the garages for each home, 6 additional off-street parking spaces are provided in driveways and 22 spaces are available on the streets fronting the development.

Density

As part of the PDP request the applicant can request a density change for the SAP of up to 10%. The original SAP Central unit count used for density calculations is 1,010 units reflective of Figure 1 of the Villebois Village Master Plan. The 1,010 unit count for SAP Central assumed varying percentages of different unit types would be built including: 53.1% of Mixed-use Condos, 80.9% of Village Apartments, 86.1% of Condos, 93.5% of Rowhouses, 90% of Urban Apartments, and 97.7% for Specialty Condos. Based on these percentages the number of units for PDP 11 reflective of the original SAP Central unit count table is 37 units. The difference from the proposed 16 units is 21 units. The current SAP unit count, including all approved PDP's, is 1,005 units. Concurrent with this application, the applicant has applied for a modification of PDP 2 Central for a decrease of 39 units. The proposed unit count, not including the PDP 2 modification, is 984 units, 2.09% below the most recent SAP unit count and 2.57% below the original SAP Central unit count. The change is within the 10% cumulative density change allowed from the original SAP approval. The change would result in 2,566 units in Villebois, which would continue to exceed the required 2,300 units.

Including both the requested decrease of 39 units with the PDP 2 Central modification and the requested decrease of 21 units with PDP 11 Central the proposed unit count is 945 units, 5.97% below the most recent approved SAP Central unit count with PDP 10 Central, and 6.44% below the original SAP Central unit count. Both changes together would result in 2,527 units in Villebois, which would continue to exceed the required 2,300 units.

Conclusion:

Staff and the DRB have reviewed the application and facts regarding the request and recommends the City Council approve of the zone map amendment (DB16-0031).

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on July 13, 2016. On July 29, 2016, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on August 12, 2016, the Applicant submitted new materials. On August 12, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by December 10, 2016
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
Northeast:	V	SW Valencia Lane (planned, not constructed), Row Houses (approved, not built)
Northwest	V	SW Costa Circle West, Edelweiss Park
Southwest:	V	SW Barber Street, proposed detached row houses
Southeast	PF	vacant

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)
LP09-0003 – Zone text amendment to allow for detached row houses
LP10-0001 – Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)
LP13-0005 – Amendment to Villebois Village Master Plan (Future Study Area)

Quasi Judicial:

DB06-0005 -

- Specific Area Plan (SAP) – Central.
- Village Center Architectural Standards.
- SAP-Central Architectural Pattern Book.
- Master Signage and Wayfinding Plan.
- Community Elements Book Rainwater Management Program and Plan

DB06-0012 - DB06-0012-Tentative Subdivision Plat (Large Lot)
DB09-0037 & 38 – Modification to the Village Center Architectural Standards (VCAS) to change/add provision for detached row houses.
DB13-0015 – SAP Central Phasing Amendment
DB13-0043 – Tentative Subdivision Plat for Villebois Village Center No. 3 (large lot subdivision, includes subject properties).
DB15-0005 – SAP Refinements and Central Phasing Amendment
DB15-0064 and DB15-0069 – SAP Central Refinements and Phasing Amendments

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.

5. Required and other notices to the public and other agencies have been sent as follows:

Notice of A Proposed Change to a Comprehensive Plan or Land Use Regulation was sent to the Oregon Department of Land Conservation and Development (DLCD) on August 22, 2016, more than 35 days prior to the first evidentiary hearing scheduled September 26, 2016.

A Development Review Team notice soliciting comments was sent August 29, 2016 requesting submittal of comments by September 14, 2016. This notice was sent to City staff and other agencies, franchise utilities, etc. who have requested this type of notice from the City.

A Public Hearing Notice was mailed and posted on September 6, 2016, 20 days prior to the first hearing. The Public Hearing Notice included information on the dates and location of the Development Review Board and City Council Hearings, information on how to comment on the application, and the nature of the application.

Findings:

NOTE: Pursuant to Section 4.014 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.

General Information

Application Procedures-In General Section 4.008

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

Initiating Application Section 4.009

The applications have been submitted on behalf of and signed by the property owner, RCS Villebois LLC.

Pre-Application Conference Subsection 4.010 (.02)

A pre-application conference was held in accordance with this subsection.

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

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements
Subsection 4.035 (.04) A.

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

Zoning-Generally
Section 4.110

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

DB16-0031 Zone Map Amendment

As described in the Findings below, the applicable criteria for this request are met.

Comprehensive Plan

Development per Villebois Village Concept Plan
Implementation Measure 4.1.6.a

A1. The subject area is within SAP-Central, which was previously approved as part of case file DB06-0005 et. seq. and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance.

Elements of Villebois Village Master Plan
Implementation Measure 4.1.6.b.

A2. The current proposal is for residential development implementing the elements as outlined by the Villebois Village Master Plan, as previously approved.

Application of "Village" Zone District
Implementation Measure 4.1.6.c.

A3. The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

Uses Supporting "Urban Village"
Implementation Measure 4.1.6.d.

A4. The area covered by the proposed zone change is proposed for residential uses as shown in the Villebois Village Master Plan.

Planning and Land Development Ordinance

General

Zoning Consistent with Comprehensive Plan Concurrently with Development Section 4.029

- A5. The applicant is applying for a zone change concurrently with other land use applications for development as required by this section.

Base Zones Identified Subsection 4.110 (.01)

- A6. The requested zoning designation of Village "V" is among the base zones identified in this subsection.

Village Zone

Village Zone Purpose to Implement Villebois Village Master Plan Subsection 4.125 (.01)

- A7. The subject lands are designated Residential-Village on the Comprehensive Plan map and are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village "V".

Village Zone Uses Subsection 4.125 (.02)

- A8. The proposed residential uses are consistent with the Village Zone designation and Villebois Village Master Plan.

Zone Change Application Made Concurrency with PDP Subsection 4.125 (.18) B. 2.

- A9. A zone map amendment is being requested concurrently with a request for PDP approval. See Request C.

Zone Change Review

Zone Change Procedures Subsection 4.197 (.02) A.

- A10. The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Comprehensive Plan Conformity, etc. Subsection 4.197 (.02) B.

- A11. The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and, as shown in Findings A1 through A4, substantially comply with applicable Comprehensive Plan text.

Residential Designated Lands Comprehensive Plan Compliance
Subsection 4.197 (.02) C.

A12. 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 Village only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

Public Facility Concurrency
Subsection 4.197 (.02) D.

A13. 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.

Development Required within 2 Years
Subsection 4.197 (.02) F.

A14. 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 do not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

Development Standards Conformance
Subsection 4.197 (.02) F.

A15. 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.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 333**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM PUBLIC FACILITY (PF) ZONE TO VILLAGE (V) ZONE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING SPECIFIC AREA PLAN – CENTRAL REFINEMENTS, PRELIMINARY DEVELOPMENT PLAN, FINAL DEVELOPMENT PLAN, TENTATIVE SUBDIVISION PLAT AND TYPE ‘C’ TREE PLAN FOR DEVELOPMENT OF DETACHED ROW HOUSES AND ASSOCIATED IMPROVEMENTS IN VILLEBOIS SAP CENTRAL, PHASE 11. THE SUBJECT PROPERTY IS LOCATED ON TAX LOT 3300 OF SECTION 15AC, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR RCS–VILLEBOIS DEVELOPMENT, LLC – APPLICANT/OWNER..

WHEREAS, an application, 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 staff report on the above-captioned subject dated September 19, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on September 26, 2016, at which time exhibits, together with findings and public testimony were entered into the public record, and

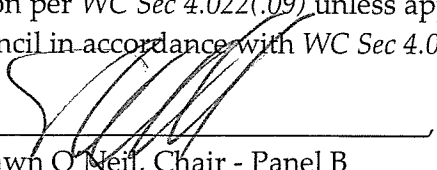
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated September 19, 2016, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to City Council approval of the Zone Map Amendment Request (DB16-0031), for:

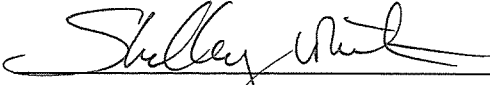
DB16-0032 through DB16-0036 SAP Central Refinements, Preliminary Development Plan for Phase 11 Central, Final Development Plan, Tentative Subdivision Plat, and Type C Tree Plan for a 16-unit row house development, and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 26th day of September, 2016 and filed with the Planning Administrative Assistant on Sept. 27, 2016. 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)*.



Shawn O'Neil, Chair - Panel B
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant