

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY EXCLUSIVE FARM USE (EFU) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 25.69 ACRES IN THE NORTH CENTRAL PORTION OF VILLEBOIS FROM 110TH AVENUE TO CALAIS EAST SUBDIVISION, SOUTH OF TOOZE ROAD TO BERLIN AVENUE; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 7200, 7290, 7300, 7400, 7500, AND 7600, SECTION 15AB, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. POLYGON WLH LLC, APPLICANT.

WHEREAS, certain real property described in **Attachment 1** attached hereto and incorporated herein (“Property”) is within the Villebois Village Master Plan area; and

WHEREAS, the City of Wilsonville desires to have the Property zoned consistent with the Wilsonville Comprehensive Plan Map designation of “Residential-Village” rather than maintain the current Clackamas County zoning designations, as has been done for the rest of the land as it developed within the Villebois Village Master Plan area; 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 November 26, 2018; and

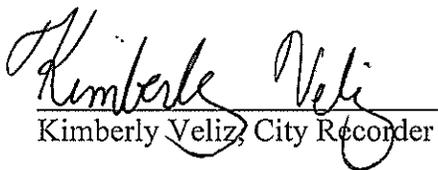
WHEREAS, the Development Review Board Panel 'B' held a public hearing on the application for a Zone Map Amendment, among other requests, on November 28, 2018, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 359 attached hereto and incorporated herein as **Attachment 3**, which recommends City Council approval of the Zone Map Amendment request (Case File DB18-0049) and adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on December 17, 2018, 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:

1. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in **Attachment 2**, as if fully set forth herein.
2. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB18-0049, attached hereto as Attachment 1, from the Clackamas County Exclusive Farm Use (EFU) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 17th day of December, 2018, and scheduled for a second reading at a regular meeting of the Council on the 7th day of January, 2019, commencing at the hour of 7:00 P.M. at Wilsonville City Hall.

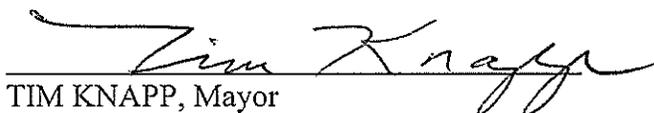

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 7th day of January, 2019 by the following votes:

Yes: 3 No: 0


Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 3 day of January, 2019.


TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes
Councilor Akervall	Yes
Councilor West	Abstain

Attachments:

1. Attachment 1 – Zoning Order DB18-0049 including legal description and sketch depicting zone map amendment
2. Attachment 2 – Zone Map Amendment Findings
3. Attachment 3 – DRB Resolution No. 359 recommending approval of Zone Map Amendment

Ordinance No. 830 Attachment 1

BEFORE THE CITY COUNCIL OF
THE CITY OF WILSONVILLE,
OREGON

In the Matter of the Application of)
Polygon WLH LLC)
for a Rezoning of Land and Amendment) **ZONING ORDER DB18-0049**
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 DB18-0049, 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 the attached legal description and sketch, has heretofore appeared on the Clackamas County zoning map Exclusive Farm Use (EFU).

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 16 acres on the north side of Boeckman Road just west of Stafford Road comprising tax lots 7200, 7290, 7300, 7400, 7500, and 7600, Section 15AB, as more particularly shown and described in the attached legal description and sketch, 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: This 17th day of December, 2018.


TIM KNAPP, MAYOR

APPROVED AS TO FORM:


Barbara A. Jacobson, City Attorney

Ordinance No. 830 Attachment 1

ATTEST:



Kimberly Veliz, City Recorder

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

EXHIBIT A



LEGAL DESCRIPTION

Zone Change

Clermont

3 1 W 15AB 7200, 7290, 7300, 7400, 7500, and 7600

Parcels I, II, and III, of the land described in Document Nos. 91-08202 and 91-08203, Clackamas County Deed Records, in the Northeast 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 North quarter-corner of said Section 15;

thence along the North line of Samuel B. Franklin Donation Land Claim No. 50, South 88° 35' 17" East, a distance of 1226.19 feet to the northeast corner of said Samuel B. Franklin Donation Land Claim No. 50;

thence along the East line of said Samuel B. Franklin Donation Land Claim No. 50, South 01° 35' 01" West, a distance of 909.38 feet to a point on the northerly plat line of "Tonquin Meadows";

thence along the northerly plat line of "Tonquin Woods at Villebois No. 6", "Tonquin Meadows", "Fir Terrace", and "Calais East at Villebois", North 88° 34' 00" West, a distance of 1235.31 feet to a point on the easterly plat line of "Calais East at Villebois";

thence along said easterly plat line, and its extension, North 02° 09' 29" East, a distance of 909.00 feet to the POINT OF BEGINNING.

Containing 25.687 acres, more or less.

Basis of bearings being plat of "Calais East at Villebois", Clackamas County Plat Records.

Property Vested in:

Victor C. Chang et al.

3 1 W 15AB 7200, 7290, 7300, 7400, 7500, and 7600

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

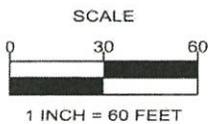
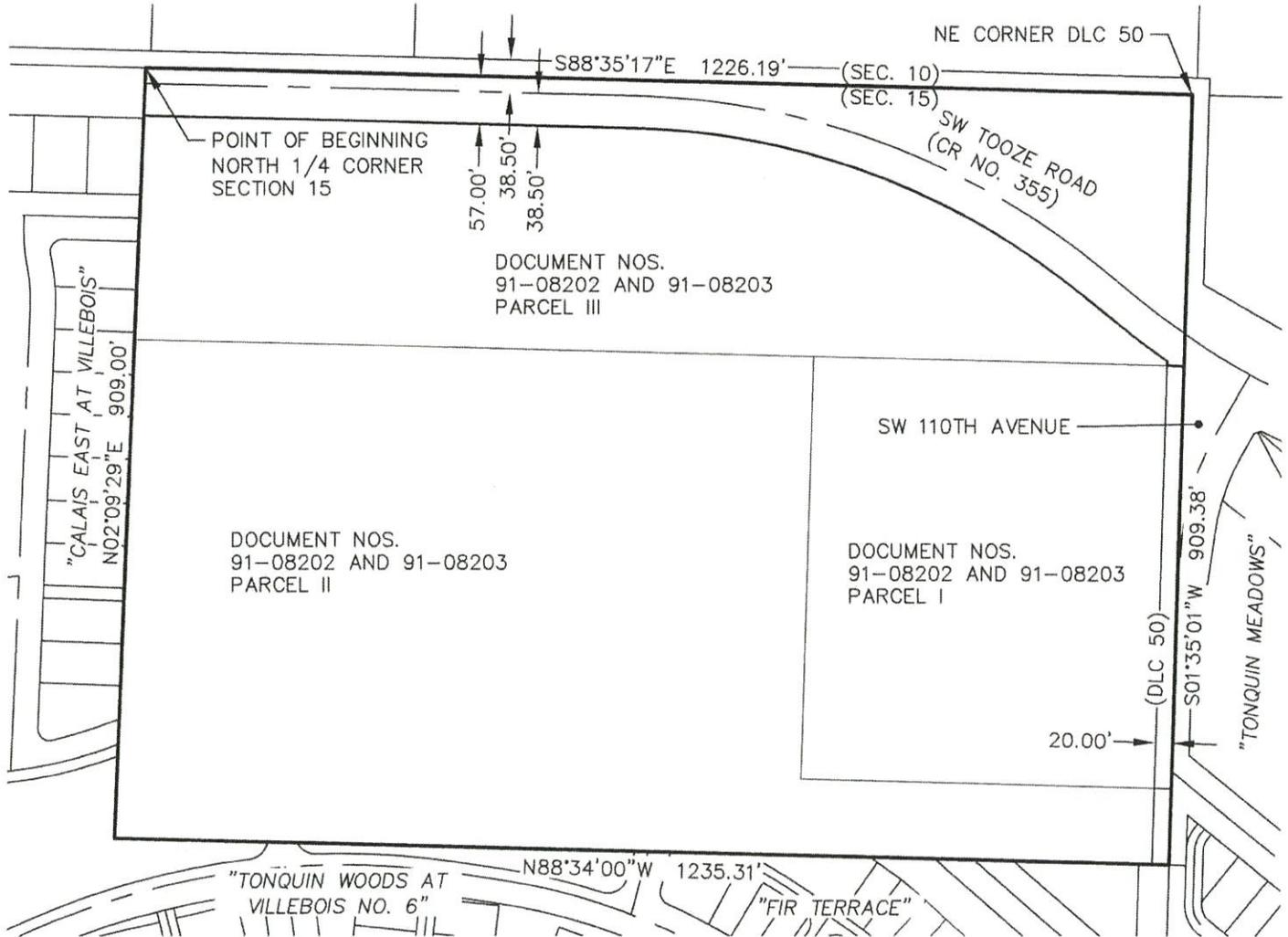
OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2019

EXHIBIT B



SKETCH TO ACCOMPANY LEGAL DESCRIPTION ZONE CHANGE CLERMONT 3 1 W 15AB 7200, 7290, 7300, 7400, 7500, AND 7600



Property Vested in:
VICTOR C. CHANG ET AL.
3 1 W 15AB 7200, 7290, 7300, 7400, 7500, AND 7600

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2019



Ordinance No. 830 Attachment 2
Zone Map Amendment Findings

Polygon Homes- Clermont Single-family Subdivision
& Regional Park 6
Villebois Phase 5 North

City Council
Quasi-Judicial Public Hearing

Hearing Date: December 17, 2018

Date of Report: December 3, 2018

Application No.: DB18-0049 Zone Map Amendment

Request: The request before the City Council is a Zone Map Amendment for approximately 25.69 acres.

Location: North central portion of Villebois between from 110th Avenue to Calais East Subdivision, south of Tooze Road to Berlin Avenue. The property described as Tax Lots 0543, 7000, 7200, 7290, 7300, 7400, 7500, 7600, 8130, and City of Wilsonville right-of-way between Tax Lots 0543 and 8130, Section 15AB, City of Wilsonville right-of-way (SW 110th Avenue) between Section AB and Section AA, Tax Lot 16400, Section AA, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

Owners: Victor C. Chang, Allen Y. Chang, City of Wilsonville

/Applicant: Jason Baker, Polygon WLH, LLC

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

Comprehensive Plan Designation: Residential Village

Zone Map Classification (Current): EFU (Exclusive Farm Use)

Zone Map Classification (Proposed): V (Village)

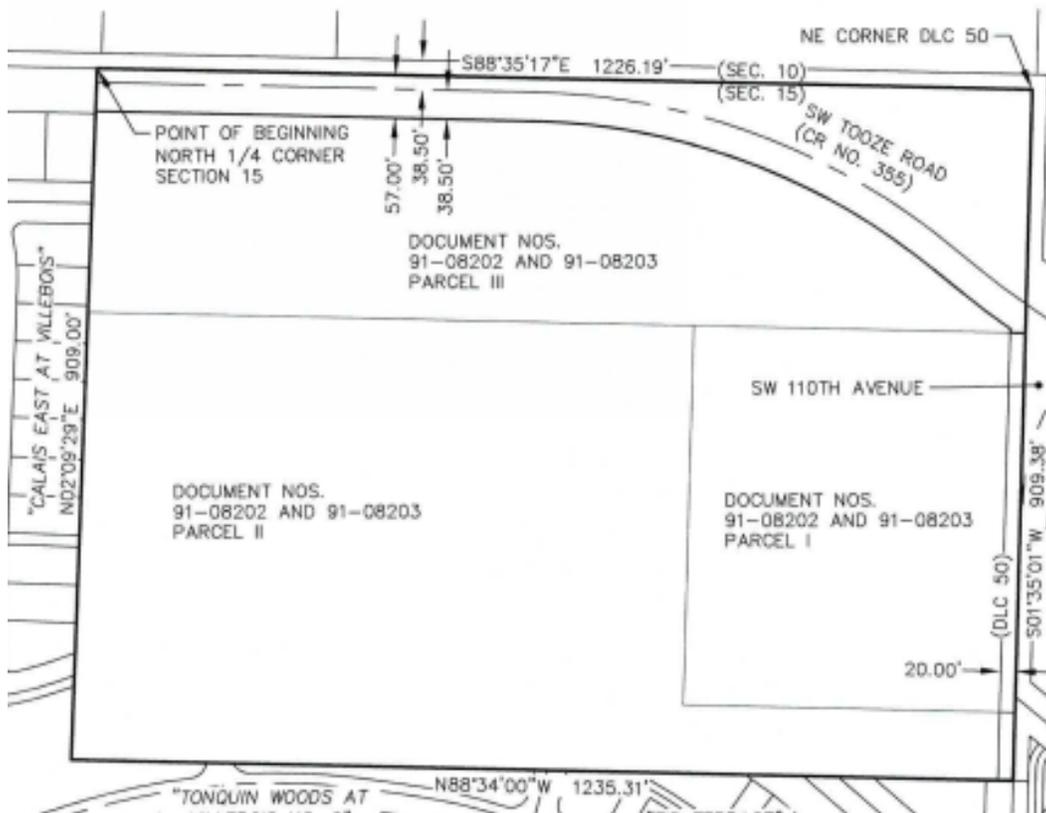
Staff Reviewers: Daniel Pauly AICP, Senior Planner

Staff/DRB Recommendation: Adopt the requested Zone Map Amendment.

Applicable Review Criteria:

Development Code:	
Section 4.110	Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.197	Zone Changes
Comprehensive Plan and Sub-elements:	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Villebois Village Master Plan	
Regional and State Law and Planning Documents	
Statewide Planning Goals	

Vicinity Map



Summary:

Zone Map Amendment (DB18-0049)

The applicant requests to change the portions of the project area with the current Clackamas County zoning designation of Exclusive Farm Use (EFU) to the City of Wilsonville zoning designation of Village (V). The Village zone is the zone designated for the areas with the Residential-Village Comprehensive Plan Map designation as they develop.

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 City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application

Section 4.009

The owners of all property included in the application signed the application forms. West Hills Development initiated the application with their approval.

Request: DB18-0049 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria.

Comprehensive Plan

Development in “Residential Village” Applicable Plans and Code
Implementation Measure 4.1.6.a. and c.

- A1.** The review of the proposed developed includes reviewing and applying applicable portions of the Villebois Village Concept Plan, Villebois Village Master Plan, the Comprehensive Plan, and the Development Code. Rezoning the property to “Village” will allow application of the Village Zone standards created to implement these plans, policies, and codes.

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

- A2.** The concurrent proposal for a preliminary development plan implements the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Applying “Village” Zone to Residential-Village Comprehensive Plan Designation
Implementation Measure 4.1.6.c.

- A3.** The request is to apply the Village Zone to an area designated as Residential-Village in the Comprehensive Plan.

Wide Range of Uses in “Village” Zone
Implementation Measure 4.1.6.d.

- A4.** The proposed residential uses as well as parks and open space use are amongst the wide range of uses allowed in the Village Zone.

Development Code

Zoning Concurrent with Planned Development Approval
Section 4.029

- A5.** The applicant is applying for a zone change concurrently with a Preliminary Development Plan, which is equivalent to a Stage II Final Plan for a planned development.

Base Zoning Designations
Subsection 4.110 (.01)

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

Village Zone Purpose
Subsection 4.125 (.01)

- A7.** Consistent with the Village Zone purpose, the proposal is for land designated Residential-Village on the Comprehensive Plan map and within the Villebois Village Master Plan area to receive the zoning designation of Village “V”.

Village Zone Permitted Uses
Subsection 4.125 (.02)

- A8.** The proposed residential and park uses are consistent with the uses permitted in Village Zone and Villebois Village Master Plan.

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

- A9.** The requested zone map amendment is concurrent with a request for PDP approval. See Request C.

Zone Change Procedures
Subsection 4.197 (.02) A.

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

Conformance with Comprehensive Plan Map, 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 comply with applicable Comprehensive Plan text.

Residential Designated Lands-Housing Variety
Subsection 4.197 (.02) C.

- A12.** Implementation Measures 4.1.4. b, d, e, q, and x require a variety of housing. The proposed zone map amendment allows for furthering of these implementation measures by permitting development of the diverse housing types called for in the Villebois Village Master Plan, which development on the subject property must conform.

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 the developer can provide in conjunction with the project. Section IIIC of the applicant’s notebook, Exhibit B1, as well as Sheet 6 of Exhibit B3, and Exhibit B7 include supporting utility and drainage information. Exhibit B5 is a Trip Generation Memo confirming traffic concurrency.

Impact on SROZ Areas
Subsection 4.197 (.02) E.

A14. No SROZ is within the area to be rezoned.

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

A15. Related land use approvals for PDP 5 North expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

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

A16. 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. 359**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM EXCLUSIVE FARM USE (EFU) ZONE TO VILLAGE (V) ZONE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING SPECIFIC AREA PLAN – NORTH AMENDMENT, PRELIMINARY DEVELOPMENT PLAN, FINAL DEVELOPMENT PLAN FOR PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN AND ABBREVIATED SRIR REVIEW FOR DEVELOPMENT OF AN 89-LOT SINGLE-FAMILY SUBDIVISION AND VILLEBOIS REGIONAL PARK COMPONENT 6 AND A MODIFICATION OF THE EASTERN PORTION OF REGIONAL PARK COMPONENT 5 “TROCADERO PARK” AND ASSOCIATED IMPROVEMENTS IN VILLEBOIS SAP NORTH PHASE 5. THE SUBJECT PROPERTY IS LOCATED ON TAX LOTS 0543, 7700, 7200, 7290, 7300, 7400, 7500, 7600, 8130 AND CITY OF WILSONVILLE RIGHT-OF-WAY BETWEEN TAX LOTS 0543 AND 8130 OF SECTION 15AB, CITY OF WILSONVILLE RIGHT-OF-WAY (SW 110TH AVENUE) BETWEEN SECTION AB AND SECTION AA, TAX LOT 16400 OF SECTION AA, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR POLYGON WLH, LLC – APPLICANT AND VICTOR C. CHANG, ALLEN Y. CHANG, CITY OF WILSONVILLE, POLYGON AT VILLEBOIS III, LLC AND SPARROW CREEK LLC – OWNERS.

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 November 19, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on November 26, 2018, 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

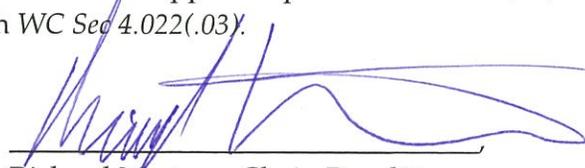
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated November 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 approval of the Zone Map Amendment Request (DB18-0049) for:

DB18-0050 through DB18-0054, SI18-0005 Specific Area Plan Amendment, Preliminary Development Plan, Final Development Plan, Tentative Subdivision Plat, and Type C Tree Plan for a 89-lot residential subdivision, regional park, and associated improvements.

Ordinance No. 830 Attachment 3

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 26th day of November, 2018 and filed with the Planning Administrative Assistant on Nov. 27, 2018. 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)*.



Richard Martens, Chair, Panel B
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant