

ORDINANCE NO. 587

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE SECTIONS 4.008(.02)L., 4.125(.18)B., 4.125(.18)J. 4.125(.18) L., 4.125(.18)(O)(1)(a)(iv), and 4.125(.20) CONCERNING CONCURRENT FILING REQUIREMENTS FOR PRELIMINARY AND FINAL DEVELOPMENT PLANS, AND SPECIFIC AREA AND PRELIMINARY DEVELOPMENT PLAN REFINEMENTS.

WHEREAS, the City has adopted a comprehensive land use regulatory scheme for the area known as Villebois, embodied by the Villebois Village Concept Plan, the Villebois Village Master Plan, the "Village" Zone, Specific Area Plans, Preliminary Development Plans, Final Development Plans and Development Permits. In descending order, each plan, code or permit refines and implements, in greater site-specific detail, the provisions of the preceding enactment; and

WHEREAS, the regulatory scheme was designed to provide some flexibility in interpretation, but contained, of necessity, static elements such as maps, numerical limits, and text based upon a finite set of facts, which elements by their nature impose interpretational limits; and

WHEREAS, W. C. 4.008(.02) L. provides four separate phases of project approval in the Village zone - Specific Area Plan approval, Preliminary Development Plan (PDP)/ Rezoning, Land Division Approval and Final Development Plan (FDP) approval-phases which, in application, must be combined for proper review and approval of development; and,

WHEREAS, the definition of allowable land use plan refinements to the Villebois Master Plan, which enables land uses to be viewed in the aggregate, appears to be the intended but uncodified policy for SAP refinements by PDPs and PDP refinements by FDPs; and

WHEREAS, revisions to SAP phasing has proven not to need the formal procedure applicable to other SAP amendments; and

WHEREAS, the public interest is served by amendments to the code to reflect what in practice would better achieve the policies of the Villebois Village Master Plan and respective SAPs,

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts as findings of fact the foregoing recitals and that staff report in this matter dated April 25, 2005.

Section 2. Order.

A. Wilsonville Code subsection 4.008(.02) L. is hereby amended as follows:

L. For land in the Village zone, there are ~~four (4)~~ **three (3)** phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual stage through to detailed architectural, landscape and plan review in phases:

1. Specific Area Plan (SAP);
2. Preliminary Development Plan (PDP), ~~and~~ Rezoning, ~~and~~ **Final Development Plan (FDP); and**
3. Land Division Approval;~~and~~
4. ~~Final Development Plan (FDP).~~

Land within the Central SAP or multi-family dwellings outside of the Central SAP may be developed in four phases, with the application and approval of a FDP occurring after PDP approval.

B. Wilsonville Code subsection 4.125(.18) B. is hereby amended as follows:

B. Unique Features and Processes of the Village (V) Zone: To be developed, there are ~~four (4)~~ **three (3)** phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual state through to detailed architectural, landscape and site plan review in stages. All development within the Village zone shall be subject to the following processes:

1. Specific Area Plan (SAP) approval by the Development Review Board, as set forth in Section 4.125(.18)(C) through (F), below (Stage I equivalent). To be developed a site must be included in an approved SAP.
2. Preliminary Development Plan (PDP) approval by the Development Review Board, as set forth in Section 4.125(.18)(G) through (K) (Stage II equivalent), below. Following SAP approval, an applicant may file applications for Preliminary Development Plan approval (Stage II equivalent) for an approved phase in accordance with the approved SAP, and any conditions attached thereto. Land divisions may also be preliminarily approved at this stage. **Except for land within the Central SAP or multi-family dwellings outside the Central SAP, A**application for a Zone Change **and Final Development Plan (FDP)** shall be made concurrently with an application for PDP approval. The SAP and PDP/FDP may be reviewed simultaneously when a common ownership exists.

~~3.~~Final Development Plan (FDP) approval by the Development Review Board or the Planning Director, as set forth in Section 4.125(.18)(L) through (P) (Site Design Review Equivalent), below, **may occur as a separate phase for lands in the Central SAP or multi-family dwellings outside the Central SAP.**

~~4.~~~~3.~~Administrative review approvals, by the Planning Director, as set forth in Section 4.030. ~~To be developed, Prior to commencement of development,~~ final approval for land divisions, tree removal permits, grading permits, and compliance with prior approvals must be received. Development permit issuance follows completion of the foregoing stages. ~~however the PDP and FDP may be combined at the request of the applicant.~~

C. Wilsonville Code subsection 4.125(.18) J. is amended as follows:

1. In the process of reviewing a PDP for consistency with the approved Specific Area Plan, the DRB may approve refinements, but not amendments, to the SAP. Refinements to the SAP may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section (.18)(J)(2), below.
 - a. Refinements to the SAP are defined as:
 - i. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.
 - ii. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Preliminary Development Plan.
 - iii. Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.
 - iv. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan. **For purposes of this subsection, "land uses" or "uses" are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.**
 - v. A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.
 - vi. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the functioning of collector or minor arterial roadways.

2. Refinements meeting the above definition may be approved by the DRB upon the demonstration and finding that:
 - a. The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan,
 - b. The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area, and
 - c. The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.
3. Amendments to the SAP, **not including SAP amendments for phasing**, must follow the same procedures applicable to adoption of the SAP itself. Amendments are defined as changes to elements of the SAP not constituting a refinement.
4. **Amendments to the SAP for phasing will be processed as a Class II administrative review proposal.**

D. Wilsonville Code subsection 4.125(.18) L. is amended as follows:

- L. Final Development Plan Approval Procedures (Equivalent to Site Design Review):
 1. Unless an extension has been granted by the Development Review Board as enabled by Section 4.023, **an application for FDP approval on lands within the Central SAP or multi-family dwellings outside of the Central SAP shall be filed** within two (2) years after the approval of a PDP;. **All an** applications for approval of a FDP shall:
 - a. Be filed with the City Planning Division for the entire FDP, or when submission of the PDP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.
 - b. Be made by the owner of all affected property or the owner's authorized agent.
 - c. Be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution.
 - d. Set forth the professional coordinator and professional design team for the project.

E. Wilsonville Code subsection 4.125(.18)(O)(1)(a)(iv) is amended as follows:

1. In the process of reviewing a FDP for consistency with the underlying Preliminary Development Plan, the DRB may approve refinements, but not amendments, to the PDP. Refinements to the PDP may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section 4.125(.18)(O)(2), below.
 - a. Refinements to the PDP are defined as:


- i. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.
 - ii. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the PDP.
 - iii. Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.
 - iv. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the affected PDP. **For purposes of this subsection, "land uses" or "uses" are defined in the aggregate, with specialty condos mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.**
 - v. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the functioning of collector or minor arterial roadways.
- b. As used herein, "significant" means:
 - i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(O)(1)(a), above, or
 - ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(F)(1)(a), above
- 2. Refinements meeting the above definition may be approved by the DRB upon the demonstration and finding that:
 - a. The refinements will equally or better meet the approved conditions of approval of the PDP,
 - b. The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP, the associated SAP, and
 - c. The refinement will not preclude adjoining or subsequent PDPs, associated or adjoining SAPs from development consistent with an approved SAP or the Villebois Village Master Plan.
 - 3. Amendments to the PDP must follow the same procedures applicable to adoption of the PDP itself. Amendments are defined as changes to elements of the PDP not constituting a refinement.

F. Wilsonville Code subsection 4.125(.20) is amended as follows:

- (.20) Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a FDP. The approved FDP and phase development sequence shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved FDP may be approved by the Planning Director if such changes are consistent

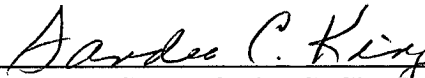
with the purposes and general character of the approved development plan. All other modifications, ~~including~~ **excluding** revision of the phase development sequence, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 2nd day of May, 2005, and scheduled for a second reading at a regular meeting of the Council on the 16th day of May, 2005, commencing at the hour of 7:00 P.M. at the Wilsonville Community Center.

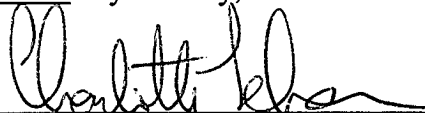

SANDRA C. KING, CMC, City Recorder

Enacted by the City Council on the 16th day of May, 2005, by the following votes:

YEAS: -5- NAYS: -0-


SANDRA C. KING, CMC, City Recorder

DATED and signed by the Mayor this 18th day of May, 2005.


CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>
Councilor Scott-Tabb	<u>Yes</u>
Councilor Knapp	<u>Yes</u>