ORDINANCE NO. 620

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY - EXCLUSIVE FARM USE (EFU) ZONE AND THE CITY - PUBLIC FACILITY (PF) ZONE TO VILLAGE (V) ZONE ON APPROXIMATELY 4.75 ACRES IN THE WEST CENTRAL PORTION OF VILLEBOIS VILLAGE, IN THE SOUTHERLY PART OF TAX LOT 2900, SECTION 15, T3S-R1W, CLACKAMAS COUNTY, OREGON. WEST HILLS DEVELOPMENT/VILLEBOIS, LLC, APPLICANT.

WHEREAS, West Hills Development and Villebois LLC have requested a Zone Map Amendment of certain property described in Attachment 1 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 October 9, 2006, 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 'A' held a public hearing on this request on October 9, 2006, and after taking testimony, gave full consideration to the matter and recommended approval of the request; and

WHEREAS, on November 6, 2006, 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, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the city's land development code,

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. <u>Findings.</u> The City Council adopts as findings and conclusions the forgoing recitals and the staff reports in this matter labeled Exhibits B and C, which Exhibits are attached hereto and incorporated herein as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended in Zoning Order DB06-0061, attached hereto, from Exclusive Farm Use (EFU) zone and Public Facility (PF)

zone to Village (V) zone on Tax Lot 2900, Section 15, T3S-R1W, Clackamas County, Oregon, as depicted on the attached map (Attachment 1), Clackamas County, Wilsonville, Oregon.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 6th day of November, 2006, and scheduled for second reading at a regular meeting thereof on the 20th of November, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

ENACTED by the City Council on the 20th day of November, 2006, by the following

votes:

Yes:-5-

No:-0-

DATED and signed by the Mayor this 2 day of November, 2006.

CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan Yes Councilor Knapp Yes Councilor Ripple Yes Councilor Kirk Yes Councilor Holt Yes

Attachments:

Exhibit A - Zoning Order DB06-0061

Attachment 1: Map depicting zone change

Attachment 2: Legal Description

Exhibit B - Planning Division Staff Report and Recommendation to City Council, Oct. 19, 2006

Exhibit C - DRB Panel A Notice of Decision and Adopted Staff Report and Recommendation, October 9, 2006

BEFORE THE CITY COUNCIL OF CITY OF WILSONVILLE, OREGON

In the Matter of the Application of West Hills Development and Villebois LLC for a Rezoning of Land And amendment of the City of Wilsonville Zoning Map incorporated in Section 4.102 Wilsonville Code.

ZONING ORDER DB06-0061

The above-entitled matter is before the Council to consider the application of West Hills Development and Villebois LLC, for a Zone Map Amendment and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

It appears to the Council that the property, which is the subject of this application, is described as follows: Tax Lot 2900 in Section 15, T3S-R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Clackamas County Zoning Map as Exclusive Farm Use (EFU) and on the official Zoning Map as Public Facility (PF).

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

ORDERED that approximately 4.75 acres of Tax Lots 2900, in Section 15, T3S-R1W, Wilsonville, Clackamas County, Oregon, more particularly shown in proposed zone map amendment map, Attachment 1 and described in Attachment 2 to this order, is hereby rezoned to Village (V), 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 21^{st} day of November, 2006.

CHARLOTTE LEHAN, MAYOR

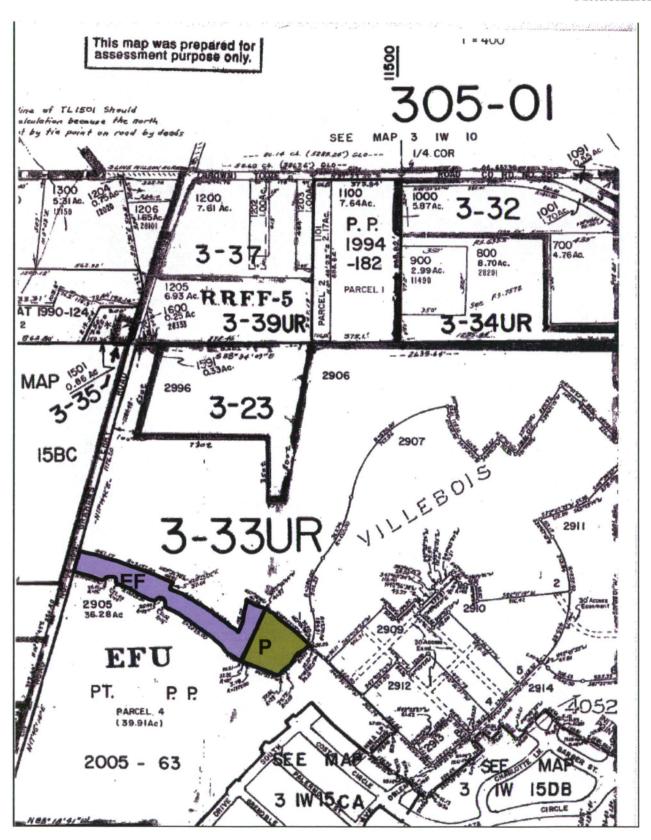
APPROVED AS TO FORM

Michael E. Kohlhoff, City Attorn

ATTEST:

Sandra C. King, MMC, City Recorder

Attachment 1 – Map depicting zone change Attachment 2 – Metes & Bounds Description



ARBOR VILLEBOIS NO. 5 DESCRIPTION July 6, 2006

Revised: November 3, 2006

A tract of land located in the northwest and southwest one-quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, being portions of Parcel 4 and Parcel 5, Partition Plat No. 2005-063, Clackamas County Survey Records, and described as follows:

Beginning at a point on the easterly right-of-way line of S.W. Grahams Ferry Road (County Road No. 13), said point being the northwest corner of "Arbor Villebois No. 4", a duly recorded plat in Clackamas County; thence tracing the northerly line of said "Arbor Villebois No. 4" along the following courses: S.72°31'00"E., 9.00 feet to a point of non-tangent curvature; thence southeasterly along the arc of a 5.00 foot radius curve left (the radius point of which bears S.72°45'18"E.) through a central angle of 89°29'34", 7.81 feet (chord bears S.27°30'05"E., 7.04 feet); S.72°14'52"E., 66.12 feet to the point of curve right of a 2029.50 foot radius curve; along the arc of said curve right through a central angle of 1°42'50", 60.71 feet (chord bears S.71°23'27"E., 60.71 feet) to the point of curve left of a 15.00 foot radius curve; along the arc of said curve left through a central angle of 91°42'50", 24.01 feet (chord bears N.63°36'33"E., 21.53 feet); N.17°45'08"E., 12.03 feet; S.72°14'52"E., 55.00 feet; S.17°45'08"W., 16.34 feet to the point of curve left of a 15.00 foot radius curve; along the arc of said curve left through a central angle of 85°54'02", 22.49 feet (chord bears S.25°11'53"E., 20.44 feet) to the point of curve right of a 2029.50 foot radius curve; along the arc of said curve right through a central angle of 5°43'22", 202.71 feet (chord bears S.65°17'13"E., 202.62 feet) to the point of curve left of a 15.00 foot radius curve; along the arc of said curve left through a central angle of 96°36'35", 25.29 feet (chord bears N.69°16'11"E., 22.40 feet); S.65°29'40"E., 59.14 feet; S.20°23'02"W., 8.82 feet to the point of curve left of a 15.00 foot radius curve; along the arc of said curve left through a central angle of 80°17'16", 21.02 feet (chord bears S.19°45'36"E., 19.34 feet) to the point of curve right of a 2029.50 foot radius curve; thence along the arc of said curve right through a central angle of 12°20'06", 436.92 feet (chord bears S.53°44'11"E., 436.08 feet) to the point of curve left of a 155.50 foot radius curve; along the arc of said curve left through a central angle of 22°05'16", 59.95 feet (chord bears S.58°36'46"E., 59.58 feet); S.69°39'24"E., 10.21 feet to the point of curve left of a 15.00 foot radius curve; along the arc of said curve left through a central angle of 88°06'47", 23.07 feet (chord bears N.66°17'12"E., 20.86 feet) to the point of curve left of a 1972.50 foot radius curve; along the arc of said curve left through a central angle of 0°06'23", 3.66 feet (chord bears N.22°10'38"E., 3.66 feet); S.67°09'55"E., 40.50 feet to a point of non-tangent curvature; southeasterly along the arc of a 29.00 foot radius curve left (the radius point of which bears S.67°51'43"E.) through a central angle of 91°47'40", 46.46 feet (chord bears S.23°45'33"E., 41.65 feet); S.69°39'24"E., 124.63 feet to the point of curve left of a 29.00 foot radius curve; along the arc of said curve left through a central angle of 73°13'30", 37.06 feet (chord bears N.73°43'51"E., 34.59 feet) to the point of curve right of a 203.00 foot radius curve; along the arc of said curve right through a central angle of 9°48'26", 34.75 feet (chord bears N.42°01'19"E., 34.70 feet); N.46°55'32"E., 72.02 feet to the point of curve left of a 242.00 foot radius curve; and along the arc of said curve left and its northerly extension of the northerly boundary of said "Arbor

Villebois No. 4" through a central angle of 23°47'35", 100.50 feet (chord bears N.35°01'44"E., 99.77 feet); thence N.52°56'02"W., 271.24 feet; thence N.73°56'38"W., 133.74 feet; thence S.16°03'22"W., 48.54 feet to the point of curve right of a 1879.50 foot radius curve; thence along the arc of said curve right through a central angle of 1°09'20", 37.91 feet (chord bears S.16°38'02"W., 37.91 feet) to the point of curve right of a 23.00 foot radius curve; thence along the arc of said curve right through a central angle of 105°44'42", 42.45 feet (chord bears S.70°05'03"W., 36.68 feet) to the point of curve right of a 389.65 foot radius curve; thence along the arc of said curve right through a central angle of 7°43'25", 52.52 feet (chord bears N.53°10'54"W., 52.48 feet) to a point of nontangent curvature; thence northeasterly along the arc of a 507.50 foot radius curve left (the radius point of which bears N.64°41'00"W.) through a central angle of 2°11'47", 19.46 feet (chord bears N.24°13'06"E., 19.45 feet); thence N.66°52'57"W., 55.00 feet to a point of non-tangent curvature; thence northwesterly along the arc of a 2347.69 foot radius curve left (the radius point of which bears S.36°48'37"W.) through a central angle of 6°27'32", 264.65 feet (chord bears N.56°25'09"W., 264.51 feet); thence N.43°51'37"W., 59.00 feet; S.46°08'22"W., 9.29 feet to a point of non-tangent curvature; thence northwesterly along the arc of a 1674.51 foot radius curve left (the radius point of which bears S.26°27'02"W.) through a central angle of 8°41'54", 254.22 feet (chord bears N.67°53'55"W., 253.97 feet); thence N.72°14'52"W., 17.64 feet; thence N.17°45'08"E., 8.85 feet; thence N.72°14'52"W., 177.17 feet; thence N.82°30'04"W., 35.67 feet to the easterly right-of-way line of S.W. Grahams Ferry Road (County Road No. 13); thence S.17°14'42"W. along said easterly right-of-way line, 113.74 feet to the Point of Beginning.

Contains 4.809 acres, more or less.

PLANNING DIVISION STAFF REPORT & RECOMMENDATION Quasi-Judicial Public Hearing

DATE:

October 19, 2006

TO:

Honorable Mayor and City Councilors

FROM:

Blaise Edmonds, Manager of Current Planning

SUBJECT:

The applicant (West Hills Development) and the property owner (Villebois, LLC) are seeking approval of a zone map amendment to change the Clackamas County Exclusive Farm Use (EFU) and City of Wilsonville Public Facilities (PF)

Zone to the City of Wilsonville Village (V) Zone.

DESCRIPTION OF ACTION:

The City Council is being asked to review a proposal to amend the Wilsonville Zoning Map for approximately 4.75 acres that carry the Comprehensive Plan Map designation of 'Residential-Village'. A Zoning Map Amendment would initiate the development permitting process for Preliminary Development Plan -5 of Villebois.

SUMMARY:

On October 9, 2006, Development Review Board - Panel A voted 5-0 to recommend approval of the proposed Zone Map Amendment from the Clackamas County Exclusive Farm Use (EFU) and City of Wilsonville Public Facility (PF) zone to the Village (V) zone in Villebois. The findings and conclusions in Exhibit 'A1' (amended staff report with proposed findings and conditions of approval) support the Development Review Board decision for approval. Panel A also approved Requests B-E, which includes:

- A. DB06-061: Zone Map Amendment (EFU/PF to Village (V) Zone)
- B. DB06-058: SAP-South PDP-5, Preliminary Development Plan
- C. DB06-059: Tentative Subdivision Plat
- D. DB06-060: Type C Tree Plan
- E. DB06-062: Final Development Plan
- **B.** DB06-0058: Preliminary Development Plan #5 (PDP#5). Preliminary Development Plan for Arbor Villebois No. 5 or Preliminary Development Plan 5S. PDP #5 comprises 25 residential lots on 1.97 acres and 1.75 acres for parks and open space tracts, including a swim center/community building. The application includes several refinements as listed below:
 - i. A refinement to the Circulation Plan in Specific Area Plan (SAP) South to allow for the introduction of a new north-south street, the northern extension of Lausanne Street.

- ii. A refinement to the Circulation Plan in Specific Area Plan South to allow for a somewhat different, curved alignment of Monte Carlo Avenue as it heads north into the North SAP.
- iii. A refinement to the location and mix of residential land use types of the Specific Area Plan South. The revised mix will include the addition of large lots. The refinement to the location and mix of residential land use types also results in a three unit decrease in the total number of lots in Phase 5.
- iv. A refinement to the total park and open space areas as approved in SAP-South to increase the amount of park and open space.
- v. A refinement to the Utility Plan of SAP-South to revise the bio-retention cell (#35) planned to be located in the park adjacent to Costa Circle to be revised to a vegetative swale and combined with the vegetative swale (CL-1) located in the same park.
- C. DB06-0059: Approval of Tentative Subdivision Plat
- D. DB06-0060: Type C Tree Removal Plan The Development Review Board approved a Tree Removal Plan leading to the issuance of a Type C Tree Removal Permit for the removal of 11 trees, the retention of 19 trees and one tree uncertain and,
- E. DB06-0062: Approval of Final Development Plan #5 (PDP#5). The Development Review Board approved the final development plan for the subdivision as well as 1.75 acres of parks, open space and linear greens. 1.29 acres (located on the east side of SW Naples Street) will be dedicated to a community building, swimming pool and regional open space trails. The remaining .46 acres are linear greens which serve as a landscape buffer between public street and adjacent houses, preserve existing trees and provide for pedestrian walkways.

The proposed PDP#5 (DB06-0058), the proposed Tentative Subdivision Plat (DB06-0059), the Type C Removal Plan (DB06-0060) and the Final Development Plan approval (DB06-0062) are contingent upon City Council approval of the proposed Zone Map Amendment (DB06-0061). General background documents for the above approvals are included in the City Council packet.

Staff reports were included in the DRB record. The Development Review Board adopted staff recommendations and findings included as Exhibit A1 as amended.

RECOMMENDATION:

Staff respectfully recommends that the City Council act favorably on the Development Review Board recommendation of October 9, 2006 to approve the Zone Map Amendment request. Appropriate Council action would be adoption of proposed Zone Map Amendment Ordinance No. 620

DISCUSSION:

• The applicant, West Hills Development proposes the development of a 25-lot residential planned development subdivision, along with associated site improvements, for the property generally

located east of SW Grahams Ferry Road and west of SW 110th Avenue within Specific Area Plan – South. Total development site area is approximately 4.75 acres

- No areas in the proposed project are designated Significant Resource Overlay Zone (SROZ).
- The proposed Zone Map Amendment meets the Planning and Land Development Ordinance and with the goals, policies, and implementation measures of Wilsonville Comprehensive Plan and with the Villebois Master Plan.
- Primary facilities, i.e., roadways, water and sanitary sewer, are or shortly will be available and are of adequate size to serve the subject territory. Thus, adequate facilities can be provided.
- The public interest is best served by granting the Zone Map Amendment at this time since there is a high demand for single-family and multi-family housing.
- The applicant, West Hills Development proposes a Swim Center/Community Building as well as parks and open space consistent with the Villebois Master Plan. These services support the proposed additional growth and complement the livability of the development.

See the Planning Division Staff Report, Exhibit A1 as amended, for additional detail and findings of fact.

City of WILSONVILLE in OREGON

October 12, 2006

29799 SW Town Center Loop E Wilsonville, Oregon 97070 (503) 682-1011

(503) 682-1015 Fax Administration

(503) 682-7025 Fax Community Development

DEVELOPMENT REVIEW BOARD PANEL A

NOTICE OF DECISION AND RECOMMENDATION TO CITY COUNCIL

Project Name:

Arbor Villebois: SAP South PDP #5

Case File No .:

A. DB06-0058: Preliminary Development Plan #5
B. DB06-0059: Tentative Subdivision Plat for 25 lots

C. DB06-0060: Type C Tree Removal Plan

D. DB06-0061: Zone Map Amendment from PF and EFU zoning to V, Village

Zone

E. DB06-0062: Final Development Plan, includes 1.75 acres of parks, open

space and linear greens

Applicant:

Villebois LLC/Arbor Villebois LLC c/o West Hills Development

Owner:

Villebois LLC

Property Description:

Tax Lot 2900, Section 15, T3S-R1W, Clackamas, County, Wilsonville, Oregon

Location:

Approximately 4.75 acres located in the west central portion of Villebois Village, in the northerly part of SAP South, Wilsonville, Oregon, 97070

On October 9, 2006, at the meeting of the Development Review Board the following action was granted on the above-referenced proposed development application:

Items B, C, and E:

Approved with conditions of approval. These approvals are contingent upon City Council's approval of Items A-Preliminary Development Plan and D-Zone Map Amendment; a Council hearing date is set for November 6, 2006 to hear these items.

Item A and D:

The DRB has forwarded a recommendation of approval to the City Council.

Any appeals by anyone who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of the Notice of Decision. WC Sec. 4.022(.02).

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Annex this 12th day of October 2006, and is available for public inspection. This decision shall become effective on the fifteenth (15th) calendar day after the postmarked date of the written Notice of Decision, unless appealed or called up for review by the Council in accordance with this Section. WC Sec. 4.022(.09)

Written decision is attached

This approval will expire on October 9, 2008 unless development commences prior to the expiration date. See WC Section 4.163 for renewal.

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29899 SW Town Center Loop E., Wilsonville Oregon 97070 or phone 503-682-1011

Attachments:

DRB Resolution No. 79 including adopted staff reports with conditions of approval

DEVELOPMENT REVIEW BOARD PANEL A RESOLUTION NO. 79

VILLEBOIS VILLAGE Preliminary Development Plan 5S

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A PRELIMINARY DEVELOPMENT PLAN (PDP5S) FOR 25 SINGLE-FAMILY RESIDENTIAL UNITS ON 1.97 ACRES AND 1.75 ACRES FOR PARKS AND OPEN SPACE TRACTS, INCLUDING A SWIM CENTER/COMMUNITY BUILDING; A TYPE C TREE REMOVAL PLAN; A TENTATIVE SUBDIVISION PLAT; REFINEMENTS TO THE VILLEBOIS VILLAGE SPECIFIC AREA PLAN-SOUTH INCLUDING: THE CIRCULATION PLAN IN SPECIFIC AREA PLAN (SAP) -SOUTH TO ALLOW FOR A NEW NORTH-SOUTH STREET, THE NORTHERN EXTENSION OF LAUSANNE STREET, AND ALLOW FOR A NEW ALIGNMENT OF MONTE CARLO AVENUE; THE LOCATION AND MIX OF RESIDENTIAL LAND USE TYPES, THE LOCATION AND MIX OF RESIDENTIAL LAND USE TYPES THAT WOULD RESULT IN A TWO UNIT DECREASE IN THE TOTAL NUMBER OF LOTS IN PHASE 5, AND A REFINEMENT TO THE RAINWATER PLAN TO REVISE BIO-RETENTION CELL #35 TO BE REVISED AND COMBINED WITH THE VEGETATIVE SWALE LOCATED IN THE SAME PARK. THE DRB ALSO RECOMMENDS THAT THE CITY COUNCIL APPROVE A ZONE MAP AMENDMENT FOR APPROXIMATELY 4.75 ACRES. THE PROPERTY IS LOCATED ON SOUTHERLY PART OF TAX LOT 2900, SECTION 15, T3S-R1W, CLACKAMAS COUNTY, OREGON. VIILLEBOIS, LLC; WEST HILLS DEVELOPMENT, APPLICANT.

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 reports on the above-captioned subject dated September 29, 2006, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at regularly scheduled meeting conducted on October 9, 2006, 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 application.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A1 with findings and recommendations contained therein, and with amendments as read into the record, and approves:

- DB06-0058: PDP-5S
- DB06-0059: Tentative Plat Review,
- DB06-0060: Type C Tree Removal Plan,
- DB06-0061: Zone Map Amendment,
- DB06-0062: FDP-5S

of Villebois Village Specific Area Plan-South, consistent with said recommendations. Approvals under this Resolution are subject to City Council approval of a Zone Change in Case File DB06-0061 and the Preliminary Development Plan in Case File DB06-0058.

Bryan Smith, Chair Panel A

Wilsonville Development Review Board

Attest:

Sally Hartill, Planning Project Coordinator

IX. Public Hearing

1. Villebois Village, Specific Area Plan South, Preliminary Development Plan 5/Villebois LLC/West Hills Development, Applicant

- A. Case File DB06-0058: Preliminary Development Plan
- B. Case File DB06-0049: Tentative Plat Review
- C. Case File DB06-0060: Type C Tree Removal Plan
- D. Case File DB06-0061: Zone Map Amendment for 4.75 acres from Public Facilities and Clackamas County EFU to Residential Village Zone.
- E. Case File DB06-0062: Final Development Plan, including review of a swim center and park.

The DRB's action on Case File DB06-0061 will be a recommendation to City Council. A City Council hearing date is scheduled for November 6, 2006.

The applicant requests approval of PDP #5 in SAP South, 25 housing units (town houses and single-family residential units) on 4.75 acres with 1.75 acres for parks and open space tracts, including a swim center/community building. The site is located on the southerly portion of Tax Lot 2900, T3S-RIW, Section 15, Clackamas County, Oregon. Staff: Kristy Kelly

MOTION:

Mr. Levit moved to adopt Resolution No. 79 with the amendment and corrections to the Staff report as read into the record. Mr. Truitt seconded the motion, which passed 5 to 0.

The following corrections and amendment were made to the Staff Report: (Note: additional text in bold italic, deleted text, struckthrough)

- Page 4 of 84, Under Preliminary Development Plan, the last sentence of iii. should state, "The refinement to the location and mix of residential land use types also results in a two unit decrease increase in the total number of lots in Phase 5.
- Page 46, first full paragraph, second to the last line should state, "The total unit count in SAP-South is 2467 28.
- Page 81, the second paragraph of Finding E24 should state, "The location and species of street trees are *not* consistent with the Street Tree Master Plan contained in the Community Elements Book.
- Amend PFA 29 on page 15 of 84 to include two additional alleys as follows, "the applicant shall complete construction of Alley 2 to SW Orleans Loop and the two parallel alleys on either side of Barber Street connecting Charlotte Lane to Orleans Loop in Villebois South PDP 1,"