

**ORDINANCE NO. 764**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5 (RRFF5) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 9.8 ACRES AT 11650 SW TOOZE ROAD AND A SMALL TRIANGULAR APPROXIMATELY 6315 SQUARE FOOT PROPERTY ACROSS SW GRAHAMS FERRY ROAD FROM 28333 SW GRAHAMS FERRY ROAD. COMPRISING TAX LOTS 1100, 1101, AND 1503 (FORMERLY 1591) OF SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON, CITY OF WILSONVILLE, APPLICANT.**

**RECITALS**

WHEREAS, The City of Wilsonville owns certain real property within the Villebois Village Master Plan being annexed into the City; and

WHEREAS, The City of Wilsonville desires to have the properties zoned consistent with their Wilsonville Comprehensive Plan Map designation of "Residential-Village" rather than maintain the current Clackamas County zoning designations.

WHEREAS, the Zone Map Amendment is contingent on annexation of the Property to the City of Wilsonville, which annexation has been petitioned for concurrently with the Zone Map Amendment request; 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 10, 2014;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on November 10, 2014, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 292 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB14-0065), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on December 1, 2014, 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 Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the Property to the City, by Zoning Order DB14-0065, attached hereto as Attachment 1, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 1<sup>st</sup> day of December 2014, and scheduled for the second and final reading on December 15, 2014, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

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Sandra C. King, City Recorder

ENACTED by the City Council of the City of Wilsonville, on the 5th day of January 2015, by the following votes:

AYES: -5-    NAYS: -0-

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Sandra C. King, City Recorder

DATED and signed by the Mayor this \_\_\_\_\_ day of January, 2015.

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TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor President Starr	Yes
Councilor Fitzgerald	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes

Attachments:

Attachment 1: Zoning Order DB14-0065.

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

Attachment 2: Zone Map Amendment Findings,

Attachment 3: DRB Panel A Resolution No. 292 recommending approval of the Zone Map Amendment



EXHIBIT "A"

October 10, 2014

LEGAL DESCRIPTION

Job No. 103-005

Two parcels of land owned by the City of Wilsonville per Document No. 2006-085167, being Parcel 1 and Parcel 2 of Partition Plat No. 1994-182, Clackamas County Plat Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel 1;

thence along the easterly line of said Parcel 1, South 00° 43'30" West, a distance of 888.82 feet to the Southeast corner of said Parcel 1;

thence along the northerly line of plat of "Tonquin Woods at Villebois No. 4", South 89° 59'58" West, a distance of 481.11 feet to the Southwest corner of said Parcel 2;

thence along the westerly line of said Parcel 2, North 00° 48'23" East, a distance of 888.82 feet to the Northwest corner of said Parcel 2;

thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), North 89° 59'50" East, a distance of 479.85 feet to the POINT OF BEGINNING.

Containing 9.81 acres, more or less.

Basis of bearings being Partition Plat No. 1994-182, Clackamas County Plat Records.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

N:\proj\103-005\09 Drawings\06 Survey\Legal\103005-Annexation Legal.dwg - SHEET: PARCEL 1 Oct. 10, 14 - 12:51 PM blake

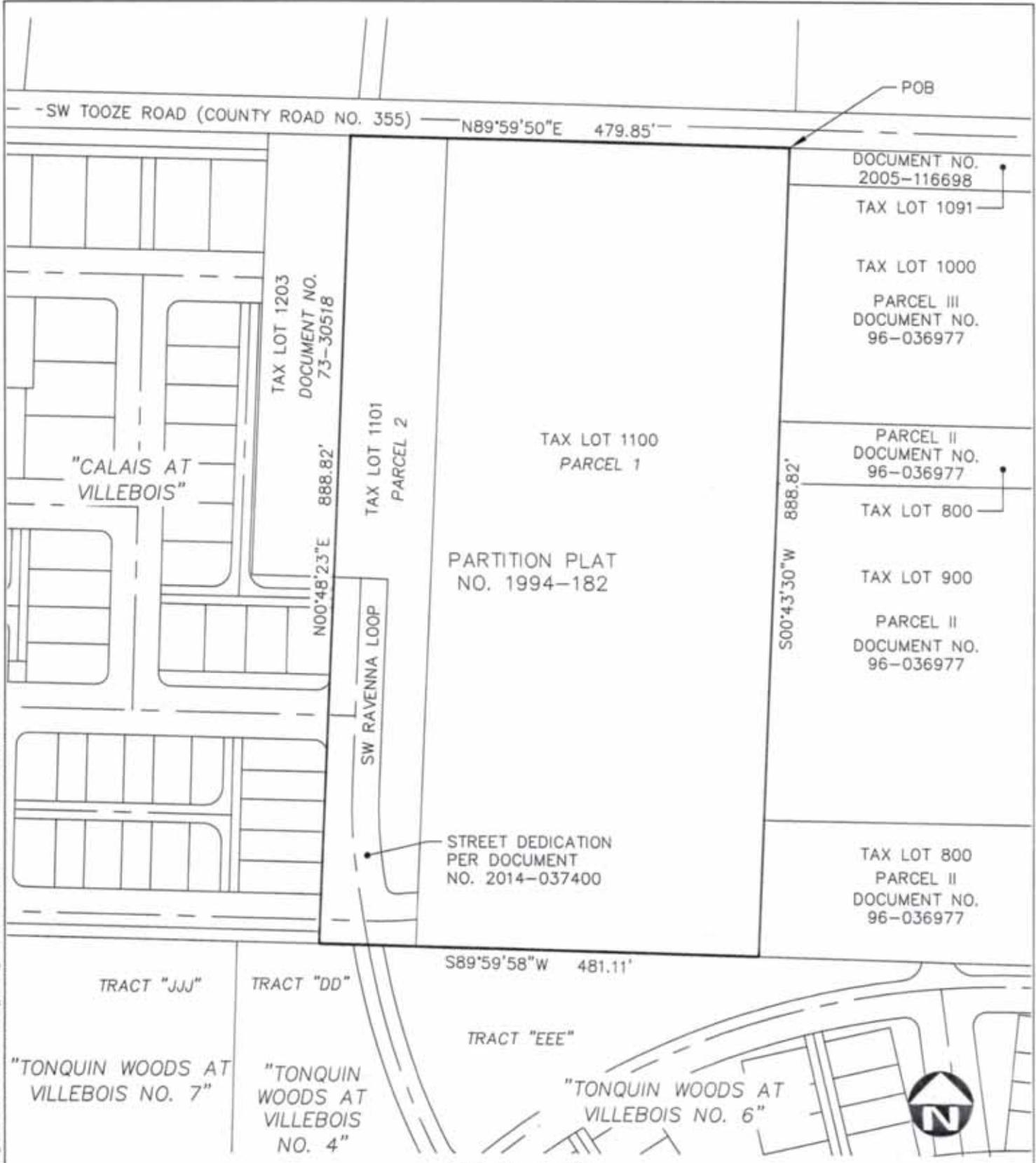


EXHIBIT "A"

DRAWN BY: BAA DATE: 10/10/2014  
 REVIEWED BY: TCJ DATE: 10/10/2014  
 PROJECT NO.: 103-005  
 SCALE: 1"=150'



12564 SW Main St  
 Tigard, OR 97223  
 [T] 503-941-9484  
 [F] 503-941-9485

# EXHIBIT A



## LEGAL DESCRIPTION Map 3S1W15 Tax Lot 1503

A parcel of land owned by the City of Wilsonville per Document No. 2014-037149, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Tract "L", plat of "Calais at Villebois";

thence along the northerly line of Tract "III", plat of "Tonquin Woods at Villebois No. 7" and its extension, North 88° 34' 09" West, a distance of 77.14 feet to an angle point on the easterly Right-of-Way line of SW Grahams Ferry Road (County Road No. 13);

thence along said easterly Right-of-Way line, North 17° 14' 42" East, a distance of 170.17 feet to an angle point on the westerly plat line of "Calais at Villebois";

thence along said westerly plat line, South 09° 12' 39" East, a distance of 166.59 feet to the POINT OF BEGINNING.

Containing 6,315 square feet, more or less.

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

Property Vested in:

City of Wilsonville

Map 3S1W15 Tax Lot 1503

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

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

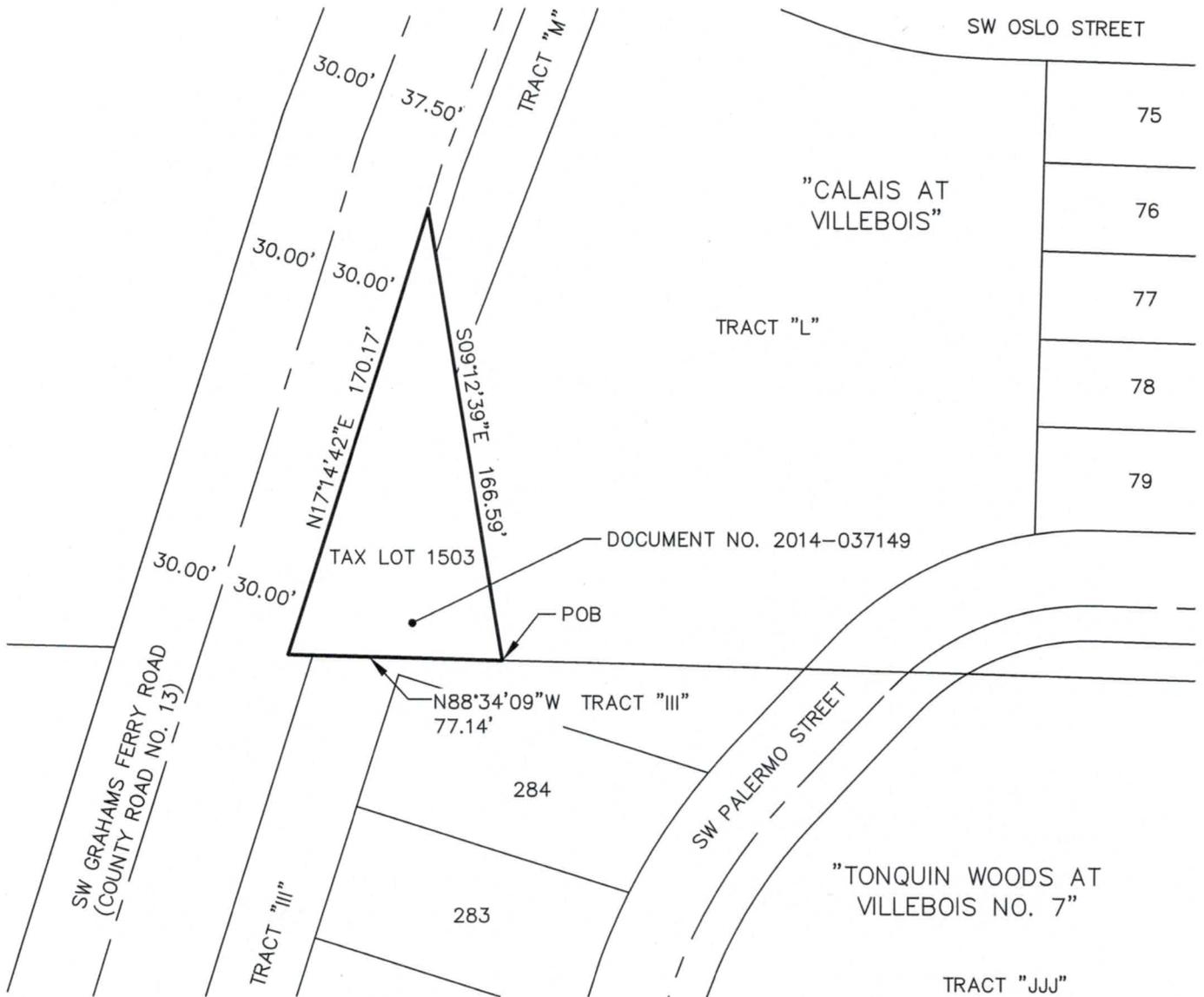
OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

# EXHIBIT A



## SKETCH TO ACCOMPANY LEGAL DESCRIPTION Map 3S1W15 Tax Lot 1503



DOCUMENT NO. 2014-037149

TAX LOT 1503

POB

N88°34'09"W TRACT "III"  
77.14'

284

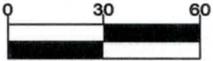
283

"TONQUIN WOODS AT  
VILLEBOIS NO. 7"

TRACT "JJJ"



SCALE



1 INCH = 60 FEET

Property Vested in:  
City of Wilsonville  
Map 3S1W15 Tax Lot 1503

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

Ord. No. 764 Attachment 2  
**STAFF REPORT**  
**WILSONVILLE PLANNING DIVISION**

*North Villebois City Properties*  
*Zone Map Amendment*

**CITY COUNCIL**  
**QUASI-JUDICIAL PUBLIC HEARING**

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<b>HEARING DATE</b>	December 1, 2014
<b>DATE OF REPORT:</b>	November 24, 2014

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**APPLICATION NOS.:** DB14-0065 Zone Map Amendment

**REQUEST/SUMMARY:** The City Council is being asked to review a Quasi-judicial Zone Map Amendment for City owned properties in the northwest portion of Villebois. No development is proposed concurrently with the zone map amendment.

**LOCATION:** Approximately 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across SW Grahams Ferry Road from 28333 SW Grahams Ferry Road. Described as Tax Lots 1100, 1101, and 1503 (formerly 1591), Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, as depicted on the map below.

**OWNER/APPLICANT/PETITIONER:** City of Wilsonville

**COMPREHENSIVE PLAN MAP DESIGNATION:** Residential-Village

**ZONE MAP CLASSIFICATION:** RRRF5 (Clackamas County Rural Residential Farm Forest 5)

**STAFF REVIEWER:** Daniel Pauly AICP, Associate Planner

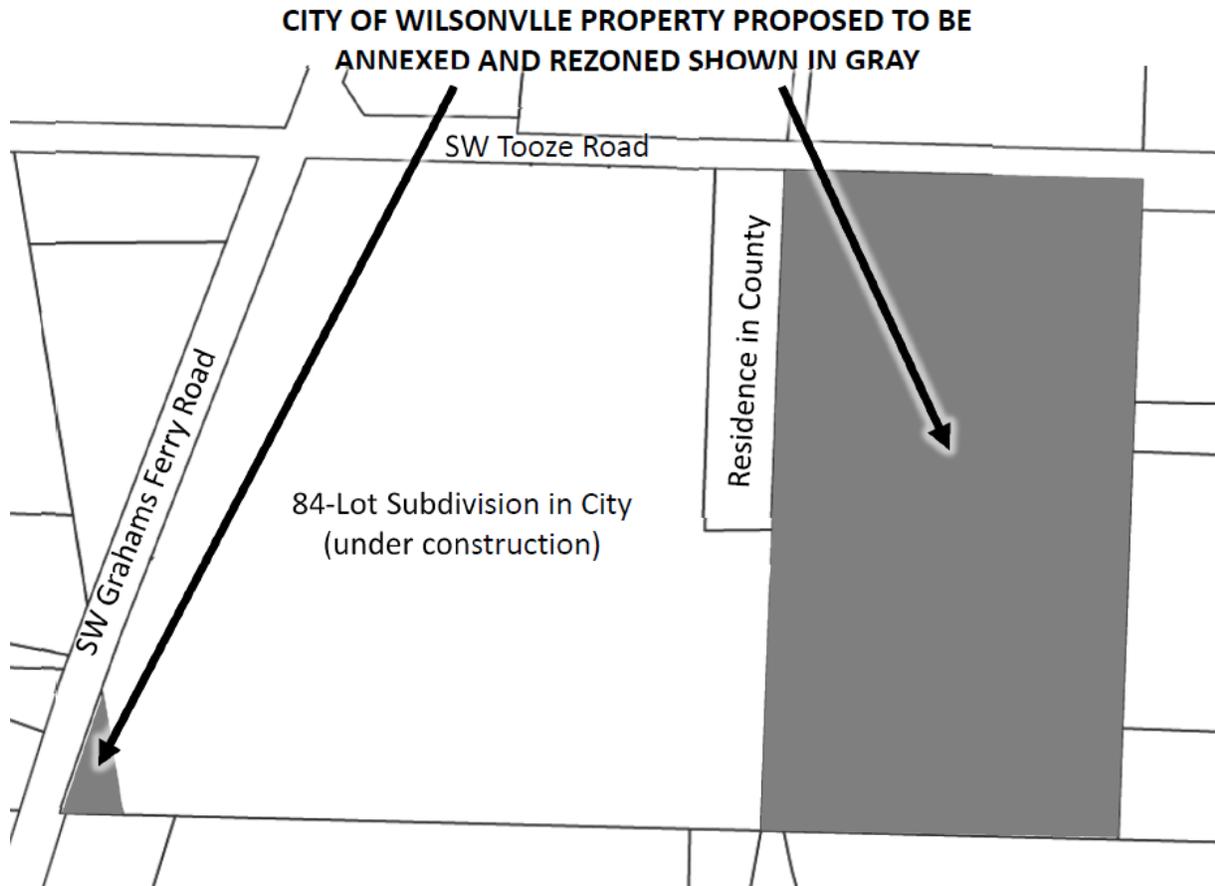
**DRB RECOMMENDATION:** Approve the requested Zone Map Amendment.

**APPLICABLE REVIEW CRITERIA**

<b><u>DEVELOPMENT CODE</u></b>	
Section 4.008	<b>Application Procedures-In General</b>
Section 4.009	<b>Who May Initiate Application</b>
Section 4.010	<b>How to Apply</b>
Section 4.011	<b>How Applications are Processed</b>
Section 4.014	<b>Burden of Proof</b>
Section 4.031	<b>Authority of the Development Review Board</b>
Section 4.033	<b>Authority of City Council</b>
Section 4.197	<b>Zone Changes and Amendments to Development Code-Procedures</b>
<b><u>OTHER CITY PLANNING DOCUMENTS</u></b>	

Comprehensive Plan	
Villebois Village Master Plan	
SAP North Approval Documents	
<b><u>REGIONAL AND STATE PLANNING DOCUMENTS</u></b>	
Statewide Planning Goals	

**Vicinity Map**



**BACKGROUND/SUMMARY:**

**Zone Map Amendment (DB14-0010)**

The applicant requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) consistent with the Comprehensive Plan designation of Residential-Village and the Villebois Village Master Plan.

## CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the petition and facts regarding the request and recommends the DRB recommend approval of the zone map amendment (DB14-0065).

## FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on October 15, 2014. On October 15, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and determined the application to be complete. The City must render a final decision for the request, including any appeals, by February 12, 2015.
2. Surrounding land uses are as follows:

### Tooze Road Properties

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas Coun RRFF5	Vacant
South:	V	Vacant (Future Park)
West:	Clackamas County RRFF5/V	Single-family Residential (existing and under development)

### Grahams Ferry Road Property

Compass Direction	Zone:	Existing Use:
Northeast	V	Single-family Residential (under development)
South:	V	Vacant (Future Open Space)
West:	Clackamas County RRFF5	Grahams Ferry Road/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)  
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:

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  
DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW  
DB14-0009 et seq – PDP-3N, 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.

**CONCLUSIONARY 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.

<b>GENERAL INFORMATION</b>
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***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.

**Explanation 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.

**Explanation of Finding:** The applications have been submitted on behalf of the sole property owner, City of Wilsonville.

***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.

**Explanation of Finding:** No applicable liens exist for the subject property.

<b>CONCLUSIONARY FINDINGS: DB14-0065 ZONE MAP AMENDMENT</b>
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***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.  
**Explanation of Finding:** Development in this area is being guided by all the listed plans and codes.

***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  
**Explanation of Finding:** The subject area is part of the Villebois Village Master Plan and the plan contains all the elements listed in this implementation measure

***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.  
**Explanation 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.  
**Explanation of Finding:** The proposed designation of the subject property as “Village” will allow development of uses supportive of an urban village consistent with 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.

**Explanation of Finding:** The applicant is applying for a zone change prior to application for planned development applications, or the Villebois Equivalent which will make the zoning consistent with the Comprehensive Plan when future development is proposed.

### *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.

**Explanation 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.

**Explanation of Finding:** 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”.

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

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

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Staff understands this language to mean a PDP approval cannot be brought forward without the appropriate zoning in place but does not preclude a zone change consistent with the comprehensive plan prior to PDP approval, such as during SAP approval or earlier. This understanding is informed by the language in Section 4.029, seeing Finding B5 above, which states zoning must occur prior to a planned development. As the PDP is equivalent to a Stage II Final Plan in the Village Zone the same rationale would apply as for a Stage II Final Plan elsewhere in the City where the zoning at minimum must occur concurrently with the Stage II approval, but may occur prior.

***Subsection 4.197 (.02) Zone Change Review***

***Subsection 4.197 (.02) A. Zone Change Procedures***

9. **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.  
**Explanation 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.***

10. **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.  
**Explanation of Finding:** The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings B1 through B4 comply with applicable Comprehensive Plan text.

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

11. **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.  
**Explanation 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***

12. **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.  
**Explanation of Finding:** While final design of public facilities will occur with a future PDP or PDPs, the subject property is part of the Villebois Village Master Plan where utilities have been planned to be adequate to serve the entire Master Plan area. Development requirements tied to future applications for PDP’s and other development approvals will further insure all necessary public facilities are provided.

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

13. **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.  
**Explanation of Finding:** No SROZ area is mapped on the subject properties.

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

14. **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.  
**Explanation of Finding:** Development on the subject property will happen in a number of stages reasonably expected to commence on all included parcels within two (2) years. The limited improvements, including fencing and landscaping on Tax Lot 1503 (formerly 1591), is expected to occur together with the development of adjacent Tonquin Woods No. 7 and Calais subdivisions which are approved and under construction. Development on Tax Lot 1101 has already commenced to build public street improvements and associated landscaping. Part of Tax Lot 1100 is planned for a portion of Regional Park 5. The City is working with partners and adjacent property owners to plan the Regional Park and expect the park to be constructed within 2 years. The development of the remainder of Tax Lots 1100 and 1101 depends on market conditions and could very well commence within two years.

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

15. **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.  
**Explanation of Finding:** Nothing about the zone change would prevent development on the subject properties from complying with applicable development standards.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 292**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) FOR CITY OWNED PROPERTIES ALONG TOOZE ROAD AND GRAHAMS FERRY ROAD NEAR THE NORTHWEST CORNER OF VILLEBOIS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1100, 1101 AND 1503 (FORMERLY 1591), OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. CITY OF WILSONVILLE- 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 staff report on the above-captioned subject dated November 3, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on November 10, 2014, 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 3, 2014 recommending to City Council approval of the Annexation and Zone Map Amendment Requests (DB14-0064 and DB14-0065) for:

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 10<sup>th</sup> day of November, 2014 and filed with the Planning Administrative Assistant on November 13, 2014. 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)*.

  
Mary Fierros Bower Chair, Panel A  
Wilsonville Development Review Board

Attest:

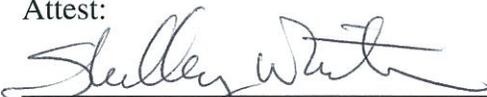
  
Shelley White, Planning Administrative Assistant

Exhibit A1  
**STAFF REPORT**  
**WILSONVILLE PLANNING DIVISION**

*North Villebois City Properties Annexation and Zone Map Amendment*

**DEVELOPMENT REVIEW BOARD PANEL ‘A’**  
**QUASI-JUDICIAL PUBLIC HEARING**  
**STAFF REPORT**  
**ADOPTED NOVEMBER 10, 2014**

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<b>HEARING DATE</b>	November 10, 2014
<b>DATE OF REPORT:</b>	November 3, 2014

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**APPLICATION NOS.:** DB14-0064 Annexation  
DB14-0065 Zone Map Amendment

**REQUEST/SUMMARY:** The Development Review Board is being asked to review a Quasi-judicial Annexation and Zone Map Amendment for City owned properties in the northwest portion of Villebois. No development is proposed concurrently with these applications.

**LOCATION:** Approximately 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across Grahams Ferry Road from 28333 SW Grahams Ferry Road. Described as Tax Lots 1100, 1101, and 1503 (formerly 1591), Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, as depicted on the map below.

**OWNER/APPLICANT/PETITIONER:** City of Wilsonville

**COMPREHENSIVE PLAN MAP DESIGNATION:** Residential-Village

**ZONE MAP CLASSIFICATION:** RRFF5 (Clackamas County Rural Residential Farm Forest 5)

**STAFF REVIEWER:** Daniel Pauly AICP, Associate Planner

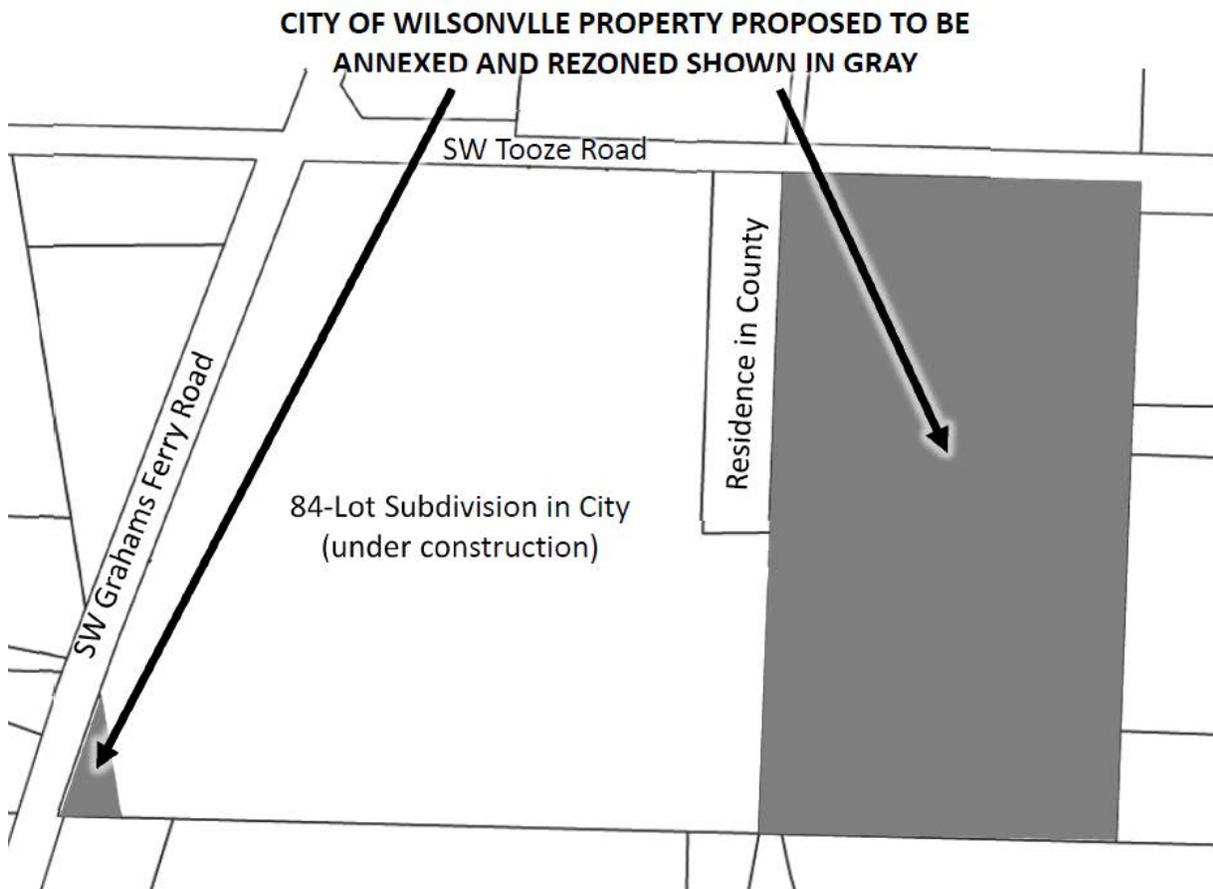
**STAFF RECOMMENDATIONS:** Recommend approval of the requested Annexation and Zone Map Amendment to City Council.

**APPLICABLE REVIEW CRITERIA**

<b>DEVELOPMENT CODE</b>	
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
Section 4.197	Zone Changes and Amendments to Development Code-

	<b>Procedures</b>
<b>Section 4.700</b>	<b>Annexation</b>
<b><u>OTHER CITY PLANNING DOCUMENTS</u></b>	
<b>Comprehensive Plan</b>	
<b>Villebois Village Master Plan</b>	
<b>SAP North Approval Documents</b>	
<b><u>REGIONAL AND STATE PLANNING DOCUMENTS</u></b>	
<b>Metro Code Chapter 3.09</b>	<b>Local Government Boundary Changes</b>
<b>Metro Function Plan Titles 1,2,3,6 and 7</b>	
<b>ORS 222.111</b>	<b>Authority and Procedures for Annexation</b>
<b>ORS 222.120</b>	<b>Procedure without Election by City Electors</b>
<b>ORS 222.125</b>	<b>Annexation by Consent of All Land Owners and Majority of Electors</b>
<b>ORS 22.170</b>	<b>Effect of Consent to Annexation by Territory</b>
<b>Statewide Planning Goals</b>	

**Vicinity Map**



## **BACKGROUND/SUMMARY:**

### **Annexation (DB14-0064)**

Of the land covered by the Villebois Village Master Plan only the properties just south of Tooze Road between Grahams Ferry Road and 110<sup>th</sup> Avenue remain outside the City. The City's Comprehensive Plan already designates these properties as "Residential-Village" in anticipation of annexation. Earlier in 2014 Polygon Homes petitioned for annexation of properties near the corner of Tooze Road and Grahams Ferry Road concurrent with a request to develop the property. The City wishes to now annex City owned property adjacent to the property annexed earlier this year.

### **Zone Map Amendment (DB14-0065)**

The City requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) zone to make the newly annexed land's zoning designation consistent with the comprehensive plan.

### **Discussion Points**

#### ***Future Use of the Properties and Why the City is Pursuing Annexation at this time***

#### **Triangular Piece of Property along SW Grahams Ferry Road**

The why for the annexation and zone map amendment for this property is to make this small parcel consistent with actions previously taken on adjacent property. The property is an approximate 6315 square foot triangular piece the along SW Grahams Ferry Road. The developer of the adjacent Calais at Villebois subdivision, Polygon Northwest, desired to purchase and annex and rezone this property along with Calais at Villebois. However, they were unable to obtain ownership due to some questions surrounding the ownership and proceeded with the annexation, zone map amendment, and development entitlements for the remainder of the project. The ownership was later clarified and the City purchased the property as part of plans to widen Grahams Ferry Road in accordance with a development agreement between the City and Polygon Northwest. The part of the property not used for right-of-way is expected to be used for a fence and open space consistent with Calais at Villebois.

#### **Tooze Road Properties**

The why for the annexation and rezoning of these properties is to begin laying the foundation for future development applications. The majority of the properties will likely be sold at some future time for private development. Prior to the main portion of the property developing the City anticipates the development of a portion of the public Villebois Regional Park 5 on the southern portion of the property within the next couple years. The present annexation will allow park land use entitlement to proceed more smoothly without working through Clackamas County jurisdiction and zoning. The City also anticipates having the annexation and zoning complete will make the property more marketable when, as anticipated, the majority of the property is sold for development.

**CONCLUSION:**

Staff has reviewed the petition and facts regarding the request and recommends the DRB recommend approval of the annexation and zone map amendment to City Council (DB14-0064 and DB14-0065).

**REQUEST A: DB14-0064 ANNEXATION**

This action recommends Annexation to the City Council for the subject properties. The Zone Map Amendment (DB14-0065) is contingent on annexation.

**REQUEST B: DB14-0065 ZONE MAP AMENDMENT**

This action recommends adoption of the Zone Map Amendment to the City Council for the subject properties. Adoption of the Zone Map Amendment is contingent of the properties being annexed to the City (DB14-0064).

**MASTER EXHIBIT LIST:**

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case Files DB14-0064 and DB14-0065.

- A1. Staff report and findings (this document)
- A2. Slides and notes for Staff’s Public Hearing Presentation (*available at Public Hearing*)
- B1. Signed Application Form
- B2. Petition for Annexation, Including Map Exhibit

**FINDINGS OF FACT:**

1. The statutory 120-day time limit applies to this application. The application was received on October 15, 2014. On October 15, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and determined the application to be complete. The City must render a final decision for the request, including any appeals, by February 12, 2015.
2. Surrounding land uses are as follows:

**Tooze Road Properties**

<b>Compass Direction</b>	<b>Zone:</b>	<b>Existing Use:</b>
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas County RRFF5	Vacant
South:	V	Vacant (Future Park)
West:	Clackamas County RRFF5/V	Single-family Residential (existing and under development)

Grahams Ferry Road Property

Compass Direction	Zone:	Existing Use:
Northeast	V	Single-family Residential (under development)
South:	V	Vacant (Future Open Space)
West:	Clackamas County RRFF5	Grahams Ferry Road/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)
- 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:

- 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
- DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW
- DB14-0009 et seq – PDP-3N, Annexation, Zone Map Amendment, 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.

## CONCLUSIONARY 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.

<b>GENERAL INFORMATION</b>
----------------------------

### *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.

**Explanation 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.

**Explanation of Finding:** The applications have been submitted on behalf of the sole property owner, City of Wilsonville.

### *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.

**Explanation of Finding:** No applicable liens exist for the subject property.

## REQUEST A: ANNEXATION

### Comprehensive Plan

#### *Annexation and Boundary Changes*

##### *Implementation Measure 2.2.1.a.*

- A1. **Review Criteria:** “Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The required consistency is fulfilled by being consistent with the Villebois Village Master Plan. The Villebois Village Master Plan was created and approved to address the jobs-housing imbalance and population growth within the City of Wilsonville. Therefore, as a portion of Villebois Village, the subject site addresses a demonstrated need for urban growth.

The Villebois Parks & Open Space Plan ensures adequate parks and open space opportunities, which include a range of experiences for residents and visitors. Chapter 4 of the Villebois Village Master Plan evaluates compliance of the planned sanitary sewer, storm drainage, and water systems with the City’s Wastewater Collections System Master Plan, Stormwater Master Plan, and Water System Master Plan. Chapter 5 of the Master Plan analyzes compliance of the Villebois circulation system with the City’s Transportation Systems Plan. The Master Plan includes implementation measures to ensure compliance with the City’s public facility master plans and Transportation Systems Plan.

##### *Implementation Measure 2.2.1.e.*

- A2. **Review Criteria:** “Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:” Listed 1 through 5.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The requirements are fulfilled by being consistent with the Villebois Village Master Plan, as further explained below in this finding, or by compliance with state and regional policies as found in other findings supporting this request.

*Orderly, Economic Provision of Public Facilities and Services:* The Villebois Village Master Plan set forth implementation measures to ensure the orderly and economic provision of public facilities and services for this area. Adjacent development in Villebois is bringing needed and adequately sized public facilities adjacent to or onto the subject properties.

*Availability of sufficient land for marketplace choice:* The availability of sufficient land was demonstrated by the adoption of the Villebois Village Master Plan, which plans for the development of the 480-acre Villebois Village area. At the time of Master Plan approval, Villebois Village was found to have a wide range of residential choices.

*Encouraging Development within City Limits prior to UGB:* No development is proposed with this request, but the request does enable development initially associated with

adjacent development and subsequently development of the next logical area for build out of the Villebois Village Master Plan area. The action does not change the City’s plan for orderly build out of the Villebois Village Master Plan area.

***Compact Urban Development Implementation Measures***

***Implementation Measure 4.1.6.a. and c.***

- A3. **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.”

“The “Village” Zone District shall be applied in all areas that carry the Residential – Village Plan Map Designation.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The subject site is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the “Village” Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the properties has been included. The site must be brought into City limits before the V zone can be applied.

**Development Code**

***Subsections 4.030 (.01) A, 11, 4.031 (.01) K, and 4.033 (.01) F. Authority to Review Annexation***

- A4. **Review Criteria:** These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial, the DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The subject annexation request has been determined to be quasi-judicial and is being reviewed by the DRB and City Council consistent with these subsections.

***Section 4.700 Annexation***

- A5. **Review Criteria:** This section defines the criteria and process for annexation review within the City.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All the necessary materials defined by this section have been submitted for City review. The annexation is being considered quasi-judicial. Staff recommends the City Council, upon the DRB’s recommendation, declare the subject property annexed.

## Metro Code

### *Chapter 3.09 Local Government Boundary Changes*

A6. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The request is within the UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner, there are no electors, has submitted a petition with the required information, is consistent with the Comprehensive Plan, Villebois Village Concept Plan, and Villebois Village Master Plan.

## Oregon Revised Statutes

### *ORS 222.111 Authority and Procedure for Annexation*

A7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicable requirements in state statute are met including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owner of the land being annexed, and there are no electors in the area to be annexed.

### *ORS 222.120 Procedure Without Election by City Electors*

A8. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** There is no City charter requirement for election for annexation, a public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the facts that the single owner of the subject properties is the petitioner and thus have consented in writing to annexation. There are no electors or residential dwellings within the territory to be annexed.

### *ORS 222.125 Annexation by Consent of All Owners of Land and Majority of Electors*

A9. **Review Criteria:** "The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The territory to be annexed is all owned by the City of Wilsonville, and the City, as the owner, has petitioned and consented to annexation in writing. There are no electors or residential dwellings within the territory to be annexed. However, a public hearing process is being followed as prescribed in the City’s Development Code concurrent with a Zone Map Amendment request.

**Oregon Statewide Planning Goals**

***Goals 1, 2, 5, 6, 8, 9, 10, 11, 12, 13***

A10. **Review Criteria:** The goals include: citizen involvement, land use planning, natural resources and open spaces, air water and land resource quality, recreational needs, economic development, housing, public facilities and services, transportation, and energy conservation.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The area requested to be annexed will be developed consistent with the City’s Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals.

<b>REQUEST B: ZONE MAP AMENDMENT</b>
--------------------------------------

**Comprehensive Plan**

***Compact Urban Development-Implementation Measures***

***Implementation Measure 4.1.6.a***

B1. **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.

**Explanation of Finding:** Development in this area will be guided by all the listed plans and codes.

***Implementation Measure 4.1.6.b.***

B2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

**Finding:** These criteria are not applicable

**Explanation of Finding:** The subject area is part of the Villebois Village Master Plan and the plan contains all the elements listed in this implementation measure

***Implementation Measure 4.1.6.c.***

B3. **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.

**Explanation 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.***

B4. **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.

**Explanation of Finding:** The proposed designation of the subject property as “Village” will allow development of uses supportive of an urban village consistent with the Villebois Village Master Plan.

**Planning and Land Development Ordinance**

***Section 4.029 Zoning to be Consistent with Comprehensive Plan***

B5. **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.

**Explanation of Finding:** The applicant is applying for a zone change prior to application for planned development applications, or the Villebois Equivalent, which will make the zoning consistent with the Comprehensive Plan when future development is proposed.

***Subsection 4.110 (.01) Base Zones***

B6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

**Finding:** This criterion is satisfied.

**Explanation 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***

B7. **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.

**Explanation of Finding:** 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”.

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

B8. **Review Criterion:** "... Application for a zone change shall be made concurrently with an application for PDP approval..."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Staff understands this language to mean a PDP approval cannot be brought forward without the appropriate zoning in place but does not preclude a zone change consistent with the comprehensive plan prior to PDP approval, such as during SAP approval or earlier. This understanding is informed by the language in Section 4.029, see Finding B5 above, which states zoning must occur prior to a planned development. As the PDP is equivalent to a Stage II Final Plan in the Village Zone the same rationale would apply as for a Stage II Final Plan elsewhere in the City where the zoning at minimum must occur concurrently with the Stage II approval, but may occur prior.

*Subsection 4.197 (.02) Zone Change Review*

*Subsection 4.197 (.02) A. Zone Change Procedures*

B9. **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.

**Explanation 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.*

B10. **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.

**Explanation of Finding:** The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings B1 through B4 comply with applicable Comprehensive Plan text.

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

B11. **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.

**Explanation 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***

- B12. **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.

**Explanation of Finding:** No public facilities are required to serve the triangular piece of property along Grahams Ferry Road besides water for landscape irrigation which is readily available. For the Tooze Road properties the final design of public facilities will occur with a future PDP or PDPs, however the properties are part of the Villebois Village Master Plan where utilities have been planned to be adequate to serve the entire Master Plan area. Development requirements tied to future applications for PDP’s and other development approvals will further insure all necessary public facilities are provided.

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

- B13. **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.

**Explanation of Finding:** No SROZ area is mapped on the subject properties.

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

- B14. **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.

**Explanation of Finding:** Development on the subject properties will happen in a number of stages reasonably expected to commence on all included parcels within two (2) years. The limited improvements, including fencing and landscaping on Tax Lot 1503 (formerly 1591), is expected to occur together with the development of adjacent Tonquin Woods No. 7 and Calais subdivisions which are approved and under construction. Development on Tax Lot 1101 has already commenced to build public street improvements and associated landscaping. Part of Tax Lot 1100 is planned for a portion of Regional Park 5. The City is working with partners and adjacent property owners to plan the Regional Park and expect the park to be constructed within 2 years. The development of the remainder of Tax Lots 1100 and 1101 depends on market conditions and could very well commence within two years.

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

B15. **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.

**Explanation of Finding:** Nothing about the zone change would prevent development on the subject properties from complying with applicable development standards.

# North Villebois City Properties Annexation and Zone Map Amendment



DRB Panel A Public Hearing

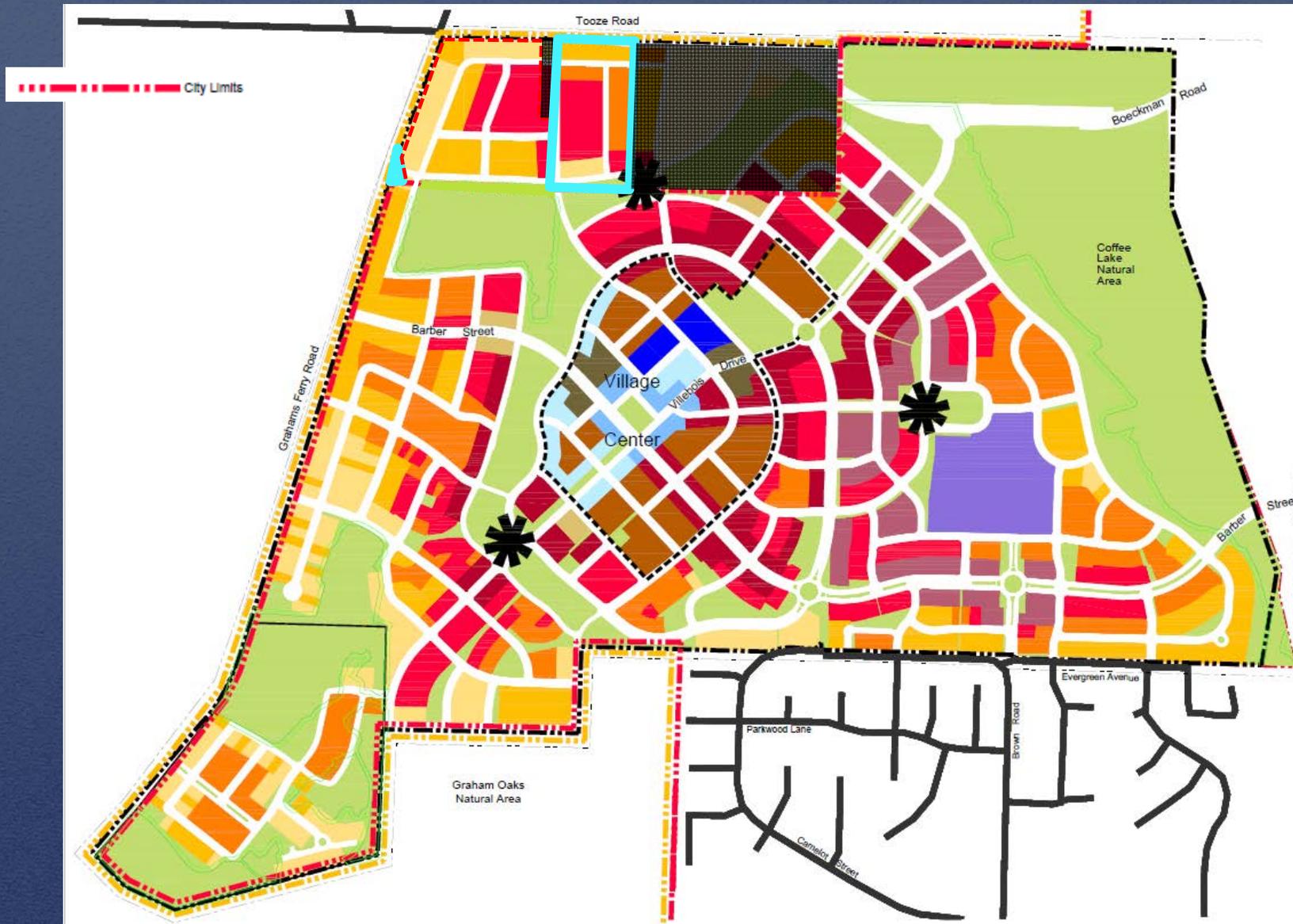
November 10, 2014

Presented by: Daniel Pauly AICP, Associate Planner



City of Wilsonville  
Exhibit A2  
DB14-0064  
& DB14-0065

# Annexation



# Annexation

## Petition for Annexation to the City of Wilsonville

The City Wilsonville, as sole owner of certain real property legally described and shown in Attached Exhibit A on which no persons or electors reside, does hereby petition said property be annexed into the boundaries of the City of Wilsonville.

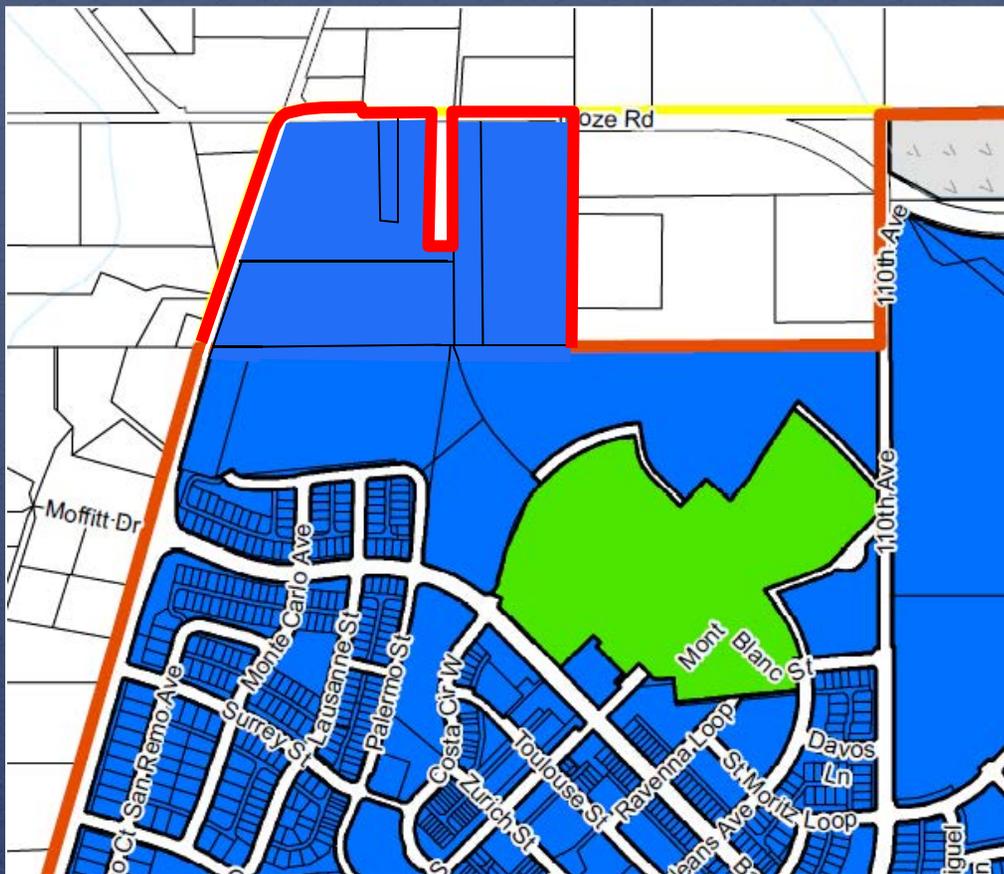
Signed on behalf of the City of Wilsonville, petitioner,



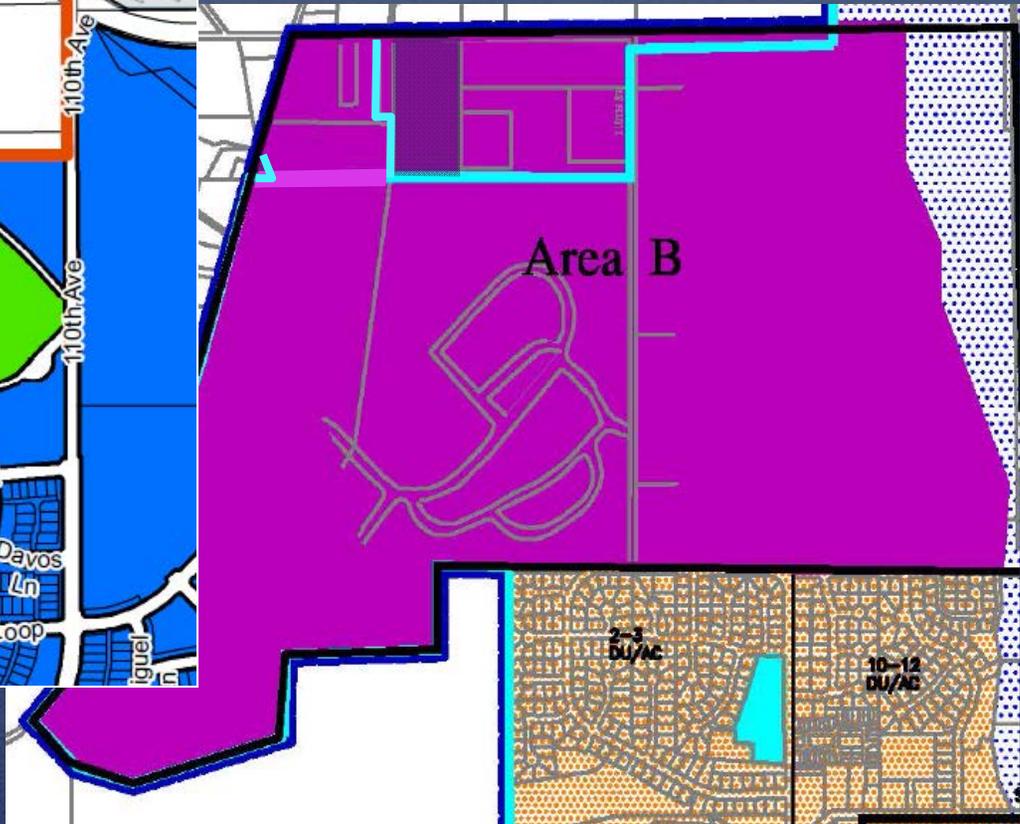
\_\_\_\_\_  
Bryan Cosgrove, City Manager

Date 10/16/14

# Zone Map Amendment

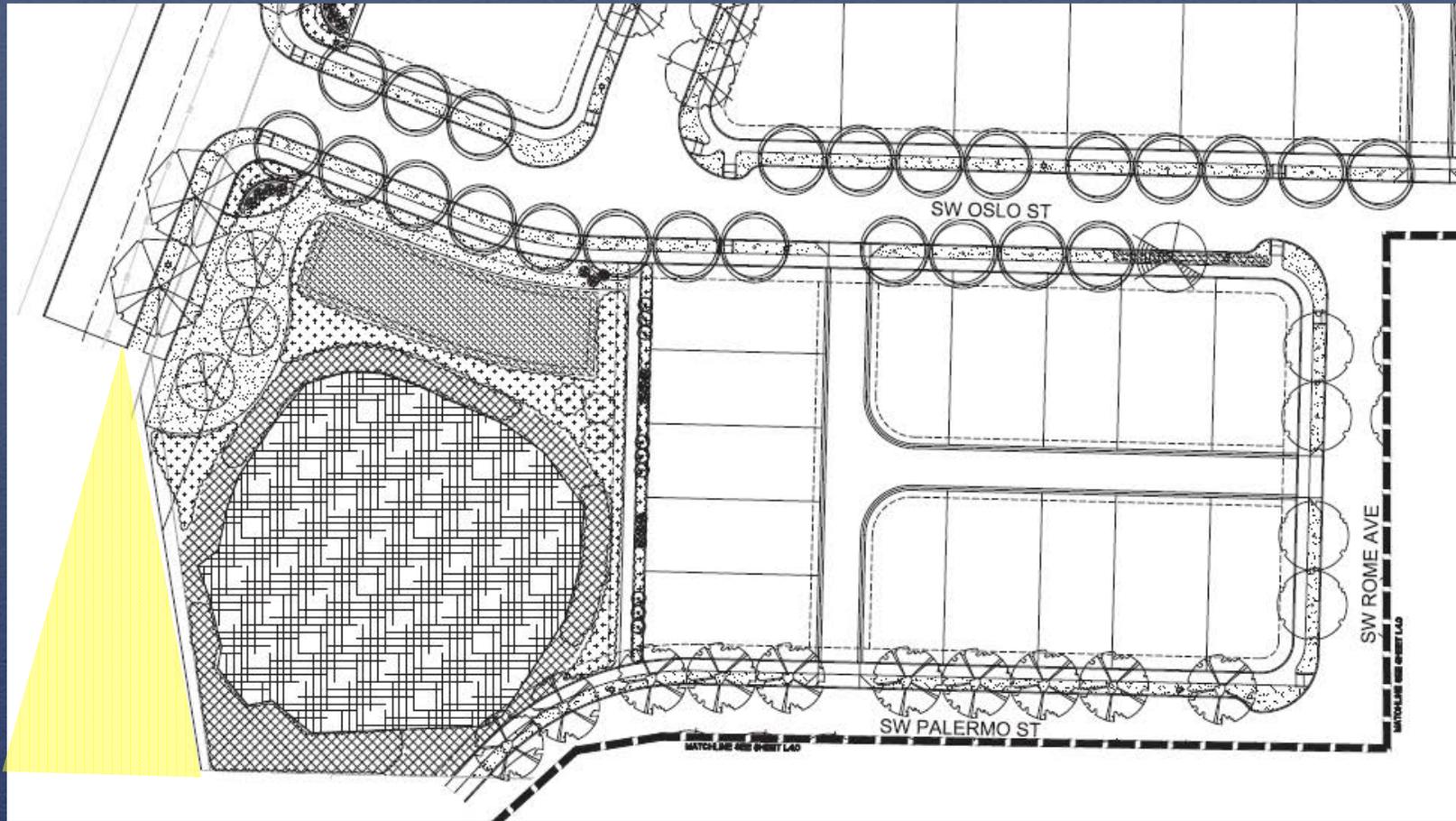


## Proposed Zoning



## Comprehensive Plan

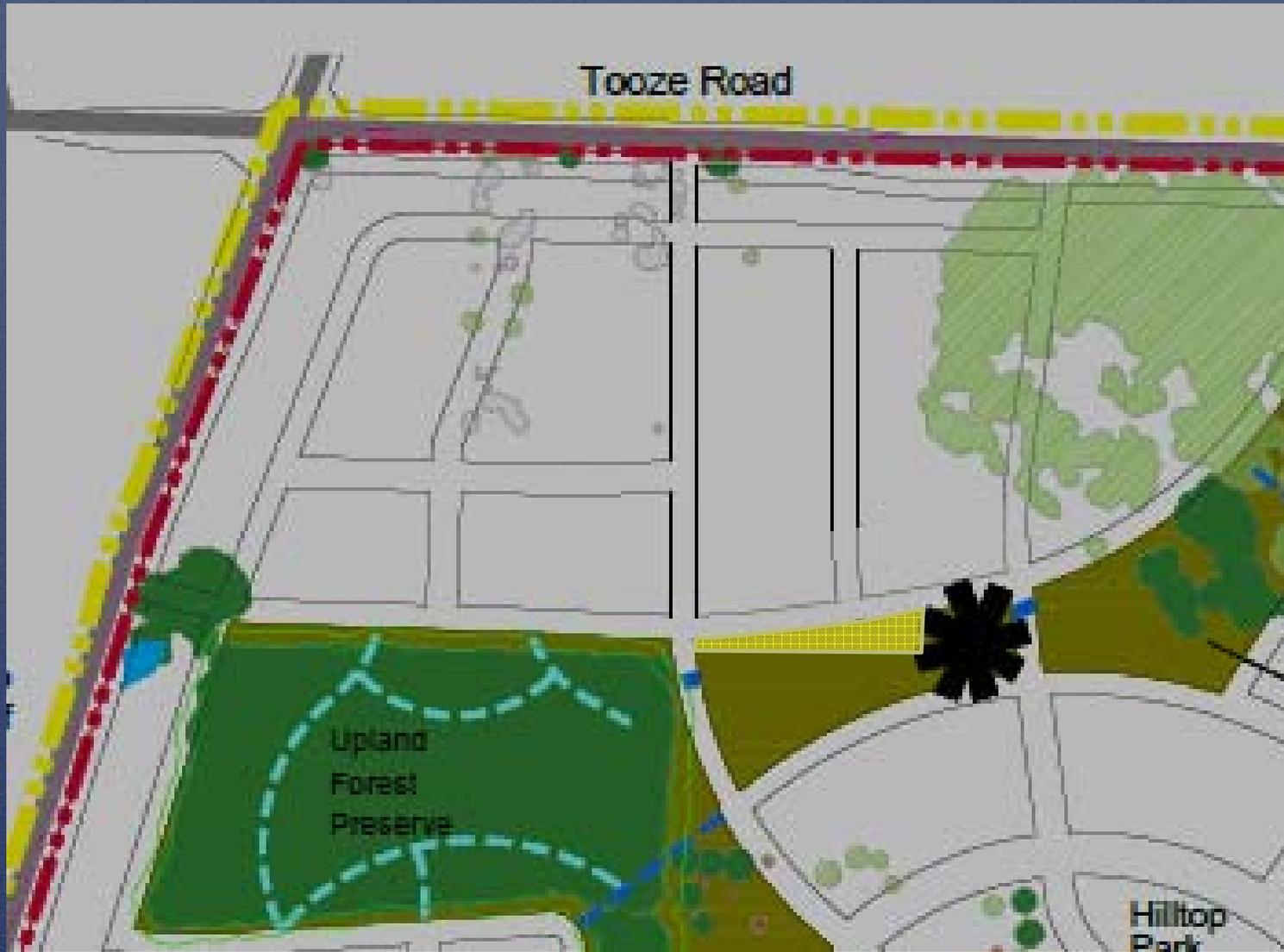
# Zone Map Amendment



# Zone Map Amendment



# Zone Map Amendment





# Questions?

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# CITY OF WILSONVILLE

29799 SW Town Center Loop East  
Wilsonville, OR 97070  
Phone: 503.682.4960  
Fax: 503.682.7025

Web: [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

Pre-Application meeting date:

## Planning Division Development Permit Application

*Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175*

*A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements*

*Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.*

**TO BE COMPLETED BY APPLICANT:**  
Please PRINT legibly

**Applicant:**

City of Wilsonville

Address: 29799 SW Town Center Loop E.

Phone: 503-682-1011

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Authorized Representative:**

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Property Owner:**

City of Wilsonville

Address: 29799 SW Town Center Loop E.

Phone: 503-682-1011

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Property Owner's Signature:**

Printed Name: Bryan Cosgrove

Date: 10/16/14

**Applicant's Signature** (if different from Property Owner):

*[Signature]*

Printed Name: Bryan Cosgrove

Date: 10/15/14

**Site Location and Description:**

Project Address if Available: 11650 SW Tooze Road (TL 1100 and 1101) Suite/Unit \_\_\_\_\_

Project Location: south side of SW Tooze Road west of Grahams Ferry, west side of SW Grahams Ferry south of Tooze

Tax Map #(s): 15 Tax Lot #(s): 1100, 1101, 1591 County:  Washington  Clackamas

**Request:** Annexation and Zone Map Amendment to "Village" for City owned property in the northwestern portion of Villebois.

**Project Type:** Class I  Class II  Class III

Residential  Commercial  Industrial  Other (describe below)

**Application Type:**

- |  |   |  |   |
|--|---|--|---|
| <input checked="" type="checkbox"/> Annexation         | <input type="checkbox"/> Appeal                       | <input type="checkbox"/> Comp Plan Map Amend | <input type="checkbox"/> Conditional Use              |
| <input type="checkbox"/> Final Plat                    | <input type="checkbox"/> Major Partition              | <input type="checkbox"/> Minor Partition     | <input type="checkbox"/> Parks Plan Review            |
| <input type="checkbox"/> Plan Amendment                | <input type="checkbox"/> Planned Development          | <input type="checkbox"/> Preliminary Plat    | <input type="checkbox"/> Request to Modify Conditions |
| <input type="checkbox"/> Request for Special Meeting   | <input type="checkbox"/> Request for Time Extension   | <input type="checkbox"/> Signs               | <input type="checkbox"/> Site Design Review           |
| <input type="checkbox"/> SROZ/SRIR Review              | <input type="checkbox"/> Staff Interpretation         | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Stage II Final Plan          |
| <input type="checkbox"/> Type C Tree Removal Plan      | <input type="checkbox"/> Tree Removal Permit (B or C) | <input type="checkbox"/> Temporary Use       | <input type="checkbox"/> Variance                     |
| <input type="checkbox"/> Villebois SAP                 | <input type="checkbox"/> Villebois PDP                | <input type="checkbox"/> Villebois PDP       | <input type="checkbox"/> Waiver                       |
| <input checked="" type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> Other                        |  |   |



City of Wilsonville  
EXHIBIT B1 DB14-0064 et seq

**Petition for Annexation to the City of Wilsonville**

The City of Wilsonville, as sole owner of certain real property legally described and shown in Attached Exhibit A on which no persons or electors reside, does hereby petition said property be annexed into the boundaries of the City of Wilsonville.

Signed on behalf of the City of Wilsonville, petitioner,

  
\_\_\_\_\_  
Bryan Cosgrove, City Manager

Date 10/16/14

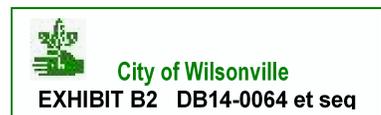




EXHIBIT "A"

October 10, 2014

LEGAL DESCRIPTION

Job No. 103-005

Two parcels of land owned by the City of Wilsonville per Document No. 2006-085167, being Parcel 1 and Parcel 2 of Partition Plat No. 1994-182, Clackamas County Plat Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel 1;

thence along the easterly line of said Parcel 1, South 00° 43'30" West, a distance of 888.82 feet to the Southeast corner of said Parcel 1;

thence along the northerly line of plat of "Tonquin Woods at Villebois No. 4", South 89° 59'58" West, a distance of 481.11 feet to the Southwest corner of said Parcel 2;

thence along the westerly line of said Parcel 2, North 00° 48'23" East, a distance of 888.82 feet to the Northwest corner of said Parcel 2;

thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), North 89° 59'50" East, a distance of 479.85 feet to the POINT OF BEGINNING.

Containing 9.81 acres, more or less.

Basis of bearings being Partition Plat No. 1994-182, Clackamas County Plat Records.

REGISTERED PROFESSIONAL LAND SURVEYOR

*Travis C. Jansen*

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

N:\proj\103-005\09 Drawings\06 Survey\Legal\103005-Annexation Legal.dwg - SHEET: PARCEL 1 Oct. 10, 14 - 12:51 PM blake

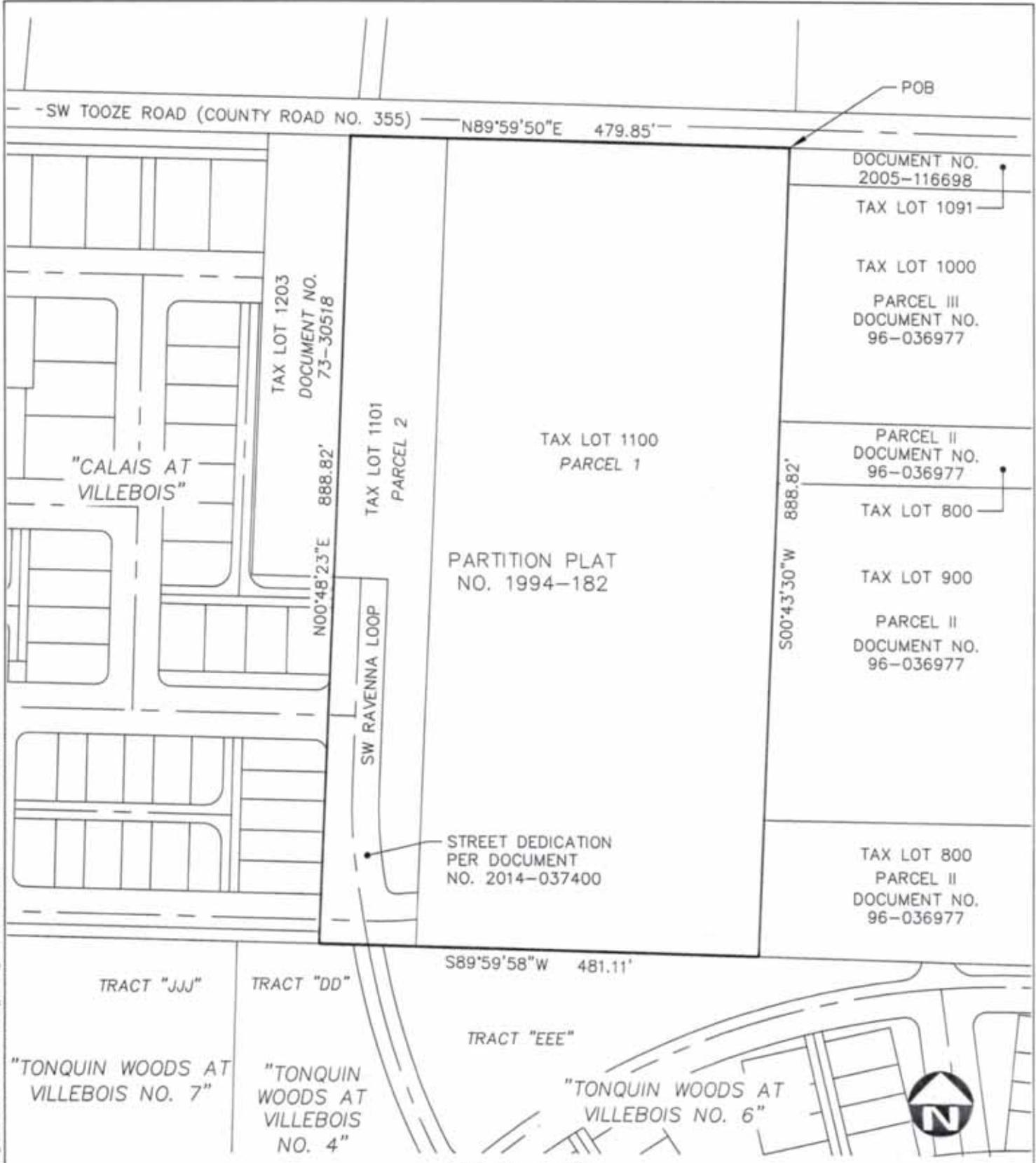


EXHIBIT "A"

DRAWN BY: BAA DATE: 10/10/2014  
 REVIEWED BY: TCJ DATE: 10/10/2014  
 PROJECT NO.: 103-005  
 SCALE: 1"=150'



12564 SW Main St  
 Tigard, OR 97223  
 [T] 503-941-9484  
 [F] 503-941-9485



EXHIBIT "A"

October 14, 2014

LEGAL DESCRIPTION

Job No. 103-005

A parcel of land owned by the City of Wilsonville per Document No. 2014-037149, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Tract "L", plat of "Calais at Villebois";

thence along the northerly line of Tract "III", plat of "Tonquin Woods at Villebois No. 7" and its extension, North 88° 34'09" West, a distance of 77.14 feet to an angle point on the easterly Right-of-Way line of SW Grahams Ferry Road (County Road No. 13);

thence along said easterly Right-of-Way line, North 17° 14'42" East, a distance of 170.17 feet to an angle point on the westerly plat line of "Calais at Villebois";

thence along said westerly plat line, South 09° 12'39" East, a distance of 166.59 feet to the POINT OF BEGINNING.

Containing 6,315 square feet, more or less.

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

Draft will be finalized after upcoming recording of Tonquin Woods at Villebois No. 7 plat

10/14/14  
FOR REVIEW ONLY  
REGISTERED PROFESSIONAL LAND SURVEYOR

DRAFT  
OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

Property Vested In:  
City of Wilsonville  
Section: 3S1W15  
Tax Lot: 1503

N:\proj\103-005\09 Drawings\06 Survey\Legals\103005 Annexation Legal, PUE, and ROW.dwg - SHEET: TAX LOT 1503 Oct. 14, 14 - 8:41 AM blake

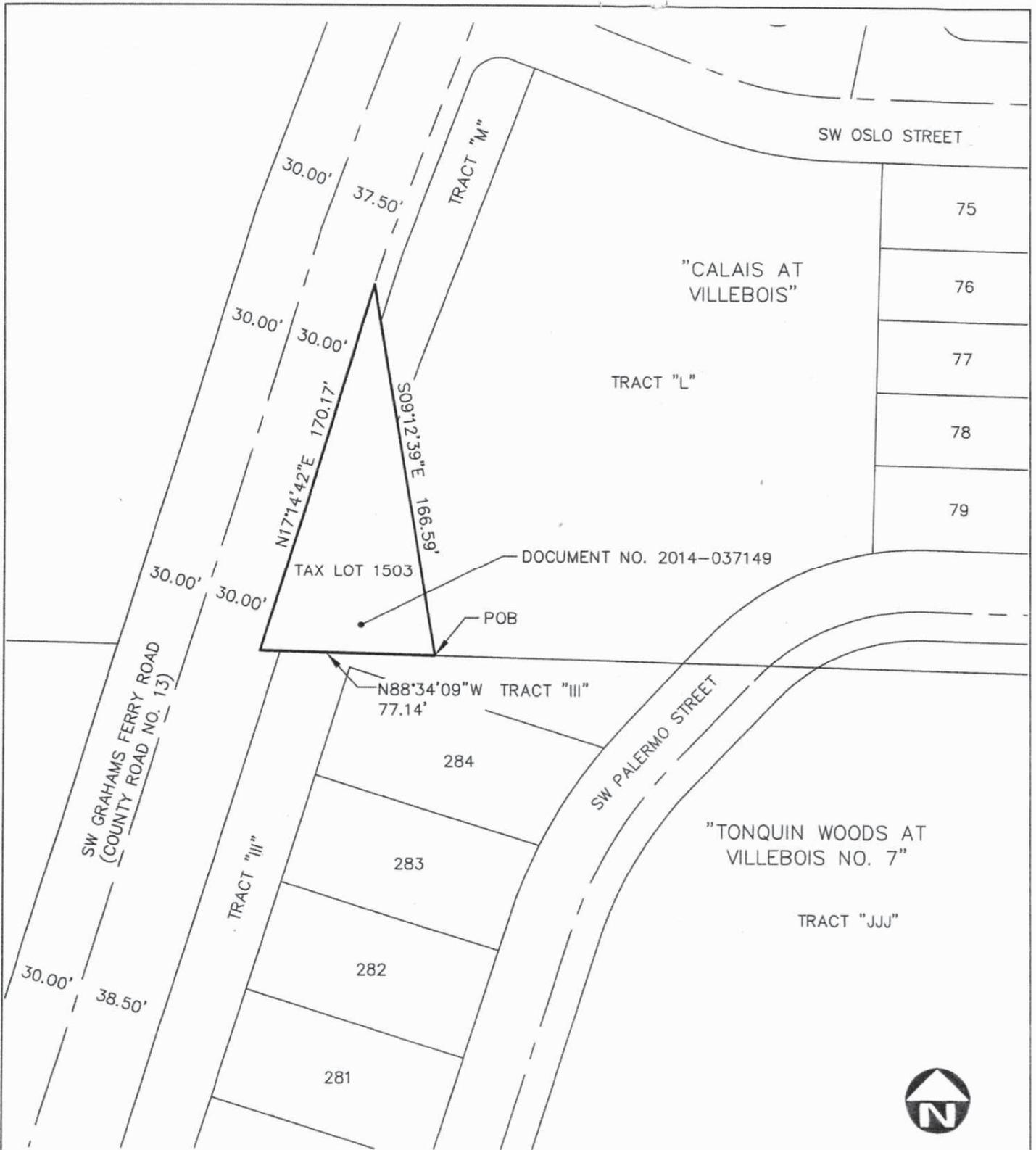


EXHIBIT "A"

DRAWN BY: BAA DATE: 10/14/2014  
 REVIEWED BY: TCJ DATE: 10/14/2014  
 PROJECT NO.: 103-005  
 SCALE: 1"=60'



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