



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

April 11, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Wilsonville Plan Amendment
DLCD File Number 006-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 26, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Hopkins, DLCD Regional Representative
Sandi Young, City of Wilsonville

<paa> ya/



2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF

APR 06 2006

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Wilsonville Local file number: Ordinance No. 606
LP2005-08-00010
LP06-0002
Date of Adoption: _____ Date Mailed: _____
Date original Notice of Proposed Amendment was mailed to DLCD: 7/28/05

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
An ordinance amending Wilsonville Code Section 4.125 (.05) E., relating to recreation
area requirements for multiple family developments in the Villebois Urban Village

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".
If you did not give Notice for the Proposed Amendment, write "N/A".
The final amendments differ from the originally noticed amendment. The
minimum requirements is now 225 square feet of recreational area per unit
regardless of the number of units. The 50% requirement for outdoor space was
deleted.

Plan Map Changed from: na to: na
Zone Map Changed from: na to: na
Location: Citywide Acres Involved: 480
Specify Density: Previous: na New: na
Applicable Statewide Planning Goals: 1, 2, and 8

Was and Exception Adopted? YES NO

DLCD File No.: 006-05
(14557)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing?** Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

See attached list

Local Contact: Sandi Young Phone: (503) 682-4960 Extension: _____
Address: 30000 SW Town Center Loop E City: Wilsonville
Zip Code + 4: 97070 - Email Address: young@ci.wilsonville.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



30000 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax
(503) 682-0843 TDD

April 5, 2006

Department of Land Conservation & Development
Attn: Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301

DEPT OF
APR 06 2006
LAND CONSERVATION
AND DEVELOPMENT

RE: Notice of Adoption

Gentlemen;

Enclosed please find two separate Notices of Adoption and accompanying ordinance copies:

1. Ordinance No. 606, (LP2005-08-0010 and LP06-0002) titled, "An Ordinance Amending Wilsonville code Section 4.125(.05)E, relating to Recreation Area Requirements for Multiple Family Developments in the Villebois Urban Village".
2. Ordinance No. 608, (LP2005-12-00013), titled "An Ordinance Amending the City of Wilsonville Stormwater Master Plan".

If you have any questions, do not hesitate to contact me either by telephone (503-570-1506) or by e-mail at king@ci.wilsonville.or.us.

Sincerely,

Sandra C. King, MMC
City Recorder

/sck

Enclosures

ORDINANCE NO. 606

AN ORDINANCE AMENDING WILSONVILLE CODE SECTION 4.125 (.05) E, RELATING TO RECREATION AREA REQUIREMENTS FOR MULTIPLE FAMILY DEVELOPMENTS IN THE VILLEBOIS URBAN VILLAGE.

WHEREAS, Wilsonville Code section 4.125 (.05) E was adopted as part of Village Zone, a comprehensive set of development code requirements for the planning, design and construction of development in the Villebois Urban Village; and,

WHEREAS, the subsection was patterned after 4.113 (.01), which 1) applies to residential developments outside the Village zone 2) provides standards for outdoor recreation areas on a "stand alone, "project by project basis, and 3) contains recreational area requirements that do not account for satisfaction of the residents needs by adjacent recreational and open space facilities; and,

WHEREAS, the Village zone version of outdoor recreation requirements are not entirely applicable to developments in the Villebois Urban Village, in that the outdoor recreation needs of any one development in the Village has been considered and reflected in the Parks and Open Space Master Plan for the greater village community; and,

WHEREAS, the public interest is served by modifying the outdoor recreation area requirements to better reflect the recreation needs, both indoor and outdoor, of multi-family and mixed use developments in the Village in the context of the provision of, and service by, master planned parks and open spaces in the area; and,

WHEREAS, upon a positive recommendation of adoption of amendments to W.C. 4.125 (.05) E by the Wilsonville Planning Commission, the City Council conducted a duly noticed public hearing on the proposed WC text amendment on March 20, 2006; and

WHEREAS, the Council has considered the record before the Planning Commission, the Planning Division staff report and testimony and evidence of interested parties;

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

Section 1. Findings. The Council adopts as findings of fact the staff reports in the matter, attached as Exhibit A, attached hereto and incorporated herein as if fully set forth.

Section 2. Order. Wilsonville Code section 4.125 (.05) E. is hereby amended to read as follows:

4.125. (.050) V – Village Zone

E. Outdoor Living Area:

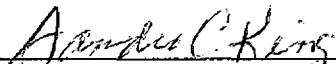
- ~~1. The Outdoor Living Area requirement is intended to provide adequate outdoor recreational amenities for occupants of multiple family developments. Any Multiple Family Dwelling use shall be subject to the applicable provisions of this section, including the following:
 - ~~a. Outdoor Living Area shall be provided on the subject property. Outdoor Living Area shall not be located in required yards. Parking, circulation, indoor, or inaccessible areas may not be used to meet the Outdoor Living Area requirement.~~
 - ~~b. Outdoor Living Area shall be measured as the sum of all lawns, gardens, play lots, swimming pools, ball courts, roof decks and other similar areas for recreational uses. Private decks, porches, balconies, and terraces in excess of 30 square feet may be counted as Outdoor Living Area.~~
 - ~~c. Multiple family developments shall provide the following minimum Outdoor Living Area:
 - ~~i. For ten (10) or fewer dwelling units, not less than 1,000 square feet;~~
 - ~~ii. For eleven (11) through twenty nine (29) units, 200 square feet per unit;~~
 - ~~iii. For thirty (30) or more units, 300 square feet per unit.~~~~~~
- ~~2. The Development Review Board may reduce the Outdoor Living Area requirement upon a finding, supplied by the applicant, that the recreational needs of the residents will be adequately met through the use of other specific recreational facilities available within a ¼ mile walking distance.~~
- ~~3. Outdoor Living Area shall be considered to be part of the Open Space requirement in Section 4.125(.08).~~

E. Recreational Area in Multi-family Residential and Mixed Use Developments

- 1. The Recreational Area requirement is intended to provide adequate recreational amenities for occupants of multiple family developments and mixed use**

- developments where the majority of the developed square footage is to be in residential use.
2. Recreational Area is defined as the common area of all lawns, community gardens, play lots, plazas, court yards, interior and exterior swimming pools, ball courts, tennis courts, exercise rooms, health and exercise facilities, libraries, internet/electronic media rooms, decks and other similar areas for common recreational uses. Recreational Area may include Parks required under the Villebois Village Master Plan, and any usable park areas not shown in such plan. Private areas under this definition, defined as those areas that are accessible only by a single owner or tenant, or commercial or retail recreation facilities serving the general public, shall not constitute or contribute to the measurement of Recreational Area.
 3. A variety of age appropriate facilities shall be included in the mix of Recreational Area facilities.
 4. Recreational Area shall be calculated at the following ratios:
 - a. At the SAP Level – 195 square feet per residential unit.
 - b. At the PDP level – an additional 30 square feet per residential unit
 5. Recreational Area shall be considered to be part of the Open Space requirement in Section 4.125 (.08)

SUBMITTED to the Wilsonville City Council and read for the first time at regular meeting thereof on the 20th day of March, 2006, and scheduled for second reading at a regular meeting thereof on the 3rd day of April, 2006 commencing at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, Oregon.


 Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 3rd day of April, 2006, by the following votes:

YEAS: -4- NAYS: -0-


 Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 4th day of April, 2006.


 CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

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

Attachment 1: Staff reports dated March 13, 2006.

WILSONVILLE PLANNING DIVISION
Legislative
STAFF REPORT

HEARING DATE: March 20, 2006

DATE OF REPORT: March 13, 2006

FILE NO.: LP-05-0010

APPLICANT: City of Wilsonville

REQUEST: Amendments to Wilsonville Development Code, Village Zone, Section 4.125(.05)(E) relating to Recreational Area in Multi-family and Mixed use Developments

LOCATION: Villebois

STAFF REVIEWER: Sandi Young, Planning Director

CRITERIA: *Wilsonville Comprehensive Plan:*
Citizen Involvement Goal 1.1; Implementation Measures 1.1.1.a, 1.1.1.e, 1.1.1.f, 1.1.1.g

Planning and Land Development Ordinance:
Section 4.008 (.01)(F) Application Procedures
Section 4.197(.01)(B) Zone change Amendments

Villebois Village Master Plan

SUMMARY:

The Planning Commission conducted public hearings on February 8 and February 22, 2006 on the proposed changes to the Village Zone regarding Recreational Area in Multi-family and Mixed Use Developments. After considerable discussion and several amendments, the Commission recommended Council approval of Ordinance No. 606, as amended.

The proposed amendment reduces the current requirement of the Village Zone for 300 square feet of outdoor recreational area per residential multi-family unit to 225 square feet of Recreational Area per residential multi-family unit. The existing code requirement included only outdoor recreational space. The proposed code includes

usable outdoor recreational space, and also allows indoor recreational facilities to be included in the calculation.

The existing code is based on a section of City Code (4.113(.01) which is applicable to all multi-family developments in the City, outside Villebois. Most of these are free-standing developments and as such, are expected to provide adequate on-site recreational facilities for the proposed development. Section 4.113(.01) was then modified slightly and included in the Village Zone when it was initially adopted. However, it has become clear, particularly with the development of a detailed village-wide Parks and Recreation Plan, that the Villebois community will include a broad range of recreational opportunities available to Villebois residents, including those in multi-family units. Therefore, the need for each multi-family development to provide recreational facilities exclusively for that development is reduced.

The proposed square footage per unit is derived from the total of parks land in SAP Central (4.52 acres) divided by the number of units (1010) for a total of 195 square feet per unit, plus an additional requirement for 30 square feet per unit of recreational space, either indoor or outdoor or a combination. Only common areas can be counted in the calculation. (The existing code allows private decks, porches and balconies over 30 sq. ft. in size to be included.)

This amendment has no effect on the 25% parks and open space requirement, which must continue to be met at the SAP level of approval.

RECOMMENDATION:

Staff supports the recommendation of the Planning Commission, and recommends that the City Council approve Ordinance No. 606, as amended by the Commission, on first reading.

BACKGROUND:

The following is a summary of issues that were raised and addressed at the Planning Commission public hearings.

- 1) Concern that the entire 225 square feet could be indoor recreational space, with no outdoor recreational or green areas.
Discussion: The Villebois Parks and Recreation Plan includes 4.52 acres of usable park area within Central SAP (Hilltop Park, the Plaza, the promenade connecting the Plaza with West Park, and two pocket parks). Since provision of these park areas is required by the Master Plan, they will be included in the calculation as outdoor recreational area for a net of 195 square feet of outdoor recreational space per residential unit. Outdoor space would then be 87%

of the total Recreational Area requirement. The remaining 30 square feet per unit may be indoor, outdoor or a combination.

- 2) Concern about the reduction of 75 square feet of outdoor recreational space per unit.

Discussion: Staff agrees that there is a reduction of at least 75 square feet (300sf. – 225 sf.) and potentially more if all of the 30 sf. portion of the calculation is indoor space (300 sf. – 195 sf.) However, staff recommended, and the Commission agreed with the philosophy that the location of Central SAP within a planned village with village-wide park and recreational facilities, as proposed in the Master Plan Park and Recreation amendments, including 4.5 acres of parks in SAP Central, compensates for the reduction of recreational facilities onsite in each multi-family development.

- 3) Timing of park improvements in SAP Central.

These issues were addressed by the following Implementation measures in the Master Plan, and by Ordinance No. 607 regarding bonding for future park improvements.

Implementation Measure #18 was amended at the Planning Commission and reads as follows:

The parks spaces included within each phase of development will be completed prior to occupancy of 50% of the housing units in that particular phase unless weather or other special circumstances prohibit completion, in which case bonding for the improvements shall be permitted.

Implementation Measure #21 was adopted by the PC as follows:

In the Central SAP, the estimated cost of parks not within a PDP that are required to serve a PDP shall be bonded or otherwise secured on a pro rata, dwelling unit basis.

- 4) Minor Amendments.

There were several minor amendments to the definition of Recreational Area.

CONCLUSION:

The proposed amendments are consistent with the intent of the Villebois Village Master Plan to provide an integrated village with interlocking neighborhoods, parks, trails, recreational facilities and open spaces for the use of the entire village, while still requiring high density residential development to provide reasonable recreational facilities within each PDP.

Affected State or Federal Agencies, Local Governments or Special Districts

Name	Company	Address	City	State	Zip
Columbia Cable of Oregon		14200 SW Brigadoon Ct.	Beaverton	OR	97005
Tualatin Valley Water District		PO Box 745	Beaverton	OR	97095
Canby School District		1110 S Ivy Street	Canby	OR	97013
City Planner	City of Canby	182 N. Holly	Canby	OR	97013
Doug McClain	Clackamas Cty Planning Section Mgr	9101 SE Sunnybrook Blvd	Clackamas	OR	97015
William Graffi	Unified Sewerage Agency	155 N. First Avenue, Room 270	Hillsboro	OR	97124
Brent Curtis	Wash. County Planning Manager	155 N. First Avenue	Hillsboro	OR	97124
Portland General Electric		121 SW Salmon 1 WTC-9	Portland	OR	97204
Tom Wolcott	BPA	PO Box 3621	Portland	OR	97208
Tom Simpson	NW Natural Gas	220 NW 2nd Avenue	Portland	OR	97209
Michael Dennis	Tri-Met Project Planning Dept	4012 SE 175th Avenue	Portland	OR	97202
Oregon Dept of Environ Quality		811 SW Sixth Avenue	Portland	OR	97204
Ray Valone	Metro	600 NE Grand Avenue	Portland	OR	97232
Manager, Community Development	Growth Management Services Metro	600 NE Grand Avenue	Portland	OR	97232
Attn: Development Review	ODOT	123 NW Flanders Street	Portland	OR	97209
John Lilly	Division of State Lands	775 Summer Street, NE	Salem	OR	97310
Richard Ross	Department of Corrections	2575 Center Street NE	Salem	OR	97310
Bobbi Burton	Community Coordinator, Facilities Division	2575 Center Street, NE	Salem	OR	97310
William Fujii, OWRD	Commerce Building	158 12th Street, NE	Salem	OR	97310
Sherwood School Dist Admin Office		400 N. Sherwood Blvd.	Sherwood	OR	97140
Doug Rux	Community Development Director City of Tualatin	18880 SW Martinazzi Avenue	Tualatin	OR	97062
Roger Woehl	West Linn/Wilsonville School District 3JT	PO Box 35	West Linn	OR	97068
Brian Tietsort	United Disposal Services	10295 SW Ridder Road	Wilsonville	OR	97070
Jim Johnston	Portland General Electric	9540 SW Boeckman Road	Wilsonville	OR	97070
Tualatin Valley Fire and Rescue	South Division	7401 SW Washo Court	Tualatin	OR	97062-8350
Tualatin Valley Fire and Rescue		29875 SW Kinsman Road	Wilsonville	OR	97070