



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: May 28, 2015  
Jurisdiction: City of Wilsonville  
Local file no.: DB15-0001  
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/21/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 001-15 {23668}  
Received: 5/21/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Wilsonville

Local file no.: **DB15-0001 (together with DB15-0002 thru DB15-0005)**

Date of adoption: 5/18/2015                      Date sent: 5/21/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/9/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    **No**

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Daniel Pauly, Associate Planner

Phone: 503-682-4960

E-mail: pauly@ci.wilsonville.or.us

Street address: 29799 SW Town Center Loop East

City: Wilsonville

Zip: 97070-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.    A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from Public Facility (PF)	to Village (V)	Acres: 2.9
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 3S1W15AC03100

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List affected state or federal agencies, local governments and special districts: See attached list

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**ORDINANCE NO. 768**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE PUBLIC FOREST (PF) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 3.58 ACRES NORTHWEST OF SW VILLEBOIS DRIVE NORTH BETWEEN SW ORLEANS AVENUE AND SW COSTA CIRCLE WEST, COMPRISING TAX LOT 3100 AND ADJACENT RIGHT-OF-WAY OF SECTION 15AC, T3S, R1W, CLACKAMAS COUNTY, OREGON, RCS-VILLEBOIS DEVELOPMENT LLC, APPLICANT.**

**RECITALS**

WHEREAS, RCS-Villebois Development LLC has made a development application requesting, among other things, a Zone Map Amendment for the Property to develop a private park consistent with the Villebois Village Master Plan; and

WHEREAS, RCS-Villebois Development LLC as the property owner and an authorized representative has signed the appropriate application form; 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 April 13, 2015;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment and associated development applications on April 13, 2015, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 302 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB15-0001), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

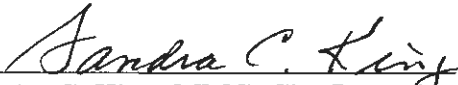
WHEREAS, on May 4, 2015, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; 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 foregoing recitals and the Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.

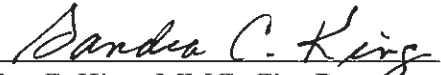
Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB15-0001, attached hereto as Attachment 1, from the Public Facility (PF) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on May 4, 2014, and scheduled for the second and final reading on May 18, 2015, commencing at 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

  
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 4<sup>th</sup> day of May, 2015, by the following votes:

Yes:-4- No:-0-

  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 19<sup>th</sup> day of May, 2015.

  
Tim Knapp, MAYOR

#### SUMMARY OF VOTES:

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

#### Attachments:

Attachment 1: Zoning Order DB15-0001.

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. 302 recommending approval of the Zone Map Amendment

**ORDINANCE NO. 768 – ATTACHMENT 1**

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WILSONVILLE, OREGON**

In the Matter of the Application of )  
RCS-Villebois Development LLC )  
for a Rezoning of Land and Amendment ) **ZONING ORDER DB15-0001**  
of the City of Wilsonville )  
Zoning Map Incorporated in Section 4.102 )  
of the Wilsonville Code. )

The above-entitled matter is before the Council to consider the application of DB15-0001, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on Attachment, has heretofore appeared on the City of Wilsonville zoning map as Public Facility (PF).

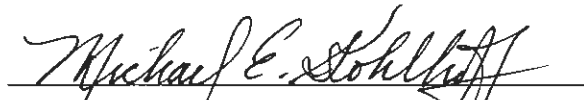
The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 3.58 acres northwest of SW Villebois Drive North between SW Orleans Avenue and SW Costa Circle West. Comprising tax lot 3100 and adjacent right-of-way of Section 15AC, T3S, R1W, Clackamas County, Oregon, as more particularly shown and described in Attachment A, is hereby rezoned to Village (V), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

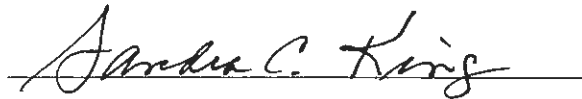
Dated: May 4, 2015.

  
TIM KNAPP, MAYOR

APPROVED AS TO FORM:

  
Michael E. Kohlhoff, City Attorney

ATTEST:

  
Sandra C. King, MMC, City Recorder

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

Ord. No. 768 Attachment 1,  
Attachment A



October 3, 2014

**LEGAL DESCRIPTION**

Job No. 398-054

A parcel of land being Lot 79, plat of "Villebois Village Center No. 3", Clackamas County Plat Records, and public Right-of-Way, situated in the Northwest and Northeast Quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the most northerly corner of said Lot 79;

thence along the northerly plat boundary of said plat, North  $31^{\circ}30'05''$  East, a distance of 26.36 feet to a point on the centerline of SW Costa Circle West;

thence along said centerline, South  $49^{\circ}03'27''$  East, a distance of 319.46 feet to a point of curvature;

thence continuing along said centerline, along a 746.00 foot radius tangential curve to the right, arc length of 79.46 feet, central angle of  $06^{\circ}06'11''$ , chord distance of 79.42 feet, and chord bearing of South  $46^{\circ}00'21''$  East to a point of tangency;

thence continuing along said centerline and its extension, South  $42^{\circ}57'16''$  East, a distance of 78.58 feet to a point on the southeasterly plat line of said plat;

thence along said southeasterly plat line, South  $45^{\circ}34'29''$  West, a distance of 80.51 feet to an angle point;

thence continuing along said southeasterly plat line, South  $63^{\circ}29'14''$  West, a distance of 61.38 feet to an angle point;

thence continuing along said southeasterly plat line and its extension, South  $72^{\circ}02'29''$  West, a distance of 219.06 feet to a point on the centerline of SW Orleans Avenue;

thence along said centerline for the following 7 courses:

North  $32^{\circ}57'14''$  West, a distance of 6.39 feet to a point of curvature,

along a 188.00 foot radius tangential curve to the left, arc length of 35.00 feet, central angle of  $10^{\circ}39'55''$ , chord distance of 34.94 feet, and chord bearing of North  $38^{\circ}17'12''$  West to a point of tangency,

North  $43^{\circ}37'09''$  West, a distance of 194.08 feet to a point of curvature,



Ord. No. 768 Attachment 1,  
Attachment A

along a 185.00 foot radius tangential curve to the left, arc length of 31.96 feet, central angle of  $09^{\circ}53'51''$ , chord distance of 31.92 feet, and chord bearing of North  $48^{\circ}34'05''$  West to a point of reverse curvature,

along a 185.00 foot radius reverse curve to the right, arc length of 31.96 feet, central angle of  $09^{\circ}53'51''$ , chord distance of 31.92 feet, and chord bearing of North  $48^{\circ}34'05''$  West to a point of tangency,

North  $43^{\circ}37'09''$  West, a distance of 161.26 feet to a point of curvature,

along a 100.00 foot radius tangential curve to the right, arc length of 12.20 feet, central angle of  $06^{\circ}59'22''$ , chord distance of 12.19 feet, and chord bearing of North  $40^{\circ}07'28''$  West,

thence leaving said centerline, North  $45^{\circ}36'51''$  East, a distance of 151.05 feet to an angle point on the northerly line of said Lot 79;


thence along said northerly line, South  $47^{\circ}50'26''$  East, a distance of 127.82 feet to an angle point;

thence continuing along said northerly line, North  $41^{\circ}14'03''$  East, a distance of 118.86 feet to the POINT OF BEGINNING.

Containing 3.58 acres, more or less.

Basis of bearings per plat of "Villebois Village Center No. 3", Clackamas County Plat Records.

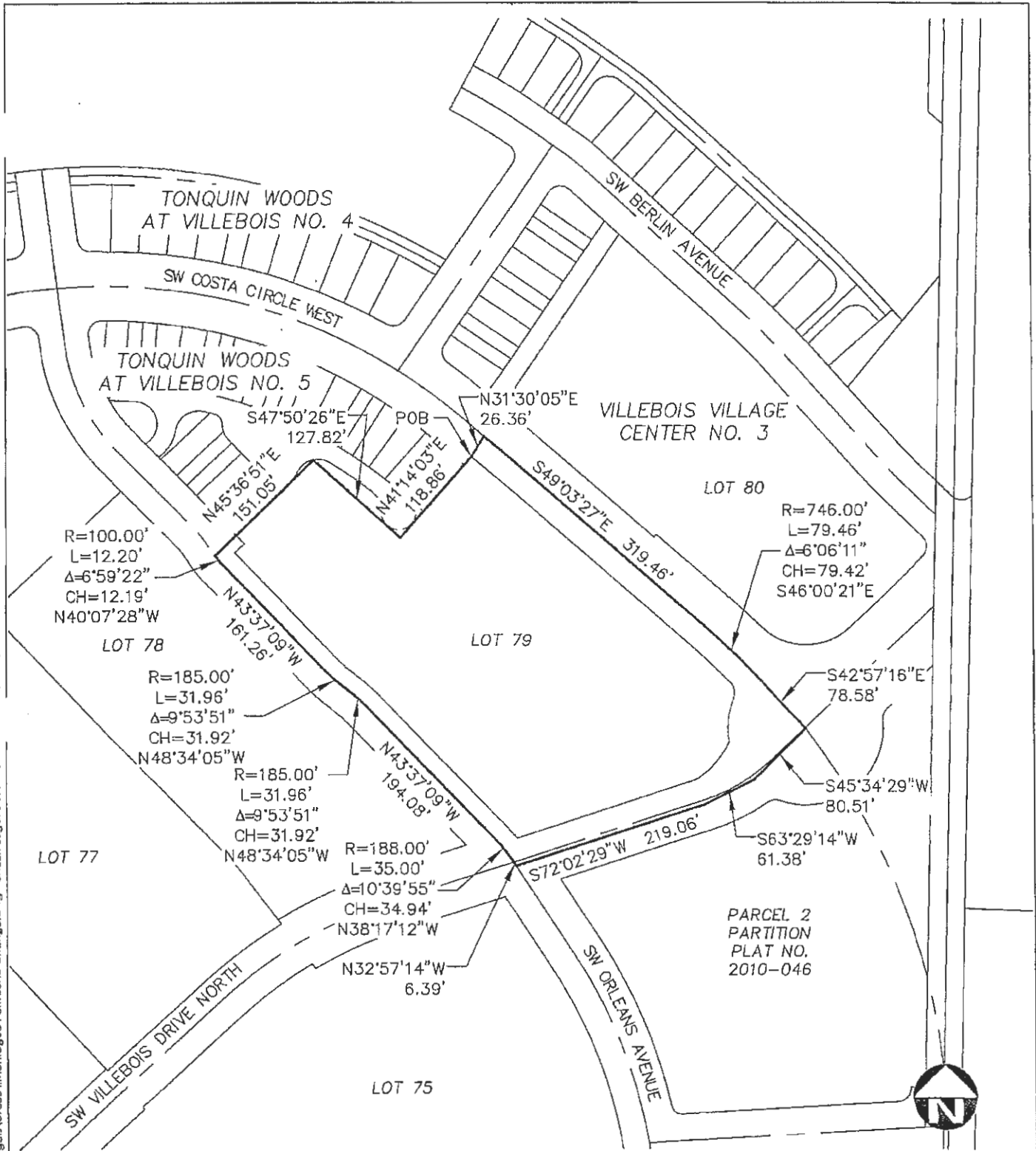
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

N:\proj\398-C\Drawings\06 Survey\Legal\398054.Mortgage Part. Zone Change.dwg - SHEET: Legal Desc. Oct. 2 22 PM.ctb



Ord. No. 768 Attachment 1,  
Attachment A

DRAWN BY: CLL DATE: 10/3/14  
 REVIEWED BY: TCJ DATE: 10/3/14  
 PROJECT NO.: 398-054  
 SCALE: 1"=150'  
 PAGE 3 OF 3



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

Ord. No. 768 Attachment 2  
**STAFF REPORT**  
**WILSONVILLE PLANNING DIVISION**

*Villebois Neighborhood Park 4, Montague Park  
Zone Map Amendment*

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

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<b>HEARING DATE</b>	May 4, 2015
<b>DATE OF REPORT:</b>	April 15, 2015

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**APPLICATION NO.:** DB15-0001 Zone Map Amendment

**REQUEST/SUMMARY:** The City Council is being asked to review a Quasi-judicial Zone Map Amendment for a planned neighborhood park and adjacent right-of-way.

**LOCATION:** Approximately 3.58 acres northwest of SW Villebois Drive North between SW Orleans Avenue and SW Costa Circle West. The properties are specifically known as Tax Lot 3100 Section 15AC, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and adjacent right-of-way, as depicted on the map below.

**OWNER/APPLICANT:** RCS – Villebois Development LLC

**APPLICANT’S**

**REPRESENTATIVE:** Stacy Connery – Pacific Community Design

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

**ZONE MAP CLASSIFICATION:** PF (Public Facility)

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

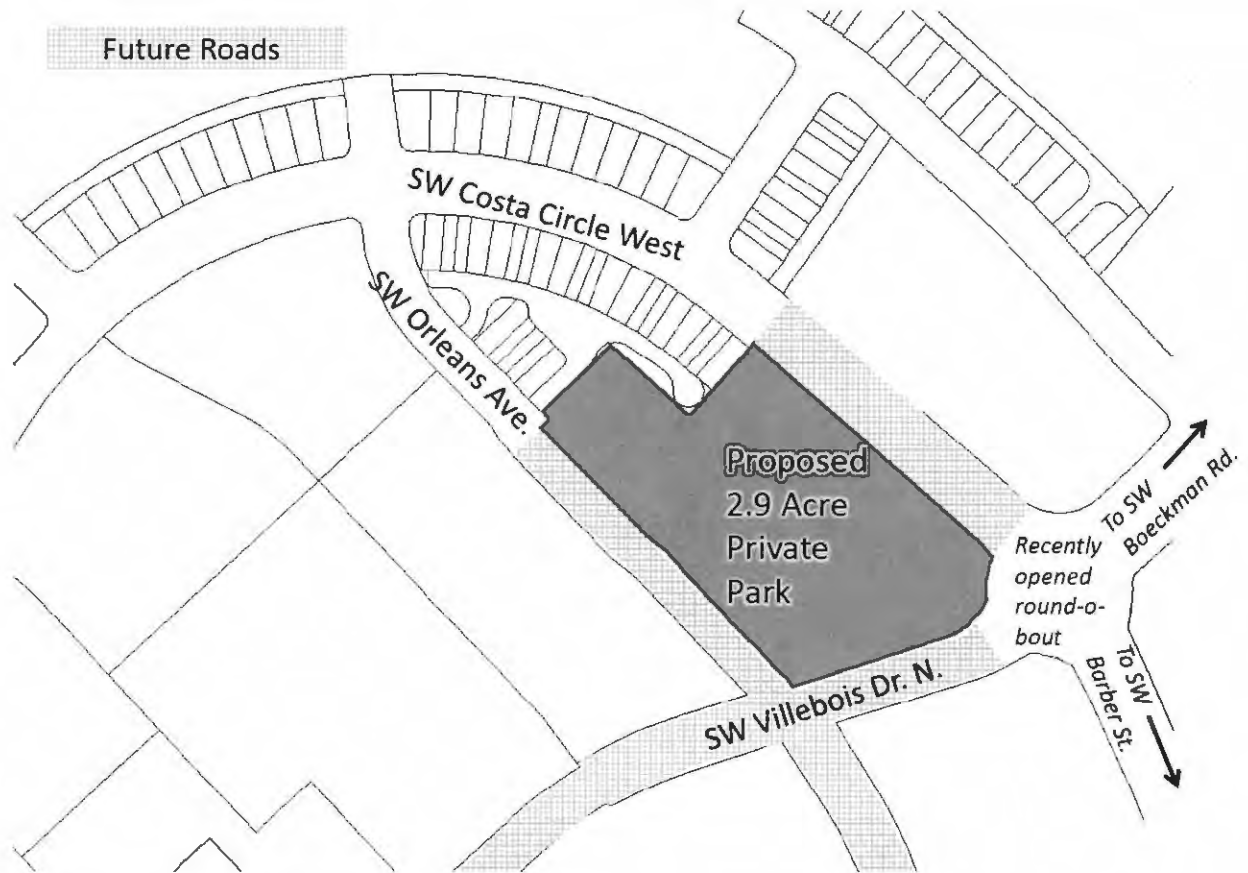
**DRB RECOMMENDATION:** Approve the requested Zone Map Amendment.

**APPLICABLE REVIEW CRITERIA**

<b>DEVELOPMENT CODE</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>OTHER CITY PLANNING</b>	

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

**Vicinity Map**



**BACKGROUND/SUMMARY:**

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

The subject property still has a “Public Facility” zoning dating from its time as part of the campus of Dammasch State Hospital. Consistent with other portions of the former campus, a request to update the zoning to “Village” consistent with the Comprehensive Plan has been submitted concurrent with applications to develop the property.

## CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the application and facts regarding the request and recommends the City Council recommend approval of the zone map amendment (DB15-0001).

## FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on January 22, 2015. On February 6, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On February 25, 2015, the Applicant submitted new materials. On March 2, 2015 the application was deemed complete. The City must render a final decision for the request, including any appeals, by June 30, 2015
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
Northeast:	PF (Public Facility)	Vacant residential
East	V (Village)	Costa Circle/Villebois Drive Round-a-bout, vacant residential
Southeast:	V (Village)	Vacant residential
Southwest:	PF (Public Facility)	Vacant residential
Northwest:	V (Village)	Residential (Row Houses)

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:

SAP Central Approvals  
DB07-0023 Preliminary Development Plan- Phase 2 Central (PDP-2C)  
DB07-0025 Subdivision Tentative Plat (PDP-2C)  
AR08-0003 Subdivision Final Plat (PDP-2C)

- DB08-0063 Final Development Plan for Phase 2 (Carvalho Carriage Homes & Open Space Tract 'R')
- DB09-0024 Tentative Condominium Plat (Carvalho Carriage Homes)
- DB09-0026 Front Yard Variance (The Trafalgar Flats)
- DB09-0027 Final Development Plan (Seville Row Houses and The Trafalgar Flats)
- DB09-0028 PDP Density Refinement and Phasing Modification

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:** A signed application form has been submitted signed by an authorized representative of the property owner RCS-Villebois Development LLC.

***Subsection 4.010 (.02) Pre-Application Conference***

**Review Criteria:** This section lists the pre-application process

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A pre-application conference was held on October 2, 2014 in accordance with this subsection. See City Case File PA14-0014.

***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. The application can thus move forward.

#### ***Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements***

**Review Criteria:** “An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.” Listed 1. through 6. j.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant has provided all of the applicable general submission requirements contained in this subsection.

#### ***Section 4.110 Zoning-Generally***

**Review Criteria:** “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This proposed development is in conformity with the Village zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

<b>CONCLUSIONARY FINDINGS: DB15-0001 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.

**Details of Finding:** The subject area is within SAP-Central, which was previously approved as part of case file DB06-0005 et. seq. and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance.

#### ***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

**Details of Finding:** The zone map amendment will allow for park development implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved.

***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.

**Details 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 benefit 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.

**Details of Finding:** The area covered by the proposed zone change is proposed for a park as shown in 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.

**Details of Finding:** The applicant is applied for a zone change concurrently with other land use applications for the park development as required by this section. Concurrent applications, while separated in the hearing process, are contingent on approval of the zone map amendment ensuring their approval doesn't take effect prior to the zone change.

***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.

**Details 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.

**Details 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 (.02) Village Zone Permitted Uses*

8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed park use is consistent with the Village Zone designation and Villebois Village Master Plan.

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** A zone map amendment was submitted concurrently with a request for PDP approval. However, 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 5 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. This allowed the action of the DRB to move forward with the recommendation to approval of the Zone Map Amendment to City Council while continuing their hearing on the PDP and other associated development applications.

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

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

10. **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.

**Details 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.*

11. **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.

**Details of Finding:** The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings A1 through 4 substantially comply with applicable Comprehensive Plan text.

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

12. **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.

**Details 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***

13. **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.

**Details of Finding:** The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project.

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

14. **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.

**Details of Finding:** The subject property does not involve land in the SROZ or contain any inventoried hazards identified by this subsection.

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

15. **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.

**Details of Finding:** The with concurrently submitted development applications the applicant has shown they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors due not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

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

16. **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.

**Details 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. 302**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM PUBLIC FACILITY (PF) TO VILLAGE (V) FOR A 2.9 ACRE PRIVATE NEIGHBORHOOD PARK WITH PUBLIC ACCESS. THE SUBJECT SITE IS LOCATED ON TAX LOT 3100 OF SECTION 15AC, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. - REPRESENTATIVE FOR RUDY KADLUB, RCS - VILLEBOIS DEVELOPMENT - APPLICANT/OWNER.**

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 April 6, 2015, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on April 13, 2015, 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

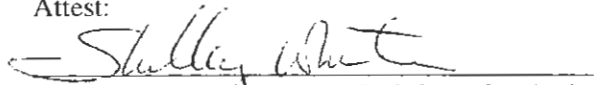
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the amended staff report dated April 6, 2015 related to DB15-0001, attached hereto as Exhibit A1, with findings and recommendations contained therein recommending approval of the Zone Map Amendment to City Council:

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 13<sup>th</sup> day of April, 2015 and filed with the Planning Administrative Assistant on April 14, 2015. 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:

  
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Beaverton, OR 97005



**PLANNING DIVISION**

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(503) 570-1575

[swhite@ci.wilsonville.or.us](mailto:swhite@ci.wilsonville.or.us)

**Delivery via Email**

**Letter of Transmittal**

TO: Attention: Plan Amendment Specialist

FROM: Shelley White

Department of Land Conservation & Development

Administrative Assistant

635 Capitol Street NE, Suite 150

DATE: May 21, 2015

Salem, Oregon 97301-2540

**WE ARE TRANSMITTING THE FOLLOWING:**

**DB15-0001 – Montague Park Zone Map Amendment**

- DLCD Notice of Adoption Form 2 for DB15-0001
- Ordinance 768 and supporting documents (Zone Map Amendment)
- List of affected agencies

Please address questions and comments regarding this notice to:

Dan Pauly  
Associate Planner  
City of Wilsonville  
503-570-1536  
[pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)