



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/22/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Wilsonville Plan Amendment
DLCD File Number 007-05

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: Monday, April 04, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Michael R. Wheeler, City of Wilsonville
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA/



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF
MAR 15 2011
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Wilsonville**

Local file number: **DB-2005-08-00087**

Date of Adoption: **2/6/06**

Date Mailed: **3/14/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9/9/2005

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Comprehensive Plan Map Amendment from Residential (0-1 du/ac) to Residential (4-5 du/ac); and a Zone Map Amendment from Residential Agricultural - Holding Zone (RA-H) to Planned Development Residential -3 (PDR-3)

Does the Adoption differ from proposal? Please select one

No change

Plan Map Changed from: **Residential 0-1 du/ac**

to: **Residential 4-5 du/ac**

Zone Map Changed from: **RA-H**

to: **PDR-3**

Location: **3S 1W 13B Tax Lots 404, 500, & 600**

Acres Involved: **4.11**

Specify Density: Previous: **0-1 du/ac**

New: **4-5 du/ac**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None Known

Local Contact: Chris Neamtzu, Plng Dir, Paul Lee, Asst City Attorney Phone: (503) 682-4960

Address: 29799 SW Town Center Loop East

Fax Number: 503-682-7025

City: Wilsonville

Zip: OR

E-mail Address: Neamtzu@ci.wilsonville.or.us
lee@ci.wilsonville.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS [197.615](#) and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 604

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM *RESIDENTIAL 0 – 1 DU/AC* TO *RESIDENTIAL 4 – 5 DU/AC* AND A CORRESPONDING ZONE MAP AMENDMENT FROM THE *RESIDENTIAL AGRICULTURAL - HOLDING (RA-H)* ZONE TO THE *PLANNED DEVELOPMENT RESIDENTIAL - 3 (PDR-3)* ZONE ON APPROXIMATELY 4.11 ACRES OF TAX LOTS 404, 500 AND 600, SECTION 13B, T3S, R1W, CLACKAMAS COUNTY, OREGON. *URBAN SOLUTIONS* ACTING AS AGENT FOR THE APPLICANT, *DOUG SEELY*.

WHEREAS, *Urban Solutions* acting as agent for the applicant Doug Seely, has requested a Comprehensive Plan Map Amendment and a Zone Map Amendment of certain property described in Attachment 1 of this ordinance; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated December 5, 2005, wherein it reported that the request is consistent with and meets requirements for approval of a Comprehensive Plan Map Amendment and a Zone Map Amendment; and

“Whereas, the Development Review Board Panel “A: held a public hearing on this request on December 12, 2005, and after taking testimony, gave full consideration to the matter and recommended approval of the request (Exhibit A); and

WHEREAS, the Wilsonville Planning Staff prepared a supplemental staff report to City Council dated January 26, 2006 (Exhibit B); and

WHEREAS, on January 26, 2006, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and staff reports, took testimony, and, upon deliberation, has concluded that the proposed Comprehensive Plan Map Amendment and Zone Map Amendment meets the applicable approval criteria under the City’s land development code.

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

Section 1. Findings. The City council adopts as findings, conditions, and conclusions the foregoing recitals and the staff report in this matter, as amended, labeled as Exhibit “A” and Exhibit “B”, which exhibits are attached hereto and incorporated herein as if fully set forth.

In addition to the foregoing, the City Council adds the following conditions:

1. The Applicant shall dedicate a 15-foot wide pedestrian easement running generally north to south and generally parallel to Boeckman Creek, the exact location; however is to be determined cooperatively between the applicant and the City.

2. The Applicant shall at the time of the Type 3 Tree Permit provide an arborist plan, (a) to insure construction shall not damage trees on the adjacent property to the south; and (b) to set forth a tree

planting plan to screen Lot 13 from the neighbor's property to the north. The trees may be planted on the neighbor's property to the north if the northern property owner agrees; otherwise those shall be planted on Lot 13 within the setback. Any such tree planting shall meet City requirements.

Section 2. Order. The official City of Wilsonville Comprehensive Plan Map is hereby amended from Residential 0 – 1 du/ac to Residential 4 – 5 du/ac on Tax Lots 404, 500 and 600, Section 13B, T3S, R1W, Clackamas County, Oregon, depicted on the attached map (Attachment 2), and in the attached Legal Description (Attachment 1), Clackamas County, Wilsonville, Oregon.


Section 3. Order. The official City of Wilsonville Zone Map is hereby amended in Zoning Order DB-2005-09-00087, attached hereto, from *Residential Agricultural - Holding (RA-H)* zone to *Planned Development Residential - 3 (PDR-3)* zone on Tax Lots 404, 500 and 600, Section 13B, T3S, R1W, Clackamas County, Oregon, depicted on the attached map (Attachment 2), and in the attached Legal Description (Attachment 1), Clackamas County, Wilsonville, Oregon.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 26th day of January, 2006, and scheduled for a second reading on the 6th day of February 2006, commencing at the hour of 7 p.m. at the Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, OR


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 6th day of February, 2006, by the following votes:

Yes: -5- No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 7th day of February, 2006.


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

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

Attachments:

- 1. Legal Description
- 2. Map showing location of property
- 3. Preliminary Plat of Crosscreek
- 4. Exhibit A – DRB Recommendation
- 5. Exhibit B – Staff Report dated January 26, 2006

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

In the Matter of the Application of)
Urban Solutions, acting as agent for)
the applicant, *Doug Seely*)
for a Rezoning of Land and Amendment of) **ZONING ORDER DB-2005-09-00087**
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 *Urban Solutions*, acting as agent for the applicant, *Doug Seely*, for a Zone Map Amendment and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

It appears to the Council that the property, which is the subject of this application, is described as follows: Tax Lots 404, 500 and 600 in Section 13B, T3S R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Wilsonville Zoning Map as *Residential Agricultural – Holding (RA-H)*.

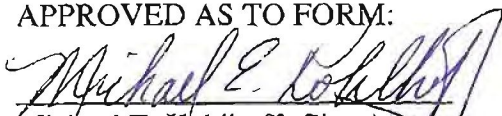
The Council having heard and considered all matters relevant to the application, including the Development Review Board record and recommendation, finds that the application should be approved, and it is therefore,

ORDERED that approximately 4.11 acres of Tax Lots 404, 500 and 600 in Section 13B, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 1 to this order, is hereby rezoned to *Planned Development Residential - 3 (PDR-3)*, and such rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

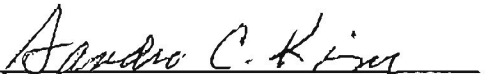
Dated: This 7th day of February, 2006.


CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:


Michael E. Kohlhoff, City Attorney

ATTEST:


Sandra C. King, MMC, City Recorder

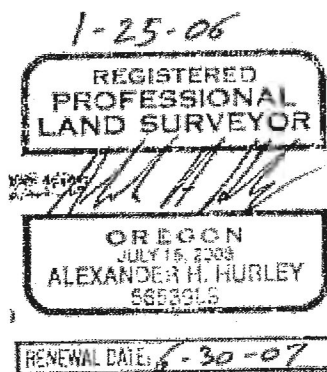
METES & BOUNDS DESCRIPTION

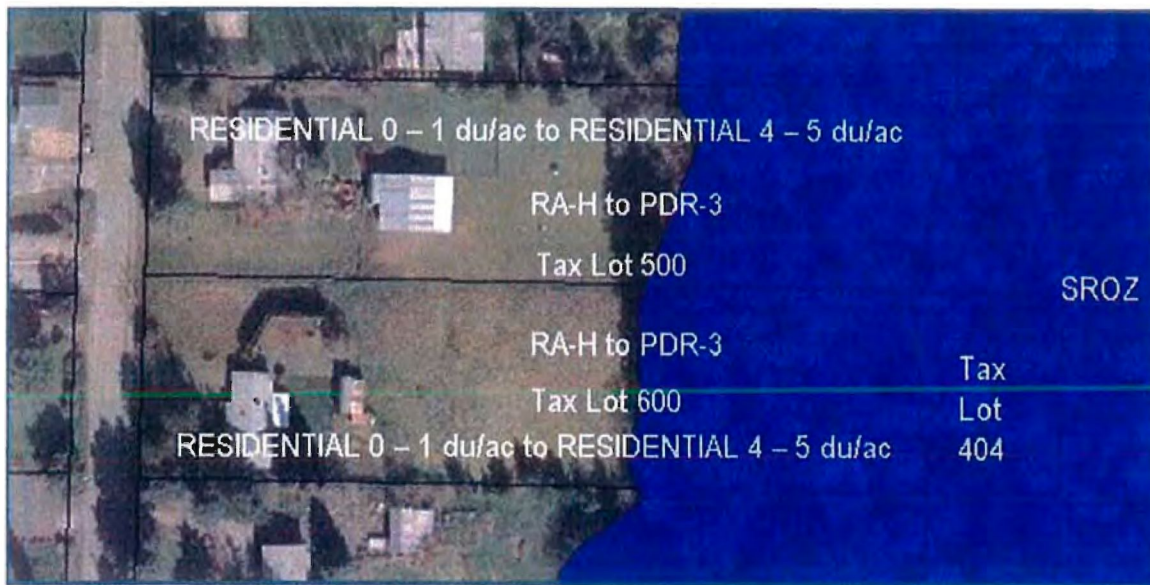
EXHIBIT A

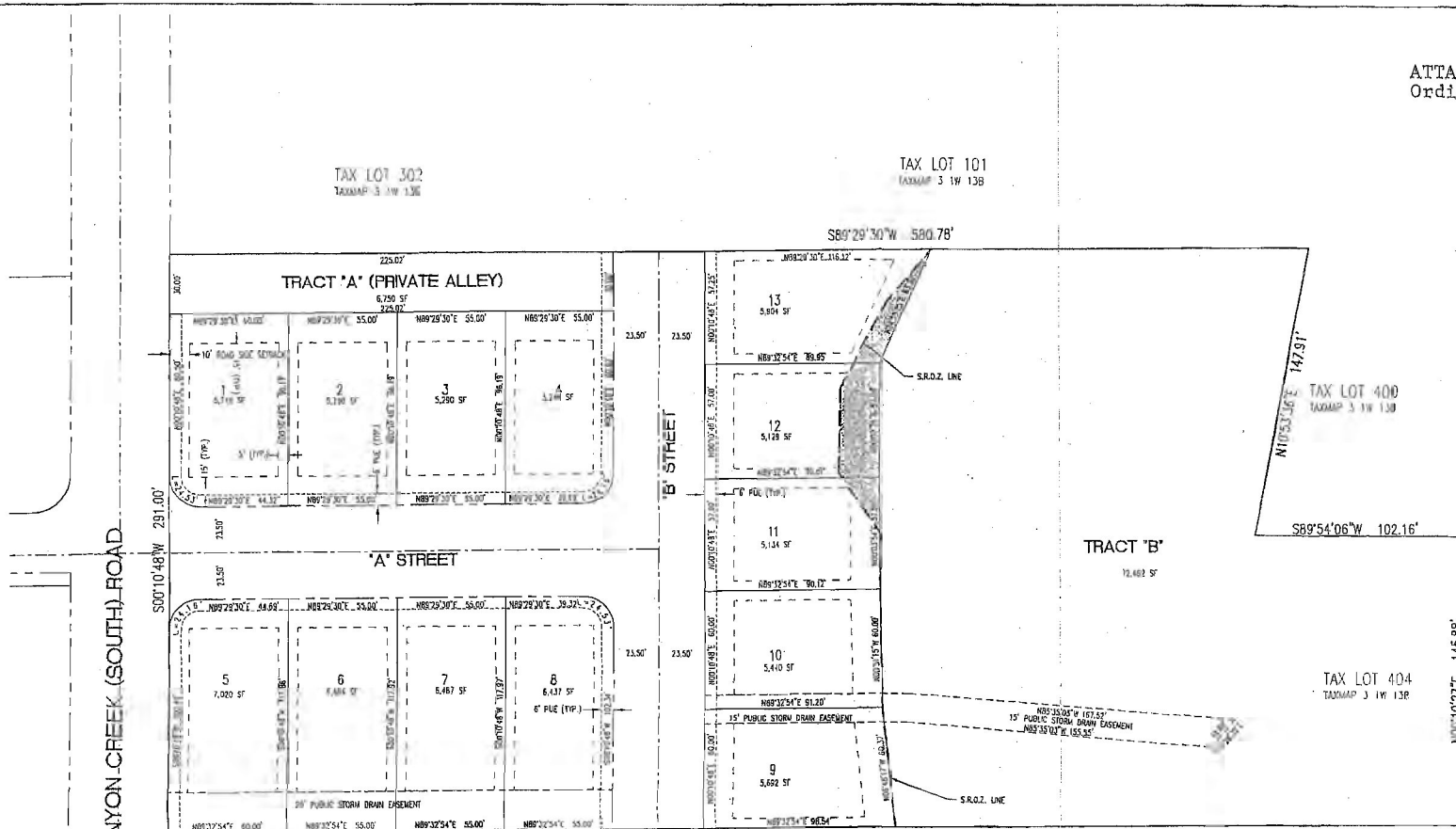
A tract of land located in northwest One-Quarter of Section 13, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more particularly described as follows:

Beginning at a 1/2-inch iron rod at the northwest corner of Lot 1 "Bridle Trail Ranchetts", thence along the north line of said Lot 1, North 89°29'30" East 580.78 feet to a point from which a 5/8-inch iron rod bears South 89°29'30" West 15.00 feet; thence South 10°53'36" West 147.91 feet to a point from which a 1/2-inch iron rod bears South 89°29'30" West 15.00 feet; thence North 89°54'06" East 108.13 feet to a point on the westerly line of "Wilsonville Meadows No. 5" from which a 5/8-inch iron rod bears South 89°54'06" West 2.70 feet; thence along said westerly line South 00°10'27" West 145.88 feet to a point from which a bent 5/8-inch iron rod bears South 89°32'54" West 4.89 feet; thence along the south line of Lot 2 "Bridle Trail Ranchetts" South 89°32'54" West 661.43 feet to 1/2-inch iron rod at the southwest corner of said Lot 2; thence along the easterly right-of-way of Canyon Creek Road (25.00 feet from the centerline) North 00°10'48" East 291.00 feet to the Point of Beginning.

The above described tract of land contains 4.11 acres, more or less. The Basis of Bearings is per the plat of "Bridle Trail Ranchetts" Clackamas County Survey Records.





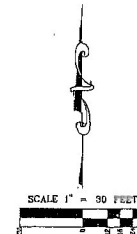


THE PURPOSE OF THIS PRELIMINARY PLAT IS TO SHOW THE PROPOSED LOT DIMENSIONS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES.

TAX LOT 700
TAXMAP 3 1W 13B

MINIMUM LOT SIZE = 5130 SF
AVERAGE LOT SIZE = 5762 SF

GROSS AREA: 178,550 SF
R.O.W. DEDICATED: 24,470 SF
NET AREA: 154,080 SF
AVG. DENSITY: 3.67 LOTS/ACRE
S.R.O.Z. AREA = 74,370 SF



REVISIONS:

PRELIMINARY PLAT



ENGINEERING • PLANNING • SURVEYING • FORESTRY
LICENSED IN OR, WA & AK
1390 SW DALEBREATH DRIVE SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799 FAX: (503) 925-8969

DESIGNED BY: AWH	DRAWING NO.: P1-01
CHECKED BY: JPC	SCALE: AS SHOWN
DATE: 8-3-05	DRAWING CREATED BY: JPC
PREPARED FOR: CROSSCREEK DEVELOPMENT, LLC	DATE: 8-3-05
	1310 SW ADVANCE RD.
	WEST LANE, OR 97068
	(503) 932-3431

CROSSCREEK
CITY OF WILSONVILLE
TAX LOTS 500 AND 600

DATE: 8-3-05

PRELIMINARY
NOT FOR CONSTRUCTION

JOB NUMBER: 1335
SHEET: 3 OF 9

OR
TAX MAP 35 1W 13B

Attachment 2



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

VIA: Certified Mail, Return Receipt Requested

City of
WILSONVILLE
in OREGON

December 22, 2005

Mr. Doug Seely
1780 SW Advance
West Linn OR 97068

Re: Cross Creek Subdivision

- Case Files: 1) DB-2005-08-00087: Comprehensive Plan Map & Zone Map Amendment
2) DB-2005-08-00088: Tentative Subdivision Plat for 13-lot subdivision
3) DB-2005-08-00089: Stage II Final Plan
4) DB-2005-08-00090: Site Design Review
5) DB-2005-08-00094: Type C Tree Removal Plan for removal of 40 trees

Note: Approval of Items 2, 3, 4, and 5 are contingent upon City Council's approval of Item 1. A Council hearing date is set for January 26, 2006.

Two copies of the Development Review Board's Decision and Resolution No. 50 including adopted conditions of approval rendered on the above application are attached. Please note that your signature acknowledging receipt and acceptance of the Conditions of Approval is required to be returned to the Planning Division before the decision is effective. One copy is provided for this purpose. Please sign and return to the undersigned. Thank you.

Sally Hartill
Planning Administrative Assistant II
City of Wilsonville
30000 SW Town Center Loop E
Wilsonville OR 97070

Cc: Valene DeBoard
28340 SW Canyon Creek Road
Wilsonville OR 97070

EXHIBIT A

**DEVELOPMENT REVIEW BOARD PANEL A
RESOLUTION NO. 50**

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS RECOMMENDING APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT, ZONE MAP AMENDMENT, AND TENTATIVE SUBDIVISION PLAT; AND APPROVING STAGE II FINAL PLANS, SITE DESIGN REVIEW PLANS AND A TYPE 'C' TREE REMOVAL PLAN, TO ALLOW THE DEVELOPMENT OF 13 RESIDENTIAL SUBDIVISION LOTS. THE SITE IS LOCATED WEST OF CANYON CREEK ROAD SOUTH, 620 FEET SOUTH OF BOECKMAN ROAD, MORE SPECIFICALLY DESCRIBED AS TAX LOTS 404, 500 AND 600, IN SECTION 13B; TOWNSHIP 3S, RANGE 1W; CLACKAMAS COUNTY; WILSONVILLE, OREGON. URBAN SOLUTIONS FOR DOUG SEELY, APPLICANT.

WHEREAS, an application, together with planning exhibits for the above captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared reports on the above-captioned subject dated December 5, 2005, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on December 12, 2005, 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 attached hereto as Exhibit A with findings and recommendations contained therein, with amendments as read into the record, and approves Case Files DB-2005-08-00087, DB-2005-08-00088, DB-2005-08-00089, DB-2005-08-00090, and DB-2005-08-00094, consistent with said recommendation.

ADOPTED by Panel A of the Development Review Board of the City of Wilsonville at a regular meeting thereof this 12th day of December, 2005, and filed with the Planning Administrative Assistant on 12-21-2005. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision unless appealed or called up for review by the Council in accordance with WC Sec 4.022(.09).



Diane Seeley, Chair Panel A
Wilsonville Development Review Board

Attest:

Sally Hartill

Sally Hartill, Planning Administrative Assistant II

B. Property owners: Susan Raxter/Valene Deboard

Applicant: Urban Solutions for Mr. Doug Seely – **Cross Creek Subdivision**

6. **DB-2005-08-00087:** Comprehensive Plan Map Amendment and Zone Map Amendment
7. **DB-2005-08-00088:** Tentative Plat (Stage I Preliminary Plan) for proposed 13-lot subdivision
8. **DB-2005-08-00089:** Stage II Final Plan
9. **DB-2005-08-00090:** Site Design Review for all site amenities
10. **DB-2005-08-00094:** Type C Tree Removal Plan for the removal of 40 trees

The site is located at 28270 SW Canyon Creek Road and 28340 SW Canyon Creek Road on Tax Lots 404, 500, and 600 in Section 13B, T3S-R1W, Clackamas County, Oregon

Note: Item 1 will be a recommendation to City Council. A City Council public hearing date has been scheduled for January 26, 2006. Final approval of items 2, 3, 4, and 5 are contingent upon Council's approval of Item 1. Staff: Michael Wheeler

Board Discussion:

- Motion(s):**
1. Bryan Smith moved to approve DB-2005-08-00087, for Cross Creek Subdivision, recommendation to approve a Comprehensive Plan Map Amendment and a Zone Map Amendment, as submitted; Richard Truitt seconded the motion which passed 4-0.
 2. Bryan Smith moved to approve DB-2005-08-00088, Tentative Plat, with the following amendments to the staff report:
 - Delete the last sentence in Condition of Approval NR 1
 - New condition granting waivers on lots 11, 12, and 13 to allow 5-foot setback in the rear and a 15-foot setback in the front, with a 10-foot setback allowed in front with an open porch.
 - New condition allowing an accessory dwelling to meet the minimum density.

Eric Postma seconded the motion which passed 4-0.

3. Bryan Smith moved to approve DB-2005-08-00089, Stage 2 Final Plan, approving amendments as submitted in staff memo from Mr. Wheeler dated December 12, 2005 and correcting wording on DRB 6 from "dedicate" to "convey" and "dedication to conveyance". Eric Postma seconded the motion which passed 4-0.

4. Bryan Smith moved to approve DB-2005-08-00090, Site Design Review, as submitted. Richard Truitt seconded the motion which passed 4-0.

5. Bryan Smith moved to approve DB-2005-08-00094, Type C Tree Removal Plan, with the following amendments to the staff report:
 - Eliminate the NR Conditions 1-12 because they are already included in prior applications.

Richard Truitt seconded the motion which passed 4-0.

Bryan Smith moved to adopt Resolution No. 50; Eric Postma seconded the motion which passed 4-0.

Note: Approval of Items 2, 3, 4 and 5 are contingent upon City Council's approval of Item 1. Item 1 is scheduled for public hearing before the City Council on January 26, 2006.

The appeal process was read into the record.

December 21, 2005



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

DEVELOPMENT REVIEW BOARD PANEL A

RECOMMENDATION TO CITY COUNCIL

Project Name: Cross Creek Subdivision

Case File No(s): DB-2005-08-00087

Applicant: Mr. Doug Seely

Owner: Susan Raxter and Valene DeBoard

Proposed Action: Approval of a Comprehensive Plan Map Amendment from Residential 0-1 du/ac to Residential 4-5 du/ac and a Zone Map Amendment from Residential Holding (RA-H) to Planned Development Residential (PDR-3) for development of a 13-lot residential planned development.

Property Description: Tax Lot 500, 404 and 600, Section 13B, T3S-R1W, Clackamas, County, Wilsonville, Oregon

Location: 4.11 acres located west of Canyon Creek Road South, and south of Boeckman Road

On December 12, 2005, at the meeting of the Development Review Board the following action was granted on the above-referenced proposed development application:

The Development Review Board recommends that the City Council approve the request for a Comprehensive Plan Map Amendment and a Zone Map Amendment. A City Council date has been set for January 26, 2006 to review this item.

Attachments: DRB Resolution No 50, including adopted staff reports.

**AMENDED AND ADOPTED STAFF REPORT
WILSONVILLE PLANNING DIVISION
DEVELOPMENT REVIEW BOARD PANEL 'A'**

Public Hearing Date: December 12, 2005
Date of Report: December 5, 2005
Application Number: ~~DB-2005-08-00087~~
Property Owner: Susan Raxter (Tax Lot 500)
Valene DeBoard (Tax Lots
404, 600)
Applicant: ~~Doug Seely~~
Professional Design Team: Urban Solutions

Legend Note: Struck text has been deleted; *bold and italicized text* has been added; these amendments were adopted by the Development Review Board December 12, 2005.

Project Summary: Urban Solutions, acting as agent for Doug Seely, proposes the development of a 13-lot residential planned development (Crosscreek), along with associated site improvements, for the property located east of SW Canyon Creek Road South, 620 feet south of Boeckman Road. Total development site area is comprised of an assembly of three parcels which total approximately 4.11 acres (Exhibits 2 and 3).

The following requests apply to the subject property, as defined in the applicant's submittal documents: Approve Comprehensive Plan Map Amendment (Residential 0 – 1 du/ac to Residential 4 – 5 du/ac; Approve a Zone Map Amendment from Residential Agricultural - Holding Zone (RA-H) to Planned Development Residential (PDR-3). [Note: A companion application (DB-2005-08-00088), to approve a Tentative Subdivision Plat (in lieu of Stage I Preliminary Plan) is evaluated in a separate report.]

Request and Staff Recommendation:

~~DB-2005-08-00087~~ **Approve Comprehensive Plan Amendment and Zone Map Amendment**

Staff Recommendation: **Approve** request, with conditions of approval, beginning on page 2 of this report.

Project Location: The subject property is located west of Canyon Creek Road South, 620 feet south of Boeckman Road, more specifically described as Tax Lots 404, 500 and 600, in Section 13B; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon.

Comp. Plan Designation: Residential 0 – 1 du/ac
Zone Map Designation: Residential Agricultural - Holding Zone (RA-H)

Applicable Criteria: **Zoning Review Criteria:** Sections 4.008-4.015; Section 4.100; Section 4.113 (as applicable); Section 4.118 (as applicable); Section 4.118(03); Subsection 4.118.02; Section 4.124.3 (as applicable); Section 4.140; Section 4.140(.07); Section 4.140(.07)(A)(1); Subsection 4.140(.09); Subsection 4.140(.09)(J)(1), (2), and (3) [and as otherwise applicable]; Section 4.155; Section 4.167; Section 4.171; Section 4.176 (as applicable); Section 4.177 (as applicable); Section 4.178; Section 4.200-4.290; Sections 4.300-4.320; Sections 4.400 through 4.450; Section 4.600 (as applicable); **Other Planning Documents:** Metro's Urban Growth Management Functional Plan; Storm Water Master Plan; Transportation Systems Plan.

Vicinity Map: Exhibit 1
Staff Reviewer: Michael R. Wheeler, Associate Planner

Note: The statutory 120-day time limit applies to this application. The application was received on August 8, 2005. The applicant was sent one letter identifying the application as incomplete on September 7, 2005. The application was deemed complete on November 2, 2005. The City must render a final decision, including any appeals, for this application by March 2, 2006.

RECOMMENDED CONDITIONS OF APPROVAL:

The application and supporting documents are hereby adopted for approval with the following conditions:

DB-2005-08-00087 – Comprehensive Plan Amendment and Zone Map Amendment

DRB 1. This action recommends adoption of the Comprehensive Plan amendment to the City Council, as entered into the record on December 12, 2005.

DRB 2. This action recommends adoption of the Zone Map amendment to the City Council, as entered into the record on December 12, 2005.

[Note: The Engineering Division, Building Division, and Natural Resource Division conditions are found in application DB-2005-08-00088, regarding the Tentative Subdivision Plat.]

SUMMARY OF ISSUES/BACKGROUND:

The applicant is seeking approval of a Comprehensive Plan Map, and a Zone Map amendment, to allow the development of 13 single-family homes on 13 proposed lots east of Canyon Creek Road South, 620 feet south of Boeckman Road . In a separate, companion application (DB-2005-08-00088), the applicant also seeks approval of a Tentative Subdivision Plat (DB-2005-08-00088), which is considered to be the Stage I Preliminary Plan [Section 4.210(.01)(B)(19)]. Additional companion applications request approval of a Stage II Final Plan, Type 'C' Tree Removal Plan, and Site Design Review Plans for the common elements of the proposed subdivision. Under the applicant's proposal, the Comprehensive Plan Map designation would change from its current Residential 0-1 dwelling units per acre to 4-5 dwelling units per acre. The Zone Map designation would change from Residential Agricultural – Holding (RA-H) to Planned Development Residential (PDR-3).

The project, as proposed, would remove the two existing homes, and associated structures, currently located on the subject properties, and create 13 subdivision lots for new single family dwellings.

An area of 72,462 SF of the proposed project is designated Significant Resource Overlay Zone (SROZ). Two on-site water quality detention facilities are proposed, along with a water quality treatment facility, a portion of which involve construction activities within the SROZ.

Residential development standards require that 25% of the site be set aside for outdoor recreation or open space. This requirement is met through common open space (72,462 SF) only. No currently-proposed active outdoor areas are included, and none is proposed to be provided through rear yards. The combined total is 74,420 SF (41.7%, gross; 48.9%, net) of the proposed project in open space, which exceeds Code requirements.

The traffic study for this project estimates 105 total daily trips, 11 of which are new p.m. peak hour trips. One of these trips would use the Wilsonville Road/I-5 interchange. The traffic study also indicates that traffic generated by this project would not produce traffic congestion in excess of the level of service (LOS D) at the most probable used intersections, except at the Boeckman Road/Stafford-Wilsonville Road intersection, which is located in unincorporated Clackamas County.

Existing public facilities are or can be made available and are of adequate size to serve the proposed subdivision. The applicant is responsible for constructing all internal streets to the project to public street standards.

FINDINGS OF FACT:

1. The following data have been extracted from the applicant's submittal:

Site Analysis Data (existing, from applicant's information)

Affected Property		Use			Area	
Tax Lots (Township 3S, Range 1W, Section 13B)	Owner(s)	Streets	Lots	Easem't or Open Space	Acres	% of Site
Authorized Participants						
404	Valene DeBoard	x	x	x		
500	Susan Raxter	x	x	x		
600	Valene DeBoard	x	x	x		
<i>Total Participants</i>					<i>4.11</i>	<i>100</i>

Existing Site Conditions:

The applicant provides a site description in the narrative (Exhibit 3). The subject property is developed and zoned Residential Agricultural - Holding Zone (RA-H).

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Residential
East	Residential (Arbor Crossing Subdivision; Wilsonville Meadows)
South	Residential (Bridle Trail Ranchetts)
West	Residential (Bridle Trail Ranchetts; Renaissance at Canyon Creek)

Natural Characteristics:

The subject site contains moderate- to severe-slopes, draining generally from northwest to southeast. The part of the site proposed for 13 lots have slopes between four (4) and 20 percent. The site is characterized as sparsely vegetated, except surrounding existing homes and associated structures. Trees are scattered throughout the site. The site does not contain any City of Wilsonville inventoried cultural, or historic resources; the easterly portion of the site is within the Significant Resource Overlay Zone (SROZ).

Streets:

The site is bounded on the west by SW Canyon Creek Road South. The right-of-way of Canyon Creek Road South is 50 feet wide.

2. **Previous Planning Applications Relevant in Vicinity:**

Subject	Result
Partition	Partition Plat 1991-84
Partition	Partition Plat 1993-176
Partition	Partition Plat 1997-45
Partition	Partition Plat 1999-77
Planned Development	Resolution 03 DB 43 (Renaissance at Canyon Creek)
Subdivision	AR-2005-03-00012 (Renaissance at Canyon Creek – South)
Subdivision	AR-2005-03-00012 (Renaissance at Canyon Creek – North)

3. 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:

Comprehensive Plan – Comprehensive Plan Changes

Pages 7 through 10 of the City of Wilsonville's Comprehensive Plan updated April, 2004, provide the following procedure for amending the Comprehensive Plan:

Who May Initiate Plan Amendments

1. The subject property owners, through their authorized agent (the applicant), have made application to modify the Comprehensive Plan Map designation for their property from 0-1 du/ac to 4-5 du/ac.

Application for Plan Amendment

2. The applicant has met all applicable filing requirements for a Comprehensive Plan Map amendment.

Consideration of Plan Amendment

3. The Planning Division received the application on August 8, 2005. Staff met with the applicant subsequent to the submittal of the application to discuss the completeness of the application and perceived deficiencies of the application. The Planning Division received the applicant's revised materials between September 8, and October 3, 2005. The application was deemed complete on November 2, 2005.
4. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to modify the Comprehensive Plan Map designation will be forwarded as a recommendation to the City Council.

Standards for Development Review Board and City Council Approval of Plan Amendments (page 8 of the Comprehensive Plan):

- a. *The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.*
- b. *The granting of the amendment is in the public interest.*
- c. *The public interest is best served by granting the amendment at this time.*
- d. *The following factors have been adequately addressed in the proposed amendment:*
 - Suitability of the various areas for particular land uses and improvements;*
 - Land uses and improvements in the area;*
 - Trends in land improvement;*
 - Density of development;*
 - Property values;*

Needs of economic enterprises in the future development of the area;
Transportation access;
Natural resources; and
Public need for healthful, safe and aesthetic surroundings and conditions.

- e. *Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.*
5. At the writing of this report, the applicant has satisfied Plan requirements of citizen involvement, the requirements of the Plan relative to and residential planning densities and community design, and the provision of franchise and emergency services, pedestrian and vehicular connectivity.
 6. Policy 4.1.4 and Implementation Measures 4.1.4.f, 4.1.4.l, and 4.1.4.p of the Comprehensive Plan speak to the City's desire to see the development of housing that is affordable to and serves employees working in the City. In addition to the replacement of two existing dwellings, the proposed project would provide a net increase of 11 additional single-family homes within the City.
 7. The traffic study completed for this project (Exhibit 8), indicates that the proposed entry streets provides sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.
 8. The properties within the proposed project site are currently large lots, both of which include single-family homes that were developed on what was rural land. The proposed project is surrounded by higher density, single-family homes on the east and west sides. Implementation Measures 4.1.4.b, d, and o speak to the City's desire to see a diversity of housing types and affordability. The applicant's proposal would provide adding to the diversity of single family home choices in the City. Through the conditions of approval proposed by staff, the project could be adequately served with urban services designed to minimize off-site impacts.
 9. Metro's Functional Plan limits cul-de-sac lengths and the distance between local roads. The applicant has provided findings addressing these concerns (see Exhibit 3).

Public Notice

- 10. Public Notice of the December 12, 2005, Development Review Board hearing, and a previously-scheduled January 19, 2006, City Council public hearing, regarding this application was mailed and posted on November 18, 2005.¹

Wilsonville Development Code (WC) – Comprehensive Plan Changes

Subsection 4.198(.01) of the Development Code stipulates, “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:

Approval Criterion A: “That the proposed amendment meets a public need that has been identified;”

- 11. The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City. The December 2001 Development Summary completed by the City indicates that approximately 23% of 4,502 acres of land within the City is zoned Planned Development Residential (PDR). Of the land currently zoned PDR, only seven (7) percent is vacant. While single family development currently makes up over 41% of the housing units in the City, the 2000 Census figures for Wilsonville shows a vacancy rate of 2.6% for owner-occupied housing units in the City. By comparison, multi-family housing makes up over 45% of the housing stock in the City and was at a 9.5% vacancy rate in 2000. Of the 5,937 ‘occupied housing units’ in the City in the year 2000, 3,199 (54%) were owner occupied, and 2,738 (46%) were renter-occupied. (The Census figures do not make a distinction between single-family detached housing and attached housing [condos, etc.]). While the Census figures show a greater percentage of the city’s housing stock being owner occupied, the vacancy rate would suggest a higher demand for this type of housing.

Land Use							
Type	Total Acres	% of Total	Acres in Use	% of Type	% of Total	Acres Vacant	% Vacant - Type
PDC	340	7.55%	262	77.06%	5.82%	78	22.94%
PDI	1084	24.08%	891	82.20%	19.79%	193	17.80%
PDR	1051	23.35%	980	93.24%	21.77%	71	6.76%
R	110	2.44%	85	77.27%	1.89%	25	22.73%
RA-H	650	14.44%	301	46.31%	6.69%	349	53.69%
PF	594	13.19%					
Other	673	14.95%					
Total	4502	100.00%	2,519			716	

¹ A revised notice will be published and mailed for the rescheduled January 26, 2006, City Council hearing.

Housing Units

Type	Total	% of Total
Apartment	3560	46.93%
Condominium	427	5.63%
Duplex	68	0.90%
Mobile Homes	22	0.29%
Mobile Home/Park	416	5.48%
Single Family ²	3093	40.77%
Totals	7586	100.00%

Census 2000

Dwelling Units	6407
Owner occupied	5937
<i>Vacant</i>	470
For Sale Only	17.90%
For Rent	61.10%
Rec/Occ use	11.30%
<i>Vacancy Rate</i>	
Owner	2.60%
Rental	9.50%

The proposed project would increase the percentage of land in PDR zoning and single-family houses by a negligible amount.

Approval Criterion B: "That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;"

12. The current Comprehensive Plan designation for the subject properties is Residential with a density range of 0-1 dwelling units per acre. The Zoning Map identifies the subject properties as Residential Agricultural – Holding (RA-H). The Planned Development Regulations of the Development Code require that the subdivision of properties such as the subject properties (over two acres) result in a Planned Development community. The applicant proposes a net density of 3.78 dwelling units per acre. The Comprehensive Plan allows a range of densities from 0-1 dwelling units per acre to over 20 dwelling units per acre. The properties to the southwest, south, and east of the proposed project are designated residential on the Comprehensive Plan Map of the City. The subject property has a Comprehensive Plan designation of 'Residential' with a density of 0-1 dwelling units per acre, while the properties to the southwest, south and east have a designation of 6-7 dwelling unit per acre. It is appropriate to designate these properties as residential. In addition, the proposed subdivision has similarities in site density and housing product to other subdivisions nearby such as Renaissance at Canyon Creek North and South (4 – 5 du/ac), Wilsonville Meadows and Landover subdivisions, making the proposed transitional density of 4-5 du/ac appropriate. Comparisons to the single family density of

² With proposed project.

Wilsonville Meadows need to consider the overall density of the project that includes multi-family projects such as Berkshire Court and Hathaway Village that are part of the overall master plan.

Approval Criterion C: "That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;"

13. With the implementation of the proposed conditions of approval, the project supports the applicable Statewide Planning Goals.

Approval Criterion D: "That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended."

14. The applicant is requesting an amendment of the Comprehensive Plan Map for the subject properties. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan or Plan Map, **and therefore does not conflict.** (Amended and Adopted by the DRB on December 12, 2005)

Metro's Urban Growth Management Functional Plan

15. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the revision of the City's Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The applicant is requesting a zone change to Planned Development Residential (PDR-3) which corresponds to a Comprehensive Plan Map density of 4-5 dwelling units per acre.

Zone Map Amendment

The subject properties are currently zoned Residential Agricultural Holding (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the Code. The proposed Zone Map amendment from RA-H to PDR-3 is intended to serve as a procedure to evaluate the conversion of urbanizeable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance. As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Development Review Board must at a minimum, adopt findings addressing Criteria A-G, below.

Criterion 'A'

"That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140."

16. The applicant has provided findings in Exhibit 3 addressing the tentative plat criteria and the Zone Map amendment criteria.

Criterion 'B'

"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."

17. The applicant has provided findings in Exhibit 3 in response to these Code criteria. Staff is recommending approval of the proposed Comprehensive Plan Map amendment, with conditions of approval found on page 2 of this staff report. Approval of the proposed Zoning Map amendment is contingent upon approval of the Comprehensive Plan Map amendment by the City Council.
18. The land area of the proposed subdivision is 4.11 acres. The applicant is proposing to change the Comprehensive Plan designation from 0-1 dwelling units per acre to 4-5 dwelling units per acre. Proposed are a total of 13 lots, making the gross density of the proposed subdivision 3.16 dwelling units per gross acre. Net density (gross minus streets) is 3.78 dwelling units per acre. *[Note: The Board found that the proposed net density did not achieve the four (4) dwelling units per acre provided by the proposed Comprehensive Plan designation. The Board found that this deficiency could be overcome by the imposition of a condition regarding the proposed tentative subdivision plat (DB-2005-08-00088), enabling the use of accessory dwellings.] (Amended and Adopted by the DRB on December 12, 2005)*

Comprehensive Plan – Residential Development

Variety/Diversity of Housing

Implementation Measures 4.1.4.c, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, and 4.1.4.p speak to the City's desire to plan for and establish a variety and diversity of housing types that meet the social and economic needs of the residents, including the need for affordable housing and a balance of housing with jobs.

19. The applicant's proposal would provide an net addition of 11 single-family houses (13 total). Response findings to 4.198(.01)(A) speak to the need for additional single-family housing in the City.

Implementation Measures 4.1.1.j, 4.1.4.i, 4.1.4.o, and 4.1.4.r speak to the City's desire to approve new residential development concurrent with the availability of public facilities.

20. Water, sanitary sewer, and storm sewer are either available to the proposed project (with appropriate connections) or can be supplied to the project. The applicant/owner will be responsible for providing on-site storm water detention for water quality and quantity. The applicant will also be responsible for providing public streets within the project with

appropriate right-of-way. The applicant will be required to cap all existing on-site utilities prior to the issuance of building permits by the City.

Implementation Measure 4.1.4.h: "Require new housing developments to pay an equitable share of the cost of required capital improvements for public services."

21. The applicant/owner will be required to pay the equitable share (as determined by the Community Development Director) of the capital improvement costs for public services.
22. The entirety of the subject properties has a Comprehensive Plan designation of Residential, 0-1 dwelling units per acre. The applicant is proposing a Comprehensive Plan Map designation of 4-5 dwelling units per acre. See the Comprehensive Plan Amendment component of this application, beginning on page 6 of this report.

Zone Map Amendment

23. The subject properties are currently zoned Residential Agricultural – Holding (RA-H). The applicant proposes a change to Planned Development Residential (PDR-3) zone to accommodate a total of 13 single-family lots averaging 5,782 SF each (Exhibit 3).

Significant Natural Resources

- 1) The applicant has provided a depiction of the SROZ and Impact Area boundaries (Exhibits 16.b through 16.i) relative to the proposed project, which is also described in the narrative (Exhibit 3). Based on the material submitted to date, it appears that a portion of the lots and drainage improvements for the proposed project would encroach into the SROZ and the Impact Area (Exhibits 16.d and 16.i).

Area of Special Concern

24. The Comprehensive Plan does not identify the subject property as an area of special concern.

"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 Measures 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text;..."

Implementation Measure 4.1.4.b – Variety in Housing Type

"Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment."

25. The low vacancy rates of similar subdivisions in the City provide circumstantial evidence that there is demand for the housing product proposed by the applicant. Adequate public services could be made available to the site.

Implementation Measure 4.1.4.d – Diversity of Housing Types

“Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms.”

26. The applicant has not indicated whether a variety of house models are proposed for the subdivision.

Implementation Measure 4.1.4.e

“Targets are to be set in order to meet the City’s Goals for housing and to assure compliance with State and regional standards.”

27. The City has established a 50% multi-family, 40% single-family target for housing in the City. The December 2001 Development Summary estimate by the City indicates a current split of 46.93% multi-family to 40.77% single-family. The proposed project would change this split to 46.93% multi-family and 41.7% single-family.

Implementation Measure 4.1.4.q

“The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.”

28. The applicant is not proposing to site mobile homes in this application.

Implementation Measure 4.1.4.x

“Apartments and mobile homes are to be located to produce an optimum living environment for the occupants and surrounding residential areas. Development criteria includes:

- 1. Buffering by means of landscaping, fencing, and distance from conflicting uses.*
- 2. Compatibility of design, recognizing the architectural differences between apartment buildings and houses.*
- 3. On-site recreation space as well as pedestrian and bicycle access to parks, schools, mass transit stops and convenience shopping.*
- 4. The siting of buildings to minimize the visual effects of parking areas and to increase the availability of privacy and natural surveillance for security.”*

29. The applicant is proposing neither apartments nor mobile homes in this application.

Criterion ‘D’ – Public Facilities

“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.”

30. The City Engineer’s Public Facilities (PF) conditions, imposed upon the companion Tentative Subdivision Plat and Stage II Final Plan applications, will require the applicant to provide adequate road, water, and sewer infrastructure to serve the proposed project. These conditions require that all Public Works permits granted to the applicant/owner will be in accordance with the need determined by the City Engineer to serve the proposed project.

Criterion ‘E’ – Significant Resource Overlay Zone

“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 abut 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.”

31. The Natural Resources Program Manager’s memorandum, which recommends conditions regarding the companion Tentative Subdivision Plat and Stage II Final Plan applications, prescribes specific requirements to address these encroachments.

Criterion 'F'

"That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

32. The applicant's submittal document indicates intent to develop the 13 new lots shown on the tentative plat (Exhibit 16.c), after final approvals are obtained from the City. The applicant suggests that construction is planned for 2006 (Exhibit 3).

Criterion 'G'

"That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards."

33. Staff is recommending conditions of approval for the proposed project that will bring the project into compliance with all applicable development standards. These conditions are found in reports regarding companion applications for the Tentative Subdivision Plat (DB-2005-08-00087), and Stage II Final Plan (DB-2005-08-00089).

Subsection 4.197(.03) provides that *"If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied."*

34. Staff has made affirmative findings for Subsection 4.197(.02)(A)-(G), above. Staff is also recommending conditions of approval for the project to ensure compliance with the subject Code criteria.

Subsection 4.197(.04) stipulates that the *"City Council action approving a change in zoning shall be in the form of a Zoning Order."*

35. Staff is recommending approval of the Comprehensive Plan Amendment for the proposed project, with relevant conditions of approval. A City Council Zoning Order will be required prior to approval of the remaining applications, reviewed in four companion reports.

Subsection 4.197(.05) provides *"In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed."*

Staff is recommending a condition of approval that would implement the City Council Zoning Order, contingent on the completion of the conditions of approval adopted by City Council.

SUMMARY FINDINGS FOR DB-2005-08-00087:

- 36. The applicant's proposed Comprehensive Plan Amendment meets all applicable requirements, and its approval may be recommended to the City Council.
- 37. The applicant's proposed Zone Map Amendment meets all applicable requirements, and its approval may be recommended to the City Council.

STAFF RECOMMENDATION FOR DB-2005-08-00087:

Based on findings of fact 1 - 3, analysis, and conclusionary findings 1 through 36, staff recommends that the Development Review Board forward a recommendation to approve the **Comprehensive Plan Amendment** to City Council at a hearing on January 26, 2006, along with the recommended conditions necessary to fully comply with the requirements of the Code. Proposed conditions of approval are found beginning on page 2 of this report.

Based on findings of fact 1 - 3, analysis and conclusionary findings 16 through 37, staff recommends that the Development Review Board forward a recommendation to approve the **Zone Map Amendment** to City Council at a hearing on January 26, 2006, along with the recommended conditions necessary to fully comply with the requirements of the Code. Proposed conditions of approval are found on page 2 of this report.

APPLICABLE REVIEW CRITERIA:

Zoning Review Criteria:	
Sections 4.008-4.035	Application Procedure
Section 4.100	Zoning Purpose
Section 4.118 (as applicable)	Standards Applying to All Planned Development Zones
Section 4.118(03)	Waivers
Subsection 4.118.02	Utilities
Section 4.120 (as applicable)	Residential Agricultural - Holding (RA-H) Zone
Section 4.124.3 (as applicable)	Planned Development Residential (PDC-3) Zone
Section 4.140	Planned Development Regulations
Section 4.140(.07)	Stage I Preliminary Plan
Section 4.140(.07)(A)(1)	Owner's Authorization of Affected Property for Development
Section 4.210(

Zoning Review Criteria:	
Other Planning Documents:	
Metro's Urban Growth Management Functional Plan	
Storm Water Master Plan	
Transportation Systems Plan	

EXHIBITS:

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

Exhibit No.	Description
A	Staff Report (this document)
1	Vicinity Map (Public Notice Map)
2	Tax Map (T3S, R1W, Section 13B; portion)
3	Applicant's narrative; dated 8/1/2005
4	Applicant's narrative addendum; dated 9/8/2005
5	Applicant's narrative addendum; dated 9/9/2005
6	Applicant's narrative addendum; dated 9/16/2005
7	Applicant's narrative addendum; dated 9/29/2005
8	Transportation Impact Study, by DKS Associates; dated 9/2005
9	Drawing – Subdivision Plat: Bridle Trail Ranchetts; dated 1964
10	Deed: J. P. Raxter to S. M. Raxter; dated 10/30/1984
11	Deed: W. R and L. Sloan to V. D. DeBoard; dated 11/30/1988
12	Authorization letter from S. Raxter; dated 2/28/2005
13	Authorization letter from V. DeBoard; dated 3/2/2005
14	Comprehensive Plan Map (portion)
15	Zone Map (portion)
16	Drawings:
a.	Cover Sheet [Applicant's Sheet 1 of 9]; dated 8/3/2005
b.	Existing Conditions Plan [Applicant's Sheet 2 of 9]; dated 8/3/2005
c.	Preliminary Plat [Applicant's Sheet 3 of 9]; dated 8/3/2005
d.	Tree Maintenance and Protection/Demolition Plan [Applicant's Sheet 4 of 9]; dated 8/3/2005
e.	Tree Table [Applicant's Sheet 5 of 9]; dated 8/3/2005
f.	Preliminary Grading/Erosion Control Plan [Applicant's Sheet 6 of 9]; dated 8/3/2005
g.	Preliminary Street Plan [Applicant's Sheet 7 of 9]; dated 8/3/2005
h.	Preliminary Street Profiles [Applicant's Sheet 8 of 9]; dated 8/3/2005
i.	Preliminary Utility Plan [Applicant's Sheet 9 of 9]; dated 8/3/2005
j.	Preliminary Landscape Plan [Applicant's Sheet L1]; dated 10/3/2005
k.	Preliminary Street Light Plan [Applicant's Sheet L2]; dated 10/3/2005
17	Memorandum from S. Adams, Assistant City Engineer; dated 12/2/2005
18	Memorandum from D. Walters, Building Plans Examiner; dated 12/2/2005
19	Memorandum from K. Rappold, Natural Resources Program Manager; dated 12/2/2005

Exhibit No.	Description
<i>20</i>	<i>Revised memorandum from S. Adams, Deputy City Engineer; dated 12/6/2005</i>
<i>21</i>	<i>E-mail from S. Adams, Deputy City Engineer; dated 12/12/2005</i>
<i>22</i>	<i>Revised Transportation Impact Analysis (portion; pages 3 and 18, only); dated September, 2005</i>
<i>23</i>	<i>Applicant's Addendum "A"; dated 12/12/2005</i>

(Amended and Adopted by the DRB on December 12, 2005)

Exhibit B

PLANNING DIVISION
STAFF REPORT & RECOMMENDATION

DATE: January 26, 2006

TO: Honorable Mayor and City Councilors

FROM: Blaise Edmonds, Manager of Current Planning

SUBJECT: The following requests apply to subject property: Approve Comprehensive Plan Map Amendment (Residential 0 – 1 du/ac to Residential 4 – 5 du/ac; approve a Zone Map Amendment from Residential Agricultural - Holding Zone (RA-H) to Planned Development Residential (PDR-3). [Note: A companion application (DB-2005-08-00088), to approve a Tentative Subdivision Plat (in lieu of Stage I Preliminary Plan) is subject to Council approval of the proposed Comprehensive Plan Map Amendment and the Zone Map Amendment]

SUMMARY:

On December 12, 2005, Panel A of the Development Review Board voted 4-0 to recommend approval of the proposed Comprehensive Plan Map Amendment and a Zone Map Amendment (File No. DB-2005-09-00087). The findings and conclusions in Exhibit 'A' (*revised staff report with proposed findings*) support the Development Review Board decision for approval.

The Development Review Board adopted staff recommendations and findings included as Exhibit A of DRB Resolution No. 50.

RECOMMENDATION

After conducting a duly advertised public hearing, that the City Council act favorably on the Development Review Board recommendation of December 12, 2005 to approve the request. Appropriate Council action would be adoption of proposed Ordinance No. ____.

DISCUSSION/BACKGROUND

The planning consultant *Urban Solutions*, acting as agent for the applicant, *Doug Seely*, is seeking approval of a Comprehensive Plan Map Amendment and a Zone Map Amendment, to allow the development of 13 single-family homes on 13 proposed lots east of Canyon Creek Road South and 620 feet south of Boeckman Road. In a separate, companion application, the Development Review Board approved a Tentative Subdivision Plat (DB-2005-08-00088), which is considered to be the Stage I Preliminary

Plan [Section 4.210(.01)(B)(19)]. Additional DRB approvals are: Stage II Final Plan, Type 'C' Tree Removal Plan, and Site Design Review Plans for the common elements of the proposed subdivision. Under the Applicant's proposal, the Comprehensive Plan Map designation would change from its current Residential 0-1 dwelling units per acre to 4-5 dwelling units per acre. The Zone Map designation would change from Residential Agricultural – Holding (RA-H) to Planned Development Residential (PDR-3).

The following apply to the subject property, as defined in the Applicant's submittal documents:

- **Land Use:** The proposal meets the Planning and Land Development Ordinance and with the goals, policies, and implementation measures of the City of Wilsonville Comprehensive Plan. *[Note: The Board found that the proposed net density did not achieve the four (4) dwelling units per acre provided by the proposed Comprehensive Plan designation. The Board found that this deficiency could be overcome by the imposition of a condition regarding the proposed tentative subdivision plat (DB-2005-08-00088), enabling the use of accessory dwellings.]* (Amended and Adopted by the DRB on December 12, 2005)
- The project, as proposed, would remove the two existing homes, and associated structures, currently located on the subject properties, and create 13 subdivision lots for new single family dwellings.
- **SROZ:** An area of 72,462 SF of the proposed project is designated Significant Resource Overlay Zone (SROZ). Two on-site water quality detention facilities are proposed, along with a water quality treatment facility, a portion of which involve construction activities within the SROZ. Due to the size of Lots 9-13 and the potential for development impacts, the current lot configurations and encroachment into the SROZ are not allowed unless reviewed and approved as part of an SRIR.
- **Outdoor recreation or open space:** Residential development standards require that 25% of the site be set aside for outdoor recreation or open space. This requirement is met through common open space (72,462 SF in SROZ) only. No currently-proposed active outdoor areas are included, and none is proposed to be provided through rear yards. The combined total is 74,420 SF (41.7%, gross; 48.9%, net) of the proposed project in open space, which exceeds Code requirements. The proposed open space, Tract "B", provides passive recreation opportunities, which meets the intent of this section of the Code. *[Note: The subject applications were submitted prior to the adoption of Ordinance 589 (effective September 18, 2005), which requires useable open space. However, staff encourages development of a children's play lot on the site.]*
- **Multi-use pathways:** Condition PF16 of the Stage II Final Plan requires the applicant shall to "construct a 12-foot wide paved multi-use path/access road to provide access a planned trail system east of the project property and to provide access to the storm manhole located at the edge of the SROZ; paved access shall extend to within 10 feet

of the manhole structure. This multi-use path/access road shall be centered in the 15-ft easement and designed to accommodate a 30 ton maintenance vehicle. Applicant shall install a removable vehicle barrier post centered in the path/access road at the right-of-way to "B" Street."

- **Traffic:** The traffic study for this project estimates 105 total daily trips, 11 of which are new p.m. peak hour trips. One of these trips would use the Wilsonville Road/I-5 interchange. The traffic study also indicates that traffic generated by this project would not produce traffic congestion in excess of the level of service (LOS D) at the most probable used intersections, except at the Boeckman Road/Stafford-Wilsonville Road intersection, which is located in unincorporated Clackamas County.
- **Public facilities:** Existing public facilities are or can be made available and are of adequate size to serve the proposed subdivision. The applicant is responsible for constructing all internal streets to the project to public street standards.
- **Trees:** The arborist report of Application DB-2005-08-00088 identify 63 trees on site. The applicant proposes to remove 40 trees, and save 23. Tree mitigation is proposed in the form of seven (7) trees north of the proposed alley, along the north side of the project.

The decision of the December 12th Development Review Board meeting:

Approval of subject application. The Development Review Board's action on the Comprehensive Plan Map Amendment and Zone Map Amendment is a recommendation to City Council. General background documents for a Tentative Subdivision Plat, Stage II Final Plan, Type 'C' Tree Removal Plan, and Site Design Plans for the common elements of the proposed subdivision are included in the City Council packet.

City of

WILSONVILLE
in OREGON



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

February 13, 2006

Doug Seely
1780 SW Advance Road
West Linn, OR 97068

RE: Cross Creek Subdivision

Mr. Seely;

Unfortunately, Mayor Lehan is out of town this week and did not sign the Order before she left; therefore I have enclosed copies of the City Council meeting minutes confirming the Council approved the zoning changes for your proposed Cross Creek Subdivision. Once she returns and signs the order, I will send you a copy.

Should you have any questions, do not hesitate to call me. I can be reached at 503-570-1506.

Sincerely,

A handwritten signature in cursive script that reads "Sandra C. King".

Sandra C. King, MMC
City Recorder

/sck

Enclosures



PLANNING DIVISION

FAX: (503) 682-7025
(503) 570-1571
straessle@ci.wilsonville.or.us

Delivery via US Mail

Letter of Transmittal

TO: Attention: Plan Amendment Specialist
Department of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

FROM: Linda Straessle
Administrative Assistant
DATE: 3/14/11

WE ARE TRANSMITTING THE FOLLOWING:

1 paper copy of the following:

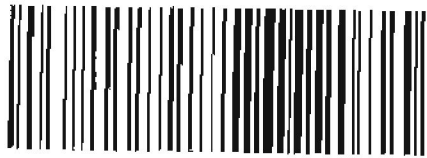
- DLCDC Notice of Adoption for DB-2005-08-00087
- Adopted Ordinance No. 604 with attachments

Please direct correspondence regarding this notice to:

Chris Neamtzu, Planning Director, Neamtzu@ci.wilsonville.or.us, 503-682-4960

Paul Lee, Assistant City Attorney, lee@ci.wilsonville.or.us, 503-682-1011

29799 SW Town Center Loop East
Wilsonville OR 97070



7003 3110 0005 4877 2318

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MAR 15 2011
LAND CONSERVATION
AND DEVELOPMENT



CITY OF WILSONVILLE
29799 SW TOWN CENTER LP E
WILSONVILLE OR 97070

TO:

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