



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: June 10, 2016  
Jurisdiction: City of Wilsonville  
Local file no.: DB15-0108 & DB15-109  
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/09/2016. 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.: 001-16 {24299}

Received: 6/9/2016

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.: **DB15-0108 and DB15-0109**

Date of adoption: 6/6/2016

Date sent: 6/9/2016

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): 2/22/2016

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 AICP, 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:

A Comprehensive Plan Map Amendment from Residential 0-1 dwelling units per acre to Residential 4-5 dwelling units per acre; A Zone Map Amendment from Residential Agriculture-Holding (RA-H) zone to Planned Development Residential 3 (PDR-3) zone

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

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

Change from Residential 0-1 d/u per acre to Residential 4-5 d/u per acre 4 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): 28500&28530 SW Canyon Crk Rd S; 3S1W SEC.13B. TL900, 1000

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 RA-H	to PDR-3	Acres: 4
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): 28500&28530 SW Canyon Crk Rd S; 3S1W SEC.13B. TL900, 1000

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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.



**PLANNING DIVISION**

FAX: (503) 682-7025

(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: June 9, 2016

Salem, Oregon 97301-2540

**WE ARE TRANSMITTING THE FOLLOWING:**

**DB15-0108 and DB15-0109 – Lewallen/Boeckman 14-lot Subdivision: Comprehensive Plan Map Amendment and Zone Map Amendment**

- DLCD Notice of Adoption Form 2 for DB15-0108 and DB15-0109
- Ordinance 790 and supporting documents (Comp Plan Map Amendment)
- Ordinance 791 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)

**ORDINANCE NO. 790**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 UNITS PER ACRE ON APPROXIMATELY 4.37 ACRES LOCATED AT 28500 AND 28530 SW CANYON CREEK ROAD SOUTH – COMPRISING TAX LOTS 900 AND 1000 OF SECTION 13B, TOWNSHIP 3 SOUTH, RANGE 1 WEST, CLACKAMAS COUNTY, OREGON, BETH ANN BOECKMAN AND KAREN AND MARVIN LEWALLEN – OWNERS, SCOTT MILLER, SAMM-MILLER LLC – APPLICANT.**

**RECITALS**

WHEREAS, Beth Ann Boeckman and Daren and Marvin Lewallen (“Owners”) and Scott Miller of SAMM-Miller LLC (“Applicant”) have made a development application requesting, among other things, a Comprehensive Plan Map Amendment of the Property; and

WHEREAS, the development application form has been signed by the Owners of the real property legally described and shown in Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, THE City of Wilsonville Planning Staff analyzed the Comprehensive Plan Map Amendment request and prepared a staff report for the Development Review board, finding that the application met the requirements for a Comprehensive Plan Map Amendment and recommending approval of the Comprehensive Plan Map Amendment, which staff report was presented to the Development Review Board on March 28 and April 25, 2016; and

Whereas, the Development Review Board Panel B held a public hearing on the application for a Comprehensive Plan Map Amendment on March 28 and April 25, 2016, and after taking public testimony and giving full consideration t the matter, adopted Resolution No. 324 which recommends that the City Council approve a request for a Comprehensive Plan Map Amendment (Case File DB 15-0108); and

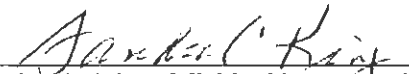
WHEREAS, on May 16, 2016, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and upon deliberation, concluded that the proposed Comprehensive Plan Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code; and

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the foregoing Recitals and Comprehensive Plan Map Amendment Findings in Attachment 2, as if fully set forth herein.

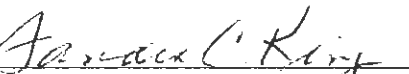
Section 2. Order. The official City of Wilsonville Comprehensive Plan Map is hereby amended by Comprehensive Plan Map Order DB15-0108, attached hereto as Attachments 1 from Residential 0-1 dwelling units per acre to Residential 4-5 dwelling units per acre.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 16<sup>th</sup> day of May 2016, and scheduled for the second reading on June 6, 2016, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

  
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 6<sup>th</sup> day of June 2016 by the following votes:

Yes: 4 No: 0

  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 7<sup>th</sup> day of June, 2016.

  
TIM KNAPP, MAYOR

SUMMARY OF VOTES:

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

Exhibits and Attachments:

- Attachment 1 – Comprehensive Plan Map Order DB15-0108 including legal description and sketch depicting map amendment
- Attachment 2 – Comprehensive Plan Map Amendment Findings, April 26, 2016

**ORDINANCE NO. 790 – ATTACHMENT 1**

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

In the Matter of the Application of )  
SAMM-MILLER LLC for an ) **Comprehensive Plan Map**  
Amendment of the City of Wilsonville ) **Order DB15-0108**  
Comprehensive Plan Map )

The above entitled matter is before the Council to consider the application of DB15-0108, for a Comprehensive Plan Map Amendment and an Order, amending the official Comprehensive Plan Map of the City of Wilsonville.

The Council finds that the subject property (“Property”), legally described and shown in the attached legal description and sketch, has heretofore appeared on the City of Wilsonville Comprehensive Plan Map with a designation of Residential 0-1 dwelling units per acre.


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

THEREFORE, IT IS HEREBY OREDERD, that the Property, consisting of approximately 4.37 acres located at 28500 and 28530 SW Canyon Creek Road South, comprising tax lots 900 and 1000 of Section 13B, T3S, R1W, Clackamas County, Oregon, as more particularly shown and described in the attached legal description and sketch, is hereby designated as Residential 4-5 dwelling units per acre, subject to conditions detailed in this Order’s adopting Ordinance. The foregoing designation is hereby declared an amendment to the Wilsonville Comprehensive Plan Map and shall appear as such from and after entry of this Order.

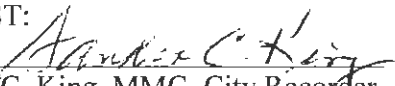
DATED: June 6, 2016

  
TIM KNAPP, MAYOR

APPROVED AS TO FORM:

  
Barbara A. Jacobson, City Attorney

ATTEST:

  
\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

Attachment:

Legal Description and Sketch Depicting Properties subject to the Comprehensive Plan  
Map Amendment.



ZONE CHANGE  
CANYON CREEK ROAD SOUTH

JOB NO. 500-015  
APRIL 27, 2016

EXHIBIT A (PAGE 1 OF 2)

LOTS 5 AND 6, "BRIDLE TRAIL RANCHETTS", AND OTHER LAND LOCATED IN THE N.W. 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

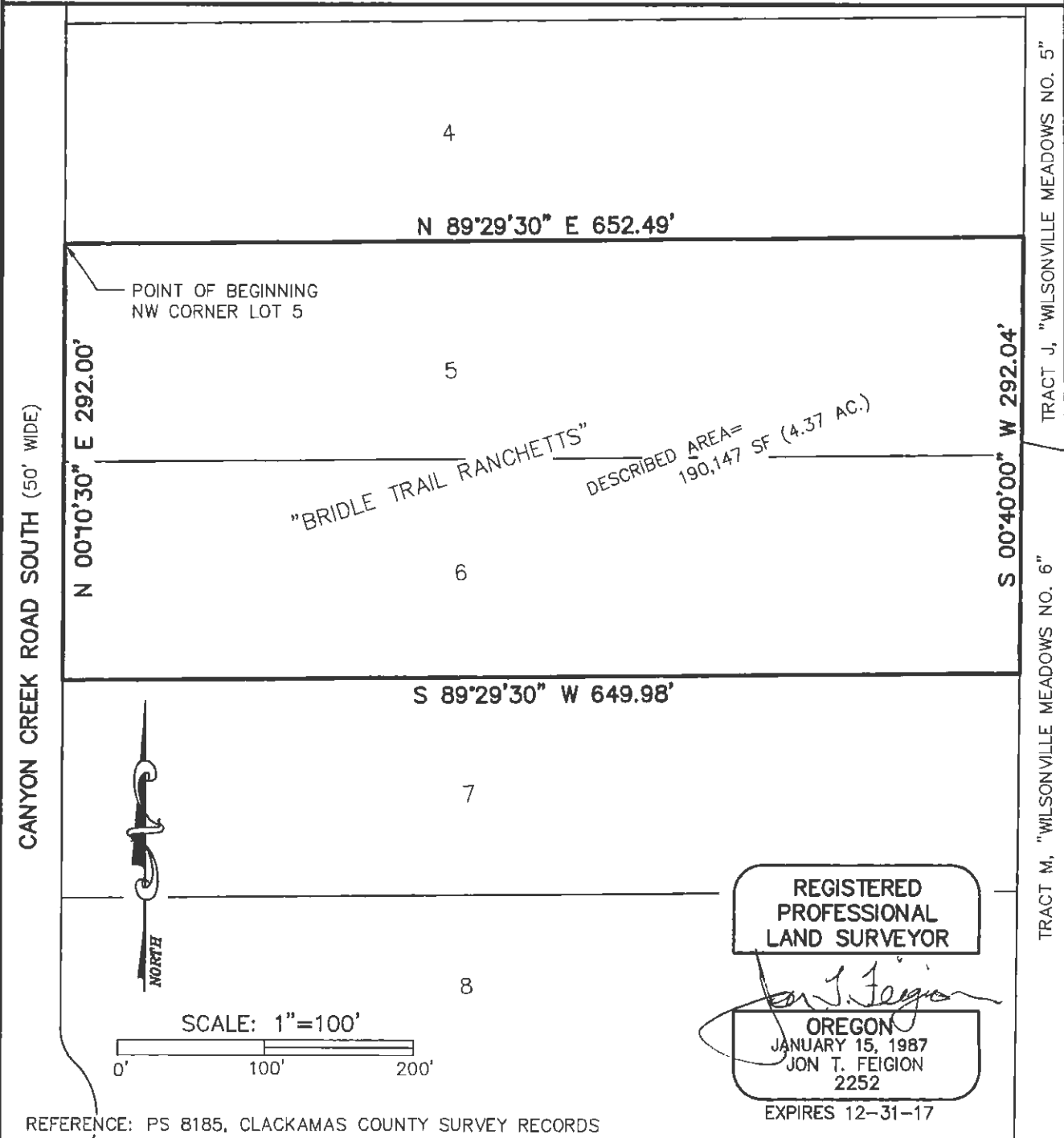
BEGINNING AT THE NORTHWEST CORNER OF LOT 5, "BRIDLE TRAIL RANCHETTS", BEING ON THE EAST RIGHT OF WAY LINE OF CANYON CREEK ROAD SOUTH (50.0 FEET WIDE); THENCE ALONG THE NORTH LINE OF SAID LOT 5 AND ITS EASTERLY EXTENSION, NORTH 89°29'30" EAST, 652.49 FEET TO THE WEST LINE OF TRACT J, "WILSONVILLE MEADOWS NO. 5"; THENCE ALONG SAID WEST LINE AND THE WEST LINE OF TRACT M, "WILSONVILLE MEADOWS NO. 6", SOUTH 00°40'00" WEST, 292.04 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 6, "BRIDLE TRAIL RANCHETTS"; THENCE ALONG SAID EASTERLY EXTENSION AND SOUTH LINE, SOUTH 89°29'30" WEST, 649.98 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6 ON THE EAST RIGHT OF WAY LINE OF CANYON CREEK ROAD SOUTH; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°10'30" EAST, 292.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 190,147 SQUARE FEET (4.37 ACRES), MORE OR LESS.



REFERENCE: PS 8185, CLACKAMAS COUNTY SURVEY RECORDS

**EXHIBIT A (PAGE 2 OF 2)**  
 LOTS 5 AND 6, "BRIDLE TRAIL RANCHETTS" AND  
 OTHER LAND LOCATED IN THE  
 N.W. 1/4 OF SEC. 13, T.3S., R.1W., W.M.  
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



CANYON CREEK ROAD SOUTH (50' WIDE)

TRACT J, "WILSONVILLE MEADOWS NO. 5"

TRACT M, "WILSONVILLE MEADOWS NO. 6"

N 00°10'30" E 292.00'

S 00°40'00" W 292.04'

N 89°29'30" E 652.49'

S 89°29'30" W 649.98'

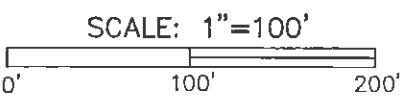
POINT OF BEGINNING  
 NW CORNER LOT 5

"BRIDLE TRAIL RANCHETTS"  
 DESCRIBED AREA=  
 190,147 SF (4.37 AC.)

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Jon T. Feigion*  
 OREGON  
 JANUARY 15, 1987  
 JON T. FEIGION  
 2252

EXPIRES 12-31-17



REFERENCE: PS 8185, CLACKAMAS COUNTY SURVEY RECORDS

DRAWN BY: JTF	
JOB NO.: 500-015	ZONE CHANGE
SCALE: 1" = 100'	
DATE: 4-27-16	

**EMERIO**  
*Design*

8285 SW NIMBUS AVE, SUITE 180  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-8812  
 FAX: (503) 639-9592  
 www.emeriodesign.com

Ordinance No. 790  
Staff Report  
Wilsonville Planning Division

14-Lot Single-Family Subdivision at 28500 and 28530 SW Canyon Creek Rd. South  
Comprehensive Plan Map Amendment

City Council  
Quasi-Judicial Public Hearing

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<b>Hearing Date:</b>	May 16, 2016
<b>Date of Report:</b>	April 26, 2016

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**Application No.:** DB15-0108 Comprehensive Plan Map Amendment

**Request:** The City is being asked to review a Quasi-judicial Comprehensive Plan Map Amendment for a 14-lot single-family subdivision.

**Location:** Approximately 4.37 acres at 28500 and 28530 SW Canyon Creek Road South. East side of SW Canyon Creek Road South at and just south of SW Daybreak Street. The property is specifically known as Tax Lots 900 and 1000, Section 13B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

**Owners:** Beth Ann Boeckman (28500 SW Canyon Creek Rd. S.)  
Karen and Marvin Lewallen (28530 SW Canyon Creek Rd. S.)

**Applicant:** Scott Miller, Samm-Miller LLC

**Applicant's Representative:** AnneMarie Skinner, Emerio Design

**Comprehensive Plan Designation (Current):** Residential 0-1 dwelling units per acre  
**Comprehensive Plan Designation (Proposed):** Residential 4-5 dwelling units per acre

**Staff Reviewer:** Daniel Pauly AICP, Associate Planner

**Staff Recommendation:** Approve the requested Comprehensive Plan Map Amendment.

**Applicable Review Criteria:**

<b>Development Code:</b>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application

Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.198	Comprehensive Plan Changes
<b>Other Documents:</b>	
Comprehensive Plan	
Oregon Statewide Planning Goals	

**Vicinity Map**

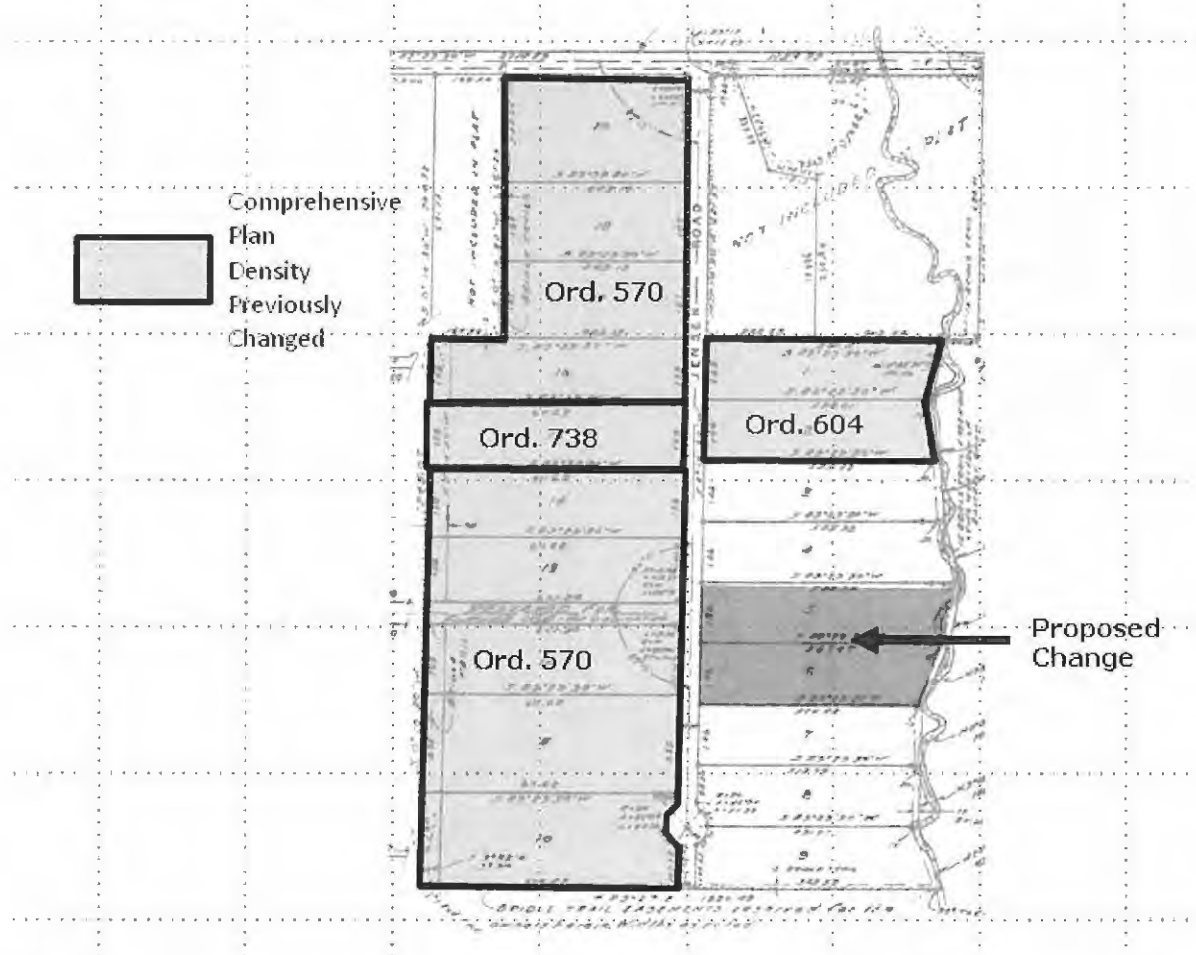


## Background/Summary:

### Comprehensive Plan Map Amendment (DB15-0108)

For areas of the City designated as residential on the Comprehensive Plan Map, planned densities are also indicated in dwelling units per acre. The applicant requests a change of the planned residential density of the subject properties from 0-1 dwelling units per acre to 4-5 dwelling units per acre.

The subject properties are part of the 1964 Bridle Trail Ranchettes subdivision where each lot was approximately 2 acres. When the current Comprehensive Plan Map was adopted the density for this area reflected the existing subdivision. Beginning in the mid 2000's, many of the Bridle Trail Ranchette lots were approved for Comprehensive Plan Map amendments to increase the density from 0-1 to 4-5 dwelling units an acre. Currently 12 of the original 19 Bridle Trail Ranchette lots have been approved by the City for increased density.



The first and largest approved change in this area from 0-1 to 4-5 dwelling units was in 2004 with the adoption of Ordinance No. 570 for Renaissance at Canyon Creek. The supporting staff

report discussed the need of additional single-family homes to provide housing for people working in Wilsonville as well as others desiring to live here. In addition, the findings point out the limited amount of vacant residential land within the City, and that the subject area is surrounded by residential designations for higher density.

In early 2006, Ordinance No. 604 similarly changed the comprehensive plan designation for approximately 4 acres on the east side of Canyon Creek Road South from 0-1 to 4-5 dwelling units an acre for the development of the 13-lot Cross Creek Subdivision. The same findings regarding the need of additional housing units, the limited amount of vacant land within the City, and the density of surrounding areas were made.

More recently, Ordinance No. 738 approved the same density change in 2014 for a property whose owners had elected not to participate in the 2004 project and now desired to redevelop.

The owners of the subject properties and their development partner now desire for a similar change of density for the subject property for similar reasons as the other lots redeveloped in Bridle Trail Ranchettes.

**Conclusion:**

Staff and the DRB have reviewed the application and facts regarding the request and recommend the City Council approve the Comprehensive Plan Map Amendment (DB15-0108).

**Findings of Fact:**

1. The statutory 120-day time limit applies to this application. The application was received on December 23, 2015. On January 21, 2016 staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On February 1, 2016, the Applicant submitted new materials. On February 17, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by June 16, 2016.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	RA-H	Single-family Residential
East:	PDR-4	Single-family Residential
South:	RA-H	Single-family Residential
West:	PDR-3	Single-family Residential

3. Previous Planning Approvals:

Current subdivision (Bridle Trail Ranchettes) approved prior to City incorporation.

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 the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

### **General Information**

#### Application Procedures-In General

Section 4.008

**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.

**Details of Finding:** Processing of the application follows the applicable general procedures of this Section.

#### Initiating Application

Section 4.009

**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.

**Details of Finding:** Applications have been signed by property owners of both properties involved.

#### Pre-Application Conference

Subsection 4.010 (.02)

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

**Finding:** These criteria are satisfied.

**Details of Finding:** A Pre-application conferences was held on April 23, 2015 (PA15-0008) in accordance with this subsection.

#### Lien Payment before Approval

Subsection 4.011 (.02) B.

**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.

**Details of Finding:** No applicable liens exist for the subject property. The application can thus move forward.

### General Submission Requirements

Subsection 4.035 (.04) A.

**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.

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

### Zoning-Generally

Section 4.110

**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.

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

## **DB15-0108 Comprehensive Plan Amendment**

### **Zoning and Land Development Ordinance**

#### **Comprehensive Plan Amendment Process**

Procedures and Criteria in Comprehensive Plan

Subsection 4.198 (.01)

A1. **Review Criteria:** “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.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The lot of the subject development site is of sufficient size to be developed in a manner consistent with the purposes and objectives of Section 4.140.



## Review Bodies

### Subsection 4.198 (.02)

A2. **Review Criteria:** "Following the adoption and signature of the Resolution by the Development Review Board or Planning Commission, together with minutes of public hearings on the proposed Amendment, the matter shall be shall be scheduled for public hearing before the City Council."

**Finding:** These criteria are satisfied.

**Details of Finding:** The DRB and City Council are considering the request as described.

## Applicant Agreeing to Conditions of Approval

### Subsection 4.198 (.05)

A3. **Review Criteria:** "In cases where a property owner or other applicant has requested an amendment to the Comprehensive Plan map 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 Comprehensive Plan map shall be changed."

**Finding:** These criteria are satisfied.

**Details of Finding:** The owner will be required to sign a statement accepting conditions.

## Comprehensive Plan Amendment Required Findings

### Meets Identified Public Need

#### Subsection 4.198 (.01) A.

A4. **Review Criteria:** "Each such amendment shall include findings in support of the following: That the proposed amendment meets a public need that has been identified;"

**Finding:** These criteria are satisfied.

**Details of Finding:** 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.

On the basis of the Housing Data used for the 2015 City of Wilsonville Housing Report, of the City's 10,283 housing units, 55% are multi-family (apartments and condos), 45% are single-family.

Policy 4.1.4 and its implementation measures seek to "provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville." The proposal provides additional single-family homes supporting an ongoing desire for single-family homes at various price levels as part of Wilsonville's strong diversity of housing unit types.

Meets Identified Public Need As Well As Reasonable Alternative  
Subsection 4.198 (.01) B.

- A5. **Review Criteria:** "Each such amendment shall include findings in support of the following: That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;"

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed subdivision has similarities in site density and housing product to other subdivisions nearby such as Renaissance at Canyon Creek and Cross Creek, and provides a consistent density and development type as the area becomes more dense and urban over time. The consistency with nearby development, while accommodating the required usable open space, makes the proposed continued residential use at the proposed density meet the need for a variety of single-family homes better than other density or design options for the site.

Supports Statewide Planning Goals  
Subsection 4.198 (.01) C.

- A6. **Review Criteria:** "Each such amendment shall include findings in support of the following: That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;"

**Finding:** These criteria are satisfied.

**Details of Finding:** With the implementation of the proposed conditions of approval, the project supports the applicable Statewide Planning Goals.

No Conflict with Other Portions of Plan  
Subsection 4.198 (.02) D.

- A7. **Review Criteria:** "Each such amendment shall include findings in support of the following: That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended."

**Finding:** These criteria are satisfied.

**Details of Finding:** 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.

## **Comprehensive Plan and Plan Components**

### **Initiating, Applying for, and Considering Plan Amendments**

#### Who May Initiate Plan Amendments Introduction Page 7 "Plan Amendments" 1.

- A8. **Review Criteria:** "An Amendment to the adopted Plan may be initiated by: a. The City Council, b. The Planning Commission (for legislative amendments) or Development Review Board (for quasi-judicial amendments); or c. Application of property owner(s) or contract purchaser(s) affected or their authorized agents, as specified in #2 below."

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed amendment has been initiated by the property owners of the subject lots.

#### How to Make Application

Introduction Page 7 "Plan Amendments" 2.

A9. **Review Criteria:** "An application for an amendment to the Plan maps or text shall be made on forms provided by the City. The application, except when initiated by the City Council, DRB, or Planning Commission, as noted in #1, above, shall be accompanied by a Plan Amendment Fee.

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed amendment has been initiated by the property owners of the subject lots who have submitted signed application forms provided by the City and paid the required application fee.

#### Consideration of Plan Amendments

Introduction Page 7 "Plan Amendments" 3.

A10. **Review Criteria:** This language specifies how the City should consider a plan amendment including: requiring the City Council consider a plan amendment only after receiving findings and recommendation from the Planning Commission or Development Review Board; having sufficient time before the first evidentiary hearing for public notice and staff report preparation, considering compliance with Statewide Planning Goals and applicable Metro Plans.

**Finding:** These criteria are satisfied.

**Details of Finding:** The City Council will consider the plan amendment only after receiving a recommendation from the Development Review Board.

### Standards for Approval of Plan Amendments

#### Conformance with Other Portions of the Plan

Introduction Page 7 "Plan Amendments" 4. a.

A11. **Review Criterion:** "The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment."

**Finding:** This criterion is satisfied.

**Details of Finding:** The change of residential density for the subject properties does not lead to nonconformance with other portions of the Comprehensive Plan.

#### Public Interest

Introduction Page 7 "Plan Amendments" 4. b.

A12. **Review Criterion:** "The granting of the amendment is in the public interest."

**Finding:** This criterion is satisfied.

**Details of Finding:** The request is in the public interest by providing needed housing. See

also Finding A4.

#### Public Interest Best Served by Timing of Amendment

Introduction Page 7 "Plan Amendments" 4. c.

**A13. Review Criterion:** "The public interest is best served by granting the amendment at this time."

**Finding:** This criterion is satisfied.

**Details of Finding:** The timing of the amendment is appropriate. See Finding A5.

#### Factors to Address in Amendment

Introduction Page 7 "Plan Amendments" 4. d.

**A14. Review Criterion:** "The following factors have been adequately addressed in the proposed amendment:

- the suitability of the various areas for particular land uses and improvements;
- the land uses and improvements in the area;
- trends in land improvement;
- density of development;
- property values;
- the needs of economic enterprises in the future development of the area;
- transportation access;
- natural resources; and
- the public need for healthful, safe and aesthetic surroundings and conditions.

**Finding:** This criterion is satisfied.

**Details of Finding:** The area is suitable for the proposed development as it is in a residential area with similar development and has the necessary public services, including streets, available. It is similar to and follows the trends in recent nearby developments such as Renaissance at Canyon Creek and Cross Creek. The density is consistent with these other recent nearby developments. No evidence has been presented that the development would negatively impact property values. Preservation of Natural Resource areas is part of the development. Healthful, safe and aesthetic surroundings are ensured by application of design standards.

#### Conflict with Metro Requirements

Introduction Page 7 "Plan Amendments" 4. e.

**A15. Review Criterion:** "Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements."

**Finding:** This criterion is satisfied.

**Details of Finding:** No conflicts with Metro requirements have been identified. Particularly, Wilsonville's housing mix continues to exceed Metro's requirements.

#### Public Notice Requirements

Introduction Page 8 "Plan Amendments" 5.

**A16. Review Criteria:** This language describes the noticing requirements implemented by the City's noticing requirements for quasi-judicial review.

**Finding:** This criterion is satisfied.

**Details of Finding:** Public hearing notices have or will be sent as required.

## **Urban Growth Management**

### Urbanization for Adequate Housing

Implementation Measure 2.1.1.b.

**A17. Review Criteria:** "Allow urbanization to occur to provide adequate housing to accommodate workers who are employed within the City."

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposal provides for additional housing density to accommodate those employed with the City. See also Finding A4.

### Revenue Sources for Urbanization

Implementation Measure 2.1.1.d.

**A18. Review Criteria:** "Establish and maintain revenue sources to support the City's policies for urbanization and maintain needed public services and facilities."

**Finding:** These criteria are satisfied.

**Details of Finding:** Existing requirements for improvements and systems development charges apply to the development proposed concurrently with the Comprehensive Plan Map amendment.

### New Development and Concurrency

Implementation Measure 2.1.1.e.

**A19. Review Criteria:** "Allow new development to proceed concurrently with the availability of adequate public services and facilities as specified in Public Facilities and Services Section (Section C) of the Comprehensive Plan."

**Finding:** These criteria are satisfied.

**Details of Finding:** The City's concurrency requirements in the Development Code apply to the concurrently proposed development.

### Encourage Master Planning

Implementation Measure 2.1.1.f.2.

**A20. Review Criteria:** "To maximize design quality and conformity to the Comprehensive Plan, the City shall encourage master planning of large land areas. However, as an added growth management tool, the Development Review Board may, as a condition of approval, set an annual phasing schedule coordinated with scheduled Capital Improvements, particularly streets and related transportation facilities."

**Finding:** These criteria are satisfied.

**Details of Finding:** The subject properties are large enough, being greater than the 2 acre

threshold for planned development established in Section 4.140, to be designed consistent with the City's planned development regulations to support design quality and conformity with the Comprehensive Plan.

## **Public Facilities and Services**

### Urban Development Only Where Facilities and Services Can Be Provided Implementation Measure 3.1.2.a.

**A21. Review Criterion:** "Urban development will be allowed only in areas where necessary facilities and services can be provided."

**Finding:** This criterion is satisfied.

**Details of Finding:** Application of the concurrency standards of the City's development code ensure the development proposed concurrently with this amendment request will have all necessary facilities and services provided. See Stage II Final Plan in Request D.

### Paying for Facilities and Services

Implementation Measures 3.1.3.a., 3.1.4.f., 3.1.5.c., 4.1.4.h.

**A22. Review Criteria:** "Developers will continue to be required to pay for demands placed on public facilities/services that are directly related to their developments. The City may establish and collect systems development charges (SDCs) for any or all public facilities/services, as allowed by law. An individual exception to this standard may be justified, or SDC credits given, when a proposed development is found to result in public benefits that warrant public investment to support the development." "The cost of all line extensions and individual services shall be the responsibility of the developer and/or property owners(s) seeking service. When a major line is to be extended, the City may authorize and administer formation of a Local Improvement District (LID). All line extensions shall conform to the City Sanitary Sewer Collection System Master Plan, urbanization policies, and Public Works Standards." "Extensions shall be made at the cost of the developer or landowner of the property being served." "Require new housing developments to pay an equitable share of the cost of required capital improvements for public services."

**Finding:** These criteria are satisfied.

**Details of Finding:** The City has all necessary codes and processes in place to ensure the development pays for public facilities/services directly related to the development.

### Growth and Sewer Capacity

Implementation Measure 3.1.4.b

**A23. Review Criterion:** "The City shall continue to manage growth consistent with the capacity of sanitary sewer facilities."

**Finding:** This criterion is satisfied.

**Details of Finding:** The City will not allow development without adequate sanitary sewer capacity. As reviewed in the Stage II Final Plan, adequate sanitary sewer capacity exists by connecting to the existing sewer in Canyon Creek Road South.

## Land Use and Development

### Variety of Housing Types

Implementation Measures 4.1.4.b, 4.1.4.j., and 4.1.4.o.

**A24. Review Criterion:** “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.” “The City shall have a diverse range of housing types available within its City limits.” “The City will encourage the development of housing of various types and densities. Guided by the urbanization, public facilities, and economic elements, the City will, however, manage residential growth to ensure adequate provision of public facilities and that proposed housing satisfies local need and desires, i.e., type, price and rent levels.”

**Finding:** This criterion is satisfied.

**Details of Finding:** Wilsonville has a rich diversity of housing types. Infill in other areas of the Bridle Trail Ranchettes involved single-family residential development of a similar density as proposed (including Renaissance at Canyon Creek and Cross Creek subdivisions). The proposal supports the area’s continued role as a single-family area amongst Wilsonville’s housing mix.

### Encouraging Variety

Implementation Measure 4.1.4.c

**A25. Review Criterion:** “encouraging variety through the use of planned developments and clusters.”

**Finding:** This criterion is satisfied.

**Details of Finding:** Being relatively small for a planned development, not a lot of variety would be expected within the development. However, a variety of lot sizes and widths are provided allowing diversity of housing products.

### Housing Balance

Implementation Measure 4.1.4.d

**A26. Review Criteria:** “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.”

**Finding:** These criteria are satisfied.

**Details of Finding:** On the basis of the Housing Data for the 2015 City of Wilsonville Housing Report of the City’s 10,283 housing units, 55% are multi-family and 45% are

single-family.

The proposal adds single-family to the housing mix having a minor impact on making single-family housing more balanced with multi-family. In addition, the development is proposed in a single-family area of the community where multi-family is not planned thus supporting the planned geographic distribution.

#### Housing Needs of Existing Residents

Implementation Measure 4.1.4.f.

**A27. Review Criteria:** "Accommodate the housing needs of the existing residents of the City of Wilsonville."

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed housing will fit into the rich diversity of Wilsonville's housing to allow existing residents to move up or move down, thus opening their units to others.

#### Housing Development and the Social and Economic Needs of the Community

Implementation Measure 4.1.4.g.

**A28. Review Criteria:** "Coordinate housing development with the social and economic needs of the community."

**Finding:** These criteria are satisfied.

**Details of Finding:** Wilsonville has a rich diversity of housing types, to which these additional single-family homes would contribute. The diversity of housing types supports the variety of needs of members of the community.

#### Jobs Housing Balance

Implementation Measures 4.1.4.l. and 4.1.4.p.

**A29. Review Criteria:** "The City shall work to improve the balance of jobs and housing within its jurisdictional boundaries." "In an effort to balance residential growth with the City's employment base, the City shall encourage the development of housing to meet the needs of the employees working in the City."

**Finding:** These criteria are satisfied.

**Details of Finding:** It is anticipated the planned homes could be occupied by people working in Wilsonville. The location is close to employment centers including Town Center and the industrial area north of Boeckman between Canyon Creek and Parkway.

#### Residential Districts and Density

Implementation Measures 4.1.4.u. and 4.1.4.z.

**A30. Review Criteria:** "To provide variety and flexibility in site design and densities, residential lands shown on the Land Use Map of the Comprehensive Plan have been divided into districts, with different density ranges for each district. In all residential developments, other than those that are so small that it is not mathematically feasible to achieve the



prescribed minimum density, the 80% minimum shall apply. The following density ranges have been prescribed for each district:

Density: 0-1 units/acre  
2-3 units/acre  
4-5 units/acre  
6-7 units/acre  
10-12 units/acre  
18-20 units/acre”

“The City shall continue to apply a minimum density standard to all zones allowing residential use, such that all development, including subdivisions, will result in the eventual build-out of 80 percent or more of the maximum number of dwelling units per net acre permitted by the zoning designation for a given development. The minimum density requirement does not apply inside areas designated by the City as open spaces or significant resource sites. The maximum-zoned density does not include the density bonus for zones that allow them.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The applicant requests the density to change from 0-1 dwelling units per acre to 4-5 dwelling units per acre in an area transitioning from rural residential to denser urban residential. Similar changes have occurred on other nearby properties including the areas currently occupied by Renaissance at Canyon Creek and Cross Creek subdivisions.

#### 2-3 or 4-5 Dwelling Unit Per Acre Residential District “Residential Planning Districts” page D-19

**A31. Review Criteria:** “The purpose of this district is to provide for low density residential areas. The 2-3 du/acre density would generally fall under the PDR-2 zoning district category as outlined in the Development Code. The 4-5 du/acre density would generally fall under the PDR-2 and PDR-3 (or other categories that could work out to this level of density) zoning district category as outlined in the Development Code.

The following areas should be designated and developed at this density:

1. Areas with access to a minor arterial, collector, or local streets. However, direct vehicular access from individual lots onto a minor arterial will be restricted.
2. Undeveloped areas adjacent to existing lower density developments, or near the fringe of the Urban Growth Boundary.
3. Areas where sensitivity to the natural environment or natural hazards warrant a reduced density.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The 4-5 dwelling units designation is appropriate as adequate access to streets is available creating traffic volumes within the limits set by the City, it is adjacent to a variety of residential densities, including low density, and it is an appropriate density to allow development while preserving the natural slope and riparian areas of the properties.

## **Metro Urban Growth Functional Plan**

### Maintaining or Increasing Housing Capacity

Title 1 3.07.110

A32. **Review Criteria:** "Requiring each city and county to maintain or increase its housing capacity . . ."

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposal will increase the City's housing capacity within the current City limits.

## **Statewide Planning Goals**

### Citizen Involvement

Goal 1

A33. **Review Criteria:** "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

**Finding:** These criteria are satisfied.

**Details of Finding:** A thorough citizen involvement process, as defined in Wilsonville's Development Code and Comprehensive Plan, ensures citizen involvement in the decision.

### Land Use Planning

Goal 2

A34. **Review Criteria:** "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."

**Finding:** These criteria are satisfied.

**Details of Finding:** The Comprehensive Plan Amendment is required to meet policies based on the statewide framework and is required to provide adequate facts to make a decision based on the applicable review criteria.

### Agriculture Lands

Goal 3

A35. **Review Criteria:** "To preserve and maintain agricultural lands."

**Finding:** These criteria are satisfied.

**Details of Finding:** The areas proposed for new housing development are not currently in commercial agriculture use. Increasing development within the City limits has the potential to slightly lessen the demand for housing on land currently in use for commercial agriculture.

Natural Resources, Scenic and Historic Areas, and Open Spaces  
Goal 5

A36. **Review Criteria:** "To protect natural resources and conserve scenic and historic and open spaces."

**Finding:** These criteria are satisfied.

**Details of Finding:** The City's SROZ overlay standards are ensuring significant natural resources on the eastern portion of the subject properties are protected.

Air, Water and Land Resources Quality  
Goal 6

A37. **Review Criteria:** "To maintain and improve the quality of the air, water and land resources of the state."

**Finding:** These criteria are satisfied.

**Details of Finding:** The requirements to preserve the natural area as well as storm water requirements help maintain water quality. No significant negative impacts to air and land resources can reasonably be anticipated.

**ORDINANCE NO. 791**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL AGRICULTURE-HOLDING (RA-H) ZONE TO THE PLANNED DEVELOPMENT RESIDENTIAL-3 (PDR-3) ZONE ON APPROXIMATELY 4.37 ACRES LOCATED AT 28500 AND 28530 SW CANYON CREEK ROAD SOUTH- COMPRISING TAX LOTS 900 AND 1000 OF SECTION 13B, TOWNSHIP 3 SOUTH, RANGE 1 WEST, CLACKAMAS COUNTY, OREGON, BETH ANN BOECKMAN AND KAREN AND MARVIN LEWALLEN – OWNERS. SCOTT MILLER, SAMM-MILLER LLC – APPLICANT.**

**RECITALS**

WHEREAS, Beth Ann Boeckman and Karen and Marvin Lewallen (“Owners”) and Scott Miller of SAMM-MILLER LLC (“Applicant”) have made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the development application form has been signed by the Owners of the real property legally described and shown in Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, concurrently with the Zone Map Amendment the Applicant is requesting a change of the Comprehensive Plan Map designation to “Residential 4-5 dwelling units per acre”; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with the Comprehensive Plan Map designation of “Residential 4-5 dwelling units per acre”, upon approval the requested Comprehensive Plan Map designation; 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 March 28 and April 25, 2016;

WHEREAS, the Development Review Board Panel B held a public hearing on the application for a Zone Map Amendment on March 28 and April 25, 2016, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 324 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB15-0109) contingent on the concurrent Comprehensive Plan Map Amendment; and

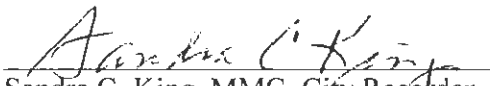
WHEREAS, on May 16, 2016, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and 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 DB15-109, attached hereto as Attachments 1, from the Residential Agriculture-Holding (RA-H) Zone to Planned Development Residential-3 (PDR-3) Zone.

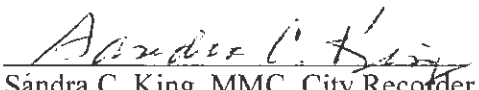
SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 16<sup>th</sup> day of May 2016, and scheduled for the second and final reading on June 6, 2016, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

  
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 6<sup>th</sup> day of June, 2016, by the following

votes:

Yes: -4- No: -0-

  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 7<sup>th</sup> day of June, 2016.

  
TIM KNAPP, MAYOR

**SUMMARY OF VOTES:**

Mayor Knapp - Yes

Councilor Starr - Yes

Councilor Lehan - Yes

Councilor Stevens - Yes

Councilor Fitzgerald - Excused

**Exhibits and Attachments:**

- Attachment 1 – Zoning Order DB15-0109 including legal description and sketch depicting map amendment.
- Attachment 2 – Zone Map Amendment Findings, April 26, 2016.

**ORDINANCE NO. 791- ATTACHMENT 1**

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

In the Matter of the Application of )  
SAMM-MILLER, LLC )  
for a Rezoning of Land and Amendment ) **ZONING ORDER DB15-0109**  
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 DB15-0109, 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 in the attached legal description and sketch, has heretofore appeared on the City of Wilsonville zoning map as Residential Agriculture-Holding (RA-H).

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 4.37 acres at 28500 and 28530 SW Canyon Creek Road South. Comprising tax lots 900 and 1000 of Section 13B, T3S, R1W, Clackamas County, Oregon. as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Planned Development Residential-3 (PDR-3), 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: June 6, 2016.

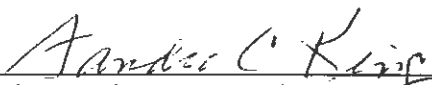
  
TIM KNAPP, MAYOR

APPROVED AS TO FORM:



Barbara A. Jacobson, City Attorney

ATTEST:



Sandra C. King, MMC, City Recorder

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



ZONE CHANGE  
CANYON CREEK ROAD SOUTH

JOB NO. 500-015  
APRIL 27, 2016

EXHIBIT A (PAGE 1 OF 2)

LOTS 5 AND 6, "BRIDLE TRAIL RANCHETTS", AND OTHER LAND LOCATED IN THE N.W. 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

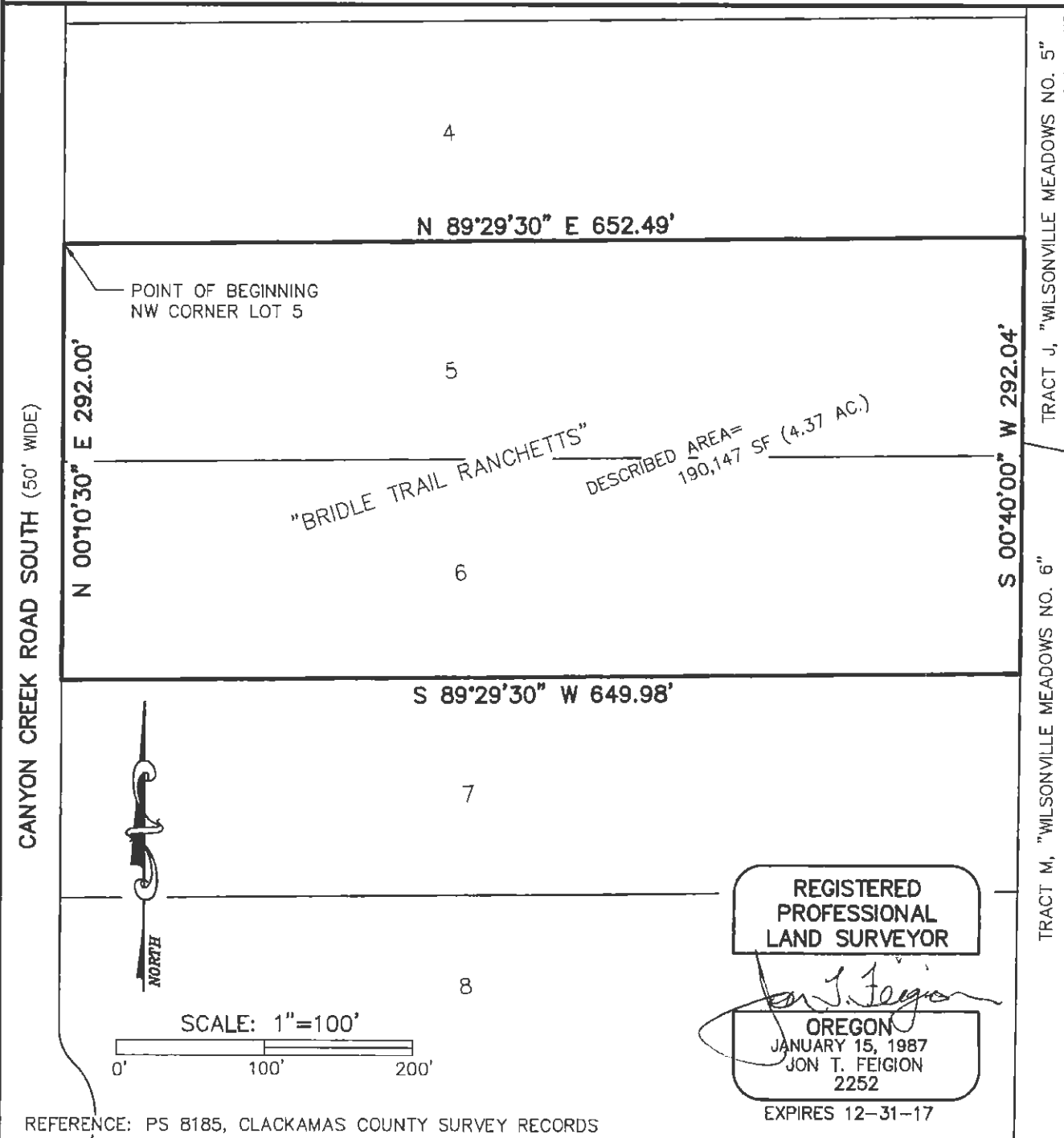
BEGINNING AT THE NORTHWEST CORNER OF LOT 5, "BRIDLE TRAIL RANCHETTS", BEING ON THE EAST RIGHT OF WAY LINE OF CANYON CREEK ROAD SOUTH (50.0 FEET WIDE); THENCE ALONG THE NORTH LINE OF SAID LOT 5 AND ITS EASTERLY EXTENSION, NORTH 89°29'30" EAST, 652.49 FEET TO THE WEST LINE OF TRACT J, "WILSONVILLE MEADOWS NO. 5"; THENCE ALONG SAID WEST LINE AND THE WEST LINE OF TRACT M, "WILSONVILLE MEADOWS NO. 6", SOUTH 00°40'00" WEST, 292.04 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 6, "BRIDLE TRAIL RANCHETTS"; THENCE ALONG SAID EASTERLY EXTENSION AND SOUTH LINE, SOUTH 89°29'30" WEST, 649.98 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6 ON THE EAST RIGHT OF WAY LINE OF CANYON CREEK ROAD SOUTH; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°10'30" EAST, 292.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 190,147 SQUARE FEET (4.37 ACRES), MORE OR LESS.



REFERENCE: PS 8185, CLACKAMAS COUNTY SURVEY RECORDS

**EXHIBIT A (PAGE 2 OF 2)**  
 LOTS 5 AND 6, "BRIDLE TRAIL RANCHETTS" AND  
 OTHER LAND LOCATED IN THE  
 N.W. 1/4 OF SEC. 13, T.3S., R.1W., W.M.  
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



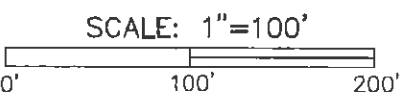
TRACT J, "WILSONVILLE MEADOWS NO. 5"

TRACT M, "WILSONVILLE MEADOWS NO. 6"

**REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR**

*Jon T. Feigion*  
**OREGON**  
 JANUARY 15, 1987  
 JON T. FEIGION  
 2252

EXPIRES 12-31-17



REFERENCE: PS 8185, CLACKAMAS COUNTY SURVEY RECORDS

DRAWN BY: JTF	
JOB NO.: 500-015	ZONE CHANGE
SCALE: 1" = 100'	
DATE: 4-27-16	

**EMERIO**  
*Design*

8285 SW NIMBUS AVE, SUITE 180  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-8812  
 FAX: (503) 639-9592  
 www.emeriodesign.com

Ordinance No. 791  
Staff Report  
Wilsonville Planning Division

14-Lot Single-Family Subdivision at 28500 and 28530 SW Canyon Creek Rd. South  
Zone Map Amendment

City Council  
Quasi-Judicial Public Hearing

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<b>Hearing Date:</b>	May 16, 2016
<b>Date of Report:</b>	April 26, 2016
<b>Application No.:</b>	DB15-0109 Zone Map Amendment

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**Request:** The City is being asked to review a Quasi-judicial Zone Map Amendment for a 14-lot single-family subdivision.

**Location:** Approximately 4.37 acres at 28500 and 28530 SW Canyon Creek Road South. East side of SW Canyon Creek Road South at and just south of SW Daybreak Street. The property is specifically known as Tax Lots 900 and 1000, Section 13B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

**Owners:** Beth Ann Boeckman (28500 SW Canyon Creek Rd. S.)  
Karen and Marvin Lewallen (28530 SW Canyon Creek Rd. S.)

**Applicant:** Scott Miller, Samm-Miller LLC

**Applicant's Representative:** AnneMarie Skinner, Emerio Design

**Comprehensive Plan Designation (Current):** Residential 0-1 dwelling units per acre  
**Comprehensive Plan Designation (Proposed with Ord. 790):** Residential 4-5 dwelling units per acre

**Zone Map Designation (Current):** Residential Agriculture-Holding (RA-H)

**Zone Map Designation (Proposed):** Planned Development Residential-3 (PDR-3)

**Staff Reviewer:** Daniel Pauly AICP, Associate Planner

**Staff Recommendation:** Approve the requested Zone Map Amendment contingent on approval of the concurrent Comprehensive Plan Map Amendment (Ordinance No. 790).

**Applicable Review Criteria:**

<b>Development Code:</b>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in Any Zone
Section 4.118	Standards Applying to Planned Development Zones
Section 4.124	Standards Applying to All Planned Development Residential Zones
Section 4.124.3	PDR-3 Zone
Sections 4.139.00 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.197	Zone Changes and Amendments to the Development Code
<b>Other Documents:</b>	
Comprehensive Plan Oregon Statewide Planning Goals	

## Vicinity Map



### Background/Summary:

Zone Map Amendment (DB15-0109)

Contingent on approval of the Comprehensive Plan Map Amendment for an increased density of 4-5 dwelling units per acre, the subject properties would receive a corresponding PDR zoning of PDR-3. This is the same zoning as other portions of Bridle Trail Ranchettes where an increased density to 4-5 dwelling units per acre has been approved.

**Conclusion:**

Staff and the DRB have reviewed the application and facts regarding the request and recommend the City Council approve the Zone Map Amendment (DB15-0109) contingent on approval of the concurrent request for a Comprehensive Plan Map Amendment.

**Findings of Fact:**

1. The statutory 120-day time limit applies to this application. The application was received on December 23, 2015. On January 21, 2016 staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On February 1, 2016, the Applicant submitted new materials. On February 17, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by June 16, 2016.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	RA-H	Single-family Residential
East:	PDR-4	Single-family Residential
South:	RA-H	Single-family Residential
West:	PDR-3	Single-family Residential

3. Previous Planning Approvals:  
Current subdivision (Bridle Trail Ranchettes) approved prior to City incorporation.
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 the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

### General Information

#### Application Procedures-In General Section 4.008

**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.

**Details of Finding:** Processing of the application follows the applicable general procedures of this Section.

#### Initiating Application Section 4.009

**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.

**Details of Finding:** Applications have been signed by property owners of both properties involved.

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

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

**Finding:** These criteria are satisfied.

**Details of Finding:** A Pre-application conferences was held on April 23, 2015 (PA15-0008) in accordance with this subsection.

#### Lien Payment before Approval Subsection 4.011 (.02) B.

**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.

**Details of Finding:** No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements  
Subsection 4.035 (.04) A.

**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.

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

Zoning-Generally  
Section 4.110

**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.

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

## **DB15-0109 Zone Map Amendment**

### **Comprehensive Plan**

Diversity of Housing Types  
Implementation Measure 4.1.4.b.,d.

**B1. Review Criteria:** "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." "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."

**Finding:** These criteria are satisfied.



**Explanation of Finding:** On the basis of the housing data used in the 2015 City of Wilsonville Housing Report of the City's 10,283 housing units, 55% are multi-family and 45% are single-family. Currently hundreds of new single-family home lots have been approved, mainly in Villebois, to be developed over the next few years. Only a few smaller multi-family developments are approved or under construction. In addition, the Frog Pond west planning area is planned exclusively for single-family homes as it begins to develop in the coming years. The proposal will provide additional single-family options outside of Villebois within the existing City limits supporting a trend of increasing the number of single-family homes in relation to multi-family homes.

## **Development Code**

Zoning Consistent with Comprehensive Plan  
Section 4.029

- B2. 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 met or will be satisfied.

**Explanation of Finding:** The applicant is applying for a comprehensive plan map amendment and a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning is consistent with the proposed comprehensive plan residential density of 4-5 dwelling units per acre. The approval of the zone map amendment is contingent on City approval of the related comprehensive plan map amendment.

Base Zones  
Subsection 4.110 (.01)

- B3. Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The requested zoning designation of Planned Development Residential-3 "PDR-3" is among the base zones identified.

## **Standards for All Planned Development Residential Zones**

Typically Permitted Uses  
Subsection 4.124 (.01)

- B4. Review Criteria:** This subsection list the allowed uses in the PDR Zones.

**Finding:** These criteria are satisfied.

**Details of Finding:** The list of typically permitted uses includes single-family dwelling units, open space, and parks, covering all proposed uses on the subject properties.

Appropriate PDR Zone  
Subsection 4.124 (.05)

**B5. Review Criteria:**

<b>Comprehensive Plan Density</b>	<b>Zoning District</b>
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

**Finding:** These criteria are satisfied.

**Details of Finding:** PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 dwelling units per acre.

Zone Change Procedures  
Subsection 4.197 (.02) A.

**B6. Review Criteria:** “That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant submitted the request for a zone map amendment as set forth in the applicable code sections.

Conformance with Comprehensive Plan Map, etc.  
Subsection 4.197 (.02) B.

**B7. Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed zone map amendment is consistent with the proposed (see Request A) Comprehensive Map designation of Residential 4-5 dwelling units per acre. As shown in Request A and Finding B1 the request complies with applicable Comprehensive Plan text.

Residential Designated Lands  
Subsection 4.197 (.02) C.

**B8. Review Criteria:** “In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text;”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Findings B1 under this request and A24-A30 under Request A provide the required specific findings.

#### Public Facility Concurrency

Subsection 4.197 (.02) D.

**B9. Review Criteria:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant’s Exhibits B1 and B2 (compliance report and the plan sheets) demonstrate the existing primary public facilities are available or can be provided in conjunction with the project.

#### Impact on SROZ Areas

Subsection 4.197 (.02) E.

**B10. Review Criteria:** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed design of the development preserves and protects the SROZ area on the properties.

#### Development within 2 Years

Subsection 4.197 (.02) F.

**B11. Review Criterion:** “That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Related land use approvals will expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

Development Standards and Conditions of Approval  
Subsection 4.197 (.02) G.

**B12. Review Criteria:** “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 324**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 DWELLING UNITS PER ACRE, A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL 3 (PDR-3) AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW, TYPE C TREE PLAN, WAIVER AND TENTATIVE SUBDIVISION PLAT FOR A 14-LOT SINGLE-FAMILY SUBDIVISION LOCATED AT 28500 AND 28530 SW CANYON CREEK ROAD SOUTH. THE SUBJECT SITE IS LOCATED ON TAX LOTS 900 AND 1000 OF SECTION 13B, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. BETH ANN BOECKMAN AND KAREN AND MARVIN LEWALLEN – OWNERS. SCOTT MILLER, SAMM-MILLER LLC – APPLICANT.**

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated April 18, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on April 25, 2016, at which time exhibits, together with findings and public testimony were entered into the public record, and

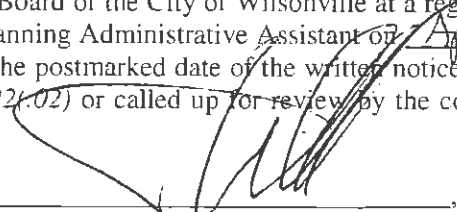
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated April 18, 2016, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to City Council approval of the Comprehensive Plan Map Amendment and Zone Map Amendment Requests (DB15-0108 and DB15-0109) for:

DB15-0110 through DB15-0115, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, Waiver, and Tentative Subdivision Plat for a 14-lot residential subdivision, and associated parks and open space and other improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25<sup>th</sup> day of April, 2016 and filed with the Planning Administrative Assistant on April 26, 2016. 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).

  
\_\_\_\_\_  
Shawn O'Neil, Chair, Panel B  
Wilsonville Development Review Board

Attest:

  
\_\_\_\_\_  
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