



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



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

Date: March 28, 2016
Jurisdiction: City of Wilsonville
Local file no.: DB15-0085 (with DB15
DLCD file no.: 007-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/24/2016. 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



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

FOR DLCD USE

File No.: 007-15 {24162}

Received: 3/24/2016

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.: **DB15-0085 (with DB15-0084, DB15-0086 to 0090)**

Date of adoption: 03/21/2016

Date sent: 3/24/2016

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): 12/7/2015

No

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

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

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

Phone: 503-682-4960

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

Street address: 29799 SW Town Center Loop East

City: Wilsonville

Zip: 97070-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

For a change to a zoning map:

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

Change from RRFF-5	to V	Acres: 1
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): 11700 SW Tooze Road, 3S1W15__01203

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.

A Zone Map Amendment from Clackamas County RRFF-5 (Rural Residential Farm Forest - 5 ac) zone to City of Wilsonville's Village (V) zone; together with other required land use approvals (including annexation), to develop a 1 acre parcel into a portion of a single-family subdivision and associated improvements.



PLANNING DIVISION

FAX: (503) 682-7025

(503) 570-1575

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: March 24, 2016

Salem, Oregon 97301-2540

WE ARE TRANSMITTING THE FOLLOWING:

DB15-0085 (together with DB15-0084, and DB15-0086 thru DB15-0090) – Villebois Phase 4 North Zone Map Amendment for Nims Property

- DLCD Notice of Adoption Form 2 for DB15-0085
- Ordinance 787 and supporting documents (Annexation)
- Ordinance 788 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

ORDINANCE NO. 787

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 1 ACRE AT 11700 SW TOOZE ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 1203 OF SECTION 15 T3S-R1W, CLACKAMAS COUNTY, OREGON, JAY AND THERESA NIMS, PETITIONERS.

WHEREAS, Jay and Theresa Nims are the owners of and only electors residing on certain real property legally described and depicted in Attachment 1; and

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by the owners of all real property in the territory to be annexed; and

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Villebois Village Master Plan; and

WHEREAS, the land to be annexed is contiguous to the City and can be served by City services; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of all owners of land and a majority of electors within the territory and enables the City Council to dispense with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on February 9, 2016 recommended City Council approve the annexation; and

WHEREAS, on March 7, 2016, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared and considered as required by law; and because the annexation is not contested by any party, the City Council chooses not to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings, conclusions, Development Review Board's recommendation to City Council; and

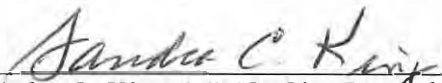
WHEREAS, the annexation is not contested by any necessary party;

NOW, THEREFORE, THE CITY OF WILSONVILLE DOES ORDAIN AS
FOLLOWS:

Section 1. The tracts of land, described and depicted in Attachment 1, is declared annexed to the City of Wilsonville.

Section 2. The findings and conclusions incorporated in Attachment 3 are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 7th day of March 2016, and scheduled the second reading on March 21, 2016 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 21st day of March, 2016, by the following votes:

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 22nd day of March, 2016.


TIM KNAPP, MAYOR

Summary of Votes:

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

ATTACHMENTS:

Attachment 1 Legal Description and Sketch Depicting Land/Territory to be Annexed
Attachment 2 Petition for Annexation
Attachment 3 Annexation Findings
Attachment 4 Development Review Board Panel A Resolution No. 321 recommending approval of the annexation

EXHIBIT A



LEGAL DESCRIPTION

Annexation

PDP 4N

Map 351W15 Tax Lot 1203

The land described in Document No. 73-30518, Clackamas County Deed Records, in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the most easterly Northeast corner of Tract "E", plat of "Calais at Villebois";

thence along the northerly line of said Tract "E", North 88°22'03" West, a distance of 89.82 feet to an angle point;

thence along the easterly plat line of said plat, North 02°14'46" East, a distance of 483.82 feet to the most northerly Northeast corner of said plat;

thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), South 88°34'09" East, a distance of 89.83 to the Northwest corner of Parcel 2, Partition Plat No. 1994-182;

thence along the westerly line of said Parcel 2, South 02°14'46" West, a distance of 484.14 feet to the POINT OF BEGINNING.

Containing 1.00 acres, more or less.

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

Property Vested in:

Jay R. Nims and Theresa C. Nims

Map 351W15 Tax Lot 1203

REGISTERED
PROFESSIONAL
LAND SURVEYOR

A handwritten signature in black ink, appearing to read "T. Jansen", written over a horizontal line.

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2017

EXHIBIT B

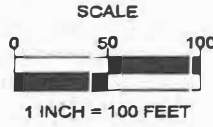


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Annexation

PDP 4N

Map 351W15 Tax Lot 1203



Property Vested in:
Jay R. Nims and Theresa C. Nims
Map 351W15 Tax Lot 1203

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2017

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or precinct number.

SIGNATURE	PRINTED NAME	I AM A: *			PROPERTY ADDRESS	PROPERTY DESCRIPTION				PRECINCT #	DATE
		PO	RV	OV		LOT #	¼ SEC	T	R		
→ Jay R Nims	Jay R Nims			X	11700 SW TOWER RD	1203				337	11-12-15
Theresa C Nims	Theresa C Nims			X	11700 SW TOWER RD	1203				337	11-12-2015

* PO =Property Owner
RV =Registered Voter
OV =Owner And Registered Voter

**SUPPORTING COMPLIANCE REPORT
ANNEXATION TO CITY OF WILSONVILLE**

SECTION II

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I. CITY OF WILSONVILLE COMPREHENSIVE PLAN

URBAN GROWTH MANAGEMENT - IMPLEMENTATION MEASURES

IMPLEMENTATION MEASURE 2.2.1.A.

Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.

Response: The Comprehensive Plan states:

- *Figures provided by Metro in 1996 indicated that Wilsonville had more than three jobs for each housing unit within the City.*
- *Based on Metro's (1981) regional growth allocation statistics, Wilsonville's population was projected to grow to 15,600 by the year 2000. In the same time period, the City's economic growth was expected to generate a total of 14,400 jobs. Those projections proved to be surprisingly accurate. In fact, Wilsonville's population in 2000 approached the 15,600 figure, and the number of jobs exceeded the 14,400 figure.*

The *Villebois Village Master Plan* was created and approved to address the jobs-housing imbalance and population growth within the City of Wilsonville. The *Master Plan* shows single family residential land uses within the subject site, Tax Lot 1203. Therefore, as a portion of Villebois Village, the subject site addresses a demonstrated need for urban growth.

The Villebois Parks & Open Space Plan ensures adequate parks and open space opportunities, which include a range of experiences for residents and visitors. Chapter 4 of the *Villebois Village Master Plan* evaluates compliance of the planned sanitary sewer, storm drainage, and water systems with the City's Wastewater Collections System Master Plan, Stormwater Master Plan, and Water System Master Plan. Chapter 5 of the *Master Plan* analyzes compliance of the Villebois circulation system with the City's Transportation Systems Plan. The *Master Plan* includes implementation measures to ensure compliance with the City's public facility master plans and Transportation Systems Plan. Concurrent applications for a SAP North Amendment and for PDP 4N have been submitted. PDP 4N (see Notebook Section IV) includes a *Preliminary Utility Plan* and *Circulation Plan*. PDP 4 North is consistent with the concurrent SAP North Amendment, as further described in the PDP 4N Compliance Report (see Notebook Section IVB), and is therefore, generally consistent with the *Master Plan*. Therefore, the proposed annexation is generally consistent with future planned public services and the capacity of public facilities.

IMPLEMENTATION MEASURE 2.2.1.E

Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:

1. Orderly, economic provision of public facilities and services, i.e., primary urban services are available and adequate to serve additional development or improvements are scheduled through the City's approved Capital Improvements Plan.

Response: The *Villebois Village Master Plan* set forth implementation measures to ensure the orderly and economic provision of public facilities and services for this area. Site development is proposed with a concurrent application for Preliminary Development Plan for Phase 4 of SAP - North (see Notebook Section IV). Public facilities and services proposed with Tax Lot 1203 within PDP 4 North are generally consistent with the *Villebois Village Master Plan* and the City's Finance Plan and Capital Improvements Plan. Therefore, adequate public facilities and services will be available within the subject area.

2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.

Response: The availability of sufficient land was demonstrated by the adoption of the *Villebois Village Master Plan*, which plans for the development of the 480-acre Villebois Village area. At the time of *Master Plan* approval, Villebois Village was found to have a wide range of residential choices. Annexation of the subject area to the City will allow development to occur that is consistent with the *Master Plan* and that provides the anticipated housing choices.

3. Statewide Planning Goals.

Response: Compliance with Statewide Planning Goals is addressed in Section V of this report.

4. Applicable Metro Plans;

Response: Compliance with Metro Code 3.09 is addressed in Section III of this report.

5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.

Response: Tax lot 1203 is located within the UGB, but is not currently within city limits. Annexation of the site is necessary to allow build out consistent with the *Villebois Village Master Plan*. The remaining tax lots have already been annexed into the City.

COMPACT URBAN DEVELOPMENT - IMPLEMENTATION MEASURES

IMPLEMENTATION MEASURE 4.1.6.A

Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable.

IMPLEMENTATION MEASURE 4.1.6.C

The "Village" Zone District shall be applied in all areas that carry the Residential - Village Plan Map Designation.

Response: The subject site is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the “Village” Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to Tax Lot 1203 within the site has been included with a concurrent Preliminary Development Plan application for Phase 4 of SAP - North. The site must be brought into City limits before the V zone can be applied.

II. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

SECTION 4.008 APPLICATION PROCEDURES - IN GENERAL

(.01) The general application procedures listed in Section 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:

K. Annexations, pursuant to Section 4.700

Response: The proposed land use action is an annexation. Compliance with Section 4.700 and other applicable sections of the City of Wilsonville Land Development Ordinance are addressed below.

SECTION 4.030 JURISDICTION AND POWERS OF PLANNING DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR

(.01) Authority of Planning Director. The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:

11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.

Response: The proposed annexation is subject to a quasi-judicial process, as indicated by City Staff.

SECTION 4.031 AUTHORITY OF THE DEVELOPMENT REVIEW BOARD

(.01) As specified in Chapter 2 of the Wilsonville Code and except as specified herein, the Board shall have authority to act on the following types of applications:

K. Initial review of requests for quasi-judicial annexations to the City of Wilsonville.

(.02) Once an application is determined or deemed to be complete pursuant to Section 4.011, it shall be scheduled for public hearing before the Development Review Board. The City shall provide public notice of the hearing as specified in Section 4.012.

Response: The proposed annexation is subject to a quasi-judicial process. Therefore, it is subject to initial review before the Development Review Board.

SECTION 4.033 AUTHORITY OF CITY COUNCIL

(.01) Upon appeal, the City Council shall have final authority to act on all applications filed pursuant to Chapter 4 of the Wilsonville Code, with the exception of applications for expedited land divisions, as specified in Section 4.232. Additionally, the Council shall have final authority to interpret and enforce the procedures and standards set forth in this Chapter and shall have final decision-making authority on the following:

F. Review of requests for annexations to the City of Wilsonville.

Response: The Applicant understands that the City Council has the final authority to act on this request for annexation to the City of Wilsonville.

SECTION 4.700 PROCEDURES RELATING TO THE PROCESSING OF REQUESTS FOR ANNEXATION AND URBAN GROWTH BOUNDARY AMENDMENTS

(.01) The City of Wilsonville is located within the Portland Metropolitan Area, and is therefore subject to regional government requirements affecting changes to the city limits and changes to the Urban Growth Boundary (UGB) around Wilsonville. The City has the authority to annex properties as prescribed in State law, but the City's role in determining the UGB is primarily advisory to Metro, as provided in Oregon Revised Statutes. The following procedures will be used to aid the City Council in formulating recommendations to those regional entities. [Amended by Ordinance No. 538, 2/21/02.]

- A. Proponents of such changes shall provide the Planning Director with all necessary maps and written information to allow for review by city decision-makers. The Planning Director, after consultation with the City Attorney, will determine whether each given request is quasi-judicial or legislative in nature and will make the necessary arrangements for review based upon that determination.
- B. Written information submitted with each request shall include an analysis of the relationship between the proposal and the City's Comprehensive Plan, applicable statutes, as well as the Statewide Planning Goals and any officially adopted regional plan that may be applicable.
- C. The Planning Director shall review the information submitted by the proponents and will prepare a written report for the review of the City Council and the Planning Commission or Development Review Board. If the Director determines that the information submitted by the proponents does not adequately support the request, this shall be stated in the Director's staff report.
- D. If the Development Review Board, Planning Commission, or City Council determine that the information submitted by the proponents does not adequately support the request, the City Council may oppose the request to the regional entity having the final decision making authority.

- (.02) Each quasi-judicial request shall be reviewed by the Development Review Board, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.03) Each legislative request shall be reviewed by the Planning Commission, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.04) The City Council shall consider the information in the record of the Development Review Board or Planning Commission and shall, after concluding a public hearing on the request, determine the appropriate course of action. This course of action may be:
 - A. In the case of a proposed annexation to the City, select from the following as allowed by State law (ORS 222):
 - 1. Take no action;
 - 2. Declare the subject property, or some portion thereof, to be annexed;
 - 3. Set the matter for election of the voters residing within the affected territory; or
 - 4. Set the matter for election of City voters.
- (.05) The City Council may adopt a development agreement with owners of property that is proposed for annexation to the City, and such agreement may include an agreement to annex at a future date. A development agreement with an agreement to annex shall be subject to the same procedural requirement as other annexations in terms of staff report preparation, public review, and public hearings.

RESPONSE: The Applicant requests annexation of areas within the City's UGB. Annexation of contiguous property within the UGB is within the authority of the City of Wilsonville as prescribed by State Law. The proposed annexation is consistent with the Comprehensive Plan as the subject site has a Comprehensive Plan designation of Residential - Village and as demonstrated in Section I of this report. Additionally, the site is included in the *Villebois Village Master Plan*.

This report provides a written description of the request and demonstrates compliance with applicable criteria. The attached exhibits include a legal description and sketch, which depict the proposed annexation area. This report includes analysis demonstrating compliance with the City's Comprehensive Plan (Section I), City of Wilsonville Development Code (Section II), Metro Code Chapter 3.09 (Section III), ORS 222 (Section IV), and Statewide Planning Goals (Section V), as applicable to this request. City staff has determined that the proposed annexation is subject to a quasi-judicial review process. Therefore, it is subject to a public hearing before the DRB and City Council.

III. METRO CODE

CHAPTER 3.09 LOCAL GOVERNMENT BOUNDARY CHANGES

3.09.020 DEFINITIONS

- I. “Minor boundary change” means an annexation or withdrawal of territory to or from a city or district or from a county to a city. “Minor boundary change” also means an extra-territorial extension of water or sewer service by a city or a district. “Minor boundary change” does not mean withdrawal of territory from a district under ORS 222.520.

Response: Annexation is requested from territory within Clackamas County to the City of Wilsonville. Therefore, the proposed annexation is defined as a “minor boundary change” and Metro Code Chapter 3.09 applies to this request.

3.09.040 REQUIREMENTS FOR PETITIONS

- A. A petition for a boundary change must contain the following information:
 1. The jurisdiction of the reviewing entity to act on the petition;
 2. A map and legal description of the affected territory in the form prescribed by the reviewing entity;
 3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
 4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.
- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

Response: This application serves as the petition for a boundary change of city limits and requests approval by the City of Wilsonville. A legal description and sketch is attached in Notebook Section IIC. Notebook Section IIB includes property ownership and elector information, including names and mailing addresses. A copy of the signed petition (see Notebook Section IIB) demonstrates that all property owners and all of the electors within the territory proposed to be annexed have provided their consent in writing. Compliance with ORS 222.125 is addressed in Section IV of this report. In addition, a copy of the check for City annexation fee plus the Metro mapping fee is provided in Notebook Section IC.

3.09.050 HEARING AND DECISION REQUIREMENTS FOR DECISIONS OTHER THAN EXPEDITED DECISIONS

- A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity’s charter, ordinances or resolutions.

- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:
 - 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;
 - 2. Whether the proposed boundary change will result from the withdrawal of the affected territory from the legal boundary of any necessary party;
 - 3. The proposed effective date of the boundary change.
- B. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.
- C. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of Section 3.09.045.

Response: This report includes analysis demonstrating compliance with the City's Comprehensive Plan (Section I), City of Wilsonville Development Code (Section II), Metro Code Chapter 3.09 (Section III), ORS 222 (Section IV), and Statewide Planning Goals (Section V), as applicable to this request. Compliance with subsections (D) and (E) of Section 3.09.045 is addressed below.

3.09.045 EXPEDITED DECISIONS

- A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

Response: The proposed annexation is subject to a quasi-judicial process, as indicated by City Staff. Quasi-judicial annexation applications are subject to public hearing before the Development Review Board and City Council. Therefore, an expedited decision is not applicable to this request. However, in accordance with Metro Code 3.09.050(C), the criteria and factors set forth in subsections (D) and (E) are applicable. Pursuant to Section 3.09.050(C), compliance with subsections (D) and (E) of Section 3.09.045 is addressed below.

- D. To approve a boundary change through an expedited process, the city shall:
 - 1. Find that the change is consistent with expressly applicable provisions in:
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
 - b. Any applicable annexation plan adopted pursuant to ORS 195.205;

- c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

Response: There is not an applicable urban service agreement adopted pursuant to ORS 195.065, annexation plan adopted pursuant to ORS 195.205, or cooperative planning agreement adopted pursuant to 195.020(2).

- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Response: The *Villebois Village Master Plan* includes implementation measures to ensure compliance with the City's public facility master plans and the Transportation Systems Plan. Site development is proposed with concurrent applications for an Amendment to SAP North (see Section III) and for Preliminary Development Plan for Phase 4 (see Notebook Section IV). Therefore, future development of the subject site will comply with public facility plans as applicable.

- e. Any applicable comprehensive plan;

Response: Compliance with the City's Comprehensive Plan is addressed in Section I of this report.

- f. Any applicable concept plan; and

Response: The Villebois Village plan area, including the subject site, is designated as "Residential - Village" on the Comprehensive Plan Map. The V Zone District is applied to Residential - Village areas in implementation of the *Villebois Village Master Plan*. The proposed annexation is required before the V Zone can be applied to the site and prior to site development. A Zone Change application is submitted concurrently in Notebook Section VI. An application for PDP 4 North is submitted concurrently (see Notebook Section IV), and is consistent with the concurrent SAP North Amendment. Therefore, the proposed annexation is generally consistent with the *Master Plan*.

2. Consider whether a boundary change would:

- a. Promote the timely, orderly and economic provision of public facilities and services;
- b. Affect the quality and quantity of urban services; and
- c. Eliminate or avoid unnecessary duplication of facilities or services.

Response: The *Villebois Village Master Plan* includes implementation measures that require the provision of public facilities and services to be adequate, timely, orderly, economic, and not be unnecessarily duplicated. Currently, Specific Area Plan - North provides public services, including: transportation, rainwater management; water; sanitary sewer; fire and police services; recreation, parks and open spaces; education; and transit. Site development is proposed with a concurrent application for Preliminary Development Plan for Phase 4 of SAP - North (see Notebook Section IV). Public facilities and services proposed with PDP 4 North are generally consistent with the *Villebois Village Master Plan*, the concurrent SAP - North Amendment, and the City's Finance Plan and Capital Improvements Plan. Therefore, the boundary change will comply with these standards.

- E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Response: The subject site is territory located within the UGB. Therefore, the city may annex the territory in accordance with this Section.

IV. OREGON REVISED STATUTES

ORS 222.111 AUTHORITY AND PROCEDURE FOR ANNEXATION

- (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 (Authority and procedure for annexation) to 222.180 (Effective date of annexation) or 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915), the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

Response: The area of proposed annexation is within the UGB and is contiguous to the city. The subject property is entirely within Clackamas County. Therefore, the proposed city boundary includes territories that may be annexed per ORS 222.111.

- (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

Response: This proposal for annexation of territory to the City of Wilsonville has been initiated by owners of real property within the territory to be annexed. A copy of the application signed by property owners is provided in Notebook Section IB.

- (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

Response: This standard is not applicable. During the pre-application conference or subsequent correspondence regarding this application, City staff has not indicated whether the provisions of this section apply to the proposed annexation.

- (4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).

Response: The subject properties are not located within a domestic water supply district, water control district, or sanitary district, as named in ORS 222.510. Therefore, this Section does not apply.

- (5) The legislative body of the city shall submit, except when not required under ORS 222.120 (Procedure without election by city electors), 222.170 (Effect of consent to annexation by territory) and 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915) to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 (Procedure without election by city electors) or 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915) to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

Response: The proposed annexation is not subject to an election by electors as all owners of land and 100% of the electors within the territory proposed to be annexed have provided their consent in writing. A copy of the signed petition is provided in Notebook Section IIB. A copy of the application, signed by property owners, is provided in Notebook Section IB. Compliance with ORS 222.120 is addressed below.

ORS 222.120 PROCEDURE WITHOUT ELECTION BY CITY ELECTORS

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.
- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall

cause notices of the hearing to be posted in four public places in the city for a like period.

- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - a. Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - b. Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 (Annexation by consent of all owners of land and majority of electors) or 222.170 (Effect of consent to annexation by territory), prior to the public hearing held under subsection (2) of this section; or
 - c. Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915).
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 (Annexation by consent of all owners of land and majority of electors) and 222.170 (Effect of consent to annexation by territory), owner or landowner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcels land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

Response: City Charter does not require an election for this request. Per Section 4.700 and correspondence with Planning Staff, the proposed annexation is subject to a Class III quasi-judicial review process, which requires a public hearing before the DRB and public hearing(s) before the City Council.

As demonstrated below, this annexation request is submitted in compliance with ORS 222.125 (Annexation by consent of all owners of land and majority of electors). All owners of the land as well as 100% of the electors within the subject area have provided their consent in writing, as demonstrated by the attached petition (see Notebook Section IIB).

A legal description and sketch of the proposed annexation area is provided in Notebook Section IIC.

The territory proposed to be annexed to the City is not located within a sanitary district or water control or water supply district as named in ORS 222.465. Additionally, the site is not located within a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district). Future development of the site will have access to City water, storm, sewer, and parks services. Therefore, ORS 222.465 and ORS 222.510 are not applicable.

ORS 222.125 ANNEXATION BY CONSENT OF ALL OWNERS OF LAND AND MAJORITY OF ELECTORS

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

Response: All owners of the land, who are also 100% of the electors within the subject area, have provided their consent in writing, as demonstrated by the attached petition (see Notebook Section IIB). A copy of a legal description and sketch for the proposed annexation is provided in Notebook Section IIC.

V. OREGON STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Response: The City of Wilsonville has an established public notice and hearing process for quasi-judicial applications. Once this annexation request is accepted as complete, the City will begin this public notification and citizen involvement process. Therefore, this request is consistent with Goal 1.

Goal 2: Land Use Planning

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 basis for such decisions and actions.

Response: The City of Wilsonville is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing that plan. Section III of this report demonstrates that the proposed amendment is in compliance with the goals and policies of the City of Wilsonville Comprehensive Plan, as applicable to the proposed annexation.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

Response: Agricultural land is defined in Goal 3 to exclude all land within an acknowledged urban growth boundary. The site is within an acknowledged urban growth boundary. Therefore, Goal 3 is not applicable to this request.

Goal 4: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: The subject site does not include any lands acknowledged as forest lands. Therefore, Goal 4 is not applicable to this request.

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

To protect natural resources and conserve scenic and historic areas and open spaces.

Response: The City of Wilsonville is already in compliance with Goal 5 as the required inventories and policy implementation occurred with adoption of the Significant Resource Overlay Zone. Villebois Village preserves SROZ areas with the provision of open space areas. In addition, development within Villebois Village is required to comply with SROZ standards. The site is not within an SROZ zone, therefore, Goal 5 is not applicable to this request.

Goal 6: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 6. Development within Villebois protects water and land resources by providing protection for areas of steep slopes and natural resources and by not encroaching into these areas. The concurrent application for PDP 4N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 6.

Goal 7: Areas Subject to Natural Hazards

To protect people and property from natural hazards.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 7. No development is located in areas identified as natural hazards within the subject site. Goal 7 is not applicable as no areas subject to natural hazards are included in the proposed annexation area.

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: The City's Comprehensive Plan has been acknowledged to be in compliance with Goal 8. The Destination Resort provisions of this Goal are not applicable to this request or to the City of Wilsonville. The *Villebois Village Master Plan* provides park and open spaces that total approximately 25% of the gross area of Villebois. The concurrent application for PDP 4N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 8.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 9. Villebois Village was planned with land uses to be a complete community, including a mixed-use Village Center with residential, office, retail and/or employment uses, surrounded by at least 2,300 residential units. The concurrent application for PDP 4N (see Notebook Section IV) demonstrates the provision of a mix of single-family residential dwellings within the subject site, which is generally consistent with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 5.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 10. The City is currently conducting a Housing Needs Analysis to meet Goal 10 Periodic Review requirements and to project housing needs over the next 20 years.

The *Villebois Village Master Plan* was created and approved to address the jobs-housing imbalance and growth within the City of Wilsonville. The *Master Plan* shows single family residential land uses within the site. The concurrent application for PDP 4N (see Notebook Section IV) demonstrates the provision of a mix of single-family residential dwellings within the subject site that is generally consistent with the *Master Plan*. The proposed annexation will allow the site to develop with residential land uses, as directed by this Comprehensive Plan and land use policies. Therefore, this petition for annexation is consistent with Goal 10.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 11. The *Villebois Village Master Plan* includes implementation measures to ensure site development complies with the City's Wastewater Collections System Master Plan, Stormwater Master Plan, Water System Master Plan, and Transportation Systems Plan. The concurrent application for PDP 4N (see Notebook Section IV) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 11.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 12. The *Villebois Village Master Plan* includes implementation measures related to transportation to ensure compliance with the City's Transportation Systems Plan. The concurrent application for PDP 4N (see Notebook Section IV) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 12.

Goal 13: Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 13. The concurrent application for PDP 4N (see Notebook Section IV) demonstrates general compliance with the *Master Plan* and development standards as applicable to energy conservation. Therefore, the proposed annexation is consistent with Goal 13.

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 14. Section III of this report demonstrates that the proposed amendments are consistent with the applicable urbanization policies of the City of Wilsonville Comprehensive Plan. Therefore, the proposed annexation is consistent with Goal 14.

Goal 15 (Willamette River Greenway) is not applicable to this request as the site is not near the Willamette River. Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), and Goal 18 (Beaches and Dunes) are not applicable to this request as the site is not located near the coast or any of these coastal resource areas.

VI. PROPOSAL SUMMARY & CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Comprehensive Plan and Planning & Land Development Ordinance, Metro Code, ORS 222, and Statewide Planning Goals for the requested annexation. Therefore, the applicant requests approval of this petition.

Ordinance 787 Attachment 3
Annexation Findings

Polygon Homes- Calais East at Villebois Single-family Subdivision
Villebois Phase 4 North

City Council
Quasi-Judicial Public Hearing

Hearing Date: March 7, 2016
Date of Report: February 16, 2016

Application No.: DB15-0084 Annexation

Request/Summary The City Council is asked to review a Quasi-judicial Annexation of a 1 acre property concurrently with its proposed development with adjoining land previously annexed.

Location: 11700 SW Tooze Road. The property is specifically known as Tax Lot 1203, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owners/Electors/

Petitioners: Jay and Theresa Nims

Applicant: Fred Gast, Polygon NW Company

Applicant's Rep.: Stacy Connery, AICP
Pacific Community Design, Inc.

Comprehensive Plan Map Designation: Residential-Village

Zone Map Classification: V RRRF5 (Clackamas County Rural Residential Farm Forest 5)

Staff Reviewers: Daniel Pauly AICP, Associate Planner

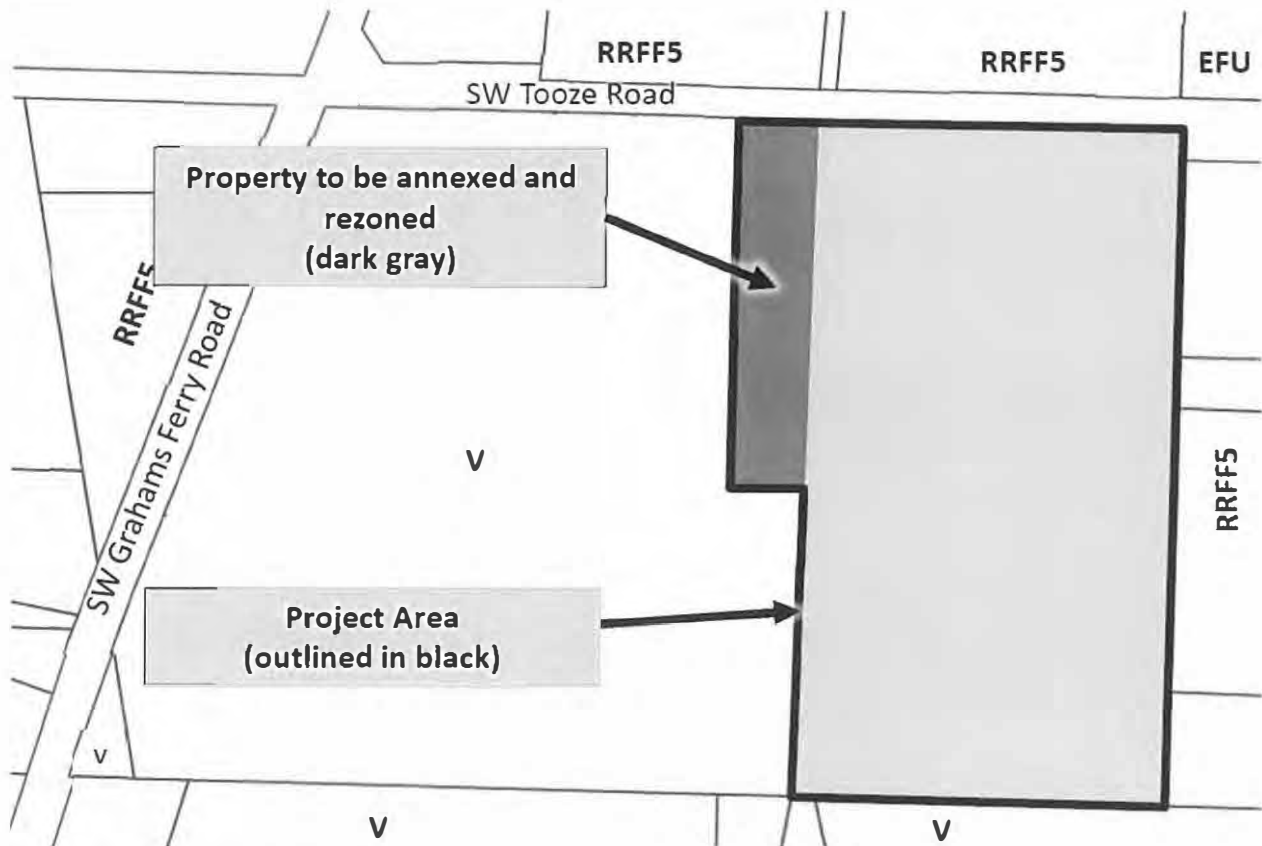
Staff Recommendations: Annex the land as requested.

Applicable Review Criteria

Development Code	
Section 4.700	Annexation
Other City Planning Documents	
Comprehensive Plan	
Villebois Village Master Plan	
Regional and State Planning Documents	
Metro Code Chapter 3.09	Local Government Boundary Changes
Metro Function Plan Titles 1,2,3,6 and 7	

ORS 222.111	Authority and Procedures for Annexation
ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 22.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	

Vicinity Map



Background/Summary:

Annexation (DB15-0084)

The proposed annexation brings this final piece of Villebois into the City concurrently with plans to develop it with adjacent property previously annexed. The City’s Comprehensive Plan already designates the property as “Residential-Village” in anticipation of annexation concurrent with applications to develop the property. Jay and Theresa Nims, the owners and only electors residing on the property, have signed the petition for annexation found in Section IIB of the applicant’s notebook, Exhibit B1, thus consenting to annexation. As all owners of property and all electors within the area being annexed have consented in writing to annexation the City is able to process the request through the DRB and City Council as defined in the Development Code without any election. The area being annexed is approximately 1 acre.

Conclusionary Findings

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

Request : DB15-0084 Annexation

Comprehensive Plan

Allowed Annexation

Implementation Measure 2.2.1.a.

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

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on page 2 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) the required consistency is fulfilled by being consistent with the Villebois Village Master Plan.

Annexation Review Standards

Implementation Measure 2.2.1.e.

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

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on page 3 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) the requirements are fulfilled by being consistent with the Villebois Village Master Plan or by compliance with state and regional policies as found elsewhere the findings supporting this request.

Development in "Residential Village" Map Area

Implementation Measure 4.1.6.a. and c.

A3. Review Criteria: "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

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

Finding: These criteria are satisfied.

Explanation of Finding: The subject site is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the “Village” Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the site has been included with a concurrent Preliminary Development Plan application for Phase 4 of SAP North. The site must be brought into City limits before the V zone can be applied.

Development Code

Authority to Review Annexation

Subsections 4.030 (.01) A, 11, 4.031 (.01) K, and 4.033 (.01) F.

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

Finding: These criteria are satisfied.

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

Annexation

Section 4.700

A5. Review Criteria: This section defines the criteria and process for annexation review within the City. The full text of the criteria is on pages 5-6 of the applicant’s narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on page 6 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) the request is within the UGB, contiguous with current City boundaries, and is in compliance with state, regional, and local policies as found elsewhere the findings supporting this request.

Metro Code

Local Government Boundary Changes

Chapter 3.09

A6. Review Criteria: This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region. The full text of the criteria is on pages 7-10 of the applicant’s narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 7-10 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) the request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, is consistent with the Comprehensive Plan, Villebois Village Concept Plan, and Villebois Village Master Plan.

Oregon Revised Statutes

Authority and Procedure for Annexation

ORS 222.111

A7. Review Criteria: ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 10-11 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 10-11 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) the applicable requirements in state statute are met including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and 100% of electors within the annexed area have provided their consent in writing.

Procedure Without Election by City Electors

ORS 222.120

A8. Review Criteria: ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 11-12 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B1).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 13 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4) there is no City charter requirement for election for annexation, a public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the facts that all property owners and 100% of electors within the annexed area have provided their consent in writing.

Annexation by Consent of All Owners of Land and Majority of Electors

ORS 222.125

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

Finding: These criteria are satisfied.

Explanation of Finding: All property owners and 100% of electors within the annexed area have provided their consent in writing. However, a public hearing process is being followed as prescribed in the City’s Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The area requested to be annexed will be developed consistent with the City’s Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals. The applicant has provided additional findings related to statewide planning goals on pages 13-14 of their narrative and supporting compliance report for their petition for annexation (Ordinance 787 Attachment 4).

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 321**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) FOR THE APPROXIMATELY 1 ACRE PROPERTY LOCATED AT 11700 SW TOOZE ROAD AND ADOPTING FINDINGS AND CONDITIONS APPROVING AN AMENDMENT TO SAP-NORTH INCLUDING REFINEMENTS TO THE VILLEBOIS VILLAGE MASTER PLAN, A PRELIMINARY DEVELOPMENT PLAN, A TENTATIVE SUBDIVISION PLAT, A TYPE C TREE PLAN, AND A FINAL DEVELOPMENT PLAN FOR A 63-LOT SINGLE FAMILY SUBDIVISION IN VILLEBOIS AND ASSOCIATED IMPROVEMENTS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1100, 1101, AND 1203, OF SECTION 15, AND TAX LOT 8900 OF SECTION 15BA, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY- 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 February 1, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on February 8, 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 February 1, 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, as applicable for Tax Lot 1203 at 11700 SW Tooze Road, City Council approval of the Annexation and Zone Map Amendment Requests (DB15-0084 and DB15-0085) for:

DB15-00086 through DB15-0090, Specific Area Plan Amendment, Preliminary Development Plan, Tentative Subdivision Plat, Type C Tree Plan, and Final Development Plan for a 63-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 8th day of February, 2016 and filed with the Planning Administrative Assistant on February 9, 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).


Mary Fierros Bower Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant

ORDINANCE NO. 788

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5 (RRFF5) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 1 ACRE AT 11700 SW TOOZE ROAD. COMPRISING TAX LOT 1203 OF SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON, POLYGON WLH LLC, APPLICANT.

RECITALS

WHEREAS, certain real property within the Villebois Village Master Plan is being annexed into the City; and

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

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

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on February 8, 2016;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on February 8, 2016, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 321 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB15-0085), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on March 7, 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 the Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the Property to the City, by Zoning Order DB15-0085, attached hereto as Attachment 1, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 7th day of March 2016, and scheduled for the second and final reading on March 21, 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 21st day of March, 2016, by the following votes:
Yes: -4- No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 22nd day of March, 2016.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

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

Attachments:

- Attachment 1: Zoning Order DB14-0065 including legal description and sketch depicting zone map amendment
- Attachment 2: Zone Map Amendment Findings
- Attachment 3: DRB Panel A Resolution No. 321 recommending approval of the Zone Map Amendment

ORD. NO. 788 ATTACHMENT 1

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

In the Matter of the Application of)
Polygon NW Company)
for a Rezoning of Land and Amendment) **ZONING ORDER DB15-0085**
of the City of Wilsonville)
Zoning Map Incorporated in Section 4.102)
of the Wilsonville Code.)

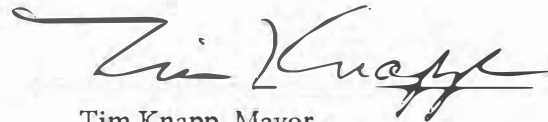
The above-entitled matter is before the Council to consider the application of DB15-0085, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached legal description and sketch, has heretofore appeared on the Clackamas County zoning map Rural Residential Farm Forest 5 (RRFF5).

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 1 acre at 11700 SW Tooze Road comprising Tax Lot 1203 of Section 15, as more particularly shown and described in the attached legal description and sketch,, is hereby rezoned to Village (V), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 21st day of March, 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

EXHIBIT A



LEGAL DESCRIPTION

Zone Change

PDP 4N

Map 3S1W15 Tax Lot 1203

The land described in Document No. 73-30518, Clackamas County Deed Records, in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the most easterly Northeast corner of Tract "E", plat of "Calais at Villebois";

thence along the northerly line of said Tract "E", North 88°22'03" West, a distance of 89.82 feet to an angle point;

thence along the easterly plat line of said plat, North 02°14'46" East, a distance of 483.82 feet to the most northerly Northeast corner of said plat;

thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), South 88°34'09" East, a distance of 89.83 to the Northwest corner of Parcel 2, Partition Plat No. 1994-182;

thence along the westerly line of said Parcel 2, South 02°14'46" West, a distance of 484.14 feet to the POINT OF BEGINNING.

Containing 1.00 acres, more or less.

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

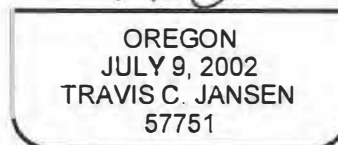
Property Vested in:

Jay R. Nims and Theresa C. Nims

Map 3S1W15 Tax Lot 1203



A handwritten signature in black ink, appearing to be "T. Jansen".



RENEWS: 6/30/2017

EXHIBIT B

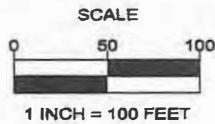


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Zone Change

PDP 4N

Map 3S1W15 Tax Lot 1203



Property Vested in:

Jay R. Nims and Theresa C. Nims

Map 3S1W15 Tax Lot 1203

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2017

Ordinance 788 Attachment 3
Zone Map Amendment Findings

Polygon Homes- Calais East at Villebois Single-family Subdivision
Villebois Phase 4 North

City Council
Quasi-Judicial Public Hearing

Hearing Date: March 7, 2016
Date of Report: February 16, 2016

Application Nos.: DB15-0085 Zone Map Amendment

Request/Summary : The City Council is asked to review a Quasi-judicial Zone Map Amendment of a 1 acre property concurrently with its proposed development.

Location: 11700 SW Tooze Road. The property is specifically known as Tax Lot 1203, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owners: Jay and Theresa Nims

Applicant: Fred Gast, Polygon NW Company

Applicant's Rep.: Stacy Connery, AICP
Pacific Community Design, Inc.

Comprehensive Plan Map Designation: Residential-Village

Zone Map Classification (Current): RRFF5 (Clack. County Rural Residential Farm Forest 5)

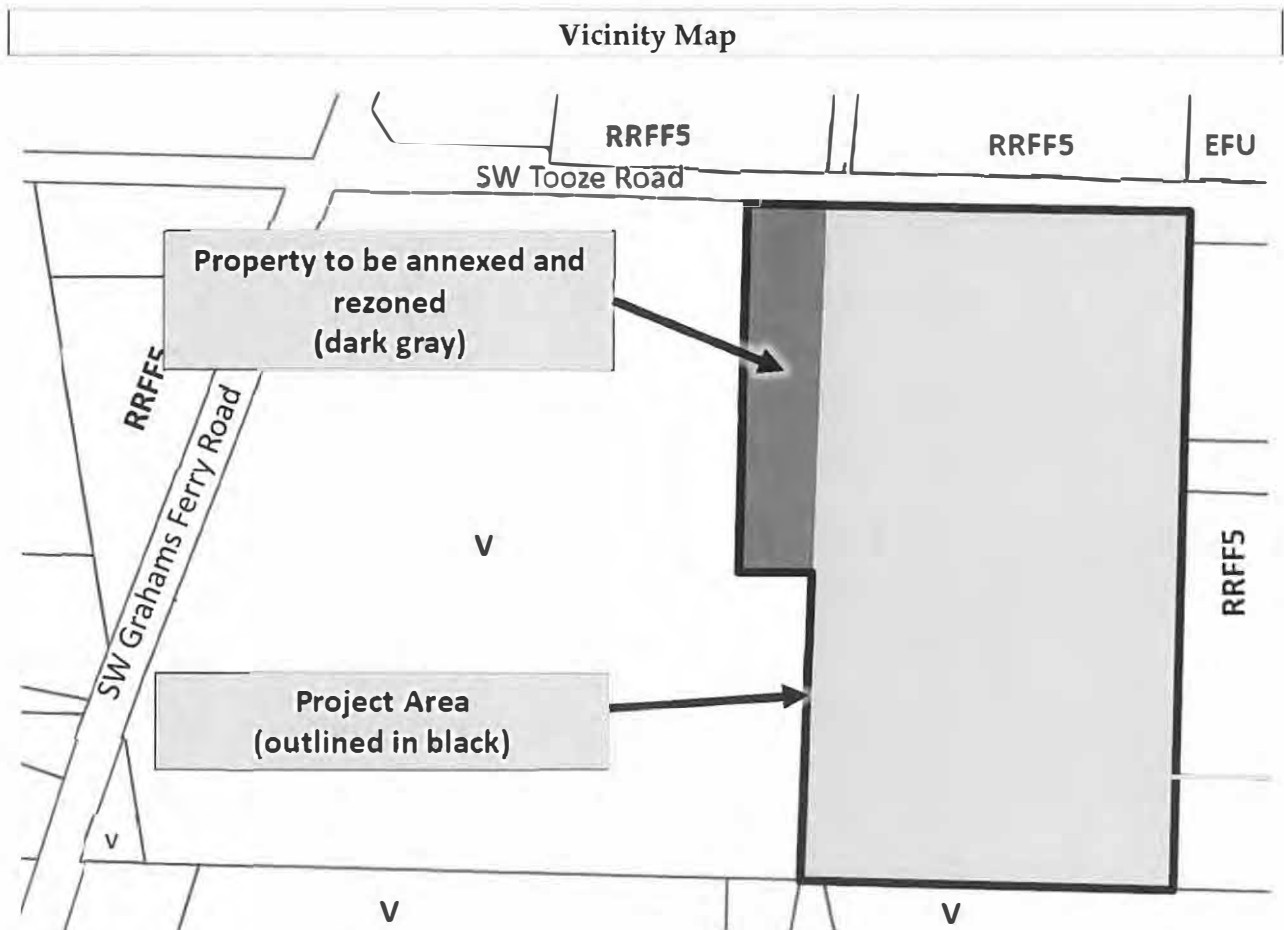
Zone Map Classification (Proposed): V (Village)

Staff Reviewers: Daniel Pauly AICP, Associate Planner

Staff Recommendations: **Adopt** the requested Zone Map Amendment.

Applicable Review Criteria

Development Code	
Section 4.110	Zones
Section 4.125	V-Village Zone
Section 4.197	Zone Changes and Amendments to Development Code- Procedures
Other City Planning Documents	
Comprehensive Plan	
Villebois Village Master Plan	



Background/Summary:

Zone Map Amendment (DB15-0085)

Concurrent with an annexation request, the applicant requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) zone for the 1 acre property at 11700 SW Tooze Road. The Village zone has been applied to all of Villebois as it has developed. The remainder of the area for the proposed subdivision is already zoned as Village (V).

Findings of Fact:

1. The statutory 120-day time limit applies to this application. The application was received on November 17, 2015. On December 17, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On December 23, 2015 and January 27, 2016, the Applicant submitted additional materials. On January 28, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by May 27, 2016

2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRF5	Tooze Road/ Rural Residential
East:	V	Vacant/Rural Residential
South:	V	Trocadero Park/Residential
West:	V	Residential

3. Prior land use actions include:

Legislative:

- 02PC06 - Villebois Village Concept Plan
- 02PC07A - Villebois Comprehensive Plan Text
- 02PC07C - Villebois Comprehensive Plan Map
- 02PC07B - Villebois Village Master Plan
- 02PC08 - Village Zone Text
- 04PC02 – Adopted Villebois Village Master Plan
- LP-2005-02-00006 – Revised Villebois Village Master Plan
- LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)
- LP10-0001 – Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)
- LP13-0005 – Amendment to Villebois Village Master Plan (Future Study Area)

Quasi Judicial:

- DB07-0054 et seq – SAP-North
- DB07-0087 et seq – PDP-1N, Arbor at Villebois
- DB11-0024 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
- DB12-0066 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
- DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW
- DB14-0009 et seq – PDP-3N, SAP North Amendment Polygon NW

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Conclusionary Findings

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

Request: DB15-0085 Zone Map Amendment

The applicant's findings in Section VIA of their PDP notebook, Exhibit B1, respond to the majority of the applicable criteria.

Comprehensive Plan

Development in "Residential Village" Map Area
Implementation Measure 4.1.6.a. and c.

- B1. Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

Finding: These criteria are satisfied.

Explanation of Finding: Development in this area is being guided by all the listed plans and codes.

Contents of Villebois Village Master Plan
Implementation Measure 4.1.6.b.

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

Finding: These criteria are not applicable

Explanation of Finding: The concurrent proposal for a preliminary development plan implements the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Applying "Village" Zone
Implementation Measure 4.1.6.c.

- B3. Review Criterion:** "The "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation."

Finding: This criterion is satisfied.

Explanation of Finding: The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

Wide Range of Uses in "Village" Zone
Implementation Measure 4.1.6.d.

- B4. Review Criterion:** "The "Village" Zone District shall allow a wide range of uses that benefit and support an "urban village," including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses."
Finding: This criterion is satisfied.
Explanation of Finding: The area covered by the proposed zone change is proposed for residential uses, and parks and open space as shown in the Villebois Village Master Plan.

Development Code

Zoning Consistent with Comprehensive Plan
Section 4.029

- B5. Review Criterion:** "If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development."
Finding: This criterion is satisfied.
Explanation of Finding: The applicant is applying for a zone change concurrently with a Preliminary Development Plan, which is equivalent to a Stage II Final Plan for a planned development.

Base Zones
Subsection 4.110 (.01)

- B6. Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.
Finding: This criterion is satisfied.
Explanation of Finding: The requested zoning designation of Village "V" is among the base zones identified in this subsection.

Village Zone Purpose
Subsection 4.125 (.01)

- B7. Review Criteria:** "The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan."
Finding: These criteria are satisfied.
Explanation of Finding: The subject lands are designated Residential-Village on the Comprehensive Plan map and are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village "V".

Village Zone Permitted Uses
Subsection 4.125 (.02)

- B8. Review Criteria:** This subsection lists the uses permitted in the Village Zone.
Finding: These criteria are satisfied.
Explanation of Finding: The proposed residential uses are consistent with the Village Zone designation and Villebois Village Master Plan.

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

- B9. Review Criterion:** "... Application for a zone change shall be made concurrently with an application for PDP approval..."
Finding: This criterion is satisfied.
Explanation of Finding: A zone map amendment is being requested concurrently with a request for PDP approval. See Request D.

Zone Change Procedures
Subsection 4.197 (.02) A.

- B10. Review Criteria:** "That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;"
Finding: These criteria are satisfied.
Explanation of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

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

- B11. Review Criteria:** "That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;"
Finding: These criteria are satisfied.
Explanation of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings B1 through B4 comply with applicable Comprehensive Plan text.

Residential Designated Lands
Subsection 4.197 (.02) C.

- B12. Review Criteria:** "In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text;"
Finding: These criteria are satisfied.

Explanation of Finding: Implementation Measure 4.1.6.c. states the "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated "Residential Village" on the Comprehensive Plan Map and is the only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

Public Facility Concurrency

Subsection 4.197 (.02) D.

B13. 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 Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project. Section IVC of the applicant's notebook, Exhibit B1, includes supporting utility and drainage reports. In addition, the applicant has provided a Traffic Impact Analysis, which is in Section IVD of the applicant's notebook, Exhibit B1.

Impact on SROZ Areas

Subsection 4.197 (.02) E.

B14. Review Criteria: "That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;"

Finding: These criteria are satisfied.

Explanation of Finding: No SROZ is within the area to be rezoned.

Development within 2 Years

Subsection 4.197 (.02) F.

B15. 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 for PDP 4 North 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 due 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.

B16. 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. 321**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) FOR THE APPROXIMATELY 1 ACRE PROPERTY LOCATED AT 11700 SW TOOZE ROAD AND ADOPTING FINDINGS AND CONDITIONS APPROVING AN AMENDMENT TO SAP-NORTH INCLUDING REFINEMENTS TO THE VILLEBOIS VILLAGE MASTER PLAN, A PRELIMINARY DEVELOPMENT PLAN, A TENTATIVE SUBDIVISION PLAT, A TYPE C TREE PLAN, AND A FINAL DEVELOPMENT PLAN FOR A 63-LOT SINGLE FAMILY SUBDIVISION IN VILLEBOIS AND ASSOCIATED IMPROVEMENTS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1100, 1101, AND 1203, OF SECTION 15, AND TAX LOT 8900 OF SECTION 15BA, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY- 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 February 1, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on February 8, 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 February 1, 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, as applicable for Tax Lot 1203 at 11700 SW Tooze Road, City Council approval of the Annexation and Zone Map Amendment Requests (DB15-0084 and DB15-0085) for:

DB15-00086 through DB15-0090, Specific Area Plan Amendment, Preliminary Development Plan, Tentative Subdivision Plat, Type C Tree Plan, and Final Development Plan for a 63-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 8th day of February, 2016 and filed with the Planning Administrative Assistant on February 9 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).


Mary Fierros Bower Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant

Mike Strauch
ODOT Region 2A
9200 SE Lawnfield Road
Clackamas, OR 97015

Attn: Development Review
ODOT Region 1
123 NW Flanders Street
Portland, OR 97209

Bill Rhoades
West Linn/Wilsonville School District 3JT
22210 SW Stafford Road
Tualatin, OR 97062

Brian Harper
Metro
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Portland, OR 97232

City Planner
City of Canby
182 N. Holly
Canby, OR 97013

Doug Young
Department of Corrections
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Salem, OR 97310

Jon Kloor, Govern & Political Relations
Coordinator
Home Builders Associations
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Lake Oswego, OR 97035

Marah Danielson
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Portland, OR 97232

Sherwood School Dist Admin Office
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Sherwood, OR 97140

Andy Back
Wash. County Long Range Planning
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Hillsboro, OR 97124

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Tri-Met Project Planning Dept
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Portland, OR 97202

Bobbi Burton
Community Coordinator, Facilities Division
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Salem, OR 97310

Brian Kelley
NW Natural Gas
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Sherwood, OR 97140

Columbia Cable of Oregon
14200 SW Brigadoon Ct.
Beaverton, OR 97005

Gail Curtis
ODOT Region 1
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Portland, OR 97209

Justin Wood, Assoc. Dir of Govern & Bldr
Relations
Home Builders Associations
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Lake Oswego, OR 97035

Mike McCallister
Planning Director, Development Services
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Oregon City, OR 97045

Planning Director
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Tualatin Valley Fire and Rescue
South Division
8445 SW Elligsen Road
Wilsonville, OR 97070

Aquilla Hurd-Ravich
Community Development Director
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Tualatin, OR 97062

Bill Ferber, Region Manager
Oregon Water Resources Department
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Brian Buswell
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Brian Tietsort
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Diane Taniguchi-Dennis
Clean Water Services
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Hillsboro, OR 97123

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Department of State Lands
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Salem, OR 97301

Anthony Buczek
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Portland, OR 97232

Oregon Dept of Environ Quality
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Portland, OR 97204

Shelley Fenton
BPA, Realty Department
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Portland, OR 97208

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Wilsonville, OR 97070

Tualatin Valley Water District
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Beaverton, OR 97005