

ORDINANCE NO. 565

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING W.C. SECTION 4.125. V - VILLAGE ZONE, BY DELETING FIGURE V-2: SPECIFIC AREA PLAN (SAP) BOUNDARIES AND AMENDING W.C. 4.125 (.18) D. 1. b.

WHEREAS, the Wilsonville City Council adopted the Villebois Village Master Plan, which provides for refinements to the Master Plan through more detailed plans and analysis entitled Specific Area Plans (SAPs); and

WHEREAS, in Figure 3 of the Master Plan provides "Conceptual Specific Area Plan Boundaries" which, according to Master Plan text, are to be "refined with the adoption of SAPs"

WHEREAS, the Wilsonville City Council adopted Ordinance No. 557 on September 5, 2003, creating WC Section 4.125 - Village Zone, to implement the Master Plan and to guide development in the Villebois Village master planning area; and

WHEREAS, Village Zone text does not preserve the refinement feature provided in the Master Plan, in that WC 4.125(.18) D. 1. b. requires that SAP applications depict SAP boundaries as identified on a V zone figure (*Figure V-2: Specific Area Plan Boundaries*) that mirrors Figure 3 in the Master Plan; and

WHEREAS, in keeping with the intent of the Master Plan that SAP boundaries be refined in the process of SAP adoption, Staff proposes a text amendment to delete Figure V-2: Specific Area Plan Boundaries and to modify language in WC 4.125 (.18) D. 1. b to enable the SAP applicant to propose SAP boundaries consistent with the concepts in the Master Plan; and,

WHEREAS, the Wilsonville Planning Commission conducted a duly noticed public hearing on April 14, 2004, and recommended adoption of the proposed amendments to the City Council; and

WHEREAS, a duly noticed public hearing was conducted before the Wilsonville City Council on June 7, 2004 and the City Council having considered the entire record, and being fully advised;

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

Section 1. Findings. The City Council hereby adopts as findings of fact the above recitals and the Conclusionary Findings in the Staff Report in this matter dated June 1, 2004, attached as Exhibit A and incorporated by reference as if fully set forth herein.

Section 2. Amendment. Based upon the foregoing findings, Wilsonville Code Section 4.125 is hereby amended to delete Figure V-2, and amending Section 4.125(.18) D.1. b. as follows:

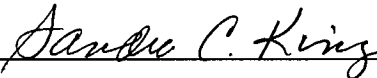
“D. SAP Application Submittal Requirements:

1. Existing Conditions – An application for SAP approval shall specifically and clearly show the following features and information on maps, drawing, application form or attachments. The SAP shall be drawn at a scale of 1" = 100' (unless otherwise indicated) and may include multiple sheets depicting the entire SAP area, as follows:
 - a. Date, north arrow and scale of drawing.
 - b. The boundaries of the Specific Area Plan ~~as identified in figure V-2 as~~ **may be refined and in keeping with the intent of the Master Plan's conceptual location of SAP boundaries (See Figure 3 "Conceptual Specific Area Plan Boundaries" of the Villebois Village Master Plan.)**
 - c. A vicinity map showing the location of the SAP sufficient to define its location and boundaries and Clackamas County Tax Assessor's map numbers of the tract boundaries. The vicinity map shall clearly identify the nearest cross streets.
 - d. An aerial photograph (at 1" = 500') of the proposed site and properties within 50 feet of the SAP boundary.
 - e. The size, dimensions, and zoning of each lot or parcel tax lot and Tax Assessor's map designations for the SAP and properties within 50 feet of the SAP boundary.
 - f. The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the SAP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only in that SAP.

- g. Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
 - i. One (1) foot contours for slopes of up to five percent (5%);
 - ii. Two (2) foot contours for slopes of from six percent (6%) to twelve percent (12%);
 - iii. Five (5) foot contours for slopes of from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified; and
 - iv. Ten (10) foot contours for slopes exceeding twenty percent (20%).
- h. The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the SAP and within 50 feet of the SAP boundary, as required by Section 4.139. “

Section 3. Staff Direction. Staff to make any conforming changes necessary to amend the Wilsonville Code in keeping with the adoption of these amendments.

SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 7th day of June, 2004, commencing at the hour of 7 p.m. at the Wilsonville Community Center; and scheduled for a second reading at a regular meeting of the Council on the 21st day of June, 2004, commencing at the hour of 7 p.m. at the Wilsonville Community Center.



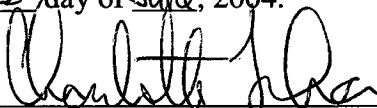
Sandra C. King, CMC, City Recorder

ENACTED by the Wilsonville City Council on the 21st day of June, 2004, by the following votes: Yes: -4- No: -0-



Sandra C. King, CMC, City Recorder

DATED and signed by the mayor this ^{22nd} day of ~~June~~, 2004.



CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Scott-Tabb	<u>Excused</u>
Councilor Holt	<u>Yes</u>
Councilor Knapp	<u>Yes</u>

Attachments:

Exhibit A – Planning Division Staff report dated June 1, 2004

**Planning Division
Staff Report**

Date: June 1, 2004

To: City Council

From: Chris Neamtzu AICP, Long-Range Planner

**Subject: Planning and Land Development Ordinance Text Amendment to Delete
Figure V-2 Specific Area Plan Boundaries from Wilsonville Code (WC)
Section 4.125-Village Zone**

Summary:

City Staff has initiated a text amendment to the Wilsonville Planning and Land Development Ordinance Section 4.125-Village Zone, to delete *Figure V-2: Specific Area Plan Boundaries*, and a reference to this Figure in Section 4.125 (.18) D. 1. b. (Exhibit 2). The Villebois Village Master Plan contains Figure 3, which is the same graphic, and is labeled "Conceptual Specific Area Plan Boundaries."

The Wilsonville City Council adopted the Villebois Village Master Plan, which provides for refinements to the Master Plan through more detailed plans and analysis entitled Specific Area Plans (SAPs). Figure 3 of the Master Plan provides "Conceptual Specific Area Plan Boundaries" which, according to Master Plan text, are to be "refined with the adoption of SAPs"

The Village Zone text does not preserve the refinement feature provided in the Master Plan, in that WC 4.125(.18) D. 1. b. requires that SAP applications depict SAP boundaries as identified on the V-Zone figure (*Figure V-2: Specific Area Plan Boundaries*) that mirrors Figure 3 in the Master Plan. In keeping with the intent of the Master Plan that SAP boundaries be refined in the process of SAP adoption, Staff proposes a text amendment to delete Figure V-2: Specific Area Plan Boundaries and to delete a portion of the language in WC 4.125 (.18) D. 1. b requiring conformity with Figure V-2, thereby enabling the SAP applicant to propose SAP boundaries consistent with the concepts in the Master Plan. The following language is proposed:

- b. The boundaries of the Specific Area Plan as identified in Figure V-2 as may be refined and in keeping with the intent of the Villebois Village Master Plan's conceptual location of SAP boundaries. (See Figure 3 "Conceptual Specific Area Plan Boundaries" of the Villebois Village Master Plan.)

Recommendation:

Staff respectfully recommends that the City Council approve the minor text amendment to Planning and Land Development Ordinance Section 4.125-Village Zone, consistent with the Staff recommendation.

Background:

As a result of the proposed modifications to the Villebois Village Master Plan necessitated by the revisions to the east side of the project site, the applicant and Master Planner are proposing modifications to the SAP boundaries so that the boundary for the east side SAP would follow the north/south alignment of 110th Avenue. This realignment of SAP boundaries generally follows the ownership patterns on site separating the state owned property from the private property on the east side of 110th. Matrix Development, which has been working with the owners on the east side of the project site, will be designing the east side SAP. If the map in the V-Zone (WC Section 4.125) were left in place, each time the Master Planner requests a line be adjusted between SAP boundaries as part of SAP application consistent with the Master Plan, a code amendment to Figure V-2 of Section 4.125 would be required. This would include a legislative process to amend the figure to reflect the new boundaries.

Staff points out that Figure 3 in the adopted Villebois Village Master Plan depicts the exact same information as that shown in Figure V-2 of Section 4.125. Due to the fact that Figure 3 in the master plan is labeled "conceptual" would allow for minor variations in SAP boundaries as part of the SAP review process, and would not require a Development Code text amendment, Planning Commission and City Council public hearings and associated report preparation.

Staff anticipates that there may be other minor changes to SAP boundaries over time, and to avoid redundancy between the master plan and the Development Code, and to allow for minor adjustments to SAP boundaries consistent with the Master Plan language this amendment to the WC is appropriate.

Attachment A: Conclusionary Findings

- Exhibit 1: Figure V-2: Specific Area Plan Boundaries (to be deleted)**
- Exhibit 2: Proposed Code Text Amendment to WC Section 4.125-Village Zone**
- Exhibit 3: Development Code Table of Figures**

Attachment A: Conclusionary Findings

**WILSONVILLE PLANNING DIVISION
CONCLUSIONARY FINDINGS**

HEARING DATE: June 7, 2004

DATE OF REPORT: June 1, 2004

APPLICATION NO.: 04PC01

REQUEST: Amend Ordinance No. 557, Wilsonville Code (WC) Section 4.125-Table of Contents, and WC Section 4.125-Village Zone, to delete *Figure V-2: Specific Area Plan Boundaries* and associated reference in Section 4.125 (.18) D. 1. b. to correct graphic redundancy in recently adopted code implementing the Villebois Village Master Plan (Exhibit 2).

APPLICANT: City of Wilsonville

STAFF REVIEWER: Chris Neamtzu AICP, Long-Range Planner

CRITERIA: Wilsonville Comprehensive Plan; Planning and Land Development Ordinance Section 4.003: Consistency with Plan and Laws; Section 4.008: Application Procedures- In General; Section 4.009: Who May Initiate Applications; Section 4.032; Authority of the Planning Commission; Section 4.033: Authority of the City Council; Section 4.125: Village Zone; Section 4.197: Zone Changes and Amendments to This Code-Procedures; Statewide Planning Goal 1: Citizen Involvement;

WILSONVILLE COMPREHENSIVE PLAN:

Finding #1: The proposed amendment to delete *Figure V-2 - Specific Area Plan Boundaries* from WC Section 4.125: Village Zone will have no affect on the Goals, Policies or Implementation Measures found in the Comprehensive Plan. It is a housekeeping item to eliminate redundancy between the adopted Villebois Village Master Plan and the Planning and Land Development Ordinance. **This criterion is met.**

WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

In a review of the Wilsonville Planning and Land Development Ordinance (Wilsonville Code), Staff finds that the following sections apply: 4.003, 4.008, 4.009, 4.125, 4.032, 4.033 and 4.197.

Section 4.003: Consistency with Plan and Laws.

Actions initiated under this Code shall be consistent with the Comprehensive Plan and with applicable State and Federal laws and regulations as these plans, laws and regulations now or hereafter provide.

Finding #2: Comprehensive Plan amendments are not proposed under File No. 04PC01. This Code text amendment proposes to delete a map from WC Section 4.125. Deletion of *Figure V-2: Specific Area Plan Boundaries* will have no bearing on the Comprehensive Plan, or applicable state or federal laws. **This criterion is met.**

Section 4.008: Application Procedure – 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:*

F. Changes to the text of Chapter 4, pursuant to Section 4.197;

Finding #3: Compliance with Section 4.197 is demonstrated within this findings document. All appropriate application procedures listed in Section 4.008 through 4.024 have been followed and carried out for developing and hearing this legislative proposal. Staff finds that the application complies with this section of the Wilsonville Code. **This criterion is met.**

Section 4.009: Who May Initiate Applications.

(.04) *In the event that the City of Wilsonville is the applicant, the City Manager may authorize any City employee or consultant to act as the City's agent.*

Finding #4: The City of Wilsonville is the applicant on this application, and the Planning Director has been designated as the City's Agent. **This criterion is met.**

Section 4.032(.01)(A) *[This Section states that the Planning Commission has authority to make recommendations to the City Council on legislative zone changes and changes to the text of Chapter 4 of the Code.]*

Section 4.033(.01)(A) *[This Section states that the City Council has final decision-making authority on applications for zone changes and changes to the text of Chapter 4, as authorized in Section 4.197.]*

Section 4.197: Zone Changes and Amendments To This Code – Procedures

(.01)(B) In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:

1. *That the application was submitted in compliance with the procedures set forth in Section 4.008;*

Finding #5: Staff has followed the procedures outlined in the Code and finds that the application has been submitted in compliance with Section 4.008. **This criterion is met.**

2. *The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan;*

Finding #6: Staff finds that the application substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan and will not result in any conflicts. The proposal is minor in nature and will not have any bearing on the Comprehensive Plan. **This criterion is met.**

3. *The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code;*

Finding #7: The proposed deletion of *Figure V-2: Specific Area Plan Boundaries* does not conflict with, nor endanger other provisions of the text of the Code. The same graphic is contained in the Villebois Village Master Plan. **This criterion is met.**

4. *If applicable, the amendment is necessary to insure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.*

Finding #8: Staff finds the deletion of Figure V-2 is not applicable to other jurisdictional requirements. **This criterion is met.**

STATEWIDE PLANNING GOALS:

Statewide Planning Goal #1 - Citizen Involvement (OAR 660-015-0000(1)): *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Finding #9: The City of Wilsonville provided notice of public hearing before the Planning Commission and City Council consistent with the Planning and Land Development Ordinance requirements and has provided 45-day notice to DLCD. Such notices were posted in the newspaper, and were provided to property owners within 250' of the subject property, as well as mailed directly to interested individuals. The public was afforded an opportunity to comment on the proposed amendment at the Planning Commission public hearing, and at the upcoming public hearing, the public will be afforded another opportunity to provide public testimony to the City Council as part of deliberations on this matter. **This goal is met.**

Conclusion: The proposed deletion of Figure V-2 from WC Section 4.125-Village Zone is a minor house keeping amendment proposed to avoid redundancy between the Planning and Land Development Ordinance and the Villebois Village Master Plan, and to streamline the process when minor modifications are proposed to the Specific Area Plan boundaries within the Villebois Village. Figure 3 in the adopted Villebois Village Master Plan depicts the same information and it is unnecessary to have the same graphic in both documents.

04PC01
Villebois Village Master Plan
Development Code Amendment – Deletion of Figure V-2
Planning Commission Record

Planning Commission actions at the April 14, 2004 Meeting:

- Planning Commission Notice of Decision – Recommendation to the City Council
- Resolution No. 04PC01
- Motion
- Minutes

Staff Report for the April 14, 2004 Planning Commission meeting with the attached:

Exhibit 3: Development Code Table of Figures

Exhibit 2: Development Code Section 4.125(.18)(1)(b)

Exhibit 1: Figure V-2: Specific Area Plan Boundaries (to be deleted)

Located in the 04PC01 Project File in the Planning Division

Affidavits of Publication, Mailing and Posting, with attached public hearing notice.

Planning Commission actions at the April 14, 2004 Meeting:

- Planning Commission Notice of Decision – Recommendation to the City Council
- Resolution No. 04PC01
- Motion
- Minutes

City of

WILSONVILLE
in OREGON



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

NOTICE OF DECISION

PLANNING COMMISSION

RECOMMENDATION TO CITY COUNCIL

FILE NO.: 04PC01

APPLICANT: City of Wilsonville

REQUEST: Amendment of the Wilsonville Development Code, Section 4.125 to delete Figure V-2 *Specific Area Plan Boundaries* and amend associated references and adding new language.

After conducting a Public Hearing on April 14, 2004, the Wilsonville Planning Commission voted to recommend this action to the City Council by passing Resolution No. 04PC01.

The Wilsonville City Council is scheduled to conduct a Public Hearing on this matter on June 7, 2004, at 7:00 p.m., at the Wilsonville Community Center, 7965 SW Wilsonville Road.

For further information, please contact the Wilsonville Planning Division, Community Development Annex, 8445 S.W. Elligsen Road, or telephone (503) 682-4960.



"Serving The Community With Pride"

**PLANNING COMMISSION
RESOLUTION NO. 04PC01**

**A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING
THAT THE CITY COUNCIL AMEND CHAPTER 4 OF THE WILSONVILLE CODE
(WC) BY DELETING FIGURE V-2: SPECIFIC AREA PLAN BOUNDARIES AND
ASSOCIATED REFERENCES AND ADDING NEW LANGUAGE.**

WHEREAS, the Wilsonville Planning Director submitted a proposed amendment to WC Section 4.125 to the Planning Commission, along with a Staff Report and findings, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.010, 4.011 and 4.012 of the Wilsonville Code (WC); and

WHEREAS, the Planning Commission, after providing the required public notice, held a Public Hearing on April 14, 2004, to review the proposed amendment to Section 4.125 of Chapter 4 of the Wilsonville Code and to gather additional testimony and evidence regarding the proposed Code amendment; and

WHEREAS, the Commission has afforded all interested parties an opportunity to be heard on this subject and has entered all available evidence and testimony into the public record of their proceeding; and

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties; and

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the Planning Division Staff Report along with the conclusionary findings and recommendations contained therein and, further, recommends that the Wilsonville City Council approve and adopt the Code amendment, as reviewed by the Planning Commission; and

BE IT RESOLVED that this Resolution shall be effective upon adoption.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 14th day of April 2004, and filed with the Planning Administrative Assistant on April 14, 2004.


Wilsonville Planning Commission

Attest:


Linda Straessle, Administrative Assistant I

SUMMARY of Votes:

Chair Iguchi:	<u>Aye</u>
Commissioner Hinds:	<u>Aye</u>
Commissioner Faiman:	<u>Aye</u>
Commissioner Goddard:	<u>Aye</u>
Commissioner Guyton:	<u>Aye</u>
Commissioner Maybee:	<u>Absent</u>

PLANNING COMMISSION

April 14, 2004

04PC01

Development Code Amendment of Section 4.125 Village Zone

Deletion of Figure V-2 *Specific Area Plan Boundaries*

Motion:

Commissioner Hinds moved to adopt Resolution No. 04PC02, recommending that the City Council amend Chapter 4 of the Wilsonville Code by deleting Figure V-2 *Specific Area Plan Boundaries* and associated references and adding new language to Section 4.125 – Village Zone. Commissioner Faiman seconded the motion, which carried 5 to 0.

PLANNING COMMISSION

WEDNESDAY
APRIL 14, 2004
7:00 P.M.

Approved at the 5/12/04
Planning Commission
meeting.

Wilsonville Community Development Annex
8445 SW Elligsen Road
Wilsonville, Oregon

MINUTES

I. CALL TO ORDER - ROLL CALL

Chair Iguchi called the meeting to order at 7:06 p.m. Those present:

Planning Commission: Debra Iguchi, Mary Hinds, Craig Faiman, Richard Goddard, and Susan Guyton. Joe Maybee was absent. City Council Liaison Alan Kirk was also present.

City Staff: Sandi Young, Eldon Johansen, Chris Neamtzu, Paul Lee, Kerry Rappold, Steve Dickey, Christine Heycke and Linda Straessle.

II. PUBLIC HEARING

Application No: 04PC01

Request: Amend the Wilsonville Development Code to delete Figure V-2.

Location: The Villebois Village area that is approximately 481 acres bounded on the north by Tooze Road, west by Grahams Ferry Road, south by the Metro Urban Growth Boundary at Brown Road and Evergreen Street, and east to the current City western boundary.

Applicant: City of Wilsonville

Chair Iguchi opened the Public Hearing for 04PC01 at 7:08 p.m. and read the Legislative Hearing Procedure for the record. She called for the Staff Report.

Manager of Long-Range Planning Chris Neamtzu reviewed the 04PC01 Staff Report (in the meeting packet) with the following additional comments:

- Copies of the Staff Report and review criteria were available on the table at the back of the room.
- This Development Code amendment to delete Figure V-2 *Specific Area Plan Boundaries* is to avoid redundancy between the Wilsonville Code and the Villebois Village Master Plan. He suggested that this is a minor housekeeping amendment.
- He reviewed the exhibits included with the Staff Report:

The Commissioners questioned about 04PC01:

- Commissioner Goddard suggested that an alternative to the proposed action would be to change the title of Figure V-2 to note that the figure depicts a conceptual boundary.
 - Mr. Neamtzu explained that the text language of Section 4.125(.18)(D)(1)(b) also has to be considered.
 - The proposed Development Code amendment is to delete Figure V-2 so that if the Villebois Village Master Plan Figure 3 *Conceptual Specific Area Plan Boundaries* is amended, the Development Code does not need to be amended as well. The intent is to rely on the Villebois Village Master Plan for showing the SAP boundary lines.

Commissioner Hinds moved to adopt Resolution No. 04PC01, recommending that the City Council amend Chapter 4 of the Wilsonville Code by deleting Figure V-2 *Specific Area Plan Boundaries* and associated references and adding new language to Section 4.125 – Village Zone. Commissioner Faiman seconded the motion, which carried 5 to 0.

Chair Iguchi closed the Public Hearing for 04PC01 at 7:16 p.m.

**Staff Report for the April 14, 2004 Planning
Commission meeting with the attached:**

Exhibit 3: Development Code Table of Figures

Exhibit 2: Development Code Section 4.125(.18)(1)(b)

Exhibit 1: Figure V-2: Specific Area Plan Boundaries (to be
deleted)

**Planning Division
Staff Report**

Date: April 14, 2004
To: Planning Commission
From: Chris Neamtzu AICP, Long-Range Planner
Subject: Planning and Land Development Ordinance Text Amendment to Delete
Figure V-2 Specific Area Plan Boundaries from Wilsonville Code (WC)
Section 4.125-Village Zone

Summary:

City Staff has initiated a text amendment to the Wilsonville Planning and Land Development Ordinance Section 4.125-Village Zone, to delete *Figure V-2: Specific Area Plan Boundaries*, and a reference to this Figure in Section 4.125 (.18) D. b. (Exhibit 2). The Villebois Village Master Plan contains Figure 3, which is the same graphic, and is labeled "Conceptual Specific Area Plan Boundaries."

The Wilsonville City Council adopted the Villebois Village Master Plan, which provides for refinements to the Master Plan through more detailed plans and analysis entitled Specific Area Plans (SAPs). Figure 3 of the Master Plan provides "Conceptual Specific Area Plan Boundaries" which, according to Master Plan text, are to be "refined with the adoption of SAPs"

The Village Zone text does not preserve the refinement feature provided in the Master Plan, in that WC 4.125(.18) D. b. requires that SAP applications depict SAP boundaries as identified on the V-Zone figure (*Figure V-2: Specific Area Plan Boundaries*) that mirrors Figure 3 in the Master Plan. In keeping with the intent of the Master Plan that SAP boundaries be refined in the process of SAP adoption, Staff proposes a text amendment to delete *Figure V-2: Specific Area Plan Boundaries* and to delete a portion of the language in WC 4.125 (.18) D. b requiring conformity with Figure V-2, thereby enabling the SAP applicant to propose SAP boundaries consistent with the concepts in the Master Plan. The following language is proposed:

- b. The boundaries of the Specific Area Plan as identified in ~~Figure V-2~~ as may be refined and in keeping with the intent of the Villebois Village Master Plan's conceptual location of SAPs. (See Figure 3 "Conceptual Specific Area Plan Boundaries" of the Villebois Village Master Plan.)

Recommendation:

Staff respectfully recommends that the Planning Commission approve the minor text amendment to Planning and Land Development Ordinance Section 4.125-Village Zone, and forward a recommendation of approval to the City Council.

Background:

As a result of the proposed modifications to the Villebois Village Master Plan necessitated by the revisions to the east side of the project site, the applicant and Master Planner are proposing modifications to the SAP boundaries so that the boundary for the east side SAP would follow the north/south alignment of 110th Avenue. This realignment of SAP boundaries generally follows the ownership patterns on site separating the state owned property from the private property on the east side of 110th. Matrix Development, which has been working with the owners on the east side of the project site, will be designing the east side SAP. If the map in the V-Zone (WC Section 4.125) were left in place, each time the Master Planner requests a line be adjusted between SAP boundaries as part of SAP application consistent with the Master Plan, a code amendment to Figure V-2 of Section 4.125 would be required. This would include a legislative process to amend the figure to reflect the new boundaries.

Staff points out that Figure 3 in the adopted Villebois Village Master Plan depicts the exact same information as that shown in Figure V-2 of Section 4.125. Due to the fact that Figure 3 in the master plan is labeled "conceptual" would allow for minor variations in SAP boundaries as part of the SAP review process, and would not require a Development Code text amendment, Planning Commission and City Council public hearings and associated report preparation.

Staff anticipates that there may be other minor changes to SAP boundaries over time, and to avoid redundancy between the master plan and the Development Code, and to allow for minor adjustments to SAP boundaries consistent with the Master Plan language this amendment to the WC is appropriate.

Attachment A: Conclusionary Findings

Exhibit 1: Figure V-2: Specific Area Plan Boundaries (to be deleted)

Exhibit 2: Proposed Code Text Amendment to WC Section 4.125-Village Zone

Exhibit 3: Development Code Table of Figures

Attachment A: Conclusionary Findings

**WILSONVILLE PLANNING DIVISION
CONCLUSIONARY FINDINGS**

HEARING DATE: April 14, 2004

DATE OF REPORT: April 14, 2004

APPLICATION NO.: 04PC01

REQUEST: Amend Ordinance No. 557, Wilsonville Code (WC) Section 4.125-Table of Contents, and WC Section 4.125-Village Zone, to delete *Figure V-2: Specific Area Plan Boundaries* and associated reference in Section 4.125 (.18) D. b. to correct graphic redundancy in recently adopted code implementing the Villebois Village Master Plan (Exhibit B).

APPLICANT: City of Wilsonville

STAFF REVIEWER: Chris Neamtzu AICP, Long-Range Planner

CRITERIA: Wilsonville Comprehensive Plan; Planning and Land Development Ordinance Section 4.003: Consistency with Plan and Laws; Section 4.008: Application Procedures- In General; Section 4.009: Who May Initiate Applications; Section 4.032; Authority of the Planning Commission; Section 4.033: Authority of the City Council; Section 4.125: Village Zone; Section 4.197: Zone Changes and Amendments to This Code-Procedures; Statewide Planning Goal 1: Citizen Involvement;

WILSONVILLE COMPREHENSIVE PLAN:

Finding #1: The proposed amendment to delete *Figure V-2 - Specific Area Plan Boundaries* from WC Section 4.125: Village Zone will have no affect on the Goals, Policies or Implementation Measures found in the Comprehensive Plan. It is a housekeeping item to eliminate redundancy between the adopted Villebois Village Master Plan and the Planning and Land Development Ordinance. **This criterion is met.**

WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

In a review of the Wilsonville Planning and Land Development Ordinance (Wilsonville Code), Staff finds that the following sections apply: 4.003, 4.008, 4.009, 4.125, 4.032, 4.033 and 4.197.

Section 4.003: Consistency with Plan and Laws.

Actions initiated under this Code shall be consistent with the Comprehensive Plan and with applicable State and Federal laws and regulations as these plans, laws and regulations now or hereafter provide.

Finding #2: Comprehensive Plan amendments are not proposed under File No.04PC01. This Code text amendment proposes to delete a map from WC Section 4.125. Deletion of *Figure V-2: Specific Area Plan Boundaries* will have no bearing on the Comprehensive Plan, or applicable state or federal laws. **This criterion is met.**

Section 4.008: Application Procedure – 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:*

F. Changes to the text of Chapter 4, pursuant to Section 4.197;

Finding #3: Compliance with Section 4.197 is demonstrated within this findings document. All appropriate application procedures listed in Section 4.008 through 4.024 have been followed and carried out for developing and hearing this legislative proposal. Staff finds that the application complies with this section of the Wilsonville Code. **This criterion is met.**

Section 4.009: Who May Initiate Applications.

(.04) *In the event that the City of Wilsonville is the applicant, the City Manager may authorize any City employee or consultant to act as the City's agent.*

Finding #4: The City of Wilsonville is the applicant on this application, and the Planning Director has been designated as the City's Agent. **This criterion is met.**

Section 4.032(.01)(A) *[This Section states that the Planning Commission has authority to make recommendations to the City Council on legislative zone changes and changes to the text of Chapter 4 of the Code.]*

Section 4.033(.01)(A) [*This Section states that the City Council has final decision-making authority on applications for zone changes and changes to the text of Chapter 4, as authorized in Section 4.197.*]

Section 4.197: Zone Changes and Amendments To This Code – Procedures

(.01)(B) In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:

1. *That the application was submitted in compliance with the procedures set forth in Section 4.008;*

Finding #5: Staff has followed the procedures outlined in the Code and finds that the application has been submitted in compliance with Section 4.008. **This criterion is met.**

2. *The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan;*

Finding #6: Staff finds that the application substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan and will not result in any conflicts. The proposal is minor in nature and will not have any bearing on the Comprehensive Plan. **This criterion is met.**

3. *The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code;*

Finding #7: The proposed deletion of *Figure V-2: Specific Area Plan Boundaries* does not conflict with, nor endanger other provisions of the text of the Code. The same graphic is contained in the Villebois Village Master Plan. **This criterion is met.**

4. *If applicable, the amendment is necessary to insure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.*

Finding #8: Staff finds the deletion of Figure V-2 is not applicable to other jurisdictional requirements. **This criterion is met.**

STATEWIDE PLANNING GOALS:

Statewide Planning Goal #1 - Citizen Involvement (OAR 660-015-0000(1)): *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Finding #9: The City of Wilsonville has provided notice of public hearing before the Planning Commission consistent with the Planning and Land Development Ordinance requirements and has provided 45-day notice to DLCDC. Such notices were posted in the newspaper, and were provided to property owners within 250' of the subject property, as well as mailed directly to interested individuals. At the upcoming public hearing, the public will be afforded an opportunity to provide public testimony to the Planning Commission as part of deliberations on this matter. The City Council will also hold hearings on this proposal. **This goal is met.**

Conclusion: The proposed deletion of Figure V-2 from WC Section 4.125-Village Zone is a minor house keeping amendment proposed to avoid redundancy between the Planning and Land Development Ordinance and the Villebois Village Master Plan, and to streamline the process when minor modifications are proposed to the Specific Area Plan boundaries within the Villebois Village. Figure 3 in the adopted Villebois Village Master Plan depicts the same information and it is unnecessary to have the same graphic in both documents.

Exhibit 1

Delete Figure V-2 from Section 4.125

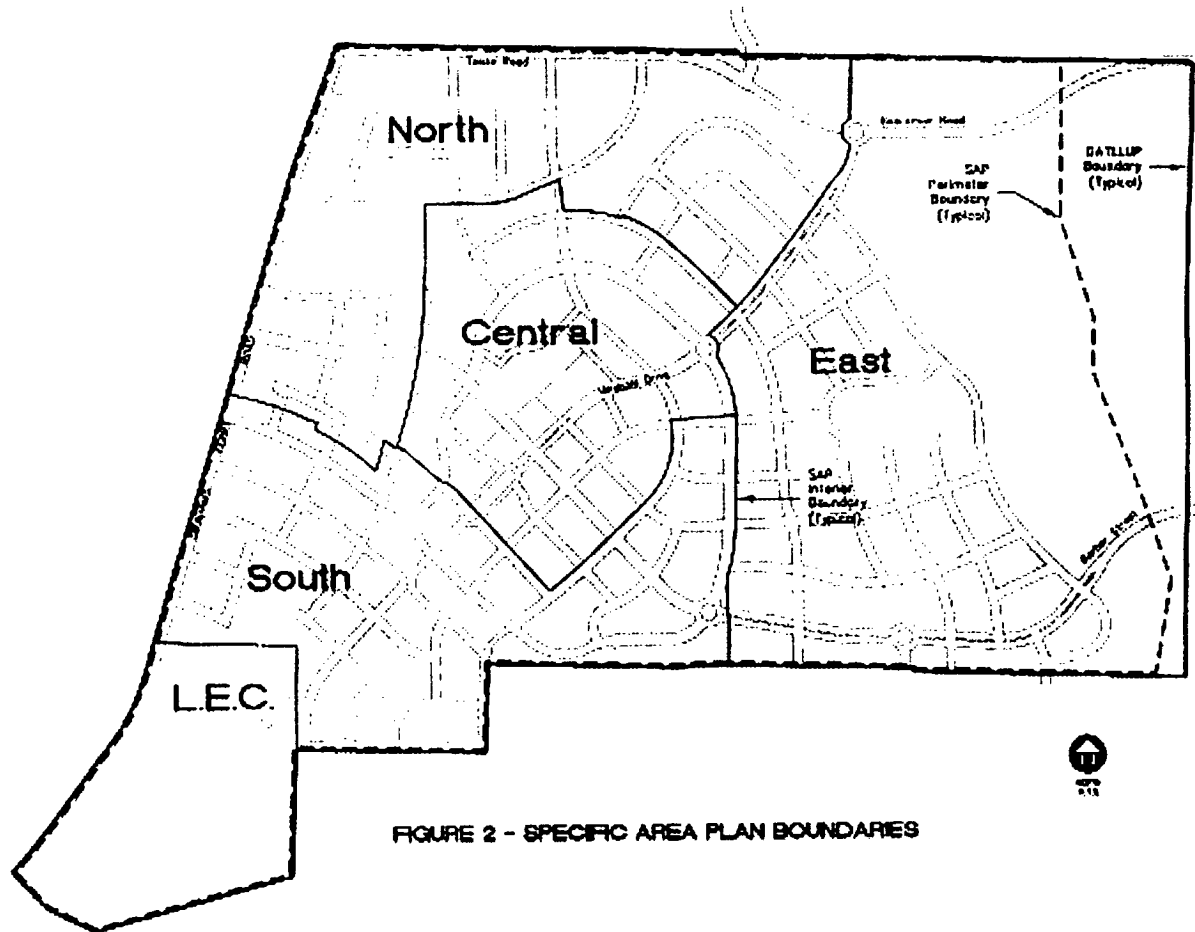


FIGURE 2 - SPECIFIC AREA PLAN BOUNDARIES

Figure V-2: Specific Area Plan Boundaries

Exhibit 2

Section 4.125(.18) Village Zone Process

D. SAP Application Submittal Requirements:

1. Existing Conditions – An application for SAP approval shall specifically and clearly show the following features and information on maps, drawings, application form or attachments. The SAP shall be drawn at a scale of 1" = 100' (unless otherwise indicated) and may include multiple sheets depicting the entire SAP area, as follows:
 - a. Date, north arrow and scale of drawing.
 - b. The boundaries of the Specific Area Plan as identified in ~~Figure V-2~~ as may be refined and in keeping with the intent of the Villebois Village Master Plan's conceptual location of SAPs. (See Figure 3 "Conceptual Specific Area Plan Boundaries" of the Villebois Village Master Plan.)
 - c. A vicinity map showing the location of the SAP sufficient to define its location and boundaries and Clackamas County Tax Assessor's map numbers of the tract boundaries. The vicinity map shall clearly identify the nearest cross streets.
 - d. An aerial photograph (at 1" = 500') of the proposed site and properties within 50 feet of the SAP boundary.
 - e. The size, dimensions, and zoning of each lot or parcel tax lot and Tax Assessor's map designations for the SAP and properties within 50 feet of the SAP boundary.
 - f. The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the SAP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only in that SAP .
 - g. Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
 - i. One (1) foot contours for slopes of up to five percent (5%);
 - ii. Two (2) foot contours for slopes of from six percent (6%) to twelve percent (12%);
 - iii. Five (5) foot contours for slopes of from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
 - iv. Ten (10) foot contours for slopes exceeding twenty percent (20%).
 - h. The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the SAP and within 50 feet of the SAP boundary, as required by Section 4.139.

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**PLANNING COMMISSION
RESOLUTION NO. 04PC01**

**A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING
THAT THE CITY COUNCIL AMEND CHAPTER 4 OF THE WILSONVILLE CODE
(WC) BY DELETING FIGURE V-2: SPECIFIC AREA PLAN BOUNDARIES AND
ASSOCIATED REFERENCES AND ADDING NEW LANGUAGE.**

WHEREAS, the Wilsonville Planning Director submitted a proposed amendment to WC Section 4.125 to the Planning Commission, along with a Staff Report and findings, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.010, 4.011 and 4.012 of the Wilsonville Code (WC); and

WHEREAS, the Planning Commission, after providing the required public notice, held a Public Hearing on April 14, 2004, to review the proposed amendment to Section 4.125 of Chapter 4 of the Wilsonville Code and to gather additional testimony and evidence regarding the proposed Code amendment; and

WHEREAS, the Commission has afforded all interested parties an opportunity to be heard on this subject and has entered all available evidence and testimony into the public record of their proceeding; and

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties; and

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the Planning Division Staff Report along with the conclusionary findings and recommendations contained therein and, further, recommends that the Wilsonville City Council approve and adopt the Code amendment, as reviewed by the Planning Commission; and

BE IT RESOLVED that this Resolution shall be effective upon adoption.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 14th day of April 2004, and filed with the Planning Administrative Assistant on April 14, 2004.

Wilsonville Planning Commission

Attest:

Linda Straessle, Planning Secretary

SUMMARY of Votes:

Chair Iguchi: _____
Commissioner Hinds: _____
Commissioner Fairman: _____
Commissioner Goddard: _____
Commissioner Guyton: _____
Commissioner Maybee: _____
Commissioner Pruitt: _____

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WC SECTION 4.125. V - VILLAGE ZONE, DELETING FIGURE V-2: SPECIFIC AREA PLAN (SAP) BOUNDARIES AND WC 4.125 (.18) D. b.

WHEREAS, the Wilsonville City Council adopted the Villebois Village Master Plan, which provides for refinements to the Master Plan through more detailed plans and analysis entitled Specific Area Plans (SAPs); and

WHEREAS, in Figure 3 of the Master Plan provides "Conceptual Specific Area Plan Boundaries" which, according to Master Plan text, are to be "refined with the adoption of SAPs"

WHEREAS, the Wilsonville City Council adopted Ordinance No. 557 on September 5, 2003, creating WC Section 4.125 - Village Zone, to implement the Master Plan and to guide development in the Villebois Village master planning area; and

WHEREAS, Village Zone text does not preserve the refinement feature provided in the Master Plan, in that WC 4.125(.18) D. b. requires that SAP applications depict SAP boundaries as identified on a V zone figure (*Figure V-2: Specific Area Plan Boundaries*) that mirrors Figure 3 in the Master Plan; and

WHEREAS, in keeping with the intent of the Master Plan that SAP boundaries be refined in the process of SAP adoption, Staff proposes a text amendment to delete Figure V-2: Specific Area Plan Boundaries and to modify language in WC 4.125 (.18) D. b to enable the SAP applicant to propose SAP boundaries consistent with the concepts in the Master Plan; and,

WHEREAS, the Wilsonville Planning Commission conducted a duly noticed public hearing on April 14, 2004, and recommended adoption of the proposed amendments to the City Council; and

WHEREAS, a duly noticed public hearing was conducted before the Wilsonville City Council on May XXX, 2004 and the City Council having considered the entire record, and being fully advised;

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

Section 1. Findings. The City Council hereby adopts as findings of fact the above recitals and the Conclusionary Findings in the Staff Report in this matter dated April 14, 2004, attached as Exhibit A and incorporated by reference as if fully set forth herein.

Section 2. Amendment. Based upon the foregoing findings, Wilsonville Code Section 4.125 is hereby amended to delete Figure V-2, and Section 4.125(18) D.1. b. is hereby amended as follows:

“D. SAP Application Submittal Requirements:

1. Existing Conditions – An application for SAP approval shall specifically and clearly show the following features and information on maps, drawing, application form or attachments. The SAP shall be drawn at a scale of 1" = 100' (unless otherwise indicated) and may include multiple sheets depicting the entire SAP area, as follows:
 - a. Date, north arrow and scale of drawing.
 - b. The boundaries of the Specific Area Plan ~~as identified in figure V-2~~ **as may be refined and in keeping with the intent of the Master Plan's conceptual location of SAP boundaries (See Figure 3 "Conceptual Specific Area Plan Boundaries" of the Villebois Village Master Plan.)**
 - c. A vicinity map showing the location of the SAP sufficient to define its location and boundaries and Clackamas County Tax Assessor's map numbers of the tract boundaries. The vicinity map shall clearly identify the nearest cross streets.
 - d. An aerial photograph (at 1" = 500') of the proposed site and properties within 50 feet of the SAP boundary.
 - e. The size, dimensions, and zoning of each lot or parcel tax lot and Tax Assessor's map designations for the SAP and properties within 50 feet of the SAP boundary.
 - f. The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the SAP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only in that SAP.
 - g. Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
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 - ii. Two (2) foot contours for slopes of from six percent (6%) to twelve percent (12%);

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- iv. Ten (10) foot contours for slopes exceeding twenty percent (20%).
- h. The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the SAP and within 50 feet of the SAP boundary, as required by Section 4.139. “

Section 3. Staff Direction. Staff to make any conforming changes necessary to amend the Wilsonville Code in keeping with the adoption of these amendments.

SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the _____ day of _____, 2004, commencing at the hour of 7 p.m. at the Wilsonville Community Center; and scheduled for a second reading at a regular meeting of the Council on the _____ day of _____, 2004, commencing at the hour of 7 p.m. at the Wilsonville Community Center.

Sandra C. King, CMC, City Recorder

ENACTED by the Wilsonville City Council on the _____ day of _____ 2004,
by the following votes: Yes: No:

Sandra C. King, CMC, City Recorder

DATED and signed by the mayor this ___ day of ____, 2003.

CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan _____
Councilor Kirk _____
Councilor Scott-Tabb _____
Councilor Holt _____
Councilor Knapp _____

Attachments:

Exhibit A – Planning Division Staff report dated December 11, 2003
Exhibit B – Zone text amendments