

ORDINANCE NO. 666

AN ORDINANCE OF THE CITY OF WILSONVILLE REGARDING ONE YEAR EXTENSIONS OF DEVELOPMENT PERMIT APPROVALS AND AMENDING SECTION 4.023 OF WILSONVILLE CODE CHAPTER 4, PLANNING AND LAND DEVELOPMENT

WHEREAS, current code provides that land use and development permits are valid for a maximum of two years, unless the permit holder, on application, proves that good cause warrants a time extension. Not more than three such extensions may be granted, for not more than one year each; and,

WHEREAS, the last year has seen a significant decline in the economy, with the recessionary effects of job losses and business declines affecting the housing and land development sector in particular; and,

WHEREAS, the Wilsonville City Council, in response to requests by the development industry and several permit holders, initiated a zone text amendment to enable one year extensions that would not count against the maximum number of extensions, may be granted administratively, without an application fee, and without the need to demonstrate good cause; and,

WHEREAS, the council finds that the economic climate alone constitutes "good cause" to extend land use approvals, at least in the near term. This being the case, the council finds that the public interest is served by a short term legislative fix to enable efficient, affordable and expeditious processing of extension requests; and,

WHEREAS, the Wilsonville Planning Commission considered the proposed text change at its meeting of June 10, 2009, and upon due consideration of the matter, recommends the council adopt an Ordinance codifying the approach; and,

WHEREAS, the City Council conducted a public hearing on the proposed text change at its hearing on July 6, 2009, and based upon the record and recommendation of the Planning Commission, and the public record created before council, finds that the legislation meets the requirement of W. C. 4.197 (.01) B respecting amendments to the Planning and Land Development Code,

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

Section 1. Findings. The City Council hereby adopts as findings the staff report in this matter dated July 8, 2009.

Section 2. Code amendment. Wilsonville Code Section 4.023 is hereby amended to read as follows:

Section 4.023. Expiration of Development Approvals (See also Section 4.140)

(.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section. Specific Area Plan approvals shall not expire.

- A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or
- B. A time extension has been granted by city staff for good cause. Except as provided in subsection (.05) below, not more than three such extension may be granted, for not more than one (1) year each.

(.02) If the development approval is for a subdivision or partition, developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in (.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.

(.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the City Council.

(.04) Requests for time extension shall be submitted in writing, including written justification therefore, and received by the Planning Department not less than eight (8) calendar days prior to the expiration date of the permit or approval.

(.05) Notwithstanding the limitations and requirements in W. C. 4.023 (.01) B and (.04), beginning June 1, 2009 and ending June 1, 2010, city staff shall approve all applications for one year extensions, which applications shall not require a demonstration of good cause, but shall be accompanied by a filing fee which shall not exceed the fee for a Class

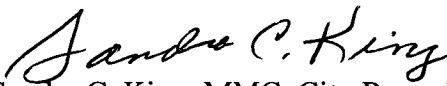
1 Administrative Review, and which extensions shall not be counted toward the maximum number of extensions allowed in subsection 4.023 (.01) B.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 6th day of July 2009, and scheduled for second reading on the 20th day of July 2009, commencing at the hour of 7 p.m. at the Wilsonville City Hall.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 20th day of July, 2009, by the following votes:

YEAS: -3- NAYS: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 22nd day of July, 2009.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Kirk	Excused
Councilor Núñez	Yes
Councilor Hurst	Excused
Councilor Ripple	Yes

NOTICE OF DECISION
PLANNING COMMISSION
RECOMMENDATION TO CITY COUNCIL

FILE NO.: LP09-0004
APPLICANT: City of Wilsonville
REQUEST: Amendment to the Wilsonville's Development Code
Section 4.023 Expiration of Development Approvals

After conducting a public hearing on June 10, 2009, the Planning Commission voted to recommend this action to the City Council by passing Resolution No. LP09-0004.

The City Council is scheduled to conduct a Public Hearing on this matter on Monday, July 6, 2009, at 7:00 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East.

For further information, please contact the Wilsonville Planning Division, 29799 SW Town Center Loop East, or telephone (503) 682-4960.

Ordinance No. 666

LP09-0004

Development Code Amendment to Section 4.023 Expiration of Development Approvals

Planning Commission Record Index

June 10, 2009 Planning Commission Actions:

- Notice of Decision
- Resolution No. LP09-0004
- Motion
- Draft Minutes

June 10, 2009 Planning Commission Staff Report, including

- Exhibit A: Draft Resolution No. LP09-0004
- Exhibit B: A letter from Jeff S. Cameron, regarding Expiration of Development Approvals
Section 4.023
- Exhibit C: *Project Approval Expiration Dates* table
- Exhibit D: Draft Ordinance (distributed separately from the staff report)

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**PLANNING COMMISSION
RESOLUTION NO. LP09-0004**

**A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING
THAT THE CITY COUNCIL ADOPT AN AMENDMENT TO THE PLANNING AND
LAND DEVELOPMENT ORDINANCE (WILSONVILLE'S DEVELOPMENT CODE)
AMENDING SECTION 4.023 EXPIRATION OF DEVELOPMENT APPROVALS.**

WHEREAS, the Wilsonville Planning Director submitted proposed Planning and Land Development Ordinance amendments to the Planning Commission, along with a Staff Report, in accordance with the procedures that are set forth in Sections 4.008, 4.010, and 4.011 of the Wilsonville Code (WC); and

WHEREAS, the Planning Commission held a Public Hearing on June 10, 2009 to review the Code amendment and to gather additional testimony and evidence regarding the Ordinance; and

WHEREAS, the Commission's action is a recommendation to the City Council, who will provided expanded notice of a Council public hearing on this matter, and


WHEREAS, the Commission has afforded 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;

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the Planning Staff Report along with the findings and recommendations contained therein and, further, recommends that the Wilsonville City Council approve and adopt the Code amendment as presented in Exhibit D, a draft ordinance, as reviewed by the Planning Commission;

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 10th day of June 2009, and filed with the Planning Administrative Assistant on June 11, 2009.



Wilsonville Planning Commission

Attest:



Linda Straessle, Administrative Assistant II

SUMMARY of Votes:

Chair Meyer:	<u>Aye</u>
Commissioner McGuire:	<u>Absent</u>
Commissioner Dvorak:	<u>Absent</u>
Commissioner Kohls:	<u>Aye</u>
Commissioner Montclair:	<u>Aye</u>
Commissioner Peck:	<u>Absent</u>
Commissioner Phelps:	<u>Aye</u>

PLANNING COMMISSION

WEDNESDAY, JUNE 10, 2009

6:00 P.M.

Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon

MOTIONS

VI. PUBLIC HEARING

A. **LP09-0004** – Amendment to the Wilsonville's Development Code Section 4.023 Expiration of Development Approvals.

The proposed ordinance language for LP09-004, which was distributed separately from the Staff report to the Planning Commission at the meeting, was entered into the record as Exhibit D:

Section 4.023. Expiration of Development Approvals (See also Section 4.140)

- (.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section. Specific Area Plan approvals shall not expire.
 - A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or
 - B. A time extension has been granted by **city staff** ~~the appropriate City reviewing body (generally the Development Review Board)~~ for good cause. **Except as provided in subsection (.05) below, Not more than three such extension may be granted, for not more than one (1) year each.**
- (.02) If the development approval is for a subdivision or partition, developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in (.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.
- (.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the City Council.
- (.04) Requests for time extension shall be submitted in writing, including written justification therefore, and received by the Planning Department not less than eight (8) calendar days prior to the expiration date of the permit or approval.
- (.05) Notwithstanding the limitations and requirements in W. C. 4.023 (.01) B and (.04), beginning June 1, 2009 and ending June 1, 2010, city staff shall approve all applications for one year extensions, which applications shall not require a demonstration of good cause or be accompanied by a filing fee, and which extensions shall not be counted toward the maximum number of extensions allowed in subsection 4.023 (.01) B.**

Commissioner Phelps move to forward a recommendation to adopt Resolution No. LP-09-0004, recommending the amendment to Section 4.023 to City Council with the language provided in Exhibit D. The motion was seconded by Commissioner Montclair and passed unanimously.



PLANNING COMMISSION

**WEDNESDAY, JUNE 10, 2009
6:00 P.M.**

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

DRAFT

Minutes Excerpt

I. CALL TO ORDER - ROLL CALL

Chair Robert Meyer called the meeting to order at 6:02 p.m. Those present:

Planning Commission: Robert Meyer, Ray Phelps, Carol Montclair, Dustin Kohls and City Councilor Celia Núñez. Marta McGuire, Yvonne Peck, and Amy Dvorak were absent.

City Staff: Sandi Young, Paul Lee, Chris Neamtzu, and Kerry Rappold

II. PUBLIC HEARING

Chair Meyer opened the Public Hearing for LP09-0004 at 6:16 p.m.

A. **LP09-0004** – Amendment to the Wilsonville's Development Code Section 4.023
Expiration of Development Approvals.

Chair Meyer read the Legislative Hearing Procedure for the record and called for the Staff report.

Sandi Young, Planning Director, explained that the proposed amendment to the Development Code relative to part of the Code addressing extensions of approved development permits. Currently, development permits are valid for two years and applicants could apply for a one-year extension up to three times; making five years the total time a permit could remain valid without substantial construction. Due to the economy, Homebuilders' Association (HBA) asked all the cities in the Metro area to consider a Code amendment to facilitate extension approvals. A letter was presented to City Council and included requests about System Development Charges, etc. That letter was not attached to the Staff report because it included other Council business. Newspaper articles had been written about the HBA's request however.

- As an example, Jeff Cameron and Carole Dickey were developers in Old Town with permits due in July and August, and under the current process, would be required to pay a fee and go to public hearing for DRB approval of an extension. HBA requested that cities avoid that more cumbersome process, and make it more streamlined and affordable. The recommendation was that for the year 2009-2010, owners and agents would continue to submit extension applications without a fee to provide a record of the extension requests. Then, instead of going to DRB, extensions would become simple Class 1 Administrative procedures for that year with no need to notice or show cause, creating a very fast process. The presumed cause would be economic. The extension would then go forward to Council for formal adoption.

DRAFT

Chair Meyer commented that while suddenly on tonight's agenda, the content had been discussed in earlier Planning Commission meetings and was not a surprise; it made sense.

- * Ms. Young added that it did not seem to warrant a whole separate work session by itself.

Commissioner Phelps:

- Confirmed that Exhibit B, Jeff Cameron's letter, was attached as indicated in the Staff report.
- Expressed concern about no notice and no public hearing being required and whether that would be acceptable to others who did not share the interest of the applicant. He was curious as to why this would not allow opportunity for members of the public to comment.
 - * Ms. Young replied that issue was discussed and a broader notice would be done before the item was presented to Council. Neighbors of all potential expirees would be noticed and also given the opportunity to speak about whether the amendment itself made sense.
 - * She confirmed the sunset date was June 21, 2010.
 - * She noted that the language recommended by legal counsel for the ordinance was written slightly different than that presented in the Staff report and was distributed to the Commissioners. The language of the distributed ordinance would be the language recommended to Council and was later entered into the record as Exhibit D.

Commissioner Phelps move to forward a recommendation to adopt Resolution No. LP-09-0004, recommending the amendment to Section 4.023 to City Council with the language provided in Exhibit D.

Commissioner Kohls:

- Asked what other cities were doing.
 - * Ms. Young answered that responses varied across the Metro area. Some cities were doing nothing. Some were doing blanket ordinances, while others were just doing a Council action, but legal staff did not believe either could be done. Most were doing something similar to the proposed; not all were amending their codes, however counsel believed a Code amendment was necessary to authorize the change. Portland, Beaverton, and possibly Oregon City had done something similar to what was being proposed.
- Confirmed the City favored the amendment, adding his original concern was the potential affect on the revenue stream though upon closer review, it did not seem to be significant.

Commissioner Phelps agreed the waived fee would normally be used to off-set the cost; however the administrative process would be streamlined and not a significant cost.

- Ms. Young confirmed the cost would be much less, the fee would loss would not be huge.
- She verified that the motion regarded the language of the revised ordinance by counsel.

Commissioner Montclair seconded the motion.

Chair Meyer understood that the legality of the Planning Commission having an unnoticed public hearing was acceptable since the Staff Report stated the amendment would be noticed before City Council.

- Ms. Young confirmed it would be noticed before Council and indicated that the Commission's amended agenda had been posted in all the appropriate locations. A copy of the agenda and Staff report were sent to the Chamber of Commerce, the HBA and to Jeff Cameron. Neighbors were not noticed, but would be for the City Council hearing.

Commissioner Phelps said he received the information through the Chamber of Commerce from the Executive Officer and wanted to make sure proper protocol was followed.

DRAFT

- Ms. Young reassured the Commission of the process, reminding that they were only recommending it while City Council would hold a second hearing.

Commissioner Kohls believed it seemed a bit rushed; however, since it was only one year, it would even out.

- Ms. Young stated that certainly every one of the applications with potential for an extension had their own extensive public hearings. The development process used in Wilsonville is extensive.

Chair Meyer closed the public hearing at 6:30 p.m.

The motion passed unanimously.

Ms. Young thanked the Commission and expressed her appreciation of their trust with the slight irregularity attached to the item.

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LP09-0004

Development Code Amendment to Section 4.023 Expiration of Development Approvals

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- Exhibit D: Draft Ordinance (distributed separately from the staff report)

**WILSONVILLE PLANNING DIVISION
LEGISLATIVE STAFF REPORT
LP09-0004**

HEARING DATE: June 10, 2009

DATE OF REPORT: June 9, 2009

APPLICATION NO: LP09-0004: Code Amendment

REQUEST: Amendment to the Wilsonville Planning and Land Development Code, Section 4.023 – Expiration of Development Permits (see also Section 4.140)

APPLICANT: City of Wilsonville

STAFF REVIEWER: Sandi Young, Planning Director

APPLICABLE REVIEW CRITERIA:

Wilsonville Comprehensive Plan.
Section A, Citizen Involvement,

Planning and Land Development Ordinance:
Section 4.197 – Zoning Changes and Amendments to this Code -
Procedures
Sections 4.008 through 4.024 – Application Procedures, In General

PROJECT LOCATION: The proposed amendment would be applicable to any development permits which will expire in 2009 – 2010.

SUMMARY:

Section 4.023 of the Planning and Land Development Code authorizes the Development Review Board (DRB) to approve one year extensions of development permits, with up to three total one year extensions, for show of good cause. Development permits are valid for two years following the initial DRB approval date, so the extensions provide for a period of up to five years following initial approval before substantial development must occur on a given site in order for a permit to remain valid.

The severe global financial crisis and downturn in the economy has resulted in a lack of substantial development on many permits issued by the DRB in the last two years. A listing of approved developments with expiration dates is attached to this report. The Homebuilders Association of Metropolitan Portland has requested that all Metro jurisdictions consider extending the expiration dates of approved projects and preliminary plats at no cost to applicants, and without individual applications for extensions.

STAFF RECOMMENDATION:

Approve the request to amend Section 4.023 of the Planning and Land Development Code to allow Class I Administrative review and approval of applications for development permit extensions for a period of one year without fees.

The Planning Commission action is in the form of a recommendation to the City Council.

PROPOSED CODE AMENDMENT:

Section 4.023. Expiration of Development Approvals (See also Section 4.140)

- (.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section. Specific Area Plan approvals shall not expire.
[Amended by Ord 557 adopted 9/5/03]
 - A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or
 - B. A time extension has been granted by the appropriate City reviewing body (generally the Development Review Board)] for good cause. Not more than three such extensions may granted, for not more than one (1) year each.
- (.02) If the development approval is for a subdivision or partition, the developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in (.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.

Ordinance No. 666

- (.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the City Council.
- (.04) Requests for time extensions shall be submitted in writing, including written justification therefore, and received by the Planning Department not less than eight (8) calendar days prior to the expiration date of the permit or approval. [Amended by Ordinance No. 538, 2/21/02.]
- (.05) Notwithstanding the limitations provided in subsections 4.023 (.01, .02, .03, .04) beginning June 1, 2009 and ending June 1, 2010, city staff is authorized to approve, without public notice or hearing, all applications for one year extensions, which applications shall not require a demonstration of good cause or be accompanied by a filing fee, and which extension shall not be counted toward the maximum number of extensions allowed in subsection 4.023 (.01) B.**

EXHIBITS LIST:

- A. Resolution No. LP09-0004
- B. Letter from Jeffery Cameron regarding Expiration of Development Approvals Section 4.023
- C. Project Approval Expiration Dates table.

FINDINGS AND CONCLUSIONS:

Statewide Land Use Goals: Under Oregon law, implementing ordinances and amendments to those ordinances must be consistent with the acknowledged Comprehensive Plan of the jurisdiction. Since an acknowledged Plan has been determined to comply with applicable statewide land use planning goals, if a proposed ordinance or amendment is shown to be consistent with the Plan, the statewide goals do not apply and do not need to be addressed on the findings and conclusions supporting an ordinance or amendment to implementing measures. The Wilsonville Comprehensive Plan is an acknowledged plan, therefore, findings regarding compliance with state land use goals are not required.

Wilsonville Comprehensive Plan.

Section A, Citizen Involvement, is applicable.

Goal 1.1 requires the city to encourage and provide means for interested parties to be involved in land use planning processes, on individual cases, and city-wide programs and policies.

Policy 1.1.1 states that the city shall provide opportunities for a wide range of public involvement in city planning programs and processes.

Implementation Measure 1.1.1a directs the city to provide for early public involvement to address neighborhood or community concerns regarding Development Code changes.

Implementation Measure 1.1.1e encourages the participation of residents of Wilsonville, employers and employees in Wilsonville, property owners and residents and owners within the UGB areas outside city boundaries.

Implementation Measure 1.1.1f directs the city to establish and maintain procedures that will allow any interested parties to supply information.

Response: The proposed amendment is a minor amendment providing a streamlined process for approval of extension of expiring development permits for a specific period of time in consideration of the severe economic conditions in the United States and in Oregon, with the recessionary effects of job losses and a business declines affecting the housing and land development sector in particular. It makes no changes in those approvals, but only extends the period of time for which they remain valid. Since it is a minor amendment, an extensive public involvement process was not considered to be necessary. The City has established procedures for conducting public hearings found in the City's Development Code, Sections 4.008 – 4.033. The proposed amendment and staff report are available online, at City Hall and the Wilsonville Library. Findings and conclusions have been prepared. A properly noticed public hearing will be held by the City Council in July. This amendment is proposed in response to a request from Homebuilders Association of Metropolitan Portland, and owners/agents of approved developments.

Planning and Land Development Ordinance:

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

(.01) The following procedure shall be followed in applying for an amendment to the text of this Chapter:

A. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within forty (40) days after concluding the hearing, provide a report and recommendation to the City Council regarding the proposed amendment. The findings and recommendations of the Commission shall be adopted by resolution and shall be signed by the Chair of the Commission.

Response: This amendment is city initiated. A public hearing will be held on June 10, 2009. The findings and recommendations of the Commission will be adopted by Resolution No. LP09-0004, attached as Exhibit A, which will be signed by the Chair of the Commission. The Council public hearing and first reading is tentatively scheduled for July 6, 2009.

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;

Section 4.008. Application Procedures - In General.

(.01) The general application procedures listed in Sections 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;

Response: This proposal is an amendment to the text of Chapter 4, so must comply with WC 4.008 – 4.024.

Section 4.009. Who May Initiate Applications.

(.01) Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply. Changes to the Comprehensive Plan or zoning may also be initiated by the City Council, Planning Commission, or Development Review Board, acting by motion. Applications involving a Specific Area Plan shall be initiated as provided in Section 4.125(.18)(C) and (D).

Response: The proposed amendment is a legislative amendment to Chapter 4 of the city code, not a site specific change. It is a city initiated amendment.

(.02) Applications involving large areas of the community or proposed amendments to the text of this Chapter or the Comprehensive Plan may be initiated by any property owner, business proprietor, or resident of the City, as well as by the City Council, Planning Commission, or Development Review Board acting by motion.

Response: This amendment is proposed by the City in response to requests from Homebuilders Association of Metropolitan Portland (HBAMP) and interested parties who are owners or agents for approved development permits due to expire in 2009/2010. The request is made in the interests of saving time and expense for both the person holding the approved development permit as well as City staff and the DRB. It is a time limited proposal, and would not extend approvals indefinitely.

(.03) A decision by the City Council, Planning Commission, or Development Review Board to initiate an action under this Section does not predetermine that the same body will approve or adopt the proposed change after concluding public hearings.

Response: Understood.

(.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.

Response: Planning staff is acting as the agent for the City on this application.

Section 4.010. How To Apply.

(.01) Contact Planning Department. Prospective applicants are advised to contact the Planning Department of the City's Community Development Department for application forms and information on application procedures.

Response: This section is not applicable. The City is the applicant.

(.02) Pre-Application Conference

A. An applicant or the applicant's authorized representative shall contact the Planning Department to arrange a pre-application conference, unless the applicant and the Planning Director agree the conference is not needed.

B. The conference shall be held within thirty (30) days of the request.

C. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Code, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development standards, arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

D. Such conferences will be open to the public unless the prospective applicant requests a private conference. Private pre-application conferences are conducted

in order to protect the interests of those who have not yet completed property acquisition arrangements, or who are concerned about providing proprietary information that may give an advantage to competing developers or businesses. However, once an application has been filed with the City, all information that is part of the public record will be available for public review.

E. The Planning Department if requested in writing by the applicant at least one week in advance of the pre-application conference, shall provide the applicant with a written summary of the conference within five (5) working days after the conference. If prepared, written summaries of pre-application conferences shall be available for public review. Summaries shall include:

1. Confirmation of the procedures to be used to process the application;
2. A list of materials to be submitted; and
3. The criteria and standards which may apply to the approval of the application.

Response (.02, A-E): Since the city is the applicant, an in-house version of a pre-application conference was held to gather input from all concerned departments and to identify alternative proposals.

Section 4.011. How Applications are Processed.

(.01) Applications submitted without the required filing fee shall not be considered to be "filed" and shall be returned to the prospective applicant without being processed.

Response: The City is exempted from payment of application fees, since it is a City application prepared at City expense, for which City funds are expended throughout the hearing and amendment process.

(.02) After filing, all applications shall be reviewed by City staff for completeness.

A. In the event that an application is found to be incomplete in any way, the Planning Director shall notify the applicant in writing within thirty (30) days of the original filing and shall list the deficiencies in the application.

Response: The application contains the draft of the proposed amendment. The staff report to the Planning Commission will include the Findings and Conclusions in support of this application.

B. City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.

Response: This is not a site specific application. Therefore, there are no outstanding liens.

C. Failure of an applicant to remedy any deficiencies in an application prior to the preparation of the staff report on the matter shall constitute adequate grounds for denial of the application by the appropriate decision-making body. Failure of an applicant to provide the deficient information may be considered to be a "refusal" as the term is used in ORS 197, and the application shall be processed accordingly.

Response: The city has prepared the application, based on the request from HBAMP, and in-house staff discussions.

D. Upon concluding that an application is complete, or that it will be processed in spite of the applicant's failure or refusal to correct any deficiencies in the application, the Planning Director shall provide copies of the application materials to other affected agencies and City departments, requesting their input and recommendations for the record.

Response: Copies of the application materials have been provided to the City's Legal Department, and the Current Planning Division for their comments.

1. Such other agencies and departments shall be given a specified amount of time to respond, sufficient to allow the planning staff an opportunity to complete the preparation of a written staff report for the review of the public and decision-makers. For public hearing items, staff reports are printed and available for review seven (7) days prior to the time when a public hearing is conducted.

Response: The city's legal staff has reviewed the original application. The staff report was available prior to the public hearing. The Chamber of Commerce was notified. HBAMP was also notified prior to the hearing.

2. Each written staff report includes a list of the agencies and departments contacted in the review process and their written comments, if any.

Response: Comments from legal staff are incorporated into the proposed amended language. Current Planning staff supports this amendment.

(.03) Written testimony that is sent via mail, facsimile, or computer will be processed as specified in Section 4.035. All parties are discouraged from relying exclusively on these means of submitting testimony unless verification is received that the subject testimony has been received and made part of the record.

Response: At the time of publication of this report, no additional mailed, faxed or electronic testimony had been received by the Planning Division. The from Jeffrey Cameron is attached as Exhibit x.

Section 4.012. Public Hearing Notices.

(.01) Published Notice. The Planning Director shall have published in a newspaper of general circulation in the City of Wilsonville, prior to the date of the Planning Commission or Development Review Board meeting, a notice that the Commission or the Board will consider proposals, documents, or pending applications.

A. If the matter will require a public hearing, the notice shall be published at least ten (10) and not more than twenty-one (21) days before the first hearing.

B. The publication shall contain a brief description of the subject property, including either the street address or other common description of the site, and including the approximate geographic location such as a reference to nearby cross streets, the time and place that the City's decision-making body will consider the submitted documents, and the nature of the proposal, as well as other matters required by law. Failure to advertise as specified in this Section shall not invalidate any decisions or proceedings of the City if a good faith attempt was made to comply with the notice requirements of this Code.

Response: Due to the emergency nature of this matter, the required notice was not provided for the Planning Commission hearing, but will be provided for the City Council hearing in July. The amended Planning Commission agenda and staff report were available at City Hall, the Library, the Chamber of Commerce and HBAMP prior to the Planning Commission hearing.

(.02) Mailed Notice for Quasi-Judicial Hearings.

A. For development projects involving Class II Administrative Reviews, or quasi-judicial public hearings, the Planning Director shall have public hearing notices mailed to the owners of real property located within 250 feet of the site of the proposed development. The Planning Director shall use the property ownership lists of the County Assessor in determining the recipients of the notices.

B. Notices shall be mailed not less than twenty (20) days nor more than forty (40) days prior to the initial public hearing date. Except, however, in cases where the development proposal will require public hearings before both the City Council and Development Review Board, in which case the notices shall be mailed at least ten (10) days before the initial public hearing.

C. In any case where State law requires different timing or form of notice than that specified in this Code, the standard requiring a broader coverage or duration of notice shall be followed.

D. The City will make a good faith effort to contact property owners whose names do not appear on County ownership records and to contact others who have asked to be contacted for different types of applications.

Response: This is not a quasi-judicial application, therefore, Section (.02) A – D) is not applicable.

(.03) Mailed Notice for Legislative Hearings. Where applicable, the Planning Director shall have notices of legislative hearings mailed to individual property owners as specified in State law.

Response: Notice was not provided to abutting property owners of approved development projects for the Planning Commission hearing, but can be so provided prior to the Council public hearing.

(.04) Posted Notice.

A. The Planning Director shall have notice of development proposals, subject to Class II administrative or hearing body review, posted in at least three (3) standard locations for public notice. In addition, the property proposed for development may be posted so as to be visible and legible from adjacent public streets.

Response: The amended Planning Commission agenda was posted at City Hall, the City Library, and the Wilsonville Post Office. This is a legislative amendment, therefore, no property was posted.

B. Notice shall be posted not less than twenty-one (21) nor more than forty (40) days prior to the anticipated date of final decision or hearing, except in the case where the notice concerns public hearings before both the City Council and either the Planning Commission or Development Review Board. In such cases, the notice shall be posted at least ten (10), and not more than forty (40), days before the initial hearing.

Response: Notice was not posted the required number of days for the initial Planning Commission hearing. The amended agenda and staff report were available prior to the hearing.

Section 4.013. Hearing Procedures.

(.01) Public Hearings shall be conducted in accordance with procedures for evidentiary hearings set forth in Section 2.560 of the Wilsonville Code, or as otherwise amended by City Council action.

(.02) Decision. Following the public hearing, the hearing body shall approve, conditionally approve, or deny the application or if the hearing is in the nature of an appeal, affirm, reverse or remand the decision that is on appeal.

(.03) A final decision involving a hearing on an application for a Development Permit shall be made within one hundred and twenty (120) days of the application being deemed

complete; other than expedited land divisions which require a final decision within sixty-three (63) days of a complete filing. Except, however, that with agreement of the hearing body and the applicant or appellant, the processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body.

Response: The minutes of the Planning Commission public hearing will record the hearing procedures that were followed.

Section 4.014. Burden of Proof.

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. In the case of an appeal, the burden of proof rests with the appellant.

Response: The City, as applicant, has submitted findings of fact in support of the application.

Section 4.015. Findings and Conditions.

(.01) All decisions on applications filed pursuant to this Chapter shall include written findings of fact and may include conditions of approval. Findings of fact shall include:

- A. A statement of the applicable criteria against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards.
- B. A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criterion and assurance of compliance with applicable standards.
- C. The reasons for a conclusion to approve or deny.
- D. The decision to deny or approve the proposed change with or without conditions.

Response: Draft Findings and Conclusions and Statement of Applicable Criteria are included in this staff report for review, amendment and approval by the Planning Commission and City Council.

(.02) Any graphic or written information, as well as any verbal commitments made by an applicant or applicant's agent during a public hearing, shall automatically be included as requirements of any approval granted by the City, unless specifically altered or waived by the City's decision-making body.

Response: The resolution and the draft amendment are included as exhibits to this staff report.

(.03) Those testifying in a public hearing process, either for or against a given application, are encouraged to submit draft findings of fact for the consideration of the decision makers. The decision-makers may choose to adopt as findings of fact any part, or none, of any testimony that is submitted.

Response: Both HBAMP and Jeffrey Cameron support development permit extensions with no filing fees, and would prefer that it extensions be done collectively without the filing of individual applications for extension.

Section 4.018. Participation by Interested Officers or Employees.

No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.

Response: City staff members involved in the application and hearing have no financial or other private interest in this proposal.

Section 4.019. Hearing Body - Conflicts of Interest.

(.01) A member of the hearing body shall disclose any actual or potential conflict of interest before participating in any hearing body proceeding or action on a planning matter involving action on any particular parcel of real estate. No member shall participate as a member of the hearing body if that member has an actual conflict of interest. A member of the hearing body may participate as a member of the public at large in cases where that member has an actual conflict of interest.

(.02) An actual conflict of interest arises when any of the following persons have direct or substantial financial interest in the particular parcel of real estate or in property immediately adjacent to that real estate:

A. the member or the member's spouse,

B. a brother, sister, child, parent, father-in-law or mother-in-law of the member,

C. any business associate of the member within the previous two years, a prospective partner, an employer or prospective employer.

(.03) If a member of the hearing body shows evidence of or declares a potential conflict of interest, members of the public or other members of the hearing body may challenge the member's participation in hearing body proceedings on the particular issue involved. Following such a challenge the member of the hearing body may either withdraw from participation or explain the invalidity of the challenge. In cases of potential conflict, the hearing body member, her/himself, will decide on her/his final participation.

(.04) A potential conflict of interest arises when the member has an indirect financial

interest in the particular parcel of real estate or in property immediately adjacent to that real estate or exhibits bias toward the real estate, its owners, or its tenants.

Response: Prior to the public hearing, Commissioners are requested to declare any conflict of interest according to the above procedures.

Section 4.020. Ex Parte Contacts.

Response: This is a legislative hearing, therefore, the ex parte restrictions do not apply.

Section 4.022. Appeal and Call-up Procedures.

Response: The action by the Planning Commission is a recommendation to the City Council, who will hold the final hearing and adopt, amend, remand or reject the proposed recommendation. The Council final decision may be appealed to LUBA.

Section 4.197 (B)

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

Response: The proposed amendment complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan, as documented in the Findings and Conclusions on page 4 of this staff report.

(3) The amendment does not conflict with, nor endanger, other provisions of the text of the Code.

Response: The proposed amendment does not modify any development permits. Rather, it extends the time before which a permit would expire without substantial development.

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

Response: The proposed amendment is not necessary to comply with mandates of state or federal laws or statutes. It is a locally initiated "fix" to existing code to provide for a more cost and time effective mechanism for applicants and staff in maintaining the validity of already approved development permits.

Section 4.197(B)(.02) (.03)(.05) are applicable to zoning map amendments. This is a zoning text amendment.

Section 4.197 (.04) is a procedural requirement related to final Council action.

EXHIBITS LIST:

- A. Resolution No. LP09-0004
- D. Letter from Jeffery Cameron regarding Expiration of Development Approvals Section 4.023
- E. Project Approval Expiration Dates table.

**PLANNING COMMISSION
RESOLUTION NO. LP09-0004**

**A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING
THAT THE CITY COUNCIL ADOPT AN AMENDMENT TO THE PLANNING AND
LAND DEVELOPMENT ORDINANCE (WILSONVILLE'S DEVELOPMENT CODE)
AMENDING SECTION 4.023 EXPIRATION OF DEVELOPMENT APPROVALS.**

WHEREAS, the Wilsonville Planning Director submitted proposed Planning and Land Development Ordinance amendments to the Planning Commission, along with a Staff Report, in accordance with the procedures that are set forth in Sections 4.008, 4.010, and 4.011 of the Wilsonville Code (WC); and

WHEREAS, the Planning Commission held a Public Hearing on June 10, 2009 to review the Code amendment and to gather additional testimony and evidence regarding the Ordinance; and

WHEREAS, the Commission's action is a recommendation to the City Council, who will provide expanded notice of a Council public hearing on this matter, and

WHEREAS, the Commission has afforded 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;

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt all Planning Staff Reports along with the 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;

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 10th day of June 2009, and filed with the Planning Administrative Assistant on June 11, 2009.

Wilsonville Planning Commission

Attest:

Linda Straessle, Administrative Assistant II

SUMMARY of Votes:

Chair Meyer: _____

Commissioner McGuire: _____

Commissioner Dvorak: _____

Commissioner Kohls: _____

Commissioner Montclair: _____

Commissioner Peck: _____

Commissioner Phelps: _____

Jeffrey S. Cameron
15685 SW 116th Avenue, #275
King City, Oregon 97224

City of Wilsonville
Attention: Mayor Tim Knapp and City Council Members

Re: Expiration of Development Approvals Section 4.023

Dear Mayor Knapp and City Council Members,

I currently have two development projects approved by the City of Wilsonville. Each of these projects are in Old Town Wilsonville. I have a two-year window in which to begin development or show "substantial development" from the original approval. This window closes this summer without an extension.

Wilsonville code allows for application to be made for an extension if development does not or cannot begin within the initial two-year window. Actually, there are three one-year extensions available with an ever-increasing fee associated with each extension (\$400, \$800 & \$1600).

I would appreciate some form of action by the city council that would enable a developer, such as myself, to extend the window of opportunity to develop my projects for a greater time period than what is currently allowed by code. In light of today's economic climate it is just not prudent or wise to borrow or expense for such development(s) at this time. I am not alone. There are other developers who face the same challenges to find lenders willing to loan and a marketplace that is healthy enough to support such development(s).

I do not have a crystal ball on when things will turn around. I do believe we are still hovering near the bottom and who knows when things are going to move to a more stable economic environment.

I would like to see council create an extension beyond the current code that would give developers such as myself a reasonable amount of time to weather the current economic downturn without making application every year for the next three years. After three years there are no more extensions and my project that has cost me tens of thousands of dollars vaporizes. I will have to start over.

Your consideration in regards to this matter is much appreciated.

Sincerely,

Jeff Cameron

Permit number	Permit type code	Permit description	Project Name	Customer Last Name	Expiration Date
DB07-0020	Class 3 Planned Development Stage 1	WILSONVILLE: (Fir Street Development) NEW STAGE 1 RESUBMITTAL 3.29.2007 addressing Council Remand of November 20, 2006. Includes all components of application: Appr 7.6.07 City Council on July 2	FIR STREET DEVELOPMENT(AKA WILSONVILLE)	DICKEY/CAMERON	Exp July 2, 2009
DB08-0038	Class 3 Planned Development Stage 2	BOBERG RD. WAREHOUSE ADDITION - Stage 2 9417 sf warehouse addition to existing office bldg. Minor modifications to existing bldg. and demo of two existing pole struct.	BOBERG ROAD WAREHOUSE EXPANSION	FRANKLIN	Exp Sept 22, 2010
DB08-0013	Class 3 Temporary Use Permit-DRB Review	Boeckman Creek Elementary School 1-yr TUP for 2 new portable classrooms WWSD EXPIRES 4.28.2009 App's Rep: Karina Ruiz (Dull Olson Weekes Arch.)	BOECKMAN CREEK PRIMARY SCHOOL	WEST LINN-WILS SCH DIST #3J	Exp Apr 29, 2009 (renewal ap rec'd)
DB08-0016	Class 3 Temporary Use Permit-DRB Review	Boones Ferry Primary: RENEWAL of TUP for two portable classrooms. Expires 6/9/2009	BOONES FERRY PRIMARY SCHOOL	WEST LINN-WILS SCH DIST #3J	Exp June 9 2009 email sent (renewal ap rec'd)
DB06-0069	Class 3 Site Design Review	Kinsman Road Project/Herbert K. Chin (Lazerquick site) Site Design Review 25,350 sf building Chad Ward Property Owner, 4500 SW Kruse Way #100 Lake Oswego OR 97035 See DB06-0064 for adopted stf rpt	CHAD WARD - KINSMAN RD	VAN BILSEN INVESTMENTS LLC	Exp Apr 27 2010
DB06-0066	Class 3 Tentative Plat Review	Kinsman Road Project/Herbert K. Chin (Lazerquick site) Partition into 2 lots 25,350 sf building Chad Ward Property Owner, 4500 SW Kruse Way #100 Lake Oswego OR 97035 (11.06: Incomp application)	CHAD WARD - KINSMAN RD	VAN BILSEN INVESTMENTS LLC	Exp April 27 2010
DB06-0067	Class 3 Planned Development Stage 2	Kinsman Road Project/Herbert K. Chin (Lazerquick site) Stage 2 25,350 sf building Chad Ward Property Owner, 4500 SW Kruse Way #100 Lake Oswego OR 97035 See DB06-0064 for attached adpt staff report	CHAD WARD - KINSMAN RD	VAN BILSEN INVESTMENTS LLC	Exp April 27 2010
DB06-0064	Class 3 Planned Development Stage 1	Kinsman RD Project/Herbert K. Chin (Lazerquick site) Stage 1 25,350 sf building Chad Ward Owner, 4500 SW Kruse Way #100 LO OR 97035 Adopted Staff Report attached	CHAD WARD - KINSMAN RD	VAN BILSEN INVESTMENTS LLC	Exp April 27 2010
DB09-0012	Class 3 Request for Time Extension	Kinsman RD Project/Herbert K. Chin (Lazerquick site) Stage 1 (Chad Ward) Request for Time Extension	CHAD WARD - KINSMAN RD	CIDA INC	Exp April 27 2010
DB07-0047	Class 3 Site Design Review	Old Town Site Design Review Tax lot 3801: Note: Our records do not yet reflect the newly created tax lots. The subject site is Lot #5. Owner is Jeffrey S. Cameron (JS Cameron Investments, LLC)	DICKEY/CAMERON BOONES FERRY DEVELOP	JS CAMERON INVESTMENTS LLC	Exp July 9 2009 email sent
DB07-0046	Class 3 Site Design Review	Old Town Site Design Review Tax lot 3802: Note: Our records do not yet reflect the newly created tax lots. The subject site is Lot #4.	DICKEY/CAMERON BOONES FERRY DEVELOP	DICKEY	Exp July 9 2009 email sent
DB08-0017	Class 3 Temporary Use Permit-DRB Review	1-year TUP renewal for Grace Chapel Church Expires 6/9/2009	GRACE CHAPEL CHURCH	GRACE CHAPEL	Exp June 9 2009 letter written (renewal ap rec'd)
DB08-0040	Class 3 Planned Development Stage 1	HYDRO-TEMP MECHANICAL Stage 1 Master Plan Amendments, industrial complex on Boberg Rd	HYDRO-TEMP MECHANICAL	HYDRO-TEMP MECHANICAL, INC	Exp Sept 8 2010
DB08-0039	Class 3 Tentative Plat Review	HYDRO-TEMP MECHANICAL Tentative Plat industrial complex on Boberg Rd	HYDRO-TEMP MECHANICAL	HYDRO-TEMP MECHANICAL, INC	Exp Sept 8 2010
DB08-0014	Class 3 Temporary Use Permit-DRB Review	Inza Wood Middle School 1-yr TUP for 2 new portable classrooms WWSD EXPIRES 4.28.2009 App's Rep: Karina Ruiz (Dull Olson Weekes Arch.)	INZA WOOD MIDDLE SCHOOL	WEST LINN-WILS SCH DIST #3J	Exp Apr 29, 2009 email sent (renewal ap rec'd)
DB06-0103	Class 3 Site Design Review	BOB LANPHERE'S WILSONVILLE AUTO BODY Site Design Review Previous Case File: 96DR01	LANPHERE'S WV AUTO BODY	AXIS DESIGN GROUP ARCHITECTURE	Exp Mar 26, 2009 (Expired)
DB06-0101	Class 3 Planned Development Stage 2	BOB LANPHERE'S WILSONVILLE AUTO BODY Stage 2 Final Plan for a commercial auto/body shop.	LANPHERE'S WV AUTO BODY	AXIS DESIGN GROUP ARCHITECTURE	Exp Mar 26, 2009 (Expired)
DB06-0100	Class 3 Planned Development Stage 1	BOB LANPHERE'S WILSONVILLE AUTO BODY Stage 1 Modifications of Wilsonville Business Center Master Plan to allow auto/body repair use within PDI zone. Previous Case File 95PC30	LANPHERE'S WV AUTO BODY	AXIS DESIGN GROUP ARCHITECTURE	Exp Mar 26, 2009 (Expired)

DB08-0047	Class 3 Temporary Use Permit-DRB Review	1-year Temporary Use Permit for Mobile Office Unit at 3 Bay Facility at Memorial Park. We be showers/restroom for PW personnel. City Project, fees waived EXPIRES 11/24/2009	MEMORIAL PARK	CITY OF WILSONVILLE	Exp Nov 24 2009 (SEND LETTER IN SEPT, 09)
DB07-0014	Class 3 Planned Development Stage 1	MILLER PAINT STORE IN WILSONVILLE TOWN CENTER: Parcel No. 4 Owner: Miller Paint Company, Inc., Bill Cameron, 12812 NE Whitaker Way, Portland OR 97230 Stage 1 Mod. 89PC50	MILLER PAINT	MILLER PAINT COMPANY	Exp May 12, 2010
DB07-0017	Class 3 Site Design Review	MILLER PAINT STORE IN WILSONVILLE TOWN CENTER: Parcel No. 4 Owner: Miller Paint Company, Inc., Bill Cameron, 12812 NE Whitaker Way, Portland OR 97230 Site Design Review	MILLER PAINT	MILLER PAINT COMPANY	Exp May 12, 2010
DB07-0016	Class 3 Planned Development Stage 2	MILLER PAINT STORE IN WILSONVILLE TOWN CENTER: Parcel No. 4 Owner: Miller Paint Company, Inc., Bill Cameron, 12812 NE Whitaker Way, Portland OR 97230 Stage 2.	MILLER PAINT	MILLER PAINT COMPANY	Exp May 12, 2010
DB07-0059	Class 3 Planned Development Stage 2	SHEFRIN TOWNHOMES: STAGE 2 - 16 UNIT DEVELOPMENT	SHEFRIN 16-UNIT TOWNHOMES	HEMCARE OF OREGON INC	Exp Jan 28, 2010
DB07-0058	Class 3 Planned Development Stage 1	SHEFRIN TOWNHOMES: STAGE I - 16 UNIT DEVELOPMENT	SHEFRIN 16-UNIT TOWNHOMES	HEMCARE OF OREGON INC	Exp Jan 28, 2010
DB07-0023	Villebois PDP AND PDP Modification	VB SAP-Central, PDP-2 5.35 acres: total unit count is 123 143 DU 123-143 dwelling units, 10,000 retail/office Council Aug 17, 2007	VB SAP CENTRAL PDP 2	VILLEBOIS VILLAGE CENTER LLC	Exp Aug 17 2009 (SEND LETTER IN JUNE)
DB07-0025	Class 3 Tentative Plat Review	VB SAP-Central, PDP-2 5.35 acres: total unit count is 123 143 DU TENTATIVE PLAT REVIEW	VB SAP CENTRAL PDP 2	VILLEBOIS VILLAGE CENTER LLC	Exp Aug 17 2009 (SEND LETTER IN JUNE)
DB08-0018	Class 3 Temporary Use Permit-DRB Review	Villebois SAP CENTRAL PDP 1 TUP for Sales Office/corner of Villebois Dr & Barber St EXPIRES 6/23/2009	VB SAP CENTRAL PDP 1	VILLEBOIS VILLAGE CENTER LLC	Exp June 23 2009 (SEND LETTER IN JUNE)
DB07-0087	Villebois PDP AND PDP Modification	VILLEBOIS SAP NORTH: PDP-1N Council May 22 2008	VB SAP NORTH PDP 1	WEST HILLS DEV: PLNG USE	Exp May 22 2010
DB07-0088	Class 3 Tentative Plat Review	VB PDP-1N TENTATIVE PLAT (144 LOTS)	VB SAP NORTH PDP 1	WEST HILLS DEV: PLNG USE	Exp May 22 2010
DB07-0090	Villebois Final Development Plan (FDP)	Villebois SAP NORTH FDP #1 for Parks and open spaces within PDP #1	VB SAP NORTH PDP 1	WEST HILLS DEV: PLNG USE	Exp May 22 2010
DB06-0059	Class 3 Tentative Plat Review	VILLEBOIS SAP SOUTH PDP 5 Preliminary Development Plan #5: TENTATIVE PLAT REVIEW for 25 single-family residential units, parks and open space Council Nov 21, 2006 (Mitigating issues here; applicant needs to apply for extensions to approvals 6.4.09) Final Plat applied for on 1/11/07 AR07-0001	VB SAP SOUTH PDP 5	WEST HILLS DEV: PLNG USE	Exp Nov 21 2008 email sent
DB06-0058	Villebois PDP AND PDP Modification	VILLEBOIS SAP SOUTH PDP 5 PRELIMINARY DEVELOPMENT PLAN #5 25 single-family residential units, parks and open space	VB SAP SOUTH PDP 5	WEST HILLS DEV: PLNG USE	Exp Nov 21 2008
DB06-0062	Villebois Final Development Plan (FDP)	VILLEBOIS SAP SOUTH PDP 5 FINAL DEVELOPMENT PLAN FOR PDP #5 25 single-family residential units, parks and open space	VB SAP SOUTH PDP 5	WEST HILLS DEV: PLNG USE	Exp Nov 21 2008
DB07-0071	Class 3 Zone Map Amendment	Renaissance/Willamette Landing (Abele) 33 lot Planned Residential Development Zone Map Amendment Council Oct 21, 2008	WILLAMETTE LANDING/ABELE/RENAISSANCE	RENAISSANCE DEVELOPMENT CORP	Exp Oct 21, 2010
DB07-0072	Class 3 Conditional Use Permit	Renaissance/Willamette Landing (Abele) 33-lot Planned Residential Development Conditional Use Permit	WILLAMETTE LANDING/ABELE/RENAISSANCE	RENAISSANCE DEVELOPMENT CORP	Exp Oct 21, 2010
DB07-0078	Class 3 Site Design Review	Renaissance/Willamette Landing (Abele) 33-lot Planned Residential Development Site Design Review	WILLAMETTE LANDING/ABELE/RENAISSANCE	RENAISSANCE DEVELOPMENT CORP	Exp Oct 21, 2010

DB07-0074	Class 3 Planned Development Stage 2	Renaissance/Willamette Landing (Abele) 33-lot Planned Residential Development Stage 2	WILLAMETTE LANDING/ABELE/RENAISSANCE	RENAISSANCE DEVELOPMENT CORP	Exp Oct 21, 2010
DB07-0073	Class 3 Planned Development Stage 1	Renaissance/Willamette Landing (Abele) 33-lot Planned Residential Development Stage 1 Subdivision Plat	WILLAMETTE LANDING/ABELE/RENAISSANCE	RENAISSANCE DEVELOPMENT CORP	Exp Oct 21, 2010
DB06-0045	Class 3 Planned Development Stage 1	Wilsonville Retail: Master Plan Modifications Peter Fry Representative: 503 274 2744 North Bldg: Wilsonville/Angel LLC; South Bldg: Boones FerryAngel LLC	WILSONVILLE RETAIL(JOE ANGEL)	ANGEL	Exp June 11 2009 (Letter sent)
DB06-0093	Class 3 Site Design Review	Wilsonville Retail: Site Design Review (North) for site amenities Peter Fry Representative: 503 274 2744 North Bldg: Wilsonville/Angel LLC; South Bldg: Boones FerryAngel LLC	WILSONVILLE RETAIL(JOE ANGEL)	ANGEL	Exp June 11 2009 (Letter sent)
DB06-0047	Class 3 Site Design Review	Wilsonville Retail: Site Design Review:South Building Peter Fry Representative: 503 274 2744 North Bldg: Wilsonville/Angel LLC; South Bldg: Boones FerryAngel LLC	WILSONVILLE RETAIL(JOE ANGEL)	ANGEL	Exp June 11 2009 (Letter sent)
DB06-0091	Class 3 Planned Development Stage 2	Wilsonville Retail: Stage 2 modifications: Chili's Peter Fry Representative: 503 274 2744 North Bldg: Wilsonville/Angel LLC; South Bldg: Boones FerryAngel LLC	WILSONVILLE RETAIL(JOE ANGEL)	ANGEL	Exp June 11, 2009 (Letter sent)
DB06-0092	Class 3 Planned Development Stage 2	Wilsonville Retail: Stage II Final Plan (South) Peter Fry Representative: 503 274 2744 North Bldg: Wilsonville/Angel LLC; South Bldg: Boones FerryAngel LLC	WILSONVILLE RETAIL(JOE ANGEL)	ANGEL	Exp June 11, 2009 (Letter sent)
DB06-0046	Class 3 Planned Development Stage 2	Wilsonville Retail: Stage 2 - South Building Peter Fry Representative: 503 274 2744 South Bldg: Boones FerryAngel LLC	WILSONVILLE RETAIL(JOE ANGEL)	ANGEL	Exp June 11, 2009 (Letter sent)
DB06-0034	Class 3 Tentative Plat Review	Copper Creek Subdivision AKA MADRID SUBDIVISION 26-lot on Canyon Creek Rd: 27490 SW Canyon Creek Rd N 3S1W12D_02900	COPPER CREEK SUBDIV - CANYON CREEK RD	MATRIX DEVELOPMENT:	Exp July 2 2009 (Write letter)
DB06-0035	Class 3 Planned Development Stage 1	Copper Creek Subdivision AKA MADRID SUBDIVISION: 26-lots Canyon Creek Road 27490 SW Canyon Creek Rd N	COPPER CREEK SUBDIV - CANYON CREEK RD	MATRIX DEVELOPMENT:	Exp July 2 2009
DB06-0036	Class 3 Planned Development Stage 2	Copper Creek Subdivision AKA MADRID SUBDIVISION: 26-lots Canyon Creek Road 27490 SW Canyon Creek Rd N	COPPER CREEK SUBDIV - CANYON CREEK RD	MATRIX DEVELOPMENT:	Exp July 2 2009
DB06-0037	Quasijudicial-Zone Map Amendment	Copper Creek Subdivision AKA MADRID SUBDIVISION: 26-lots Canyon Creek Road 3S1W12D_02900 Note: Council hearing date June 4, 2007; July 2, 2007 Second Reading Approved Ordinance 633 (Note: 5.4.09 PW permit request has been withdrawn)	COPPER CREEK SUBDIV - CANYON CREEK RD	MATRIX DEVELOPMENT:	Exp July 2 2009
DB06-0038	Class 3 Site Design Review	Copper Creek Subdivision AKA MADRID SUBDIVISION: 26-lots: previously Canyon Creek Estates Site Design Review 27490 SW Canyon Creek Road N	COPPER CREEK SUBDIV - CANYON CREEK RD	MATRIX DEVELOPMENT:	Exp July 2 2009
DB06-0039	Class 3 Tree Removal Plan	Copper Creek Subdivision AKA MADRID SUBDIVISION: 26-lots: previously Canyon Creek Estates 27490 SW Canyon Creek Road N	COPPER CREEK SUBDIV - CANYON CREEK RD	MATRIX DEVELOPMENT:	Exp July 2 2009

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WILSONVILLE REGARDING ONE YEAR EXTENSIONS OF DEVELOPMENT PERMIT APPROVALS AND AMENDING SECTION 4.023 OF WILSONVILLE CODE CHAPTER 4, PLANNING AND LAND DEVELOPMENT

WHEREAS, current code provides that land use and development permits are valid for a maximum of two years, unless the permit holder, on application, proves that good cause warrants a time extension. Not more than three such extensions may be granted, for not more than one year each; and,

WHEREAS, the last year has seen a significant decline in the economy, with the recessionary effects of job losses and a business declines affecting the housing and land development sector in particular; and,

WHEREAS, the Wilsonville City Council, in response to requests by the development industry and several permit holders, initiated a zone text amendment to enable one year extensions that would not count against the maximum number of extensions, may be granted administratively, without an application fee, and without the need to demonstrate good cause; and,

WHEREAS, the council finds that the economic climate alone constitutes "good cause" to extend land use approvals, at least in the near term. This being the case, the council finds that the public interest is served by a short term legislative fix to enable efficient, affordable and expeditious processing of extension requests; and,

WHEREAS, the Wilsonville Planning Commission considered the proposed text change at its meeting of June 10, 2009, and upon due consideration of the matter, recommends the council adopt an Ordinance codifying the approach; and,

WHEREAS, the City Council conducted a public hearing on the proposed text change at its hearing on _____, and based upon the record and recommendation of the Planning Commission, and the public record created before council, finds that the legislation meets the

requirement of W. C. 4.197 (.01) B respecting amendments to the Planning and Land Development Code,

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

Section 1. Findings. The City Council hereby adopts as findings the staff report in this matter dated _____.

Section 2. Code amendment. Wilsonville Code Section 4.023 is hereby amended to read as follows:

Section 4.023. Expiration of Development Approvals (See also Section 4.140)

(.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section. Specific Area Plan approvals shall not expire.

A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or

B. A time extension has been granted by **city staff** ~~the appropriate City reviewing body (generally the Development Review Board)~~ for good cause. **Except as provided in subsection (.05) below, N**ot more than three such extension may be granted, for not more than one (1) year each.

(.02) If the development approval is for a subdivision or partition, developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in (.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.

(.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the City Council.

(.04) Requests for time extension shall be submitted in writing, including written justification therefore, and received by the Planning Department not less than eight (8) calendar days prior to the expiration date of the permit or approval.

(.05) Notwithstanding the limitations and requirements in W. C. 4.023 (.01) B and (.04), beginning June 1, 2009 and ending June 1, 2010, city staff shall approve all

applications for one year extensions, which applications shall not require a demonstration of good cause or be accompanied by a filing fee, and which extensions shall not be counted toward the maximum number of extensions allowed in subsection 4.023 (.01) B.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the __th day of __, 2009, at the hour of 7:00 p.m. at the Wilsonville City Hall 29799 SW Town Center Loop East, Wilsonville, Oregon, and scheduled for second reading on the __th day of __, 2009, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2009, by the following votes: YEAS: ____ NAYS: ____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2009.

Tim Knapp, Mayor

SUMMARY OF VOTES:

Mayor Knapp _____
Councilor Kirk _____
Councilor Nunez _____
Councilor Hurst _____

Ordinance No. 666

LP09-0004
Exhibit D

Councilor Ripple _____

PLANNING DIVISION MEMORANDUM

Date: July 8, 2009
To: Mayor Knapp and City Councilors
From: Sandi Young, Planning Director
Re: Fee for Extension of Development Permits as a Class I administrative approval.

According to the Adopted Fee Schedule for Planning Fees, the fee for any Class I Administrative Review is \$160. Class I approvals include such matters as:

- Tree cutting permit for 3 or less trees
- Sign approvals for signage approved by the DRB as part of a Master Sign Plan
- Short-term (30 days or less) temporary use permits
- Minor site clearing and grading consistent with approved Site Development Plan.
- Approval of final plats consistent with DRB approved tentative plats.

Recommendation: Council approval of the Class I Administrative Fee of \$160 for Extension of Development Permits under Ordinance 666.