

**WILSONVILLE CITY HALL  
DEVELOPMENT REVIEW BOARD PANEL A**

**MONDAY, NOVEMBER 10, 2014 - 6:30 P.M.**

I. Call To Order:

II. Chairman's Remarks:

III. Roll Call:

Mary Fierros Bower  
Lenka Keith  
Simon Springall

Ken Ruud  
Kristin Akervall  
Council Liaison Julie Fitzgerald

IV. Citizen's Input:

V. City Council Liaison's Report:

VI. Consent Agenda:

**A. Approval of minutes of September 8, 2014 DRB Panel A meeting**

Documents: [Sept 8 2014 Minutes.pdf](#)

VII. Public Hearing:

**A. Resolution No. 292.**

**City Property Annexation and Zone Map Amendment: City of Wilsonville - applicant.**  
The applicant is requesting approval of an Annexation and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Village (V) for City owned properties along Tooze Road and Grahams Ferry Road near the northwest corner of Villebois. The subject site located on Tax Lots 1100, 1101 and 1503 (formerly 1591) of Section 15, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files: DB14-0064 - Annexation  
DB14-0065 - Zone Map Amendment

***The DRB action on the Annexation and the Zone Map Amendment is a recommendation to City Council.***

Documents: [Villebois N Annex.Zone Change.pdf](#)

VIII. Board Member Communications:

**A. Results of the September 22, 2014 DRB Panel B meeting**

Documents: [DRB B-Sept 22 2014 Results.pdf](#)

IX. Staff Communications

X. Adjournment

meeting. The City will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting.

- Qualified sign language interpreters for persons with speech or hearing impairments.
- Qualified bilingual interpreters.
- To obtain such services, please call the Planning Assistant at 503 682-4960

**DEVELOPMENT REVIEW BOARD MEETING**

**MONDAY, NOVEMBER 10, 2014**

**6:30 PM**

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**VI. Consent Agenda:**

- A. Approval of minutes from September 8, 2014 DRB Panel A meeting**

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

**Development Review Board – Panel A  
Minutes–September 8, 2014 6:30 PM**

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**I. Call to Order:**

Chair Mary Fierros Bower called the meeting to order at 6:30 pm.

**II. Chair’s Remarks:**

The Conduct of Hearing and Statement of Public Notice were read into the record.

**III. Roll Call:**

Present for roll call were: Mary Fierros Bower, Lenka Keith, Simon Springall, and Kristin Akervall. Ken Ruud and Councilor Liaison Julie Fitzgerald were absent.

Staff present: Barbara Jacobson, Daniel Pauly, and Steve Adams

**VI. Citizens’ Input:** This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

**V. City Council Liaison Report:**

No City Council report was given due to Councilor Fitzgerald’s absence.

**VI. Consent Agenda:**

**A.** Approval of minutes of July 14, 2014 DRB Panel A meeting

*- Note: Due to a lack of quorum to approve minutes from the July 14, 2014 minutes in the normal fashion, staff has attained signatures of approval from all attendees. The board is asked to recognize those signatures as valid and therefore adopt those minutes as approved.*

**Kristin Akervall moved to adopt the July 14, 2014 DRB Panel A meeting minutes as approved. Lenka Keith seconded the motion, which passed unanimously.**

**B.** Approval of minutes of August 11, 2014 DRB Panel A meeting

**Simon Springall moved to approve the August 11, 2014 DRB Panel A meeting minutes. The motion was seconded by Kristin Akervall and passed unanimously.**

**VII. Public Hearing:**

**A. Resolution No. 290. Carvalho and Seviles Row Houses: RCS-Villebois Investment LLC and RCS-Villebois Development LLC – owners.** The applicant is requesting a modification to Preliminary Development Plan 1 Central, a Refinement to SAP Central, a Tentative Subdivision Re-Plat for the Carvalho Row Houses, a Tentative Subdivision Re-Plat for the Seviles Row Houses and a Refinement to the Linear Green Address of the Village Center Architectural Standards. The subject properties are located along SW Villebois Drive South and SW Barber Street. The properties are described as Tax Lots 11800 – 12500 and 7800 and 8000 of Section 15DB, T3S, R1W, Clackamas County, Oregon. Staff: Blaise Edmonds

Case Files: DB14-0050 – Carvalho & Seviles Row Houses PDP Modification  
DB14-0051 – Carvalho & Seviles Row Houses SAP Refinement

DB14-0052 – Carvalho Row Houses Tentative Subdivision Re-Plat  
DB14-0055 – Sevilles Row Houses Tentative Subdivision Re-Plat  
DB14-0056 – Revisions to the Village Center Architectural Standards for  
the Linear Green Address

**Chair Fierros Bower** called the public hearing to order at 6:37 pm and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. Kristin Akervall declared for the record that she lives in Villebois, but that would not bias her decision. No board member participation was challenged by any member of the audience.

**Daniel Pauly, Associate Planner**, announced that the criteria applicable to the application were stated on page 2 and 3 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room. He announced that he was filling in for Blaise Edmonds, who was called away this evening.

**Mr. Pauly** presented the Staff report via PowerPoint, briefly reviewing the separate locations of the Carvalho and Sevilles row house sites, surrounding features within the Village Center and details about the applications before the Board, with these key comments:

- The Carvalho & Sevilles Row Houses were part of the same Preliminary Development Plan (PDP), and the PDP modification request regarded changing the formally proposed attached row house products for Sevilles and the stacked flat condominium type structures for Carvalho to detached row houses on both sites.
  - A future Final Development Plan (FDP) application, where the details of the architecture and landscaping would be addressed, was still forthcoming. Most of Villebois' architecture was reviewed by the consultant architect based on the Architectural Pattern Book and not at the DRB level; however, in the Village Center, the DRB reviewed architecture through the FDP based on the Village Center Architectural Standards (VCAS). He reminded that while some architectural drawings would be seen tonight, review of the projects' architecture was out of the scope of tonight's hearing; however, the drawings were being provided to help the DRB understand how the projects were changing in terms of density.
- The Specific Area Plan (SAP) Central Refinement request related specifically to density and the proposed number of units. Considering the number of units in the Village Center, the proposed change was relatively small at 1.3 percent, which was well within that allowed through the refinement process in the Development Code.
- The Tentative Subdivision Re-Plat requests were made because the Applicant wanted ~~them~~ the properties re-platted from their current configurations to allow for the detached row houses.
- The proposed revisions to the VCAS regarded the Linear Green Address. He explained that the VCAS identified specific standards for what the urban design of certain streets would be in Villebois.
  - No changes were proposed for the Barber Street Address, which applied to the Sevilles, because it was previously changed to allow for detached row houses. However, the Linear Green Address, which applied to the Carvalho projects along SW Villebois Dr, needed to be changed to allow for the detached row houses and be appropriately referenced to avoid any conflicts in the language.
- He displayed the previously approved Site Plan (Sheet C-4) for the Carvalho Row Houses, noting that one French-style building, consisting of three units, had already been constructed at the corner of SW Toulouse St and SW Villebois Dr. The additional five buildings, consisting of six units each with three units stacked on top of each other, would result in a total of 33 condominium units. An elevation of the proposed six-unit buildings was displayed (Sheet A.2)
  - The requested subdivision re-plat would create individual lots for each of the detached row houses located on both sides of SW Villebois Dr between SW Zurich St and SW Toulouse St, as well opposite the single three-unit structure built between SW Toulouse St and SW Barber St.

- Aerial perspectives showing the conceptual architecture of the future development sites were displayed. The Carvalho buildings on either side of SW Villebois Dr between SW Toulouse St and SW Zurich St consisted of one type of design, but the Applicant could explain why a different type of architecture was proposed for the Carvalho buildings to the north. He reiterated that much of that detail would be addressed in a future application.
- Parking standards had been met, as the Development Code required only one parking space per single-family unit and the units had two-car garages in addition to on-street parking.
- No issues existed in terms of tree removal. As previously requested, a few trees were requested for removal and one important tree would be preserved.
- He provided a brief overview of the language revisions made to the VCAS to allow row houses in the Linear Green Address.
  - Under 2.1 Building Types, the VCAS required multi-family dwellings, so “*or Row Houses - Village Center. Row Houses may be attached or detached.*” would be added. (Slide 22) The Development Code already stated that row houses in the Village Center could be attached or detached.
  - Rules of Adjacency were considered in a lot of neighborhoods, meaning that two like homes should not be next to each other or across the street. This was different in the Village Center, as opposed to other similar detached row house-type products in Villebois. The existing language, which continued to be recommended, discussed having units of the same architecture grouped together. Specifically, between SW Zurich St and SW Toulouse St, having bookends of the same architecture on either side of SW Villebois Dr would maintain a consistent look in that urban room. Keeping the roof forms consistent at each level would help create a look of being a single urban mass, even though the units were detached.
  - Language to include multi-family buildings was added in several places to differentiate the requirements between detached row houses and multi-family buildings.
  - A letter was received from some neighbors, which was distributed to the Board (Exhibit E1), and the Board also had questions regarding proposed changes to the requirement to have a fence between the yard and street. (Slide 25)
    - He explained that the Architectural Pattern Books, which applied to neighborhoods outside the Village Center, stated courtyards were optional on single-family homes, but in recent applications a certain percentage of some subdivisions were required to have courtyards.
    - The purpose of a courtyard was to create a semi-private space; a transition between the private space in the home and the public space on the street, much like a front porch.
    - In the proposed configuration, where the homes were set fairly close to the street with full front porches, the semi-private space was already provided on the American Modern designs. A courtyard fence would not make sense and might not work well in instances where a porch or semi-private space was already provided.
      - French Revival and English Revival homes, as well as some American Modern Craftsman style homes, tended to have only a stoop or small porch to one side, so courtyard would play a key role in creating a semi-private space.
    - He deferred to the Applicant to discuss why the fence might not be desirable in every instance of the Linear Green address as they were considering the architecture.
- No changes would be made to the VCAS for the Sevilles Row Houses. The Tentative Subdivision Re-Plat was requested to allow the right number of lots, similar to what had been done across SW Ravenna Lp, immediately adjacent to the development. The architecture would certainly be different than other recently built detached row houses, but in terms of platting, the idea was the same.
- The Seville development provided the appropriate amount of required parking and no tree issues existed.
- He entered the following exhibits into the record:
  - Exhibit E1: Letter dated August 31, 2014 received from Ron and Dona Larson and subsequent responses by and correspondence with Blaise Edmonds.

- Amended Exhibit A3: Memorandum from Blaise Edmonds dated September 8, 2014 that proposed clarifying changes to the Staff report with regard to fencing.

**Lenka Keith** asked if the roof consistency mostly regarded the pitch of the roof.

**Mr. Pauly** replied yes, adding that it also involved having the horizontal lines consistent across the façade. The bookend units could come down a little, but the horizontal lines on each level needed to be consistent along the street frontage.

**Kristin Akervall** noted Page 4 of the Staff report summary discussed waving the requirement for a traffic impact study. She understood the total number of units was decreasing from what was originally planned, but she was curious when the last study was done.

**Steve Adams, Development Engineering Manager**, responded the last full study was done by Polygon Northwest when they came in with their Grande Pointe subdivision last year. At that time, Staff had them relook at everything that was going on to-date to determine whether traffic was increasing or decreasing.

**Simon Springall** understood no important trees were proposed for removal, but the plans identified that one small important Oregon White Oak was slated for removal, Tree 469.

**Mr. Pauly** clarified Tree 469 was previously approved for removal and no changes were requested to what was approved with the previous project. He added the lots were pretty much all used up besides a small side yard and the alley.

**Mr. Springall** noted the original arborist report from 2006 was being reused in the application. He asked if it was appropriate to reuse an old arborist report or was it just being reused because a re-plat was being done.

**Mr. Pauly** replied that was an excellent question, noting that often times it was not appropriate. However, he believed it was appropriate in this case because no development alternative existed for going around the trees in question and the tree was proposed for removal in 2006, it would be removed whether it was in good or poor health. If the situation involved moving buildings around to save a tree, an updated arborist report would certainly be desired to ensure no conditions had changed with adjacent construction over the past five or six years.

**Mr. Springall** asked why the tree was slated for removal because it was marked as important and the original arborist report marked it as retained.

**Mr. Pauly** responded that he saw the trees were all X'ed out, but noted he had only started looking at the plans today. He offered to research the matter further during the Applicant's presentation to better understand the full history behind the trees and provide a better answer. He imagined the Applicant might also have more information and be able to provide further clarification about the trees. He appreciated discussion about any issues involving important White Oaks, which have been discussed a lot recently.

**Mr. Springall** confirmed the conceptual elevations were not really part of the application the Board was considering tonight, but he believed it was worth pointing out that repetition existed in the conceptual elevations provided and that the set was not complete.

**Mr. Pauly** clarified that the Board was not approving any of that at this point, even on a conceptual level. The elevations were provided to make the DRB aware of what the Applicant was working on and help the

Board visualize the changes from one product type to another and the different look of the urban linear park compared to what was previously approved.

**Mr. Springall** noted the SW Barber St drawings were mislabeled with “Villebois St” and all of the SW Villebois Dr drawings were mislabeled with “Villebois St” as well.

**Mr. Pauly** agreed the drawings were certainly not perfect, noting he also found some inaccuracies. In some of the materials, some units south of SW Barber St on SW Villebois Dr were actually labeled as SW Barber St units, but they were actually the SW Villebois Dr north units. The units on the northern part of SW Villebois Dr and those along SW Barber St were more of an American Modern-type design, and he understood the Applicant was trying to transition architecturally from a prominent flat roof multi-use building to more of a gabled roof product.

- He noted that he did not see the Seviles Row Homes included in the packet. He was not sure if the Applicant had that information with them tonight, but noted the architecture would be considered in a future application.

**Mr. Springall** noted that with the new development happening along SW Barber St, he found it interesting that a pretty big variety in roof lines existed, even within a single block. He believed the variety was partly due to the change in builder halfway through one of the blocks.

**Mr. Pauly** agreed, adding he was sure if there was only a single builder, there would be more consistency. He noted that when the DRB approved that application, they had to balance a number of different things to make that project happen and create something. He knew a significant amount of change was made to the product before it was actually built.

**Mr. Springall** believed making everything have a consistent look on SW Barber St was a bit of a challenge.

**Mr. Pauly** responded something the Applicant was aware of and working on, in terms of the architecture, was having a transition from the flat-roof structure to the other row houses, and then also transitioning to the single-family and other row houses. He believed a robust discussion would take place once the Applicant provided the final architectural drawings for the row houses.

**Ms. Keith** asked for the definition of a row house, adding she was a bit puzzled by “detached row house”, as she had the impression that row houses were typically attached.

**Mr. Pauly** clarified row houses were simply houses in a row. He noted a prior Polygon application, he believed in Phase 2 North, proposed the exact same type of product that was called a detached row house in the Village Center, but a small cottage across the street. While these were not the typical row houses found in urban areas, they were different from single-family homes in terms of spacing. With 5-ft to 7-ft spacing between them, together the row houses created an urban form and looked like one unit even though they were detached. Examples of such could be seen in Washington DC and San Francisco. On the other hand, he noted some of this was about working with the language that had been in the Code from the beginning and adapting it as products changed over time, so the nomenclature was probably not perfect.

**Ms. Akervall** noted PFA6, PFA10 and PFA14 in the Engineering Division Standard comments stated “as built plans indicate eight water services” and “eight storm service laterals”, but only seven lots were shown. She asked for clarification regarding the difference in numbers.



**Mr. Pauly** explained that eight lots were previously platted, so when SW Barber St was constructed and all the utilities were installed, service lines were run for eight lots. The lots were now being re-platted into seven lots and one of the service lines would not be used, so it needed to be capped, decommissioned or filled depending on the type of line it was. He noted this had been done essentially for all the other detached row houses built in the Village Center. The City just wanted to ensure that no underground pipes that lead to nowhere existed.

**Ms. Akervall** inquired the utilities lined up with the new re-platted lot lines.

**Mr. Pauly** explained that little triangular easements were created on the edge of previous row homes to service the adjacent lot, but had worked.

**Mr. Adams** explained City Code required a straight connection from the main line to the edge of right-of-way. From the right-of-way to the house, the service line could go in different directions, split, etc. because it was considered a private line at that point and would be the private homeowner's or contractor's responsibility. Once the line left the right-of-way, it would no longer be the City's responsibility.

**Ms. Akervall** asked if this had worked and been successful elsewhere in Wilsonville.

**Mr. Adams** replied he could not provide a second example outside of Villebois.

**Chair Fierros Bower** asked if a fence was proposed for the yard between the row houses.

**Mr. Pauly** replied Staff had not gotten into the fencing yet at this level, but in other cases throughout Villebois, there was typically no fence; instead, the row houses had an active side yard and an inactive side that was the neighbors' active side yard. The maintenance and use of the side yards were governed by the Covenants, Conditions and Restrictions (CC&Rs) and the easement.

**Chair Fierros Bower** called for the Applicant's presentation.

**Rudy Kadlub, President, Costa Pacific Homes, 11422 SW Barber St, Wilsonville, OR, 97070**, stated he was also the Master Planner for Villebois. He provided some background regarding the proposed application with the following key comments:

- In 2002, when Villebois was first conceived, the idea was to center the density around the Piazza and the Village Center so the maximum number of people could walk to the services to be built in the community. The market was strong; it was exciting at that time and it seemed like one could build anything and do no wrong.
- Costa Pacific Homes began building the first Carvalho Condominium, the three-unit condo Mr. Pauly mentioned earlier, in addition to the first group of luxury row homes on SW Barber St and the 8-unit building located right around the corner on SW Barber St. The homes, which were luxurious and extremely expensive, were first introduced in the spring of 2009 because he was certain the recession would have passed by then. Unfortunately, it did not and the row homes, though all owned and occupied now, did very poorly in the marketplace. Today, those row homes continue to lag; costs have increased and the building codes created for Villebois made building attached homes in the suburbs extremely difficult compared to detached homes. In the urban areas, where rents were three times the amount of the suburbs and condominium sales prices were three or four times that of the suburbs, one could afford to build multi-family, attached, for sale products with structured parking, etc.
- Costa Pacific had been playing and continued to play catchup with costs and pricing since 2006. Rather than continue to wait and hope that the market and cost structure would reach a point where

the Villebois vision could be satisfied perfectly, Costa Pacific instead were considering working within the vision with a product that could be successful in the marketplace, while still providing the approximate density originally desired.

- The building originally proposed directly across the street from the existing Sevilles Row House eight-unit building was to have the same mirrored look; however, that building was not financeable. Costa Pacific had been trying to do the project for the last five to six years, but it just has not happened. The result was to determine what could be built there that would also be market acceptable; so, the eight-unit Seville Row Home building would now become a seven-unit row of detached row homes that could be financed individually and would actually cost less per square foot to build than an attached home, while also providing the same feeling of a row product.
- The existing Sevilles row homes were consistent in architecture and color. The same notion of design would take place across the street in that the homes would be consistent in design, roof forms and massing, but they would take on more of an urban feel. While the architecture would be seen in the future, the homes were more of an urban loft product, as opposed to detached row homes. Preliminarily, he had seen some really exciting forms of the urban lofts and that architecture would be repeated on the four lots around the corner on SW Villebois Dr, so there would be eleven (11) urban lofts total.
  - The lofts were three stories high, so the massing worked a bit better. The lofts on the north side of SW Barber St were adjacent to the three-over-one domain in Villebois, the four-story building. The proposed row homes were a half story taller than the original row homes across the street, so the transition was a bit better to the larger building and the row homes would have a really nice presence on the street.
  - Likewise, the four row houses around the corner would be adjacent to a four-story building that would front on SW Barber St, which was another mixed use building.
- The Carvalho Condominiums had extremely expensive construction costs that rivaled the cost of building a condo in downtown Portland, so that building was impractical for this location. Condos could be built there that would work in the market, but they would not look very nice, due to the corners that would have to be cut, and the building would not feel right for Villebois.
- Therefore, Costa Pacific developed another concept, called an officer row product, which could be seen in Vancouver, WA. Fronting on the Linear Green, these row houses would have American Modern architecture and be spaced close together with similar styles and forms, though not exactly the same. The buildings would be three-stories with second story balconies and first floor porches with all-rear entries off the alley.
- He confirmed they were going from 38 homes to 25 homes in the area, but noted the amount of square footage would probably be comparable to the condominiums, which were smaller in size.

**Stacey Connery, Pacific Community Design, 12564 SW Main St, Tigard, OR, 97223**, responded to questions posed earlier by the Board. She indicated that Trees 468 and 469 were located at the very end of an alley. The trees were previously identified for removal as part of the PDP application, but would not actually be removed until the surrounding development occurred. Because of the location of the alley way, removing the trees was still necessary to provide backup space for the garage of the closest Row House.

- In addition, a mixed-use building was proposed nearby. Although the site planning was still being worked through, she believed it was possible that the building's access could connect to the alley at the rear side of the building, so the trees would be impacted either by the alley and driveway of the row homes or the future mixed-use building's site planning.

**Mr. Pauly** asked if Ms. Connery had any idea about the current condition of Tree 469, noting the young tree had had a lot happen around it.

**Ms. Connery** replied she did not, but stated they could have the arborist go back and look at it.

**Mr. Springall** noted a lot of growth had occurred there.

**Mr. Pauly** stated the tree was listed as two inches in the arborist report.

**Mr. Springall** added the arborist report was done eight years previously.

**Mr. Pauly** responded that White Oaks did not grow that fast.

**Ms. Akervall** asked if the condominiums, the one already built and those now proposed as detached row homes, included single-level living units. She asked if an elevator would be provided in the building or would people with third floor units need to walk up three flights of stairs to reach their unit.

**Mr. Kadlub** replied the proposed condominiums and the one that had already been built were comprised of single-level homes on the ground floor with two-story townhomes stacked on top. All tenants would enter their units from the ground floor, but the second story townhome tenants would have to walk up the stairs since the building did not have elevators.

**Ms. Akervall** noted the ground unit that was a single-floor living situation was being lost. She asked if the Applicant had considered opportunities for an easier floor plan for people with mobility issues in Villebois.

**Mr. Kadlub** replied getting single-level plans was difficult when trying to get density, too. The only way to do so was by stacking single-level product, which then made it a condominium, driving up the cost of construction.

- Having said that, he noted Costa Pacific was still actively pursuing single-level living in the mixed-use buildings surrounding the Piazza. Next month, the DRB would see an application for the Trafalgar development on SW Barber St to the northwest, which would consist of three-story stacked homes with subterranean parking and elevators that would provide single-level living.
- He understood single-level living was very desirable for the Kennedy and Eisenhower generations, but it was pretty difficult to achieve the required density numbers. He believed there were only a handful of single-level plans in all of Villebois and he agreed the two did not marry up very well.

**Ms. Akervall** replied single-level living was important to continue to have a diverse group of people in the community.

**Mr. Kadlub** concurred, adding that Costa Pacific was working diligently to that.

**Chair Fierros Bower** confirmed the three-story row houses were single-family homes with a lot of open volume inside given the loft design.

**Ms. Keith** noted a patio on the floor plans adjacent to a kitchen and suggested shortening the patio so the space could be used as a pantry for the kitchen. The homes were large and no pantry was proposed.

**Mr. Springall** asked about the idea behind having only a large bonus room on the third floor and no living space or bedrooms.

**Mr. Kadlub** replied that would be an appropriate question for the architect. He added the building would be sold to a builder who had hired a prominent architect in the region. He believed the question was more appropriate for the FDP application than tonight's hearing because the architect might not have the

answers to all of the questions at this point. He noted the DRB had conceptual designs that were not refined yet.

**Chair Fierros Bower** called for public testimony in favor of, opposed and neutral to the application.

**Ron Larson, 29101 SW Villebois Dr S, Wilsonville, OR, 97070**, stated he and his wife lived directly across SW Zurich St from the subject property. He appreciated everyone's involvement with the development, as he and his wife had watched the development sit there for five years and they understood the pain. He noted they also understood the condominium issue, adding they had considered purchasing the lower floor condominium at 29010 SW Villebois Dr.

- Their key point regarded changing the fence requirement from "shall" to "may". After listening to some of the discussion and knowing a bit more about what was happening, they recommended that particular item be postponed or tabled until the FDP, so they could actually see what was going on. He believed how that was treated with the landscaping was extremely important because the fencing was required to be 25 percent opaque and vertical, which matched a lot of other homes on SW Villebois Dr.
- He displayed a photo indicating a metal fence and landscaping at the Renaissance Court Apartments, which were two-story apartments that he believed were architecturally designed well to fit in with the other homes, which were basically townhomes, on the other side of SW Villebois Dr.
  - He displayed another photo showing the view looking across the water treatment swale or facility, and noted a sidewalk between the vertical masonry and steel elements, as well as the sidewalk by the water quality swale and to the left hand side of the photo.
- He explained he was trying to show the Board the flavor of what it was like to live on SW Villebois Dr. Displaying a picture of his home, he noted he and his wife had lived there for five years and when the farmer's market was at the Piazza on Sunday mornings, they would sit on their front porch and could visit with the neighbors walking by, which was exactly what the urban core was all about. He believed the railing on the homes showing in the conceptual drawings would probably accomplish that same thing.
- He pointed out there was a little bit of a return and that element could be seen pulling down the side. He believed the interior patio on the end unit was really important in terms of how it would be treated, whether it would have a private space open to a view and if there would be landscaping along it. Unfortunately, the PowerPoint only showed a wall of wood, which was what he and his wife would be looking at from their dining room window, which was on the other side of the tree in the photo.
- While they wanted to see the development go forward, many unknowns existed about why fencing was being deleted and what would be done instead of a fence. Rather than stating fencing was optional carte blanche, they recommended having a more specific plan for considering the vertical elements of the railings on the front porch, which he believed they could support at the FDP. Making that change now without knowing what the change would be and simply stating fencing was optional was incorrect planning.

**Dona Larson, 29101 SW Villebois Dr S, Wilsonville, OR, 97070**, said she understood the situation the developer was in. She and her husband purchased their home in 2009 and it was no longer worth what they paid for it, so they were concerned about what would be built across the street. While they very much supported single-family detached row homes, they wanted them to be nice. Tenants would be able to look out and see the landscaping and railing that she and her husband paid for and maintained. She wanted to be able to look out her window and see the same thing, not just the big blank wall that was currently proposed. She noted that the front of the buildings was being discussed, but the side was what they were concerned about.

**Mr. Larson** explained that just like the Renaissance Court Apartments did a really nice job on their exterior and landscaping, together with the railing, to blend in a two-story blank wall, he believed that same thing could be done on the Carvalho Row Homes.

**Chair Fierros Bower** called for the Applicant's rebuttal.

**Mr. Kadlub** stated the buildings would be designed in such a way to have an active and passive side. As Mr. Pauly stated, the space between the buildings was shared, so no fence would go down the middle of the property line. All of the space on the active side of the building would be used for the active owner. The passive side, which would not be a blank wall, but the one with less windows or windows that looked into the active space of the neighbor next door, worked its way all of the way down, but there would be a point in the middle where it would flip over. There were always two passive to passive sides and always an active side at the end of the street. The side of the building that would face the Larson's home would be an active side with fenestration, doors and strong architecture.

- As far as fencing was concerned, the Applicant said "may" because they were uncertain how the architecture would work itself out; whether some of it might be attached at the front, so they did not want to be saddled with the notion that a fence was a requirement. He was having a hard time conceiving what the fencing looked like for the urban loft product, so that would still need to be designed as it went forward.
- The fencing for the American Modern part was fairly straightforward and easy to do. He knew the builder would want to create privacy for the homeowners that lived there, so it was highly likely that fencing would be included. He noted the Applicant said "may" just to provide some flexibility on design, but he would not fall on their sword over that if that was the case. He would be happy if the DRB wanted the language to state "may be required by the DRB at the FDP application".

**Mark Stewart, Mark Stewart Home Design, 22582 SW Main St, Design Ste 309, Sherwood, OR, 97140**, agreed that Mr. Larson's had great points, and noted the Applicant had not been addressed what the neighbors would see yet, but it was extremely important; if it was just left with nothing it would not work and that was not the intention.

Mr. Larson indicated his agreed with Mr. Stewart from the audience.

**Mr. Springall** noted the response memorandum from Staff talked largely about the American Modern architecture and whether or not fences were needed, which might not really be the issue. He asked whether the issue might be the loft design, which was not addressed in Staff's memorandum.

**Mr. Pauly** responded the design was American Modern; it was just a different style of American Modern.

**Mr. Kadlub** confirmed the loft design was American Modern, as Contemporary and Craftsman architecture both fell under the American Modern style.

**Mr. Stewart** believed the final solution should include some fencing, but it had not been done yet. He added it would be nice to be able to do the best they possibly could for the neighborhood without being saddled with a specific fence.

**Mr. Pauly** noted required fencing had been made optional on other applications where Staff worked with the Applicant. The DRB retained the right to require fencing in certain locations if the Board believed it was needed somewhere where it was not proposed during the FDP, so the Board could certainly make that clear if it wanted.

**Mr. Springall** asked if Exhibit A3 still stood.

**Barbara Jacobson, Assistant City Attorney**, clarified the DRB could just state in lieu of Exhibit A3, the Board wanted to defer the decision until the next hearing.

**Mr. Pauly** noted the language needed to be included in the VCAS, which was reviewed at a higher level than the FDP. The DRB could require fencing at certain locations, but that had to be determined tonight because they needed to identify the language to include in the Standards, which needed to be adopted tonight at the SAP/PDP level.

**Ms. Akervall** appreciated that the Applicant was trying to maintain a high level of quality in the neighborhood, which was something everyone strongly agreed on. She thanked the Applicant for maintaining a quality of all of the different products, units and homes that were built.

**Mr. Springall** said it was good to be moving forward with building up the density in the Village Center, as that seemed to be critical to many things including retail and everything else going on in Villebois. He believed it was important for the community to have a largely built out center and he was happy the proposal was going ahead as well.

**Mr. Kadlub** stated it was the first time since 2006 that Costa Pacific's phone was actually ringing from retailers and people who want to pursue an opportunity to be in the Village Center, which was exciting.

**Ms. Keith** echoed Ms. Akervall's comment about quality, adding she also appreciated the layout of the units. She understood this proposal was very preliminary, but for the most part the size of the rooms was very functional. She was surprised by how much functional space could be put on a very small lot.

**Mr. Stewart** noted pantries would be worked into the design and added the builder would not have it any other way.

**Mr. Pauly** stated that retaining Finding 2 as originally written in Amended Exhibit A3 would be best. He read the proposed language for New Condition PDE 2 as follows, "While the VCAS language is being changed to "may" rather than "shall" in relation to front yard fencing for the Linear Green Address, the DRB may still require fencing at certain locations during FDP review."

**Mr. Stewart** replied the Applicant would provide a very complete view of where they were suggesting fences to be located, such as in 3D drawings, so the intention would be very obvious.

**Mr. Kadlub** said he accepted Staff's proposed language.

**Chair Fierros Bower** closed the public hearing at 7:49 pm.

**Simon Springall** moved to accept the amended Staff report, deleting Amended Exhibit A3, and adding Exhibit E1 and new Condition PDE2 as follows: *"While the VCAS language is being changed to "may" rather than "shall" in relation to front yard fencing for the Linear Green Address, the DRB may still require fencing at certain locations during Final Development Plan (FDP) review."* Lenka Keith seconded the motion, which passed unanimously.

**Simon Springall** moved to approve Resolution No. 290. The motion was seconded by Kirstin Akervall and passed unanimously.

**Chair Fierros Bower** read the rules of appeal into the record.

**VIII. Board Member Communications**

**A. Results of the August 25, 2014 DRB Panel B meeting**

**Daniel Pauly, Associate Planner**, summarized the application approved at the DRB Panel B meeting for the former Kraven's building in Town Center. The building would be divided into two tenant spaces and completely updated architecturally. While not part of the Board's review, the Applicant was resurfacing the parking lot.

**IX. Staff Communications**

There were none.

**X. Adjournment**

The meeting adjourned at 7:54 pm.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for  
Shelley White, Planning Administrative Assistant

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, NOVEMBER 10, 2014

6:30 PM

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**VII. Public Hearing:**

- A. Resolution No. 292. City Property Annexation and Zone Map Amendment: City of Wilsonville – applicant.** The applicant is requesting approval of an Annexation and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Village (V) for City owned properties along Tooze Road and Grahams Ferry Road near the northwest corner of Villebois. The subject site located on Tax Lots 1100, 1101 and 1503 (formerly 1591) of Section 15, T3S, R1W, Clackamas County, Oregon.  
Staff: Daniel Pauly

Case Files: DB14-0064 – Annexation  
DB14-0065 – Zone Map Amendment

***The DRB action on the Annexation and Zone Map Amendment is a recommendation to the City Council.***



**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 292**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) FOR CITY OWNED PROPERTIES ALONG TOOZE ROAD AND GRAHAMS FERRY ROAD NEAR THE NORTHWEST CORNER OF VILLEBOIS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1100, 1101 AND 1503 (FORMERLY 1591), OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. CITY OF WILSONVILLE- APPLICANT.**

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated November 3, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on November 10, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated November 3, 2014 recommending to City Council approval of the Annexation and Zone Map Amendment Requests (DB14-0064 and DB14-0065) for:

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 10<sup>th</sup> day of November, 2014 and filed with the Planning Administrative Assistant on \_\_\_\_\_. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.

\_\_\_\_\_  
Mary Fierros Bower Chair, Panel A  
Wilsonville Development Review Board

Attest:

\_\_\_\_\_  
**Shelley White, Planning Administrative Assistant**

Exhibit A1  
**STAFF REPORT**  
**WILSONVILLE PLANNING DIVISION**

*North Villebois City Properties Annexation and Zone Map Amendment*

**DEVELOPMENT REVIEW BOARD PANEL ‘A’**  
**QUASI-JUDICIAL PUBLIC HEARING**  
**STAFF REPORT**

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<b>HEARING DATE</b>	November 10, 2014
<b>DATE OF REPORT:</b>	November 3, 2014

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**APPLICATION NOS.:** DB14-0064 Annexation  
DB14-0065 Zone Map Amendment

**REQUEST/SUMMARY:** The Development Review Board is being asked to review a Quasi-judicial Annexation and Zone Map Amendment for City owned properties in the northwest portion of Villebois. No development is proposed concurrently with these applications.

**LOCATION:** Approximately 9.8 acres at 11650 SW Tooze Road and a small triangular approximately 6315 square foot property across Grahams Ferry Road from 28333 SW Grahams Ferry Road. Described as Tax Lots 1100, 1101, and 1503 (formerly 1591), Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, as depicted on the map below.

**OWNER/APPLICANT/PETITIONER:** City of Wilsonville

**COMPREHENSIVE PLAN MAP DESIGNATION:** Residential-Village

**ZONE MAP CLASSIFICATION:** RRFF5 (Clackamas County Rural Residential Farm Forest 5)

**STAFF REVIEWER:** Daniel Pauly AICP, Associate Planner

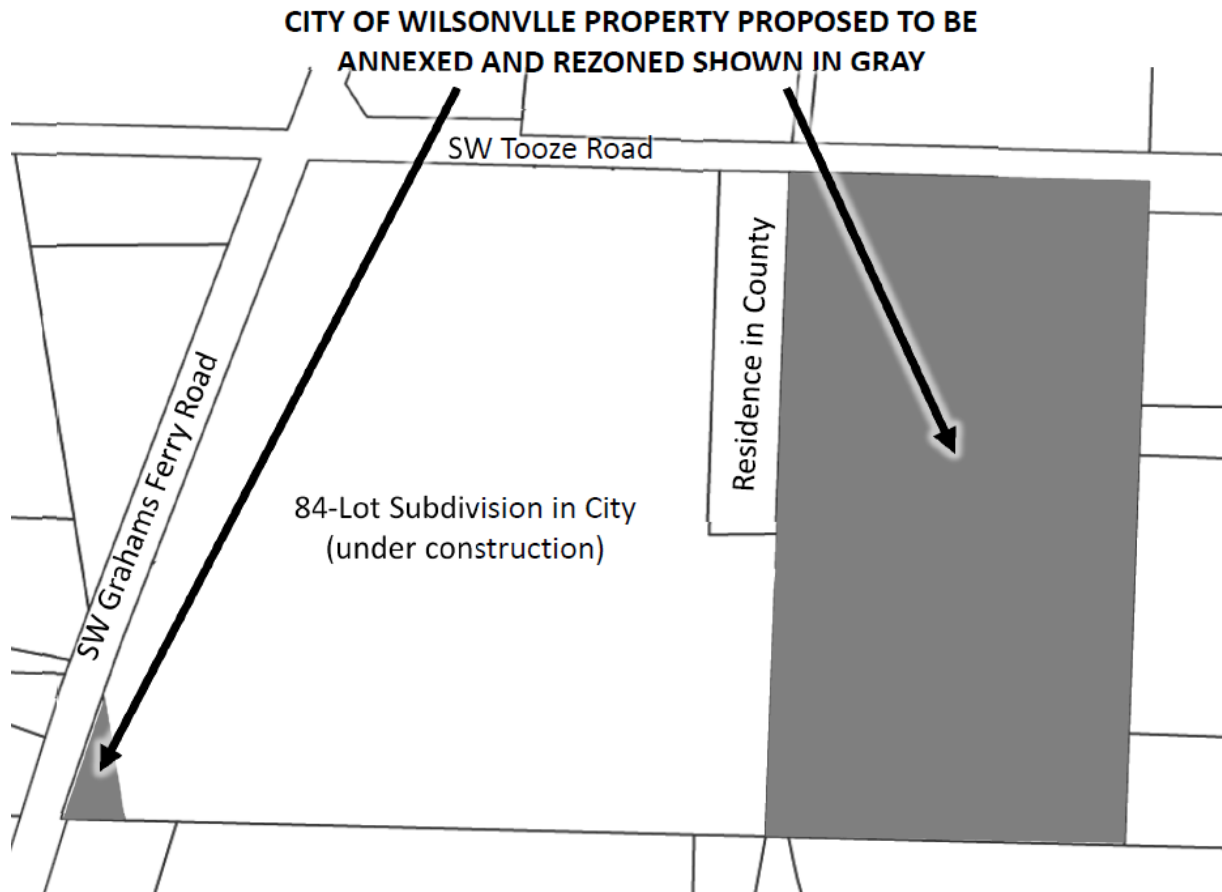
**STAFF RECOMMENDATIONS:** Recommend approval of the requested Annexation and Zone Map Amendment to City Council.

**APPLICABLE REVIEW CRITERIA**

<b>DEVELOPMENT CODE</b>	
<b>Section 4.008</b>	<b>Application Procedures-In General</b>
<b>Section 4.009</b>	<b>Who May Initiate Application</b>
<b>Section 4.010</b>	<b>How to Apply</b>
<b>Section 4.011</b>	<b>How Applications are Processed</b>
<b>Section 4.014</b>	<b>Burden of Proof</b>
<b>Section 4.031</b>	<b>Authority of the Development Review Board</b>
<b>Section 4.033</b>	<b>Authority of City Council</b>
<b>Section 4.197</b>	<b>Zone Changes and Amendments to Development Code-Procedures</b>

<b>Section 4.700</b>	<b>Annexation</b>
<b><u>OTHER CITY PLANNING DOCUMENTS</u></b>	
<b>Comprehensive Plan</b>	
<b>Villebois Village Master Plan</b>	
<b>SAP North Approval Documents</b>	
<b><u>REGIONAL AND STATE PLANNING DOCUMENTS</u></b>	
<b>Metro Code Chapter 3.09</b>	<b>Local Government Boundary Changes</b>
<b>Metro Function Plan Titles 1,2,3,6 and 7</b>	
<b>ORS 222.111</b>	<b>Authority and Procedures for Annexation</b>
<b>ORS 222.120</b>	<b>Procedure without Election by City Electors</b>
<b>ORS 222.125</b>	<b>Annexation by Consent of All Land Owners and Majority of Electors</b>
<b>ORS 22.170</b>	<b>Effect of Consent to Annexation by Territory</b>
<b>Statewide Planning Goals</b>	

**Vicinity Map**



## **BACKGROUND/SUMMARY:**

### **Annexation (DB14-0064)**

Of the land covered by the Villebois Village Master Plan only the properties just south of Tooze Road between Grahams Ferry Road and 110<sup>th</sup> Avenue remain outside the City. The City's Comprehensive Plan already designates these properties as "Residential-Village" in anticipation of annexation. Earlier in 2014 Polygon Homes petitioned for annexation of properties near the corner of Tooze Road and Grahams Ferry Road concurrent with a request to develop the property. The City wishes to now annex City owned property adjacent to the property annexed earlier this year.

### **Zone Map Amendment (DB14-0065)**

The City requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) zone to make the newly annexed land's zoning designation consistent with the comprehensive plan.

### **Discussion Points**

#### ***Future Use of the Properties and Why the City is Pursuing Annexation at this time***

#### **Triangular Piece of Property along SW Grahams Ferry Road**

The why for the annexation and zone map amendment for this property is to make this small parcel consistent with actions previously taken on adjacent property. The property is an approximate 6315 square foot triangular piece the along SW Grahams Ferry Road. The developer of the adjacent Calais at Villebois subdivision, Polygon Northwest, desired to purchase and annex and rezone this property along with Calais at Villebois. However, they were unable to obtain ownership due to some questions surrounding the ownership and proceeded with the annexation, zone map amendment, and development entitlements for the remainder of the project. The ownership was later clarified and the City purchased the property as part of plans to widen Grahams Ferry Road in accordance with a development agreement between the City and Polygon Northwest. The part of the property not used for right-of-way is expected to be used for a fence and open space consistent with Calais at Villebois.

#### **Tooze Road Properties**

The why for the annexation and rezoning of these properties is to begin laying the foundation for future development applications. The majority of the properties will likely be sold at some future time for private development. Prior to the main portion of the property developing the City anticipates the development of a portion of the public Villebois Regional Park 5 on the southern portion of the property within the next couple years. The present annexation will allow park land use entitlement to proceed more smoothly without working through Clackamas County jurisdiction and zoning. The City also anticipates having the annexation and zoning complete will make the property more marketable when, as anticipated, the majority of the property is sold for development.

**CONCLUSION:**

Staff has reviewed the petition and facts regarding the request and recommends the DRB recommend approval of the annexation and zone map amendment to City Council (DB14-0064 and DB14-0065).

**REQUEST A: DB14-0064 ANNEXATION**

This action recommends Annexation to the City Council for the subject properties. The Zone Map Amendment (DB14-0065) is contingent on annexation.

**REQUEST B: DB14-0065 ZONE MAP AMENDMENT**

This action recommends adoption of the Zone Map Amendment to the City Council for the subject properties. Adoption of the Zone Map Amendment is contingent of the properties being annexed to the City (DB14-0064).

**MASTER EXHIBIT LIST:**

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case Files DB14-0064 and DB14-0065.

- A1. Staff report and findings (this document)
- A2. Slides and notes for Staff’s Public Hearing Presentation (*available at Public Hearing*)
- B1. Signed Application Form
- B2. Petition for Annexation, Including Map Exhibit

**FINDINGS OF FACT:**

1. The statutory 120-day time limit applies to this application. The application was received on October 15, 2014. On October 15, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and determined the application to be complete. The City must render a final decision for the request, including any appeals, by February 12, 2015.
2. Surrounding land uses are as follows:

**Tooze Road Properties**

<b>Compass Direction</b>	<b>Zone:</b>	<b>Existing Use:</b>
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas County RRFF5	Vacant
South:	V	Vacant (Future Park)
West:	Clackamas County RRFF5/V	Single-family Residential (existing and under development)

Grahams Ferry Road Property

Compass Direction	Zone:	Existing Use:
Northeast	V	Single-family Residential (under development)
South:	V	Vacant (Future Open Space)
West:	Clackamas County RRFF5	Grahams Ferry Road/Rural Residential

3. Prior land use actions include:

Legislative:

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

Quasi Judicial:

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

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

## CONCLUSIONARY FINDINGS:

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

<b>GENERAL INFORMATION</b>
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### *Section 4.008 Application Procedures-In General*

**Review Criteria:** This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville’s development review process.

**Finding:** These criteria are met.

**Explanation of Finding:** The application is being processed in accordance with the applicable general procedures of this Section.

### *Section 4.009 Who May Initiate Application*

**Review Criterion:** “Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The applications have been submitted on behalf of the sole property owner, City of Wilsonville.

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

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

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No applicable liens exist for the subject property.

## REQUEST A: ANNEXATION

### Comprehensive Plan

#### *Annexation and Boundary Changes*

##### *Implementation Measure 2.2.1.a.*

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The required consistency is fulfilled by being consistent with the Villebois Village Master Plan. The Villebois Village Master Plan was created and approved to address the jobs-housing imbalance and population growth within the City of Wilsonville. Therefore, as a portion of Villebois Village, the subject site addresses a demonstrated need for urban growth.

The Villebois Parks & Open Space Plan ensures adequate parks and open space opportunities, which include a range of experiences for residents and visitors. Chapter 4 of the Villebois Village Master Plan evaluates compliance of the planned sanitary sewer, storm drainage, and water systems with the City’s Wastewater Collections System Master Plan, Stormwater Master Plan, and Water System Master Plan. Chapter 5 of the Master Plan analyzes compliance of the Villebois circulation system with the City’s Transportation Systems Plan. The Master Plan includes implementation measures to ensure compliance with the City’s public facility master plans and Transportation Systems Plan.

##### *Implementation Measure 2.2.1.e.*

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The requirements are fulfilled by being consistent with the Villebois Village Master Plan, as further explained below in this finding, or by compliance with state and regional policies as found in other findings supporting this request.

*Orderly, Economic Provision of Public Facilities and Services:* The Villebois Village Master Plan set forth implementation measures to ensure the orderly and economic provision of public facilities and services for this area. Adjacent development in Villebois is bringing needed and adequately sized public facilities adjacent to or onto the subject properties.

*Availability of sufficient land for marketplace choice:* The availability of sufficient land was demonstrated by the adoption of the Villebois Village Master Plan, which plans for the development of the 480-acre Villebois Village area. At the time of Master Plan approval, Villebois Village was found to have a wide range of residential choices.

*Encouraging Development within City Limits prior to UGB:* No development is proposed with this request, but the request does enable development initially associated with



adjacent development and subsequently development of the next logical area for build out of the Villebois Village Master Plan area. The action does not change the City’s plan for orderly build out of the Villebois Village Master Plan area.

### ***Compact Urban Development Implementation Measures***

#### ***Implementation Measure 4.1.6.a. and c.***

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

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

**Finding:** These criteria are satisfied.

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

### **Development Code**

#### ***Subsections 4.030 (.01) A, 11, 4.031 (.01) K, and 4.033 (.01) F. Authority to Review Annexation***

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

**Finding:** These criteria are satisfied.

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

#### ***Section 4.700 Annexation***

- A5. **Review Criteria:** This section defines the criteria and process for annexation review within the City.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All the necessary materials defined by this section have been submitted for City review. The annexation is being considered quasi-judicial. Staff recommends the City Council, upon the DRB’s recommendation, declare the subject property annexed.

## Metro Code

### *Chapter 3.09 Local Government Boundary Changes*

A6. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The request is within the UGB, meets the definition of a minor boundary change as an annexation to a city, satisfies the requirements for boundary change petitions as the property owner, there are no electors, has submitted a petition with the required information, is consistent with the Comprehensive Plan, Villebois Village Concept Plan, and Villebois Village Master Plan.

## Oregon Revised Statutes

### *ORS 222.111 Authority and Procedure for Annexation*

A7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicable requirements in state statute are met including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owner of the land being annexed, and there are no electors in the area to be annexed.

### *ORS 222.120 Procedure Without Election by City Electors*

A8. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** There is no City charter requirement for election for annexation, a public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the facts that the single owner of the subject properties is the petitioner and thus have consented in writing to annexation. There are no electors or residential dwellings within the territory to be annexed.

### *ORS 222.125 Annexation by Consent of All Owners of Land and Majority of Electors*

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The territory to be annexed is all owned by the City of Wilsonville, and the City, as the owner, has petitioned and consented to annexation in writing. There are no electors or residential dwellings within the territory to be annexed. However, a public hearing process is being followed as prescribed in the City’s Development Code concurrent with a Zone Map Amendment request.

**Oregon Statewide Planning Goals**

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

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The area requested to be annexed will be developed consistent with the City’s Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals.

**REQUEST B: ZONE MAP AMENDMENT**

**Comprehensive Plan**

***Compact Urban Development-Implementation Measures***

***Implementation Measure 4.1.6.a***

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Development in this area will be guided by all the listed plans and codes.

***Implementation Measure 4.1.6.b.***

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

**Finding:** These criteria are not applicable

**Explanation of Finding:** The subject area is part of the Villebois Village Master Plan and the plan contains all the elements listed in this implementation measure

***Implementation Measure 4.1.6.c.***

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

**Finding:** This criterion is satisfied.

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

***Implementation Measure 4.1.6.d.***

B4. **Review Criterion:** “The “Village” Zone District shall allow a wide range of uses that befit and support an “urban village,” including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The proposed designation of the subject property as “Village” will allow development of uses supportive of an urban village consistent with the Villebois Village Master Plan.

**Planning and Land Development Ordinance**

***Section 4.029 Zoning to be Consistent with Comprehensive Plan***

B5. **Review Criterion:** “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The applicant is applying for a zone change prior to application for planned development applications, or the Villebois Equivalent, which will make the zoning consistent with the Comprehensive Plan when future development is proposed.

***Subsection 4.110 (.01) Base Zones***

B6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The requested zoning designation of Village “V” is among the base zones identified in this subsection.

***Subsection 4.125 (.01) Village Zone Purpose***

B7. **Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The subject lands are designated Residential-Village on the Comprehensive Plan map and are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

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

B8. **Review Criterion:** "... Application for a zone change shall be made concurrently with an application for PDP approval..."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Staff understands this language to mean a PDP approval cannot be brought forward without the appropriate zoning in place but does not preclude a zone change consistent with the comprehensive plan prior to PDP approval, such as during SAP approval or earlier. This understanding is informed by the language in Section 4.029, see Finding B5 above, which states zoning must occur prior to a planned development. As the PDP is equivalent to a Stage II Final Plan in the Village Zone the same rationale would apply as for a Stage II Final Plan elsewhere in the City where the zoning at minimum must occur concurrently with the Stage II approval, but may occur prior.

***Subsection 4.197 (.02) Zone Change Review***

***Subsection 4.197 (.02) A. Zone Change Procedures***

B9. **Review Criteria:** "That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;"

**Finding:** These criteria are satisfied.

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

***Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.***

B10. **Review Criteria:** "That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;"

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings B1 through B4 comply with applicable Comprehensive Plan text.

***Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands***

B11. **Review Criteria:** "In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text;"

**Finding:** These criteria are satisfied.

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

***Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency***

B12. **Review Criteria:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No public facilities are required to serve the triangular piece of property along Grahams Ferry Road besides water for landscape irrigation which is readily available. For the Tooze Road properties the final design of public facilities will occur with a future PDP or PDPs, however the properties are part of the Villebois Village Master Plan where utilities have been planned to be adequate to serve the entire Master Plan area. Development requirements tied to future applications for PDP’s and other development approvals will further insure all necessary public facilities are provided.

***Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas***

B13. **Review Criteria:** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No SROZ area is mapped on the subject properties.

***Subsection 4.197 (.02) F. Zone Change: Development within 2 Years***

B14. **Review Criterion:** “That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Development on the subject properties will happen in a number of stages reasonably expected to commence on all included parcels within two (2) years. The limited improvements, including fencing and landscaping on Tax Lot 1503 (formerly 1591), is expected to occur together with the development of adjacent Tonquin Woods No. 7 and Calais subdivisions which are approved and under construction. Development on Tax Lot 1101 has already commenced to build public street improvements and associated landscaping. Part of Tax Lot 1100 is planned for a portion of Regional Park 5. The City is working with partners and adjacent property owners to plan the Regional Park and expect the park to be constructed within 2 years. The development of the remainder of Tax Lots 1100 and 1101 depends on market conditions and could very well commence within two years.

*Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval*

B15. **Review Criteria:** “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Nothing about the zone change would prevent development on the subject properties from complying with applicable development standards.

# CITY OF WILSONVILLE

29799 SW Town Center Loop East  
Wilsonville, OR 97070  
Phone: 503.682.4960  
Fax: 503.682.7025

Web: [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

Pre-Application meeting date:

## Planning Division Development Permit Application

*Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175*

*A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements*

*Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.*

**TO BE COMPLETED BY APPLICANT:**  
Please PRINT legibly

**Applicant:**

City of Wilsonville

Address: 29799 SW Town Center Loop E.

Phone: 503-682-1011

Fax:

E-mail:

**Authorized Representative:**

Address:

Phone:

Fax:

E-mail:

**Property Owner:**

City of Wilsonville

Address: 29799 SW Town Center Loop E.

Phone: 503-682-1011

Fax:

E-mail:

**Property Owner's Signature:**

Printed Name: Bryan Cosgrove

Date: 10/16/14

**Applicant's Signature** (if different from Property Owner):

*[Signature]*

Printed Name: Bryan Cosgrove

Date: 10/15/14

**Site Location and Description:**

Project Address if Available: 11650 SW Tooze Road (TL 1100 and 1101) Suite/Unit

Project Location: south side of SW Tooze Road west of Grahams Ferry, west side of SW Grahams Ferry south of Tooze

Tax Map #(s): 15 Tax Lot #(s): 1100, 1101, 1591 County:  Washington  Clackamas

**Request:** Annexation and Zone Map Amendment to "Village" for City owned property in the northwestern portion of Villebois.

**Project Type:** Class I  Class II  Class III

Residential  Commercial  Industrial  Other (describe below)

**Application Type:**

- Annexation
- Final Plat
- Plan Amendment
- Request for Special Meeting
- SROZ/SRIR Review
- Type C Tree Removal Plan
- Villebois SAP
- Zone Map Amendment
- Appeal
- Major Partition
- Planned Development
- Request for Time Extension
- Staff Interpretation
- Tree Removal Permit (B or C)
- Villebois PDP
- Other
- Comp Plan Map Amend
- Minor Partition
- Preliminary Plat
- Signs
- Stage I Master Plan
- Temporary Use
- Villebois PDP
- Conditional Use
- Parks Plan Review
- Request to Modify Conditions
- Site Design Review
- Stage II Final Plan
- Variance
- Waiver





**Petition for Annexation to the City of Wilsonville**

The City of Wilsonville, as sole owner of certain real property legally described and shown in Attached Exhibit A on which no persons or electors reside, does hereby petition said property be annexed into the boundaries of the City of Wilsonville.

Signed on behalf of the City of Wilsonville, petitioner,



\_\_\_\_\_  
Bryan Cosgrove, City Manager

Date 10/16/14

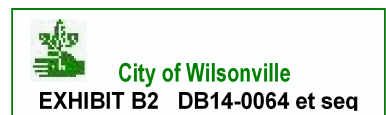




EXHIBIT "A"

October 10, 2014

LEGAL DESCRIPTION

Job No. 103-005

Two parcels of land owned by the City of Wilsonville per Document No. 2006-085167, being Parcel 1 and Parcel 2 of Partition Plat No. 1994-182, Clackamas County Plat Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel 1;  
thence along the easterly line of said Parcel 1, South 00° 43'30" West, a distance of 888.82 feet to the Southeast corner of said Parcel 1;  
thence along the northerly line of plat of "Tonquin Woods at Villebois No. 4", South 89° 59'58" West, a distance of 481.11 feet to the Southwest corner of said Parcel 2;  
thence along the westerly line of said Parcel 2, North 00° 48'23" East, a distance of 888.82 feet to the Northwest corner of said Parcel 2;  
thence along the southerly Right-of-Way line of SW Tooze Road (County Road No. 355), North 89° 59'50" East, a distance of 479.85 feet to the POINT OF BEGINNING.

Containing 9.81 acres, more or less.

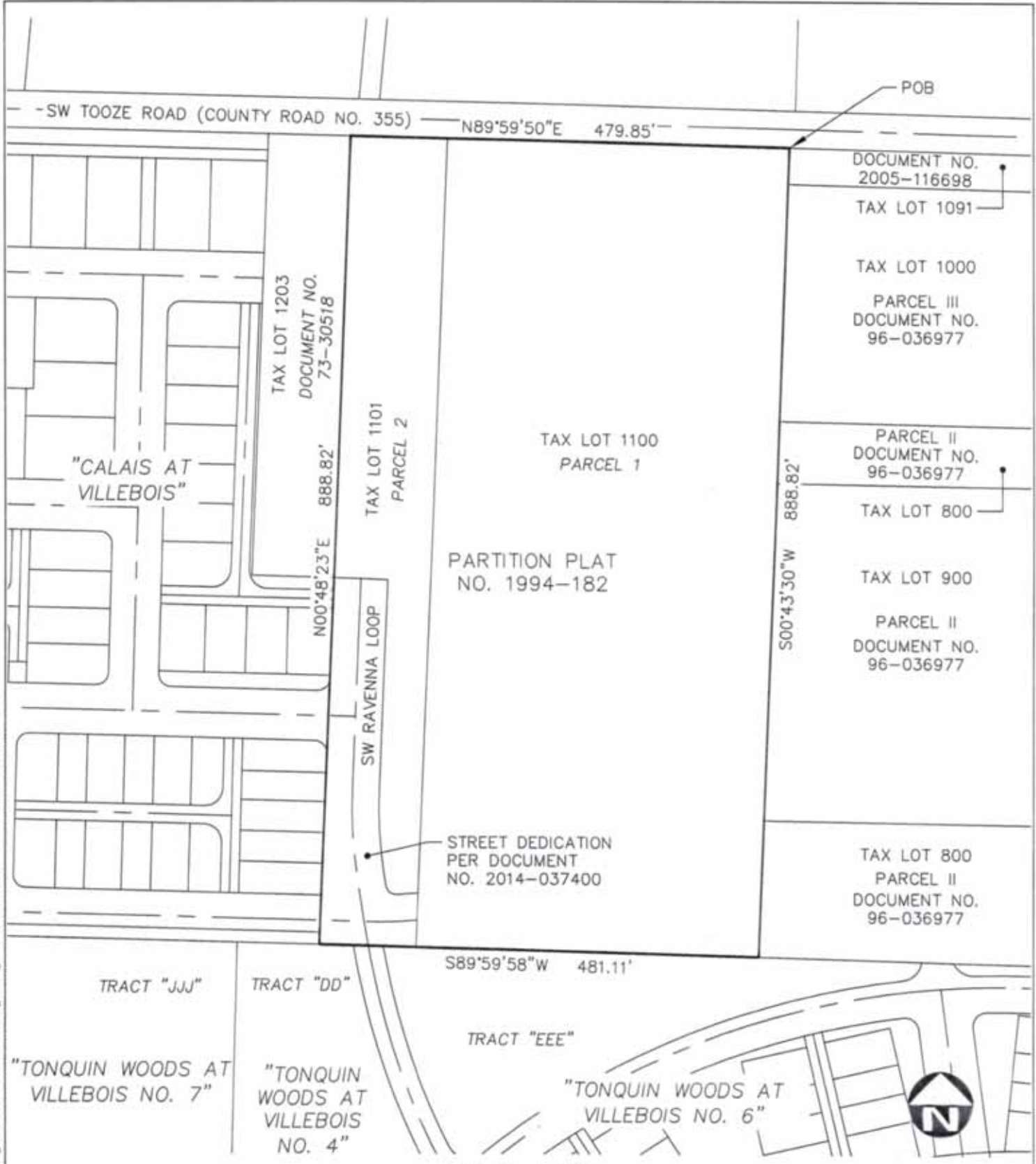
Basis of bearings being Partition Plat No. 1994-182, Clackamas County Plat Records.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

N:\proj\103-005\09 Drawings\06 Survey\Legal\103005-Annexation Legal.dwg - SHEET: PARCEL 1 Oct. 10, 14 - 12:51 PM blake



### EXHIBIT "A"

DRAWN BY: BAA DATE: 10/10/2014  
 REVIEWED BY: TCJ DATE: 10/10/2014  
 PROJECT NO.: 103-005  
 SCALE: 1"=150'



12564 SW Main St  
 Tigard, OR 97223  
 [T] 503-941-9484  
 [F] 503-941-9485



EXHIBIT "A"

October 14, 2014

LEGAL DESCRIPTION

Job No. 103-005

A parcel of land owned by the City of Wilsonville per Document No. 2014-037149, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Southwest corner of Tract "L", plat of "Calais at Villebois";

thence along the northerly line of Tract "III", plat of "Tonquin Woods at Villebois No. 7" and its extension, North 88° 34'09" West, a distance of 77.14 feet to an angle point on the easterly Right-of-Way line of SW Grahams Ferry Road (County Road No. 13);

thence along said easterly Right-of-Way line, North 17° 14'42" East, a distance of 170.17 feet to an angle point on the westerly plat line of "Calais at Villebois";

thence along said westerly plat line, South 09° 12'39" East, a distance of 166.59 feet to the POINT OF BEGINNING.

Containing 6,315 square feet, more or less.

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

Draft will be finalized after upcoming recording of Tonquin Woods at Villebois No. 7 plat

10/14/14  
FOR REVIEW ONLY  
REGISTERED PROFESSIONAL LAND SURVEYOR

DRAFT  
OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

Property Vested In:  
City of Wilsonville  
Section: 3S1W15  
Tax Lot: 1503



N:\proj\103-005\09 Drawings\06 Survey\Legals\103005 Annexation Legal, PUE, and ROW.dwg - SHEET: TAX LOT 1503 Oct. 14, 14 - 8:41 AM blake

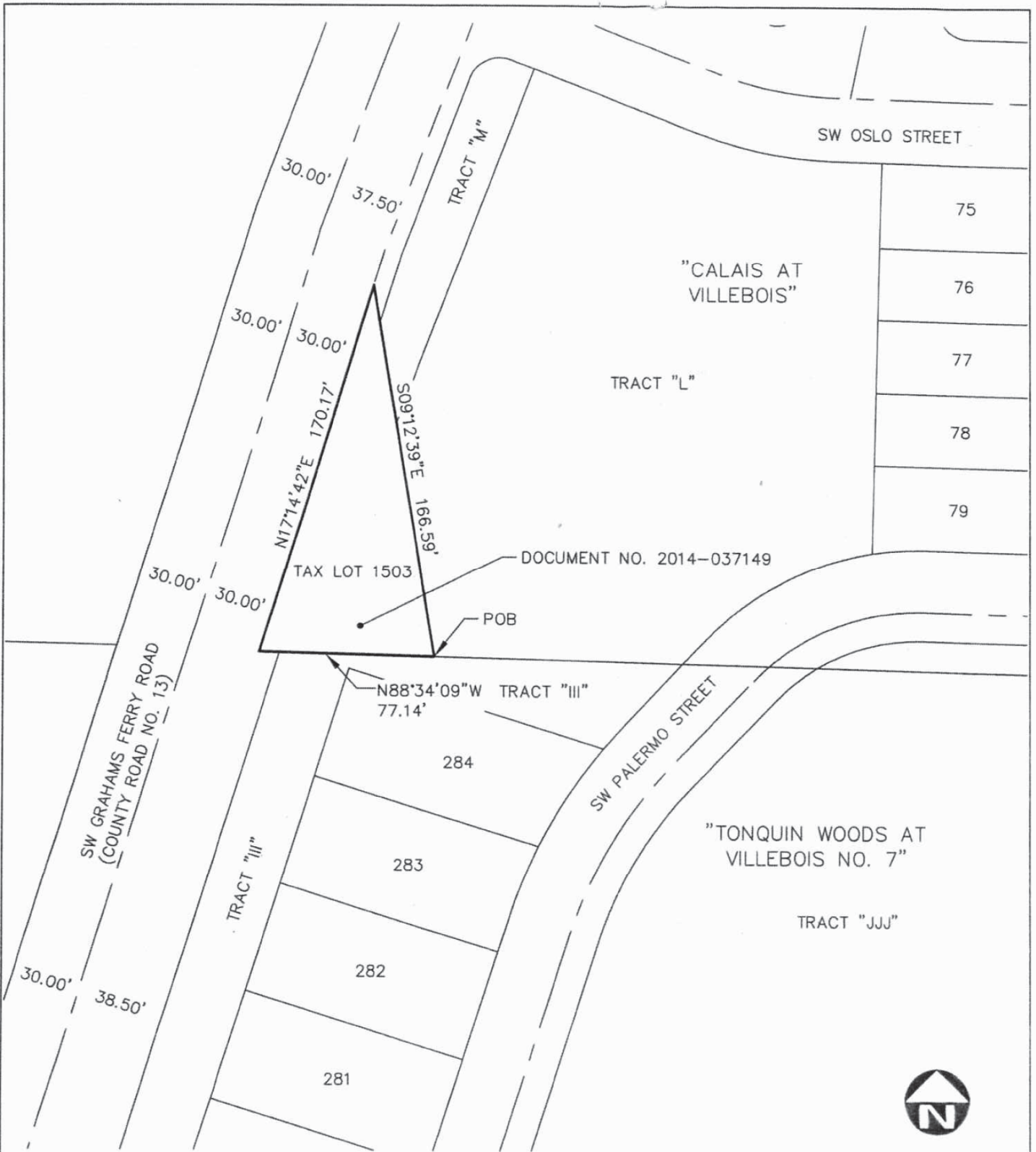


EXHIBIT "A"

DRAWN BY: BAA DATE: 10/14/2014  
REVIEWED BY: TCJ DATE: 10/14/2014  
PROJECT NO.: 103-005  
SCALE: 1"=60'

PAGE 1 OF 1



12564 SW Main St  
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Page 4 of 4

**DEVELOPMENT REVIEW BOARD MEETING**

**MONDAY, NOVEMBER 10, 2014**

**6:30 PM**

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**VIII. Board Member Communications:**

**A. Agenda Results from the September 22, 2014 DRB  
Panel B meeting**

# City of Wilsonville

## Development Review Board Panel B Meeting Meeting Results

<b>DATE:</b>	SEPTEMBER 22, 2014		
<b>LOCATION:</b>	29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR		
<b>TIME START:</b>	6:30 P.M.	<b>TIME END:</b>	6:56 P.M.

### ATTENDANCE LOG

BOARD MEMBERS	STAFF
Dianne Knight - Acting Chair	Blaise Edmonds
Cheryl Dorman	Barbara Jacobson
Jhuma Chaudhuri	Michael Wheeler
Andrew Karr and Aaron Woods were absent	

### AGENDA RESULTS

AGENDA	ACTIONS
CITIZENS' INPUT	
CONSENT AGENDA	
A. Approval of August 25, 2014 Minutes	Unanimously approved as presented
PUBLIC HEARING	
A. <b>Resolution 291. Portera at The Grove: Tube Art Group – applicant’s representative for Brenchley Estates Partners Phase 3 LP and CRP Holland Brenchley Estates II LP – applicants/owners.</b> The applicant is seeking approval of a building sign to identify the Portera at The Grove active adult residential development, five (5) directional signs, and a waiver to enable a building sign in a residential zone. The subject site is located on Tax Lots 203 and 204, Section 14A; T3S-R1W; Clackamas County; Wilsonville, Oregon. Staff: Michael Wheeler	Unanimously approved as presented
Case Files: DB14-0053 – Class III Sign Permit and Sign Waiver	
BOARD MEMBER COMUNICATIONS	
A. Results of the September 8, 2014 DRB Panel A meeting	
STAFF COMMUNICATIONS	None

**RECORDED BY: S. WHITE**