

ORDINANCE NO. 705

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL – 10 - 12 DU/AC ON 1.14 ACRES COMPRISING TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON; “FOX CENTER TOWNHOMES” SEEMA, LLC, APPLICANT

WHEREAS, SEEMA, LLC (“Applicant”), as owner of the real property legally shown and described on **Exhibit A**, Attachments 1 and 2, attached hereto and incorporated by reference herein (“Property”), has made a development application requesting, among other things, a Comprehensive Plan Map Amendment of the Property; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the request and prepared a staff report, finding that the application met the requirements for a Comprehensive Plan Map Amendment and recommending approval of the Comprehensive Plan Map Amendment, attached hereto as **Exhibit B** and incorporated by reference herein, which staff report was presented to the Development Review Board (DRB) on August 13 and October 8, 2012; and

WHEREAS, the DRB Panel A held a public hearing on the application for a Comprehensive Plan Map Amendment (DB12-0033) and other related development applications (DB12-0034-0036, TR12-0067 and DB12-0039) on August 13, 2012, and after taking public testimony, receiving exhibits, and giving full consideration to the matter, determined to continue the hearing in order to allow the Applicant additional time to consider and address public testimony concerns and DRB Panel member concerns; and

WHEREAS, on October 8, 2012, the DRB Panel A reconvened and continued the public hearing on the application for a Comprehensive Plan Map Amendment (DB12-0033) and other related development applications (DB12-0034-0036, TR12-0067 and DB12-0039) and, after taking additional public testimony, receiving exhibits, reviewing the applicant’s revised application and the revised staff report, and giving full consideration to the matter, adopted Resolution No. 234, attached hereto as **Exhibit C** and incorporated by reference herein; and

WHEREAS, Resolution No. 234 recommends that the City Council approve the Applicant’s request for a Comprehensive Plan Map Amendment (Case File DB12-0033), approve all other related applications within DRB jurisdiction, and adopt the staff report with its modified findings, recommendations, and conditions, all as placed on the record. Contingent

upon City Council approval of the Comprehensive Plan Map Amendment, Resolution No. 234 authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on November 5, 2012, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the staff report, which record was incorporated into the City Council public hearing record; took public testimony; and, upon deliberation, concluded that the proposed Comprehensive Plan Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code, as summarized in the staff report, including, but not limited to, a one dwelling unit (du) density bonus for senior residents, for a total of 15 dwelling units for the development.

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing recitals and the staff report, as contained in the record of the above described DRB hearing, and incorporates them by reference herein as if fully set forth.

Section 2. Order. The City of Wilsonville Comprehensive Plan Map is hereby amended by Comprehensive Plan Map Order DB12-0033, attached hereto as **Exhibit A**, from Commercial to Residential, 10 - 12 dwelling units per acre (du/ac), together with a one unit density bonus for senior residents.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of November, 2012, and scheduled for second reading at a regular meeting thereof on the 19th day of November, 2012 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 17th day of December, 2012, by the following votes: Yes: 4 No: 0

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 18th day of December, 2012.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp Yes

Council President Nunez Yes

Councilor Goddard Excused

Councilor Starr Yes

Councilor Fitzgerald Yes

Attachments:

- Exhibit A – Comprehensive Plan Order DB12-0033
 - Attachment 1, Map Depicting Plan Amendment
 - Attachment 2, Legal Description
- Exhibit B – Comprehensive Map Amendment Findings
- Exhibit C – DRB Resolution No. 234

Exhibit A
BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
Fox Center Townhomes

In the Matter of the Application of)
Mr. Lee Leighton of Westlake Consultants,)
Inc., Agent for the Applicant,)
Seema, LLC., for a Comprehensive Plan)
Map Amendment Incorporated in the)
City of Wilsonville Comprehensive Plan.)

COMPREHENSIVE PLAN ORDER
NO. DB012-0033

The above-entitled matter is before the Council to consider the application of DB12-0033, for a Comprehensive Plan Map Amendment and an Order, amending the Comprehensive Plan Map as incorporated in the Comprehensive Plan.

The Council finds that the subject property (“Property”), legally described and shown on Attachments 1 and 2, has heretofore appeared on the City of Wilsonville Comprehensive Plan Map as Commercial.

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

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of 1.14 acres of Tax Lot 100 as more particularly shown in the Comprehensive Plan Map Amendment, Attachment 1 and described in Attachment 2 is hereby Residential – 10 – 12 du/ac. The foregoing re-designated is hereby declared an amendment to the Wilsonville Comprehensive Plan Map and shall appear as such from and after entry of this Order.

Dated: This ___ day of ___, 2012.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, CMC, City Recorder

Exhibit A: Comprehensive Plan Map Order

Attachment 1: Map depicting Comprehensive Plan Map Amendment

Attachment 2: Legal Description

Exhibit B: Comprehensive Plan Map Amendment Findings

GRAHAMS OAK PARK

SW WILSONVILLE ROAD

Lot 1
Block 1
Fox Chase
Subdivision
Tax Lot 100

**SUBJECT
PROPERTY**

**COMPREHENSIVE PLAN MAP
CHANGE:
COMMERCIAL TO
RESIDENTIAL 10 -12
DWELLING UNITS PER ACRE
TO ALLOW 15 TOWNHOMES IN
FOUR BUILDINGS**

VALLEY
CHRISTIAN
CHURCH

WILLAMETTE WAY EAST

CHANTELLEY

CITY COUNCIL
EXHIBIT B

EXHIBIT

Lot 1, Block 1, FOX CHASE (Volume 86, Page 6, Clackamas County Plats), in the City of Wilsonville, County of Clackamas and State of Oregon, more particularly described per Plat dimensions as follows:

Commencing at an angle point in the north line of said FOX CHASE being North $64^{\circ}31'00''$ East, 1147.50 feet from the northwest corner thereof;

thence, along the north line of said FOX CHASE North $52^{\circ}43'59''$ East, 76.04 feet to the point of beginning;

thence, continuing along said north line, North $52^{\circ}43'59''$ East, 182.72 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $116^{\circ}27'25''$, (chord bears South $69^{\circ}02'18''$ East, 25.50 feet) an arc distance of 30.49 feet;

thence, South $10^{\circ}48'35''$ East, 283.61 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $75^{\circ}28'35''$, (chord bears South $26^{\circ}55'43''$ West, 18.36 feet) an arc distance of 19.76 feet;

thence, South $64^{\circ}40'$ West, 16.52 feet;

thence, along a tangent 113.00 foot radius curve to the right, through a central angle of $38^{\circ}54'45''$, (chord bears South $84^{\circ}07'23''$ West, 75.28 feet) an arc distance of 76.74 feet;

thence, North $76^{\circ}25'15''$ West, 73.73 feet;

thence, along a tangent 137.00 foot radius curve to the left, through a central angle of $7^{\circ}06'21''$, (chord bears North $79^{\circ}58'25''$ West, 16.98 feet) an arc distance of 33.75 feet;

thence, North $10^{\circ}48'35''$ West, 191.34 feet to the point of beginning.

**COUNCIL EXHIBIT B
STAFF REPORT**

**WILSONVILLE PLANNING DIVISION
CITY COUNCIL
QUASI - JUDICIAL PUBLIC HEARING
*Fox Center Townhomes***

Public Hearing Date: November 5, 2012

Application Number: DB12-0033 **Comp. Plan Map Amendment**

Property Owner/Applicant: Seema, LLC

REQUEST: Mr. Lee Leighton, AICP, of Westlake Consultants Inc., acting as agent for Seema, LLC, Applicant, proposes a 15 unit townhome residential development on 1.14 acres located at the southwest corner of SW Wilsonville Road and Willamette Way East being Lot 1, Block 1 of Fox Chase subdivision.

The Applicant is proposing to modify the Fox Chase Stage I Preliminary Plan (Master Plan – Case File 83PC09) to change 1.14 acres in commercial into a multi-family residential use (15 townhomes - rental units). In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing. Proposed is a Comprehensive Plan Map Amendment which would enable development of the project.

Current Comprehensive Plan Map Designation: Commercial

Proposed Comp. Plan Map Designation: Residential 10 – 12 units/acre

Zone Map Designation: Planned Development Commercial (PDC) see proposed Ordinance #705.

Proposed Zone: Planned Development Residential – 5 (PDR-5) see proposed Ordinance #706.

STAFF RECOMMENDATION: Approve the application with no conditions of approval.

Location: 30625 SW Willamette Road East. The property is more particularly described as being Tax Lot 100 of Section 22AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon. The subject site has relatively level terrain with 11 deciduous and coniferous trees at the northerly part of the property.

VICINITY MAP



APPLICABLE REVIEW CRITERIA:

Wilsonville Code Section(s)	Description
Sections 4.008-4.015	Application Process – Findings and Conditions
Section 4.100	Zoning - Purpose
Section 4.118 (as applicable)	Standards for All Planned Development Zones
Section 4.140	Planned Development Regulations
Section 4.198.01(A through D)	Comprehensive Plan Map Amendment

Other Planning Documents:
Storm Water Master Plan
Transportation Systems Plan
Comprehensive Plan: Policy 4.1.4, Implementation Measures 4.1.4.b, 4.1.4.c, 4.1.4.d, 4.1.4.e, 4.1.4.f, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, 4.1.4.p, 4.1.4.q, 4.1.4.v, and 4.1.4.x.
Applicable Statewide Planning Goals: 1) Citizen Involvement, 2) Land Use Planning, 6) Air, Water and Land Resources Quality, 9) Economic Development. 10) Housing, 11) Public Facilities, and 12) Transportation.
Fox Chase Master Plan

Staff Reviewers: Blaise Edmonds, Manager of Current Planning, Mike Ward, City Civil Engineer, Don Walters, Plans Examiner, and Kerry Rappold, Natural Resources Program Manager.

BACKGROUND:

The subject property was part of the Willamette Village Master Plan represented by John Grossman/Wilcox Development in 1971. A master plan and a zone map amendment were approved by the City Council on September 7, 1977. A tentative subdivision plat for Phase 1 was also approved by the Planning Commission. In 1978 the 1000 Friends of Oregon appealed the Planning Commission decision to the City Council citing non-compliance with Statewide Goals. The Statewide Goals were in effect because the City’s Comprehensive Plan had not yet been

acknowledged by the State. The City records reflect that the City Council upheld the Planning Commission decision. Shortly after, a national economic recession delayed the construction start of the Willamette Village subdivision.

In 1983, the Planning Commission, in Resolution 83PC09, approved a modified preliminary plat renaming Willamette Village to Fox Chase. Subsequent City approvals re-platted the project to become Fox Chase subdivision and the adjacent Rivergreen subdivision. An elaborate parks and recreation plan shown on the earlier 1978 Willamette Village Master Plan comprising tennis courts, baseball fields, tot lots, pathways, etc., were deleted. However, a neighborhood commercial center shown on both the Willamette Village and Fox Chase master plans was kept in place.

In 1995 and 1996 under Resolutions No.'s 95PC21 and 96DB23 following a controversial process that involved citizen concerns about the proposed retail uses. The Development Review Board approved a small retail commercial center of which the land use approvals ultimately expired. For over 35 years there has not been a successful effort to develop the subject property into a commercial use so the Applicant is proposing a townhouse residential development which requires amendments to the Comprehensive Plan Map and the Official Zone Map.

PROJECT SUMMARY AND RECOMMENDATIONS:

A detailed project introduction and compliance report in support of the application is provided by the Applicant found in Exhibits B1 and B9. The Applicant's introduction on pages 1 and 2 of Exhibit B1 adequately describes the project, the requested application components, and compliance findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, Staff has relied upon the Applicant's submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Comprehensive Plan Map Amendment

The proposal is to change the 'Commercial' designation on 1.14 acres to 'Residential 10 – 12 dwelling units/per acre'. The adjacent Fox Chase subdivision is designated 'Residential 6 – 7 dwelling units/per acre' and is a detached, single-family house subdivision.

As demonstrated in findings A1 through A27, the proposed Comprehensive Plan Map Amendment meets all applicable requirements on pages 8 and 9 of the Comprehensive Plan and in Section 4.198.01(A through D).

DISCUSSION TOPICS

Housing Density: The Applicant is not proposing to build the project at the Comprehensive Plan Map density of 10 – 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units or 14 units). Instead the Applicant is seeking to obtain 15 dwelling units through Implementation Measure 4.1.4.v; "*Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).*" This would be a net increase of 1.32 dwelling units over the maximum Comprehensive Plan density or

10% of 14 units. However, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is: 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density.

DB12-0033: Comprehensive Plan Map Amendment

On the basis of findings A1 through A27 this action approves the Comprehensive Plan Map Amendment from Commercial to Residential 10 – 12 du/ac with no conditions of approval.

EXHIBIT LIST

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

- A1. Staff Report, findings, recommendations and conditions.
- A2. Staff PowerPoint presentation.

Applicant's Written and Graphic Materials:

- B1. Land Use application in a binder notebook and on compact disk, date received July 13, 2012 including; Code compliance/findings. Application, mailing list, introduction/project narrative, Comprehensive Plan Map & Zoning Map Illustrations, neighborhood meeting documentation, compliance reports, Economic Opportunity Analysis Report, Table 1 – Modification of Fox Chase Final Plat/Planned Development Approval, application form, Fox Center Townhomes Tree Maintenance and Protection Plan, Correspondence with Allied Waste Management, legal description, DKS Traffic Report, site plan sheets, conceptual building elevations and arborist's report for requests A through F.

Full Size Drawings/Plan Sheets.

Sheet Number Sheet title

- B2. A1.1: Site Plan
- B3. A3.1 Preliminary Building Elevations
- B4. A3.2 Preliminary Building Elevations
- B5. C1.0 Preliminary Grading Plan
- B6. C2.0 Preliminary Utility Plan
- B7. New Entry Fencing Perspective Illustration
- B8. Applicant's powerpoint presentation at the 8.13.12 DRB meeting.
- B9. The Applicant submitted revised application materials replacing or modifying the items listed in Exhibit B1.
- B10. E-mail, tolling the 120-day review period, dated August 21, 2012.

Public Testimony:

Letters (neither for nor Against):

Letters (In Favor): None submitted

Letters (Opposed):

- D1. Letter, Robert Meyer dated August 13, 2012.

FINDINGS OF FACT

1. **Existing Site Conditions:** The Applicant has provided a full project description in Exhibit B1. The subject property is currently zoned PDC.

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Boones Ferry Primary and Wood Middle School – PF Zone
East	Valley Christian Church
South	Fox Chase Subdivision
West	Fox Chase Subdivision

Natural Characteristics: The relatively level property is 1.14 acres which includes a group of eleven conifer and deciduous trees.

Streets: The subject property is a corner lot with three side fronting Wilsonville Road at the north, Willamette Way East on the east and Chantilly at the south.

Previous Planning Applications Relevant to the subject property: See the background statement on page 3 of this staff report. Also;

83PC09: Fox Chase, Stage I Preliminary Plan (Master Plan)

95PC21: Stage II Final Plan for retail center.

96DB23: Site Design Review for retail center.

2. 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.
3. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.
4. The statutory 120-day time limit applies to this application. The application was initially received on June 15, 2012. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the Applicant by letter on June 25, 2012, of missing items. On July 13, 2012, the Applicant submitted additional materials intended to complete the application. On July 16, 2012 the application was deemed complete. On August 13 the Board conducted a public hearing on the subject and continued the public hearing to October 8. The Applicant granted a 56 – day extension which moved the date for issuing the city decision from November 12, 2012 to January 8, 2013. Thus the City must render a final decision for the request, including any appeals, by January 8, 2013.

CONCLUSIONARY FINDINGS

The Applicant's compliance findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Exhibit B1 and are hereby incorporated into this staff report as findings for approval.

REQUEST (A): COMPREHENSIVE PLAN MAP AMENDMENT

Section 4.009: Who May Initiate Applications

- A1.** The property owner through his authorized planning consultant (Lee Leighton) has made application to modify the Comprehensive Plan Map for his property designated "Commercial" to become "Residential 10 – 12 dwelling units/acre."
- A2.** The Applicant has met all applicable filing requirements for a Comprehensive Plan Map Amendment. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to amend the Comprehensive Plan Map will be forwarded as a recommendation to the City Council.
- A3.** Last fall the Applicant conducted a neighborhood meeting to discuss the proposed project and has satisfied Plan requirements of citizen involvement. According to the Applicant there was a favorable reaction to the proposed project. See Exhibit B1 for the Neighborhood Meeting Documentation.

Standards for Development Review Board and City Council Approval of Plan Amendments. Criteria a through e are found on pages 8 and 9 of the Comprehensive Plan and listed below.

- a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.**
- A4.** The Applicant does not propose to modify or amend any other portion of the Comprehensive Plan.
 - b. The granting of the amendment is in the public interest.**
- A5.** Implementation Measures 4.1.4.b, d, and o speak to the City's desire to see a diversity of housing types and affordability. The Applicant's proposal would add to the diversity of 15 multiple-family townhomes. The project site is currently a vacant parcel with eleven trees which is Lot 1, Block 1 of the Fox Chase residential subdivision, and is presently master planned for a retail commercial use. The property has remained vacant, and since 1983 no viable commercial development has been able to materialize. It has remained off the Clackamas County tax roll for building assessment. The subject property being located at the Willamette Way East entrance to the Fox Chase and Rivergreen subdivisions has a highly visible location. In the professional opinion of staff, the proposed project would enhance the easterly gateway entrance to the Fox Chase and Rivergreen subdivisions.

A6. Policy 4.1.4 and Implementation Measures 4.1.4.f, 4.1.4.l, and 4.1.4.p of the Comprehensive Plan speak to the City's desire to see the development of housing that is affordable to and serves employees working in the City. The proposed 15 townhome project would only slightly increase housing units within the City and it would attract employed or retired persons.

c. The public interest is best served by granting the amendment at this time.

A7. Because of the staggering economy and the national home mortgage crisis, there are high foreclosures but low vacancy rates in multi-family housing in the Metro area. This provides circumstantial evidence that the public interest would be best served by granting the amendment at this time because there is a high demand for multi-family housing. (See finding A8). The proposed Comprehensive Plan Map Amendment is intended to implement the residential objectives of the Comprehensive Plan by providing 15 new housing units that were not previously available under the "Commercial" designation, thereby creating at a small degree, more diversity in a townhome housing type.

A8. The "Residential Development" portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City. Again, the national trend is to provide multi-family housing which according to the U.S. Commerce Department; *"fewer people bought new homes in December, 2011. The decline made 2011 the worst year for new - homes sales on records dating back nearly half a century to 1963. New-home sales fell 2.2 percent last December to a seasonally adjusted annual pace of 307,000. The pace is less than half the 700,000 that economists say must be sold in a healthy economy. The median sales prices for new homes dropped in December to \$210,300. Builders continued to slash price to stay competitive in the depressed market. A key reason for the dismal 2011 sales is that builders must compete with foreclosures and short sales, when lenders accept less for a house than what is owed on the mortgage. Furthermore, the wave of foreclosures is pushing many families out of their homes and into the rental market. For those increasing numbers of residents and employees that do not qualify to purchase a house, multi-family housing helps fill their housing need."*

Furthermore, the need for more multi-family housing at this time is further demonstrated by a recent article by Elliot Njus, of The Oregonian, dated, April 18, 2012. *"According to the Metro Multifamily Housing Association, which released its latest survey of apartment managers and owners Wednesday, vacancy across the metro area grew to 3.72 percent from 3.34 percent late last year. Rents, meanwhile, climbed 3 percent in the same period, reaching \$1 a square foot per month across the metro area. An average two-bedroom unit now rents for \$771 a month, an increase of \$28 a month compared with six months earlier. The Portland area has one of the lowest rental vacancy rates in the country. Last year, the U.S. Census Bureau and the National Association of Realtors both ranked Portland the second-tightest rental market among the largest metro areas. That's good news for owners of apartment buildings, who can push rents higher without risking empty units. "If you want to live in the moment, the moment is fantastic," Portland economist Jerry Johnson told an audience of housing professionals at the report's release. But the clock is running. High demand for apartments has drawn interest from developers, and*

Johnson said some 6,100 units are in the works. "New product must be rented, and there will be fierce competition," said Maureen MacNabb, the president of Capital Property Management Services Inc. of Portland."

"The bulk of those new apartments are still months or years away. Only 1,700 units will come to market this year, with another 2,700 on track to open in 2013. That lags the region's 15-year historical average of 4,000 new units a year."

Tight rental market

	Average rent per square foot	Average market vacancy rate
Inner and central S.E. Portland	\$1.21	1.4%
Inner and central N.E. Portland	1.13	1.8
S.W. Portland	0.99	2.7
Clackamas	0.93	3.1
Wilsonville / Canby	0.95	3.2
Beaverton	0.95	3.4
Milwaukie	0.94	3.4
Outer S.E. Portland	0.88	3.5
West Vancouver	0.85	3.5
Aloha	0.92	3.7
Tigard / Tualatin / Sherwood	0.92	3.7
N. Portland / St. Johns	1.17	3.8
N.W. Portland	1.44	3.8
Troutdale / Fairview / Wood Village / Gresham	0.90	4.2
East Vancouver	0.87	4.7
Downtown Portland	1.66	5.1
Hillsboro/ North of 26	0.98	5.2
Lake Oswego / West Linn	1.07	5.3
Oregon City / Gladstone	0.85	5.3
Outer N.E. Portland	1.02	6.0

Source: Metro Multifamily Housing Association DAVID BADDERS/ THE OREGONIAN

d. The following factors have been adequately addressed in the proposed amendment: Suitability of the various areas for particular land uses and improvements;

In 2000, the City was at a 9.5% vacancy rate but according to a Metro Multifamily Housing Association report released in April, 2012, the metro area grew to 3.72% vacancy rate from 3.34% from late last year. The report further indicates that Wilsonville had 3.2 percent vacancy rate. Unfortunately, because of the rental housing shortage rent levels are increasing making housing less affordable.

Land uses and improvements in the area;

- A9.** The Applicant has satisfied the requirements of the Comprehensive Plan relative to and proposed residential planning density and community design that specifically address the impacts of the proposed development on the provision of franchise and emergency services, and pedestrian and vehicular connectivity.

Trends in land improvement;

- A10.** In Resolution No. 96DB23 the Board approved site development plans for a child day care and retail commercial center. However, those land use approvals ultimately expired. Subsequent developments of Old Town Square (Fred Meyer and retail buildings) together with Lowries MarketPlace have left no real market demand for retail development on the subject site. Thus, in the professional opinion of staff, the highest and best use of the subject property is for a residential use.

Density of development;

- A11.** The adjoining Fox Center subdivision is designated on the Comprehensive Plan as Residential 6 – 7 dwelling units per acre which is medium residential density. Near to the southeast is Autumn Park Apartments with a Residential 10 - 12 dwelling units per acre designation. Adjacent to the east is Valley Christian Church zoned PDR-5 also with a Comprehensive Plan designation of 10-12 du/ac. The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City. The March 2012 Development Summary completed by the City indicates that approximately 23% of 4,502 acres of land within the City is zoned Planned Development Residential (PDR).

City Wide Housing Units

Type	New	YTD	Total
Apartment	0	0	4591
Condominium	0	0	563
Duplex	0	0	68
Mobile Homes	0	0	20
Mobile Home/park	0	0	143
Single Family	21	21	3696
Totals	21	21	9081

On the basis of the above inventory there are 56.75% multi-family (including 563 condominiums), 41.5% single-family (including 68 duplexes) and 1.75% mobile homes. Adjusting the housing units to include the recently approved Brenchley Estates - North project comprising 320 apartment units and 39 single-family units, the revised housing unit split is 58.4% multi-family, 40.3% single family and 1.3% mobile homes. The proposed 15 apartment unit project would increase the percentage of land in PDR zoning and apartment units by a negligible amount.

Though the City has historically through an older version of the Comprehensive Plan sought to achieve 50 percent in single-family houses, 40 percent in multi-family units and 10 percent in manufactured houses at mobile home parks those percentages the Comprehensive Plan no longer has a stated goal of maintaining those percentages. The Comprehensive Plan was revised in its entirety by City Council Ordinance No. 517 on October 16, 2000. Housing is now determined by density ranges in Table 1 in Finding B2 for each mapped zoning district. Residential development must also be balanced with

Policy 4.1.4 and its implementation measures that seek to “provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.” In the near future, multi-family and single-family housing percentages will become more balanced with the construction of Tonquin Woods (27 homes); Tonquin Woods 2 (168 homes); Coppercreek (21 homes); Jory Trail at the Grove (30 homes); Brenchley Estates – North (39 homes); Retherford Meadows (88 homes); SAP-East, Phase 3 (185 homes) and Willamette Landing (33 homes), for total 591 homes.

Property values;

- A12.** As stated in findings A7 through A10 the nationwide recession has caused more foreclosures in home ownership and has resulted in lower property values. The proposed project is located on the last remaining and undeveloped lot (Lot 1) of the Fox Chase subdivision and if this project is approved it will become the last development in Fox Chase to occur since the 1980’s. In the professional opinion of staff, the project having attractive design will increase property values over time.

Needs of economic enterprises in the future development of the area;

- A13.** The subject site is not within an area identified by the City of economic enterprises for future development. The subject site is a remnant lot of the Fox Chase subdivision of only 1.14 acres and is only infill development.

Transportation access;

- A14.** The Traffic Impact Study completed for this project (Exhibit B1), prepared by DKS Associates indicates that the Willamette Way East and Chantilly provides sufficient access for the future residents, emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

Natural resources; and Public need for healthful, safe and aesthetic surroundings and conditions.

- A15.** The subject property does not have protected natural resources.
- e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.**

- A16.** The proposal is for a small project comprising 15 townhome units that would not have any apparent conflicts with the applicable Metro requirements. To a lesser degree the proposed project will offset the employment and housing imbalance within the City by rezoning land from commercial to residential. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the rewrite of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. In conjunction with the proposed Comprehensive Plan Map Amendment the Applicant in Request B is requesting a Zone Map Amendment from Planned Development

Commercial (PDC) to Planned Development Residential (PDR-5) which corresponds to the proposed Comprehensive Plan Map density of 10 - 12 dwelling units per acre.

Wilsonville Development Code – Comprehensive Plan Changes

Subsection 4.198(.01) of the Development Code stipulates, “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:”

Criterion A: “That the proposed amendment meets a public need that has been identified;”

A17. Finding A5 addresses Criterion A. Through the Stage II Final Plan conditions of approval proposed by staff, the project can be adequately served with urban services and would minimize off-site impacts.

The traffic study completed for this project (Exhibit B1), prepared by DKS Associates indicate that the Willamette Way East and Chantilly provides sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

Criterion B: That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made.

A18. See Findings A7 through A10. The current Comprehensive Plan designation for the subject property is Commercial. The Zoning Map identifies the subject property as Planned Development Commercial (PDC). The Planned Development Regulations of the Development Code require that properties over two acres result in a Planned Development community. Though the subject property is 1.14 acres less than 2 acres a prior condition of approval for Fox Chase (Resolution 83PC09) requires a Stage II Final Plan for commercial or multi-family residential development on this site. Proposed project has 13.16 dwelling units per gross acre which would be slightly more than the adjacent properties at the west, south, and east that are designated Residential 6 – 7 and 10 – 12 du/ac on the Comprehensive Plan Map.

Criterion C: “That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

A19. The Applicable Statewide Planning Goals are;

Goal 1 - Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

A20. In the fall of 2011, the Applicant conducted a neighborhood meeting to discuss the proposed project and has satisfied Plan requirements of citizen involvement. According to Exhibit B of Exhibit B1 (Neighborhood meeting Documentation Notes) there was a favorable reaction to the proposed project.

- A21.** 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.
- A22.** Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.

Goal 10 - Housing: *To provide for the housing needs of citizens of the state.*

- A23.** The City of Wilsonville Comprehensive Plan has been acknowledged by the State of Oregon Land Conservation and Development Commission and the Plan is consistent with Title 1 of Metro's Urban Growth Management Functional Plan,

Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

- A24.** The City of Wilsonville Comprehensive Plan includes a Stormwater Master Plan, Water Master Plan and Wastewater Master Plan all of which have been acknowledged by the State of Oregon Land Conservation and Development Commission.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

- A25.** The City of Wilsonville Comprehensive Plan includes a Transportation Systems Plan of which has been acknowledged by the State of Oregon Land Conservation and Development Commission.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

- A26.** The project supports the applicable Statewide Planning Goals.

Criterion D: “That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”

- A27.** The Applicant is requesting an amendment of the Comprehensive Plan Map for the subject property. The Applicant does not propose to modify or amend any other portion of the Comprehensive Plan.

SUMMARY FINDING:

- A28.** The Applicant's proposed Comprehensive Plan Map Amendment meets all applicable Comprehensive Plan and Planning and Land Development Ordinance requirements.

October 11, 2012

DEVELOPMENT REVIEW BOARD PANEL A

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Fox Center Townhomes

Case Files: Request A: DB12-0033 – Comp. Plan Map Amendment
Request B: DB12-0034 – Zone Map Amendment
Request C: DB12-0035 – Revised Fox Chase, Stage I Preliminary Plan
Request D: DB12-0036 – Stage II Final Plan
Request E: TR12-0067 – Type ‘C’ Tree Plan
Request F: DB12-0039 – Waiver to front yard setback

Applicant / Owner: Seema LLC

Property Description: Tax Lots 100, Section 22AC, T3S-R1W, Clackamas, County,
Wilsonville, Oregon

Location: 30625 SW Willamette Way East

On October 8, 2012, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Request A and B: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, November 5, 2012 to hear these items.*

Requests C, D, E, and F: Approved with conditions of approval.
These approvals are contingent upon City Council's approval of Request A and B.

An appeal of Requests C, D, E, and F to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of Decision. *WC Sec. 4.022(.02).* A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830.*

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 11th day of October 2012 and is available for public inspection. The decision regarding Requests C, D, E, and F shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 234, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 234**

A RESOLUTION ADOPTING FINDINGS AND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL 10 – 12 DU/AC AND A ZONE MAP AMENDMENT FROM PLANNED DEVELOPMENT COMMERCIAL (PDC) TO PLANNED DEVELOPMENT RESIDENTIAL - 5 (PDR-5), AND ADOPTING FINDINGS AND CONDITIONS APPROVING A REVISED STAGE I PRELIMINARY PLAN FOR FOX CHASE, A STAGE II FINAL PLAN, A TYPE ‘C’ TREE PLAN AND A WAIVER TO ENABLE DEVELOPMENT OF FIFTEEN (15) TOWNHOME UNITS FOR FOX CENTER TOWNHOMES. THE SUBJECT 1.14 ACRE PROPERTY IS LOCATED ON TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON. SEEMA, LLC, APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff reports on the above-captioned subject dated July 31, 2012 and September 19, 2012, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meetings conducted on August 13, 2012 and October 8, 2012, 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 application 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 Panel A of the City of Wilsonville recommends that the City Council approve a Comprehensive Plan Map Amendment a Zone Map Amendment (Case Files DB12-0033 and DB12-0034), approve a revised Stage I Preliminary Plan, Stage II Final Plan, Type ‘C’ Tree Plan and a waiver to a front yard setback, and does hereby adopt the staff report attached hereto as Exhibit A1 with modified findings, recommendations and conditions placed on the record herein and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

DB12-0033 Comprehensive Plan Map Amendment
DB12-0034 Zone Map Amendment
DB12-0035 Revised Fox Chase, Stage I Preliminary Plan
DB12-0036 Stage II Final Plan

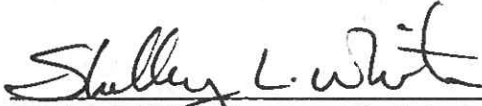
TR12-0067 Type 'C' Tree Plan
DB12-0039 Waiver to front yard setback

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of October 2012 and filed with the Planning Administrative Assistant on October 11, 2012. 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)*.



Douglas King, Chair
Development Review Board, Panel A

Attest:



Shelley White, Planning Administrative Assistant