

ORDINANCE NO. 868

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 4.92 ACRES OF PROPERTY LOCATED AT 7315 SW FROG POND LANE FOR DEVELOPMENT OF A 12-LOT RESIDENTIAL SUBDIVISION AT FROG POND OVERLOOK.

WHEREAS, an application for the Frog Pond Overlook subdivision has been submitted by West Hills Land Development, LLC – Owner/Applicant, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the subject site is located at 7315 SW Frog Pond Lane on Tax Lot 700, and a portion of SW Frog Pond Lane right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; and

WHEREAS, a petition (Exhibit B) submitted to the City requests annexation of certain real property legally described and depicted in Exhibit A; and

WHEREAS, Walter E. Remmers, an authorized signer for West Hills Land Development, LLC, representing 100 percent of the property ownership within the annexation area signed the petition; and

WHEREAS, there are no electors located within the annexation area; and

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

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Frog Pond West Neighborhood; and

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

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on September 12, 2022, adopted Resolution No. 407 (Exhibit D) recommending City Council approve the annexation; and

WHEREAS, on September 19, 2022, the City Council held a public hearing as required by Metro Code 3.09.050; and

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

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

- Section 1. Findings. The tract of land, described and depicted in Exhibit A, is declared annexed to the City of Wilsonville.
- Section 2. Determination. The findings and conclusions incorporated in Exhibit C are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.
- Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this 19th day of September, 2022, and scheduled the second reading on the 3rd day of October, 2022, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 3rd day of October, 2022, by the following votes:

Yes: 5 No: 0

DocuSigned by:
Kimberly Veliz
E784DE10276B498

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 3rd day of October, 2022.

DocuSigned by:
Julie Fitzgerald
8A974AE3ADE042E

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

EXHIBITS:

- A. Legal Description and Sketch Depicting Land/Territory to be Annexed
- B. Petition for Annexation
- C. Annexation Findings
- D. Development Review Board Panel A Resolution No. 407 Recommending Approval of Annexation

Ordinance No. 868 Exhibit A

EXHIBIT A

LEGAL DESCRIPTION for ANNEXATION

May 17, 2022 (Otak #20015)

That property described in Statutory Warranty Deed to West Hills Land Development LLC recorded March 31, 2022 as Document No. 2022-019396, as adjusted by Property Line Adjustment Deed Document No. _____, both of Clackamas County Records, together with a portion of S.W. Frog Pond Lane, (County Road No. 2362), in the northwest quarter of the southeast quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, the boundaries thereof described as follows:

BEGINNING at a 3/4 inch iron pipe (as shown on Clackamas County Survey No. 7853) which bears North 01°40'13" East along the east line of the southeast quarter of said section a distance of 1748.96 feet, and North 88°35'30" West along the north right of way line of 33.00 foot wide S.W. Frog Pond Lane (County Road No. 2362) a distance of 1908.13 feet from the southeast corner of said section, said POINT OF BEGINNING being the southeast corner of said West Hills Land Development LLC property;

thence along said north right of way line, South 88°35'30" East a distance of 564.59 feet to the northerly extension of the east line of that property described in Quitclaim Deed to Amy Thurmond recorded March 5, 1999 as Document No. 99-022102, Clackamas County Records;

thence along said northerly extension, South 01°39'15" West a distance of 33.00 feet to a point on the south right of way line of said S.W. Frog Pond Lane;

thence parallel with the south line of the southeast quarter of said Section 12 along said south right of way line, North 88°35'30" West a distance of 1119.31 feet;

thence North 01°24'30" East a distance of 33.00 feet to the southwest corner of said West Hills Land Development LLC property;

thence along the lines common to said West Hills Land Development LLC property and that property described in Statutory Warranty Deed to Derek Osterholme and Amber Osterholme recorded May 20, 2020 as Document No. 2020-036921, Clackamas County Records as adjusted by said Property Line Adjustment Deed, through the following four courses:

North 21°44'17" West a distance of 31.49 feet;

North 01°03'30" East a distance of 231.53 feet;

North 12°24'03" East a distance of 7.90 feet;

and North 82°39'16" East a distance of 575.72 feet to a 1 inch iron pipe (as shown on Clackamas County Survey No. 29676) found at the northeast corner of said West Hills Land Development LLC property, also being the most westerly northwest corner of that property described in Statutory Warranty Deed to Andy Finkbeiner and Tamara L.

Pittman recorded May 30, 2001 as Document No. 2001-040160 Clackamas County Records;

thence along the west line of said Finkbeiner and Pittman property,
South 01°42'32" West a distance of 355.85 feet to the POINT OF BEGINNING.

Contains 4.917 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

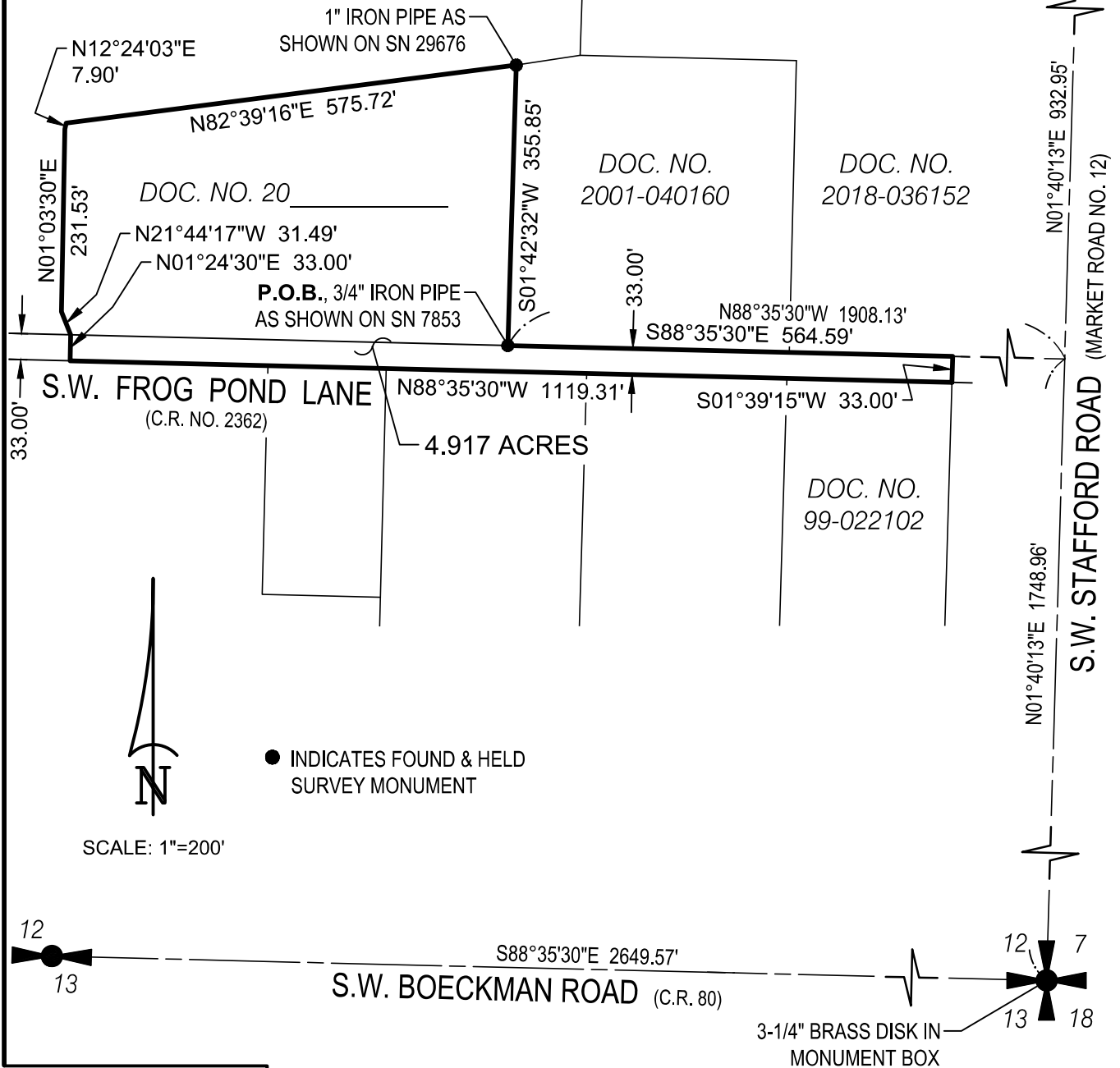
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OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWS: JUNE 30, 2024

DOC. NO. 20
(ADJUSTMENT APPROVED
BY CLACKAMAS COUNTY
FILE NO. Z0154-22 PLA)

12 7



Otak

808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 20015

EXHIBIT B

ANNEXATION OF THE WEST HILLS LAND DEVELOPMENT LLC
PROPERTY & A PORTION OF S.W. FROG POND LANE
IN THE NW QUARTER OF THE SE QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH,
RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

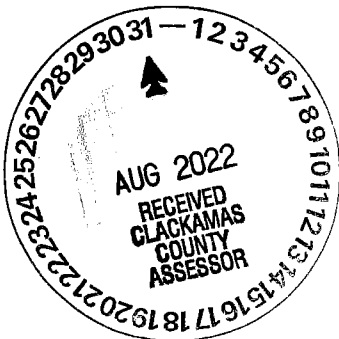
MAY 17, 2022

Ordinance No. 868 Exhibit B

CERTIFICATION OF PROPERTY OWNERSHIP OF 100% OF LAND AREA

I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

NAME JOSHUA BOLL
TITLE GIS CARTOGRAPHER II
DEPARTMENT TAX & ASSESSMENT
COUNTY OF CLACKAMAS
DATE 8/31/22



¹ Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.



Ordinance No. 868 Exhibit C
Annexation Findings

Frog Pond Overlook 12-Lot Subdivision

City Council
Quasi-Judicial Public Hearing

Hearing Date:	September 19, 2022
Date of Report:	September 6, 2022

Application No.: ANNX22-0001 Annexation

Request/Summary: City Council approval of quasi-judicial annexation of approximately 4.92 acres for a 12-lot residential subdivision concurrently with proposed development consistent with the Frog Pond West Master Plan.

Location: 7315 SW Frog Pond Lane. The property is specifically known as TLID 700 and a portion of SW Frog Pond Lane right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

**Owner/Applicant/
Petitioner:** West Hills Land Development LLC (Contact: Dan Grimberg)

Applicant’s Rep.: OTAK, Inc. (Contact: Li Alligood AICP)

Comprehensive Plan Designation: Residential Neighborhood

Zone Map Classification (Current): Rural Residential Farm Forest 5-Acre (RRFF-5)

**Zone Map Classification (Proposed
Concurrent with Annexation):** Residential Neighborhood (RN)

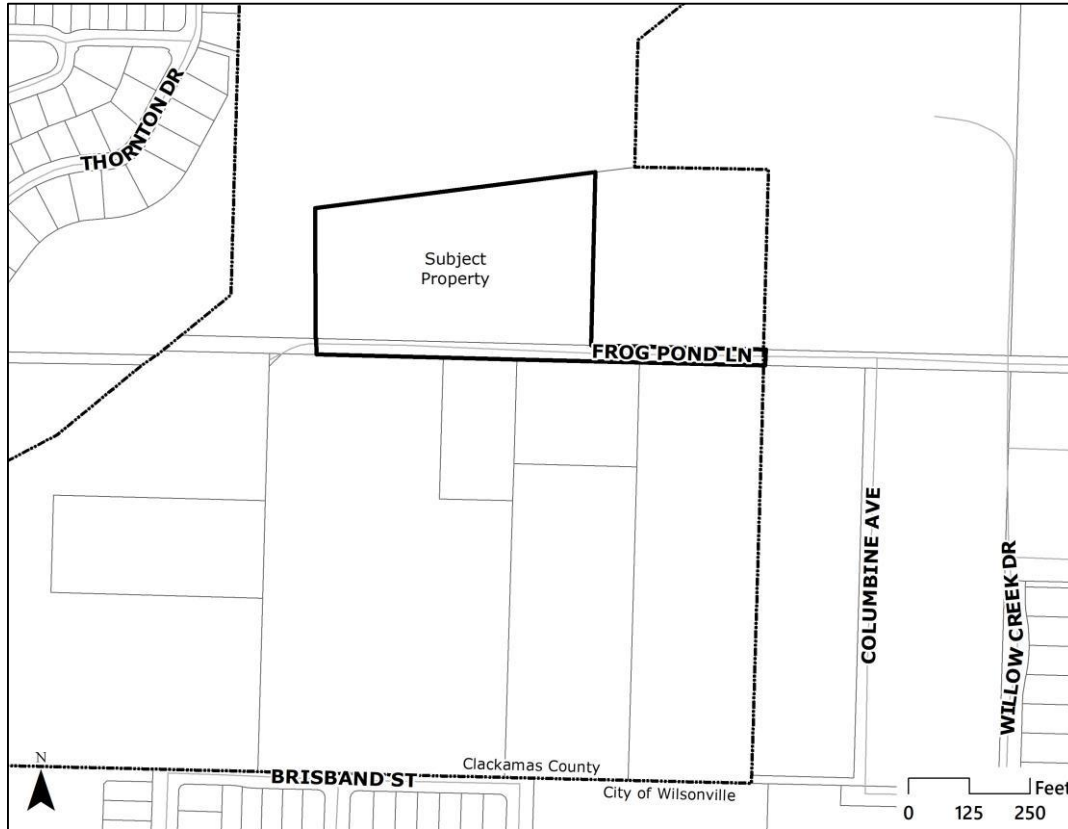
Staff Reviewer: Georgia McAlister, Associate Planner

Staff/DRB Recommendation: Approve the requested annexation.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.700	Annexation
<u>Comprehensive Plan and Sub-elements:</u>	
Citizen Involvement	
Urban Growth Management	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<u>Regional and State Law and Planning Documents</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by Consent Before Public Hearing or Order for Election
Statewide Planning Goals	

Vicinity Map



Background/Summary:

The subject property has long been rural/semi-rural, adjacent to the growing City of Wilsonville. Metro added the 181-acre area now known as Frog Pond West to the Urban Growth Boundary in 2002 to accommodate future residential growth. To guide development of the area and the urban reserve areas to the east and southeast, the City of Wilsonville adopted the Frog Pond Area Plan in November 2015. The Frog Pond Area Plan envisions that: "The Frog Pond Area in 2035 is an integral part of the Wilsonville community, with attractive and connected neighborhoods. The community's hallmarks are the variety of quality homes; open spaces for gathering; nearby services, shops and restaurants; excellent schools; and vibrant parks and trails. The Frog Pond Area is a convenient bike, walk, drive, or bus trip to all parts of Wilsonville."

As a follow up to the Area Plan and in anticipation of forthcoming development, in July 2017 the City of Wilsonville adopted the Frog Pond West Master Plan for the area within the UGB. To guide development and implement the vision of the Area Plan, the Master Plan includes details on land use (including residential types and unit count ranges), residential and community design, transportation, parks and open space, and community elements such as lighting, street trees, gateways, and signs. The Master Plan also lays out the infrastructure financing plan.

The proposed 12-lot subdivision is the tenth development proposal in Frog Pond West. The subdivision will connect to the concurrently proposed Frog Pond Terrace to the south, previously approved Frog Pond Vista subdivision to the northeast, and Morgan Farm subdivision to the south, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan.

One nearby land use application has been submitted for a site near the subject property. Frog Pond Terrace (DB22-0003) is located southwest of Frog Pond Overlook and contains features such as street extensions, pedestrian connections, and street trees that will interface with this application. Staff have reviewed this application in the context of the property to ensure all shared components are consistently applied across both subdivisions.

All property owners in the annexation area have consented in writing to the annexation. No electors reside within the area proposed for annexation.

Conclusion and Conditions of Approval:

Staff and the Development Review Board recommend the City Council annex the subject property with the following condition:

Request: Annexation (ANNX22-0001)

<p>PDA 1. <u>Prior to issuance of any Public Works permits by the City within the annexation area:</u> The developer shall be subject to a Development and Annexation Agreement with the City of Wilsonville as required by the Frog Pond West Master Plan. The developer shall enter into the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.</p>
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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.

General Information

Application Procedures-In General Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

The owners of all property included in the application signed the application forms. West Hills Land Development LLC initiated the application with their approval.

Request: Annexation (ANNX22-0001)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan-Annexation and Boundary Changes

Consistent with Future Planned Public Services Implementation Measure 2.2.1.a.

A1. The Frog Pond West Master Plan establishes the future planned public services and funding plan for the subject property. The development of public services and funding will be consistent with the Frog Pond West Master Plan thus allowing the annexation to proceed. West Hills Land Development LLC and the City will enter into a Development and Annexation Agreement detailing provision and development of public services as required by Conditions of Approval.

Demonstrated Need for Immediate Urban Growth Implementation Measure 2.2.1.a.

A2. Metro brought the subject area into the Urban Growth Boundary (UGB) in 2002 to meet demonstrated regional housing needs. With adoption for the Frog Pond West Master Plan the subject area is now primed for development to help meet regional housing needs.

Adherence to State and Metro Annexation Laws and Standards Implementation Measure 2.2.1.e.

A3. This review applies all applicable Metro and State rules, regulations, and statutes as seen in findings below.

Orderly, Economic Provision of Public Facilities and Services
Implementation Measure 2.2.1.e. 1.

A4. The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposes site development with concurrent applications for Stage 1 and Stage 2 Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the Frog Pond Overlook site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years
Implementation Measure 2.2.1.e. 2.

A5. The inclusion of the Frog Pond area within the UGB and the adoption of the Frog Pond Area Plan demonstrate the need for residential development in the Frog Pond area. Annexation of the subject site will allow development of the uses envisioned by the adopted Frog Pond West Master Plan.

Wilsonville Development Code-Annexation

Authority to Review Quasi-Judicial Annexation Requests
Subsections 4.030 (.01) A, 11, 4.031 (.01) K, 4.033 (.01) F., and 4.700 (.02)

A6. The review of the quasi-judicial annexation request by DRB and City Council is consistent with the authority established in the Development Code.

Procedure for Review, Etc.
Subsections 4.700 (.01). and (.04)

A7. The submission materials from the applicant include an annexation petition signed by the necessary parties, a legal description and map of the land to be annexed, and a narrative describing conformance with applicable criteria. City Council, upon recommendation from the DRB, will declare the subject property annexed.

Adoption of Development Agreement with Annexation
Subsection 4.700 (.05)

A8. Subject to requirements in this subsection and the Frog Pond West Master Plan, Conditions of Approval require the necessary parties enter into a Development and Annexation Agreement with the City covering the annexed land.

Metro Code

Local Government Boundary Changes Chapter 3.09

A9. The request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, and is consistent with both the Comprehensive Plan and the Frog Pond West Master Plan.

Oregon Revised Statutes (ORS)

Authority and Procedure for Annexation ORS 222.111

A10. The request meets the applicable requirements in State statute including the facts that the subject property is within the UGB and is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and there are no electors residing within the area to be annexed.

Procedure Without Election by City Electors ORS 222.120

A11. The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable requirements in State statute including the facts that all property owners within the annexed area consent in writing to the annexation. No electors reside within the territory proposed for annexation. Annexation of the subject property thus does not require an election.

Annexation by Consent of All Owners and Majority of Electors ORS 222.125

A12. All property owners within the annexed area have provided their consent in writing. No electors reside within the territory proposed for annexation. However, the City is following a public hearing process as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

Planning Goals – Generally Goals 1, 2, 5, 6, 8, 9, 11, 12, 13, 14

A13. The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both of which have been found to meet the Statewide Planning Goals.

Housing Goal 10

A14. The proposed Comprehensive Plan map amendments will continue to allow the City to meet its housing goals and obligations reflected in the Comprehensive Plan. Specifically:

- The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.
- Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
- If Wilsonville grows faster than the Metro forecast, based on historic City growth rates, the City will run out of residential land before 2030.
- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City has started the master planning process for Frog Pond East and South neighborhoods to ensure that additional residential land is available within the City. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.
- Wilsonville is meeting Statewide Planning Goal 10 requirements to "provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing" and to "provide for an overall density of 8 or more dwelling units per net buildable acre."
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related Zone Map Amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing urban growth boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and newly implemented City code to allow middle housing types.

- The proposal directly impacts approximately 0.8% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 4 of 477 acres).

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 407**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF ANNEXATION OF APPROXIMATELY 4.92 ACRES AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) OF APPROXIMATELY 4.07 ACRES, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE 1 PRELIMINARY PLAN, STAGE 2 FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, AND ABBREVIATED SROZ MAP VERIFICATION FOR A 12-LOT RESIDENTIAL SUBDIVISION.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by Dan Grimberg, West Hills Land Development LLC – Applicant/Owner in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 7315 SW Frog Pond Lane on Tax Lot 7700, and a portion of SW Frog Pond Lane right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated September 1, 2022, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on September 12, 2022, 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 September 1, 2022, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations subject to City Council approval of the Annexation and Zone Map Amendment Requests (ANNX22-0001 and ZONE22-0002) for:

DB22-0002 Frog Pond Overlook: Stage 1 Preliminary Plan (STG122-0002), Stage 2 Final Plan (STG222-0002), Site Design Review of Parks and Open Space (SDR22-0002), Tentative Subdivision Plat (SUBD22-0001), Type C Tree Plan (TPLN22-0001), and Abbreviated SROZ Map Verification (SROZ22-0004).

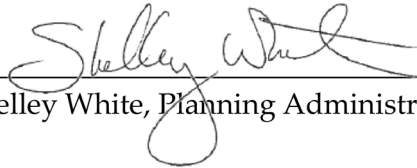
ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 12th day of September, 2022, and filed with the Planning Administrative Assistant on Sept. 13, 2022. This resolution is final on the 15th calendar day after the postmarked date of the

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)*.



Jean Svadlenka, Chair - Panel A
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant