

ORDINANCE NO. 843

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) ZONE TO THE RESIDENTIAL NEIGHBORHOOD (RN) ZONE ON APPROXIMATELY 15.93 ACRES ON THE WEST SIDE OF SW STAFFORD ROAD SOUTH OF SW FROG POND LANE; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 1500 AND 1700, SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. WEST HILLS LAND DEVELOPMENT LLC, APPLICANT.

WHEREAS, certain real property within the Frog Pond West Master Plan is being annexed into the City; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with their Wilsonville Comprehensive Plan Map designation of “Residential Neighborhood” rather than maintain the current Clackamas County zoning designations; and

WHEREAS, concurrent with the adoption of the Frog Pond West Master Plan and designating the subject property as “Residential Neighborhood” in the Comprehensive Plan Map, the City added a new zoning district Residential Neighborhood (RN) intended for application to the Master Plan area; and

WHEREAS, the Zone Map Amendment is contingent on annexation of the property to the City of Wilsonville, which annexation has been petitioned for concurrently with the Zone Map Amendment request; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on August 31, 2020; and

WHEREAS, the Development Review Board Panel 'A' held a duly advertised public hearing on the application for a Zone Map Amendment on August 31, 2020, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 380 which recommends City Council approval of the Zone Map Amendment request (Case File DB20-0008), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on October 5, 2020, 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 Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code.

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

1. FINDINGS.

The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Exhibit B, as if fully set forth herein.

2. DETERMINATION.

The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the property to the City, by Zoning Order DB20-0008, attached hereto as Exhibit A, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Residential Neighborhood (RN) Zone.

3. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 21st day of September 2020, and scheduled the second reading on October 5th, 2020 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
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Kimberly Veliz, City Recorder

ENACTED by the City Council on the 5th day of October, 2020, by the following votes:

Yes: 5 No: 0

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 5th day of October, 2020

DocuSigned by:
Tim Knapp
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TIM KNAPP, MAYOR

SUMMARY OF VOTES:

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

EXHIBITS:

- A. Zoning Order DB20-0008 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Zone Map Amendment Findings
- C. Development Review Board Panel A Resolution No. 380 Recommending Approval of Zone Map Amendment

**BEFORE THE CITY COUNCIL OF
THE CITY OF WILSONVILLE,
OREGON**

In the Matter of the Application of)
West Hills Land Development LLC)
for a Rezoning of Land and Amendment) **ZONING ORDER DB20-0008**
of the City of Wilsonville Zoning Map)
Incorporated in Section 4.102 of the)
Wilsonville Code.)

The above-entitled matter is before the Council to consider the application of DB20-0008, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached legal description and sketch, has heretofore appeared on the Clackamas County zoning map Rural Residential Farm Forest 5 (RRFF5).

The Council having heard and considered all matters relevant to the application for a Zone 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 approximately 15.93 acres on the west side of SW Stafford Road south of SW Frog Pond Lane comprising Tax Lots 1500 and 1700, of Section 12D, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Residential Neighborhood (RN), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

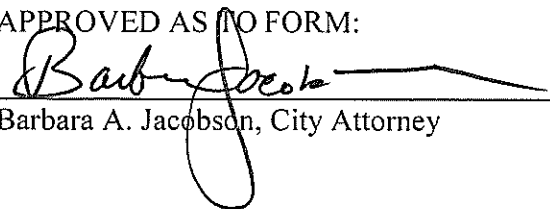
Dated: This 21st day of
September, 2020.

DocuSigned by:

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TIM KNAPP, MAYOR

APPROVED AS TO FORM:


Barbara A. Jacobson, City Attorney

ATTEST:

DocuSigned by:
Kimberly Veliz
E781DE10276B496

Kimberly Veliz, City Recorder

Attachment: Legal Description and Sketch Depicting Land/Territory to be Rezoned

EXHIBIT A
LEGAL DESCRIPTION
FROG POND RIDGE ZONE MAP AMENDMENT

August 18, 2020 (Otak #19489)

Those properties described in Bargain and Sale Deed to the Trustees of the William Ray Morgan and Janice Ellen Morgan Revocable Living Trust U/D/T October 20, 2009, recorded April 24, 2013 as Document No. 2013-027934, and in Statutory Warranty Deed to West Hills Land Development, LLC recorded October 9, 2018 as Document No. 2018-062022, both of Clackamas County Records, in the southeast quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with no cap found at the southeast corner of said Document No. 2013-027934 property, said POINT OF BEGINNING being on the west right of way line of said S.W. Stafford Road North 01°40'13" East a distance of 1287.07 feet and North 88°35'30" West a distance of 30.00 feet from the southeast corner of said southeast quarter of Section 12;

thence along the north line of that property described in Special Warranty Deed to West Hills Land Development LLC recorded August 20, 2019 as Document No. 2019-049723, Clackamas County Records, North 88°35'30" West a distance of 1015.93 feet;

thence along the west line of said Document No. 2019-049723 property South 01°40'13" West a distance of 429.07 feet to the north line of Partition Plat No. 2019-047, Clackamas County Records;

thence along said north line and the westerly extension thereof, North 88°35'30" West a distance of 507.30 feet to the southeast corner of that property conveyed in Document No. 91-036369, Clackamas County Records;

thence along the east line of said Document No. 91-036369 property North 01°37'43" East a distance of 15.64 feet to the southwest corner of that property described in Quitclaim Deed to Amy Thurmond recorded as Document No. 99-022102, Clackamas County Records;

thence along the south line of said Document No. 99-022102 property South 88°31'31" East a distance of 209.95 feet;

thence along the east line of said Document No. 99-022102 property,
North 01°39'15" East a distance of 842.56 feet to a point on the south right of
way line of S.W. Frog Pond Lane (County Road No. 2362);

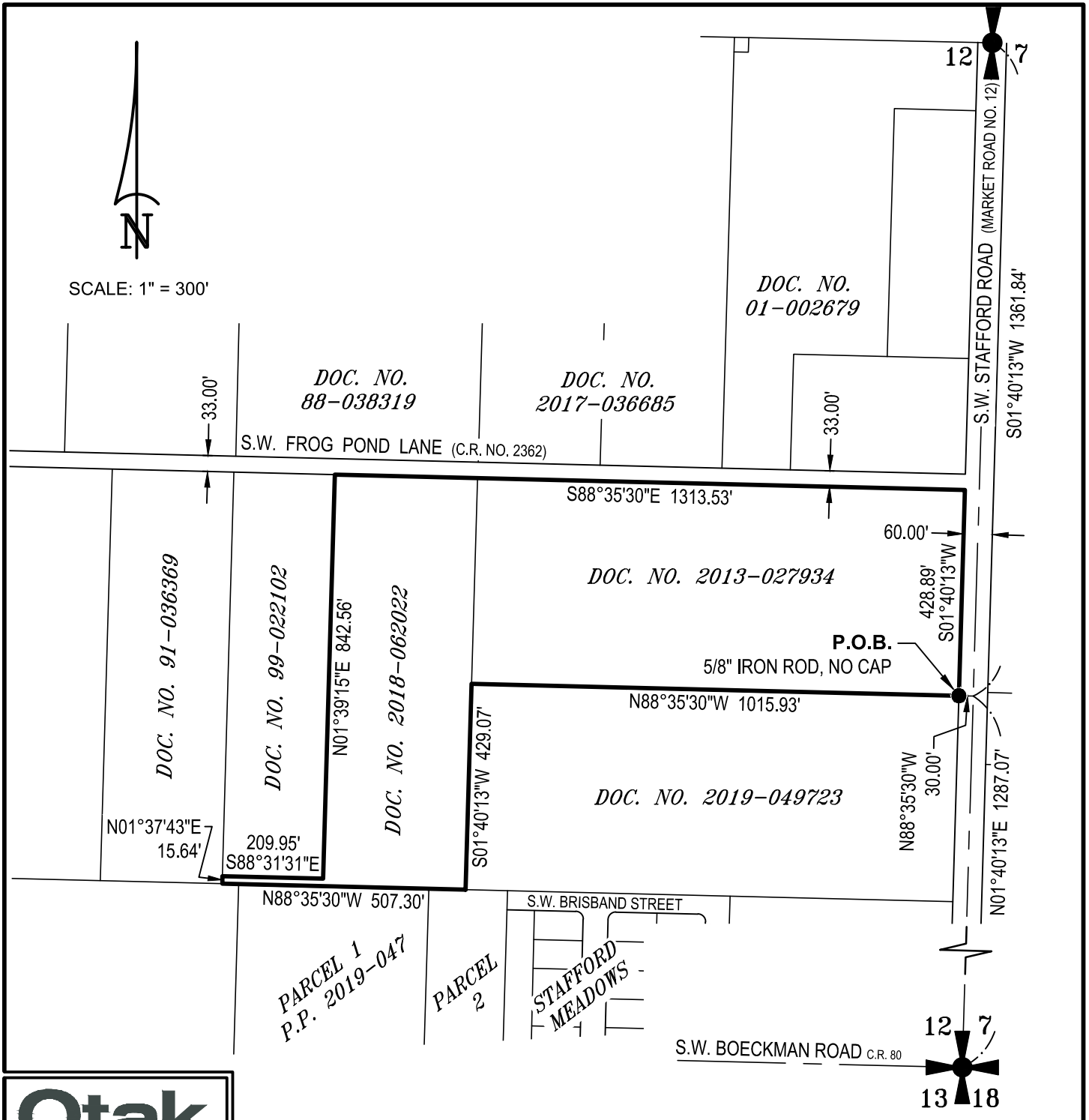
thence along said south right of way line and the north line of said Document No.
2018-062022 and 2013-027934 properties, South 88°35'30" East a distance of
1313.53 feet to a point on said west right of way line being parallel with and
30.00 feet easterly of, when measured at right angles to, the section line
common to said Sections 7 and 12 also being the centerline of said S.W. Stafford
Road;

thence along said east right of way line, South 01°40'13" West a distance of
428.89 feet to the POINT OF BEGINNING.

Contains 15.94 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS
RENEWS: JUNE 30, 2022



808 SW 3rd Ave., Ste. 800
 Portland, Oregon 97204
 Phone: (503) 287-6825
 www.otak.com
 project: 19489

EXHIBIT A

FROG POND RIDGE ZONE MAP AMENDMENT AREA
 IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, &
 THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 1 EAST,
 WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

AUGUST 18, 2020



Ordinance No. 843 Exhibit B
Zone Map Amendment Findings

Frog Pond Ridge 71-Lot Single-Family Subdivision

City Council
Quasi-Judicial Public Hearing

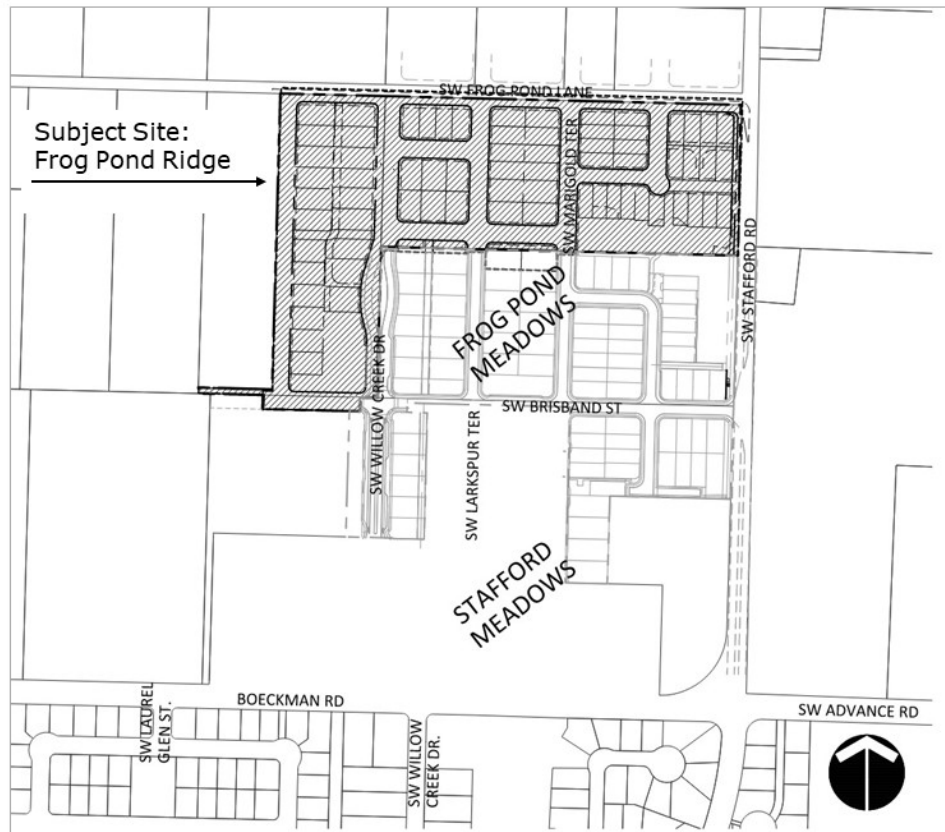
Hearing Date:	September 10, 2020
Date of Report:	August 18, 2020

Application No.:	DB20-0008 Zone Map Amendment
Request:	The request before the City Council is a Zone Map Amendment for approximately 15.93 acres.
Location:	West side of SW Stafford Road, south of SW Frog Pond Lane. The property is specifically known as TLID 1500, 1700, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon
Owners:	West Hills Land Development LLC, William Ray Morgan and Janice Ellen Morgan Revocable Living Trust
Applicant:	West Hills Land Development LLC (Contact: Dan Grimberg)
Applicant's Rep.:	OTAK, Inc. (Contact: Li Alligood AICP)
Comprehensive Plan Designation:	Residential Neighborhood, Public
Zone Map Classification (Current):	RRFF 5 (Rural Residential Farm Forest 5-Acre)
Zone Map Classification (Proposed):	RN (Residential Neighborhood)
Staff Reviewers:	Cindy Luxhoj AICP, Associate Planner
Staff/DRB Recommendation:	<u>Adopt</u> the requested Zone Map Amendment.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.110	Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.197	Zone Changes
<u>Comprehensive Plan and Sub-elements:</u>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
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>	
Statewide Planning Goals	

Vicinity Map



Summary:

Zone Map Amendment (DB20-0008)

Concurrent with the adoption of the Frog Pond West Master Plan, the City added a new zoning district, Residential Neighborhood (RN), intended for application to the Master Plan area. The applicant proposes applying the RN Zone to the subject property consistent with this intention.

Conclusion and Conditions of Approval:

Staff and the Development Review Board recommend approval with the following condition:

Request: DB20-0008 Zone Map Amendment

This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB20-0007).

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: DB20-0008 Zone Map Amendment

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

Comprehensive Plan

“Residential Neighborhood” on the Comprehensive Plan Map
Implementation Measure 4.1.7.a.

- B1.** The subject area has a Comprehensive Plan Map Designation of “Residential Neighborhood”. The designation enables development of the site consistent with the purpose of this designation as set forth in the legislatively adopted Frog Pond West Master Plan, resulting in an attractive, cohesive and connected residential neighborhood with high quality architecture and community design, transportation choices, and preserved and enhanced natural resources.

“Residential Neighborhood” Zone Applied Consistent with Comprehensive Plan
Implementation Measure 4.1.7.c.

- B2.** The applicant requests the majority of the subject area receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of “Residential Neighborhood.”

Safe, Convenient, Healthful, and Attractive Places to Live
Implementation Measure 4.1.4.c.

- B3.** The proposed RN zoning allows the use of planned developments consistent with the legislatively adopted Frog Pond West Master Plan, enabling development of safe, convenient, healthful, and attractive places to live.

Residential Density
Implementation Measure 4.1.4.u.

- B4.** The subject area will be zoned RN allowing application of the adopted residential densities of the Frog Pond West Master Plan. The sub-districts established in the Frog Pond West Master Plan govern the allowed residential densities.

Development Code

Zoning Consistent with Comprehensive Plan
Section 4.029

- B5.** The applicant requests a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of RN is consistent with the Comprehensive Plan “Residential Neighborhood” designation. See also Finding B2 above.

Base Zones

Subsection 4.110 (.01)

- B6.** The requested zoning designation of RN is among the base zones identified in this subsection.

Residential Neighborhood (RN) Zone

Purpose of the Residential Neighborhood (RN) Zone

Subsection 4.127 (.01)

- B7.** The request to apply the RN Zone on lands with the “Residential Neighborhood Comprehensive Plan Map designations enables a planned development process implementing the “Residential Neighborhood” policies and implementation measures of the Comprehensive Plan and the Frog Pond West Master Plan.

Permitted Uses in the Residential Neighborhood (RN) Zone

Subsection 4.127 (.02)

- B8.** Concurrent with the zone map amendment request the applicant requests approval of a single-family subdivision. Single-family dwelling units, attached single-family dwelling units (maximum two attached), open space, and public and private parks are among the permitted uses in the RN zone.

Residential Neighborhood Zone Sub-districts and Residential Density

Subsection 4.127 (.05) and (.06)

- B9.** The subject property includes portions of medium lot Sub-districts 4 and 5 and small lot Sub-district 6. The Frog Pond West Master Plan establishes a range of 86 to 107 units for Sub-district 4. Approximately 19.67% of Sub-district 4 is within the project area. To date, no applications have been approved for units within this sub-district, and the current application proposes 21 lots, which is the maximum number allowed based on the percentage of the sub-district within the project area. The configuration of lots as proposed will allow for buildout of this part of the sub-district consistent with the Master Plan recommendations.

The established range for Sub-district 5 is 27 to 33 units. Approximately 39.72% of Sub-district 5 is within the project area and the applicant proposes 12 lots. The previously approved Frog Pond Meadows includes 22 lots within Sub-district 5. The combined total between the two projects is 34 lots, which is one more than the established range maximum. However, configuration of lots between SW Willow Creek Drive and SW Larkspur Terrace to accommodate Street M results in Lots 25-27 being split between Sub-districts 5 and 6. Since fewer than the maximum lots is proposed in Sub-district 6 and the combined total of proposed lots in Sub-districts 5 and 6 also is below the maximum, exceeding the established dwelling unit range in Sub-district 5 is acceptable and the proposed configuration of lots will allow for buildout of the sub-district consistent with the Master Plan recommendations.

The Frog Pond West Master Plan establishes a range of 74 to 93 units for Sub-district 6. Approximately 48.31% of Sub-district 6 is within the project area. For Sub-district 6, the applicant proposes 38 lots, 8 of which are attached two-unit single-family homes (duplexes). The previously approved Frog Pond Meadows includes 42 lots within Sub-district 6. The combined total between the two projects is 80 lots, which is within the established range for the sub-district. The configuration of lots will allow for buildout of the sub-district consistent with the Master Plan recommendations.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 380**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION OF APPROXIMATELY 17.6 ACRES AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) FOR APPROXIMATELY 15.9 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF STAFFORD ROAD SOUTH OF SW FROG POND LANE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, WAIVER TO MINIMUM FRONT SETBACK, AND ABBREVIATED SRIR REVIEW FOR A 71-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1500 AND 1700, A PORTION OF 1800, A PORTION OF SW FROG POND LANE RIGHT-OF-WAY, AND A PORTION OF SW STAFFORD ROAD RIGHT-OF-WAY, SECTION 12D, AND A PORTION OF TAX LOT 400, SECTION 12DD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. LI ALLIGOOD, AICP, OTAK – REPRESENTATIVE FOR WEST HILLS LAND DEVELOPMENT 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 prepared the staff report on the above-captioned subject dated August 3, 2020, and

WHEREAS, on August 10, 2020, the Development Review Board honored the applicant's request and continued the public hearing to a date and time certain of August 31, 2020, and

WHEREAS, the Planning Staff has prepared the revised staff report on the above-captioned subject dated August 24, 2020, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a special meeting conducted on August 31, 2020, 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 August 31, 2020, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB20-0007 through DB20-0014, and SI20-0001; Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, Waiver – Front Setback, and Abbreviated SRIR Review.

ADOPTED by the Development Review Board of the City of Wilsonville at a special meeting thereof this 31st day of August, 2020, and filed with the Planning Administrative Assistant on Sept. 1, 2020. 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)*.



Daniel McKay, Chair - Panel A
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant