ORDINANCE NO. 860

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 4.06 ACRES, AND TO THE PUBLIC FACILITY (PF) ZONE ON APPROXIMATELY 9.18 ACRES LOCATED BETWEEN SW BOECKMAN ROAD AND SW FROG POND LANE AT 7070 SW FROG POND LANE AND 7151 SW BOECKMAN ROAD; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 1501, SECTION 12D, AND TAX LOT 4500, SECTION 12DC, 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" and "Public" rather than maintain the current Clackamas County zoning designation; and

WHEREAS, concurrent with the adoption of the Frog Pond West Master Plan and designating the subject property as "Residential Neighborhood" and "Public" 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, schools are considered quasi-public uses that serve and benefit the community and application of the Public Facility (PF) zone is consistent with the recommendations of the Frog Pond West Master Plan; 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 March 28, 2022; and

WHEREAS, the Development Review Board Panel 'B' held a duly advertised public hearing on the application for a Zone Map Amendment on March 28, 2022, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 401 which recommends City Council approval of the Zone Map Amendment request (Case File DB21-0066), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on April 18, 2022, 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 DB21-0066, attached hereto as Exhibit A, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Residential Neighborhood (RN) and Public Facility (PF) Zones.

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 18th day of April, 2022, and scheduled the second reading on the 2nd day of May, 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 2nd day of May 2022, by the following votes:

Yes: 4 No: 0

Cousigned by:

Kimberly Veliz

E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 2nd day of May, 2022.

DocuSigned by:

8A974AF3ADE042E...

JULIE FITZGERALD, MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald Yes

Council President Akervall Yes

Councilor Lehan Yes

Councilor West Excused

Councilor Linville Yes

EXHIBITS:

- A. Zoning Order DB21-0066 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Zone Map Amendment Findings
- C. Development Review Board Panel B Resolution No. 401 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 DB21-0066
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 DB21-0066, 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-Acre (RRFF-5).

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 13.24 acres located between SW Boeckman Road and SW Frog Pond Lane at 7070 SW Frog Pond Lane and 7151 SW Boeckman Road comprising Tax Lot 1501 of Section 12D and Tax Lot 4500 of Section 12DC, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Residential Neighborhood (RN) and Public Facility (PF), 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 2nd day of May, 2022.

Docusigned by:

JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

Imanda Gull-Hinman

Amarka Gull-Hinman

Amarka Gull-Hinman

City Attorney

ATTEST:	
DocuSigned by:	
Kimberly Veliz	
Kimberly Veliz, City Recorder	

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

EXHIBIT A

LEGAL DESCRIPTION FROG POND ESTATES ANNEXATION

February 10, 2022 (Otak #20141)

That property described in Quitclaim Deed to Amy Thurmond recorded March 5, 1999 as Document No. 99-022102, 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 the northeast corner of said Thurmond property from which a 5/8 inch iron rod with no cap was found bearing South 01°39'15" West a distance of 0.09 feet, said POINT OF BEGINNING also being a point on the south right of way line of 33.00 foot wide S.W. Frog Pond Lane, North 01°40'13" East a distance of 1715.96 feet and North 88°35'30" West a distance of 1343.53 feet from the southeast corner of said Section 12;

thence along said south right of way line, North 88°35'30" West a distance of 209.57 feet to the northeast corner of that property described in Statutory Warranty Deed to Paul V. and Susan M. Woebkenberg recorded July 24, 1991 as Document No. 91-036369, Clackamas County Records;

thence along the east line of said Woebkenberg property, South 01°40'13" West a distance of 842.32 feet to the northwest corner of the strip of land in the southerly portion of that property described as Parcel 4 in Special Warranty Deed to Venture Properties, Inc recorded June 1, 2021 as Document No. 2021-053929, Clackamas County Records;

thence along the north line of said strip of land, South 88°31'31" East a distance of 209.81 feet to a 5/8 inch iron rod found at the southeast corner of said Thurmond property, also being an angle point in said Venture Properties, Inc. property;

thence along the west line of the northerly portion of said Venture Properties, Inc. property;

North 01°39'15" East a distance of 842.56 feet to the POINT OF BEGINNING.

Contains 4.06 acres, more or less.

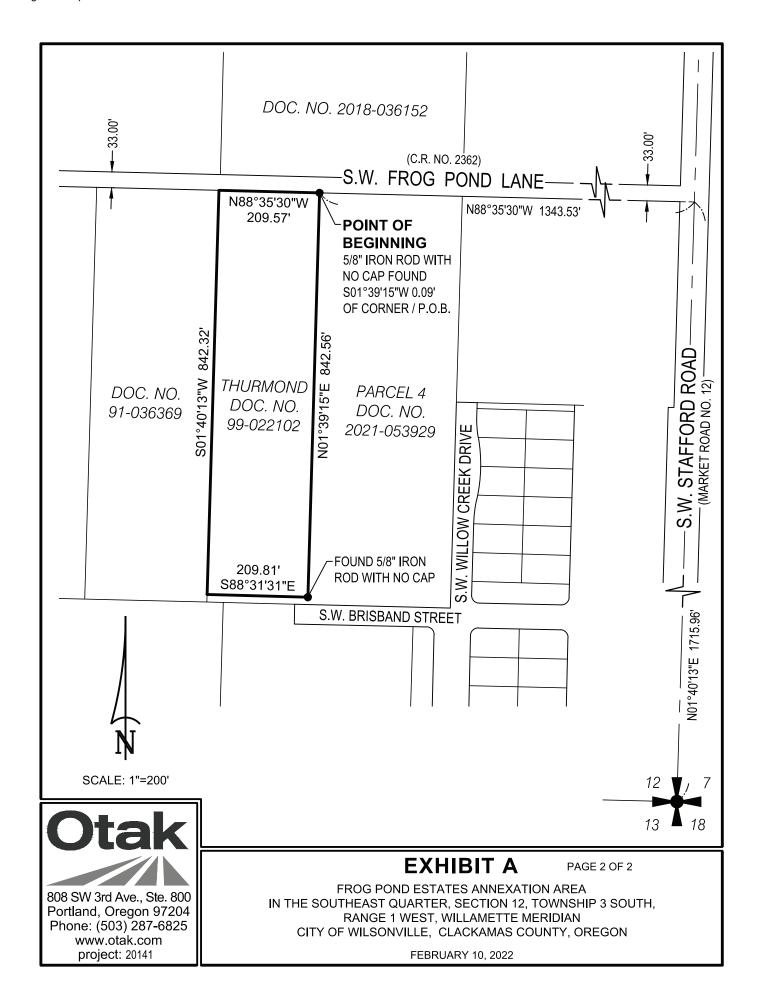


EXHIBIT A

LEGAL DESCRIPTION SCHOOL DISTRICT PROPERTY ANNEXATION

November 1, 2021 (Otak #20141)

A portion of that property described as Parcel I in Warranty Deed to Clackamas County School District 3, West Linn-Wilsonville School District 3JT recorded May 24, 1999 as Document No. 99-052396, Clackamas County Records, in the southeast quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, described as follows:

BEGINNING at a 5/8 inch iron rod with yellow plastic cap marked "OTAK INC" found on the north right of way line of S.W. Boeckman Road (County Road 80) North 01°24'30" East a distance of 30.00 feet from a point on the centerline of said S.W. Boeckman Road, said centerline also being the south line of said southeast quarter, said point being North 88°35'30" West a distance of 1518.77 feet from the southeast corner of said Section 12, said POINT OF BEGINNING also being the southwest corner of Partition Plat No. 2019-047, Clackamas County Records;

thence along the west line of said Partition Plat, North 01°39'45" East a distance of 828.00 feet to a 5/8 inch iron rod with yellow plastic cap marked "DEA" found at the northwest corner of said Partition Plat, also being on the south line of that property described as Parcel 4 in Special Warranty Deed to Venture Properties, Inc. recorded as Document No. 2021-053929, Clackamas County Records;

thence along said south line and the south lines of those properties described in Document No. 91-036369 and Document No. 2021-041768, both of Clackamas County Records, North 88°35'30" West a distance of 483.16 feet to a point on the east right of way line of S.W. Sherman Drive as dedicated in Document No. 2019-010342, Clackamas County Records, said east right of way line being a line parallel with and 28.00 feet easterly of the east line of MORGAN FARM, recorded as Plat No. 4566, Clackamas County Records;

thence along said east right of way line, South 01°39'45" West a distance of 828.00 feet to a point on said north right of way line;

thence along said south right of way line, South 88°35'30" East a distance of 483.16 feet to the POINT OF BEGINNING.

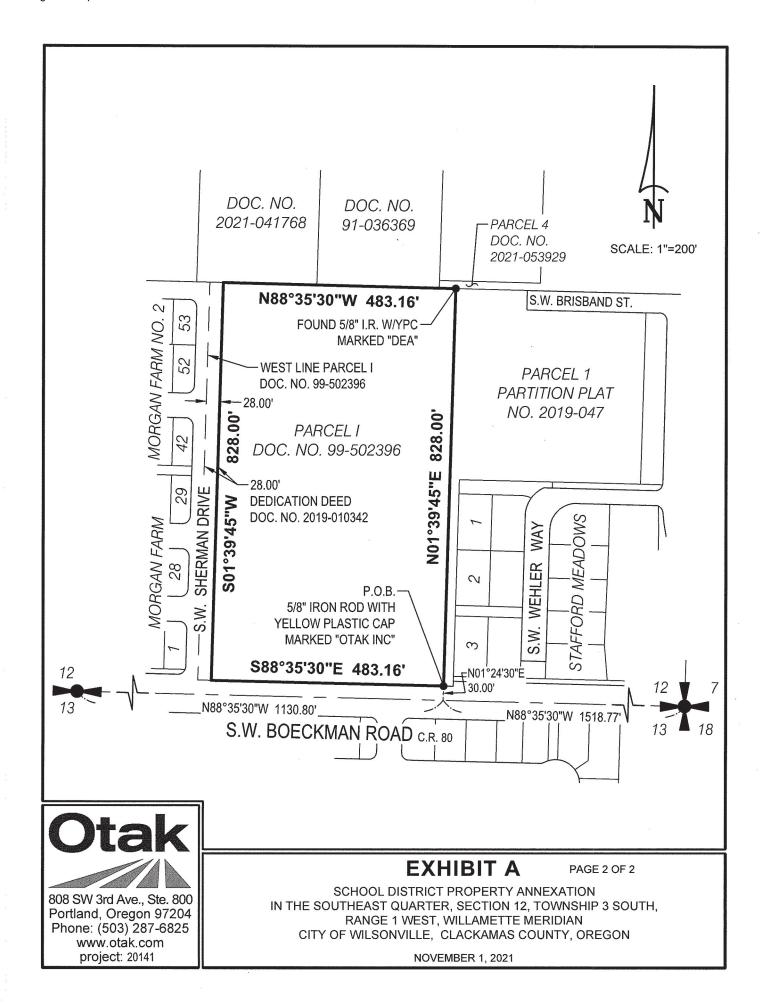
Contains 9.18 acres, more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

DIGITALLY SIGNED 2021.11.02 07:10:20-07'00'

OREGON NOVEMBER 12, 2013 MICHAEL D. SPELTS 87475PLS

RENEWS: JUNE 30, 2022





Ordinance No. 860 Exhibit B Zone Map Amendment Findings

Frog Pond Estates 17-Lot Subdivision

City Council Quasi-Judicial Public Hearing

Hearing Date: April 18, 2022

Date of Report: April 5, 2022

Application No.: DB21-0066 Zone Map Amendment

Request: The request before the City Council is a Zone Map Amendment for

approximately 13.24 acres.

Location: 7070 SW Frog Pond Lane and 7151 SW Boeckman Road. The properties are

specifically known as TLID 1501, Section 12D, and TLID 4500, Section 12DC, Township 3 South, Range 1 West, Willamette Meridian, Clackamas

County, Oregon.

Owners: Amy Thurmond (TLID 1501, 7070 SW Frog Pond Lane)

West Linn-Wilsonville School District (TLID 4500, 7151 SW Boeckman

Road)

Applicant: West Hills Land Development LLC (Contact: Dan Grimberg)

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

Comprehensive Plan Designations: Residential Neighborhood and Public

Zone Map Classification: TLID 1501 – Current: Clackamas County Rural Residential Farm

Forest 5-Acre (RRFF-5)

Proposed: Residential Neighborhood (RN)

TLID 4500 – Current: RRFF-5

Proposed: Public Facility (PF)

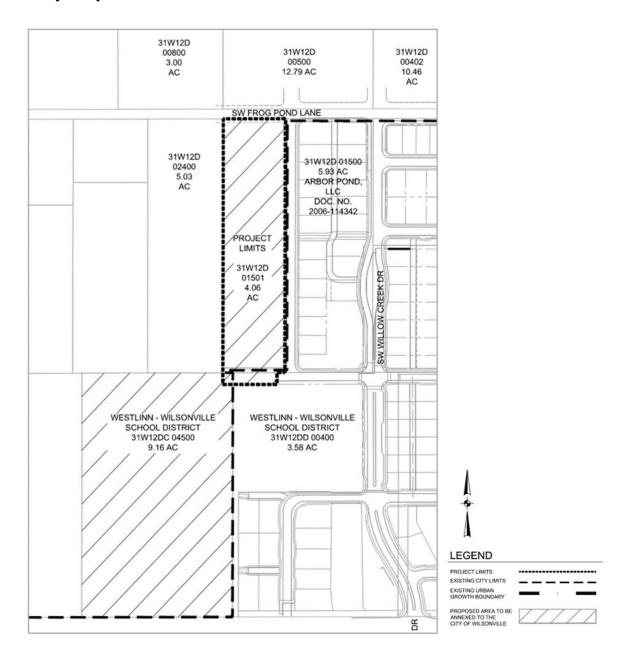
Staff Reviewer: Cindy Luxhoj AICP, Associate Planner

Staff/DRB Recommendation: Adopt the requested Zone Map Amendment.

Applicable Review Criteria:

Development Code:	
Section 4.110	Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.197	Zone Changes
Comprehensive Plan and Sub-	
elements:	
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	
Regional and State Law and	
Planning Documents	
Statewide Planning Goals	

Vicinity Map



Summary:

Zone Map Amendment (DB21-0066)

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 residential portion of the annexed area consistent with this intention. The application proposes applying the Public Facility (PF) Zone to the future school site.

Conclusion and Conditions of Approval:

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

Request: DB21-0066 Zone Map Amendment

This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB21-0065).

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: DB21-0066 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 Comprehensive Plan Map, Purpose of "Residential Neighborhood" Designation Policy 4.1.7.a.

B1. The subject area has Comprehensive Plan Map Designations of "Residential Neighborhood" and "Public" enabling implementation of the Frog Pond West Master Plan adopted for the subject area.

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

B2. The applicant requests the portion of the subject area within the Frog Pond Estates subdivision receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of "Residential Neighborhood". The designation enables development of the residential portion 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.

The applicant requests the portion of the subject area within the future school site receive the zoning designation of Public Facility (PF), as required for areas within Comprehensive Plan Map Designation of "Public", consistent with the Master Plan recommendation.

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 portion of the subject area within the Frog Pond Estates subdivision 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 Preliminary Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designations of RN and PF are consistent with the Comprehensive Plan "Residential Neighborhood" and "Public" designations. See also Finding B2 above.

Base Zones

Subsection 4.110 (.01)

B6. The requested zoning designations of RN and PF are 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 designated "Residential Neighborhood" on the Comprehensive Plan Map 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 17-lot residential subdivision. Single-family dwelling units, Duplex, Triplex, Quadplex, Cluster Housing, Cohousing, Cluster Housing (Frog Pond West Master Plan), open space, and public and private parks are among the permitted uses in the RN Zone.

Residential Neighborhood (RN) Zone Sub-districts and Residential Density Subsection 4.127 (.05) and (.06)

B9. The proposed uses, number of lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use lot count, the proposed Stage I area includes portions of medium lot Sub-district 4 and large lot Sub-district 7. The following table summarizes how the proposed residential lots in each Sub-district are generally consistent with the Master Plan recommendations. While the applicant proposes 12 lots in Sub-district 4, which is the maximum number allowed, 5 lots are proposed in Sub-district 7, exceeding the proportional density calculation for this part of the site by one (1) lot.

Sub-district	Gross		Established			Total lots within
and Land	Site	Percent	lot range			Sub-district -
Use	Area	of Sub-	for Sub-	Lot Range	Proposed	Approved and
Designation	(ac)	district	district	for Site	Lots	Proposed
4 – R-7	2.7	10.8%	86-107	9-12	12	21 Approved
						12 Proposed
						33 Total
7 – R-10	1.4	13.9%	24-30	3-4	5	0 Approved
						5 Proposed
						5 Total
Total	6			12-16	17	

The proportional density allocation does not account for site-specific characteristics that influence the ability of a specific property to accommodate residential lots meeting minimum dimensional standards. The portion of the subject property within Sub-district 7 able to accommodate lot area (90.9%) is much greater than in other subareas. Minimal right-of-way dedication is required because the section of SW Frog Pond Lane adjacent to the site is a local street, which allows driveway access, private street B is primarily located in Sub-district 4, and the majority of SW Columbine Avenue bordering the site on the east is being constructed as part of the Frog Pond Ridge subdivision. As a result, no alleys are required or proposed to provide access to the proposed lots in Sub-district 7. Therefore, the proposed site area within Sub-district 7 easily accommodates five lots that meet or exceed all dimensional standards, including minimum lot size requirements. The proposed development of 5 lots in this portion of Sub-district 7 exceeds minimum lot development standards while preserving significant trees and allowing for compliant future

development within the master plan area. The configuration of lots as proposed will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

Public Facility (PF) Zone

Purpose of the Public Facility (PF) Zone Subsection 4.136 (.01)

B10. The request to apply the Public Facility (PF) Zone on the future school property is consistent with the purpose of this zone, as the existing and future uses are public and quasi-public uses that serve and benefit the community.

Permitted Uses in the Public Facility (PF) Zone Subsection 4.136 (.02)

B11. Public schools are among the permitted uses in the PF zone.

Dimensional Standards Subsection 4.136 (.04)

B12. All dimensional standards of the PF zone will be met. The frontage of the tax lot exceeds the minimum requirement of 75 feet.

DEVELOPMENT REVIEW BOARD RESOLUTION NO. 401

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 RESIDENTIAL NEIGHBORHOOD (RN) AND PUBLIC FACILITY (PF) OF APPROXIMATELY 13.22 ACRES BETWEEN SW BOECKMAN ROAD AND SW FROG POND LANE FOR A 17-LOT RESIDENTIAL SUBDIVISION AND FUTURE SCHOOL SITE, 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 AND TYPE C TREE PLAN FOR THE RESIDENTIAL SUBDIVISION. THE SUBJECT SITE IS LOCATED AT 7070 SW FROG POND LANE, AND 7035 AND 7151 SW BOECKMAN ROAD ON TAX LOT 1501 AND A PORTION OF TAX LOT 1500, SECTION 12D, A PORTION OF TAX LOT 400, SECTION 12DD AND TAX LOT 4500, SECTION 12DC, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS OTAK, INC. - REPRESENTATIVE FOR WEST HILLS LAND COUNTY, OREGON. DEVELOPMENT, LLC - APPLICANT AND AMY THURMOND, VENTURE PROPERTIES, AND WEST LINN-WILSONVILLE SCHOOL DISTRICT - OWNERS.

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 March 21, 2022, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on March 28, 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 March 21, 2022, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB21-0065 through DB21-0071; Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, and Class C Tree Plan.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 28th day of March, 2022 and filed with the Planning Administrative Assistant on

Resolution No. 401 Page 1 of 2

March 29, 2022 . This resolution is final on the l5th 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).

Nicole Hendrix, Acting Chair – Panel B Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant

Resolution No. 401 Page 2 of 2