

ORDINANCE NO. 862

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 10.46 ACRES LOCATED WEST OF SW STAFFORD ROAD NORTH OF SW FROG POND LANE AT 6725 SW FROG POND LANE; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 401 AND 402, 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 designation; 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 April 11, 2022; and

WHEREAS, the Development Review Board Panel 'A' held a duly advertised public hearing on the application for a Zone Map Amendment on April 11, 2022, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 402 which recommends City Council approval of the Zone Map Amendment request (Case File DB21-0073), 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 DB21-0073, attached hereto as Exhibit A, from the Clackamas County Rural Residential Farm Forest 5 (RRFF-5) 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 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.



Kimberly Veliz, City Recorder

ENACTED by the City Council on the 2nd day of May 2022, by the following votes:

Yes: 4 No: 0



Kimberly Veliz, City Recorder

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



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 DB21-0073 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Zone Map Amendment Findings
- C. Development Review Board Panel A Resolution No. 402 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 DB21-0073
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 DB21-0073, 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 10.46 acres located north of SW Frog Pond Lane at 6725 SW Frog Pond Lane comprising Tax Lots 401 and 402 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 2nd day of May, 2022.

JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

Amanda Guile-Hinman, City Attorney

ATTEST:

Kimberly Veliz, City Recorder

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

EXHIBIT A
LEGAL DESCRIPTION
FROG POND OAKS ANNEXATION

October 5, 2021 (Otak #20141)

That property described in Quitclaim Deed to Sheri L. Miller recorded June 1, 2017 as Document No. 2017-036685, Clackamas County Records, in the southeast quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, further described as follows:

BEGINNING at the southeast corner of said Miller property from which a 5/8 inch iron rod with no cap was found bearing North 01°39'46" East a distance of 0.11 feet, said POINT OF BEGINNING also being a point on the north right of way line of S.W. Frog Pond Lane, North 01°40'13" East a distance of 1748.96 feet and North 88°35'30" West a distance of 537.57 feet from the southeast corner of said Section 12;

thence along the west lines of those properties described in Special Warranty Deed to Paul C. and Janene C. Chaney recorded January 16, 2001 as Document No. 2001-002679, and in Deed to Andrew J. Paris, Jr. et ux recorded April 5, 1972 as Document No. 72-002195, both of Clackamas County Records, North 01°39'46" East a distance of 898.20 feet to a point on the south line of Parcel II of Partition Plat No. 1991-43;

thence along said south line of Parcel II, North 88°46'45" West a distance of 507.70 feet to the northeast corner of that property described in Statutory Warranty Deed to Darrell R. and Sandi L. Lauer recorded June 13, 2018 as Document No. 2018-036152, Clackamas County Records;

thence along the east line of said Lauer property, South 01°40'13" West a distance of 896.54 feet to a point on said north right of way line;

thence along said north right of way line, South 88°35'30" East a distance of 507.81 feet to the POINT OF BEGINNING.

Contains 10.46 acres, more or less.

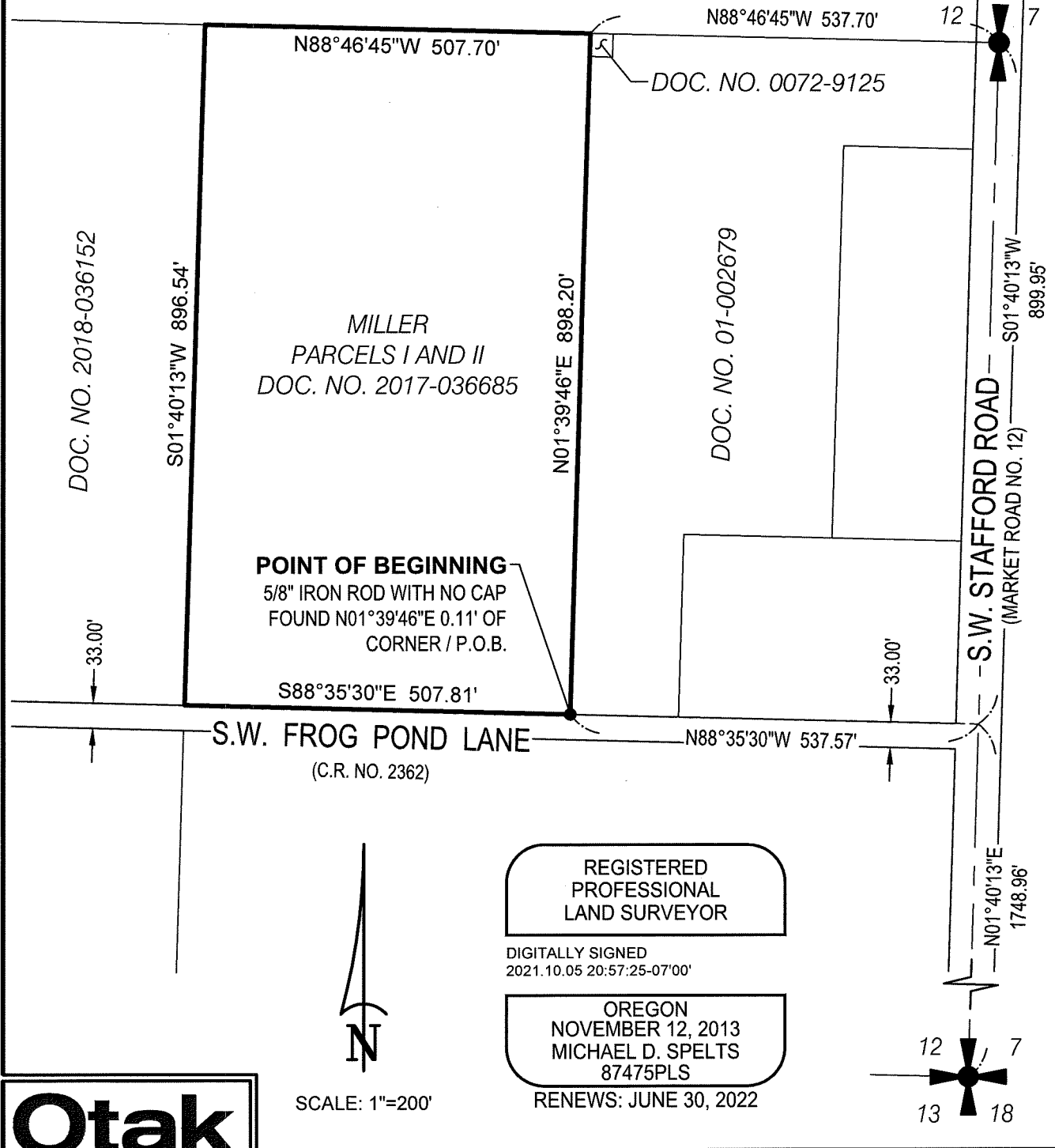
REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED
2021.10.05 20:57:43-07'00'

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWS: JUNE 30, 2022

PARCEL II, PARTITION PLAT NO. 1991-43



Otak

808 SW 3rd Ave., Ste. 800
 Portland, Oregon 97204
 Phone: (503) 287-6825
 www.otak.com
 project: 20141

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

DIGITALLY SIGNED
 2021.10.05 20:57:25-07'00'

OREGON
 NOVEMBER 12, 2013
 MICHAEL D. SPELTS
 87475PLS

RENEWS: JUNE 30, 2022

SCALE: 1"=200'

EXHIBIT A PAGE 2 OF 2

FROG POND OAKS ANNEXATION AREA
 IN THE SOUTHEAST QUARTER, SECTION 12, TOWNSHIP 3 SOUTH,
 RANGE 1 WEST, WILLAMETTE MERIDIAN
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

OCTOBER 5, 2021



Ordinance No. 862 Exhibit B
Zone Map Amendment Findings

Frog Pond Oaks 41-Lot Subdivision

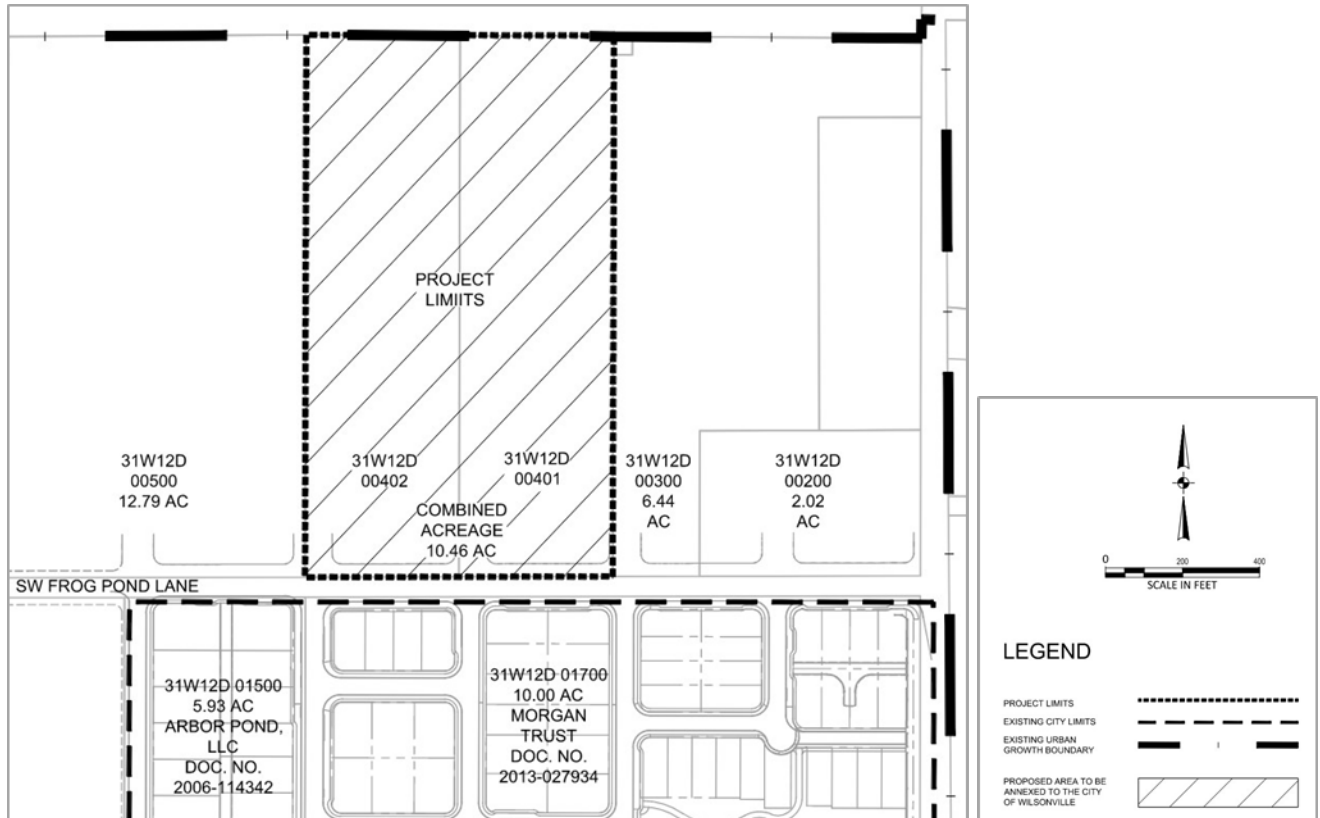
City Council
Quasi-Judicial Public Hearing

Hearing Date:	April 18, 2022
Date of Report:	April 5, 2022
Application No.:	DB21-0073 Zone Map Amendment
Request:	The request before the City Council is a Zone Map Amendment for approximately 10.46 acres.
Location:	6725 SW Frog Pond Lane. The property is specifically known as TLID 401 and 402, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
Owners:	Sheri Miller and James Mehus
Applicant:	West Hills Land Development LLC (Contact: Dan Grimberg)
Applicant's Rep.:	OTAK, Inc. (Contact: Li Alligood AICP)
Comprehensive Plan Designations:	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:	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 (DB21-0073)

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 annexed area consistent with this intention.

Conclusion and Conditions of Approval:

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

Request: DB21-0073 Zone Map Amendment

This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB21-0072).

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: DB21-0073 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 Designation of "Residential Neighborhood" 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 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 Preliminary 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 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 41-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 11 and small lot Sub-district 10. 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 29 lots in Sub-district 11, which is one (1) more than the minimum number in the range for this part of the subdivision, 12 lots are proposed in Sub-district 10, which falls short of the proportional density requirement by three (3) lots.

Sub-district and Land Use Designation	Gross Site Area (ac)	Percent of Sub-district	Established lot range for Sub-district	Lot Range for Site	Proposed Lots	Total lots within Sub-district - Approved and Proposed
10 – R-5	2.8	50.2%	30-38	15-19	12	5 Approved 12 Proposed 17 Total
11 – R-7	7.7	60.3%	46-58	28-35	29	24 Approved 29 Proposed 53 Total
Total	10.5			41-54	41	

The City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

Three (3) fewer lots than the minimum density are proposed due to a combination of factors related to topography, infrastructure needs, and provision of non-residential uses. As described by the applicant, due to the overall site’s topography and drainage pattern, two large stormwater tracts proposed to be located in Sub-district 10 to manage stormwater from both Sub-districts 11 and 10. Although low impact development approach (LIDA) facilities are proposed on the extension of SW Windflower Street (Public Street C), SW Trillium Street (Public Street D), SW Frog Pond Lane, and SW Willow Creek Drive, adding additional LIDA facilities to the site will not mitigate the need for, or reduce the size of the two stormwater facilities proposed in Tracts A and B.

As further described by the applicant, due to the street alignments and extensions required by the Frog Pond West Master Plan, the proposed lots in Sub-district 10 are limited in configuration and location. Proposed Lots 1-6, bounded by SW Windflower Street (Public Street C), SW Frog Pond Lane, SW Willow Creek Drive, and SW Larkspur Terrace in the SW corner of the sub-district, are all larger than minimum lot size requirements. An additional lot abutting SW Windflower Street (Public Street C) could meet the minimum 35-ft. width and 60-ft. depth requirement, but could not meet the minimum 4,000 sq. ft. lot area standard. The total area of this block, minus Tract A, is approximately 28,000 sq. ft. Assessing area alone, there is space to create one (1) additional lot, which would be seven (7) lots. However, given the constraints of the required street system, and placement of a stormwater management facility, only six (6) lots can practically fit, while meeting

minimum lot standards. As a result, the lots, as proposed, are larger than the minimum standard of Sub-district 10, but still smaller than those proposed in the medium lot Sub-district 11/R-7 portion of the site.

The proposed development of 12 lots, rather than the minimum of 15 lots, in this portion of Sub-district 10 exceeds the minimum lot development standards while preserving significant trees, providing adequate stormwater management infrastructure, and allowing for compliant future development within the Master Plan area. The configuration of lots proposed will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 402**

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) OF APPROXIMATELY 10.46 ACRES, 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 AND ABBREVIATED SROZ MAP VERIFICATION FOR A 41-LOT RESIDENTIAL SUBDIVISION. THE SUBJECT SITE IS LOCATED AT 6725 SW FROG POND LANE ON TAX LOTS 401 AND 402, SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. OTAK, INC. – REPRESENTATIVE FOR WEST HILLS LAND DEVELOPMENT, LLC – APPLICANT AND SHERI MILLER AND JAMES MEHUS – 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 the staff report on the above-captioned subject dated April 4, 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 April 11, 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 April 4, 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:

DB21-0072 through DB21-0079, and SI21-0005; Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Class C Tree Plan, Waiver, and Abbreviated SROZ Map Verification.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 11th day of April, 2022 and filed with the Planning Administrative Assistant on April 12, 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 Swadlenka, Chair – Panel A
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant