

**ORDINANCE NO. 869**

**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 4.07 ACRES LOCATED NORTH OF SW FROG POND LANE AT 7314 SW FROG POND LANE FOR DEVELOPMENT OF A 12-LOT RESIDENTIAL SUBDIVISION AT FROG POND OVERLOOK.**

WHEREAS, an application 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, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; and

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” on 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 upon 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 September 12, 2022; and

WHEREAS, the Development Review Board Panel 'A' held a duly advertised public hearing on the application for a Zone Map Amendment on September 12, 2022, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 407 (Exhibit C) which recommends City Council approval of the Zone Map Amendment request (Case File No. ZONE22-0002; see DB22-0002), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on September 19, 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:

- Section 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.
- Section 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 ZONE22-0002, attached hereto as Exhibit A, from the Clackamas County Rural Residential Farm Forest - 5 (RRFF-5) Zone to the Residential Neighborhood (RN) Zone.
- 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 19<sup>th</sup> day of September, 2022, and scheduled the second reading on the 3<sup>rd</sup> 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 3<sup>rd</sup> day of October, 2022, by the following votes:

Yes: 5            No: 0

DocuSigned by:  
*Kimberly Veliz*  
E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 3<sup>rd</sup> day of October, 2022.

DocuSigned by:  
*Julie Fitzgerald*  
8A974AF3ADE042E...

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

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

EXHIBITS:

- A. Zoning Order ZONE22-0002 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Zone Map Amendment Findings
- C. Development Review Board Panel A Resolution No. 407 Recommending Approval of Zone Map Amendment

# Ordinance No. 869 Exhibit A

## 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	)	<b>ZONING ORDER ZONE22-0002</b>
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 ZONE22-0002, 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 4.07 acres located north of SW Frog Pond Lane at 7315 SW Frog Pond Lane comprising Tax Lot 700 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 3<sup>rd</sup> day of October, 2022.

DocuSigned by:  
  
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 JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

DocuSigned by:  
  
 E8BAE8A7C2E1407  
 Amanda Guile-Hinman, City Attorney

ATTEST:

DocuSigned by:  
*Kimberly Veliz*  
E781DE10276B498...  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

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

**EXHIBIT A**  
**LEGAL DESCRIPTION for ZONE CHANGE**  
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, 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, North 88°35'30" West a distance of 554.86 feet;

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 4.07 acres, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

2022.05.17

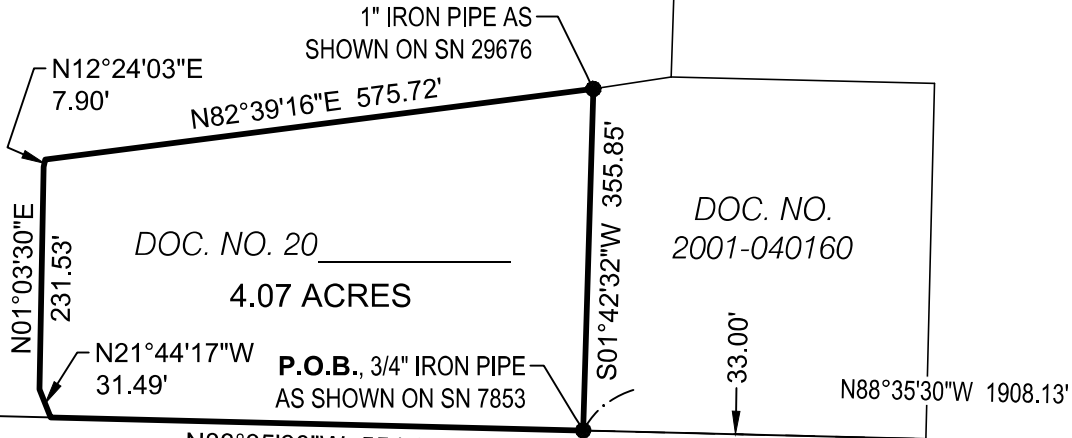
11:34:46-07'00'

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



33.00'



● INDICATES FOUND & HELD SURVEY MONUMENT

SCALE: 1"=200'

N01°40'13"E 1748.96'

S.W. STAFFORD ROAD (MARKET ROAD NO. 12)

12 7

13 18

12 13

S88°35'30"E 2649.57'

S.W. BOECKMAN ROAD (C.R. 80)

3-1/4" BRASS DISK IN MONUMENT BOX

# Otak

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

## EXHIBIT B

ZONE CHANGE, WEST HILLS LAND DEVELOPMENT LLC PROPERTY  
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. 869 Exhibit B  
Zone Map Amendment Findings

Frog Pond Overlook 12-Lot Subdivision

City Council  
Quasi-Judicial Public Hearing

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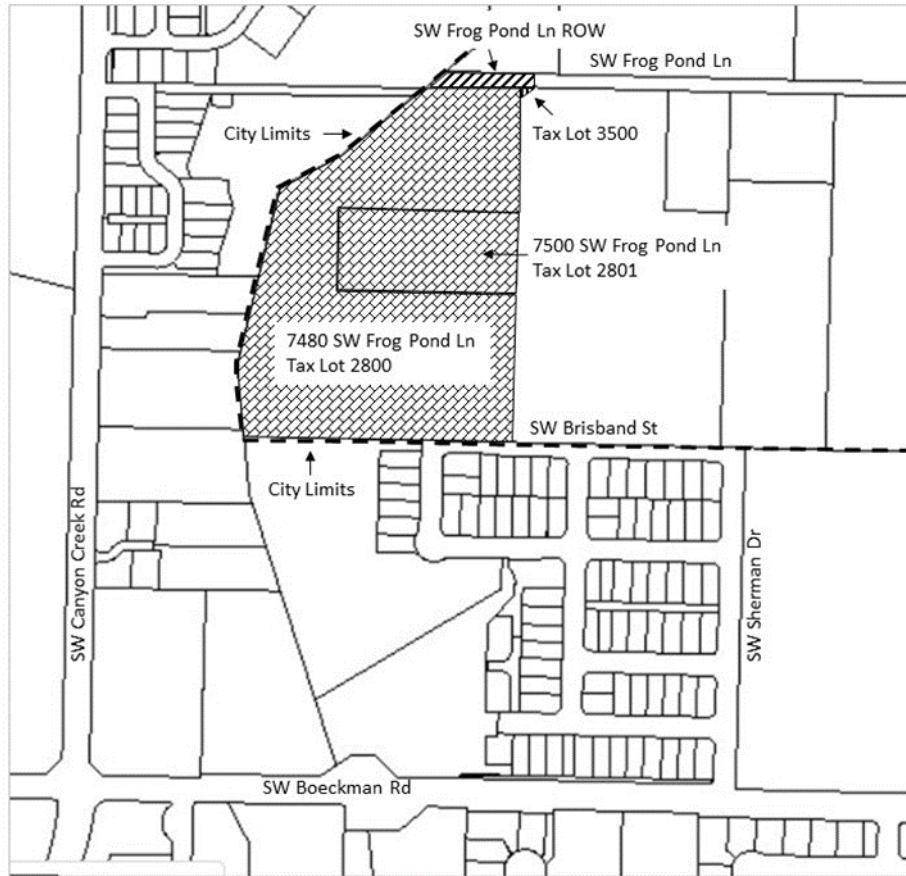
<b>Hearing Date:</b>	September 19, 2022
<b>Date of Report:</b>	September 6, 2022
<b>Application No.:</b>	ZONE22-0002 Zone Map Amendment
<b>Request:</b>	The request before the City Council is a Zone Map Amendment for approximately 4.07 acres.
<b>Location:</b>	7315 SW Frog Pond Lane. The property is specifically known as TLID 700, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
<b>Owner/Applicant:</b>	West Hills Land Development LLC (Contact: Dan Grimberg)
<b>Applicant's Rep.:</b>	OTAK, Inc. (Contact: Li Alligood AICP)
<b>Comprehensive Plan Designation:</b>	Residential Neighborhood
<b>Zone Map Classification (Current):</b>	Rural Residential Farm Forest 5-Acre (RRFF-5)
<b>Zone Map Classification (Proposed Concurrent with Annexation):</b>	Residential Neighborhood (RN)
<b>Staff Reviewer:</b>	Georgia McAlister, Associate Planner
<b>Staff/DRB Recommendation:</b>	<u>Adopt</u> the requested Zone Map Amendment.



**Applicable Review Criteria:**

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

## Vicinity Map



### Summary:

#### Zone Map Amendment (ZONE22-0002)

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 the City Council approve the Zone Map Amendment with the following condition:

#### Request: Zone Map Amendment (ZONE22-0002)

This action is contingent upon annexation of the subject properties to the City of Wilsonville (ANNX22-0001).

## 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: Zone Map Amendment (ZONE22-0002)

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 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 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 1 Preliminary Plan, Stage 2 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 12-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 1 area includes a portion of large lot Sub-district 8. The following table summarizes how the proposed residential lots in each Sub-district are consistent with the Master Plan recommendations. The applicant proposes 12 lots in Sub-district 8, which is one (1) lot greater than the maximum proportional density calculation for the site.

Subdistrict 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
8 – R-10	3.96	20.7%	43-53	9-11	12	25 Approved 12 Proposed 37 Total

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 8 that is not dedicated as right-of-way (82.5%) 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 and the layout of Street A has been designed to accommodate the Boeckman Creek Trail on the western portion of the property resulting in the reduction of anticipated right-of-way dedication. As a result of the minimal right-of-way dedication it is possible to for the site to easily accommodate 12 lots, one (1) greater than the maximum density, while meeting minimum lot size standards. The configuration of lots as proposed will allow for buildout of the sub-district consistent with the Master Plan recommendations.

**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:

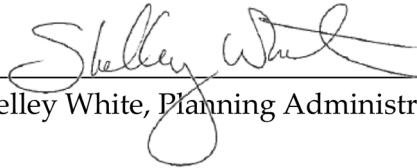
DB22-0002 Frog Pond Overlook: Stage 1 Preliminary Plan (STG122-0002), Stage 2 Final Plan (STG222-0002), Site Design Review of Parks and Open Space (SDR22-0002), Tentative Subdivision Plat (SUBD22-0001), Type C Tree Plan (TPLN22-0001), and Abbreviated SROZ Map Verification (SROZ22-0004).

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