

ORDINANCE NO. 867

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 10.94 ACRES LOCATED SOUTH OF SW FROG POND LANE AT 7480 AND 7500 SW FROG POND LANE FOR DEVELOPMENT OF A 19-LOT RESIDENTIAL SUBDIVISION.

WHEREAS, an application has been submitted by West Hills Land Development LLC – Applicant, and Douglas E. and Colleen R. George, and Donnie L. Martin – Owners, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the subject site is located at 7480 and 7500 SW Frog Pond Lane on Tax Lots 2800, 2801, and 3500, 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” 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 22, 2022; and

WHEREAS, the Development Review Board Panel 'B' held a duly advertised public hearing on the application for a Zone Map Amendment on August 22, 2022, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 406 (Exhibit C) which recommends City Council approval of the Zone Map Amendment request (Case File No. ZONE22-0003; see DB22-0003), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on September 8, 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 ZONE22-0003, 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 8th day of September, 2022, and scheduled the second reading on the 19th day of September, 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
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Kimberly Veliz, City Recorder

ENACTED by the City Council on the 19th day of September, 2022, by the following votes:

Yes: 5 No: 0

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 19th day of September, 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 ZONE22-0003 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Zone Map Amendment Findings
- C. Development Review Board Panel B Resolution No. 406 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 ZONE22-0003**
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 ZONE22-0003, 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 10.94 acres located south of SW Frog Pond Lane at 7480 and 7500 SW Frog Pond Lane comprising Tax Lots 2800, 2801, and 3500 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 19th day of September, 2022.

DocuSigned by:
Julie Fitzgerald
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JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

DocuSigned by:
Amanda Guile-Hinman
EFBAEBA7C2E1407...

Amanda Guile-Hinman, City Attorney

ATTEST:

DocuSigned by:
Kimberly Veliz
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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)

Those properties described in Statutory Warranty Deed to Marchil Investments, LLC recorded February 6, 2006 as Document No. 2006-011023, in Quitclaim Deed to Donnie L. Martin recorded November 5, 2021 as Document No. 2021-098893, and in Statutory Bargain and Sale Deed to Douglas E. George and Colleen R. George, Trustees, recorded September 8, 2020 as Document No. 2020-073265, all 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 yellow plastic cap marked "PIONEER DESIGN" found at the northwest corner of MORGAN FARM NO. 2, Plat No. 4610, Clackamas County Records which bears North 01°40'13" East along the east line of the southeast quarter of said section a distance of 858.59 feet, and North 88°36'41" West along the north line of said MORGAN FARM NO. 2 and the easterly extension thereof a distance of 3212.90 feet from the southeast corner of said section, said POINT OF BEGINNING being the southwest corner of said Marchil Investments property;

thence along the east lines of those properties described in deeds to William Z. Spring recorded June 1, 1985 recorded as Document No. 1985-019621, and to Jonathan A. and Laurie E. Clarke recorded June 2, 2015, as Document No. 2015-033122, both of Clackamas County Records, North 05°28'14" West a distance of 173.82 feet to a 2 inch by 2 inch H-beam survey monument found at an angle point in the east lines of said Document No. 2015-033122 property;

thence along the east line of said Clarke property, North 12°48'33" East a distance of 31.08 feet to a 5/8 inch iron rod found at the southeast corner of Partition Plat No. 1998-137, Clackamas County Records

thence along the east line of said Partition Plat, North 13°45'33" East a distance of 184.36 feet to a 5/8 inch iron rod with red plastic cap marked "CENTERLINE CONCEPTS" found at the southeast corner of Tract E, COPPER CREEK, Plat No. 4357, Clackamas County Records;

thence along the east lines of said Tract E through the following two courses:
North 13°21'42" East a distance of 219.83 feet to a 5/8 inch iron rod with yellow plastic cap marked "DE HASS ASSOC. INC.",
and North 62°40'55" East a distance of 165.32 feet to a 5/8 inch iron rod with yellow plastic cap marked "DE HASS ASSOC. INC." found at an angle point in the east lines of said Tract E;

thence along the east lines of said Tract E, of that property described deed to the City of Wilsonville recorded March 7, 1997 as Document No. 97-016880, Clackamas County Records, and of Tract R of CANYON CREEK MEADOWS recorded in Book 108, Page 16, Clackamas County Plat Records, North 50°52'05" East a distance of 278.16 feet to a point on the south right of way line of 33.00 foot wide S.W. Frog Pond Lane (County Road No. 2362) at the westerly terminus thereof;

thence along said south right of way line, South 88°35'30" East a distance of 246.90 feet to the northeast corner of that property described in Quitclaim Deed to Donnie L. Martin recorded November 5, 2021 as Document No. 2021-098893, Clackamas County Records;

thence along the southeast line of said Martin property, South 46°32'22" West a distance of 36.85 feet to the southwest corner of said Martin property and a point on the west line of that property described in Statutory Bargain and Sale Deed to P.J. O'Hogan and Sharon L. O'Hogan, Trustees, recorded June 30, 2003 as Document No. 2003-083133, Clackamas County Records;

thence along said west line, South 01°40'13" West a distance of 832.25 feet to a point on the north line of said MORGAN FARMS NO. 2 referenced by a 5/8 inch iron rod with no cap found North 51°42'34" East a distance of 0.07 feet of said point;

thence along said north line, North 88°36'41" West a distance of 643.63 feet to the POINT OF BEGINNING.

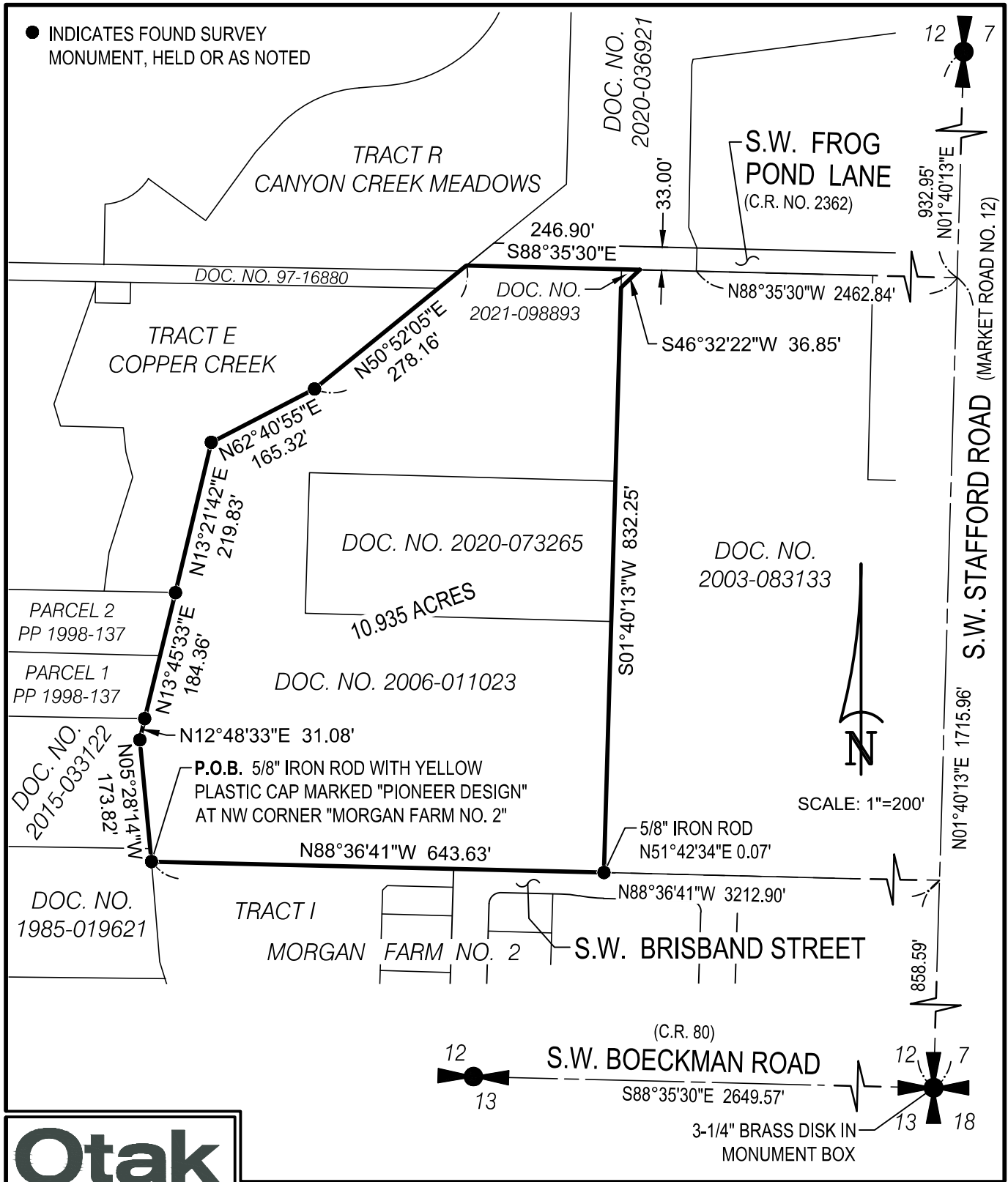
Contains 10.935 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

2022.05.17
11:24:18-07'00'

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWS: JUNE 30, 2024



Otak

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

ZONE CHANGE, MARTIN, MARCHIL & GEORGE PROPERTIES
 IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1
 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

MAY 17, 2022



Ordinance No. 867 Exhibit B
Zone Map Amendment Findings

Frog Pond Terrace 19-Lot Subdivision

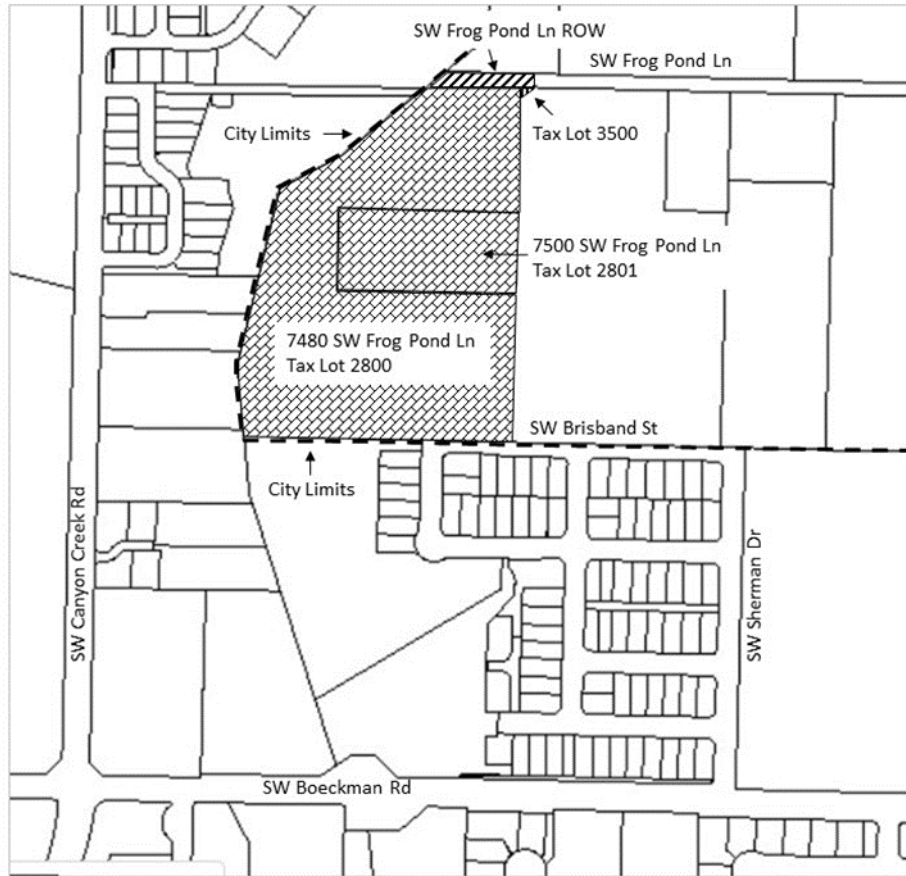
City Council
Quasi-Judicial Public Hearing

Hearing Date:	September 8, 2022
Date of Report:	August 12, 2022
Application No.:	ZONE22-0003 Zone Map Amendment
Request:	The request before the City Council is a Zone Map Amendment for approximately 10.94 acres.
Location:	7480 and 7500 SW Frog Pond Lane. The property is specifically known as TLID 2800, 2801, and 3500, and a portion of SW Frog Pond Lane right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
Owners:	Donnie L. Martin (TLID 2800 and 3500) Douglas E and Colleen R. George (TLID 2801)
Applicant:	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:	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 (ZONE22-0003)

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 (ZONE22-0003)

This action is contingent upon annexation of the subject properties to the City of Wilsonville (ANNX22-0002).

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 (ZONE22-0003)

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

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. See also Request C, Stage 1 Preliminary Plan.

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 19-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 The proposed number of residential 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 lot count, the proposed Stage 1 area includes a portion of medium lot Sub-district 4 and a portion of large lot Sub-district 7. The following table summarizes how the proposed residential lots in each Sub-district are consistent with the Master Plan recommendations.

The applicant proposes 16 lots in Sub-district 4, which is two (2) greater than the maximum allowed, and three (3) lots in Sub-district 7, which is one (1) lot fewer than the minimum proportional density calculation. However, the total number of 19 lots proposed is within the proportional range of 16-19 lots for the entire 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
4 – R-7	3.4	13.5%	86-107	12-14 ^{*1}	16	32 Approved 16 Proposed 48 Total
7 – R-10	1.6	16.4%	24-30	4-5 ^{*2}	3	5 Approved 3 Proposed 8 Total
Total	5.0			16-19	19	

^{*1} Per Section 4.127 (.06) A. 2., up to an additional 10% of maximum density is allowed based on a SROZ boundary verification; this allows one (1) additional lot for a maximum of 15 lots.

^{*2} Per Section 4.127 (.06) B., 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

With regard to Sub-district 4, per Section 4.127 (.06) A. 2., the City may allow an increase in the maximum density up to a maximum of 10% of what would otherwise be permitted based on an adjustment to an SROZ boundary that is consistent with Section 4.139.06. As a result of SROZ map verification in Sub-district 4, the maximum of 14 lots may be increased by one (1) lot to 15 allowed. The applicant proposes 16 lots in Sub-district 4, one (1) greater than the maximum with the allowed additional lot.

With regard to Sub-district 7, per Section 4.127 (.06) B., 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. One (1) fewer lot than the minimum

density is proposed in Sub-district 7 due to a combination of factors related to topography, infrastructure needs, and provision of non-residential uses.

The proposed development of one (1) fewer lot in the Sub-district 7 portion of the site allows for future development that meets all dimensional standards for lots in this part of the site. Because the Sub-district 4 portion of the site has substantially fewer development constraints, it can easily accommodate the one (1) additional lot needed to satisfy the minimum density requirement for Sub-district 7. As proposed the total number of lots meets the overall minimum proportional density for the site when the two Sub-districts are combined.

The configuration of lots as proposed, which meet all dimensional requirements for the individual lots, will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 406**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF ANNEXATION OF APPROXIMATELY 11.17 ACRES AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) OF APPROXIMATELY 10.94 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, ABBREVIATED SROZ MAP VERIFICATION, AND ABBREVIATED SRIR REVIEW FOR A 19-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 and Donnie L. Martin (TLID 2800 and 3500) and Douglas E. and Colleen R. George (TLID 2801) – Owners in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 7480 and 7500 SW Frog Pond Lane on Tax Lots 2800, 2801, and 3500, 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 August 15, 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 August 22, 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 August 15, 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:

DB22-0003 Frog Pond Terrace: Annexation (ANNX22-0002), Zone Map Amendment (ZONE22-0003), Stage 1 Preliminary Plan (STG122-0003), Stage 2 Final Plan (STG222-0003), Site Design Review of Parks and Open Space (SDR22-0003), Tentative Subdivision Plat (SUBD22-0002), Type C Tree Plan (TPLN22-0002), Abbreviated SROZ Map Verification (SROZ22-0005), and Abbreviated SRIR Review (SRIR22-0003).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 22nd day of August, 2022, and filed with the Planning Administrative Assistant on August 23, 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)*.

Nicole Hendrix

Nicole Hendrix, Chair - Panel B
Wilsonville Development Review Board

Attest:

M. Simmons

M. Simmons for Shelley White

Shelley White, Planning Administrative Assistant