

ORDINANCE NO. 887

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 5.00 ACRES LOCATED AT 7252 SW FROG POND LANE FOR DEVELOPMENT OF A 17-LOT RESIDENTIAL SUBDIVISION.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by Brian Matteoni for Sullivan Homes 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 7252 SW Frog Pond Lane, on Tax Lots 1200 and 1300, 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 January 8, 2024; and

WHEREAS, the Development Review Board Panel 'A' held a duly advertised public hearing on the application for a Zone Map Amendment on January 8, 2024, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 425 which recommends City Council approval of the Zone Map Amendment request (Case File No. ZONE23-0001; see DB23-0004), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on January 18, 2024, 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 ZONE23-0001, attached hereto as Exhibit A, from the Clackamas County Rural Residential Farm Forest 5-Acre (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 and read for the first time at a regular meeting thereof this 18th day of January 2024, and scheduled the second reading on the 22nd day of February, 2024, 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 22nd day of February, 2024, by the following votes:

Yes: 5 No: 0

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 22nd day of February, 2024.

DocuSigned by:
Julie Fitzgerald
8A974AF3ADE042E...

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Berry	Yes
Councilor Dunwell	Yes
Councilor Linville	Yes

EXHIBITS:

- A. Zoning Order ZONE23-0001 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Zone Map Amendment Findings
- C. Development Review Board Panel 'A' Resolution No. 425 Recommending Approval of Zone Map Amendment

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

In the Matter of the Application of)
Brian Matteoni for Sullivan Homes LLC,)
for a Rezoning of Land and Amendment) **ZONING ORDER ZONE23-0001**
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 ZONE23-0001, 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 5.00 acres located at 7252 SW Frog Pond Lane comprising Tax Lots 1200 and 1300 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 22nd day of February, 2024.

DocuSigned by:
Julie Fitzgerald
8A974AF3ADE042E...

JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

DocuSigned by:
Amanda Guile-Hinman _____
EFBAEBA7C2E1407...
Amanda Guile-Hinman, City Attorney

ATTEST:

DocuSigned by:
Kimberly Veliz
E781DE10276B498
kimberly veiz, City Recorder

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



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 | www.aks-eng.com

AKS Job #6175

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT A

Zoning Change Description

A tract of land located in the Southeast One-Quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the northeast corner of the plat "Morgan Farm No. 2", Plat No. 4610, Clackamas County Plat Records, also being on the north right-of-way line of SW Brisband Street (11.00 feet from centerline) and the City of Wilsonville city limits line; thence along said north right-of-way line and said city limits line, North 88°36'21" West 30.96 feet to the southwest corner of Document Number 2021-041768, Clackamas County Deed Records; thence leaving said city limits line along the west line of said Deed, North 01°38'13" East 858.18 feet to the south right-of-way line of SW Frog Pond Lane (16.50 feet from centerline); thence along said south right-of-way line, South 88°35'24" East 254.01 feet to the northeast corner of said Deed; thence along the east line of said Deed, South 01°38'13" West 858.11 feet to the south line of said Deed and said city limits line; thence along said south line and said city limits line, North 88°36'21" West 223.05 feet to the Point of Beginning.

The above described tract of land contains 5.00 acres, more or less.

The Basis of Bearings for this description are based on Survey Number 2022-119, Clackamas County Survey Records.

1/6/2023

REGISTERED
PROFESSIONAL
LAND SURVEYOR

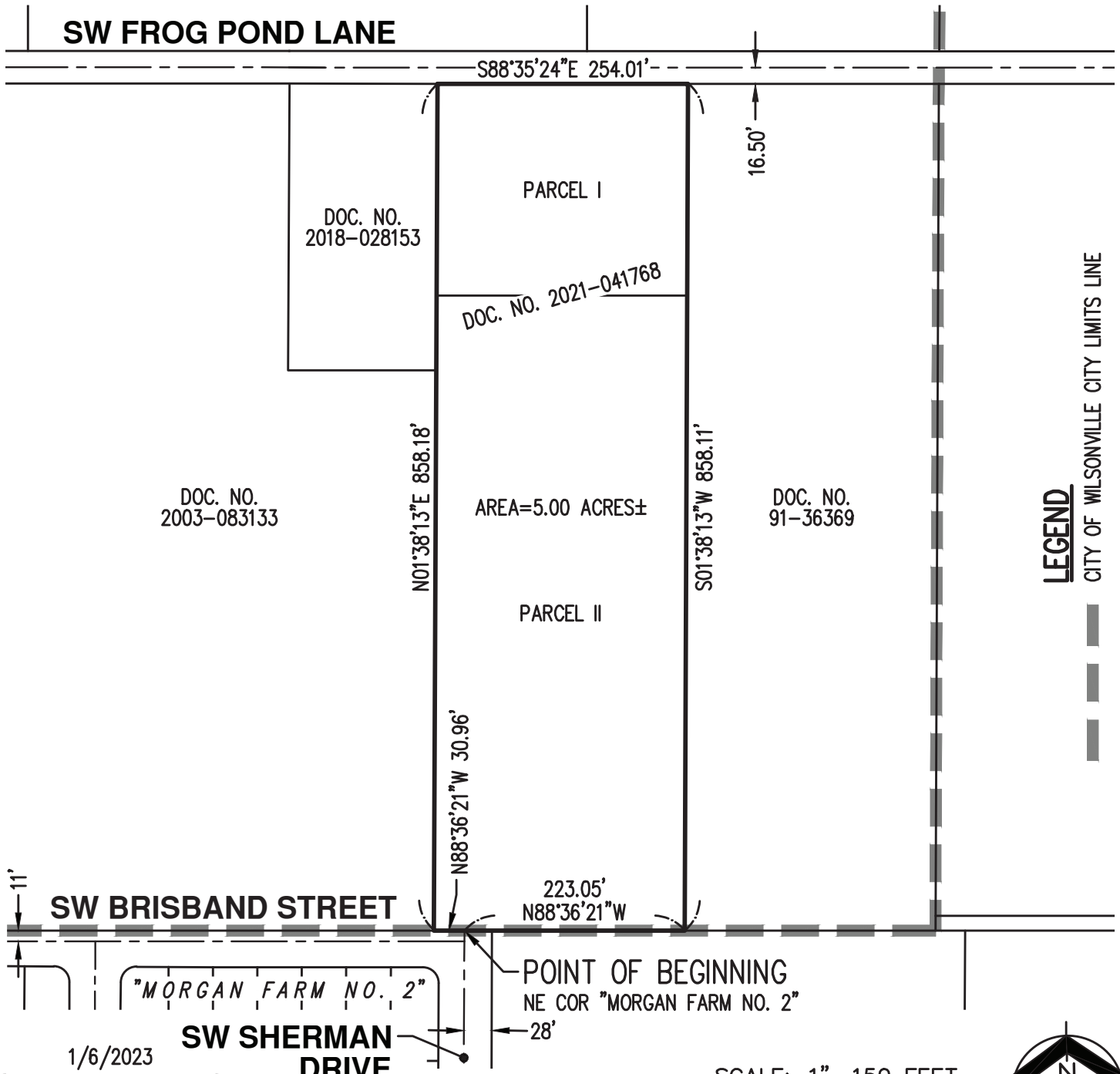
A handwritten signature in cursive script, appearing to read 'Mike Kalina'.

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

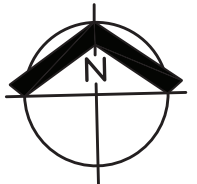
RENEWS: 6/30/23

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



SCALE: 1" = 150 FEET



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/23

ZONING CHANGE MAP		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: WCB CHKD: MSK AKS JOB: 6175





Ordinance No. 887 Exhibit B
 Zone Map Amendment Findings

Frog Pond Cottage Park Place 17-Lot Subdivision

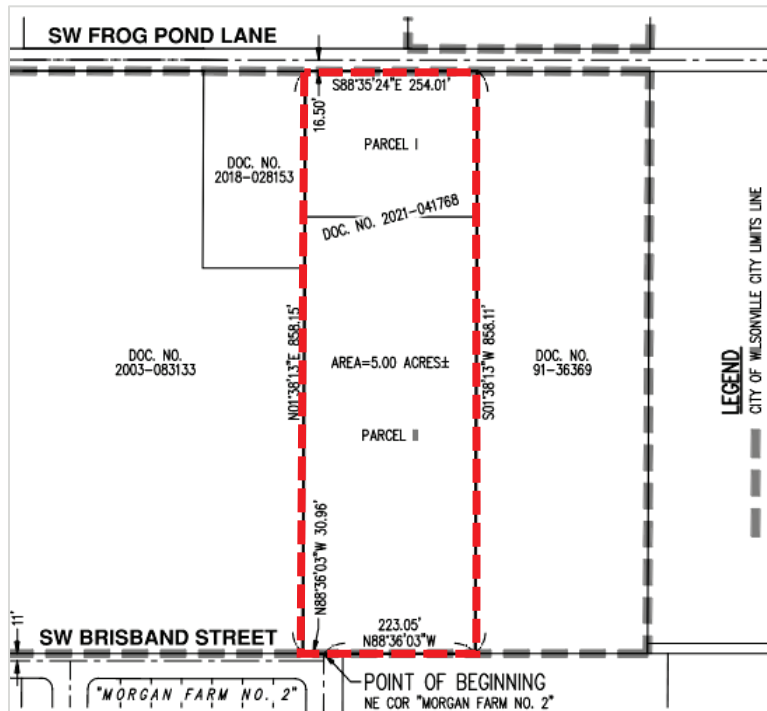
City Council
 Quasi-Judicial Public Hearing

Hearing Date:	January 18, 2024
Date of Report:	January 2, 2024
<hr/>	
Application Nos.:	ZONE23-0001 Zone Map Amendment
Request/Summary:	City Council approval of a quasi-judicial Zone Map amendment of approximately 5.00 acres.
Location:	7252 SW Frog Pond Lane. The property is specifically known as Tax Lots 1200 and 1300, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
Owner/Applicant:	Sullivan Homes LLC (Contact: Brian Matteoni)
Applicant's Representative:	AKS Engineering & Forestry, LLC (Contact: Glen Southerland, AICP)
Comprehensive Plan Designation:	Residential Neighborhood
Zone Map Classification (Current):	Rural Residential Farm Forest 5-Acre (RRFF-5)
Zone Map Classification (Proposed):	Residential Neighborhood (RN)
Staff Reviewer:	Cindy Luxhoj AICP, Associate Planner
Staff Recommendation:	<u>Adopt</u> 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	
Transportation Systems Plan	
Coffee Creek Master Plan	
Regional and State Law and Planning Documents	
Statewide Planning Goals	

Vicinity Map



Summary:

Zone Map Amendment (ZONE23-0001)

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 recommends approval with the following conditions:

Request: Zone Map Amendment (ZONE23-0001)

This action is contingent upon annexation of the subject property to the City of Wilsonville (ANNX23-0001).
No conditions for this request.

Findings of Fact:

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 and initiated the application.

Request: Zone Map Amendment (ZONE23-0001)

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 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 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 this Sub-district are consistent with the Master Plan recommendations.

While the applicant proposes 11 lots in Sub-district 4, which is the minimum proportional density calculation, 6 lots are proposed in Sub-district 7, exceeding the proportional density calculation for this part of the site by one (1) lot.

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	3.28	13.1%	86-107	11-14	11	49 Approved 11 Proposed 60 Total
7 – R-10	1.71	17.2%	24-30	4-5	6	8 Approved 6 Proposed 14 Total
Total	5.0			15-19	17	

With regard to Sub-district 4, the applicant proposes the minimum proportional density calculation of 11 lots, which allows for future development that meets all dimensional standards for lots in this portion of the site.

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. With respect to part of the subject property in Sub-district 7, minimal right-of-way dedication is required because the adjacent section of SW Frog Pond Lane is a local street that allows driveway access, SW Sherman Drive is not being extended through this part of the site to preserve numerous mature trees, including Oregon white oaks, along the west property boundary, and access to Lots 1 through 6 is provided via a private alley. As a result, the proposed site area within Sub-district 7 easily accommodates six (6) lots that meet or exceed all dimensional standards, including minimum lot size requirements. The proposed development of 6 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, which meet all dimensional requirements for the individual lots, will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

ORDINANCE NO. 887 EXHIBIT C

DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 425

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) OF APPROXIMATELY 5.00 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 REMOVAL PLAN, MIDDLE HOUSING LAND DIVISION, AND WAIVER FOR A 17-LOT RESIDENTIAL SUBDIVISION.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by Brian Matteoni for Sullivan Home, 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 7252 SW Frog Pond Lane on Tax Lots 1200 and 1300, 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 December 28, 2023, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on January 8, 2024, 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 December 28, 2023, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB23-0004 Frog Pond Cottage Park Place: Annexation (ANNX23-0001), Zone Map Amendment (ZONE23-0001), Stage 1 Preliminary Plan (STG123-0002), Stage 2 Final Plan (STG223-0003), Site Design Review of Parks and Open Space (SDR23-0003), Tentative Subdivision Plat (SUBD23-0001), Type C Tree Removal Plan (TPLN23-0002), Middle Housing Land Division (MHL23-0003), and Waiver (WAIV23-0005).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of January, 2024, and filed with the Planning Administrative Assistant on Jan. 9, 2024. 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)*.

ORDINANCE NO. 887 EXHIBIT C


Clark Hildum, Acting Chair - Panel A
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant