

ORDINANCE NO. 833

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5 (RRFF5) ZONE TO THE RESIDENTIAL NEIGHBORHOOD (RN) ZONE ON APPROXIMATELY 15 ACRES AND TO THE PUBLIC FACILITY (PF) ZONE ON APPROXIMATELY 7 ACRES ON THE NORTH SIDE OF BOECKMAN ROAD JUST EAST OF BOECKMAN CREEK; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 1800, 1902, 1903, 2000 AND 2200, 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” and “Public” rather than maintain the current Clackamas County zoning designations; 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, churches 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 February 11, 2019; and

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on February 11, 2019, and after taking public testimony

and giving full consideration to the matter, adopted Resolution No. 360 which recommends City Council approval of the Zone Map Amendment request (Case File DB18-0061), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on March 4, 2019, 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. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.
2. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the property to the City, by Zoning Order DB18-0061, attached hereto as Attachment 1, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Residential Neighborhood (RN) and Public Facility (PF) Zones.

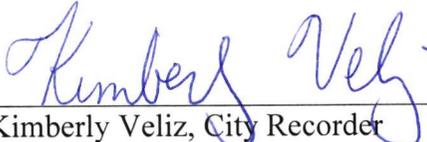
SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4th day of March, 2019, and scheduled for a second reading at a regular meeting of the Council on the 18th day of March, 2019, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.



Kimberly Veliz, City Recorder

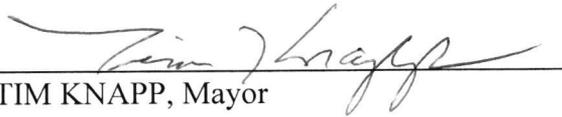
ENACTED by the City Council on the 18th day of March, 2019 by the following votes:

Yes: 5 No: 0



Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 18th day of March, 2019.


TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor West	Yes

Attachments:

1. Attachment 1 – Zoning Order DB18-0061 Including Legal Description and Sketch Depicting Zone Map Amendment
2. Attachment 2 – Zone Map Amendment Findings
3. Attachment 3 – Development Review Board Panel A Resolution No. 360 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)
of the City of Wilsonville Zoning Map)
Incorporated in Section 4.102 of the)
Wilsonville Code.)

ZONING ORDER DB18-0061

The above-entitled matter is before the Council to consider the application of DB18-0061, 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 (RRFF5).

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 22 acres on the north side of Boeckman Road just east of Boeckman Creek comprising Tax Lots 1800, 1902, 1903, 2000, and 2200, of Section 12D, 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.

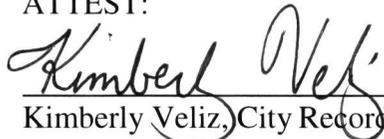
Dated: This 18th day of March,
2019.


TIM KNAPP, MAYOR

APPROVED AS TO FORM:


Barbara A. Jacobson, City Attorney

ATTEST:



Kimberly Veliz, City Recorder

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

Ordinance No. 833 Attachment 1

EXHIBIT A **LEGAL DESCRIPTION** **FROG POND MEADOWS ZONE CHANGE**

February 13, 2019 (Otak #18968)

Those properties described in the following deeds recorded as Document Numbers 98-125139, 99-094345, 2006-019465, 2016-072238, and that property described as Parcel II in Document Number 99-052396, all of Clackamas County Records, in the southeast one-quarter of Section 12, Township 3 South, Range 1 West, and in the southwest one-quarter of Section 7, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, the exterior boundary of said properties being described as follows:

BEGINNING at a 5/8 inch iron rod with yellow plastic cap marked "OTAK INC" found at the most northerly northeast corner of STAFFORD MEADOWS recorded as Plat No. 4558 in Book 149, Page 029, Clackamas County Plat Records, said POINT OF BEGINNING also being the northwest corner of said Document Number 2006-019465 property; thence along the lines of said STAFFORD MEADOWS through the following four courses:

North 88°35'30" West a distance of 464.07 feet;

South 01°40'35" West a distance of 398.74 feet;

North 88°35'30" West a distance of 540.50 feet;

and South 01°38'47" West a distance of 429.26 feet to the initial point of said STAFFORD MEADOWS being a point on the north right of way line of S.W. Boeckman Road 30.00 feet from, when measured at right angles to, the centerline thereof;

thence along said north right of way line, North 88°35'30" West a distance of 20.00 feet to the west line of said Parcel II;

thence along the lines of said Parcel II through the following two courses:

North 01°39'45" East a distance of 828.00 feet;

and South 88°35'30" East a distance of 473.09 feet to the southwest corner of said Document Number 98-125139 property;

thence along the west line of said Document Number 98-125139 property,

Ordinance No. 833 Attachment 1

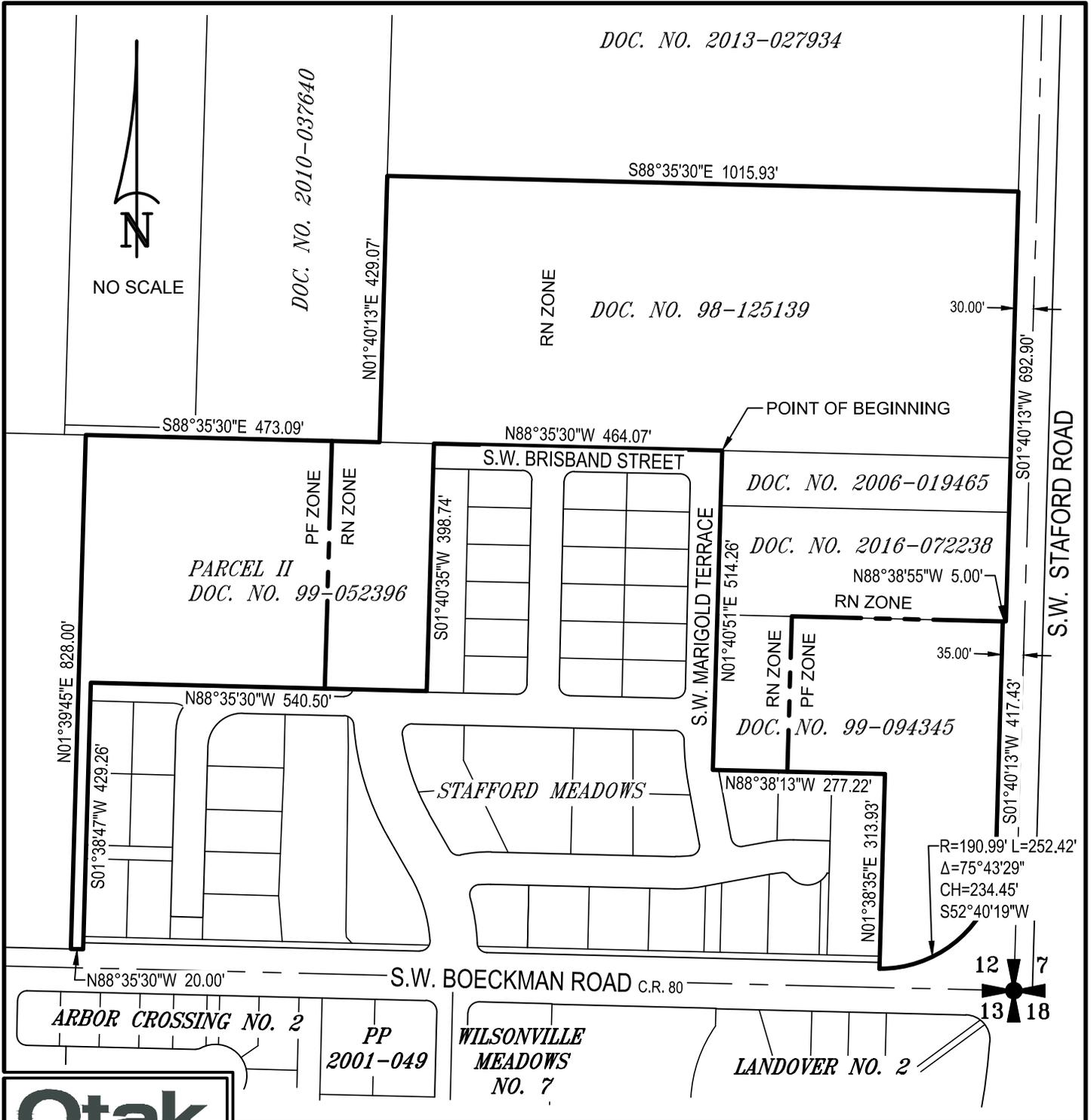
North 01°40'13" East a distance of 429.07 feet to the northwest corner of said Document Number 98-125139 property;
thence along the north line of said Document Number 98-125139 property, South 88°35'30" East a distance of 1015.93 feet to a point on the west right of way line of said S.W. Stafford Road 30.00 feet from, when measured at right angles to, the centerline thereof;
thence along said west right of way line, South 01°40'13" West a distance of 692.90 feet to the southeast corner of said Document Number 2016-072238 property;
thence along the south line of said Document Number 2016-072238 property, North 88°38'55" West a distance of 5.00 feet to a point on the west right of way line of said S.W. Stafford Road 35.00 feet from, when measured at right angles to, the centerline thereof;
thence along said west right of way line, South 01°40'13" West a distance of 417.43 feet;
thence southwesterly along the arc of a 190.99 foot radius curve to the right through a central angle of 75°43'29" an arc length of 252.42 feet (chord bears South 52°40'19" West 234.45 feet) to the southeast corner of said STAFFORD MEADOWS;
thence along the lines of said STAFFORD MEADOWS through the following three courses:
North 01°38'35" East a distance of 313.93 feet;
North 88°38'13" West a distance of 277.22 feet;
and North 01°40'51" East a distance of 514.26 feet the POINT OF BEGINNING.

Contains 21.94 acres, more or less.

Bearings per STAFFORD MEADOWS which are based on the Oregon State Plane Coordinate System, NAD83, North Zone.



Ordinance No. 833 Attachment 1



Otak

808 SW 3rd Ave., Ste. 300
 Portland, Oregon 97204
 Phone: (503) 287-6825
 www.otak.com
 project: 18968

EXHIBIT A SHEET 3 OF 3

FROG POND MEADOWS ZONE CHANGE
 IN THE SOUTHEAST ONE-QUARTER OF SECTION 12
 TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
 CLACKAMAS COUNTY, OREGON

FEBRUARY 13, 2019



Ordinance No. 833 Attachment 2
Zone Map Amendment Findings

Frog Pond Meadows 74-Lot Single-Family Subdivision

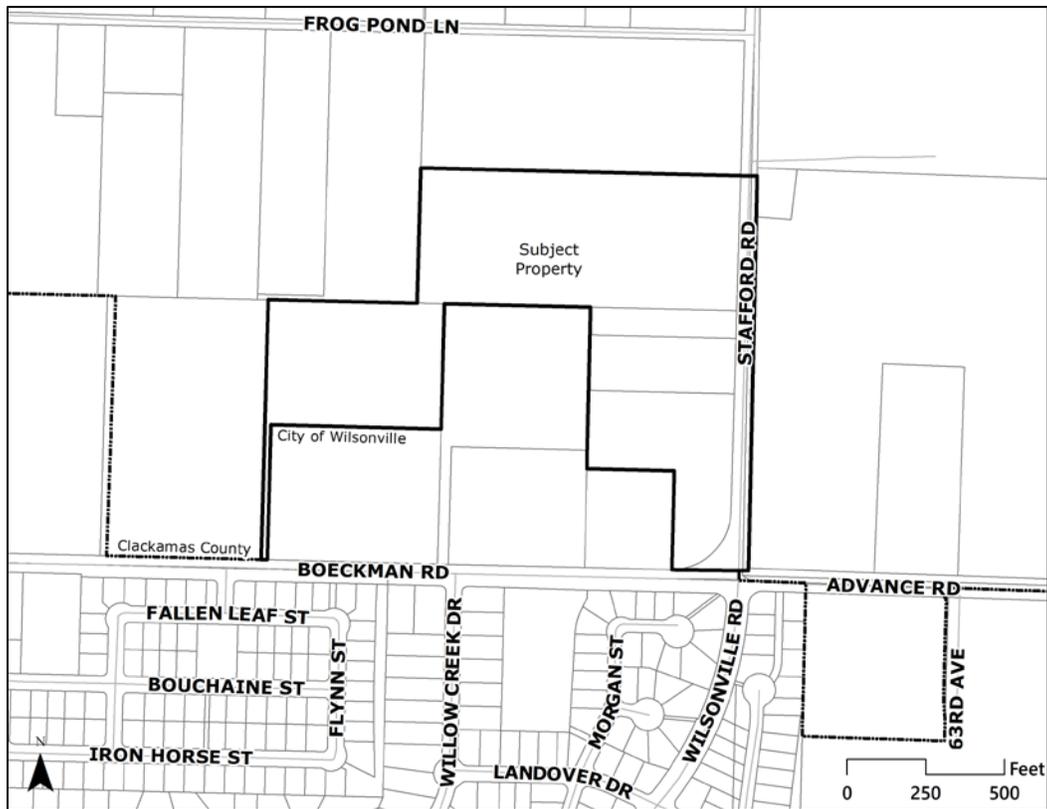
City Council
Quasi-Judicial Public Hearing

Hearing Date:	March 4, 2019
Date of Report:	February 15, 2019
Application No.:	DB18-0061 Zone Map Amendment
Request:	The request before the City Council is a Zone Map Amendment for approximately 22 acres.
Location:	West side of Stafford Road, north of Boeckman Road. The property is specifically known as Tax Lots 1800, 1902, 1903, 2000, and 2200, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon
Owners:	Community of Hope ELCA, Joint Revocable Trust of Theodore and Lynette Eaton, 27687 Stafford Road LLC, West Linn-Wilsonville School District
Applicant:	Dan Grimberg, West Hills Development
Applicant's Rep.:	Li Alligood, AICP, OTAK, Inc
Comprehensive Plan Designation:	Residential Neighborhood, Public
Zone Map Classification (Current):	RRFF 5 (Rural Residential Farm Forest 5-Acre)
Zone Map Classification (Proposed):	RN (Residential Neighborhood), PF (Public Facility)
Staff Reviewers:	Kimberly Rybold, 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 4.136	Public Facility (PF) 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 (DB18-0061)

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 Residential Neighborhood (RN) Zone to the residential portion of the subject property consistent with this intention. The applicant proposes applying the Public Facility (PF) Zone to the remaining church property, which will continue its present use as a church, as well as to the portion of the subject property west of Willow Creek, which is planned as a future park.

Conclusion and Conditions of Approval:

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

Request: DB18-0061 Zone Map Amendment

This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB18-0060).

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 Development initiated the application with their approval.

Request: DB18-0016 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 the Comprehensive Plan Map
Implementation Measure 4.1.7.a.

- B1.** The subject area has a Comprehensive Plan Map Designation 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 majority of the subject area receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of “Residential Neighborhood.” The western portion of Taxlot 2200 (future park site) and the eastern portion of Taxlot 2000 (Community of Hope Church property) would be zoned Public Facility (PF). While the Comprehensive Plan Map designates Taxlot 2000 as “Residential Neighborhood,” the Frog Pond West Master Plan acknowledges the church is planned to remain as a civic use. Application of the PF zone is consistent with this Master Plan recommendation.

Safe, Convenient, Healthful, and Attractive Places to Live
Implementation Measure 4.1.4.c.

- B3.** The proposed Residential Neighborhood zoning allows the use of planned developments consistent with a legislative Master Plan enabling development of safe, convenient, healthful, and attractive places to live.

Residential Density
Implementation Measure 4.1.4.u.

- B4.** A majority of the subject area will be zoned Residential Neighborhood allowing the application of the adopted residential densities of the Frog Pond West Master Plan to the subject area. The sub-districts established in the Frog Pond West Master Plan govern the allowed residential densities for the subject area.

Purpose of Residential Neighborhood Designation
Implementation Measure 4.1.7.a.

- B5.** A majority of the subject area will be zoned Residential Neighborhood consistent with the “Residential Neighborhood” designation on the Comprehensive Plan Map. The designation enables development of the site consistent with the legislatively adopted Frog Pond West Master Plan, including creating an attractive and connected residential

neighborhood, cohesive neighborhoods, high quality architecture and community design, providing transportation choices, and preserving and enhancing natural resources.

Development Code

Zoning Consistent with Comprehensive Plan

Section 4.029

- B6.** The applicant requests a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of Residential Neighborhood is consistent with the Comprehensive Plan Residential Neighborhood designation. See also Finding B2 above.

Base Zones

Subsection 4.110 (.01)

- B7.** The requested zoning designation of Residential Neighborhood (RN) and Public Facility (PF) is among the base zones identified in this subsection.

Residential Neighborhood (RN) Zone

Purpose of the Residential Neighborhood (RN) Zone

Subsection 4.127 (.01)

- B8.** The request to apply the Residential Neighborhood Zone on lands with the Residential Neighborhood Comprehensive Plan Map designations 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)

- B9.** Concurrent with the zone map amendment request the applicant requests approval of a single-family subdivision. Single-family dwelling units, attached single-family dwelling units (maximum two attached), open space, and public and private parks are among the permitted uses in the RN zone.

Residential Neighborhood Zone Sub-districts and Residential Density

Subsection 4.127 (.05) and (.06)

- B10.** The subject property includes portions of medium lot Sub-districts 2 and 5 and small lot Sub-district 6, as well as a portion of Civic Sub-district 12. The Frog Pond West Master Plan establishes a range of 20 to 25 units for Sub-district 2. The previously-approved Stafford Meadows subdivision includes 18 units within this sub-district. This application proposes six additional units, for a total of 24 within the sub-district. Approximately 69 percent of Sub-district 5 is within the project area. For Sub-district 5, the applicant proposes 22 lots. As the Master Plan establishes a range of 27 to 33 units for the entire sub-district, the proposed number of units, representing approximately proximately 81 percent of the range

minimum and 67 percent of the range maximum, will allow for buildout of the sub-district consistent with the Master Plan recommendations.

Approximately 50 percent of Sub-district 6 is within the project area. Within small lot sub-districts, a minimum of 10 percent of units must be duplexes or attached two-unit homes. For Sub-district 6, the applicant proposes 42 lots, four of which are attached two-unit single-family homes. As the Master Plan establishes a range of 74 to 93 units for the entire sub-district, the proposed number of units, representing approximately 56 percent of the range minimum and 45 percent of the range maximum, will allow for buildout of the sub-district consistent with the Master Plan recommendations.

Public Facility (PF) Zone

Purpose of the Public Facility (PF) Zone

Subsection 4.127 (.01)

B11. The request to apply the Public Facility Zone on the church property and future park 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 4.127 (.02)

B12. Churches, parks, and public schools are among the permitted uses in the RN zone.

Dimensional Standards

Subsection 4.127 (.04)

B13. All dimensional standards of the PF zone will be met, with the exception of the minimum street frontage for taxlot 2200, which is a pipestem lot with approximately 20 feet of street frontage. This parcel is planned as a future park, and will ultimately be developed in conjunction with the taxlot to the west which will be zoned PF upon annexation to the City. The combined frontage of these taxlots will exceed the minimum requirement of 75 feet.

Ordinance No. 833 Attachment 3

DEVELOPMENT REVIEW BOARD RESOLUTION NO. 360

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) FOR APPROXIMATELY 23.9 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF STAFFORD ROAD JUST NORTH OF BOECKMAN ROAD, 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, TENTATIVE PARTITION PLAT (CHURCH PROPERTY), TENTATIVE PARTITION PLAT (SCHOOL PROPERTY), TYPE C TREE PLAN, WAIVER TO MINIMUM LOT SIZE, WAIVER TO MINIMUM FRONT SETBACK, AND ABBREVIATED SRIR REVIEW FOR A 74-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1800, 1902, 1903, 2000 AND 2200 AND A PORTION OF STAFFORD ROAD RIGHT-OF-WAY OF SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. LI ALLIGOOD, AICP, OTAK – REPRESENTATIVE FOR WEST HILLS LAND DEVELOPMENT LLC - APPLICANT.

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 February 4, 2019, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on February 11, 2019, 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 February 4, 2019, 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 (DB18-0060 and DB18-0061) for:

DB18-0062 through DB18-0068, DB19-0002, DB19-0003, SI18-0006; Stage I Master Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, Waiver to Minimum Lot Size, Waiver to Minimum Front Setback, and Abbreviated SRIR Review for an 74 lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 11th day of February, 2019 and filed with the Planning Administrative Assistant on February 12, 2019. 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)*.



Fred Ruby – Acting Chair, Panel A
Wilsonville Development Review Board

Ordinance No. 833 Attachment 3

Attest:



Shelley White, Planning Administrative Assistant