

ORDINANCE NO. 848

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL AGRICULTURE-HOLDING (RA-H) ZONE TO THE PLANNED DEVELOPMENT RESIDENTIAL-3 (PDR-3) ZONE ON APPROXIMATELY 2.25 ACRES LOCATED AT 28700 SW CANYON CREEK ROAD SOUTH; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 6400, SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR WILLIAM Z. SPRING – OWNER.

WHEREAS, William Z. Spring (“Owner”) and Scott Miller of SAMM-MILLER LLC (“Applicant”) have made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the development application form has been signed by the Owner of the real property legally described and shown in Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, concurrently with the Zone Map Amendment the Applicant is requesting a change of the Comprehensive Plan Map designation to “Residential 4-5 dwelling units per acre”; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with the Comprehensive Plan Map designation of “Residential 4-5 dwelling units per acre”, upon approval of the requested Comprehensive Plan Map designation; 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 12, 2021; and

WHEREAS, the City of Wilsonville Planning Staff followed all public noticing requirements and sent a Public Hearing Notice on March 23, 2021, which was posted in City Hall, Wilsonville Library, and published in the newspaper, and mailed notice to all property owners within 250 feet of the subject property and posted in a highly visible location on the project site; and

WHEREAS, the Development Review Board Panel A held a public hearing on the application for a Zone Map Amendment on April 12, 2021, and continued the public hearing and kept the record open to a date certain of May 10, 2021, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 388 which recommends City Council approval of the Zone Map Amendment request (Case File DB20-0039), adopts the amended staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on May 26, 2021, 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 by Zoning Order DB20-0039, attached hereto as Attachment 1, from the Residential Agriculture-Holding (RA-H) Zone to Planned Development Residential-3 (PDR-3) Zone contingent on finalization of concurrent Comprehensive Plan Map Amendment.

SUBMITTED to the Wilsonville City Council and read for the first time at a special meeting thereof on the 26th day of May, 2021, and scheduled for a second reading at a regular meeting of the Council on the 7th day of June, 2021, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

ENACTED by the City Council on the 7th day of June, 2021 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 7th day of June, 2021.

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

Attachments:

- Attachment 1 – Zoning Order DB20-0039 Including Legal Description and Sketch
Depicting Zone Map Amendment
- Attachment 2 – Zone Map Amendment Findings
- Attachment 3 – Development Review Board Panel B Resolution No. 388 Recommending
Approval of Zone Map Amendment

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

In the Matter of the Application of)	
SAMM-MILLER LLC)	
for a Rezoning of Land and Amendment)	ZONING ORDER DB20-0039
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 DB20-0039, 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 City of Wilsonville zoning map zoned as Residential Agriculture-Holding (RA-H).

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 2.25 acres located at 28700 SW Canyon Creek Road South comprising Tax Lot 6400 of Section 13BD, T3S, R1W, City of Wilsonville, Clackamas County, Oregon, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Planned Development Residential-3 (PDR-3), 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 7th day of June, 2021.

DocuSigned by:


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 JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:



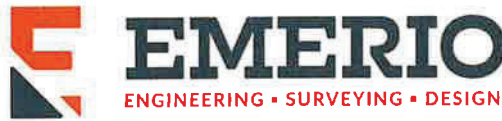
Barbara A. Jacobson, City Attorney

ATTEST:

DocuSigned by:


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Kimberly Veliz, City Recorder

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



ASPEN MEADOWS PHASE 3
BOUNDARY DESCRIPTION

JOB NO. 0463-005
APRIL 29, 2021

EXHIBIT A (PAGE 1 OF 2)

A TRACT OF LAND SITUATED IN THE N.W. 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 9, "BRIDLE TRAIL RANCHETTS" (PLAT NO. 1147), BEING ON THE EASTERLY RIGHT OF WAY LINE OF CANYON CREEK ROAD SOUTH (25.0 FEET FROM CENTERLINE); THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 01°48'04" EAST, 106.85 FEET; THENCE 53.00 FEET ON THE ARC OF A NONTANGENT 50.00 FOOT RADIUS CURVE (THE RADIUS POINT BEARS NORTH 28°11'56" WEST) THROUGH A CENTRAL ANGLE OF 60°44'05" (THE CHORD BEARS NORTH 31°26'01" EAST, 50.55 FEET) TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE ALONG THE NORTH LINE OF SAID LOT 9 AND ITS EASTERLY EXTENSION, SOUTH 88°52'03" EAST, 636.03 FEET TO THE CENTER OF SECTION LINE OF SAID SECTION 13; THENCE ALONG SAID CENTER OF SECTION LINE, SOUTH 01°46'38" WEST, 148.48 FEET TO THE NORTH LINE OF THE PLAT OF "SUNDIAL" (PLAT NO, 2910); THENCE ALONG SAID NORTH LINE, NORTH 89°02'35" WEST, 661.11 FEET TO THE POINT OF BEGINNING.

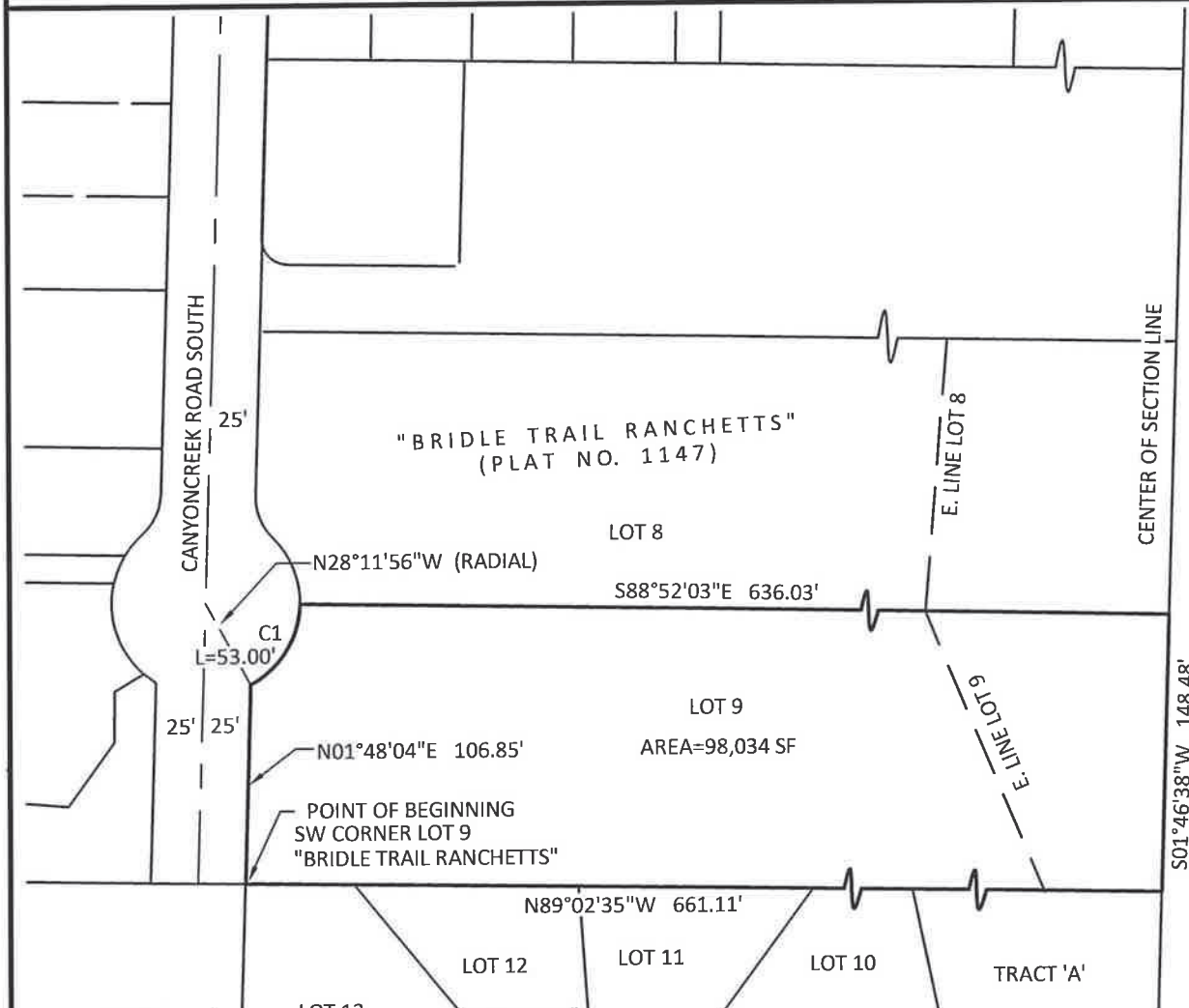
CONTAINING 98,034 SQUARE FEET, MORE OR LESS.



BASIS OF BEARINGS: PARTITION PLAT NO. 2020-097, CLACKAMAS COUNTY PLAT RECORDS

EXHIBIT A (PAGE 2 OF 2)

LOT 9, "BRIDLE TRAIL RANCHETTES" AND ADJACENT LAND ATTACHED
 LOCATED IN THE
 NW 1/4 OF SEC. 13, T.3S, R.1W., W.M.,
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



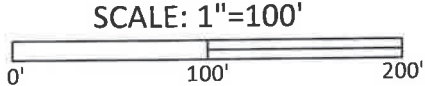
CURVE TABLE	
C1	L=53.00'
	R=50.00'
	$\Delta=60^{\circ}44'05''$
CB	=N31°26'01"E 50.55'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jon T. Feigion

OREGON
 JANUARY 15, 1987
 JON T. FEIGION
 2252

EXPIRES 12-31-21



JOB NO.: 0463-005
DATE: 4-29-21
SCALE: 1" = 100'
DRAWN BY: JTF

ASPEN MEADOWS PHASE 3
 CLACKAMAS COUNTY
 TAX LOT 6400 31W 33BD

EMERIO
 ENGINEERING • SURVEYING • DESIGN

6445 SW FALLBROOK PLACE, SUITE 100
 BEAVERTON, OREGON 97008
 TEL: (503) 746-8812
 FAX: (503) 639-9592
 www.emeriodesign.com
 EMERIO JOB: 0463-005



Ordinance No. 848 Attachment 2
Zone Map Amendment Findings

Canyon Creek Phase 3 Subdivision –5 New Residential Lots

City Council
Quasi-Judicial Public Hearing

Hearing Date: May 26, 2021

Date of Report: May 11, 2021

Application Nos.: DB20-0039 – Zone Map Amendment

Request/Summary: The requests before the City Council is a Zone Map Amendment for approximately 2.25 acres.

Location: 28700 SW Canyon Creek Road South The property is specifically known as Tax Lot 6400, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

Owner: William Z. Spring

Applicant: SAMM-Miller, LLC (Contact: Scott Miller)

Applicant's Rep.: Emerio Design, LLC (Contact: Steve Miller)

Comprehensive Plan Designation (Current): Residential 0-1 dwelling units per acre (du/ac)

Comprehensive Plan Designation (Proposed): Residential 4-5 dwelling units per acre (du/ac)

Zone Map Classification (Current): RA-H (Residential Agricultural-Holding)

Zone Map Classification (Proposed): PDR-3 (Planned Development Residential-3)

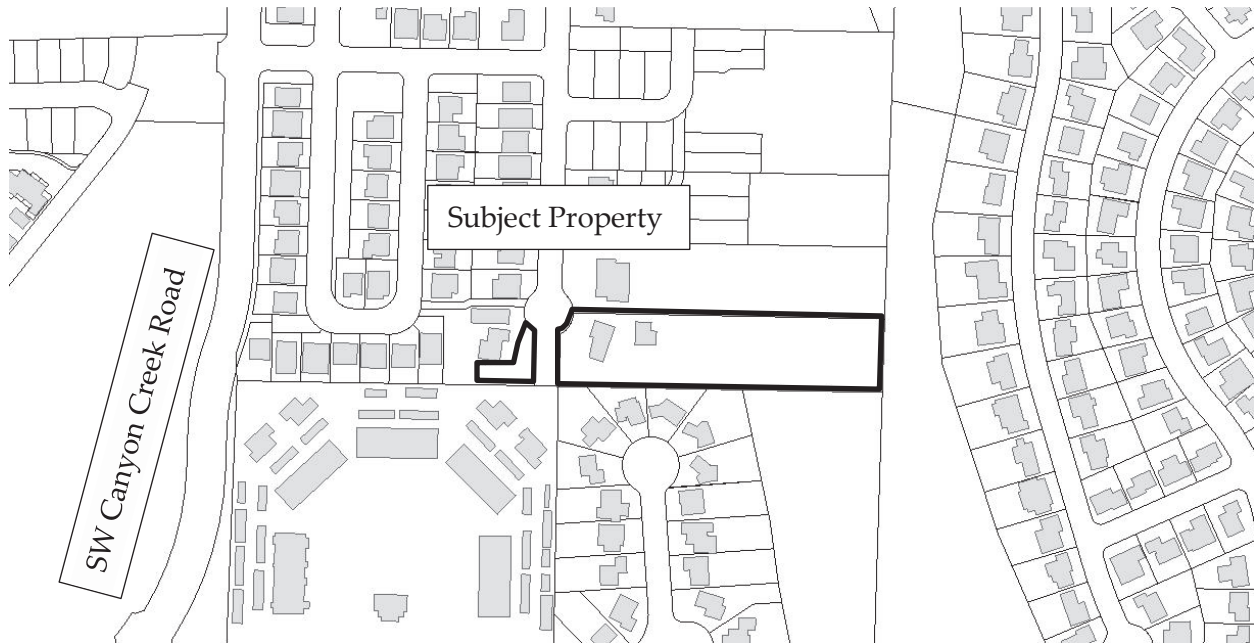
Staff Reviewers: Philip Bradford, Associate Planner

Staff Recommendation: Adopt the requested Zone Plan Map Amendment.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.110	Zones
Section 4.124.3	PDR-3 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	
Transportation Systems Plan	
<u>Regional and State Law and Planning Documents</u>	
Oregon Statewide Planning Goals	

Vicinity Map



Zone Map Amendment (DB20-0039)

Contingent on approval of the Comprehensive Plan Map Amendment for an increased density of 4-5 du/ac, the applicant proposes a corresponding PDR zoning of PDR-3. Other portions of Bridle Trail Ranchetts with past approval of increased density to 4-5 du/ac have the same PDR-3 zoning.

Conclusion and Conditions of Approval:

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

Request: DB20-0039 Zone Map Amendment

No conditions for this request

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 property owner, William Z. Spring, signed the submitted application form.

Request: DB20-0039 Zone Map Amendment

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

Comprehensive Plan

Diversity of Housing Types

Implementation Measure 4.1.4.b.,d.

B1. Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

- 45.7% Apartments
- 40.4% Single-Unit Dwellings
- 7.5% Middle Housing
- 4.8% Condominiums
- 1.3% Mobile Homes

The City has approved hundreds of new residential lots, mainly in Villebois and Frog Pond West, for development over the next few years. The proposal will provide additional

residential lot options outside of Villebois and Frog Pond West within the existing City limits.

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

- B2.** The proposed Planned Development Residential-3 (PDR-3) zoning allows the use of planned development to enable development of safe, convenient, healthful, and attractive places to live.

Residential Density
Implementation Measure 4.1.4.u.

- B3.** The subject area will be zoned PDR-3, allowing the application of the proposed residential density of 4-5 du/ac to the subject property.

Development Code

Zoning Consistent with Comprehensive Plan
Section 4.029

- B4.** 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 PDR-3 is consistent with the proposed Comprehensive Plan Residential 4-5 du/ac designation. The approval of the Zone Map Amendment is contingent on City approval of the related Comprehensive Plan Map Amendment.

List of Base Zones
Subsection 4.110 (.01)

- B5.** The requested zoning designation of PDR-3 is among the base zones identified.

Standards for All Planned Development Residential Zones

Typically Permitted Uses
Subsection 4.124 (.01)

- B6.** The list of typically permitted uses includes residential building lots for development of allowed residential uses, and open space, covering all proposed uses on the subject properties.

Appropriate PDR Zone
Subsection 4.124 (.05)

- B7.** PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 du/ac.

Zone Change Procedures

Subsection 4.197 (.02) A.

- B8.** The applicant submitted the request for a Zone Map Amendment as set forth in the applicable code sections.

Conformance with Comprehensive Plan Map, etc.

Subsection 4.197 (.02) B.

- B9.** The proposed Zone Map Amendment is consistent with the proposed Comprehensive Map designation of Residential 4-5 du/ac (see Exhibit A Attachment 2 Comprehensive Plan Map Amendment Findings). As shown in Exhibit A Attachment 2 and Findings B1 through B3, the request complies with applicable Comprehensive Plan text.

Specific Comprehensive Plan Findings for Residential Designated Lands

Subsection 4.197 (.02) C.

- B10.** Findings B1 through B3 under this request and A24 through A30 under Request A provide the required specific findings for Implementation Measures 4.1.4.b, d, e, q, and x.

Public Facility Concurrency

Subsection 4.197 (.02) D.

- B11.** The applicant's Exhibits B1, B2, and B3 (compliance report and the plan sheets) demonstrate the existing primary public facilities are available or can be provided in conjunction with the project.

Impact on SROZ Areas

Subsection 4.197 (.02) E.

- B12.** The proposed design of the development preserves and protects the SROZ area on the property.

Development within 2 Years

Subsection 4.197 (.02) F.

- B13.** Related land use approvals will expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

Development Standards and Conditions of Approval

Subsection 4.197 (.02) G.

- B14.** As can be found in the findings for the accompanying requests, the proposal meets the applicable development standards either as proposed or through a condition of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 388**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 DWELLING UNITS PER ACRE, A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL 3 (PDR-3) AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW, TYPE C TREE PLAN, TENTATIVE SUBDIVISION PLAT, FOR AN 5-LOT RESIDENTIAL SUBDIVISION AND NOT APPROVING REQUESTED WAIVERS THAT ARE NO LONGER NEEDED WITH AN UPDATED DESIGN LOCATED AT 28700 SW CANYON CREEK ROAD SOUTH. THE SUBJECT SITE IS LOCATED ON TAX LOT 6400 SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR WILLIAM Z. SPRING – 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, on March 8, 2021, the Development Review Board continued the public hearing to a date and time certain of April 12, 2021, and

WHEREAS, on April 12, 2021, the Development Review Board opened the public hearing and after hearing from staff, the applicant, and other parties continued the public hearing to a date and time certain of May 10, 2021, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated April 5, 2021, and

WHEREAS, the Planning Staff has prepared an amended staff report on the above-captioned subject dated May 3, 2021, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at meeting conducted on April 12, 2021 and May 10, 2021, at which time exhibits, together with findings and public testimony were entered into the public record, and

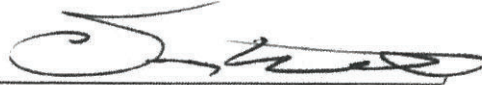
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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 May 3, 2021, as amended, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB20-00039 through DB20-0045; Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, and Type C Tree Removal Plan.

ADOPTED by the Development Review Board of the City of Wilsonville this 10th day of May, 2021, and filed with the Planning Administrative Assistant on May 11, 2021. 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).



Daniel McKay, Chair - Panel A
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant