

**ORDINANCE NO. 820**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5 (RFFF5) ZONE TO THE RESIDENTIAL NEIGHBORHOOD (RN) ZONE ON APPROXIMATELY 16 ACRES ON THE NORTH SIDE OF BOECKMAN ROAD JUST WEST OF STAFFORD ROAD; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 2001, 2100, 2201, 2202 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” 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” 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 May 14, 2018; and

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on May 14, 2018, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 351 which recommends City Council approval of the Zone Map Amendment request (Case File DB18-0009), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on June 4, 2018, 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 DB18-0009, attached hereto as Attachment 1, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Residential Neighborhood (RN) Zone.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4<sup>th</sup> day of June, 2018, and scheduled for a second reading at a regular meeting of the Council on the 18<sup>th</sup> day of June, 2018, 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 18<sup>th</sup> day of June, 2018 by the following votes:

Yes: 4 No: 0

  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 18<sup>th</sup> day of June, 2018.

  
\_\_\_\_\_  
TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Akervall	Yes
Councilor Stevens	Yes
Councilor Lehan	Excused

Attachments:

1. Attachment 1 – Zoning Order DB18-0009 including legal description and sketch depicting zone map amendment
2. Attachment 2 – Zone Map Amendment Findings
3. Attachment 3 – DRB Resolution No. 351 recommending approval of Zone Map Amendment

# Ordinance No. 820 Attachment 1

## 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 DB18-0009**  
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 DB18-0009, 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).

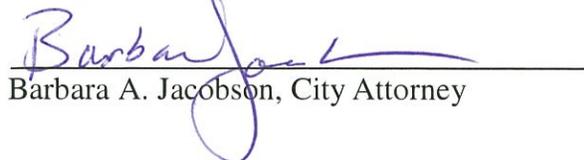
The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 16 acres on the north side of Boeckman Road just west of Stafford Road comprising Tax Lot 2001, 2100, 2201, 2202 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 18<sup>th</sup> day of May,  
2018.

  
TIM KNAPP, MAYOR

APPROVED AS TO FORM:

  
Barbara A. Jacobson, City Attorney

# Ordinance No. 820 Attachment 1

ATTEST:

  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

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

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**STAFFORD MEADOWS PROPERTIES**  
January 30, 2018 (Otak #17868)

Those properties described in Bargain and Sale Deed to Louie M. Pike and Gayla D. Cushman-Pike recorded as Document Number 89-06039, in Bargain and Sale Deeds to Doris A. Wehler recorded as Document Numbers 2012-0160063 and 2012-016064, in Statutory Bargain and Sale Deed to Dale I. Kreilkamp and Verla S. Kreilkamp, recorded as Document Number 2015-045034, and in Warranty Deed to Donald E. Killinger and Elva C. Killinger recorded as Document Number 95-068541, all of Clackamas County Records, in the southeast one-quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, the exterior boundary of said properties being described as follows:

BEGINNING at a point on the north right of way line of S.W. Boeckman Road being North 01°24'30" East a distance of 30.00 feet from a point on the centerline thereof, said centerline also being the south line of said Section 12, said point on centerline being North 88°35'30" West a distance of 219.98 feet from a 3-1/4 inch brass disk found in a monument box at the southeast corner of said Section 12;  
thence along said north right of way line being parallel with and 30.00 feet north of the south line of said Section 12, North 88°35'30" West a distance of 1278.79 feet to the most southerly east line of that property described in Warranty Deed to Clackamas County School District 3, West Linn-Wilsonville School District 3JT recorded as Document Number 99-052396, Clackamas County Records;  
thence along the east and south lines of said Clackamas County School property through the following three courses:  
North 01°38'47" East a distance of 429.26 feet;  
South 88°35'30" East a distance of 540.59 feet;  
and North 01°39'45" East a distance of 398.35 feet to a point on the south line of that property described in Statutory Warranty Deed to West Linn-



# Ordinance No. 820 Attachment 1

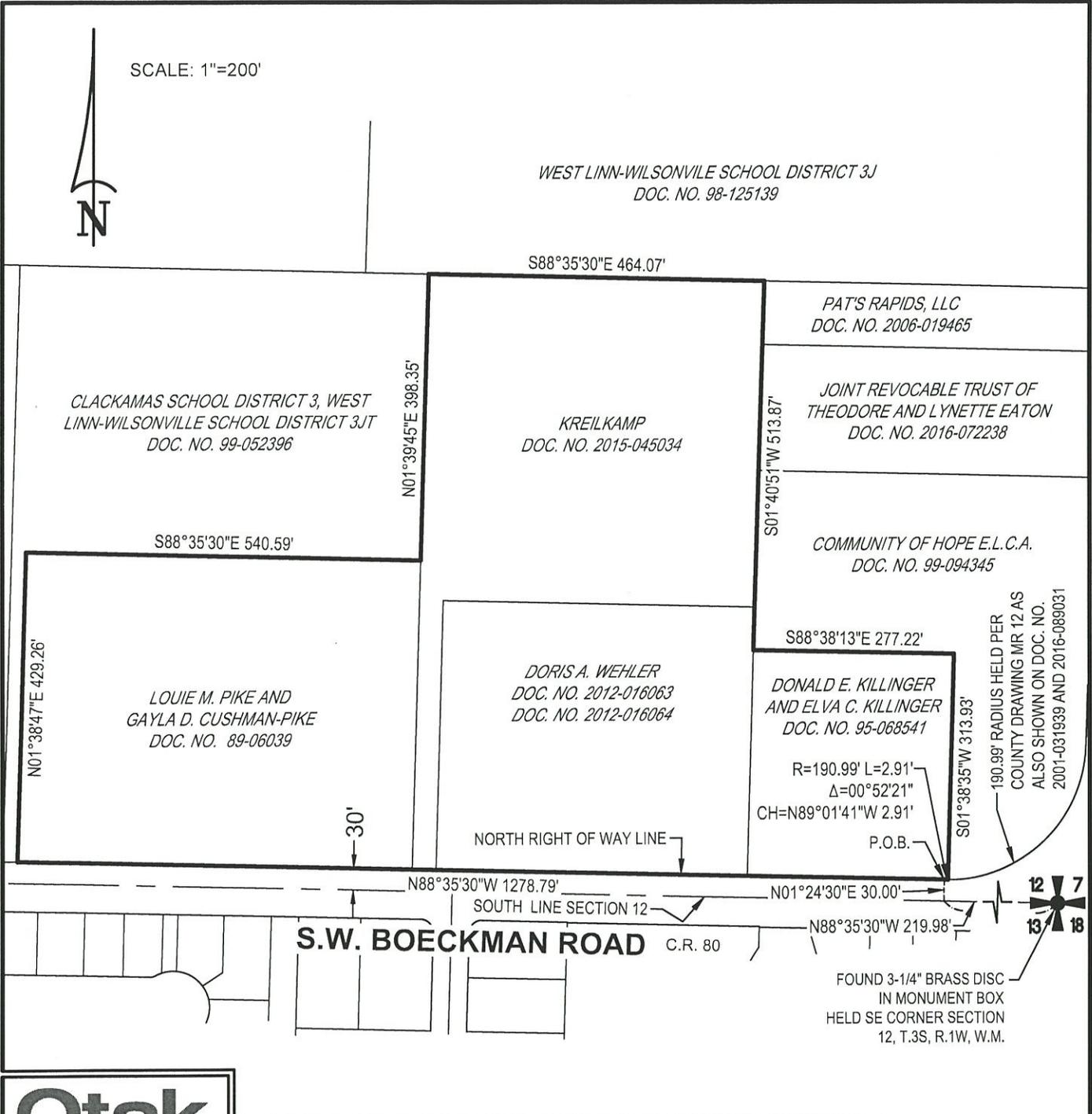
Wilsonville School District 3J recorded as Document Number 98-125139, Clackamas County Records;  
thence along said last said south line, South 88°35'30" East a distance of 464.07 feet to the northwest corner of that property described in Warranty Deed to Pat's Rapids, LLC recorded as Document Number 2006-019465, Clackamas County Records;  
thence along the west line of said Pat's Rapids LLC property, and along the west lines of those properties described in General Warranty Deed for Oregon to Joint Revocable Trust of Theodore and Lynette Eaton recorded as Document Number 2016-072238, and in Statutory Warranty Deed to Community of Hope E.L.C.A. recorded as Document Number 99-094345, both of Clackamas County Records, South 01°40'51" West a distance of 513.87 feet;  
thence along the most westerly south line and most southerly west line of said Community of Hope E.L.C.A. property through the following two courses:  
South 88°38'13" East a distance of 277.22 feet;  
and South 01°38'35" West a distance of 313.93 feet to a point on a curve in said north right of way line;  
thence westerly along the arc of a non-tangent 190.99 foot radius curve to the right (radius point bears North 00°32'09" East), through a central angle of 00°52'21", an arc length of 2.91 feet (chord bears North 89°01'41" West a distance of 2.91 feet) to the POINT OF BEGINNING.

Contains 16.14 acres, more or less.

Bearings based on the Oregon State Plane Coordinate System, NAD'83, North Zone.



# Ordinance No. 820 Attachment 1



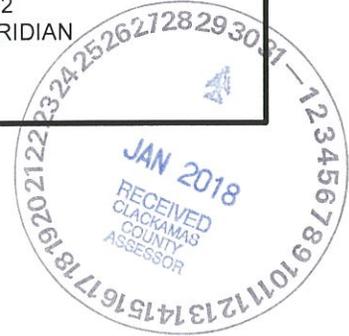
**Otak**

808 SW 3rd Ave., Ste. 300  
Portland, Oregon 97204  
Phone: (503) 287-6825  
www.otak.com  
project: 17868

**EXHIBIT A** SHEET 3 OF 3

STAFFORD MEADOWS PROJECT  
IN THE SOUTHEAST ONE-QUARTER OF SECTION 12  
TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN  
CLACKAMAS COUNTY, OREGON

JANUARY 30, 2018





Ordinance No. 820 Attachment 2  
Zone Map Amendment Findings

Stafford Meadows 44-46 Lot Single-Family Subdivision

City Council  
Quasi-Judicial Public Hearing

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<b>Hearing Date:</b>	June 4, 2018
<b>Date of Report:</b>	May 18, 2018

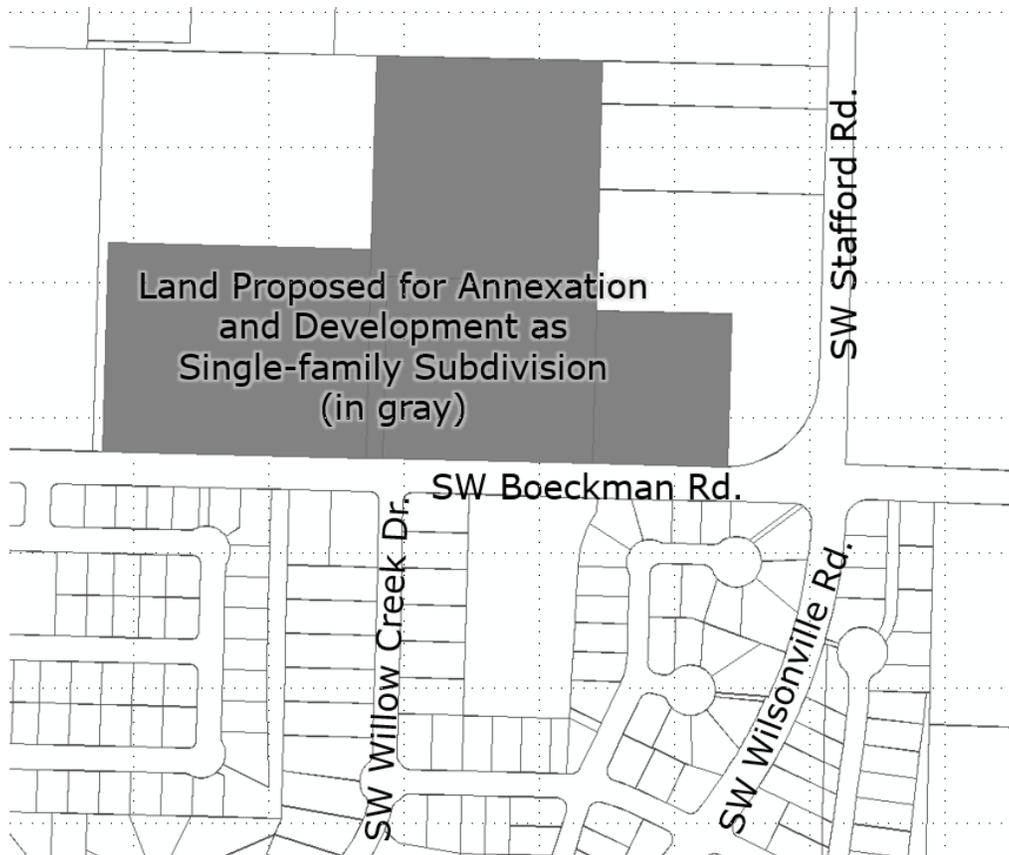
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<b>Application No.:</b>	DB18-0009 Zone Map Amendment
<b>Request:</b>	The request before the City Council is a Zone Map Amendment for approximately 16 acres.
<b>Location:</b>	North side of Boeckman Road, just west of Stafford Road. The property is specifically known as Tax Lots 2001, 2100, 2201, 2202 Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon
<b>Owners:</b>	Thelma J. Roethe, Dale Krielkamp, Verla Krielkamp, Louie Pike, Gayla Cushman-Pike, and Doris Wehler
<b>Applicant:</b>	Dan Grimberg, West Hills Development
<b>Applicant's Rep.:</b>	Li Alligood AICP, OTAK
<b>Comprehensive Plan Designation:</b>	Residential Neighborhood
<b>Zone Map Classification (Current):</b>	RRFF 5 (Rural Residential Farm Forest 5-Acre)
<b>Zone Map Classification (Proposed):</b>	RN (Residential Neighborhood)
<b>Staff Reviewer:</b>	Daniel Pauly AICP, Senior 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 (DB18-0009)

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 entirety of the subject properties consistent with this intention.

**Conclusion and Conditions of Approval:**

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

Request: DB18-0009 Zone Map Amendment.

This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB18-0008).

**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: DB18-0009 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Condition 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” 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 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 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.** 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.** 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, provide transportation choices, and preserve and enhance 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) 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 are among the permitted uses in the RN zone. In one scenario identified by the applicant, they may deed Tract M to the neighboring church for development as part of the church campus, such as parking. Churches are among the uses allowed through a Conditional Use Permit in the RN zone. Alternatively, the Church could request to rezone the Tract M to the Public Facility Zone at a future date.

### Residential Neighborhood Zone Sub-districts and Residential Density

#### Subsection 4.127 (.05) and (.06)

- B10.** The proposed rezoning includes the entirety of Sub-district 3 and the majority of Sub-district 2 shown in Figure 6 of the Frog Pond West Master Plan. The residential unit counts within these areas will be consistent with Table 1 of the Master Plan.

# Ordinance No. 820 Attachment 3

## DEVELOPMENT REVIEW BOARD RESOLUTION NO. 351

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) FOR APPROXIMATELY 16 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF BOECKMAN ROAD JUST WEST OF STAFFORD 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, TYPE C TREE PLAN, AND ABBREVIATED SRIR REVIEW FOR A 44 TO 46-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 2001, 2100, 2201, AND 2202 OF SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, 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 May 7, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 14, 2018, at which time exhibits, together with findings and public testimony were entered into the public record, and

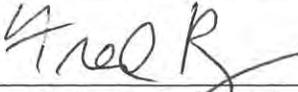
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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 7, 2018, 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 (DB18-0008 and DB18-0009) for:

DB18-0010 through DB18-0014, and SI18-0001; Stage I Master Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, and Abbreviated SRIR Review for a 44-46 lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14<sup>th</sup> day of May, 2018 and filed with the Planning Administrative Assistant on May 15, 2018. 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 Chair, Panel A  
Wilsonville Development Review Board

Attest:

  
Shelley White, Planning Administrative Assistant