

**ORDINANCE NO. 822**

**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 20 ACRES ON THE NORTH SIDE OF BOECKMAN ROAD JUST EAST OF BOECKMAN CREEK INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 2400, 2600, AND 2700, AND PORTIONS OF TAX LOT 2300 AND BOECKMAN ROAD RIGHT-OF-WAY, SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. JIM WOLFSTON, OWNER / 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 31, 2018; and

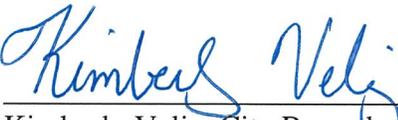
WHEREAS, the Development Review Board Panel 'B' held a public hearing on the application for a Zone Map Amendment on May 31, 2018, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 352 which recommends City Council approval of the Zone Map Amendment request (Case File DB18-0016), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on June 18, 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:

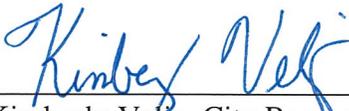
1. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.
2. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the property to the City, by Zoning Order DB18-0016, 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 18<sup>th</sup> day of June, 2018, and scheduled for a second reading at a regular meeting of the Council on the 2<sup>nd</sup> day of July, 2018, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

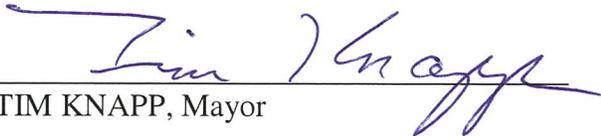
  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

ENACTED by the City Council on the 2<sup>nd</sup> day of July, 2018 by the following votes:

Yes:5 No: 0

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

DATED and signed by the Mayor this 2<sup>nd</sup> day of July, 2018.

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

SUMMARY OF VOTES:

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

Attachments:

- Attachment 1 – Zoning Order DB18-0016 Including Legal Description and Sketch  
Depicting Zone Map Amendment
- Attachment 2 – Zone Map Amendment Findings
- Attachment 3 – Development Review Board Panel B Resolution No. 352 Recommending  
Approval of Zone Map Amendment

Ordinance No. 822 Attachment 1

BEFORE THE CITY COUNCIL OF  
THE CITY OF WILSONVILLE,  
OREGON

In the Matter of the Application of )  
James Wolfston )  
for a Rezoning of Land and Amendment ) **ZONING ORDER DB18-0016**  
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 DB18-0016, 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).

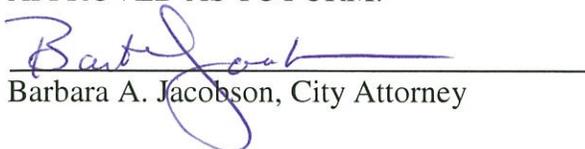
The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 20 acres on the north side of Boeckman Road just east of Boeckman Creek comprising Tax Lots 2400, 2600, and 2700 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 2<sup>nd</sup> day of July,  
2018.

  
TIM KNAPP, MAYOR

APPROVED AS TO FORM:

  
Barbara A. Jacobson, City Attorney

# Ordinance No. 822 Attachment 1

ATTEST:

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

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

# Ordinance No. 822 Attachment 1

## SUBJECT PROPERTY BOUNDARY LEGAL DESCRIPTION

FROG POND

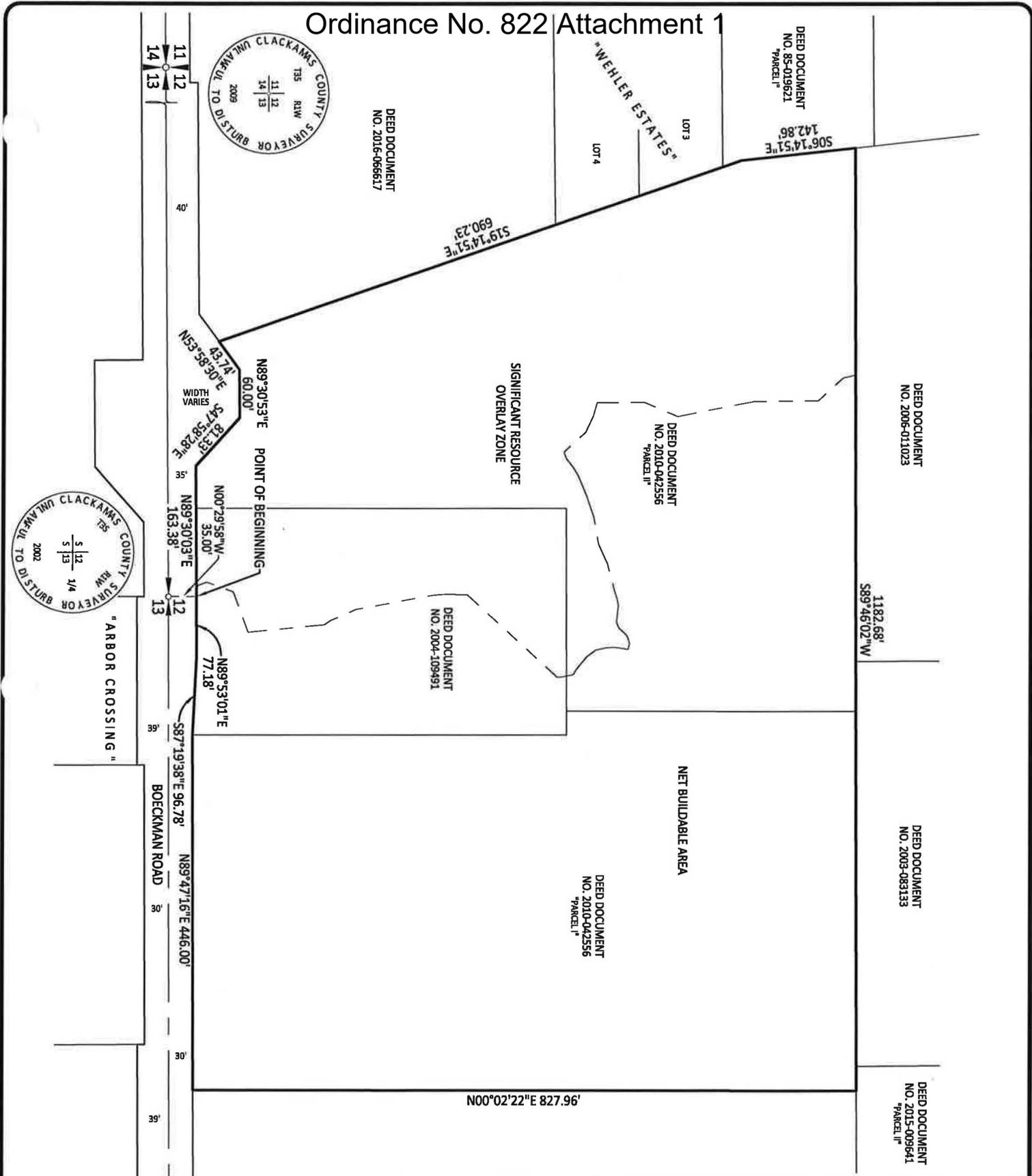
PDG PROJECT NO. 338-001

A PORTION OF THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BOECKMAN ROAD, 35.00 FEET FROM THE CENTERLINE THEREOF AND BEARING NORTH 20°32'43" WEST, 37.28 FEET FROM THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 12; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING (4) COURSES; NORTH 89°30'03" EAST, 12.77 FEET; THENCE NORTH 89°53'01" EAST, 77.18 FEET; THENCE SOUTH 87°19'38" EAST, 96.78 FEET; THENCE NORTH 89°47'16" EAST, 446.00 FEET TO THE SOUTHEAST CORNER OF "PARCEL I" OF DEED DOCUMENT NO. 2010-042556; THENCE LEAVING SAID RIGHT-OF-WAY LINE, NORTH 00°02'22" EAST ALONG THE EAST LINE OF SAID "PARCEL I", 827.96 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89°46'02" WEST ALONG THE NORTH LINE OF SAID "PARCEL I" AND THE NORTH LINE OF "PARCEL II", SAID DEED DOCUMENT, 1182.68 FEET TO THE NORTHWEST CORNER OF SAID "PARCEL II"; THENCE ALONG THE WEST BOUNDARY OF "PARCEL II" SOUTH 06°14'51" EAST, 142.86 FEET; THENCE CONTINUING ALONG SAID WEST BOUNDARY, SOUTH 19°14'51" EAST, 690.23 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BOECKMAN ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING (4) COURSES; NORTH 53°58'30" EAST, 43.74 FEET; THENCE NORTH 89°30'53" EAST, 60.00 FEET; THENCE SOUTH 47°58'28" EAST, 81.33 FEET; THENCE NORTH 89°30'03" EAST, 150.61 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 20.128 ACRES, MORE OR LESS.

Ordinance No. 822 Attachment 1



PDG JOB NO.: 338-001  
 DATE: 02/13/18  
 SCALE: NTS

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

**PDG**  
 PIONEER DESIGN GROUP, INC.  
 9020 SW WASHINGTON SQUARE RD  
 SUITE 170  
 PORTLAND, OREGON 97223  
 p 503.641.8311  
 f 844.715.4743  
 www.pd-grp.com

**SUBJECT PROPERTY BOUNDARY**  
 LOCATED IN THE SOUTHEAST AND THE SOUTHWEST QUARTERS  
 OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF  
 THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



Ordinance No. 822 Attachment 2  
Zone Map Amendment Findings

Morgan Farm 82-Lot Single-Family Subdivision

City Council  
Quasi-Judicial Public Hearing

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<b>Hearing Date:</b>	June 18, 2018
<b>Date of Report:</b>	June 1, 2018

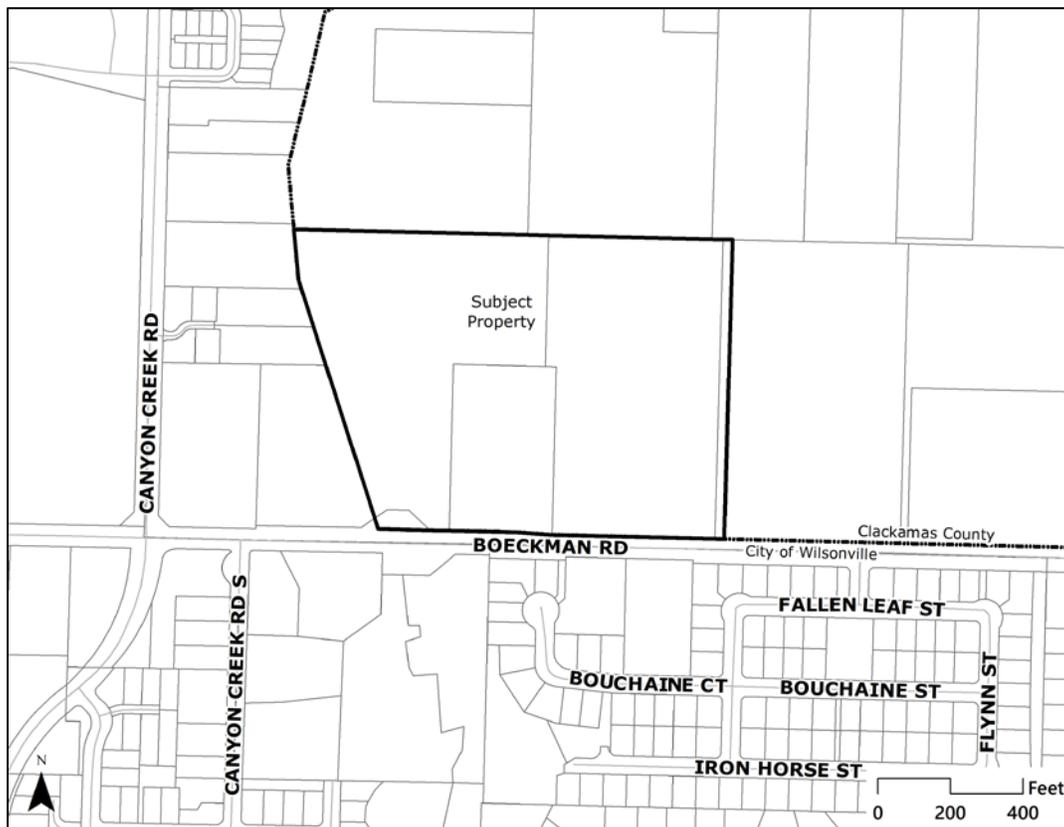
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<b>Application No.:</b>	DB18-0016 Zone Map Amendment
<b>Request:</b>	The request before the City Council is a Zone Map Amendment for approximately 20 acres.
<b>Location:</b>	North side of Boeckman Road, east of Boeckman Creek. The property is specifically known as Tax Lots 2400, 2600, and 2700, and portions of Tax Lot 2300 and Boeckman Road right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon
<b>Owner/Applicant:</b>	James Wolfston
<b>Applicant's Rep.:</b>	Ben Altman, Pioneer Design Group
<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 Reviewers:</b>	Kimberly Rybold, AICP, Associate 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 (DB18-0016)

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 entire subject property consistent with this intention.

## Conclusion and Conditions of Approval:

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

Request: DB18-0016 Zone Map Amendment

This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB18-0015).
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## 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, Jim Wolfston, signed the submitted application form.

## 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” 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, 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 Frog Pond West Master Plan establishes a range of 66 to 82 units for Sub-district 1. The applicant proposes 82 units, which is the maximum of the allowed range.

### Ordinance No. 822 Attachment 3

#### DEVELOPMENT REVIEW BOARD RESOLUTION NO. 352

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 20 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF BOECKMAN ROAD JUST EAST OF BOECKMAN CREEK, 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, SRIR REVIEW, AND SROZ BOUNDARY VERIFICATION FOR AN 82-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 2400, 2600, AND 2700, AND PORTIONS OF TAX LOT 2300 AND BOECKMAN ROAD RIGHT-OF-WAY OF SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. BEN ALTMAN, PIONEER DESIGN GROUP – REPRESENTATIVE FOR JIM WOLFSTON – OWNER / 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 24, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on May 31, 2018, at which time exhibits, together with findings and public testimony were entered into the public record, and

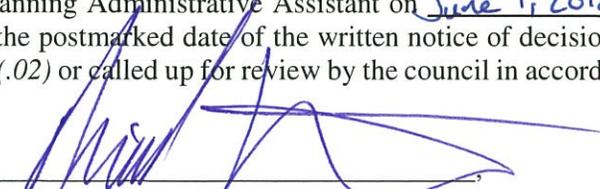
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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 24, 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 (DB18-0015 and DB18-0016) for:

DB18-0017 through DB18-0021, SI18-0003 and SI18-0004; Stage I Master Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, SRIR Review, and SROZ Boundary Verification for an 82 lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 31<sup>st</sup> day of May, 2018 and filed with the Planning Administrative Assistant on June 4, 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)*.

  
Richard Martens, Chair, Panel B  
Wilsonville Development Review Board

Attest:

  
Shelley White, Planning Administrative Assistant