

**ORDINANCE NO. 824**

**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 2.22 ACRES LOCATED AT 28600 SW CANYON CREEK ROAD SOUTH; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 6200, SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR DAVID KERSTEN – OWNER.**

WHEREAS, David Kersten (“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 Zone Map Amendment and associated Comprehensive Plan Map Amendment is contingent on the 5-lot subdivision proposed upon the property having access to and shared responsibility for the usable non-SROZ open space in Tract B of the “Aspen Meadows” subdivision; 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 June 25, 2018; and

WHEREAS, the Development Review Board Panel B held a public hearing on the application for a Zone Map Amendment on June 25, 2018, and after taking public testimony and

giving full consideration to the matter, adopted Resolution No. 355 which recommends City Council approval of the Zone Map Amendment request (Case File DB18-0028), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on July 16, 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 DB18-0028, 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 regular meeting thereof on the 16<sup>th</sup> day of July, 2018, and scheduled for a second reading at a regular meeting of the Council on the 6<sup>th</sup> day of August, 2018, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

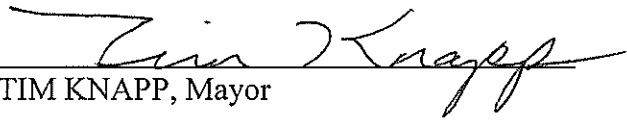
  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

ENACTED by the City Council on the 6<sup>th</sup> day of August, 2018 by the following votes:

Yes: 3 No: 0 Abstain: 1

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

DATED and signed by the Mayor this 6<sup>th</sup> day of August, 2018.

  
TIM KNAPP, Mayor

SUMMARY OF VOTES:

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

Attachments:

- Attachment 1 – Zoning Order DB18-0028 Including Legal Description and Sketch  
Depicting Zone Map Amendment
- Attachment 2 – Zone Map Amendment Findings
- Attachment 3 – Development Review Board Panel B Resolution No. 355 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	)	<b>ZONING ORDER DB18-0028</b>
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 DB18-0028, 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 2.22 acres located at 28600 SW Canyon Creek Road South comprising Tax Lot 6200 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 6<sup>th</sup> day of August,  
2018.

  
\_\_\_\_\_  
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 Rezoned

# EMERIO *Design*

Civil Engineering  
Land Survey  
Land Use Planning  
Construction Management

TAX LOT 6200 3 1W 13BD  
ASPEN MEADOWS 2

JOB NO. 463-002  
JUNE 26, 2018

## EXHIBIT A (PAGE 1 OF 2)

LOT 7, "BRIDLE TRAIL RANCHETTS", AND OTHER LAND LOCATED IN THE N.W. 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

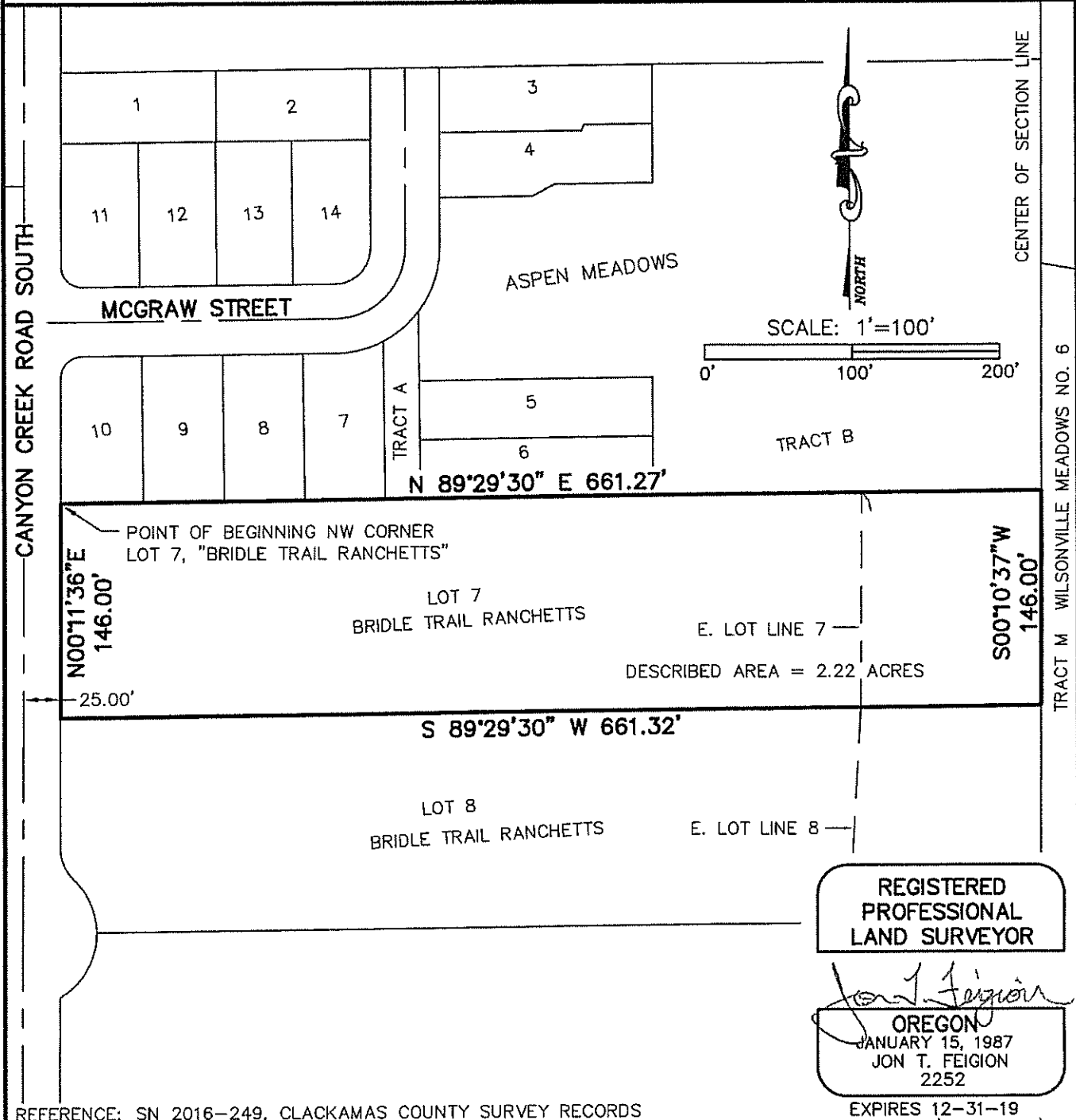
BEGINNING AT THE NORTHWEST CORNER OF LOT 7, "BRIDLE TRAIL RANCHETTS", BEING ON THE EAST RIGHT OF WAY LINE OF CANYON CREEK ROAD SOUTH (50.0 FEET WIDE); THENCE ALONG THE NORTH LINE OF SAID LOT 7 AND ITS EASTERLY EXTENSION, NORTH 89°29'30" EAST, 661.27 FEET TO THE WEST LINE OF TRACT M, "WILSONVILLE MEADOWS NO. 6"; THENCE ALONG SAID WEST LINE, SOUTH 00°10'37" WEST, 146.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 7; THENCE ALONG SAID EASTERLY EXTENSION AND SOUTH LINE, SOUTH 89°29'30" WEST, 661.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7 ON THE EAST RIGHT OF WAY LINE OF SAID CANYON CREEK ROAD SOUTH; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°10'36" EAST, 146.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 96,544 SQUARE FEET (2.22 ACRES), MORE OR LESS.



REFERENCE: SN 2016-249, CLACKAMAS COUNTY SURVEY RECORDS

**EXHIBIT A (PAGE 2 OF 2)**  
 LOT 7, "BRIDLE TRAIL RANCHETTS" AND  
 OTHER LAND LOCATED IN THE  
 N.W. 1/4 OF SEC. 13, T.3S., R.1W., W.M.  
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



N00°11'36"E  
146.00'

POINT OF BEGINNING NW CORNER  
LOT 7, "BRIDLE TRAIL RANCHETTS"

LOT 7  
BRIDLE TRAIL RANCHETTS

E. LOT LINE 7  
DESCRIBED AREA = 2.22 ACRES

S00°10'37"W  
146.00'

S 89°29'30" W 661.32'

LOT 8  
BRIDLE TRAIL RANCHETTS

E. LOT LINE 8

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Jon T. Feigon*  
**OREGON**  
 JANUARY 15, 1987  
 JON T. FEIGON  
 2252

REFERENCE: SN 2016-249, CLACKAMAS COUNTY SURVEY RECORDS

EXPIRES 12-31-19

DRAWN BY: JTF	
JOB NO.: 463-002	ASPEN MEADOWS 2
SCALE: 1" = 100'	TL 6200 3 1W 13BD
DATE: 6-26-18	

**EMERIO**  
*Design*

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



Ordinance No. 824 Attachment 2  
Zone Map Amendment Findings

Aspen Meadows No. 2 5-Lot Single-Family Subdivision

City Council  
Quasi-Judicial Public Hearing

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<b>Hearing Date:</b>	July 16, 2018
<b>Date of Report:</b>	June 29, 2018

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<b>Application No.:</b>	DB18-0028 Zone Map Amendment
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**Request:** The request before the City Council is a Zone Map Amendment for approximately 2.22 acres.

**Location:** 28600 SW Canyon Creek Road South, east side of SW Canyon Creek Road South, south of SW McGraw Avenue. The property is specifically known as Tax Lot 6200, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

**Owner:** David Kersten

**Applicant:** Scott Miller, Samm-Miller, LLC

**Applicant's Rep.:** Steve Miller, Emerio Design, LLC

**Comprehensive Plan Designation:** Residential Neighborhood

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

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

**Staff Reviewers:** Kimberly Rybold, AICP, Associate Planner

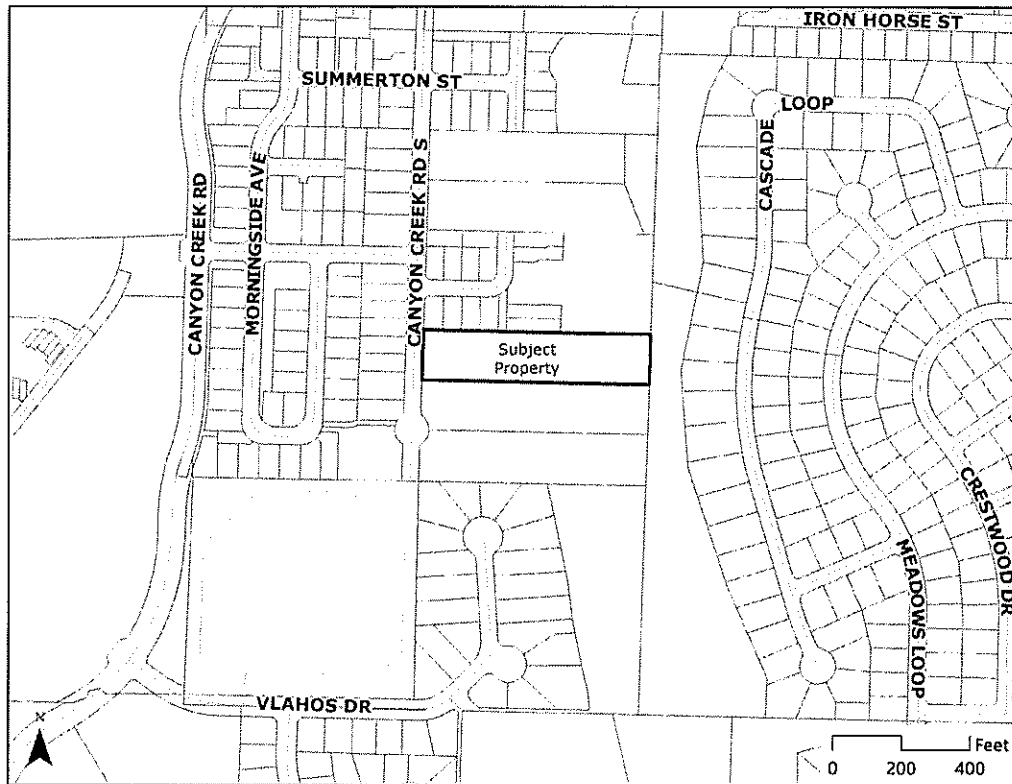
**Staff/DRB Recommendation:** Adopt the requested Zone Map Amendment.



**Applicable Review Criteria:**

<u>Development Code:</u>	
Section 4.110	Zones
Section 4.124	Planned Development Residential Zones
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**



## Summary:

Zone Map Amendment (DB18-0028)

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 Ranchettes 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: DB18-0028 Zone Map Amendment

This action is contingent upon the Comprehensive Plan Map Amendment (DB18-0027).

## 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, David Kersten, signed the submitted application form.

### Request: DB18-0028 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 the housing data used in the 2017 City of Wilsonville Housing Report, of the City's 10,866 housing units, 52 percent are multi-family and 48 percent are single-family. The City has approved hundreds of new single-family home lots, mainly in Villebois, for development over the next few years. In addition, adopted plans designate Frog Pond West

exclusively for single-family homes as it begins to develop in the coming years. The proposal will provide additional single-family options outside of Villebois and Frog Pond West within the existing City limits, supporting a trend of increasing the number of single-family homes in relation to multi-family homes.

**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 single-family dwelling units, 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. As shown in the Comprehensive Plan Map Amendment request 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 the Comprehensive Plan Map Amendment request 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 as a condition of approval.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 355**

**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, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN AND TENTATIVE PARTITION PLAT FOR A 2-LOT PARTITION AND SUBSEQUENT 5-LOT SINGLE-FAMILY SUBDIVISION LOCATED AT 28600 SW CANYON CREEK ROAD SOUTH. THE SUBJECT SITE IS LOCATED ON TAX LOT 06200 OF SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR DAVID KERSTEN – OWNER.**

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 June 18, 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 June 25, 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.

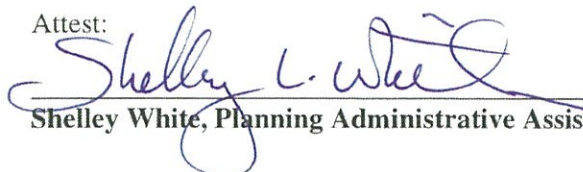
NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated June 18, 2018, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to City Council approval of the Comprehensive Plan Map Amendment and Zone Map Amendment Requests (DB18-0027 and DB18-0028) for:

DB18-0029 through DB18-0033; Stage I Master Plan, Stage II Final Plan, Tentative Subdivision Plat, Type C Tree Removal Plan, and Tentative Partition Plat for an new 5-lot single-family subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25<sup>th</sup> day of June, 2018 and filed with the Planning Administrative Assistant on June 26, 2018. This resolution is final on the 15<sup>th</sup> 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