



Ordinance No. 886 Exhibit C
Annexation Findings

Frog Pond Cottage Park Place 17-Lot Subdivision

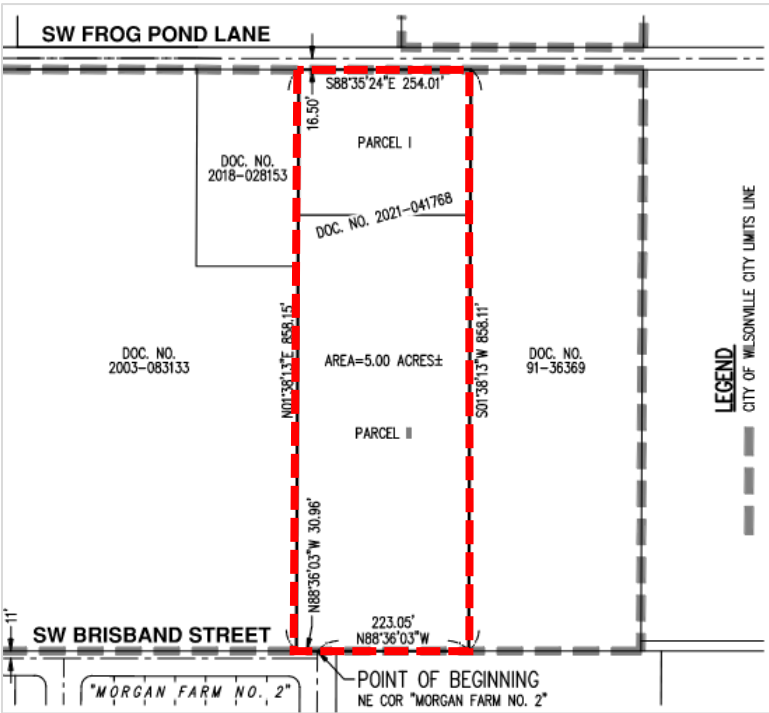
City Council
Quasi-Judicial Public Hearing

Hearing Date:	January 18, 2024
Date of Report:	January 2, 2024
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Application No.:	ANNX23-0001 Annexation
Request/Summary:	City Council approval of a quasi-judicial annexation of approximately 5.00 acres for a 17-lot residential subdivision concurrently with proposed development consistent with the Frog Pond West Master Plan.
Location:	7252 SW Frog Pond Lane. The property is specifically known as Tax Lots 1200 and 1300, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
Owner/Applicant:	Sullivan Homes LLC (Contact: Brian Matteoni)
Petitioners:	Brian Matteoni and Wesley Goode
Applicant's Representative:	AKS Engineering & Forestry, LLC (Contact: Glen Southerland, AICP)
Comprehensive Plan Designation:	Residential Neighborhood
Zone Map Classification (Current):	Rural Residential Farm Forest 5-Acre (RRFF-5)
Zone Map Classification (Proposed):	Residential Neighborhood (RN)
Staff Reviewer:	Cindy Luxhoj AICP, Associate Planner
Staff Recommendation:	<u>Approve</u> the requested annexation.

Applicable Review Criteria:

Development Code:	
Section 4.700	Annexation
Comprehensive Plan and Sub-elements:	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
Coffee Creek Master Plan	
Regional and State Law and Planning Documents:	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by Consent Before Public Hearing or Order for Election
Statewide Planning Goals	

Vicinity Map



Background / Summary:

The subject property has long been rural/semi-rural, adjacent to the growing City of Wilsonville. Metro added the 181-acre area now known as Frog Pond West to the Urban Growth Boundary in 2002 to accommodate future residential growth. To guide development of the area and the urban reserve areas to the east and southeast, the City of Wilsonville adopted the Frog Pond Area Plan in November 2015. The Frog Pond Area Plan envisions that: “The Frog Pond Area in 2035 is an integral part of the Wilsonville community, with attractive and connected neighborhoods. The community’s hallmarks are the variety of quality homes; open spaces for gathering; nearby services, shops and restaurants; excellent schools; and vibrant parks and trails. The Frog Pond Area is a convenient bike, walk, drive, or bus trip to all parts of Wilsonville.”

As a follow up to the Area Plan and in anticipation of forthcoming development, in July 2017 the City of Wilsonville adopted the Frog Pond West Master Plan for the area within the UGB. To guide development and implement the vision of the Area Plan, the Master Plan includes details on land use (including residential types and unit count ranges), residential and community design, transportation, parks and open space, and community elements such as lighting, street trees, gateways, and signs. The Master Plan also lays out the infrastructure financing plan.

The proposed 17-lot subdivision is the twelfth development proposal in Frog Pond West. It will connect to the previously approved Frog Pond Overlook subdivision to the north, and the Morgan Farm subdivision and primary school site to the south, resulting in one cohesive neighborhood consistent with the Frog Pond West Master Plan.

All property owners and a majority of electors located within the annexation area have consented in writing to the annexation.

Conclusion and Conditions of Approval:

Staff recommends the City Council annex the subject property with the following condition:

Request: Annexation (ANNX23-0001)

<p>PDA 1.</p>	<p><u>Prior to Issuance of any Public Works Permits by the City within the Annexation Area:</u> The developer shall be subject to a Development and Annexation Agreement with the City of Wilsonville as required by the Frog Pond West Master Plan. The developer shall enter into the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.</p>
<p>PDA 2.</p>	<p><u>Prior to Final Filing of the Annexation:</u> The applicant either shall provide the City with a plan to remove and properly dispose of the hazard Trees #10718, #10744, and #10749, or enter into an agreement with the City to carry out the removal and disposal at the applicant’s expense. See Finding A9.</p>

Findings of Fact:

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 and initiated the application.

Request: Annexation (ANNX23-0001)

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

Comprehensive Plan-Annexation and Boundary Changes

Consistent with Future Planned Public Services Implementation Measure 2.2.1.a.

A1. The Frog Pond West Master Plan establishes the future planned public services and funding plan for the subject property. The development of public services and funding will be consistent with the Frog Pond West Master Plan thus allowing the annexation to proceed. Sullivan Homes LLC and the City will enter into a Development and Annexation Agreement detailing provision and development of public services as required by Conditions of Approval.

Demonstrated Need for Immediate Urban Growth Implementation Measure 2.2.1.a.

A2. Metro brought the subject area into the Urban Growth Boundary (UGB) in 2002 to meet demonstrated regional housing needs. With adoption for the Frog Pond West Master Plan the subject area is now primed for development to help meet regional housing needs.

Adherence to State and Metro Annexation Laws and Standards Implementation Measure 2.2.1.e.

A3. This review applies all applicable Metro and State rules, regulations, and statutes as seen in findings below.

Orderly, Economic Provision of Public Facilities and Services
Implementation Measure 2.2.1.e. 1.

- A4. The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposes site development with concurrent applications for Stage 1 and Stage 2 Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the subject site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years
Implementation Measure 2.2.1.e. 2.

- A5. The inclusion of the Frog Pond area within the UGB and the adoption of the Frog Pond Area Plan demonstrate the need for residential development in the Frog Pond area. Annexation of the subject site will allow development of the uses envisioned by the adopted Frog Pond West Master Plan.

Wilsonville Development Code-Annexation

Authority to Review Quasi-Judicial Annexation Requests
Subsections 4.030 (.01) A. 11., 4.031 (.01) K, 4.033 (.01) F., and 4.700 (.02)

- A6. Review of the quasi-judicial annexation request by DRB and City Council is consistent with the authority established in the Development Code.

Procedure for Review, Etc.
Subsections 4.700 (.01). and (.04)

- A7. The submission materials from the applicant include an annexation petition signed by the necessary parties, a legal description and map of the land to be annexed, and a narrative describing conformance with applicable criteria. City Council, upon recommendation from the DRB, will declare the subject property annexed.

Adoption of Development Agreement with Annexation
Subsection 4.700 (.05)

- A8. Subject to requirements in this subsection and the Frog Pond West Master Plan, Conditions of Approval require the necessary parties enter into a Development and Annexation Agreement with the City covering the annexed land.

Wilsonville Code-Public Health and Welfare-Nuisances

Creating a Hazard
Subsection 6.208 (1) (c)

- A9. Subsection 6.208 (1) (c) of the Wilsonville Code states, in part, that no person shall create a hazard by maintaining filth, rubbish, waste material, and any other substance which may

endanger or injure neighboring property, passersby, or the health, safety or welfare of the public. With respect to the subject property, 55 trees are proposed to be removed, including Tree #10718, an on-site Oregon white oak that has been confirmed to be infested by Mediterranean oak borer (MOB), and Trees #10744 and #10749, also Oregon white oaks, that are suspected of MOB infestation. If these trees are not removed from the subject property and disposed of appropriately, they can be considered to create a hazard that may endanger or injure neighboring property, were the MOB in the trees to infest other Oregon white oaks in Frog Pond West. Further, failure to remove the infested trees may produce dead and decaying trees and limbs that may affect the health, safety and welfare of the public in proximity to the trees. The City places particular value on Oregon white oaks, native yews, and other species of historic significance to the City and Willamette Valley, and prioritizes their protection and preservation. For these reasons, a Condition of Approval requires that prior to final filing of the annexation, the applicant either will provide the City with a plan to remove and properly dispose of the hazard Trees #10718, #10744 and #10749, or enter into an agreement with the City to carry out the removal and disposal at the applicant's expense.

Metro Code

Local Government Boundary Changes
Chapter 3.09

A10. The request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, and is consistent with both the Comprehensive Plan and the Frog Pond West Master Plan.

Oregon Revised Statutes (ORS)

Authority and Procedure for Annexation
ORS 222.111

A11. The request meets the applicable requirements in State statute including the facts that the subject property is within the UGB and is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and a majority of electors within the annexed area consent in writing to the annexation.

Procedure Without Election by City Electors
ORS 222.120

A12. The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable requirements in State statute including the facts that all property owners and a majority of electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

Annexation by Consent of All Owners and Majority of Electors
ORS 222.125

A13. All property owners and a majority of electors within the annexed area have provided their consent in writing. However, the City is following a public hearing process as prescribed in the City's Development Code concurrent with a Zone Map amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

Planning Goals – Generally

Goals 1, 2, 5, 6, 8, 9, 11, 12, 13, 14

A14. The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both of which have been found to meet the Statewide Planning Goals.

Housing

Goal 10

A15. The proposed Comprehensive Plan map amendments will continue to allow the City to meet its housing goals and obligations reflected in the Comprehensive Plan. Specifically:

- The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.
- Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
- If Wilsonville grows faster than the Metro forecast, based on historic City growth rates, the City will run out of residential land before 2030.
- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City has completed the master planning process for the Frog Pond East and South neighborhoods to ensure that additional residential land is available within the City. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.
- Wilsonville is meeting Statewide Planning Goal 10 requirements to "provide the opportunity for at least 50 percent of new residential units to be attached single

family housing or multiple family housing” and to “provide for an overall density of 8 or more dwelling units per net buildable acre.”

- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related Zone Map Amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing urban growth boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be a mix of attached and detached units, and the approval will allow middle housing consistent with House Bill 2001 and newly implemented City code to allow middle housing types.
- The proposal directly impacts approximately 1.0% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 5.00 of 477 acres).