

ORDINANCE NO. 865

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE FUTURE DEVELOPMENT AGRICULTURAL – HOLDING (FDA-H) ZONE TO THE PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONE ON APPROXIMATELY 0.55 ACRE LOCATED AT 28505 SW BOONES FERRY ROAD; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 800, SECTION 14A, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. DAVIDSONS BOONES FERRY INDUSTRIAL LLC, OWNER/APPLICANT.

WHEREAS, Davidsons Boones Ferry Industrial LLC (“Applicant”) has made a development application requesting, among other things, a Zone Map Amendment of the real property (“Property”) within the City of Wilsonville; and

WHEREAS, the development application form has been signed by William “Gregg” Davidson, owner of the Property legally described and shown in Exhibit A, attached hereto and incorporated by reference herein; and

WHEREAS, the City of Wilsonville desires to have the Property zoned consistent with the Wilsonville Comprehensive Plan Map designation of “Industrial”; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board Panel ‘B’ on July 18, 2022, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment; and

WHEREAS, Development Review Board Panel ‘B’ held a public hearing on the application for a Zone Map Amendment, among other requests, on July 25, 2022, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 404, attached hereto and incorporated by reference herein as Exhibit C, which recommends City Council approval of the Zone Map Amendment request (Case File No. ZONE22-0001; see DB22-0001) and adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on August 1, 2022, 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 Panel ‘B’, including the Development Review Board Panel ‘B’ 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:

Section 1. The City Council adopts, as findings and conclusions, the foregoing Recitals and the Zone Map Amendment findings in Exhibits B, as if fully set forth herein.

Section 2. The official City of Wilsonville Zone Map is hereby amended by Zoning Order ZONE22-0001, attached hereto as Exhibit A, from the Future Development Agricultural – Holding Zone to the Planned Development Industrial (PDI) Zone.

Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this 1st day of August, 2022, and scheduled the second reading on the 15th day of August, 2022 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 15th day of August, 2022, by the following votes:

Yes: 5 No: 0

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 15th day of August, 2022

DocuSigned by:

8A974AF3ADE042E...

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

EXHIBITS:

- A. Ordinance No. 865 Exhibit A – Zoning Order ZONE22-0001 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Ordinance No. 865 Exhibit B – Compliance Findings
- C. Ordinance No. 865 Exhibit C – DRB Resolution No. 404 Recommending Approval of Zone Map Amendment

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

In the Matter of the Application of)
Davidsons Boones Ferry Industrial LLC)
for a Rezoning of Land and Amendment) **ZONING ORDER ZONE22-0001**
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 ZONE22-0001, 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 as Future Development Agricultural – Holding (FDA-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 0.55 acre located at 28505 SW Boones Ferry Road comprising Tax Lot 800 of Section 14A, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Planned Development Industrial (PDI), 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.

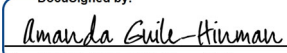
Dated: This 15th day of August, 2022.

DocuSigned by:

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JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

DocuSigned by:


Amanda Guile-Hinman, City Attorney

ATTEST:

DocuSigned by:
Kimberly Veliz
E781DE10276B498

Kimberly Veliz, City Recorder

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



1815 NW 169th Place, Suite 2090
Beaverton, OR 97006
Telephone: 503-848-2127



Clinton H. Stubbs Jr.



RENEWS: 06/30/22

Exhibit A

SW Boones Ferry Road

(Zone Boundary Change)

May 6, 2022

NWS Project Number 2354

A tract of land being that property conveyed to Davidsons Boones Ferry Industrial, LLC by a deed recorded on September 17, 2021, as Documents Number 2021-085059, Clackamas County Deed Records (Tax Lot 800 Map 3-1W-14A), also being a portion of Lot 9 of "Boberg", located in the northeast one-quarter of Section 14, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the southeast corner of Parcel 2 of Partition Plat No. 2020-034, said point being marked by a 5/8 inch iron rod with a yellow plastic cap stamped "Foster LS 1934", and being on the westerly right-of-way line of SW Boones Ferry Road (25.00 feet westerly from the centerline thereof, when measured at right angles); Thence along the westerly right-of-way line of said SW Boones Ferry Road, South 00°00'40" East 329.74 feet to the northeast corner of that property described in said Document Number 2021-085059, and the Point of Beginning;

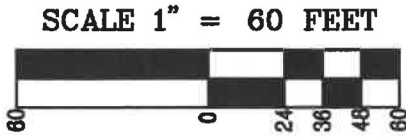
Thence continuing along said westerly right-of-way line of SW Boones Ferry Road, South 00°00'40" East 75.34 feet to the northeast corner of that property conveyed to Davidsons Boones Ferry Industrial, LLC by a deed recorded on September 17, 2021, as Documents Number 2021-085079, Clackamas County Deed Records (Tax Lot 900 Map 3-1W-14A); Thence along the north line of said Tax Lot 900, South 89°30'45" West 314.93 feet to the northwest corner thereof, said point also being located on the easterly line of Parcel II of that property conveyed to Walnut Mobile Home Park, LLC by a deed recorded on May 2, 2013, as Document Number 2013-030203; Thence along the easterly line of said Parcel II, North 00°00'15" West 75.34 feet to a point located on the southerly line of Parcel I of said Document Number 2013-030203; Thence along the southerly line of said Parcel I, North 89°30'45" East 314.92 feet to the Point of Beginning.

The above described tract contains 0.545 acres, more or less.

The basis of bearings for this description is Survey Number 24055, Clackamas County Survey Records.

EXHIBIT B

LOCATED IN THE NE 1/4 OF SECTION 14,
TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.,
CITY OF WILSONVILLE,
CLACKAMAS COUNTY, OREGON
DATE: MAY 6, 2022



PARCEL 2
PARTITION PLAT NO. 2020-034

TAX LOT 600
MAP 3-1W-14A

POINT OF COMMENCEMENT

PARCEL 1
DOC NO. 2013-030203

POINT OF BEGINNING

S00°00'40"E
329.74'
25' 25'

DOC NO.
2021-085059

N89°30'45"E 314.92'

TAX LOT 800
MAP 3-1W-14A

ZONE CHANGE
BOUNDARY

ZONE CHANGE AREA
23,725 SQUARE FEET

S00°00'40"E 75.34'

S89°30'45"W 314.93'

TAX LOT 700 MAP 3-1W-14A
PARCEL II
DOC NO. 2013-030203

N00°00'15"W 75.34'

TAX LOT 900
MAP 3-1W-14A

DOC NO. 2021-085079

RIGHT-OF-WAY CENTERLINE

RIGHT-OF-WAY LINE

25' 25'
SW BOONES FERRY ROAD
(FRONTAGE ROAD)
25' 25'

INTERSTATE HIGHWAY 5

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/22

PREPARED FOR:

DAVIDSONS CONSOLIDATED
8915 SW COMMERCIAL #38
TIGARD, OR 97223

JOB NAME:	DAVIDSONS
JOB NUMBER:	2354
DRAWING NUMBER:	2354 ZONING
DRAWN BY:	BJA
CHECKED BY:	CHS

NORTHWEST
SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsrvy.com



Ordinance No. 865 Exhibit B
Zone Map Amendment Findings

Wilsonville Industrial Yard

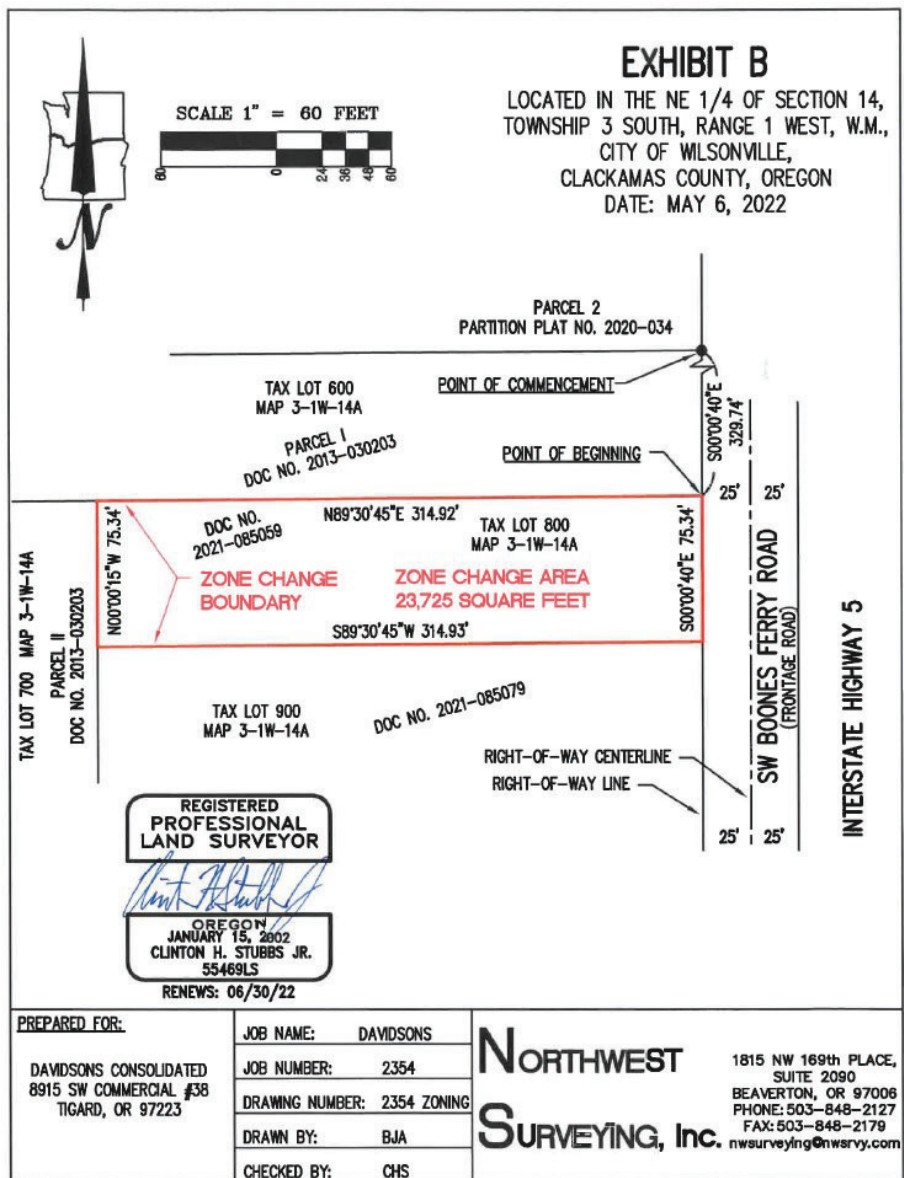
City Council
Quasi-Judicial Public Hearing

Hearing Date:	August 1, 2022
Date of Report:	July 18, 2022
Application No.:	ZONE22-0001 Zone Map Amendment
Request:	The request before the City Council is a Zone Map Amendment for approximately 0.55 acre.
Location:	28505 SW Boones Ferry Road. The property is specifically known as Tax Lot 800, Section 14A, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon
Owner/Applicant:	Davidsons Boones Ferry Industrial LLC (Contact: William “Gregg” Davidson)
Applicant’s Rep.:	AAI Engineering (Contact: Beth Zauner)
Comprehensive Plan Designation:	Industrial
Zone Map Classification (Current):	Future Development Agricultural – Holding (FDA-H)
Zone Map Classification (Proposed):	Planned Development Industrial (PDI)
Staff Reviewer:	Cindy Luxhoj AICP, Associate Planner
Staff/DRB Recommendation:	<u>Adopt</u> the requested Zone Map Amendment.

Applicable Review Criteria:

Development Code:	
Section 4.110	Zones
Section 4.135	Planned Development Industrial (PDI) Zone
Section 4.197	Zone Changes
Other Planning Documents	
Wilsonville Comprehensive Plan	

Vicinity Map



Summary:

Zone Map Amendment (ZONE22-0001)

The subject property, owned by Davidsons Boones Ferry Industrial LLC, is part of a land use application comprised of Tax Lots 800 and 900 located at 28505 and 28635 SW Boones Ferry Road, respectively. Tax Lot 800, the property subject to the Zone Map Amendment, includes 0.55 acre and is zoned Future Development Agricultural-Holding (FDA-H). The applicant proposes to rezone this tax lot from FDA-H to Planned Development Industrial (PDI) consistent with the Comprehensive Plan designation of Industrial. Tax Lot 900 includes 0.79 acre and is already zoned PDI.

Conclusion and Conditions of Approval:

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

Request: ZONE22-0001 Zone Map Amendment (DB22-0001)

This action recommends to the City Council adoption of the Zone Map Amendment for the subject properties. The Stage 1 Preliminary Plan (STG122-0001), Stage 2 Final Plan (STAG222-0001), and Site Design Review (SDR22-0001) are contingent on City Council action on the Zone Map Amendment (ZONE22-0001) request.	
PDA 1.	General: The proposed project shall be carefully designed to promote continuity in design with other development in Comprehensive Plan Area of Special Concern E (Area E) and sufficiently buffered to minimize disturbance for residents of the Walnut Mobile Home Park immediately north and west of the subject property. See Findings A1 through A4.
PDA 2.	General: The proposed project shall be designed to minimize traffic (truck) conflicts with residential activities, including pedestrians. See Finding A4.

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.

Request: ZONE22-0001 Zone Map Amendment (DB22-0001)

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

Comprehensive Plan

Areas of Special Concern-Area E-Summary and Special Considerations

A1. The subject property (Tax Lot 800) is located in Comprehensive Plan Area of Special Concern E (Area E), an area planned for industrial use bounded by SW Boeckman Road (north), SW Barber Street (south), SW Boones Ferry Road (east), and railroad tracks (west). As stated in the Comprehensive Plan, primary concerns for Area E relate to protection of the Walnut Mobile Home Park; specifically that "the life of the park can be prolonged through careful design considerations of surrounding development and doing so will help retain one of the City's affordable housing opportunities". The subject property shares its north and west boundaries with the mobile home park and, therefore, is subject to the specific design considerations of Area E. This requirement is or will be satisfied by Condition of Approval PDA 1.

Areas of Special Concern-Area E-Consolidation of Smaller Lots Design Objective 1

A2. The applicant proposes to develop two smaller lots (Tax Lots 800 and 900) as one consolidated Stage 1 Preliminary Plan consistent with this Design Objective.

Areas of Special Concern-Area E-Buffers to Mobile Home Park

Design Objective 2

- A3.** A condition of approval for the Zone Map Amendment is that the proposed project be carefully designed to promote continuity in design with other development in Area E and that adequate buffering be included in the site design to minimize disturbance for residents of the Walnut Mobile Home Park immediately north, west, and southwest of the subject property. This requirement is or will be satisfied by Condition of Approval PDA 1 (see Finding A1).

Areas of Special Concern-Area E-Minimize Traffic (Truck) Conflicts

Design Objective 3

- A4.** The applicant proposes one (1) driveway entrance on SW Boones Ferry Road, the centerline of which would be located within roughly 40 feet of the north property line shared with the adjacent Walnut Mobile Home Park. It is anticipated that there will be truck traffic associated with use of the site, an industrial storage yard for a range of possible businesses such as a construction company, agricultural services, property maintenance, or logistics, which include parking and storage of commercial vehicles and equipment. This use is expected to generate about 20 daily trips some of which are expected to be trucks and contractor fleet vehicles. To comply with this Design Objective, the proposed development must be designed to minimize truck traffic conflicts with residential activities, including pedestrians. This requirement is or will be satisfied by Condition of Approval PDA 2.

Development Code

Zoning Consistent with Comprehensive Plan

Section 4.029

- A5.** Concurrently with a Stage 1 Preliminary Plan for Tax Lots 800 and 900, the applicant is applying for a zone change from FDA-H to PDI for the north part of the site (Tax Lot 800) comprising 0.55 acre. This change is consistent with the Comprehensive Plan designation of Industrial. As discussed above, the subject property is located in Area E in the Comprehensive Plan, which requires special consideration to design of development surrounding the Walnut Mobile Home Park, adequate buffering, and reduced truck traffic conflicts with residential activities. This requirement is or will be satisfied by Conditions of Approval PDA1 and PDA2.

Base Zones

Subsection 4.110 (.01)

- A6.** The requested zoning designation of PDI is among the base zones identified in this subsection.

Standards for Planned Development Industrial Zone

Purpose of PDI

Subsection 4.135 (.01)

- A7.** The zoning will allow a variety of industrial operations and associated uses such as those proposed by the applicant consistent with the purpose stated in this subsection.

Uses Typically Permitted

Section 4.135 (.03)

- A8.** The applicant proposes to use the property as an industrial storage yard for a range of possible businesses such as a construction company, agricultural services, property maintenance, or logistics, which include parking and storage of commercial vehicles and equipment. This type of use could be considered “industrial services”, which is a permitted use in the PDI zone per Subsection 4.135 (.03) N. provided the use complies with all industrial performance standards, standards for outdoor storage, etc., of the zone.

Zone Change Procedures

Subsection 4.197 (.02) B. and C. 1.

- A9.** The request for a Zone Map Amendment has been submitted as set forth in the applicable code sections including Section 4.008, Subsection 4.197 (.02) B. and C. and Section 4.140.

Conformance with Comprehensive Plan Map, etc.

Subsection 4.197 (.02) C. 2.

- A10.** The proposed Zone Map Amendment is consistent with the Comprehensive Map designation of Industrial with consideration given to Design Objectives for Area E in the Comprehensive Plan (see Findings A1 through A4 and Conditions of Approval PDA1 and PDA2).

Public Facility Concurrency

Subsection 4.197 (.02) C. 4. and C. 8.

- A11.** Based on existing nearby utilities and utility master plans, and the Transportation System Plan, necessary facilities are or can be made available for development of the subject property consistent with the proposed zoning.

Impact on Significant Resource Overlay Zone (SROZ) Areas

Subsection 4.197 (.02) C. 5.

- A12.** No SROZ areas or identified natural or geologic hazards are located within the area to be rezoned.

Development within 2 Years

Subsection 4.197 (.02) C. 6.

- A13.** The applicant’s Code response narrative states a commitment to begin construction within two (2) years of approval of the Zone Map Amendment. In the scenario where the applicant

or their successors do not start development within 2 years, thus allowing related land use approvals to expire, the zone change shall remain in effect.

Development Standards and Conditions of Approval

Subsection 4.197 (.02) C. 7.

A14. As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 404**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM FUTURE DEVELOPMENT AGRICULTURAL-HOLDING (FDA-H) TO PLANNED DEVELOPMENT INDUSTRIAL (PDI) FOR 0.55 ACRE (TAX LOT 800), AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, AND SITE DESIGN REVIEW FOR A 54,664-SQUARE-FOOT INDUSTRIAL YARD. THE SUBJECT SITE IS LOCATED AT 28505 AND 28635 SW BOONES FERRY ROAD ON TAX LOTS 800 AND 900, SECTION 14A, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. BETH ZAUNER, AAI ENGINEERING – REPRESENTATIVE FOR DAVIDSONS BOONES FERRY INDUSTRIAL LLC – 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 the staff report on the above-captioned subject dated July 18, 2022, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on July 25, 2022, 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 July 18, 2022, 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 Zone Map Amendment Request (Case File No. ZONE22-0001) for:

DB22-0001: Stage 1 Preliminary Plan (STG122-0001), Stage 2 Final Plan (STG222-0001), and Site Design Review (SDR22-0001).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25th day of July, 2022, and filed with the Planning Administrative Assistant on July 26, 2022. 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)*.



Nicole Hendrix, Chair - Panel B
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant

