

ORDINANCE NO. 793

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM THE WASHINGTON COUNTY FUTURE DEVELOPMENT – 20 (FD-20) DISTRICT TO THE CITY OF WILSONVILLE INDUSTRIAL DESIGNATION ON APPROXIMATELY 10.2 ACRES COMPRISING TAX LOT 600 OF SECTION 2C, T3S, R1W, WASHINGTON COUNTY, OREGON AND ADJACENT RIGHT-OF-WAY, WILLAMETTE RESOURCE INCORPORATED, APPLICANT/OWNER.

RECITALS

WHEREAS, Willamette Resources Incorporated (“Applicant”) have made a development application requesting, among other things, a Comprehensive Plan Map Amendment of the Property; and

WHEREAS, the development application form has been signed by Jason Jordan, General Manager, on behalf of Willamette Resources Incorporated, owner of real property legally described and shown in Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, the City desires to also place a Comprehensive Plan designation on adjacent public right-of-way annexed into the City; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Comprehensive Plan Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Comprehensive Plan Map Amendment and recommending approval of the Comprehensive Plan Map Amendment, which staff report was presented to the Development Review Board on May 9, 2016;

WHEREAS, the Development Review Board Panel A held a public hearing on the application for a Comprehensive Plan Map Amendment on May 9, 2016, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 327 which recommends that the City Council approve a request for a Comprehensive Plan Map Amendment (Case File DB16-0005) contingent on the concurrent Annexation; and

WHEREAS, on June 6, 2016, 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

Attachment 1 – Comprehensive Plan Map Order DB16-0005 including legal description and sketch depicting map amendment.
Attachment 2 – Comprehensive Plan Map Amendment Findings, May 12, 2016.

ORDINANCE NO. 793– ATTACHMENT 1

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

In the Matter of the Application of)
Willamette Resources Incorporated)
for an Amendment) **COMPREHENSIVE PLAN MAP**
of the City of Wilsonville) **ORDER DB16-0005**
Comprehensive Plan Map)

The above-entitled matter is before the Council to consider the application of DB16-0005, for a Comprehensive Plan Map Amendment and an Order, amending the official Comprehensive Plan Map of the City of Wilsonville.

The Council finds that the subject property (“Property”), legally described and shown in the attached legal description and sketch, has heretofore appeared on the Washington County Comprehensive Plan Map with a designation of FD-20.

The Property is being annexed into the City of Wilsonville by Ordinance No. 792.

The Council having heard and considered all matters relevant to the application for a Comprehensive Plan 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 10.2 including tax lot 600 of Section 2C, T3S, R1W, Washington County, Oregon and adjacent right-of-way known as SW Garden Acres Road, as more particularly shown and described in the attached legal description and sketch, is hereby designated as Industrial, subject to conditions detailed in this Order’s adopting Ordinance. The foregoing designation is hereby declared an amendment to the Wilsonville Comprehensive Plan Map and shall appear as such from and after entry of this Order.

Dated: June 20, 2016.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Barbara A. Jacobson, City Attorney

ATTEST:

Sandra C. King, MMC, City Recorder

Attachment: Legal Description and Sketch Depicting Properties Subject to the Comprehensive Plan Map Amendment

EXHIBIT "A"

A TRACT OF LAND SITUATE IN THE SOUTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING LOT 12, OF THE PLAT OF "GARDEN ACRES", WASHINGTON COUNTY PLAT RECORDS AND A PORTION OF GARDEN ACRES ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GARDEN ACRES ROAD, SAID POINT BEARS SOUTH 89°41'03" WEST, A DISTANCE OF 20.00 FEET AND SOUTH 00°18'57" EAST, A DISTANCE OF 1652.60 FEET FROM THE QUARTER CORNER COMMON TO SECTIONS 2 AND 3, THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE ALONG A WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 12 AND THE NORTH LINE OF SAID LOT 12 NORTH 89°28'40" EAST, A DISTANCE OF 1344.33 FEET TO A 5/8" IRON ROD MARKING THE NORTHEAST CORNER OF SAID LOT 12; THENCE LEAVING SAID NORTH LINE ALONG THE EAST LINE OF SAID LOT 12, SOUTH 00°19'54" EAST, A DISTANCE OF 330.43 FEET TO A 3 1/2" BRASS CAP STAMPED "BONNIVILLE POWER ADMINISTRATION", MARKING THE SOUTHEAST CORNER OF SAID LOT 12; THENCE LEAVING SAID EAST LINE ALONG THE SOUTH LINE OF SAID LOT 12 AND A WESTERLY EXTENSION THEREOF SOUTH 89°28'40" WEST, A DISTANCE OF 1344.42 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF GARDEN ACRES ROAD; SAID POINT BEARS SOUTH 89°41'03" WEST, A DISTANCE OF 20.00 FEET AND NORTH 00°18'57" WEST, A DISTANCE OF 661.31 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 3, 2, 10 AND 11; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 00°18'57" WEST, A DISTANCE OF 330.43 FEET TO THE POINT OF BEGINNING.

CONTAINS 444,223 SQUARE FEET OR 10.198 ACRES, MORE OR LESS.

ANNEXATION CERTIFIED

BY VF

NOV 16 2015

WASHINGTON COUNTY A & T
CARTOGRAPHY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Tod V. Kelso
OREGON
JULY 15, 2003
TOD V. KELSO
50701

EXPIRATION DATE: 6/30/17

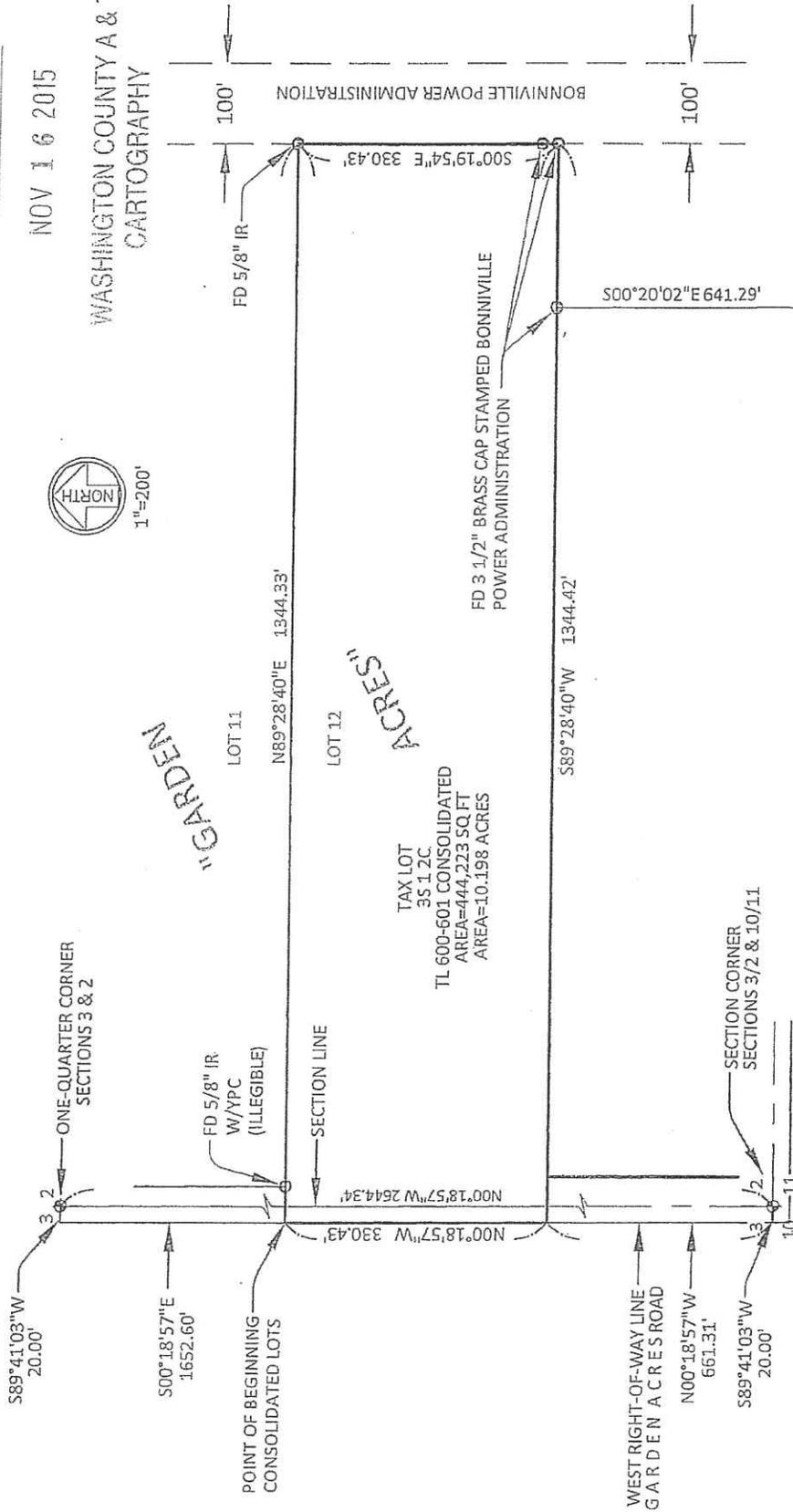
LOT CONSOLIDATION EXHIBIT

ANNEXATION CERTIFIED

BY *VF*

NOV 16 2015

WASHINGTON COUNTY A & T
CARTOGRAPHY



Project
REP. SERV. ANNEXATION

No.
999-158B

Designed by TVK
Drawn by TVK

Horiz. Scale: 1"=200'
Vert. Scale: 1"=200'

Type EXHIBIT

Date 2015-11-03
Date 2015-11-09

2015

9920 SW WASHINGTON SQUARE RD.
SUITE 170
PORTLAND, OREGON 97223
P 503.443.8200
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www.pdr-rosen.com

PIONEER DESIGN GROUP, INC.

Sheet
2 of 2

Ordinance No. 793
Staff Report
Wilsonville Planning Division

Republic Services Expansion
Comprehensive Plan Map Amendment

City Council
Quasi-Judicial Public Hearing

Hearing Date:	June 6, 2016
Date of Report:	May 12, 2016
Application Nos.:	DB16-0005 Comprehensive Plan Map Amendment

Request: The City Council is being asked to review a Comprehensive Plan Map Amendment from Washington County FD-20 to City of Wilsonville Industrial on approximately 10.2 acres of property owned by Republic Services to expand their campus and adjacent right-of-way.

Location: Segment of Garden Acres Road and a parcel east of Garden Acres Road north of current Republic Services buildings The property is specifically known as Tax Lots 600, Section 2C, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon

Owner/Petitioner: Jason Jordan, Willamette Resources Inc.

Applicants'

Representative: Ben Altman, Pioneer Design Group

Comprehensive Plan Designation (Current): FD-20

Comprehensive Plan Designation (Proposed): Industrial

Staff Reviewers: Daniel Pauly AICP, Associate Planner

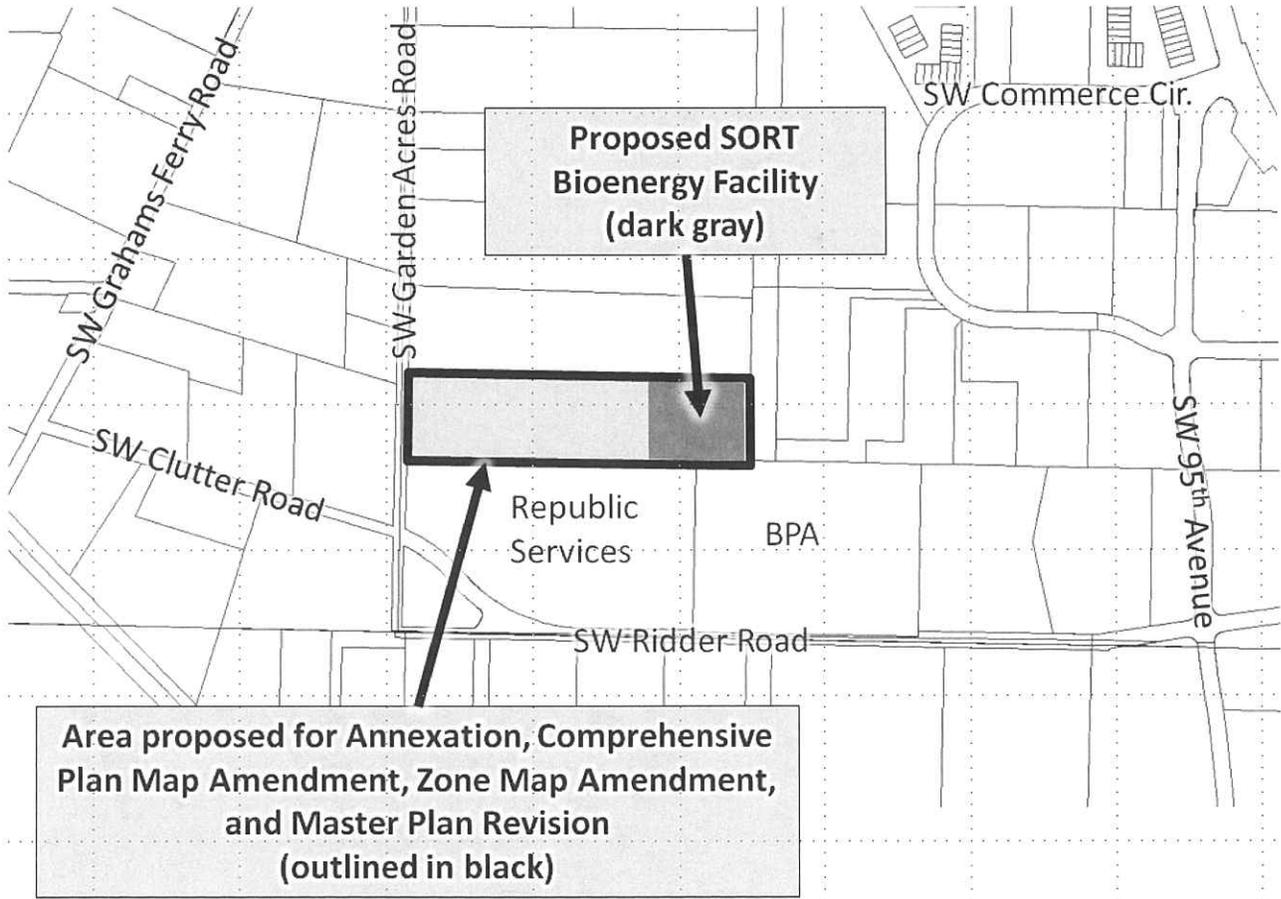
Staff Recommendation: Approve the requested Comprehensive Plan Map Amendment.

Applicable Review Criteria:

Development Code:	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement

Section 4.198	Comprehensive Plan Changes
Other Documents:	
Comprehensive Plan	
Oregon Statewide Planning Goals	

Vicinity Map



Background/Summary:

Republic Services has a growing operation in Wilsonville. The Wilsonville campus currently includes a Materials Recovery Facility (MRF) for processing and sorting waste, collection operations offices, maintenance shop, and storage and support services. Republic Services and their predecessor companies have owned 10 acres north of their campus for many years, which currently sits outside Wilsonville City limits. In support of their continued growth and requested annexation, Republic Services requests the City adopt an appropriate Comprehensive Plan designation.

The subject property is within the Coffee Creek Master Plan area. The Coffee Creek Master Plan calls for industrial development. Consistent with the Coffee Creek Master Plan Republic Services proposes the subject property be designated as "Industrial" on the City's Comprehensive Plan Map.

Conclusion and Conditions of Approval:

Staff and the DRB have reviewed the application and facts regarding the request and recommend the City Council approve the Comprehensive Plan Map Amendment (DB16-0005).

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on February 5, 2016. On March 2, 2016 staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On March 21, 2016 the Applicant submitted new materials. On April 19, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by August 17, 2016.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	FD-20	Rural
East:	PDI	Industrial Development
South:	PDI/PF	Republic Services/BPA Substation
West:	FD-20	Rural

3. Previous Planning Approvals:
Case File 91PC33 – Stage I Master Plan Willamette Resources
Case File 94DR18 – Site Design Review Willamette Resources
Case File 99DB03 – Site Design Review Keller Drop Box
Case File DB14-0032 Stage I Master Plan Revision
Case File DB14-0033 Stage II Final Plan for Maintenance Facility
Case File DB14-0034 Site Design Review for Maintenance Facility
Case File DB14-0035 Type C Tree Plan

4. The applicant has complied with Sections 4.008 through 4.011, 4.013-4.031, and 4.035 of the Wilsonville Code. Said sections pertain to review procedures and submittal requirements.

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

Review Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Finding: These criteria are met.

Details of Finding: The application is being processed in accordance with the applicable general procedures of this Section.

Initiating Application

Section 4.009

Review Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Finding: This criterion is satisfied.

Details of Finding: The application has been submitted on behalf of the property owner, Republic Services and is signed by an authorized representative.

Pre-Application Conference

Subsection 4.010 (.02)

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Details of Finding: A Pre-application conferences were held on October 16, 2014 (PA14-0015) in accordance with this subsection.

Lien Payment before Approval

Subsection 4.011 (.02) B.

Review Criterion: "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are

no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.”

Finding: This criterion is satisfied.

Details of Finding: No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements

Subsection 4.035 (.04) A.

Review Criteria: “An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.” Listed 1. through 6. j.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided all of the applicable general submission requirements contained in this subsection.

Zoning-Generally

Section 4.110

Review Criteria: “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

Finding: These criteria are satisfied.

Details of Finding: This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

Request: DB16-0005 Comprehensive Plan Map Amendment

Zoning and Land Development Ordinance

Comprehensive Plan Amendment Process

Procedures and Criteria in Comprehensive Plan

Subsection 4.198 (.01)

B1. Review Criteria: “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed map amendment is being reviewed against applicable Comprehensive Plan criteria, and procedures described in the Comprehensive Plan are being followed.

Review Bodies
Subsection 4.198 (.02)

- B2. Review Criteria:** “Following the adoption and signature of the Resolution by the Development Review Board or Planning Commission, together with minutes of public hearings on the proposed Amendment, the matter shall be shall be scheduled for public hearing before the City Council.”
Finding: These criteria are satisfied.
Details of Finding: The DRB and City Council are considering the matter as described.

Applicant Agreeing to Conditions of Approval
Subsection 4.198 (.05)

- B3. Review Criteria:** “In cases where a property owner or other applicant has requested an amendment to the Comprehensive Plan map and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the Comprehensive Plan map shall be changed.”
Finding: These criteria are satisfied.
Details of Finding: The owner will be required to sign a statement accepting any conditions.

Comprehensive Plan Amendment Required Findings

Meets Identified Public Need
Subsection 4.198 (.01) A.

- B4. Review Criteria:** “Each such amendment shall include findings in support of the following: That the proposed amendment meets a public need that has been identified;”
Finding: These criteria are satisfied.
Details of Finding: The Coffee Creek Master Plan has identified the subject territory as industrial land for needed employment land for the City and the region. Changing the Comprehensive Plan designation from Washington County’s current designation of FD-20 to the City designation of “Industrial” reflects the need established in the Coffee Creek Master Plan.

Meets Identified Public Need As Well As Reasonable Alternative
Subsection 4.198 (.01) B.

- B5. Review Criteria:** “Each such amendment shall include findings in support of the following: That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;”
Finding: These criteria are satisfied.
Details of Finding: As part of the Coffee Creek Master Plan, the subject land is identified for industrial development, thus no other City Comprehensive Plan Map designation is feasible upon annexation.

Supports Statewide Planning Goals
Subsection 4.198 (.01) C.

B6. Review Criteria: “Each such amendment shall include findings in support of the following: That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

Finding: These criteria are satisfied.

Details of Finding: The City of Wilsonville’s Comprehensive Plan and the Coffee Creek Master Plan have been found to be consistent with Statewide Planning Goals. By being consistent with the Comprehensive Plan and Coffee Creek Master Plan, the proposed Comprehensive Plan Map Amendment is also consistent with the Statewide Planning Goals.

No Conflict with Other Portions of Plan
Subsection 4.198 (.02) D.

B7. Review Criteria: “Each such amendment shall include findings in support of the following: That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”

Finding: These criteria are satisfied.

Details of Finding: The applicant is requesting an amendment of the Comprehensive Plan Map for the subject properties. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan or Plan Map. The “Industrial” designation reflects the Coffee Creek Master Plan, an adopted sub-element of the Comprehensive Plan.

Comprehensive Plan and Plan Components

For a majority of Comprehensive Plan Goals, Policies, and Implementation Measures compliance is ensured by the development code standards applied to any development on the proposed property. The following findings are limited to procedural language and Comprehensive Plan language without a clear relationship to implementing development code standards.

Initiating, Applying for, and Considering Plan Amendments

Who May Initiate Plan Amendments
Introduction Page 7 “Plan Amendments” 1.

B8. Review Criteria: “An Amendment to the adopted Plan may be initiated by: a. The City Council, b. The Planning Commission (for legislative amendments) or Development Review Board (for quasi-judicial amendments); or c. Application of property owner(s) or contract purchaser(s) affected or their authorized agents, as specified in #2 below.”

Finding: These criteria are satisfied.

Details of Finding: The property owner of the subject property initiated the proposed

amendment.

How to Make Application

Introduction Page 7 "Plan Amendments" 2.

B9. Review Criteria: "An application for an amendment to the Plan maps or text shall be made on forms provided by the City. The application, except when initiated by the City Council, DRB, or Planning Commission, as noted in #1, above, shall be accompanied by a Plan Amendment Fee.

Finding: These criteria are satisfied.

Details of Finding: The proposed amendment has been initiated by the property owner of the subject property who has submitted a signed application form provided by the City and paid the required application fee.

Consideration of Plan Amendments

Introduction Page 7 "Plan Amendments" 3.

B10. Review Criteria: This language specifies how the City should consider a plan amendment including: requiring the City Council consider a plan amendment only after receiving findings and recommendation from the Planning Commission or Development Review Board; having sufficient time before the first evidentiary hearing for public notice and staff report preparation, considering compliance with Statewide Planning Goals and applicable Metro Plans.

Finding: These criteria are satisfied.

Details of Finding: The City Council will consider the plan amendment only after receiving a recommendation from the Development Review Board.

Standards for Approval of Plan Amendments

Conformance with Other Portions of the Plan

Introduction Page 7 "Plan Amendments" 4. a.

B11. Review Criterion: "The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment."

Finding: This criterion is satisfied.

Details of Finding: The designation of newly annexed land consistent with the Coffee Creek Master Plan, an adopted sub-element of the Comprehensive Plan, does not create any conflicts with the portions of the plan not being considered for amendment.

Public Interest

Introduction Page 7 "Plan Amendments" 4. b.

B12. Review Criterion: "The granting of the amendment is in the public interest."

Finding: This criterion is satisfied.

Details of Finding: A public interest is being met by bringing industrial land into the City consistent with the Coffee Creek Master Plan. See also Finding B4.

Public Interest Best Served by Timing of Amendment
Introduction Page 7 "Plan Amendments" 4. c.

B13. Review Criterion: "The public interest is best served by granting the amendment at this time."

Finding: This criterion is satisfied.

Details of Finding: The timing of the amendment is appropriate. See Finding B5.

Factors to Address in Amendment
Introduction Page 7 "Plan Amendments" 4. d.

B14. Review Criterion: "The following factors have been adequately addressed in the proposed amendment:

- the suitability of the various areas for particular land uses and improvements;
- the land uses and improvements in the area;
- trends in land improvement;
- density of development;
- property values;
- the needs of economic enterprises in the future development of the area;
- transportation access;
- natural resources; and
- the public need for healthful, safe and aesthetic surroundings and conditions.

Finding: This criterion is satisfied.

Details of Finding: All of the listed items were considered in the Coffee Creek Master Plan, an industrial use is appropriate for the subject land consistent with the master plan.

Conflict with Metro Requirements
Introduction Page 7 "Plan Amendments" 4. e.

B15. Review Criterion: "Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements."

Finding: This criterion is satisfied.

Details of Finding: No conflicts with Metro requirements have been identified.

Public Notice Requirements
Introduction Page 8 "Plan Amendments" 5.

B16. Review Criterion: This language describes the noticing requirements implemented by the City's noticing requirements for quasi-judicial review.

Finding: This criterion is satisfied.

Details of Finding: Public hearing notices have or will be sent as required.

Land Use and Development

Balance of Different Land Uses

Goal 4.1 and Policy 4.1.1

B17. Review Criterion: “The City of Wilsonville shall make land use and planning decisions to achieve Goal 4.1: To have an attractive, functional, economically vital community with a balance of different types of land uses.”

Finding: This criterion is satisfied.

Details of Finding: The designation of newly annexed land as “Industrial” consistent with the Coffee Creek Master Plan, an adopted sub-element of the Comprehensive Plan, maintains the mix of land uses planned and for the City.

Favoring Capital Intensive Industries

Implementation Measure 4.1.3.c.

B18. Review Criterion: “Favor capital intensive, rather than labor intensive, industries within the City.

Finding: This criterion is satisfied.

Details of Finding: While it is unclear the mechanism to favor such industries, in accompanying applications the subject land is planned for capital intensive waste processing and support facilities.

Areas of Special Concern

Area H

B19. Review Criterion: “Note: the previous Area 8 has been replaced with Area H, dealing with the Day Road area, northwest of the current City limits, including the new State prison. This area is bordered by Clay and Day Roads on the north and railroad tracks on the west.

A master plan for this neighborhood will be needed to address property-owner concerns and mitigate the effects of the 110-acre prison development. The City is providing urban services to the prison prior to annexation, and expects to provide services to the entire area when it has been master planned and annexed.”

Finding: This criterion is satisfied.

Details of Finding: Area H has been further implemented by the Coffee Creek Master Plan of which the subject property is a part.

Coffee Creek Master Plan

Land Use

Table 1 Master Plan Summary, Page 2

B20. Review Criteria: This table identifies the land use for the Coffee Creek Master Plan as “Regionally Significant Industrial Area, allows light industrial with strict limits on non-industrial uses.”

Finding: These criteria are satisfied.

Details of Finding: The proposed Comprehensive Plan Map designation of “Industrial” allows for development of land uses consistent with the Coffee Creek Master Plan.

Metro Urban Growth Managements Functional Plan

Industrial and Other Employment Areas

Title 4

B21. Review Criteria: This title establishes the regional requirements for industrial and other employment areas including protection of regionally significant industrial areas for industrial development especially on large lots, and limits to retail uses in all industrial and employment areas.

Finding: These criteria are satisfied.

Details of Finding: Conformance with Title 4 is ensured by the development code standards applied to any development on the proposed property. The proposed Comprehensive Plan designation of “Industrial” and concurrent rezone to Planned Development Industrial Regionally Significant Industrial Area allowed the appropriate implementing development code standards to apply.