

AFFIDAVIT OF POSTING ORDINANCE #64

STATE OF OREGON            )  
                                  )  
Counties of Clackamas     )  
and Washington            )  
                                  )  
City of Wilsonville        )

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On Monday the 7th day of June, 1976, I caused to be posted copies of the attached Ordinance No. 64, an ordinance amending the zoning map of the City of Wilsonville (Application of Jack Kohl for Golden Villa 76-RZ-1) in the following three public and conspicuous places of the City, to wit:

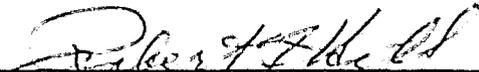
- 1) Wilsonville Post Office
- 2) Lowries Food Market
- 3) Kopper Kitchen

The notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 14th day of June, 1976.

Dated at Wilsonville, State of Oregon, this 7th day of June, 1976

  
DEANNA J. THOM - City Recorder

Subscribed and sworn to before me this 26th day of April, 1976

  
NOTARY PUBLIC FOR OREGON

My Commission expires: 11-11-78

ORDINANCE NO. 64

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE  
(Application of Jack Kohl for GOLDEN VILLA 76-RZ-1)

WHEREAS, an application was filed with the Wilsonville City Recorder by Jack Kohl, authorized agent of GOLDEN VILLA, owner of the hereinafter described property, to amend the zoning map of the City of Wilsonville for the purpose of changing classifications of the zone in which said real property is located from RA-1 (Rural Agricultural Zone) to MR-1 (Multi-family Zone), and the application fee as required by Section 17.01 of Ordinance No. 23 (the City's zoning ordinance) has been paid and file number 76-RZ-1 was assigned to the matter. The following is a description of the real property, which consists of approximately 3.11 acres, for which the application for zone change has been filed, to-wit:

Tax Lot 1100, Section 14, Township 3 South, Range 1 West,  
of the W. M., in Clackamas County, Oregon.

WHEREAS, the Wilsonville City Planning Commission scheduled and held a public hearing on this matter as required by Section 11.02 of zoning Ordinance No. 23, and said hearing commenced on Monday, March 8, 1976, and was continued and concluded on March 29, 1976, and notice of the time, place and purpose of said hearing was duly and regularly given by publication in the Tigard Times, a newspaper of general circulation in the City of Wilsonville, not less than five days prior to the date of the hearing, and by written notice mailed by the City Recorder to all owners of property within 250 feet of the exterior boundaries of the property affected not less than ten days prior to the date of the hearing. The notices, as published and mailed, were in accordance with the requirements of Section 14.01(1)(A) and (B) of the zoning Ordinance No. 23; and the newspaper's Affidavit of Publication and the City Recorder's Affidavit of Mailing are on file in the City Recorder's records and file of this zone change matter; and

WHEREAS, the Wilsonville City Planning Commission, at the time and place of the public hearing on such matter reviewed the application,

staff reports, and supportive material and heard and considered discussion for the proposed zone change and the plans and arguments of the proponents. There were no opponents and no objections to the proposed zone change. Upon conclusion of the hearing, by motion duly made, seconded and carried, the Planning Commission recommended to the Wilsonville City Council that the proposed zone change be approved; and

WHEREAS, the Wilsonville City Council scheduled a public hearing on this matter, which was duly and legally called and held on May 3, 1976, after proper notice thereof was first given in the manner and for the time required by Section 14.01 of said zoning Ordinance No. 23, and at said hearing both proponents and opponents were afforded an opportunity to voice their opinions on the proposed zone change and after due deliberation on the matter and consideration of the testimony at said hearing and further consideration of the report and recommendations of the City Planning Commission and its staff, the Council determined that:

1. The proposed zone change is in accordance with the existing zoning ordinance and conforms with the City's comprehensive plan, which indicates high density residential of 7.1 to 12.0 dwelling units per acre for this land area.

2. There is a public need for the change. More people will need housing due to the fact that Packwell Paper Co. and Tektronix have moved into the City along with other industry, and have already started to generate a growth in the City's population.

3. The public need is better served by a zone change on this particular piece of property rather than on other property and, in fact, there is no other property already zoned in the City for this type of use which also has the facilities of this property. At the present time, there is very little vacant land in the City zoned for multi-family residential purposes.

4. The proposed zone change will preserve and protect the health, safety and general welfare of the residents in the area. The zone change is in accordance with the City's general plan and its goals to insure a quality of life desired by all residents and to provide for the efficient use of land.

5. City water and sewer utility services are available to the property for multi-family residential development; adequate access exists via Wilsonville Road, which is a 60-foot right-of-way and already proposed for widening to 80 feet; Wilsonville Elementary School is approximately one-half mile to the east, with a somewhat greater enrollment capacity than it now has; and fire protection to the area is available from the Rural Fire Department, Wilsonville Sub-station, which is approximately one-half mile to the east on Wilsonville Road.

The Wilsonville City Council made the above determinations based on the following facts:

1. Zoning Ordinance No. 23 contemplates zoning amendments.

2. Intent of zoning Ordinance No. 23 is to fully utilize property to its highest and best use; and to develop the above described property under its present RA-1 zoning classification would be a gross misuse of land and public facilities which are not and cannot be economically developed under the present zoning classification.

3. The public need is better served by a zone change on this particular piece of property rather than on other property.

4. The proposed zone change will preserve and protect the health, safety and general welfare of the residents in the area.

5. The City's comprehensive development plan indicates the site has logical capacity for 7.1 to 12.0 dwelling units per acre, or a maximum of 37 units; and, under the existing RA-1 zone classification, only 3 units could be built. The site is also included in the suggested urban boundary by CRAG and also by the 1000 Friends of Oregon.

6. The property is the best available property to satisfy the public need for multi-family residential development in that area of the City or in any area in close proximity.

7. The change would be beneficial to the community and would not overburden the community in areas of education, sewer capacity, water service or traffic control.

8. The proposed zone change and property development therein will be generally healthful, safe and will conform to the existing surrounding conditions and will complement the Montebello Subdivision, which

is a single-family development to the north and a multi-family development on the east.

9. Development of the property and preservation of esthetic features can and will be controlled by the City's Design Review Board under existing City ordinances; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: That the Zoning Map of the City of Wilsonville dated June 1, 1971, and adopted as a part of the City's zoning Ordinance No. 23 adopted on the same date, shall be and the same is hereby amended and changed so that the zone boundaries of the MR-1 (Multi-family Zone) will now include the following described real property, to-wit:

Tax Lot 1100, Section 14, Township 3 South, Range 1 West,  
of the W. M., in Clackamas County, Oregon;

and upon the adoption of this Ordinance, said property shall thereupon be classified as MR-1 and not as an RA-1 zone.

Section 2: The Mayor by his signature attested by the City Recorder is hereby authorized and directed to make and sign the appropriate changes on the City's Zoning Map so that the above described real property of approximately 3.11 acres is included in the MR-1 zone and, as shown on the application for the zone change as submitted by Jack Kohl for GOLDEN VILLA, and approved after public hearing by the Wilsonville City Planning Commission.

Section 3: It being deemed by the Wilsonville City Council that an emergency exists, this Ordinance will take effect immediately upon its final reading and passing by the Wilsonville City Council.

Passed on first reading of the Wilsonville City Council at a regular meeting thereof on the 3rd day of May, 1976; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof on the 14th day of June, 1976, at the hour of 8:00 o'clock p.m. at the Wilsonville Grade School.

Phillip R. Balsiger  
PHILLIP R. BALSIGER - Mayor

ATTEST:

Deanna Thom  
DEANNA THOM - City Recorder

Passed on final reading at a regular meeting of the Wilsonville  
City Council this 14th day of June, 1976, by the following vote:

Yeas 5. Nays 0.

Phillip R. Balsiger  
PHILLIP R. BALSIGER - Mayor

ATTEST:

Deanna Thom  
DEANNA THOM - City Recorder