

AFFIDAVIT OF POSTING ORDINANCE #66

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 an oath depose and say:

On Monday the 27th day of September, 1976, I caused to be posted copies of the attached Ordinance No. 66, an ordinance approving a change in the development plan of "Wilsonville Square 76" and amending the City's comprehensive plan map, 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 5th day of October, 1976.

Dated at Wilsonville, State of Oregon, this 5th day of October, 1976.


DEANNA J. THOM, CITY RECORDER

Subscribed and sworn to before me this 3rd day of November, 1976



NOTARY PUBLIC FOR OREGON

My commission expires February 14, 1977

My commission expires: _____

ORDINANCE NO. 66

AN ORDINANCE APPROVING A CHANGE IN THE DEVELOPMENT PLAN OF "WILSONVILLE SQUARE 76"; AMENDING THE CITY'S COMPREHENSIVE DEVELOPMENT PLAN MAP; AND DECLARING AN EMERGENCY.

WHEREAS, the Comprehensive Development Plan Map for the City of Wilsonville designates for commercial development a certain plot of land, consisting of 33 acres, commonly designated as "Wilsonville Square 76"; and

WHEREAS, said property received its original zoning August 23, 1973, from the Planning Commission, and on October 15, 1973, the City Council approved the Plan Commercial and Industrial (P.C. and I.) Zone; and

WHEREAS, the applicant, Martin Witt, Jr. and Associates requested a plan change within Wilsonville Square 76 from six categories which include community commercial, service commercial, office, apartment, civic and park, to five categories consisting of traveler's retail, retail equipment, service shops, general commercial and multi-family; and

WHEREAS, the Wilsonville Planning Commission, before taking final action on said Application for plan change, conducted a public hearing on the matter, and said hearing was held on April 12, 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 hearing, and the newspaper's Affidavit of Publication is on file in the City Recorder's records and file of this matter; and

WHEREAS, the City Council on May 3, 1976, approved the following findings of the Planning Commission of April 12, 1976:

1. There is a change in the Comprehensive Plan, but the change is only within the designated boundaries of Wilsonville Square 76 on the Comprehensive Development Plan Map.

2. There is a public need for the change. During the Comprehensive Plan revision hearings, it was requested that the City be reduced in total population. The applicant's request is to convert some multi-family, high density areas to commercial use which would therefore eliminate part of the residential area, and therefore reduce population.

3. The area converted from multi-family to commercial development is best placed in the area as opposed to other available property. Wilsonville Square 76 is in the "old town" area of the City. It is better suited for commercial development than for residential development. The property is bordered by an industrial area to the north and west, freeway on the east, and residential to the south.

4. The proposed change enhances the health, safety and general welfare of the residents. The proposed change is an improvement of road alignment, planning control and development within the area; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The Comprehensive Development Plan Map of the City of Wilsonville dated December 22, 1975, as previously amended shall be and the same is hereby amended and changed again to conform to the revised map, a copy of which is attached hereto marked Exhibit "A" for identification purposes and expressly made a part of this Ordinance.

Section 2: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City's Comprehensive Development Plan Map to conform to Exhibit "A" and for the area of Wilsonville Square 76, the boundaries of which are described in the attached Exhibit "B".

Section 3: The Planning Commission shall first approve all uses of property in the Wilsonville Square 76, which is an area of

the City now designated by this Ordinance for PLANNED DEVELOPMENT. The uses of property shall follow as closely as possible the following RECOMMENDED USES for each of the various areas in the district, and developments within the area shall be governed by the PLANNED DEVELOPMENT REGULATIONS of ARTICLE 12 of Zoning Ordinance No. 23, the requirements of the Design Review Board Ordinance No. 38, and all other applicable Ordinances and Resolutions of the Wilsonville City Council. Any change of Recommended Use or similar type of Recommended Use from one area to another in the Wilsonville Square 76 shall first be approved by the Planning Commission.

RECOMMENDED USES

"GC" - "GENERAL COMMERCIAL"

Dept. stores	Hardware
Retail stores	Sporting goods
Financial institutions	Variety
Florist	Shoe repair
Pet shop	Art supplies, retail
Film exchange	Interior decorating shop
Photo shop	General offices
Photographer	Professional clinics
Business machines sales & Serv.	Professional offices
Cleaning & pressing establishments.	Paint store, retail
Custom tailoring & dressmaking	Optometrist & Optician
Furniture store	Health salon
Household machines, sales & serv.	Radio & t.v. studio
Watch & clock repair	Restaurant
Bakery, retail	Tavern, bar, lounge
Barber	Theater
Beauty Parlor	Food lockers
Bookstore	Jewelers
Confectionary	Gift shop
Delicatessen	Millinery
Drug store	Music shop
Dry goods	Apparel
Groceries, meat, fruit, veg.	Stationery

"TR" - "TRAVELERS RETAIL"

Motels
Restaurants
Fast food
Gas stations
Auto repair garage
Car wash
Offices

"SS - "SERVICE SHOPS"

Printers shop
Upholstery shop
Sign shop
Laundry & cleaners
Appliance repair shop
Power equip. sales & serv.
Gunsmith or locksmith
Heating & air cond. shop
Plumbing shop
Cabinet shop
Contractors & subcontractors
Boat & trailer storage
General or mini-storage

"RE" - "RETAIL EQUIPMENT"

Automobile sales & serv.
Truck sales & serv.
Motorcycle sales & serv.
Boat sales & serv.
Tire sales
Travel trailer sales & serv.
Camper sales
Farm implement sales & serv.
Garden supplies & equipment
Building materials, retail
Feed sales, retail
Rent-all

"MF" - "MULTI-FAMILY"

Townhouses
Apartments
Condominiums

Section 4: Retail equipment utilization shall be contingent upon the user having satisfied the Planning Commission and Design Review Board that buildings will be appropriately sited and that adequate planning and landscaping will be installed to present a pleasing and harmonious appearance from public ways and streets.

Section 5: Inasmuch as it is necessary for the peace, health and safety of the people of the City of Wilsonville and to comply with statutory directives to maintain the legislative integrity of the City's Comprehensive Plan, an emergency is hereby declared to exist, and this Ordinance shall be effective immediately upon its final reading and passage by the Council.

Passed on first reading of the Wilsonville City Council at a regular meeting of the Council on the 7th day of September, 1976;

ordered posted as provided by the Wilsonville City Charter; and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on Monday, October 4, 1976, at the hour of 7:30 p.m. at the Wilsonville Grade School.



PHILLIP R. BALSIGER - Mayor

ATTEST:



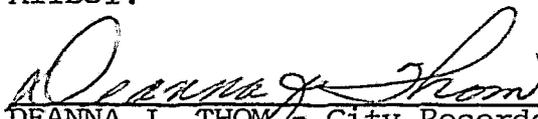
DEANNA J. THOM - City Recorder

Passed on final reading of the Wilsonville City Council at a regular meeting thereof held on the 5th day of October, 1976, by the following vote: Yeas 5. Nays 0.

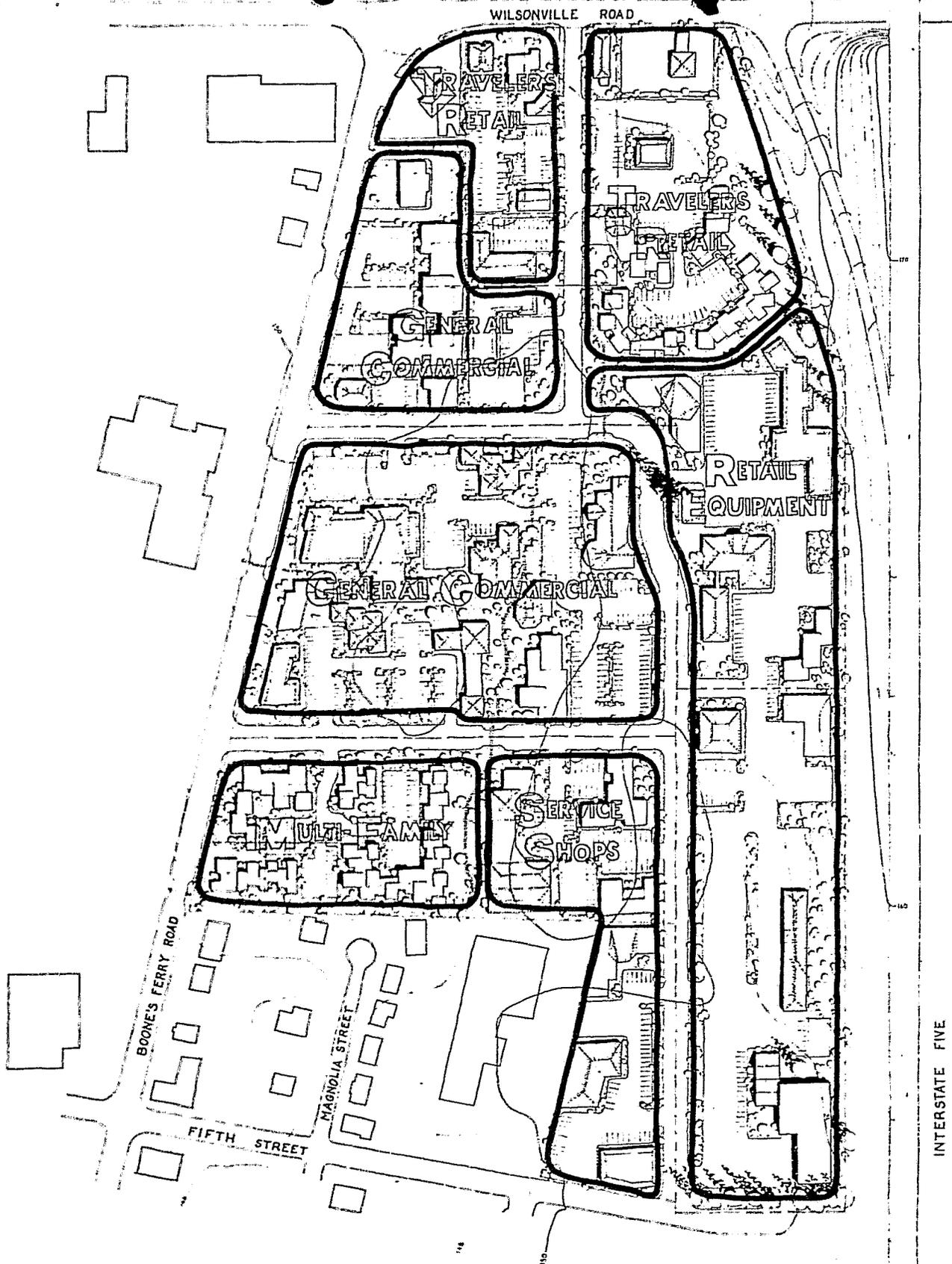


PHILLIP R. BALSIGER - Mayor

ATTEST:

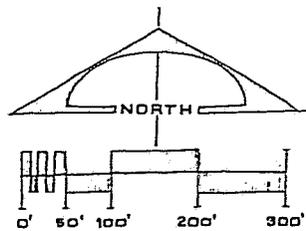


DEANNA J. THOM - City Recorder



USE DIAGRAM

WILSONVILLE SQUARE 76



FEBRUARY 1976
MARVIN WITT JR. AIA & ASSOC.

EXHIBIT "B"

WILSONVILLE SQUARE 76

Description

A parcel of land being in the Northeast one-quarter of Section 23, T.3S., R.1W., Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at a point that is North $89^{\circ}57'50''$ West, 1072.50 feet, South $0^{\circ}07'50''$ West, 1072.50 feet and South $89^{\circ}50'$ West, 341.2 feet from the Northeast corner of said Section 23, said point being on the westerly right of way of Pacific Highway (Interstate Hwy. No. 5), and also being the Northeast corner of that parcel described in Book 531, Page 444, Clackamas County deed records;

Thence along said right of way and the East line of said Book 531, Page 444, South $0^{\circ}03'30''$ East, 825 feet more or less to the Southeast corner of said parcel described in Book 531, Page 444;

Thence along the South line of said Book 531, Page 444, South $84^{\circ}15'$ West, 272.15 feet to the East line of the Thomas Bailey D.L.C. #45 and the Southwest corner of said Book 531, Page 444;

Thence along the East line of said D.L.C. #45, North $0^{\circ}28'$ West, to the Southeast corner of that parcel of land recorded in Book 304, Page 540, said point also being at the intersection of the northerly right of way of Fifth Avenue and the East line of said D.L.C. #45;

Thence along the northerly right of way of said Fifth Avenue, and the westerly line of said Book 304, Page 540, to the easterly line of Block "B" of the plat of Wilsonville as recorded in Book 7, Page 27, Clackamas County deed records, said point also being on the westerly line of the vacated portion of Fir Avenue as recorded in Book 656, Page 859, Clackamas County deed records;

Thence along the easterly line of Block "B" of said Wilsonville plat and the westerly line of said vacated Fir Avenue, North $11^{\circ}45'$ East, 405.85 feet to the northerly line of said Wilsonville plat;

Thence along the North line of said Wilsonville plat, West 586.65 feet to the easterly right of way line of Boones Ferry Road, (Market Road No. 27) and the Southwest corner of that tract of land recorded in Book 467, Page 484, Clackamas County deed records;

Thence along the easterly right of way of said Boones Ferry Road, North $11^{\circ}55'$ East, 286.30 feet to the northerly line of that tract of land recorded in Ordinance No. 74-10413;

Thence continuing along said easterly right of way North $13^{\circ}15'$ East, to the beginning point of a 161.09 radius curve to the right, as recorded in Book 185, Page 421, said point also being on the westerly line of that parcel recorded in Ordinance No. 74-30872 Clackamas County deed records;

Thence along said 161.09 foot radius curve to the right through a central angle of $76^{\circ}46'$ a distance of 215.83 feet to a point on the southerly right of way of Market Road No. 12, said point also being 30 feet, when measured at right angles, from the centerline of said Market Road No. 12;

Thence along the southerly right of way of said Market Road No. 12 to a point on the West line of that parcel of land recorded in Book 432, Page 230, Clackamas County deed records, said point being 30 feet from the centerline of said Market Road No. 12, and on the westerly right of way of Pacific Highway (Interstate Hwy. #5);

Thence along the West line of said Book 432, Page 230, and the West line of said Pacific Highway, South 10.0 feet to a point as recorded in Book 613, Page 645, Clackamas County deed records;

Thence continuing along the West line of said Pacific Highway right of way, southeasterly to a point which is 80 feet southerly of the southern most point of that parcel recorded in Book 452, Page 485, Clackamas County deed records, said point also being on the West line of said Pacific Highway;

Thence continuing along the West line of said Pacific Highway right of way South $0^{\circ}03'30''$ East, to the Northeast corner of that parcel recorded in Book 531, Page 444, Clackamas County deed records and the point of beginning.