

ORDINANCE NO. 72

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE
(Application of Land Amer Realty, Inc.)

WHEREAS, an Application was filed with the Wilsonville City Recorder by Land Amer Realty, Inc., owner of the hereinafter described property, to amend the Zoning Map of the City of Wilsonville for the purpose of changing the classification of the zone in which the following described real property is located from RA-1 (Rural Agricultural) to C-1 (Limited Commercial) and C-2 (Community Commercial), and the Application fee as required by Section 17.01 of Ordinance No. 23 (the City's Zoning Ordinance) has been paid. The following is a description of the real property, Parcel I of which consists of approximately 8.7 acres and Parcel II of which consists of approximately 21.5 acres, for which the application for zone change was filed, to wit:

PARCEL I

Situate in the east half of Section 2, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being described as follows:

Beginning at a point which is North on the east line of said Section 2 a distance of 452.1 feet and S89° 30'00"W a distance of 610.0 feet from the east quarter corner of said Section 2, and running thence South parallel to said east section line a distance of 800.00 feet; thence S89°30'00"W parallel to the north property line a distance of 510.0 feet more or less to a point on the easterly right-of-way line of the R.H. Baldock Freeway; thence following said east right-of-way line a distance of 800.0 feet more or less; thence S89° 30'00"E a distance of 440.0 feet more or less to the point of beginning containing 8.7 acres more or less.

PARCEL II

Situate in the southeast quarter of Section 2, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being described as follows:

Beginning at a point on the east line of said Section 2, said point being S0°03'50"W a distance of 167.9 feet from the east quarter corner of said Section 2, and running thence S0°03'50"W on said east line a distance of 1,660.27 feet to the north right-of-way line of Stafford Road; thence S89°37'30"W on said right-of-way

line a distance of 119.41 feet; thence $N0^{\circ}22'30''W$ a distance of 10.0 feet; thence $N82^{\circ}11'41''W$ a distance of 180.0 feet more or less; thence $N0^{\circ}03'50''E$ parallel to the said east section line a distance of 212.64 feet; thence $S89^{\circ}30'00''W$ a distance of 200 feet; thence $S0^{\circ}03'50''W$ a distance of 185.0 feet more or less to the north right-of-way line of said Stafford Road; thence north westerly a distance of 296.5 feet to a point; thence northwesterly a distance of 211.46 feet to a point which is 415.0 feet east of Highway Station "L5", 414+50.0; thence northwesterly a distance of 304.36 feet to a point which is 270.0 feet east of Highway Station "L5", 411+75.0; thence northwesterly a distance of 270.77 feet to a point which is 235.0 feet east of Highway Station "L5", 409+00.0; thence northerly a distance of 90.0 feet; thence $N89^{\circ}30'00''E$ a distance of 510.0 feet more or less to a point; thence North parallel to the east line of said Section 2 a distance of 180.0 feet; thence $S89^{\circ}30'00''E$ a distance of 610.0 feet to the point of beginning containing 21.5 acres more or less.

WHEREAS, the Wilsonville City Planning Commission, before taking final action on said Application, and the proposed amendment, scheduled and held a public hearing on the matter as required by Section 11.02 of the Zoning Ordinance No. 23, and said hearing was held on September 29, 1976, and Notice of the time, place and purpose of said hearing was duly and regularly given by publishing in the Wilsonville Times, a newspaper of general circulation in the City of Wilsonville, not less than five days prior to the date of 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 10 days prior to the date of hearing as required by 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 City of Wilsonville Planning Commission at the time and place of the public hearing on such matter, i.e., September 29, 1976, heard and considered testimony regarding the proposed zone change, and upon conclusion of the hearing, by motion duly made, seconded and carried, recommended to the Wilsonville City Council that the proposed zone change be allowed, subject to conditions, so as to zone Parcel I as C-1 (Limited Commercial) and Parcel II as C-2 (Community Commercial); and

WHEREAS, the Wilsonville City Council considered the matter and the recommendations of the Planning Commission at a public hearing which was duly and legally called and held on November 1, 1976, after proper notice thereof was first duly given in the manner and for the time required by Section 14.01 of said Zoning Ordinance and ORS 227.260, and proof of the mailing of notice by the City Recorder to the property owners within 250 feet of the exterior boundaries of the affected property and by publication of notice of said hearing in the Wilsonville Times, a newspaper of general circulation printed and published in Wilsonville, Oregon, is on file in the office of Wilsonville City Recorder at the Wilsonville City Hall and is a part of the records and file of this matter; and

WHEREAS, proponents and opponents were heard regarding the proposed zone change at said hearing, and after further consideration of the matter and due deliberation on the report and recommendations of the City Planning Commission, the Wilsonville City Council by motion duly made, seconded and carried, determined as follows:

1. The proposed zone change is in accordance with the existing Zoning Ordinance and Comprehensive Plan.
2. There is a public need for the change.
3. The public need is better served by the proposed zone change on the subject property rather than on other property.
4. The change will preserve and protect the health, safety and general welfare of the residents in the area.

The Wilsonville City Council made the aforesaid findings based upon the following facts:

1. Zoning Ordinance No. 23 contemplates zoning amendments.
2. The intent of Zoning Ordinance No. 23 is to fully utilize property to its highest and best use.
3. The City's Development Plan and Map designate Parcel I as General Commercial and Parcel II as Service Commercial (freeway oriented). The requested zone change to C-1 (Limited Commercial)

and C-2 (Community Commercial), respectively, is in conformity with and will effectively implement the Development Plan and Map. The proposed use of the subject property would be for freeway and transportation oriented commercial establishments such as motels, restaurants, automobile and truck service centers, and truck distribution and sales. Such a use would provide commercial facilities for the motoring public, as envisioned by the Development Plan and Map. The Development Plan text proposes service centers at Interstate 5 freeway interchanges for motels, restaurants, automobile and truck centers, and other such large-site commercial users dependent upon easy access to freeway travelers.

4. There exists a present need for such services in a location convenient to the motoring public, as evidenced by a long list of businesses interested in locating in this area and close to freeway traffic.

5. The subject property is located in the northeast quadrant of the Stafford Road exit of the I-5 freeway. As such it is convenient to the motoring public and a logical place for such development. By restricting freeway oriented commercial uses to such compact areas surrounding major freeway interchanges the Plan's goal of avoiding strip commercial development may be realized.

6. The proposed zone change will not conflict with, but rather will compliment, the surrounding area. The Burns Brothers Truck Plaza complex is located to the immediate south of the subject property across Stafford Road. The property to the immediate north is vacant. Property to the east is outside of the city limits and is projected as urban residential on the general plan. The proposed development of the subject property will serve as a buffer between the freeway and the projected residential area.

7. Virtually all freeway interchanges from Portland to Wilsonville have heretofore been developed. The south interchange of Wilsonville is designated for other types of uses. General commercial and service commercial facilities which are motorist

oriented should be located at freeway interchanges. The subject property is the best available to meet the existing need for such facilities.

8. The proposed zone change will be beneficial to the community and will not overburden the community in areas of education, sewer capacity, water capacity and traffic control.

9. If granted subject to those conditions hereinafter set forth, the proposed zone change will be in conformance and consistent with the Zoning Ordinance, including the goals and policies for C-1 (Limited Commercial) and C-2 (Community Commercial) Districts; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: That the Zoning Map of the City of Wilsonville dated June 11, 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 C-1 (Limited Commercial) District shall now include the real property heretofore described as Parcel I, and upon the adoption of this Ordinance, said property shall thereupon be classified as C-1 and not as an RA-1 Zone, subject however to those conditions hereinafter set forth in Section 3 of this Ordinance.

Section 2: 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 C-2 (Community Commercial) District shall now include the real property heretofore described as Parcel II, and upon the adoption of this Ordinance, said property shall thereupon be classified as C-2 and not as an RA-1 Zone, subject however to those conditions hereinafter set forth in Section 3 of this Ordinance.

Section 3: The zone changes allowed by Section 1 and 2 of this Ordinance are expressly subject to the following conditions:

(1) A minimum average of 30% landscaping shall be

required, with no less than 20% landscaping on any single site; provided however that the Design Review Board shall be empowered to grant a variance from these limitations if, in its judgement, to do so would be consistent with the basic purposes of the Comprehensive Plan Map and text.

- (2) A maximum average of 30% building coverage shall be permitted, with no more than 35% building coverage on any single site; provided however that the Design Review Board shall be empowered to grant a variance from these limitations if, in its judgement, to do so will be consistent with the basic purposes of the Comprehensive Plan Map and text.
- (3) Upon presentation of the preliminary plat, applicants shall also present proposed Covenants, Conditions and Restrictions which shall encompass the requirements of Article XII (Planned Development Regulations) of Zoning Ordinance No. 23.
- (4) If there is found to exist a drainage problem upon the subject property, the matter shall be referred to the City Engineer for consideration of requiring dry wells, holding ponds or other appropriate remedies.
- (5) The parking of trucks and the storage of any and all equipment upon the subject property shall not be visible from the freeway.
- (6) Separate parcels within the subject property shall be served by interconnecting driveways.

Section 4: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the city's Zoning Map in compliance with the dictates of Sections 1 and 2 of this Ordinance.

Section 5: It being deemed by the Wilsonville City Council that an emergency exists, this Ordinance shall take effect immediately upon its final reading and passage by the Wilsonville City Council.

Passed on first reading of the Wilsonville City Council at a regular meeting thereof on the 6th day of December, 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 recessed regular meeting thereof on the 20th day of December, 1976, at the hour of 7:30 o'clock p.m., at the Wilsonville Grade School.


PHILLIP R. BALSIGER, MAYOR

ATTEST:


DEANNA THOM - CITY RECORDER

Passed on final reading at a recessed regular meeting of the Wilsonville City Council this 20th day of December, 1976, by the following vote:

Yeas 15. Nays 0.


PHILLIP R. BALSIGER, MAYOR

ATTEST:


DEANNA THOM - CITY RECORDER

AFFIDAVIT OF POSTING ORDINANCE #72

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

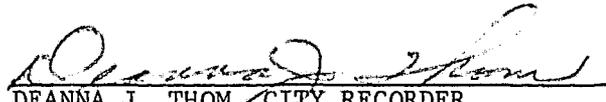
I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On Monday the 13th day of December, 1976, I caused to be posted copies of the attached Ordinance No. 72, an ordinance amending the zoning map of the City of Wilsonville (Application of Land Amer Realty, Inc.), in the following three public and conspicuous places of the City, to wit:

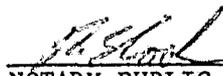
- 1) Wilsonville Post Office
- 2) Lowries Food Market
- 3) Kopper Kitchen

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 20th day of December, 1976.

Dated at Wilsonville, State of Oregon, this 20th day of December, 1976.


DEANNA J. THOM, CITY RECORDER

Subscribed and sworn to before me this 29th day of December, 1976


NOTARY PUBLIC FOR OREGON

My Commission Expires February 14, 1981
My Commission expires: _____