

AFFIDAVIT OF POSTING ORDINANCE #91

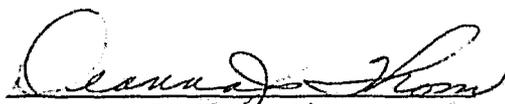
STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

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

On the 28th day of November, I caused to be posted copies of the attached Ordinance #91, an Ordinance amending the zoning map of the City of Wilsonville (Application of the Estate of Hardy S. Young), in the following four public and conspicuous places of the City, to wit:

Wilsonville Post Office
Wilsonville City Hall
Lowrie's Food Market
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 6th day of December, 1977.


Deanna J. Thom, City Recorder

Subscribed and sworn to before me
this 12 day of December, 1977.



NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: _____

My Commission Expires March 15, 1981

ORDINANCE NO. 91

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of the Estate of Hardy S. Young)

WHEREAS, an Application was filed with the Wilsonville City Recorder, by D. S. Young on behalf of the Estate of Hardy S. Young, owner of the hereinafter described property, for the purpose of changing the classification of the zone in which the real property is located from RA-1 (rural agricultural) to C-2 (community commercial district). 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, consisting of approximately 2.15 acres for which the application for a zone change was filed, to-wit:

Tax Lot 1400, located in Section 14D, T. 3S, R 1 W, W.M., Clackamas County, Oregon.

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 October 11, 1977, and Notice of the time, place and purpose of said hearing was duly and regularly given by publishing 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 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 public hearing on such matters, i.e., October 11, 1977, 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, so as to change the zoning of the property from RA-1 (rural agricultural) to C-2 (community commercial district); 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 7, 1977, after proper notice thereof was first duly given in the manner and for the time required by Section 14.01 of the 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 Tigard Times, a newspaper of general circulation 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 building that currently exists on the property has been in operation for several years, devoted solely to commercial use.
4. The site is compatible with the current comprehensive plan and is compatible with both Clackamas County and CRAG's comprehensive framework plan.
5. No expansion of the present use is anticipated at this time and therefore, PC&I zoning is unnecessary for the control of landscaping, traffic access, placement of building or aesthetic design.
6. Utilities are currently available to the site and in use.
7. To continue RA-1 (rural agricultural) zoning on the premises would classify the business as a nonconforming use in an RA-1 zone and therefore, place a hardship on the present owner and future buyers of the business. The proposed zone change is on a major arterial road that feeds the city center and serves the growing industrial area.
8. The proposed area to be re-zoned is not used for agricultural purposes and is the business and property of Silver Leaf Inn.
9. The development is compatible with the LCDC goal of utilizing urbanizable land for urban purposes.

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-2 (community commercial district) shall now include the real property heretofore described, and upon the adoption of this ordinance, said property shall thereupon be classified as C-2 (community commercial district) and not as an RA-1 (rural agricultural) zone.

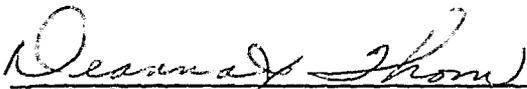
Section 2: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the city's zoning map in compliance with the dictates of Section 1 of this Ordinance.

Section 3: 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 special meeting thereof on the 21st day of November, 1977; 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 6th day of December, 1977, at the hour of 7:30 o'clock p.m., at the Wilsonville Grade School.


WILLIAM G. LOWRIE - Mayor

ATTEST:


DEANNA J. THOM - City Recorder

Passed on final reading at a regular meeting of the Wilsonville City Council this 6th day of December, 1977, by the following vote:
Yeas 4. Nays 0.


WILLIAM G. LOWRIE - Mayor

ATTEST:


DEANNA J. THOM - City Recorder