

AFFIDAVIT OF POSTING ORDINANCE #92

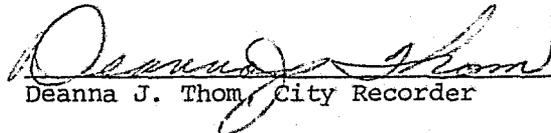
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
)
CITY OF WILSONVILLE)

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

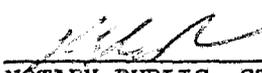
On the 13th day of February, I caused to be posted copies of the attached Ordinance #92, an Ordinance amending the zoning map of the City of Wilsonville (Application of Stewart H. Lindquist), in the following four public and conspicuous places of the City, to wit:

- 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 21st day of February, 1978.


Deanna J. Thom, City Recorder

Subscribed and sworn to before me this 13th day of March, 1978.



NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: _____
My Commission Expires February 14, 1981

ORDINANCE NO. 92

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of Stuart H. Lindquist).

WHEREAS, an application was filed with the Wilsonville City Recorder, by Stuart H. Lindquist on behalf of George and Betty Vlahos, husband and wife, and Richard and Grace Stangel, 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 R-7 (single family residential) and MR-1 (multifamily residential). 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 83.3 acres for which the application for a zone change was filed, to-wit:

DESCRIPTION FOR R-7 (single family residential)

PARCEL "A"

Beginning at an iron pipe which is 1452.0 feet North 00°03' East and 1265.15 feet North 89°25' East from the southwest corner of Section 13, Township 3 South, Range 1 West of the Willamette meridian, Clackamas County, Oregon; and running thence North 89°25' East 540.0 feet to a point; thence South 30°00' West 295.0 feet to a point; thence South 10°00' West 400.0 feet to a point; thence South 19°00' East 130.0 feet to a point; thence South 160.00 feet to a point; thence West 370.0 feet, more or less, to a point in the east line of that certain tract of land conveyed to the City of Wilsonville by deed recorded in Recorders fee No. 75-38028, Deed Records for Clackamas County, Oregon; thence North 00°03' East along said east line and extended 925.0 feet, more or less, to the point of beginning.

PARCEL "H"

Beginning at a point in the east-west centerline of Section 13, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, said point being 1135.20 feet South 89°25' West from the center of said Section 13, said point being also the northwest corner of that certain tract of land conveyed to Mike Miller by deed recorded in Book 224, Page 408, Deed Records for Clackamas County; and running thence North 89°25' East along the north line of said Miller tract 643.72 feet to the most northerly northeast corner thereof; thence South 00°06' 50" West along an east line of said Miller tract 411.91 feet to an iron rod; thence North 89°56'32" East along a north line of said Miller tract 730.0 feet, more or less, to a point of intersection with the centerline of Boeckman Creek; thence southeasterly along the centerline of Boeckman

Creek to its point of intersection with the east line of the aforesaid Miller tract; thence southerly along said east line to its point of intersection with Boeckman Creek; thence south-westerly along the centerline of Boeckman Creek to its point of intersection with the south line of the aforesaid Miller tract; thence South 89°25' West along said south line 1250.0 feet, more or less, to the southwest corner thereof; thence North 00° 03'26" West 1194 feet, more or less, to the point of beginning.

PARCEL "I"

Beginning at a 5/8 inch iron rod which marks the center of Section 13, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, said point being also the southeast corner of a certain parcel of land conveyed to George C. Vlahos and Betty L. Vlahos by deed recorded in Book 531, Page 81, Deed Records for Clackamas County; and running thence South 89°25' West along the line dividing the north half of Section 13, and the south half of Section 13, 1295.0 feet more or less, to an iron rod, said point being the southwest corner of the aforesaid Vlahos parcel; thence North 00°06'40" West along the west line of said Vlahos parcel 667.0 feet more or less, to the northwest corner thereof, said corner being also the southwest corner of tract 10 of BRIDLE TRAIL RANCHETTS; thence North 89°27' East along the south line of tracts 10 and 9 of said BRIDLE TRAIL RANCHETTS, 1255.0 feet more or less, to a point of intersection with the centerline of Boeckman Creek; thence southeasterly along the centerline of Boeckman Creek to its point of intersection with the line dividing the east and west halves of section 13; thence South 00°32' West along said dividing line 460 feet more or less to the point of beginning.

DESCRIPTION FOR MR-1 (multifamily residential)

PARCEL "B"

Beginning at a point in the south line of Section 13, Township 3 South, Range 1 West of the Willamette meridian, Clackamas County, Oregon which is 1264.69 feet North 89°19'15" East from the southwest corner of said section 13; and running thence North along the east line of that certain tract of land conveyed to the City of Wilsonville by deed recorded in Recorders fee No. 75-38028, Deed Records for Clackamas County, 530.00 feet; thence East 810.00 feet, more or less, to a point of intersection with the centerline of Boeckman Creek; thence Southerly along the centerline of Boeckman Creek to its point of intersection with the south line of the aforesaid section 13; thence South 89°19'15" West along said south line of section 13, 780.0 feet, more or less, to the point of beginning.

PARCELS "C" AND "D"

Beginning at a point which is 1452.0 feet North 0°03' East and 1805.15 feet North 89°25' East from the southwest corner of Section 13, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, said point being also a point in the South line of that certain tract of land conveyed to Mike Miller by deed recorded in Book 224, Page 408, Deed Records for Clackamas County, and running thence South 30° 00' West 295.00 feet to a point; thence South 10°00' West 400.0 feet to a point; thence South 19°00' East 130.0 feet to a point; thence South 160.0 feet to a point; thence East 440.0 feet, more or less, to a point of intersection with a centerline of Boeckman Creek; thence northeasterly along the centerline of Boeckman Creek to its point of intersection with the aforesaid south line of the Miller tract; thence South 89°25' West along said south line 840.00 feet, more or less, to the point of beginning.

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 12, 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., September 12, 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 R-7 (single family residential) and MR-1 (multifamily residential); 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 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.
5. The proposed zone changes conform to the goals and guidelines of the Land Conservation and Development Commission (LCDC).

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 proposed use results in an average density of 4.60 dwelling units per acre which is well within the density requirement set out in the Wilsonville general plan and zoning map as amended.
4. The Wilsonville area expects substantial increases in population.
5. There has been rapid expansion of business facilities which require housing for its employees. Recent developments, expected developments or businesses that will soon become operative include Tektronix, Pak-Well, Wilprin Warehouse, 1st National Bank of Oregon,

Burns Bros., United States National Bank, Edwards Industry, G. I. Joe's, Lowrie's Food Store, Pacific Plaza and Workman's Compensation Rehab. Center.

6. New employees working and living in the area will create a demand for other services, such as food, restaurants and gas stations which create still more jobs in the area which in turn will increase the demand for housing.

7. Portland State University Center for Population indicated a growth rate of over 30% from 1975 to 1976.

8. By the number of inquiries made to lending institutions and real estate agencies there appears to be a housing shortage.

9. The R-7 zoning allows for relatively high density close to the core area of the city. This is in conformance with the LCDC urbanization goal which calls for development within urban areas before conversion of urbanizable areas.

10. The change conforms to LCDC housing, implementation and guideline number 4 which seeks to encourage increased population densities in urban areas.

11. LCDC planning guideline number 2 calls for housing at all economic levels.

12. The proposed development is within one-half mile of the I-5 freeway on the main east-west arterial road which interchanges with the freeway. It is closest to the proposed city center. Also it is in an area contemplated to be developed residentially when the city center was moved to the east side of the freeway. Thus its location will facilitate the eastward extension of community services such as water and sewer. This conforms with the LCDC urbanization goal, calling for orderly and economic provision for public facilities and services.

13. The applicant is willing to bring water and sewer services to the property as set forth in the January 7, 1977 letter of Westech Engineering, Inc. The existing land use is undeveloped and at one

time was used for agricultural purposes; however, there is no evidence to indicate that the property involved is an economic farm unit.

14. The site is compatible with the current comprehensive plan and is compatible with both Clackamas County and CRAG'S comprehensive framework plan; 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 R-7 (single family residential) and MR-1 (multifamily residential) shall now include the real property heretofore described, and upon the adoption of this ordinance, said property shall thereupon be classified as R-7 (single family residential) and MR-1 (multifamily residential) and not as an RA-1 (rural agricultural) zone, subject however to those conditions hereinafter set forth in Section 2 of this ordinance.

Section 2: The changes allowed by Section 1 of this ordinance are expressly subject to the following conditions:

1. The applicant is required to submit within one year from the effective date of this ordinance and zone change, a Planned Unit Development application as outlined by Zoning Ordinance No. 23.

- A. If the applicant fails to submit a Planned Unit Development application within one year from the effective date of this ordinance and zone change, R-7 and MR-1 zoning shall terminate and RA-1 zoning shall automatically reinstate.
- B. If in good faith the applicant submits a Planned Unit Development application within one year from the effective date of this ordinance and zone change and it is subsequently disapproved by the Planning Commission and City Council because the property is not feasible for Planned Unit Development, the R-7 and MR-1 zoning shall remain on the property. The City Council shall determine whether the applicant has acted in good faith.

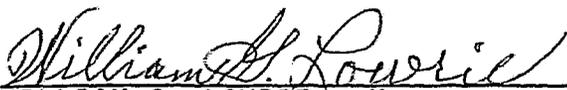
2. The applicant shall dedicate sufficient property along the southern boundary line to increase the width of Market Road 12. After dedication there shall be a width of 44 feet from the property line to the center line of Market Road 12.

3. The granted zone change will interfere with a 36-foot right-of-way to the proposed city hall site location. The applicant shall therefore upon demand be required to dedicate an equivalent area of property not less than 36 feet wide contiguous to the eastern boundary line of the City Hall center as designated on the Comprehensive Plan.

Section 3: 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 4: 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 February, 1978; 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 21st day of February, 1978 commencing at the hour of 7:30 o'clock p.m., at the Wilsonville Grade School.


WILLIAM G. LOWRIE - Mayor

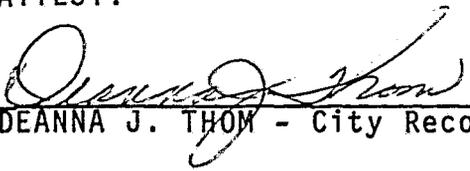
ATTEST:


DEANNA J. THOM - City Recorder

Passed on final reading at a regular meeting of the Wilsonville
City Council this 21st day of February, 1978, by the following
vote: Yeas 3. Nays 0.


WILLIAM G. LOWRIE - Mayor

ATTEST:


DEANNA J. THOM - City Recorder