

AFFIDAVIT OF POSTING ORDINANCE #96

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 7th day of March, I caused to be posted copies of the attached Ordinance #96, an Ordinance amending the zoning map of the City of Wilsonville (application of Tremmel Crow Company), 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 13th day of March, 1978.


Deanna J. Thom, City Recorder

Subscribed and sworn to before me
this 12 day of ~~March~~^{May}, 1978.



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

ORDINANCE NO. 96

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (application of Tremmel Crow Company)

WHEREAS, an application was filed with the Wilsonville City Recorder, by Tremmel Crow Company on 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 PC&I (Planned Commercial and Industrial). 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 63.64 acres for which the application for a zone change was filed, to-wit:

Lots 1 through 12, Wilsonville Industrial Park, Clackamas County, Oregon.

WHEREAS, the Wilsonville City Planning Commission on August 23, 1973 heard and considered testimony regarding the proposed zone change, and upon conclusion of a 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 PC&I (Planned Commercial and Industrial); and

WHEREAS, the Wilsonville City Council, on October 15, 1973 considered the matter and the recommendations of the Planning Commission and after due deliberation by motion duly made, seconded and carried determined that the proposed zone change should be allowed so as to change the zoning of the property from RA-1 (Rural Agricultural) to PC&I (Planned Commercial and Industrial); and

WHEREAS, no findings of fact were entered into the record nor was there an ordinance enacted to change the zone from RA-1 (Rural Agricultural) to PC&I (Planned Commercial and Industrial); and

WHEREAS, the Wilsonville City Council reviewed the prior record of this matter and on February 6, 1978 held an additional hearing which was duly and legally called 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, the City Council determined at its meeting on February 6, 1978 and after the aforesaid hearing that because of the time lapse since the application was first filed and because of the possibility that the record would not show full compliance with LCDC goals and guidelines the matter should be referred back to the Planning Commission for a new public hearing and report thereon to the Council. Therefore, upon motion duly made, seconded and unanimously approved this Ordinance was tabled and the proposed zone change was remanded to the Planning Commission for another public hearing, further study and report back to the Council; and

WHEREAS, the Wilsonville City Planning Commission, on remand from the City Council, scheduled and held another public hearing on the zone change application of Tremmel Crow Company for Wilsonville Industrial Park and said hearing was duly and regularly held on February 22, 1978 after notice thereof was first given in the manner and for the time required by Section 14.01 of Zoning Ordinance No. 23; and

WHEREAS, proponents and opponents were heard at the public hearing on February 22, 1978 regarding the proposed zone change and after further consideration of the matter and due deliberation

of the plat record and report of the City planning staff, the Wilsonville Planning Commission by motion duly made, seconded and carried recommended to the Wilsonville City Council that the zone change be approved and thereafter submitted its report and recommendations in the form of a Resolution, unnumbered but adopted at a special meeting of the Planning Commission on February 22, 1978; and

WHEREAS, the Wilsonville City Council scheduled and held another public hearing on the said zone change application which was duly and regularly held on March 6, 1978, after notice thereof was first given in the manner and for the time required by Section 14.01 of Zoning Ordinance No. 23; and at said public hearing, proponents were heard regarding the proposed zone change and there were no opponents and after further consideration of the matter and due deliberation on the report and recommendations of the 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 change conforms to the applicable goals and guidelines of the Land Conservation and Development Commission (LCDC.)

THE WILSONVILLE CITY COUNCIL MADE THE AFORESAID DETERMINATIONS BASED UPON THE FOLLOWING FINDINGS OF FACT WHICH WERE ALSO THE FINDINGS OF THE PLANNING COMMISSION AND ARE ADOPTED AND APPROVED IN THEIR ENTIRETY AS FOLLOWS:

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. Wilsonville industrial park plat was recorded in Clackamas County deed records. In reliance upon the zoning, Georgia Pacific and Foseco have built upon the property. Thus, the property has been used for a commercial and industrial purpose.
4. The 1971 comprehensive general plan as amended and the 1975 comprehensive plan as adopted identify the property as "industrial" under projected land uses.
5. The entire industrial planning area has been designed to take advantage of existing major transportation facilities, including rail, interstate highway, arterial and collector streets.
6. A 14-inch water line crosses through the property and in addition there is an 8-inch water line running next to the property. A 12-inch sewer main abuts the property on the north. Thus, the property in question is more than adequately served by water and sewer facilities.
7. Since the area has been designed to take advantage of existing transportation facilities there has been no recent residential development. Therefore any additional commercial or industrial developments will have a negligible impact on single family subdivisions located to the west across the Burlington Northern Railroad lines.
8. There is a need to protect both Georgia Pacific and Foseco from a non-conforming use classification in an RA-1 zone.
9. The property in question is best qualified for industrial use rather than any other use because of its size, railway access, street alignment and access and the relationship of undeveloped property to the existing growth pattern.
10. The purpose of Goal 9 of the LCDC is to diversify and improve the economy of the State. The improvement of the

property will significantly increase the number of jobs available in the City of Wilsonville which will add to the region's economic strength and diversification.

11. The City of Wilsonville is improving its system of public utilities which, when completed, will meet the demands of the private and public sector.

12. The taxable value of the property, when improved, will represent added value to the West Linn School District tax base which will thereby increase the possibility of improved school facilities for the Wilsonville area.

13. The development is compatible with the LCDC goal of utilizing urbanizable land for urban purposes; now therefore,

14. That the 63.64 acre area represents a size of land that can be systematically improved with the coordinated placement of structures, landscaping, access to the site, utilities and other miscellaneous environmental design features considered essential for the health, safety and general welfare of the community.

15. That the timing of the zone change is considered appropriate since the City of Wilsonville has authorized an expansion of its sewer treatment plant facility and has recently begun improvement to a second well site which will serve to increase the City's water capacity.

16. That the zone change is considered appropriate at this time since the use of the property in question is imminent as a result of a request by the Pay Less Drug Company to seek major modification for site development of the Wilsonville Industrial Park with the exception of the Georgia Pacific and Foseco sites.

17. That the site in question has immediate access for public facilities for water and sewer, which is an itemized LCDC goal, and which the City of Wilsonville recognizes as an essential service to the orderly growth and development of the community; that the proposed zone will benefit the economy of the City of Wilsonville

as well as the region as set forth under LCDC Goal #9; that the coordinated industrial development of the property is in conjunction with Goal #13 in terms of energy conservation in that the development of the property will provide for industrial uses close to alternative modes of transportation such as railway and interstate freeway facilities; that the proposed zone change supports Goal #12 in the terms as set forth for transportation; that the zone change qualifies under the Urbanization Goal #14 in terms of the provisions of orderly economic improvement of public facilities, consideration of the availability of sufficient lands for various uses, and takes into account the City of Wilsonville's current inventory of industrial lands as indicated on the comprehensive plan to be converted to industrial use; and that the zone change meets the other LCDC goals and meets the standards of the 4th item of Urbanization as set forth in Senate Bill 100 in that the land is vacant and not urbanized but located within an already urbanized area; now therefore,

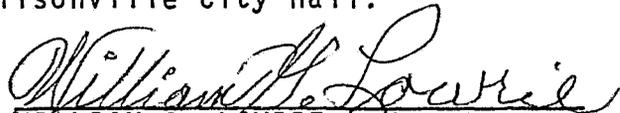
THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

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 PC&I (Planned Commercial and Industrial) shall now include the real property heretofore described, and upon the adoption of this ordinance, said property shall thereupon be classified as PC&I (Planned Commercial and Industrial) 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 regular meeting thereof on the 6th day of March, 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 special meeting thereof on Monday, the 13th day of March, 1978, at the hour of 7:30 o'clock a.m. at the old Wilsonville City Hall.


WILLIAM G. LOWRIE - Mayor

ATTEST:


DEANNA J. THOM - City Recorder

Passed on final reading at a special meeting of the Wilsonville City Council this 13th day of March, 1978 by the following vote:

Yeas 5. Nays 0.


WILLIAM G. LOWRIE - Mayor

ATTEST:


DEANNA J. THOM - City Recorder