

ORDINANCE NO. 124

AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT PLAN AND PLAN MAP; AND AMENDING THE ZONING ORDINANCE OF THE CITY OF WILSONVILLE (Application of Richard F. and Charlene Brentano: County RA-1 to City I-1).

WHEREAS, an application was filed with the Wilsonville City Recorder, on July 12, 1978 by Phillip R. Balsiger, agent for Richard F. and Charlene Brentano, husband and wife, of 16863 Front Street, N.E., Woodburn, Oregon, who are the owners of the hereinafter described property; and the application as filed was for the purpose of changing the classification of the zone in which said property is located from Clackamas County zone RA-1 (Rural Agricultural) to a city I-1 zone (Industrial Park). 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 7.86 acres, to-wit:

Tax Lot 1800 (3.01 acres) and Tax Lot 1900 (4.85 acres) in Section 14A Township 3 South, Range 1 West of the Willamette Meridian, Wilsonville, Clackamas County, Oregon.

WHEREAS, the City's comprehensive development plan and map as prepared by the Wilsonville City Planning Commission and recommended to the Council for approval and approved at a special meeting of the Council after a public hearing on November 10, 1975 identifies tax lot 1900 as "industrial" and tax lot 1800 as "industrial" with an open-space corridor running on an east/west axis which applies to the natural drainage course running parallel with the south property line of said tax lot 1800. Said comprehensive development plan and plan map was formerly adopted by the Wilsonville City Council by its enactment of Ordinance No. 58 after final reading at a special meeting of the Council on December 22, 1975; and

WHEREAS, the Wilsonville City Planning Commission, before taking final action on said applications and the proposed

amendments scheduled and held a public hearing on the matters as required by Section 11.02 of the Zoning Ordinance No. 23 and said hearing was commenced on January 8, 1979 and concluded on January 16, 1979. Notices 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 ten days prior to the date of the initial hearing as required by Section 14.01(1)(a) and (b) of the Zoning Ordinance No. 23. 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 matter; and

WHEREAS, the City of Wilsonville Planning Commission met at the time and place of the public hearing on such matter i.e. January 8, 1979 and concluded the hearing on January 16, 1979 and during the hearing which extended over those two dates, heard and considered testimony regarding the proposed comprehensive development plan amendment and proposed zone change and upon conclusion of the hearing on January 16, 1979 by motion duly made, seconded and carried, recommended to the Wilsonville City Council that the comprehensive plan amendment and requested zone change be approved so as to change the zoning of said property from a County zone RA-1 (Rural Agricultural) to a City zone I-1 (Industrial Park); and

WHEREAS, the Wilsonville City Council considered the matter and the recommendations of the planning staff and Planning Commission at a public hearing which was duly and legally called and held on April 2, 1979 after proper notice thereof was first given in the manner and for the time required by

Section 14.01 of the Zoning Ordinance. 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 the 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 given an opportunity to be heard regarding the proposed plan amendment and proposed zone change but there were no opponents 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 but an amendment of the City's comprehensive development plan and plan map is required and justified in order to effect such zone change.

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 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. That the Wilsonville Comprehensive General Plan Ordinance #58 identifies Tax Lot 1900 as industrial and Tax Lot 1800 as industrial with an open space corridor running on an east/west axis which applies to the natural drainage course running parallel with the south property line of said Tax Lot 1800.

2. That the property in question may be served with a 12" sanitary sewer line running parallel with Boberg Road which fronts on the east side of the properties in question.

3. That a 14" existing water main runs parallel with Boberg Road and fronts on the east side of the properties in question.

4. That surrounding land uses identify existing industrial uses as follows:

North of Site

- a. G. I. Joe's warehouse facility.
- b. Pakwell Industries.
- c. Mitchell Lewis & Staver, manufacturing.
- d. Payless Fixture Repair warehouse.
- e. Utility Vault.

South of Site

- a. Georgia Pacific Building.
- b. Foseco Building.
- c. Payless Regional Distribution Center.
- d. Wilsonville Veterinary Clinic.

East of Site

- a. Saturn Shredder Building.
- b. Triad Industrial Building.

5. That a natural drainage course extending west from I-5 freeway to Seely Creek runs parallel with the south property line of Tax Lot 1800 and is identified as open space on the City of Wilsonville Comprehensive General Plan which the applicant has expressly requested a modification to the Comprehensive Plan to delete said classification in order that the property may be utilized to its fullest extent.

6. That Boberg Road, which fronts on the east side of Tax Lot 1800 & 1900 is a dedicated public thoroughfare, under county jurisdiction, with a road right-of-way of 40'.

7. That a 20' wide public roadway fronts on the west side of Tax Lot 1800 & 1900 and is under county jurisdiction with a road right-of-way of 40'.

8. That the area south from Boeckman Road to Barber and west from I-5 to the Burlington Northern Railroad tracks has been platted with a variety of lot sizes as reflected on the Clackamas County accessor's map number 14A. The type of industrial development that will occur in this area will, therefore, depend largely on the size of the properties in question and their relationship to one another.

9. That the topographical features of the properties range from a high elevation of 170' and slope in a westerly direction to an elevation of approximately 152' at the west property line.

10. That the properties are covered with dense brush and miscellaneous tree cover from the western property line east to within approximately 100' of the eastern property line.

11. That the combined total of Tax Lots 1800 & 1900 represents a 7.86 acre lot size.

NOW, THEREFORE,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: That the Comprehensive Development Plan as shown by the comprehensive development plan map for the City of Wilsonville which was adopted by Ordinance No. 58, enacted December 22, 1975 and became effective January 22, 1976, is hereby amended to eliminate the "open space" designation of the corridor which runs parallel with the south property line of Tax Lot 1800 and extends west from the I-5 freeway to Seely Creek in order that such area can be utilized to its fullest extent for industrial development.

Section 2: 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 I-1 (Industrial Park) shall now include the following described real property, to-wit:

Tax Lots 1800 and 1900 in Section 14A, Township 3 South, Range 1 West of the Willamette Meridian, Wilsonville, Clackamas County, Oregon;

and upon the adoption of this Ordinance, said property shall thereupon be classified as I-1 (Industrial Park) and not as a County zone RA-1 (Rural Agricultural), subject, however to those conditions hereinafter set forth in Section 3 of this Ordinance.

Section 3: (Conditions of the plan amendment and zone change)

1. That the applicant dedicate to the City of Wilsonville a 22' strip of land fronting along the east side of the property in question for the purpose of assuring future road right-of-way for road widening purposes.

2. That no on-site improvements, tree cutting, grade changes through the excavation of the property or use of the property as intended shall be authorized until such time as the Design Review Board has approved site development plans for the properties.

3. That the applicant, applicants, successors, heirs and assigns submit for the review and approval of the Planning Commission all intended uses of the property.

4. That the natural drainage course traversing the property on the south boundary of Tax Lot 1800 be tiled to such standards as specified by a City appointed engineer that will assure the continued function of the drainage system; and that drainage plans and/or an engineer's report be filed with the Planning Department for approval of the City's consulting engineer in coordination with site development plans submitted for approval by the Design Review Board.

This condition is intended to provide maximum protection to the natural drainage course while at the same time allowing for full utilization of the property in question. It is intended that the improvements required to fulfill this condition should be reviewed and approved by the Design review Board and authorized as to the full extent of the standards of improvement and the methods by which said improvements may be accomplished.

5. That temporary access be granted from the west of the property for no more than two years, to expire 12-31-80.

It is the purpose of this condition to assure the coordination of the drainage course while at the same time allowing for full utilization of the property in question. It is intended that the improvements required to fulfill this condition should be reviewed and approved by the Design Review Board and authorized as to the full extent of the standards of improvement and the methods by which said improvements may be accomplished.

6. That the applicant coordinate with Clackamas County Department of Public Works all points of access onto streets or roads under Clackamas County jurisdiction.

7. That the removal of trees from the site be authorized by the Design Review Board as part of the site development review process.

It is the purpose of this condition to assure the coordination of the removal of trees for the utilization of said property and the Design Review Board's approval of site development plans and this condition shall apply only to trees measuring 5" in diameter or more and not to trees less than this dimension or brush.

8. That drainage improvements be coordinated with the natural drainage course located on the premises and/or any drainage requirements required by the Clackamas County Department of Public Works along public right-of-ways.

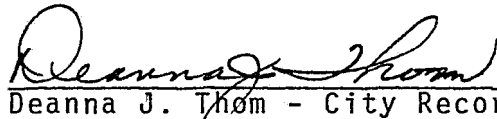
Section 4: No building or other permits shall be issued for development of the property until compliance with the conditions of Section 3 of this Ordinance have been certified to the City Council by the City Administrator.

Section 5: The Mayor, attested by the City Recorder is hereby authorized and directed to make the appropriate changes

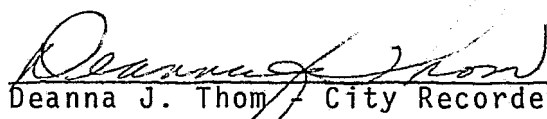
on both the City's comprehensive development plan map and the City's zoning map in compliance with the dictates of Sections 1 and 2 of this Ordinance.

Section 6: 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.

Submitted to the Council and read the first time at a regular meeting of the Council on the 7th day of May, 1979 and scheduled for second reading at a regular meeting of the Council on the 21st day of May, 1979 commencing at the hour of 7:30 o'clock p.m. at the Council's regular meeting place at the Wilsonville Grade School.


Deanna J. Thom - City Recorder

Enacted by the Council on the 21st day of May, 1979 by the following vote: YEAS 3. NAYS 0. 1 Abstention


Deanna J. Thom - City Recorder

Dated and signed by the Mayor this ___ day of May, 1979.


William G. Lowrie - Mayor