

ORDINANCE NO. 128

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of Olson/Lindquist: RA-1 to PC&I)

WHEREAS, an application was previously filed with the Wilsonville City Recorder by Phillip R. Balsiger, A.I.A., agent for Pete N. Olson and S. H. Lindquist, of Lindquist Development Company, contract purchasers of the hereinafter described property, for the purpose of changing a classification of the zone in which said property is located from County RA-1 (Rural Agricultural) to a City PC&I (Planned Commercial and Industrial) zone. 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, approximately 25.95 acres, for which the application for zone change was filed, to-wit:

Tax Lot 300 in Section 14, Township 3 South, Range 1 West, of the Willamette Meridian, Wilsonville Clackamas County, Oregon.

WHEREAS, the Wilsonville City Planning Commission 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 March 12, 1979, after notice of the time, place and purpose of said hearing was duly and regularly given as required by Section 14.01 (1) (A), and (B) of the Zoning Ordinance No. 23; and

WHEREAS, the Wilsonville City Planning Commission met at the time and place of public hearing on such matter, i.e., Monday, March 12, 1979, and heard and considered staff reports and testimony regarding the proposed zone change, and upon conclusion of the hearing unanimously passed a motion approving the requested zone change and recommended to the City Council that the change be made subject to certain conditions. The findings of the Planning Commission and its conditions of approval are set forth in the PLANNING COMMISSION RESOLUTION adopted at its meeting after such hearing, and which is a part of the records and file of this matter; 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 Monday, May 21, 1979, after proper notice thereof was first given in the manner and for the time required by Section 14.01 of the Zoning Ordinance; and

WHEREAS, proponents and opponents were given an opportunity to be heard regarding the proposed zone change, but there were no opponents or objections otherwise, and after further consideration of the matter, and due deliberation on the staff reports and 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. The proposed change had previously been approved but expired for lack of development within the required time period.

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 Map (Ordinance #58) identifies the site in question as Industrial Park under the industrial land use category and, therefore, the proposed PC&I zoning classification is in compliance with the adopted land use policies and zoning regulations of the City of Wilsonville.

2. That existing industrial land uses within the immediate vicinity are compatible with the proposed use.

3. That the property in question is located within the urban growth boundary and fronts on the north side of Wilsonville Road and extends approximately 2,100 feet from that right-of-way in a

northerly direction and is surrounded on three sides by land devoted to similar uses which are adequately separated from residential development on the west.

4. That urban facilities, such as water, sewer, and transportation are available to the site for immediate use and that the use of urban facilities represents an orderly pattern of growth in the industrial area.

5. The subject property is located on the western boundary of the industrial park area of the City and represents a large undeveloped parcel adjoining a vacant land area on the east side, which taken together represents one of the last remaining undeveloped large areas of industrial land west of the I-5 Freeway. The schedule of developments for the commercial and/or industrial use coincides with the anticipated residential growth for the City of Wilsonville, thereby assuring a reasonable balance for demand of urban services between the residential and industrial zones. City Ordinance No. 112 enacted September 6, 1978, adopted the City's Interim Growth Management Program and Procedures, and such Ordinance will apply to help regulate the industrial development of the property and the PC&I zoning process will allow for the Planning Commission to condition the approval of site development plans for proper management of industrial growth.

6. That the industrial use of the property in question will add to the assessed evaluation for the West Linn School District, which is considered by the City of Wilsonville to be in the interest of the general public.

7. The future impact of increased motor vehicle traffic in this area of the City can be lessened by requiring the applicants' dedication to the City of a 25 foot strip of property along the north side of Wilsonville Road and for future widening of that road. A dedication for street widening should be a condition of the zone change.

8. That the close proximity of the Burlington Northern Railroad Line near the property on the east side coincides with the proposed industrial use of the property and the surrounding area north of Boeckman Road.

9. That public testimony by the applicants and their representative has been entered into the public record together with planning exhibits and proof of compliance with Fasano requirements, all of which support the proposed zone change, and have been deemed by the Planning Commission and the City Council to be acceptable in relation to the degree of the proposed land use intensification and anticipated impact on the surrounding area.

10. The findings and conclusions of the Wilsonville City Planning Commission with respect to this matter are accepted in toto as the findings and conclusions of the City Council.

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 County RA-1 (Rural Agricultural) zone, subject however, to those conditions hereinafter set forth in Section 2 of this ordinance.

Section 2: (Conditions of the zone change.)

1. That the applicants dedicate to the City of Wilsonville a 25 foot strip of property along the north side of Wilsonville Road fronting on the property in question to provide for future road widening.

2. That no on-site improvements, such as topographical grade changes and/or removal of trees, be allowed prior to the approval of site development plans pursuant to the provisions of Ordinance No. 38.

3. That the final development plan and/or preliminary plat be reviewed by the Planning Commission and indicate the location of the proposed collector street system as identified on the Comprehensive General Plan Map Ordinance No. 58.

4. That Kinsman Road, as identified on the planning exhibit submitted by the applicants, be improved by the developer and neighboring property owners to City standards and be subject to the review and approval of the City's consulting engineer and that the expense for said improvements be borne by the property owners in question.

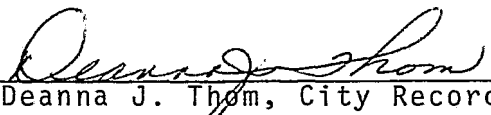
5. That open space extending from the BPA easement west to the mid-point of the Seely Ditch will be retained as part of the open space system for the PC&I which the City may request dedication at any time in the future.

Section 3: No building or other permits shall be issued for development of the property until compliance with the conditions of Section 2 of this Ordinance have been certified to the City Council by the City Administrator.

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 Section 1 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.

Submitted to the Council and read the first time at a regular meeting of the Council on June 18, 1979, and scheduled for second reading at a *special* meeting of the Council on the *10th* day of *July* 1979, commencing at the hour of 7:30 o'clock P.M. at the Wilsonville City Hall.


Deanna J. Thom, City Recorder

ENACTED by the Council on the day of , 1979, by
the following vote: YEAS 5. NAYS 0.


Deanna J. Thom, City Recorder

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


William G. Lowrie, Mayor