

ORDINANCE NO. 136

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of Environmental Neighborhoods, Inc. for Wilsongreen: RA-1 to R-10).

WHEREAS, an application was previously filed with the Wilsonville City Recorder by Donald C. Drake, Project Manager of Environmental Neighborhoods, Inc., an Oregon Corporation for the purpose of changing a classification of the zone for the applicant's property from County RA-1 (Rural Agricultural) to a City R-10 (Single Family) zone. The application fee as required by Section 17.01 of Ordinance No. 23 (the City's Zoning Ordinance) has been paid. The following are the descriptions of the three separate parcels of real property consisting of a total of 49.55 acres (approximately) for which the zone change is requested:

PARCEL I:

A tract of land situated in Section 15, T. 3S., R. 1W., of the W.M., in the County of Clackamas and State of Oregon, described as follows:

Beginning at the intersection of the South line of said Section 15 with the centerline of Brown Road; said point of intersection is South 89° 05' West along said Section line 330.00 feet from the Southeast corner of said Section 15, from said place of beginning; thence North 0° 46' West along the centerline of said Brown Road, 339.74 feet; thence leaving said centerline of Brown Road North 86° 41' West 607.78 feet to a 1/2 inch iron rod; thence North 80° 20' West 202.17 feet to a 5/8 inch iron rod; thence North 56° 16' West 167.85 feet to a 3/4 inch iron pipe; thence South 81° 00' West 173.00 feet to a 5/8 inch iron rod; thence South 13° 10' West 514.28 feet to a 5/8 inch iron rod; thence North 79° 54' 30" East 37.09 feet to a 5/8 inch iron rod in the South line of said Section 15; thence North 89° 05' East along said South line 1201.86 feet to the place of beginning.

EXCEPTING THEREFROM that portion of the above described tract of land which lies within that certain tract of land described in deed to Dorothy Lehan recorded October 22, 1968 as Recorder's Fee No. 68-21630, Film Records.

PARCEL II:

A tract of land in the Robert V. Short and wife D.L.C. No. 46 in Sections 15 and 22, T. 3S., R. 1W., of the W.M., in the City of Wilsonville, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the South line of said Section 15 which is 330 feet East from the South quarter section corner; thence North, parallel with and 330 feet distant from the

West line of the Southeast quarter of said Section 15, a distance of 1650 feet to the North line of said Short D.L.C.; thence North  $89^{\circ} 54' 52''$  East along the North line of said claim to the Southeast corner of the Samuel B. Franklin D.L.C. No. 50; thence South  $0^{\circ} 07' 25''$  East a distance of 300.00 feet to the Southwest corner of that tract of land described in a deed to Eltham E. Converse, et ux, recorded in Book 678, page 187, Deed Records; thence East along the South line of said Converse tract and along the South line of that tract of land described in a deed to Eltham E. Converse, et ux, recorded December 15, 1964 in Book 650, page 595, Deed Records, to a point on the West line of that tract of land described in a deed to Hardy S. Young, recorded October 31, 1958 in Book 547, page 370, Deed Records; thence South  $1^{\circ} 38'$  East along the West line of said Young tract and its extension a distance of 900 feet, more or less, to a point on the Northerly line of that tract of land described in a deed to Sherilynn J. Young, recorded July 25, 1973 as Recorder's Fee No. 73-23491, Film Records; thence following the boundary line of said Sherilynn J. Young tract Northwesterly 167.85 feet, more or less, to an iron pipe; thence South  $81^{\circ}$  West along the boundary line of said Sherilynn J. Young tract a distance of 173.00 feet to an iron rod; thence South  $13^{\circ} 10''$  West along the Westerly line of said Sherilynn J. Young tract to a point on the South line of Section 15, T. 3 S., R. 1W., of the W.M.; thence Southwesterly along the Northerly margin of a ditch as described in a deed to Dorris S. Young, et ux, recorded April 3, 1925 in Book 178, page 137, Deed Records to a point which is 330 feet East of the West line of the Northeast quarter of Section 22, T. 3S., R. 1W., of the W.M.; thence North to the point of beginning.

EXCEPTING THEREFROM Beginning at a point on the centerline of a private roadway, located from the common corner of Sections 14, 15, 22 and 23, T. 3S., R. 1W., of the W.M., in the County of Clackamas and State of Oregon, South  $89^{\circ} 32' 24''$  West 330 feet to the centerline of Brown Road; thence North  $12^{\circ}$  West 340 feet to the centerline of a private roadway; thence North  $86^{\circ} 41'$  West along the centerline of said private road 608.86 feet; thence along said centerline North  $80^{\circ} 20'$  West 202.17 feet; continuing along the centerline North  $55^{\circ} 51'$  West 169.78 feet; thence continuing along the centerline South  $31^{\circ}$  West 200 feet and the true point of beginning; thence continuing South  $81^{\circ}$  West a distance of 242 feet; thence North  $86^{\circ} 17' 30''$  West a distance of 239.2 feet; thence South  $8^{\circ} 3' 30''$  East a distance of 201.5 feet; thence North  $77^{\circ} 48' 30''$  East a distance of 462.94 feet; thence North  $1^{\circ} 20' 30''$  West a distance of 123.95 feet to the true point of beginning.

PARCEL III:

A tract of land situated in Section 15, T. 3S., R. 1W., of the W.M., in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the centerline of a private roadway, located from the common corner of Sections 14, 15, 22 and 23, T. 3S., R. 1W., of the W.M., in the County of Clackamas and State of Oregon, South  $89^{\circ} 32' 24''$  West 330 feet to the centerline of Brown Road; thence North  $12^{\circ}$  West 340 feet to the centerline of a private roadway; thence North  $86^{\circ} 41'$  West along the centerline of said private road 608.86 feet; thence

along said centerline North 80° 20' West 202.17 feet; continuing along the centerline North 55° 51' West 169.78 feet; thence continuing along the centerline South 81° West 200 feet to an iron pipe and the true point of beginning; thence continuing South 81° West a distance of 242 feet to an iron pipe; thence North 86° 17' 30" West a distance of 239.2 feet to an iron pipe; thence South 8° 3' 30" East a distance of 201.5 feet to an iron pipe; thence North 77° 48' 30" East a distance of 462.94 feet to an iron pipe; thence North 1° 20' 30" West a distance of 123.95 feet to the true point of beginning; and

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 April 9, 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 after said hearing on April 9, 1979, reviewed the records and file of this matter and considered and discussed the submittals of the applicant and the reports of the planning staff and then moved to table the matter for a decision at a meeting on May 14, 1979; and

WHEREAS, the Wilsonville City Planning Commission held a regular meeting on May 14, 1979 and during the course of that meeting removed from the table the matter of the application for zone change for Wilsongreen and after further review and study, made and adopted its findings and concluded that the zone change request should be denied and such finding, conclusions and final action of the Planning Commission were set forth in its Resolution pertaining to such matter which was approved at its meeting of May 14, 1979; 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 August 6, 1979 and continued for further hearing and Council findings at a meeting on August 20, 1979; and

WHEREAS, the City Council met in regular session and public hearing on August 20, 1979 and reviewed the records and file of this matter and the findings, conclusions and recommendations of the Planning Commission and also the reports of City staff and the planning department and also heard and considered public testimony on the matter. There were no opponents to the proposed zone change and upon conclusion of the meeting/hearing, determined that the zone change request should be approved and in support of its decision, adopted an unnumbered Resolution entitled "CITY COUNCIL RESOLUTION, ENVIRONMENTAL NEIGHBORHOODS, INC. (WILSONGREEN), ZONE CHANGE RA-1 TO R-10, LOT 2200, 2201 and 2700, 31W15" and said Resolution contains the Council's FINDINGS and the reasons for its decision which was made subject to "CONDITIONS OF APPROVAL". Said Resolution is attached hereto and by this reference and its attachment is expressly made a part of this Ordinance.

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-10 (Single Family Residential) zone shall now include the real property heretofore described and upon the adoption of this Ordinance said property shall thereupon be classified as R-10 (Single Family Residential) and not as County RA-1 (Rural Agricultural) zone, subject, however, to those conditions which were made "CONDITIONS OF APPROVAL" in the attached Council Resolution.

Section 2: No building or other permits shall be issued for development of the property until compliance with the "CONDITIONS OF APPROVAL" have been certified to the City Council by the City Administrator.

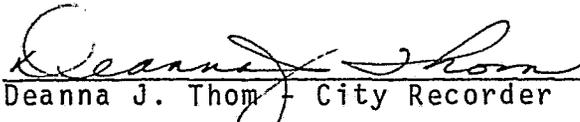
Section 3: The Mayor attested by the City Recorder is hereby authorized and directed to make the appropriate changes on the City's Zoning Map in compliance with the dictates of Section 1 of this Ordinance.

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.

Submitted to the Council and read the first time at a regular meeting thereof on September 17, 1979 and scheduled for second reading at a regular meeting of the Council on the 1st day of October, 1979 commencing at the hour of 7:30 p.m. at the Wilsonville City Hall.

  
Deanna J. Thom - City Recorder

ENACTED by the Council on the 1st day of October, 1979 by the following vote: YEAS 3. NAYS 0.

  
Deanna J. Thom - City Recorder

DATED and signed by the Mayor this 2nd day of October, 1979.

  
William G. Lowrie - Mayor

CITY COUNCIL RESOLUTION  
ENVIRONMENTAL NEIGHBORHOODS, INC. (WILSONGREEN)  
ZONE CHANGE RA-1 TO R-10  
LOTS 2200, 2201 AND 2700, 31W15

WHEREAS, the Wilsonville City Council has received the Report and Recommendation from the Planning Commission regarding the Wilsongreen Zone Change from RA-1 to R-10 on properties as described, and

WHEREAS, the City Council has conducted the required Public Hearing pursuant to the provisions as set forth in Section 11.04 of the City of Wilsonville's Zoning Ordinance #23, and

WHEREAS, the findings and testimony were presented to the City Council and entered into the public record at meetings conducted on June 18, 1979, July 10, 1979, and August 6, 1979, pertaining to information not readily available to the Planning Commission, and

WHEREAS, the City Council deems it appropriate to amend the Wilsonville Zoning Map Ordinance #23 as requested by the Applicant, Environmental Neighborhoods, Inc.;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Wilsonville City Council approves of the Zone Change Request from RA-1 to R-10 on those properties as herein described and calls for the preparation of the necessary Ordinance by the City Attorney for presentation to the City Council to be considered at a Public Hearing scheduled on the 17th \_\_\_\_\_ day of September \_\_\_\_\_, 1979.

BE IT FURTHER RESOLVED that the City Council's approval of the Zone Change is based on the following findings and conditions.

FINDINGS

1. That the approval of the expansion of the Wilsonville Sewer Treatment Plant to increase the capacity of said facility is a change in circumstances which did not exist at the time that the Planning Commission recommended to the City Council denial of the application.

It is noted by the City Council that the increase in capacity for the sewer treatment plant will allow additional expansion for industrial, commercial and residential uses on an orderly and timely basis as determined by the Wilsonville Planning Commission and City Council through the implementation of the Comprehensive General Plan and the approval of land uses through the zoning process.

2. That additional technical information has been entered into the public record by Mr. Al Benkendorf, Planning Consultant, representing Environmental Neighborhoods, Inc., said information pertaining to the "Housing Type Mix, Housing Preferences and Existing and Future Wilsonville Population Levels". See Exhibit list.

The City Council finds that based on the information submitted by Benkendorf & Associates, the Wilsongreen

CITY COUNCIL RESOLUTION: ENVIRONMENTAL NEIGHBORHOODS, INC. (WILSONGREEN)  
ZONE CHANGE RA-1 TO R-10

proposed planned unit development will serve to be more representative of the norm for Clackamas County and to provide for single-family dwellings for workers currently employed in the major industrial uses located within the City limits and those which had been approved by the Planning Commission and Design Review Board.

3. That the single-family homes can be adequately served with an orderly extension of existing water and sewer facilities.

It is noted by the City Council that the Parkwood Estates planned unit development fronting on Brown Road will provide for a convenient means of entry and extension of public facilities to the property in question.

4. That the demand placed on public utilities (water, sewers, streets and schools) will be controlled by the phasing of the development schedule for the project.

5. That the newly approved Wilsonville elementary school will be located immediately to the south of the property in question.

6. That Brown Road and Wilsonville Road will provide arterial access to the property.

It is noted by the City Council that the ultimate residential street pattern will be coordinated through a Stage II and Stage III planned development review process which the Planning Commission will administratively enforce through the provisions of Article XII of Ordinance #13.

#### CONDITIONS OF APPROVAL

1. That the Applicant submit to the City Attorney a metes and bounds description identifying the property in question in order that said description may be incorporated into the Ordinance changing the zone as requested.

2. That the Applicant prepare and submit to the City Attorney a Deed describing a 20 foot strip of land parallel with the west side of Brown Road to be deeded to Clackamas County for the purpose of future road widening along said right of way.

3. That the Applicant submit to the Wilsonville Planning Commission within one year from the date of the Council's adoption of the Ordinance changing the zone on the properties herein described Stage II site development plans for a planned unit development.

It is the purpose of this condition to establish a definite time for the Applicant to proceed with design and submittal of planning documents for a planned unit development and to assure that the property in question will indeed be subject to the City of Wilsonville's PDR regulations as set forth in Ordinance #23.

It is understood by the City Council that additional conditions of approval may be attached by the Planning Commission for the timely and orderly extension of public

utilities, the recommendation to the City Council for the acceptance of open space, scheduling of development consistent with the City's water and sewer capacities, street widths, street alignment, building setbacks and lot area coverage, tree planting systems, etc.

4. That the Applicant coordinate with Clackamas County Department of Environmental Services for the acquisition of an encroachment permit onto Brown Road and that contact with the County Traffic Engineer be reasonably in advance of the submission of Stage II planned development exhibits.

It is the purpose of this condition to assure the proper coordination between Clackamas County and the City of Wilsonville and to require that the Applicant contact the necessary County officials to determine the requirements for road improvements and access permits prior to the completion of plans or before any commitment by the City of Wilsonville for the approval of interim road alignments and widths.

#### EXHIBITS

The following exhibits are hereby entered into the public record to confirm the City Council's consideration of the application as referred to it by the Planning Commission.

1. City of Wilsonville Comprehensive General Plan Map Ordinance #58.

It is the purpose of this Exhibit to identify the property as residential with a dwelling unit density per acre of 1 - 3 units and that the property is served by Brown Road which is identified as an existing arterial/collector.

2. City of Wilsonville Zoning Ordinance #23 (map and text).

It is the purpose of this Exhibit to identify the property in question as being zoned RA-1 and indicate the various zoning patterns contiguous with the property in question, i.e., PDR (planned development residential), and RA-1.

It is further the purpose of this Exhibit to identify the zoning procedures and planned unit development regulations in reference to the administrative review process as required by the provisions of Article XII of Ordinance #13.

3. City of Wilsonville Study re project status of residential development, project location, anticipated schedule of development, Ordinance #112 sewer hookup permit allocation.

4. City of Wilsonville existing water system map (11-78),

It is the purpose of this Exhibit to identify that the property in question can be reasonably served through the extension of existing water system lines.

5. City of Wilsonville existing sewer system map (12-78).

It is the purpose of this Exhibit to identify that the property in question may be reasonably served through the extension of existing sewer system lines.

6. Applicant's zone change application form.

7. Applicant's fasano requirements and LCDC commentary and project description document.

It is the purpose of this document to confirm that the Applicant has satisfied the fasano and LCDC requirements and has demonstrated the need for single-family detached housing as proposed through a planning exhibit submitted to the City Council dated July 27, 1979, describing the housing type mix, housing preferences and existing future Wilsonville population levels.

8. Applicant's planning exhibit: Preliminary site development plans identifying lot configurations, road alignments, property contours, open space, configuration of property in question, etc.

It is the purpose of this Exhibit to identify the Applicant's intent to proceed with a planned unit development and to indicate the feasibility for establishing road alignments and various proposed preliminary lot layouts for the site.

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