

AFFIDAVIT OF POSTING

ORDINANCE #146

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 16th day of January, 1980, I caused to be posted copies of the attached Ordinance #146, an ordinance amending the Zoning Map of the City of Wilsonville (Application of Walter L. West for zone change from RA-1 to PG&I), 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 Ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 21st day of January, 1980.

  
DEANNA J. THOM, City Recorder

Subscribed and sworn to before me this 24<sup>th</sup> day of January, 1980.

  
NOTARY PUBLIC, STATE OF OREGON  
My commission expires: May 11, 1981

ORDINANCE NO. 146

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of Walter L. West for zone change from RA-1 to PC&I)

WHEREAS, an application was filed with the Wilsonville City Recorder on August 21, 1979 by Walter L. West, purchaser of the hereinafter described property for the purpose of changing a classification of the zone from a County Rural Agricultural (RA-1) Zone 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 which consists of 130,683 square feet with lot dimensions of 310 feet by 421.5 feet:

Tax Lots 1501, 1502 and 1503 and designated on the Clackamas County Assessor's Map as 3S-1W-14A.

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 October 8, 1979 after notice of the time, place and purpose of said hearing was duly 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 reviewed the records and files of this matter and considered and discussed the submittals of the applicant and the reports of the planning staff and upon conclusion of the hearing unanimously passed a motion approving the requested zone change subject to conditions and recommended to the City Council that the change be made subject to conditions. The recommendations and findings of the Planning Commission as to its approval of the zone change are set forth in the Planning Commission Resolution entitled "PLANNING COMMISSION RESOLUTION, WALTER WEST ZONE CHANGE REQUEST, RA-1 TO PC&I, TAX LOTS 1501, 1502 & 1503, 3S-1W-14A" which was finally

completed and dated 10-3-79 and filed in the Planning Commission's records and file of this zone change hearing; and

WHEREAS, the City Council met in regular session and public hearing on December 17, 1979 and reviewed the records and files 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. Attorney Harvey Osbourn appeared for the applicant and spoke as the only proponent. There were no opponents and no objections made or filed otherwise to the proposed zone change. Upon conclusion of the meeting/hearing, the City Council determined that the zone change request should be approved and in support of its decision adopted in toto the Planning Commission's findings, conclusions and recommendations as set forth in its said Resolution. Said Resolution contains the Planning Commission's findings and the reasons for its decision and the copy of 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 City's PC&I (Planned Commercial and Industrial) Zone shall now include the real property heretofore described and upon the final reading and enactment of this Ordinance, said property shall thereupon be classified as PC&I (Planned Commercial and Industrial) and not as a County RA-1 (Rural Agricultural) Zone.

Section 2: The zone change is approved subject to full compliance with all of the CONDITIONS OF APPROVAL as set forth in the

Planning Commission's Resolution and as modified by the Planning Commission at its public hearing/meeting on this matter on October 8, 1979 and all of which is more fully shown in the Planning Commission minutes of that date.

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 thereon on January 7, 1980 and scheduled for second reading at a regular meeting of the Council on the 21st day of January, 1980 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 21st day of January, 1980 by the following vote: YEAS 5. NAYS 0.

  
Deanna J. Thom City Recorder

DATED and signed by the Mayor this 22<sup>nd</sup> day of January, 1980.

  
William G. Lowrie - Mayor

PLANNING COMMISSION RESOLUTION

WALTER WEST ZONE CHANGE REQUEST

RA-1 TO PC&I

TAX LOTS 1501, 1502 & 1503, 3S1W14A

WHEREAS, Walter L. West has made application to the Wilsonville Planning Commission for a zone change from RA-1 to PC&I on property described as Tax Lots 1501, 1502 & 1503, 3S1W14A, said property fronting on Boberg Road and consisting of three acres, and

WHEREAS, the request, together with planning exhibits, findings, and public testimony have been entered into the public record at a regularly scheduled meeting conducted by the Wilsonville Planning Commission on October 8, 1979, and

WHEREAS, the findings, exhibits, and public testimony have been entered into the record in support of the PC&I zone change, as requested, and that said PC&I standards of development, together with the procedural review process, assures both the Planning Commission and the applicant of the most flexible standards of development to achieve compatibility with surrounding land uses and on-site improvements for landscaping, building placement, setbacks, off-street parking, fencing, drainage and provisions for the widening of Boberg Road, and

WHEREAS, the Wilsonville Planning Commission is required, according to the provisions as set forth in Ordinance #23, to file with the City Council its administrative record and recommendation regarding the zone change request within forty (40) days following the required public hearing, and

WHEREAS, the Wilsonville Planning Commission deems it appropriate to recommend to the City Council approval of the PC&I zone change request based on the following findings and conditions of approval together with the planning exhibits as entered into the public record supporting the zone change, now, therefore,

BE IT HEREBY RESOLVED that the Planning Commission does hereby recommend to the Wilsonville City Council that the PC&I zone, as requested, be approved thereby authorizing the submittal of Stage II & III site development plans to the Planning Commission for the completion of the PC&I zoning process.

BE IT FURTHER RESOLVED that the recommendation for approval is hereby based on the following findings and conditions of approval which have been adopted by the Planning Commission, together with the recorded minutes of the public hearing proceedings.

FINDINGS

The following findings are hereby entered into the public record and adopted by the Wilsonville Planning Commission as confirmation of its consideration of the zone change request as submitted and the applicable planning policies and environmental conditions pertaining to the property in question.

1. That the City of Wilsonville Comprehensive General Plan Map Ordinance #58 identifies the three acre parcel of property in question as industrial park thereby authorizing the industrial land use classification as identified in Section 5.04 (I-1 Industrial Park District) of the City of Wilsonville Zoning Ordinance #23.
2. That the Comprehensive General Plan identifies the property in question as being served by Boberg Road which is identified as an existing north/south collector street with a 40' wide right-of-way fronting on the property in question.

It is noted by the Planning Commission that Boberg Road, presently under Clackamas County jurisdiction, will serve the industrial development for access to Boones Ferry Road and Boeckman Road to the north and that an eventual 60' to 80' right-of-way will be required to provide adequate movement of industrial traffic upon full development of the Wilsonville Industrial Park area.

It is further noted that a series of road right-of-way dedications have been required by the City of Wilsonville, opposite the property in question (22') and north of the property in question, to assure adequate compliance with the City's Comprehensive General Plan and the need for future widening of Boberg Road for use as an industrial collector street.

3. That the land use pattern of the development, within the immediate area, identifies the Payless Regional Distribution Center immediately south of Barber Street, vacant land fronting on the north side of Barber Street, the Wilsonville Veterinary Clinic at the southeast corner of Barber Street and Boberg Road, Saturn Shredder to the northeast fronting on Boones Ferry Road and Lewis Electrical Contractors to the north of the property fronting on the east side of Boberg Road.

Recent Planning Commission and City Council action has changed zoned for the property owned by Mr. & Mrs. Richard Brentano and the Sabre Construction Company to provide for eventual industrial use of land located to the west of Boberg Road opposite the subject site. In addition, a PC&I zone change was granted to the Lewis Electrical Contractors, followed by Design Review Board approval of site development plans for the property north of the site and fronting on Boberg Road near the intersection of Boberg Road and Boeckman Road. Most recently (September 17, 1979), the City Council approved Ordinance #134 for the change of zone from RA-1 to PC&I for Watler West on a 20,000 square foot parcel of land (Tax Lot 1504) for the authorization to proceed with the development of said site for industrial purposes.

4. That the site in question may be served by an existing municipal 12" sewer main which runs parallel with Boberg Road north from Barber Street approximately 1,000'.

5. That the property may be served through an existing 14" water main which runs parallel with Boberg Road north from Barber Street to Boeckman Road.

6. That the lot area of the property in question is approximately 3 acres and extends east 301' in depth from Boberg Road with a street frontage of approximately 420'.

It is noted by the Planning Commission that topographical features of the property reflects relatively minor changes in elevation with a high elevation of approximately 170' and a low elevation fronting on Boberg Road of approximately 162.8' (see land contour and elevation exhibits).

7. That adequate drainage facilities will be available to the site through improvements made by the Payless Drug Company as required by Clackamas County Department Of Environmental Services.

It is noted by the Planning Commission that Clackamas County has requested that Payless Drug Company approve the south side of Barber Street with additional road widening and curbs to facilitate storm drainage originating from properties located to the north and that said improvements have been completed.

It is further noted by the Planning Commission that the Design Review Board requires on-site water control systems to be improved on the premises in the form of catch basins and design of parking areas for water retention.

It is further noted by the Planning Commission that the Design Review Board has advised applicants of the need to retain water on-site for the purpose of controlling the rate of water run-off not to exceed the rate prior to the development of the property.

8. That site development plans, as submitted by the applicant, identifies the placement of proposed structures, off-street parking and landscape areas, together with access/egress points, all of which have been set forth on the site development plans in a coordinated manner to complete a system of development for the site in question without adverse environmental impact on adjoining properties. In addition, provisions have been made for additional right-of-way which will be dedicated to Clackamas County for eventual road improvements along the east side of Boberg Road.

9. That planning documenta and testimony have been entered into the record by the applicant confirming the current need for a small office/warehouse industrial park in the Wilsonville area recognized by the Comprehensive Plan and coinciding with the City's growth pattern which have been noted by the Planning Commission to wit:

A. That there are a number of current potential users for the property who have expressed interest and the need for such property.

B. That there is no like property available for the same type of use.

10. That the platting pattern for the area in question, between Barber Street and Boeckman Road, identifies a system of platting with various lot sizes existing in the area thereby encouraging a variety of industrial land use types on properties of approximately 3 acres.

It is noted by the Planning Commission that the planned development, as proposed by the applicant, identifies a system of 6 separate warehouse/office structures, complete with landscaping and interior off-street parking areas, which would be serviced by an interior drive system.

11. The Planning Commission finds that the applicant has submitted the appropriate response to the LCDC Goals & Guidelines and the Fasano statement, as required by Council policy.

In general, the document addresses the appropriate areas of impact which would result from the development of the site for the intended use.

#### CONDITIONS OF APPROVAL

The following conditions of approval are hereby entered into the public record and adopted by the Planning Commission as assurance that the development of the property in question will be implemented in accordance with the provisions as set forth by the Comprehensive General Plan Map Ordinance #58, the standards of development as identified by the City of Wilsonville Zoning Ordinance #23 and Ordinance #38, and to preserve the health, safety and welfare of the general public.

1. At Stage II, the Planning Commission will review the need and may require additional right-of-way for street improvements.

2. That the property owner/applicant make arrangements through the City of Wilsonville Department of Public Works to establish standards by which the property in question may be adequately drained to insure proper coordination between the subject site and existing storm drainage standards as adopted by the City of Wilsonville and Clackamas County Department of Environmental Services.

It is the purpose of this condition to assure the proper drainage of the property in question and tie in with natural drainage courses and standards of development either adopted by the City of Wilsonville or existing in the field which have been improved to service the immediate area.

It is further the purpose of this condition to assure that a pre-application planning conference be conducted with the Superintendent of Public Works prior to the submittal of site development plans to the Planning Commission for Stage II and Stage III PC&I review and the Wilsonville Design Review Board for site plan approval.

3. That Stage II and Stage III PC&I site development plans be prepared and submitted to the Planning Department for Planning Commission review and approval prior to the submission of site development plans to the Wilsonville Design Review Board.

It is the purpose of this condition to identify to the applicant that upon the change of zone, by the Wilsonville City Council, that Stage II and Stage III site development plans will be required to be approved prior to the issuance of a building permit and that said review will be administered to the provisions as set forth in Article 12 of the City of Wilsonville Zoning Ordinance #23.

4. That Ordinance #112 and Ordinance #113 apply to the subject property and the issuance of a building permit thereon.

It is the purpose of this condition to advise all parties concerned that the City of Wilsonville is currently engaged in the administration of an Interim Growth Ordinance regulating the issuance of sewer hook-ups for residential, industrial/commercial and public and semi-public uses. It is also the purpose of this condition to advise that Ordinance #113 applies the System Development Fee to all building permits issued by the City of Wilsonville for the purpose of maintaining natural storm drainage courses and public right-of-way.

5. That all materials for the construction of on-site drainage facilities, together with water and sewer utilities, be reviewed and approved by the Superintendent of Public Works prior to their installation and that a pre-application planning conference be conducted with the Superintendent of Public Works for confirmation of alignments and standards of design prior to submittal of site development plans to the Wilsonville Design Review Board.

6. That no outdoor storage of heavy equipment or miscellaneous industrial materials be authorized without prior review and consent of the Wilsonville Planning Commission in accordance to the principle of the PC&I zone.

It is the purpose of this condition to control the potential for outdoor storage of industrial equipment which may occur during the normal course of events as the industrial area grows.

It is the intent of the Wilsonville Planning Commission to authorize the most reasonable aesthetic industrial park under the provisions of the PC&I zoning standards of development, which includes landscaping, setbacks and building placement to assure industrial land use quality control without undue imposition to adjacent land owners or the general public.

7. That any change of contours of the property for the purpose of site preparation be approved by the Superintendent of Public Works prior to the issuance of a building permit.

It is the purpose of this condition to assure that all drainage improvements will be adequately considered prior to on-site excavation and site preparation, and that the natural drainage features of the property will be protected in order to properly coordinate with off-site drainage facilities.

8. That on-site design factors pertaining to driveway alignments, curb cuts, off-street parking, landscaping, building placement, etc., be subject to the standards of review as administratively regulated by the Wilsonville Design Review Board.

It is the purpose of this condition to acknowledge and advise that the Wilsonville Design Review Board has final approval authority over the design features of all on-site improvements, including the architectural design of the proposed structures.

It is further the purpose of this condition to acknowledge that modification may be necessary and that the initiation of said modification by the Design Review Board, as deemed appropriate, may result in a change of design of on-site improvements.



## EXHIBITS

The following exhibits are hereby entered into the public record as confirmation of the City of Wilsonville Planning Commission's consideration of the application as submitted and to identify those documents pertaining to the various land use development policies adopted by the City.

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

It is the purpose of this exhibit to identify that the property in question is classified as an industrial park and that the traffic circulation pattern servicing the property in question is served by an existing collector street system.

2. The City of Wilsonville Zoning Map & Text Ordinance #23.

It is the purpose of these documents to identify that the property in question is currently zoned RA-1 and that the surrounding patterns of development, i.e. PC&I, I-2 and I-1 have established an orderly growth pattern for industrial uses within the immediate vicinity.

It is further the purpose of said exhibits to identify the PC&I review regulations and standards of development as set forth in Articles 12 & 13 of Ordinance #23.

3. The City of Wilsonville existing water and sewer system exhibits.

It is the purpose of these utility exhibits to identify and confirm that the property in question may be served by an existing 14" water main running parallel with Boberg Road and a 12" sewer main extending north from Barber Road parallel with Boberg Road.

4. Robert E. Meyer drainage study.

It is the purpose of this exhibit to identify and confirm that the property in question is within the Seely Ditch storm drainage area and that structure #45, identified as a problem structure in the Robert E. Meyer storm drainage report, may require modification to adequately drain the property in question. This finding, however, may be subject to the City Engineer's detailed analysis of the final storm drainage improvements to be required for the site by the Design Review Board.

5. City of Wilsonville Ordinances #112 & #113.

6. Applicant's PC&I zone change application form.

It is the purpose of this document to identify the applicant's intended land use standards of development and site analysis of the property in question.

7. Applicant's assessor's map identifying the subject property.

8. Applicant's submittal of Fasano requirements and LCDC Goals & Guidelines statement.

It is the purpose of this document to confirm that the applicant has presented reasonable evidence to the Planning Commission to confirm the need for the intended land use.

9. The City of Wilsonville contour map exhibits.

It is the purpose of said exhibits to identify and confirm contour elevations for the property in question and the surrounding area and to establish documentation as to the patterns within the industrial park.

### ACTION TAKEN BY THE PLANNING COMMISSION 10-8-79

Bob Dant moved, based on the findings of fact in the staff report and the public testimony, that the Planning Commission approve the application for a zone change from RA-1 to PC&I with the following modifications:

PC RESOLUTION: WALTER WEST ZONE CHANGE RA-1 TO PC&I, TAX LOTS 1501, 1502 & 1503. 3S1W14A

Modify Finding #2, second paragraph, line 3: 60' to 80'...

Change Condition #1 to read: At Stage II, the Planning Commission will review the need and may require additional right-of-way for street improvements.

Delete the second paragraph of Condition #1.

Modify Finding #9: That planning documents and testimony have been entered into the record by the applicant confirming the current need for a small office/warehouse industrial park in the Wilsonville area recognized by the Comprehensive Plan and coinciding with the City's growth pattern which have been noted by the Planning Commission to wit:

A. That there are a number of current potential users for the property who have expressed interest and the need for such property.

B. That there is no like property available for the same type of use.

Strike the 2nd, 3rd, 4th & 5th paragraphs of Finding #9.

Helen Burns seconded the motion which passed 5-0.

RHM/lm  
10-3-79