

AFFIDAVIT OF POSTING  
ORDINANCE #164


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:

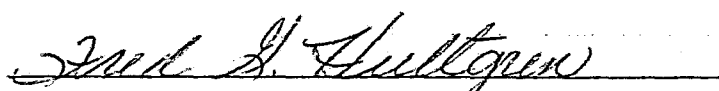
On the 26th day of November, 1980, I caused to be posted copies of the attached Ordinance #164, an ordinance amending the zoning map of the City of Wilsonville (Application of Doug Bean for a zone change from RA-1 to PDI) (PC&I), in the following four public and conspicuous places of the City, to wit:

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 1st day of December, 1980.

  
DEANNA J. THOM, City Recorder

Subscribed and sworn to before  
me this 26<sup>th</sup> day of November, 1980.

  
NOTARY PUBLIC, STATE OF OREGON

My commission expires: May 10, 1981

ORDINANCE NO. 164

AN ORDINANCE AMENDING THE ZONING MAP OF  
THE CITY OF WILSONVILLE (APPLICATION OF  
DOUG BEAN FOR A ZONE CHANGE FROM RA-1 TO  
PDI (PC&I))

WHEREAS, an application was filed with the Wilsonville City Recorder on behalf of Doug Bean for the purpose of changing a classification of zone on a parcel of real property from RA-1 (Rural Agricultural) to PC&I (Planned Commercial and Industrial) with development as a planned unit development pursuant to reasons as set forth in Article XIII of Ordinance No. 23 (the City's Zoning Ordinance existing at that time). The application fee as required by Section 17.01 of the then existing Zoning Ordinance No. 23 has been paid. The description of the real property, consisting of approximately 1.66 acres located at the north side of Barber Street at its intersection with Boones Ferry Road, for which the application for a zone change was filed, is set forth as follows:

The south 220.0 feet of Lot 13, Boberg (Tax Lot 1400 3-1W-14A), in the County of Clackamas and State of Oregon; EXCEPT the east 100.0 feet which was conveyed to State Highway Commission by Deed recorded in Deed Book 448, page 635; SUBJECT TO rights of the public in any portion within roads, easements, conditions and restrictions of public record, including limitations and restrictions on the right of access to and from the West Portland-Hubbard Highway, including the terms and provisions thereof, as set forth in Deed to the Oregon State Highway Commission, recorded September 19, 1951, in Deed Book 448, page 655.

WHEREAS, the Wilsonville City Planning Commission scheduled and held a public hearing on the matter as required by Section 11.02 of the then existing Zoning Ordinance No. 23, and said hearing was held August 11, 1980, commencing at the hour of 7:00 o'clock P.M. at the Wilsonville City Hall. Notice of the time, place and purpose of said hearing was duly and regularly given in the manner and for the time required by Section 14.01 (1)(A) and (B) of the then existing Zoning Ordinance No. 23. The required newspaper Affidavit of Publication and the City Recorder's Affidavit of Mailing are on file in the City Recorder's records and the file of this zone change matter; 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, voted to approve the requested zone change subject to conditions and recommendations to the City Council that the change be made subject to conditions. The findings of the Planning Commission, the procedures it followed, the exhibits and other evidence it considered, the conclusions it reached, and the recommendations it made are set forth in its Resolution entitled, "PLANNING COMMISSION RESOLUTION - DOUG BEAN ZONE CHANGE REQUEST: RA-1 TO PC&I - TAX LOT 1400, 3-1W-14A," which was finally completed and dated as of August 11, 1980, 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 October 6, 1980, 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. Doug Bean appeared for applicant and spoke as the proponent. No opponents appeared to oppose 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 Resolution, and further noted that, in fact, a new Zoning Ordinance No. 154 had been adopted that would apply to this zone change and that the zone designation would be PDI (Planned Development Industrial) and it made a further finding No. 17, as hereinafter set forth:

17. That the applicant states he intends to remove the billboard at the time of construction.

And the City Council further changed Condition No. 6 in Section 2, to read as hereinafter set forth:

6. That the billboard be removed prior to issuance of any occupancy permit.

A copy of the Planning Commission's Resolution, is set forth in Exhibit A, attached hereto and incorporated by reference as if fully set forth herein, and 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 August 26, 1980, and adopted as part of the City's Zoning Ordinance No. 154 (replacing the City's Zoning Map adopted June 11, 1971, together with the prior 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 PDI (Planned Development Industrial) Zone shall now include the real property hereinabove described and upon final reading and enactment of this Ordinance, said property shall thereupon be classified as PDI (Planned Development Industrial) and not as RA-1 (Rural Agricultural) Zone.

Section 2. The zone change is approved, subject to full compliance with all of the CONDITIONS as set forth in the above-described Planning Commission's Resolutions (Exhibit A) and the following CONDITION:

Condition No. 6: That the billboard be removed prior to issuance of any occupancy permit.

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

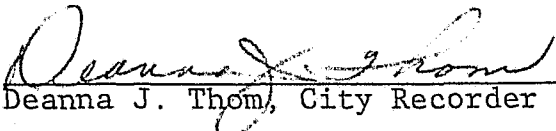
Section 1 of this Ordinance.

Section 4: It being determined by the Wilsonville City Council an emergency exists, this Ordinance shall take effect immediately upon final reading and passage by the Wilsonville City Council.

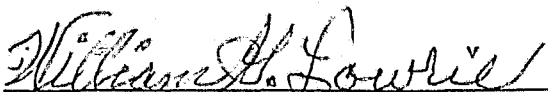
Submitted to the Council and read the first time at a regular meeting thereof on the 17th day of November, 1980, and scheduled for second reading at a regular meeting of the Council on the 1st day of December, 1980, commencing at the hour of 7:30 o'clock P.M. at the Wilsonville City Hall.

  
VERA A. ROJAS, City Recorder Pro Tem

ENACTED by the Council on the 1st day of December, 1980, by the following vote: YEAS 3 NAYS 0

  
Deanna J. Thom, City Recorder

DATED and signed by the Major this 2nd day of December, 1980.

  
William G. Lowrie, Mayor

PLANNING COMMISSION RESOLUTION  
DOUG BEAN ZONE CHANGE REQUEST  
RA-1 TO PC&I - TAX LOT 1400, 3-1W-14A

WHEREAS, Doug Bean has made application to the Wilsonville Planning Commission for a zone change from RA-1 to PC&I on property described as Tax Lot 1400, 3-1W-14A, said property being located on the northwest corner of Barber Street and Boones Ferry Road, 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 August 11, 1980, and

WHEREAS, the findings, exhibits and public testimony have been in support of the PC&I zone as requested and that said PC&I standards of development, together with the procedural review process, assures both the applicant and the City of Wilsonville the most flexible standards of development to achieve compatible land uses and on-site improvements such as landscaping, building placement, setbacks, off-street parking, fencing, drainage and provisions for the widening of Barber Street and Boones Ferry Road, and

WHEREAS, the Wilsonville Planning Commission is required, according to the provisions as set forth in Ordinance No. 23, to file with the City Council its administrative record and recommendation regarding the zone change request following the required public hearings,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission does recommend to the Wilsonville City Council that PC&I zoning be approved thereby authorizing the submittal of Stage II 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 pursuant to the provisions of the applicable land use laws and planning policies for the City of Wilsonville.

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 adopted by the City of Wilsonville.

Exhibit "A"

1. That the City of Wilsonville Comprehensive Plan passed by Resolution No. 144 identifies the 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 No. 23.

2. That the Comprehensive Plan indicates the subject property is served by Barber Street, an existing east-west industrial collector, and Boones Ferry Road, an existing north-south arterial road. Right-of-way dedication of 12 feet is required for the north side of Barber Street, as established by the adjacent Walter West zone change, and 10 feet of dedication for Boones Ferry Road as established by the Payless Drug Co. zone change to the south. Both access roads can handle anticipated traffic demands.

3. That the land use development pattern of the area is industrial with Payless Drug Co. to the south. Wilsonville Veterinary Clinic at the intersection of Boberg Road and Barber Street, and other industrial uses in the general area. Property to the west is developed with a wood frame warehouse, and property to the northwest is also proposed for industrial development in the near future. Property to the north contains one single-family house on 3.08 acres. No development plans are pending on this property.

4. That PC&I rezoning of the subject parcel is compatible with the PC&I zoning of property to the west and south and is consistent with the industrial park designation on the Comprehensive Plan.

5. That the subject property may be served by the existing municipal water system and an 8" water main running along Barber Street. (See Water Systems Exhibit).

6. That the property may be served by a 12" sewer line at the intersection of Boberg Road and Barber Street.

7. That the subject property contains 1.66 acres, with a north-south depth of 220 feet, and an east-west width of 229 feet.

8. That the subject property is fairly level with elevations ranging from 176 to 164, and contains no significant vegetation or other environmental amenities in need of preservation. (See attached Contour Map).



9. That adequate drainage facilities will be available to the site by Payless Drug Co. improvement as required by Clackamas County Department of Environmental Services.

10. That specific site plans are not required with the zone change request and have not been submitted by the applicant. However, the applicant has indicated his intention to develop the property in accordance with requirements of a "lease" or "build to suit" tenant. If a pre-user is not secured, then a "Don Knoll" light industrial park will be built with multi-tenant warehouse buildings ranging from 1,500 to 3,000 square feet in area.

11. That planning documents have been entered into the record by the applicant confirming the need for more industrial buildings in Wilsonville. This need coincides with the residential growth pattern of Wilsonville which will provide housing for employees of new commercial and industrial facilities. Only a small number of Wilsonville residents work in Wilsonville, and more employment opportunities are necessary to decrease vehicular trips and use of fuel.

12. That rezoning the subject property is the first step toward development, and authorizes the applicant to submit Phase II plans in accordance with the requirements of the existing Zoning Ordinance No. 23, or the Recommended Zoning Ordinance which may become effective prior to the effective date of this zone change.

13. That the subject property is a "lot of record" and is thereby exempt from the three-acre minimum requirement.

14. That the timing of this zone change is appropriate, and in compliance with all applicable policies and objectives of the Comprehensive Plan.

15. That all urban services, and utility lines and capacities are available to the subject property.

16. That there is an existing billboard on the site that is currently a non-conforming use and that the additional dedication of right-of-way will place it in the right-of-way.

#### 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 future development of the subject property will be in accordance with the Comprehensive Plan, Zoning and Design Review Standards and in a manner which will preserve public health, safety and welfare.

1. That adequate storm drainage plans to drain the subject property be coordinated with the Wilsonville Director of Public Works and Clackamas County Department of Environmental Services.
2. That the applicant has expressly agreed that the proposed zone change be processed and implemented under the proposed City of Wilsonville Ordinance No. 154 although it has not been formally adopted by the City of Wilsonville as a public hearing before the Planning Commission. Should Ordinance No. 154 not be adopted by the City Council in its present proposed form, Planning Commission requests this matter be returned for further finding.
3. That Ordinance No. 112, Growth Management, and Ordinance No. 113, Systems Development Fees, apply to the subject property.
4. That 12 feet of property along the north side of Barber Street, and 10 feet of property on the west side of Boones Ferry Road shall be dedicated to Clackamas County for right-of-way purposes prior to issuance of building permits.
5. That a pre-application conference be conducted with the Planning Department prior to submittal of Stage II Development Plans and that said Plans be submitted in a period not to exceed one (1) year.
6. That the future of the billboard be determined at Stage II.

#### 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 as adopted by the City.

1. City of Wilsonville Comprehensive Plan adopted by Resolution No. 144.
2. City of Wilsonville existing Water and Sewer Systems Exhibits.

3. City of Wilsonville Zoning Ordinance No. 23 and Map.

4. City of Wilsonville Recommended Zoning Ordinance No. 154.

5. Applicant's letter dated July 10, 1980, which indicates development intent.

6. Applicant's submittal documents and exhibits.

ACTION TAKEN AT PLANNING COMMISSION MEETING OF AUGUST 11, 1980:

Helen Burns moved to approve the Doug Bean zone change for Tax Lot 1400, 351W14A, from RA-1 to PC&I, with the following changes:

That Finding No. 1 be changed to read:

1. That the City of Wilsonville Comprehensive Plan passed by Resolution No. 144 . . ."

That Finding No. 16 be added:

16. That there is an existing billboard on the site that is currently a non-conforming use and that the additional dedication of right-of-way will place it in the right-of-way.

That Condition of Approval No. 2 be changed to read:

2. That the applicant has expressly agreed that the proposed zone change be processed and implemented under proposed City of Wilsonville Ordinance No. 154 although it has not been formally adopted by the City of Wilsonville as a public hearing before the Planning Commission. Should Ordinance No. 154 not be adopted by the City Council in its present proposed form, Planning Commission requests this matter be returned for further finding.

That Condition No. 3 be struck in its entirety and the following Conditions be renumbered accordingly.

That Condition No. 7 be struck and a new Condition 6 be added:

6. That the future of the billboard be determined at Stage II.

That Exhibit 1 be changed to read:

1. City of Wilsonville Comprehensive Plan adopted by Resolution No. 144.

Marian Wiedemann seconded the motion which passed 6-0.

