

ORDINANCE NO. 873

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE WASHINGTON COUNTY FUTURE DEVELOPMENT – 20 ACRE (FD-20) ZONE TO THE PLANNED DEVELOPMENT INDUSTRIAL – REGIONALLY SIGNIFICANT INDUSTRIAL AREA (PDI-RSIA) ZONE ON APPROXIMATELY 9.17 ACRES LOCATED AT 9710 SW DAY ROAD FOR DEVELOPMENT OF A WAREHOUSE/MANUFACTURING BUILDING AND ASSOCIATED SITE IMPROVEMENTS.

WHEREAS, an application has been submitted by Delco Holdings, LLC, dba Delta Logistics, Inc. – Owner/Applicant, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the subject site is located at 9710 SW Day Road, on Tax Lots 600 and 601, Section 2B, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon; and

WHEREAS, certain real property within the Coffee Creek Industrial Area is being annexed into the City; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with their Wilsonville Comprehensive Plan Map designation of “Industrial” and the Metro Title 4 Map Designation of Regionally Significant Industrial Area rather than maintain the current Washington County zoning designation; and

WHEREAS, the Zone Map Amendment is contingent on annexation of the property to the City of Wilsonville, which annexation has been petitioned for concurrently with the Zone Map Amendment request; and

WHEREAS, the property is located within the Coffee Creek Industrial Area for which the City adopted the Coffee Creek Master Plan on October 15, 2007, and the Coffee Creek Industrial Design Overlay District on February 22, 2018, intended for application to the Master Plan area; and

WHEREAS, pursuant to Section 4.197 of the Development Code this Zone Map Amendment ordinance expires 120 days from its effective date unless a Stage 2 Final Plan for the subject area is approved by the City; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for City Council, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, included as Exhibit B; and

WHEREAS, on January 5, 2023, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record, including the City Council staff report; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

- Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Exhibit B, as if fully set forth herein.
- Section 2. Determination. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the property to the City, by Zoning Order ZONE22-0004, attached hereto as Exhibit A, from the Washington County Future Development – 20 Acre (FD-20) Zone to the Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) Zone.
- Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council and read for the first time at a regular meeting thereof this 5th day of January, 2023, and scheduled the second reading on the 19th day of January, 2023 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 19th day of January, 2023, by the following votes:

Yes: 5 No: 0

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 19th day of January, 2023.

DocuSigned by:
Julie Fitzgerald
8A974AF3ADE042E...

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Linville	Yes
Councilor Berry	Yes
Councilor Dunwell	Yes

EXHIBITS:

- A. Zoning Order ZONE22-0004 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Zone Map Amendment Findings

ORDINANCE NO. 873 EXHIBIT A

BEFORE THE CITY COUNCIL OF THE CITY OF WILSONVILLE, OREGON

In the Matter of the Application of)
 Delco Holdings, LLC, dba Delta Logistics, Inc.)
 for a Rezoning of Land and Amendment) **ZONING ORDER ZONE22-0004**
 of the City of Wilsonville Zoning Map)
 Incorporated in Section 4.102 of the)
 Wilsonville Code.)

The above-entitled matter is before the Council to consider the application of ZONE22-0004, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property ("Property"), legally described and shown on the attached legal description and sketch, has heretofore appeared on the Washington County zoning map Future Development – 20 Acre (FD-20).

The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, finds that the application should be approved.


THEREFORE IT IS HEREBY ORDERED that the Property, consisting of approximately 9.17 acres located at 9710 SW Day Road, on Tax Lots 600 and 601, Section 2B, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order. This Zone Map Amendment expires 120 days from adoption unless a Stage 2 Final Plan for the subject area is approved by the City.

Dated: This 19th day of January, 2023.

DocuSigned by:

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 JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

DocuSigned by:

 EFBAEBA7C2E1407...
 Amanda Guile-Hinman, City Attorney

ORDINANCE NO. 873 EXHIBIT A

ATTEST:

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

Attachment: Legal Description and Sketch Depicting Land/Territory to be Rezoned

ORDINANCE NO. 873 EXHIBIT A



6950 SW Hampton St., Ste. 170
 Tigard, OR 97223-8330
 Ph.: (503) 941-9585
 Fax: (503) 941-9640
 www.weddlesurveying.com

April 13, 2021

Job No. 19-5727

LEGAL DESCRIPTION FOR ANNEXATION



EXHIBIT "A"

A tract of land for Annexation purposes in the S.W. 1/4 and the N.W. 1/4 of Section 2, Township 3 South, Range 1 West, W.M., Washington County, Oregon, described as follows:

Being all of that tract of land described in Statutory Quitclaim Deed to Delco Holdings, LLC recorded January 19, 2021 as Document No. 2021-006744, Washington County Records, more particularly described as follows:

Beginning at the Northwest corner of Lot 4 of "Edwards Business Industrial Park", thence along the Easterly right-of-way line of the Bonneville Power Administration Keeler-Oregon City No. 2 transmission line (100.00 feet wide), North 00°25'43" West, 92.96 feet to an angle point therein;

Thence continuing along said Easterly right-of-way line, North 44°39'31" West, 139.80 feet to a point in the Easterly line of that tract of land described in Statutory Warranty Deed to Don L. Smith, recorded February 4, 2005 as Document No. 2005-012635, Washington County Records;

Thence along the Easterly line of said Smith tract, North 00°38'06" West, 297.10 feet to the Southerly right-of-way line of S.W. Day Road, 37.00 feet from centerline;

Thence along said Southerly right-of-way line, North 89°34'05" East, 844.33 feet to a point in the Westerly line of that tract of land described in Statutory Warranty Deed to Newco Oregon Inc., recorded August 9, 2017 as Document No. 2017-063075, said County Records;

Thence leaving the Southerly right-of-way line of said S.W. Day Road, South 00°20'45" East, 490.09 feet to the Northerly line of Lot 2 of said "Edwards Business Industrial Park" in the City Of Wilsonville;

Thence along the North line of said Lot 2, the North line of "Commerce Circle Condominiums" and the North line of Lot 4 of "Edwards Business Industrial Park", South 89°33'25" West, 745.04 feet to the Point of Beginning.

Containing therein 9.17 acres, more or less.

The Basis of Bearing for this description is per Survey No. 33753, Washington County Survey Records.

ORDINANCE NO. 873 EXHIBIT A

S.W. DAY ROAD

N 89°34'05" E 844.33'

EXHIBIT 'B'
CITY ANNEXATION
IN THE S.W. 1/4 AND THE N.W. 1/4
SECTION 2, T.3S., R.1W., W.M.
WASHINGTON COUNTY, OREGON



SCALE: 1" = 100'
APRIL 13, 2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Michael Rennick
OREGON
JULY 25, 1995
MICHAEL D. RENNICK
2718

EXPIRES: DECEMBER 31, 2022

DOC. NO. 2005-012635
N 00°38'06" W 297.10'

N 44°39'31" W 139.80'
N 00°25'43" W 92.96'

POINT OF BEGINNING

"EDWARDS BUSINESS INDUSTRIAL PARK"

S 89°33'25" W 745.04'

"COMMERCE CIRCLE CONDOMINIUMS"

LOT 2



6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
PH: (503) 941-9585 FAX: (503) 941-9640
www.weddlesurveying.net

JOB NO. 5727

S 00°20'45" E 490.09'
DOC. NO. 2017-063075



ORDINANCE NO. 873 EXHIBIT B

Ordinance No. 873 Exhibit B
Zone Map Amendment Findings

Delta Logistics Site Expansion

City Council
Quasi-Judicial Public Hearing

Hearing Date:	January 5, 2023
Date of Report:	December 20, 2022
Application Nos.:	ZONE22-0004 Zone Map Amendment
Request/Summary:	City Council approval of a quasi-judicial Zone Map amendment of approximately 9.17 acres.
Location:	9710 SW Day Road. The property is specifically known as Tax Lots 600 and 601, Section 2B, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon
Owner/Applicant:	Delco Holdings, LLC, dba Delta Logistics, Inc. (Contacts: Vladimir Tkach, Igor Nichiporchik)
Applicant's Representative:	Mackenzie (Contact: Lee Leighton, AICP)
Comprehensive Plan Designation:	Industrial
Zone Map Classification (Current):	FD-20 (Future Development – 20 Acre)
Zone Map Classification (Proposed):	PDI-RSIA (Planned Development Industrial – Regionally Significant Industrial Area)
Staff Reviewer:	Cindy Luxhoj AICP, Associate Planner
Staff Recommendation:	<u>Adopt</u> the requested Zone Map amendment.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.110	Zones
Section 4.134	Coffee Creek Industrial Design Overlay District
Section 4.135.5	Planned Development Industrial – Regionally Significant Industrial Area Zone
Section 4.197	Zone Changes
<u>Comprehensive Plan and Sub-elements:</u>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
Coffee Creek Master Plan	
<u>Regional and State Law and Planning Documents</u>	
Statewide Planning Goals	

Vicinity Map



Summary:

The applicant, Delco Holding, LLC, dba Delta Logistics, Inc., requests a zoning designation consistent with the proposed Comprehensive Plan Map designation of "Industrial". In addition to the Comprehensive Plan Map designation of "Industrial", Metro's Title 4, Industrial and Other Employment Areas Map shows the subject property as a "Regionally Significant Industrial Area." Consistent with this designation the applicant proposes the property be zoned as Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA).

Conclusion and Conditions of Approval:

Staff recommends approval with the following conditions:

Request: Zone Map Amendment (ZONE22-0004)

PDB 1.	This action is contingent upon annexation of the subject property to the City of Wilsonville (ANNX22-0003).
PDB 2.	The Zoning Order adopting this zone map amendment will expire in 120 days without approval of a Stage 2 Final Plan for the subject property.

Findings of Fact:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures-In General Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

The owners of all property included in the application signed the application forms. Delco Holdings, LLC, dba Delta Logistics, Inc., initiated the application with their approval.

Request B: Zone Map Amendment (ZONE22-0004)

Development Code

Zoning Consistent with Comprehensive Plan Section 4.029

- B1.** The property is designated "Industrial" by the Comprehensive Plan. The applicant requests a zone change concurrently with a Stage 1 Master Plan, Stage 2 Final Plan, and other related development approvals. The proposed zoning designation of Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA) is consistent with the Comprehensive Plan "Industrial" designation, and Metro's Title 4, Industrial and Other Employment Areas Map, which shows the property as a "Regionally Significant Industrial Area".

Base Zones Subsection 4.110 (.01)

- B2.** The requested zoning designation of Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA) is among the base zones identified in this subsection.

Overlay Zones Subsection 4.110 (.02)

- B3.** The Coffee Creek Industrial Design Overlay District applies to properties zoned PDI-RSIA in the Coffee Creek Industrial Area and will apply to the subject property upon rezoning.

Standards for Planned Development Industrial-Regionally Significant Industrial Area Zone

Purpose of PDI-RSIA
Subsection 4.135.5 (.01)

B4. The zoning will allow only industrial uses consistent with the purpose stated in this subsection.

Uses Typically Permitted
Subsection 4.135.5 (.03)

B5. The proposed zoning will allow only uses consistent with the list established in this subsection.

Zone Map Amendment Criteria

Zone Change Procedures
Subsection 4.197 (.02) A. 1.-3.

B6. The request for a zone map amendment has been submitted as set forth in the applicable Code sections. The property is located within the Coffee Creek Industrial Design Overlay District and will be reviewed by City Council without prior review or recommendation by the Development Review Board. The Zoning Order adopting this Zone Map amendment will expire in 120 days without approval of the Stage 2 Final Plan. Expiration is not anticipated as a public hearing is scheduled for January 23, 2023, before the Development Review Board to approve the Stage 2 Final Plan and other development related approvals.

Conformance with Comprehensive Plan Map, etc.
Subsection 4.197 (.02) B.

B7. The proposed Zone Map amendment is consistent with the Comprehensive Map designation of "Industrial".

Public Facility Concurrency
Subsection 4.197 (.02) C. 4. and 8.

B8. As part of Stage 2 Final Plan reviews, concurrency standards are or will be applied to projects in the area being rezoned. Based on existing nearby utilities and utility master plans, the Transportation System Plan, and the Coffee Creek Master Plan, necessary facilities are or can be made available for development of the subject property consistent with the proposed zoning.

Impact on SROZ Areas
Subsection 4.197 (.02) C. 5.

B9. Significant Resource Overlay Zone (SROZ) is located within the area to be rezoned. As part of the Stage 2 Final Plan, SROZ Map Verification and Significant Resource Impact Report (SRIR) Review for the project, standards of the SROZ will be applied to proposed projects

in the area being rezoned and any impacts of development on the SROZ will be mitigated appropriately.

Development within 2 Years

Subsection 4.197 (.02) C. 6.

B10. Concurrently submitted land use approvals for the Delta Logistics Site Expansion project expire after two (2) years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years, allowing related land use approvals to expire, the zone change shall remain in effect. The applicant indicates they will begin development within two (2) years.

Development Standards and Conditions of Approval

Subsection 4.197 (.02) C. 7.

B11. As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.