ORDINANCE NO. 580

AN ORDINANCE AMENDING W. C. 4.116 (.05) - EXPANDING THE LIST OF EXCEPTIONS TO THE "COMPLETELY ENCLOSED BUILDING" REQUIREMENT FOR COMMERCIAL DEVELOPMENT IN ANY ZONE.

WHEREAS, the Wilsonville Comprehensive Plan land use and development section encourages an attractive, functional and economically vital community and urges that shopping areas be pleasant environments to live near and to do business within; and

WHEREAS, commercial development is a major identifying feature in a community, offering impressions to residents and visitors alike of the quality of life available; and

WHEREAS, Comprehensive Plan Policy encourages commercial growth to serve local needs; and

WHEREAS, it is the City's desire to attract new business and encourage attractive commercial development to contribute to a vibrant economic condition; and

WHEREAS, the current code does not allow for such activities as outdoor dining and sales that when appropriately developed, can greatly contribute to a vibrant, economically sustained pedestrian-friendly commercial district; and

WHEREAS, it is in the best interest of the City and its citizens to allow these activities; and

WHEREAS, the existing code requires that "all businesses, service or processing, shall be conducted wholly within a completely enclosed building", with the exception of temporary uses, sale of automotive fuel and accessory items, and off-street parking and loading; and

WHERAS, the proposed code amendment is intended to expand the list of exceptions, and clarify allowable outdoor commercial activities; and

WHEREAS, the public interest is served by clarifying the code to better express and expand the list of exceptions to the "completely enclosed building" standard of the Planned Development Commercial zone; and,

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

Section 1. <u>Findings</u>. The City Council hereby adopts as findings of facts the above recitals and that staff report in this matter dated March 28, 2005, attached hereto and incorporated herein as if fully set forth.

Section 2. Order. Wilsonville Code Section 4.116 (.05) is amended to read as follows:

A. 4.116 (.05). <u>Standards Applying to Commercial Developments in any Zone</u>. Any commercial use shall be subject to the applicable provisions of this Code and to the following:

(.05) All businesses, service or processing, shall be conducted wholly within a completely enclosed building, except for:

- A. The sale of automotive fuel, lubricants and fluids at service stations.
- B. Car washes and car vacuum bays.
- C. Off-street parking for customers and employees and off-street loading.
- D. Outdoor seating areas associated with food and drink establishments on private property, or on public easements, provided the area and activities conform to ADA standards and do not interfere with public uses, safety, access or circulation.
- E. Exterior sales that are specifically authorized through temporary use permit approval, subject to conditions of approval. Exterior sales that may be permitted are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers' markets.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4th day of April, 2005, and scheduled for a second reading at a regular meeting of the Council on the 18th day of April, 2005, commencing at the hour of 7:00 P.M. at the Wilsonville Community Center.

Starla Schur, CMC, Deputy City Recorder

Enacted by the City Council on the 18th day of April, 2005, by the following votes:

YEAS: _5_ NAYS: _0_ Starla Schur, CMC, Deputy City Recorder

DATED and signed by the Mayor this 18 day of April 2005.

CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes



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DLCD NOTICE OF ADOPTION

This form <u>must be mailed</u> to DLCD <u>within 5 working days after the final decision</u> per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: City of Wilsonville	Local File No.: LP-2005-01-004 Ord.No. 580
Date of Adoption: <u>April 18, 2005</u> (Must be filled in)	Date Mailed:
Date the Notice of Proposed Amendment was mailed	l to DLCD: Feb. 17, 2005
Comprehensive Plan Text Amendment	Comprehensive Plan Map Amendment
$\chi\chi$ Land Use Regulation Amendment	Zoning Map Amendment
New Land Use Regulation	Other:
	(Please Specify Type of Action)
Summarize the adopted amendment. Do not use tech	nical terms. Do not write "See Attached."
A planning and land development ordinance	text amendment to Section 4.116(.05)
Standards applying to commercial development	nt in any zone, broadening the
exceptions list to the completely enclosed h	
· · · · · · · · · · · · · · · · · · ·	
Describe how the adopted amendment differs from th "Same." If you did not give notice for the proposed a	• •
Same	
Plan Map Changed from : <u>N/A</u>	to
Zone Map Changed from: <u>N/A</u>	to
Location: Commercial developments city-wide	
Specify Density: Previous: <u>N/A</u>	
Applicable Statewide Planning Goals: <u>#1 Citizen</u>	
Was an Exception Adopted? Yes: No:	

DLCD File No.:

			• * * *
Did the Department of Land Conservation and D	evelopment <u>receive</u> a notice of	f Proposed	
Amendment FORTY FIVE (45) days prior to	the first evidentiary hearing.	Yes: X	No:
If no, do the Statewide Planning Goals ap	oply.	Yes:	No:
If no, did The Emergency Circumstances	Require immediate adoption.	Yes:	No:
Affected State or Federal Agencies, Local Gover	nments or Special Districts:		
See attached list.			
Local Contact: <u>Chris Neamtzu</u> City of Wilsonville	Area Code + Phone Number:	503-682-49	160
Address: <u>30000 SW Town Center LOOP East</u>	City: <u>Wilsonville</u>	<u>.</u>	
Zip Code+4: 97070	Email Address: peamtzu@c	i.wilsonvi	lle.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form <u>must be mailed</u> to DLCD <u>within 5 working days after the final decision</u> per ORS 197.610, OAR Chapter 660 - Division 18.

Send this Form and TWO (2) Copies of the Adopted Amendment to:

1.

ATTENTION: PLAN AMENDMENT SPECIALIST DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT 635 CAPITOL STREET NE, SUITE 150 SALEM, OREGON 97301-2540

- 2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2)** complete copies of documents and maps.
- 3. <u>Please Note</u>: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
- 4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
- The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within TWENTY-ONE (21) days of the date, the "Notice of Adoption" is sent to DLCD.
- 6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
- Need More Copies? You can copy this form on to <u>8-1/2x11 green paper only</u>; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us ATTENTION: PLAN AMENDMENT SPECIALIST.
 J:\pa\paa\forms\form2word.doc

AFFIDAVIT OF MAILING NOTICE COUNCIL DECISION **OF THE CITY OF WILSONVILLE**

STATE OF OREGON

COUNTIES OF CLACKAMAS

CITY OF WILSONVILLE

Schub, do hereby certify that I am the Deputy City Recorder of the I, V City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached copy of Notice of Council Decision regarding Ordinance No. 580, is a true copy of the original notice; that on <u>Whill</u>, 2005, I did cause to be mailed copies of such notice of Council Decision hearing in the exact form hereto attached to the jurisdictions listed in Exhibit "A":

Witness my hand _______ Uptil 19 , 2005.

Schur, Deputy City Recorder, CMC

Subscrit	bed and sworn	to before me	
this	<u>19 th</u> day of	april	, 2005.

NOTARY PUBLIC, STATE OF OREGON

29/07 11 My commission expires:



Affected State or Federal Agencies, Local Governments or Special Districts 8/27/02

			Beaverton	OR	97005 *
Columbia Cable of Oregon	14200 SW Brigadoon Ct.	·	Beaverton	OR	97095
Tualatin Valley Water District	PO Box 745		Canby	OR	97013
Canby School District	1110 S Ivy Street	182 N. Holly	Canby	OR	97013
City Planner	City of Canby	Т	Clackamas	OR	97015
Doug McClain	Clackamas Cty Planning Section Mgr	9101 SE Sunnybrook Blvd	Hillsboro	OR	97124
William Graffi	Unified Sewerage Agency	155 N. First Avenue, Room 270			97124 97124
Brent Curtis	Wash. County Planning Manager	155 N. First Avenue	Hillsboro	OR	
Portland General Electric	121 SW Salmon 1 WTC-9		Portland	OR	97204
BPA	PO Box 3621		Portland	OR	97208
Tom Simpson	NW Natural Gas	220 NW 2nd Avenue	Portland	OR	97209
Michael Dennis	Tri-Met Project Planning Dept	4012 SE 175th Avenure	Portland	OR	97202
Oregon Dept of Environ Quality	811 SW Sixth Avenue		Portland	OR	97204
Ray Valone	Metro	600 NE Grand Avenue	Portland	OR	97232
Manager, Community	Growth Management Services	600 NE Grand Avenue	Portland	OR	97232
Development	Metro	123 NW Flanders Street	Portland	OR	97209
Leo Huff	ODOT		Salem	OR	97310
John Lilly	Division of State Lands	775 Summer Street, NE			97310 97310
Richard Ross	Department of Corrections	2575 Center Street NE	Salem	OR	
Bobbi Burton	Community Coordinator, Facilities Division	2575 Center Street, NE	Salem	OR	97310
William Fujii, OWRD	Commerce Building	158 12th Street, NE	Salem	OR	97310
Sherwood School Dist Admin	400 N. Sherwood Blvd.	·	Sherwood	OR	97140
	GTE	PO Box 23416	Tigard	OR	97281
Jim Jacks	City of Tualatin	18880 SW Martinazzi Avenue	Tualatin	OR	97062
•	West Linn/Wilsonville School District 3JT	PO Box 35	West Linn	OR	97068
Roger Woehl	United Disposal Services	PO Box 186	Wilsonville	OR	97070
Jim Johnston	Portland General Electric	9540 SW Boeckman Road	Wilsonville	OR	97070



30000 SW Town Center Loop E Wilsonville, Oregon 97070 (503) 682-1011 (503) 682-1015 Fax (503) 682-0843 TDD

WILSONVILLE CITY COUNCIL NOTICE OF DECISION

FILE NO: LP-2005-01-004, Ordinance No. 580 An Ordinance Amending W. C. 4.116 (.05) - Expanding The List Of Exceptions To The "Completely Enclosed Building" Requirement For Commercial Development In Any Zone.

<u>PETITIONER</u>: City of Wilsonville

After conducting public hearings, the Wilsonville City Council voted to adopt Ordinance No. 580 as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as:

Ordinance o. 580 An Ordinance Amending W. C. 4.116 (.05) - Expanding The List Of Exceptions To The "Completely Enclosed Building" Requirement For Commercial Development In Any Zone.

And placed on file in the city records at the Wilsonville City Hall this \square day of April, 2005, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of decision. Copies of Ordinance No. 579 may be obtained from the City Recorder, 30000 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506.

For further information, please contact Chris Neamtzu, Long Range Planner at the Wilsonville Planning Division, Community Development Annex, 8445 SW Elligsen Road, Wilsonville, OR 97070 or telephone (503) 682-4960.

Affidavit of Mailing N:\City Recorder\Affidavit of Mailing\Ord 580.doc Lou Fasano 2455 SW Gregory Drive West Linn OR 97068

the2bartons@verizon.net; mark@wilsonvillechamber.com; tstaffenson@lambsmarkets.com; urban.solutions@verizon.net; bburns@burnsbros.com; jbl@alpha-eng.com; mragsdale@costapacific.com; dsc@alpha-eng.com; pts@alpha-eng.com; cbrown@legendhomes.com; dguthrie@westhillsdevelopment.com; rkadlub@costapacific.com; michael@michaelsmithproperties.com; ;

Bruce Barton, <u>the2bartons@verizon.net</u> Mark Ottenad, Chamber of Commerce, <u>mark@wilsonvillechamber.com</u> Tanney Staffenson, Wilsonville Thriftway, <u>tstaffenson@lambsmarkets.com</u> Ben Altman, Urban Solutions, <u>urban.solutions@verizon.net</u> Bruce Burns, Argyle Capital, <u>bburns@burnsbros.com</u> Jim Lange, Alpha Engineering, Inc, <u>jbl@alpha-eng.com</u> Mike Ragsdale, Costa Pacific Communities, <u>mragsdale@costapacific.com</u> Stacy Connery, Alpha Engineering, Inc, <u>dsc@alpha-eng.com</u> Paul Seilo, Alpha Engineering, Inc, <u>pts@alpha-eng.com</u> Craig Brown, Matrix Development Corp., <u>cbrown@legendhomes.com</u> Don Guthrie, West Hills Development, <u>dguthrie@westhillsdevelopment.com</u> Rudy Kadlub, Costa Pacific Communities, <u>rkadlub@costapacific.com</u> Michael Smith, Michael Smith Properties, <u>michael@michaelsmithproperties.com</u>

King, Sandy

From:	Straessle, Linda
Sent:	Monday, April 18, 2005 2:10 PM
То:	King, Sandy
Subject:	LP0504 Interested pp ml.doc

This is an easy one. Only 1 mail label, the rest are emails. These are all people who have indicated that they would prefer notices to be emailed to them on the sign-in sheets. I have divided up the emails two ways, one for cutting and pasting into the "to" line in an email, and the other way - putting names & companies to the emails addresses.

linda.

ORDINANCE NO. 580

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WHEREAS, it is the City's desire to attract new business and encourage attractive commercial development to contribute to a vibrant economic condition; and

WHEREAS, the current code does not allow for such activities as outdoor dining and sales that when appropriately developed, can greatly contribute to a vibrant, economically sustained pedestrian-friendly commercial district; and

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WHEREAS, the existing code requires that "all businesses, service or processing, shall be conducted wholly within a completely enclosed building", with the exception of temporary uses, sale of automotive fuel and accessory items, and off-street parking and loading; and

WHERAS, the proposed code amendment is intended to expand the list of exceptions, and clarify allowable outdoor commercial activities; and

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(.05) All businesses, service or processing, shall be conducted wholly within a completely enclosed building, except for:

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- B. Car washes and car vacuum bays.
- C. Off-street parking for customers and employees and off-street loading.
- D. Outdoor seating areas associated with food and drink establishments on private property, or on public easements, provided the area and activities conform to ADA standards and do not interfere with public uses, safety, access or circulation.
- E. Exterior sales that are specifically authorized through temporary use permit approval, subject to conditions of approval. Exterior sales that may be permitted are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers' markets.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4th day of April, 2005, and scheduled for a second reading at a regular meeting of the Council on the 18th day of April, 2005, commencing at the hour of 7:00 P.M. at the Wilsonville Community Center.

Starla Schur, CMC, Deputy City Recorder

Page 2 of 3

Enacted by the City Council on the 18th day of April, 2005, by the following votes:

YEAS: _5_ NAYS: _0_ Starla Schur, CMC, Deputy City Recorder

DATED and signed by the Mayor this 12Aday of April 2005 CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes

FORM 2

DLCD NOTICE OF ADOPTION

This form <u>must be mailed</u> to DLCD <u>within 5 working days after the final decision</u> per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: City of Wilsonville	Local File No.:	LP-2005-01-004 Ord.No.
Data of Adaptions (A ab 1/8 2 1905	Data Mailada	(If no number, use none)
Date of Adoption: <u>April 18, 2005</u> (Must be filled in)	_ Date Maried:	(Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed	l to DLCD: Feb.	17, 2005
Comprehensive Plan Text Amendment	Comprehens	ive Plan Map Amendment
XX_ Land Use Regulation Amendment	Zoning Map	Amendment
New Land Use Regulation	Other:	
		(Please Specify Type of Action)
Summarize the adopted amendment. Do not use tech	nical terms. Do n	ot write "See Attached."
A planning and land development ordinance	text amendment	to Section 4.116(.05)
Standards applying to commercial developme	nt in any zone	, broadening the
exceptions list mathe completely enclosed	huilding stand	ard
exceptions list to the completely enclosed Describe how the adopted amendment differs from the second of the secon	ne proposed amer	ndment. If it is the same, write
Describe how the adopted amendment differs from the same." If you did not give notice for the proposed a	ne proposed amer	ndment. If it is the same, write
	ne proposed amer amendment, write	ndment. If it is the same, write
Describe how the adopted amendment differs from the same." If you did not give notice for the proposed a same	ne proposed amer amendment, write	ndment. If it is the same, write "N/A."
Describe how the adopted amendment differs from the same." If you did not give notice for the proposed a Same	ne proposed amer amendment, write	ndment. If it is the same, write "N/A."
Describe how the adopted amendment differs from the "Same." If you did not give notice for the proposed a Same Plan Map Changed from : N/A Zone Map Changed from: N/A Location: Commercial developments city-wide	ne proposed amer amendment, write to to Acres Involv	ndment. If it is the same, write "N/A."
Describe how the adopted amendment differs from the "Same." If you did not give notice for the proposed a Same Plan Map Changed from : N/A Zone Map Changed from: N/A	ne proposed amer amendment, write to to to Acres Involv New: <u>N/A</u>	ndment. If it is the same, write "N/A." ed: <u>N/A</u>

DLCD File No.:

Did the Department of Land Conservation and Development receive a notice of	f Proposed	
Amendment FORTY FIVE (45) days prior to the first evidentiary hearing.	Yes: X	No:
If no, do the Statewide Planning Goals apply.	Yes:	No:
If no, did The Emergency Circumstances Require immediate adoption.	Yes:	No:
Affected State or Federal Agencies, Local Governments or Special Districts:		
See attached list		

Local Contact: Chris Neamtzu	Area Code + Phone Number: 503-682-4960
City of Wilsonville Address: <u>30000 SW Town Center LOOP</u> East	City: <u>Wilsonville</u>
Zip Code+4: <u>97070</u>	Email Address: <u>neamtzu@ci.wilsonville.or.</u> us

ADOPTION SUBMITTAL REQUIREMENTS

This form <u>must be mailed</u> to DLCD <u>within 5 working days after the final decision</u> per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT 635 CAPITOL STREET NE, SUITE 150 SALEM, OREGON 97301-2540

- 2. Submit TWO (2) copies the adopted material, if copies are bounded please submit TWO (2) complete copies of documents and maps.
- 3. <u>Please Note</u>: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
- 4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
- 5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within TWENTY-ONE (21) days of the date, the "Notice of Adoption" is sent to DLCD.
- 6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
- 7. Need More Copies? You can copy this form on to <u>8-1/2x11 green paper only</u>; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us ATTENTION: PLAN AMENDMENT SPECIALIST.

J:\pa\paa\forms\form2word.doc

AFFIDAVIT OF MAILING NOTICE COUNCIL DECISION OF THE CITY OF WILSONVILLE

STATE OF OREGON COUNTIES OF CLACKAMAS CITY OF WILSONVILLE

I, <u>Haula Schub</u>, do hereby certify that I am the Deputy City Recorder of the City of Wilsonville, Councils of Clackamas and Washington, State of Oregon, that the attached copy of Notice of Council Decision regarding Ordinance No. 580, is a true copy of the original notice; that on <u>Uptul 9</u>, 2005, I did cause to be mailed copies of such notice of Council Decision hearing in the exact form hereto attached to the jurisdictions listed in Exhibit "A":

Witness my hand <u>(uplied 19</u>, 2005.

Starla Schur, Deputy City Recorder, CMC

Subscribed and sworn to before me this 19^{+h} day of 0.0001, 2005.

Panleson NOTARY PUBLIC, STATE OF OREGON

My commission expires: 11 29 07



Affected State or Federal Agencies, Local Governments or Special Districts 8/27/02

Columbia Cable of Oregon	14200 SW Brigadoon Ct.		Beaverton	OR	97005
Tualatin Valley Water District	PO Box 745	· .	Beaverton	OR	97095
Canby School District	1110 S Ivy Street		Canby	OR	97013
City Planner	City of Canby	182 N. Holly	Canby	OR	97013
Doug McClain	Clackamas Cty Planning Section Mgr	9101 SE Sunnybrook Blvd	Clackamas	OR	97015
William Graffi	Unified Sewerage Agency	155 N. First Avenue, Room 270	Hillsboro	OR	97124
Brent Curtis	Wash. County Planning Manager	155 N. First Avenue	Hillsboro	OR	97124
Portland General Electric	121 SW Salmon 1 WTC-9	·	Portland	OR	97204
BPA	PO Box 3621		Portland	OR	97208
Tom Simpson	NW Natural Gas	220 NW 2nd Avenue	Portland	OR	97209
Michael Dennis	Tri-Met Project Planning Dept	4012 SE 175th Avenure	Portland	OR	97202
Oregon Dept of Environ Quality	811 SW Sixth Avenue		Portland	OR	97204
Ray Valone	Metro	600 NE Grand Avenue	Portland	OR	97232
Manager, Community	Growth Management Services	600 NE Grand Avenue	Portland	OR	97232
Development	Metro	123 NW Flanders Street	Portland	OR	97209
Leo Huff	ODOT	775 Summer Street, NE	Salem	OR	97310
John Lilly	Division of State Lands	2575 Center Street NE	Salem	OR	97310
Richard Ross	Department of Corrections	2575 Center Street, NE	Salem	OR	97310
Bobbi Burton	Community Coordinator, Facilities Division		Salem	OR	97310
William Fujii, OWRD	Commerce Building	158 12th Street, NE	Salem	OR	
Sherwood School Dist Admin Office	400 N. Sherwood Blvd.		Sherwood	OR	97140
	GTE	PO Box 23416	Tigard	OR	97281
Jim Jacks	City of Tualatin	18880 SW Martinazzi Avenue	Tualatin	OR	97062
Roger Woehl	West Linn/Wilsonville School District 3JT	PO Box 35	West Linn	OR	97068
TOPOL	United Disposal Services	PO Box 186	Wilsonville	OR	97070
Jim Johnston	Portland General Electric	9540 SW Boeckman Road	Wilsonville	OR	97070



30000 SW Town Center Loop E Wilsonville, Oregon 97070 (503) 682-1011 (503) 682-1015 Fax (503) 682-0843 TDD

WILSONVILLE CITY COUNCIL NOTICE OF DECISION

<u>FILE NO:</u> LP-2005-01-004, Ordinance No. 580 An Ordinance Amending W. C. 4.116 (.05) - Expanding The List Of Exceptions To The "Completely Enclosed Building" Requirement For Commercial Development In Any Zone.

<u>PETITIONER</u>: City of Wilsonville

After conducting public hearings, the Wilsonville City Council voted to adopt Ordinance No. 580 as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as:

Ordinance o. 580 An Ordinance Amending W. C. 4.116 (.05) - Expanding The List Of Exceptions To The "Completely Enclosed Building" Requirement For Commercial Development In Any Zone.

And placed on file in the city records at the Wilsonville City Hall this $\square \square \square$ day of April, 2005, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of decision. Copies of Ordinance No. 579 may be obtained from the City Recorder, 30000 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506.

For further information, please contact Chris Neamtzu, Long Range Planner at the Wilsonville Planning Division, Community Development Annex, 8445 SW Elligsen Road, Wilsonville, OR 97070 or telephone (503) 682-4960.

Affidavit of Mailing N:\City Recorder\Affidavit of Mailing\Ord 580.doc Lou Fasano 2455 SW Gregory Drive West Linn OR 97068

the2bartons@verizon.net; mark@wilsonvillechamber.com; tstaffenson@lambsmarkets.com; urban.solutions@verizon.net; bburns@burnsbros.com; jbl@alpha-eng.com; mragsdale@costapacific.com; dsc@alpha-eng.com; pts@alpha-eng.com; cbrown@legendhomes.com; dguthrie@westhillsdevelopment.com; rkadlub@costapacific.com; michael@michaelsmithproperties.com; ;

Bruce Barton, the2bartons@verizon.net

Mark Ottenad, Chamber of Commerce, <u>mark@wilsonvillechamber.com</u> Tanney Staffenson, Wilsonville Thriftway, <u>tstaffenson@lambsmarkets.com</u> Ben Altman, Urban Solutions, <u>urban.solutions@verizon.net</u> Bruce Burns, Argyle Capital, <u>bburns@burnsbros.com</u> Jim Lange, Alpha Engineering, Inc, <u>jbl@alpha-eng.com</u> Mike Ragsdale, Costa Pacific Communities, <u>mragsdale@costapacific.com</u> Stacy Connery, Alpha Engineering, Inc, <u>dsc@alpha-eng.com</u> Paul Seilo, Alpha Engineering, Inc, <u>pts@alpha-eng.com</u> Craig Brown, Matrix Development Corp., <u>cbrown@legendhomes.com</u> Don Guthrie, West Hills Development, <u>dguthrie@westhillsdevelopment.com</u> Rudy Kadlub, Costa Pacific Communities, <u>rkadlub@costapacific.com</u> Michael Smith, Michael Smith Properties, michael@michaelsmithproperties.com

King, Sandy

From:	Straessle, Linda
Sent:	Monday, April 18, 2005 2:10 PM
То:	King, Sandy
Subject:	LP0504 Interested pp ml.doc

This is an easy one. Only 1 mail label, the rest are emails. These are all people who have indicated that they would prefer notices to be emailed to them on the sign-in sheets. I have divided up the emails two ways, one for cutting and pasting into the "to" line in an email, and the other way - putting names & companies to the emails addresses.

linda.

ORDINANCE NO. 580

AN ORDINANCE AMENDING W. C. 4.116 (.05) - EXPANDING THE LIST OF EXCEPTIONS TO THE "COMPLETELY ENCLOSED BUILDING" REQUIREMENT FOR COMMERCIAL DEVELOPMENT IN ANY ZONE.

WHEREAS, the Wilsonville Comprehensive Plan land use and development section encourages an attractive, functional and economically vital community and urges that shopping areas be pleasant environments to live near and to do business within; and

WHEREAS, commercial development is a major identifying feature in a community, offering impressions to residents and visitors alike of the quality of life available; and

WHEREAS, Comprehensive Plan Policy encourages commercial growth to serve local needs; and

WHEREAS, it is the City's desire to attract new business and encourage attractive commercial development to contribute to a vibrant economic condition; and

WHEREAS, the current code does not allow for such activities as outdoor dining and sales that when appropriately developed, can greatly contribute to a vibrant, economically sustained pedestrian-friendly commercial district; and

WHEREAS, it is in the best interest of the City and its citizens to allow these activities; and

WHEREAS, the existing code requires that "all businesses, service or processing, shall be conducted wholly within a completely enclosed building", with the exception of temporary uses, sale of automotive fuel and accessory items, and off-street parking and loading; and

WHERAS, the proposed code amendment is intended to expand the list of exceptions, and clarify allowable outdoor commercial activities; and

WHEREAS, the public interest is served by clarifying the code to better express and expand the list of exceptions to the "completely enclosed building" standard of the Planned Development Commercial zone; and,

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

Section 1. <u>Findings</u>. The City Council hereby adopts as findings of facts the above recitals and that staff report in this matter dated March 28, 2005, attached hereto and incorporated herein as if fully set forth.

Section 2. Order. Wilsonville Code Section 4.116 (.05) is amended to read as follows:

A. 4.116 (.05). <u>Standards Applying to Commercial Developments in any Zone.</u> Any commercial use shall be subject to the applicable provisions of this Code and to the following:

(.05) All businesses, service or processing, shall be conducted wholly within a completely enclosed building, except for:

- A. The sale of automotive fuel, lubricants and fluids at service stations.
- B. Car washes and car vacuum bays.
- C. Off-street parking for customers and employees and off-street loading.
- D. Outdoor seating areas associated with food and drink establishments on private property, or on public easements, provided the area and activities conform to ADA standards and do not interfere with public uses, safety, access or circulation.
- E. Exterior sales that are specifically authorized through temporary use permit approval, subject to conditions of approval. Exterior sales that may be permitted are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers' markets.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4th day of April, 2005, and scheduled for a second reading at a regular meeting of the Council on the 18th day of April, 2005, commencing at the hour of 7:00 P.M. at the Wilsonville Community Center.

Starla Schur, CMC, Deputy City Recorder

Enacted by the City Council on the 18th day of April, 2005, by the following votes:

YEAS: _5_ NAYS: _0_

Starla Schur, CMC, Deputy City Recorder

DATED and signed by the Mayor this 12^{-1} $\wedge day of April 2005.$

CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes

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DATED and signed by the Mayor this 18^+ Aday of April 2005

CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes