

AFFIDAVIT OF POSTING

ORDINANCE #115

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 11th day of September, I caused to be posted copies of the attached Ordinance #115, Amending the Comprehensive Development Plan and Plan Map; Amending the Zoning Map of the City of Wilsonville, 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 18th day of September, 1978.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 11 day of September, 1978.


NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: 6-28-82

ORDINANCE NO. 115

AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT PLAN AND PLAN MAP; AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 58 enacted December 22, 1975 adopted a Comprehensive Development Plan Map and that map was corrected by Ordinance No. 61 enacted March 15, 1976 and the map as corrected was subsequently modified by order of the Oregon Land Conservation and Development Commission (LCDC) dated January 26, 1978 in the matter of 1000 Friends of Oregon, et al vs. LCDC and City of Wilsonville, et al, LCDC No. 76-004; and

WHEREAS, the Comprehensive Development Plan and plan map as adopted, corrected and modified designated Tax Lot 600 in Section 23, Township 3 South, Range 1 West of the Willamette Meridian in the City of Wilsonville, Clackamas County, Oregon for development for commercial services and said property is currently zoned by the County as RA-1; and

WHEREAS, Phillip R. Balsiger as an owner of said property which consists of 1.66 acres filed an application with the Wilsonville City Planning Commission on June 7, 1978 to change the development plan and plan map, and also to change the zone to the City's PC&I zone (Planned Commercial and Industrial) in order to change the use of the existing 4 plex structure to commercial office use; and

WHEREAS, the said property is currently used for a 4 plex constructed in 1963 and is designated in the comprehensive development plan (now in process of updating) as residential (7-12 DU/acre) but is surrounded on three (3) sides with general commercial zoning; and

WHEREAS, the Wilsonville City Planning Commission before taking final action on said application scheduled and held a public hearing on the matters as required by the applicable provisions of the City's Zoning Ordinance No. 23 and gave advance notice of

the time, place and purpose of said hearings in the manner and for the time required by said ordinance; and

WHEREAS, the Planning Commission hearings were duly and regularly held on Monday, July 10, 1978 and there were no opponents to the proposed change in the City's Comprehensive Development Plan or development plan map or to the proposed zone change and at the conclusion of the hearings and after further deliberation on the matters and consideration of staff reports the Planning Commission made the following FINDINGS with regards to the requested change in the Comprehensive Development Plan and plan map:

1. That the extension of the general commercial development pattern to the north to include the property in question will coordinate general land uses with existing office structures fronting on Parkway Avenue.

2. That the 7-12 dwelling units per acre development pattern to the east of the property in question will serve as a buffer area between commercial uses and residential improvements which are contemplated for development to the east of the property in question.

3. That adequate access to Tax Lot 600 has been provided through the dedication of a 50' roadway which abuts the property on the north.

4. That the Parkway Acres Office Complex is in the final stages of completion and will, therefore, serve as an orderly extension of commercial growth connecting Tax Lot 600 to commercial properties on the north.

5. That the existing 4 plex and its expansion will provide additional professional office space in the Wilsonville area which will serve the general public as residential neighborhoods develop in the community.

It is recognized by the Planning Commission that the development of the Day Dream Ranch, together with the Courtyard Estates PUD, both of which are residential developments scheduled for construction on the east side of the I-5 freeway, will require additional professional office services. It is further recognized by the Planning Commission that Tax Lot 600, and its relationship to the existing professional office use to the west (architectural services) and the Parkway Acres Office Complex to the north, represents a land use configuration which reflects an orderly extension of commercial services into the area.

6. That Parkway Avenue, identified as a collector street on the comprehensive general plan, will provide adequate access to the proposed commercial expansion.

7. That both water and sewer utilities are available to the site for the future commercial expansion of the property as proposed and reflected on the site plan.

8. That professional office space for the City of Wilsonville is limited to the Parkway Avenue office complex, the commercial office structure located at the Stafford interchange, and miscellaneous structures located on Wilsonville Road west of the I-5 freeway.

9. That the site plan as prepared for Stage II, PC&I zoning will allow for adequate off-street parking to be provided for both the general public and employees.

10. That the conversion from residential to general commercial is considered by the Planning Commission to be a logical increase in the intensity of land use.

11. That the conversion from residential to commercial use will increase the economic activity on the site, thereby benefiting the community with increased employment opportunities, commercial services and overall economic growth.

12. That the elimination of the 4 plex will not result in a detrimental decrease in housing units due to the approval of recent single family subdivisions, proposed townhouse/condominium units for the Charbonneau Planned Unit Development, the Courtside Estates Planned Unit Development and the Day Dream Ranch condominiums located on the north side of the Willamette River west of Wilsonville Memorial Park.

13. That the intensified urbanization of the site is consistent with the overall growth pattern of the commercial area located south of Wilsonville Road on Parkway Avenue.

14. That the demand for professional/commercial office services and floor space will increase as the City of Wilsonville's population grows.

15. That the applicant has petitioned the Planning Commission for PC&I zoning on the property, which if approved will extend said zoning standards to the site in question, thereby establishing a more orderly zoning pattern for the area in question.

It is recognized by the Planning Commission that the PC&I zoning process allows for a more extensive control over land uses, thus insuring a more coordinated system of site development, traffic improvements, coordination of utilities, schedule of development, architectural control and placement of structures and basic enforcement of generally accepted planning principles.

The Planning Commission made the following FINDINGS with regards to the requested zone change:

1. That the property in question, consisting of 1.66 acres, is within 1,000 feet of existing sewer and water utilities and is therefore in compliance with Ordinance #99, which authorizes the Planning Commission to consider the zone change request.

2. That the existing 4 plex structure can be converted for commercial office use and that the balance of the property as indicated on the site plan and submitted in accordance with PC&I zoning regulations may be utilized for an additional office building as proposed.

3. That Parkway Avenue is identified on the comprehensive general plan as a collector street and provides adequate traffic circulation for the commercial area from Wilsonville Road south to the property in question.
4. That the PC&I zoning as requested will provide for additional office space for the City of Wilsonville which will be in public demand as the residential growth pattern for Day Dream Ranch, Courtside Estates Planned Unit Development, Willamette Village, Hallberg Homes and various industrial projects currently underway in the community are implemented.
5. That surrounding land uses are compatible with the proposed commercial use of the property and represent an orderly extension of commercial growth in the area.
6. That the Parkway Acres Office Complex, located to the north of the site, is in the final stages of completion and will complement the intended use.
7. That a 50' dedicated right-of-way has been provided, extending from Parkway Avenue east fronting on the site.
8. That the Planning Commission will exercise full and complete control over those items as identified in the PC&I zoning process at the Stage III level prior to authorizing final site plans to the Design Review Board in compliance with Ordinance #38.
9. That the economic goal as identified in the Goal 9 of Senate Bill 100 will allow for a diversification of local employment opportunities, thereby providing jobs for the anticipated population growth which will be realized through the construction of the various subdivisions recently approved by the City of Wilsonville.
10. That the creation of general commercial uses on the site within close proximity of residential subdivisions will result in energy conservation through reduced transportation needs and concentration of professional services.
11. That Goal 14 of Senate Bill 100 will be satisfactorily implemented through the orderly and efficient transition of the existing structure for commercial uses and the proposed construction of the building to the north.
12. That the site plan allows for adequate open space and set backs for commercial structures as required by PC&I zoning regulations.
13. That adequate off-street parking is available with the existing structure and that adequate land area is available for off-street parking for the proposed commercial building.
14. That the applicant, Phillip Balsiger, has submitted to the Planning Commission for consideration, the necessary documentation to justify the zone change in compliance with Senate Bill 100 and the Goals as set forth therein.
15. That the adjacent professional office structure (architectural offices) are compatible with the proposed use for both the existing and proposed structure and that

a permanent easement exists on an east west grid through the existing off-street parking facility which services said offices.

16. That the availability of professional office floor area is limited to the Parkway Acres Office Complex, the professional office structure located near the Stafford interchange, and miscellaneous office uses fronting on Wilsonville Road west of the I-5 freeway.

WHEREAS, the Wilsonville City Council considered the matters as related in the foregoing recitals at a public hearing thereon which was duly and regularly called and held on Thursday, August 10, 1978 after proper notice thereof was first given in the manner and for the time required by Section 14.01 of the Zoning Ordinance No. 23; and at said hearing there were no opponents to the proposed change in the City's development plan or plan map or to the requested zone change and the applicant, Phillip R. Balsiger, who is also an owner of the subject property appeared in person and agreed (which is a matter of record in the minutes of that hearing) that the conditions for approval of the zone change as discussed at the Planning Commission Hearing and recommended in their report to the City Council and restated and imposed by this Ordinance should be applied to a zone change and were acceptable to and would be observed by the applicant/property owner.

After deliberations on the matters and consideration of the Planning Commission's reports, findings and recommendations, the City Council, by motion duly made, seconded and carried, determined and concluded as follows:

1. To accept in toto the FINDINGS and recommendations of the Planning Commission for both application matters as the FINDINGS of the Wilsonville City Council.
2. To authorize this Ordinance to effect the requested change in the City's Comprehensive Development Plan and plan map; and change the zone of the said Tax Lot 600 from County RA-1 zoning to a City PC&I zone.

The reasons for the Council's conclusions and decision are:

- A. All required utility services are available and can be extended to the property.

B. There is more than adequate road access and off-street parking.

C. The land is urban and developed and the adjoining property on the south is classified for the same general commercial use as requested by the applications filed in this matter.

D. The requested changes will enable the development of more needed land for general commercial services and particularly additional office space; and PC&I zoning under City ordinances will effectively regulate proper and orderly development of the property in accordance with the City's zoning standards and Design Review Board requirements.

E. The requested changes are in accordance with the zoning ordinance and development plan and also the Land Conservation and Development Commission (LCDC) goals and guidelines; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The Comprehensive Development Plan and plan map for the City of Wilsonville as previously approved, adopted and later amended is hereby amended and changed again to include Tax Lot 600 in Section 23, T3S, R1W of the W.M. in Clackamas County, Oregon for general commercial development rather than for commercial services.

Section 2: The City Administrator or someone under his direction is hereby directed to make the appropriate change in the City's Comprehensive Development Plan and on the development plan map and such change shall be identified by the signature of the Mayor and attested by the City Recorder with the number and effective date of this Ordinance.

Section 3: The County RA-1 zoning for Tax Lot 600, in Section 23, T3S, R1W of the W.M. in Clackamas County, Oregon is hereby changed to a PC&I zone as permitted and defined in the City of Wilsonville Zoning Ordinance No. 23; and the zoning map of the City dated June 11, 1971 which was adopted as a part of the said Zoning Ordinance on the same date is hereby amended and changed to show a PC&I zone for said property. The zone change as hereby approved and authorized is on the following conditions

which have been ratified and approved by the property owner/applicant,
Phillip R. Balsiger:

1. That the Stage III PC&I development plan for the proposed structure and conversion of the existing 4 plex shall be submitted to the Planning Commission for approval within two years.
2. That in the event the proposed office structure cannot be constructed within the two year time limit as identified in Section 13.07 of Ordinance #23, the applicant shall present to the Planning Commission a progress report and reasons why the PC&I zoning on the property as described herein should be extended. The same condition shall apply to the use of the 4 plex.
3. That the Planning Commission shall deal expressly with road access, dedication and improvements at Stage III, Phase I level of the Balsiger proposal.
4. That the Stage III development plans, for the existing structure as required by Ordinance #23, indicate the following items which shall be reviewed for approval by the Planning Commission:
 - A. Height of proposed commercial structure and proposed expansion of existing 4 plex unit.
 - B. Percentage of lot area coverage by all buildings and structures as identified on the site plan.
 - C. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.
 - D. The location, width and improvement of vehicular access to various portions of the property, including portions within abutting street.
 - E. Planning and maintenance of trees, shrubs, plants and lawns according to landscape plan as approved by the Planning Commission.
 - F. Specification as to size, design, lighting and location of signs and advertising structures.
 - G. Arrangement and spacing of buildings and structures to provide appropriate space around buildings.
 - H. Architectural design and color of buildings and structures.
 - I. Schedule of proposed time for construction of proposed building and structures, or any stage of development thereof.
5. The improvement of all off-street parking areas and the maintenance thereof, together with on-site drainage facilities shall be in compliance with Ordinance #23 and the standards as set forth therein.

6. That the conversion of the 4 plex to professional office use shall be in compliance with the Uniform Building Code as administered by the Building Department and that building plans be subject to review by the Tualatin Rural Fire Protection District.

7. That following Stage III approval of development plans by the Planning Commission, the applicant shall file detailed plans for Design Review Board in compliance with Ordinance #38.

8. That full Stage II and III procedures shall be followed for any additional expansion.

Section 4: The City Administrator, or someone under his direction is hereby directed to make the appropriate change on the City's zoning map and such change shall be identified by the signature of the Mayor and attested by the City Recorder with the number and effective date of this Ordinance.

Section 5: 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.

Section 6: All ordinances or parts of ordinances in conflict with any provisions of this ordinance are hereby repealed.

Section 7: If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

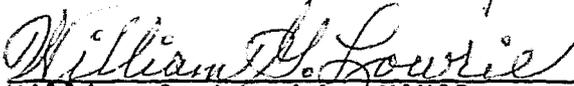
Submitted to the Council and read the first time ~~at a regular~~ meeting of the Council on the 5th day of September, 1978 and scheduled for second reading at a special meeting of the Council on the 18th day of September, 1978 at the hour of 8:00 o'clock p.m. at the Wilsonville Grade School.


Deanna J. Thom - CITY RECORDER

ENACTED by the Council on the 18th day of September , 1978
by the following vote: YEAS 5. NAYS 0.


Deanna J. Thom - CITY RECORDER

Dated and signed by the Mayor this 19th day of Sept. , 1978.


William G. Lowrie - MAYOR