

AFFIDAVIT OF POSTING

ORDINANCE #165


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 #165, an ordinance amending the zoning map of the City of Wilsonville (Application of Landamer Realty, Inc., for a zone change from RA-1 and C-1 to PDC) (C-2), 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 26th day of November, 1980.


NOTARY PUBLIC, STATE OF OREGON

My commission expires: May 10, 1981

ORDINANCE NO. 165

AN ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF WILSONVILLE (APPLICATION OF
LANDAMER REALTY, INC., FOR A ZONE CHANGE
FROM RA-1 and C-1 TO PDC (C-2))

WHEREAS, an application was filed with the Wilsonville City Recorder on behalf of LandAmer Realty, Inc. for the purpose of changing a classification of zone on a parcel of its real property from RA-1 (Rural Agricultural) and C-1 (Limited Commercial) to C-2 (Light Commercial) pursuant to 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 16.21 acres fronting on Parkway Avenue at the north end of the Stafford Park Commercial Development, for which the application for a zone change was filed, is set forth as follows:

IN THE CITY OF WILSONVILLE, WASHINGTON COUNTY, OREGON:

Beginning at a 2 inch diameter iron pipe with a 5/8 inch iron rod inside from which the east 1/4 corner of Section 2, Township 3 South, Range 1 West, Willamette Meridian bears North 89° 56' 09" East 633.50 feet and North 00° 04' 12" West 152.33 feet; thence from said initial point South 00° 03' 51" East along the west right of way of S.W. Parkway Ave., a distance of 180.02 feet to a 5/8 inch iron rod at the northeast corner of lot 9 of the plat of "Stafford Park" a duly recorded plat filed with Washington County plat records Book 39, Page 47; thence South 89° 56' 09"

West along the north line of said lot 9, a distance of 434.33 feet to a point on the easterly right of way of Interstate 5; thence North 00°05'57" East along the said easterly right of way, a distance of 375.39 feet to a 5/8 inch iron rod designated as Engineers Station "L5" 404+00; thence North 6°26'48" East continuing along said easterly right of way 404.42 feet to a 5/8 inch iron rod designated as Engineers Station "L5" 399+84.44; thence North; 89°31'39" East, a distance of 1017.74 feet to a 5/8 inch iron rod in the east line of said section 2; thence South 00°28'00" East along the east line of said section 2, a distance of 452.11 feet to a 1/2 inch iron pipe at the east one-quarter of said section 2; thence South 00°04'12" East continuing along said east line of section 2 a distance of 152.33 feet to a 2 inch iron pipe with a 5/8 inch iron rod inside and the northeast corner of lot 8 of said plat of "Stafford Park"; thence South 89°56'09" West along the north line of said lot 8, a distance of 633.50 feet to the initial point.

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 on 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 - STAFFORD PARK - C-1 AND RA-1 TO C-2," 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. Mr. Lou Fasano, representing LandAmer Realty, Inc., appeared for applicant and spoke as its proponent. No one spoke as an opponent 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 Resolution, but added a further Condition No. 3 as is set forth in Section 2 of this Ordinance and the

Council further noted that as anticipated in condition of Approval No. 2 of the Planning Commission's recommendations, the proposed Zoning Ordinance No. 154 has been adopted and, therefore, shall apply to the subject property. 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 PDC (Planned Development Commercial) 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 PDC (Planned Development Commercial) and not as RA-1 (Rural Agricultural) and C-1 (Limited Commercial) Zones.

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. 3: That the Condition originally imposed on part of the property as conditions of the zone change to C-2 shall be the minimum condition imposed for this zone change for the whole parcel.


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 Mayor this 2nd day of December, 1980,


William G. Lowrie, Mayor

PLANNING COMMISSION RESOLUTION
STAFFORD PARK - C-1 AND RA-1 TO C-2

WHEREAS, Lou Fasano has made application to the Wilsonville Planning Commission for a zone change from C-1 and RA-1 to C-2 for property described as Tax Lot 100, 3S1-2D, said property fronting on the north end of Parkway Avenue, east of I-5, 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 C-2 zone as requested and that said C-2 standards of development, together with the procedural review process, assures both the applicant and the City of Wilsonville 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 improvement of Parkway Avenue and St. Helen's Drive, 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 the C-2 zone as requested be approved.

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.

1. That the City of Wilsonville Comprehensive Plan Resolution No. 144 identifies the subject property as general commercial and that this zone change is in compliance with all applicable objectives and policies of the Comprehensive Plan,

Exhibit "A"

especially the policies of Special Area No. 1, which is intended to promote employment opportunities.

2. That the subject property has access to roads with adequate sight distance and adequate improvements.

3. That all urban services and adequate water, storage and sewer treatment capacities are available, subject to limitations of Growth Management Ordinance No. 112. A 10" water line and 8" sewer line are available at the end of Parkway Avenue to serve the subject property.

4. That proper storm drainage detention is provided to reduce impacts on the Seely Ditch Drainage Basin. Drainage impacts from property on the east side of I-5 may be further reduced by re-routing to Boeckman Creek, which is free of any major drainage problems.

5. That this zone change request is in compliance with the Stafford Park No. II commercial preliminary plat which was approved on September 10, 1979, and with the original commercial use intended for the subject property.

6. That the applicant has demonstrated a need for more convenience, freeway oriented commercial uses in the City of Wilsonville, and that the subject property is one of the best locations for such uses. Further, this additional commercial property is needed to support the expanding development of residential housing and the current need for more employment opportunities.

7. That all developments so far in the Stafford Park No. I Subdivision have been high in quality, and in accordance with plans approved by the Design Review Board. Similar quality will continue for Stafford Park No. II, as indicated by the applicant.

8. That approval of this zone change does not in any way circumvent the Urban Growth Boundary directly north, or imply City support of annexations or utility extensions north of the subject property.

9. That few uncommitted commercial lots remain in Stafford Park No. I, which demonstrates a need for additional commercial property.

10. That freeway-oriented commercial uses are developing, as evidenced by the proposed Sheraton Inn and the other commercial uses already developed in Stafford Park No. I.

11. That the property contains 16.21 acres, and contains no significant environmental amenities in need of preservation, or hazardous conditions, except for steep slopes up to 33% at the northeast corner of the subject property which may present some building limitations.

12. That final Plat Plans have been submitted to the City for review, and a Final Plat is expected to be recorded in the near future.

13. That this zone change is proper, as it is the first step toward development of the subject property, even though no specific building plans have been submitted to this date.

14. That the applicant has carried his burden under LCDC goals and guidelines to effectuate the zone change under public testimony held on August 11, 1980, and Exhibit 7.

15. That previous testimony re zone change on the north half of Lot 16 having changed from C-1 to C-2 established that most C-2 had in fact developed to C-1 standards and that this was not the amount of C-2 development which was contemplated under the Comprehensive Plan thereby easily authorizing this zone change.

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 Plan, the standards of development as identified by the City of Wilsonville Zoning Ordinance No. 154 and to preserve the health, safety and welfare of the general public.

1. That the applicant satisfy all the conditions as specified in the preliminary subdivision approval, Case No. 79-S-2.

2. That in the event the proposed Zoning Ordinance becomes effective prior to the effective date of this zone change, the applicant will be able to proceed with Stage II, Site Development Plans under the provisions of the PDC (Planned Development Commercial Zone), as the subject property will automatically change from C-2 to PDC.

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.
2. City of Wilsonville Existing Water and Sewer Systems exhibits.
3. City of Wilsonville Zoning Map and Text Ordinance No. 23.
4. Applicant's Zone Change application form.
5. Applicant's Final Plat Map and Contour Map.
6. Assessor's map identifying subject property in question as submitted by applicant.
7. Applicant's submittal of Fasano requirements.
8. Proposed Zoning Ordinance No. 154.
9. Carl Buttke Transportation Report.
10. Robert E. Meyer Storm Drainage Study.
11. Preliminary Subdivision approval, Case 79-S-2.

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

Stan Maves moved that Planning Commission recommend to the City Council that the zone change submitted by LandAmer Realty, Inc. for Tax Lot 100, 3S112A, a 16.21 acre parcel fronting on Parkway Avenue at the north end of the Stafford Park Commercial Development, from RA-1 and C-1 to C-2 be approved as outlined in the staff report with the following changes:

That on Page 1, the third WHEREAS paragraph, strike the words "the most flexible".

That in the NOW, THEREFORE paragraph, place a period after the words "be approved" and strike the rest of the sentence.

That Finding 1 be corrected to read:

1. That the City of Wilsonville Comprehensive Plan Resolution No. 144 identifies , , ."

That Finding 14 be added:

14. That the applicant has carried his burden under LCDC goals and guidelines to effectuate the zone change under public testimony held on August 11, 1980, and Exhibit 7.

That Finding 15 be added:

15. That previous testimony re zone change on the north half of Lot 16 having changed from C-1 to C-2 established that most C-2 had in fact developed to C-1 standards and that this was not the amount of C-2 development which was contemplated under the Comprehensive Plan thereby easily authorizing this zone change.

That Exhibit 11 be added:

11. Preliminary Subdivision approval, Case 79-S-2.

Bob Dant seconded the motion which passed 6-0.

