

AFFIDAVIT OF POSTING

ORDINANCE #206

STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
)
)
)
)
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 10th day of March, 1982, I caused to be posted copies of the attached Ordinance #206, an ordinance amending teh zoning map of the City of Wilsonville (Application of Leo and Carol Aguilera for a zone change from RA-1 to PDI), 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 15th day of March, 1982.



DEANNA J. THOM, City Recorder

Subscribed and sworn to before
me this 29th day of March, 1982



NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

ORDINANCE NO. 206

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (APPLICATION OF LEO AND CAROL AGUILERA FOR A ZONE CHANGE FROM RA-1 TO PDI, TAX LOT 401, T3S, R1W, SECTION 14A).

WHEREAS, an application was filed with the Wilsonville City Recorder on behalf of LEO and CAROL AGUILERA for the purpose of changing a classification of zone on real property from RA-1 (Rural Agricultural) to PDI (Planned Development Industrial) pursuant to the reasons and in accordance with the procedures set forth in Article 6 of the Wilsonville Zoning Ordinance No. 154 (Chapter 4 of the Wilsonville Code, 1981). The application fee as required by Article 16 of Zoning Ordinance No. 154 (4.099 of the Wilsonville Code, 1981), has been paid. The description of the real property, consisting of approximately 1.0 acre for which the application for a zone change was filed, is set forth in Exhibit "A", attached hereto and incorporated by reference as if fully set forth herein; and

WHEREAS, the Wilsonville City Planning Commission scheduled and held a public hearing on the matter as required by the provisions of Article 12 of Zoning Ordinance No. 154 (4.087 to 4.090 of said Wilsonville Code, 1981), and said hearing was held on August 10, 1981, 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 a manner and for the time required by the provisions of Article

13 of Zoning Ordinance No. 154 (4.091 of the Wilsonville Code, 1981). 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 with the 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 the public testimony given by the applicants, proponents and opponents, and upon conclusion of the hearing, voted to approve the requested zone change, subject to conditions, and recommended 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 - ZONE CHANGE FROM RA-1 TO PDI TAX LOT 401, T3S - R1W, SECTION 14A LEO AND CAROL AGUILERA, APPLICANTS", which was finally completed dated as of August 10, 1981, and filed in the Planning Commission's records and file of this zone change herein; and

WHEREAS, the City Council met at a regular session of public hearings on December 7, 1981, and reviewed the records and files in this matter, and findings, conclusions and recommendations of the Planning Commission and also the reports of the

staff and Planning Department and also heard and considered public testimony on the matter. Les Balsiger of Balsiger-Ingraham, Inc., Realtors, appeared for the applicants and spoke as the proponents. A journal of the meeting was duly kept, recording those who spoke as proponents and opponents. Upon conclusion of the meeting/hearing, the City Council determined that the zone change request should be approved. On motion duly made, seconded and adopted, the Council adopted the Planning Commission's Findings, Conclusions and Recommendations as set forth in its Resolution, save and except it amended the final paragraph of Finding No. 5, page 3, to read as follows:

"That the Planning Commission is particularly concerned that an LID might adversely affect current residential lots along Boberg Road and notes that it is also the intent of the City's Comprehensive Plan to preserve the Walnut Park Mobile Home Development as a needed housing type";

and further it amended the second from the last paragraph from Finding No. 5, page 3, to read:

"That the Council finds that the Comprehensive Plan requires assurance that adequate public facilities be planned and scheduled prior to final development plan approval (Stage II approval). The Council further confirms the Commission's finding that because Boberg Road is an industrial collector, adequate provisions for truck maneuvering would require at least a 24 foot pavement section as an interim improvement. The Council further finds, however, that it may be more practical to initiate an LID to reconstruct the entire street to a full planned 'D' standard. Since the applicants have not yet submitted a Stage I preliminary plan, there is ample time for the City to evaluate and schedule the appropriate street improvements and to determine the method of financing said improvements prior to Stage II application";

and further to amend Condition of Approval No. 5 to read:

"5. That arrangements for adequate street improvements be specified and confirmed as part of the submittal of Stage II Final Development Plans for the subject property."

and further to amend Condition of Approval No. 6 to read:

"6. Any outstanding legal matters with the City be resolved prior to second reading of this Ordinance."

A copy of the Planning Commission's Resolution is set forth in Exhibit "B", 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, and re-adopted as part of the Wilsonville Code, 1981, Chapter 4, 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 following conditions:

1. That this zone change will expire within two years of the final approval by the City Council if substantial development has not occurred.

2. That within a period of one year from the date of adoption of the Ordinance amending the Zoning Map, applicants submit a Stage I Preliminary Development Plan for approval by the Planning Commission consistent with the provisions of Section 6.10.B of Zoning Ordinance No. 154 (4.039(2) of the Wilsonville Code, 1981).

3. That the applicants waive right of remonstrance against any proposed local improvement district which may be formed to construct public improvements which would serve the subject property.

4. That the applicants dedicate an additional 10 feet of land along Boberg Road frontage for the purposes of providing adequate right-of-way consistent with the Street Master Plan.

5. That arrangements for adequate street improvements be specified and confirmed as part of the submittal of Stage II Final Development Plans for the subject property.

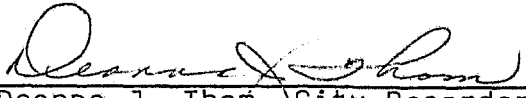
6. Any outstanding legal matters with the City be resolved prior to the second reading of this Ordinance.

Section 3. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City zoning map in compliance with the dictates of Section 1 of this Ordinance.

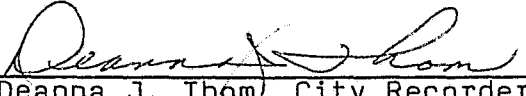
Section 4. It being determined by the Wilsonville City Council that in the interest of public health and welfare, an

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 1st day of March, 1982, and scheduled for second reading at a regular meeting of the Council on the 15th day of March, 1982, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.


Deanna J. Thom, City Recorder

ENACTED by the Council on the 15th day of MARCH, 1982,
by the following votes: YEAS 4 NAYS 1 ABSTAIN


Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 16th day of MARCH,
1982.


William G. Lowrie, Mayor

Aguilair Zone Change Legal Description

The southerly half of the following land:

A tract of land situated in Section 14, Township 3 south, Range 1 west, of the Willamette Meridian, Clackamas County, being a part of Lot 3, Boberg being more particularly described as follows to wit: Beginning at the southeast corner of said Lot 3, from said place of beginning: thence south $89^{\circ}42'$ west along the southerly boundary of said Lot 3 a distance of 310.00 feet to the easterly right of way line of Boberg Road; thence north $0^{\circ}09'$ east along said easterly right of way line 281.03 feet; thence leaving said easterly right of way line north $89^{\circ}42'$ east 310.00 feet to the easterly boundarized said Lot 3; these south $0^{\circ}09'$ west along said easterly boundary 281.03 feet to place of beginning.

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PLANNING COMMISSION RESOLUTION
ZONE CHANGE FROM RA-1 TO PDI
TAX LOT 401, T3S-R1W, SECTION 14A
LEO AND CAROL AGUILERA, APPLICANTS

WHEREAS, Les Balsiger, representing Leo and Carol Aguilera, has submitted planning exhibits for a zone change from RA-1 to PDI in accordance with the procedures set forth in Wilsonville Zoning Ordinance No. 154, and

WHEREAS, said planning exhibits were considered by the Planning Commission at a regularly scheduled meeting conducted on August 10, 1981, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the zone change is for the purpose of establishing Planned Development Industrial development standards in conformance with the Comprehensive Plan, and

WHEREAS, the Planning Commission deems it appropriate to recommend to the City Council approval of the zone change as requested, based on the applicants' testimony and submittal documents, together with findings and public testimony as entered into the public record.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Wilsonville Planning Commission does hereby approve and recommend to the City Council adoption of a zone change from RA-1 to PDI on the property as herein described.

BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend approval of the request with the condition that said zone change be for the purpose of authorizing the applicants to proceed with Stage I Preliminary Development Plan and that Stage I document be filed with the Planning Commission within a period not to exceed one year from the date of the City Council's adoption of the Ordinance amending the City Zoning Map.

FINDINGS

The following findings are hereby adopted by the Planning Commission and entered into the public record as confirmation of its consideration of the planning exhibits as submitted in compliance with the Comprehensive Plan, Zoning Regulations and applicable LCDC Goals.

1. That the subject site is located on Boberg Road approximately 500 to 600 feet south of Boeckman Road. The parcel contains approximately one acre of

land and is currently undeveloped.

2. That the Wilsonville Comprehensive Plan designates the property as industrial park and the subject site is currently zoned RA-1.

The Commission further finds that the subject property lies within an area designated as an area of Special Concern No. 5. The primary concerns for this area are related to continuity of design and in protection of the existing mobile home park. Design objectives are listed as follows:

A. Encourage consolidation of smaller lots to allow for master planning of large areas.

B. To provide buffers adjacent to the mobile home park, e.g., increase landscaped setbacks or complimentary uses.

C. Minimize traffic (truck) conflicts with residential activities including pedestrians.

The Commission further finds that the proposed zone change is not in conflict with these objectives and that appropriate conditions can be attached as conditions of approval for any Site Development Plan that would insure compliance with these objectives.

3. That the City's Comprehensive Plan states that the Plan shall be administered through case-by-case zoning and Site Plan review procedures and that the purpose of said case-by-case review is to apply the general Plan goals, objectives and policies to specific properties and development proposals . . . Specific zoning objectives are as follows: To provide a case-by-case analysis of impacts on public facilities and services; to determine specific conditions in terms of phasing of developments related to needed facility improvements; to provide site impact analysis related to specific development proposals.

4. That the subject property is located within the City's Urban Growth Boundary and the primary growth area.

5. That adequate public facilities can be provided to serve the subject site.

The Commission further finds that the sanitary sewer and water service can be provided to the site by existing lines in Boberg Road and that the City's Sanitary Sewer Treatment Plant and Water Supply Systems are adequate to serve development of the subject site.

That adequate storm drainage can be provided to the site via extension of a storm drain line located in Boberg Road near the Walnut Park Mobile Home Development.

The Commission further finds that Boberg Road is currently inadequate to serve further industrial development without road improvements.

The existing right-of-way on Boberg Road is 40 feet and there is only approximately 12 feet of pavement surface. The recommended Street Master Plan designates Boberg Road as an industrial collector to be designed with a 40-foot pavement section within a 60-foot right-of-way.

Consistent with the Comprehensive Plan's policies of assuring adequate public facilities be planned before approval and completed before occupancy, the Commission further finds that because Boberg Road will serve as an industrial collector requiring adequate truck maneuvering, any interim improvements to the street would require 24-foot minimum pavement sections and that said improvements must be complete from Boeckman Road or Barber Street to the subject site and that preferably improvements would be made from both directions.

That the Planning Commission is particularly concerned that an LID might adversely affect current residential lots along Boberg Road and recommend to the City Council that they adopt an Ordinance that would postpone the assessment on residential or mobile home lots until the property is sold for industrial use. It is also the intent of the City's Comprehensive Plan to preserve the Walnut Park Mobile Home Development as a needed housing type.

6. That adequate police and fire protection can be provided to serve the subject site when development occurs.

7. That the applicant has submitted for a zone change only and has not submitted Stage I Preliminary Development Plans. In this regard, Planning Commission finds that adequate provisions can be made at the Stage I and II review to insure compliance with the purposes, objectives and standards of the Planned Development Regulation of the Zoning Ordinance.

8. That the applicants have submitted documentation adequately addressing compliance with the Comprehensive Plan and LCDC Goals.

CONDITIONS OF APPROVAL

The following Conditions of Approval are hereby adopted by the Planning Commission and recommended to the City Council for its consideration as part of the zone change as requested.

1. That this zone change will expire within two years of the final approval by the City Council if substantial development has not occurred.

2. That within a period of one year from the date of adoption of the Ordinance amending the Zoning Map, applicants submit a Stage I Preliminary Development Plan for approval by the Planning Commission consistent with the provisions of Section 6.10.B of Zoning Ordinance No. 154.

3. That the applicants waive right of remonstrance against any proposed local improvement district which may be formed to construct public improvements which would serve the subject property.

4. That the applicants dedicate an additional 10 feet of land along Boberg Road frontage for the purposes of providing adequate right-of-way consistent with the Street Master Plan.

5. That adequate street improvements to a minimum 24-foot pavement section from Boeckman Road or Barber Street to the subject site be provided prior to or simultaneously with

development of the subject property.

6. Any outstanding legal matters with the City be resolved before Stage I approval.

EXHIBITS

The following Exhibits are hereby entered into the public record as confirmation of the Planning Commission's consideration of the application as submitted.

1. City of Wilsonville Comprehensive Plan.
2. City of Wilsonville Zoning Ordinance No. 154.
3. Applicants' submittal documents.

ACTION TAKEN AT PLANNING COMMISSION MEETING OF AUGUST 10, 1981:

Rich Drew moved for approval of the Resolution with the following revisions:

On page 3, fifth paragraph, start out by adding "Consistent with the Comprehensive Plan's policies of assuring adequate public facilities be planned before approval and completed before occupancy, the Commission further finds that because Boberg Road . . .".

In the next to last line add after the words "Boeckman Road" the following words: "or Barber Street" and add the following at the end of the sentence: "and that preferably improvements would be made from both directions".

That Condition of Approval 5 remain, but add after the words "Boeckman Road" the following words: "or Barber Street".

Add Condition of Approval 6:

6. Any outstanding legal matters with the City be resolved before Stage I approval.

Add the following paragraph to Finding 5:

"That the Planning Commission is particularly concerned that an LID might adversely affect current residential lots along Boberg Road and recommend to the City Council that they adopt an Ordinance that would postpone the assessment on residential or mobile home lots until the

property is sold for industrial use. It is also the intent of the City's Comprehensive Plan to preserve the Walnut Park Mobile Home development as a needed housing type."

Helen Burns seconded the motion which passed 4-0.