

**ORDINANCE NO. 836**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL AGRICULTURAL HOLDING (RA-H) ZONE TO THE PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONE WITH SPECIAL CONSIDERATIONS FOR SCREENING AND BUFFERING FROM THE ADJACENT EXISTING RESIDENTIAL USE ON APPROXIMATELY 6.16 ACRES COMPRISING TAX LOTS 300 AND 500 OF SECTION 14A, T3S, R1W, CLACKAMAS COUNTY, OREGON, NICOLI PACIFIC, LLC, APPLICANT/OWNER.**

WHEREAS, Nicoli Pacific, LLC, (“Applicant”) has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the development application form has been signed by David Nicoli, President and CEO, on behalf of Nicoli Pacific, LLC, owner of real property legally described and shown in Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, the City of Wilsonville desires to have the property zoned consistent with the Comprehensive Plan Map designation of “Industrial”; and

WHEREAS, the Property is within Comprehensive Plan Area of Special Concern E and, as such, is required to be carefully designed to promote continuity in design with other development in Area of Special Concern E and sufficiently buffer development to minimize disturbance for residents of the Walnut Mobile Home Park; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for presentation to the Development Review Board Panel ‘A’ on May 13, 2019, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment with conditions related to Comprehensive Plan Area of Special Concern E; and

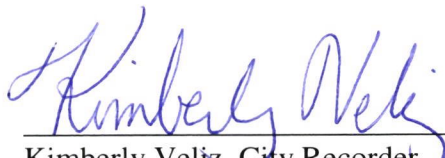
WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on May 13, 2019, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 362, which recommends City Council approval with conditions of the Zone Map Amendment request (Case File DB19-0004) and adopts the amended staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on June 3, 2019, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board Panel 'A', including the Development Review Board Panel 'A' and City Council staff reports; 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:


1. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.
2. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB19-0004, attached hereto as Attachment 1, from the Clackamas County Residential Agricultural Holding (RA-H) Zone to the Planned Development Industrial (PDI) Zone.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 3<sup>rd</sup> day of June, 2019, and scheduled for a second reading at a regular meeting of the Council on the 17<sup>th</sup> day of June, 2019, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

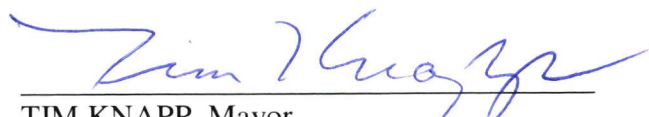
  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

ENACTED by the City Council on the 17<sup>th</sup> day of June, 2019 by the following votes:

Yes: 5      No: 0

  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 17<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor West	Yes

Attachments:

- Attachment 1 – Zoning Order DB19-0004 Including Legal Description and Sketch  
Depicting Zone Map Amendment
- Attachment 2 – Zone Map Amendment Findings
- Attachment 3 – Development Review Board Panel ‘A’ Resolution No. 362  
recommending approval of Zone Map Amendment with Conditions

**BEFORE THE CITY COUNCIL OF  
THE CITY OF WILSONVILLE,  
OREGON**

In the Matter of the Application of )  
Nicoli Pacific, LLC, for a Rezoning )  
of Land and Amendment of the ) **ZONING ORDER DB19-0004**  
City of Wilsonville Zoning Map )  
Incorporated in Section 4.102 of the )  
Wilsonville Code. )

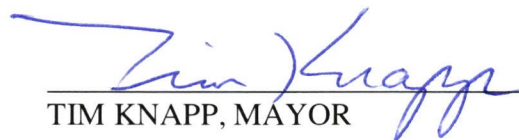
The above-entitled matter is before the Council to consider the application of DB19-0004, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached legal description and sketch, has heretofore appeared on the Clackamas County zoning map Residential Agricultural Holding (RA-H).

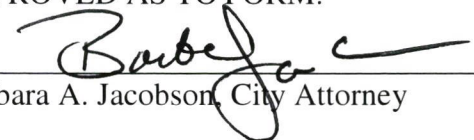
The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board Panel ‘A’ record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that the Property, consisting of approximately 6.16 acres on the south side of SW Boeckman Road east of SW Boberg Road comprising Tax Lots 300 and 500, of Section 14A, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Planned Development Industrial (PDI), 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.

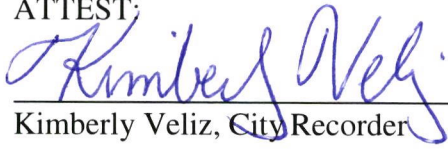
Dated: This 17<sup>th</sup> day of June, 2019.

  
TIM KNAPP, MAYOR

APPROVED AS TO FORM:

  
Barbara A. Jacobson, City Attorney

ATTEST:

  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

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

## Legal Description

### Parcel I:

Lot 4, BOBERG, in the City of Wilsonville, County of Clackamas and State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Clackamas County for road purposes by deed recorded March 12, 1914, in Book 134, page 423, Deed Records; and EXCEPTING THEREFROM those portions conveyed to the State of Oregon for highway purposes by deeds recorded November 5, 1951, in Book 450, page 376, Deed Records, and March 4, 1953 in Book 466, page 188, Deed Records, Clackamas County, Oregon.

ALSO EXCEPTION THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission by deed recorded March 26, 1969 as No. 69-4949

### Parcel II:

Lot 5, BOBERG, in the City of Wilsonville, County of Clackamas and State of Oregon.

EXCEPTING THEREFROM that certain tract of land conveyed to the State of Oregon by deed recorded June 29, 1951 in Book 446, page 64, Deed Records of Clackamas County, Oregon.

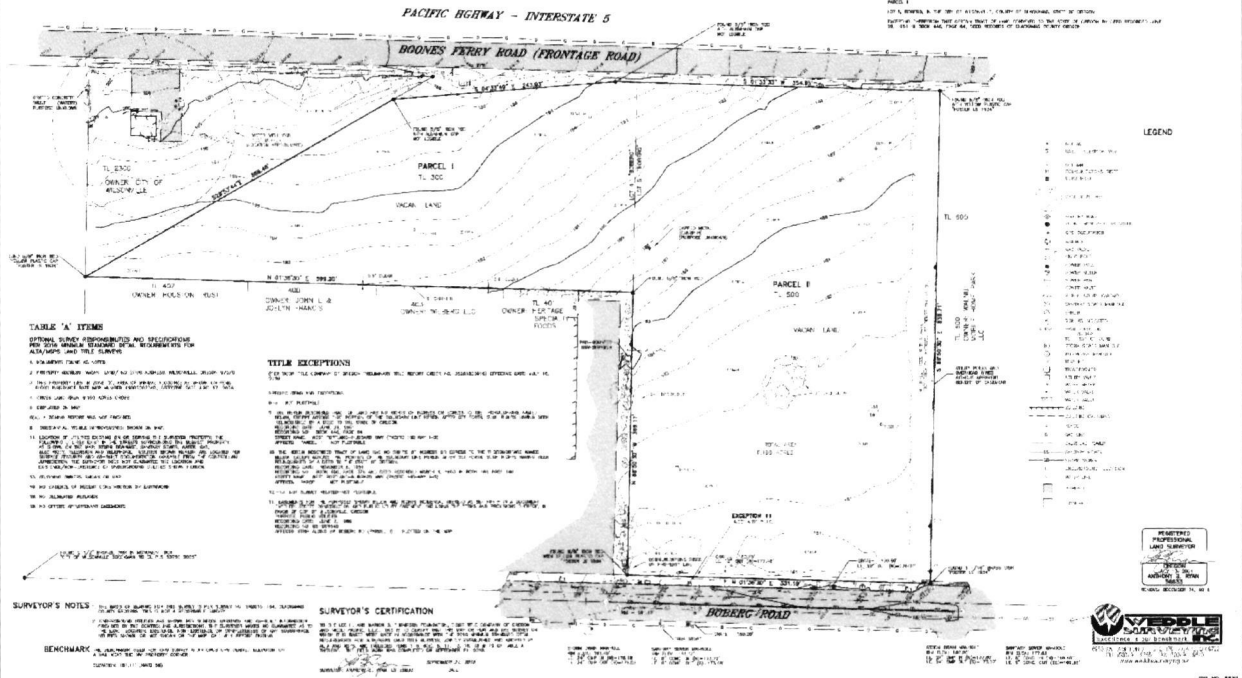
# ALTA/NSPS LAND TITLE SURVEY

NICOLI PACIFIC, LLC  
IN LOTS 4 AND 5, "BOBERG"  
N.E. 1/4 OF SECTION 14  
T. 3 S., 1 W., W. M.  
CITY OF WILSONVILLE  
CLATSOP COUNTY, OREGON

OWNER: LOT 4 - THE WILSONVILLE TOWNSHIP  
REQUESTED BY: NICOLI PACIFIC, LLC  
DATE: 10/20/2011

## LEGAL DESCRIPTION

THESE LOTS ARE PART OF THE BOBERG TRACT, AS SHOWN ON THE PLAT OF THE BOBERG TRACT, CLATSOP COUNTY, OREGON, FILED FOR RECORD IN CLATSOP COUNTY CLERK'S OFFICE, BOOK 10, PAGE 100, AND AS SHOWN ON THE PLAT OF THE BOBERG TRACT, CLATSOP COUNTY, OREGON, FILED FOR RECORD IN CLATSOP COUNTY CLERK'S OFFICE, BOOK 10, PAGE 100, AND AS SHOWN ON THE PLAT OF THE BOBERG TRACT, CLATSOP COUNTY, OREGON, FILED FOR RECORD IN CLATSOP COUNTY CLERK'S OFFICE, BOOK 10, PAGE 100.



- ### TABLE 'A' ITEMS
- GENERAL SURVEY INFORMATION AND SPECIFICATIONS FOR THIS SURVEY AND RECORDING OF THIS SURVEY:
- 1. PARCEL DATA AS SHOWN
  - 2. PROPERTY BOUNDARIES SHOWN AS SHOWN ON THE PLAT OF THE BOBERG TRACT, CLATSOP COUNTY, OREGON, FILED FOR RECORD IN CLATSOP COUNTY CLERK'S OFFICE, BOOK 10, PAGE 100, AND AS SHOWN ON THE PLAT OF THE BOBERG TRACT, CLATSOP COUNTY, OREGON, FILED FOR RECORD IN CLATSOP COUNTY CLERK'S OFFICE, BOOK 10, PAGE 100.
  - 3. CORNER MARKS AS SHOWN
  - 4. PROPERTY DATA AS SHOWN
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  - 20. PROPERTY DATA AS SHOWN

- ### TITLE EXCEPTIONS
- 1. THE SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS OF THIRD PARTIES WHICH ARE NOT SHOWN ON THIS SURVEY.
  - 2. THE SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS OF THIRD PARTIES WHICH ARE NOT SHOWN ON THIS SURVEY.
  - 3. THE SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS OF THIRD PARTIES WHICH ARE NOT SHOWN ON THIS SURVEY.
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  - 20. THE SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS OF THIRD PARTIES WHICH ARE NOT SHOWN ON THIS SURVEY.

- ### LEGEND
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### SURVEYOR'S NOTES

1. THE SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS OF THIRD PARTIES WHICH ARE NOT SHOWN ON THIS SURVEY.

### BENCHMARK

1. THE SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS OF THIRD PARTIES WHICH ARE NOT SHOWN ON THIS SURVEY.

### SURVEYOR'S CERTIFICATION

I, THE SURVEYOR, HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF OREGON AND THAT I HAVE PERSONALLY CONDUCTED THIS SURVEY AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Ordinance No. 836 Attachment 2  
Zone Map Amendment Findings

Industrial Focus

City Council  
Quasi-Judicial Public Hearing

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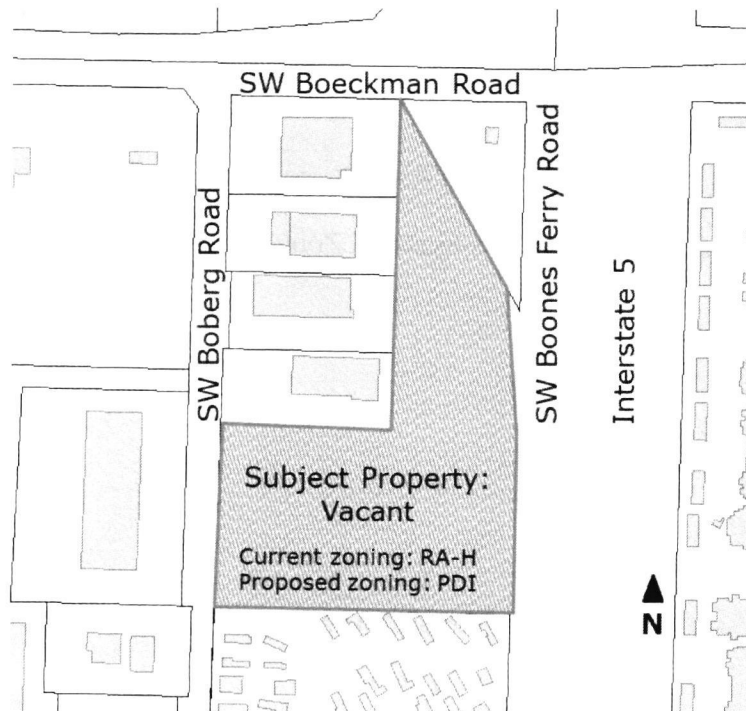
<b>Hearing Date:</b>	June 3, 2019
<b>Date of Report:</b>	May 27, 2019
<b>Application Nos.:</b>	DB19-0004 Zone Map Amendment
<b>Request/Summary:</b>	The request before the City Council is a Zone Map Amendment for approximately 6.16 acres.
<b>Location:</b>	Two undeveloped parcels located south of SW Boeckman Road, east of SW Boberg Road. The property is specifically known as Tax Lots 300 and 500, Section 14A, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon
<b>Owner/Applicant:</b>	Nicoli Pacific, LLC (Contact: David Nicoli)
<b>Applicant's Representative:</b>	CIDA Architects & Engineers (Contact: Gavin Russell)
<b>Comprehensive Plan Designation:</b>	Industrial
<b>Zone Map Classification (Current):</b>	RA-H (Residential Agricultural Holding)
<b>Zone Map Classification (Proposed):</b>	PDI (Planned Development Industrial)
<b>Staff Reviewers:</b>	Cindy Luxhoj AICP, Associate Planner
<b>Staff Recommendation:</b>	<u>Adopt</u> the requested Zone Map Amendment with Conditions.



## Applicable Review Criteria:

<b>Development Code:</b>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.029	Zoning to be Consistent with Comprehensive Plan
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.117	Standards Applying to Industrial Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.120	Zones, RA-H Residential Agricultural Holding Zone
Section 4.135	Planned Development Industrial (PDI) Zone
Section 4.197	Zone Changes
<b>Other Planning Documents:</b>	
Wilsonville Comprehensive Plan	

## Vicinity Map



## Summary:

### Zone Map Amendment (DB19-0004)

The subject property is designated Industrial in the Wilsonville Comprehensive Plan and currently zoned Residential Agricultural Holding (RA-H). The requested Zone Map Amendment changes the zoning to Planned Development Industrial (PDI) consistent with the Comprehensive Plan with consideration of Design Objectives of Area of Special Concern E in which the property is located. The Design Objectives relate to protection of the Walnut Mobile Home Park located immediately south of the subject site.

## Conclusion and Conditions of Approval:

Staff and the Development Review Board Panel 'A' recommend approval with the following conditions:

### Request A: DB19-0004 Zone Map Amendment

<b>PDA 1.</b>	The proposed project shall be carefully designed to promote continuity in design with other development in Comprehensive Plan Special Area of Concern E and sufficiently buffered to minimize disturbance for residents of the Walnut Mobile Home Park immediately south of the subject property. See Findings A1 and A3.
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<b>PDA 2.</b>	The proposed project shall be designed to minimize traffic (truck) conflicts with residential activities, including pedestrians. See Finding A4.
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## Findings:

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 application is being processed in accordance with the applicable general procedures of this Section.

### Initiating Application Section 4.009

The application has the signatures of David Nicoli, Nicoli Pacific, LLC (property owner) and Gavin Russell, CIDA Architects & Engineers, an authorized signer for the property owner.

## Pre-Application Conference

Subsection 4.010 (.02)

The City held a Pre-application conference (PA18-0007) on August 16, 2018, in accordance with this subsection.

## Lien Payment before Approval

Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

## General Submission Requirements

Subsections 4.035 (.04) A. and 4.035 (.05)

The applicant has provided all of the applicable general submissions and the application was deemed complete on March 26, 2019.

## Zoning-Generally

Section 4.110

The subject property is zoned Residential Agricultural Holding (RA-H). The requested Zone Map Amendment would change the zoning to Planned Development Industrial (PDI) consistent with the Comprehensive Plan designation of Industrial subject to special considerations of Area of Special Concern E.

### **Request A: DB19-0004 Zone Map Amendment**

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

## **Comprehensive Plan**

### Areas of Special Concern-Area E-Summary and Special Considerations

- A1.** The subject property is located in Area of Special Concern E (Area E), an area planned for industrial use between Boeckman Road and Barber Street, from Boones Ferry Road to the railroad tracks. Primary concerns for Area E relate to continuity in design and protection of the Walnut Mobile Home Park. The Plan states that “the life of the park can be prolonged through careful design considerations of surrounding development and doing so will help retain one of the City’s affordable housing opportunities”. The subject property is located immediately north of and shares its south property boundary with the mobile home park and, therefore, is subject to these specific design considerations. This requirement is satisfied or will be satisfied by Condition of Approval PDA 1.

**Areas of Special Concern-Area E-Consolidation of Smaller Lots**  
Design Objective 1

- A2.** The applicant proposes to develop two smaller lots (Tax Lots 300 and 500) as one consolidated Stage I Master Plan consistent with this Design Objective.

**Areas of Special Concern-Area E-Buffers to Mobile Home Park**  
Design Objective 2

- A3.** A condition of approval for the Zone Map Amendment is that the proposed project be carefully designed to promote continuity in design with other development in Area E and that adequate buffering be included in the site design to minimize disturbance for residents of the Walnut Mobile Home Park immediately south of the subject property. This requirement is satisfied or will be satisfied by Condition of Approval PDA 1 (see Finding A1).

**Areas of Special Concern-Area E-Minimize Traffic (Truck) Conflicts**  
Design Objective 3

- A4.** The applicant proposes two driveway entrances on SW Boberg Road, one of which would be located within 30 feet of the south property line and adjacent to the Walnut Mobile Home Park. It is anticipated that there will be substantial truck traffic associated with the applicant's business (providing shoring equipment to the construction industry) and potentially additional traffic associated with other business that may locate in the industrial/flex buildings proposed for the site. To comply with this Design Objective, the proposed development must be designed to minimize traffic (truck) conflicts with residential activities, including pedestrians. This requirement is satisfied or will be satisfied by Condition of Approval PDA 2.

**Development Code**

**Zoning Consistent with Comprehensive Plan**  
Section 4.029

- A5.** The applicant is applying for a zone change from RA-H to PDI, consistent with the Comprehensive Plan designation of Industrial, concurrently with a Stage I Master Plan for the entirety of the subject property. As discussed above, the subject property is located in Special Area of Concern E in the Comprehensive Plan, which requires special consideration to design of development surrounding the Walnut Mobile Home Park, adequate buffering, and reduced traffic (truck) conflicts with residential activities. This requirement is satisfied or will be satisfied by Conditions of Approval PDA1 and PDA2.

**Base Zones**  
Subsection 4.110 (.01)

- A6.** The requested zoning designation of Planned Development Industrial (PDI) is among the base zones identified in this subsection.

## **Planned Development Industrial (PDI) Zone**

### **Purpose of PDI**

Subsection 4.135 (.01)

**A7.** The zoning will allow a variety of industrial operations and associated uses such as those proposed by the applicant consistent with the purpose stated in this subsection.

### **Uses Typically Permitted**

Subsection 4.135 (.03)

**A8.** The proposed zoning will allow only uses such as those proposed by the applicant including office-technology, headquarters, manufacturing and warehousing, consistent with the list established in this subsection.

### **Zone Change Procedures**

Subsection 4.197 (.02) B. and C. 1.

**A9.** The request for a Zone Map Amendment has been submitted as set forth in the applicable code sections including Section 4.008, Subsection 4.197 (.02) B. and C. and Section 4.140.

### **Conformance with Comprehensive Plan Map, etc.**

Subsection 4.197 (.02) C. 2.

**A10.** The proposed Zone Map Amendment is consistent with the Comprehensive Map designation of Industrial with consideration given to Design Objectives for Special Area of Concern E in the Comprehensive Plan (see Findings A1 through A5 and Conditions of Approval PDA1 and PDA2).

### **Public Facility Concurrency**

Subsection 4.197 (.02) C. 4. and C. 8.

**A11.** Based on existing nearby utilities and utility master plans, and the Transportation System Plan, necessary facilities are or can be made available for development of the subject property consistent with the proposed zoning. A preliminary review of the application materials appears to confirm the site can be adequately served by streets and utilities. Details of required street and utility connections and improvements will be established with review of subsequent applications.

### **Impact on Significant Resource Overlay Zone (SROZ) Areas**

Subsection 4.197 (.02) C. 5.

**A12.** No SROZ areas or identified natural or geologic hazards are located within the area to be rezoned.

### **Development within 2 Years**

Subsection 4.197 (.02) C. 6.

**A13.** The applicant has submitted a phasing schedule that anticipates Phase 1 development in 2019 with subsequent Phases 2 and 3 development occurring in 2024 and 2029, respectively,

depending on market demand. Thus development is expected to start within two (2) years of the initial approval of the zone change. In the scenario where the applicant or their successors do not start development within two (2) years, thus allowing related land use approvals to expire, the zone change shall remain in effect.

DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 362

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURAL HOLDING (RA-H) ZONE TO PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN FOR THREE INDUSTRIAL/FLEX BUILDINGS TOTALING APPROXIMATELY 96,000 SQUARE FEET. THE SUBJECT SITE IS LOCATED ON TAX LOTS 300 AND 500 OF SECTION 14A, TOWNSHIP 3 SOUTH, RANGE 1 WEST, CLACKAMAS COUNTY, OREGON. GAVIN RUSSELL, CIDA ARCHITECTS & ENGINEERS – REPRESENTATIVE FOR DAVID NICOLI, NICOLI PACIFIC LLC – OWNER.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated May 6, 2019, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 13, 2019, at which time exhibits, together with findings and public testimony were entered into the public record, and

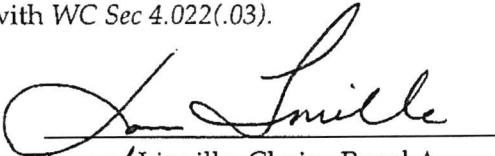
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated May 6, 2019, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB19-0004 and DB19-0005; Zone Map Amendment, and Stage I Master Plan.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 13<sup>th</sup> day of May, 2019 and filed with the Planning Administrative Assistant on May 14, 2019. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).



Joanne Linville, Chair - Panel A  
Wilsonville Development Review Board

Attest:

A handwritten signature in black ink, appearing to read "Shelley White". The signature is written in a cursive style with a large, looping initial "S".

Shelley White, Planning Administrative Assistant