

ORDINANCE NO. 876

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE WASHINGTON COUNTY FUTURE DEVELOPMENT – 20 ACRE (FD-20) ZONE TO THE PLANNED DEVELOPMENT INDUSTRIAL – REGIONALLY SIGNIFICANT INDUSTRIAL AREA (PDI-RSIA) ZONE ON APPROXIMATELY 9.63 ACRES LOCATED AT 25540 SW GARDEN ACRES ROAD FOR DEVELOPMENT OF A CORPORATE HEADQUARTERS/FABRICATION FACILITY AND ASSOCIATED SITE IMPROVEMENTS.

WHEREAS, an application has been submitted by PCT NW Properties OR, LLC, dba Precision Countertops, Inc. – Owner/Applicant, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the subject site is located at 25540 SW Garden Acres Road, on Tax Lot 500, Section 2C, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon; and

WHEREAS, certain real property within the Coffee Creek Industrial Area is being annexed into the City; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with their Wilsonville Comprehensive Plan Map designation of “Industrial” and the Metro Title 4 Map Designation of Regionally Significant Industrial Area rather than maintain the current Washington County zoning designation; and

WHEREAS, the Zone Map Amendment is contingent on annexation of the property to the City of Wilsonville, which annexation has been petitioned for concurrently with the Zone Map Amendment request; and

WHEREAS, the property is located within the Coffee Creek Industrial Area for which the City adopted the Coffee Creek Master Plan on October 15, 2007, and the Coffee Creek Industrial Design Overlay District on February 22, 2018, intended for application to the Master Plan area; and

WHEREAS, pursuant to Section 4.197 of the Development Code this Zone Map Amendment ordinance expires 120 days from adoption unless a Stage 2 Final Plan for the subject area is approved by the City; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for City Council, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, included as Exhibit B; and

WHEREAS, on March 20, 2023, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record, including the City Council staff report; 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:

- Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Exhibit B, as if fully set forth herein.
- Section 2. Determination. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the property to the City, by Zoning Order ZONE22-0005, attached hereto as Exhibit A, from the Washington County Future Development – 20 Acre (FD-20) Zone to the Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) Zone.
- Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council and read for the first time at a regular meeting thereof this 20th day of March, 2023, and scheduled the second reading on the 3rd day of April, 2023, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

ENACTED by the City Council on the 3rd day of April, 2023, by the following votes:

Yes: 5 No: 0

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 3rd day of April, 2023.

DocuSigned by:
Julie Fitzgerald
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JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

| | |
|----------------------------|-----|
| Mayor Fitzgerald | Yes |
| Council President Akervall | Yes |
| Councilor Berry | Yes |
| Councilor Dunwell | Yes |
| Councilor Linville | Yes |

EXHIBITS:

- A. Zoning Order ZONE22-0005 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Zone Map Amendment Findings

ORDINANCE NO. 876 EXHIBIT A

BEFORE THE CITY COUNCIL OF THE CITY OF WILSONVILLE, OREGON

| | | |
|---------------------------------------|---|---------------------------------|
| In the Matter of the Application of |) | |
| PCT NW Properties OR, LLC, dba |) | |
| Precision Countertops, Inc., for a |) | |
| Rezoning of Land and Amendment |) | ZONING ORDER ZONE22-0005 |
| of the City of Wilsonville Zoning Map |) | |
| Incorporated in Section 4.102 of the |) | |
| Wilsonville Code. |) | |

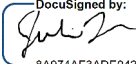
The above-entitled matter is before the Council to consider the application of ZONE22-0005, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached legal description and sketch, has heretofore appeared on the Washington County zoning map Future Development – 20 Acre (FD-20).

The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, finds that the application should be approved.

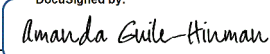
THEREFORE IT IS HEREBY ORDERED that the Property, consisting of approximately 9.63 acres located at 25540 SW Garden Acres Road on Tax Lot 500, Section 2C, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA), 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. This Zone Map Amendment expires 120 days from adoption unless a Stage 2 Final Plan for the subject area is approved by the City.

Dated: This 3rd day of April, 2023.

DocuSigned by:

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JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

DocuSigned by:

EFBAEBA7C2E1407
Amanda Guile-Hinman, City Attorney

ORDINANCE NO. 876 EXHIBIT A

ATTEST:

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

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

ORDINANCE NO. 876 EXHIBIT A

EXHIBIT “ “ ANNEXATION DESCRIPTION

Commencing at the quarter corner common to Section 2 and 3, Township 3 South, Range 1 West, of the Willamette Meridian;

Thence South 1° 20' 00" West, along the West line of said Section 2, 1322.25 feet to the intersection of said West line with the westerly prolongation of the North line of Lot 11 of Garden Acres and the True Point of Beginning;

Thence, leaving said West line, along said prolongation, South 88° 55' 06", 40.50 feet to the East right-of-way line of Southwest Garden Acres Road;

Thence, along said East right-of-way line, South 1° 20' 00" West, 0.80' to the South line of that tract deeded to Pioneer Hi-Bred International, recorded March 12th, 1985, Fee No. 8500845;

Thence, along said South line, South 87° 45' 34" East, 1280.29 feet to the Southeast corner of said Pioneer tract, being on the East Line of said Lot 11;

Thence, along the East line of said Lot 11, South 00° 36' 38" West, 304.06 feet to the Southeast corner thereof;

Thence, along the south line of said Lot 11, North 88° 54' 27" West 1283.98 feet, to the East right-of-way line of SW Garden Acres Road;

Thence, leaving said East right-of-way line, along the westerly prolongation of the South line of said Lot 11, North 88° 54' 27" West, 40.50 feet to the West line of said Section 2;

Thence along said West line; North 01° 20' 00" East, 330.50 feet to the Point of Beginning.

Containing 9.63 acres, more or less.



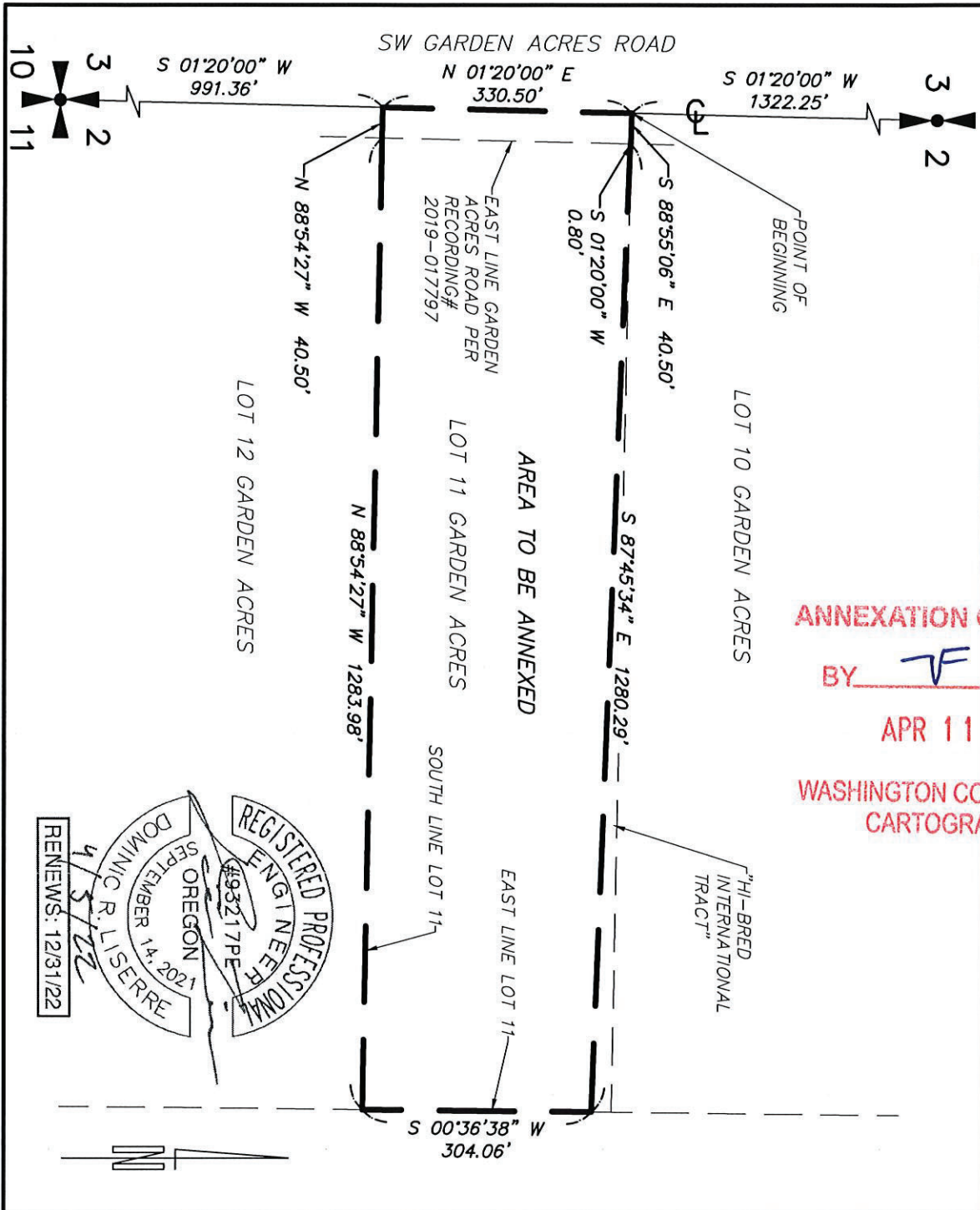
ANNEXATION CERTIFIED

BY TF

APR 11 2022

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

ORDINANCE NO. 876 EXHIBIT A



ANNEXATION CERTIFIED

BY TF

APR 11 2022

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

| | | |
|--|---|----------------------|
| <p>PLS ENGINEERING</p> <p>Engineering - Surveying - Planning 604 W. Evergreen Blvd., Vancouver, WA 98660 PH: (360) 944-6519 Fax: (360) 944-6539</p> | <p>EXHIBIT 'A'</p> <p>FOR ANNEXATION LOCATED IN THE W 1/2 OF THE W 1/2 OF SECTION 2 T. 3 S., R. 1 W., W.M. WASHINGTON COUNTY, OREGON</p> | <p>SCALE: N.T.S.</p> |
| | <p>Job No. 3308</p> <p>DATE: 04-05-2021</p> <p>DWG FILE: 3308L1</p> <p>DRAWN BY: JG</p> | |



Ordinance No. 876 Exhibit B
Zone Map Amendment Findings

Precision Countertops

City Council
Quasi-Judicial Public Hearing

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|--|---|
| Hearing Date: | March 20, 2023 |
| Date of Report: | March 7, 2022 |
| Application Nos.: | ZONE22-0005 Zone Map Amendment |
| Request/Summary: | City Council approval of a quasi-judicial Zone Map amendment of approximately 9.63 acres. |
| Location: | 25540 SW Garden Acres Road. The property is specifically known as Tax Lot 500, Section 2C, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon |
| Owner/Applicant: | PCT NW Properties OR, LLC, dba Precision Countertops, Inc. (Contact: Robert Hausserman) |
| Applicant's Representative: | MDG Architecture/Interiors (Contact: Simone O'Halleran) |
| Comprehensive Plan Designation: | Industrial |
| Zone Map Classification (Current): | FD-20 (Future Development – 20 Acre) |
| Zone Map Classification (Proposed): | PDI-RSIA (Planned Development Industrial – Regionally Significant Industrial Area) |
| Staff Reviewer: | Cindy Luxhoj AICP, Associate Planner |
| Staff Recommendation: | <u>Adopt</u> the requested Zone Map amendment. |

Applicable Review Criteria:

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| <u>Development Code:</u> | |
| Section 4.110 | Zones |
| Section 4.134 | Coffee Creek Industrial Design Overlay District |
| Section 4.135.5 | Planned Development Industrial – Regionally Significant Industrial Area Zone |
| Section 4.197 | Zone Changes |
| <u>Comprehensive Plan and Sub-elements:</u> | |
| Citizen Involvement | |
| Urban Growth Management | |
| Public Facilities and Services | |
| Land Use and Development | |
| Plan Map | |
| Transportation Systems Plan | |
| Coffee Creek Master Plan | |
| <u>Regional and State Law and Planning Documents</u> | |
| Statewide Planning Goals | |

Vicinity Map



Summary:

The applicant, Precision Countertops, Inc., requests a zoning designation consistent with the proposed Comprehensive Plan Map designation of "Industrial". In addition to the Comprehensive Plan Map designation of "Industrial", Metro's Title 4, Industrial and Other Employment Areas Map shows the subject property as a "Regionally Significant Industrial Area." Consistent with this designation the applicant proposes the property be zoned as Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA).

Conclusion and Conditions of Approval:

Staff recommends approval with the following conditions:

Request: Zone Map Amendment (ZONE22-0005)

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|---------------|--|
| PDB 1. | This action is contingent upon annexation of the subject property to the City of Wilsonville (ANNX22-0004). |
| PDB 2. | The Zoning Order adopting this zone map amendment will expire in 120 days without approval of a Stage 2 Final Plan for the subject property. |

Findings of Fact:

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 City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application
Section 4.009

The owners of all property included in the application signed the application forms and initiated the application.

Request B: Zone Map Amendment (ZONE22-0004)**Development Code****Zoning Consistent with Comprehensive Plan**
Section 4.029

B1. The property is designated "Industrial" by the Comprehensive Plan. The applicant requests a zone change concurrently with a Stage 1 Master Plan, Stage 2 Final Plan, and other related development approvals. The proposed zoning designation of Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA) is consistent with the Comprehensive Plan "Industrial" designation, and Metro's Title 4, Industrial and Other Employment Areas Map, which shows the property as a "Regionally Significant Industrial Area".

Base Zones
Subsection 4.110 (.01)

B2. The requested zoning designation of Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA) is among the base zones identified in this subsection.

Overlay Zones
Subsection 4.110 (.02)

B3. The Coffee Creek Industrial Design Overlay District applies to properties zoned PDI-RSIA in the Coffee Creek Industrial Area and will apply to the subject property upon rezoning.

Standards for Planned Development Industrial-Regionally Significant Industrial Area Zone

Purpose of PDI-RSIA
Subsection 4.135.5 (.01)

B4. The zoning will allow only industrial uses consistent with the purpose stated in this subsection.

Uses Typically Permitted
Subsection 4.135.5 (.03)

B5. The proposed zoning will allow only uses consistent with the list established in this subsection.

Zone Map Amendment Criteria

Zone Change Procedures
Subsection 4.197 (.02) A. 1.-3.

B6. The request for a zone map amendment has been submitted as set forth in the applicable Code sections. The property is located within the Coffee Creek Industrial Design Overlay District and will be reviewed by City Council without prior review or recommendation by the Development Review Board. The Zoning Order adopting this Zone Map amendment will expire in 120 days without approval of the Stage 2 Final Plan. Expiration is not anticipated as a public hearing is scheduled for March 27, 2023, before the Development Review Board to approve the Stage 2 Final Plan and other development related approvals.

Conformance with Comprehensive Plan Map, etc.
Subsection 4.197 (.02) B.

B7. The proposed Zone Map amendment is consistent with the Comprehensive Map designation of "Industrial".

Public Facility Concurrency
Subsection 4.197 (.02) C. 4. and 8.

B8. As part of Stage 2 Final Plan reviews, concurrency standards are or will be applied to projects in the area being rezoned. Based on existing nearby utilities and utility master plans, the Transportation System Plan, and the Coffee Creek Master Plan, necessary facilities are or can be made available for development of the subject property consistent with the proposed zoning.

Impact on SROZ Areas
Subsection 4.197 (.02) C. 5.

B9. There is no Significant Resource Overlay Zone (SROZ) located within the area to be rezoned.

Development within 2 Years

Subsection 4.197 (.02) C. 6.

B10. Concurrently submitted land use approvals for the Precision Countertops project expire after two (2) years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years, allowing related land use approvals to expire, the zone change shall remain in effect. The applicant indicates they will begin development within two (2) years.

Development Standards and Conditions of Approval

Subsection 4.197 (.02) C. 7.

B11. As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.