

ORDINANCE NO. 574

AN ORDINANCE AMENDING WILSONVILLE COMPREHENSIVE PLAN IMPLEMENTATION MEASURE 4.1.3.i, W.C. 4.135 (.03) J., W.C. 4.135.5, and W. C. 4.008 (.02) (K) RELATING TO ALLOWABLE COMMERCIAL USES OF INDUSTRIALLY ZONED LAND, CREATING A REGIONALLY SIGNIFICANT INDUSTRIAL ZONE, AND DECLARING AN EMERGENCY.

WHEREAS, the Wilsonville Comprehensive Plan industrial development policy encourages light industry compatible with the residential and urban nature of the City; and

WHEREAS, the policy is supported by Implementing Measures calling for the "maintenance of high-quality industrial development" by "appropriate" and "limited" commercial uses primarily serving the needs of people working or living in the immediate Employment or Industrial Areas; and

WHEREAS, the Metro Urban Growth Management Functional Plan, Title 4: Industrial and Other Employment Areas seeks to improve the region's economic climate by protecting a supply of sites for employment by limiting the type and scale of non-industrial uses in Regionally Significant Industrial Areas, Industrial Areas and Employment Areas; and

WHEREAS, Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for movement of goods and services by encouraging other types of employment to locate in Employment Areas, Centers, Corridors, Main Streets and Station Communities; and

WHEREAS, Title 4 Regionally Significant Industrial Area requirements are best achieved by creating an industrial zone meeting those requirements for application to properties so designated; and

WHEREAS, Comprehensive Plan Implementation Measure 4.1.3.i. must be amended to conform to Title 4 and Comprehensive Plan policies limiting commercial uses in industrial zones to those primarily serving the needs of people working in the immediate Employment or Industrial Areas; and

WHEREAS, the Development Code allows for commercial use of up to 20 percent of industrially zoned land and up to 30 percent for commercial and residential use of such land; and

WHEREAS, experience with non-industrial development of industrial land indicates that the percentages of allowable commercial use are unnecessarily high in light of the realities of the market; and

WHEREAS, the "commercial use" language in the code has been revised to exclude certain storage areas that, in operation, are more commercial than industrial in nature, resulting in even greater consumption of industrial land, contrary to the policy and intent of commercial use limitations; and

WHEREAS, the public interest is served by clarifying the code to better express the policy of limited commercial use of industrial land; and

WHEREAS, following a vetting of the proposals by the Chamber of Commerce and other interested parties, Planning Commission public hearings on the matter and a recommendation for adoption of the proposed amendments, the City Council conducted a properly noticed public hearing on the 1st of November, 2004, and having considered the entire record herein, and being fully advised in the premise.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts as findings of facts the above recitals and that staff report in this matter dated October 18, 2004, attached hereto as Exhibit A and incorporated herein as if fully set forth.

Section 2. Amendments.

1. Wilsonville Comprehensive Plan Implementation Measure 4.1.3. is hereby amended as follows:

Implementation Measure 4.1.3.i. The City shall limit the maximum amount of square footage of gross leasable retail **commercial and/or commercial and professional services that cater to daily customers** in areas designated for industrial development **to ensure that they serve primarily the needs of workers in the area consistent with Metro standards as contained in Title 4 of the Metro Urban Growth Management Functional Plan, 2004.** ~~In order to assure compliance with Metro's standards for the development of industrial areas, retail uses with more than 60,000 square feet of gross leasable floor area per building or business shall not be permitted in areas designated for industrial development.~~

2. Wilsonville Code section 4.135 is amended to read as follows:

Section 4.135. PDI- Planned Development Industrial Zone.

- (.01) Purpose: The purpose of the PDI zone is to provide ~~on-going~~ opportunities for ~~varied a variety of~~ industrial operations and associated uses, ~~along with a range of related and compatible uses~~; to provide the flexibility to accommodate the changing nature of industrial employment centers; and to facilitate the redevelopment of under-utilized industrial sites.
- (.02) The PDI Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.
- (.03) Examples of uses-~~Uses that are typically permitted:~~
- ~~A. Laboratories, storage buildings, wWarehouses, and other buildings for storage of wholesale goods, including cold storage plants.~~
 - ~~B. Assembly of electrical equipment, including the manufacture of small parts. Storage and wholesale distribution of agricultural and other bulk products, provided that dust and odors are effectively contained within the site.~~
 - ~~C. The light manufacturing, simple compounding or processing, packaging, assembling and/or treatment of products, cosmetics, drugs, and food products, unless such use is inconsistent with air pollution, excess noise, or water pollution standards.~~
 - ~~D. Experimental, film or testing laboratories.~~
 - ~~E. Wholesale houses, storage, and warehouses.~~
 - ~~F. Veterinary or animal hospital; provided that any structures or any portion of the premises used is located at least one hundred (100) feet from any residential use and further provided that no outdoor dog runs or kennels are to be provided.~~
 - ~~G. Fertilizer, storage or distribution. Storage and sale of grain, livestock feed, provided dust and smell is effectively controlled.~~
 - ~~H. Motor vehicle service facilities complimentary or incidental to permitted uses.~~
 - ~~I. Where the total area of a PDI application exceeds fifty (50) acres, there may be allowed any use allowed in a PDR Zone, provided such uses shall not exceed twenty percent (20%) of the total acreage and is compatible with the surrounding uses and properly buffered.~~
 - C. Assembly and packing of products for wholesale shipment
 - D. Manufacturing and processing
 - E. Motor vehicle services, or other services complementary or incidental to primary uses, and which support the primary uses by allowing more efficient or cost-effective operations
 - F. Manufacturing and processing of electronics, technical instrumentation components and health care equipment.
 - G. Fabrication
 - H. Office complexes - Technology

I. Corporate headquarters

J. Educational and training institutions

K. Call centers

L. Research and development

M. Laboratories

N. Repair, finishing and testing of product types manufactured or fabricated within the zone.

O. Industrial services

~~JP.~~ Any use allowed in a PDC Zone, ~~or any other light industrial uses provided that any such use is compatible with industrial use and is planned and developed in a manner consistent with the purposes and objectives of Sections 4.130 to 4.140 and is subject to the following eriterial limitations:~~

- ~~1. Service Commercial uses shall not exceed 20% of total acreage (defined as professional services that cater to daily customers such as financial, insurance, real estate, legal, medical or dental offices) not to exceed 5000 square feet of floor area in a single building, or 20,000 square feet of combined floor area within a multi-building development.~~
- ~~2. Office Complex Use (as defined in Section 4.001) shall not exceed 20%30% of total acreage floor area within a project site.~~
- ~~3. Technology Office Complex shall not exceed 60% of total acreage. As with other industrial developments, total floor area dedicated to retail use shall not exceed 30% of the total square footage of the ground floors of buildings within the development. On site parking may be limited in order to control traffic generation. Retail uses, not to exceed 5000 square feet of indoor and outdoor sales, service or inventory storage area for a single building and 20,000 square feet of indoor and outdoor sales, service or inventory storage area for multiple buildings.~~
- ~~4. Commercial Recreation shall not exceed 20% of total acreage. Combined uses under P.1 and 3 shall not exceed a total of 5000 square feet of floor area in a single building or 20,000 square feet of combined floor area within a multi-building development.~~
- ~~5. Neighborhood Commercial shall not exceed 20% of total acreage.~~
- ~~6. Combined commercial uses, listed in J.(1), (4), and (5), above shall not exceed 30% of total acreage.~~

Q. Training facilities whose primary purpose is to provide training to meet industrial needs.

R. Public facilities.

~~K. Combined commercial uses, listed in J(1), (2), (4), and (5), above, and residential uses shall not exceed thirty percent (30%) of total acreage.~~

LS. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal-permitted uses.

~~MT.~~ Temporary buildings or structures for uses incidental to construction work, which
Such buildings or structures to be removed within 30 days of completion or
abandonment of the construction work.

U. Other similar uses, which in the judgment of the Planning Director, are consistent
with the purpose of the PDI Zone.

~~(.04) Uses subject to the grant of a Conditional Use Permit:~~

~~A. Automobile service stations, subject to the standards of Section 4.184.~~

~~(.05) Prohibited uses:~~

~~A. Retail operations exceeding 60,000 square feet of gross leasable area are~~
~~prohibited within the PDI zone.~~

~~B. Any use or activity that violates the performance standards specified in subsection~~
~~(.07), below.~~

~~(.05) Block and access standards:~~

~~The PDI zone shall be subject to the same block and access standards as the PDC~~
~~zone, Section 4.131(.02) and (.03).~~

~~(.06) Performance Standards. The following performance standards apply to all industrial
properties and sites within the PDI Zone, and are intended to minimize the potential
adverse impacts of industrial activities on the general public and on other land uses or
activities. They are not intended to prevent conflicts between different uses or
activities that may occur on the same property. ~~Developed industrial sites shall be~~
~~subject to the provisions of this Code and the following:~~~~

~~A. All uses and operations except storage, off-street parking, loading and unloading~~
~~shall be confined, contained, and conducted wholly within completely enclosed~~
~~buildings, unless outdoor activities have been approved through as part of Stage~~
~~II, Site Design or Administrative Review or other land use approval process (e.g.,~~
~~Conditional Use Permit, Site Development Permit).~~

~~B. Vibration: Every use shall be so operated that the ground vibration inherently and~~
~~recurrently generated from equipment other than vehicles is not perceptible~~
~~without instruments at any boundary line of the property on which the use is~~
~~located.~~

~~C. Emission of odorous gases or other odorous matter in quantities as detectable at~~
~~any point on any boundary line of the property on which the use is located shall~~
~~be prohibited.~~

~~D. Any open storage shall comply with the provisions of Section 4.176, and this~~
~~Section.~~

~~E. No building customarily used for night operation, such as a baker or bottling and~~
~~distribution station, shall have any opening, other than stationary windows or~~
~~required fire exits, within one hundred (100) feet of any residential district and~~
~~any space used for loading or unloading commercial vehicles in connection with~~

such an operation shall not be within one hundred (100) feet of any residential district.

F. Heat and Glare:

1. Operations producing heat or glare shall be conducted entirely within an enclosed building.
2. Exterior lighting on private property shall be screened, baffled, or directed away from adjacent residential properties. This is not intended to apply to street lighting.

G. Dangerous Substances: Any use which involves the presence, storage or handling of any explosive, nuclear waste product, or any other substance in a manner which would cause a health or safety hazard for any adjacent land use or site shall be prohibited.

H. Liquid and Solid Wastes:

1. Any storage of wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.
2. Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting as required in Section 4.176.
3. No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.
4. No wastes conveyed shall be allowed to or permitted, caused to enter, or allowed to flow into any public sewer in violation of applicable City or State standards.
5. All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, stream, or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the City, County, and State Department of Environmental Quality.
6. All operations shall be conducted in conformance with the City's standards and ordinances applying to sanitary and storm sewer discharges.

I. Noise: Noise generated by the use, with the exception of traffic noises from automobiles, trucks, and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality governing noise control in the same or similar locations.

J. Electrical Disturbances. Except for electrical facilities wherein the City is preempted by other governmental entities, electrical disturbances generated by uses within the PDI zone which interfere with the normal operation of equipment or instruments with the PDI Zone are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential uses area also prohibited.

K. Discharge Standards: There shall be no emission of smoke, fallout, fly ash, dust, vapor, gases, or other forms of air pollution that may cause a nuisance or injury to

human, plant, or animal life, or to property. Plans of construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

KL. Open burning is prohibited.

LM. Storage:

1. Outdoor storage must be maintained in an orderly manner at all times.
2. Outdoor storage area shall be gravel surface or better and shall be suitable for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.
3. Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height.

MN. Landscaping:

1. Unused property, or property designated for expansion or other future use, shall be landscaped and maintained as approved by the Development Review Board. Landscaping for unused property disturbed during construction shall include such things as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded fieldgrass.
2. Contiguous unused areas of undisturbed fieldgrass may be maintained in their existing state. Large stands of invasive weeds such as Himalayan blackberries, English ivy, cherry Laurel, reed canary grass or other identified invasive plants shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located within a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development.
3. Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards.

(.07) Other Standards:

- A. Minimum Individual Lot Size: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).
- B. Maximum Lot Coverage: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).
- C. Front Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. Setbacks shall also be

maintained from the planned rights-of-way shown on any adopted City street plan.

- D. Rear and Side Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setbacks on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.
- E. No setback is required when side or rear yards abut on a railroad siding.
- F. Corner Vision: Corner lots shall have no sight obstruction to exceed the vision clearance standards of Section 4.177.
- G. Off-Street Parking and Loading: As provided in Section 4.155.
- H. Signs: As provided in Section 4.156.

3. Wilsonville Code is amended to add the following new section:

Section 4.135.5: Planned Development Industrial – Regionally Significant Industrial Area

(.01) Purpose. The purpose of the PDI-RSIA Zone is to provide opportunities for regionally significant industrial operations along with a limited and appropriate range of related and compatible uses; to provide the flexibility to accommodate the changing nature of industrial employment centers, to protect industrially zoned lands for industrial uses, primarily in those areas near significant transportation facilities for the movement of freight and to facilitate the redevelopment of under-utilized industrial sites.

(.02) The PDI-RSIA Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

(.03) Uses that are typically permitted:

- A. Wholesale houses, storage units, and warehouses.
- B. Laboratories, storage buildings, warehouses, and cold storage plants.
- C. Assembly of electrical equipment, including the manufacture of small parts.
- D. The light manufacturing, simple compounding or processing packaging, assembling and/or treatment of products, cosmetics, drugs, and food products, unless such use is inconsistent with air pollution, excess noise, or water pollution standards.
- E. Office Complexes-Technology (as defined in Section 4.001).
- F. Experimental, film or testing laboratories.
- G. Storage and distribution of grain, livestock feed, provided dust and smell is effectively controlled.
- H. Motor vehicle service facilities complementary or incidental to permitted uses.

I. Any use allowed in a PDC Zone or any other light industrial uses provided that any such use is compatible with industrial use and is planned and developed in a manner consistent with the purposes and objectives of Sections 4.130 to 4.140 and is subject to the following criteria:

1. Service Commercial (defined as professional services that cater to daily customers such as financial, insurance, real estate, legal, medical or dental offices) shall not exceed 3000 square feet of floor space in a single building or 20,000 square feet of combined floor area within a multiple building development.
2. Office Use (as defined in Section 4.001) shall not exceed 20% of total floor area within a project site .
3. Retail uses not to exceed 3000 square feet of indoor and outdoor sales, service, or inventory storage area for a single building or 20,000 square feet of indoor and outdoor sales, service or inventory storage area for multiple buildings.
4. Combined uses under I.1 and 3. above shall not exceed a total of 3000 square feet of floor area in a single building or 20,000 square feet of combined floor area within a multi-building development.

J. Residential uses shall not exceed 10% of total floor area.

K. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses.

L. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon completion or abandonment of the construction work.

M. Expansion of a building, structure or use approved prior to October 25, 2004 of up to 20% additional floor area and/or 10% additional land area.

N. Other similar uses which in the judgment of the Planning Director are consistent with the purpose of the PDI-RSIA Zone.

(.04) Prohibited uses.

- A. Retail operations exceeding 3,000 square feet of area for sales, service area or storage area for retail inventory in a single building, or 20,000 square feet of sales, service or storage area for multiple buildings, except training facilities whose primary purpose is to provide training to meet industrial needs.
- B. Any use or activity that violates the performance standards specified in subsection (.06), below.

(.05) Block and Access Standards

The PDI-RSIA Zone shall be subject to the same block and access standards as the PDC Zone [Section 4.131(.02) and (.03)].

(.06) Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI-RSIA Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property or site.

- A. All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Stage II, Site Design or Administrative Review.
- B. Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property or site on which the use is located.
- C. Emission of odorous gases or other odorous matter in quantities detectable at any time and at any point on any boundary line of the property or site on which the use is located are prohibited.
- D. Any open storage shall comply with the provisions of Section 4.176 and this Section.
- E. No building customarily used for night operation, such as a bakery, bottling and distribution plant or other similar use, shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any residential district and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any residential district.
- F. Heat and Glare.
 - 1. Operations producing heat or glare shall be conducted entirely within an enclosed building.
 - 2. Exterior lighting on private property shall be screened, baffled, or otherwise directed away from adjacent residential properties. This is not intended to apply to street lighting.
- G. Dangerous Substances: Any use which involves the presence, storage or handling of any explosive, nuclear waste product or any other substance in a manner which would cause a health or safety hazard on any adjacent land use or site shall be prohibited.
- H. Liquid and Solid Wastes:
 - 1. Any storage of wastes which would attract rodents or insects or otherwise create a health hazard shall be prohibited.
 - 2. Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting as required by Section 4.176.
 - 3. No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.

4. No wastes conveyed shall be allowed to or permitted, caused to enter, or allowed to flow into any public sewer in violation of applicable City or State standards.
 5. All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, stream or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the City, County, and State Department of Environmental Quality.
 6. All operations shall be conducted in conformance with the city's standards and ordinances applying to sanitary and storm sewer discharges.
- I. Noise: Noise generated by the use, with the exception of traffic uses from automobiles, trucks and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality governing noise control in the same or similar locations.
 - J. Electrical Disturbances. Except for electrical facilities wherein the City is pre-empted by other governmental entities, electrical disturbances generated by uses within the PDI-RSIA Zone which interfere with the normal operation of equipment or instruments within the PDI-RSIA Zone are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential uses are also prohibited.
 - K. Discharge Standards: There shall be no emission of smoke, fallout, fly ash, dust, vapors, gases or other forms of air pollution that may cause a nuisance or injury to human, plant or animal life or to property. Plans for construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.
 - L. Open burning is prohibited.
 - M. Storage.
 1. Outdoor storage must be maintained in an orderly manner at all times.
 2. Outdoor storage areas shall be gravel surfaced or better and shall be sufficient for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.
 3. Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than 6' in height.

N. Landscaping.

1. Unused property, or property designated for expansion or other future use shall be landscaped and maintained as approved by the Development Review Board. Landscaping for unused property disturbed during construction shall include such materials as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded fieldgrass.
2. Contiguous unused areas of undisturbed fieldgrass may be maintained in their existing state. Large stands of invasive weeds such as Himalayan blackberry, English ivy, cherry laurel, reed canary grass or other identified invasive species shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located with a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development.
3. Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards.

(.07) Other Standards

A. Lot Size:

1. Parcels less than 50 acres in size at the time of adoption of this amended Section: Land divisions may occur in conformance with an approved Master Plan consistent with the requirements of this section. No lot size limit, save and except as shall be consistent with the other provisions of this code.
2. Parcels 50 acres or greater in size existing on October 25, 2004 may be divided into any number of parcels or lots pursuant to an approved Master Plan provided that at least one lot or parcel of at least 50 acres in size remains. Provided further however, at least forty percent (40%) of the lot or parcel so created has been developed or planned for industrial uses and associated accessory uses and no portion has been developed or planned for the uses listed in Section 4.135.5 (03) I. 1- 3.
3. Uses not subject to the foregoing lot size provisions:
 - a. Public facilities and services
 - b. Separation of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by DEQ pursuant to ORS 465.225.
 - c. Separation of a lot or parcel containing a nonconforming use from the remainder of the site in order to improve the utility of the remainder site for the intended industrial uses
 - d. Separation for the purposes of financing when the new lot or parcel is consistent with the approved Master Plan.

e. Division of lots or parcels consistent with a Master Plan approved by the City prior to July 1, 2004.

- B. Maximum Lot Coverage. No limit save and except as shall be consistent with the other provisions of this code.
- C. Front Yard Setback. Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.
- D. Rear and Side Yard Setback. Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setback on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.
- E. No setback is required when rear or side yards abut a railroad siding.
- F. Corner Vision. Corner lots shall have no lot obstruction to exceed the vision clearance standards of Section 4.177.
- G. Off-street Parking and Loading. As required in Section 4.155.
- H. Signs. As required in Section 4.156

4. Wilsonville Code Section 4.008(.02)(K) is amended as follows:

Special features include: mixed use provisions for most zones; ~~(including industrial zones that allow up to 30% of the area to be in residential and commercial uses);~~ ability to “waive” many of the typical development standards based n design improvements that will result; density transfers; strong variance provision; tree protection with mitigation requirements for tree cutting; City Council “Call Up” provisions; heavy landscaping requirements; owner/developer signature to accept and abide by conditions; limited administrative approval power; enforcement powers and practice.

Section 3. Staff Direction. The City Recorder is directed to make the appropriate formatting and stylistic changes to conform the aforementioned amendments to the format and style of the Wilsonville Code.

Section 4. Effective Date. Commercial conversion of industrial lands reduces the inventory of employment land for industry. Metro does not consider such lands as available for industrial use, causing it to look to lands beyond the Urban Growth Boundary to satisfy the need. The land around Wilsonville has historically been one of the primary areas proposed for urban expansion. The City recently resisted proposals to expand the UGB to include lands east of the city and south of the Willamette River. Continued loss of the city’s industrial land inventory and

increased pressure to designate rural land for industry causes irreparable harm to the city and the region. Recently, the loss of industrial lands to commercial use has been both rapid and significant. In the last several months, the city has seen a number of large commercial interests file for development permits on the city's industrial land. Immediate application of this ordinance is essential to avoid irreparable harm and to ensure that the needed supply of industrial lands is maintained. As such, an emergency is declared to exist and this ordinance shall take effect immediately upon final reading and passage by the Council.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 18th day of October, 2004, and scheduled for a second reading at a special meeting of the Council on the, 1st of November 2004 commencing at the hour of 7P.M. at the Wilsonville Community Center.

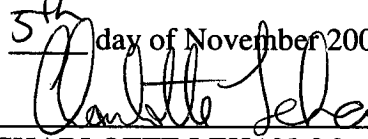

SANDRA C. KING, CMC, City Recorder

Enacted by the City Council on the 1st day of November 2004, by the following votes:

YEAS: -5- NAYS: -0-


SANDRA C. KING, CMC, City Recorder

DATED and signed by the Mayor this 5th day of November 2004.


CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>
Councilor Scott-Tabb	<u>Yes</u>
Councilor Knapp	<u>Yes</u>

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: City of Wilsonville Local File No.: Ordinance No. 574
(If no number, use none)

Date of Adoption: November 1, 2004 Date Mailed: November 8, 2004
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: _____

- Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Land Use Regulation Amendment
 - Zoning Map Amendment
 - New Land Use Regulation
 - Other: _____
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
Planning & land development ordinance text amendment to the text of the
PDI Zoning District relating to allowable commercial uses permitted in
the PDI Zone. Amendment would limit the amount of retail commercial uses
allowed on industrial lands consistent with Metro guidelines protecting
industrial lands for industrial uses.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from : n/a to _____

Zone Map Changed from: n/a to _____

Location: City of Wilsonville citywide Acres Involved: _____

Specify Density: Previous: n/a New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: _____

DLCD File No.: _____

Affected State or Federal Agencies, Local Governments or Special Districts 8/27/02

Columbia Cable of Oregon	14200 SW Brigadoon Ct.		Beaverton	OR	97005
Tualatin Valley Water District	PO Box 745		Beaverton	OR	97095
Canby School District	1110 S Ivy Street		Canby	OR	97013
City Planner	City of Canby	182 N. Holly	Canby	OR	97013
Doug McClain	Clackamas Cty Planning Section Mgr	9101 SE Sunnybrook Blvd	Clackamas	OR	97015
William Graffi	Unified Sewerage Agency	155 N. First Avenue, Room 270	Hillsboro	OR	97124
Brent Curtis	Wash. County Planning Manager	155 N. First Avenue	Hillsboro	OR	97124
Portland General Electric	121 SW Salmon 1 WTC-9		Portland	OR	97204
BPA	PO Box 3621		Portland	OR	97208
Tom Simpson	NW Natural Gas	220 NW 2nd Avenue	Portland	OR	97209
Michael Dennis	Tri-Met Project Planning Dept	4012 SE 175th Avenue	Portland	OR	97202
Oregon Dept of Environ Quality	811 SW Sixth Avenue		Portland	OR	97204
Ray Valone	Metro	600 NE Grand Avenue	Portland	OR	97232
Manager, Community Development	Growth Management Services	600 NE Grand Avenue	Portland	OR	97232
Leo Huff	Metro				
John Lilly	ODOT	123 NW Flanders Street	Portland	OR	97209
Richard Ross	Division of State Lands	775 Summer Street, NE	Salem	OR	97310
Bobbi Burton	Department of Corrections	2575 Center Street NE	Salem	OR	97310
William Fujii, OWRD	Community Coordinator, Facilities Division	2575 Center Street, NE	Salem	OR	97310
Sherwood School Dist Admin Office	Commerce Building	158 12th Street, NE	Salem	OR	97310
	400 N. Sherwood Blvd.		Sherwood	OR	97140
	GTE	PO Box 23416	Tigard	OR	97281
Jim Jacks	City of Tualatin	18880 SW Martinazzi Avenue	Tualatin	OR	97062
Roger Woehl	West Linn/Wilsonville School District 3JT	PO Box 35	West Linn	OR	97068
	United Disposal Services	PO Box 186	Wilsonville	OR	97070
Jim Johnston	Portland General Electric	9540 SW Boeckman Road	Wilsonville	OR	97070

City of

WILSONVILLE
in OREGON



30000 SW Town Center Loop E
Wilsonville, Oregon 97070
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WILSONVILLE CITY COUNCIL NOTICE OF DECISION

FILE NO: Ordinance No. 574 An Ordinance Amending Wilsonville Comprehensive Plan Implementation Measure 4.1.3.I, W.C. 4.135 (.03) J., W.C. 4.135.5, And W.C. 4.008 (.02) (K) Relating To Allowable Commercial Uses Of Industrially Zoned Land, Creating A Regionally Significant Industrial Zone, And Declaring An Emergency

Petitioner: City of Wilsonville

After conducting a public hearing on November 1, 2004, the City Council voted to adopt Ordinance No. 573 as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as **Ordinance No. 574, An Ordinance Amending Wilsonville Comprehensive Plan Implementation Measure 4.1.3.I, W.C. 4.135 (.03) J., W.C. 4.135.5, And W.C. 4.008 (.02) (K) Relating To Allowable Commercial Uses Of Industrially Zoned Land, Creating A Regionally Significant Industrial Zone, And Declaring An Emergency.**

And placed on file in the city records at the Wilsonville City Hall this 3rd day of November, 2004, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of decision. Copies of Ordinance No. 573 may be obtained from the City Recorder, 30000 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506.

For further information, please contact the Wilsonville Planning Division, Community Development Annex, 8445 SW Elligsen Road, Wilsonville, OR 97070 or telephone (503) 682-4960.