

AFFIDAVIT OF POSTING ORDINANCE NO. 54

STATE OF OREGON            )  
Counties of Clackamas    )  
and Washington            )  
City of Wilsonville        )

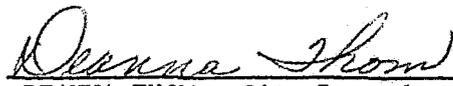
I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On Wednesday, the 17th day of September, 1975, I caused to be posted copies of the attached Ordinance No. 54, an ordinance amending the zoning map of the City of Wilsonville (Application of Landura Corporation for the Montebello Subdivision), in the following three (3) public and conspicuous places of the City, to wit:

- 1) Wilsonville Post Office
- 2) Lowries Market
- 3) Kopper Kitchen

The notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 6th day of October, 1975.

Dated at Wilsonville, State of Oregon, this 17th day of September, 1975

  
DEANNA THOM - City Recorder

Subscribed and sworn to before me this 17th day of September, 1975

  
NOTARY PUBLIC for Oregon

My Commission expires: 11-11-78

ORDINANCE NO. 54

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of Landura Corporation for the Montebello Subdivision.)

WHEREAS, an application was filed with the Wilsonville City Recorder by Roger Midura, authorized agent of Landura Corporation, owner of the hereinafter described property, to amend the zoning map of the City of Wilsonville for the purpose of changing the classification of the zone in which the following described real property is located from an RA-1 (Rural Agricultural Zone) to an R-7 (Single Family--approximately 13.6 acres) and MR-1 (Multi-family--approximately 6.7 acres) and the application fee as required by Section 17.01 of Ordinance No. 23 (the City's Zoning Ordinance) has been paid. The following is a description of the real property, which consists of approximately 20.3 (20 3/10) acres, for which the Application for Zone Change was filed, to-wit:

A parcel of property being described as Tax Lot 400 in Section 14C, T3S., R1W, of the W.M., in the City of Wilsonville, Clackamas County, State of Oregon.

WHEREAS, the Wilsonville City Planning Commission, before taking final action on said application and the proposed amendments, scheduled and held a public hearing on the matter as required by Section 11.02 of the Zoning Ordinance No. 23 and said hearing was held on Monday, August 18, 1975, and notice of the time, place and purpose of said hearing was duly and regularly given by publishing in the Tigard Times, a newspaper of general circulation in the City of Wilsonville not less than five days prior to the date of hearing and by written notice mailed by the City Recorder to all owners of property within 250 feet of the exterior boundaries of the property affected not less than ten days prior to the date of hearing as required by Section 14.01 (1) (A) and (B) of the Zoning Ordinance

No. 23 and the newspaper's Affidavit of Publication and the City Recorder's Affidavit of Mailing are on file in the City Recorder's records and file of this zone change matter; and

WHEREAS, the City of Wilsonville Planning Commission at the time and place of the public hearing on such matter, i.e., August 18, 1975, heard and considered discussion for the proposed zone changes, and upon conclusion of the hearing, by motion duly made, seconded and carried, recommended to the Wilsonville City Council that the proposed zone changes be approved, and that the City's zoning map be changed accordingly, and that the zone classification of the above described real property be changed from that of RA-1 (Rural Agricultural Zone) to R-7 (Single Family Zone) and MR-1 (Multi-Family Zone); whereupon a written report and recommendation of the Wilsonville City Planning Commission was duly made and filed with the Wilsonville City Council; and

WHEREAS, the Wilsonville City Council held a public hearing on the matter and the proposed zone changes as required by the provisions of Section 11.04 of the City Zoning Ordinance No. 23, and said public hearing was held on Tuesday, September 2, 1975, at the Wilsonville City Hall in Wilsonville, Clackamas County, State of Oregon, after proper notice thereof was first duly given in the manner and for the time required by Section 14.01 of the said Zoning Ordinance and ORS 227.260, and proof of the mailing of notice by the City Recorder to the property owners within 250 feet of the exterior boundaries of the affected property and by publication of notice of said hearing in the Tigard Times, a newspaper of general circulation printed and published in Tigard, Washington

County, State of Oregon is on file in the office of the Wilsonville City Recorder at the Wilsonville City Hall and in a part of the records and file of the matter; and

WHEREAS, opponents and proponents voiced their opinion on the zone changes at the hearing before the Wilsonville City Council on Tuesday, September 2, 1975, and after further consideration of the matter and due deliberation on the report and recommendations of the City Planning Commission, the Wilsonville City Council determined:

1. The change is in conformance with the existing zoning ordinance and comprehensive plan.
2. There is a public need for the change.
3. The public need is better served by a zone change on this particular piece of property rather than on other property.
4. The change will preserve and protect the health, safety and general welfare of the residents in the area.

The Wilsonville City Council made the above decisions based on the following determination of facts:

1. Zoning Ordinance No. 23 contemplates zoning amendments.
2. Intent of Zoning Ordinance No. 23 is to fully utilize property to its highest and best use.
3. The general plan of the City of Wilsonville dated October, 1971, (Comprehensive Land Use Plan) permits

the property in question to be developed at a rate of not less than 7.1 dwelling units and not more than 12.0 dwelling units per acre. The development contemplates a density of not less than 7.1 dwelling units and not more than 9.0 dwelling units per acre.

4. Wilsonville is experiencing an influx of new industry and is expected to undergo major growth. Additional residentially zoned property is needed to fulfill these growth projections.
5. The property is close to a commercial center, near a large interchange and is in close proximity to the job producing industrial area. The subject property is the best available property to satisfy the public need.
6. The change will be beneficial to the community and will not overburden the community in areas of education, sewer capacity, water capacity and traffic control.
7. The development will be generally healthful, safe and will conform to the existing surroundings and conditions.
8. The property is the only available property within the community which can take advantage of existing municipal sewer and water systems.
9. There is not available sufficient units which would sell for an average of \$31,000 or rent for \$175.00

to \$200.00 per month. The proposed development would alleviate the shortage.

10. The protective covenants Exhibit "J" of the application will be applicable to the subdivision and will protect the health, safety, peace and welfare of residents, neighbors, other areas and the uses of the property involved.
11. The aesthetic view will be retained by not removing the existing fir trees and saving as many filbert trees as possible.
12. The zone change preserves prime recreational areas and farm land and provides for an orderly and efficient transition from rural to residential land use.
13. The zone change for the limited area would best suit future development in the surrounding area.
14. There are no other areas in the City currently zoned which would accomodate the proposed construction.
15. The public has requested more housing.
16. The existing road system is adequate to serve the increased traffic.
17. The zone change is in conformance and consistent with the zoning ordinance including the goal and policies of residential and commercial districts; now therefore

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. That the zoning map of the City of Wilsonville dated June 1, 1971, and adopted as a part of the City Zoning Ordinance

No. 23 adopted on the same date shall be and the same is hereby amended and changed so that the zone boundaries of the R-7 (Single Family Zone) and MR-1 (Multi-Family Zone) shall now include the following described real property, to-wit:

A parcel of property being described as Tax Lot 400 in Section 14C, T3S., R1W, of the W.M., in the City of Wilsonville, Clackamas County, State of Oregon;

and upon the adoption of this Ordinance, said property shall thereupon be classified as R-7 and MR-1 Zones and not as an RA-1 Zone.

Section 2. The Mayor, attested by the City Clerk, is hereby authorized and directed to make the appropriate changes in the City's Zoning Map so that 13.6 acres of the subject property are now included in the R-7 zone and 6.7 acres are included in the MR-1 zone as shown on the application for the zone changes as submitted by the Landura Corporation to the Wilsonville City Planning Commission.

Section 3. It being deemed by the Wilsonville City Council that an emergency exists, this Ordinance shall take effect immediately upon its final reading and passage by the Wilsonville City Council.

Passed on first reading of the Wilsonville City Council at a meeting thereof on the 16th day of September, 1975; ordered posted as provided by the Wilsonville City Charter; and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on Monday, the 6th day of October, 1975, at the hour of 2 o'clock P.M. at the Wilsonville Grade School.

ATTEST:

Deanna Thom  
DEANNA THOM - City Recorder

Phillip R. Balsiger  
PHILLIP R. BALSIGER-Mayor

Passed on final reading of the Wilsonville City Council at a meeting thereof held on this 6th day of October, 1975 by the following vote: Yeas 5 Nays 0

ATTEST:

Deanna Thom  
DEANNA THOM-City Recorder

Phillip R. Balsiger  
PHILLIP R. BALSIGER-Mayor