

ORDINANCE NO. 74

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE
(Application of G. I. Joes)

WHEREAS, an Application was filed with the Wilsonville City Recorder by G. I. Joes, 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 RA-1(Rural Agricultural) to PI(Planned Industrial), 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, consisting of approximately 26.24 acres for which the application for zone change was filed, to wit:

A tract of land in the south half of the southwest quarter of Section 11, T3S, R1W, W.M., Clackamas County, Oregon, said tract being a portion of those tracts of land conveyed to Edward W. Boeckman as recorded in book 106, page 316 of the Clackamas County Records and Ernst A. Boeckman, Jr., as recorded in book 106 at page 317 of the said records; said tract is more particularly described as follows: Beginning at a 5/8 inch iron rod on the north line of that 25.00 foot wide tract of land conveyed to the City of Wilsonville, for road purposes, as recorded in the Clackamas County film records Fee No. 72 33376, said beginning point bears S 89 34' 52" W 1330.42 feet and N 00 27' 08" W 25.00 feet from the quarter corner on the south line of Section 11, said beginning point also being on the easterly line of that transmission line easement conveyed to the United States of America as recorded in book 522 at page 49 and in book 515 at page 231 of the Clackamas County Records; thence N 00 27' 08" W 1292.97 feet along the east line of said easement to a 5/8 inch iron rod on the south line of that tract of land conveyed to George F. Boeckman as recorded in book 105 at page 454 of the said records; thence N 89 28' 53" E 556.25 feet along the said south line of George Boeckman to a 5/8 inch iron rod on the westerly line of the Oregon Electric Railway Company right of way; thence following the westerly line thereof, S 32° 07' 22" E 337.01 feet to a 5/8 inch iron rod at a point of curve; thence on a 2639.93 foot radius curve to the right 1083.79 feet along the arc (the long chord bears S 21° 11' 24" E 1077.23 feet) to a 5/8 inch iron rod on the north line of the aforesaid City of Wilsonville tract; thence S 89° 34' 52" W 1114.63 feet to the point of beginning. Containing 26.452 acres. Subject to a 45 foot wide transmission line easement lying westerly of, and adjacent to the Oregon Electric Railway Company right of way as described in book 290 at page 242 and book 293 at page 98 of the said records.

WHEREAS, the Wilsonville City Planning Commission, before taking final action on said Application, and the proposed amendment, 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 October 11, 1976, 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 10 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, a second public hearing for further input was held on November 8, 1976, 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 10 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 the zone change matter; and

WHEREAS, the City of Wilsonville Planning Commission at the time and place of the public hearing on such matters, i.e., October 11, 1976 and November 8, 1976, heard and considered testimony regarding the proposed zone change, and upon conclusion of the hearing, by motion duly made, seconded and carried, recommended to the Wilsonville City

Council that the proposed zone change be allowed, subject to conditions, so as to zone the property PI; and

WHEREAS, the Wilsonville City Council considered the matter and the recommendations of the Planning Commission at a public hearing which was duly and legally called and held on December 20, 1976, after proper notice thereof was first duly given in the manner and for the time required by Section 14.01 of 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 Wilsonville, Oregon, is on file in the office of Wilsonville City Recorder at the Wilsonville City Hall and is a part of the records and file of this matter; and

WHEREAS, proponents and opponents were heard regarding the proposed zone change at said hearing, and after further consideration of the matter and due deliberation on the report and recommendations of the City Planning Commission, the Wilsonville City Council by motion duly made, seconded and carried, determined as follows:

1. The proposed zone change is in accordance 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 the proposed zone change on the subject 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 aforesaid findings based upon the following facts:

1. Zoning Ordinance No. 23 contemplates zoning amendments.
2. The intent of Zoning Ordinance No. 23 is to fully utilize property to its highest and best use.
3. There exists a present need for such services in a location convenient to the motoring public, as evidenced by a long list of

businesses interested in locating in this area and close to free-way traffic.

4. The proposed project is located to the north of Pac-Well Paper Products, is bordered to the east by the Burlington Northern Railway tracks, bordered on the north by the city limits, and the Seely Ditch open space area is to the west. As such it is convenient to the motoring public and a logical place for such development.

5. Because the property is north of Pac-Well Paper Products and west of the railroad tracks the proposed zone change will not conflict with, but rather will compliment, the surrounding area.

6. The fire hazard is minimal, and the fire station is only 1.2 miles from the premises.

7. The industry does not emit smoke, odor, or other pollutants and is more attractive to the City of Wilsonville than other industrial uses.

8. Soil conditions do not hinder the development of the property.

9. Rail services are available which will be required by the proposed use of the property.

10. The above described parcel of property is better suited for this type of development than other available parcels of property.

11. The proposed development would be a significant tax benefit to the community.

12. The proposed zone change will be beneficial to the community and will not overburden the community in areas of education, sewer capacity, water capacity and traffic control.

13. If granted subject to those conditions hereinafter set forth, the proposed zone change will be in conformance and consistent with the Zoning Ordinance, including the goals and policies for PI districts; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: That the Zoning Map of the City of Wilsonville dated June 11, 1971, and adopted as a part of the City's 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 PI (Planned Industrial) District shall now include the real property heretofore described, and upon the adoption of this Ordinance, said property shall thereupon be classified as PI and not as an RA-1 Zone, subject however to those conditions hereinafter set forth in Section 2 of this Ordinance.

Section 2: The zone change allowed by Section 1 of this Ordinance is expressly subject to the following conditions:

- (1) G. I. Joes will pay at least 1/2 the cost of any railroad crossing improvements on Boeckman Rd.
- (2) The City Engineer shall review and approve the road, utility, and drainage plans prior to the issuance of building permits.

Section 3: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the city's Zoning Map in compliance with the dictates of Section 1 of this Ordinance.

Section 4: 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 regular meeting thereof on the 7th day of February, 1977; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof on the 7th day of March, 1977, at the hour of 7:30 o'clock p.m., at the Wilsonville Grade School.


WILLIAM G. LOWRIE - MAYOR

ATTEST:


DEANNA J. THOM - CITY RECORDER

Passed on final reading at a _____ meeting of the Wilsonville
City Council this _____ day of _____, 1977, by the following vote:
Yeas _____. Nays _____.

WILLIAM G. LOWRIE - MAYOR

ATTEST:

DEANNA J. THOM - CITY RECORDER