

ORDINANCE NO. 75

AN ORDINANCE AMENDING THE GENERAL PLAN MAP AND THE ZONING MAP OF THE CITY OF WILSONVILLE.

(Application of Bernert Gravel Plant)

WHEREAS, an Application was filed with the Wilsonville City Recorder by Bernert Gravel Plant, owner of the hereinafter described property, to amend the General Plan map of the City of Wilsonville for the purpose of changing the classification of the property from 7-12 units/acre residential to industrial and 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). 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 17 acres for which the application for a general plan change and for zone change was filed, to-wit:

A parcel of land being a portion of the Robert V. Short D.L.C. #46, located in Section 23, T35 R1W, W.M., Clackamas County, Oregon being more particularly described as follows:

Beginning at the southeast corner of said D.L.C. No. 46; Thence along the east line of said D.L.C. No. 46, North 0° 08' West, 340.0 feet; Thence North 16° 31' West 1520.0 feet to the southerly line of the Oregon City-Chemawa No. 3 B.P.A. line easement; Thence along said southerly line South 48°29'40" West 380° but to an angle point in said B.P.A. easement; Thence continuing along said southerly line South 73°54'00" West, 490.0 feet to a point: Thence South 54°35'00" E. 800.0 feet; Thence South, 1002.3 feet to the mean low water line of the Willamette River; Thence along said mean low water line N. 84° 00' E. 539.3 feet to the point of beginning.

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 September 13, 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 change in the general plan and zone change matter; and

WHEREAS, the Wilsonville City Planning Commission reviewed its decision of September 13, 1976 because the Wilsonville City Council on October 18, 1976 requested a clarification of the Planning Commission action of September 13, 1976; and

WHEREAS, the City of Wilsonville Planning Commission at the time and place of the hearings on such matters, i.e. September 13, 1976 and November 8, 1976, heard and considered testimony regarding the proposed change to the General Plan and zone change, and upon conclusion of the hearing, by motion duly made, seconded and carried, recommended to the Wilsonville City Council that the proposed General Plan change and zone change be allowed, subject to conditions, so as to zone the property PI(Planned Industrial) and change the General Plan to industrial; and

WHEREAS, at public hearings which were duly and legally called and held on December 6, 1976 and 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 change in the General Plan and 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:

Change in General Plan

1. There is a public need for the change.
2. The public need is better served by the proposed General Plan change on the subject property rather than on other property.
3. 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. 58 contemplates changes to the General Plan.
2. The intent of Ordinance No. 58 is to fully utilize property to its highest and best use.
3. The property has been considered a study area on area of critical concern; and through public discussion and further documentation since adoption of the General Plan, the City has recognized the potential for industry in the area.
4. The moderate slope and soil conditions provide a suitable location for an industrial use.
5. The subject property has a history and tradition of serving an important economic role in the community. Since 1958 the economic function has been industrial in nature.
6. The property is located in a rapidly developing part of Wilsonville. Typical of surrounding developments are the Montebello Subdivision, Wilsonville Square '76, Wilsonville Industrial Park,

and Oregon Pacific (ORPAC).

7. The trend in the area is towards the integration of a variety of industrial, residential, commercial, and agricultural uses rather than maintenance of a single, uniform use.

8. The designation of an area in the City for gravel plants would reduce the cost of importing gravel and pre-mixed concrete.

9. The site has a unique combination of river and highway access, adequate on-site storage, and manageable bank height at the river.

10. The natural vegetation and drainage features of the site minimize the impact of industrial uses on surrounding properties.

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

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

#### Zone Change

1. The proposed zone change is in accordance with the existing Zoning Ordinance and general development plan, which is being amended.

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. Development of surrounding areas and the expansion of industrial, residential, and commercial development in Wilsonville

indicate that the gravel plant will continue to serve the economic needs of Wilsonville and continue to operate above capacity.

4. The soils and slopes are suitable for the expansion of the gravel plant.

5. The quality of the areas surrounding the site could be substantially improved by rebuilding the gravel plant.

6. The site is unique in having a combination of highway access, adequate storage areas, and manageable bank height at the river.

7. The proposed relocation and rebuilding of the plant in accord with DEQ standards and review procedures will substantially reduce adverse impacts on noise, water, and air quality.

8. The natural vegetation and timber stands will remain because they occur primarily in Seely Ditch.

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

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

11. 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.

12. 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 General Plan map of the City of Wilsonville dated December 22, 1975, and adopted as part of the City's comprehensive development plan Ordinance No. 58 adopted on the same date, shall be and the same is hereby amended and changed so that the boundaries of the industrial district shall now include the real property heretofore described, and upon adoption of this ordinance, said property

shall thereupon be classified as industrial and not as 7-12 dwelling units/acre residential, subject however to those conditions hereinafter set forth in Section 3 of this ordinance.

Section 2: 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 3 of this Ordinance.

Section 3: The changes allowed by Sections 1 and 2 of this ordinance are expressly subject to the following condition:

- (1) Bernert Gravel Plant shall exercise sufficient sound, water and air quality control to meet the standards of the Department of Environmental Quality.

Section 4: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the city's general development plan map in compliance with the dictates of Section 1 of this Ordinance.

Section 5: 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 2 of this Ordinance.

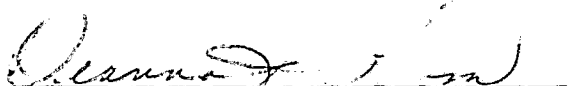
Section 6: It being deemed by the Wilsonville City Council that an emergency exists, this Ordinance shall take effect immediately upon its final reading and passage by the Wilsonville City Council.

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 February, 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 regular meeting of the  
Wilsonville City Council this 7th day of March, 1977,

by the following vote:

Yeas 5. Nays 0.

  
WILLIAM G. LOWRIE - MAYOR

ATTEST:

  
DEANNA J. THOM - CITY RECORDER