

AFFIDAVIT OF POSTING ORDINANCE #103


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 the 8th day of May, I caused to be posted copies of the
attached Ordinance #103, an Ordinance Amending the Zoning Map of the City
of Wilsonville (Application of owners of "River Plains" properties), in
the following four public and conspicuous places of the City, to wit:

- Wilsonville Post Office
- Wilsonville City Hall
- Lowrie's Food Market
- 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 15th day of May, 1978.


Deanna J. Thom, City Recorder

Subscribed and sworn to before me
this 12th day of June, 1978.



NOTARY PUBLIC, STATE OF OREGON
My Commission Expires:
My Commission Expires February 14, 1981

ORDINANCE NO. 103

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of owners of "River Plains" properties).

WHEREAS, an Application was filed with the Wilsonville City Recorder, by James Bernert, Thomas Bernert, the Estate of Hardy S. Young, and David S. Young, owners of the hereinafter described property, for the purpose of changing the classification of the zone in which the real property is located from RA-1 (rural agricultural) to R-7 (single family residential) and MR-1 (multi-family residential). 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 9.871 acres for which the application for a zone change to R-7 was filed, to-wit:

A tract of land being a portion of the Northwest 1/4, Section 23, T.3S, R.1W, Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at a point that is North 89 degrees 55'00" East, 208.0 feet and South 30.01 feet from the Northwest corner of said Section 23, said point being the Northeast corner of that tract of land as deeded to J.W. and C.F. Bradley and recorded in Recorder's Fee 75-26589, Clackamas County deed records, said point also being on the southerly right-of-way of Wilsonville Road (Market Road No. 6);

Thence along said southerly right-of-way, North 89 degrees 55'00" East, 867.29 feet to a 5/8" iron rod;
Thence South 1 degree 05'00" West, 263.0 feet to a point;
Thence, parallel with said Wilsonville Road, 114.00 feet to a point;

Thence North 1 degree 05'00" East, 263.00 feet to the southerly right-of-way of said Wilsonville Road;
Thence along said right-of-way, North 89 degrees 55'00" East, 49.70 feet to a point on the East line of the R.V. Short D.L.C. #46;

Thence continuing along said right-of-way, North 89 degrees 53'00" East, 54.97 feet to a point in the approximate centerline of an existing paved road;
Thence along said centerline, along a 291.66 foot radius curve to the left, (chord bears South 23 degrees 24'42" East, 116.41 feet) a distance of 117.20 feet to a point;

Thence continuing along said centerline along a 422.0 foot radius curve to the right (chord bears South 23 degrees 13'14" East, 169.86 feet a distance of 171.03 feet to a point;
Thence, parallel with said Wilsonville Road, South 89 degrees 55'00" West, 337.16 feet to a point;
Thence South 1 degree 05'00" West, 141.70 feet to a point;
Thence South 89 degrees 55'00" West, 1023.97 feet to a point;
Thence along a 243.02 foot radius curve to the right (chord bears North 87 degrees 17'34" West, 23.66 feet) a distance of 23.67 feet to a point on the easterly line of a 20.00 foot wide private road as described in Book 490, Page 379, Clackamas County deed records;
Thence along the easterly line of said private road, North 195-46 feet to the Southwest corner of said Recorder's Fee No. 75-26589.
Thence along the South line of said Recorder's Fee No. 75-26589, North 89 degrees 55'00" East, 188.0 feet to a 5/8" iron rod;
Thence along the East line of said Recorder's Fee No. 75-26589, North 208.0 feet to the point of beginning.
Contains 9.871 acres.

The following is a description of the real property, consisting of approximately 19.89 acres for which the application for a zone change to MR-1 was filed, to-wit:

A tract of land being a portion of the Northwest 1/4 of Section 23, T.3S, R.1W, Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:
Beginning at a point that is North 89 degrees 55'00" East, 20.0 feet and South 433.48 feet from the Northwest corner of said Section 23, said point also being on the easterly line of a 20.0 foot wide private road as recorded in Book 490, Page 379, Clackamas County deed records;
Thence along the easterly line of said 20.0 foot wide road, South 469.90 feet to a point on the bank on the southeasterly side of a creek;
Thence along the top of the bank of said creek the following courses: South 46 degrees 15'04" East, 74.69 feet, South 87 degrees 47'51" East, 104.08 feet; North 86 degrees 05'58" East, 88.20 feet, North 54 degrees 05'25" East, 71.61 feet; South 52 degrees 52'59" East, 92.80 feet, South 86 degrees 38'01" East, 68.12 feet, South 18 degrees 15'46" East, 210.61 feet, South 62 degrees 15'43" East, 131.06 feet, South 7 degrees 59'22" East, 150.96 feet to a point on the northwesterly line of the B.P.A., Oregon City - Chemawa No. 3 transmission line easement;
Thence along the northwesterly line of said B.P.A. easement, and a northwesterly projection thereof, North 46 degrees 48' East, 943.93 feet to a point in the approximate centerline of an existing paved road;
Thence along said centerline, North 10 degrees 28'00" East, 286.84 feet to a point;

Thence along a 422.0 foot radius curve to the left (chord bears North 0 degrees 37'17" West, 162.32 feet) a distance of 163.33 feet to a point;
Thence, parallel with Wilsonville Road (Market Road No. 6) South 89 degrees 55'00" West, 337.16 feet to a point;
Thence South 1 degree 05'00" West, 141.70 feet to a point;
Thence parallel with said Wilsonville Road, South 89 degrees 55'00" West, 1023.97 feet to a point;
Thence along a 243.02 foot radius curve to the right (chord bears North 87 degrees 17'34" West, 23.66 feet) a distance of 23.67 feet to a point on the easterly line of a 20.0 foot wide private road as described in Book 490, Page 379, Clackamas County deed records and the point of beginning.
Containing 19.89 acres.

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 December 12, 1977 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, the City of Wilsonville Planning Commission at the time and place of public hearing on such matters, i.e., December 12, 1977, 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, so as to change the zoning of the property from RA-1 (rural agricultural) to R-7 (single family residential) for the property consisting of 9.871 acres and to MR-1 (multi-family residential) for the property consisting of 19.89 acres; 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 January 3, 1978, 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 the city's 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. That the development of the site in question represents an orderly pattern of urbanization.

4. That the use of the property, as proposed, is compatible with the surrounding land uses and that access to the property is adequate.

5. That Wilsonville Road and the extension of Brown Road will provide proper traffic circulation in accordance with the conditions referred to herein for widening Wilsonville Road.

6. That water and sewer services can be extended to the property without unnecessary delay and expense to the public.

7. That the expansion of Tektronics, Edwards Industries, the construction of the Holiday Inn and the anticipated growth in the Stafford Park commercial zones, together with property designated for residential growth within the City of Wilsonville, demonstrates the need for additional housing within the City to accommodate the citizens of Wilsonville and employees of said industrial and commercial uses.

8. That each of the LCDC Goals were considered by City Council & the Planning Commission as they relate to this particular zone change and that this zone change is found to be in compliance with those goals as discussed in the written and oral staff report and as discussed by the applicant.

a. Goal # 1, Citizen Involvement: There has been an enormous amount of citizen involvement in the Riverplains project over the past 17 months and this present proposal is an outgrowth of that citizen involvement. The applicants have made radical changes in the original land use plan that were based not only on staff and professional input, but input from private citizen involvement.

b. Goal #3, Agricultural Lands: This land is not appropriate for continued farm use because of the incompatibility of farm use with the surrounding residential area and because the land is currently not agriculturally productive. The land also is adjacent to public utilities within the City and it is necessary to develop such lands in order to preserve land outside urban areas for agricultural production.

c. Goal #5, Natural Resources: The zoning plan for this property has specifically addressed the preservation of open space and natural wildlife preserves.

d. Goal #9, Economy of the State: The zoning will provide land for residential construction that will substantially benefit the economy of the area and the region.

e. Goal #10, Housing: The zoning will provide needed land for the construction of middle income housing. There is a shortage of such housing in Wilsonville currently.

f. Goal #11, Public Facilities and Services: The land subject to the zone change is adjacent to existing sewer and water lines and thus can make economic and efficient use of public services.

g. Goal #12, Transportation: The land subject to zoning is within 1/2 mile of I-5 which will promote effective utilization of the State's transportation network.

h. Goal #13, Energy Conservation: The land subject to zoning can be used to promote energy conservation because of its proximity to transportation routes and because the site is appropriate for southward facing buildings.

i. Goal #14, Urbanization: The land is defined as urban/urbanizable since it lies within the city limits, however it is currently being farmed. It is appropriate to change this use to residential use because of the proximity to city services; the lack of other lands suitable for these zones; the use promotes the other LCDC goals; and the land does not appear to be agriculturally productive.

j. Other LCDC Goals (#2, #4, #6, #7, #8, & #15-19) are not applicable to this land use.

9. There is public need.

a. The filbert orchards, as they exist, are incompatible with the existing surrounding uses because of drifting spray and other residential-agricultural conflicts that have been mentioned in testimony.

b. It has been repeatedly shown in public hearings on general land use planning as well as in the public hearings on the "Riverplains" Project that there is a vast need for housing in the immediate Wilsonville area.

10. The public need is best met by this particular zone change rather than changes in other property uses because this property is extremely close to I-5 and to the Tri-Met stop. It is within walking distance of both transportation systems and closer to transportation and commercial services than other available residential parcels in the City. This particular property has no adverse impact on sensitive road areas.

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 R-7 (single family residential) and the MR-1 (multi-family residential) shall now include the real property heretofore described, and upon the adoption of this Ordinance, said property shall thereupon be classified as R-7 (single family residential) and MR-1 (multi-family residential) and not as an RA-1 (rural agricultural) zone.

Section 2: That the change in zone from RA-1 to R-7 & MR-1 on the real property heretofore described shall be conditioned on the following items:

1. That, in the final plat, the applicant and/or developer set aside an area of land 25 feet from the current Wilsonville road right of way to be dedicated to the City of Wilsonville upon request as a perpetual easement 25 feet from the current Wilsonville road right of way for use as a road and utility right of way and for street improvements.
2. That such area of land, referred to in Condition #1, reserved for right of way, be dedicated as a perpetual easement upon request and that any portion of said area not used for actual road or street construction be used to provide a landscaped buffer area to be maintained by the property owners.
3. That single family home sites fronting on Wilsonville Road take access onto an interior residential collector street thus preventing direct access to Wilsonville Road from single family home sites.

4. That the average number of dwelling units per acre throughout the MR-1 zone not exceed 8 based on the following findings:

- a. That there is currently only one access, in and out of those properties. The date of the completion of the Brown Road extension is uncertain and that the one street access will not support 12 dwelling units per acre or any greater number.
- b. This multi-family zone is next to a single family area and that the maximum density allowed in this zone would not be appropriate for that reason.

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 1st day of May, 1978; 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 15th day of May, 1978, 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

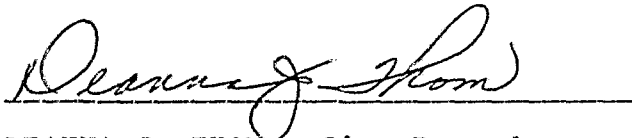
Passed on final reading at a regular meeting of the Wilsonville City Council this 15th day of May, 1978, by the following vote:

Yeas 4 Nays 0



WILLIAM G. LOWRIE - Mayor

ATTEST:



DEANNA J. THOM - City Recorder