

AFFIDAVIT OF POSTING ORDINANCE #104


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:

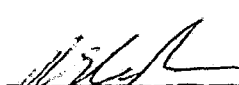
On the 30th day of May, I caused to be posted copies of the  
attached Ordinance #104, an Ordinance Amending the Zoning ap of the City  
of Wilsonville (Application of Edwards Industries), in the following  
four public and conspicuous places of the City, to wit:

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 5th day of June, 1978.

  
Deanna J. Thom, City Recorder

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

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

ORDINANCE NO. 104

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF  
WILSONVILLE (Application of Edwards Industries)

WHEREAS, an application was filed with the Wilsonville City Recorder, by Edwards Industries on behalf of Lee E. Davis, owner 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 (multifamily 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 42.1 acres for which the application for a zone change was filed, to-wit:

DESCRIPTION FOR R-7 (single family residential)

A tract of land over a portion of the East one-half of Section 23 and the West one-half of Section 24, both sections being located in Township 3 South, Range 1 West, of the Willamette Meridian, in the City of Wilsonville, in Clackamas County, Oregon, said tract of land being more described as follows:

Beginning at a 1 1/2 inch iron pipe that bears South 1794.68 feet from the Northeast corner of said Section 23; thence North 84°16'54" East 695.47 feet to a 3/4 inch iron pipe; thence South 01°03'42" East 874.57 feet to a point that bears North 86°00'52" East 3.08 feet from a 1/2 inch iron rod; thence South 86°00'52" West 595.90 feet to a 1/2 inch iron rod; thence South 07°21'16" East 158.93 feet to a 1/2 inch iron rod; thence South 08°14'21" West 147.79 feet to a 5/8 inch iron rod; thence South 28°34'15" East 156.04 feet; thence South 64°52'27" West 5.28 feet to a point on the arc of a 50.00 foot radius curve to the left (the radius point of said curve bears South 34°52'27" West); thence Westerly 95.99 feet along the arc of said curve through a central angle of 109°59'41" to a point of reverse curvature with the arc of a 20.00 foot radius curve to the right; thence Southwesterly 17.45 feet along the arc of said curve through a central angle of 49°59'41"; thence South 64°52'27" West 306.38 feet; thence North 25°07'33" West 110.00 feet; thence North 45°07'33" West 100.00 feet; thence North 67°45'38" West 148.22 feet; thence North 60°06'23" West 110.00 feet; thence North 75°31'45" West 62.85 feet; thence North 42°31'45" West 183.79; thence North 51°28'15" East 409.22 feet to a 1 1/4 inch iron pipe (S.H.R.W.); thence North 01°30'20" West 732.20 feet to a 3/4 inch iron pipe (S.H.R.W.); thence North 84°15'30" East 418.80 feet to the Point of Beginning. Less area within public right-of-way.  
Contains 29.6 acres (more or less) therein.

DESCRIPTION FOR MR-1 (multifamily residential)

A tract of land over a portion of the East one-half of Section 23 and the West one-half of Section 24, both sections being located in Township 3 South, Range 1 West, of the Willamette Meridian, in the City of Wilsonville, in Clackamas County, Oregon, said tract of land being more described as follows:

Beginning at a point that bears South 1794.68 feet, South 84°15'30" West 418.80 feet, South 01°30'20" East 732.20 feet and South 51°28'15" West 409.22 feet all from the Northeast corner of said Section 23; thence from said Point of Beginning South 42°31'45" East 183.79 feet; thence South 75°31'45" East 62.85 feet; thence South 60°06'23" East 110.00 feet; thence South 67°45'38" East 148.22 feet; thence South 45°07'33" East 100.00 feet; thence South 25°07'33" East 110.00 feet; thence North 64°52'27" East 306.38 feet to the beginning of a tangent 20.00 foot radius curve to the left; thence Northeasterly 17.45 feet along the arc of said curve through a central angle of 49°59'41" to a point of reverse curvature with the arc of a 50.00 foot radius curve to the right thence Easterly 95.99 feet along the arc of said curve through a central angle of 109°59'41"; thence North 64°52'27" East 5.28 feet; thence South 28°34'15" East 63.57 feet to a 5/8 inch iron rod; thence South 00°14'10" West 463.38 feet to a 1/2 inch iron rod near the top of the bank on the North side of the Willamette River; thence South 77°57'19" West 835.65 feet along a line to a 5/8 inch iron rod near the top of the bank on the North side of said Willamette River; thence North 01°27'02" West 381.18 feet to a nail (driven flush with the top of the pavement); thence North 24°25'03" West 458.79 feet to a 5/8 inch square headed bolt; thence North 49°49'33" West 71.00 feet to a 5/8 inch iron rod; thence North 52°49'23" East 51.41 feet to a 3/4 inch iron pipe (S.H.R.W.); thence North 51°28'15" East 123.00 feet to the Point of Beginning.  
Contains 12.5 acres (more or less) therein.

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 April 10, 1978, 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., April 10, 1978, 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) and MR-1 (multifamily residential); 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 May 1, 1978, after proper notice thereof was first duly given in the manner and for the time required by Section 14.01 of the Zoning Ordinance 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 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.

5. The proposed zone changes conform to the goals and guidelines of the Land Conservation and Development Commission (LCDC).

The Wilsonville City Council made the aforesaid findings based upon the following facts:

1. The Comprehensive General Plan for the City of Wilsonville identifies the property as being located in two residential growth patterns--a 7-12 dwelling units per acre residential area, and a 5-7 dwelling units per acre residential development pattern.

2. The proposed zone change is in accordance with the existing Zoning Ordinance and residential density as set forth by the Comprehensive General Plan.

3. There is a demonstrated need for residential development within the City of Wilsonville as a result of industrial and commercial growth within the community. This has been demonstrated by a Planning Commission consideration and approval of the Payless Regional Distribution Center, the Tektronix industrial expansion program, the rezoning of property for the construction of the G.I. Joe's warehouse facility, the construction of the Foseco Building, the construction of the Holiday Inn, the approval and expansion of the Wilsonville Shopping Center complex, the construction of the J.B.'s Short Stop commercial structure and the expansion of the office structures fronting on Parkway Avenue.

4. The Wilsonville Sewage Treatment Plant is currently being expanded to double capacity for waste water treatment and will be completed prior to the subdivision of the property in question.

5. The City of Wilsonville is currently in the process of increasing its water capacity through the improvement of a new well site and the construction of an additional water reservoir, which should be completed prior to the project in question.

6. Traffic generated from the property in question will be served by Parkway Avenue, an existing collector street identified on the Comprehensive General Plan.

7. Zoning Ordinance #23 contemplates zoning amendments.

8. The intent of Zoning Ordinance #23 is to fully utilize property to its highest and best use which will be accomplished through a combination of zones (MR-1, R-7) and the conventional subdivision of the property in question.

9. A 12" water main, which runs parallel with I-5, will serve the site in question.

10. Sewer services will be coordinated with Boeckman Creek sewer plan.

11. The property in question is best qualified for residential development rather than any other use due to its size and proximity to the Willamette River, freeway access, availability of commercial service uses and the adjacent public park located to the east.

12. The terrain of the property in question allows for convenient access and economical development of residential uses.

13. The purpose of Goal #9 of LCDC is to diversify and improve the economy of the state. The improvement of the property will significantly increase the number of jobs for construction of the subdivision, and residential development and add to the local and regional work force, which the expanding industrial base of the City of Wilsonville requires.

14. The taxable value of the property will increase, thus representing added value to the West Linn School District tax base, which will thereby increase the possibility of increased school facilities for the Wilsonville school attendance area.

15. The development as proposed is compatible with LCDC goals for utilizing urbanizable land for urban purposes; 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 R-7 (single family residential) and MR-1 (multifamily 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 (multifamily residential) and not as an RA-1 (rural agricultural) zone, subject however to those conditions hereinafter set forth in Section 2 of this ordinance.

Section 2: The changes allowed by Section 1 of this ordinance are expressly subject to the following conditions:

1. The applicant shall submit to the City of Wilsonville within a period of one year a preliminary plat for the development of the property subject to the regulations of Ordinance #16.
2. Sewer improvements for the service of the property in question shall be consistent with the standards as set forth in the Boeckman Creek sewer study as prepared by CH2M Hill.
3. The area designated by the City for the Willamette Greenway shall be retained in its natural state. The proposed subdivision to be submitted to the City within one year shall reflect open space within the Willamette Greenway corridor.
4. The existing trees along Parkway Avenue fronting on the west side of the property shall be retained in the development.
5. A tree planting plan shall be submitted along with the preliminary plat when the Planning Commission and Design Review Board review the development plan.
6. The average density in the R-7 zone shall not exceed 3 dwelling units per acre. The average density in the MR-1 zone shall be less than 7 dwelling units per acre.
7. The final design plans shall include a 25' easement for pedestrian traffic from the park to the roadway.
8. In the MR 1 zone, the density for lots D1 through D14 as shown on the preliminary plat prepared for Edwards Industries

by Wilsey and Ham, engineers dated March 15, 1978 (their file no. 4-1100) shall not exceed duplex density.


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 special meeting thereof on the 15th 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 5th day of June, 1978 commencing 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 5th day of June, 1978, by the following vote:

Yeas 3. Nays 0.

  
WILLIAM G. LOWRIE - Mayor

ATTEST:

  
DEANNA J. THOM - City Recorder