

AFFIDAVIT OF POSTING

ORDINANCE #140

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 14th day of November, 1979, I caused to be posted copies of the attached Ordinance #140, an Ordinance amending the Zoning map of the City of Wilsonville (Application of Oak Hill Investment Company for Zone change from C-1 to C-2), 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 Ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 19th day of November, 1979.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 14th day of November, 1979.


NOTARY PUBLIC, STATE OF OREGON
My commission expires: May 10, 1981

ORDINANCE NO. 140

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of Oak Hill Investment Company for zone change from C-1 to C-2)

WHEREAS, an application was previously filed with the Wilsonville City Recorder by John Greiner, Architect, representing the Oak Hill Investment Company, for the purpose of changing a classification of the zone for the applicant's property from C-1 (Limited Commercial) to a C-2 (Light Commercial) zone. 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 3.01 acres:

Situate in the southeast quarter of Section 2, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon, and being described as follows:

Beginning at a point on the Westerly right-of-way line of S.W. Parkway Avenue, said point being $S00^{\circ}03'51''E$, a distance of 152.33 feet and $S89^{\circ}56'09''W$, a distance of 633.50 feet from the East quarter corner of Section 2, Township 3 South, Range 1 West Willamette Meridian, Washington County, Oregon, a 3/4 inch iron pipe found; thence $S00^{\circ}03'51''E$ on said westerly right-of-way line of S.W. Parkway Avenue a distance of 180.00 feet to the northeast corner of Lot 9 of the duly recorded plat of "STAFFORD PARK"; thence $S89^{\circ}56'09''W$ on the northerly line of said Lot 9, a distance of 434.43 feet to the easterly right-of-way line of Interstate 5; thence $N00^{\circ}05'48''E$ on said easterly right-of-way line of Interstate 5, a distance of 302.00 feet; thence leaving said right-of-way line and running $N89^{\circ}56'09''E$, a distance of 433.58 feet; thence $S00^{\circ}03'51''E$, a distance of 122.00 feet to the point of beginning, containing 3.01 acres, more or less.

WHEREAS, the Wilsonville City Planning Commission 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 July 9, 1979, after notice of the time, place and purpose of said hearing was duly given as required by Section 14.01(1)(A) and (B) of the Zoning Ordinance No. 23; and

WHEREAS, the Wilsonville City Planning Commission after said hearing on July 9, 1979, reviewed the records and files of this matter and considered and discussed the submittals of the applicant and the reports of the planning staff and then upon conclusion of

the hearing unanimously passed a motion approving the requested zone change and recommended to the City Council that the change be made. The recommendations and findings of the Planning Commission as to its approval of the zone change are set forth in the Planning Commission Resolution adopted at its meeting after such hearing on July 9, 1979; and

WHEREAS, the City Council met in regular session and public hearing on October 15, 1979, and reviewed the records and files of this matter and the findings, conclusions and recommendations of the Planning Commission and also the reports of city staff and the planning department and also heard and considered public testimony on the matter. There were no opponents to the proposed zone change and upon conclusion of the meeting/hearing, determined that the zone change request should be approved and in support of its decision adopted in toto the Planning Commission's findings, conclusions and recommendations set forth in its Resolution entitled "PLANNING COMMISSION RESOLUTION, OAK HILL INVESTMENT COMPANY ZONE CHANGE REQUEST FROM C-1 TO C-2, SOUTH PORTION OF TAX LOT 100, 3S1W2D." Said Resolution contains the Planning Commission's Findings and the reasons for its decision, and a copy of said Resolution is attached hereto and by this reference and its attachment is expressly made a part of this Ordinance.

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 C-2 (Light Commercial) zone shall now include the real property heretofore described, and upon the adoption of this Ordinance said property shall thereupon be classified as C-2 (Light Commercial) and not as C-1 (Limited Commercial) zone.

Section 2: There are no "CONDITIONS OF APPROVAL" to be performed by applicant prior to the zone change.

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.

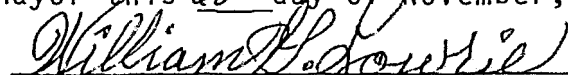
Submitted to the Council and read the first time at a regular meeting thereof on November 5, 1979, and scheduled for second reading at a regular meeting of the Council on the 19th day of November, 1979, commencing at the hour of 7:30 o'clock P.M., at the Wilsonville City Hall.


Deanna J. Thom, City Recorder

ENACTED by the Council on the 19th day of November, 1979, by the following vote: YEAS 3 NAYS 0


Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 20th day of November, 1979.


William G. Lowrie, Mayor

PLANNING COMMISSION RESOLUTION

OAK HILL INVESTMENT COMPANY

ZONE CHANGE REQUEST FROM C-1 TO C-2

SOUTH PORTION OF TAX LOT 100, 3S1W2D

WHEREAS, John Greiner, Architect, representing the Oak Hill Investment Company, has submitted a zone change request for a parcel of land located adjacent to Lot 9 of the Stafford Park (see assessors map exhibit), and

WHEREAS, the purpose of said zone change is to include the total land area in a C-2 zone of that land area herein described by the attached meets and bounds description in order to provide a more uniform classification of land uses as outlined in the C-2 zone for the intended commercial development of the site in question, and

WHEREAS, the proposed zone change, together with public testimony, findings of fact and planning exhibits, have been entered into the public record by the applicant and Planning Commission at a regularly scheduled public hearing conducted on July 9, 1979, thereby establishing the Planning Commission's administrative record of the proceedings and subsequent recommendation which, according to the zone change amendment process as outlined in the City of Wilsonville Planning Ordinance #23, is to be forwarded to the City Council within forty (40) days from the date of the Planning Commission hearing, and

WHEREAS, the Planning Commission deems it appropriate, based on the evidence entered into the public record, to recommend approval of the zone change as stated, now, therefore

BE IT HEREBY RESOLVED that the Wilsonville Planning Commission does recommend to the City Council that the existing C-1 zoning on the property herein described be changed to C-2 based on the following findings.

FINDINGS

1. That public testimony and information supplied by the applicant reveals that the development of Stafford Park has, to date, all been within the classification of C-1 including development on lands zoned C-2.
2. That the lot in question is a 3.01 acre parcel (434.43' X 302') which has been created out of Tax Lot 100, 3S1W2D, in conformance to the provisions of Section VI, A-1 & 2 of Ordinance #16.
3. That the assessors map, submitted by the applicant, identifies the property in question outlined in green, as amended by the staff.
4. That the lot in question is currently zoned C-1.
5. That the property in question is located within a commercial land use designation identified on the Comprehensive General Plan as "General Commercial" which includes the entire parcel of land as reflected by the attached meets and bounds property description.
6. That the City of Wilsonville Zoning Map identifies the parcel as being contiguous with the north boundary of existing C-2 zoning.
7. That existing water and sewer services are available to the site in question extending north from Elligsen Road to the interior of the commercial subdivision parallel with Parkway Avenue to a point north of Salish Lane.

8. That adequate access is provided to the property via S.W. Parkway Avenue.
9. That the Oak Hill Investment Company has identified the proposed zone change from C-1 to C-2 to allow for a uniform use throughout the proposed development and that a letter, dated June 15, 1979, and received by the City of Wilsonville June 20, 1979, has been submitted by the applicant to explain the need for the zone change as requested. The letter also explains the impact of the existing C-1 zoning on the property (3.01 acres).
10. That the extension of the C-2 zone to the northerly property line of the proposed zone change would be consistent with the language set forth in Section 3.02 (District Boundary Lines) of Ordinance #23 which reads as follows:

Except where reference is made on said map to a street line, political boundary, or other designated line by dimensions shown on said map or maps, the district boundary lines are intended to follow property lines, lot lines, or centerlines of streets, alleys, streams, or railroads or the extension of such lines as they existed at the time of the adoption of this Ordinance.

RECOMMENDATION

The Planning Commission recommends favorable consideration and adoption of this resolution by the City Council.

EXHIBITS

The following exhibits, as entered into the public record by the applicant, Oak Hill Investment Company represented by John Greiner, and the City of Wilsonville Planning Commission, as evaluated by the Planning Staff and the Planning Commission, are hereby adopted and made a part of the administrative record as confirmation of the Planning Commission's consideration of the application as submitted and the planning policies, environmental features of the property in question and applicable zoning standards of development pertaining to the subject property.

1. City of Wilsonville Zoning Map & Text, Ordinance #23.
2. City of Wilsonville Zoning Map Amendment, Ordinance #72 (application of Land Amer Realty, Inc.).
3. City of Wilsonville Comprehensive General Plan Map, Ordinance #58.
4. City of Wilsonville Existing Water & Sewer System Maps.
5. Applicant's, assessor's map exhibit.
6. Applicant's zone change application form & Letter dated May 5, 1979.
7. Applicant's letters addressing Fasano & LCDC requirements dated May 29, 1979, and June 15, 1979.

ACTION TAKEN BY THE PLANNING COMMISSION 7-9-79

Helen Burns moved to continue the public hearing until the regular September (1979) meeting to give the applicant, John Greiner, time to meet the Fasano requirements.

Bob Dant seconded the motion which passed 4-0-2 with Marlene Rilai and Doug Seely abstaining.

ACTION TAKEN BY THE PLANNING COMMISSION 9-10-79

Bob Dant moved for approval of the application for changing the zone from C-1 to C-2 based on the findings of fact, oral testimony and written testimony.

Doug Seely seconded the motion.

Chairman Drew moved to amend the motion to strike Finding #1 and replace it with: That the public testimony and information supplied by the applicant reveals that the development of Stafford Park has, to date, all been within the classification of C-1, including development on land zoned C-2.

Bob Dant seconded the amendment which passed 5-0.

The original motion passed 5-0.

RHM/BJA/lm
7-5-79