

AFFIDAVIT OF POSTING
ORDINANCE #143

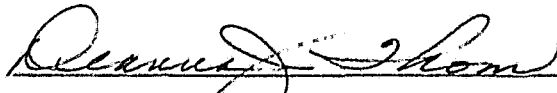
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
 AND WASHINGTON)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 2nd day of January, 1980, I caused to be posted copies of the attached Ordinance #143, an ordinance amending the Comprehensive Development Plan and Plan Map, amending the Zoning Map of the City of Wilsonville (Lindquist Development Company), in the following four public and conspicuous places of the City, to wit:

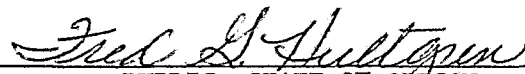
- Wilsonville Post Office
- Wilsonville City Hall
- Lowrie's Food Market
- Kopper Kitchen

The Ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 7th day of January, 1980.



DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 7th day of January, 1980.



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

ORDINANCE NO. 143

AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT PLAN AND PLAN MAP; AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE; AND DECLARING AN EMERGENCY.
(Lindquist Development Company)

WHEREAS, Ordinance No. 58 enacted December 22, 1975 adopted a Comprehensive Development Plan Map and that map was corrected by Ordinance No. 61 enacted March 15, 1976 and the map as corrected was subsequently modified by order of the Oregon Land Conservation and Development Commission (LCDC) dated January 26, 1978 in the matter of 1000 Friends of Oregon, et al vs. LCDC and City of Wilsonville, et al, LCDC No. 76-004; and

WHEREAS, the Comprehensive Development Plan and plan map as adopted, corrected and modified designated a portion of Tax Lot 401, Section 13, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon (proposed to be platted as Lots 7, 8 and 9) as Residential and said property is currently zoned by the County as RA-1; and

WHEREAS, a portion of Tax Lot 401, Section 13, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, which is proposed to be platted as Lots 10, 11 and 12 is currently zoned by the County as RA-1 (Rural Agricultural) and identified on the Comprehensive Development Plan and plan map as residential with a 7-12 dwelling unit density per acre; and

WHEREAS, Lindquist Development Company as an owner of said property filed an application with the Wilsonville City Planning Commission to change the development plan on proposed Lots 7, 8 and 9 from Medium Density Residential to General Commercial; to change the zoning on proposed Lots 7, 8 and 9 from RA-1 to C-1 (or CC), and to change the zoning on proposed Lots 10, 11 and 12 from RA-1 to MR-1 (or CC); and

WHEREAS, the applicant subsequently requested that the application should be considered as a zone change request to CC rather than C-1 and MR-1; and

WHEREAS, the application is an attempt to include the balance

of Tax Lot 401 as part of the City Center plan; and

WHEREAS, the Wilsonville City Planning Commission hearings were duly and regularly held on Monday, August 13, 1979 and at the conclusion of the hearing and after further deliberation on the matters and consideration of staff reports, the Planning Commission by motion duly made, seconded and approved, continued the application for discussion only until September 10, 1979; and

WHEREAS, on September 10, 1979, the Planning Commission made the following FINDINGS with regard to the requested change in the Comprehensive Development Plan and Plan Map:

1. The Comprehensive Plan for the City of Wilsonville Ordinance No. 58 identifies the property in question to be classified as residential with a 7-12 dwelling unit per acre density. The Planning Commission found that preliminary plat map indicates that Lots 10, 11 and 12 would be utilized for apartment use with a total unit count of 63 multi-family units located on approximately 6.59 acres representing a range in density from 9-10 dwelling units per acre. The intended use and dwelling unit per acre count is in compliance with the residential use and 7-12 dwelling unit per acre density as established by Ordinance No. 58.
2. Lots 7, 8 and 9 are proposed for general commercial use fronting on the City Center Loop Road on properties consisting of 5.79 acres. The General Commercial use for Lots 7, 8 and 9 are not in compliance with the Comprehensive General Plan Ordinance No. 58 which establishes said area as residential with a 7-12 dwelling unit per acre density count. However the Planning Commission found that the Comprehensive Plan Amendment request, together with the zone change from RA-1 to CC applies to Lots 7, 8 and 9. In addition, the Planning Commission found that the zone change from RA-1 to CC applies to Lots 10, 11 and 12 as indicated on the applicant's proposed preliminary plat which are proposed for apartment use.
3. The property would ultimately be served with the City Center loop road, Parkway Avenue and Wilsonville Road; all of which have been designated by the City of Wilsonville Comprehensive General Plan Map Ordinance No. 58 as part of the arterial street system for the area. The platting of the property would allow for a connection of the north end of Courtside Estates with the eastern leg of the City Center loop road thereby completing an ultimate means for traffic circulation within both Courtside Estates and the City Center system.
4. The orderly extension of both water and sewer lines could be achieved to serve the property in question.
5. A 12" water main could be extended south from Parkway Avenue to the property in question with ultimate tie-in with Courtside Estates which provides ample water to the area.

6. An 8" sewer line running parallel with Parkway Avenue could be extended east to the property or that the development could tie in with the sewer improvements for the Courtside Estates PUD.
7. The ultimate design and alignment, together with tie-ins with the existing system for both water and sewer would be achieved by conditions imposed by the City Engineer.
8. The establishment of commercial uses on the exterior of the City Center loop road would not conflict with the City of Wilsonville policy to prevent strip zoning fronting on arterial or collector streets. The extension of commercial zoning beyond the City Center loop road duplicates the policy for concentrated commercial uses beyond the interior of the City Center loop road system as indicated at the southwest and northwest corners of the CC zone. However, the Planning Commission does find that future commercial uses for the City Center must be protected in order to insure property owners that the City will comply with its own Comprehensive Plan.
9. The City of Wilsonville is currently engaged in the documentation of the existing Comprehensive General Plan. The Planning Commission finds, however, that the modification of the Comprehensive General Plan as proposed is not extensive to the degree that the integrity of the plan would be effected.
10. The Fasano statements included in the applicant's written presentation are expressly rejected; however, the applicant has demonstrated a public need and compliance with the Fasano Requirements for this change in the public testimony given for the following reasons:
 - A. The public need for a geographic balance of residential and commercial use within the city limits of the City of Wilsonville will be met by this application.
 - B. There is a public need for a coordinated development system for land use within a geographical area which is satisfied by this application.
 - C. There is a public need for general commercial uses with a close proximity to single family and multi-family dwellings in the City.
 - D. There is a public need for a water looping system within the City Center area of the City which is satisfied by this application.
 - E. There is a public need for a full looping of the transportation facilities within the City Center area which is met by this application.
 - F. There is a public need for a looping of the sewer facilities within the City Center area which is met by this application.
11. Goals 3, 4, 7 and 8 of the LCDC are not applicable.
12. Adequate open space will be preserved because of the provisions of Ordinance No. 55 and design requirements of the City.

13. The proposed change will diversify and improve the economy of the area.

The Planning Commission makes the following FINDINGS with regards to the requested zone change:

1. Same findings as 3, 4, 5, 6, 7, 8, 10(A)(B)(C)(D)(E)(F), 11, 12 and 13 of "Comprehensive Plan Amendments" findings as set forth above.
2. Lots 1-6 which are not the subject of this application have been determined to be a part of the City Center District plan and have been considered by the Planning Commission as a separate application. The applicant has indicated that the property in question would be platted in conformance to the preliminary plat of the separate application thereby creating a system of coordinated lots that would tie in with the Courtyard Estates Planned Unit Development street system to the east of the property and the extension of the City Center loop road from the south and the north. Both the preliminary plat and the final plat would be subject to the Planning Commission review with the ultimate approval of site development plan resting with the Wilsonville Design Review Board prior to the issuance of building permits.
3. The City Center zone (CC) is contiguous with the property in question on the southwest border and that the Courtyard Estates, a Planned Unit Development, is contiguous with the property in question on the east.
4. An MR-1 zone exists to the immediate west of the property and has been developed as the Woodleaf Apartments with 24 units.
5. A primary finding for the recommendation for approval of a CC zone is based on the applicant's alternative request (CC) and the Commission's policy to control the development of the City Center District through the CC plan review process expressed in Section 5.035 of Ordinance #23.
6. The City Center District plan calls for a multi-family area to be located towards the interior of the town center with a density unit count of 12-20 units per acre.
7. A zone change on the property would not seriously jeopardize the potential for multi-family development for the City Center District plan since recent approval of industrial development by the Commission has led to a demand for additional rental units.
8. The development of additional multi-family units is an advantage to the City Center District plan to provide for a population density located within walking distance of City Center shops and commercial establishments.
9. The platting of commercial property opposite the City Center District would not generate undue commercial traffic near the intersection of Parkway Avenue and the City Center District loop road since the road is classified as an arterial.

10. The location of commercial lots have been sufficiently designated by the applicant to accommodate the anticipated increase in population resulting from the Courtside Estates Planned Unit Development and surrounding residential areas.

WHEREAS, the Wilsonville City Council considered the matters as related in the foregoing recitals at a public hearing thereon which was duly and regularly called and held on Monday, October 15, 1979 after proper notice thereof was first given in the manner and for the time required by Section 14.01 of the Zoning Ordinance No. 23; and at said hearing there were no opponents to the proposed change in the City's development plan or plan map or to the requested zone change and the applicant, Stu Lindquist, owner of Lindquist Development Company appeared in person and agreed (which is a matter of record in the minutes of that hearing) that the conditions for approval of the changes as discussed at the Planning Commission Hearing and recommended in their report to the City Council and restated and imposed by this Ordinance should be applied to the changes and were acceptable to and would be observed by the applicant/property owners.

After deliberations on the matters and consideration of the Planning Commission's reports, findings and recommendations, the City Council, by motion duly made, seconded and carried, determined and concluded as follows:

1. To accept in toto the FINDINGS and recommendations of the Planning Commission for both application matters as the FINDINGS of the Wilsonville City Council.
2. To authorize this Ordinance to effect the requested change in the City's Comprehensive Development Plan and plan map; and change the zone of the said Tax Lot 401 from County RA-1 zoning to a CC zone.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The Comprehensive Development Plan and plan map for the City of Wilsonville as previously approved, adopted and later amended is hereby amended and changed again for General Commercial Development rather than Residential Development on the following described property:

A portion of the D. S. Minkler Donation Land Claim Number 44 in Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County Oregon and a portion of that certain tract of land conveyed to George C. Vlahos, et ux, and recorded in Book 531, Page 81, Clackamas County Oregon Deed Records and more particularly described as follows:

Beginning at a 5/8 inch Iron Rod on the North line of said Vlahos tract which bears N 89° 30' 09" E 364.63 feet from the West Quarter Corner of said Section 13, Township 3 South, Range 1 West and running thence N 89° 30' 09" E along the North line of said Vlahos tract 560.00 feet to a point; thence S 35° 35' 15" E 582.92 feet to a point; thence S 0° 01' 41" W parallel with the West line of said Vlahos tract 463.00 feet to a point; thence N 43° 57' 40" W 1295.04 feet to the point of beginning.

Containing 7.85 acres more or less.

Section 2: The City Administrator or someone under his direction is hereby directed to make the appropriate change in the City's Comprehensive Development Plan and on the development plan map and such change shall be identified by the signature of the Mayor and attested by the City Recorder with the number and effective date of this Ordinance.

Section 3: The County RA-1 zoning for the following described real property:

A portion of the D. S. Minkler Donation Land Claim Number 44 in Section 13, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon and a portion of that certain tract of land conveyed to George C. Vlahos, et ux, and recorded in Book 531, Page 81, Clackamas County, Oregon Deed Records and more particularly described as follows:

Beginning at a 5/8" Iron Rod on the North line of said Vlahos tract which bears N 89° 30' 09" 364.63 feet from the West Quarter corner of said Section 13, Township 3 South, Range 1 West and running thence N 89° 30' 09" E along said North line of Vlahos tract 1124.00 feet to the Northwest Corner of a tract of land described in a contract to Stuart H. Lindquist and recorded in Fee Number 77-53598 said Clackamas County Oregon Deed Records; thence S 0° 01' 41" W along the West line of said Lindquist tract 1194.14 feet to the Southwest Corner thereof; thence S 89° 25' W along the South line of said Vlahos tract 224.53 feet to a point; thence N 0° 01' 41" E 254.48 feet to a point; thence N 43! 57' 40" W 1295.04 feet to the point of beginning.

Containing 15.86 acres more or less.

SUBJECT TO any easements of record.

is hereby changed to CC zone as permitted and defined in the City of Wilsonville Zoning Ordinance No. 23; and the zoning map of the

City dated June 11, 1971 which is adopted as part of the said Zoning Ordinance on the same date is hereby amended and changed to show a CC zone for said property. The zone change is hereby approved and authorized on the following conditions which have been ratified and approved by the property owner/applicant, Stu Lindquist of Lindquist Development Company:

1. The development of the property is subject to the review process as required by Section 5.035 of Ordinance No. 23.
2. A declaration of covenants, conditions and restrictions shall accompany a stage II application for the development of Lots 7 through 9.
3. The City Center road shall be fully improved from its intersection with Wilsonville Road to the intersection of Parkway Avenue prior to the issuance of building permits for construction on the property.
4. The proposed street linking the City Center Road with Courtside Estates to the north of the property shall be fully improved prior to the issuance of building permits for construction.
5. Despite City Center zoning, Lots 10, 11 and 12 shall be for residential use only and the density shall remain 7 through 12 dwelling units per acre.

Section 4: The City Administrator, or someone under his direction is hereby directed to make the appropriate change on the City's zoning map and such change shall be identified by the signature of the Mayor and attested by the City Recorder with the number and effective date of this Ordinance.

Section 5: 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.

Section 6: All ordinances or parts of ordinances in conflict with any provisions of this ordinance are hereby repealed.

Section 7: If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the

remaining portions of this Ordinance.

Submitted to the Council and read the first time at a regular meeting of the Council on the 17th day of December, 1979 and scheduled for second reading at a regular meeting of the Council on the 7th day of January, 1980 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 7th day of January, 1980
by the following vote: YEAS 5. NAYS 0.


Deanna J. Thom - City Recorder

Dated and signed by the Mayor this 8th day of January, 1980.


William G. Lowrie - Mayor