

AFFADIVIT OF POSTING

ORDINANCE #197

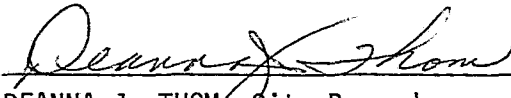
STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

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


On the 10th day of November, 1981, I caused to be posted copies of the attached Ordinance #197, an ordinance amending the Zoning Map of the City of Wilsonville (Application of Max D. Clark for a Zone Change from RA-1 to PDI), 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 16th day of November, 1981.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me this 13th day of November, 1981.


NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

ORDINANCE NO. 197

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (APPLICATION OF MAX D. CLARK FOR A ZONE CHANGE FROM RA-1 TO PDI, TAX LOT 900, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 14A).

WHEREAS, application was filed with the Wilsonville City Recorder by Max D. Clark, primary applicant, for the purpose of changing the classification of zone for a parcel of real property known as Tax Lot 900, Township 3 South, Range 1 West, Section 14A, within the City of Wilsonville in Clackamas County from RA-1 (Rural Agricultural) to PDI (Planned Development Industrial) pursuant to the reasons and in accordance with the procedures set forth in Article 6 of the Wilsonville Zoning Ordinance No. 154 and the Wilsonville Comprehensive Plan. The application fee, as required by Article 16 of Zoning Ordinance No. 154, has been paid. The description of the real property which shall be zoned PDI pursuant to Ordinance No. 154, and for which this application for zone change was filed is set forth in Exhibit "A", attached hereto, and incorporated by reference as if fully set forth herein.

WHEREAS, the Wilsonville City Planning Commission scheduled and held a public hearing on the matter as required by the provisions of Article 12 of said Zoning Ordinance No. 154, and said hearing was held on July 13, 1981, commencing at the hour of 7:00 o'clock p.m., at the Wilsonville City Hall. Notice of the time, place and purpose of said hearing were duly and regu-

larly given in the manner and for the time required by the provisions of Article 13 of Zoning Ordinance No. 154. The required newspaper affidavit of publication and the City Recorder's affidavit of mailing are on file in the City Recorder's records in the file with this zone change matter; and

WHEREAS, the Wilsonville City Planning Commission, after said hearing, reviewed the records and files of this matter and considered and discussed the submittals of the applicant and reports of the Planning staff and the public testimony given by the applicants, there being no opponents, and upon conclusion of the hearing, voted to approve the requested zone change, subject to conditions, and recommended to the City Council that the change be made subject to said conditions. The findings of the Planning Commission, procedures it followed, the exhibits and other evidence it considered, the conclusions it reached and recommendations it made are set forth in its resolution entitled "PLANNING COMMISSION RESOLUTION - ZONE CHANGE - FROM RA-1 TO AND PDI: TAX LOT 900, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 14A - MAX D. CLARK, APPLICANT", which was finally completed, dated as of July 13, 1981, and filed in the Planning Commission's records and filed with this zone change herein; and

WHEREAS, the City Council met at a regular session of public hearing on September 8, 1981, and reviewed the records and files in this matter and findings, conclusions and recommendations of the Planning Commission and also the reports of City

staff and Planning Department and also heard and considered public testimony on the matter. The journal of the meeting was duly kept, recording those who spoke as proponents and opponents and recording and filing of supplemental exhibits, if any, entered during the hearing. Upon conclusion of the meeting/hearing, the City Council determined the zone change request should be approved, and in support of its decision, upon motion duly made, seconded and adopted, the Council adopted the Planning Commission's findings, conclusions and recommendations as set forth in its Resolution, marked Exhibit "B", attached hereto, and incorporated by reference as if fully set forth herein, save and except the Council made the following addition of Condition of Approval #5, as follows:

"5. That the applicant be encouraged to work with the adjacent property owner to develop more sufficient use of Tax Lots 800 and 900."

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: That the zoning map of the City of Wilsonville, dated August 26, 1980, and adopted as part of the City Zoning Ordinance No. 154, adopted on the same date, shall be and the same is hereby amended and changed so that the zone boundaries of the City's PDI (Planned Development Industrial) zone shall now include the real property hereinabove described as set forth in Exhibit "A" and upon final reading and enactment of this Ordinance, said property shall thereupon be classified as

Tax Lot 900
Section 14, Township 3 South, Range 1 West,
Willamette Meridian

EXHIBIT A

PDI (Planned Development Industrial) and not as RA-1 (Rural Agricultural) zone.

Section 2: The zone change is approved, subject to full compliance with all of the conditions set forth in Exhibit "B", the Planning Commission Resolution, together with the following addition of Condition of Approval #5, as follows:


"5. That the applicant be encouraged to work with adjacent property owner to develop more sufficient use of Tax Lots 800 and 900."

Section 3: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City Zoning Map in compliance with the dictates of Section 1 of this Ordinance.

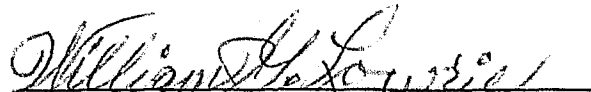
Submitted to the Council and read the first time at a regular meeting thereof on the 2nd day of November, 1981, and scheduled for second reading at a regular meeting of the Council on the 16th day of November, 1981, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.


Deanna J. Thom, City Recorder

ENACTED by the Council on the 16th day of November, 1981,
by the following votes: YEAS 4 NAYS 0.


Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 20th day of November
1981.



William G. Lowrie, Mayor

PLANNING COMMISSION RESOLUTION
ZONE CHANGE FROM RA-1 TO PDI
TAX LOT 900, T3S-R1W, SECTION 14A
MAX D. CLARK, APPLICANT

WHEREAS, Max D. Clark, represented by Don Richards, attorney, has submitted planning exhibits for a zone change from RA-1 to PDI in accordance with the provisions set forth in the Wilsonville Zoning Ordinance No. 154, and

WHEREAS, said planning exhibits were considered by the Planning Commission at a regularly scheduled meeting conducted on July 13, 1981, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, said zone change is for the purpose of establishing Planned Development Industrial zoning standards for the subject property in conformance with the Comprehensive Plan, and

WHEREAS, Planning Commission finds the proposed use of the property to be appropriate and complimentary to the industrial area in which it is located, and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Wilsonville Planning Commission does hereby recommend to the City Council that they approve the zone change from RA-1 to PDI Stage I.

FINDINGS

The following Findings are hereby adopted by the Planning Commission and entered into the public record as confirmation of its consideration of the planning exhibits as submitted in compliance with the Comprehensive Plan and Zoning Regulations.

1. That the subject property is located on Boones Ferry Road approximately mid-point between Boeckman Road and Barber Street.

The subject site is currently occupied by a single-family residence and abuts a single-family residence to the north, the Walnut Park Trailer Court to the west and the Clark Auto Parts and

Kester Auto Repair building to the south.

2. That the subject site is designated as Industrial Park on the Comprehensive Plan and is currently zoned RA-1.

The Commission further finds that the subject property is located within an area designated as Area of Special Concern No. 5 in the Comprehensive Plan. The industrial area between Boeckman Road and Barber Street from Boones Ferry Road to the railroad tracks. The primary concerns for this area are related to continuity and design and in the protection of the existing mobile home park. Design objectives include:

A. Encourage consolidation of smaller lots to allow for master planning of large areas.

B. Provide buffers adjacent to the mobile home park, e.g., increased landscape setbacks or complimentary uses.

C. Minimize traffic (truck) conflicts with residential activities including pedestrians.

The Commission further finds that the applicant proposes to coordinate the development of Lot 900 with the existing development on Lot 1000 which consists of the Clark Auto Part store and Kester Auto Repair Shop. These activities have been successful at this location and said activities have not caused any adverse impacts on the adjacent residential property. The coordination of development between Tax Lots 900 and 1000 is consistent with the design objectives within this area and traffic conflicts can be minimized through the appropriate provision of street improvements consistent with the street system and pathway master plan.

3. That the applicant is requesting a zone change from RA-1 to PDI - Planned Development Industrial and that the applicant proposes to develop the property in conjunction with Tax Lot 1000 into an Auto Parts and Service Center.

The Planning Commission finds that it would be appropriate to allow for the normal expansion of the existing businesses at this location. The existing Auto Repair and Auto Parts Sales are compatible and complimentary services to each other and have proven to be well suited for this location. The applicant provides the only existing auto parts store within the City limits and the Commission finds that it would not be appropriate and it would not better serve the public interest to force a relocation and possible separation of these businesses to allow for normal expansion.

4. That Policy 4.1.5 of the Comprehensive Plan states as follows: "The City shall protect existing and Planned Industrial and Commercial lands from incompatible land uses and will attempt to minimize the deterrents to desired industrial and commercial development."

5. That the proposed use of the subject property as an auto parts wholesale facility with ancillary retail use fits within the Comprehensive Plan designation.

The Comprehensive Plan envisions service centers as oriented primarily to the motoring public and requiring easy access for Freeway travelers.

The proposed use would function more to serve local needs than the typical Freeway traveler. It would also serve as a complimentary use to the industrial district within which it is located.

6. That Policy 4.3.1 of the Comprehensive Plan states as follows: "All industrial areas will be developed in a manner consistent with industrial park standards. Non-industrial uses may be allowed within a Planned Development Industrial zone provided that the predominant uses remain as industrial."

The Commission further finds that at their June 8, 1981 regular meeting, the subject proposal was discussed in terms of interpreting the Comprehensive Plan and Zoning Ordinance related to mixed uses within the Industrial zone. As a result

of their discussion, the Commission adopted a policy which suggests that the area circumnavigated by Boones Ferry Road, Barber Street on the south, Boberg Road and Boeckman Road be considered for purposes of planning for PDI zoning considered as a whole in interpreting commercial and industrial uses, and in particular, lots which currently have commercial uses be given preference for commercial activity.

~~The Planning Commission further finds, however, that the City's legal counsel has noted several serious legal questions with this policy related to uniform application of the Zoning Ordinance (Exhibit 3).~~

7. That the proposed use of the subject property is predominantly an industrial activity.

The Commission further finds that Section 6.04.C.10 of Ordinance No. 154 allows commercial uses within the industrial zone provided that such uses are compatible with and supportive of industrial uses and are planned and developed in a manner consistent with the purposes and objectives of the industrial zone provided that such commercial uses do not exceed 20% of the total acreage.

8. That the subject property is located within the City's immediate growth boundary and development of said property would be consistent with the City's urbanization policy.

9. That adequate public facilities are available to serve the subject site.

A. That the subject property abuts and would take access from Boones Ferry Road which has an existing 50-foot right-of-way with a 21-foot paved surface. Currently no sidewalks are available.

The Planning Commission further notes that the recommended Street

System Master Plan designates Boones Ferry Road to be developed as an arterial street with a 60-foot right-of-way and a 40-foot pavement section.

The Commission further finds that previous Planning Commission approvals have required dedications that vary from 10 feet to 20 feet of additional right-of-way. Based on the proposed Street System Master Plan, the Commission finds that an additional 10 feet would provide sufficient right-of-way to satisfy future traffic demands.

B. That sanitary sewer can be provided to the site via a 12" line located in Boones Ferry Road just south of the subject property.

The Commission further finds that with the recent activation of Phase III expansion of the Sewer Treatment Plant that there is ample treatment capacity to serve development of the subject site.

C. That City water can be provided to the subject property via a 14" line in Boberg Road and an 8" line along the south property line of Tax Lot 1000.

The Commission further finds that the City's water supply is adequate to serve the subject site and that said supply will be augmented by the activation of the City's fourth well within a 30-day period.

D. That adequate storm drainage can be designed at the Stage II level to serve the subject site.

E. That adequate police and fire protection are available to serve the proposed development.

11. That the applicant has submitted documentation adequately addressing relevant LCDC Goals and Guidelines.

RECOMMENDED CONDITIONS OF APPROVAL

While the Planning staff has recommended continuation of this hearing, the following Conditions are recommended to be considered in the final approval of the subject request.

1. That this zone change will expire within two years of the final approval by the City Council if substantial development has not occurred.
2. That within a period of one year from the date of adoption of the Ordinance amending the Zoning Map, the applicant submit a Stage II Development Plan for approval by the Planning Commission identifying the proposed development pattern of the subject property together with a list of potential uses and a Phased Development Schedule.
3. That the applicant waive right of remonstrance against any proposed local improvement districts which may be formed to construct public improvements which would serve the subject property.
4. That the applicant dedicate 10 feet along the eastern property line for additional right-of-way for Boones Ferry Road.

EXHIBITS

The following exhibits are hereby entered into the public record by the Planning Commission as confirmation of its consideration of the application as submitted.

1. City of Wilsonville Comprehensive Plan.
2. City of Wilsonville Zoning Ordinance No. 154, Map and Text.
3. Memo from Ben Altman to Mike Kohlhoff dated June 12, 1981.
4. Letter from Mike Kohlhoff to Ben Altman dated June 16, 1981.
5. Applicant's submittal documents, including findings on all applicable Goals.

ACTION TAKEN AT PLANNING COMMISSION MEETING OF JULY 13, 1981:

Helen Burns moved to approve the Zone Change from RA-1 to PDI for applicant Max D. Clark's Tax Lot 900, T3S-R1W, Section 14A with the following changes and additions:

On page 1, fourth full paragraph, add after the third line, "it is located, and" and then delete the rest of the paragraph. Delete the fifth paragraph in its entirety. Change the sixth paragraph to read as follows:

"NOW, THEREFORE, BE IT HEREBY RESOLVED that the Wilsonville Planning Commission does hereby recommend to the City Council that they approve the Zone Change from RA-1 to PDI Stage I."

On page 3, change Finding 5 to read as follows:

5. That the proposed use of the subject property as an auto parts wholesale facility with ancillary retail use fits within the Comprehensive Plan designation.

On page 4, delete the last paragraph of Finding 6.

Change Finding 7 to read as follows:

7. That the proposed use of the subject property is predominantly an industrial activity.

Delete Finding 8 in its entirety. Renumber Findings 9, 10 and 11 as Findings 8, 9 and 10.

In Condition of Approval 2, delete the words "I Preliminary" and insert "II" in their place.

Add to Exhibit 5 "including findings on all applicable goals."

Marian Wiedemann seconded the motion. Chairman Drew asked the applicant if he agreed with the changes made. The applicant replied in the affirmative. Stan Maves called for the question and the motion passed 6-0.