

AFFIDAVIT OF POSTING

ORDINANCE #210

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 28th day of April, 1982, I caused to be posted copies of the attached Ordinance #210, an ordinance amending Chapter 2, Administration and Chapter 4, Planning of the Wilsonville Code, 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 continued public hearing on the 3rd day of May, 1982.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me this 4th day of May, 1982.


NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

AFFIDAVIT OF POSTING
ORDINANCE #210

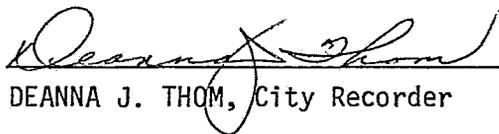
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
 AND WASHINGTON)
)
CITY OF WILSONVILLE)

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 April, 1982, I caused to be posted copies of the attached Ordinance #210, an ordinance admending Chapter 2, Administration and Chapter 4, Planning, of the Wilsonville Code, 1981, 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 April, 1982.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 20th day of April, 1982.


NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1983

ORDINANCE NO. 210

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, AND CHAPTER 4, PLANNING, OF THE WILSONVILLE CODE, 1981, AND DECLARING AN EMERGENCY.

IT IS HEREBY ORDAINED BY THE CITY OF WILSONVILLE, AS FOLLOWS:

Section 1. Chapter 2, Administration, of the Wilsonville Code, 1981, is amended as hereinafter set forth in Exhibit "A", which is incorporated by reference herein.

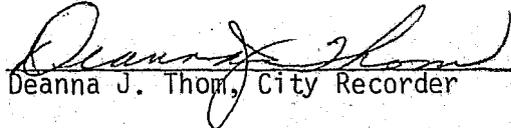
Section 2. Chapter 4, Planning, of the Wilsonville Code, 1981, is amended as hereinafter set forth in Exhibits "B" and "B-1", which are incorporated by reference herein.

Section 3. Pursuant to the provisions of Chapter 4, Planning, of the Wilsonville Code, as amended herein, a new official Zoning Map is hereby adopted as set forth in Exhibit "C", which is incorporated by reference herein; said Map shall include a zoning boundary amendment for Parkway Center as approved by the Planning Commission on February 8, 1982, and subsequently by the City Council on April 5, 1982, as set forth in the administrative record set forth in Exhibit C-1, and further identified as file number 81PC7, which is incorporated by reference herein.

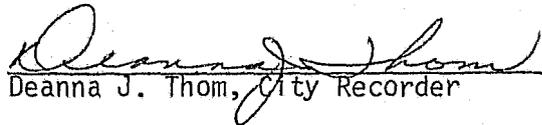
Section 4. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, and general welfare of the people of the City of Wilsonville, an emergency is declared to exist and this Ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Submitted to the Council and read the first time at a regular meeting thereof on the 5th day of April, 1982, and scheduled for second

reading at a regular meeting of the Council on the 19th day of April, 1982, and continued to a regular meeting of the Council on the 3rd day of May, 1982, 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 3rd day of May, 1982, by the following votes: YEAS 4 NAYS 0.


Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 4th day of May, 1982.


William G. Lowrie, Mayor

CITY OF



P.O. Box 220 / Wilsonville, Oregon 97070
503/682-1011

MEMORANDUM

TO: CITY COUNCIL AND PLANNING COMMISSION
FROM: BEN ALTMAN
DATE: APRIL 28, 1982
RE: SPECIFIC RECOMMENDED LANGUAGE CHANGES TO THE COMPREHENSIVE
PLAN (ORDINANCE NO. 209) AND CHAPTER 4 OF THE WILSONVILLE
CODE (ORDINANCE NO. 210)

On April 19, 1982, I issued a Memo regarding the above-referenced Amendments. However, in an effort to meet the deadline of the City Council meeting, the Memo was necessarily general in reference to amendment to sections of the Code and Plan. Therefore, in order to eliminate confusion and simplify the review process at the Council meeting May 3, I have prepared the following specific recommended language changes to the Plan and Code.

Comprehensive Plan (Ordinance No. 209)

Page 5 of the Comprehensive Plan addresses planning and zoning procedures. It outlines the City's intent to administer the Plan through case-by-case zoning. In order to be consistent with the Goal 14 criteria, it is recommended that this section be amended to read as follows:

The City is currently only approximately 25% developed. Portions of the undeveloped areas are currently served with adequate public facilities for urban level development. Other areas are not adequately served and the service levels vary greatly throughout the City.

Therefore, in order to provide a process to insure orderly development consistent with the availability of adequate public facilities, the provisions of this Plan shall be administered through case-by-case zoning and Site Plan review procedures set forth in the Wilsonville Code. The Development Code shall clearly define the standards that must be met to obtain a Zone Change and/or Site Development Permit.

EXHIBIT B-1
ORDINANCE NO. 210

The purpose of the case-by-case review is two-fold. First, the zoning process is intended to serve as an administrative procedure to evaluate the conversion of urbanizable land to urban land consistent with the conversion criteria set forth in the LCDC Urbanization Goal 14. Because the service levels vary throughout the City, the zoning process will allow for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions in terms of phasing of development related to needed facility improvements.

Secondly, not all types of development create equal community impact. Therefore, each development must be evaluated on its own merits and liabilities. For this reason, a case-by-case Site Development Plan review is intended to provide site specific analysis of impacts related to particular development proposals, rather than general use categories such as residential, commercial or industrial.

All land development proposals shall be reviewed for conformity to the Plan and specific standards set forth in implementing Ordinances."

Code Revisions (Ordinance No. 210)

Specific revisions to Chapter 4 of the Code are as follows:

Beginning on page 100, Section 4.120 Zones - RA-1 Residential Agricultural Zone. (1) Purpose:

(a) The purpose of this zone is to provide large lot residential areas, incidental agricultural use and small scale livestock raising within areas designated for 0 to 3 dwelling units per acre on the Comprehensive Plan.

(b) It is further the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for industrial or more intensive residential development. This zone shall be applied to all urbanizable properties within the City which are planned for industrial or residential development greater than 3 units per acre and which have not been previously zoned or preliminary planned in accordance with the Comprehensive Plan.

(2) Intensity of Use Permitted: The intensity of use permitted shall be governed by the land use designations of the City of Wilsonville Comprehensive Plan as follows:

(a) Lands designated for residential use - 0 to 3 dwelling units per acre:

1. One single-family dwelling unit per lot. If the designated Plan density is greater than one unit per acre, a Site Plan or pre-plat review shall be required to insure the placement of the dwelling on the site will not obstruct or restrict future development of the site in accordance with the Comprehensive Plan densities.
2. Dwellings for the owner-operator and/or help required to carry out the permitted activities as set forth in Section 4.152.

(b) Lands designated residential - 3 to 20 units per acre or non-residential use:

1. Except for existing lots of record of less than two acres recorded prior to the effective date of this Code partitioning or subdivision of properties designated for residential development at greater than three units per acre or for non-residential use shall only be considered in conjunction with or following a zone change in conformance with the Comprehensive Plan. Said zoning shall confirm the adequate provision of public facilities and the protection of future urban development potentials.
2. Existing lots of record of less than two acres may be developed or partitioned in accordance with Section 4.120(2)(a).
3. If the proposed development is for a less intensive interim density consisting of large lots, a pre-plat and Site Plan review shall be required

that provides for full subdivision of the property in accordance with the Comprehensive Plan density. Said plat shall be recorded and filed on the City's Lien Docket as an obligation toward the property, together with a non-remonstrance towards the formation of any local improvement district which may be formed to serve the subject site in an agreement to oversize any facilities extended to the site consistent with the Capital Improvements Master Plan, if said facilities are required to serve the initial development.

4. For properties designated for non-residential use, the intensity of use shall be restricted to activities which do not require construction of a permanent structure and which will not tend to restrict, obstruct or adversely affect the future development of the property for its designated use.
5. Temporary structures of the nature set forth in Section 4.120(2)(a).

Page 108, amend to read as follows:

Section 4.130 Planned Development Regulations - Purpose:

(1) The provisions of Section 4.130 to 4.140 shall be known as the Planned Development Regulations. The purposes of these Regulations are to encourage the development of tracts of land sufficiently large to allow for Comprehensive Master Planning and to provide flexibility in the application of certain Regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the Zoning Regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

(2) (e) Amend to read as follows: To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

Delete subsection (2)(g) entirely.

Beginning in the middle of page 128, Section 4.136(1)(f) Height Guidelines: Amend to read as follows:

The sun exposure plane shall prevail, as set forth in Section 4.137 except that the Commission may further regulate heights as follows:

(1) Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.

(2) To provide buffering of low-density developments by moving two, three or more story buildings away from the property lines abutting a low density zone.

(3) To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River from greater encroachments than would occur if developed conventionally.

The bottom of page 128 and continuing to page 129, Section 4.136(2)(c) amend to read as follows:

Adopt additional requirements and restrictions inclusive of, but not limited to, the following:

Delete 1. regarding height limitations and renumber accordingly.

1. Percent coverage of land by buildings and structures in relationship to property boundaries to provide stepped increases in densities away from low-density development.
2. Parking ratios - no change.
3. No change to vehicular and pedestrian access.
4. Arrangement and spacing of buildings - no change.

5. No change to loading dock areas.
6. Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking . . . such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permits. Any limitations of uses of structures within residential developments shall be restricted to mixed use provisions of the Code or any other use limitations established by the R zone.
7. Minimize or eliminate noise, odor, etc. - no change.
8. Schedule of time for construction of the proposed buildings and structures and any stage of development thereof to insure consistency with the Capital Improvements Plan and Growth Management Regulations.
9. Waiver of remonstrance - no change.
10. Restrict development to prevent congestion - no change.
11. Landscaping - no change.
12. Combine original 13 and 14, together with provisions of subsection (3)(c) on page 130 to read as follows: A dedication of properties for streets, pathways and bicycle paths in accordance with adopted Facility Master Plans or such other streets necessary to provide proper development of adjacent properties.

Section 4.136 - add a new (3):

The Commission shall, in making its determination of compliance in attaching conditions consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions either singularly or accumulatively have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type, however, consideration of these

factors shall not prevent the Commission from imposing Conditions of Approval necessary to meet requirements or intent of the Comprehensive Plan and the Code.

Page 130, renumber (3) to (4) and amend (a) to read:

Recreational facilities: The Commission or Council, as the case may be, may require that suitable area for parks or playground be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development consistent with adopted Park standards and Facility Master Plan.

Delete (c) Streets and renumber (4) to (5).

Bottom of page 134, Section 4.139(1)(h) amend to read as follows:

(h) The Planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is consistent with the land use designated on the Comprehensive Plan. If there is a disagreement as to whether the use contemplated is consistent, the applicant, by request, or the staff, may take the preliminary information provided to the Planning Commission for a use interpretation.

(i) The applicant may proceed to apply for Stage I - Preliminary Approval upon determination by either staff or the Planning Commission that the use contemplated is consistent with the Comprehensive Plan.

Page 137, Section 4.139(4) delete subsection (b) and (e) and reletter (c) and (d) accordingly.

Page 198, Section 4.400(2)(h) - reword as follows:
" . . . decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior particularly crime."

Page 199, Section 4.421(1)(b) Relation of Proposed Buildings to Environment. Amend to read as follows:

proposed structures shall be located and designed to insure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Section 4.163. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.

Page 200, Section 4.421(6) amend to read as follows:

The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure proper and efficient functioning of the development consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code. In making this determination of compliance and attaching conditions, the Board shall, however, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions either singularly or accumulatively have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

In addition to the above new language recommendations, several typos and word changes were discussed in the Council's previous review of the Code. These corrections are as follows:

Last line on page 8, spelling of privileges.

Middle of page 10, 4th line of sub (16), change conservation to conversation.

Bottom of page 16, 3rd line, Section 2.160 change collection to connection.

Middle of page 21, Section 2.320(2), first line, add City Council after Mayor.

Middle of page 23, Section 2.330, second line, change section numbers to 4.400 to 4.450.

Bottom of page 29, Referendum Petition, amend to read as follows:

" . . . meeting on the _____ day of _____, 19____, shall be submitted to the legal voters of the City of Wilsonville, for their approval or rejection at the regular (or special) City election to be held on the _____ day of _____, 19____, . . ."

Top of page 117, Section 4.136(1)(b)3, sub p, indent sub 1, 2 and 3.

Top of page 148, as recommended by Councilman Ludlow, Section 4.152(1), last line of paragraph, delete last sentence "the raising of swine is not permitted in any zone", add (c) One (1) swine: Two thousand (2,000) square feet (maximum two swine per individual lot or contiguous lots under individual ownership.

Amend sub (2) by adding additional sentence: "Swine pens shall be located a minimum of two hundred (200) feet from any residence other than that of the resident owner."

Add new sub (4) to read as follows: Upon a receipt of a formal complaint by adjacent property owners alleging improper or unsanitary maintenance of animal runs, pens or barn, the Planning Commission shall hold a public hearing and adopt findings as to the validity of said complaint. Based on the adopted findings, the Planning Commission may impose conditions or restrictions as determined necessary to insure proper maintenance and sanitation, including prohibition of raising livestock and farm animals on the subject site.

In addition to language amendments and correction of typos as listed above, the Zone Boundary Amendment for Parkway Center should also be included, together with appropriate exhibits as an amendment to the Zoning Map under the provisions of Ordinance No. 210. The subject Zone Boundary Amendment to relocate the boundary line between the PDI and PDR zones within Parkway Center was reviewed and approved by the Planning Commission of February 8, 1982, and considered and approved in a hearing before the City Council on April 5, 1982.

I have amended Ordinance No. 210 to include this amendment under Section 3 and setting forth the appropriate exhibits.

The other amendments listed above are sited as Exhibit B-1 under Section 2 of Ordinance No. 210.