

AFFIDAVIT OF POSTING

ORDINANCE CB-0-84-87

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 October, 1987, I caused to be posted copies of the attached Ordinance CB-O-84-87, An Ordinance amending Sections 4.187, 4.001, 4.179 and 4.180 of Chapter 4 of the Wilsonville Code and adopting Section 4.121 (Public Facility Zone) to establish new criteria for zone changes and amendments, to add new definitions, to allow non-conforming mobile homes to be replaced and to establish a public facility zone district, 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 2nd of November, 1987.


VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 2nd day of November, 1987.

Deanna J. Stone
NOTARY PUBLIC, STATE OF OREGON

My commission expires: 8-23-87

ORDINANCE NO. 317

AN ORDINANCE AMENDING SECTIONS 4.187, 4.001, 4.179 AND 4.180 OF CHAPTER 4 OF THE WILSONVILLE CODE AND ADOPTING SECTION 4.121 (PUBLIC FACILITY ZONE) TO ESTABLISH NEW CRITERIA FOR ZONE CHANGES AND AMENDMENTS, TO ADD NEW DEFINITIONS, TO ALLOW NON-CONFORMING MOBILE HOMES TO BE REPLACED AND TO ESTABLISH A PUBLIC FACILITY ZONE DISTRICT.

WHEREAS, the City Council adopted a Periodic Review Final Order by Resolution No. 637 on October 5, 1987; and

WHEREAS, the City finds it necessary to amend Chapter 4 of the Wilsonville Code (WC) in order to complete Periodic Review; and

WHEREAS, the Wilsonville Planning Commission held public hearings, gathered testimony regarding Periodic Review and has recommended to the City Council that the proposed amendments to Chapter 4 of the WC be adopted; and

WHEREAS, the City Council has held public hearings and has gathered additional testimony from interested parties and public agencies; and

WHEREAS, the City Council has duly considered the testimony presented, the recommendations of the Planning Commission and the findings contained in the Final Order.

NOW, THEREFORE, the City Council of the City of Wilsonville ordains as follows:

Section 1

Section 4.001 of the WC shall be amended by including the following definitions. Any existing definitions in Section 4.001 with an identical heading shall be deleted and replaced with the definition herein. The definitions shall be alphabetized and correctly renumbered to reflect the proposed changes. The amendments to Section 4.001 are as follows:

Manufactured Home: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes

and was constructed in accordance with Federal Manufactured Housing Construction and Safety Standards regulations in effect at the time of construction.

- (a) Manufactured Home (Type I): A home that has exterior dimensions enclosing more than 864 square feet of living space, is multi-sectioned (double wide or larger) and has roofing or siding material of a type customarily used on homes built in accordance with the State Building Code.
- (b) Manufactured Home (Type II): A home that has exterior dimensions enclosing more than 700 square feet of living space in a single or multi section unit and has roofing or siding material of a type customarily used on homes built in accordance with the State Building Code.

Mobile Home: A residential trailer, a mobile house or a manufactured home as defined in ORS 446.003.

Mobile House: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Modular Home: A structure intended for residential use that has sleeping, cooking and plumbing facilities and is constructed off-site in compliance with the Uniform Building Code (Oregon State Structural Specialty Code) and designed to be transported to a site for installation and/or assembly of modular components to form a permanent structure.

Residential Trailer: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.

Sign: An advertising sign, outdoor advertising sign, on premises sign, display, temporary sign, temporary sign display, message, light (other than a device used primarily to illuminate a building and/or premises), emblem, device, figure or mannequin, painting, drawing, placard, poster or other device that is designed, used or intended for advertising purposes, or to inform or to attract the attention of the public, and includes, where applicable, the sign structure, display

surfaces and all other component parts of the sign. Signs located completely within an enclosed building shall not be considered a sign. Each display surface shall be considered to be a sign; however, computation of sign area shall be calculated according to Section 4.151.

- (a) **Electric** - any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- (b) **Incidental** - a sign identifying or advertising associated goods, products, services or facilities available on the premises. Such incidental signs include, but are not limited to, trading stamps, credit cards accepted, brand names, price signs or services rendered.
- (c) **Flashing** - any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code, any moving, illuminated sign shall be considered a flashing sign.
- (d) **Freestanding** - a sign erected and maintained on a free-standing frame, mast or pole not attached to any building, and not including ground mounted signs.
- (e) **Ground-mounted** - a sign which extends from the ground, or has support which places the bottom of the sign less than two feet from the ground.
- (f) **Inflatable** - any device that depends on a differential between internal and external air pressure to maintain its size, form or shape regardless of whether it is tied, tethered, mounted or connected to a pole, building or ground.
- (g) **Integral** - a sign carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction indicating names of buildings, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the structures.
- (h) **Marquee** - a canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

- (i) Outdoor advertising - a sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
- (j) Projecting - a sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- (k) Roof - a sign located on or above the roof of any building, not including false mansard roof, canopy or other fascia.
- (l) Temporary - a banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, card-board, wallboard, plywood, or other like materials and intended to be displayed for a limited period of time.
- (m) Wall Flat - a sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

Section 4.121 (Zones - PF - Public Facility Zone) is hereby adopted and shall be included in Chapter 4 of the Wilsonville Code. The page numbers in the Wilsonville Code shall be changed in order to reflect the inclusion of the following:

4.121 Zones - PF - Public Facility Zone

1. **Purpose:** The PF Zone is intended to be applied to existing public lands and facilities; including quasi-public lands and facilities which serve and benefit the community and its citizens. Typical uses permitted in the PF Zone are schools, churches, public buildings, hospitals, parks and public utilities. Uses in this zone may be privately or publicly owned.
2. **Principal Uses Permitted:**
 - a. Municipal or Governmental Service Building
 - b. Churches
 - c. Hospital
 - d. Marina, public
 - e. Recreational and community buildings and grounds, playgrounds, swimming pools, tennis courts and similar recreational uses
 - f. Parking facilities
 - g. Public utilities and buildings
 - h. Library
 - i. Trails and pathways
 - j. Parks

- k. Schools
- l. Kindergartens

3. Accessory Uses Permitted:

- a. Accessory uses, buildings and structures customarily incidental to and commonly associated with a principal use, located at the same lot therewith.
- b. Temporary structures used during an emergency situation or construction.

4. Conditional Uses:

- a. Picnic grounds
- b. Sewerage Treatment Plant
- c. Water treatment plant and storage reservoir
- d. Storage yard, stockpiles, and materials
- e. Zoo
- f. Cemetery
- g. College or University
- h. Military bases or offices, including armories

5. Dimensional Standards:

- a. Minimum Lot Size: One (1) Acre
 - 1. The minimum lot area may be reduced upon a finding that the resulting parcel is compatible with the adjoining property in that it does not impair the development of any adjoining property, does not adversely affect the value of adjoining property, and does not adversely affect the public health, safety, or welfare.
- b. Minimum front and rear yard setbacks: Thirty (30) feet.
Minimum sideyard setback: ten (10) feet.
- c. Minimum street frontage: Seventy-five (75) feet.
- d. Maximum height: two and one-half (2-1/2) stories or thirty-five (35) feet.

6. Off-Street Parking Requirements:

- a. As provided in Section 4.150.

7. Signs:

- a. As provided in Section 4.151.

8. Corner Vision:

- a. As provided in Section 4.167 (l)(i)

9. Special Regulation:

- a. All principal and conditional uses shall be subject to Section 4.400 through 4.450 (Site Design Review) of the Wilsonville Code.
- b. As part of either a permitted or conditional use, the Planning Commission may review and approve a Master Plan for an entire development or area subject to Section 4.130 through 4.139 (Planned Development Regulations) of the Wilsonville Code. Approval of a Master Plan would allow all uses provided in the Master Plan without further review. Minor changes which do not have off-site impact or increase visitor capacity may be reviewed by the Planning Director.
- c. Prisons, other than minimum security mental institutions, are presumed incompatible with the principal uses permitted.

Sections 4.179 and 4.180 of the Wilsonville Code shall be replaced and amended as follows:

4.179 Non-Conforming Use - Continuation of Use

1. A non-conforming use may be continued although not in conformity with the regulations for the zone in which it is located provided that the use lawfully existed prior to enactment of this Code.
2. A manufactured or mobile home placed on a lot, parcel or tract of land and certified to be a non-conforming use shall be allowed to continue in that status. A non-conforming mobile home may be replaced (up-graded) to a Type I Manufactured Home as defined herein. If the non-conforming use is discontinued, the land thereafter must conform to all provisions of this Code and the Comprehensive Plan.

4.180 Non-Conforming Use - Change or Replacement of Use

1. A non-conforming use or structure may not be changed or replaced unless the change or replacement is to a use that is prescribed and/or complies with the provisions of this Code; or the change more closely conforms to the regulations for the zone district in which the use is located; or
2. In any zone where single-family dwellings are permitted, a non-conforming mobile or manufactured home may be replaced provided that the Planning Director makes affirmative findings for the following:

- a. The unit to be replaced has been established as a legal non-conforming use;
- b. The replacement unit shall meet minimum construction and safety standards established by the Oregon Department of Commerce pursuant to, and prescribed under ORS 446.002 to 446.200;
- c. The mobile home is erected upon a foundation constructed according to the requirements of the Oregon Department of Commerce;
- d. It has a pitched composition shingle, wood shake or tile roof;
- e. It is set upon a foundation approved by the Department of Commerce and if not placed at ground level, it has continuous skirting which complements the structure;
- f. The replacement home is a Type I Manufactured Home as defined in this Code;
- g. The replacement home meets all other siting standards, including setbacks;
- h. The wheels, axles, hitch and other towing mechanisms shall be removed from the home.

Section 4.187 of the Wilsonville Code is replaced and amended as follows:

4.187 Zone Changes and Amendments - Procedures.

- (1) The following procedure shall be followed in applying for an amendment to the Zoning Sections of this Code:
 - (a) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within forty (40) days after the hearing, provide a report and recommendation to the City Council regarding the proposed amendment. The findings and recommendations of the Commission shall be adopted by resolution and shall be signed by the Chairman of the Commission.
 - (b) In recommending approval of a proposed zone text amendment, the Planning Commission shall at a minimum, adopt findings relative to the following:

1. That the application was submitted in compliance with the procedures set forth in Section 4.008; and
 2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and
 3. The amendment does not materially conflict with, nor endanger, other provisions of the zone text; and
 4. The amendment is necessary to insure that the City's Zone Code complies with mandated requirements of State or Federal laws and/or statutes.
- (c) In recommending approval or denial of a proposed zone map amendment, the Planning Commission shall at a minimum, adopt findings addressing the following criterion:
1. That the application before the Commission was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.138; and
 2. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text; and
 3. In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8 of Wilsonville's Comprehensive Plan text; and
 4. That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission shall utilize any and all means to insure that all primary facilities are available and are adequately sized; and

5. That the proposed development does not have a significant adverse effect upon primary open space, an identified natural hazard, or an identified geologic hazard. When primary open space or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or primary open space; and
 6. That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change; and
 7. That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.
- (d) If affirmative findings cannot be made for all applicable criterion in Section 4.187(b) in the case of a text amendment, or the criterion set forth in Section 4.187(c) in the case of a map amendment; the Planning Commission shall recommend that the proposed zone text or map amendment, as the case may be, be denied.

Section 2

The findings and conclusions set forth in the Final Periodic Review Order and adopted by Resolution 637 are adopted as if fully set forth herein. The Final Order is attached hereto as "Exhibit A".

Section 3

That this Ordinance shall be and is hereby declared to be in full force and effect, thirty (30) days from the date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 19th day of October, 1987, and scheduled for second reading at a regular meeting of the Council on the 2nd day of November, 1987, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.

Vera A. Rojas
VERA A. ROJAS, City Recorder

ENACTED by the Council on the 2nd day of November, 1987, by the following votes:
YEAS: 4 NAYS: 0.

Vera A. Rojas
VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 4th day of November, 1987.

William E. Stark
WILLIAM E. STARK, Mayor

SUMMARY of Votes:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Braymen	<u>ABSENT</u>
Councilor Jameson	<u>AYE</u>