

ORDINANCE NO. 379

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND THE ZONING MAP OF THE CITY OF WILSONVILLE (APPLICATION OF DEB BLESER, PARKS AND RECREATION DIRECTOR), FOR A COMPREHENSIVE PLAN AMENDMENT FROM "COMMERCIAL" TO "PUBLIC" AND FOR A ZONE CHANGE FROM PDC (PLANNED DEVELOPMENT COMMERCIAL) TO PF (PUBLIC FACILITY) FOR TAX LOTS 1101 AND 1191, T3S-R1W, SECTION 24, CLACKAMAS COUNTY, OREGON; REPEALING ORDINANCE NO. 176 AND AMENDING "AREA OF SPECIAL CONCERN - AREA 3"

WHEREAS, the Parks and Recreation Director filed an application with the Planning Department to amend the Wilsonville Comprehensive Plan Map from "Commercial" to "Public" for 41.5 acres of property identified as Tax Lots 1101 and 1191, T3S-R1W, Section 24, Clackamas County, Oregon; and

WHEREAS, the City of Wilsonville acquired the property from Nike, Inc., after the citizens of Wilsonville voted to approve a bond measure that stated that the property would be used for park and recreational purposes; and

WHEREAS, Nike, Inc. had requested that the property be planned and zoned for commercial use and that request was approved by the City by the adoption of Ordinance No. 176 on April 6, 1981; and

WHEREAS, the Wilsonville Planning Commission held a public hearing on February 28, 1991, at which time they reviewed the staff report, including all exhibits and materials submitted by the applicant and other interested parties, and received testimony from interested parties. After carefully considering all the available evidence and testimony, the Planning Commission voted in favor of recommending that the City Council amend the Comprehensive Plan Map as requested; to change the zone map from "PDC" to "PF"; and to modify "Area of Special Concern - Area 3". The findings of the Planning Commission, the procedures it followed, the conclusions it reached and the recommendations it made are set forth in its Resolution No. 91PC17 - Memorial Park Comprehensive Plan Amendment, which is attached hereto as Exhibit A; and

WHEREAS, the Commission's approval was, and is, a recommendation to the Wilsonville City Council that they approve the Comprehensive Plan Amendment(s) and Zone Change as requested; and

WHEREAS, the Wilsonville City Council, after providing the required notices, held a public hearing on April 1, 1991 to review the record of proceedings of the Planning Commission and to gather additional evidence and testimony regarding this application.

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

Section 1 That the official Comprehensive Plan Map of the City of Wilsonville is hereby amended and changed so that Tax Lots 1101 and 1191, T3S-R1W, Section 24, Clackamas County, Oregon, are reclassified from Commercial to Public. All portions of the subject property currently designated either as Primary Open Space, Secondary Open Space or as being within the Willamette River Greenway Boundary shall not be changed. The Planning Director is hereby authorized and directed to make the changes on the Comprehensive Plan Map upon the effective date of this Ordinance and in compliance with this section.

Section 2 That the official zoning map of the City of Wilsonville is hereby amended and changed so that Tax Lots 1101 and 1191, T3S-R1W, Section 24, Clackamas County, Oregon, are reclassified from PDC (Planned Development Commercial) to PF (Public Facility). The Planning Director is hereby authorized and directed to make the changes on the Zoning Map upon the effective date of this Ordinance and in compliance with this section.

Section 3 That Ordinance No. 176, which was enacted by the Wilsonville City Council on April 6, 1981, is hereby repealed in its entirety.

Section 4 That "Area of Special Concern - Area 3" be amended to read as follows:

"Area 3

This area is located between the easterly boundary of Memorial Park as it was commonly known prior to the acquisition of land from Nike and Rose Lane and south of the realignment of Wilsonville Road. Considerable concern was expressed over the potential impacts of the proposed park development on the suburban low density Montgomery Way area and also over potential traffic impacts on Rose Lane, Kolbe Lane, Schroeder Way and Wilsonville Road.

Design Objectives

- 1. Provide low density and/or open space buffers adjacent to existing large lot development.*
- 2. Maximize the visual buffering effect of Boeckman Creek and associated vegetation by locating activity area southwest of the creek.*
- 3. Minimize traffic conflicts and congestion at the Rose Lane intersection with Wilsonville Road by locating the vehicular access to this area at Kolbe Lane and non-vehicular access at Schroeder Way.*
- 4. Minimize traffic conflicts, by phasing development of this area and that of the original Memorial Park located to the west.*
- 5. Maximize the benefits of the natural vegetation, wetlands and drainage ways by preserving these in their natural state and*

limiting development and activity in these areas.

Section 1 *The City's Comprehensive Plan and Zoning Map have been amended to reflect the fact that this property, formerly owned by Nike, Inc. is now in public ownership and is intended for use as City park and recreation lands.*

Section 2 *The City Council directs that all due care and consideration be given to the preservation of the existing wetlands, floodways, drainages and natural vegetation. Therefore, development in this area shall be guided by a "Master Plan" which shall set forth the design and areas for the location of all structures, utilities and activity centers, including gardens. The "Master Plan" shall be developed by the Parks and Recreation Commission and recommended to the City Council for conceptual approval. The City Council may approve, modify, or disapprove the conceptual plan. The City Council may submit the Plan as approved or modified, in whole or in part, to the Planning Commission. The Planning Commission shall review the plan in conjunction with its land use authority, provided the Planning Commission's determinations shall be made in the form of recommendation(s) to the City Council for final approval.*

Section 5 *The findings and recommendation not inconsistent herewith and set forth in the Planning Commission's Resolution No. 91PC17 are hereby adopted by reference in support of the*

Council's decision to enact this Ordinance. The findings, as adopted and modified, shall expressly be made a part of this Ordinance.

SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 1st day of April, 1991 and scheduled for second reading at a regular meeting of the City Council on the 15th day of April, 1991 commencing at the hour of 7:30 o'clock p.m. at the Community Development Conference Room.

Vera A. Rojas

VERA A. ROJAS, CMC, City Recorder

ENACTED by the Council on the 15th day of April, 1991, by the following votes: AYES: 5 NAYS: 0

Pamela Munsterman

PAMELA MUNSTERMAN, City Recorder Pro-Tem

DATED and signed by the Mayor this 19th day of April, 1991.

Gerald A. Krummel

GERALD A. KRUMMEL, Mayor

SUMMARY of Votes:

| | |
|--------------------|------------|
| Mayor Krummel | <u>Aye</u> |
| Councilor Chandler | <u>Aye</u> |
| Councilor Carter | <u>Aye</u> |
| Councilor Lehan | <u>Aye</u> |
| Councilor Van Eck | <u>Aye</u> |

EXHIBIT "A"

PLANNING COMMISSION
RESOLUTION NO. 91PC17

A RESOLUTION FORWARDING THE COMMISSION'S
RECOMMENDATION THAT THE CITY COUNCIL
ADOPT THE ORDINANCE AMENDING THE ZONE MAP
FROM "PDC" TO "PF" AND THE COMPREHENSIVE PLAN
MAP FROM "COMMERCIAL" TO "PUBLIC" FOR TAX LOTS
1101 & 1191, T3S-R1W, SECTION 24, CLACKAMAS COUNTY

WHEREAS, on April 6, 1981, the Wilsonville City Council enacted Ordinance No. 176 which amended, at the request of Nike, Inc., the City's Comprehensive Plan and Zone Map and classified Tax Lots 1101 and 1191 for commercial uses; and,

WHEREAS, the City of Wilsonville acquired, after the City's citizens had approved a bond levy to purchase the property, Tax Lots 1101 and 1191 for public use as a park and for recreational purposes; and,

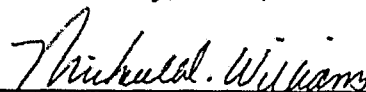
WHEREAS, the Parks and Recreation Director filed an application with the Planning Department to amend the Wilsonville Comprehensive Plan and Zone maps to reclassify the 41.5 acres of property from "commercial" to "public" use and zoning; and,

WHEREAS; the Planning Commission adopted Resolution No. 91PC17 on January 14, 1991, and thereby directed City staff to initiate an amendment of the Wilsonville Comprehensive Plan Map and Text; and,

WHEREAS, the Wilsonville Planning Commission held a public hearing on February 28, 1991, at which time the Commission reviewed the proposed Ordinance to amend the Wilsonville Comprehensive Plan map and text and the City's Zone map; considered the alternatives; and gathered public testimony from interested persons.


NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Wilsonville does hereby adopt the proposed Ordinance, attached hereto as Exhibit A, and forwards a recommendation to the City Council that they approve and adopt the ORDINANCE in accordance with the Commission's recommendation(s).

ADOPTED by the Planning Commission of the City of Wilsonville at a special meeting thereof, the 28th day of February, 1991, and filed with the Planning Secretary this same day.



Chairman, Planning Commission

Attest:


Judice Emison, Planning Secretary

COMPREHENSIVE PLAN MAP

AMENDMENT

91 PC 17

COMMERCIAL

TO

PUBLIC

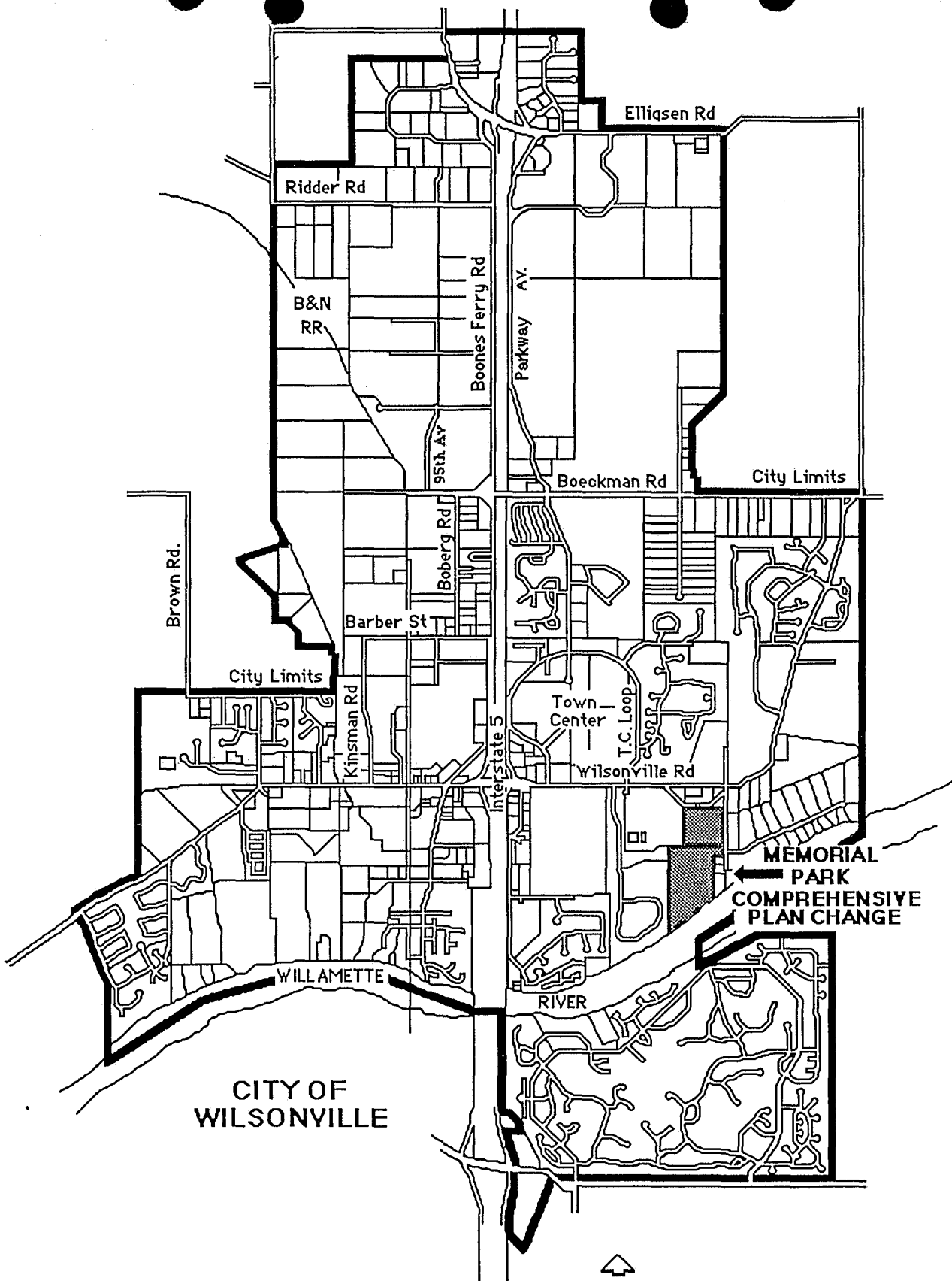
Wilsonville
Park

5-7

1/AC

WILLIAM WATKINS

BEVER



CITY OF WILSONVILLE

NORTH

Order No. C51207

Page No. 2

DESCRIPTION

PARCEL I:

A portion of the D. Minkler D.L.C. No. 44 in Section 24, Township 3 South, Range 1 West, in the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a stone at the North one-quarter corner of said Section 24; thence South $89^{\circ} 19' 15''$ West along the North line of the Northwest one-quarter of said Section 24, a distance of 830.94 feet to the Northeast corner of Parcel I of the Boozier Tract as described in Book 361, Page 127, Clackamas County Deed Records; thence South $00^{\circ} 12' 16''$ East along the East line of said Boozier Tract 1081.58 feet to a 1 inch iron pipe at the Southwest corner of Parcel 3 of said Boozier Tract and the true point of beginning (said point also being the Northwest corner of the Kolbe Tract as described in Volume 237, Page 389, Clackamas County Deed Records); thence North $89^{\circ} 27' 49''$ East, along the North line of said Kolbe Tract, 1093.26 feet to the West right-of-way line of Rose Lane (formerly Moses Road); thence North $00^{\circ} 22' 16''$ West along said West right-of-way line, 620.47 feet; thence leaving said West right-of-way line North $88^{\circ} 48' 00''$ West 532.65 feet to a point on the South right-of-way line of Wilsonville Road (formerly Market Road No. 12); thence South $87^{\circ} 49' 15''$ West 289.75 feet along said South right-of-way line to the East line of Parcel 3 of the Boozier Tract above described; thence following said East line as follows: South $09^{\circ} 36' 48''$ West, 52.73 feet; thence South $50^{\circ} 21' 48''$ West, 82.90 feet; thence South $09^{\circ} 26' 46''$ East, a distance of 360.71 feet; thence South $16^{\circ} 12' 39''$ West, a distance of 77.18 feet; thence South $67^{\circ} 31' 32''$ West, a distance of 251.20 feet to the true point of beginning. Excepting therefrom that portion thereof conveyed to the City of Wilsonville by Deed Recorded March 10, 1983 as Recorder's Fee No. 83-6583, Clackamas County Records.

PARCEL II:

A portion of the D. Minkler D.L.C. No. 44 in Section 24, Township 3 South, Range 1 West, in the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a stone at the North one-quarter corner of said Section 24; thence South $89^{\circ} 19' 15''$ West along the North line of the Northwest one-quarter of said Section 24, a distance of 830.94 feet to the Northeast corner of Parcel I of the Boozier Tract as described in Book 361, Page 127, Clackamas County Deed Records; thence South $00^{\circ} 12' 16''$ East along the East line of said Boozier Tract 1081.58 feet to a 1 inch iron pipe at the Southwest corner of Parcel 3 of said Boozier Tract and the true point of beginning (said point also being the Northwest corner of the Kolbe Tract, as described in Volume 237, Page 389, Clackamas County Deed Records); thence South $00^{\circ} 12' 16''$ East along the West line of said Kolbe Tract, a distance of 1672.39 feet to the high water mark of the Willamette River; thence following said high water mark as follows: North $54^{\circ} 55' 44''$ East, a distance of 460.68 feet; thence North $50^{\circ} 15' 02''$ East, a distance of 262.93 feet; thence North $54^{\circ} 28' 23''$ East, a distance of 107.96 feet; thence North $50^{\circ} 52' 33''$ East, a

Order No. C51207
Page No. 3

distance of 111.04 feet; thence North $51^{\circ} 45' 37''$ East, a distance of 193.26 feet to the West line of the Clifford Shaver Tract as described in Book 212, Page 152, Clackmas County Deed Records; thence North $00^{\circ} 22' 16''$ West along said West line 667.54 feet to the Northwest corner thereof; thence North $00^{\circ} 22' 16''$ West, a distance of 120.00 feet; thence North $89^{\circ} 27' 49''$ East, 188.70 feet to the West right-of-way line of Rose Lane (formerly Moses Road); thence North $00^{\circ} 22' 16''$ West along said West right-of-way line, 208.08 feet to the North line of the above mentioned Kolbe Tract; thence South $89^{\circ} 27' 49''$ West along said North line 1093.26 feet to the true point of beginning.

EXCEPTING THEREFROM the ownership of the State of Oregon in and to that portion of the premises herein described lying below the line of ordinary high water.

SURVEY

IN A PORTION OF THE
D.S. MINKLER D.L.C. IN SECTION 24,
T.3 S., R.1 W., W.M., CLACKAMAS CO., OREGON

INDICATES 12 MAY 1987
SCALE 1"=400' OCT 21 1987

NOTE: DEAD BEARING FOR E LINE OF CITY OF WILSONVILLE TRACT WOULD MISS 2.31 EAST OF "ROCK" POINT LINE AT WATER EDGE (AND 59' MAX) AND FOUND AS CALLED AT 1977 S.I. USED "EAST LINE" OF "BOONER" AS SENIOR LOCATION.

BOONER TO C/WILSONVILLE RECORDS FILE # 45-1912

EAST LINE "BOONER TRACT" BOOK 361, PAGE 127

165700
500°12'16"E 1672.39

41.537 ACRES

NOT INCLUDING 0.887 AC STIPES NOT INCLUDING ROAD RIGHT OF WAY LANE AND WILSONVILLE ROAD.
NOT INCLUDING 0.887 AC TRACT NOT INCLUDING 0.887 AC TRACT. DOUBLES AS ROAD AT INTERSECTION. ROAD (FOLLOWING) AND INTERSECTION TO AC STIPES BETWEEN MEADOWS LANE AND WILSONVILLE ROAD (NEAR NEW WATER MEADOWS).

STIPES TO ADJACENT BOOK 361, PAGE 127 (1977)

N00°22'16"W 667.54
586.93

U.S. SHIPPER TO CLIFFORD SHIPPER BOOK 312, PAGE 122 (SEE COUNTY SHIPPER #14) 2.8 AC.

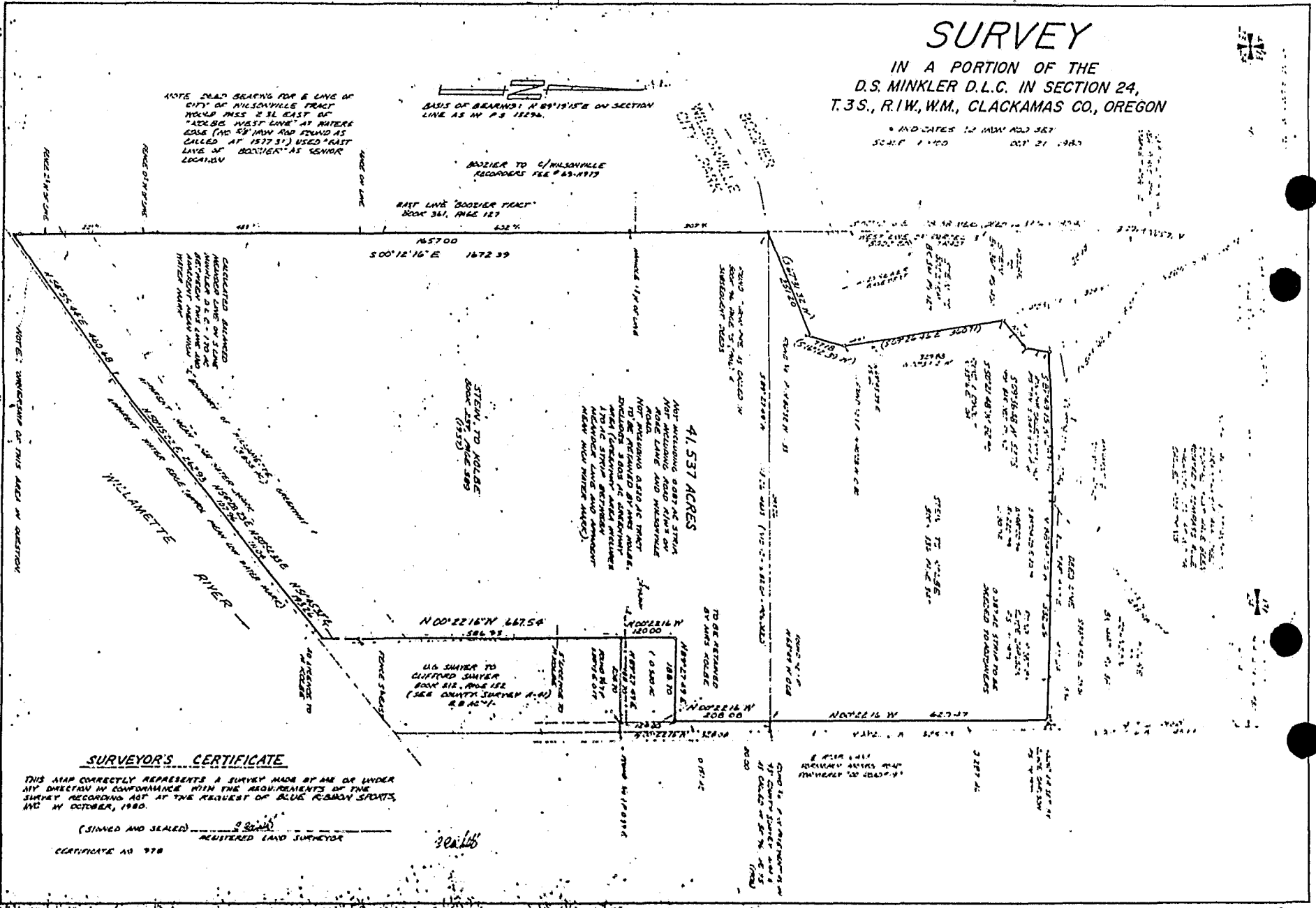
SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN COMPLIANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF BLUE ROBIN SPORTS, INC. IN OCTOBER, 1980.

(SIGNED AND SEALED) _____ REGISTERED LAND SURVEYOR

CERTIFICATE NO. 978

302.166



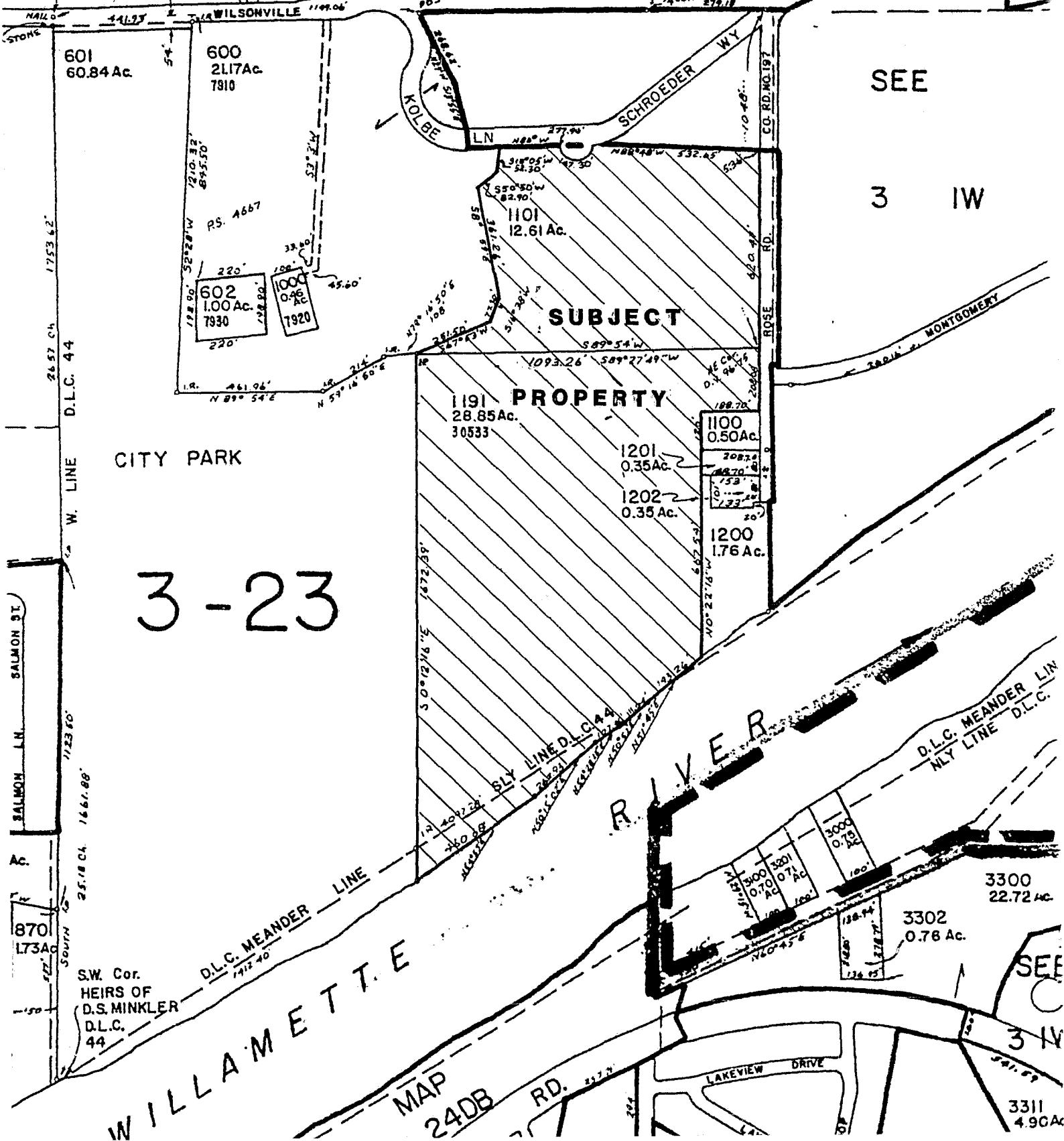
7500

MAP 3 IW 13

SEE MAP 3 IW 13CD

INT ELL Cor
D.L.C. 44

CO. RD. NO. 1208



CITY PARK

3-23

SUBJECT

PROPERTY

1191
28.85 Ac.
30533

1201
0.35 Ac.

1202
0.35 Ac.

1100
0.50 Ac.

1200
1.76 Ac.

3300
22.72 Ac.

3302
0.76 Ac.

SEE
3 IW

3311
4.90 Ac

WILAMETTE RIVER

MAP 24DB

RD.

LAKEVIEW DRIVE

S.W. Cor.
HEIRS OF
D.S. MINKLER
D.L.C. 44

SALMON LN

Ac.

870
L73Ac

South

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Wilsonville City Council has scheduled the first reading of an Ordinance to amend the Comprehensive Plan and Zoning Map for property owned by the city for Monday, April 1, 1991, at 7:30 p.m. at the City Hall Annex, 8445 SW Elligsen Road, Wilsonville, Washington and Clackamas Counties, Oregon, or to such other place or time to which the Council may adjourn. The City Council will set the second reading and public hearing at that time.

The application, initiated by the City of Wilsonville, requests the adoption of an Ordinance that would amend the Comprehensive Plan and the Zoning Map of the City of Wilsonville for the property owned by the City. The Comprehensive Plan amendment would change the property from "Commercial" to "Public" and the Zoning Map would be changed from PDC (Planned Development Commercial) to PF (Public Facility). The property is identified as Tax Lots 1101 and 1191, T3S-R1W, Section 24, Clackamas County, Oregon and is generally located east of Wilsonville Memorial Park, north of the Willamette River, west of Rose Lane and south of Wilsonville Road. The requested change also amends "AREAS OF SPECIAL CONCERN - AREA 3" and repeals Ordinance No. 176.

Applicable criteria for this review is set forth in Section One of the Wilsonville Comprehensive Plan (Plan Amendments). Copies of the criteria and the proposed Ordinance are available for review at the City Hall located at 30000 SW Town Center Loop East. All testimony and evidence shall be directed to the applicable criteria or the person providing testimony shall state which other criteria they believe applies to this application. Personal copies may be obtained at a cost of 10 cents per page.

Inquiries should be directed to Wayne Sorensen, Planning Director, at 682-4960 or Vera Rojas, City Recorder at 682-1011. Public testimony, oral and written, will be accepted at the hearing. Written statements are encouraged and may be submitted to the City Recorder prior to the hearing date.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215, REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

**EXCERPT FROM PLANNING COMMISSION MEETING OF
FEBRUARY 28, 1991:**

**MEMORIAL PARK - CITY OF WILSONVILLE - Request to Amend the
City's Comprehensive Plan and Zone Map for 41.5 acres of property**

Wayne Sorensen explained this was the land acquired by the City after a bond levy. It is the site of the former Nike property. Pointing to a map, Mr. Sorensen noted that the areas in red on the map were the areas generally depicted on the Comprehensive Plan as being commercial. This area was designated as Area of Special Concern no. 3. When the ordinance was adopted changing the Plan and zone designation to commercial for Nike, 20 different Conditions of Approval were also adopted. The new ordinance before you tonight changes only the "red area" to a Public designation and changes the zone for the entire property to PF (Public Facility). Verbage has been added which relates to preservation of the wetlands. This does not adopt the Master Plan for any portion of Memorial Park. The Master Plan will come back to the Planning Commission for the western portion of the park.

Chairman Williams opened the public hearing and asked for proponents or opponents. Hearing none, the public hearing was closed.

Lew Hendershott moved to approve the Staff Resolution amending the City's Comprehensive Plan and Zone Map for 41.5 acres of the property. Arland Andersen seconded the motion which passed 6-0.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Wilsonville Planning Commission will hold a public hearing on Thursday, February 28, 1991, at 7:00 p.m. at City Hall, 30000 S.W. Town Center Loop East, Wilsonville, Clackamas County, Oregon, or to such other place to which the Commission may adjourn.

The application, initiated by the City of Wilsonville, requests the adoption of an Ordinance that would amend the Comprehensive Plan and the Zoning Map of the City of Wilsonville for property owned by the City. The Comprehensive Plan amendment would change the property from "Commercial" to "Public" and the Zoning Map would be changed from PDC (Planned Development Commercial) to PF (Public Facility). The property is identified as Tax Lots 1101 and 1191, T3S-R1W, Section 24, Clackamas County, Oregon and is generally located east of Memorial Park, north of the Willamette River, west of Rose Lane and south of Wilsonville Road. The requested change also amends "AREA OF SPECIAL CONCERN-AREA 3" and repeals Ordinance No. 176.

Applicable criteria for this review is set forth in Section One of the Wilsonville Comprehensive Plan (Plan Amendments). Copies of the criteria and the proposed Ordinance are available for review at the Planning Department located at 8445 S.W. Elligsen Road. All testimony and evidence shall be directed to the applicable criteria or the person providing testimony shall state which other criteria they believe applies to this application. Personal copies may be provided at a cost of 10 cents per page.

Inquiries should be directed to Wayne Sorensen, Planning Director, at 682-4960. Public testimony, oral and written, will be accepted at the hearing. Written statements are encouraged and may be submitted to the Planning Director prior to the hearing date.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

DATE: March 7, 1991

TO: Wilsonville City Council

FROM: FRIENDS OF GOAL FIVE
"Protecting Wilsonville's Natural Areas"

RE: Ordinance No. CB-0-150-91
Amendment to Comprehensive Plan for park zone change from
"commercial" to "public use".

Our group understood prior to the February 28, 1991 Planning Commission meeting that this Ordinance was merely a housekeeping matter to change the Comprehensive Plan to allow for park use consistent with the intent of the Council. We fully support such a change.

However, in reviewing the Ordinance in detail, we find that Design Objective No. 4 is inconsistent with council resolution No. CBR-475-90 regarding the timing of park development. At the January 22nd meeting of the City Council it was resolved that the development of the West side of Memorial Park should proceed on schedule while development of the East side was tabled indefinitely in lieu of further study. Design Objective No. 4 requires full simultaneous development of both sides. It is our recommendation that this Design Objective be deleted before adoption of the Ordinance since it is contrary to previous council decisions made following many hours of public debate.

Regarding Section 2, on page 3, we want to go on record that this section is somewhat vague, and should not be misconstrued as a directive to include playing fields, activity centers, and gardens. The planning process is still continuing, and in keeping with the passive intent of the East side, any of these uses may ultimately be found to be inappropriate.

Wayne,

See me about
the ordinance
as there are
some other
corrections.

Mike

FILE

City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

MEMORANDUM

TO: Mike Kohlhoff, Legal Counsel
Wilsonville Planning Commission

FROM: Wayne C. Sorensen, Planning Director *Wayne*

DATE: January 14, 1991

RE: Comprehensive Plan Map Amendment for Wilsonville
Memorial Park

As you are aware, the 40-acre parcel which the City acquired from Nike, Inc. was planned for commercial uses (at Nike's request) by Ordinance No. 176. This is reflected in the Comprehensive Plan as an "Area of Special Concern - Area 3" and is designated as "Commercial" on the Comprehensive Plan Map. An amendment to the Comprehensive Plan (text or map) may be initiated by the City Council, the Planning Commission or by a property owner. Such proposed amendments to the Plan may be considered at a regular or a special meeting to be held in February, August, October or December of any year.

It is readily apparent that the City acquired the Nike property with the specific intent that it be used for park and recreation purposes. The fact that the funding measure to purchase the site was approved by the voters leads one to believe that the citizens of Wilsonville strongly support the idea that the property should be used for park/recreation purposes. The current land use designation of "Commercial" is not compatible with the public ownership and proposed use. I would recommend that the 40-acre parcel be designated as "Public" on the Comprehensive Plan Map as is Memorial Park. This designation would be fully compatible with other current City ownership and proposed park use. The designation as an "Area of Special Concern" should be deleted or amended to reflect the change in ownership and use.

This proposed Plan change does not and will not conflict with the proposed Master Plan effort that the Parks Commission was undertaking. In fact, the required Zone Change, Willamette Greenway Conditional Use Permit and adoption of the overall Master Plan for Memorial Park will come before the Planning Commission and Wilsonville City Council at a later date. The exact timing of the later hearing dates have yet to be determined; however, the additional hearing may be scheduled as needed since those submittals are not controlled by the Comprehensive Plan. At this time, the sole planning process that could unduly delay the forthcoming Master Plan is the Comprehensive Plan Amendment. The additional public hearings required for the other planning submittals will adequately safeguard the overall public interest and afford ample opportunity for interested/concerned parties to provide input to the City's decision makers.

wcs:jme
cc: Pete Wall

City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

ADMINISTRATION DEPARTMENT
MEMORANDUM

DATE: JANUARY 17, 1991
TO: HONORABLE MAYOR AND CITY COUNCILORS
FROM: MICHAEL E. KOHLHOFF, CITY ATTORNEY
SUBJECT: NIKE PARK PROPERTY/COMPREHENSIVE PLAN MAP
AMENDMENT PROCESS

Part of the process outlined to the prior City Council for proceeding with the provision of parks and recreation development for Wilsonville Memorial Park involves the amending of the Wilsonville Comprehensive Plan Map to give the "Nike" property addition a public park and recreation land designation. This is in addition to going forth with the site development permit approval (i.e. Council as owner first has its Parks and Recreation Advisory Board conduct a public hearing process and recommend a conceptual master plan for Council approval, which Council, upon approval, directs to be presented to the Planning Commission, which conducts the public hearing planning process in two stages: the conceptual master plan against site development permit stage I preliminary criteria and then reviews more specific development plans against stage II criteria including greenway, flood plain, etc. conditions).

The 41+ acre site was acquired by the City for park and recreational uses in 1987. At that time and still currently the land was designated on the Comprehensive Plan Map as planned development commercial. In November 1987 the City adopted a public zoning district encompassing existing public lands and facilities. This should have encompassed the Nike property, but the Comprehensive Plan Map was not formally amended. As you are probably aware, a Comprehensive Plan consists of a textual portion and a map portion. When a land use is being changed that effects a change to the Comprehensive Plan, the planning process involves comparing the proposed change of use to the goals and objectives of the plan text. If it is found to meet the goals and objectives, then the associated Comprehensive Plan Map can be amended by the City Council after receiving the Planning Commission recommendations.

The Comprehensive Plan text has a detailed section devoted to park/recreation/open space. The property was purchased by the City with the knowledge of the park/recreation/open space elements of the Comprehensive Plan in mind. Thus, approval of the detail of park development at either the initial Council approval level, general level of a conceptual master plan at stage I, or the specific development of a stage II plan is not necessary for

Memorandum
Re: Nike Park Property
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amending the Comprehensive Plan Map since a use designation, not a development is involved. However, the reverse is different; either prior to or contemporaneously therewith, the Comprehensive Plan must designate the use before a site development approval can be legally effected.

The Comprehensive Plan limits Comprehensive Plan amendments to certain times of the year which past practice has interpreted to apply to Planning Commission hearings, February being one with the next being August. Originally, the process for the Comprehensive Plan Amendment involving the park property was to be contemporaneous with the stage I conceptual plan approval and a stage II, phase I detail plan approval process in order to catch this construction season, if approved, for the current ball field reconstruction.

However, in keeping with the earlier Council direction and since there is to be a February hearing upon a Comprehensive Plan Amendment involving an updating of the City's Transportation Plan, and since approval of a site development plan is not necessary to the process to amend the Comprehensive Plan Map to designate the Nike land as public land for park/recreation/open space rather than planned commercial development; planning staff is proceeding to process the Comprehensive Plan Map Amendment through the Planning Commission hearing process for recommendation to City Council.

This is basically a "housekeeping" matter. Nevertheless, planning staff is sensitive to the prior Council's tabling of the conceptual master plan for the new Council's review and desired I outline the background and process so it was understood that this action is and can be taken separately and apart from the master plan approval process. It is simply a necessary legal step to allow the use designation of the land as park/recreation/open space. It also keeps the window of opportunity open for construction cost savings should the master plan go forward in some form and be approved. However, if the Council does not desire planning staff to proceed, this information allows the Council an opportunity to direct planning not to proceed. I have not reviewed the ramifications, if any, such a direction might have on the consideration involved in the granting of the deed by Nike for public purposes if the land remains with a commercial Comprehensive Plan use.

mek:pjm

pc Pete Wall, City Manager
 Deborah Bleser, Parks & Rec. Director
 Wayne Sorensen, Planning Director

To: Wayne Sorenson
From: Deb Bleser, Parks + Rec. Director
Subject: Feb 1991 Planning Commission Meeting
Date: Jan. 8, 1991

The Parks + Recreation Advisory Board and staff requests to be placed on the Planning Commission meeting agenda for Feb. 11, 1991.

The management team and Walker + Macy discussed the park land issues be addressed at the Feb. Planning Commission on several different occasions. I realize that info. does need to be written and compiled for the Commission packets. Today is Jan. 8, 1991 I feel I have more time to complete this written packet. It amazes me that you, as Planning Director, deleted this agenda item from the Feb. agenda without even a phone call. I did contact Vera, city recorder, three weeks ago to request land deed + legal info. on this property.

The Parks + Recreation Advisory Board and staff would appreciate your guidance and assistance in successfully meeting our goals as it relates to land use/planning issues for Wilcoxville Memorial Park.

I look forward to meeting with you and Mike Kohloff in the next couple days to move forward on this situation.

cc Steve Starnes

cc Pete Wall

P.S. Sorry, I don't have a typist.