

RESOLUTION NO. 262

A RESOLUTION ADOPTING THE FINDINGS AND RECOMMENDATIONS OF THE PLANNING COMMISSION FOR A ZONE CHANGE FROM RA-1 TO PDI FOR THE NORTHEAST PORTION OF TAX LOT 100, T3S-R1W, SECTION 23BD AND AUTHORIZING THE PLANNING DIRECTOR TO AMEND THE OFFICIAL ZONING MAP AS INCORPORATED IN SECTION 4.102 OF THE WILSONVILLE CODE.

WHEREAS, William Jackson, represented by Petersen-Kolberg and Associates, has submitted planning exhibits for a zone change from RA-1 to PDI in accordance with the procedures set forth in Section 4.139(1) and (3) WC, and

WHEREAS, on April 12, 1982, the Planning Commission reviewed and approved said planning exhibits, further recommending to the City Council adoption of said zone change and amendment of the City Zoning Map, and

WHEREAS, under the provisions of Section 4.187 WC, the City Council considered adoption of a Zoning Order (No. 82-2). However, objections were received from the applicant with regard to specific Conditions of Approval recommended by the Planning Commission. Therefore, in accordance with the procedures of Section 4.187 WC, a public hearing was scheduled and held by the City Council on July 6, 1982, at which time the Planning Commission's recommendations, the Planning Director's recommendations, objections by the applicant and public testimony, were entered into the public record, and

WHEREAS, all objections entered into the public record were fully considered by the City Council who thereby adopted additional findings of interpretation of the Planning Commission's Conditions of Approval, thereby amending Condition No. 5, and

WHEREAS, the proposed zone change is found to be in compliance with the City's Comprehensive Plan and Zoning Regulations,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council does hereby adopt the zone change from RA-1 to PDI on the property herein described and does further authorize the Planning Director to amend the Zoning Mapas incorporated in Section 4.102 WC to reflect said change.

FINDINGS

The following findings are hereby adopted by the City Council and entered into the public record as consideration of the application as submitted for conformance with the City's Comprehensive Plan and Zoning Regulations.

1. That the City Council agrees with and accepts the Planning Commission's findings and recommendations, including Conditions of Approval, save and except Finding no. 4 and Condition no. 5. In this regard, the Council finds as follows:

A. The Council acknowledges the intent of the Planning Commission's Condition no. 5 to require the applicant to participate in street improvements and to withhold Building Permits until such time as funding for said improvements are confirmed to the extent that improvements will be in place within two years of occupancy. However, as specified in Finding no. 4, first paragraph, the Council finds that based on the Planning Director's testimony, the D level service requirement of the Planned Development Permit criteria for withholding a Building Permit does not take effect in this particular area due to traffic volumes.

The street problem related to Boones Ferry Road and 5th Street is the result of poor structural condition, rather than excessive volumes. In fact, based on traffic volumes alone, the existing service level is A. Therefore, the D level service limitation for issuance of a Planned Development Permit is satisfied.

However, the Council agrees with the Planning Commission in finding that the structural quality of Boones Ferry Road and 5th Street is not sufficient to withstand significant increases in traffic volume, particularly trucks which could be generated from the subject site. Therefore, in order to mitigate this problem, while not unnecessarily restricting the improvement of the subject property, towards the economic gain of the owner and the general improvement of the neighborhood, the Council finds that it would be consistent with the intent of the Comprehensive Plan and Capital Improvements Plan to allow development to proceed

provided temporary improvements can be made to upgrade the west side of the street to improve the maintenance life for a three-to-five year period and that the applicant agree to participate in future street improvements through an LID or whatever method the City determines appropriate.

2. That based on the City Council's amendment to the Planning Commission's findings, the Council finds it necessary to amend Condition of Approval no. 5 as specified in the Planning Commission Resolution to read as follows:

5. That prior to the issuance of a Building Permit for improvements to the subject property in accordance with the Planned Development Permit, approved by the Planning Commission, the applicant work with the City and Clackamas County to provide temporary street improvements to the west side of Boones Ferry Road north of 5th Street from 5th Street to the existing improvements south of the Post Office and to 5th Street from Boones Ferry Road to the railroad tracks, and that said improvements be made prior to occupancy of the remodeled structure on the subject site.

3. That based on findings 1 and 2 above, and the City's overall interest in improving streets within the Old Town area, Council finds it appropriate for the City to proceed with the scheduling and financing of full-street improvements throughout the Old Town area.

Council further finds that under separate action the Council has directed City staff to prepare the necessary documents for further consideration of initiation of street improvements in this area.

EXHIBITS

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

1. Planning Commission Resolution and administrative record for the zone change as

herein described dated April 12, 1982.

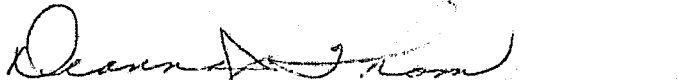
2. Letter from William Jackson to City Council dated May 10, 1982.

3. City Council's administrative record and public testimony submitted on July 6, 1982, for the subject zone change.

Adopted by the Wilsonville City Council at a regular meeting thereof this 19th day of July, 1982, and filed with the Wilsonville City Recorder this same day.


William G. Lowrie, Mayor

Attest:


City Recorder

CITY OF WILSONVILLE

MEMO

July 15, 1982

DATE

TO: MAYOR AND CITY COUNCIL

FROM: BEN ALTMAN, PLANNING DIRECTOR

SUBJECT: COUNCIL'S AMENDED FINDING ON AGUILERA ZONE CHANGE
IN REFERENCE TO JACKSON ZONE CHANGE

As there were questions raised about the findings on the Aguilera Zone Change, below is a copy of that section of Ordinance #206, adopting the zone change, with the amending findings of Council.

ning Commission's Findings, Conclusions and Recommendations as set forth in its Resolution, save and except it amended the final paragraph of Finding No. 5, page 3, to read as follows:

"That the Planning Commission is particularly concerned that an LID might adversely affect current residential lots along Boberg Road and notes that it is also the intent of the City's Comprehensive Plan to preserve the Walnut Park Mobile Home Development as a needed housing type";

and further it amended the second from the last paragraph from Finding No. 5, page 3, to read:

"That the Council finds that the Comprehensive Plan requires assurance that adequate public facilities be planned and scheduled prior to final development plan approval (Stage II approval). The Council further confirms the Commission's finding that because Boberg Road is an industrial collector, adequate provisions for truck maneuvering would require at least a 24 foot pavement section as an interim improvement. The Council further finds, however, that it may be more practical to initiate an LID to reconstruct the entire street to a full planned 'D' standard. Since the applicants have not yet submitted a Stage I preliminary plan, there is ample time for the City to evaluate and schedule the appropriate street improvements and to determine the method of financing said improvements prior to Stage II application";

and further to amend Condition of Approval No. 5 to read:

"5. That arrangements for adequate street improvements be specified and confirmed as part of the submittal of Stage II Final Development Plans for the subject property."

and further to amend Condition of Approval No. 6 to read:

"6. Any outstanding legal matters with the City be resolved prior to second reading of this Ordinance."

A copy of the Planning Commission's Resolution is set forth in Exhibit "B", attached hereto and incorporated by reference as if fully set forth herein, and is expressly made a part of this Ordinance.

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's Zoning Ordinance No. 154, and re-adopted as part of the Wilsonville Code, 1981, Chapter 4, 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 and upon final reading and enactment of this Ordinance, said property shall thereupon be classified as 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 following conditions:

1. That this zone change will expire within two years of the final approval by the City Council if substantial development has not occurred.