

**ORDINANCE NO. 864**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE WASHINGTON COUNTY FUTURE DEVELOPMENT – 20 ACRE (FD-20) ZONE TO THE PLANNED DEVELOPMENT INDUSTRIAL – REGIONALLY SIGNIFICANT INDUSTRIAL AREA (PDI-RSIA) ZONE ON APPROXIMATELY 8.17 ACRES GENERALLY LOCATED BETWEEN SW GARDEN ACRES ROAD AND SW GRAHAMS FERRY ROAD; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 100, SECTION 3D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON. BTC III GRAHAMS FERRY IC LLC, APPLICANT.**

WHEREAS, certain real property within the Coffee Creek Industrial Area is being annexed into the City; and

WHEREAS, the City of Wilsonville desires to have the property zoned consistent with the Wilsonville Comprehensive Plan Map designation of “Industrial” and the Metro Title 4 Map Designation of Regionally Significant Industrial Area; and

WHEREAS, the Zone Map Amendment is contingent on annexation of the property to the City of Wilsonville, which annexation has been petitioned for concurrently with the Zone Map Amendment request; and

WHEREAS, the property is located within the Coffee Creek Industrial Area for which the City adopted the Coffee Creek Master Plan on October 15, 2007, and the Coffee Creek Industrial Design Overlay District on February 22, 2018, intended for application to the Master Plan area; and

WHEREAS, pursuant to Section 4.197 of the Development Code the City Council shall review quasi-judicial Zone Map Amendments in the Coffee Creek Industrial Design Overlay District without prior review or recommendation by the Development Review Board where only one option exists for a Zone Map Amendment consistent with the Comprehensive Plan Map; and

WHEREAS, pursuant to Section 4.197 of the Development Code this Zone Map Amendment ordinance expires 120 days from its effective date unless a Stage II Final Plan for the subject area is approved by the City; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for City Council, finding that the application met the

requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, included as Exhibit B; and

WHEREAS, on May 2, 2022, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record, including the City Council staff report; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code.

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

1. FINDINGS.

The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Exhibit B, as if fully set forth herein.

2. DETERMINATION.

The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the property to the City, by Zoning Order DB21-0084, attached hereto as Exhibit A, from the Washington County Future Development - 20 Acre (FD-20) Zone to the Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA) Zone.

3. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall be 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 meeting thereof on the 2<sup>nd</sup> day of May, 2022, and scheduled the second reading on the 16<sup>th</sup> day of May, 2022, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:  
*Kimberly Veliz*  
E781DE10276B498...  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

ENACTED by the City Council on the 16<sup>th</sup> day of May, 2022, by the following votes:

Yes: 5 No: 0

DocuSigned by:  
*Kimberly Veliz*  
E781DE10276B498...  
\_\_\_\_\_  
Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 16<sup>th</sup> day of May, 2022.

DocuSigned by:  
*Julie Fitzgerald*  
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\_\_\_\_\_  
JULIE FITZGERALD, Mayor

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

Exhibits:

- A. Zoning Order DB21-0084 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Zone Map Amendment Findings

**BEFORE THE CITY COUNCIL OF  
THE CITY OF WILSONVILLE,  
OREGON**

In the Matter of the Application of )  
BTC III Grahams Ferry IC LLC )  
for a Rezoning of Land and Amendment ) **ZONING ORDER DB21-0084**  
of the City of Wilsonville Zoning Map )  
Incorporated in Section 4.102 of the )  
Wilsonville Code. )

The above-entitled matter is before the Council to consider the application of DB21-0084, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached legal description and sketch, has heretofore appeared on the Washington County zoning map Future Development – 20 Acre (FD-20).

The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 8.17 acres generally located between SW Garden Acres Road and SW Grahams Ferry Road comprising Tax Lot 100, of Section 3D, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Planned Development Industrial – Regionally Significant Industrial Area (PDI-RSIA), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order. This Zone Map Amendment expires 120 days from adoption unless a Stage II Final Plan for the subject area is approved by the City.

Dated: This 16<sup>th</sup> day of May, 2022.

DocuSigned by:  
*Julie Fitzgerald*  
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\_\_\_\_\_  
JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

DocuSigned by:  
*Amanda Guile-Hinman*  
EFBAEBA702E1407...  
\_\_\_\_\_  
Amanda Guile-Hinman, City Attorney

ATTEST:

DocuSigned by:  
*Kimberly Veliz*  
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\_\_\_\_\_

Kimberly Veliz, City Recorder

Attachment: Legal Description and Sketch Depicting Land/Territory to be Rezoned



6950 SW Hampton St., Ste. 170  
Tigard, OR 97223-8330  
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www.weddlesurveying.com

December 3, 2021

Job No. 6155

LEGAL DESCRIPTION - ANNEXATION



*Michael Rennick*



RENEWS: DECEMBER 31, 2022

### EXHIBIT "A"

A tract of land for City Annexation purposes located in the SE 1/4 of Section 3, Township 3 South, Range 1 West, W.M., Washington County, Oregon, described as follows:

Being that tract of land described as Parcel I in Warranty Deed to the Eileen Rychlick Trust recorded 12/10/1998 as Document No. 98139844, a 50% interest of which was conveyed to Gary S. Rychlick and Susan M. Rychlick, in Warranty Deed recorded March 11, 2019 as Document No. 2019-013886, Washington County Deed Records, more particularly described as follows:

Beginning at the intersection of the Westerly right-of-way line of S.W. Garden Acres Road (20.00 feet from centerline) and the Southerly right-of-way line of S.W. Cahalin Road (20.00 feet from centerline), thence along said Southerly right-of-way line, North 88°18'06" West, 462.94 feet to a point on the Easterly right-of-way line of S.W. Grahams Ferry Road, 20.00 feet from centerline;

Thence leaving said Southerly right-of-way line along said Easterly right-of-way line, South 25°27'26" West, 604.87 feet to a point on the Northerly line of that tract of land described in Statutory Warranty Deed to JDF Properties, LLC, recorded July 1, 2019 as Document No. 2019-042152, said County Records;

Thence leaving said Easterly right-of-way line along said Northerly line and the Northerly line of that tract of land described in Statutory Warranty Deed to C & L Lang, LLC, recorded December 26, 2018 as Document No. 2018-086143, said County Records, South 81°17'56" East, 715.97 feet to the Westerly right-of-way line of said S.W. Garden Acres Road, 20.00 feet from centerline;

Thence along said Westerly right-of-way line, North 01°20'28" East, 640.91 feet to the Point of Beginning. Containing therein 8.166 acres, more or less.

TOGETHER WITH that portion of the full width right-of-way of SW Graham's Ferry Road abutting the Westerly line of the above described tract of land.

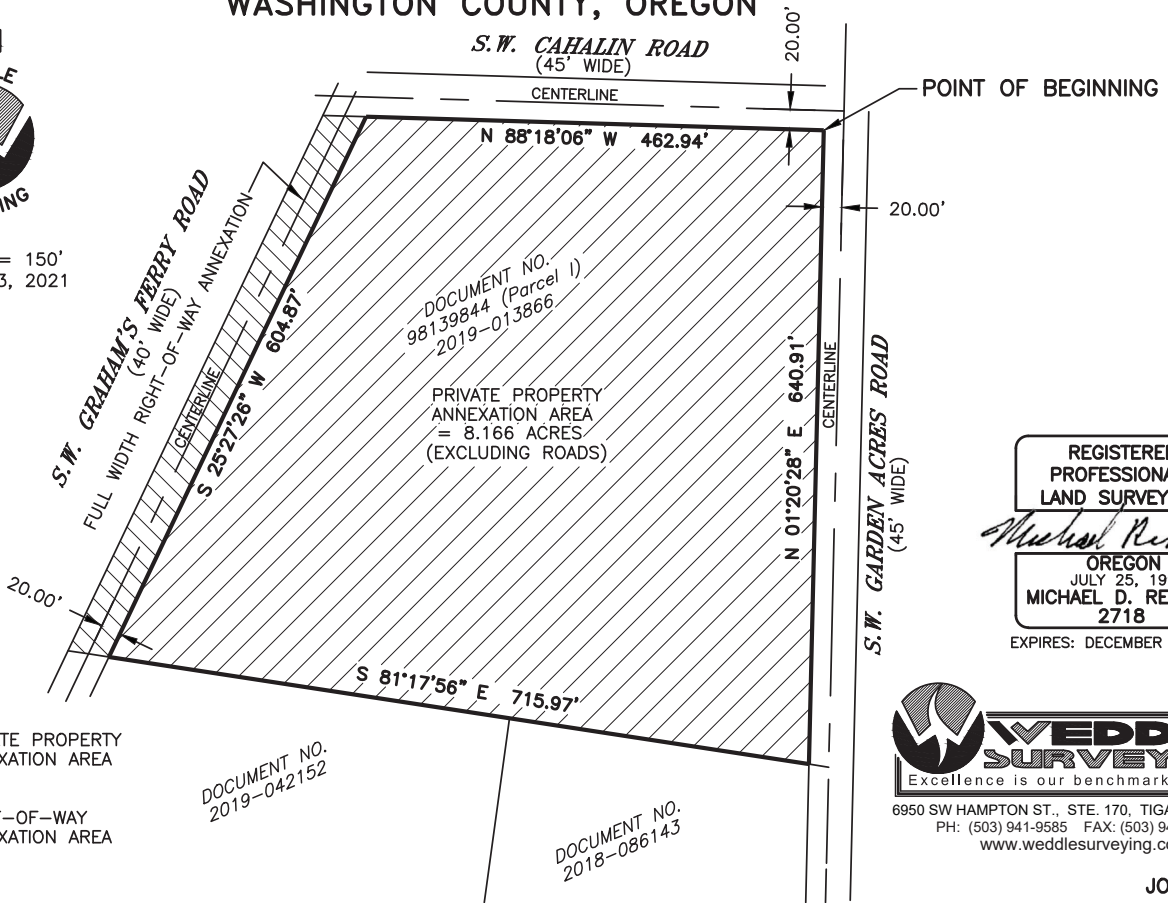
The Basis of Bearing for this description is per Survey No. 34147, Washington County Survey Records.

# EXHIBIT "B"



A TRACT OF LAND LOCATED IN  
THE SE 1/4 OF SECTION 3  
T.3S., R.1W., W.M.  
WASHINGTON COUNTY, OREGON



SCALE: 1" = 150'  
DECEMBER 3, 2021



### LEGEND

-  PRIVATE PROPERTY ANNEXATION AREA
-  RIGHT-OF-WAY ANNEXATION AREA

REGISTERED PROFESSIONAL LAND SURVEYOR

*Michael D. Rennick*

OREGON  
JULY 25, 1995  
MICHAEL D. RENNICK  
2718

EXPIRES: DECEMBER 31, 2022

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Ordinance No. 864 Exhibit B  
Zone Map Amendment Findings

Black Creek Group Industrial Project

City Council  
Quasi-Judicial Public Hearing

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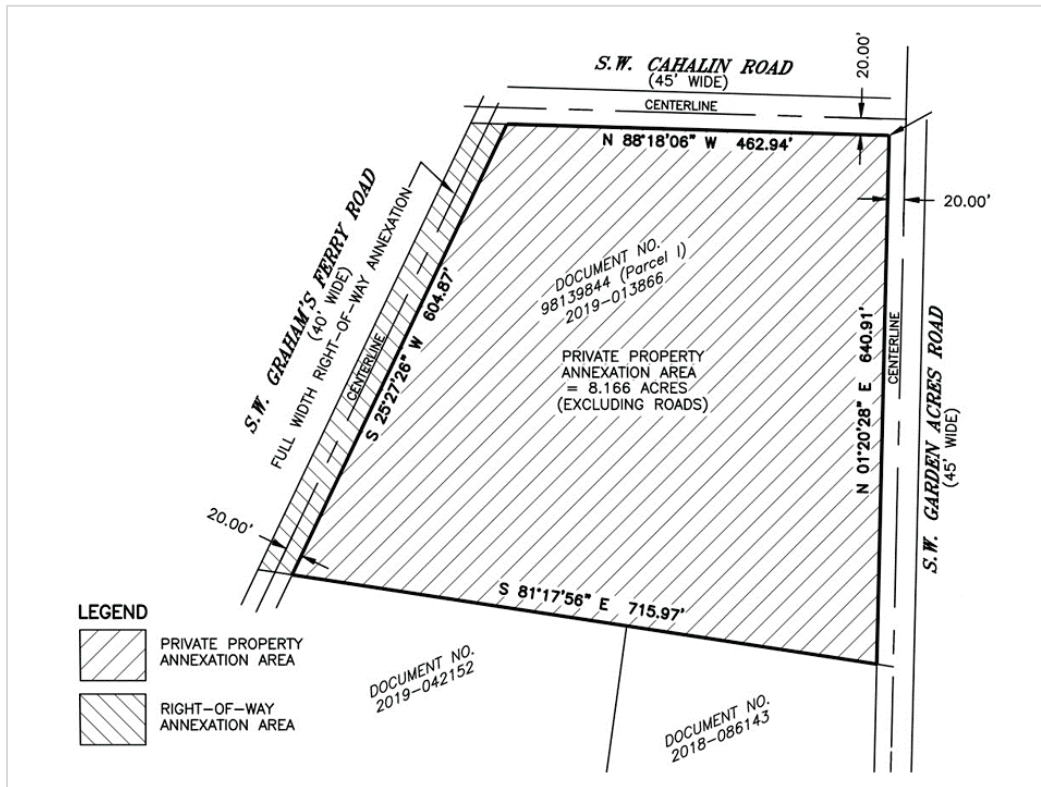
<b>Hearing Date:</b>	May 2, 2022
<b>Date of Report:</b>	April 25, 2022
<b>Application Nos.:</b>	DB21-0084 Zone Map Amendment
<b>Request/Summary:</b>	City Council Approval of a quasi-judicial zone map amendment of approximately 8.17 acres.
<b>Location:</b>	25020 and 25190 SW Grahams Ferry Road. The property is specifically known as Tax Lot 100, Section 3D, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon
<b>Owner:</b>	Gary S. Rychlick as Trustee of the Eileen Rychlick Trust, and Gary S. and Susan M. Rychlick as individuals
<b>Applicant:</b>	BTC III Grahams Ferry IC LLC (Contact: Chris Sanford)
<b>Applicant's Representative:</b>	<b>Mackenzie (Contact: Lee Leighton, AICP)</b>
<b>Comprehensive Plan Designation:</b>	Industrial
<b>Zone Map Classification (Current):</b>	FD-20 (Future Development – 20 Acre)
<b>Zone Map Classification (Proposed):</b>	PDI-RSIA (Planned Development Industrial – Regionally Significant Industrial Area)
<b>Staff Reviewer:</b>	Cindy Luxhoj AICP, Associate Planner
<b>Staff Recommendation:</b>	<u>Adopt</u> the requested Zone Map Amendment.



**Applicable Review Criteria:**

<b>Development Code:</b>	
Section 4.110	Zones
Section 4.134	Coffee Creek Industrial Design Overlay District
Section 4.135.5	Planned Development Industrial – Regionally Significant Industrial Area Zone
Section 4.197	Zone Changes
<b>Comprehensive Plan and Sub-elements:</b>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
Coffee Creek Master Plan	
<b>Regional and State Law and Planning Documents</b>	
Statewide Planning Goals	

**Vicinity Map**



**Summary:**

The applicant, BTC III Grahams Ferry IC LLC, requests a zoning designation consistent with the proposed Comprehensive Plan Map designation of "Industrial". In addition to the Comprehensive Plan Map designation of "Industrial", Metro's Title 4, Industrial and Other Employment Areas Map shows the property as a "Regionally Significant Industrial Area." Consistent with this designation the applicant proposes the property be zoned as Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA).

**Conclusion and Conditions of Approval:**

Staff recommends approval with the following conditions:

Request: DB21-0084 Zone Map Amendment

<b>PDB 1.</b>	This action is contingent upon annexation of the subject property to the City of Wilsonville (DB21-0083).
<b>PDB 2.</b>	The Zoning Order adopting this zone map amendment will expire in 120 days without approval of a Stage II Final Plan for the subject property.

## Findings of Fact:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

### General Information

#### Application Procedures-In General Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

#### Initiating Application Section 4.009

The owners of all property included in the application signed the application forms. BTC III Grahams Ferry IC LLC initiated the application with their approval.

### Request: DB21-0084 Zone Map Amendment

#### Development Code

##### Zoning Consistent with Comprehensive Plan Section 4.029

**B1.** The applicant is applying for a zone change concurrently with a Stage I Master Plan for the entirety of the subject property and Stage II Final Plan for a planned development on the property. The property is designated "Industrial" by the Comprehensive The applicant requests a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of Planned Development Industrial - Regionally Significant Industrial Area (PDI-RSIA) is consistent with the Comprehensive Plan "Industrial" Designation. Metro's Title 4, Industrial and Other Employment Areas Map shows the property as a "Regionally Significant Industrial Area".

##### Base Zones Subsection 4.110 (.01)

**B2.** The requested zoning designation of Planned Development Industrial - Regionally Significant Industrial Area "PDI-RSIA" is among the base zones identified in this subsection.

## Overlay Zones

Subsection 4.110 (.02)

- B3.** The Coffee Creek Industrial Design Overlay District applies to properties zoned PDI-RSIA in the Coffee Creek Industrial Area and will apply to the subject property upon rezoning.

## **Standards for Planned Development Industrial-Regionally Significant Industrial Area Zone**

### Purpose of PDI-RSIA

Subsection 4.135.5 (.01)

- B4.** The zoning will allow only industrial uses consistent with the purpose stated in this subsection.

### Uses Typically Permitted

Subsection 4.135.5 (.03)

- B5.** The proposed zoning will allow only uses consistent with the list established in this subsection.

## **Zone Map Amendment Criteria**

### Zone Change Procedures

Subsection 4.197 (.02) A. 1.-3.

- B6.** The request for a zone map amendment has been submitted as set forth in the applicable code sections. The property is located within the Coffee Creek Industrial Design Overlay district and will be reviewed by City Council without prior review or recommendation by the Development Review Board. The Zoning Order adopting this zone map amendment will expire in 120 days without approval of the Stage II Final Plan. Expiration is not anticipated as a public hearing is scheduled for May 23, 2022, before the Development Review Board to approve the Stage II final plan and other development related approvals.

### Conformance with Comprehensive Plan Map, etc.

Subsection 4.197 (.02) B.

- B7.** The proposed zone map amendment is consistent with the Comprehensive Map designation of "Industrial".

### Public Facility Concurrency

Subsection 4.197 (.02) C. 4. and 8.

- B8.** As part of Stage II Final Plan reviews, concurrency standards are or will be applied to projects in the area being rezoned. Based on existing nearby utilities and utility master plans, the transportation master plan, and the Coffee Creek Master Plan, necessary facilities are or can be made available for development of the subject property consistent with the proposed zoning.

### Impact on SROZ Areas

Subsection 4.197 (.02) E.

**B9.** No Significant Resource Overlay Zone (SROZ) is within the area to be rezoned.

### Development within 2 Years

Subsection 4.197 (.02) F.

**B10.** Concurrently submitted land use approvals for the Black Creek Group Industrial project expire after two (2) years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years, allowing related land use approvals to expire, the zone change shall remain in effect. The applicant indicates they will begin development within two (2) years.

### Development Standards and Conditions of Approval

Subsection 4.197 (.02) G.

**B11.** As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.