

AFFIDAVIT OF POSTING

ORDINANCE #120


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:

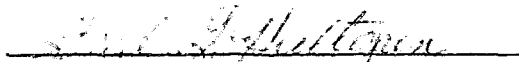
On the 13th day of March, 1979 I caused to be posted copies of the attached Ordinance #120, an ordinance amending the zoning map of the City of Wilsonville (application of Loren V. Flomer; RA01 to I-1), in the following four public and conspicuous places of the City, to wit:

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 March, 1979.

  
DEANNA J. THOM, City Recorder

Subscribed and sworn to before me this 10 day of March, 1979.

  
NOTARY PUBLIC, STATE OF OREGON  
My commission expires: May 10, 1981

ORDINANCE NO. 120

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of Loren V. Flomer; RA-1 to I-1)

WHEREAS, an application was filed with the Wilsonville City Recorder, on October 30, 1978 by Loren V. Flomer on behalf of himself as current owner and Olson/Lindquist as contract purchasers of the hereinafter described property for the purpose of changing the classification of the zone in which said property is located from Clackamas County zone RA-1 (Rural Agricultural) to a city I-1 zone (Industrial Park). The application fee as required by Section 17.01 of Ordinance No. 23 (the City's zoning ordinance) has been paid. The following is a description of the real property, consisting of approximately 1.82 acres (79,280 square feet) for which the application for a zone change was filed, to-wit:

South half of Tax Lot 301 in Southeast quarter of Section 11, Township 3 South, Range 1 West of the Willamette Meridian, Wilsonville, Clackamas County, Oregon.

WHEREAS, the Wilsonville City Planning Commission, before taking final action on said application, and the proposed amendment, scheduled and held a public hearing on the matter as required by Section 11.02 of the Zoning Ordinance No. 23, and said hearing was held on Monday, December 11, 1978 and the Notice of the time, place and purpose of the said hearing was duly and regularly given by publishing in the Tigard Times, a newspaper of general circulation in the City of Wilsonville, not less than five days prior to the date of hearing and by written notice mailed by the City Recorder to all owners of property within 250 feet of the exterior boundaries of the property affected not less than ten days prior to the date of hearing as required by Section 14.01(1)(A) and (B) of the Zoning Ordinance No. 23, and the Newspaper's Affidavit of publication and the City Recorder's

Affidavit of mailing are on file in the City Recorder's records and file of this zone change matter; and

WHEREAS, the City of Wilsonville Planning Commission met at the time and place of public hearing on such matters, i.e., Monday, December 11, 1978, and heard and considered testimony regarding the proposed zone change, and upon conclusion of the hearing, by motion duly made, seconded and carried, recommended to the Wilsonville City Council that the proposed zone change be allowed, so as to change the zoning of the property from RA-1 (Rural Agricultural) to I-1 (Industrial Park); and

WHEREAS, the Wilsonville City Council considered the matter and the recommendations of the Planning Commission at a public hearing which was duly and legally called and held on Tuesday, February 20, 1979, after proper notice thereof was first duly given in the manner and for the time required by Section 14.01 of the zoning ordinance and proof of the mailing of notice by the City Recorder to the property owners within 250 feet of the exterior boundaries of the affected property and by publication of notice of said hearing in the Tigard Times, a newspaper of general circulation in Wilsonville, Oregon, is on file in the office of Wilsonville City Recorder at the Wilsonville City hall and is a part of the records and file of this matter; and

WHEREAS, proponents and opponents were given an opportunity to be heard regarding the proposed zone change, and after further consideration of the matter and due deliberation on the report and recommendations of the City Planning Commission, the Wilsonville City Council by motion duly made, seconded and carried, determined as follows:

1. The proposed zone change is in accordance with the existing zoning ordinance and comprehensive plan.
2. There is a public need for the change.

3. The public need is better served by the proposed zone change on the subject property rather than on other property.

4. The change will preserve and protect the health, safety and general welfare of the residents in the area.

5. The proposed zone change conforms to the goals and guidelines of the Land Conservation and Development Commission (LCDC).

THE WILSONVILLE CITY COUNCIL MADE THE AFORESAID FINDINGS  
BASED UPON THE FOLLOWING FACTS:

1. That the Wilsonville Comprehensive General Plan Map (Ordinance No. 58) identifies the site in question as Industrial Park under the industrial land use category and, therefore, the proposed I-1 zoning classification is in complete compliance with the adopted land use policies and zoning regulations of the City of Wilsonville.

2. That existing industrial land uses within the immediate vicinity are compatible with the proposed use; and the north half of this same tax lot 301 is now city zoned PC&I (Planned Commercial and Industrial).

3. That the property in question is located within the urban growth boundary for the City of Wilsonville in that the site is located near the I-5 interstate freeway and towards the center of the urban growth area.

4. That urban facilities, such as water, sewer, and transportation are available to the site for immediate use and that the use of urban facilities represents an orderly pattern of growth in the industrial area.

5. That the schedule of development for the industrial use coincides with the anticipated residential growth for the City of Wilsonville, thereby assuring a reasonable balance for demand of urban services between the residential and industrial zones for the City of Wilsonville.

6. That the proposed land use represents a diversification in industrial growth which will result in a broader spectrum of employment opportunities for the public.

7. That the industrial use of the property in question will add to the assessed evaluation for the West Linn School District, which is considered by the City of Wilsonville to be in the interest of the general public.

8. That provisions for the widening of Parkway Avenue have been provided for by the property owner through the proposed dedication of a 14' wide corridor extending parallel with Parkway Avenue for the entire frontage of the site.

9. That the site development plan, as required through the PC&I zoning process, identifies a system of development for off-street parking, landscaping, building placement, and vehicular access which is consistent with the PC&I zoning process as identified in Section 13.04 of Ordinance No. 23.

10. That points of access/egress on the property are in compliance with standards established by Clackamas County Department of Public Works and are located to insure adequate site distance clearance for safe fields of vision.

11. That public testimony by the applicant and representatives of Olson/Lindquist has been entered into the public record together with planning exhibits (site development plan and Fasano requirements) in support of the zone change and have been deemed by the Planning Commission and City Council to be acceptable in relation to the degree of the proposed land use intensification and anticipated impact on the surrounding area.

12. The Planning Commission's recommendation of approval and the City Council's approval of this zone change for industrial park use for the subject property which is less than 3 acres is permitted subject to Planning Commission review pursuant to the provisions of Zoning Ordinance No. 23, section 5.04, paragraph 5(A).

NOW, THEREFORE,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: That the zoning map of the City of Wilsonville dated June 11, 1971, and adopted as a part of the city's Zoning Ordinance No. 23 adopted on the same date, shall be and the same is hereby amended and changed so that the zone boundaries of the I-1 (Industrial Park) shall now include the real property heretofore described, and upon the adoption of this ordinance, said property shall thereupon be classified as I-1 (Industrial Park) and not as an RA-1 (Rural Agricultural) zone, subject however to those conditions hereinafter set forth in Section 2 of this Ordinance.

Section 2: (Conditions of the zone change).

1. That the property owner submit to the City Attorney's office all required legal documents for the dedication to the public for the additional 14' of right-of-way as indicated on the site development plans for the widening of Parkway Avenue.

2. That no outdoor storage be authorized or permitted on the premises and that all off-street parking areas and vehicular maneuver areas are included as part of this condition.

3. That the City's building official and the City's consulting engineer, Westech, approve all construction plans for the improvement of on-site drainage facilities and site preparation which might effect the drainage of the subject property.

It is further conditioned that the site development plans be reviewed by the Design Review Board in compliance with

Ordinance No. 38 to identify fully all existing natural drainage systems and drainage improvements as part of the site development plans.

4. That the applicant obtain an access permit from the appropriate governmental unit for access onto Parkway Avenue and said permit is required prior to the issuance of any building permit by the City of Wilsonville.

It is further conditioned that all public utility improvements, as required by Clackamas County, be coordinated with the development of the site, or based on the construction schedule as established by Clackamas County.

5. That no on-site advertising fronting the I-5 freeway be authorized or permitted and that any advertising for sign identification features for buildings on the property is subject to review and approval of the Design Review Board prior to the issuance of a building permit for any structure.

6. That final approval for the landscaping and architectural features of any structure is to be given by the Design Review Board and the site development plans as submitted as part of the I-1 zone change application shall be entered into the City's public record of this matter as a planning document and exhibit identifying minimum on-site standards of development and the final approval of said plans is to be given by the Design Review Board.

7. That all landscape improvements as approved by the Design Review Board shall be maintained through the placement of an irrigation system, which is to be reflected on the site development plans as submitted in accordance with the provisions of Ordinance No. 38.

8. That no on-site excavation or site preparation be authorized or permitted until such time as the Design Review Board has approved site development plans in accordance with Ordinance No. 38 and has approved the issuance of a building permit.

9. That all building plans shall be reviewed and approved by the Tualatin Rural Fire Protection District as coordinated through the City of Wilsonville Building Official.

10. That the issuance of building permits for any structure on the subject property is subject to the provisions and limitations as set forth in Ordinance No. 112 and No. 113.

11. That the placement of all authorized tree plantings are subject to the standards as set forth in the tree planting exhibit which was approved by the Planning Commission on December 11, 1978 after its hearing on this matter.

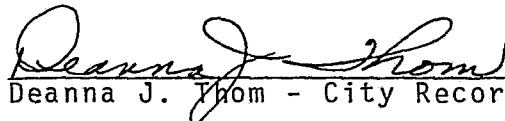
12. That the landscaping improvements be completed as approved by the Design Review Board prior to the issuance of any occupancy permit for any structure and if the season is inappropriate, then a performance bond shall be posted with the City as required by Ordinance No. 38.

Section 3: No building or other permits shall be issued for development of the property until compliance with the conditions of Section 2 of this Ordinance have been certified to the City Council by the City Administrator.

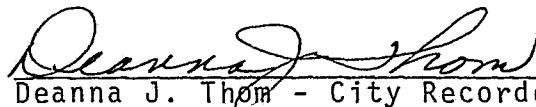
Section 4: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City's zoning map in compliance with the dictates of Section 1 of this Ordinance.

Section 5: It being deemed by the Wilsonville City Council that an emergency exists, this ordinance shall take effect immediately upon its final reading and passage by the Wilsonville City Council.

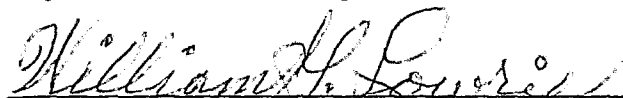
Submitted to the Council and read the first time at a regular meeting of the Council on the 5th day of March, 1979 and scheduled for second reading at a special meeting of the Council on the 19th day of March, 1979 commencing at the hour of 7:30 o'clock p.m. at the Council's special meeting place at the Wilsonville "Old City Hall".

  
Deanna J. Thom - City Recorder

ENACTED by the Council on the 19th day of March, 1979 by the following vote: YEAS 5. NAYS 0.

  
Deanna J. Thom - City Recorder

DATED and SIGNED by the Mayor this 19th day of March, 1979.

  
William G. Lowrie - Mayor