

AFFIDAVIT OF POSTING

ORDINANCE # 121


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:

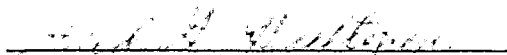
On the 13th day of March, 1979 I caused to be posted copies of the attached Ordinance #121, an ordinance amending the zoning map of the City of Wilsonville (application of Lewis Electrical Contractors, Inc.; RA-1 to PC&I), in the following four public and conspicuous places of the City, to wit:

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 13 day of March, 1979.


NOTARY PUBLIC, STATE OF OREGON
My commission expires: March, 1981

ORDINANCE NO. 121

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of Lewis Electrical Contractors, Inc.; RA-1 to PC&I)

WHEREAS, an application was filed with the Wilsonville City Recorder, on November 2, 1978 by Donald E. Lewis, President of Lewis Electrical Contractors, Inc., an Oregon corporation and current owner 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 PC&I (Planned Commercial and Industrial). 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 1+ acres (140.52 feet frontage x 310-foot depth) for which the application for a zone change was filed, to-wit:

Tax Lot 403 in Section 14A, Township 3 South, Range 1 West of the Willamette Meridian in 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 continued to, resumed on and concluded at the regular Planning Commission meeting on January 8, 1979. 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 the initial 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 hearings on such matters, i.e., Monday, December 11, 1978, and again on January 8, 1979 and heard and considered testimony regarding the proposed zone change, and upon conclusion of the hearings, 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 County Zone RA-1 (Rural Agricultural) to City Zone PC&I (Planned Commercial and Industrial); and

WHEREAS, the Wilsonville City Council considered the matter and the recommendations of the Planning Commission and the staff reports, submittals of the applicant and the testimony of the proponents (there were no opponents) at a public hearing which was duly and legally called and held during a regular meeting of the Council on Tuesday, February 20, 1979. Proper notice of said hearing 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 as well as others 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 Planned Commercial and Industrial under the industrial land use category and, therefore, the proposed PC&I zoning classification is in 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 of a new office/warehouse for Lewis Electrical Contractors, Inc. and includes warehousing for a sheet-metal shop.
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 necessary and adequate public access to the property will be assured with the condition of this zone change approval as hereinafter required in the "conditions" of the zone change.

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 public testimony by the applicant has been entered into the public record together with planning exhibits, site development plans and Fasano requirements, all of which fully support the zone change request and have been deemed by the Planning Commission and the City Council to be acceptable in relation to the degree of the proposed land use intensification and anticipated impact on the surrounding area.

11. 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 PC&I (Planned Commercial and Industrial) zone shall now include the real property heretofore described, and upon the adoption of this ordinance, said property shall thereupon be classified as PC&I (Planned Commercial and Industrial) 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(s) complete the sewer to its property at its own expense in accordance with applicable City standards and specifications and under supervision of the City Engineer and subject to final approval of the City Engineer.

(The property(s) may elect to complete the necessary sewer installations under the provisions of City Ordinance No. 25 which permits recovery within a ten year period of a portion of the cost if and when other properties connect to the sewer.)


2. That the property owner(s) dedicate to the City for street right-of-way purposes a 20-foot strip to the west of the subject property.

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.

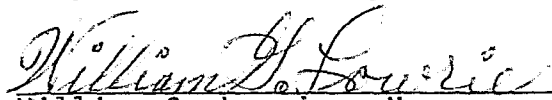
Submitted to the Council and read the first time at a regular meeting of the Council on the 5th day of March, 1979 and scheduled for second reading at a special meeting of the Council on the 19th day of March, 1979 commencing at the hour of 7:30 o'clock p.m. at the Council's special meeting place at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