

ORDINANCE NO. 134

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (APPLICATION OF WALTER WEST CONSTRUCTION COMPANY; RA-1 to PC&I)

WHEREAS, an application was filed with the Wilsonville City Recorder on April 20, 1979, by Walter L. West of Walter West Construction Company on behalf of and as agent for Barber Park, 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 & Industrial). The application fee as required by Section 17.01 of Ordinance No. 23 (the City Zoning Ordinance) has been paid. The following is a description of the real property consisting of approximately 20,400 square feet which is 100 feet x 207.74 feet rectangle with the narrow side fronting on County Road No. 1571, otherwise known as Barber Road. The property is also known and described as follows:

Tax Lot 1504, 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 June 11, 1979, and action on the application was tabled until the next Planning Commission Meeting because of the inconsistency in the road platting and the requirement that the applicants document the Fasano requirements and show how they have or will be met if the requested zone change is approved. 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 such 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 again in public hearing on July 9, 1979, and continued its review and consideration of this matter. During the course of the hearing the Planning Commission heard and considered testimony regarding the proposed zone change and the submittals of the applicant as well as staff reports and recommendations, and after the hearings which were concluded on July 9, 1979, by motion duly made, seconded and carried, recommended to the Wilsonville City Council that the proposed zone change be allowed (subject to conditions) so as to change the zoning of the property from County Zone RA-1 (Rural Agricultural) to City Zone PC&I (Planned Commercial & 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 Monday, August 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, is on file in the office of the

Wilsonville City Recorder, at the Wilsonville City Hall, and is a part of the records and file of this matter; and

WHEREAS, at the conclusion of the hearing on August 20, 1979, and final review of this matter, and after due deliberation on the reports 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 proposed zone 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 City of Wilsonville Comprehensive General Plan Map Ordinance #58 identifies the property in question as industrial park thereby authorizing the industrial land use classification as identified in Section 5.04 (I-1 Industrial Park District) of the City of Wilsonville Zoning Ordinance No. 23.

(2) That the Comprehensive General Plan identifies the property in question as being served by Barber Street which is identified as an existing east/west industrial collector street which intersects with Boones Ferry Road at the eastern terminus and Boberg Road on the west.

(3) The land use pattern of development within the immediate area identifies the Payless Regional Distribution Center to the

immediate south with the Wilsonville Veterinary Clinic fronting on the west side of Boberg Road and miscellaneous industrial uses within 1,000' of the site.

Recent Planning Commission and City Council action has changed zones for properties owned by Mr. and Mrs. Richard Brentano and the Sabre Construction Company to provide for eventual industrial use of land located to the west of Boberg Road. In addition, a PC&I zone change was granted to the Lewis Electrical Contractors Company followed by Design Review Board approval of site development plans for property north of the site and fronting on Boberg Road near the intersection of Boberg Road and Boeckman Road.

(4) That the site in question may be served by the existing municipal water system which indicates a 12" main running parallel with Barber Street.

(5) That the property may be served through the extension of a sewer line from intersection of Boberg Road and Barber Street.

(6) That the lot area of the property in question is 20,380 square feet with dimensions of 100'x 203.8'.

(7) That adequate drainage facilities will be available to the site through improvements made by the Payless Drug Company as required by Clackamas County Department of Environmental Services.

(8) That site development plans, as submitted by the applicant, identifies the placement of the proposed structure, off-street parking and landscaped areas together with access/egress, in a coordinated manner to complete a system of development for the site in question without adverse environmental impact on adjoining properties. Provisions have been made for additional right-of-way which will be dedicated to Clackamas County for eventual road improvements along the north side of Barber Road.

The warehouse and office structure, a combined facility, has been located towards the interior of the lot to make way for on-site landscaping and reduce the site distance clearance for automobiles

along the lot frontage.

(9) That planning documents have been entered into the record by the applicant confirming the need for a small warehouse/ office space in the Wilsonville area which coincides with the City's growth pattern for residential uses which have been noted by the Planning Commission to-wit: Willamette Village Planned Unit Development, Charbonneau Planned Unit Development, Parkwood Estates Planned Unit Development final recording of plat, Courtside Estates Planned Unit Development platting, approval of townhouses for Courtside Estates Planned Unit Development, Day Dream Ranch subdivision, the construction of the Wilsonville Apartment/Oak View Condominiums, the construction of Park Village Apartments.

(10) That the platting pattern for the area in question between Boberg Road and Boones Ferry Road north of Barber Street identifies a system of platting where various lot sizes exist thereby allowing for a variety of industrial land use type on properties less than three acres in size.

(11) The property in question is a lot of record thereby exempting the property from the three acre minimum requirement. In addition, the PC&I zone regulations authorize the Planning Commission to approve Stage II and Stage III site development plans on property less than three acres provided that reasonable site development plans can be implemented without adverse environmental impact.

(12) All findings of the Wilsonville City Planning Commission during and after its study of this matter and as shown in its' PLANNING COMMISSION RESOLUTION - WALTER WEST ZONE CHANGE REQUEST are approved and adopted in toto by the City Council as its own separate and independent findings.

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 & 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 & Industrial) and not as a County 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 a 12' strip of property fronting along the north side of Barber Street be dedicated to Clackamas County for the purpose of allowing for additional right-of-way for street improvements to implement the provisions of the City of Wilsonville Comprehensive General Plan Map Ordinance No. 58 which identifies the street in question as a collector street.

(2) That the property owner/applicant make provisions through the City of Wilsonville Superintendent of Public Works to identify and design means by which the property in question may be adequately drained to insure proper coordination between the subject site and existing storm drainage standards as adopted by the City of Wilsonville and the Clackamas County Department of Environmental Services This condition shall be coordinated through the City of Wilsonville Superintendent of Public Works.

(3) That Stage II and Stage III PC&I site development plans be prepared and submitted to the Planning Department for Planning Commission review and approval prior to the submission of site development plans to the Wilsonville Design Review Board.

It is the purpose of this condition to identify to the applicant that upon the change of zone by the Wilsonville City Council that

State II and Stage III site development plans will be required prior to final approval by the Design Review Board and that the Planning Commission will exercise its authority for the review of said plans under the provisions of Article 12 of the City of Wilsonville Zoning Ordinance No. 23.

(4) That Ordinance No. 112 and Ordinance No. 113 apply to the subject property and the issuance of a building permit thereon.

It is the purpose of this condition to advise all parties concerned that the City of Wilsonville is currently engaged in the administration of an Interim Growth Ordinance regulating the issuance of sewer hook-ups for residential, industrial/commercial and public and semi-public land uses. It is also the purpose of this condition to advise that Ordinance No. 113 applies a Systems Development Fee to all building permits issued by the City of Wilsonville for the purpose as described in said Ordinance.

(5) That the PC&I Stage II and Stage III site development plans identify the method of signing and advertising as proposed by the applicant.

It is the purpose of this condition to allow for the Planning Commission to review all signing of the premises in coordination with the Design Review Board and to be advised to the method by which the applicant proposes to identify the property and the industrial activities thereon.

(6) That the extension of the existing sewer system be implemented to the subject site and that said standards of construction, design, and installation be subject to the approval of the Superintendent of Public Works prior to the issuance of a building permit.

It is the purpose of this condition to identify to the applicant and the Planning Commission that the property in question may be served through the systematic and orderly extension of existing sewer lines and that the project will be administratively enforced

through the Superintendent of Public Works Office to assure a standard of development consistent with adopted policies of the City of Wilsonville.

(7) That no outdoor storage of heavy equipment or miscellaneous industrial materials be authorized without prior review and consent by the Wilsonville Planning Commission in accordance with the principles of the PC&I zone.

It is the purpose of this condition to control the potential for outdoor storage of industrial equipment which may happen during the normal course of events as the industrial area grows.

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 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 enactment by the Wilsonville City Council.

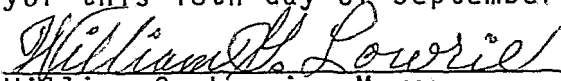
Submitted to the Council and read the first time at a regular meeting of the Council on the 4th day of September, 1979, and scheduled for second reading at a regular meeting of the Council on the 17th day of September, 1979, commencing at the hour of 7:30 o'clock P.M. at the Council's regular meeting place at the Wilsonville City Hall.


Deanna J. Thom, City Recorder.

ENACTED by the Council on the 17th day of September, 1979, by the following vote: YEAS 5 NAYS 0


Deanna J. Thom, City Recorder

DATED AND SIGNED by the Mayor this 18th day of September, 1979.


William G. Lowrie, Mayor