

AFFIDAVIT OF POSTING

ORDINANCE #139

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 14th day of November, 1979, I caused to be posted copies of the attached Ordinance #139, an Ordinance amending the zone map of the City of Wilsonville (Application of Boones Ferry Industries for Zone Change from RA-1 to I-2), 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 of said public hearing on the 19th day of November, 1979.

  
DEANNA J. THOM, City Recorder

Subscribed and sworn to before me  
this 14 day of November, 1979.

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

ORDINANCE NO. 139

AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF WILSONVILLE (Application of Boones Ferry Industries for Zone Change From RA-1 to I-2)

WHEREAS, an application was previously filed with the Wilsonville City Recorder by Vernon L. Burda, Paulina M. Burda and Theodore E. Lewis, representing Boones Ferry Industries, for the purpose of changing a classification of the zone for the applicant's property from RA-1 (Rural Agricultural) to an I-2 (Light Industrial) zone. 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, which consists of approximately 99,330 square feet, which is 301 feet x 330 feet, said property being further described as:

In the County of Clackamas and State of Oregon, a tract of land in Section 14, T.3 S., R.1 W., of the W.M., being a portion of Lot 12, Boberg, and more particularly described as follows: Beginning at the northwest corner of Lot 12, Boberg; thence East along the north line of said Lot 12, a distance of 302.10 feet to the northwest corner of that tract sold on Contract of Sale to Triad Construction, Inc., by instrument recorded September 21, 1972, Fee No. 72 28578; thence South along the west line of said Triad Construction tract, a distance of 330 feet to a point on the south line of said Lot 12; thence West along said south line 301.24 feet to the southwest corner of said Lot 12; thence North along the west line of said Lot 12, a distance of 330 feet to the place of beginning.

WHEREAS, the Wilsonville City Planning Commission 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 September 10, 1979, after notice of the time, place and purpose of said hearing was duly and regularly given as required by Section 14.01(1)(A) and (B) of the Zoning Ordinance No. 23; and

WHEREAS, the Wilsonville City Planning Commission after said hearing on September 10, 1979, reviewed the records and files of this matter and considered and discussed the submittals of the applicant and the reports of the planning staff and then upon conclusion of the hearing unanimously passed a motion approving

the requested zone change and recommended to the City Council that the change be made subject to certain conditions. The findings of the Planning Commission and its conditions of approval are set forth in the Planning Commission Resolution adopted at its meeting after such hearing on September 10, 1979; and

WHEREAS, the City Council met in regular session and public hearing on October 15, 1979, and reviewed the records and files of this matter and the findings, conclusions and recommendations of the Planning Commission and also the reports of City staff and the planning department and also heard and considered public testimony on the matter. There were no opponents to the proposed zone change and upon conclusion of the meeting/hearing, determined that the zone change request should be approved and in support of its decision adopted in toto an unnumbered Resolution entitled "PLANNING COMMISSION RESOLUTION, BOONES FERRY INDUSTRIES ZONE CHANGE RA-1 TO I-2, TAX LOT 1200, 3S1W14A". Said Resolution contains the Council's FINDINGS and the reasons for its decision which was made subject to "CONDITIONS OF APPROVAL", and said Resolution is attached hereto and by this reference and its attachment 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 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-2 (Light Industrial) zone shall now include the real property heretofore described and upon adoption of this ordinance said property shall thereupon be classified as I-2 (Light Industrial) and not as RA-1 (Rural Agricultural) zone, subject, however, to those conditions which were made "CONDITIONS OF APPROVAL" in the attached Planning Commission Resolution.

Section 2: No building or other permits shall be issued for development of the property until compliance with the "CONDITIONS OF APPROVAL" have been certified to the City Council by the City Administrator.

Section 3: 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 4: 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.

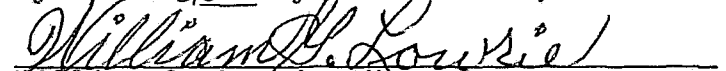
Submitted to the Council and read the first time at a regular meeting thereon on November 5, 1979, and scheduled for second reading at a regular meeting of the Council on the 19th day of November, 1979, commencing at the hour of 7:30 o'clock P.M., at the Wilsonville City Hall.

  
Deanna J. Thom, City Recorder

ENACTED by the Council on the 19th day of November, 1979, by the following vote: YEAS 3 NAYS 0

  
Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 20<sup>th</sup> day of November, 1979.

  
William G. Lowrie, Mayor

PLANNING COMMISSION RESOLUTION

BOONES FERRY INDUSTRIES

ZONE CHANGE RA-1 TO I-2

TAX LOT 1200, 3S1W14A

WHEREAS, Vernon L. Burda, representing Boones Ferry Industries, has filed a zone change request on properties herein described from RA-1 to I-2, said property consisting of 99,330 square feet, and

WHEREAS, the change of zone would, if approved, authorize the expansion of Saturn Manufacturing, Inc., presently located on the adjoining property, the immediate need being for a structure of approximately 10,000-12,000 square feet for manufacturing, warehousing and inside storage, and

WHEREAS, upon the approval of the zone change request, the applicant is prepared to immediately present plans for Design Review Board approval, and

WHEREAS, the zone change request, together with the applicant's supporting documentation, public testimony and findings, as developed by the Wilsonville Planning Department, have been entered into the public record and referred to the Planning Commission at a regularly scheduled meeting conducted on August 10, 1979, and

WHEREAS, the Wilsonville Planning Commission deems it appropriate to refer to the City Council the zone change request based on the existing testimony and findings as entered into the public record and referred to herein, now, therefore,

BE IT HEREBY RESOLVED that the Wilsonville Planning Commission does recommend to the City Council the zone change from RA-1 to I-2 in accordance with the amendment procedures as set forth in Section 11.02 of the City of Wilsonville's zoning ordinance #23:

1. The following procedure shall be followed in applying for the acting on all amendments:

A. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within forty (40) days after the hearing, provide a report and recommendation to the City Council regarding the proposed amendment.

BE IT FURTHER RESOLVED that the Planning Commission's recommendation for approval, as stated herein, is based on the following findings and conditions of approval.

FINDINGS

1. That the City of Wilsonville Comprehensive General Plan Map Ordinance #58 identifies the property in question as being classified as Industrial under the Industrial Park category.

In addition, it is noted by the Planning Commission that Boberg Road, a designated collector street with a 40' right-of-way serves the property in question north from Barber and south from Boeckman Road.

The Planning Commission further finds that certain properties have been required to dedicate additional right-of-way for future widening of the road as anticipated industrial traffic increases as a result of intensified industrial use of the area.

Past Planning Commission recommendations for zone changes have included conditions for the dedication for additional right-of-way on properties

fronting on Boberg Road which included dimensions of 22' on the west side and 20' on the east side. While the exact dimension of the improvements have not been officially determined due to Boberg Road existing under Clackamas County jurisdiction, the City has gone on record as requiring additional right-of-way at the time of zone changes in order to assure adequate road surface and to treat all property owners and/or developers consistently by requiring additional right-of-way dedication at the time of the request for the change in land use classification.

2. That the property in question is currently served by a 14" water main running parallel with Boberg Road north from Barber Street to Boeckman Road.

It is noted by the Planning Commission that the size of water main is sufficient to service a variety of industrial uses and to provide the volume of water required for fire fighting within industrial zones and to extend to various undeveloped properties on a regional basis.

3. That the property in question may be served by an existing 12" sewer line running parallel with Boberg Road.

It is found by the Planning Commission that the Lewis Electric Zone Change from RA-1 to PC&I had as a condition of approval the extension of the existing sewer line north along Boberg Road to the Lewis Electric site. The extension, together with the existing sewer facility, will assure adequate sewer services not only to the property in question but along the length of Boberg Road with the exception of those properties north of Lewis Electric.

4. That the property in question is within the Seely Ditch drainage basin (S-4).

At this time, it has not yet been determined as to whether improvements required by Clackamas County would include the installation of storm drainage pipe along Boberg Road which ultimately would tie into the storm drainage facility recently improved by the Payless Drug Company running parallel with Barber Street.

The Planning Commission finds that the final improvement of the site would be in accordance with the Design Review Board procedures and standards of development as set forth in Ordinance #38.

According to a topographical evaluation of the property, the high point of the site is 170' with a low elevation of 162.8' which slopes in a westerly direction towards Boberg Road.

The Planning Commission further finds that through the administration of Ordinance #113, the City will be assured of adequate funds to schedule the necessary off-site improvements for the maintenance of existing drainage systems. In addition, the Design Review Board's policy to date has been to require that on-site water retention systems be included as part of the applicant's site development plans to assure proper drainage of storm water run-off upon full development of the site.

5. That surrounding land use patterns of industrial property fronting on Boberg include Lewis Electric (currently under development), Payless maintenance facility, and Utility Vault. In addition, recent zone changes for Sabre Construction, Richard Brentano, and the Payless regional warehouse distribution facility and the Walter West Construction Company make up a pattern of industrial development within the region which is compatible with the zone change as requested. The expansion of the existing I-2 zone to the west, therefore, represents an orderly pattern of zoning which is compatible with surrounding industrial land uses.

However, the Walnut Park mobile home court does reflect the type of non-conforming residential land use which, upon the full development of the industrial park area, may suffer the consequences of industrial traffic and related activities considered to be detrimental to residential uses.

However, the plan of development extending north from Wilsonville Road to Boeckman Road and west from Boones Ferry Road to Seely Ditch calls for the eventual industrial utilization of properties.

The Planning Commission finds that while the continued use of the Walnut Park mobile home facility would not be jeopardized through the expansion of existing industrial uses on neighboring properties, the issue of its non-conforming status in relation to the Comprehensive General Plan should be included as part of the Comprehensive Plan update.

6. That the traffic circulation system represents a reasonable alignment for access to Boones Ferry Road and the Stafford interchange to the north and Wilsonville Road intersection to the south.

The Planning Commission recognizes that while Boberg Road remains in a state of substandard repair in terms of industrial use, that the established access to the I-5 freeway via the interchanges as stated allows for the efficient movement of industrial goods.

The eventual improvement of Boberg Road to accommodate industrial traffic, while the right-of-way remains under Clackamas County jurisdiction, will most likely take place over an extended period of time since the County has not demonstrated a obvious ambition to create local improvement districts for road improvements.

In the meantime, the City is confronted with the option of allowing the road improvements to take place incrementally as property develops or to assume the jurisdiction of the road right-of-way in order that a local improvement district may be formed for industrial users thereby upgrading the standard of paved right-of-way, increasing the safety factor and escalating the rate of improvement through the local improvement process.

At this time, the Planning Commission does not recommend a change in jurisdiction over the right-of-way until a more obvious saturation of industrial uses takes place and the need for road improvements becomes more apparent.

7. The Planning Commission finds that the request, as submitted by the applicant, is reasonable and timely by virtue of the zone change documentation as submitted.

The Planning Commission finds that the applicant has submitted an analysis of the existing industrial uses within the City of Wilsonville.

The Planning Commission notes that the property in question is indeed irrevocably committed to industrial development in accordance with the Comprehensive General Plan and present land use trends as indicated throughout the area.

The Planning Commission acknowledges that the property is not effected by Goal 4 (Forest Land) in that the property does not contain existing or potential land suited for commercial forest use and that the size of the property will not jeopardize and local or regional system of conservation through the protection of known wildlife on the premises.

The Planning Commission also finds that the property has not been designated for open space, scenic or historic purposes and that the conservation of natural resources does not apply to the property due to a lack of documented existing minerals, wildlife or other such natural features qualifying the site as a known natural resource.

The Planning Commission further finds that based on the existence of available municipal water and sewer services to the premises, that the environmental factors pertaining to the public health, safety and welfare will be accommodated through the treatment of all effluent originating from the site, the control of land uses through the administrative enforcement of the City of Wilsonville Zoning Ordinance #23 pertaining to I-2 uses and the enforcement of various environmental laws regulating the particulate matter originating from the site.

The Planning Commission further finds that the request is in compliance with Goal #7 & #8 in that the property is not subject to any known physical impediments which might result in earthquakes, floods and/or landslides and that the recreational needs of the community have been adequately planned for through the development of the park system and policy for the creation of open space which is being implemented through the City's Planned Unit Development Regulations.

The Planning Commission also notes that while the industrial use of the site in question will not specifically add to the overall economy of the state, that it is reasonable to assume the local economy will benefit through the creation of jobs and commercial activity stemming from the generation of revenues produced by industrial goods.

In addition, the assessed evaluation of the property will increase by virtue of the zone change from RA-1 to I-2.

The Planning Commission finds that Goal #10 will not be directly effected since the City of Wilsonville has recently adopted zone changes for Courtside Estates Planned Unit Development, Wilsongreen Planned Unit Development, Parkwood Estates Planned Unit Development and the Willamette Village Planned Unit Development.

The Planning Commission further finds that the recent approval of the Montebello II subdivision and the continued growth of the Charbonneau Planned Unit Development will serve to provide necessary housing for the anticipated increase in employees.

The Planning Commission finds that the recently approved expansion of the sewer treatment plant and the sale of bonds, as authorized by the electorate, will allow for sufficient sewer capacity to serve the anticipated industrial uses included in the I-2 zone. In addition, the availability of domestic water for industrial uses will be available to the premises based on the existing reservoir capacity and the City's pumping capacity to regenerate the two existing water reservoirs located within the City.

8. That the existing transportation system will adequately serve to accommodate truck traffic moving to and from the site.

It is noted by the Planning Commission that the comments contained herein applying to the condition that Boberg Road and its alignment to Boeckman Road and Barber, together with access to the Stafford Interchange and Wilsonville Road, will accommodate the types of industrial uses scheduled for the property.

9. That the zone change request, together with the standards of development as set forth in the Wilsonville Design Review Board Ordinance #38, will allow for a reasonable degree of energy conservation as expressed in the applicant's zone change application.

10. That the zone change request is in compliance with Goal #14--Urbanization-- in that the property in question is centrally located to the City Limit lines and is classified for immediate development as industrial by virtue of access to urban services for water, sewer, electricity, transportation and other related urban services designed to accommodate urban growth.

#### CONDITIONS OF APPROVAL

The following conditions of approval are hereby adopted by the Wilsonville Planning Commission and recommended to the City Council to be included as part of the public record and zone change Ordinance.

1. That a 20' strip of land be dedicated to Clackamas County along the frontage of the property in question parallel with Boberg Road for the purpose of future road widening and to comply with the City of Wilsonville Comprehensive General Plan Map Ordinance #58.
2. That the applicant prepare and present to the Wilsonville Design Review



Board within a period of one year site development plans for on-site improvements in accordance with the provisions as set forth in Ordinance #38.

It is further conditioned by the Planning Commission that should one year lapse without the presentation of said plans to the Design Review Board that the applicant prepare and submit to the Wilsonville City Council a status report identifying the reasons why the property has not been developed.

It is the purpose of this condition to assure that the property in question will be utilized in accordance with the applicant's request and that the implementation of the City's planning program is monitored by the City Council in order to coordinate the schedule of improvements for public works facilities, i.e. water, sewer and street improvements (including road dedication).

3. That site development plans identify specifications for on-site water retention and those conditions applied by Clackamas County for the construction of off-site storm drainage facilities (if any).

It is the purpose of this condition to assure that the property in question is adequately drained at the time of development and that all on-site and off-site improvements for drainage are coordinated through the Design Review Board review process and the review of the City Engineer.

4. That the applicant acquire an encroachment permit from Clackamas County Department of Environmental Services prior to the submittal of site development plans to the Design Review Board.

It is the purpose of this condition to coordinate access to the property and to allow Clackamas County to review the applicant's proposed site development plans prior to their approval to the City of Wilsonville.

5. That the applicant contact and present to the Tualatin Rural Fire Protection District Fire Marshall site development plans for the purpose of the location of any required on-site improvements for fire hydrants, building location, on-site maneuver area, setbacks, etc.

6. That site preparation for the construction of industrial buildings, off-street parking and other miscellaneous improvements be delayed until such time as the Wilsonville Design Review Board has reviewed and improved site development plans for the property in question.

It is the purpose of this condition to allow for the applicant to develop site development plans in compliance with the City of Wilsonville Design Review Board Ordinance #38 and to prevent any unnecessary modifications to site contours, drainage patterns, or other miscellaneous in the natural characteristics of the property prior to Design Review Board approval.

It is noted by the Planning Commission that Ordinance #38 requires grading changes to be approved by the Design Review Board. Therefore, modifications to the natural contours of the property prior to the submittal and approval of site development plans will be considered out of sequence with the review process as set forth in Ordinance #38.

9. That any outside storage of materials be screened from Boberg & Boones Ferry Roads.

#### EXHIBITS

The following exhibits are hereby entered into the public record as confirmation of the Wilsonville Planning Commission's consideration of the application as submitted and in support of the various findings as set forth herein.

1. City of Wilsonville Comprehensive General Plan Map Ordinance #58.

It is the purpose of this document to identify and confirm that the property in question is classified as future industrial use.

2. City of Wilsonville Zoning Ordinance #23 Map & Text.

It is the purpose of this document to confirm that the property in question is currently zoned RA-1 and to enter into the public record the various industrially zoned property within the immediate vicinity.

3. City of Wilsonville existing sewer system exhibit.

It is the purpose of this document to confirm that the property in question may be served by the City's sewer system.

4. City of Wilsonville existing water system exhibit.

It is the purpose of this document to identify and confirm that the property in question may be served by an existing 14" water main running parallel with Boberg Road.

5. City of Wilsonville assessor's map 31W14A.

It is the purpose of this document to confirm the various plotting pattern for the area in question, to identify the property in question (Tax Lot 1200) and to confirm the adjusted road width for Boberg Road (40' with variations).

6. Robert E. Meyers storm drainage exhibits.

It is the purpose of said documents to confirm the drainage pattern serving the property in question.

7. Applicant's zone change application form.

It is the purpose of this document to confirm the zone change request as submitted by the applicant and to identify various physical characteristics of the site in question together with off-site improvements for roads and drainage courses.

8. Applicant's Fasano and LCDC statement.

It is the purpose of this document to confirm the applicant's response to the legal requirements as set forth by the Fasano decision and the various LCDC requirements for which the applicant is responsible to present to the Planning Commission in support of the request.

ACTION TAKEN BY THE PLANNING COMMISSION 9-10-79

Stan Maves moved that the Planning Commission recommend to City Council to approve the zone change as requested.

Helen Burns seconded the motion.

Helen Burns moved to amend that any outside storage of materials be screened from Boberg & Boones Ferry Roads.

Bob Dant seconded the amendment which passed 5-0.

The original motion passed 5-0.

RHM/lm  
9-5-79