

**ORDINANCE NO. 580**

**AN ORDINANCE AMENDING W. C. 4.116 (.05) - EXPANDING THE LIST OF EXCEPTIONS TO THE "COMPLETELY ENCLOSED BUILDING" REQUIREMENT FOR COMMERCIAL DEVELOPMENT IN ANY ZONE.**

WHEREAS, the Wilsonville Comprehensive Plan land use and development section encourages an attractive, functional and economically vital community and urges that shopping areas be pleasant environments to live near and to do business within; and

WHEREAS, commercial development is a major identifying feature in a community, offering impressions to residents and visitors alike of the quality of life available; and

WHEREAS, Comprehensive Plan Policy encourages commercial growth to serve local needs; and

WHEREAS, it is the City's desire to attract new business and encourage attractive commercial development to contribute to a vibrant economic condition; and

WHEREAS, the current code does not allow for such activities as outdoor dining and sales that when appropriately developed, can greatly contribute to a vibrant, economically sustained pedestrian-friendly commercial district; and

WHEREAS, it is in the best interest of the City and its citizens to allow these activities; and

WHEREAS, the existing code requires that "all businesses, service or processing, shall be conducted wholly within a completely enclosed building", with the exception of temporary uses, sale of automotive fuel and accessory items, and off-street parking and loading; and

WHEREAS, the proposed code amendment is intended to expand the list of exceptions, and clarify allowable outdoor commercial activities; and

WHEREAS, the public interest is served by clarifying the code to better express and expand the list of exceptions to the "completely enclosed building" standard of the Planned Development Commercial zone; and,

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

Section 1. Findings. The City Council hereby adopts as findings of facts the above recitals and that staff report in this matter dated March 28, 2005, attached hereto and incorporated herein as if fully set forth.

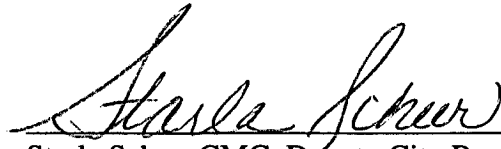
Section 2. Order. Wilsonville Code Section 4.116 (.05) is amended to read as follows:

A. **4.116 (.05). Standards Applying to Commercial Developments in any Zone.** Any commercial use shall be subject to the applicable provisions of this Code and to the following:

(.05) All businesses, service or processing, shall be conducted wholly within a completely enclosed building, except for:

- A. The sale of automotive fuel, lubricants and fluids at service stations.
- B. Car washes and car vacuum bays.
- C. Off-street parking for customers and employees and off-street loading.
- D. Outdoor seating areas associated with food and drink establishments on private property, or on public easements, provided the area and activities conform to ADA standards and do not interfere with public uses, safety, access or circulation.
- E. Exterior sales that are specifically authorized through temporary use permit approval, subject to conditions of approval. Exterior sales that may be permitted are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers' markets.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4<sup>th</sup> day of April, 2005, and scheduled for a second reading at a regular meeting of the Council on the 18th day of April, 2005, commencing at the hour of 7:00 P.M. at the Wilsonville Community Center.

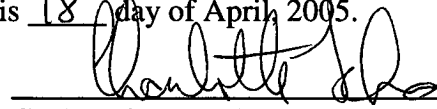
  
Starla Schur, CMC, Deputy City Recorder

Enacted by the City Council on the 18th day of April, 2005, by the following votes:

YEAS: 5 NAYS: 0

  
Starla Schur, CMC, Deputy City Recorder

DATED and signed by the Mayor this 18<sup>th</sup> day of April, 2005.

  
CHARLOTTE LEHAN, Mayor

**SUMMARY OF VOTES:**

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes

**DLCD NOTICE OF ADOPTION**

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: City of Wilsonville Local File No.: LP-2005-01-004 Ord.No. 580

(If no number, use none)

Date of Adoption: April 18, 2005 Date Mailed: April 19, 2005  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Feb. 17, 2005

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

A planning and land development ordinance text amendment to Section 4.116(.05)  
Standards applying to commercial development in any zone, broadening the  
exceptions list to the completely enclosed building standard.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from : N/A to \_\_\_\_\_

Zone Map Changed from: N/A to \_\_\_\_\_

Location: Commercial developments city-wide Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: #1 Citizen involvement

Was an Exception Adopted? Yes: \_\_\_\_\_ No: x

DLCD File No.: \_\_\_\_\_





## Affected State or Federal Agencies, Local Governments or Special Districts 8/27/02

Columbia Cable of Oregon	14200 SW Brigadoon Ct.		Beaverton	OR	97005
Tualatin Valley Water District	PO Box 745		Beaverton	OR	97095
Canby School District	1110 S Ivy Street		Canby	OR	97013
City Planner	City of Canby	182 N. Holly	Canby	OR	97013
Doug McClain	Clackamas Cty Planning Section Mgr	9101 SE Sunnybrook Blvd	Clackamas	OR	97015
William Graffi	Unified Sewerage Agency	155 N. First Avenue, Room 270	Hillsboro	OR	97124
Brent Curtis	Wash. County Planning Manager	155 N. First Avenue	Hillsboro	OR	97124
Portland General Electric	121 SW Salmon 1 WTC-9		Portland	OR	97204
BPA	PO Box 3621		Portland	OR	97208
Tom Simpson	NW Natural Gas	220 NW 2nd Avenue	Portland	OR	97209
Michael Dennis	Tri-Met Project Planning Dept	4012 SE 175th Avenue	Portland	OR	97202
Oregon Dept of Environ Quality	811 SW Sixth Avenue		Portland	OR	97204
Ray Valone	Metro	600 NE Grand Avenue	Portland	OR	97232
Manager, Community Development	Growth Management Services	600 NE Grand Avenue	Portland	OR	97232
Leo Huff	Metro	123 NW Flanders Street	Portland	OR	97209
John Lilly	ODOT	775 Summer Street, NE	Salem	OR	97310
Richard Ross	Division of State Lands	2575 Center Street NE	Salem	OR	97310
Bobbi Burton	Department of Corrections	2575 Center Street, NE	Salem	OR	97310
William Fujii, OWRD	Community Coordinator, Facilities Division	158 12th Street, NE	Salem	OR	97310
Sherwood School Dist Admin Office	Commerce Building		Sherwood	OR	97140
	400 N. Sherwood Blvd.				
	GTE	PO Box 23416	Tigard	OR	97281
Jim Jacks	City of Tualatin	18880 SW Martinazzi Avenue	Tualatin	OR	97062
Roger Woehl	West Linn/Wilsonville School District 3JT	PO Box 35	West Linn	OR	97068
	United Disposal Services	PO Box 186	Wilsonville	OR	97070
Jim Johnston	Portland General Electric	9540 SW Boeckman Road	Wilsonville	OR	97070



WILSONVILLE CITY COUNCIL  
NOTICE OF DECISION

**FILE NO:** LP-2005-01-004, Ordinance No. 580 An Ordinance Amending W. C. 4.116 (.05) - Expanding The List Of Exceptions To The "Completely Enclosed Building" Requirement For Commercial Development In Any Zone.

**PETITIONER:** City of Wilsonville

After conducting public hearings, the Wilsonville City Council voted to adopt Ordinance No. 580 as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as:

Ordinance o. 580 An Ordinance Amending W. C. 4.116 (.05) - Expanding The List Of Exceptions To The "Completely Enclosed Building" Requirement For Commercial Development In Any Zone.

And placed on file in the city records at the Wilsonville City Hall this 19<sup>th</sup> day of April, 2005, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of decision. Copies of Ordinance No. 579 may be obtained from the City Recorder, 30000 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506.

For further information, please contact Chris Neamtzu, Long Range Planner at the Wilsonville Planning Division, Community Development Annex, 8445 SW Elligsen Road, Wilsonville, OR 97070 or telephone (503) 682-4960.



Lou Fasano  
2455 SW Gregory Drive  
West Linn OR 97068

[the2bartons@verizon.net](mailto:the2bartons@verizon.net); [mark@wilsonvillechamber.com](mailto:mark@wilsonvillechamber.com); [tstaffenson@lambsmarkets.com](mailto:tstaffenson@lambsmarkets.com); [urban.solutions@verizon.net](mailto:urban.solutions@verizon.net); [bburns@burnsbros.com](mailto:bburns@burnsbros.com);  
[jbl@alpha-eng.com](mailto:jbl@alpha-eng.com); [mragdale@costapacific.com](mailto:mragdale@costapacific.com); [dsc@alpha-eng.com](mailto:dsc@alpha-eng.com); [pts@alpha-eng.com](mailto:pts@alpha-eng.com); [cbrown@legendhomes.com](mailto:cbrown@legendhomes.com);  
[dguthrie@westhillsdevelopment.com](mailto:dguthrie@westhillsdevelopment.com); [rkadlub@costapacific.com](mailto:rkadlub@costapacific.com); [michael@michaelsmithproperties.com](mailto:michael@michaelsmithproperties.com);

Bruce Barton, [the2bartons@verizon.net](mailto:the2bartons@verizon.net)  
Mark Ottenad, Chamber of Commerce, [mark@wilsonvillechamber.com](mailto:mark@wilsonvillechamber.com)  
Tanney Staffenson, Wilsonville Thriftway, [tstaffenson@lambsmarkets.com](mailto:tstaffenson@lambsmarkets.com)  
Ben Altman, Urban Solutions, [urban.solutions@verizon.net](mailto:urban.solutions@verizon.net)  
Bruce Burns, Argyle Capital, [bburns@burnsbros.com](mailto:bburns@burnsbros.com)  
Jim Lange, Alpha Engineering, Inc, [jbl@alpha-eng.com](mailto:jbl@alpha-eng.com)  
Mike Ragsdale, Costa Pacific Communities, [mragdale@costapacific.com](mailto:mragdale@costapacific.com)  
Stacy Connery, Alpha Engineering, Inc, [dsc@alpha-eng.com](mailto:dsc@alpha-eng.com)  
Paul Seilo, Alpha Engineering, Inc, [pts@alpha-eng.com](mailto:pts@alpha-eng.com)  
Craig Brown, Matrix Development Corp., [cbrown@legendhomes.com](mailto:cbrown@legendhomes.com)  
Don Guthrie, West Hills Development, [dguthrie@westhillsdevelopment.com](mailto:dguthrie@westhillsdevelopment.com)  
Rudy Kadlub, Costa Pacific Communities, [rkadlub@costapacific.com](mailto:rkadlub@costapacific.com)  
Michael Smith, Michael Smith Properties, [michael@michaelsmithproperties.com](mailto:michael@michaelsmithproperties.com)

**King, Sandy**

---

**From:** Straessle, Linda  
**Sent:** Monday, April 18, 2005 2:10 PM  
**To:** King, Sandy  
**Subject:** LP0504 Interested pp ml.doc

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linda.

4/18/2005

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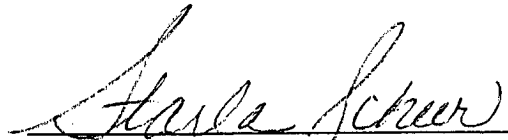
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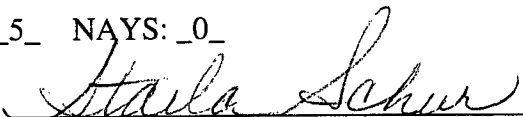
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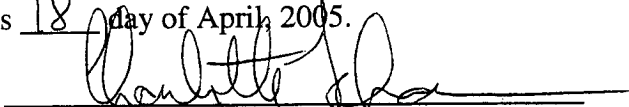
  
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Enacted by the City Council on the 18th day of April, 2005, by the following votes:

YEAS: 5 NAYS: 0

  
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DATED and signed by the Mayor this 18<sup>th</sup> day of April, 2005.

  
CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes

**D L C D NOTICE OF ADOPTION**

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(See reverse side for submittal requirements)

Jurisdiction: City of Wilsonville Local File No.: LP-2005-01-004 Ord.No. 580  
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Zone Map Changed from: N/A to \_\_\_\_\_

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Specify Density: Previous: N/A New: N/A

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Was an Exception Adopted? Yes: \_\_\_\_\_ No: x

DLCD File No.: \_\_\_\_\_







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Doug McClain	Clackamas Cty Planning Section Mgr	9101 SE Sunnybrook Blvd	Clackamas	OR	97015
William Graffi	Unified Sewerage Agency	155 N. First Avenue, Room 270	Hillsboro	OR	97124
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3000 SW Town Center Loop E  
Wilsonville, Oregon 97070  
(503) 682-1011  
(503) 682-1015 Fax  
(503) 682-0843 TDD

WILSONVILLE CITY COUNCIL  
NOTICE OF DECISION

**FILE NO:** LP-2005-01-004, Ordinance No. 580 An Ordinance Amending W. C. 4.116 (.05) - Expanding The List Of Exceptions To The "Completely Enclosed Building" Requirement For Commercial Development In Any Zone.

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[jbl@alpha-eng.com](mailto:jbl@alpha-eng.com); [mragdale@costapacific.com](mailto:mragdale@costapacific.com); [dsc@alpha-eng.com](mailto:dsc@alpha-eng.com); [pts@alpha-eng.com](mailto:pts@alpha-eng.com); [cbrown@legendhomes.com](mailto:cbrown@legendhomes.com);  
[dguthrie@westhillsdevelopment.com](mailto:dguthrie@westhillsdevelopment.com); [rkadlub@costapacific.com](mailto:rkadlub@costapacific.com); [michael@michaelsmithproperties.com](mailto:michael@michaelsmithproperties.com); ;

Bruce Barton, [the2bartons@verizon.net](mailto:the2bartons@verizon.net)  
Mark Ottenad, Chamber of Commerce, [mark@wilsonvillechamber.com](mailto:mark@wilsonvillechamber.com)  
Tanney Staffenson, Wilsonville Thriftway, [tstaffenson@lambsmarkets.com](mailto:tstaffenson@lambsmarkets.com)  
Ben Altman, Urban Solutions, [urban.solutions@verizon.net](mailto:urban.solutions@verizon.net)  
Bruce Burns, Argyle Capital, [bburns@burnsbros.com](mailto:bburns@burnsbros.com)  
Jim Lange, Alpha Engineering, Inc, [jbl@alpha-eng.com](mailto:jbl@alpha-eng.com)  
Mike Ragsdale, Costa Pacific Communities, [mragdale@costapacific.com](mailto:mragdale@costapacific.com)  
Stacy Connery, Alpha Engineering, Inc, [dsc@alpha-eng.com](mailto:dsc@alpha-eng.com)  
Paul Seilo, Alpha Engineering, Inc, [pts@alpha-eng.com](mailto:pts@alpha-eng.com)  
Craig Brown, Matrix Development Corp., [cbrown@legendhomes.com](mailto:cbrown@legendhomes.com)  
Don Guthrie, West Hills Development, [dguthrie@westhillsdevelopment.com](mailto:dguthrie@westhillsdevelopment.com)  
Rudy Kadlub, Costa Pacific Communities, [rkadlub@costapacific.com](mailto:rkadlub@costapacific.com)  
Michael Smith, Michael Smith Properties, [michael@michaelsmithproperties.com](mailto:michael@michaelsmithproperties.com)

**King, Sandy**

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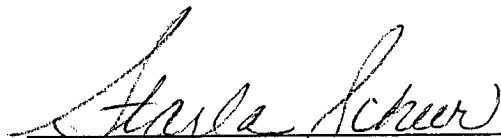
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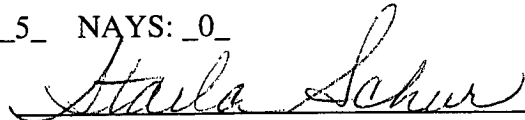
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- D. Outdoor seating areas associated with food and drink establishments on private property, or on public easements, provided the area and activities conform to ADA standards and do not interfere with public uses, safety, access or circulation.
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SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4<sup>th</sup> day of April, 2005, and scheduled for a second reading at a regular meeting of the Council on the 18th day of April, 2005, commencing at the hour of 7:00 P.M. at the Wilsonville Community Center.

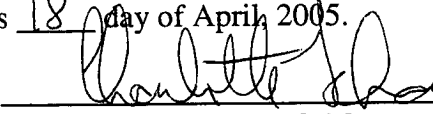
  
Starla Schur, CMC, Deputy City Recorder

Enacted by the City Council on the 18th day of April, 2005, by the following votes:

YEAS: 5 NAYS: 0

  
Starla Schur, CMC, Deputy City Recorder

DATED and signed by the Mayor this 18<sup>th</sup> day of April, 2005.

  
CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes

**ORDINANCE NO. 580**

**AN ORDINANCE AMENDING W. C. 4.116 (.05) - EXPANDING THE LIST OF EXCEPTIONS TO THE "COMPLETELY ENCLOSED BUILDING" REQUIREMENT FOR COMMERCIAL DEVELOPMENT IN ANY ZONE.**

WHEREAS, the Wilsonville Comprehensive Plan land use and development section encourages an attractive, functional and economically vital community and urges that shopping areas be pleasant environments to live near and to do business within; and

WHEREAS, commercial development is a major identifying feature in a community, offering impressions to residents and visitors alike of the quality of life available; and

WHEREAS, Comprehensive Plan Policy encourages commercial growth to serve local needs; and

WHEREAS, it is the City's desire to attract new business and encourage attractive commercial development to contribute to a vibrant economic condition; and

WHEREAS, the current code does not allow for such activities as outdoor dining and sales that when appropriately developed, can greatly contribute to a vibrant, economically sustained pedestrian-friendly commercial district; and

WHEREAS, it is in the best interest of the City and its citizens to allow these activities; and

WHEREAS, the existing code requires that "all businesses, service or processing, shall be conducted wholly within a completely enclosed building", with the exception of temporary uses, sale of automotive fuel and accessory items, and off-street parking and loading; and

WHEREAS, the proposed code amendment is intended to expand the list of exceptions, and clarify allowable outdoor commercial activities; and

WHEREAS, the public interest is served by clarifying the code to better express and expand the list of exceptions to the "completely enclosed building" standard of the Planned Development Commercial zone; and,



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

Section 1. Findings. The City Council hereby adopts as findings of facts the above recitals and that staff report in this matter dated March 28, 2005, attached hereto and incorporated herein as if fully set forth.

Section 2. Order. Wilsonville Code Section 4.116 (.05) is amended to read as follows:

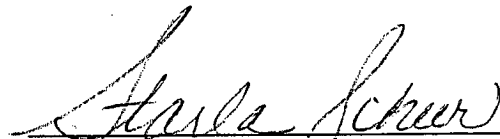
**A. 4.116 (.05). Standards Applying to Commercial Developments in any Zone.**

Any commercial use shall be subject to the applicable provisions of this Code and to the following:

(.05) All businesses, service or processing, shall be conducted wholly within a completely enclosed building, except for:

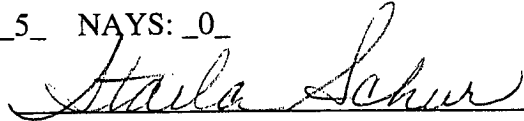
- A. The sale of automotive fuel, lubricants and fluids at service stations.
- B. Car washes and car vacuum bays.
- C. Off-street parking for customers and employees and off-street loading.
- D. Outdoor seating areas associated with food and drink establishments on private property, or on public easements, provided the area and activities conform to ADA standards and do not interfere with public uses, safety, access or circulation.
- E. Exterior sales that are specifically authorized through temporary use permit approval, subject to conditions of approval. Exterior sales that may be permitted are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers' markets.

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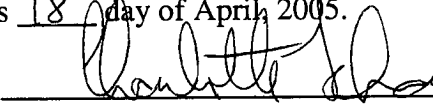
  
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CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes