

AFFIDAVIT OF POSTING ORDINANCE NO. 59

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 Monday, the 24th day of November, 1975, I caused to be posted copies of the attached Ordinance No. 59, an ordinance amending the zoning map of the City of Wilsonville (application of Paper Specialties, Inc., for Jean Young, Owner), in the following three (3) public and conspicuous places of the City, to wit:

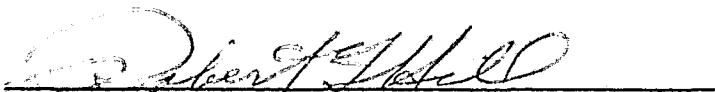
- 1) Wilsonville Post Office
- 2) Lowries Food Market
- 3) Kopper Kitchen

The notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 1st day of December, 1975.

Dated at Wilsonville, State of Oregon, this 2nd day of December, 1975.


DEANNA THOM - City Recorder

Subscribed and sworn to before me this 2nd day of December, 1975



NOTARY PUBLIC for Oregon

My commission expires: 11-11-78

ORDINANCE NO. 59

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE
(Application of Paper Specialties, Inc. for Jean Young, Owner)

WHEREAS, an Application was filed with the Wilsonville City Recorder by Paper Specialties, Inc., authorized agent of Jean Young, owner of the hereinafter described property, to amend the Zoning Map of the City of Wilsonville for the purpose of changing a classification of the zone in which the following described real property is located from an RA-1 (Rural Agricultural Zone) to a PC&I (Planned Commercial and Industrial Zone), and 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 4.2 acres for which the Application for zone change was filed, to-wit:

Tax Lot 800, Section 11, Township 3 South, Range 1 West
of the Willamette Meridian, 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 September 8, 1975, and Notice of the time, place and purpose of 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 at the time and place of the public hearing on such matter, i.e., September 8,

1975, heard and considered discussion for 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 denied at this time because it appeared that the zone change would affect only one acre rather than the total parcel of the owner's property which is approximately 4.2 acres; 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 September 16, 1975, after proper notice thereof was first duly given in the manner and for the time required by Section 14.01 of said Zoning Ordinance and ORS 227.260, 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 printed and published in Tigard, Oregon, 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, proponents and opponents voiced their opinion on the zone change at the public hearing before the Wilsonville City Council on September 16, 1975, and after further consideration of the matter and due deliberation on the report and recommendations of the City Planning Commission, the Wilsonville City Council my motion duly made, seconded and carried continued the hearing until Monday, October 13, 1975, and referred the matter back to the Planning Commission for further study with additional evidence to be submitted to the Planning Commission by the owner of the property, or her agents, and a legal opinion from the City's attorney; and

WHEREAS, the public hearing on this zone change matter was continued before the Wilsonville City Council at a regular meeting thereof on Monday, October 13, 1975, and the matter was reviewed by

the Council which also considered an additional report of the Planning Commission and a report of the City Administrator. After further consideration of the matter and due deliberation on the reports and recommendation of the City Planning Commission and City staff and further testimony of the proponents (there were no opponents), the Wilsonville City Council determined:

1. The 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 a zone change on this particular piece of 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.

The Wilsonville City Council made the above decisions based on the following determination of facts:

1. Zoning Ordinance No. 23 contemplates zoning amendments.
2. Intent of Zoning Ordinance No. 23 is to fully utilize property to its highest and best use.
3. The City's Development Plan and Map designates the subject property for an industrial park, and the requested zone change to a PC&I Zone is in conformity with the Development Plan and Map. The immediate plan of the applicant, Paper Specialties, Inc., is to develop one acre of the owner's total property, and the planned use is for a warehouse for store-use merchandise.
4. The applicant's use and requirements for the subject property do not necessitate frontage on railroad trackage and other areas of the City with such facilities could be retained for other commercial and/or industrial developments requiring a railroad spur line for business purposes.
5. The subject property is in close proximity to the applicant's principal customer, and the business is wholesale rather than retail, and will not generate a significant amount of additional traffic,

noise, odors, fumes or adverse effects on surrounding property.

6. The property is the best available property to satisfy the public need.

7. The change will be beneficial to the community and will not overburden the community in areas of education, sewer capacity, water capacity and traffic control.

8. The proposed zone change and property development therein will be generally healthful, safe and will conform to the existing surroundings and conditions.

9. The street development plan as proposed by the applicant would consist of a common driveway for the entire tract which would be an ideal arrangement for life safety and traffic control.

10. The esthetic view will be retained and the trees between Interstate 5 and the property would remain as a natural buffer.

11. The zone change is in conformance and consistent with the Zoning Ordinance, including the goals and policies for commercial and industrial districts; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: That the Zoning Map of the City of Wilsonville dated June 1, 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 following described real property, to-wit:

Tax Lot 800, Section 11, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon;

and upon the adoption of this Ordinance, said property shall thereupon be classified as PC&I and not as an RA-1 Zone.

Section 2: The Mayor attested by the City Recorder is hereby authorized and directed to make the appropriate changes on the City's Zoning Map so that the Jean Young property of approximately 4.2 acres are included in the PC&I Zone and as shown in the Application for the zone change as submitted by Paper Specialties, Inc. to the Wilsonville

City Planning Commission.

Section 3: 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.

Passed on first reading of the Wilsonville City Council at a regular meeting thereof on the 17th day of November, 1975; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof on the 1st day of December, 1975, at the hour of 7:30 o'clock p.m., at the Wilsonville Grade School.


PHILLIP R. BALSIGER - Mayor

ATTEST:


DEANNA THOM - City Recorder

Passed on final reading at a regular meeting of the Wilsonville City Council this 1st day of December, 1975, by the following vote:

Yeas 5. Nays 0.


PHILLIP R. BALSIGER - Mayor

ATTEST:


DEANNA THOM - City Recorder