

AFFIDAVIT OF POSTING ORDINANCE #89

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 31st day of October, I caused to be posted copies of the attached Ordinance #89, an Ordinance amending the zoning map of the City of Wilsonville (Application of Hallberg Homes, Inc.), 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 notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 7th day of November, 1977.


Deanna J. Thom, City Recorder

Subscribed and sworn to before me this 14th day of November, 1977


NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: _____

My Commission Expires March 15, 1981

ORDINANCE NO. 89

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (Application of Hallberg Homes, Inc.)

WHEREAS, an Application was filed with the Wilsonville City Recorder by Hallberg Homes, Inc. on behalf of the estate of Hardy S. Young, owner of the hereinafter described property, for the purpose of changing the classification of the zone in which the real property is located from RA-1 (rural agricultural) to R-10 (single family residential) and to attach a planned residential district (PUD) over a zone designation in order to permit the property to be developed under the planned development regulations of the Wilsonville Zoning Ordinance (Article 12). 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 approximately 22.38 acres for which the application for a zone change was filed, to-wit:

Tax Lots 2500 and 2600, located in Section 15, T3, R 1 W, W.M., 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 12, 1977, 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 10 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 public hearing on such matters, i.e., September 12, 1977, heard and considered testimony regarding 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 allowed, so as to change the zoning of the property from RA-1 (rural agricultural) to R-10 (single family residential) and to attach a PUD overlay zone designation in order to permit the property to be developed under the planning development regulations of the Wilsonville Zoning Ordinance (Article 12); 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 October 3, 1977, 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 in the City of 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 were heard regarding the proposed zone change at said hearing, 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.

The Wilsonville City Council made the aforesaid findings based upon the following facts:

1. Zoning Ordinance No. 23 contemplates zoning amendments.

2. The intent of Zoning Ordinance No. 23 is to fully utilize property to its highest and best use.

3. The proposed zone represents an orderly pattern of growth for the neighborhood in question.

4. The city's water system is available to the proposed site through an 8" main in Brown Rd. adjacent to the site. With the addition of a planned new well, there will be sufficient system capacity to serve the proposed development.

5. The land adjacent to the site (east) is currently served by sewer collection and treatment facilities. An 8" main is within 200 feet of the proposed development site. At the present time treatment plant capacity is limited; however, work is underway to increase capacity by 500,000 gpd which will be adequate for new hookups. This work is scheduled to be completed near the end of 1978, the same time sewer facilities will be required for this proposed development.

6. Other major public services available to the site include the Tualatin Rural Fire Protection District with a station in Wilsonville, the Clackamas County Sheriff's Office, which provides police protection under contract to the city, and other services such as Portland General Electric, Northwest Natural Gas and telephone service. The applicant proposes to donate not less than a 3.9 acre neighborhood park to the city. This proposal, including the size of the proposed acreage dedication, is consistent with the City of Wilsonville zoning and subdivision regulations.

7. The increase in traffic is well within the capacity of the present road network.

8. The Dammasch State Hospital is located north and west of the site. The area immediately east of the site, across Brown Rd., has been developed over the past few years as a single and multi-family residential neighborhood. There is another area of multiple family dwelling units east of the single family units and north Wilsonville Rd., along Montebello Dr. The proposed development is approximately 3/4 mile from the intersection at Boones Ferry Rd. and Wilsonville Rd. This intersection at present is the center of Wilsonville business district. Retail establishments, banks and the elementary school are all located here. The proposal includes a request for "planned residential" designation which will enable both the developer and the city to obtain a better residential environment.

9. The request for R-10 (single family residential) eliminates the conflict between the zoning map and the comprehensive plan.

10. Future population increases indicate a need for at least 2800 new dwelling units by the year 2000. There is a shortage of sites properly zoned to facilitate meeting future housing needs.

11. There is a disproportionately low amount of moderately priced single family detached housing to provide for immediate future housing needs of those who might desire and be able to afford to live in Wilsonville.

12. The proposed area to be rezoned is not an economic farm unit. The proposed site is marginal at best for farm purposes even though it's soil characteristics indicate the land is agricultural land as defined by LCDC.

13. The site development will implement the current comprehensive plan and is compatible with both Clackamas County and CRAG's comprehensive or framework plan.

14. The development is compatible with the LCDC goal of utilizing urbanizable land for urban purposes.

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 R-10 (single family residential) shall now include the real property heretofore described, and upon the adoption of this Ordinance, said property shall thereupon be classified as R-10 (single family residential) with a PUD overlay zone designation in order to permit the property to be developed under the planning development regulations of the Wilsonville Zoning Ordinance (Article 12), and not as an RA-1 (rural agricultural) 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 in compliance with the dictates of Section 1 of this Ordinance.

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 special meeting thereof on the 25th day of October, 1977; 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 7th day of November, 1977, at the hour of 7:30 o'clock p.m., at the Wilsonville Grade School.


WILLIAM G. LOWRIE - Mayor

ATTEST:


DEANNA J. THOM - City Recorder