

CITY COUNCIL RESOLUTION
COMPREHENSIVE PLAN AMENDMENT
FROM RESIDENTIAL TO INDUSTRIAL
TAX LOTS 1800, 1801 AND 1900, T3S-RIW, SECTION 13A
AND A PORTION OF TAX LOT 300, T3S-RIW, SECTION 13
ROBERT RANDALL COMPANY, APPLICANT

RESOLUTION NO. 292

WHEREAS, Robert Randall Company, represented by Doug Seely, has submitted planning exhibits for a Comprehensive Plan Amendment from Residential - 5 to 7 and 7 to 12 dwelling units per acre - to Industrial Park, and

WHEREAS, said planning exhibits were submitted in accordance with the procedures set forth in the Wilsonville Comprehensive Plan, and

WHEREAS, said planning exhibits, together with findings and public testimony, were entered into the public record at a regularly scheduled meeting of the Planning Commission conducted on October 11, 1982, and further that said hearing was continued to November 8, 1982, for additional discussion and testimony and for the consideration of modified findings, and

WHEREAS, the Planning Commission found the application to be consistent with the goals and objectives of the Comprehensive Plan and has subsequently recommended approval of the Plan Amendment together with a zone change from PDR to PDI, and

WHEREAS, the Planning Commission's administrative record, findings and recommendations, together with additional public testimony, were considered by the City Council at a hearing held January 3, 1983, and

WHEREAS, the City Council finds the Planning Commission's findings insufficient to justify a Plan Amendment and further finds the application to be inconsistent with the intent and defined goals and objectives of the Comprehensive Plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Wilsonville City Council does hereby deny the Plan Amendment as requested.

FINDINGS

The following Findings are hereby adopted by the City Council as confirmation of its consideration of the application as submitted.

1. The applicant submitted an application for a Plan Amendment in August, 1982. Consistent

with the Plan Amendment procedures set forth in the Comprehensive Plan, a public hearing was scheduled before the Planning Commission on October 11, 1982, with said hearing continued to November 8, 1982, for further discussion, testimony and consideration of modified findings.

The Commission considered the Planning Director's initial staff report which recommended denial of the Amendment. The recommendation was based on a conflict perceived between the housing and economic development goals and objectives, together with a negative impact on the public facility systems. However, the Commission rejected the staff report and directed staff to modify the report by formulating findings in support of the Plan Amendment. The Commission asked that findings be prepared addressing the following issues:

- There is a need to promote economic development.
- The proposed campus style development can be controlled and designed to be compatible with the surrounding residential area through performance standards.
- The request conforms to the Plan Amendment criteria and the applicant has presented a case for change in economic conditions and new information regarding industrial site availability since adoption of the Plan.
- There is a demonstrated shortage of large lot industrial sites in the Metro region.
- The Amendment will not result in a significantly greater impact on the public facility systems, and performance standards can control any such impacts.
- The request complies with LCDC Goals 9, 10 and 11, and others are not affected.
- The City's Housing Goal can still be obtained and the Metro regional standard of eight units per acre average can still be met even with the reduction of residential land.

Subsequently, the Commission considered the revised findings, together with additional testimony, including supplemental reports from Carl Buttke regarding transportation impacts and Westech Engineers regarding impacts on sewer, water and storm drainage systems.

Based on the testimony and the modified findings prepared by the Planning staff, the Planning Commission adopted a Resolution, dated November 8, 1982, recommending approval of the Plan Amendment and Zone Change as requested, attached hereto as part of Exhibit 13.

The Council notes that during the Commission's consideration of the request, the only negative testimony other than the staff report was submitted by Jim Farrell and Charles Paulson. Conversely, several adjoining property owners testified in support of the Amendment.

2. The Planning Commission's administrative record was forwarded to the Council for final consideration. Council considered the Planning Commission's recommendations, together with additional testimony from the Planning Director, and other interested parties, on January 3, 1983.

The Planning Director reviewed the Planning Commission's consideration of the request, and outlined reasoning for the original negative staff report. Subsequently, he re-emphasized his original concerns regarding the conflict between housing and economic development. He stated the Comprehensive Plan objectives directly link housing and economic development together and provided a framework for establishing a balance in the development pattern between housing and employment. The Director cautioned the Council regarding the creation of an evening ghost town resulting from an overdevelopment of employment opportunities and underdevelopment of housing.

It was further noted that the current records indicate that existing development has resulted in over 5,000 jobs in the City. Conversely, residential development has resulted in a certified population of only 3,385 people.

3. Contrary to the Planning Commission's hearing, the Council heard substantial negative testimony from surrounding property owners, including some that had previously testified in favor of the Amendment. Besides the applicant

no further testimony in support of the change was heard.

This factor raises concerns with the Council and compels them to re-evaluate the Commission's conclusions.

4. In evaluating this issue, the Council finds it necessary to consider the purpose or function of the Comprehensive Plan. In this regard, the Council finds that comprehensive plans have been referred to as local constitutions to guide land use decisions. Therefore, while subject to periodic interpretation, they are intended to provide long-term reliability and continuity in land use decisions. Further, under LCDC Goals and Guidelines, plans are expected to provide a 20-year framework for balancing the various Goals. In addition, the consistency of the land use pattern is a critical element in planning and scheduling orderly and economic development of the public facilities system to support urban development under LCDC Goal 11.

The City has previously investigated the concept of open performance zoning similar to that proposed by the Planning Commission in recommending approval of this Amendment. However, a decision was made to reject performance zoning on the basis that it provided no reliability in anticipating the type of development that might occur on any given property. It was concluded that this would frustrate orderly Capital Improvement Planning and would not give individuals enough to rely on in making real estate investments, in particular, the purchase of a home.

The right of property owners to know what to expect and to be able to rely on the Comprehensive Plan in purchasing a home or investing in real estate was emphasized in the development of the current Plan. Many individuals had invested money in property based on the envisioned development plan established in 1971. Therefore, the need to provide consistency between the original 1971 General Plan and the updated Plan was identified as a major reason for rejecting performance zoning and for not making major changes in the established land use pattern.

Further both the Planning Commission and Council have previously recorded findings that certain proposed developments were not

consistent with the established land use pattern or anticipated by property owners in the neighborhood, and, therefore, were not consistent with the Comprehensive Plan.

For these reasons, the Council finds that major changes in the land use development pattern should be avoided. In addition, any such Amendment would necessarily carry a substantial burden of proof that the Amendment was justified based on significantly different circumstances than those considered in development of the existing Plan and in the public interest.

5. The proposed Plan Amendment clearly represents a significant change in the anticipated development pattern, therefore, it carries with it a substantial burden of proof to justify the need for the Amendment and further to clearly demonstrate that the Amendment is based on a substantial change of conditions and is otherwise consistent with the Goals and Objectives of the Plan.

6. The Council is concerned that a Plan Amendment of the nature proposed would destroy the integrity of the City's Plan. The Amendment would set a dangerous precedent for consideration of future amendments.

The Planning Commission has recommended approval based on performance criteria to control the industrial impact similar to that anticipated in a residential development. However, as noted in Finding 4, during the development of the Comprehensive Plan, the City specifically rejected a proposal to establish pure performance zoning within the City. It has been determined that such a development pattern would not provide enough reliability and consistency in the planning process.

Consequently, the major land use pattern established by the 1971 Plan was maintained. This Plan created specific districts for residential, commercial and industrial uses. It further placed industrial and commercial adjacent to the I-5 freeway corridor, with residential predominantly around the perimeter of the City. While mixed-use provisions were designed into the planned development zoning,

it was envisioned that the predominant use within a planned development would be the use designated by the Land Use Plan.

The subject Amendment would place a totally industrial site within a residential area. The Council finds this to be inconsistent with the intent of the mixed-use element of the planned development zoning. It would further set a precedent moving the City towards pure performance zoning which has previously been rejected.

7. The Council concurs with the Commission's conclusion that the Amendment request only affects LCDC Goals nos. (9) Economy, (10) Housing, (11) Public Facilities and (12) Transportation. Consequently, it further affects the City's Goals, Objectives and Policies relative to compliance with these LCDC Goals.

8. The Council agrees with the Planning Commission's conclusion that the applicant's submittal documents clearly define a lack of large-lot industrial sites that are readily available in the Metro area. However, the Council disagrees with the Planning Commission's conclusion that the public interest, in particular the City's, is best served by reducing the potential housing stock by 829 units for the sake of providing a single large industrial site.

Rather, the Council finds that LCDC Goal No. 9, Economic Development, and Goal No. 10, Housing, were intended to be balanced one against the other and not one at the expense of the other. In addition, the City's Plan in compliance with the State goals, clearly outlines an intent to balance housing and economic development.

Specifically, the Council finds that the Plan states as follows:

-Objective 2.1.2 - Allow urbanization to occur to provide adequate housing for employment within the City.

-Objective 2.1.3 - Encourage a balance between housing, industrial and commercial land use (emphasis added).

The Plan further contains the following language:

"Industrial development is the basic element of economic growth as it produces goods for marketing as well as being a primary employment generator. Commercial development is also important in that it creates secondary employment and provides retail outlets for manufactured goods. It also provides support services for industry and personal goods and services, e.g., doctors and lawyers, food, clothing, etc. for local residents and workers.

"While commercial and industrial developments are generally associated with economic growth, housing is also an important element of the local economy (emphasis added). Housing development provides employment in planning, engineering, architecture, construction and real estate. More importantly, however, it is the relationship of the availability of affordable housing to the local labor market . . ." (emphasis added).

Based on these findings, the Council concludes the Amendment would contradict the objective of the Plan to balance the ratio between industrial and residential growth. The Plan emphasizes the fact that existing development has been heavily weighted towards employment and that there is a current lack of residential opportunities for locally employed people. The Plan Amendment, by reducing zoned residential land, would frustrate the City's objective to promote residential development consistent with the employment base.

It is further anticipated that a reduction of available residential land would result in an increase in the value of the remaining residential land. This would tend to conflict with the City's objectives to provide affordable housing.

Therefore, the Council finds that the Amendment is in direct conflict with the housing element of the Plan.

9. The Comprehensive Plan establishes a development pattern that places the industrial development adjacent to the transportation system and, in particular, the I-5 corridor and railroad lines. Specifically, Objective 4.2.4 states "site industries where they can take advantage of existing transportation corridors such as the freeway, river and railroad." Further, Policy 4.1.6 states through the City's Public Facilities and Transportation Capital Improvements Plan, policies will be established to insure adequate public facilities are available to support desired industrial and commercial developments

The proposed Amendment would establish industrial property over a mile away from the freeway and its interchanges. It is, therefore, inconsistent with the objectives of the Plan for siting industrial development to take advantage of the freeway corridor. In addition, while the traffic volumes are not substantially greater than the anticipated residential traffic, they would result in transportation improvements specific to the location of industry at this site, and could result in the necessity to modify the CIP. It would also result in industrial traffic flows through a residential area which further conflicts with the transportation policies of the Plan.

10. The Council further finds that adequate consideration was not given to vacant land or land which is presently planned and/or zoned for industrial use. In reviewing the documentation relative to industrial site inventory, the Council recognizes that there is an apparent lack of large-lot industrial sites in the Metro region. However, it has been demonstrated by the Planning staff that some opportunities are available for assemblage of such sites within the framework of the existing City Plan. In addition, the Council finds that the City has not yet developed an economic development plan. Such an effort is, however, underway. The resulting strategy plan may or may not specifically emphasize large versus small industrial development as best serving the City.

It is noted by the Council that small businesses are the predominant generator of

jobs in Oregon. Seventy-five percent (75%) of the states non-government jobs are with small businesses. Ninety percent (90%) of these jobs are in companies of less than 50 employees, while sixty-six percent (66%) are in companies with less than 20 employees.

Therefore, the Council finds that a Plan Amendment based on a policy to promote large lot industrial development may be a precedent setting, premature decision regarding the City's future economic development policies.

11. The Council finds the applicant carries a substantial burden to justify a Plan Amendment and has failed to do so. While the applicant has demonstrated a shortage of large industrial sites in the Metro area, the record fails to demonstrate a specific demand for such sites sufficient to compel the City to sacrifice residential land to satisfy this purpose

The Council further finds that the applicant's reliance upon the SRI International Report attached hereto as Exhibit 3 is largely taken out of context. As noted by the Planning Director's original findings, the Study also identified that industrial developers tend to seek sites that are not contiguous to residential areas. In particular, "high tech" industries emphasized such factors as supporting educational services and local housing stock as critical to their site selection process.

The applicant has ignored these findings in proposing to eliminate housing opportunities. This error is compounded by attempting to place an industrial site in the middle of a residential area. Therefore, the Council concludes the proposal actually flies in the face of the very study it is based on.

12. The Planning Commission's recommendation proposes restrictions for a single user, even though such a user remains unidentified. The Council finds this to be an unreasonably restrictive planning concept and not within the context of the City's Plan.

The Comprehensive Plan and development code were designed to discourage speculative zoning and further to provide maximum flexibility within a Planned Development framework. Conversely, this proposal is speculative in

nature, in that a specific user is yet to be identified. In addition, the single user restriction diminishes the availability of the site to a specific market, and, therefore, frustrates the intended flexibility of the Plan.

It is recognized that a single user precedent was set in the NIKE Amendment. However, this was for a known development with quantifiable impacts coupled with an acknowledged desirability by the City for the specific user. At the same time, however, a potential remarketing of the site was not necessarily restricted to a single user. Only the type and intensity of use was regulated.

13. The applicant has, in part, attempted to justify the request based on changed economic conditions. Thus, necessitating more industrial land, specifically, large lots to stimulate the state's poor economy.

However, the Council finds that the current economic recession has stalled housing development as well as commercial and industrial growth. Therefore, there is a need to stimulate both segments of the economy, not just industrial development.

The Council further finds that the most logical and effective way to stimulate needed growth in the City is through implementation of the existing Plan. This would include:

- Construction of scheduled and needed capital improvements, and
- Definition of an economic development strategy, which may include target industries and, if necessary, assemblage of large industrial sites.

14. The Council acknowledges the applicant's last-minute request to withdraw the Amendment request (submitted January 11, 1983). However, because of the pending reversal of the Planning Commission's findings and recommendations, the Council finds it necessary to establish a clear record of their interpretation of the intent of the Plan. The issues raised in this request may reappear in the future. Therefore, it is vital that good communication between the Council and Commission are

maintained. For this reason, the Council cannot stop short of responding to the Commission's action. The Council is, therefore, compelled to render a final decision.

EXHIBITS

The following Exhibits are hereby entered into the public record by the City Council as confirmation of its consideration of the application as submitted.

1. City of Wilsonville Comprehensive Plan.
2. Chapter 4 of the Wilsonville Code.
3. SRI International Phase I Report dated July, 1982 (SRI Project 4397) Strengths and Weaknesses of the Portland Area as an Industrial Location.
4. Letter from Richard Benner, 1000 Friends of Oregon, dated September 14, 1982, reference Light Industrial Sites.
5. Metro Report on Industrial Land Market Assessment, Supplement No. 1 and Analysis of Large Parcels, August, 1982.
6. A. Report on Transportation, Wilsonville, Oregon, prepared by Carl Buttke, dated March 23, 1981.
B. Traffic and Impact Analysis dated November 1, 1982, prepared by Carl Buttke.
7. Wilsonville Capital Improvements Plan dated March, 1982, adopted by Resolution No. 217.
8. Conditions of Approval of Tolovana, Gesellschaft and NIKE.
9. Applicant's submittal documents, including supplemental submittals.
10. Westech Engineering, Inc. Analysis of Facility Impacts, letter dated November 1, 1982.


11. Maps of Industrial Land prepared by the Planning Department, together with tables.

12. Letter from Charles Paulson, dated November 3, 1982.

13. Planning Commission administrative record (82PC20) and specifically including the staff report in the form of Commission Resolutions recommending denial of the Plan Amendment dated October 4, 1982, and Planning Commission's revised Resolution adopting Findings and recommending approval of the Plan Amendment dated November 8, 1982.

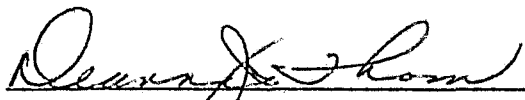
14. Letter from Doug Seely on behalf of Robert Randall Company dated January 11, 1983.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of January, 1983, and filed with the Wilsonville City Recorder this same day.



WILLIAM G. LOWRIE, Mayor

ATTEST:



DEANNA J. THOM, City Recorder