

## Housing Statutory Compliance – Part 1

### Proposed Development Code Edits – DRAFT March 2026

Proposed added language **bold underline**. Proposed removed language ~~struck through~~.

#### ADMINISTRATION

##### Section 4.001. Definitions.

*\*\*The following definitions will be added to this section. All subsequent definitions will be renumbered\*\**

**69. Condominium: A type of attached multi-family dwelling unit in a building that contains five or more dwelling units where each unit is individually owned.**

**262. Residential Development: Any development that includes living accommodations for one or more persons. This category includes, but is not limited to: middle housing, single-family homes, multi-family homes, condominiums, and apartments. A business-integrated dwelling unit is not considered residential development as it is secondary to the non-residential use of property.**

**266. Review Authority: The individual or official City body (the Director, City Council, Planning Commission, or Development Review Board) and others as identified in Sections 4.030, 4.031, 4.032, and 4.033 as having the responsibility and authority over land use decisions.**

##### Section 4.008. Application Procedures—In General.

*\*\*No changes proposed in Subsection (.01)\*\**

(.02) *Unique features of Wilsonville's development review processes.* The Wilsonville **Planning and Land Development and Planning** Ordinance is structured and implemented differently than the Codes of most other cities. These differences are summarized below:

- A. Most of Wilsonville's vacant land (without active approved projects) is zoned RA-H, a Residential-Agricultural holding zone with a large minimum lot size. Properties in this holding zone must be rezoned to conform with the Comprehensive Plan as part of the planned development review process.
- B. If the subject property is over two acres in size, it must be zoned in one of the Planned Development categories, (PDR, PDC, TC, PDI, RN etc.), or zoned for public use, before it can be developed.
- C. Some portions of a parcel may have development constraints because of such things as steep slopes, wetlands, wildlife habitat, hazard areas, or trees.
- D. In residential developments, at least 25 percent of the site area must be preserved as open space, unless otherwise provided for in a legislative master plan. Some of the site is also typically required to be recreational area. See Section 4.113 for more information on requirements for open space and recreational area in residential developments. For all projects, at least 15 percent of the net site area must be landscaped including vegetative plant materials.
- E. Unless waived by the Community Development Director for good cause, a traffic study must be completed to determine that the City's level of service standards can be met, considering the subject development and all previously approved projects.
- F. For a Planned Development there are four phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual stage through to detailed architectural, landscape and site plan review in stages:
  1. Rezoning;
  2. Stage 1—Preliminary Plan;

3. Stage 2—Final Plan; and
  4. Site Design Review.
- G. Approval of each stage shall remain valid unless it expires as provided in Section 4.023. A Stage I approval will not be revoked or substantially altered during the Stage II review process, unless requested by the applicant. Stage II approval will not be revoked or substantially altered during the Site Design Review process, unless requested by the applicant. **Changes to zoning that result in an increase in residential density are processed administratively, without a public hearing. All other zoning** may be changed by action of the City Council, ~~but~~. **Zone map amendments** will not be subject to automatic revocation unless such revocation is specifically made a condition of approval at the time of the original zone change.
- H. In Wilsonville, the practice is to review each new phase in light of previous approvals and conditions. At construction and occupancy, the review includes inspections to verify compliance with conditions of approval. These inspections include detailed site comparison with previous plan approvals (including number and types of plants and design of elevations and setbacks). Developers are often required to post a bond or provide other financial security for the completion of the conditions of approval for the project.
- I. Wilsonville uses a "concurrency" requirement regarding public services and facilities. Basically, the needed services and facilities must be scheduled for completion within two years of occupancy and a positive finding of such concurrency must be made prior to project approval.
- J. Wilsonville expects project progress to be made in a timely fashion. For each step in the Planned Development, the applicant must take action to "exercise" the approval within a given time period or the approval lapses.
- K. Special additional features include: mixed use provisions for most zones; ability to "waive" many of the typical development standards based on design improvements that will result; density transfers; strong variance provisions; tree protection with mitigation requirements for tree cutting; City Council "Call Up" provisions; heavy landscaping requirements; owner/developer signature to accept and abide by conditions; ~~limited~~ **moderate** administrative approval power; enforcement powers and practice.

*\*\*No additional changes proposed in this section\*\**

#### **Section 4.010. How to Apply.**

- (.01) *Contact Planning Department.* Prospective applicants are advised to contact the Planning Department of the City's Community Development Department for application forms and information on application procedures.
- (.02) *Pre-Application Conference.*
- A. An applicant or the applicant's authorized representative shall contact the Planning Department to arrange a pre-application conference, unless the applicant and the Planning Director agree the conference is not needed.
  - B. ~~The conference shall be held within 30 days of the request.~~
  - ~~C.~~—The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Code, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development standards, arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.
  - ~~CD.~~ **Information submitted for s**Such conferences will be ~~open to the public~~ **part of the public record** unless the prospective applicant requests a ~~private~~ **confidential** conference. ~~Private~~ **Confidential** pre-application conferences are conducted in order to protect the interests of those who have not yet

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completed property acquisition arrangements, or who are concerned about providing proprietary information that may give an advantage to competing developers or businesses. However, once an application has been filed with the City, all information that is part of the public record will be available for public review.

**DE.** The Planning ~~Division~~ Department if requested in writing by the applicant at least one week in advance of the pre-application conference, shall provide the applicant with a written summary of the conference within five working days after the conference. If prepared, ~~w~~ritten summaries of pre-application conferences shall be available for public review except for confidential conferences. Summaries shall include:

1. Confirmation of the procedures to be used to process the application;
2. A list of materials to be submitted; and
3. The criteria and standards which may apply to the approval of the application.

**E. Pre-application conferences are valid for one calendar year after the date of the conference.**

### **Section 4.011. How Applications are Processed.**

(.01) Applications submitted without the required filing fee, or the correct authorization as specified in Section 4.009, shall not be considered to be "filed" and shall be returned to the prospective applicant without being processed.

(.02) After filing, all applications shall be reviewed by City staff for completeness.

- A. In the event that an application is found to be incomplete in any way, the Planning Director shall notify the applicant in writing within 30 days of the original filing and shall list the deficiencies in the application.
- B. City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City **debts or payments owed by the applicant or liens** for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.
- C. Failure of an applicant to remedy any deficiencies in an application prior to the preparation of the staff report on the matter shall constitute adequate grounds for denial of the application by the appropriate decision-making body. Failure of an applicant to provide the deficient information may be considered to be a "refusal" as the term is used in ORS 197, and the application shall be processed accordingly.
- D. Upon concluding that an application is complete, or that it will be processed in spite of the applicant's failure or refusal to correct any deficiencies in the application, the Planning Director shall provide copies of the application materials to other affected agencies and City departments, requesting their input and recommendations for the record.
  1. Such other agencies and departments shall be given a specified amount of time to respond, sufficient to allow the planning staff an opportunity to complete the preparation of a written staff report for the review of the public and decision-makers. For public hearing items, staff reports are ~~printed~~ **published** and available for review seven days prior to the time when a public hearing is conducted.
  2. Each written staff report includes a list of the agencies and departments ~~contacted in the review process and their~~ **providing** written comments, ~~if any~~.

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(.03) Written testimony that is sent via mail, facsimile, or computer will be processed as specified in Section 4.035. All parties are discouraged from relying exclusively on these means of submitting testimony unless verification is received that the subject testimony has been received and made part of the record.

(Ord. No. 882, § 2(Exh. A), 10-2-2023)

### **Section 4.012. Public Hearing Notices.**

(.01) *Published Notice for Hearings*. The Planning Director shall have published in a newspaper of general circulation in the City of Wilsonville, prior to the date of the Planning Commission or Development Review Board meeting, a notice that the Commission or the Board will consider proposals, documents, or pending applications.

- A. If the matter will require a public hearing, the notice shall be published at least ten and not more than 21 days before the first hearing.
- B. The publication shall contain a brief description of the subject property, including either the street address or other common description of the site, and including the approximate geographic location such as a reference to nearby cross streets, the time and place that the City's decision-making body will consider the submitted documents, and the nature of the proposal, as well as other matters required by law. Failure to advertise as specified in this Section shall not invalidate any decisions or proceedings of the City if a good faith attempt was made to comply with the notice requirements of this Code.

(.02) *Mailed Notice for ~~Quasi-Judicial Hearings~~ Development Applications*.

- A. For development projects involving Class II Administrative Reviews, or quasi-judicial public hearings, the Planning Director shall ensure the following:
  - 1. ~~Public hearing n~~Notices shall be mailed to the owners of real property located within ~~250~~100 feet of the site of the proposed development. The Planning Director shall use the property ownership lists of the County Assessor in determining the recipients of the notices.
  - 2. Notice shall be sent to any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected roadway authority. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
- B. **Class II Administrative Decisions shall be issued not less than 14 days from the date of the mailed notice.**
- C. **Where a public hearing is required, n**Notices shall be mailed not less than 20 days ~~nor more than 40 days~~ prior to the initial public hearing date. Except, however, in cases where the development proposal will require public hearings before both the City Council and Development Review Board, in which case the notices shall be mailed at least ten days before the initial public hearing.
- ~~D.~~ **In any case where State law or Metro Code requires different timing or form of notice than that specified in this Code, the City will follow what is specified in State law or Metro Code standard requiring a broader coverage or duration of notice shall be followed.**
- ~~D.~~ ~~The City will make a good faith effort to contact property owners whose names do not appear on County ownership records and to contact others who have asked to be contacted for different types of applications.~~

(.03) *Mailed Notice for Legislative Hearings*. Where applicable, the Planning Director shall have notices of legislative hearings mailed to individual property owners as specified in State law.

(.04) *Posted Notice*.

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- A. The Planning Director shall have notice of development proposals, subject to Class II administrative review or hearing body review, posted in at least three standard locations for public notice. In addition, the property proposed for development may be posted so as to be visible and legible from adjacent public streets.
  - B. Notice shall be posted not less than ~~14-21~~ nor more than ~~forty (40)~~ days prior to the anticipated date of final decision or hearing, except in the case where the notice concerns public hearings before both the City Council and either the Planning Commission or Development Review Board. In such cases, the notice shall be posted at least ten, ~~and not more than 40~~, days before the initial hearing.

(Ord. No. 538, 2-21-2002)

### Section 4.017. Withdrawal of Application

*\*\*No changes proposed in Subsection (.01)\*\**

(.02) If an application is withdrawn within one week of the date it was submitted, the application fee, less a 15 percent administrative cost, shall be refunded. Any withdrawal after one week of the date it was submitted shall be without any refund or application fees, unless the Director authorizes a refund because of an unusual hardship to the applicant or other good cause. In such cases, the Director shall determine an appropriate refund based upon the costs already incurred by the city in processing the application.

(Ord. No. 282, 12-16-1985)

### Section 4.022. Appeals

#### (.01) Filing of Appeals

- A. **Class I Ministerial Decisions and Class II Administrative Decisions by the Planning Director. A decision by the Planning Director on issuance of a Site Development Permit may be appealed. Such appeals shall be heard by the Development Review Board for all quasi-judicial land use matters except expedited land divisions and middle housing land divisions requiring expedited review under state law, as indicated in Section 4.232, which may be appealed to a referee selected by the City to consider such cases. Appeals must be filed with the Planning Division within 14 calendar days of the notice of decision, including payment of the filing fee, and shall indicate the grounds for appeal. Failure to timely submit the appeal and/or filing fee will result in administrative rejection of the appeal for untimeliness.**
  - 1. **Unless otherwise specified in Section 4.030, only the applicant may appeal the following decisions:**
    - a. **Decisions on Class I applications.**
    - b. **Decisions on Class II residential development applications without waivers, variances, or refinements. Decisions on zone map amendments associated with these residential development applications are subject to appeals as specified in Section 4.022(.01)A.2.**
  - 2. **Any affected party may appeal Class II administrative decisions not otherwise excluded by Section 4.022(.01)A.1.b.**
  - 3. **The Development Review Board may initiate a call-up of the Planning Director's decision by motion, without the necessity of paying a filing fee, for decisions eligible for appeal as specified Section 4.022(.01)A.2.**
- B. **Development Review Board Decisions. A decision of the Development Review Board may be appealed to or called up by City Council. Appeals must be filed with the Planning Division within 14**

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calendar days of the posting of the notice of decision, including payment of the filing fee, and shall indicate the grounds for appeal or call-up. Failure to timely submit the appeal and/or filing fee will result in administrative rejection of the appeal for untimeliness.

1. Only the applicant may appeal Development Review Board decisions on items appealed pursuant to Section 4.022(.01)A.1.
2. Any affected party who participated in the hearing before the Board may file an appeal on all other Board decisions.
3. Within 14 calendar days of the posting of the Development Review Board notice of decision on any project, except those as specified in Section 4.022(.01)B.1., the City Council, on its own motion, may call up for review final action taken by the Development Review Board.
  - i. Notice of the call-up shall be provided in the same manner as an appeal as provided in Section 4.022(.02).
  - ii. In the event the City Council votes to call-up an action taken by the Development Review Board, any approvals granted by the Board shall be suspended until the Council has acted on the call-up.
  - iii. Upon review, the Council may, by resolution or order, affirm, reverse or modify in whole or part, a determination, condition or requirement, or remand with or without instruction, the decision or part thereof that has been called up.

C. If the City Council determines by majority vote that an emergency exists in that the Development Review Board will not complete its review of a given application with sufficient time for the Council to consider and resolve any appeals within the statutorily mandated 120-day limit, the City Council may vote to call the matter up for hearing by the Council prior to the completion of the Development Review Board's action on the matter.

(.02) Notice of Appeal. The Planning Director shall send legal notice of an appeal or call-up to an Administrative or Development Review Board decision.

- A. Notice of a hearing on an appeal shall set forth:
  1. The date, time, and location of the hearing.
  2. The issue(s) being appealed.
  3. The review process for the appeal hearing, as specified in WC 4.022(.03) herein.
- B. Notice of a hearing on an appeal shall be sent to:
  1. All parties who have testified or submitted written materials.
  2. The members of the respective commission or board.
  3. Posted and published as provided in Section 4.012.

(.03) Review Process for Appeal Hearings.

- A. Prior to the appeal hearing, the scope of review shall be determined by the City Manager or designee to be one of the following:
  1. Restricted to the record made on the decision being appealed, with an allowance for oral argument regarding the record.
  2. Based on the record made on the decision being appealed, with an allowance of additional evidence and testimony at the hearing.

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3. A de novo hearing on the merits, defined as a hearing by the review authority as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

- The default standard of review on an appeal or call up of a staff decision to be heard by the Development Review Board is de novo.
- For appeals involving decisions on Class II residential development applications without waivers, variances, or refinements, only the applicant and the City may participate in a de novo hearing on the merits.

B. At its discretion, the hearing body may, on its own motion, modify the established scope of review.

C. A review of the decision on appeal that is confined to the record of the proceeding shall include:

1. A factual report prepared by the Planning Director or the Director's designee.
2. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
3. The written transcript or electronic recording of the hearing and, if prepared and available for the proceeding, any official minutes of the hearing.

(.04) Hearing Structure and Decision.

A. Hearings will follow the procedures established in WC 2.560, except that participants are limited to those entitled to participate in the appeal and no additional evidence may be presented unless the review authority utilizes a process identified in either WC 4.022(.03) A 2. or 3. Notwithstanding the foregoing, prior to the hearing, the review authority may establish alternative procedures for the hearing, including procedures for presenting evidence and argument.

B. Decision by Referee, Commission, or Board.

1. Appellate Review. Upon appellate review, the referee, Commission, or Board shall, by Written Order or Resolution, affirm, reverse, remand, or modify in whole or part a determination or requirement of the decision that is under review. It must set forth findings and reasons for taking the action.
2. De Novo Review. Upon de novo review, the referee, Commission, or Board shall, by Written Order or Resolution, approve or deny the application, state the relevant standards and criteria, and make findings whether the application and evidence in the record demonstrates compliance with the standards and criteria. If approving the application in whole or in part, the referee, Commission, or Board may also include conditions of approval.

C. Decision by City Council.

1. Appellate Review. Upon appellate review, the Council shall, by order, affirm, reverse, remand, or modify in whole or part a determination or requirement of the decision that is under review. The Order must set forth the Council's findings and reasons for taking the action. When the Council elects to remand the matter back to the lower review authority for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such error.
2. De Novo Review. Upon de novo review, the Council shall, by order, approve or deny the application, state the relevant standards and criteria, and make findings whether the application and evidence in the record demonstrates compliance with the standards and

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**criteria. If approving the application in whole or in part, the Council may also include conditions of approval.**

**D. Action by the review authority shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review authority shall render its decision and file it with the City Recorder within five working days after it is rendered.**

**(.05) Effective Date of Decisions. A decision of the Planning Director, Planning Commission, or Development Review Board shall become effective on the 15th calendar day after the postmarked date of the written notice of decision, unless appealed or called up for review by the review authority in accordance with this Section. If a matter is heard by the Council or referee, the decision shall become effective immediately.**

~~(.01) *Administrative Action Appeals.* A decision by the Planning Director on issuance of a Site Development Permit may be appealed. Such appeals shall be heard by the Development Review Board for all quasi-judicial land use matters except expedited land divisions and middle housing land divisions requiring expedited review under state law, as indicated in Section 4.232, which may be appealed to a referee selected by the City to consider such cases. Only the applicant may appeal a Class I decision unless otherwise specified in Section 4.030, and such appeals shall be filed, including all of the required particulars and filing fee, with the City recorder as provided in this Section. Any affected party may appeal a Class II decision by filing an appeal, including all of the required particulars and filing fee, with the City Recorder within 14 calendar days of notice of the decision. Either panel of the Development Review Board, or both panels if convened together, may also initiate a call-up of the Director's decision by motion, without the necessity of paying a filing fee, for matters other than expedited land divisions and middle housing land divisions requiring expedited review under state law, as indicated in Section 4.232. The notice of appeal shall indicate the nature of the action or interpretation that is being appealed or called up and the matter at issue will be a determination of the appropriateness of the action or interpretation of the requirements of the Code.~~

~~(.02) *Board Action.* A decision of the Development Review Board may be appealed to the Council by any affected party who participated in the hearing before the Board by filing an appeal, including all of the required particulars and filing fee, within 14 calendar days of the posting of the notice of decision, or by the call-up procedures listed below. The notice of appeal shall indicate the decision that is being appealed.~~

~~(.03) *City Council Call-up.*~~

- ~~A. Within 14 calendar days of the posting of the Development Review Board notice of decision on any project, the City Council on its own motion, may cause any final action taken by the Development Review Board to be called up for review by the full Council. If the City Council determines by majority vote that an emergency exists in that the Development Review Board will not complete its review of a given application with sufficient time for the Council to consider and resolve any appeals within the statutorily mandated 120-day limit, the City Council may vote to call the matter up for hearing by the Council prior to the completion of the Development Review Board's action on the matter.~~
- ~~B. Notice of the call-up shall be provided in the same manner as an appeal to all parties who have testified or submitted written materials, the Planning Director, and the members of the respective commission or board, and shall also be posted and published as provided in Section 4.012. The notice shall describe the property, set forth the nature of the action and state the time, place and date set for hearing and whether public testimony is to be received.~~
- ~~C. In the event the City Council votes to call-up an action taken by the Development Review Board, any approvals granted by the Board shall be suspended until the Council has acted on the call-up.~~

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D. — Upon review, the Council may, by resolution or order, affirm, reverse or modify in whole or part, a determination, condition or requirement, or remand with or without instruction, the decision or part thereof that has been called up.

~~(.04) Notice.~~ Legal notice of a hearing on an appeal shall set forth:

A. — The date of the hearing.

B. — The issue(s) being appealed.

C. — Whether the review will be on the record or whether new evidence will be accepted, if known.

~~(.05) Scope of Review.~~

A. — At its discretion, the hearing body may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. Except, however, that the standard of review on an appeal or call up of a staff decision to be heard by the Development Review Board is de novo.

B. — The reviewing body shall issue an order stating the scope of review on appeal to be one of the following:

1. — Restricted to the record made on the decision being appealed.

2. — Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.

3. — A de novo hearing on the merits.

~~(.06) Review on the Record.~~

A. — Unless otherwise provided for by the reviewing body, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:

1. — A factual report prepared by the Planning Director or the Director's designee.

2. — All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.

3. — The written transcript or electronic recording of the hearing and a detailed summary of the evidence.

B. — The reviewing body shall make its decision based upon the record after first granting the right of argument on the record, but not the introduction of additional evidence to any party who has filed a notice of appeal. The reviewing body shall decide if the correct procedure was followed and if so, was the correct or appropriate decision made based on the applicable policies and standards.

~~(.07) Review Consisting of Additional Evidence or De Novo Review.~~

A. — Except as otherwise specified in this Code, or required by State law, the reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that that additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.

1. — Prejudice to the parties.

2. — Convenience or availability of evidence at the time of the initial hearing.

3. — Surprise to opposing parties.

4. — The competency, relevancy and materiality of the proposed testimony or other evidence.

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5. ~~Such other factors as may be determined by the reviewing body to be appropriate.~~

B. ~~"De novo hearing" shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.~~

~~(.08) Review Body Decision.~~

A. ~~Upon review, the referee, Commission, or Board may by Resolution or the Council shall by order, affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.~~

1. ~~When the referee, Commission, or Board modifies or renders a decision that reverses a decision of the Planning Director, the referee, Commission or Board, in its Resolution, shall set forth its findings and state its reasons for taking the action.~~

2. ~~When the Council modifies or renders a decision that reverses a decision of the Commission or Board, the Council, in its order, shall set forth its findings and state its reasons for taking the action.~~

3. ~~When the Council modifies or renders a decision of the Commission or Board, the Council, in its order, shall set forth its findings and state its reasons for taking the action.~~

4. ~~When the Council elects to remand the matter back to the lower review body for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.~~

B. ~~Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than 60 calendar days after the filing of the request for review and shall file that decision with the City Recorder within five working days after it is rendered.~~

~~(.09) Effective Date of Decisions. A decision of the Planning Director, Planning Commission, or Development Review Board shall become effective on the 15th calendar day after the postmarked date of the written notice of decision, unless appealed or called up for review by the Council in accordance with this Section. If a matter is heard by the Council or referee, the decision shall become effective immediately.~~

~~(Ord. No. 396, 5-4-1992; Ord. No. 761, 12-1-2014; Ord. No. 882, § 2(Exh. A), 10-2-2023)~~

#### **Section 4.023. Expiration of Development Approvals (See also Section 4.140).**

*\*\*No changes proposed in Subsections (.01) and (.02)\*\**

(.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the **review authority**City Council.

*\*\*No additional changes proposed in this section\*\**

#### **Section 4.025. Enforcement and Administration.**

(.01) It shall be the duty of the Planning Director to administer and enforce the provisions of Chapter 4 of this Code in a manner to assure rapid and effective compliance.

(.02) The records of zoning actions and all amendments shall be officially held within the office of the City Recorder. All amendments to **the Planning and Land Development Ordinance** and/or Official Zoning Map shall be approved or rejected by the City Council and acknowledged by the Mayor and attested by the City

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Recorder. Each action that changes a zoning district boundary shall be included on a new Official Zoning Map and approved by the Mayor and attested by the City Recorder and filed in the office of the City Recorder ~~and will be the correct and binding zoning in all cases.~~

- (.03) The Commission or Board by a majority vote may instruct the Planning Director to enforce any provision of this Ordinance.
- (.04) When it appears to the City Council that there is a failure or refusal by any person, firm or corporation to comply with a final decision of the Board or Planning Commission, or of the Council in cases of appeal, or that there is a continuing violation otherwise of this Ordinance, the City Council may authorize the City Attorney to institute an appropriate **legal action** ~~suit in equity in the Circuit Court~~ in the name of the City **to seek appropriate relief** ~~and abate and temporarily and permanently enjoin~~ **for** such violation.

#### **Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.**

- (.01) *Authority of Planning Director.* The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:
  - A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal **by anyone other than the applicant** or call-up, except as noted below. Pursuant to Class I procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:
    - 1. Minor site clearing and grading, prior to the approval of a Site Development Plan, provided that:
      - a. No clearing or grading occurs within the Significant Resource Overlay Zone. Clearing or grading in the Significant Resource Overlay Zone shall require, at a minimum, approval of a Class II permit through the procedures specified below;
      - b. No clearing or grading occurs within 25 feet of an area that has been identified by the City as a wetland;
      - c. Not more than three trees are proposed to be removed;
      - d. No fill or removal is proposed;
      - e. Adequate measures are utilized to control erosion and runoff from the site and that the applicant will submit a final Site Development application within seven days of submitting the minor site grading application. All grading activities require compliance with the requirements of the applicable building code and City Public Works standards.
    - 2. Class I Sign Permits, and Temporary Sign Permits for 30 days or less.
    - 3. Architectural, landscape, tree removal, grading and building plans that substantially conform to the plans approved by the Development Review Board and/or City Council. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
    - 4. Building permits for residential structures in residential zones not subject to Site Design Review, except for multi-family structures with seven or more units, meeting clear and objective zoning, siting, and design standards and located on lots that have been legally created. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
    - 5. Lot line adjustments, where none of the lots increase in area by 50 percent or more, subject to the standards specified in Section 4.233.

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6. A temporary use permit for not more than 30 days. Permitted days may or may not be consecutive, but shall not exceed 30 days within the calendar year for which the permit was applied. Temporary use permits are subject to the following standards:
    - a. The applicant has the written permission of the property owner to use the site;
    - b. The proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property;
    - c. Adequate parking is provided;
    - d. Signs shall meet the standards of Section 4.156.09; and
    - e. The proposed use has the approval of the Fire Marshal.
  7. Determination that an existing use or structure is a non-conforming use or non-conforming structure, as defined in this Code. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the history of the property, choose to process such determinations through the Class II procedures below.
  8. Actions taken subject to Site Development Permits which have been approved by the appropriate decision-making body of the City.
  9. Final plats for condominiums, subdivisions, or partitions that are substantially the same as tentative plats approved by the City and which are submitted for review and signature prior to recordation with the appropriate county.
  10. Type A tree removal permits as provided in Section 4.600.
  11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.
  12. Expedited land divisions and middle housing land divisions requiring expedited review under state law. Applications for expedited land divisions and middle housing land divisions requiring expedited review under state law, as provided for in Section 4.232 of this Code and ORS Chapter 197 shall be processed without public hearing, and shall be subject to appeal through the special appeal procedures specified in Section 4.232.
    - a. Authority of Planning Director. The Planning Director shall have authority to review applications for expedited land divisions and middle housing land divisions requiring expedited review under state law and to take action approving, approving with conditions, or denying such applications, based on findings of fact.
    - b. Tentative Plat Requirements for Expedited Land Divisions and middle housing land divisions requiring expedited review under state law. Tentative plats and all other application requirements for expedited land divisions and middle housing land divisions requiring expedited review under state law shall be the same as for other forms of land divisions, except as those requirements are specifically altered by the Oregon Revised Statutes.
    - c. Administrative Relief Not Available. In taking action on an application for an expedited land division or middle housing land divisions requiring expedited review under state law, the Planning Director is not authorized to grant Variances or waivers from the requirements of the Code.
    - d. Residential Areas Only. As specified in ORS 197, expedited land divisions shall only be approved in areas zoned for residential use.
  13. Development approval extensions as provided in Section 4.023.
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- B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as **specified in Section 4.022 and** noted below. **Class II residential development applications shall be processed without a public hearing.** Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board (**as applicable**) for a hearing:
1. Minor alterations to existing buildings or site improvements of less than 25 percent of the previous floor area of a building, but not to exceed ~~1,250~~**10,000** square feet, ~~or including the addition or removal of not more than ten parking spaces.~~ Minor modifications to approved Architectural and Site Development Plans may also be approved, subject to the same standards.
  2. Residential accessory buildings or structures with less than 120 square feet of floor area located within the Willamette River Greenway Boundary pursuant to Section 4.500 and subject to the flood plain development standards of Section 4.172. Approval of such accessory structures in the Greenway shall be based on all of the following findings of fact:
    - a. The building or structure is located so that the maximum amount of landscape area, open space and/or vegetation is provided between the river and the building;
    - b. Public access to the river is preserved or is provided in accordance with an approved and adopted plan; and
    - c. That the change of use, intensification of use, or development will be directed away from the river to the greatest possible degree while allowing a reasonable use of the property.
  3. Written interpretations of the text or maps of this Code, the Comprehensive Plan or subelements of the Comprehensive Plan, subject to appeal as provided in Section 4.022. The Planning Director may review and interpret the provisions and standards of Chapter 4 (Planning) of the Wilsonville Code upon receiving the required filing fee along with a specific written request. The Director shall publish and mail notice to affected parties and shall inform the Planning Commission and City Attorney prior to making a final written decision. The Director's letter and notice of decision shall be provided to the applicant, the Planning Commission, the City Council, and City Attorney and the notice shall clearly state that the decision may be appealed in accordance with Section 4.022 (Appeal Procedures). A log of such interpretations shall be kept in the office of the Planning Department for public review.
  4. A permit to locate an accessory use on a lot adjacent to the site of the principal use.
  5. **Residential subdivisions,** ~~s~~ubdivisions located within the Coffee Creek Industrial Design Overlay District, and land partitions, other than expedited land divisions, pursuant to Section 4.210. Approval shall be based on all of the following findings of fact:
    - a. The applicant has made a complete submittal of materials for the Director to review, as required in Section 4.210;
    - b. The proposed plan meets the requirements of the Code regarding minimum lot size and yard setbacks;
    - c. The approval will not **block** ~~impede or adversely affect~~ the orderly development of any adjoining property or access thereto;
    - d. The public right-of-way bordering the lots or parcels will meet City standards;
    - e. Any required public dedications of land have been approved for acceptance by the City and will be recorded with the County ~~prior to~~ **at the time of** final plat approval;
    - f. Adequate easements are proposed where an existing utility line crosses or encroaches upon any other parcel to be created by the partition;
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- g. All public utilities and facilities are available or can be provided prior to the issuance of any development permit for any lot or parcel; and
  - h. Roads extended or created as a result of the land division will meet City standards.
6. Decisions on the following:
- a. Lot line adjustments, where any of the lots increase by more than 50 percent in area, subject to the provisions of Section 4.233.
  - b. Temporary use permits for periods exceeding 30 days but not more than 120 days. Permitted days may or may not be consecutive, but shall not exceed 120 days within the calendar year for which the permit was applied. Temporary use permits may allow specific activities associated with the primary use or business located on the property for up to 120 days provided that:
    - i. the property owners have given written permission;
    - ii. no structure, sign or any other object shall exceed 20 feet in height;
    - iii. adequate parking is provided in designated spaces;
    - iv. signs shall meet the standards of Section 4.156.09;
    - v. electrical and building permits are obtained as required;
    - vi. undue traffic congestion will not result and, if traffic congestion is expected, a traffic control plan is submitted along with the application that identifies the traffic control procedures that will be used;
    - vii. the activity and/or use shall not unduly interfere with motorists driving on adjacent roads and streets, including I-5; and
    - viii. public notice has been provided and the comments of interested parties have been considered in the action that has been taken;
    - ix. the proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property; and
    - x. the proposed use has the approval of the Fire Marshal.
7. Solar access permits, as specified in Section 4.137.3.
8. Class II Sign Permits.
9. Site design review, as authorized in Section 4.400 for **residential development** or properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.10.
10. Review of Stage I and Stage II Planned Development applications for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.
- 11. Review of Stage I and Stage II Planned Development applications for residential development which satisfy all applicable standards.**
- ~~142.~~ Type B tree removal permits as provided in Section 4.600.
- ~~123.~~ Type C tree removal permits as provided in Section 4.600 for properties located within the Coffee Creek Industrial Design Overlay District **or associated with applications for residential development.**
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~~134.~~ Architectural and site plans, including modifications and remodels, for multi-family residential structures in residential zones with seven or more units not subject to Site Design Review, meeting clear and objective zoning, siting, and design standards, and located on lots that have previously been legally created. ~~This does not include review of Stage I and Stage II Planned Development Master Plans and Site Design Review of open space and other common improvements, which are subject to review by the Development Review Board.~~

**15. Waivers, refinements, and variances for residential development subject to the criteria in Sections 4.119, 4.125, and 4.196.**

**16. Zone Map Amendments that increase density for residential development.**

*\*\*No additional changes proposed in this section\*\**

### **Section 4.031. Authority of the Development Review Board.**

(.01) As specified in Chapter 2 of the Wilsonville Code and except as specified herein, the Board shall have authority to act on the following types of applications:

- A. Class II development applications, **other than those for residential development**, referred to the Board by the Planning Director, as authorized in Section 4.030.
- B. Call-ups or appeals of staff decisions or interpretations involving quasi-judicial applications as authorized in Sections 4.022 and 4.172.
- C. Review of tentative subdivision ~~and condominium~~ plats **for non-residential development**, as authorized in Section 4.210, other than those processed as expedited land divisions.
- D. Conditional Use Permits, as authorized in Section 4.184.
- E. Variances, as authorized in Section 4.196, other than those that are reviewed and acted upon by the Planning Director through Administrative Review processes.
- F. Initial review of quasi-judicial applications for zone changes **that do not increase residential density**, as authorized in Section 4.197.
- G. Initial review of quasi-judicial applications for amendments to one or **more** maps in the Comprehensive Plan, as authorized in Section 4.198.
- H. Site design review **for non-residential development**, as authorized in Section 4.400.
- I. Review of **non-residential** Stage I and Stage II Planned Development applications.
- J. Acceptance, rejection, or modification of traffic studies prepared for projects or developments. A traffic study prepared by the City's consultant shall not be rejected or modified by the Board unless substantial evidence exists in the record to justify such action. If the Board rejects a traffic study prepared by the City's consultant, the fee paid by the applicant for that study shall be refunded.
- K. Initial review of requests for quasi-judicial annexations to the City of Wilsonville, **except as otherwise excluded in Section 4.700**.
- L. Street vacations, where a specific development application has been filed for the subject property. If no specific development application has been filed for the subject property, the vacation request shall be considered by the Planning Commission. Action of the Planning Commission or Board on a street vacation request shall be a recommendation to the City Council.
- M. Class III Sign Permits, Master Sign Plans, and all sign permits and approvals not specifically authorized for administrative review or exempt from permitting requirements.

*\*\*No additional changes proposed in this section\*\**

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### Section 4.033. Authority of City Council.

*\*\*No changes proposed in Subsection (.01)\*\**

- (.02) When a decision or approval of the Council is required, the Planning Director shall schedule a public hearing pursuant to Section 4.013. At the public hearing the staff shall review the report of the ~~Planning Commission or Development Review Board~~ review authority and provide other pertinent information, and interested persons shall be given the opportunity to present testimony and information relevant to the proposal and make final arguments why the matter shall not be approved and, if approved, the nature of the provisions to be contained in approving action.
- (.03) To the extent that a finding of fact is required, the Council shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the ~~Planning Commission or Development Review Board~~ review authority. The Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the Council determines the conditions are appropriate to fulfill the criteria for approval.

*\*\*No additional changes proposed in this section\*\**

### Section 4.035. Site Development Permits.

*\*\*No changes proposed in Subsection (.01)\*\**

- (.02) ~~Class I—Administrative~~ **Ministerial** Review. Consistent with the authority set forth in Section 4.030, a Class I application shall be processed without a public hearing or public notice, unless otherwise specifically required by this Code.
- A. ~~Within 30 days of the date of receiving a complete Class I application, pursuant to Section 4.011, the Director shall approve, conditionally approve, or deny the Development Permit.~~ The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others. The Director shall notify the applicant in writing of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Section 4.022.
- B. The Development Permit shall be approved if applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of the Comprehensive Plan, and the remainder of Chapter 4.
1. The Development Permit shall be denied if required approvals are not obtained or the application otherwise fails to comply with Code requirements. The notice shall describe the reason for denial.
  2. Upon taking action on a Class I Permit application, the Planning Director shall mail notice of the decision to the applicant. A decision of the Planning Director under this procedure may be appealed by the applicant in accordance with Sections 4.022 and 4.030. ~~The hearing on the appeal shall be a review of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Planning Director.~~
- (.03) ~~Class II—Administrative~~ Review. Consistent with the authority set forth in Section 4.030, a Class II application shall be processed without a public hearing, except as determined appropriate by the Director.
- A. ~~Within ten calendar days of receiving a complete Class II Permit application, the~~ **The** Planning Director shall mail notice of the proposed development, pursuant to Section 4.012, to all property owners within ~~250~~ **100** feet of the proposal. The notice shall summarize the standards and criteria that will be used to evaluate the application and shall be sent to the persons designated to receive notice by the relevant sections of this Code. The notice shall invite persons to submit information within ~~ten~~ **14** calendar days, relevant to the standards pertinent to the proposal and giving reasons why the

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application should or should not be approved or proposing conditions the person believes are necessary for approval according to the standards. The notice shall also advise the person of the right to appeal, **if applicable**, the decision on the proposed development if the person's concerns are not resolved.

- B. If the Director anticipates that persons other than the applicant can be expected to question the application's compliance with the Comprehensive Plan or Development Standards, the Planning Director may initiate a public hearing, **except that the Planning Director may not initiate a public hearing for applications for residential development.**
- C. ~~Within ten calendar days of the final response date, the~~ **The** Director shall review any information received under Subsection "A", above, and make a final decision. The final decision and supporting findings shall be forwarded to the applicant, affected parties required to be notified, and the Development Review Board. The decision shall be based upon a determination of whether the application complies with the standards and criteria listed above **and as otherwise applicable** for Class I Administrative Reviews, **the applicable general development regulations, site design review criteria, and requirements of the underlying zoning district,** and, **except for applications for residential development,** the following additional standards:
  - 1. The proposed development or use, including signage, is compatible with developments or uses permitted in the zone;
  - 2. The proposed development or use will not create a nuisance or result in a significant reduction in the value or usefulness of adjacent properties;
  - 3. If the proposed use is to be temporary, the length of time for which it is permitted shall be reasonable in terms of the purpose and nature of the use that is proposed;
  - 4. If the application involves a Variance, it shall be subject to the standards and criteria listed in Section 4.196;
  - 5. All of the relevant application filing requirements of Chapter 4 have been met.
- D. A decision of the Planning Director under a Class II procedure may be appealed by an affected party **except as limited in Section 4.022.**
- E. **A decision of the Planning Director under a Class II procedure** ~~or~~ may be called up for review by the Development Review Board, provided such action is taken by members of either panel of the Board as specified in Section 4.022.
- ~~EE.~~ The Development Review Board, Planning Commission, or City Council may delegate specific actions or duties to be executed by the Planning Director. The body making the delegation shall specify the administrative review procedures that the Director is to follow in the process.

(.04) *Site Development Permit Application.*

- A. An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.
  - 1. A completed Permit application form, including identification of the project coordinator, or professional design team.
  - 2. An explanation of intent, stating the nature of the proposed development, reasons for the Permit request, pertinent background information, information required by the development standards and other information specified by the Director as required by other sections of this Code because of the type of development proposal or the area involved or that may have a bearing in determining the action to be taken. As noted in Section 4.014, the applicant bears the burden of proving that the application meets all requirements of this Code.

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3. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all individuals or partners in ownership of the affected property.
  4. Legal description of the property affected by the application.
  5. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size and impact of the development on the community, public facilities and adjacent properties; and except as otherwise specified in this Code, shall be accompanied by the following information,
  6. Unless specifically waived by the Director, the submittal shall include: ten copies folded to 9" x 12" or (one set of full-sized scaled drawings and nine 8½" x 11" reductions of larger drawings) of the proposed Site Development Plan, including a small scale vicinity map and showing:
    - a. Streets, private drives, driveways, sidewalks, pedestrian ways, off-street parking, loading areas, garbage and recycling storage areas, power lines and railroad tracks, and shall indicate the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles.
    - b. The Site Plan shall indicate how utility service, including sanitary sewer, water and storm drainage, are to be provided. The Site Plan shall also show the following off-site features: distances from the subject property to any structures on adjacent properties and the locations and uses of streets, private drives, or driveways on adjacent properties.
    - c. Location and dimensions of structures, utilization of structures, including activities and the number of living units.
    - d. Major existing landscaping features including trees to be saved, and existing and proposed contours.
    - e. Relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets, private drives, and open space.
    - f. Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, e.g., flood plain, forested areas, steep slopes or adjacent to stream banks, the elevations of all points used to determine contours shall be indicated and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals shall be shown:
      - i. One foot contours for slopes of up to five percent;
      - ii. Two foot contours for slopes of from six percent to 12 percent;
      - iii. Five foot contours for slopes of from 12 percent to 20 percent. These slopes shall be clearly identified, and
      - iv. Ten foot contours for slopes exceeding 20 percent.
    - g. A tabulation of land area, in square feet, devoted to various uses such as building area (gross and net rentable), parking and paving coverage, landscaped area coverage and average residential density per net acre.
    - h. An application fee as set by the City Council.
    - i. If there are trees in the development area, an arborist's report, as required in Section 4.600. This report shall also show the impacts of grading on the trees.
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- j. A list of all owners of property within ~~250~~ 100 feet of the subject property, printed on label format. The list is to be based on the latest available information from the County Assessor.

**7. A traffic study, as prescribed by the City Engineer; except in cases where the requirement of a traffic study has been specifically waived by the Community Development Director.**

- (.05) *Complete Submittal Required.* Application materials shall be submitted to the Planning Director who shall have the date of submission indicated on each copy submitted. Within 30 calendar days from the date of submission, the Director shall determine whether an application is complete. ~~An application is not complete unless accompanied by a traffic study, as prescribed by the City Engineer; except in cases where the requirement of a traffic study has been specifically waived by the Community Development Director.~~
- A. If the Director determines that the application is incomplete or otherwise does not conform to the provisions of this Code, the applicant shall immediately be notified in writing, conveying an explanation and a submittal deadline for completion or correction of the application. If the applicant fails or refuses to provide the necessary information, the application will be processed as specified in Section 4.011 (How Applications Are Processed) in order to assure that statutory time limits are met.
  - B. If an application is determined to be complete and in conformance with the provisions of this Ordinance, the Director shall accept it and note the date of acceptance on the application form. The Director shall then schedule the appropriate review and notify the applicant of the date of the final decision or hearing as set forth in this Chapter.
  - C. Materials submitted to the Planning Department staff after the preparation of the staff report shall be date-stamped and passed on to the appropriate decision makers. If there is insufficient time for the staff to prepare an analysis of such information, the decision-makers may choose to postpone action until such an analysis can be completed. If statutory time limits for action on the application preclude postponement, the decision makers may request a summary of the new information from the party presenting it. If information is received too late to be adequately evaluated within the legal time limits for action on the application, the decision-makers shall so state and shall make the decision, indicating within the adopted findings of fact the extent to which that information was considered in rendering the decision.
  - D. Written testimony that is sent via mail, facsimile, or computer and received by the City Recorder or the Recorder's designee prior to a public hearing shall be included in the record and considered to be originals, provided the document bears the name of the person testifying. Persons sending such documents shall be responsible for verifying that the documents have been received by the intended recipient on City staff. ~~The City will make all reasonable attempts to convert testimony sent by telecommunication to paper format but bears no responsibility for doing so.~~

(Ord. No. 682, 9-9-2010)

## ZONING

### Section 4.118. Standards Applying to all Planned Development Zones.

*\*\*No changes proposed in Subsections (.01) and (.02)\*\**

- (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the ~~Development Review Board~~ **review authority**, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:
- A. ~~Waive the following typical development standards:~~
    - 1. ~~Minimum lot area;~~

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2. — Lot width and frontage;
  3. — Height and yard requirements;
  4. — Lot coverage;
  5. — Lot depth;
  6. — Street widths;
  7. — Sidewalk requirements;
  8. — Height of buildings other than signs;
  9. — Parking space configuration and drive aisle design;
  10. — Minimum number of parking or loading spaces;
  11. — Shade tree islands in parking lots, provided that alternative shading is provided;
  12. — Fence height;
  13. — Architectural design standards, including residential design standards;
  14. — Transit facilities;
  15. — On-site pedestrian access and circulation standards;
  16. — Solar access standards, as provided in section 4.137;
  17. — Open space in the Frog Pond West Neighborhood in the Residential Neighborhood zone; and;
  18. — Lot orientation.
- ~~B.~~ The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:
1. — Open space requirements in residential areas, except that the Board may waive or reduce open space requirements in the Frog Pond West Neighborhood in the Residential Neighborhood zone. ~~Waivers in compliance with [Section] 4.127(.09)(B)(2)(d);~~
  2. — Minimum density standards and housing variety standards in residential zones. The required minimum density may be reduced by the Board in the Residential Neighborhood zone in compliance with ~~[Section] 4.127(.06) B;~~ and
  3. — Minimum landscape, buffering, and screening standards.
- ~~C.~~ The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable federal, state, or regional standards:
1. — Maximum number of parking spaces;
  2. — Standards for mitigation of trees that are removed;
  3. — Standards for mitigation of wetlands that are filled or damaged; and
  4. — Trails or pathways shown in the Parks and Recreation Master Plan.
- ~~CD.~~ Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and
- ~~DE.~~ Adopt other requirements or restrictions, inclusive of, but not limited to, the following, except that no additional requirements or restrictions can conflict with established clear and objective standards for residential development or be grounds for denying a residential development proposal when the applicant has selected the clear and objective path for approval:
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1. Percent coverage of land by buildings and structures in relationship to property boundaries to provide stepped increases in densities away from low-density development.
  2. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.
  3. The locations, width and improvement of vehicular and pedestrian access to various portions of the property, including portions within abutting street or private drive.
  4. Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.
  5. Location and size of off-street loading areas and docks.
  6. Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permits.
  7. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare, or radiation which would have an adverse effect on the present or potential development on surrounding properties.
  8. Schedule of time for construction of the proposed buildings and structures and any stage of development thereof to insure consistency with the City's adopted Capital Improvements Plan and other applicable regulations.
  9. A waiver of the right of remonstrance by the applicant to the formation of a Local Improvement District (LID) for streets, utilities and/or other public purposes.
  10. Modify the proposed development in order to prevent congestion of streets and/or to facilitate transportation.
  11. Condition the issuance of an occupancy permit upon the installation of landscaping or upon a reasonable scheduling for completion of the installation of landscaping. In the latter event, a posting of a bond or other security in an amount equal to 110 percent of the cost of the landscaping and installation may be required.
  12. A dedication of property for streets, pathways, and bicycle paths in accordance with adopted Facilities Master Plans or such other streets necessary to provide proper development of adjacent properties.
- (.04) The ~~Planning Director and Development Review Board~~ **review authority** shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the ~~Board~~ **review authority** from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.
- (.05) The ~~Planning Director, Development Review Board~~ **review authority**, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:
- A. *Recreational Facilities:* The ~~Director, Board,~~ **review authority** or Council, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development consistent with adopted Park standards and Parks and Recreation Master Plan.
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- B. *Open Space Area:* Whenever private and/or common open space area is provided, the City shall require that an association of owners or tenants be established which shall adopt such Articles of Incorporation, By-Laws or other appropriate agreement, and shall adopt and impose such Declaration of Covenants and Restrictions on such open space areas and/or common areas that are acceptable to the ~~Development Review Board~~ **review authority**. Said association shall be formed and continued for the purpose of maintaining such open space area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said open space area for the purposes intended. The period of existence of such association shall be not less than 20 years and it shall continue thereafter and until a majority vote of the members shall terminate it, and the City Council formally votes to accept such termination.
  - C. *Easements:* Easements necessary to the orderly extension of public utilities, and the protection of open space, may be required as a condition of approval. When required, such easements must meet the requirements of the City Attorney prior to recordation.
- (.06) Nothing in this Code shall prevent the owner of a site that is less than two acres in size from filing an application to rezone and develop the site as a Planned Development. Smaller properties may or may not be suitable for such development, depending upon their particular sizes, shapes, locations, and the nature of the proposed development, but Planned Developments shall be encouraged at any appropriate location.
  - (.07) *Density Transfers.* In order to protect significant open space or resource areas, the ~~Development Review Board~~ **review authority** may authorize the transfer of development densities from one portion of a proposed development to another. Such transfers may go to adjoining properties, provided that those properties are considered to be part of the total development under consideration as a unit.
  - (.08) *Wetland Mitigation and other mitigation for lost or damaged resources.* The ~~Development Review Board~~ **review authority** may, after considering the testimony of experts in the field, allow for the replacement of resource areas with newly created or enhanced resource areas. The ~~Board~~ **review authority** may specify the ratio of lost to created and/or enhanced areas after making findings based on information in the record. As much as possible, mitigation areas shall replicate the beneficial values of the lost or damaged resource areas.

*\*\*No additional changes proposed in this section\*\**

#### **Section 4.119. Waivers.**

- (.01) Purpose. The purpose of the waiver process is to allow for flexibility in application of development standards to meet the purposes and objectives of the Planned Development Regulations of Section 4.140. The waiver process applies to applications for development within Planned Development zones and differs from the variance process in Section 4.196, which addresses unnecessary hardship resulting from application of development standards. Additionally, the waiver process is the City's discretionary review process for residential development in Planned Development Zones in accordance with State law.**
- (.02) Eligible standards. Notwithstanding the provisions of Section 4.140 to the contrary, waivers may be considered by the review authority as follows:**
  - A. Based on findings of fact supported by the record, the review authority may waive the following typical development standards:**
    - 1. Minimum lot area;**
    - 2. Lot width and frontage;**
    - 3. Height and yard requirements;**
    - 4. Lot coverage;**
    - 5. Lot depth;**

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6. Street widths;
  7. Sidewalk requirements;
  8. Height of buildings other than signs;
  9. Parking space configuration and drive aisle design;
  10. Minimum number of loading spaces;
  11. Shade tree islands in parking lots, provided that alternative shading is provided;
  12. Fence height;
  13. Architectural design standards, including residential design standards;
  14. Transit facilities;
  15. On-site pedestrian access and circulation standards;
  16. Solar access standards, as provided in section 4.137;
  17. Open space in the Frog Pond West Neighborhood in the Residential Neighborhood zone in compliance with Section 4.127(.09)(B)(2)(d); and;
  18. Lot orientation.
- B. The following shall not be waived by the review authority, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:
1. Open space requirements in residential areas, except that the review authority may waive or reduce open space requirements in the Frog Pond West Neighborhood in the Residential Neighborhood zone in compliance with Section 4.127(.09)(B)(2)(d);
  2. Minimum density standards and housing variety standards in residential zones. The required minimum density may be reduced by the review authority in the Residential Neighborhood zone in compliance with Section 4.127(.06)B; and
  3. Minimum landscape, buffering, and screening standards.
- C. The following shall not be waived by the review authority, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable federal, state, or regional standards:
1. Maximum number of parking spaces;
  2. Standards for mitigation of trees that are removed;
  3. Standards for mitigation of wetlands that are filled or damaged; and
  4. Trails or pathways shown in the Parks and Recreation Master Plan.
- (.03). Criteria.** All requests for waivers to planned development standards must include narrative findings and evidence in support of the waiver request. Waivers requested pursuant to Section 4.119(.02)B. and C. must include evidence clearly demonstrating how the intent and purpose of the standards will be met in alternative ways resulting in a design equivalent to or better than application of the adopted standard. Additional applicable criteria include the following:
- A. Purposes and objectives identified in Section 4.140(.01).
  - B. Section 4.127(.09)B.2.d. for open space area waiver requests in the Frog Pond West Neighborhood in the RN Zone.
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C. **Section 4.127(.22) for waiver requests in the Frog Pond East and South Neighborhoods in the RN Zone.**

D. **Section 4.132(.06)D. for waiver requests in the TC Zone.**

*\*\*Note: references to waivers in Section 4.118(.03)A.-C. will be updated throughout the Development Code to reflect new Section 4.119\*\**

**Section 4.125. V—Village Zone.**

*\*\*No changes proposed in Subsections (.01) and (.02)\*\**

(.05) *Development Standards Applying to All Developments in the Village Zone.* In addition to other applicable provisions of the Wilsonville Planning and Land Development Ordinance, all development in the Village zone shall be subject to Tables V-1 through V-4, and to the following. If there is a conflict between the provisions of the Village zone and other portions of the Code, then the provisions of this section shall apply.

A. *Block, Alley, Pedestrian and Bicycle Standards:*

1. Maximum Block Perimeter: 1,800 feet, unless the ~~Development Review Board~~**review authority** makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent a block perimeter from meeting this standard.
2. Maximum spacing between streets or private drive for local access: 530 feet, unless the ~~Development Review Board~~**review authority** makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions from meeting this standard. Under such circumstances, intervening pedestrian and bicycle access shall be provided, with a maximum spacing of 330 feet from those local streets or private drives, unless the ~~Development Review Board~~**review authority** makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions from meeting this standard.

B. *Access:* All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.

C. Trailers, travel trailers, mobile coaches, or any altered variation thereof shall not be used for the purpose of conducting a trade or calling, or for storage of material, unless approved for such purpose as a temporary use.

D. *Fences:*

1. *General Provisions:*

- a. Fencing in the Village Zone shall be in compliance with the Master Fencing Program in the adopted Architectural Pattern Book for the appropriate SAP.
- b. When two or more properties with different setbacks abut, the property with the largest front yard setback requirement shall be used to determine the length and height of the shared side yard fence, as required by Section 4.125(.05)(D)(1)(a), above.

Example: Building 'A' has 20' front yard setback and Building 'B' has zero front yard setback. Since Building 'A' has the larger front yard setback, it shall be used to determine the height and length of the shared side yard fence. It is six feet tall, but is reduced to three feet in front of Building 'A's building line.

- c. The ~~Development Review Board~~**review authority** may, in their discretion, require such fencing as deemed necessary to promote and provide traffic safety, noise mitigation, and

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nuisance abatement, and the compatibility of different uses permitted on adjacent lots of the same zone and on adjacent lots of different zones.

2. *Residential:*
  - a. The maximum height of any fence located in the required front yard of a residential development shall not exceed three feet.
  - b. Fences on residential lots shall not include chain link, barbed wire, razor wire, electrically charged wire, or be constructed of sheathing material such as plywood or flake board. Fences in residential areas that protect wetlands, or other sensitive areas, may be chain link.
- E. Recreational Area in Multi-family Residential and Mixed Use Developments.
  1. The Recreational Area requirement is intended to provide adequate recreational amenities for occupants of multiple family developments and mixed use developments where the majority of the developed square footage is to be in residential use.
  2. Recreational Area is defined as the common area of all lawns, community gardens, play lots, plazas, court yards, interior and exterior swimming pools, ball courts, tennis courts, exercise rooms, health and exercise facilities, libraries, internet/electronic media rooms, decks and other similar areas for common recreational uses. Recreational Area may include Parks required under the Villebois Village Master Plan, and any usable park areas not shown in such plan. Private areas under this definition, defined as those areas that are accessible only by a single owner or tenant, or commercial or retail recreation facilities serving the general public, shall not constitute or contribute to the measurement of Recreational Area.
  3. A variety of age appropriate facilities shall be included in the mix of Recreational Area facilities.
  4. Recreational Area shall be calculated at the following ratios:
    - a. At the SAP Level—195 square feet per residential unit.
    - b. At the PDP level—an additional 30 square feet per residential unit
  3. Outdoor Living Area shall be considered to be part of the Open Space requirement in Section 4.125(.08).
- F. Fire Protection:
  1. All structures shall include a rated fire suppression system (i.e., sprinklers), as approved by the Fire Marshal.

### **Table V-1: Development Standards**

*\*\*Update Footnote 11 as follows:*

Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Building Frontage Width is 65%. The Minimum Building Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the ~~DRB~~**review authority**.

*\*\*No changes proposed in Subsection (.06)\*\**

(.07) *General Regulations—Off-Street Parking, Loading and Bicycle Parking.* Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the Village zone.

A. *General Provisions:*

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1. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the ~~Development Review Board~~**review authority** as minimum criteria.
  2. The ~~Board~~**review authority** shall have the authority to grant variances or refinements to these standards in keeping with the purposes and objectives set forth in this zone.

*\*\*No additional changes proposed in this subsection\*\**

(.08) *Open Space.* Open space shall be provided as follows:

- A. In all residential developments and in mixed-use developments where the majority of the developed square footage is to be in residential use, at least 25 percent of the area shall be open space, excluding street pavement and surface parking. In multi-phased developments, individual phases are not required to meet the 25 percent standard as long as an approved Specific Area Plan demonstrates that the overall development shall provide a minimum of 25 percent open space. Required yard areas shall not be counted towards the required open space area.
- B. Open space area required by this Section may, at the discretion of the ~~Development Review Board~~**review authority**, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City of Wilsonville standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage. See SROZ provisions, Section 4.139.10.
- C. The ~~Development Review Board~~**review authority** may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review and approve any pertinent bylaws, covenants, or agreements prior to recordation.

*\*\*No changes proposed in Subsections (.09) to (.17)\*\**

(.18) *Village Zone Development Permit Process.* Except as noted below, the provision of Sections 4.140(.02) through (.06) shall apply to development in the Village zone.

- A. *Purpose and Intent.* It is the purpose of this subsection to describe the process by which development plans are proposed, reviewed and adopted and to provide the procedures and criteria for development permit application, review and approval.
- B. *Unique Features and Processes of the Village (V) Zone.* To be developed, there are three phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual stage through to detailed architectural, landscape and site plan review in stages. All development within the Village zone shall be subject to the following processes:
  1. Specific Area Plan (SAP) approval by the Development Review Board, as set forth in Sections 4.125(.18)(C) through (F), below (Stage I equivalent). To be developed, a site must be included in an approved SAP. **For residential development, SAP is a Class II review by the Planning Director.**
  2. Preliminary Development Plan (PDP) approval by the Development Review Board, as set forth in Sections 4.125(.18)(G) through (K) (Stage II equivalent), below. **For residential development, PDP is a Class II review by the Planning Director.** Following SAP approval, an applicant may file applications for Preliminary Development Plan approval (Stage II equivalent) for an approved phase in accordance with the approved SAP, and any conditions attached thereto. Land divisions may also be preliminarily approved at this stage. Except for land within the Central SAP or multi-family dwellings outside the Central SAP, application for a Zone Change and Final Development

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Plan (FDP) shall be made concurrently with an application for PDP approval. The SAP and PDP/FDP may be reviewed simultaneously when a common ownership exists.

**3.** Final Development Plan (FDP) approval by the Development Review Board or the Planning Director, as set forth in Sections 4.125(.18)(L) through (P) (Site Design Review equivalent), below, may occur as a separate phase for lands in the Central SAP or multi-family dwellings outside the Central SAP. **For residential development, FDP is a Class II review by the Planning Director.**

**34.** **Ministerial and a** Administrative Review approvals, by the Planning Director, as set forth in Section 4.030. Prior to commencement of development, final approval for land divisions, tree removal permits, grading permits, and compliance with prior approvals must be received. Development permit issuance follows completion of the foregoing stages.

C. *Specific Area Plan (SAP) Application Procedures:*

1. Purpose—A SAP is intended to advance the design of the Villebois Village Master Plan.
2. If not initiated by the City Council, Planning Commission or Development Review Board, an application for SAP approval shall be submitted by the Master Planner, or by landowners pursuant to subsection C.3 below. The application shall be accompanied by payment of a fee established in accordance with the City's fee schedule.
3. The owners of property representing at least 80 percent of a SAP area may request in writing that the Master Planner submit a SAP application. The Master Planner must provide a written response within ~~thirty~~ **30** days. If the Master Planner agrees to submit a request, the Master Planner shall have 180 days to submit the SAP application. If the Master Planner denies the request, fails to respond within 30 days, or fails as determined by the Planning Director to diligently pursue the application after agreeing to submit it, by providing drafts of a pattern book and all other SAP elements within 60 days and thereafter pursuing approval in good faith, the property owners may submit a SAP application for review and approval. A copy of a SAP application submitted by property owners must be provided to the Master Planner. Once the application has been deemed complete by the City, the Master Planner shall have 30 days to review and comment in writing before the proposed SAP is scheduled for public hearing by the DRB.

D. *SAP Application Submittal Requirements:*

1. *Existing Conditions*—An application for SAP approval shall specifically and clearly show the following features and information on maps, drawings, application form or attachments. The SAP shall be drawn at a scale of 1" = 100' (unless otherwise indicated) and may include multiple sheets depicting the entire SAP area, as follows:
  - a. Date, north arrow and scale of drawing.
  - b. The boundaries of the Specific Area Plan as may be refined and in keeping with the intent of the Villebois Village Master Plan's conceptual location of SAPs. (See Figure 3 "Conceptual Specific Area Plan Boundaries" of the Villebois Village Master Plan.)
  - c. A vicinity map showing the location of the SAP sufficient to define its location and boundaries and Clackamas County Tax Assessor's map numbers of the tract boundaries. The vicinity map shall clearly identify the nearest cross streets.
  - d. An aerial photograph (at 1" = 500') of the proposed site and properties within 50 feet of the SAP boundary.
  - e. The size, dimensions, and zoning of each lot or parcel tax lot and Tax Assessor's map designations for the SAP and properties within 50 feet of the SAP boundary.

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- f. The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the SAP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only in that SAP.
  - g. Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
    - i. One foot contours for slopes of up to five percent;
    - ii. Two foot contours for slopes of from six percent to 12 percent;
    - iii. Five foot contours for slopes of from 12 percent to 20 percent. These slopes shall be clearly identified, and
    - iv. Ten foot contours for slopes exceeding 20 percent.
  - h. The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the SAP and within 50 feet of the SAP boundary, as required by Section 4.139.
2. *SAP Development Information*—The following information shall also be shown at a scale of 1" = 100' and may include multiple sheets depicting the entire SAP area:
- a. A site circulation plan showing the approximate location of proposed vehicular, bicycle and pedestrian access points and circulation patterns, and parking and loading areas.
  - b. The approximate location of all proposed streets, alleys, other public ways, curb extensions, sidewalks, bicycle and pedestrian accessways, neighborhood commons, and easements. The map shall identify existing subdivisions and development and un-subdivided land ownerships adjacent to the proposed SAP site.
  - c. The approximate project location, acreage, type, preliminary lot lines and density of the proposed development. For the residential portions of the SAP, the master planner shall identify: 1) the overall minimum and maximum number of housing units to be provided; and 2) the overall minimum and maximum number of housing units to be provided, by housing type.
  - d. The approximate locations of proposed parks, playgrounds or other outdoor play areas, outdoor common areas, usable open spaces, and natural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use. This information shall be provided in tabular form, and shall reconcile all such areas as may have been adjusted through prior approvals.
  - e. A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.
  - f. A grading plan illustrating existing and proposed contours as prescribed previously in this section.
  - g. A development sequencing plan.
  - h. A utilities sequencing plan.
  - i. A bicycle and pedestrian circulation plan.
  - j. A tree removal, preservation and protection plan.
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- k. A property ownership list, as required by Section 4.035(.04)(A)(6)(j).
  - l. At the applicant's expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the SAP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2).
  - m. A master signage and wayfinding plan.
  - n. A rainwater management program.
3. *Architectural Pattern Book*—An Architectural Pattern Book shall be submitted with a SAP application. The Architectural Pattern Book shall apply to all development outside of the Village Center Boundary, as shown on Figure 1 of the currently adopted Villebois Village Master Plan. An Architectural Pattern Book shall address the following:
- a. Illustrate areas within the Specific Area Plan covered by the Architectural Pattern Book.
  - b. An explanation of how the Architectural Pattern Book is organized, and how it is to be used.
  - c. Define specific standards for architecture, color, texture, materials, and other design elements.
  - d. Include a measurement or checklist system to facilitate review of development conformity with the Architectural Pattern Book.
  - e. Include the following information for all middle housing, and single-family detached housing inside and outside of the Village Center, and for all other buildings outside of the Village Center, including Neighborhood Center(s) within the SAP:
    - i. Illustrate and describe the Regional and Climatic conditions affecting the SAP, and the proposed building types including:
      - Relationship of indoor and outdoor spaces.
      - Design for rainwater paths including roof forms, gutters, scuppers and downspouts.
      - Design for natural day-lighting.
      - Massing and materials.
  - f. Illustrate and describe examples of appropriate architectural styles and how they would be applied to specific land use types, including the definitions (i.e., specifications) of the elements, massing, and facade composition for each style including:
    - i. Architectural precedent and/or historic relevance of each style.
    - ii. Massing, proportions, and roof forms, including details.
    - iii. Doors, windows and entrances showing trim types and details.
    - iv. Porches, chimneys and unique features and details.
    - v. Materials, colors, light fixtures and accents.
    - vi. Downspouts and gutters.
  - g. Illustrate and describe examples of appropriate exterior lighting types, and how their design:
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- i. Minimizes glare.
        - ii. Minimizes emission of light beyond the boundaries of a development site.
        - iii. Conserves energy.
        - iv. Maintains nighttime safety, utility, security, and productivity.
        - v. Minimizes the unnatural brightening of the night sky.
      - h. A Master Fencing Program illustrating and describing the specifications and materials for fencing within the SAP.
  - 4. *Community Elements Book*—A Community Elements Book shall be submitted, including the following:
    - a. Lighting Master Plan and Specifications, which address the requirements of Section 4.125(.18)(D)(3)(g), above.
    - b. Lighting Master Plan and Specifications.
    - c. Site Furnishings Master Plan and Specifications.
    - d. Curb Extensions Master Plan and Specifications.
    - e. Street Tree Master Plan and Specifications.
    - f. Post Box Specifications.
    - g. Bollard Specifications.
    - h. Trash Receptacle Specifications.
    - i. Recycling Receptacle Specifications.
    - j. Bench Specifications.
    - k. Bicycle Rack and Locker Specifications.
    - l. Playground Equipment Specifications.
    - m. Master Plant List and Specifications.
    - n. For SAP Central, provide additional information regarding the elements within the Address Overlay Areas.
  - 5. *Rainwater Management Program*—A Rainwater Management Program shall be submitted, addressing the following:
    - a. Provision for opportunities to integrate water quality, detention, and infiltration into the SAP's natural features and proposed development areas;
    - b. Provision of methods reducing the increase in runoff from the 90<sup>th</sup> percentile of all rain events and meet pre-development hydrology to the greatest extent practicable;
    - c. Identification of guidelines and standards for the design of all Rainwater Management Systems within the SAP, that:
      - i. Manage the ¼-inch, 24-hour rainfall event at pre-development levels.
      - ii. Mitigate 100 percent of impervious area from private areas within public areas and/or private areas (i.e., parks and open space areas, public street rights-of-way).
      - iii. Mitigate 100 percent of impervious area from all public areas within public areas (i.e., parks and open space areas, public street rights-of-way).
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- iv. Remove 70 percent of Total Suspended Solids (TSS) for ¼-inch, 24-hour storm event for all development areas.
  - v. Remove 65 percent of Phosphorous for ¼-inch, 24-hour storm event for all development areas.
  - vi. Integrate compost-amended topsoil in all areas to be landscaped to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.
  - vii. Treatment associated with stormwater runoff will be considered in meeting Total Suspended Solids (TSS) and Phosphorus removal requirements.
6. *Master Signage and Wayfinding*—A Master Signage and Wayfinding Plan shall be submitted with an SAP application and shall address the following:
- a. Illustrate the boundaries of the SAP covered by the Master Signage and Wayfinding Plan.
  - b. An explanation of how the Master Signage and Wayfinding Plan is organized and how it is to be used.
  - c. Define specific standards for signage and wayfinding elements within the subject SAP.
  - d. Define specifications for logo, typography, symbols and color palette.
  - e. Narrative shall be submitted as part of the application to adopt the Master Signage and Wayfinding Plan showing how the proposed Master Signage and Wayfinding Plan meets the Purpose statement of W.C. Section 4.156.01 and how the proposed Plan is consistent with site signs, sited directional signs and information signs in other Villebois SAPs. Narrative shall also be provided describing how the proposed Master Signage and Wayfinding Plan compares conceptually with the signage allowed in the Wilsonville Town Center, as described in Section 4.156.08, to ensure that signage is allowed in a[n] equitable manner throughout the City. Section 4.156.08 is not to be used for a direct comparison of sign standards.
7. *Village Center Architectural Standards*—Village Center Architectural Standards shall be submitted with an application for the Central SAP. The Village Center Architectural Standards shall apply to the portion of SAP Central within the Village Center boundary. This area is shown on Figure 1 of the currently adopted Master Plan. The Village Center Architectural Standards shall address the following:
- a. Provide an explanation of how the Village Center Architectural Standards is organized, and how it is to be used.
  - b. Include a measurement or checklist system to facilitate review of development conformity with the Village Center Architectural Standards.
  - c. The Village Center Architectural Standards shall address Village Center Design Standards required by Sections 4.125(.16) and (.17), above.
  - d. Illustrate the boundaries of all Address Overlay Areas.
  - e. For each Address Overlay Area, the Village Center Architectural Standards shall include a narrative describing the intended characteristics.
  - f. The Village Center Architectural Standards shall include standards for all buildings regarding the following elements:
    - i. Building massing and proportions.
    - ii. Roof forms, including typical components.
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- iii. Building components, including but not limited to:
          - Doors and primary entrances.
          - Canopies and awnings.
          - Windows.
          - Porches, balconies, bay windows.
        - iv. Exterior materials and color palette
      - g. The Village Center Architectural Standards shall work in coordination with the following SAP documents:
        - i. The Parks and Open Space Plan.
        - ii. The Site Circulation Plan.
        - iii. Composite Utility Plan.
        - iv. The Master Signage and Wayfinding Plan.
        - v. The Community Elements Book.
        - vi. The Rainwater Management Program.
    8. *SAP Narrative Statement*—A narrative statement shall be submitted, addressing the following:
      - a. A description, approximate location and timing of each proposed phase of development within the SAP.
      - b. An explanation of how the proposed development complies with the applicable standards of this section.
      - c. A statement describing the impacts of the proposed development on natural resources within the SAP and how the proposed development complies with the applicable requirements of Chapter 4.
      - d. Includes a description of the goals and objectives of the Villebois Village Master Plan and the Design Principles of the V-Zone, and how they will be met for the specified land use area.
      - e. Includes information demonstrating how the Architectural Pattern Book satisfies the goals and concepts of the Villebois Village Master Plan, the Design Principles and Design Standards of the Village zone.
      - f. Where applicable, a written description of the proposal's conformance with the Village Center Design Principles and Standards.
    - E. *SAP Approval Process and Review Criteria:*
      1. An application for SAP approval shall be reviewed using the following procedures:
        - a. ~~Public notice of a public hearing before the Development Review Board regarding a proposed SAP shall be made in accordance with the procedures contained in Section 4.012.~~ **Public n**
        - b. ~~The Development Review Board~~ **review authority** may approve an application for SAP approval only upon finding the following approval criteria are met:
          - i. That the proposed SAP:
            - Is consistent with the standards identified in this section.
            - Complies with the applicable standards of the Planning and Land Development Ordinance, and

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- Is consistent with the Villebois Village Master Plan. Those elements of the Village Master Plan with which the SAP must be consistent are the Plan's Goals, Policies, and Implementation Measures, and, except as the text otherwise provides, Figures 1, 5, 6A, 7, 8, 9A, and 9B.
  - ii. If the SAP is to be phased, as enabled by Sections 4.125(.18)(D)(2)(g) and (h), that the phasing sequence is reasonable.
  - iii. ~~The Development Review Board~~ **review authority** may require modifications to the SAP, or otherwise impose such conditions, as it may deem necessary to ensure conformance with the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.

F. *Refinements to Approved Villebois Village Master Plan:*

1. In the process of reviewing a SAP for consistency with the Villebois Village Master Plan, the ~~Development Review Board~~ **review authority** may approve refinements, but not amendments, to the Master Plan. **The refinement process is the City's discretionary review process for residential development in the Village Zone in accordance with State law.** Refinements to the Villebois Village Master Plan may be approved ~~by the Development Review Board~~, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section 4.125(.18)(F)(2), below. Amendments to the Villebois Village Master Plan may be approved by the Planning Commission as set forth in Section 4.032(.01)(B).
  - a. Refinements to the Master Plan are defined as:
    - i. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.
    - ii. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Specific Area Plan.
    - iii. Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.
    - iv. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the affected SAP. For purposes of this subsection, "land uses" or "uses" are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.
    - v. A change in density that does not exceed ten percent, provided such density change does not result in fewer than 2,300 dwelling units in the Village.
    - vi. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the function of collector or minor arterial streets.
  - b. As used herein, "significant" means:
    - i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in [Section 4.125](.18)(F)(1)(a), above, or,

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- ii. That which negatively affects an important, qualitative feature of the subject, as specified in [Section 4.125](.18)(F)(1)(a), above.
  2. Refinements meeting the above definition may be approved by the ~~DRB~~**review authority** upon the demonstration and finding that:
    - a. The refinements will equally or better meet the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.
    - b. The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the SAP and Village area, and
    - c. The refinement will not preclude an adjoining or subsequent SAP area from development consistent with the Master Plan.
  3. Amendments are defined as changes to elements of the Master Plan not constituting a refinement. Amendments to the Master Plan must follow the same procedures applicable to adoption of the Master Plan itself.
- G. *Preliminary Development Plan Approval Process (Equivalent to Stage II):*
1. An application for approval of a Preliminary Development Plan for a development in an approved SAP shall:
    - a. Be filed with the City Planning Division for the entire SAP, or when submission of the SAP in phases has been authorized by the ~~Development Review Board~~**review authority**, for a phase in the approved sequence.
    - b. Be made by the owner of all affected property or the owner's authorized agent; and
    - c. Be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution; and
    - d. Set forth the professional coordinator and professional design team for the project; and
    - e. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.
    - f. Include a preliminary land division (concurrently) per Section 4.200, as applicable.
    - g. Include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.
  2. The application for Preliminary Development Plan approval shall include conceptual and quantitatively accurate representations of the entire development sufficient to demonstrate conformance with the approved SAP and to judge the scope, size and impact of the development on the community and shall be accompanied by the following information:
    - a. A boundary survey or a certified boundary description by a surveyor licensed in the State of Oregon.
    - b. Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, (e.g., flood plain, wetlands, forested areas, steep slopes or adjacent to stream banks). Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
      - i. One foot contours for slopes of up to five percent;
      - ii. Two foot contours for slopes of from six percent to 12 percent;
      - iii. Five foot contours for slopes of from 12 percent to 20 percent. These slopes shall be clearly identified, and

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- iv. Ten foot contours for slopes exceeding 20 percent.
  - c. The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the PDP and within 50 feet of the PDP boundary, as required by Section 4.139.
  - d. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.
  - e. The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the SAP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails, and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees six inches and greater d.b.h. on the project site only.
  - f. Conceptual drawings, illustrations and building elevations for each of the listed housing products and typical non-residential and mixed-use buildings to be constructed within the Preliminary Development Plan boundary, as identified in the approved SAP and where required, the approved Village Center Architectural Standards.
  - g. A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.
  - h. If it is proposed that the Preliminary Development Plan will be executed in phases, the sequence thereof shall be provided.
  - i. A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project.
  - j. At the applicant's expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the SAP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2).
- H. *PDP Application Submittal Requirements:*
- 1. The Preliminary Development Plan shall conform with the approved Specific Area Plan, and shall include all information required by Sections 4.125(.18)(D)(1) and (2), plus the following:
    - a. The location of water, sewerage and drainage facilities;
    - b. Conceptual building and landscape plans and elevations, sufficient to indicate the general character of the development;
    - c. The general type and location of signs;
    - d. Topographic information as set forth in Section 4.035;
    - e. A map indicating the types and locations of all proposed uses; and
    - f. A grading and erosion control plan illustrating existing and proposed contours as prescribed previously in this section.
  - 2. In addition to this information, and unless waived by the City's Community Development Director as enabled by Section 4.008(.02)(B), at the applicant's expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the PDP on the local street and road network, and shall specify the maximum projected
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average daily trips and maximum parking demand associated with buildout of the entire PDP, and it shall meet Subsection 4.140(.09)(J)(2) for the full development of all five SAPs.

3. The Preliminary Development Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the phase of development. However, approval of a Final Development Plan is a separate and more detailed review of proposed design features, subject to the standards of Section 4.125(.18)(L) through (P), and Section 4.400 through Section 4.450.
  4. Copies of legal documents required by the ~~Development Review Board~~ **review authority** for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.
- I. *PDP Approval Procedures:*
1. An application for PDP approval shall be reviewed using the following procedures:
    - a. ~~Public n~~Notice of a public hearing before the Development Review Board regarding a proposed SAP shall be made in accordance with the procedures contained in Section 4.012.
    - b. ~~A public hearing shall be held on each such application as provided in Section 4.013.~~
    - eb. ~~After such hearing, the~~ **The review authority** ~~Development Review Board~~ shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.
- J. *PDP Refinements to an Approved Specific Area Plan:*
1. In the process of reviewing a PDP for consistency with the approved Specific Area Plan, the ~~DRB~~ **review authority** may approve refinements, but not amendments, to the SAP. **The refinement process is the City's discretionary review process for residential development in the Village Zone in accordance with State law.** Refinements to the SAP may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section [4.125](.18)(J)(2), below.
    - a. Refinements to the SAP are defined as:
      - i. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.
      - ii. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Preliminary Development Plan.
      - iii. Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.
      - iv. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan. For purposes of this subsection, "land uses" or "uses" are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.
      - v. A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.

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- vi. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the functioning of collector or minor arterial streets.
  - b. As used herein, "significant" means:
    - i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in [Section 4.125](.18)(J)(1)(a), above, or,
    - ii. That which negatively affects an important, qualitative feature of the subject, as specified in [Section 4.125](.18)(J)(1)(a), above.
  - 2. Refinements meeting the above definition may be approved by the ~~DRB~~ review authority upon the demonstration and finding that:
    - a. The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.
    - b. The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area, and
    - c. The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.
  - 3. Amendments to the SAP, not including SAP amendments for phasing, must follow the same procedures applicable to adoption of the SAP itself. Amendments are defined as changes to elements of the SAP not constituting a refinement.
  - 4. Amendments to the SAP for phasing will be processed as a Class II administrative review proposal.
- K. *PDP Approval Criteria.* The review authority~~Development Review Board~~ may approve an application for a PDP only upon finding that the following approval criteria are met:
- 1. That the proposed PDP:
    - a. Is consistent with the standards identified in this section.
    - b. Complies with the applicable standards of the Planning and Land Development Ordinance, including Sections 4.140(.09)(J)(1)—(3).
    - c. Is consistent with the approved Specific Area Plan in which it is located.
    - d. Is consistent with the approved Architectural Pattern Book and, where required, the approved Village Center Architectural Standards.
  - 2. If the PDP is to be phased, that the phasing schedule is reasonable and does not exceed two years between commencement of development of the first, and completion of the last phase, unless otherwise authorized by the review authority~~Development Review Board~~.
  - 3. Parks within each PDP or PDP phase shall be constructed prior to occupancy of 50 percent of the dwelling units in the PDP or PDP phase, unless weather or other special circumstances prohibit completion, in which case bonding for the improvements shall be permitted.
  - 4. In the Central SAP, parks shall be constructed within each PDP as provided above, and that pro rata portion of the estimated cost of Central SAP parks not within the PDP, calculated on a dwelling unit basis, shall be bonded or otherwise secured to the satisfaction of the City.
  - 5. The review authority~~Development Review Board~~ may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements
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and standards of the Planning and Land Development Ordinance, and the standards of this section.

L. *Final Development Plan Approval Procedures (Equivalent to Site Design Review):*

1. Unless an extension has been granted by the ~~Development Review Board~~ **review authority** as enabled by Section 4.023, an application for FDP approval on lands within the Central SAP or multi-family dwellings outside of the Central SAP shall be filed within two years after the approval of a PDP. All applications for approval of a FDP shall:
  - a. Be filed with the City Planning Division for the entire FDP, or when submission of the PDP in phases has been authorized by the **review authority** ~~Development Review Board~~, for a phase in the approved sequence.
  - b. Be made by the owner of all affected property or the owner's authorized agent.
  - c. Be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution.
  - d. Set forth the professional coordinator and professional design team for the project.

M. *FDP Application Submittal Requirements:*

1. An application for approval of a FDP shall be subject to the provisions of Section 4.034.

N. *FDP Approval Procedures:*

1. An application for approval of a FDP shall be subject to the provisions of Section 4.421

O. *FDP Refinements to an Approved Preliminary Development Plan:*

1. In the process of reviewing a FDP for consistency with the underlying Preliminary Development Plan, the ~~DRB~~ **review authority** may approve refinements, but not amendments, to the PDP. **The refinement process is the City's discretionary review process for residential development in the Village Zone in accordance with State law.** Refinements to the PDP may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section 4.125(.18)(O)(2), below.
  - a. Refinements to the PDP are defined as:
    - i. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.
    - ii. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the PDP.
    - iii. Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.
    - iv. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the affected PDP. For purposes of this subsection, "land uses" or "uses" are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.

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- v. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the functioning of collector or minor arterial streets.
        - b. As used herein, "significant" means:
          - i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in [Section 4.125](.18)(O)(1)(a), above, or,
          - ii. That which negatively affects an important, qualitative feature of the subject, as specified in [Section 4.125](.18)(F)(1)(a), above.
      2. Refinements meeting the above definition may be approved by the ~~DRB~~**review authority** upon the demonstration and finding that:
        - a. The refinements will equally or better meet the approved conditions of approval of the PDP.
        - b. The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP, the associated SAP, and
        - c. The refinement will not preclude adjoining or subsequent PDPs, associated or adjoining SAPs from development consistent with an approved SAP or the Villebois Village Master Plan.
      3. Amendments to the PDP must follow the same procedures applicable to adoption of the PDP itself. Amendments are defined as changes to elements of the PDP not constituting a refinement.
    - P. *FDP Approval Criteria:*
      1. An application for approval of a FDP shall be subject to the provisions of Section 4.421.
      2. An application for an FDP shall demonstrate that the proposal conforms to the applicable Architectural Pattern Book, Community Elements Book, Village Center Architectural Standards and any conditions of a previously approved PDP.
    - (.19) *Expiration of SAP, PDP and FDP Approvals.* A SAP approval shall not expire. A PDP or FDP approval shall expire two years after its approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the ~~Development Review Board~~**Planning Director** may extend these expiration times for up to three additional periods of not more than one year each. Applicants seeking time extensions shall make their requests in writing at least 30 days in advance of the expiration date. Requests for time extensions shall only be granted upon a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year. For purposes of this section, "substantial development" is deemed to have occurred if the subsequently-required development approval, building permit or public works permit has been submitted for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit.
    - (.20) *Adherence to Approved Plan and Modification Thereof:* The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a FDP. The approved FDP and phase development sequence shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved FDP may be approved by the Planning Director if such changes are consistent with the purposes and general character of the approved development plan. All other modifications, excluding revision of the phase development sequence, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
    - (.21) In the event of a failure to comply with the approved FDP, or any prescribed condition of approval, including failure to comply with the phase development schedule, the ~~Development Review Board~~**review authority**

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may, after notice and hearing **(if required)**, revoke a FDP. General economic conditions that affect all in a similar manner may be considered as a basis for an extension of a development schedule.

*\*\*No additional changes proposed in this section\*\**

### **Section 4.127. Residential Neighborhood (RN) Zone.**

*(.08) Development Standards:*

*\*\*No changes proposed in Subsections (.08)A.-E.\*\**

F. Public Realm Requirements for Frog Pond East and South Master Plan area

1. Development in Frog Pond East and South shall conform with the public realm element in Chapter 7 of the Frog Pond East and South Master Plan in the following ways with the referenced figures, tables, and text from the Frog Pond East and South Master Plan incorporated into this Subsection by reference as if fully stated herein:
  - a. Active transportation connections shall be provided as shown in Figure 20.
  - b. Street trees shall be provided consistent with Figure 26 and the text on pages 91 through 94.
  - c. Public lighting shall be provided consistent with Figure 27 and the text on pages 95 through 99.
  - d. Gateway treatment and monument signs shall be provided consistent with and limited to what is shown and described in Figure 28, Table 6, and the text on page 102.
  - e. Sign toppers or "sign caps" shall be provided on street signs as described on page 102 and shown in Figure D-8 below consistent with the City's Public Works Standards.



**Figure D-8. Frog Pond Street Sign Topper**

- f. Consistent with Figure 18 and the text on page 77, the East Neighborhood Park shall be a minimum of three acres in size, not including the BPA easement area, and located directly adjacent to the BPA easement in Subdistricts E5 and/or E6. The park shall also have frontage on SW Brisband Street. Park location shall provide a terminal vista on the north end of SW 60<sup>th</sup> Avenue and may provide a terminal vista on the east end of SW Brisband Street. Park features and amenities shall be consistent with the description on Page 78.
- g. A "Main Street Gateway" feature shall be provided on SW Brisband Street at SW Stafford Road. The feature shall:
  - i. be at least 20 feet in height so as to be visible from a distance, the ~~Development Review Board~~ **review authority** may approve height shorter than

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20 feet upon the finding that the gateway feature remains clearly and prominently visible from 1,000 feet away;

- ii. be at least three feet in width and length, on average;
- iii. incorporate both sides of SW Brisband Street or be centered within the round-a-bout;
- iv. include materials and other design elements representative of Frog Pond East and South as outlined and depicted in the Frog Pond East and South Master Plan; and
- v. be professionally designed by a professional(s) with experience designing such gateway features. An affidavit of such professional's credentials shall be included in the development application material.
- vi. The "Main Street Gateway" design is subject to Site Design Review. Additionally, the design is encouraged, but not required, to be coordinated with and reviewed by the Arts, Cultural, and Heritage Commission. Any review comments by the Arts, Cultural, and Heritage Commission shall be forwarded to the ~~Development Review Board~~**review authority** as part of the record for Site Design Review.

(.09) *Open Space:*

A. *Purpose.* The purposes of these standards for the Residential Neighborhood Zone are to:

- 1. Provide light, air, open space, and useable recreation facilities to occupants of each residential development.
- 2. Retain and incorporate natural resources and trees as part of developments.
- 3. Provide access and connections to trails and adjacent open space areas.

For Neighborhood Zones which are subject to adopted legislative master plans, the standards work in combination with, and as a supplement to, the park and open space recommendations of those legislative master plans. These standards supersede the Open Space requirements in WC Section 4.113(.01).

B. *Within the Frog Pond West Neighborhood, the following standards apply:*

- 1. Properties within the R-10 Large Lot sub-districts and R-7 Medium Lot sub-districts are exempt from the requirements of this section. If the ~~Development Review Board~~**review authority** finds, based upon substantial evidence in the record, that there is a need for open space, they may waive this exemption and require open space proportional to the need.
- 2. For properties within the R-5 Small Lot sub-districts, Open Space Area shall be provided in the following manner:
  - a. Ten percent of the net developable area shall be in open space. Net developable area does not include land for non-residential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Open space must include at least 50 percent usable open space as defined by this Code and other like space that the ~~Development Review Board~~**review authority** finds will meet the purpose of this section.
  - b. Natural resource areas such as tree groves and/or wetlands, and unfenced low impact development storm water management facilities, may be counted toward the ten percent requirement at the discretion of the ~~Development Review Board~~**review authority**. Fenced storm water detention facilities do not count toward the open space requirement. Pedestrian connections may also be counted toward the ten percent requirement.

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- c. The minimum land area for an individual open space is 2,000 square feet, unless the ~~Development Review Board~~ **review authority** finds, based on substantial evidence in the record, that a smaller minimum area adequately fulfills the purpose of this Open Space standard.
  - d. The ~~Development Review Board~~ **review authority** may reduce or waive the usable open space requirement in accordance with Section ~~4.118(.03)~~ **4.119**. The ~~Board~~ **review authority** shall consider substantial evidence regarding the following factors: the walking distance to usable open space adjacent to the subject property or within 500 feet of it; the amount and type of open space available adjacent or within 500 feet of the subject property, including facilities which support creative play.
  - e. The ~~Development Review Board~~ **review authority** may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants or agreements prior to recordation.
- C. Within the Frog Pond East and South Master Plans open space shall be provided consistent with the requirements in Subsection 4.113(.01)C.—F., and designed and located according to the following criteria:
1. Green Focal Points. For the East and South Neighborhoods, Green Focal Points are intended to serve as central neighborhood destinations or gathering places that contribute to neighborhood character and identity. Green Focal Points can take a variety of forms, including community garden plots, small playgrounds or splash pads, nature play areas, pocket parks or plazas, and central green courtyards within housing developments. As part of meeting the open space requirements in Subsection 4.113(.01)C.—F. for a Stage I Master Plan Area, each Subdistrict in Frog Pond East and South shall have at least one Green Focal Point meeting the 2,000 square foot size requirement in Subsection 4.113(.01)D.1. Even if the usable open space requirement is otherwise met, each subdistrict shall still have the minimum 2,000 square foot Green Focal Point. In addition to the standards in Subsection 4.113(.01)C.—F., the following requirements apply:
    - a. Location requirements by Subdistrict:
      - Subdistrict E1: Green Focal Point to be located north of the Frog Pond Grange building or in the tree grove near the existing home at 27480 SW Stafford Road.
      - Subdistrict E3: A Green Focal Point to be located at trailhead adjacent to SROZ leading to the south.
      - Subdistrict E4: A plaza space to be integrated with the Brisband Street Main Street mixed-use development.
      - Subdistrict S2: A Green Focal Point to be located and aligned with terminus of future extension of SW Hazel Street.
      - Subdistrict S3: A Green Focal Point to be located near northern end of Kruse Creek.
      - If Subdistrict is not listed above, a Green Focal Point is still required, but there is no special locational requirement.
    - b. Direct access to one or more Green Focal Points shall be provided from each residential lot in the neighborhood. Direct access, for the purpose of this requirement, means: a pedestrian would need to travel on no more than two different streets to reach a green focal point from the lot frontage of the home to an open space frontage.
  2. East Neighborhood Park. See Subsection 4.127(.08)F.1.f. above.
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(.10) *Block, access and connectivity standards:*

- A. *Purpose.* These standards are intended to regulate and guide development to create: a cohesive and connected pattern of streets, pedestrian connections and bicycle routes; safe, direct and convenient routes to schools and other community destinations; and, neighborhoods that support active transportation and Safe Routes to Schools.
- B. *Blocks, access and connectivity shall comply with adopted legislative master plans:*
  - 1. Within the Frog Pond West Neighborhood, streets shall be consistent with Figure 18, Street Demonstration Plan, in the Frog Pond West Master Plan. The Street Demonstration Plan is intended to be guiding, not binding. Variations from the Street Demonstration Plan may be approved by the ~~Development Review Board~~ **review authority**, upon finding that one or more of the following justify the variation: barriers such as existing buildings and topography; designated Significant Resource Overlay Zone areas; tree groves, wetlands or other natural resources; existing or planned parks and other active open space that will serve as pedestrian connections for the public; alignment with property lines and ownerships that result in efficient use of land while providing substantially equivalent connectivity for the public; and/or site design that provides substantially equivalent connectivity for the public.
  - 2. In the Frog Pond East and South Neighborhoods, or if a legislative master plan does not provide sufficient guidance for a specific development or situation, the block and access standards in Section 4.124(.09) apply.

*\*\*No changes proposed in Subsections (.11) to (.15)\*\**

(.16) *Residential Design Standards:*

- A. *Purpose.* These standards:
  - 1. Support consistent quality standards so that each home contributes to the quality and cohesion of the larger neighborhood and community.
  - 2. Support the creation of architecturally varied structures, blocks and neighborhoods, whether a neighborhood develops all at once or one lot at a time, avoiding homogeneous street frontages that detract from the community's appearance.
- B. *Applicability.* In the Frog Pond West Neighborhood standards C. through G. apply to all façades facing streets, pedestrian connections, parks, open space tracts, the Boeckman Trail, or elsewhere as required by this Code or ~~Development Review Board~~ **review authority**. Exemptions from these standards include: (1) Additions or alterations adding less than 50 percent to the existing floor area of the structure; and, (2) Additions or alterations not facing a street, pedestrian connection, park, or open space tract. In the Frog Pond East and South Neighborhoods, the standards in C. through G. do not apply. Rather, design standards in 4.113(.14) apply to all public-facing facades in the Frog Pond East and South Neighborhoods.
- C. *Windows.* The standards for minimum percentage of façade surface area in windows are below. These standards apply only to facades facing streets, pedestrian connections, parks, and open space tracts.
  - 1. For two-story structures:
    - a. 15 percent front facades.
    - b. 12.5 percent—front facades if a minimum of six design elements are provided per Section 4.127(0.15)E., Design Menu.
    - c. Ten percent—front facades facing streets if a minimum of seven design elements are provided per Section 4.127(0.15)E., Design Menu.
  - 2. For one-story structures:

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- a. 12.5 percent—front facades.
  - b. Ten percent—front facades if a minimum of six design elements are provided per Section 4.127(0.15)E., Design Menu.
3. For all structures: Five percent for street-side facades.
  4. Windows used to meet this standard must provide views from the building to the street. Glass block does not meet this standard. Windows in garage doors and other doors count toward this standard.
  5. Street-facing facades along Boeckman Road and Stafford Road must meet the standards for front facades.
- D. *Articulation.* Plans for residential buildings shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30 feet on façades facing streets, pedestrian connections, parks, open space tracts, or elsewhere as required by this Code or the ~~Development Review Board~~ **review authority**. Where a façade governed by this standard is less than 30 feet in length, at least one of the above-cited features shall be provided.

*\*\*No additional changes proposed in Subsection (.16) and no changes proposed in Subsections (.17) to (.21)\*\**

(.22) *Consideration of Waivers in the Frog Pond East and South Neighborhoods.*

- A. Applicants for development in the Frog Pond East and South Neighborhoods may request waivers to applicable development and design standards in Section 4.127 pursuant to Section ~~4.118(.03)~~ **4.119**, provided the criteria in subsection B. are met. Waivers are typically applied for with a Stage II final plan. However, when a Stage I approval is requested prior to submission of a Stage II final plan in the Frog Pond East and South Neighborhoods, the applicant may elect to request a waiver or waivers related to standards impacting lot size or dimension, housing variety, the size or location of parks or open space, or the location of streets or pathways in conjunction with the Stage I approval, if the applicant can demonstrate each requested waiver would directly impact site layout. In such case, a Stage II final plan for the same development area may not be applied for until there is a final decision on the Stage I and associated waivers. Each approved Stage I waiver shall expire unless a Stage II final plan consistent with the approved Stage I waiver is submitted within two years.
- B. In addition to the waiver criteria in Sections 4.118~~9~~ and 4.140 and applicable Site Design Review standards, when reviewing a waiver for development within the Frog Pond East and South Neighborhoods the ~~Development Review Board~~ **review authority**'s decision shall be based on the following criteria, which reflects guidance in the Frog Pond East and South Master Plan:
  1. The development enabled by the waiver is complementary and compatible with development that would typically be built within the subject Urban Form Type as described in Chapter 6 of the Frog Pond East and South Master Plan including structures that match the relevant urban form descriptions on pages 57-59 of the Master Plan and maintaining the transect of urban form shown in Figure 15. *Land Use and Urban Form Plan.*
    - a. In making findings regarding the waiver criteria in Section 4.140, further direction from Chapter 6 of the Master Plan to be considered includes, but is not limited to, increasing opportunities for affordable housing choices with a focus on exceeding minimum requirements for middle housing, mobility-ready units, and small units as established in Table 6B; improving transitions between different urban forms; and maximizing amenities available to residents and visitors (e.g., additional plazas, active recreation spaces, green focal points, and other gathering opportunities).

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2. The waiver continues to support a wide variety of housing throughout the Frog Pond East and South Neighborhoods including not reducing the Minimum Number of Units of any requirement in Table 6B by the greater of five units or 20 percent.
    - a. Except as indicated in b. and c. below, the number on which the greater of five units or 20 percent is calculated shall be the number as written in Table 6B and shall not include any modification, combination, or summation of the number.
    - b. Where an application includes two or more adjacent tax lots within the same subdistrict, the number on which the greater of five units or 20 percent is calculated shall be the sum of the requirements for those tax lots, as allowed in Footnote I. of Table 6B.
    - c. Where a requirement in Table 6B is adjusted pursuant to Subsection, 4.127 (.06) C. 1., the number on which the greater of five units or 20 percent is calculated shall be the adjusted number.

*\*\*No changes proposed in Subsection (.23)\*\**

*(.24) Special, Specific Land Use Considerations.*

- A. *Frog Pond Grange Property.* This special consideration pertains to an area described as: the western half of the area of Subdistrict E1 north of the framework street that is an extension of SW Frog Pond Lane and west of the framework street extending across the BPA easement. See Figure A-24 for locational reference. The community supports preservation, reuse, and adjacent uses supportive of the current Frog Pond Grange building. The Frog Pond East and South Master Plan identifies the long-term use of the subject area as maintaining the existing civic/meeting/event space use or substantially similar use with surrounding open space. Any substantial change of use shall require an amendment to the Frog Pond East and South Master Plan. Preservation of the existing building, substantially similar in design to that existing as of the 2022 adoption of the Frog Pond East and South Master Plan, is required on the site unless approved by the ~~Development Review Board~~ **review authority** with findings providing substantial evidence that preservation is not feasible due to structural issues with the building that are not feasible, either economically or technically, to repair.

*\*\*No additional changes proposed in this section\*\**

**Section 4.132. Town Center Zone.**

*\*\*No changes proposed in Subsections (.01) to (.03)\*\**

*(.04) Consistency with Street Network and Multi-modal Network:*

- A. All development will be consistent with the Street Network and Multi-modal Network, shown in Figures 2 and 3. Street and multi-modal facility locations are approximate and will be finalized as part of the development review process. The purpose of these plans are to support the creation of a highly connected and walkable Town Center where there are options for travel. The ~~Development Review Board (DRB)~~ **review authority** may approve variations from Figures 2 and/or 3, if:
  1. Existing development restricts the connection from being developed;
  2. Existing natural resources and/or open space would be adversely affected by construction of the facility and mitigation of those impacts is not feasible.
- B. If a street or other multimodal connection varies from Figures 2 and/or 3, equivalent connectivity and multi-modal travel options shall be provided as determined in a Transportation Impact Analysis prepared per Section 4.140 and approved by the City Engineer.
- C. All development shall provide transportation facilities consistent with the cross-sections in the Wilsonville Town Center Plan and applicable provisions of the Wilsonville Transportation System Plan subject to variations approved by the City Engineer.

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D. All franchise utilities shall be located underground within the public sidewalk.

(.05) *Consistency with Open Space Network:*

- A. All development will be consistent with the Open Space Network, shown in Figure 4. The open space sizes and locations on Figure 4 are approximate and will be finalized as part of the development review process. The purpose of the plan is to create open spaces that are linked and serve as attractive amenities for Town Center. The ~~Development Review Board (DRB)~~ **review authority** may approve variations from Figure 4 if needed to accommodate existing development or physical constraints, and/or, preserve natural resources and open space. If an open space is varied, equivalent open space and open space linkage shall be provided.
- B. The ~~Development Review Board (DRB)~~ **review authority** may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants or agreements prior to recordation.

(.06) *Design and Development Standards:*

*\*\*No changes proposed in Subsections (.06)A.-C.\*\**

- D. *Waivers to Development Standards.* Development standards apply to all new development within the Town Center boundary.

The ~~Development Review Board (DRB)~~ **review authority** may approve waivers to the size of the ground floor of a building floorplate and/or the number of stories of a building within the MU and C-MU sub-districts, consistent with the provisions of Section 4.118 (.03) if one item from each of the two following menus are met in a manner to clearly go substantially above and beyond Code requirements and typical building and site design to create a sense of place and mitigate negative impacts of the project related to the reason for the waiver. Items chosen from the menus shall account for need based on adjacent sites or the surrounding area:

*Menu One:*

1. Public amenities, such as a plaza or other community gathering space, incorporated into the building design. Public plaza or other gathering spaces located in a prominent, visible location adjacent to a public street and include movable furniture that is functional and visually interesting.
2. Public community meeting space provided within the building.
3. Provision of ground floor facades that include additional supporting storefronts. The primary entrance of all businesses shall be located on the primary street frontage.
4. Provision of incubator space on site, either within or adjacent to the development that provides below market lease rates for small businesses.
5. Provision of affordable housing on the development site, consistent with the provisions of Table 2, footnote 4.

*Menu Two:*

1. Innovative building techniques, such as rainwater harvesting, graywater systems, green roofs, or other environmental systems, shall be incorporated into the building design to significantly reduce impact to the environment.
2. Building architecture that creates a distinctive community landmark exemplifying the preferred materials and form for Town Center described in Subsection 4.132(.06)M. and discussed in the Town Center Plan.

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3. Pedestrian-oriented and creative lighting incorporated into landscape features and plazas and/or interior window retail displays that are lit at night.
  4. Achievement of LEED certification, Earth Advantage, or another recognized environmental certification.
  5. Installation of public art, consistent with the provisions of Subsection 4.132(.06)K. for art within plaza areas.
- E. *Building Placement.* Buildings shall meet the following standards:
1. Main Streets and Local Streets. Where parcels are bounded by a main street and perpendicular street, buildings shall be located at the street intersection. For parcels with frontage only on one street or if a building is already located at the street intersection, the new building shall be located immediately adjacent to existing building to create a continuous building façade with adjacent buildings. Street frontage requirements for main street are a minimum of 70 percent of the lot frontage. Off-street parking shall be located behind buildings fronting main street, either on surface or tuck under lot, parking structure, or at a central off-site parking facility located within the TC boundary.
  2. If a parcel fronts two or more different street design classifications, the primary building entrance shall front the following in order of priority: main street, local street, collector street.
  3. Minimum building frontage requirements for a local street shall be 25 percent if the development also fronts main street.
  4. Minimum building frontage requirements for a local street shall be 50 percent if the development fronts another local street.
  5. For parcels that do not front a main street or a local street, the minimum building frontage shall occupy a minimum 50 percent of the lot frontage.
  6. The ~~Development Review Board~~ **review authority** may approve variations from building placement standards if existing development, physical constraints, or site circulation and access are infeasible. If the ~~Development Review Board~~ **review authority** determines that a variation from building placement standards is required, building placement should be prioritized as follows:
    - a. If the development is adjacent to main street, the primary frontage of the building shall remain on main street with variation from this standard occurring on a side street.
    - b. If the development is adjacent to the main streets (e.g. Park Place and Courtside Drive) the primary frontage shall be on Park Place with the variation occurring on Courtside Drive.
    - c. If the development is adjacent to two local streets, the primary frontage shall be on the north/south local street with the variation occurring on east/west local street.

*\*\*No additional changes proposed in this section\*\**

#### **Section 4.133.05. Administration.**

Section 4.133.05 delineates the responsibilities of the City, in coordination with ODOT, to monitor and evaluate vehicle trip generation impacts on the Wilsonville Road Interchange from development approved under this Section.

*\*\*No changes proposed in Subsection (.01)\*\**

(.02) *Land Use Review Coordination:*

- B. The City shall provide written notification to ODOT ~~when the application within ten calendar days~~ **upon** receiving a complete Class II Permit application.

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- C. ODOT shall have at least ~~2014~~ calendar days, measured from the date completion notice was mailed, to provide written comments to the City. If ODOT does not provide written comments during this ~~1420~~-day period, the City staff report will be issued without consideration of ODOT comments.

*\*\*No additional changes proposed in this section\*\**

### **Section 4.137.3. Solar Access Permit Standards.**

*\*\*No changes proposed in Subsections (.01) to (.05)\*\**

- (.06) *Application review process.* Application for a solar access permit shall be reviewed under Section 4.035 Class II - Administrative Review.
  - A. A Pre-Application Conference may be held in accordance with Section 4.010(.02).
  - B. After the pre-application meeting is held or waived, the applicant may file an application containing the information required in Section 4.137.3(.05) above.
  - C. After filing the application in accordance with Section 4.011(.01) the Planning Director or his or her designate shall determine whether the application is complete in accordance with Section 4.011(.02).
  - D. ~~Within ten calendar days of~~**Upon** receiving a complete application, the Planning Director shall mail notice of the proposed application, pursuant to Section 4.035(.03)A. ~~The notice shall invite persons to submit information within ten calendar day, relevant to the standards pertinent to the proposal and giving reasons why the application should or should not be approved or proposing conditions the person believes are necessary for approval according to the standards.~~
    - 1. The notice shall include the plot plans required in Sections 4.137.3(.05)(B) and (C) above, the proposed solar access height limits, and duties created by the permit.
    - 2. The notice shall request recipients to verify that the plot plan shows all vegetation on the recipient's property, and to send the Planning Director comments in writing within ~~1014~~ calendar days after the notice is mailed if the recipient believes the applicant's plot plan is inaccurate.
  - E. ~~Within ten calendar days of~~**After** the final response date, the Planning Director shall consider responses received from affected parties and/or an inspection of the site, modify the plot plan and the permit to be consistent with the accurate information, and make a final decision pursuant to Section 4.035(.03)(C.)

*\*\*No additional changes proposed in this section\*\**

### **Section 4.140. Planned Development Regulations.**

*\*\*No changes proposed in Subsections (.01) to (.04)\*\**

- (.05) *Planned Development Permit Process:*
  - A. All parcels of land exceeding two acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:
    - 1. Be zoned for planned development;
    - 2. Obtain a planned development permit; and
    - 3. Obtain Planning Director, Development Review Board, or, on appeal, City Council approval.
  - B. Zone change and amendment to the zoning map are governed by the applicable provisions of the Zoning Sections, inclusive of Section 4.197.
  - C. ~~Development Review Board and Planning Director~~ **Site Design Review** approval is governed by Sections 4.400 to 4.450.

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- D. All planned developments require a planned development permit. The planned development permit review and approval process consists of the following multiple stages, the last two or three of which can be combined at the request of the applicant:
1. Pre-application conference with Planning Department;
  2. Preliminary (Stage I) review by the **review authority**~~Development Review Board or the Planning Director~~ ~~properties within the Coffee Creek Industrial Design Overlay District~~. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval; and
  3. Final (Stage II) review by the **review authority**~~Development Review Board or the Planning Director~~ ~~for properties within the Coffee Creek Industrial Design Overlay District~~.
  4. In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan except for **residential development or** properties within the Coffee Creek Industrial Design Overlay District, which may receive separate zone map amendment approvals.

*(.06) Staff Report:*

- A. The planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is consistent with the land use designated on the Comprehensive Plan. If there is a disagreement as to whether the use contemplated is consistent, the applicant, by request, or the staff, may take the preliminary information provided to the Development Review Board for a use interpretation.
- B. The applicant may proceed to apply for Stage I—Preliminary Approval - upon determination by ~~either staff or the Development Review Board~~ **the review authority** that the use contemplated is consistent with the Comprehensive Plan.

*(.07) Preliminary Approval (Stage One):*

- A. Applications for preliminary approval for planned developments shall:
    1. Be made by the owner of all affected property or the owner's authorized agent; and
    2. Be filed on a form prescribed by the City Planning Department and filed with said Department.
    3. Set forth the professional coordinator and professional design team as provided in subsection (.04), above.
    4. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.
  - B. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:
    1. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.
    2. Topographic information as set forth in Section 4.035.
    3. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre. Developments within the RN zone shall show how the proposed number of units complies with the applicable maximum and minimum provisions of the RN zone.
    4. A stage development schedule demonstrating that the developer intends receive Stage II approval within two years of receiving Stage I approval, and to commence construction within
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two years after the approval of the final development plan, and will proceed diligently to completion; unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion.

5. A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.
  6. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.
  7. Statement of anticipated waivers from any of the applicable site development standards.
- C. An application for a Stage I approval shall be considered by the Development Review Board as follows:
1. A public hearing as provided in Section 4.013.
  2. After such hearing, the Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such conditions of approval as are in its judgment, necessary to ensure conformity to said criteria and regulations. In so doing, the Board may, in its discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. It shall do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule.
  3. A final decision on a complete application and preliminary plan shall be rendered within 120 days after the application is deemed complete unless a continuance is agreed upon by the applicant and the appropriate City decision-making body.
  4. The determination of the Development Review Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council in accordance with Section 4.022 of this Code.
- D. As provided in Section 4.134, an application for a Stage I approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director as follows:
1. A Class II—Administrative Review as provided in Section 4.035(.03).
  2. After considering available information, the Planning Director shall determine whether the proposal conforms to the permit criteria set forth in this Code and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such conditions of approval as are in his or her judgment, necessary to ensure conformity to said criteria and regulations. In so doing, the Planning Director may, in his or her discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. The Planning Director shall do so only upon receiving evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule.
  3. A final decision on a complete application and preliminary plan shall be rendered within 120 days after the application is deemed complete unless a continuance is agreed upon by the applicant and the Planning Director.
  4. The determination of the Planning Director shall become final at the end of the appeal period for the decision, unless appealed to the Development Review Board in accordance with Section 4.022 of this Code.
- E. An application for a Stage I approval for residential development shall be considered by the Planning Director as follows:**
- 1. A Class II—Administrative Review as provided in Section 4.035(.03).**

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- 2. After considering available information, the Planning Director shall determine whether the proposal conforms to the permit criteria set forth in this Code and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such conditions of approval as are in their judgment, necessary to ensure conformity to said criteria and regulations. In so doing, the Planning Director may, in their discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. The Planning Director shall do so only upon receiving evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule.**
  - 3. Unless otherwise specified by State law, a final decision on a complete application and preliminary plan shall be rendered within 120 days after the application is deemed complete unless a continuance is agreed upon by the applicant and the Planning Director.**
  - 4. The determination of the Planning Director shall become final at the end of the appeal period for the decision, unless appealed to the Development Review Board in accordance with Section 4.022 of this Code.**

(.09) *Final Approval (Stage Two):*

- A. Unless an extension has been granted by the Planning Director, ~~within~~ **not later than** two years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013-, ~~except that~~ **As provided in Section 4.134, an application for a Stage II approval for residential development, or** within the Coffee Creek Industrial Design Overlay District **as provided in Section 4.134, must** may be considered by the Planning Director without a public hearing as a Class II Administrative Review as provided in Section 4.035(.03).
  - B. ~~The Development Review Board or Planning Director~~ **review authority**, as applicable, shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.
  - C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:
    1. The location of water, sewerage and drainage facilities;
    2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;
    3. The general type and location of signs;
    4. Topographic information as set forth in Section 4.035;
    5. A map indicating the types and locations of all proposed uses; and
    6. A grading plan.
  - D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.
  - E. Copies of legal documents required by the ~~review authority~~ **Development Review Board or Planning Director**, as applicable, for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.
  - F. ~~Within 30 days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if~~
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applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The ~~Development Review Board or Planning Director, as applicable,~~ **review authority** shall not act on a final development plan until it has first received a report from the agencies or until **the deadline for comments provided by Planning staff has more than 30 days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.**

- G. Upon receipt of the final development plan, the ~~Development Review Board or Planning Director, as applicable~~ **review authority** shall examine such plan and determine:
1. Whether it conforms to all applicable criteria and standards; and
  2. Whether it conforms in all substantial respects to the preliminary approval; or
  3. Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.
- H. ~~If the Development Review Board or Planning Director, as applicable, permits the applicant to revise the plan, it shall be resubmitted as a final development plan within 60 days. If the Board or Planning Director approves, disapproves or grants such permission to resubmit, the decision of the Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.~~
- ~~I.~~ All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the Planning Director may extend these expiration times for up to three additional periods of not more than one year each. Applicants seeking time extensions shall make their requests in writing at least one day in advance of the expiration date. A development approval shall not expire prior to a decision on the granting of this time extension if the request was submitted in accordance with this subsection. Requests for time extensions shall only be granted upon (1) a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year, and (2) payment of any and all Supplemental Street SDCs applicable to the development. Upon such payment, the development shall have vested traffic generation rights under [section] 4.140(.10), provided however, that if the Stage II approval should expire, the vested right to use trips is terminated upon City repayment, without interest, of Supplemental Street SDCs. For purposes of this Ordinance, "substantial development" is deemed to have occurred if the required building permits or public works permits have been issued for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit.
- ~~H.~~ A planned development permit may be granted by the Development Review Board or Planning Director, as applicable, only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:
1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.
  2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

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- a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
    - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;
    - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.
  - b. The following are exempt from meeting the Level of Service D criteria standard:
    - i. A planned development or expansion thereof which generates three new p.m. peak hour traffic trips or less;
    - ii. A planned development or expansion thereof which provides an essential governmental service.
  - c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.
  - d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.
  - e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F".
3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
- JK.** Mapping: Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.

**(.10) Adherence to Approved Plans, Modification.**

- A. Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
- B. In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the stage development schedule, the ~~Development Review Board~~ **review authority** may, after notice and hearing (**if required**), revoke a Planned Development permit. General economic conditions that affect all in a similar manner may be considered as a basis for an

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extension of a development schedule. The determination of the ~~Board~~**review authority** shall become final 30 days after the date of decision unless appealed to the City Council.

*\*\*No additional changes proposed in this section\*\**

## **GENERAL DEVELOPMENT REGULATIONS**

### **Section 4.155. General Regulations—Parking, Loading and Bicycle Parking.**

*\*\*No changes proposed in Subsection (.01)\*\**

*(.02) General Provisions:*

- A. When off-street parking is provided, the provision and maintenance of the off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the ~~Development Review Board~~**review authority** as minimum criteria.

*\*\*No additional changes proposed in Subsection (.02) and no changes proposed in Subsection (.03)\*\**

*(.04) Bicycle Parking:*

A. *Required Bicycle Parking—General Provisions:*

1. The required minimum number of bicycle parking spaces for each use category is shown in Table 5, Parking Standards.
2. Bicycle parking spaces are not required for accessory buildings. If a primary use is listed in Table 5, bicycle parking is not required for the accessory use.
3. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
4. Bicycle parking space requirements may be waived by the ~~Development Review Board~~**review authority** per Section ~~4.118(.03)A.9. and 104.119.~~

*\*\*No additional changes proposed in this section\*\**

### **Section 4.172. Flood Plain Regulations.**

*(.06) Flood Plain Permit Review Process:*

- A. The Community Development Director the local flood plain administrator and is hereby appointed to administer and implement this Section by granting or denying Development Permit applications in accordance with its provisions.
- B. Duties and Responsibilities of the Community Development Director:
1. Duties of the Community Development Director shall include, but not be limited to:
    - a. Review all Development Permits to determine that the permit requirements of this ordinance have been satisfied.
    - b. Review all Development Permits to determine that all necessary permits have been obtained from those Federal, State or local government agencies from which prior approval is required. Notify the State Department of Land Conservation and Development and FEMA of final permit decision.

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- c. Review all Development Permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment limitations of subsection (.07)(H) are met.
- C. The Permit process for developments not regulated by Section 4.140 shall be as follows:
- 1. Pre-application conference with the Planning Department in accordance with the procedures set forth in Section 4.008.
  - 2. A complete application in accordance with this Section shall be submitted to the Community Development Director.
  - 3. ~~Within 30 days of complete application,~~ The Community Development Director shall approve or deny the application based on the following Findings:
    - a. Reports from the City Engineer and Planning Director as to the applicant's submittal documents' compliance with this Section, including recommendations.
    - b. The proposed development's compliance with other provisions of the Comprehensive Plan and Zoning Regulations.
- D. The decision of the Community Development Director may be appealed to the Development Review Board, upon written notice to the City Recorder within ~~ten~~**14** calendar days of the date of final decision. Upon appeal, the Board shall hear the matter in accordance with Section 4.022

*\*\*No additional changes proposed in this section\*\**

#### **Section 4.176. Landscaping, Screening, and Buffering.**

*\*\*No changes proposed in Subsections (.01) to (.05)\*\**

*(.06) Plant Materials:*

- A. Shrubs and Ground Cover. All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. Native topsoil shall be preserved and reused to the extent feasible. Surface mulch or bark dust are to be fully raked into soil of appropriate depth, sufficient to control erosion, and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or barkdust are not to be used as substitutes for plant areas.
  - 1. *Shrubs.* All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and ten inches to 12 inches spread.
  - 2. *Ground cover.* Shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at four feet on center minimum, four inch pot spaced two feet on center minimum, two one-fourth inch pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80 percent of the bare soil in required landscape areas within three years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.
  - 3. Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of water, a larger percentage of turf or lawn area is appropriate. Use of lawn fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas.
  - 4. Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.

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5. Integrate compost-amended topsoil in all areas to be landscaped, including lawns, to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.
- B. *Trees*. All trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows:
1. Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of two inch caliper.
  2. Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honeylocust, shall be a minimum of 1¾ inch to 2 inch caliper.
  3. Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering Pear and Kousa Dogwood, shall be 1¾ inch minimum caliper.
  4. Large conifer trees such as Douglas Fir or Deodar Cedar shall be installed at a minimum height of eight feet.
  5. Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six feet.
- C. Where a proposed development includes buildings larger than 24 feet in height or greater than 50,000 square feet in footprint area, the Planning Director or the Development Review Board, as applicable, may require larger or more mature plant materials.
1. At maturity, proposed trees shall be at least one-half the height of the building to which they are closest, and building walls longer than 50 feet shall require tree groups located no more than 50 feet on center, to break up the length and height of the façade.
  2. Either fully branched deciduous or evergreen trees may be specified depending upon the desired results. Where solar access is to be preserved, only solar-friendly deciduous trees are to be used. Where year-round sight obscuring is the highest priority, evergreen trees are to be used.
  3. The following standards are to be applied:
    - a. *Deciduous trees*:
      - i. Minimum height of ten feet; and
      - ii. Minimum trunk diameter (caliper) of two inches (measured at four and one-half feet above grade).
    - b. *Evergreen trees*: Minimum height of 12 feet.
- D. *Street Trees*. In order to provide a diversity of species, the ~~Development Review Board~~ **review authority** may require a mix of street trees throughout a development. Unless the ~~Board~~ **review authority** waives the requirement for reasons supported by a finding in the record, different types of street trees shall be required for adjoining blocks in a development.
1. All trees shall be standard base grafted, well branched and typical of their type as described in current AAN Standards and shall be balled and burlapped (b&b). Street trees shall be planted at sizes in accordance with the following standards:
    - a. Arterial streets—Three inches minimum caliper
    - b. Collector streets—Two inches minimum caliper.
    - c. Local streets or residential private access drives—1¾ inches minimum caliper.

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- d. Accent or median tree—1¾ inches minimum caliper.
  2. The following trees and varieties thereof are considered satisfactory street trees in most circumstances; however, other varieties and species are encouraged and will be considered:
    - a. Trees over 50 feet mature height: *Quercus garryana* (Native Oregon White Oak), *Quercus rubra borealis* (Red Oak), *Acer Macrophyllum* (Native Big Leaf Maple), *Acer nigrum* (Green Column Black Maple), *Fraxinus americanus* (White Ash), *Fraxinus pennsylvannica* 'Marshall' (Marshall Seedless Green Ash), *Quercus coccinea* (Scarlet Oak), *Quercus pulustris* (PinOak), *Tilia americana* (American Linden).
    - b. Trees under 50 feet mature height: *Acer rubrum* (Red Sunset Maple), *Cornus nuttallii* (Native Pacific Dogwood), *Gleditsia triacanthos* (Honey Locust), *Pyrus calleryana* 'Bradford' (Bradford Pear), *Tilia cordata* (Little Leaf Linden), *Fraxinus oxycarpa* (Flame Ash).
    - c. Other street tree species. Other species may be specified for use in certain situations. For instance, evergreen species may be specified where year-round color is desirable and no adverse effect on solar access is anticipated. Water-loving species may be specified in low locations where wet soil conditions are anticipated.

**\*\*No additional changes proposed in this section and no changes proposed in Subsections (.07) to (.10)\*\***

- (.11) *Street Trees Not Typically Part of Site Landscaping.* Street trees are not subject to the requirements of this Section and are not counted toward the required standards of this Section. Except, however, that the ~~Development Review Board~~ **review authority** may, by granting a waiver or variance, allow for special landscaping within the right-of-way to compensate for a lack of appropriate on-site locations for landscaping. See subsection (.06), above, regarding street trees.
- (.12) *Mitigation and Restoration Plantings.* A mitigation plan is to be approved by the ~~City's Development Review Board~~ **review authority** before the destruction, damage, or removal of any existing native plants. Plantings intended to mitigate the loss of native vegetation are subject to the following standards. Where these standards conflict with other requirements of this Code, the standards of this Section shall take precedence. The desired effect of this section is to preserve existing native vegetation.
  - A. *Plant Sources.* Plant materials are to be native and are subject to approval by the City. They are to be non-clonal in origin; seed source is to be as local as possible, and plants must be nursery propagated or taken from a pre-approved transplantation area. All of these requirements are to be addressed in any proposed mitigation plan.
  - B. *Plant Materials.* The mitigation plan shall specify the types and installation sizes of plant materials to be used for restoration. Practices such as the use of pesticides, fungicides, and fertilizers shall not be employed in mitigation areas unless specifically authorized and approved.
  - C. *Installation.* Install native plants in suitable soil conditions. Plant materials are to be supported only when necessary because of extreme winds at the site. Where support is necessary, all stakes, guy wires or other measures are to be removed as soon as the plants can support themselves. Protect from animal and fowl predation and foraging until establishment.
  - D. *Irrigation.* Permanent irrigation systems are generally not appropriate in restoration situations, and manual or temporary watering of new plantings is often necessary. The mitigation plan shall specify the method and frequency of manual watering, including any that may be necessary after the first growing season.
  - E. *Monitoring and Reporting.* Monitoring of native landscape areas is the on-going responsibility of the property owner. Plants that die are to be replaced in kind and quantity within one year. Written proof of the survival of all plants shall be required to be submitted to the City's Planning Department one year after the planting is completed.

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*\*\*No additional changes proposed in this section\*\**

## **Section 4.177. Street Improvement Standards.**

*\*\*No changes proposed in Subsection (.01)\*\**

### *(.02) Street Design Standards:*

- A. All street improvements and intersections shall provide for the continuation of streets through specific developments to adjoining properties or subdivisions.
  - 1. Development shall be required to provide existing or future connections to adjacent sites through the use of access easements where applicable. Such easements shall be required in addition to required public street dedications as required in Section 4.236(.04).
- B. The City Engineer shall make the final determination regarding right-of-way and street element widths using the ranges provided in Chapter 3 of the Transportation System Plan and the additional street design standards in the Public Works Standards.
- C. *Rights-of-way:*
  - 1. Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Transportation System Plan. All dedications shall be recorded with the County Assessor's Office.
  - 2. The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder's Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.
  - 3. In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.
- D. *Dead-end Streets.* New dead-end streets or culs-de-sac shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection. A central landscaped island with rainwater management and infiltration are encouraged in cul-de-sac design. No more than 25 dwelling units shall take access to a new dead-end or cul-de-sac street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of 25 or fewer units. All other dimensional standards of dead-end streets shall be governed by the Public Works Standards. Notification that the street is planned for future extension shall be posted on the dead-end street.
- E. *Corner or clear vision area:*
  - 1. A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:
    - a. Light and utility poles with a diameter less than 12 inches.

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- b. Trees less than six inch d.b.h., approved as a part of the Stage II Site Design, or administrative review.
  - c. Except as allowed by b., above, an existing tree, trimmed to the trunk, ten feet above the curb.
  - d. Official warning or street sign.
  - e. Natural contours where the natural elevations are such that there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.
- F. *Vertical clearance.* A minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.
- G. *Interim improvement standard.* It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the ~~Development Review Board~~**review authority**, the following interim standards shall apply.
1. Arterials 24 foot paved, with standard sub-base. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.
  2. Half-streets are generally considered unacceptable. However, where the ~~Development Review Board~~**review authority** finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the requirements in the Public Works Standards:
  3. When considered appropriate in conjunction with other anticipated or scheduled street improvements, the City Engineer may approve street improvements with a single asphalt lift. However, adequate provision must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.
- (.03) *Sidewalks.* Sidewalks shall be provided on the public street frontage of all development. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the City Engineer.
- A. Sidewalk widths shall include a minimum through zone of at least five feet. The through zone may be reduced pursuant to variance procedures in Section 4.196, a waiver pursuant to Section 4.118, or by authority of the City Engineer for reasons of traffic operations, efficiency, or safety.
  - B. Within a Planned Development, the ~~Development Review Board~~**review authority** may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary.

*\*\*No additional changes proposed in this section\*\**

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### **Section 4.179. Mixed Solid Waste and Recyclables Storage in New Multi-Family Residential and Non-Residential Buildings.**

(.01) All site plans for multi-family residential and non-residential buildings submitted to the Wilsonville ~~Development Review Board~~ **review authority** for approval shall include adequate storage space for mixed solid waste and source separated recyclables.

*\*\*No additional changes proposed in this section\*\**

### **Section 4.196. Variances.**

(.01) *Purpose.* The purpose of the variance process is to provide relief where difficulties exist rendering compliance with Chapter 4 impractical and such compliance would create unnecessary hardship to the owner or user of land or buildings. The variance process differs from the waiver process in Section 4.119, which allows for flexibility in application of development standards to better meet the purposes and objectives of the Planned Development Regulations of Section 4.140. The variance process is the City's discretionary review process for residential development in the City's Residential (R), Old Town Residential (OTR), or Future Development (FDA-H) zones in accordance with State law.

(.02) *Criteria.* The ~~Development Review Board~~ **review authority** may grant a variance from the provisions of this Code after the prescribed public hearing as set forth in Section 4.013, and after an investigation; provided all of the following conditions exist:

*\*\*No additional changes proposed in this section\*\**

### **Section 4.197. Zone Changes and Amendments to This Code—Procedures.**

(.01) The following procedure shall be followed in applying for an amendment to the text of this Chapter:

- 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 40 days after concluding the hearing,~~ provide a report and recommendation to the City Council regarding the proposed amendment. The findings and recommendations of the Commission shall be adopted by resolution and shall be signed by the Chair of the Commission.
- B. In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:
  - 1. That the application was submitted in compliance with the procedures set forth in Section 4.008; and
  - 2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and
  - 3. The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code; and
  - 4. If applicable, the amendment is in compliance with Statewide Land Use Planning Goals and related administrative rules; and
  - 5. If applicable, the amendment is necessary to ensure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.

(.02) The following procedures shall be followed for zone map amendments.

- A. When a requested quasi-judicial zone map amendment within the Coffee Creek Industrial Design Overlay District is consistent with the adopted or concurrently proposed Comprehensive Plan Map

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designation and only one option exists for a zone map amendment consistent with the Comprehensive Plan Map the amendment shall be reviewed by the City Council without prior review or recommendation by the Development Review Board or Planning Commission.

1. The Zoning Order adopting such zone map amendments shall state the zone map amendment expires 120 days from Council adoption unless a Stage II Final Plan receives final local approval for the area subject to the zone map amendment. In the event of a LUBA appeal of the final local approval, the 120-day expiration period will be tolled pending completion of the appeal process.
2. Notwithstanding the process described above an applicant may elect to have the zone map amendment reviewed by the Development Review Board for a recommendation to City Council concurrently with other land use applications for the subject property.
3. If the Planning Director anticipates that individuals other than the applicant can be expected to question the requested zone map amendment's compliance with the Comprehensive Plan the Planning Director may require the zone map amendment be first reviewed by the Development Review Board to make a recommendation to City Council.

**B. When a requested quasi-judicial zone map amendment will increase residential density, the amendment shall be reviewed by the Planning Director in a Class II administrative review process without a public hearing.**

**BC.** All other quasi-judicial zone map amendments shall be reviewed by the Development Review Board to make a recommendation to City Council and all legislative zone map amendments shall be reviewed by the Planning Commission to make a recommendation to City Council.

**DC.** In recommending approval or denial of a proposed zone map amendment the ~~Planning Commission or Development Review Board~~ **review authority** shall at a minimum, adopt findings addressing the following criteria:

1. That the application ~~before the Commission or Board~~ was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125 (.18)(B)(2) or, in the case of a Planned Development, Section 4.140; and
2. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text; and
3. In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measures 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text; and
4. That the existing primary public facilities, ~~i.e.,~~ **including** roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The ~~Planning Commission and Development Review Board~~ **review authority** shall utilize **adopted City standards** ~~any and all means to insure~~ **ensure** that all ~~primary~~ facilities are available and are adequately sized; and
5. That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or abut the proposed development, the ~~Planning Commission or Development Review Board~~ **review authority** shall ~~use appropriate measures~~ **apply conditions pursuant to Sections**

**4.139.00 through 4.139.11 and 4.171** to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone; and

6. That the ~~applicant is committed to~~**application includes** a development schedule demonstrating that development of the property is reasonably expected to commence within two years of the initial approval of the zone change; and
7. That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards; and
8. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment has a significant effect on the transportation system pursuant to OAR 660-012-0060. A Traffic Impact Analysis (TIA) shall be prepared pursuant to the requirements in Section 4.133.05.(01).

(.03) If affirmative findings cannot be made for all applicable criteria listed above the proposed text or map amendment, as the case may be, shall be denied.

(.04) City ~~Council~~ action approving a change in zoning shall be in the form of a Zoning Order.

(.05) In cases where a property owner or other applicant has requested a change in zoning and the ~~City Council~~ **review authority** has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.

In the Matter of the Application of	)
	)
	) ZONING ORDER NO.
for a rezoning of land and amendment	)
of the City of Wilsonville Zoning Map	)
as incorporated in Section 4.102	)
of the Wilsonville Code	)

The above-entitled matter is before the Council to consider the application of for a zone change and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code, and

It appearing to the ~~Council~~**City** that the property which is the subject of this application is described as follows:

(Legal Description)

and such property has heretofore appeared on the official Zoning Map zoned as follows:

and the ~~Council~~**review authority** having heard and considered all matters relevant to the application, ~~including the Planning Commission and/or Development Review Board resolution and minutes,~~ finds that the application should be (approved/denied), and it is therefore,

(Incorporated Conditions)

**THEREFORE IT IS HEREBY** ORDERED that the property above-described is hereby rezoned as follows:

and such rezoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

The property subject to this Zoning Order is also subject to the Order of the City Council in respect thereto made.

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DATED: This \_\_\_\_ day of \_\_\_\_, 1920\_\_.

Mayor or Planning Director

Approved as to form:

ATTEST:

City Recorder

City of Wilsonville, Oregon

by:

City Recorder

(Ord. No. 812, 2-22-2018)

### **Section 4.199.30. Lighting Overlay Zones.**

*\*\*No changes proposed in Subsections (.01) to (.02)\*\**

(.03) Modification of Lighting Zones.

- A. The City Council may modify the designated Lighting Zones of one or more parcels if the City Council finds that the original Lighting Zone was in error, a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served.
- B. The ~~Development Review Board (DRB)~~ **review authority** may modify the designated Lighting Zones as part of the Stage II, or Site Design Review Process if the ~~DRB~~ **review authority** finds that the original Lighting Zone was in error, or a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served.
- C. This ordinance establishes a Lighting Overlay Zone Map. The Planning Division shall maintain the current Lighting Overlay Zone Map. Section 4.199.40. Lighting Systems Standards for Approval.

## **LAND DIVISIONS**

### **Section 4.202. General—Authorization.**

*\*\*No changes proposed in Subsections (.01) to (.03)\*\**

(.04) No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.

- A. No development permit shall be issued for any lot or parcel that is not legally created in accordance with this Code.
- B. It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved **as a variance or waiver** by the ~~Development Review Board or City Council~~ **review authority**. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through

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the Variance procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.1189.

- (.05) Expedited land divisions and Middle Housing land divisions, pursuant to ORS 197, shall be processed as provided in Section 4.232.
- (.06) New condominium developments shall be subject to the planned development procedures of Section 4.118 and the standards of Section 4.140, except that no public hearing is required for conversion of apartments to condominiums.
- (.07) Condominium conversions shall be subject to the standards and procedures applicable to land divisions, and the following.
- A. Upon application, formal notice shall be provided to tenants on the land and to adjacent landowners within ~~250~~**100** feet of the affected property. Not less than ~~30~~**14** days after the formal notice, a ~~public hearing as set forth in Section 4.013 shall be held~~**decision shall be rendered by the Planning Director.**
  - B. In the case of a conversion of apartments or rental units to condominiums, a minimum of 120 days<sup>1</sup> notice shall be afforded any tenants, prior to conversion. All the provisions of the Oregon Revised Statutes shall be met, and a plat, together with a homeowners' association agreement and By-Laws, shall be submitted for ~~review~~**Development Review Board consideration** as part of the ~~public hearing~~**application** process.
  - C. The owner will bear the burden of proving that there are an adequate number of vacant rental units available within Wilsonville, at approximately the same costs as the units that are proposed for conversion, to house those people who may be displaced as a result of the conversion.
- (.08) Lot line adjustments shall be subject to the standards and procedures established in Sections 4.233. In no case shall the boundaries between adjoining lots or parcels be altered without compliance with those standards.

#### **Section 4.210. Application Procedure.**

- (.01) *Pre-application conference.* Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.
- A. *Preparation of Tentative Plat.* The Planning staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Comprehensive Plan, existing and proposed streets, roads and public utilities. The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.
  - B. *Tentative Plat Submission.* The purpose of the Tentative Plat is to present a study of the proposed subdivision to the Planning Department and ~~Development Review Board~~**review authority** and to receive approval or recommendations for revisions before preparation of a final Plat. The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:
    - 1. Site development application form completed and signed by the owner of the land or a letter of authorization signed by the owner. A preliminary title report or other proof of ownership is to be included with the application form.
    - 2. Application fees as established by resolution of the City Council.

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3. Ten copies and one sepia or suitable reproducible tracing of the Tentative Plat shall be submitted with the application. Paper size shall be 18 inch by 24 inch, or such other size as may be specified by the City Engineer.
  4. Name of the subdivision. No subdivision name shall duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Names may be checked through the county offices.
  5. Names, addresses, and telephone numbers of the owners and applicants, and engineer or surveyor.
  6. Date, north point and scale of drawing.
  7. Location of the subject property by Section, Township, and Range.
  8. Legal road access to subject property shall be indicated as City, County, or other public roads.
  9. Vicinity map showing the relationship to the nearest major highway or street.
  10. *Lots.* Dimensions of all lots, minimum lot size, average lot size, and proposed lot and block numbers.
  11. Gross acreage in proposed plat.
  12. Proposed uses of the property, including sites, if any, for multi-family dwellings, shopping centers, churches, industries, parks, and playgrounds or other public or semi-public uses.
  13. Improvements: Statement of the improvements to be made or installed including streets, private drives, sidewalks, lighting, tree planting, and times such improvements are to be made or completed.
  14. *Trees.* Locations, types, sizes, and general conditions of all existing trees, as required in Section 4.600.
  15. Utilities such as electrical, gas, telephone, on and abutting the tract.
  16. Easements: Approximate width, location, and purpose of all existing and proposed easements on, and known easements abutting the tract.
  17. *Deed Restrictions.* Outline of proposed deed restrictions, if any.
  18. *Written Statement.* Information which is not practical to be shown on the maps may be shown in separate statements accompanying the Tentative Plat.
  19. If the subdivision is to be a "Planned Development," a copy of the proposed Home Owners Association By-Laws must be submitted at the time of submission of the application. The Tentative Plat shall be considered as the Stage I Preliminary Plan. The proposed By-Laws must address the maintenance of any parks, common areas, or facilities.
  20. Any plat bordering a stream or river shall indicate areas subject to flooding and shall comply with the provisions of Section 4.172.
  21. Proposed use or treatment of any property designated as open space by the City of Wilsonville.
  22. A list of the names and addresses of the owners of all properties within 250100 feet of the subject property, printed on self-adhesive mailing labels. The list shall be taken from the latest available property ownership records of the Assessor's office of the affected county.
  23. A completed "liens and assessments" form, provided by the City Finance Department.
  24. Locations of all areas designated as a Significant Resource Overlay Zone by the City, as well as any wetlands shall be shown on the tentative plat.

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25. Locations of all existing and proposed utilities, including but not limited to domestic water, sanitary sewer, storm drainage, and any private utilities crossing or intended to serve the site. Any plans to phase the construction or use of utilities shall be indicated.
26. A traffic study, prepared under contract with the City, shall be submitted as part of the tentative plat application process, unless specifically waived by the Community Development Director.
- C. Action on proposed tentative plat:
- 1. Consideration of tentative subdivision plats for residential development or in the Coffee Creek Industrial Design Overlay District: The review authority shall consider the tentative plat per the provisions of Section 4.030(.01)B.5. The tentative plat shall be approved if the review authority determines that the tentative plat conforms in all respects to the requirements of this code.**
  - ~~1.2.~~ Consideration of **all other** tentative subdivision plats:- The Development Review Board shall consider the tentative plat and the reports of City staff and other agencies at a regular Board meeting ~~no more than 90 days after tentative plat application has been accepted as complete by the City.~~ Final action on the proposed tentative plat shall occur within the time limits specified in Section 4.013. The tentative plat shall be approved if the Development Review Board determines that the tentative plat conforms in all respects to the requirements of this Code.
  - ~~23.~~ Consideration of tentative partition plat:- The ~~review authority~~**Planning Director** shall review and consider any proposed land partition plat through the procedures for Administrative Reviews specified in Section 4.030 and 4.035.
  - ~~34.~~ The ~~Board~~**review authority** shall, ~~by Resolution, adopt~~**issue** its decision, together with findings and a list of all Conditions of Approval or required changes to be reflected on the Final Plat.
  - ~~45.~~ *Limitations on Deed Restrictions.* The City may limit content of deed restrictions in order to promote local, regional and state interests in affordable housing and/or comply with applicable statute, rules and policies; the ~~Board~~**review authority** may limit the content that will be accepted within proposed deed restrictions or covenants. In adopting conditions of approval for a residential land division, the ~~Board or Planning Director~~**review authority** ~~may prohibit such things as mandatory minimum construction costs, minimum unit sizes, prohibitions of manufactured housing, etc.~~ The City shall, in all cases, ensure no deed restrictions or covenants limit construction of any housing allowed by City zoning for the subject land.
  - ~~56.~~ *Effect of Approval.* After approval of a tentative plat, the applicant may proceed with final surveying, improvement construction and preparation of the final plat. Approval shall be effective for a period of two years, and if the final plat is not submitted to the Planning Department within such time, the tentative plat shall be submitted again and the entire procedure shall be repeated for consideration of any changed conditions which may exist. Except, however, that the ~~Development Review Board~~**Planning Director** may grant a time extension as provided in Section 4.023.
- D. Land division phases to be shown. Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.
- E. Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.
- F. Replats subject to same procedures as new plats. Proposals to replat any previously platted land shall be subject to the same standards and procedures as a new application for tentative plat approval. Except, however, that a replat that proposes the same number of lots or parcels as the originally
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recorded land division, and that is determined by the ~~Planning Director~~ **review authority** to create no significant adverse impacts on adjacent properties beyond that of the original division, may be reviewed through Class II Administrative Review procedures.

(Ord. No. 682, 9-9-2010; Ord. No. 892, § 2(Exh. A), 12-2-2024)

#### **Section 4.220. Final Plat Review.**

- (.01) *Submission of the Paper Plat.* Prior to submitting the Final Plat as required in subsection "(.02)," below, the applicant shall submit a ~~Paper~~ **Draft Final** Plat to the City Engineer for review. Comments of the City Engineer, Planning Director, and Community Development Director shall be conveyed in writing to the County Surveyor of the County where the final plat is to be recorded.
- (.02) *Submission of the Final Plat.* Any time within two years after approval of the tentative plat, the applicant shall have the subject property, or any part thereof, surveyed and the final plat prepared in conformance with the approved tentative plat. When the final plat is in order **and construction of the public improvements has commenced**, the applicant will submit the following items to the City offices for final approval of the plat.
- A. ~~Plat board, tracing, and five full-sized blueprint copies of the plat~~ **Draft final plat in a form acceptable to the City.**
  - B. The signatures of owner(s), surveyor or engineer shall all be properly acknowledged by a notary public. All signatures shall be signed in **permanent black** ~~India~~ ink.
  - C. *Deed restrictions.* A copy of all protective deed restrictions proposed for the area shall accompany the final Plat and specifications of all easements and dedications as required by the Development Review Board. The Planning Director shall not sign the final plat if the proposed deed restrictions fail to provide for the on-going maintenance of common areas violate established conditions of approval for the development, or violate other statutes, rules or standards the City has responsibility to enforce, including those related to not allowing deeds or covenants to limit housing types allowed by the City's zoning for a given property(ies).
  - D. Approval of agreement certified for all required improvements as follows:
    1. Improvements as required by conditions of approval have been completed, and a certificate of ~~such fact~~ **completion** has been filed with the Planning Director by the City Engineer; or
    2. **Improvements as required by the conditions of approval have been constructed to Substantial Completion, as defined in the Public Works Standards, a performance agreement has been recorded with the county, and a completion bond financial guarantee in the form of cash, a certified check or an irrevocable letter of credit, in a form approved by the City, with liability in the amount of one hundred fifty (150%) of the cost to complete the remaining requirement improvements** has been filed with the City Recorder ~~in sufficient amount to ensure the completion of all required improvements.~~
- (.03) *Review of Final Plat.* Upon receipt of a complete Final Plat, together with the required fee, the Plat and other required information shall be reviewed as follows:
- A. The Planning Director, **City Engineer**, and Community Development Director, **or designees**, shall examine the Plat and supplementary materials to determine that the subdivision or partition, as shown, is substantially the same as it appeared on the approved tentative plat and that there has been compliance with provisions of State Law and this Ordinance.
  - B. The County Surveyor, or such other professional land surveyor as shall be selected by the City to perform such work, shall check the site and plat and shall take such measurements and make such computations as are necessary to determine that the plat is correct, and that all requirements of State Law and this Ordinance are met.

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- C. The Community Development Director shall not sign any plat which does not indicate the marking with monuments of the intersections of all streets and the centerlines of all streets at every point of curvature and point of tangent. It shall be the responsibility of the applicant to provide such Monumentation within the land division prior to the issuance of any Building permit for construction within the subject property.
- (.04) *Action on Final Plat.* ~~Within 30 days of receipt of a complete final plat submittal, t~~The Planning Director, or designee, shall approve, deny, or, when further information is required, postpone a decision on the application. ~~Written~~ Notice of such action shall be ~~mailed~~ provided to the applicant by the Planning Director, or designee. If the Planning Director determines that full conformity with all applicable ordinances has not been made, the Director shall advise the applicant of the changes or additions that must be made and shall afford the applicant an opportunity to make the necessary changes or additions.
- A. A final plat shall be approved only if affirmative findings can be made that:
1. The Plat is in substantial conformance with the provisions of the Preliminary Plat, as approved;
  2. The proposal is consistent with the provisions, intents and purposes of the Comprehensive Plan, Zoning Regulations and the requirements of other relevant sections of this Code.
  3. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities
  4. The plat contains a donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, the donation of which is required by Ordinance or was made a condition of the approval of the tentative plat for the development.
  5. Explanations of all common improvements to remain in private ownership have been accounted for and referenced on the plat;
  6. Private drives indicated on the tentative plat have been approved by the City; and
  7. All conditions of approval for the development have been met, or adequate assurances for their completion have been provided, to the satisfaction of the Community Development Director.
- B. If affirmative findings cannot be made with regard to all of the above criteria, the Planning Director shall not approve the final plat.
- C. If approved, such approval shall be evidenced by the signature on the plat of the Planning Director together with the date of approval. In the event of denial, the Planning Director shall cause written notice and the reasons for denial to be furnished to the applicant.
- (.05) *Appeal of the Planning Director's Decision.* A decision made by the Planning Director to deny a final plat application may be appealed by the applicant as provided in Section 4.022.
- (.06) *Effect of Approval.* ~~Approval shall be effective for a period of 90 days, and if the final plat is not offered for record by the applicant in the office of the County Clerk within such time, the final plat shall be submitted again to the Planning Director under Section 4.220 of this Code, and the entire procedure shall be repeated, for consideration of any conditions which may then exist.~~
- ~~(.07)~~ *Delivery of Final Plat to County Offices.* Following the approval of the Planning Director the applicant may submit the Final Plat to the County for recording.
- A. ~~Unless otherwise specified by the county where the final plat is to be recorded, the final plat shall be routed to the county departments as follows:~~
1. ~~The Assessor shall receive the final plat and may research the needed requirements as well as forward identification information to the Tax Department.~~
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2. ~~Obtain on the final plat the signature of the County Surveyor, whose signature shall certify that the platting laws of this State have been met.~~
  3. ~~Obtain the signature on the final plat of a majority of the Board of County Commissioners whose signatures shall certify that the plat is approved by them.~~
  4. ~~Obtain the signature on the final plat of the County Tax Department if/ or when all taxes on the property are paid.~~
  5. ~~Obtain on the final plat the signature of the County Assessor, whose signature shall certify that ownership is correct and taxes have been pro-rated and collected, if plat is to be recorded after July 1.~~
  6. ~~After the above items have been completed, the final plat shall be delivered to the office of the County Clerk and required fees paid for recordation.~~

~~(.087) Recording Final Plat.~~ In addition to the requirements authorized and provided in ORS 92, upon offering the final plat for recordation, the subdivider shall furnish one black line or blue print copy of the final plat to ~~the City Engineer and~~ to such County offices as may be requested or required by the County.

(Ord. No. 538, 2-21-2002; Ord. No. 682, 9-9-2010; Ord. No. 892, § 2(Exh. A), 12-2-2024)

#### **Section 4.237. General Requirements—Other.**

*\*\*No changes proposed in Subsections (.01) to (.03)\*\**

- (.04) *Tree planting.* Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the ~~Director or Development Review Board~~ **review authority** before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.
- (.05) *Lot Size and shape.* The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.
- A. In areas that are not served by public sewer, an on-site sewage disposal permit is required from the City. If the soil structure is adverse to on-site sewage disposal, no development shall be permitted until sewer service can be provided.
  - B. Where property is zoned or deeded for business or industrial use, other lot widths and areas may be permitted at the discretion of the Development Review Board. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
  - C. In approving an application for a Planned Development, the ~~Development Review Board~~ **review authority** may waive the requirements of this section and lot size, shape, and density shall conform to the Planned Development conditions of approval.
- (.06) *Access.* The division of land shall be such that each lot shall have a minimum frontage on a street or private drive, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:
- A. A lot on the outer radius of a curved street or tract with a private drive, or facing the circular end of a cul-de-sac shall have frontage of not less than 25 feet upon a street or tract with a private drive, measured on the arc.
  - B. The ~~Development Review Board~~ **review authority** may waive lot frontage requirements where in its judgment the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of this regulation or if the Board determines that another standard is appropriate because of the characteristics of the overall development.

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- (.07) *Through lots.* Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of 100 feet. The ~~Development Review Board~~ **review authority** may require assurance that such screened areas be maintained as specified in Section 4.176.
- (.08) *Lot side lines.* The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street or tract with a private drive upon which the lots face.
- (.09) *Large lot land divisions.* In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the ~~Development Review Board~~ **review authority** considers it necessary.
- (.10) *Building line.* The ~~Planning Director or Development Review Board~~ **review authority** may establish special building setbacks to allow for the future re-division or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.
- (.11) *Build-to line.* The ~~Planning Director or Development Review Board~~ **review authority** may establish special build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.
- (.12) *Land for public purposes.* The ~~Planning Director or Development Review Board~~ **review authority** may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.
- (.13) *Corner lots.* Lots on street intersections shall have a corner radius of not less than ten feet.
- (Ord. No. 682, 9-9-2010)

#### **Section 4.270. Variance from Land Division Standards.**

- (.01) The ~~Development Review Board~~ **review authority** may authorize a variance from any requirement set forth in these standards, based upon the procedures, standards and criteria listed in Section 4.196, and the additional standards listed below.

*\*\*No additional changes proposed in this section\*\**

### **SITE DESIGN REVIEW**

#### **Section 4.420. Review Authority for Site Design Review.**

- (.01) *Application of Section.*
- A. Unless exempt as noted in 1.—2. below, no building permit shall be issued for a new building or major exterior remodeling of an existing building unless the building architecture and siting is approved by the ~~Development Review Board (Board)~~ **review authority** through Site Design Review.
1. Residential structures in residential zones are exempt from Site Design Review as long as they meet established clear and objective design and siting standards or any allowed adjustments. This exemption does not apply to mixed-use residential structures. However, an applicant may

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elect to have residential structures approved by the ~~Board~~ **review authority** through Site Design Review in association with waivers from specific standards.

2. Minor building modifications to non-residential structures are reviewed under the authority of the Planning Director as established ~~is in~~ Section 4.030.
- B. Unless exempt as noted in 1.—2. below, no building permit within an area covered by a Stage II Planned Development, or PDP in the Village Zone, shall be granted unless landscaping plans are reviewed and approved by the ~~Board~~ **review authority** through Site Design review, or FDP in the Village Zone.
1. Landscaping on residential lots in residential zones is exempt from Site Design Review unless it is part of the open space required under Subsection 4.113(.01).
  2. Minor modifications to landscape plans subject to Site Design are reviewed under the authority of the Planning Director as established ~~is in~~ Section 4.030.
- C. No Sign Permit, except as permitted in Sections 4.156.02 and 4.156.05, shall be issued for the erection or construction of a sign relating to such new building or major remodeling, until the plans, drawings, sketches and other documents required for a Sign Permit application have been reviewed and approved by the ~~Board~~ **review authority**.

(Ord. No. 538, 2-21-2002; Ord. No. 557, 9-5-2003; Ord. No. 704, 6-18-2012; Ord. No. 812, 2-22-2018; Ord. No. 892, § 2(Exh. A), 12-2-2024)

#### **Section 4.421. ~~Criteria and Application of~~ Site Design Standards.**

(.01) The following standards shall be utilized by the ~~Board~~ **review authority** in reviewing the plans, drawings, sketches and other documents required for Site Design Review. ~~These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry-Old Town Overlay Zone, a range of architectural styles will be encouraged.)~~

##### **A. Standards for residential development:**

- 1. Preservation of Landscape.** Landscaping and tree preservation shall comply with the provisions of Sections 4.176 and 4.600 through 4.640.20.
- 2. Relation of Proposed Buildings to Environment.** Proposed structures shall be located and designed to protect steep slopes and Significant Natural Resource Areas and shall provide buffering in accordance with Sections 4.171, 4.176, and 4.139.00 through 4.139.11.
- 3. Drives, Parking and Circulation.** On-site pedestrian access and circulation shall comply with the standards of Sections 4.154. Parking and circulation shall comply with the standards of Sections 4.155 and 4.177.
- 4. Surface Water Drainage.** Stormwater management systems and design shall comply with Section 4.113 (.05) and the City's Public Works Standards.
- 5. Utility Service.** Utilities must be designed per Sections 4.300 through 4.320, and any above ground utility installations must be screened per Section 4.176.
- 6. Advertising Features.** Advertising and signage shall conform to the requirements of the City's sign regulations in Section 4.156.01 through 4.156.11.

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**7. Special Features. Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to the standards for screening and buffering contained in Section 4.176.**

**B. Standards for all other development:**

- A1.** *Preservation of Landscape.* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- B2.** *Relation of Proposed Buildings to Environment.* Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139.00 and through 4.139.511. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.
- C3.** *Drives, Parking and Circulation.* With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- D4.** *Surface Water Drainage.* Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.
- E5.** *Utility Service.* Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.
- F6.** *Advertising Features.* In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
- G7.** *Special Features.* Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.
- (.02) The standards of review outlined in Sections ~~(a) through (g)~~ **(.01)** above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.
- (.03) **Except for residential development,** ~~The Board~~ **review authority** shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.
- (.04) *Conditional application.* ~~The Planning Director, Planning Commission, Development Review Board or City Council~~ **review authority** may, as a Condition of Approval for a zone change, subdivision, land partition, variance, conditional use, or other land use action, require conformance to the site development standards set forth in this Section.
- (.05) ~~The Board~~ **review authority** may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with

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the intent of the Comprehensive Plan, allowed densities and the requirements of this Code. In making this determination of compliance and attaching conditions, the ~~Board~~ **review authority** shall, however, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions either singularly or accumulatively have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

- (.06) The ~~Board or Planning Director~~ **review authority** may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.
- A. Where the conditions of approval for a development permit specify that certain paints or colors of materials be used, the use of those paints or colors shall be binding upon the applicant. No Certificate of Occupancy shall be granted until compliance with such conditions has been verified.
  - B. Subsequent changes to the color of a structure shall not be subject to City review unless the conditions of approval under which the original colors were set included a condition requiring a subsequent review before the colors could be changed.

## TREE PRESERVATION AND PROTECTION

### Section 4.610.00. Application Review Procedure.

- (.01) The permit applicant shall provide complete information as required by this subchapter in order for the City to review the application.
- (.02) *Departmental Review.* All applications for Tree Removal Permits must be deemed complete by the City Planning Department before being accepted for review. When all required information has been supplied, the Planning Department will verify whether the application is complete. Upon request of either the applicant or the City, the City may conduct a field inspection or review meeting. City departments involved in the review shall submit their report and recommendations to the Planning Director who shall forward them to the appropriate reviewing authority.
- (.03) *Reviewing Authority.*
- A. *Type A or B.* Where site plan review or plat approval by the Development Review Board is not required by City ordinance, the grant or denial of the Tree Removal Permit application shall be the responsibility of the Planning Director. The Planning Director has the authority to refer a Type B permit application to the DRB under the Class II administrative review procedures of this Chapter. The decision to grant or deny a permit shall be governed by the applicable review standards enumerated in WC 4.610.10.
  - B. *Type C.* Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council. For site development applications subject to a Class II administrative review process in the Coffee Creek Industrial Design Overlay District **or for residential development**, the Planning Director shall be responsible for the granting or denial of the Tree Removal Permit application.
  - C. *Type D.* Type D permit applications shall be subject to the standards and procedures of Class I administrative review and shall be reviewed for compliance with the Oregon Forest Practice Rules and Statutes. The Planning Director shall make the decision to grant or deny an application for a Type D permit.

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~~D. *Review period for complete applications.* Type A permit applications shall be reviewed within ten working days. Type B permit applications shall be reviewed by the Planning Director within 30 calendar days, except that the DRB shall review any referred application within 60 calendar days. Type C permit applications shall be reviewed within the time frame established by this Chapter. Type D permit applications shall be reviewed within 15 calendar days.~~

- (.04) *Notice.* Before the granting of a Type C Tree Removal Permit, notice of the application shall be sent by regular mail to all owners within ~~100~~ 250-feet of the property where the trees are located as provided for in WC 4.010. The notice shall indicate where the application may be inspected and when a public hearing on the application will be held.
- (.05) *Denial of Tree Removal Permit.* Whenever an application for a Tree Removal Permit is denied, the permit applicant shall be notified, in writing, of the reasons for denial.
- (.06) *Grant of a Tree Removal Permit.* Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:
- A. *Conditions.* Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;
  - B. *Completion of Operations.* Fix a reasonable time to complete tree removal operations; and
  - C. *Security.* Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter.
    - 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.

(Ord. No. 812, 2-22-2018)

#### **Section 4.610.10. Standards for Tree Removal, Relocation or Replacement.**

- (.01) Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:
- A. *Standard for the Significant Resource Overlay Zone.* The standard for tree removal in the Significant Resource Overlay Zone shall be that removal or transplanting of any tree is not inconsistent with the purposes of this Chapter.
  - B. *Preservation and Conservation.* No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles.
  - C. *Developmental Alternatives.* Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.
  - D. *Land Clearing.* Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.

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- E. *Residential Development.* Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.
  - F. *Compliance With Statutes and Ordinances.* The proposed activity shall comply with all applicable statutes and ordinances.
  - G. *Relocation or Replacement.* The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not to be removed, in accordance with WC 4.620.10.
  - H. *Limitation.* Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this Chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.
    - 1. *Necessary For Construction.* Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure or other site improvement, and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to existing or proposed buildings or structures, or creates unsafe vision clearance.
    - 2. *Disease, Damage, or Nuisance, or Hazard.* Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 et seq., or creates unsafe vision clearance as defined in this Code.
      - (a) As a condition of approval of Stage II development, filbert trees must be removed if they are no longer commercially grown or maintained.
    - 3. *Interference.* Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site.
    - 4. *Other.* Where the applicant shows that tree removal or transplanting is reasonable under the circumstances.
  - I. *Additional Standards for Type C Permits.*
    - 1. *Tree survey.* For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40, and provide a Tree Maintenance and Protection plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.
    - 2. *Platted Subdivisions.* The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.
    - 3. *Utilities.* The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.
  - J. *Exemption.* Type D permit applications shall be exempt from review under standards D, E, H and I of this subsection.

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#### **Section 4.610.20. Type A Permit.**

*\*\*No changes proposed in Subsections (.01) to (.03)\*\**

(.04) The City shall accept a Type A permit application under the following procedure:

- A. ~~Review Period. Completed Type A permit applications shall be reviewed within ten working days.~~ The grant or denial of the Tree Removal Permit application shall be the responsibility of the Planning Director.
- B. The Type A permit application shall be reviewed under the standards of Class I administrative review and applicable requirements of this subchapter.

#### **Section 4.610.30. Type B Permit.**

*\*\*No changes proposed in Subsections (.01) to (.02)\*\**

(.03) *Review:*

- A. The Type B permit application, including major or minor changes in a condition or conditions of a development permit previously approved under the provisions of this chapter, shall be reviewed under the standards of Class II administrative review and the requirements of this subchapter. Where site plan review or plat approval by the Development Review Board is not required by City ordinance, the grant or denial of the Type B permit shall be the responsibility of the Planning Director. The Planning Director has the authority to refer a Type B permit application to DRB under the Class II administrative review procedures of this Chapter.
- ~~B. The DRB shall review and render a decision on any application referred by the Planning Director within 60 days. The Planning Director shall review a completed permit application within 30 days.~~
- ~~C.~~ The decision to grant or deny a Type B permit shall be governed by the standards established in WC 4.610.10.

#### **Section 4.610.40. Type C Permit.**

(.01) Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process. The DRB shall review all Type C permits, with the exception of Class II development review applications located within the Coffee Creek Industrial Design Overlay District or for residential development, where the Planning Director shall have review authority. Any plan changes made that affect trees after Stage II review of a development application shall be subject to review by the original approval authority. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.

*\*\*No additional changes proposed in this section\*\**

#### **Section 4.620.10. Tree Protection During Construction.**

(.01) Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:

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- A. All trees required to be protected must be clearly labeled as such.
  - B. **Placing Construction Materials Near Tree.** No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist.
  - C. **Attachments to Trees During Construction.** Notwithstanding the requirement of WC 4.620.10(1)(A), no person shall attach any device or wire to any protected tree unless needed for tree protection.
  - D. **Protective Barrier.** Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers as identified by an arborist to protect remaining trees. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers." The most appropriate and protective barrier shall be utilized. Barriers are required for all trees designated to remain, except in the following cases:
    - 1. **Rights-of-Way and Easements.** Street right-of-way and utility easements may be cordoned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.
    - 2. Any property area separate from the construction or land clearing area onto which no equipment will venture may also be cordoned off as described in paragraph (D) of this subsection, or by other reasonable means as approved by the reviewing authority.

## ANNEXATIONS AND URBAN GROWTH BOUNDARY AMENDMENTS

### Section 4.700. Procedures Relating to the Processing of Requests for Annexation and Urban Growth Boundary Amendments.

- (.01) The City of Wilsonville is located within the Portland Metropolitan Area, and is therefore subject to regional government requirements affecting changes to the City limits and changes to the Urban Growth Boundary (UGB) around Wilsonville. The City has the authority to annex properties as prescribed in State law, but the City's role in determining the UGB is primarily advisory to Metro, as provided in Oregon Revised Statutes. The following procedures will be used to aid the City Council in formulating recommendations to those regional entities.
- A. Proponents of such changes shall provide the Planning Director with all necessary maps and written information to allow for review by City decision-makers. The Planning Director, after consultation with the City Attorney, will determine whether each given request is quasi-judicial or legislative in nature and will make the necessary arrangements for review based upon that determination.
  - B. Written information submitted with each request shall include an analysis of the relationship between the proposal and the City's Comprehensive Plan, applicable statutes, as well as the Statewide Planning Goals and any officially adopted regional plan that may be applicable.
  - C. The Planning Director shall review the information submitted by the proponents and will prepare a written report for the review of the City Council and **other review authority, as applicable** ~~the Planning Commission or Development Review Board~~. If the Director determines that the information submitted by the proponents does not adequately support the request, this shall be stated in the Director's staff report.

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- D. If the ~~Development Review Board, Planning Commission, or~~ City Council determines that the information submitted by the proponents does not adequately support the request, the City Council may oppose the request to the regional entity having the final decision making authority.
- (.02) Each quasi-judicial request shall be reviewed by the Development Review Board, which shall make a recommendation to the City Council after concluding a public hearing on the proposal, except in the following circumstances:
- A. When an annexation in the Coffee Creek Industrial Design Overlay District is requested concurrent with a quasi-judicial Comprehensive Plan Map amendment and/or zone map amendment as specified in Section 4.197 (.02)A. and Section 4.198(.02), **or when an annexation is for residential development consistent with an adopted Legislative Master Plan**, the annexation shall be reviewed by the City Council without prior review or recommendation by the Development Review Board.
- a. The ordinance adopting such annexation request shall state the annexation expires 120 days from Council adoption unless a Stage II Final Plan receives final local approval for the area subject to the annexation. In the event of a LUBA appeal of the final local approval, the 120-day expiration period will be tolled pending completion of the appeal process.
- b. Notwithstanding the process described above an applicant **in the Coffee Creek Industrial Design Overlay District** may elect to have the annexation reviewed by the Development Review Board for a recommendation to City Council concurrently with other land use applications for the subject property.
- c. If the Planning Director anticipates that individuals other than the applicant can be expected to question the requested annexation's compliance with the applicable criteria the Planning Director may require the annexation be first reviewed by the Development Review Board to make a recommendation to City Council.
- (.03) Each legislative request shall be reviewed by the Planning Commission, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.04) ~~As applicable, the~~ City Council shall consider the information in the record ~~of the Development Review Board or Planning Commission~~ and shall, after concluding a public hearing on the request, determine the appropriate course of action. That course of action may be:
- A. In the case of a proposed amendment to the Regional Urban Growth Boundary: forward its recommendation in the form of a Resolution to the Metro Council.
- B. In the case of a proposed annexation to the City, select from the following as allowed by State law (ORS 222):
1. Take no action;
  2. Declare the subject property, or some portion thereof, to be annexed;
  3. Set the matter for election of the voters residing within the affected territory; or
  4. Set the matter for election of City voters.

*\*\*No additional changes proposed in this section\*\**