

ORDINANCE NO. 889

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE TEXT OF THE DEVELOPMENT CODE TO MAKE MINOR MODIFICATIONS TO THE COFFEE CREEK INDUSTRIAL DESIGN OVERLAY DISTRICT STANDARDS.

WHEREAS, in 2018, the City adopted Ordinance No. 812, which amended Section 4.134 of the Wilsonville Development Code and adopted the Coffee Creek Industrial Design Overlay District Form-based Code and Pattern Book to create standards supporting development of employment lands in the Coffee Creek Industrial Area; and

WHEREAS, to facilitate a predictable and timely process for reviewing industrial development applications in Coffee Creek, two land use review tracks were established, including Class 2 Administrative Review of applications meeting all the clear and objective standards of the Form-based Code, and Development Review Board review of applications requesting one or more waivers to the standards; and

WHEREAS, the City also modified procedures governing City Council review of annexations and Zone Map amendments in Coffee Creek to allow for City Council review of the requests without prior review or recommendation by the Development Review Board, thus facilitating concurrent processing with other related development permit applications for a project, such as Stage 1, Stage 2, Site Design Review, etc.; and

WHEREAS, when adopted, the Form-based Code standards and review process was subject to a pilot period of three completed development applications or five years, whichever came first; and

WHEREAS, during the pilot period, certain metrics were to be tracked including, but not limited to, number and type of requested waivers, time to approval, and quantity of testimony at public hearing or via other means; a survey of applicants was to be conducted upon conclusion of the land use review process to gain feedback from a customer service standpoint; and nearby citizens, if any, were to be surveyed to understand any questions or concerns about the Class 2 Administrative Review process; and

WHEREAS, the conclusion of the pilot period would allow an opportunity to modify the Form-based Code standards and implementation process, as needed, to ensure that they meet

the overall objective of providing a clear development review process that fosters the creation of a connected, high-quality employment center in Coffee Creek; and

WHEREAS, as of 2023, both pilot period milestones had been achieved, with four completed industrial development projects in various stages of construction throughout the Coffee Creek area within five years of adoption of the Form-based Code and Pattern Book; and

WHEREAS, in 2023, in accordance with the pilot period guidance, the City initiated review of the Coffee Creek standards in Section 4.134 of the Wilsonville Development Code to determine whether modifications are warranted to the standards, process, or both; and

WHEREAS, no public comments were received and no testimony was presented at public hearing for any of the four industrial development projects; and

WHEREAS, none of the applications were processed as a Class 2 Administrative Review and, therefore, no nearby citizens expressed any questions or concerns about the process; and

WHEREAS, the assessment included a review of the timeline to land use approval for the four completed development projects in Coffee Creek, a compilation of types of waivers to the Form-based Code standards requested by applicants that triggered review by the Development Review Board, and focused discussions with applicants and their consultant teams to gain feedback from a customer service standpoint about the Form-based Code and understand in more depth which of the standards could more closely align with current and future needs of prospective industrial users in the Coffee Creek area; and

WHEREAS, based on this review, the City determined that modification of the land use review tracks and process for application review is not needed, but minor modifications to the standards are warranted to make compliance more achievable for applicants, thus enabling applicants to use the Class 2 Administrative Review track for development that meets all the clear and objective standards; and

WHEREAS, at work sessions in September and December 2023, the Planning Commission and City Council were presented with information about the Coffee Creek Assessment, and reviewed and provided input on recommended Code amendments to achieve the objectives outlined above; and

WHEREAS, minor modifications to the Form-based Code standards of Wilsonville Development Code Section 4.134 will make compliance more achievable for applicants, streamline development review in the Coffee Creek Industrial Design Overlay District, and provide clarity for applicants, staff, and the public while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek; and

WHEREAS, the Planning Commission has the authority to review and make recommendations to City Council regarding legislative changes to the Development Code pursuant to Sections 2.322 and 4.032; and

WHEREAS, the Planning Director submitted a staff report and findings in accordance with the public hearing and notice procedures set forth in Wilsonville Development Code Sections 4.008, 4.012, and 4.197; and

WHEREAS, following the timely mailing, posting, and publication of the required notice, the Planning Commission conducted a public hearing on February 14, 2024, to review the proposed Development Code amendments, and to gather additional testimony and evidence regarding the proposed amendments, and thereafter deliberated and voted to approve Resolution No. LP24-0001 recommending adoption to the City Council; and

WHEREAS, a copy of the record of the aforementioned Planning Commission action and recommendation is marked Exhibit B, attached hereto and incorporated by reference herein; and

WHEREAS, following the Planning Commission public hearing, the Planning Director forwarded the recommended amendments to the Wilsonville Development Code onto the City Council, along with a staff report and attachments, in accordance with the public hearing and notice procedures set forth in Sections 4.008, 4.012 and 4.197; and

WHEREAS, the City Council, after public hearing notices advertised in printed media, emailed, and posted in several locations throughout the City and on the City website, held a public hearing on March 4, 2024, to review the recommended amendments to the Wilsonville Development Code, and to gather additional evidence and testimony regarding the amendments; and

WHEREAS, the City Council afforded all interested parties an opportunity to be heard on the subject and has entered all available evidence and testimony into the public record of its proceeding; and

WHEREAS, the City Council duly considered the Planning Commission recommendation and all the exhibits and testimony introduced and offered by all interested parties.

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

Section 1. Findings. The above-recited findings are adopted and incorporated by reference herein as findings and conclusions of Resolution No. LP24-0001, which includes the staff report. The City Council further finds and concludes that the adoption of the proposed Development Code amendments is necessary for the good of the public of the municipality as described in Exhibit B.

Section 2. Determination. Based on such findings, the City Council hereby adopts the Development Code amendments, attached hereto as Exhibit A. The City Recorder is hereby directed to prepare final formatting to make sure such style and conforming changes match the format and style of the Wilsonville Development Code.

Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this 4th day of March, 2024, and scheduled the second reading on the 18th day of March, 2024, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 4th day of March, 2024, by the following votes:

Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 4th day of March, 2024.

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBITS:

- A. Proposed Development Code Amendments – February 2024
- B. Planning Commission Resolution No. LP24-0001 and Record