

DEVELOPMENT REVIEW BOARD MEETING
JULY 10, 2023
6:30 PM

Public Hearing:

2. **Resolution No. 417. Charbonneau Marina Modernization.** The applicant is requesting approval of a Willamette River Greenway Conditional Use Permit, Site Design Review, Type C Tree Removal Plan and Abbreviated SRIR Review for parking lot and landscaping improvements at the Charbonneau Marina located at 8755 SW Illahee Court.

Case Files:

DB22-0010 Charbonneau Marina Modernization

- Willamette River Greenway Conditional Use Permit (CUP22-0001)
- Site Design Review (SDR22-00010)
- Type C Tree Removal Plan (TPLN22-0008)
- Standard SRIR Review (SRIR22-0005)

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 417**

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL, APPROVING A WILLAMETTE GREENWAY CONDITIONAL USE PERMIT, SITE DESIGN REVIEW, TYPE C TREE REMOVAL PLAN, AND ABBREVIATED SRIR REVIEW FOR PARKING LOT AND LANDSCAPING IMPROVEMENTS AT THE CHARBONNEAU MARINA LOCATED AT 8755 SW ILLAHEE COURT.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by authorized representative Ben Altman, Pacific Design Group on behalf of the applicant, Charbonneau Country Club, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 8755 SW Illahee Court on Tax Lot 318, Section 25, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated July 3, 2023, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on July 10, 2023, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated July 3, 2023, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB22-0010 Charbonneau Marina Modernization: Willamette Greenway Conditional Use Permit (CUP22-0001), Site Design Review (SDR22-0010), Type C Tree Removal Plan (TPLN22-0008), and Abbreviated SRIR Review (SRIR22-0005).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 10th day of July, 2023, and filed with the Planning Administrative Assistant on _____. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the Council in accordance with *WC Sec 4.022(.03)*.

Clark Hildum, Vice Chair - Panel A
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant



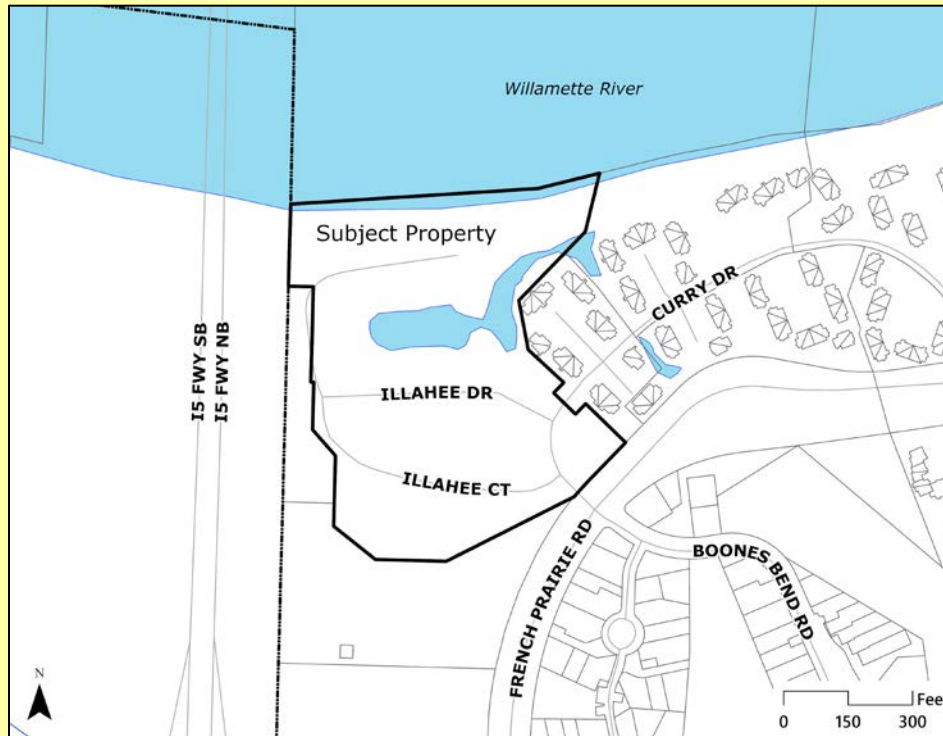
Exhibit A1
Staff Report
Wilsonville Planning Division
Charbonneau Marina Improvements
Development Review Board Panel 'A'
Quasi-Judicial Public Hearing

Hearing Date:	July 10, 2023
Date of Report:	July 3, 2023
Application Nos.:	DB22-0010 Charbonneau Marina Modernization
Request/Summary:	The requests before the Development Review Board include a Willamette Greenway Conditional Use Permit, Site Design Review, Type C Tree Removal Plan and Abbreviated SRIR for parking lot and landscaping improvements at the Charbonneau Marina.
Location:	8755 SW Illahee Court. The property is specifically known as a portion of Tax Lot 318, Section 25, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon
Owner/Applicant:	Charbonneau Country Club (Contact: Jim Meierotto)
Applicant's Representative:	Ben Altman, Pioneer Design Group
Comprehensive Plan Designation:	Residential 4-5 dwelling units per acre (du/ac)
Zone Map Classification:	Planned Development Residential-3 (PDR-3)
Staff Reviewers:	Kimberly Rybold, AICP, Senior Planner Ben Schonberger, AICP, Senior Planner, Winterbrook Planning Amy Pepper, PE, Development Engineering Manager Kerry Rappold, Natural Resources Program Manager
Staff Recommendation:	<u>Approve with conditions</u> the requested Willamette Greenway Conditional Use Permit, Site Design Review, Type C Tree Removal Plan and Abbreviated SRIR.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.124	Planned Development Residential Zones (PDR)
Section 4.139	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.184	Conditional Use Permits - Authorization
Sections 4.199.20 through 4.199.60	Outdoor Lighting
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.450 as applicable	Site Design Review
Sections 4.500 through 4.514	Willamette River Greenway
Sections 4.600 through 4.640.20	Tree Preservation and Protection
<u>Other Documents:</u>	
Wilsonville Comprehensive Plan	
Previous Land Use Approvals	

Vicinity Map:



Background:

The Charbonneau District was the first major Planned Development in Wilsonville and initial development started in the early 1970s. The marina portion of the development was placed at its current site as part of the development of Riverfront Townhomes in 1978.

As acknowledged in the applicant's narrative, the marina was originally approved through a Willamette Greenway Conditional Use Permit in 1978 (78CU03). The Isberg boat house at the east end for the dock was added in 1984 through a Wilsonville design review process (84DR09) and necessary Corps/DSL permits. In 2015, the access to the dock was modified with a metal gangway extending directly from the parking area. The Charbonneau Country Club purchased the boat house in 2020 and recently executed a lease with the Clackamas County Sheriff to use it for marine patrol purposes.

The Illahee Apartments, subsequently re-named Haven at Charbonneau apartments, are adjacent to the marina. These residential buildings were constructed based on a modification of the original 1978 approval. This modification in 1988 (88PC21 and 88DR14) enabled construction of the apartments and allowed the marina parking to be moved to its current location at the southwest corner of the area.

The applicant has proposed changes to the marina that include the following elements:

1. Replace existing dock. New deck to be 8 feet wide, reconfigure for double-wide slips, 40 total slips, replace four wood pilings with steel pilings.

2. Extend dock to align with lower landing platform. Updated lighting for gangway and dock. Add dock ladders.
3. Canoe and kayak facilities. Storage racks, launch area at west end of dock.
4. Reconfigure, pave, and stripe existing parking and add 6 new motor vehicle and 2 golf cart spaces. Add bike rack.
5. Add picnic table, benches, relocate existing parking lot light pole.
6. Remove 6 trees greater than 6 inches DBH, plant mitigation and parking lot trees.

The current application requires a Willamette Greenway Conditional Use Permit to allow these modifications to the originally approved 1978 permit for the marina. In addition, the proposal requires Site Design Review, Type C Tree Removal Plan and Abbreviated SRIR. As the dock modifications are located within the Willamette River, review and approval of elements 1-3 are under jurisdiction of the State of Oregon and are not the subject of this review.

Summary:

Willamette Greenway Conditional Use Permit

The proposed parking lot modifications and associated landscaping improvements and tree removal are located within the Willamette River Greenway, which requires approval of a Willamette River Greenway conditional use permit. The location and scope of those improvements is appropriate, and result in little physical impact to the Willamette River resource, while a visual opportunity and recreational benefit will be achieved.

Site Design Review

The applicant used appropriate professional services to design the parking area and landscaping. Overall design of the modified parking area and landscaping is consistent with the design of the existing development and proposed landscaping materials meet or exceed City standards.

Type C Tree Removal Plan

Per Subsection 4.600.40 (.01) F., projects within the Charbonneau District, are exempt from the requirements of Subsection 4.600.30 (.01) on the basis that by and through the current CC&R's of the Charbonneau Country Club, the homeowners' association complies with all requirements of Subsection 4.610.30 (.01) C. 1. of the Tree Preservation and Protection standards. However, because the proposed development includes removal of trees within the Willamette River Greenway, Subsection 4.514 (.02) requires that tree removal is reviewed by the Development Review Board subject to the procedures in Subsection 4.620.10. Seven trees will be removed due to health and to allow the proposed development to occur. Six of these trees are greater than 6 inches in diameter and therefore require mitigation. The submitted landscape plan includes 17 newly planted trees to meet the minimum requirement for mitigation. As such the standard for tree planting is met.

Abbreviated Significant Resource Impact Report (SRIR)

The applicant requests approval of an abbreviated Significant Resource Impact Report (SRIR) for proposed development that is located within the Significant Resource Overlay Zone and its associated Impact Area. Within the SROZ, the applicant's proposed (non-exempt) development includes permeable pavement and gravel. The proposed development does not disturb the riverbank, as all new development is either proposed above the top of bank (including new parking, retaining wall, benches) or in-water (pilings, floating dock, kayak storage).

Public Comments and Responses:

No public comments were received during the comment period for the project.

Discussion Points – Verifying Compliance with Standards:

This section provides a discussion of key clear and objective development standards that apply to the proposed applications. The Development Review Board will verify compliance of the proposed applications with these standards. The ability of the proposed applications to meet these standards may be impacted by the Development Review Board's consideration of discretionary review items as noted in the next section of this report.

Traffic and Parking

The proposed replacement of the marina dock increases boat slips and additional parking area will allow more users. This expansion is anticipated to generate additional trips compared to the existing dock. However, the increment is small since the user base for the marina is the same and changes are relatively minor. The applicant requested and was granted a waiver to the requirement to prepare a Traffic Impact Study.

Section 4.155, Table 5 in does not require off-street parking for recreational uses. The existing parking area is currently not striped. As shown on the site plan, the proposal will add approximately 6 additional vehicle spaces and two golf cart spaces to the site for users of the marina that will be constructed with pervious pavement and striped. Total spaces after the project is complete include 15 motor vehicle spaces and two golf cart spaces.

Pedestrian Access and Circulation

The parking area for the marina will have 15 motor vehicle parking spaces and two golf cart spaces. The site plan does not establish separate facilities within the parking area for pedestrian access and circulation. Pedestrians, cyclists, and drivers mix in the area, which is also the existing condition throughout the rest of the Charbonneau development. Pedestrian circulation and golf cart paths, including cart parking, are designed to connect the site with the existing pedestrian and cart routes serving the site. The applicant states that the proposed improvements complement and enhance the existing overall circulation systems.

Discussion Points – Discretionary Review:

This section provides a discussion of discretionary review requests that are included as part of the proposed applications. The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant.

Willamette River Greenway Conditional Use Permit

As described in the applicant's code response, the marina was approved as a conditional use in 1978 (78CU03) and the use will continue to operate in a similar manner, consistent with the character of the site and surrounding area. Because of the proposed parking lot modifications, the proposal is considered an intensification of use and thus requires a Conditional Use Permit review by the Development Review Board.

The Development Review Board may grant a Greenway Conditional Use Permit upon making the following findings:

- The proposal will be consistent with the provisions of the Comprehensive Plan and the requirements of Chapter 4 of the Wilsonville Code and other applicable policies of the City.
- The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- All required public facilities and services exist, or will be provided, to adequately meet the needs of the proposed development.
- The proposed use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.
- That to the greatest extent possible, the maximum possible landscape area, open space or vegetation between the activity and the river are provided.
- That to the greatest extent possible, necessary public access in accordance with the Comprehensive Plan will be provided to and along the River by appropriate legal means.
- That the change of use, intensification of use, or development complies with this Code, all other applicable City Ordinances, the Comprehensive Plan, and the Oregon State Parks and Recreation Department Greenway Plan.

As discussed in the findings, the proposed parking lot modifications and associated landscaping and tree removal meet these criteria, allowing the Development Review Board to approve the proposed Greenway Conditional Use Permit.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. This staff report adopts the applicant's responses as findings except as noted in staff's findings. Based on the findings and information included in this staff report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board approve the proposed application (DB22-0010) with the following conditions:

Planning Division Conditions:

Request A: Willamette River Greenway Conditional Use Permit (CUP22-0001)

No conditions for this request.

Request B: Site Design Review (SDR22-0010)

PDB 1.	General: The approved final plan shall control the issuance of all building permits and shall restrict the nature, location and design of the subdivision. Minor changes in an approved plan may be approved by the Planning Director through the Class 1 Administrative Review Process if such changes are consistent with the purposes and general character of the development plan. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding B3.
PDB 2.	Prior to Parking Lot Use: All landscaping required and approved by the Development Review Board shall be installed unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant. See Finding B35.
PDB 3.	Ongoing: The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code. See Findings B36 and B38.
PDB 4.	Ongoing: All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board, unless altered as allowed by Wilsonville's Development Code. See Finding B37.

PDB 5.	Prior to Parking Lot Use: All trees shall be balled and burlapped and conform in grade to “American Standards for Nursery Stock” current edition. Tree size shall be a minimum of 2-inch caliper. See Finding B44.
PDB 6.	Prior to Parking Lot Use: The following requirements for planting of shrubs and ground cover shall be met: <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • 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 10” to 12” spread. • Shrubs shall reach their designed size for screening within three (3) years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4” pot spaced 2 feet on center minimum, 2-1/4” 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% of the bare soil in required landscape areas within three (3) years of planting. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. • Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Findings B42 and B43.
PDB 7.	Prior to Parking Lot Use: To ensure longevity of the proposed parking lot trees, the applicant shall plant a comparable native tree species in lieu of the four Oregon ash trees shown on the landscape plan. See Finding B45.
PDB 8.	Prior to Parking Lot Use: Plant materials shall be installed and irrigated to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding B48.

Request C: Type C Tree Removal Plan (TPLN22-0008)

PDC 1.	General: This approval for removal applies only to the 6 trees in the applicant’s submitted Tree Maintenance and Protection Plan, see Exhibit B2. All other trees on the property shall be maintained unless removal is approved through separate application.
PDC 2.	Prior to Grading Permit Issuance: The applicant/owner shall submit an application for a Type C Tree Removal Permit for the phase(s) of development impacted by the grading permit on the Planning Division’s Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City’s Planning Division an accounting of trees

	to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff.
PDC 3.	<u>Prior to Parking Lot Use:</u> The applicant/owner shall install the required mitigation trees, as shown in the applicant’s Sheet L1.0 per Section 4.620 WC. See Finding C8.
PDC 4.	<u>Prior to Commencing Site Grading:</u> The applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding C12.

Request D: Abbreviated SRIR Review (SRIR22-0005)
 No conditions for this request.

The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City’s Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

Engineering Division Conditions:

PF 1.	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1
PF 2.	<u>Prior to the Issuance of the Public Works Permit:</u> Applicant shall apply for City of Wilsonville Erosion Control and Grading Permits. The erosion control permit shall be issued and erosion control measures shall be installed, inspected and approved prior to any onsite work occurring.
PF 3.	The applicant proposes the use of pervious pavement, which is a stormwater reduction technique. <u>Prior to the Issuance of a Building Permit:</u> The applicant shall submit a design for the pervious pavement. <u>Prior to Final Approval of the Building Permit:</u> Pervious pavement shall be constructed, inspected by a third-party inspector, and approved by the City. The applicant shall record a Stormwater Maintenance Agreement for the pervious pavement.

Natural Resources Division Conditions:

NR 1.	Natural Resource Program Requirements and Advisories listed in Exhibit C2 apply to the proposed development.
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Master Exhibit List:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB22-0010. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's presentation slides for Public Hearing (to be presented at Public Hearing)

Materials from Applicant

- B1. Applicant's Notebook: (under separate cover)
 - Completeness Review Response
 - Application
 - Narrative
 - Arborist's Report
 - Abbreviated SRIR
 - Preliminary Stormwater Drainage Report
 - Lighting Specs
 - Pultruded Grading Specs
 - Tax Map
 - Title Report
 - Deeds
- B2. Drawings and Plans (under separate cover)
 - P1.0 Cover Sheet
 - P2.0 Existing Conditions & Demolition Plan
 - P3.0 Preliminary Marina Parking Lot Grading & Erosion Control Plan
 - P4.0 Preliminary Marina And Parking Lot Site Plan
 - L1.0 Marina Parking Lot Landscape Planting Plan

Development Review Team Correspondence

- C1. Public Works Plan Submittal Requirements and Other Engineering Requirements
- C2. Natural Resources Findings & Requirements

Other Correspondence/Public Comments

N/A

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on November 14, 2022. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on December 13, 2022. On April 28, 2023, the Applicant submitted new materials. On May 12, 2023, the application was deemed complete. The City must render a final decision for the request, including any appeals, by September 9, 2023.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	N/A	Willamette River
East:	PDR-3	Charbonneau residential development
South:	PDR-3	Charbonneau residential development
West:	N/A	Interstate 5

3. Previous Planning Approvals:

78CU03 Willamette Greenway Conditional Use Permit

84DR09 Isberg Boat House

DB15-0059 et. al. Charbonneau Boat Dock Access: Greenway Conditional Use Permit, Type C Tree Removal Plan, Abbreviated SRIR and SROZ Map Verification

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures-In General

Section 4.008

The application is being processed in accordance with the applicable general procedures of this Section.

Applications Must be Filed by Owner

Section 4.009

The application has been submitted on behalf of the property owner, Charbonneau Country Club, as authorized by the Charbonneau Village Center Condominium Board of Directors, and is signed by an authorized representative, Jim Meierotto, General Manager.

Pre-Application Conference Required

Subsection 4.010 (.02)

A Pre-application Conference was held in accordance with this subsection on March 3, 2022 (Case File No. PRE22-0002).

Lien Payment before Approval

Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements

Subsection 4.035 (.04) A.

The applicant has provided all of the applicable general submission requirements contained in this Subsection.

Zoning-Generally

Section 4.110

This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.140 through 4.199 have been applied in accordance with this Section.

Request A: Willamette River Greenway Conditional Use Permit (CUP22-0001)

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Conditional Use Permits - Authorization

Planned Development Residential-3 Zone
Section 4.124

A1. The subject property is located in the PDR-3 Zone. Private recreation facilities are conditional uses as defined by the Willamette River Greenway section of the code (WC 4.500). Such recreational facilities are not listed as an outright permitted or accessory use, but are conditional uses under subsection (.04)

Consistency with Comprehensive Plan and Development Code
Subsection 4.184 (.01) A. 1.

A2. Numerous prior land use approvals at this site going back nearly 50 years have demonstrated that residential development and a marina at this location are consistent with the City's Comprehensive Plan. The proposed modification of the marina to expand the dock and change the configuration of the parking area is still consistent with the Plan. Provisions in the Comprehensive Plan for protecting natural resources are addressed through satisfaction of the regulations related to the SROZ, see request D.

Suitable Site Characteristics
Subsection 4.184 (.01) A. 2.

A3. The area of the site subject to the proposed change is currently used as a marina and parking area, and this will remain the same with the improvements. With the new dock and the expanded parking area, the site will still be well-suited for the proposed marina use. The applicant's request would result in an insignificant impact to the Willamette River Greenway and the SROZ because the proposed changes are either in-water, or upland of the top of bank. Six (6) trees greater than six inches DBH are proposed to be removed. The remaining vegetative fringe of the Willamette River will be enhanced by the applicant's proposal.

Required Public Facilities and Services
Subsection 4.184 (.01) A. 3.

A4. There are no public facilities required to serve the proposed project.

Character of Surrounding Area
Subsection 4.184 (.01) A. 4.

- A5. The proposed use will not substantially alter the character of the existing bank and surrounding area and will not limit or preclude the use of surrounding property as required by this subsection.

Willamette River Greenway

General Purpose
Section 4.500

- A6. The applicant's proposal will have a minimal impact on the Willamette River Greenway, as six (6) trees greater than six inches DBH are proposed to be removed, and new development is either in-water or above the top of bank. The applicant's request supports the purpose section of the Greenway by improving the economic and recreational qualities of this property along the Willamette River. The proposal would result in an enhancement of the recreational use and the natural and scenic qualities of the river.

Greenway Boundaries
Section 4.504

- A7. The applicant's proposal is within the Willamette River Greenway Boundary as defined by the City of Wilsonville zoning map.

Uses Permitted Conditionally
Section 4.508

- A8. The applicant's proposal to replace an existing boat dock and modify parking is considered an intensification of use. This is due to the additional parking provided for the use upland of the dock.

Findings in Support of Granting
Section 4.510

- A9. The proposed replacement dock and additional parking will improve access to an existing boat marina. The existing dock is dated, has limited capacity, and access to the water will be improved by the replacement. The parking area and picnic area are improvements designed to minimize visual impacts within the Greenway Boundary, as viewed from the river. Proposed improvements within the Greenway Boundary are limited to areas above the top of bank, which minimizes visual impact from a river view. Due to the private nature of the property, public access will not be provided and is not required. The applicant's proposal is consistent with the Comprehensive Plan regarding protection of natural resources. The proposal is consistent with the State Greenway Plan by maintaining and restoring vegetation along the bank of the river and increasing the recreational opportunities for the owners of the property. The above criteria, which are required to be satisfied for the granting of a Willamette River Greenway CUP, are met.

Application Procedures
Section 4.512

A10. The Development Review Board will be conducting a public hearing on this matter consistent with the powers granted to this body by the Development Code, and the application will be reviewed using the Conditional Use criteria consistent with this section.

Use Management Standards
Section 4.514

A11. The applicant's proposal will replace an existing boat dock and improve upland facilities related to the marina. Six (6) trees greater than 6 inches DBH are proposed to be removed to accommodate parking area improvements. The location of the improvements are away from the river and above top of bank to the greatest extent possible. The boat dock in the existing marina is water-dependent. There will be no impact to wildlife corridors leading into the river channel as a result of the proposal. The proposed intensification of use is required to follow the State rules for providing safe conditions, and there are no issues to address related to vandalism and trespass as this is private property.

Request B: Site Design Review (SDR22-0010)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Planned Development Regulations

Traffic Concurrency
Subsection 4.140 (.09) J. 2.

B1. As stated in the applicant's narrative, the proposed marina improvements are not anticipated to substantially alter existing traffic impacts or parking requirements. The improvements are primarily being provided for the benefit of existing marina users. Based on the minimal anticipated impact, the applicant requested and was granted a waiver of the requirement to prepare a Traffic Impact Study.

Facilities and Services Concurrency
Subsection 4.140 (.09) J. 3.

B2. Sufficient facilities and services, including utilities, are available to serve the project.

Adherence to Approved Plans
Subsection 4.140 (.10) A.

B3. A condition of approval ensures adherence to approved plans except for minor revisions approved by the Planning Director through the Class 1 Administrative Review Process if such changes are consistent with the purposes and general character of the development plan.

Standards Applying in All Planned Development Zones

Underground Utilities Required

Subsection 4.118 (.02) and Sections 4.300 to 4.320

- B4.** No additional utilities are proposed with the marina improvements. Any future utilities will be installed underground as required.

Waivers

Subsection 4.118 (.03)

- B5.** No waivers to the standards applying to all planned development zones are needed.

Other Requirements or Restrictions

Subsection 4.118 (.03) E.

- B6.** No additional requirements or restrictions are recommended pursuant to this subsection.

Impact on Development Cost

Subsection 4.118 (.04)

- B7.** In staff's professional opinion, the determination of compliance or attached conditions do not unnecessarily increase the cost of development and no evidence has been submitted to the contrary.

Requiring Tract Dedications or Easements

Subsection 4.118 (.05)

- B8.** No additional tracts are being required for recreational facilities, open space area, or easements.

Habitat Friendly Development Practices

Subsection 4.118 (.09)

- B9.** As noted, the marina improvements are largely either in-water or above top of bank. In this way, the proposed changes do not have a measurable effect on the land with Significant Resource Overlay Zone (SROZ) designations. As an existing parking area, the proposed changes do not require significant grading in sensitive areas. Overall, development is in accordance with the applicable City requirements in order to minimize adverse impacts on the site, adjacent properties, and surrounding resources.

Parking Area Design Standards

Minimum and Maximum Parking

Subsection 4.155 (.03) G., Table 5, and 4.135 (.05)

- B10.** Table 5 in does not require off-street parking for recreational uses. The existing parking area is currently not striped. As shown on the site plan, the proposal will add approximately 7 additional vehicle spaces and two golf cart spaces to the site for users of the marina that

will be constructed with pervious pavement and striped. Total spaces after the project is complete include 15 motor vehicle spaces and two golf cart spaces.

Parking Area Design Standards
Subsections 4.155 (.02) and (.03)

B11. The applicable standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for parking	<input checked="" type="checkbox"/>	Additional spaces provided are accessible and usable.
I. Sturdy bumper guards of at least 6 inches to prevent parked vehicles crossing property line or interfering with screening or sidewalks.	<input checked="" type="checkbox"/>	The site plan indicates provision of concrete wheel stops at the end of both new and existing spaces.
J. Surfaced with asphalt, concrete or other approved material.	<input checked="" type="checkbox"/>	The site plan details shows parking spaces surfaced with "std. duty a.c. pavement."
Drainage meeting City standards	<input checked="" type="checkbox"/>	The applicant submitted a grading and erosion control plan and preliminary stormwater report meeting City standards.
K. Lighting won't shine into adjoining structures or into the eyes of passers-by.	<input checked="" type="checkbox"/>	A single existing light pole will be relocated and reinstalled near new picnic table. This is not near structures or passers-by.
N. No more than 40% of parking compact spaces.	<input checked="" type="checkbox"/>	The 7 new spaces proposed are compact spaces. These are fewer than 40% of the overall number of spaces available in the Haven at Charbonneau development.
O. Where vehicles overhang curb, planting areas at least 7 feet in depth.	<input checked="" type="checkbox"/>	Configuration of new parking abuts retaining wall, does not have vehicles overhanging curb.
Subsection 4.155 (.03) General Standards		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	Both the existing and expanded parking lot allow adequate access and maneuvering.
A.1. Loading and delivery areas and circulation separate from customer/employee parking and pedestrian areas.	<input checked="" type="checkbox"/>	No loading and delivery areas are proposed.
Circulation patterns clearly marked.	<input checked="" type="checkbox"/>	No changes are proposed to existing circulation patterns marina parking lot, which are clearly marked.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	<input checked="" type="checkbox"/>	No significant changes are proposed to the existing marina parking lot, which delineates vehicle and pedestrian traffic areas.

C. Safe and Convenient Access, meet ADA and ODOT Standards.	☒	The expanded parking area has convenient access and will meet ADA and ODOT standards.
For parking areas with more than 10 spaces, 1 ADA space for every 50 spaces.	☒	The addition of parking spaces to the marina lot triggers the requirement for an ADA space. The applicant proposes two spaces in the northwest corner of the lot for ADA designation. At least one of these will be marked as such to meet this requirement.
D. Where possible, parking areas connect to adjacent sites.	☒	The marina parking lot will continue to be connected to the rest of the Charbonneau development.
Efficient on-site parking and circulation	☒	The design of the existing and proposed parking is a typical and efficient double-loaded design with standard space and drive aisle size and orientation.

Parking Area Landscaping

Minimizing Visual Dominance of Parking

Subsection 4.155 (.03) B.

B12. The applicant has included a landscape plan in the application materials that proposes landscaping throughout the parking area, helping to minimize the visual dominance of the paved area.

10% Parking Area Landscape Requirement

Subsection 4.155 (.03) B. 1.

B13. Based on the submitted planting plan, the landscape area provided exceeds the 10% minimum requirement. This includes areas east and west of the new row of compact spaces, and along the perimeter of existing spaces.

Landscape Screening of Parking

Subsection 4.155 (.03) B. 1.

B14. The proposed layout of the new parking area screens it from adjacent properties due to the physical distance from the nearest property line and existing and proposed landscaping and vegetation. The design does not warrant additional screening meeting a specific City screening standard.

Tree Planting Area Dimensions

Subsection 4.155 (.03) B. 2.

B15. The landscape plan shows 6 new trees planted in the parking lot area, four Oregon ash and two Douglas fir. Four of these trees are at the ends of the parking bays, and two are at the

perimeter of the lot, between the parking spaces and the top of the riverbank. The proposed trees meet the dimensional requirements of the above section.

Parking Area Tree Requirement

Subsection 4.155 (.03) B. 2. and 2. a.

B16. The expanded parking area is proposed to contain 15 surface parking spaces. One (1) tree is required for every eight (8) parking spaces. The tree planting requirement for the parking lot is 2 trees. The applicant proposes 6 new trees around the parking lot area, which exceeds the minimum requirement.

Parking Area Landscape Plan

Subsection 4.155 (.03) B. 2. a.

B17. The applicant's landscape plan includes the proposed parking area.

Parking Area Tree Clearance

Subsection 4.155 (.03) B. 2. b.

B18. The applicant will maintain all trees listed for planting in the parking area and expected to overhang the parking areas to provide a 7-foot vertical clearance.

Other Development Standards

On-site Pedestrian Access and Circulation

Section 4.154

B19. As shown on the applicant's site plan in Exhibit B2, the marina area is part of the overall Charbonneau development and is adjacent to the residential uses including the Haven apartments. Existing pedestrian circulation through the development will remain and will not be affected by the dock replacement or changes to the parking area.

New amenities in the area near the marina like benches, a picnic table, golf cart and bicycle parking, and new landscaping create improved outdoor spaces that will be favorable to pedestrian activity and circulation through the area. Access to the marina including the altered parking area is part of an overall system of circulation through the site. As stated in the applicant's materials, the proposed improvements complement and enhance the overall circulation systems within the development.

Access, Ingress and Egress

Subsection 4.167

B20. Site access is via existing the private driveway from the Haven at Charbonneau apartments.

Natural Features and Other Resources

Section 4.171

B21. The development area includes some land that is within the SROZ, see Request D. An abbreviated SRIR has been prepared to evaluate and protect natural resources in the area.

Tree removal has been identified and new trees proposed for mitigation. All other existing trees to remain will be protected during construction as required. The proposed grading plan minimizes soil disturbance and damage to vegetation. The standards of this section are met by the proposal.

Public Safety and Crime Prevention

Section 4.175

B22. As described in the applicant's narrative, the marina site has limited lighting to minimize impacts on the greenway and riparian habitat, though there is a single parking lot lighting pole and low lighting on the dock for user safety and access. The adjacent Haven at Charbonneau apartments also provide some surveillance and lighting of the parking area.

Access Drives and Travel Lanes

Subsection 4.177 (.08)

B23. Illahee Drive through the Haven Apartments development provides clear travel lanes, free from obstruction, and all travel lanes are asphalt. Existing drives provide sufficient emergency access.

Outdoor Lighting Standards

Section 4.199

B24. A new outdoor lighting system is proposed on the gangway and dock. The gangway and dock lighting is exempt from these standards, due to its location on the stairs/ramp and within the river. The single existing parking lot light pole will be relocated as shown on the site plan. As this is an existing light, the requirements of this section do not apply.

Underground Installation of Utilities

Sections 4.300 through 4.320

B25. All existing utilities are undergrounded, and no new utilities are proposed or needed for the parking lot changes or the dock replacement.

Site Design Review

Excessive Uniformity, Inappropriateness Design

Subsection 4.400 (.01) and Subsection 4.421 (.03)

B26. Staff summarizes compliance with this subsection as follows:

- **Excessive Uniformity:** The proposed marina development is unique to its particular context and does not create excessive uniformity.
- **Inappropriate or Poor Design of the Exterior Appearance of Structures:** No new structures are proposed on the site.
- **Inappropriate or Poor Design of Signs:** This standard does not apply as no signs are proposed on the site.
- **Lack of Proper Attention to Site Development:** The appropriate professional services have been used to design the site, demonstrating attention being given to site

development.

- **Lack of Proper Attention to Landscaping:** Landscaping is provided, has been professionally designed by a landscape designer, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

Purpose and Objectives of Site Design Review

Subsection 4.400 (.02) and Subsection 4.421 (.03)

B27. The applicant has provided sufficient information demonstrating compliance with the objectives of this subsection as follows:

- **Pursuant to Objective A** (assure proper functioning of the site and high quality visual environment), the proposed layout of the improved parking area allows for landscaping requirements to be met and creates a visual environment that is compatible the surrounding residential uses. Additional parking, an upgraded dock, and new amenities will allow greater use of and better functioning of the marina.
- **Pursuant to Objective B** (encourage originality, flexibility, and innovation), landscaping is designed according to parking standards and incorporates the storm water facilities in the design.
- **Pursuant to Objective C** (discourage inharmonious development), professional design of the parking improvements and proposed landscaping supports a quality visual environment and thus prevents monotonous, drab, unsightly, and dreary development.
- **Pursuant to Objective D** (conserve natural beauty and visual character), the proposed site layout is properly related to both the river to the north and the residential buildings to the south. The natural area within the SROZ will not be significantly impacted, preserving vegetation and natural resources. New trees to replace those removed will improve the general aesthetic of the site and harmonizes with the visual character of the zone.
- **Pursuant to Objective E** (protect and enhance City's appeal), development of the site will enhance use of the marina and an improved and landscaped parking area will enhance this area overall, which could attract additional investment.
- **Pursuant to Objective F** (stabilize property values/prevent blight), improving an existing marina facility and making changes to the parking area will allow the site to continue and thrive economically.
- **Pursuant to Objective G** (insure adequate public facilities), the proposal does not impact the availability of orderly, efficient and economic provision of public services and facilities, which are available and adequate for the subject property.
- **Pursuant to Objective H** (achieve pleasing environments and behavior), landscaping and existing vegetation provide separation and screening between this area and adjacent property, and encourage surveillance between the Haven at Charbonneau apartments and the parking area.
- **Pursuant to Objective I** (foster civic pride and community spirit), the project will foster civic pride by improving a unique riverfront facility and is appealing to the community at large.

- **Pursuant to Objective J** (sustain favorable environment for residents), the project has been designed to protect the peace, health and welfare of the City.

Development Review Board Jurisdiction
Section 4.420

B28. A condition of approval ensures landscaping is carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. No building permits will be granted prior to Development Review Board approval. No variances are requested from site development requirements.

Design Standards
Subsection 4.421 (.01)

B29. The applicant has provided sufficient information demonstrating compliance with the standards of this subsection as follows:

- **Pursuant to Standard A** (Preservation of Landscape), there are minimal changes or impact to natural features on the site. Trees that are removed will be replaced per city standards, and existing trees will be protected, per an arborist report. Attention will be paid to grading and soil changes during construction, following a grading plan and stormwater report.
- **Pursuant to Standard B** (Relation of Proposed Buildings to Environment), no buildings are proposed with the parking lot improvements. The replacement of the existing dock and establishment of kayak storage associated with it is consistent with the existing development on the river and the natural environment in that area.
- **Pursuant to Standard C** (Drives, Parking, and Circulation), vehicle and pedestrian access through the development area will remain effectively the same. No changes to drives or circulation are proposed.
- **Pursuant to Standard D** (Surface Water Drainage), required stormwater facilities are proposed and no adverse impacts to surface water drainage are expected to result from the proposal. A stormwater report has been prepared to demonstrate compliance with engineering standards.
- **Pursuant to Standard E** (Utility Service), no changes to existing utilities are proposed or necessary for the proposed site modifications.
- **Pursuant to Standard F** (Advertising Features), no signs are proposed as part of the current application; therefore, this standard does not apply.
- **Pursuant to Standard G** (Special Features), no special features are proposed for this project.

Applicability of Design Standards
Subsection 4.421 (.02)

B30. The applicant's design considers the design standards for all buildings, structures, and other features.

Conditions of Approval Ensuring Proper and Efficient Functioning of Development
Subsection 4.421 (.05)

B31. No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development.

Color or Materials Requirements
Subsection 4.421 (.06)

B32. The colors and materials proposed by the applicant are appropriate. No new buildings are proposed. An ultra-block retaining wall on the south side of the new bay of parking spaces is the only exposed building material visible from the parking area. Staff does not recommend any additional requirements or conditions related to colors and materials.

Site Design Review Submission Requirements

Submission Requirements
Section 4.440

B33. The applicant has submitted materials in addition to the requirements of Section 4.035, as applicable.

Time Limit on Site Design Review Approvals

Void after 2 Years
Section 4.442

B34. The approval will expire after 2 years if a building permit has not been issued, unless an extension has been granted by the Development Review Board.

Installation of Landscaping

Landscape Installation or Bonding
Subsection 4.450 (.01)

B35. A condition of approval ensures all landscaping will be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the 6-month period, or within an extension of time authorized by the Development Review Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.

Approved Landscape Plan
Subsection 4.450 (.02)

B36. A condition of approval ensures the approved landscape plan is binding upon the applicant. It prevents substitution of plant materials, irrigation systems, or other aspects of an approved landscape without official action of the Planning Director or Development Review Board, as specified in this Code.

Landscape Maintenance and Watering
Subsection 4.450 (.03)

B37. A condition of approval ensures the landscape is continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board, unless altered with appropriate City approval.

Modifications of Landscaping
Subsection 4.450 (.04)

B38. A condition of approval provides ongoing assurance that this criterion is met by preventing modification or removal without the appropriate City review.

Landscaping Standards

Intent and Required Materials
Subsections 4.176 (.02) C. through I.

B39. The applicant's planting plan implements the landscaping standards and integrates general landscaping throughout the parking area, consistent with professional landscaping and design best practices.

Landscape Area and Locations
Subsection 4.176 (.03)

B40. The total lot area that is subject to the 15% minimum landscape standard includes the entire Marina at Charbonneau development. Within this area, the site substantially exceeds the 15% minimum that must be landscaped with vegetative plant materials. This includes the 10% minimum for parking areas which is also exceeded within the reconfigured parking area proposed. The proposed landscape plan includes a variety of materials including trees, shrubs, and ground cover plantings that achieve a balance between plant forms, textures and heights.

Buffering and Screening
Subsection 4.176 (.04)

B41. The marina is integrated into the residential development around it and the new dock and expanded parking area will not create new structures that require new buffering or screening. There are comparable uses, including other parking areas, residential buildings, and local streets that surround the proposed new development. These adjacent uses do not

warrant any screening or buffering. With the provision of landscaping to satisfy parking lot landscaping requirements, and the addition of landscape materials at the edge of the top of the riverbank, the proposed landscape plan provides sufficient buffers from surrounding uses.

Quality and Size of Plant Material

Subsection 4.176 (.06)

B42. A note on the landscape plans ensures the quality of the plant materials will meet American Association of Nurserymen (AAN) standards for top grade. A condition of approval ensures other requirements of this subsection are met including use of native topsoil, mulch, and not using plastic sheeting

Shrubs and Groundcover Materials Requirements

Subsection 4.176 (.06) A.

B43. As shown on the applicant's landscape plans (Exhibit B2), shrubs are all specified 2 gallon or greater in size. Ground cover is all specified as greater than 4 inches. Turf or lawn is used for a minimal amount of the proposed public landscape area. A condition of approval requires meeting the detailed requirements of this subsection.

Plant Materials Requirements-Trees

Subsection 4.176 (.06) B.

B44. As shown on the applicant's landscape plans, trees are specified at 2" caliper or greater than 6 foot for evergreen trees. A condition of approval requires all trees to be balled and burlapped (B&B), well-branched, and typical of their type as described in current American Association of Nurserymen (AAN) standards.

Plant Species Requirements

Subsection 4.176 (.06) E.

B45. The applicant's landscape plans Exhibit B2) include four Oregon ash trees to be planted adjacent to the parking lot. These trees are susceptible to Emerald Ash Borer, an invasive pest recently discovered in Oregon. To ensure longevity of the proposed parking lot trees, a condition of approval requires the applicant to utilize a comparable native species in lieu of the proposed Oregon ash trees.

Tree Credit

Subsection 4.176 (.06) F.

B46. The applicant is not proposing to preserve any trees to be counted as tree credits.

Exceeding Plant Standards

Subsection 4.176 (.06) G. C31.

B47. The selected landscape materials do not violate any height or vision clearance requirements.

Landscape Installation and Maintenance
Subsection 4.176 (.07)

- B48.** A condition of approval ensures that installation and maintenance standards are or will be met including that plant materials be installed to current industry standards and properly staked to ensure survival, and that plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.

Landscape Plans
Subsection 4.176 (.09)

- B49.** The applicant's landscape plan in Exhibit B2 provides the required information.

Completion of Landscaping
Subsection 4.176 (.10)

- B50.** The applicant has not requested to defer installation of plant materials.

Request C: Type C Tree Removal Plan (TPLN22-0008)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Type C Tree Removal - General

Review Authority
Subsections 4.514 (.02), 4.600.30 (.03), and 4.610.00 (.03) B.

- C1.** The requested tree removal is connected to a Willamette River Greenway Conditional Use Permit by the DRB and, thus, is under their authority.

Conditions of Approval
Subsection 4.610.00 (.06) A.

- C2.** No additional conditions are recommended pursuant to this subsection.

Completion of Operation
Subsection 4.610.00 (.06) B.

- C3.** It is understood the tree removal will be completed by the time development is completed, which is a reasonable time frame for tree removal.

Security for Permit Compliance
Subsection 4.610.00 (.06) C.

- C4.** No bond is anticipated to be required to ensure compliance with the tree removal plan as a bond is required for overall landscaping.

Tree Removal Standards

Subsection 4.610.10 (.01)

C5. The standards of this subsection are met as follows:

- Standard for the Significant Resource Overlay Zone: Six (6) trees greater than 6 inches DBH are proposed for removal within the SROZ and buffer zone. These trees are identified in the arborist report and mitigation is proposed. Removal of these trees is necessary to allow proposed construction or due to their condition consistent with the purpose of this Section.
- Preservation and Conservation. The arborist report lists 30 trees on the inventory of the property in the area of new development. Six of those trees are proposed for removal, one big-leaf maple and five sweet cherry. Including parking lot trees, the applicant proposes to plant 17 new trees to mitigate for the 6 trees proposed for removal, which exceeds the 1:1 mitigation requirement. A condition of approval will ensure that protective fencing is placed around the drip line of preserved trees prior to site grading or other site work that could damage the trees
- Development Alternatives: The proposed tree removal has been minimized to the extent possible in order to enable the parking lot expansion.
- Land Clearing: Land clearing and grading is proposed and will be limited to areas necessary for construction of the parking area and related improvements.
- Compliance with Statutes and Ordinances: The necessary tree replacement and protection is planned according to the requirements of the tree preservation and protection ordinance.
- Limitation: Tree removal is limited to where it is necessary for construction (as discussed in Development Alternatives above).
- Additional Standards: A tree survey has been provided, and no new utilities are proposed.

Review Process

Subsection 4.610.40 (.01)

C6. The plan is being reviewed concurrently with the Conditional Use Permit and Site Design Review applications.

Tree Maintenance and Protection Plan

Section 4.610.40 (.02)

C7. The applicant has provided information on tree maintenance and protection in Exhibit B2. The tree protection fencing shown indicates fencing around the trees preserved.

Tree Replacement and Mitigation

Tree Replacement Requirement

Subsection 4.620.00 (.01)

C8. The applicant proposes removing 6 trees and replanting 17 trees as mitigation on the project site, exceeding a one-to-one ratio and the requirements of this subsection.

Basis for Determining Replacement and Replacement
Subsection 4.620.00 (.02) and (.03)

C9. Replacement trees will meet the minimum caliper and other replacement requirements.

Replacement Tree Stock Requirements
Subsection 4.620.00 (.04)

C10. The planting notes on the applicant's landscape plan indicate the appropriate quality.

Replacement Trees Locations
Subsection 4.620.00 (.05) A.

C11. The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed development.

Protection of Preserved Trees

Tree Protection During Construction
Section 4.620.10

C12. A condition of approval ensures tree protection measures, including fencing, are in place consistent with Public Works Standards Detail Drawing RD-1240.

Request D: Abbreviated SRIR Review (SRIR22-0005)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Findings of Fact:

1. Pursuant to Section 4.139.05 (Significant Resource Overlay Zone Map Verification), the map verification requirements shall be met at the time an applicant requests a land use decision. The applicant conducted a detailed site analysis consistent with code requirements, which the Natural Resources Manager reviewed and approved.
2. The property is comprised of mixed conifer and broadleaf forest (Site ID Number 5.03U) within the riparian corridor for the Willamette River.
3. Vegetation within the forest consists of native tree and plant species such as bigleaf maple, Douglas fir, western red cedar, red alder, black cottonwood, red osier dogwood, western sword fern, Pacific waterleaf, fragrant fringecup, common snowberry, and trailing blackberry. In addition, there are invasive tree and plant species, such as sweet cherry, English holly, Himalayan blackberry, and English ivy.
4. The Significant Resource Overlay Zone ordinance prescribes regulations for development within the SROZ and its associated 25-foot Impact Area. Setbacks from significant natural resources implement the requirements of Metro Title 3 Water Quality Resource Areas,

Metro Title 13 Nature in Neighborhoods, and Statewide Planning Goal 5. All significant natural resources have an Impact Area. Development or other alteration activities may be permitted within the SROZ and its associated Impact Area through the review of a Significant Resource Impact Report (SRIR). The primary purpose of the Impact Area is to insure that development does not encroach into the SROZ.

5. Pursuant to the city's SROZ ordinance, development is only allowed within the Area of Limited Conflicting Use (ALCU). The ALCU is located between the riparian corridor boundary, riparian impact area or the Metro Title 3 Water Quality Resource Area boundary, whichever is furthest from the wetland or stream, and the outside edge of the SROZ, or an isolated significant wildlife habitat (upland forest) resource site.
6. The applicant's abbreviated Significant Resource Impact Report delineated specific resource boundaries and analyzed the impacts of non-exempt development within the SROZ. The applicant's SRIR contained the required information, including an analysis and development recommendations for mitigating impacts.

Description of Request

The applicant requests approval of an abbreviated Significant Resource Impact Report (SRIR) for proposed development that is located within the Significant Resource Overlay Zone and its associated Impact Area.

Summary of Issues/Background:

Within the SROZ, the applicant's proposed (non-exempt) development includes permeable pavement and gravel. Pursuant to Section 4.139.00 and Section 4.139.06(.03), no development is allowed within the SROZ unless it's located within an ALCU. Within the designated ALCU on the property, approximately 676 square feet (0.02 acre) will be developed.

Section 4.139.06 (.03) SRIR Review Criteria

In addition to the normal Site Development Permit Application requirements as stated in the Planning and Land Development Ordinance, the following standards shall apply to the issuance of permits requiring an SRIR. The SRIR must demonstrate how these standards are met in a manner that meets the purposes of this Section.

Development Permitted within the Area of Limited Conflicting Use
Subsection 4.139.06 (.03) A.

D1. Only non-exempt development is proposed within the Area of Limited Conflicting Use.

Development Not Permitted within Title 3 Boundary
Subsection 4.139.06 (.03) B.

D2. The non-exempt development is not within the Title 3 Water Quality Resource Areas boundary.

Area of Limited Conflicting Use Impact Limitation
Subsection 4.139.06 (.03) C.

D3. The applicant has identified the proposed non-exempt development within the Area of Limited Conflicting Use, and City staff has calculated the percentage for this development. The following numbers have been calculated for the Area of Limited Conflicting Use (ALCU):

Total ALCU	=	29,280 square feet
Allowed Impact (5%)	=	1,464 square feet
Proposed Impact	=	676 square feet (46%)

Mitigation Consistent with SROZ Regulations
Subsection 4.139.06 (.03) D.

D4. The proposed mitigation is consistent with the Development Code provisions. The mitigation will provide an enhancement to the upland forest through the removal of invasive plant species and the planting of native trees and shrubs.

Impact on the Significant Resource
Subsection 4.139.06 (.03) E.

D5. The impacts to the SROZ are the minimum necessary for addressing Public Works Standards and Development Code requirements.

On-Site Mitigation
Subsection 4.139.06 (.03) F.

D6. Impacts to the SROZ will be mitigated for onsite.

Material for Non-structural Fill
Subsection 4.139.06 (.03) G.

D7. Non-structural fill will consist of natural materials similar to the soil types found on the site.

Minimum Fill
Subsection 4.139.06 (.03) H.

D8. The amount of fill has been minimized to the extent practicable.

Minimize Turbidity
Subsection 4.139.06 (.03) I.

D9. All proposed grading activities onsite will be managed pursuant to guidelines established and identified in the applicant's approved erosion control plan and a 1200-C Erosion Control Permit. Stream turbidity is regulated under the City's Grading and Erosion Control Permit.

Obtaining Appropriate Federal and State Permits
Subsection 4.139.06 (.03) J.

D10. The applicant shall obtain any necessary federal and state permits from the Oregon Department of State Lands and the U.S. Army Corps of Engineers.

Exhibit C1
Public Works Plan Submittal Requirements
and Other Engineering Requirements

1. All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards - 2017.
2. Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

Coverage (<i>Aggregate, accept where noted</i>)	Limit
<u>Commercial General Liability:</u>	
▪ General Aggregate (per project)	\$3,000,000
▪ General Aggregate (per occurrence)	\$2,000,000
▪ Fire Damage (any one fire)	\$50,000
▪ Medical Expense (any one person)	\$10,000
<u>Business Automobile Liability Insurance:</u>	
▪ Each Occurrence	\$1,000,000
▪ Aggregate	\$2,000,000
<u>Workers Compensation Insurance</u>	\$500,000

3. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
4. All public utility/improvement plans submitted for review shall be based upon a 22" x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
5. Plans submitted for review shall meet the following general criteria:
 - a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
 - b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
 - c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.



- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
 - e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
 - f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
 - g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
 - h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
 - i. Erosion Control Plan that conforms to City of Wilsonville City Code Section 8.317.
 - j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
 - k. All engineering plans shall be printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.
 - l. All plans submitted for review shall be in sets of a digitally signed PDF and three printed sets.
6. Submit plans in the following general format and order for all public works construction to be maintained by the City:
- a. Cover sheet
 - b. City of Wilsonville construction note sheet
 - c. Land Use Conditions of Approval sheet
 - d. General construction note sheet
 - e. Existing conditions plan.
 - f. Erosion control and tree protection plan.
 - g. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
 - h. Grading plan, with 1-foot contours.
 - i. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
 - j. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
 - k. Street plans.
 - l. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference.
 - m. Stormwater LID facilities (Low Impact Development): provide plan and profile views of all LID facilities.
 - n. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.

- o. Where depth of water mains are designed deeper than the 3-foot minimum (to clear other pipe lines or obstructions), the design engineer shall add the required depth information to the plan sheets.
 - p. Detailed plan for water quality facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure. Note that although storm water facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set.
 - q. Composite franchise utility plan.
 - r. City of Wilsonville detail drawings.
 - s. Illumination plan.
 - t. Striping and signage plan.
 - u. Landscape plan.
7. Design engineer shall coordinate with the City in numbering the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to City's numbering system.
8. The applicant shall install, operate and maintain adequate erosion control measures in conformance with City Code Section 8.317 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
9. Applicant shall work with City Engineering before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
10. The applicant shall be in conformance with all stormwater and flow control requirements for the proposed development per the Public Works Standards.
11. A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City.
12. The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
13. Storm water quality facilities shall have approved landscape planted and approved by the City of Wilsonville prior to paving.

14. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
15. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
16. Streetlights shall be in compliance with City dark sky, LED, and PGE Option C requirements.
17. Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
18. No surcharging of sanitary or storm water manholes is allowed.
19. The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
20. A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
21. The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.
22. All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
23. Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.
24. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.

25. The applicant shall provide adequate sight distance at all project street intersections, alley intersections and commercial driveways by properly designing intersection alignments, establishing set-backs, driveway placement and/or vegetation control. Coordinate and align proposed streets, alleys and commercial driveways with existing streets, alleys and commercial driveways located on the opposite side of the proposed project site existing roadways. Specific designs shall be approved by a Professional Engineer registered in the State of Oregon. As part of project acceptance by the City the Applicant shall have the sight distance at all project intersections, alley intersections and commercial driveways verified and approved by a Professional Engineer registered in the State of Oregon, with the approval(s) submitted to the City (on City approved forms).
26. Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections.
27. Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.
28. The applicant shall provide the City with a Stormwater Maintenance and Access Easement Agreement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall provide City with a map exhibit showing the location of all stormwater facilities which will be maintained by the Applicant or designee. Stormwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.
29. The applicant shall "loop" proposed waterlines by connecting to the existing City waterlines where applicable.
30. Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.
31. For any new public easements created with the project the Applicant shall be required to produce the specific survey exhibits establishing the easement and shall provide the City with the appropriate Easement document (on City approved forms).
32. Mylar Record Drawings:

At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey

shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF.

Exhibit C2
Natural Resources Findings & Requirements

Findings for DB22-0010

Significant Resource Overlay Zone

1. The applicant shall submit the SROZ mapping as ARCGIS shape files or a compatible format.
2. All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Manager. Native plants are required for landscaping in the SROZ.
3. Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.
4. Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.
5. The Significant Resource Overlay Zone (SROZ) shall be identified in a conservation easement. The applicant shall record the conservation easement with Clackamas County Clerk's office. The conservation easement shall include language prohibiting any disturbance of native vegetation without first obtaining approval from the Planning Division and the Natural Resources Manager. The conservation easement shall be reviewed by the City Attorney prior to recording.
6. The applicant shall submit a monitoring and maintenance plan to be conducted for a period of five years following mitigation implementation. The applicant shall be responsible for ongoing maintenance and management activities, and shall submit an annual report to the Natural Resources Manager documenting such activities, and reporting progress towards the mitigation goals. The report shall contain, at a minimum, photographs from established photo points, quantitative measure of success criteria, including plant survival and vigor if these are appropriate data. The Year 1 annual report shall be submitted one year following mitigation action implementation. The final annual report (Year 5 report) shall document successful satisfaction of mitigation goals, as per the stated performance standards.

