

**ORDINANCE NO. 509**

**AN ORDINANCE AMENDING THE PLANNING AND DEVELOPMENT REGULATIONS OF THE CITY OF WILSONVILLE, REPLACING CHAPTER 4 OF THE WILSONVILLE CODE IN ITS ENTIRETY.**

WHEREAS, the City of Wilsonville is a home rule City under the laws of the State of Oregon and has a duly acknowledged Comprehensive Plan and implementing ordinances; and

WHEREAS, the City currently has in effect Chapter 4 of the Wilsonville Code, which regulates land development and planning activities within the City of Wilsonville; and desires to comprehensively amend Chapter 4, as set forth in Exhibit A, which is made a part of the record and incorporated by reference herein; and

WHEREAS, the City's acknowledged Comprehensive Plan contains numerous provisions that are directly implemented by Chapter 4 of the Wilsonville Code. A review of those Comprehensive Plan provisions relative to the proposed Code revisions is included in the staff report, Exhibit B of this Ordinance, which is attached hereto and made a part of the record and incorporated by reference herein; and

WHEREAS, the primary implementing ordinance of the City's acknowledged Comprehensive Plan is the Planning and Development Code. It contains the following Titles:

1. Administration;
2. Zoning;
3. Subdivisions;
4. Underground Utilities;
5. Site Design Review;
6. Willamette River Greenway;
7. Sign Regulations;
8. Tree Preservation and Protection;
9. Wireless Communication Facilities; and

WHEREAS, Section 4.187 of the current Code (Zone Changes and Amendment Procedures) lists the required findings of fact that were addressed by the Planning Commission in

making its recommendation to the City Council on a proposal to amend the text of the Code. They are as follows:

1. *“That the application was submitted in compliance with the procedures set forth in Section 4.008.”* This section does not apply to the proposal at hand. Section 4.008 applies to applications for land development, rather than legislative changes such as this proposal.
2. *“The amendment substantially complies with all applicable goals, policies, and objectives set forth in the Comprehensive Plan.”* The amendment does meet this requirement as noted in the review of applicable Comprehensive Plan provisions included in Exhibit B.
3. *“The amendment does not materially conflict with, nor endanger, other provisions of the zone text.”* A review of the applicable Code Sections is presented in the record. The new Code is intended to improve the City’s planning processes and make the applicable standards easier to use and understand. The new standards improve the existing Code in a number of ways.
4. *“The amendment is necessary to insure that the City’s Zone Code complies with mandated requirements of state or federal laws and/or statutes.”* State, federal, and regional requirements have changed in the years since the last major update of the Code and these amendments are in keeping with these changes. The proposed Code has been reviewed by the City Attorney’s office to assure that the standards comply with applicable State, federal, and regional requirements. A review of these changes are detailed below; and

WHEREAS, State laws have undergone numerous changes since the last major revisions to the City’s Planning and Development Code. Substantive statutory changes that require revisions to the City’s Code can be found in ORS Chapters 92 (Subdivisions and Partitions), 197 (Comprehensive Planning and Coordination), 222 (City Boundary Changes; Mergers, Consolidations; Withdrawals), and 227 (City Planning and Zoning). Topics covered by these statutory changes and addressed in the proposed Code revisions include:

1. Expedited land divisions;
2. Elimination of the distinction between major and minor land partitions;

3. Changes to public notice requirements;
4. Changes to provisions dealing with appeals of land use decisions;
5. Changes to annexation procedures;
6. Implementation of 120-day limitation on processing of most quasi-judicial applications;
7. Changes to the Moratorium/Public Facilities Strategy law; and

WHEREAS, in the course of working on the proposed Code revisions, the City staff and Planning Commission also reviewed a number of new State laws adopted by the 1999 Legislature that relate directly to land use. These included House Bills 2281 and 2658, and Senate Bills 12, 467, 543, 586, 686, and 1184. Provisions have been included in the proposed Code revisions to address those new requirements.

WHEREAS, Metro has adopted the Urban Growth Management Functional Plan, that includes provisions requiring changes to Wilsonville's Planning and Development Code. These provisions include:

1. Minimum residential densities set at not less than 80% of the maximum densities;
2. Accessory dwelling units permitted in conjunction with single-family dwellings, subject to standards;
3. Maximum parking limits set for some land uses;
4. Access standards requiring consideration of Level of Service E/F in Town Center areas;
5. Connectivity requirements setting limitations on cul-de-sac development;
6. Limitations on large retail operations (60,000 square feet) in industrial and employment areas;
7. Flood plain development restrictions, including requiring balanced cut and fill and prohibition of the creation of new lots for development within base flood areas;
8. Other requirements relative to streamside and wetland development; and

WHEREAS, the Wilsonville City Council adopted Ordinance No. 453 in March 1996, amending Chapter 2 of the Wilsonville Code and reorganizing various citizen panels that are involved with city planning. As a result of those changes, the two panels of the Development Review Board now have primary responsibility for reviewing and taking action on quasi-judicial

land development applications and the Planning Commission now has responsibility only for making recommendations to the City Council, or advising City staff, on legislative matters. Although Ordinance No. 453 also amended the Planning and Development Code in this regard, until this time, the Planning and Development Code has not been specifically edited to reflect these changed responsibilities of the Development Review Board and Planning Commission; and

WHEREAS, the City's Planning and Development Code relies heavily on the Planned Development process to assure that new development meets the City's standards, while also allowing for maximum flexibility in design. That reliance on the Planned Development process will continue under the proposed Code, and the applicable standards have been clarified; and

WHEREAS, the City's Planning Commission and staff spent several years working on the proposed Code revisions, including conducting numerous public work sessions and public hearings that spanned five months in 1999. In adopting its recommendation to the City Council, the Planning Commission voted unanimously to support the Code revisions that will be enacted through the adoption of Ordinance No. 509; and

WHEREAS, a duly noticed public hearing was conducted before the City's Planning Commission on August 11, 1999, and continued on September 8, 1999, October 13, 1999, November 10, 1999, and December 8, 1999, after which the Planning Commission adopted Resolution 99PC03, recommending that the City Council adopt Ordinance No. 509; and

WHEREAS, individual public hearing notices were sent to all property owners in the City, as required by Ballot Measure 56, on July 9, 1999; and

WHEREAS, the public notice for the initial public hearing before the Planning Commission was posted at five locations around the city on July 22, 1999, and published in the *Wilsonville Spokesman* on July 28, 1999; and

WHEREAS, a Notice of Proposed Amendment was mailed to the Oregon Department of Land Conservation and Development on August 9, 1999; and

WHEREAS, a duly noticed public hearing was conducted before the Wilsonville City Council on February 24, 2000,

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

**Section I: FINDINGS AND DETERMINATIONS**

- A. The City Council adopts the above recitals as findings and incorporates them by reference in support of this ordinance.
- B. The Wilsonville City Council hereby determines that:
  - 1. Exhibit A is hereby incorporated herein and adopted to replace the current Chapter 4 of the Wilsonville Code.
  - 2. Exhibit B is hereby incorporated herein and adopted as additional findings of fact in support of the Code changes specified in Exhibit A,

**Section II: CHANGES TO ZONING MAP**

The Planning Director is hereby instructed to make the necessary conforming changes to the Official Zoning Map to reflect the contents of Ordinance No. 509.

**Section III. VALIDITY and SEVERABILITY**

The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other provision of this ordinance which can be given effect without reference to the invalid part or parts.

**Section IV EFFECTIVE DATE**

The effective date of this Ordinance shall coincide with the effective date of the City of Wilsonville Comprehensive Plan revisions. Which date shall then be appended to this Ordinance by the City Recorder and which date is scheduled to be more than 30 days from the date of enactment of this Ordinance No. 509 of April 17, 2000.

SUBMITTED to the Wilsonville City Council and read for the first time at a special meeting thereof on the 24th day of February, 2000, commencing at the hour of 7:00 p.m. at the Community Development Annex.

  
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SANDRA C. KING, CMC, City Recorder

SUBMITTED to the Wilsonville City Council and read for the second time at a regular meeting thereof on the 17<sup>th</sup> day of April, 2000, commencing at the hour of 7 p.m. at the Wilsonville Community Center.

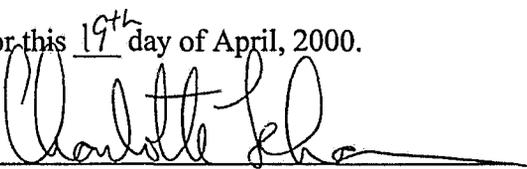
ENACTED by the Wilsonville City Council at a regular meeting thereof this 17<sup>th</sup> day of April, 2000, by the following votes:

YEAS: -5-

NAYS: -0-

  
\_\_\_\_\_  
SANDRA C. KING, CMC, City Recorder

DATED and signed by the Mayor this 19<sup>th</sup> day of April, 2000.

  
\_\_\_\_\_  
CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:  
Mayor Lehan            Yes  
Councilor Helser        Yes  
Councilor Kirk          Yes  
Councilor Holt          Yes  
Councilor Barton        Yes

Exhibit "B"  
Ordinance No. 509



30000 SW Town Center Loop E  
Wilsonville, Oregon 97070  
(503) 682-1011  
(503) 682-1015 Fax  
(503) 682-0843 TDD

February 17, 2000

TO: Mayor Lehan and City Council

FROM: Stephan Lashbrook, Planning Director

SUBJECT: STAFF REPORT -- (99 PC 03 - Ordinance No. 509) for  
City Council Public Hearing: February 24, 2000

**SUMMARY:**

After several years of work by the Planning Commission and City staff, the City Council will take up Ordinance No. 509, proposing major revisions to the City's Development Code, on February 24. This will be the Council's first public hearing on this subject and will be a first reading of Ordinance No. 509. The Development Code is Wilsonville's primary implementing ordinance for the Comprehensive Plan.

**RECOMMENDATION:**

The Planning Commission voted unanimously on December 8, 1999, to approve Resolution No. 99PC03, recommending the adoption of Ordinance No. 509. The staff supports that recommendation.

**BACKGROUND:**

This is a legislative process. The City Council has the authority to accept or reject the Planning Commission's recommendation in whole or in part, or to revise the proposed Ordinance in any way that the Council determines to be appropriate.

The Planning Commission reviewed the proposed changes in work sessions beginning in 1996 and continuing through 1999. The Commission also conducted public hearings spanning five months in 1999. Numerous changes were made to the proposed Code as a result of public input gained throughout that process.



## FINDINGS:

The following findings have been prepared to address the significant changes to the Code.

**Title change.** Although generally referred to as the "Zoning Code," this document actually covers the whole range of land development standards. Hence, the name "Planning and Development Ordinance." This Code is the primary implementing ordinance of the Wilsonville Comprehensive Plan.

**Section 4.001. Definitions.** The current Code has definitions in many different sections, some of which conflict with definitions in other sections. The proposed Code moves all of the definitions to Section 4.001 and removes ambiguities and inconsistencies. This change has been made to make the Code easier for the general public to use and understand.

**Sections 4.008 through 4.011.** These sections have been changed to provide more general information about how land development applications will be processed by the City. These changes will help to make the Code more user-friendly.

**Section 4.014** makes it clear that the "burden of proof" rests with the applicant or appellant. Although this is conventional, stating it clearly in the Code is intended to avoid confusion for land development applicants and others who may wish to participate in decision-making processes.

**Section 4.015** adds a provision telling applicants that, if they submit any evidence, or make any verbal commitments in a hearing, that evidence or testimony can be made "conditions of approval." Applicants will be clearly told not to make promises that they do not intend to keep. This is intended to increase the level of honesty and make it easier to enforce conditions of approval. The City has previously experienced problems inspecting improvements where developers have interpreted conditions of approval as "advisory," rather than "mandatory." This has resulted in problems for City staff, neighboring residents, and future residents of the developments. Section 4.015 is expected to help minimize those problems in the future.

**Section 4.020** clarifies that the rules on ex-parte contacts apply only in quasi-judicial processes. The current Code lacks that clarification and it has caused some confusion during recent hearings on legislative matters. As many of the proposed Code changes, this one should help to provide clarity for users of the Code.

**Section 4.022** clarifies the procedures for appeals and "call-ups." Particularly, it will require a vote by a Development Review Board panel to call an application up from the staff level for review. The current Code allows any two members of the DRB to initiate a call-up on their own volition, without an action by the majority of either panel. The proposed change will mean that a decision to call a matter up for review, by either the Development Review Board or City Council, will take a formal action by that body, and not just action by less than a majority of the members. This will help to improve the overall fairness of the process and assure due process for all involved.

The time allowed for the DRB or Council to institute a call-up will be the same as the normal appeal period for applications. By allowing 14 calendar days for that process, the City will generally avoid situations where the Council would have to schedule a special meeting just to decide whether to call a matter up for consideration. Standardizing the appeal and call-up time-lines will also help to avoid confusion for users of the Code.

Section 4.023 helps to clarify the rules for the expiration of previous development approvals. The biggest change will be to allow zone changes to remain intact, even if other development approvals for a given site expire. This provision will not go into effect until a supporting amendment to the Comprehensive Plan has been adopted. This Code amendment was requested by representatives of the local Chamber of Commerce, and others who felt that the City's previous Code language – threatening to revoke zone changes two years after they have been enacted – resulted in too severe a time constraint on property-owners who are doing their best to market or develop their property.

Section 4.029 clarifies that the requirement for consistency between the land use designation of the Comprehensive Plan and zoning is tied to Planned Development approvals. It was pointed out in testimony before the Planning Commission that there are many appropriate uses of land that is zoned RA-1 (now RA-H), that should not require a zone change. The Commission also voted to recommend that a single-family dwelling be made a permitted use in any RA-H zone (Section 4.120), regardless of the underlying Comprehensive Plan designation for the property.

Section 4.030 clarifies the procedures for the two different classes of Administrative Review (A.R.) applications – and provides other information on the roles of the Planning Director and Community Development Director, relative to the Code. Class I A.R.s are intended to involve very limited staff discretion, while allowing for only limited public participation or appeals. Class II A.R.s, involving more staff discretion, will be processed with public notice and opportunity for appeals. These changes will guarantee due process.

Section 4.031 spells out DRB responsibilities on different types of applications. Note that subsection 'J' proposes that the amount paid by an applicant for a traffic study will be reimbursed if that traffic study is subsequently rejected by the DRB. This represents a change made in response to a request from the local Chamber of Commerce.

Section 4.032 connects Chapter 4 of the Wilsonville Code with Chapter 2 by spelling out that the responsibilities of the Planning Commission are entirely legislative, unlike most planning commissions in other cities that act on quasi-judicial applications. As with many of the proposed changes, this is intended to clarify for the general public the processes or procedures that have already been in place for some time.

Section 4.113(.08) will change fence standards in residential areas, allowing fences up to six feet in height along side and rear lot lines where they have previously been restricted to a four foot maximum height. (It has been noted that there is nothing in the Development Code that limits fence materials for safety or aesthetics.) The change to the allowable fence heights has been recommended by the Planning Commission in response to public input. It seems that numerous locations in Wilsonville already have fences that violate the existing standards. The Planning Commission hopes to remedy many of those violations by changing the Code as proposed.

Section 4.113(.11) permits accessory dwelling units with detached single-family housing units, subject to standards for size and design. This change has been recommended in order to comply with the requirements of Metro's Urban Growth Management Functional Plan. The Planning Commission chose not to recommend additional parking for accessory dwelling units.

Section 4.113(.12) allows residential property owners to reduce setbacks between property lines by private agreement of those owners. Requirements of the building code must still be met. This change is being made to increase design flexibility and give residential property owners more alternatives for housing design.

Section 4.113(.13) establishes rules for bed & breakfast operations in any residential area. Although Wilsonville has only processed one application for a bed & breakfast in the recent past, that application highlighted the need for standards and criteria that were previously missing from the Code.

Section 4.115 regulates mobile home and manufactured housing developments. Although not substantively changed from the current Code, it has been moved from the section applying to all planned development to the section applying to residential developments in any zone. It should be noted that this section is expected to be pre-empted by State action in the near future. The State is adopting a specialty code that will govern mobile home and manufactured dwelling parks and that action is anticipated within the next few months.

Section 4.116 includes new provisions for commercial developments that will only be implemented with follow-up changes to the Comprehensive Plan. Those changes will allow the City Council to specify certain commercial areas primarily for office development, others for commercial/industrial mixed use, and others for residential/commercial mixed use. It will be very important to have well-crafted findings in support of those changes to the Comp Plan, because they are likely to be tested. The performance standards that previously applied only to the Town Center area have been expanded to apply in all commercial developments. These changes are being made in response to public input and in order to help implement the West Side Master Plan.

Section 4.118, applying to all Planned Developments, now lists the development standards that can be waived, and specifies the findings that must be made to waive them. Prior to this change, the City lacked criteria for waivers in the process of reviewing Planned Development applications. This change was made at the request of the local Chamber of Commerce.

Section 4.120 changes the name of the RA-1 zone to RA-H, clearly stating that this is a holding zone for future development. A single-family dwelling becomes a permitted use in this zone, even if the site is planned for future commercial or industrial use. Block and access standards have been specified to comply with Title 6 of Metro's Urban Growth Management Functional Plan. (The same standards will be applied in all residential zones.)

Sections 4.124 through 4.124.7 have taken the existing PDR zone and divided it into seven subcategories (PDR-1 through PDR-7) based on densities. The current Code relies on the land use map of the Comprehensive Plan to make these distinctions. The maximum densities allowed in each PDR area will remain as set by the Comprehensive Plan, but the minimum densities in each zone have been moved up to 80% of the maximum, as required by Metro's Urban Growth

Management Functional Plan. This change is also intended to assure conformance with statutes requiring specific land use requirements in implementing ordinances and not the Comprehensive Plan.

Section 4.131 clarifies that the uses allowed in the Town Center area are also allowed in other areas that are zoned PDC. Auto body and fender operations, previously listed as prohibited, will be permitted if all operations are conducted entirely within enclosed buildings and stored vehicles are not visible off site. The Planning Commission considered much testimony and spent a lot of time discussing this issue before recommending the change with a split vote. Commissioners are particularly concerned about enforcing those provisions so that damaged cars being brought to the site do not create an eyesore for surrounding uses.

Another change to Section 4.131 will require large retail buildings (50,000 square feet plus) south of Boeckman Road to meet a neighborhood compatibility standard and prove that their primary market area is from within five miles of the site. This change will help to implement the West Side Master Plan.

Section 4.131.05 takes the provisions of the Code dealing with the Town Center area and separates them from those of the rest of the PDC zones. The Planning Commission has also recommended that the land use map of the Town Center area be deleted from the Code. If this recommendation is accepted by the City Council, it will mean an increased reliance on the approved Town Center Master Plan, with a reduced reliance on the Code, to regulate specific uses in the Town Center area. Another way to look at this change is to note that proposed changes to land uses that have been approved within the Town Center area will no longer require both an amendment to the Town Center Master Plan and to the map for the area. Deleting that map from the Code should also help to avoid confusion between it and the City's official zoning map.

Section 4.135 prohibits big box retail uses (over 60,000 square feet) in PDI zones, but allows an increase in total commercial uses within industrial zones from 20% to 30% of acreage. Based partially on the City's history with Mentor Graphics, "Office Complex" is now considered to be a type of industrial use that can occupy up to 60% of industrial acreage. This amendment recognizes the changing nature of industrial developments in general and has been made in response to a request from local industrial developers.

Section 4.136.5 creates a new subcategory of the Public Facility zone, specifically for corrections facilities. This zone is intended to be applied only to the site acquired by the State for the proposed prison, and will only be used after the property has been annexed to the City. Given that the State is proceeding with that prison development, adoption of this Section is considered to be both timely and appropriate.

Sections 4.137, 4.137.2, and 4.137.3 significantly amend the solar access provisions of the current Code. Previously, the Code has implied that every Planned Development is to meet solar standards, in spite of the fact that those developments have historically not been required to do so. The new provisions create a Solar-Friendly overlay zone that will be applied only to new residential developments, at the request of the developer. Those limitations were adopted in response to public concerns, and concerns raised by the local Chamber of Commerce, that the City might force developers to comply with solar access standards in spite of their objections. As

crafted, the new solar access provisions minimize the conflicts that could otherwise result if the City attempted to mandate broader solar access requirements.

Section 4.137.5 establishes a series of standards to be applied in those locations separating residential and non-residential uses. However, because it is an overlay zone, those standards will only apply where the City Council chooses to apply them through the formal rezoning process. The Planning Commission recommended that these provisions be embodied in an overlay zone in order to assure that these requirements will only be used in locations that have specifically been approved by the City Council.

Section 4.138 creates an Old Town overlay zone, as recommended in the City's West Side Master Plan. This is essentially an architectural-review overlay, designed to create a "Main Street" feel in the Old Town area. The Planning Commission recommended that the boundaries of the district be expanded over those originally recommended by the West Side Planning Task Force, in order to achieve a cohesive design scheme along Boones Ferry Road, from Wilsonville Road south. The Old Town overlay zone will not be enacted unless approved through subsequent City Council action amending the Comprehensive Plan.

Section 4.141 clarifies the standards to be used in reviewing proposals to change from one land use to another on any given site. As recommended by the Planning Commission, the Planning Director will have more authority to approve changes of use in established Planned Developments. This change was made in response to a request from Capital Realty.

The parking standards of Section 4.155 have been expanded to include maximum numbers of permitted parking spaces for some uses (as required by Metro's Urban Growth Management Functional Plan) and now includes bicycle parking standards.

The flood plain development standards of Section 4.172 include two new provisions to implement Title 3 of Metro's Functional Plan. The first limits the addition of fill material in the 100-year flood plain to not more than the amount of material that is removed from the area. The second clarifies that the City will not approve the creation of new lots or parcels for human occupancy in those flood plain locations. Both of these changes will result in minimized flood losses and help the City to comply with regional standards.

Section 4.176 expands the Landscaping section to include more general standards for screening and buffering of sites. Considerably more detail is provided, including new standards for irrigation in times of water shortage. These changes help to implement the West Side Master Plan and assure compliance with the aesthetic standards of the Comprehensive Plan.

Sections have been added to address expedited land divisions (4.232) and lot line adjustments (4.233), neither of which were previously covered by the Code. Section 4.232 was needed to assure that the Code complies with ORS 197.360 through 197.380. Section 4.233 provides guidance for lot line adjustment applications that have previously resulted in confusion and disagreement.

Most Code sections dealing with transportation or natural resource issues will not be substantially amended until new master plans for those subjects have been completed.

## COMPLIANCE WITH STATEWIDE PLANNING GOALS

Insofar as proposed changes to the Code are supportive of the City's Acknowledged Comprehensive Plan, it complies with Statewide Planning Goals. It should be noted, however, that Goal 5 (dealing with natural resources, scenic and historic areas, and open spaces) was amended by the State after Wilsonville's Comprehensive Plan was acknowledged. The City continues to work on a Natural Resource Plan and implementing Code amendments that will address the requirements of Goal 5, along with Title 3 of Metro's Urban Growth Management Functional Plan and recent listings under the Endangered Species Act. Public hearings on those Code amendments are expected to begin before Ordinance No. 509 has taken effect.

Goal 1 (Citizen Involvement). The City of Wilsonville has made an unprecedented effort to inform and invite the participation of the public in this process. Hearing notices were sent to every property owner in the City on two different occasions – once before the initial Planning Commission hearing in 1999 and again before the City Council hearing in 2000. The second notice was necessitated by the numerous changes to the proposed Code that were made during the course of many Planning Commission hearings and works sessions. Those changes were also a clear indication of the effectiveness of the City's citizen involvement effort. The Planning Commission made many changes to the proposed Code in direct response to the requests of citizens who participated in the process.

Goal 2 (Land Use Planning). The proposed Code will be the most important implementing ordinance for the City's Comprehensive Plan. Its primary purpose is to help implement established City policies concerning land use planning.

Goal 3 (Agricultural Lands). Although cities do not have the same level of responsibility to protect agricultural lands as the counties, the City of Wilsonville has long recognized the importance of an efficient mixture of urban land uses within the City limits – as a means of reducing the pressure on resource lands for conversion to urban uses. That pattern continues with the proposed Code amendments, including changes that will set minimum densities in residential areas.

Goal 4 (Forest Lands). Although cities do not have the same level of responsibility to protect forest lands as the counties, the City of Wilsonville has long recognized the importance of an efficient mixture of urban land uses within the City limits – as a means of reducing the pressure on resource lands for conversion to urban uses. That pattern continues with the proposed Code amendments, including changes that will set minimum densities in residential areas.

Goal 5 (Natural Resources...). See comments above.

Goal 6 (Air, Water, and Land Resources Quality). The proposed Code amendments are not expected to have significant effects on the quality of air, water or land, other than localized impacts where development occurs. Increasing efficiency of land uses is expected to minimize adverse environmental impacts in general.

Goal 7 (Natural Disasters and Hazards). Two provisions of the proposed Code changes are being made specifically to reduce the risks to lives and property that could otherwise result. Those changes are

found in Sections 4.172(.02)(B.)(4.) and 4.172(.02)(C.)(4.) dealing with development in flood plains. The former will require a balance between the volume of fill material that can be added to a flood plain with the amount that must be removed (i.e., balanced cut and fill). This change will help to assure that development within the flood plain will not increase flood levels at downstream locations. The latter change will preclude the creation of more lots for human occupancy within flood plains.

Goal 8 (Recreational Needs). Changes proposed in Section 4.113(.01) and (.02) are intended to clarify the City's requirements for recreational and open spaces in residential developments. These provisions are also intended to clarify that open space lands will only be considered to meet recreational requirements if they are accessible and available for recreational purposes.

Goal 9 (Economic Development). Many of the proposed Code changes have been made in direct response to requests from local business developers and the Chamber of Commerce. Specifically, changes proposed to Code sections dealing with the uses allowed in commercial and industrial developments and those deleting zone change revocation standards have been made at the request of the local business community. Overall, the proposed changes are expected to allow for a more diverse range of businesses with a resulting benefit to the local economy.

Goal 10 (Housing). Two provisions have been specifically included to assure compliance with the housing standards of Metro's Urban Growth Management Functional Plan, and hence, to expand housing opportunities within the community. The first, found in Section 4.113(.11) will permit accessory dwelling units, subject to specific size and design standards, in conjunction with detached single-family dwellings in any zone. The second, found in Sections 4.124.1 through 4.124.7, sets the minimum density of planned development residential zones at 80% of the maximum density that is typically permitted.

Goal 11 (Public Facilities and Services). No significant impacts, in terms of public facilities or services, are expected to result from the proposed changes.

Goal 12 (Transportation). No significant impacts, in terms of transportation, are expected to result from the proposed changes. Note that additional Code amendments are anticipated after the completion of the City's updated Transportation Systems Plan, later this year.

Goal 13 (Energy Conservation). The primary sections of the proposed Code dealing with energy efficiency are 4.137 through 4.137.3, for solar access. The Planning Commission considered a number of options before selecting the proposed approach to solar access. The solar provisions of the prior Code, although somewhat simpler, have been essentially ignored by the development community and the City since they were enacted some years ago. By making the new provisions optional for new developments (the developer will have to request having her/his residential development be subject to the standards), the City will assure that the new solar access standards will be used where they will do the most good. In spite of changes to building construction and insulation standards since the original solar provisions were enacted, City staff remains supportive of solar access standards because of the uncertainties about future energy prices.

Goal 14 (Urbanization). Not directly applicable to the proposed Code changes, this Goal is concerned with the designation of Urban Growth Boundaries and the conversion of land from rural to urban uses.

As noted above, the increased efficiency of land uses resulting for the proposed Code changes is expected to postpone the conversion of some rural lands to urban uses in the Wilsonville area.

Goal 15 (Willamette River Greenway). Wilsonville's Greenway standards are primarily contained in Section 4.500, and to a lesser extent 4.172 (the flood plain development section). Proposed changes to 4.172 are noted above. The proposed changes to 4.500 are relatively minor. Perhaps the most significant involves moving the definitions from Section 4.502 to join the rest of the definitions in 4.001.

None of the other Statewide Planning Goals apply to Wilsonville.

## CORRECTIONS

In the final stages of preparing the Code for review by the City Council, the staff became aware of the following corrections that are needed.

Section 4.008(.02)(K.) (page A-30): change "20%" to "30%" to coincide with Section 4.135.

Section 4.009(.01) (page A-30): change language to allow public agencies to seek land use approval while in the process of acquiring properties.

Section 4.025(.04) (page A-46): change to clarify that the word "it" in the fourth line refers to the City Council.

Section 4.026(.01) (page A-46): specify that the City also has the authority to withhold temporary or permanent certificates of occupancy for all or part of a development until all applicable requirements are met.

Section 4.113(.08) (page B-8): add a restriction on the use of barbed wire or razor wire in planned developments, in or directly adjacent to residential areas. Clarify that the Development Review Board has discretion in determining fence or wall materials that are inappropriate in residential planned developments.

Section 4.118(.03) (page B-28): change the reference from "Section 4.145" to "Section 4.140."

Section 4.131(.02)(D.) (page B-65): correct text from "north of Boeckman Road" to "south of Boeckman Road."

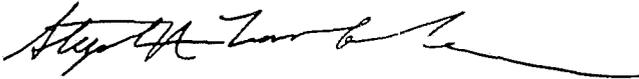
Section 4.135(.03) (page B-73): change to clarify that the total percentage of office complex space allowed within a Planned Development Industrial zone is being expanded to 60%, but that is not intended to allow retail sales to exceed 30% of the area. Clarification is also needed to explain how we will calculate area by acre rather than square footage.

Section 4.155(Table C-1) (page C-5): change to show that accessory dwelling units do not require additional parking spaces. This reflects the preference of the Planning Commission on this matter.

Section 4.155(Table C-1) (page C-7): change the minimum number of parking spaces per lane in a bowling alley from 5 to 4.

Section 4.156(.08)(C.)(4.) (page C-28): clarify that monument signs are subject to the same ten-foot setback as freestanding signs in industrial zones. Allow monument signs up to 32 square feet, rather than 16.

Section 4.155(Table 1) (page C-35): clarify that monument signs, although permitted to be 32 square feet, rather than 16 square feet, will still be counted at 50% of their actual area in using Table 1 of this section.



Stephan A. Lashbrook, AICP  
Planning Director

PLEASE NOTE:

Attached are replacement and/or correction pages to the Development Code Revisions notebook you received for the last Council meeting.

H. In Wilsonville, the practice is to review each new phase in light of previous approvals and conditions. At construction and occupancy, the review includes inspections to verify compliance with conditions of approval. These inspections include detailed site comparison with previous plan approvals (including number and types of plants and design of elevations and setbacks). Developers are often required to post a bond or provide other financial security for the completion of the conditions of approval for the project.

I. Wilsonville uses a "concurrency" requirement regarding public services and facilities. Basically, the needed services and facilities must be scheduled for completion within two years of occupancy and a positive finding of such concurrency must be made prior to project approval.

J. Wilsonville expects project progress to be made in a timely fashion. For each step in the Planned Development the applicant must take action to "exercise" the approval within a given time period or the approval lapses. ~~Even a rezoning will "revert" if progress is not made.~~

K. Special additional features include: mixed use provisions for most zones (including industrial zones, that allow up to 30% 20% of the area to be in residential and commercial uses); ability to "waive" many of the typical development standards based on design improvements that will result; density transfers; strong variance provisions; tree protection with mitigation requirements for tree cutting; City Council "Call Up" provisions; heavy landscaping requirements; owner/developer signature to accept and abide by conditions; limited administrative approval power; enforcement powers and practice.

#### 4.009 Who May Initiate Applications

- (.01) Applications involving specific sites may be filed only by the owner of the subject property, *by a unit of government that is in the process of acquiring the property*, or by an agent who has been authorized by the owner, in writing, to apply. ~~Except, however, that~~ Changes to the Comprehensive Plan or zoning may also be initiated by the City Council, Planning Commission, or Development Review Board, acting by motion.
- (.02) Applications involving large areas of the community or proposed amendments to the text of this Chapter or the Comprehensive Plan may be initiated by any property owner, business proprietor, or resident of the City, as well as by the City Council, Planning Commission, or Development Review Board acting by motion.

#### 4.025. Enforcement and Administration

##### 4.191 Administration and Enforcement - General

- (.01) ~~(1)~~ It shall be the duty of the Planning Director, ~~Planning Commission and Design Development Review Board~~ to administer and enforce the provisions of the Zoning sections **Chapter 4** of this Code in a manner to ~~insure~~ **assure rapid immediate** and effective compliance.
- (.02) ~~(2)~~ The records of the ~~Zoning sections~~ **zoning actions** and all amendments shall be officially held within the office of the City Recorder. All amendments to text and/or Official Zoning Map shall be approved or rejected by the City Council and acknowledged by the Mayor and attested by the City Recorder. Each action that changes a zoning district boundary shall be included on a new Official Zoning Map and approved by the Mayor and attested by the City Recorder and filed in the office of the City Recorder and will be the correct and binding zoning in all cases.
- (.03) ~~(3)~~ The Commission or Board by a majority vote may ~~order~~ **instruct** the Planning Director to enforce any provision of this Ordinance.
- (.04) When it appears to the City Council that there is a failure or refusal by any person, firm or corporation to comply with a final decision of the Board or **Planning Commission**, or of the Council in cases of appeal, or that there is a continuing violation otherwise of this Ordinance, ~~the City Council~~ **it** may authorize the City Attorney to institute an appropriate suit in equity in the Circuit Court in the name of the City and abate and temporarily and permanently enjoin such violation.

##### 4.026 ~~4.192~~ Enforcement Procedures and Penalties

- (.01) ~~(1)~~ On new construction, and prior to occupancy, the Planning Director shall ~~insure~~ **assure** that the development has occurred in substantial conformance with the approved Site Development Plans. If substantial inconsistencies occur, the Director may withhold authorization for connection of domestic water service, or may authorize the disconnection of water service, if water service has already been established. **The Director also has the authority to withhold temporary or permanent certificates of occupancy for all or part of a development until all applicable requirements are met.**
- (.02) ~~(2)~~ When a violation occurs, the Planning Director shall notify in writing the property owner and or known agent of the property owner of the violation. The notice shall set forth the nature of the violation and the necessary corrective action and shall specify the penalty for non-compliance and a reasonable date of compliance not to exceed thirty (30) days from the date of notice. An error in the name of the owner or use of a name other than the true owner or agent of such property shall not render void such notice. In such case the posted notice shall be deemed sufficient.
- (.03) ~~(3)~~ If the violation has not been corrected, or a reasonable effort made to correct the violation within the time set forth in the notice, the Planning Director ~~shall~~ **may** cause the domestic water service to the property to be shut

*(.08) (10) Fencing Fences and Plantings:*

*A. (a) The maximum height of a sight-obscuring fence and/or planting located in a required the front yard of a single family dwelling residential development shall not exceed four (4) feet.*

*B. (b) The maximum height of a sight-obscuring fence and/or planting located in the side yard of a single family dwelling residential lot shall not exceed four (4) feet in height forward of the building line with the greatest setback on the lot or the adjoining residential lot and shall not exceed six (6) feet in height in the rear yard, or side yard of a corner lot, except as approved by the Design Development Review Board. A fence of up to six (6) feet in height may be constructed along the side, the rear, and in the front yard of a residential lot adjoining the rear of a corner lot as shown in the attached Figure.*

*C. (c) Notwithstanding the provisions of Section ~~4.121~~ 4.122(10)(a) and (b); the Planning Commission Development Review Board may alter, change, or require such fencing and/or planting as shall be deemed necessary to promote and provide traffic safety, noise mitigation, and nuisance abatement, and the compatibility of different uses users permitted on adjacent lots of the same zone and on adjacent lots of different zones.*

*D. The Development Review Board may prohibit the use of barbed wire or razor wire in planned developments, in or directly adjacent to residential areas. The Development Review Board shall determine what fence or wall materials are inappropriate in residential planned developments.*

4.118 Standards applying to all Planned Development Zones:

(.01) ~~(f)~~ *Height Guidelines: ~~Where applicable~~ In "S" overlay zones, the solar access provisions of Section 4.137 shall be used to determine maximum building heights. ~~The sun exposure plane shall prevail, as set forth in Section 4.137 except that~~ In cases that are subject to review by the Development Review Board, the Board ~~Commission~~ may further regulate heights as follows:*

A. ~~1-~~ *Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.*

B. ~~2-~~ *To provide buffering of low density developments by requiring the placement of ~~moving two~~, three or more story buildings away from the property lines abutting a low density zone.*

C. ~~3-~~ *To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River. ~~from greater encroachments than would occur if developed conventionally.~~*

(.02) ~~(g)~~ *Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.*

(.03) ~~(h)~~ *Notwithstanding the provisions of Section 4.140 ~~4.145-4.136(1)~~ to the contrary, the Development Review Board, ~~Planning Commission~~ in order to implement the purposes and objectives of Section ~~s 4.130 to~~ 4.140, and based on findings of fact supported by the record may:*

A. ~~(a)~~ *Waive the following typical development standards:*

1) ~~the~~ *minimum lot area;*

2) *lot width and frontage;*

3) *height and yard requirements ~~which otherwise would apply;~~*

4) *lot coverage;*

5) *lot depth;*

6) *street widths;*

7) *sidewalk requirements;*

8) *height of buildings other than signs;*

9) *parking space configuration;*

10) *minimum number of parking or loading spaces;*

4.131 4.124 Zone - PDC - Planned Development Commercial Zone. (†) The requirements of a PDC Zone shall be governed by Section s 4.130 to 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

(.01) The following shall apply to any of the PDC zone s:

A. Uses that are typically permitted:

1. Retail business, goods and sales.
2. Wholesale showrooms.
3. Offices and clinics.
4. Service establishments.

5. Any use allowed in a PDR Zone or PDI Zone, provided the majority of the total ground floor area is commercial, or any other commercial uses provided that any such use is compatible with and supportive of the surrounding uses and is planned and developed in a manner consistent with the purposes and objectives of Section 4.140. However, in no event shall the uses listed as prohibited below shall not wrecking yards, automobile body and fender repair shops, and open lots for the commercial sale of motor vehicles be permitted.

6. Accessory uses, buildings, and structures customarily incidental to any of the aforesaid principal permitted uses.

7. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon completion or abandonment of the construction work.

8. Churches.

9. *Those uses that are listed as typically recommended in Section 4.131.05(.03).*

(.02) Prohibited uses.

A. No body/fender repair shops or used car sales shall be permitted unless all operations are conducted entirely within enclosed buildings and meet the performance standards of Section 4.135(.07). The storage and parking of damaged vehicles shall be screened to assure that they are not visible off-site. ~~except in conjunction with new car dealerships.~~

B. *No used car sales shall be permitted, except in conjunction with new car dealerships within enclosed buildings.*

C. ~~B.~~ No wrecking yards shall be permitted.

D. Retail operations ~~south north~~ of Boeckman Road and having with more than 50,000 square feet of ground floor building floor area shall only be permitted where it is demonstrated to the satisfaction of the Development Review Board that the following standards will be met. For purposes of these standards, service activities, offices, and other non-retail commercial ventures shall not be considered to be "retail operations."

2. Office Complex shall not exceed ~~20%~~ 60% of total acreage.
3. Commercial Recreation shall not exceed 20% of total acreage.
4. Neighborhood Commercial shall not exceed ~~5%~~ 20% of total acreage.
5. ~~Aggregate~~ Combined retail commercial uses, exclusive of Office Complexes, shall not exceed ~~20%~~ 30% of total acreage. Office Complex uses, exclusive of other commercial uses, shall not exceed 60% of total acreage.
6. Determinations of acreage as specified in subsections 1 through 5, above, shall include required parking, landscaping, open space, and other amenities for the proposed use.

K. ~~(k)~~ Aggregate Combined commercial uses, exclusive of Office Complexes, and residential uses shall not exceed ~~twenty percent (20%)~~ thirty percent (30%) of total acreage.

L. ~~(l)~~ Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses.

M. ~~(m)~~ Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon completion or abandonment of the construction work.

**(.04) Uses subject to the grant of a Conditional Use Permit:**

A. Automobile service stations, subject to the standards of Section 4.184.

**(.05) Prohibited uses.**

A. Retail operations exceeding 60,000 square feet of gross leasable area are prohibited within the PDI zone.

B. Any use or activity that violates the performance standards specified in subsection (.07), below.

**(.06) Block and access standards:**

The PDI zone shall be subject to the same block and access standards as the PDC zone, Section 4.131(.02) and (.03).

**(.07) Performance Standards.** The following performance standards are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property. *Developed industrial uses sites shall be subject to the provisions of this Code and the following:*

A. ~~±~~ All uses and operations except storage, off-street parking, loading and unloading shall be confined, ~~and~~ contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved through Administrative Review or other land use approval process (e.g., Conditional Use Permit, Site Development Permit):

**NOTE: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the use that is currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated.**

**Table C-1: PARKING STANDARDS**

USE	PARKING MINIMUMS	<u>PARKING MAXIMUMS</u>
<b>a. b. Residential</b>		
1. Single and attached units and any apartments (9 or fewer units)	2 spaces/dwelling unit of less than ten (10) units 1 per D.U., <i>except accessory dwelling units, which have no minimum.</i>	<b>No Limit</b>
2. Apartments of ten (10) or more units, <del>hotel</del>	1 1/2 spaces/guest accommodation 1 per D.U. (less than 500 Sq.Ft.) 1.25 per D.U. (1 Bdrm) 1.5 per D.U. (2 Bdrm) 1.75 per D.U. (3 Bdrm)	<u>No Limit</u>
3. Manufactured or mobile home park	2 spaces/unit	<b>No Limit</b>
4. Manufactured or mobile home subdivision	1 per D.U.	<b>No Limit</b>
<b>b. e. Commercial Residential</b>		
1. Hotel	1 space/bedroom 1 per 1000 Sq.Ft.	<b>No Limit</b>
2. Motel	1 space/bedroom 1 per 1000 Sq.Ft.	<b>No Limit</b>
3. Clubs, Lodges	Spaces to meet the combined requirements of the uses being conducted such as restaurant, auditorium, etc.	<b>No Limit</b>
<b>c. d. Institutions</b>		
1. Welfare or correctional institution	1 space/3 beds for patients or inmates	<b>No Limit</b>
2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space/2 beds for patients or residents	<b>No Limit</b>
3. Hospital	2 spaces/bed	<b>No Limit</b>

USE	PARKING MINIMUMS	<u>PARKING MAXIMUMS</u>
d. e. Places of Public Assembly		
1. Church	1 space/4 seats, or 8 ft. of bench length in the main auditorium	.8 per seat
2. Library, reading room, museum, art gallery	1 space/400 sq. room ft. of floor area 2.5 per 1000 Sq.Ft.	No limit
3. Preschool nursery, kindergarten	2 spaces/teacher .2 per student and staff	.3 per student and staff
4. Elementary or Middle School auditorium or assembly	1 space/4 seats, or 8 ft. of bench length in room, whichever is greater .2 per student and staff	.3 per student and staff
5. High School	1 space/employee, plus 1 space each 6 students, or 8 ft. of bench length. 1 space/4 seats, or the main auditorium, whichever is greater .2 per student and staff	.3 per student and staff
6. College, commercial school for adults	1 space/3 seats in classrooms .2 per student and staff	.3 per student and staff
7. Other auditorium, meeting rooms	1 space/4 seats, or 8 ft. of bench length .3 per seat	.5 per seat
8. Stadium, arena, theater	1 space/4 seats, 8 ft. of bench length .3 per seat	.5 per seat
9. Bowling alley	5 4 spaces/lane	No limit
10. Dance hall, skating rink, gym, swim or fitness center	1 space/150 sq. ft. of floor area 4.3 per 1000 Sq. Ft.	6.5 per 1000 Sq.Ft.
11. Tennis or racquetball facility	1 per 1000 Sq. Ft.	1.5 per 1000 Sq.Ft.
e. g. Commercial		
1. Retail store except supermarkets and stores selling bulky merchandise and grocery stores 1,500 sq. ft. gross floor area or less	1 space/200 sq.ft. of floor area 4.1 per 1000 Sq.Ft.	6.2 per 1000 Sq.Ft.

2. Types of signs permitted on buildings include wall flat, fascia, projecting, marquee and awning signs. Roof-top signs are prohibited.

C. Additional signs. Notwithstanding the sign footage allowed based on the site and building frontages as shown in Table 1, the following signs may be permitted, subject to standards and conditions in this Section:

1. Directional signs.

2. Special event signs - signs advertising or pertaining to any special event taking place within the City. The Planning Director may issue a temporary use permit for a special event signs to be located on-site, off-site, or within City rights-of-way, excluding those areas listed in subsection ~~4.156~~ ~~4.151~~ (10)(a)(4) through the Administrative Review process of Sections 4.009 through 4.012. The Planning Director may attach conditions to such Permits to ensure compliance with the purposes and specifications of this Section. Additionally, the Planning Director may authorize signs for pre-approved special events in PDC and PDI zones through the same procedures as for residential zones, listed in Section (7.), above.

3. Inflatable signs - Inflatable signs shall not be mounted or suspended from a roof unless specifically authorized through a temporary use permit or annual pre-approved event permit, nor shall a ground-mounted inflatable sign exceed ten (10) feet in overall height. If attached to a building in any manner, an inflatable sign must meet applicable building code requirements including consideration of wind loads. Inflatable signs are temporary advertising devices, subject to the standards for Administrative Review specified in Section 4.009 through 4.012. Inflatable signs shall be permitted for a maximum of fifteen (15) days of display use in any calendar year.

4. District or Planned Development signs - one (1) on-site monument sign, or one (1) off-site monument sign on an adjacent parcel identifying that Planned Development project, may be permitted, subject to the following standards and conditions:

a. The sign may be a double-faced, ~~and~~ shall not exceed *thirty-two (32)* ~~sixteen (16)~~ square feet per face, *and may be located within ten (10) feet of a street right-of-way without requiring a waiver or variance.*

b. The sign shall pertain only to identification of its subject development.

c. Sign graphics may be changeable so as to indicate vacancies and occupancy changes.

d. The sign shall be reviewed by the Development Review Board in conjunction with the overall Planned Development.

*Note: This table simplifies the existing Table 1 of section 4.151:*

**Table 1**  
(Permanent Signs)

ZONE	TOTAL SQUARE FOOTAGE OF SIGNAGE PERMITTED PER LOT	TOTAL SQ. FT. SIGN AREA TO LENGTH OF BUILDING (SQ. FT. : LINEAR FT)
R, RA-1, PDR (0-3 u/ac.)	3	1:1
PDR (3-7 u/ac)-	3	1:1
PDR (7+ u/ac)	6/D.U., 80 for non-res.	1:1
PF, PDC (not Town Ctr)	200	1:1
PDC-Town Center *	*	1:1
PDI	200	1:1

Figure C-2: Sign Size Standards by Zone (Permanent Signs)

- \* See special sign standards for the Town Center area in Section 4.151 4.156(9).
  - a. Monument signs are counted at 50% of their actual square footage, *for purposes of this Table.*
  - b. Most restrictive standard applies. Signage not to exceed the most restrictive of applicable standards.
  - c. River frontage shall be counted the same as street frontage.
  - d. Where a building exists, total sign area per lot not to exceed 1 sq. ft. for each 1 linear foot of building, on the building's longest side, except as otherwise provided in this Code.
  - e. Total sign area per lot may be increased by up to 50% per street frontage for corner and double frontage lots.
  - f. Total sign area based on building length may be increased by up to 50% where the building footprint has not more than 10% of the area of the tax lot on which it is located.
  - g. Residential densities are based on Wilsonville Comprehensive Plan.
  - h. Non-residential uses that are permitted in residential zones shall have sign standards determined through site development permit process.



MEMORANDUM

TO: Mayor Lehan and City Council

FROM: Stephan Lashbrook, Planning Director

DATE: April 17, 2000

SUBJECT: STAFF REPORT -- (99 PC 03 - Ordinance No. 509) for  
City Council Second Reading: April 17, 2000

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**SUMMARY:**

The City Council opened the public hearing and held the first reading of Ordinance No. 509, proposing major revisions to the City's Development Code, on February 24. The Council asked the staff to return with changes to some Code sections for the second reading. The time delay between the first and second reading has primarily been the result of the current workload of both the staff and the Council.

**RECOMMENDATION:**

The Planning Commission voted unanimously on December 8, 1999, to approve Resolution No. 99PC03, recommending the adoption of Ordinance No. 509. The staff supports the Commission's recommendation that Ordinance No. 509 be adopted by the City Council.

**BACKGROUND:**

At the conclusion of the hearing on February 24, the City Council indicated its support for the proposed Code amendments, including changes reviewed by the staff at that hearing. The staff has made a number of additional changes to the proposed Code language in response to testimony received and the City Council's discussion. The proposed corrections are attached in full (Attachment A) and summarized as follows:



## Corrections

Page A-4 (Definitions): After the Planning Commission's consideration of more significant changes, the definition of "building height" is proposed to return to nearly the current Code language. This was done primarily because of a change in State law affecting building height limitations near the Aurora Airport.

Page A-12 (Definitions): A definition for "technology-office complex" has been added to differentiate between high-technology office uses and more conventional commercial office operations.

Page A-25 (Exclusions from Development Permit Requirement): Two changes are proposed to this section. The first reinforces the fact that the City will not allow certain plant materials in landscaped areas. The second makes it clear that land clearing for development purposes cannot be guidance for lot line adjustment applications that have previously resulted in confusion and disagreement masked as farming activity.

Page A-52 (Jurisdiction and Powers of Planning Director...): Now clarifies that clearing or grading within Primary Open Space may not be prohibited, but must at least be reviewed through a Class II process.

Page B-8 (Standards Applying to Residential Development...): Two changes are proposed. The first clarifies that residential fences in the side yard of a corner lot can be up to six feet in height. The second limits the materials that can be used in residential fences by prohibiting the use of barbed wire, razor wire, electric fencing, and fences constructed of plywood or flakeboard.

Page B-24 (Standards Applying to Commercial Development...): Clarifies that sites designated for "Office Commercial" use in the Comprehensive Plan will be limited to require that at least 60% of ground floor areas be in office use and the total retail square footage can not exceed 30%. This change was made in response to concerns that such office commercial locations could be dominated by retail uses.

Page B-65 (Planned Development Commercial Zone): Changes the list of additional "service Commercial uses recommended by the Planning Commission to specify that they must be conducted entirely within enclosed buildings. The staff still has some concerns about these additions to the PDC zone because of the potential for conflicts with other commercial uses. However, given the fact that these uses would also have to meet the performance standards of the Planned Development Industrial zone, the proposed additions should not create conflicts.

Page B-67 (Planned Development Commercial – Town Center Zone): The lists of typically permitted uses within the Town Center area have been expanded, essentially as requested by Capital Realty and recommended by the Planning Commission. The staff does not recommend the inclusion of "entertainment" as a central commercial use, or the addition of various repair or fabrication shops with the service commercial areas of the Town Center.

Page B-72 (Planned Development Industrial Zone): Changes the text to differentiate between “technology-office” and “office complex” uses. This change, and additional specificity about limiting retail operations in office areas, are proposed to clarify that technology-office is the designation proposed for more high- tech or research and development type operations that have become a large part of the industrial market-place. General office uses still have a place in industrial zones, but should not be allowed to dominate the more industrial character of those areas.

Page B-120 and page B-132 (Planned Development Regulations): Both of these Sections have been changed to clarify that not all properties over two acres in size must be rezoned to be developed, provided that the proposed development is permitted in the RA-H zone.

Page B-135 (Planned Development Regulations): Allows a pre-approved phasing schedule to determine the time-lines for completion of a planned development, rather than requiring adherence to an inflexible schedule.

Page C-67 (Landscaping, Screening, and Buffering): Changes the words “natural resource values” to “native vegetation” in order to reduce confusion about the purposes of this Section of the Code.

Page C-86 (Sidewalk and Pathway Standards): Changes standards for bicycle facilities to conform with those of the City's adopted Bicycle and Pedestrian Master Plan. This change was recommended by the Planning Commission but not corrected in the previous draft for the City Council's review.

C-91 (Conditional Use Permits...): The staff is recommending the addition of this language to enhance the issuance of Conditional Use Permits, an area in which our Code needs improvement. These criteria were taken from the Development Code of the City of Canby, with which two members of the staff are quite experienced.

Stephan A. Lashbrook, AICP  
Planning Director

Attachment 'A'

PROPOSED DEVELOPMENT CODE CORRECTIONS

April 10, 2000

Page A-4 (Section 4.001 Definitions)

- ~~Building or structure of Structural Height:~~ The term 'height of building or structure' shall be deemed to mean the perpendicular distance from the average elevation of the adjoining ground to the highest point of the ~~building or structure~~ coping of a flat roof or to the deck line of a mansard roof or to the middle height gable between the eaves and ridge of a pitch or hip roof. If a building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building.

Page A-12 (Section 4.001 Definitions)

- Office Complex: A planned development commercial center or complex of administrative, professional and general office uses. Typical uses include governmental, financial, architectural, medical, dental, legal, real estate, accounting, insurance and general business offices.
- *Technology-Office Complex. Applies to office uses in an industrial, typically high-technology, setting, including research and development, software or hardware development, telecommunication or data manipulation operations. Typically in an industrial campus setting, Technology-Office Complexes are expected to generate less traffic than general office uses. Technology-Office Complex is not intended to apply to general office uses such as medical offices, real estate sales offices, or similar operations that are more appropriately the predominate uses in non-industrial areas.*

Page A-25 (Section 4.005 Exclusions from Development Permit Requirement)

4.005 Exclusions from Development Permit Requirement. An activity or development listed below is excluded from the requirements for a development permit.

(.01) ~~(1)~~ Landscaping, *provided that plant materials specifically prohibited by the Wilsonville Code are not installed.* ~~or other treatment or use of the land surface of a single family residential lot not involving a structure.~~

(.02) ~~(2)~~ A change internal to a building or other structure that does not substantially affect the use of the structure or an alteration that does not substantially affect the use or appearance of land or a structure.

- (.03) ~~(3)~~ An emergency measure necessary for the safety or protection of **people or property.**
- (.04) ~~(4)~~ Farming, *provided that the farming is a continuation of agricultural activities on the site and not a temporary process as a precursor to other development of the site.*
- ~~(5)~~ ~~The propagation or cutting of timber for purposes such as erosion control or personal use.~~
- (.05) ~~(6)~~ Except as otherwise required by Sections ~~4.184 4.177~~ and 4.500 to 4.510, the establishment, construction or termination of an authorized public facility that ~~directly~~ serves development, including such facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system, provided said construction complies with applicable Public Works Standards. **This exemption applies to such things as conduits, pipelines, wires, cables and street or sidewalk surfaces, but is not intended to apply to buildings used by utility providers.**
- (.06) ~~(7)~~ Installation or construction of an accessory structure that does not require a building permit. **provided that such accessory structure is not located within an area designated as secondary or primary open space.**
- (.07) ~~(8)~~ Minor clearing or grading for purposes of site surveying, or exploratory excavations under direction of a **civil soil engineer or engineering geologists**, provided said grading or excavation is consistent with Building Code requirements.
- (.08) Exclusion from a permit does not exempt the development or its use from applicable requirements of the Comprehensive Plan or from the **tree preservation or protection** requirements of Section 4.600.00, et seq. (Tree Preservation and Protection).

Page A-52 (Section 4.030 Jurisdiction and Powers)

**4.030 4.009 Jurisdiction and Powers of Planning Director and Community Development Director.**

- (.01) ~~(1)~~ Authority of Planning Director. The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, **including dealing with non-discretionary matters**, and shall have specific authority as follows:
- A. ~~(a)~~ **A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below.** Pursuant to Class I procedures set forth in Section ~~4.035 4.010(1)a~~, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions: ~~the Director shall approve, approve with conditions, or deny:~~

~~1. Minor modifications to approved Architectural and Site Development Plans.~~

1. 2. Minor site clearing and grading, prior to the approval of a Site Development Plan, provided that:

a. no clearing or grading occurs within an area identified in the Comprehensive Plan as "Primary Open Space." or "~~Secondary Open Space.~~" *Clearing or grading in an area identified in the Comprehensive Plan as "Primary Open Space" shall require, at a minimum, approval of a Class II permit through the procedures specified below;*

b. no clearing or grading occurs within an area that has been identified by the City as a wetland;

c. no trees are proposed to be removed;

d. no fill or removal is proposed;

e. adequate measures are utilized to control erosion and runoff from the site and that the applicant will submit a final Site Development application within seven (7) days of submitting the minor site grading application. All grading activities require compliance with the requirements of the applicable building code and City Public Works standards.

Page B-8 (Section 4.113 Standards Applying to Residential Development in Any Zone)

~~(.08) (10) Fencing Fences and Plantings:~~

~~A. (a) The maximum height of a sight-obscuring fence and/or planting located in the required the front yard of a single-family dwelling residential development shall not exceed four (4) feet.~~

~~B. (b) The maximum height of a sight-obscuring fence and/or planting located in the side yard of a single-family dwelling residential lot shall not exceed four (4) feet in height forward of the building line with the greatest setback on the lot or the adjoining residential lot and shall not exceed six (6) feet in height in the rear yard, or side yard of a corner lot, except as approved by the Design Development Review Board. Except, however, that a fence in the side yard of residential corner lot may be up to six (6) feet in height, unless a greater restriction is imposed by the Development Review Board acting on an application. A fence of up to six (6) feet in height may be constructed~~

with no setback along the side, the rear, and in the front yard of a residential lot adjoining the rear of a corner lot as shown in the attached Figure.

C. ~~(e)~~ Notwithstanding the provisions of Section ~~4.121~~ 4.122(10)(a) and (b); the ~~Planning Commission Development Review Board~~ may alter, change, or require such fencing ~~and/or planting~~ as shall be deemed necessary to promote and provide traffic safety, noise mitigation, and nuisance abatement, and the compatibility of different uses ~~users~~ permitted on adjacent lots of the same zone and on adjacent lots of different zones.

D. Fences in residential zones shall not include barbed wire, razor wire, electrically charged wire, or be constructed of sheathing material such as plywood or flakeboard.

Page B-24 (Section 4.116 - Standards Applying to Commercial Developments in Any Zone)

**NEW SECTION 4.116 - STANDARDS APPLYING TO COMMERCIAL DEVELOPMENTS IN ANY ZONE.** (e) Any commercial use shall be subject to the applicable provisions of this Code and to the following:

(.01) 1. ~~Planned Development~~ Commercial developments shall be planned in the form of centers or complexes as provided in the City's Comprehensive Plan. As noted in the Comprehensive Plan, Wilsonville's focus on centers or complexes is intended to limit strip commercial development. ~~follows:~~

~~A. a. The Town Center. (Amended Ord #254, 4/2/84).~~

~~B. b. Service Centers.~~

~~C. e. Office Complexes.~~

~~D. d. Commercial Recreation.~~

~~E. e. Neighborhood Commercial.~~

(.02) Where the land use map of Wilsonville's Comprehensive Plan calls for "Office Commercial" development, not less than 60% of the total square footage of the ground floors of buildings within the development shall be in office use. ~~50% of the total floor area of the development shall consist of office space.~~ Total floor area dedicated to retail use shall not exceed 30%. On-site parking may be limited in order to control traffic generation.

(.03) Where the land use map of Wilsonville's Comprehensive Plan calls for "Commercial/Industrial mixed use" development, not more than 50% of the total floor area of the development shall consist of retail space.

(.04) Where the land use map of Wilsonville's Comprehensive Plan calls for "Residential/Commercial mixed use" development, not less than 50% of the total floor area of the development shall consist of residential units.

- (.05) ~~2-~~ *All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants, and fluids at service stations and except for off-street parking and off-street loading. Except, however, that exterior sales may be specifically authorized through temporary use permit or development permit approval, subject to conditions of approval.*
- (.06) ~~3-~~ *In any Commercial Development ~~fronting~~ directly across the street from any Residential District, the loading facilities shall be at least twenty (20) feet from the street, shall be sited whenever practicable at the rear or side, and if facing a residential area, shall be properly screened.*
- (.07) ~~4-~~ *Uses shall be limited to those which are not objectionable as determined by the ~~Planning Commission Development Review Board to be reasonably expected to~~ will meet the performance standards specified in Section 4.135(.07), with the exception of 4.135(.07)(L)(3). ~~by reason of factors such as glare, odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.~~*

Page B-65 (Section 4.131 PDC - Planned Development Commercial Zone)

4.131 ~~4.124~~ Zone - PDC - Planned Development Commercial Zone. ~~(1)~~ The requirements of a PDC Zone shall be governed by Section ~~s 4.130 to~~ 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

*The following subsection has been moved from Section 4.124:*

(.01) The following shall apply to any of the PDC zone s:

A. Uses that are typically permitted:

1. Retail business, goods and sales.
2. Wholesale showrooms.
3. Offices and clinics.
4. Service establishments.

5. Any use allowed in a PDR Zone or PDI Zone, provided the majority of the total **ground floor** area is commercial, or any other commercial uses provided that any such use is compatible with ~~and supportive of~~ the surrounding uses and is planned and developed in a manner consistent with the purposes and objectives of Section 4.140. However, ~~in no event shall~~ **the uses listed as prohibited below shall not** ~~wrecking yards, automobile body and fender repair shops, and open lots for the commercial sale of motor vehicles~~ be permitted.

6. Accessory uses, buildings, and structures customarily incidental to any of the aforesaid principal permitted uses.

7. Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon completion or abandonment of the construction work.

**8. Churches.**

9. Those uses that are listed as typically *permitted recommended* in Section 4.131.05(.03), as well as the following additional uses when conducted entirely within enclosed buildings:

- a. *Automotive machine shops*
- b. *Automotive detail shops*
- c. *Repair shops for:*
  - \* *electronics;*
  - \* *boats;*
  - \* *appliances;*
  - \* *light equipment;*
  - \* *yard equipment;*
  - \* *other related types of repair shops.*
- d. *Fabrication shops including:*
  - \* *cabinets;*
  - \* *sheet metal;*
  - \* *counter tops;*
  - \* *closet systems;*
  - \* *other related types of work.*
- e. *Marine equipment – supply and repair*

Page B-67 (Section 4.131.05 Planned Development Commercial – Town Center Zone)

**(.02) Examples of uses that are typically permitted:**

**A. Retail sales.**

**B. (ii) Planned development permitted commercial uses, including department stores and shopping centers.**

**C. (iii) Banking and investment services.**

**D. (iv) Public facilities complex, Governmental offices, and facilities, hospitals, health centers and office complex for the furnishing of professional services, including but not restricted to medical, legal, architectural and engineering.**

**E. (v) Planned multiple dwelling facilities, including motels, apartments and condominiums as may be approved by the **Development Review Board Planning Commission.****

F. (vi) Such other and further uses as may be approved by the **Development Review Board Planning Commission** compatible with the Comprehensive Plan.

(.03) b. **Examples of uses that are typically recommended Uses:**

A. (i) **Central Commercial (CC):**

Typical Recommended Uses:

Department Stores  
Florist Shop  
Interior Decorating *or design* Shops  
Retail Stores  
Banks, Loan Companies, other Financial Institutions  
*Bicycle sales and service*  
Bird Store, Pet Shop or Taxidermist  
Blueprinting, Photostatting, other Reproduction Process  
Business Machines, retail sales & service  
*Car wash (automatic)*  
Cleaning and Pressing Establishments  
*Coffee shops*  
Commercial Schools, such as business colleges, music conservatories, trade schools, *preschools*  
Custom Tailoring, Dressmaking or Millinery Shop  
*Day care for adults or children*  
*Dentists or medical offices*  
*Dry cleaning or laundries*  
*Electronics, retail sales and service*  
*Employment agencies*  
*Entertainment*  
Film Exchange  
Furniture Store  
Gunsmith or Locksmith  
Household Machines, retail sales & service  
*Insurance agents*  
*Investment, real estate and law offices*  
*Jewelry store, watch and clock repair shops*  
*Locksmiths, security systems*  
*Office supplies*  
*Pet shop, bird store, or taxidermist*  
Photographer, *including photo processing*  
*Restaurants*  
*Theaters*  
Radio or Television Studio  
*Title companies*  
*Travel agencies*  
Watch and Clock Repair Shop  
Brokers, Legal Offices  
Other uses similar in character *to* of predominantly retail or service establishments dealing directly with ultimate customers.

B. (ii) **Service Commercial (SC):**

Typical Recommended Uses

Building Materials, retail outlet only  
 Cabinet or Carpenter Shop  
**Car wash, automatic**  
 Feed Store, retail only  
 Fuels, Solid, retail outlet only  
 Furniture Store  
 Upholstering Shop  
 Automobile Service Station  
 Bicycle, Motorcycle,  
 Trailer (other than house and truck trailers) retail sales, service, rental, if  
**located in a fully enclosed building**  
 Garage, Parking or Repair  
**Oilery (commercial oil change or quick-lube operations for cars)**  
**Retail sales and service of New Automobiles and Trucks, if not more than**  
**one and one-half (1 1/2) tons capacity retail sales and service, and**  
**if located in a fully enclosed building**  
 Tire sales and service  
 Self-service car wash  
 Building contractors and related subcontractors  
**Glass repair shop**  
**Self-service laundry**  
**Rental equipment companies**  
~~automotive machine shop~~  
~~repair shops for~~  
 \* ~~electronics~~  
 \* ~~boats~~  
 \* ~~appliances~~  
 \* ~~light equipment~~  
 \* ~~yard equipment~~  
 \* ~~other related types of repair shops~~  
~~fabrication shops including:~~  
 \* ~~cabinets~~  
 \* ~~sheet metal~~  
 \* ~~counter tops~~  
 \* ~~closet systems~~  
 \* ~~other related types of work~~  
~~marine equipment supply and repair~~  
**Automotive detail shops**  
**Studios:**  
 \* **Dance;**  
 \* **Photography;**  
 \* **Artists;**  
 \* **Craft;**  
 \* **Other.**

C. (iii) Food and Sundries (FS):  
Typical Recommended Uses:  
 Bakery, retail

*Banks, loan companies, other financial institutes*  
 Barber Shop  
 Beauty Parlor, *Nail salon*  
*Bicycle, retail sales & service*  
 Bookstores  
 Clothes Cleaning Pick-up Agencies  
 Clothes Pressing Establishment  
*Coffee shop*  
 Confectionery  
 Custom Dressmaking  
*Dance or martial arts studio*  
 Delicatessen  
*DMV (Department of Motor Vehicles office)*  
 Drug Store  
 Dry Goods Store  
*Electronics, retail sales & service*  
 Florist Shop  
*Frame shop*  
*Furniture stores*  
*Gifts, stationery, card, party supplies*  
 Grocers, Fruit or Vegetable Store  
 Hardware Store  
*Health club, gym, personal trainer, tanning salon*  
*Insurance agencies*  
*Jewelry store, watch and clock repair shops*  
*Internet, sales & service*  
*Investment, real estate and law offices*  
*Locksmiths, security systems*  
*Mail, shipping and photocopying*  
 Meat Market  
*Music, sales & service, including lessons*  
 Notions or Variety Store  
*Office supplies*  
*Pet shop, bird store*  
*Photography, photo processing and film exchange*  
*Printing, blueprinting, other reproduction processes*  
*Restaurants*  
 Shoe Repair Shop  
*Telecommunication, sales & service*  
*Temporary employment and placement agencies*  
*Title companies*  
 Other uses in character of neighborhood food and services

- D. (iv) Fast Food Service (FF):  
~~Typical Recommended Uses:~~  
 Free-standing fast food take-out type restaurant, with the uses being limited to that type of food service establishment catering to a take-out trade.
- E. (v) Office Professional and General Office: (OP):  
~~Typical Recommended Uses:~~

Accountants  
 Architects  
 Artists  
 Attorneys  
 Authors and Writers  
*Banks and financial institutions*  
*Collection agencies*  
*Computer company, excluding manufacturing*  
 Dentists  
 Designers  
 Engineers  
*Government offices*  
*Insurance agencies*  
 Investment Counselors  
 Landscape Architects  
 Management Consultants  
*Marketing firms*  
 Ministers  
*Nonprofit organizations, "storefronts"*  
 Physicians & Surgeons  
 Psychiatrists & Psychologists  
*Real estate or rental agencies*  
*Secretarial services*  
*Software Design*  
*Temporary employment and placement agencies*  
*Travel agencies*  
*Title companies*  
*Other professional and general office user*

~~F. (vi) Offices for General Use (OG):~~

~~Typical Recommended Uses:~~

~~Title Insurance  
 General Insurance  
 Secretarial Services  
 Collection Agency  
 Rental Agency~~

Page B-72 (Section 4.135 PDI- Planned Development Industrial – Zone)

**4.135 4.125 Zone - PDI- Planned Development Industrial - Zone.**

**(.01) Purpose. The purpose of the PDI zone is to provide on-going opportunities for varied industrial operations, along with a range of related and compatible uses; to provide the flexibility to accommodate the changing nature of industrial employment centers; and to facilitate the redevelopment of under-utilized industrial sites.**

**(.02) ~~(1)~~ The requirements of a PDI Zone shall be governed by Sections ~~4.130 to~~ 4.140, Planned Development Regulations, and as otherwise set forth in this Code.**

**NOTE: The following subsection has been moved from Section 4.133:**

**(.03) Examples of uses that are typically permitted:**

~~(3) —Planned Development Industrial:~~

- A. ~~(a)~~ Laboratories, storage buildings, warehouses, and cold storage plants.
- B. ~~(b)~~ Assembly of electrical equipment, including the manufacture of small parts.
- C. ~~(c)~~ The light manufacturing, simple compounding or processing, packaging, assembling and/or treatment of products, cosmetics, drugs, and food products, unless such use is inconsistent with air pollution, excess noise, or water pollution standards.
- D. ~~(d)~~ Experimental, film or testing laboratories.
- E. ~~(e)~~ Wholesale houses, storage, and warehouses.
- F. ~~(f)~~ Veterinary or animal hospital; provided that any structures or any portion of the premises used is located at least one hundred (100) ~~fifty (50)~~ feet from any residential use and further provided that no outdoor dog runs or kennels are to be provided.
- G. ~~(g)~~ Fertilizer, storage or distribution. Storage and sale of grain, livestock feed, provided dust and smell is effectively controlled.
- H. ~~(h)~~ Motor vehicle service facilities complimentary or incidental to permitted uses.
- I. ~~(i)~~ Where the total area ~~acereage~~ of a PDI application exceeds fifty (50) acres, there may be allowed any use allowed in a PDR Zone, provided such uses shall not exceed twenty percent (20%) of the total acreage and is compatible with the surrounding uses and properly buffered.
- J. ~~(j)~~ Any use allowed in a PDC Zone or any other light industrial uses provided that any such use is compatible with ~~and supportive of~~ industrial use and is planned and developed in a manner consistent with the purposes and objectives of Sections 4.130 to 4.140 and is subject to the following criteria:
  - 1. Service Commercial shall not exceed 20% of total acreage.
  - 2. Office Complex shall not exceed ~~60%~~ 20% of total acreage.
  - 3. Technology-Office Complex shall not exceed 60% of total acreage. As with other industrial developments, total floor area dedicated to retail use shall not exceed 30% of the total square footage of the ground floors of buildings within the development. On-site parking may be limited in order to control traffic generation.

4. ~~3.~~ Commercial Recreation shall not exceed 20% of total acreage.

5. ~~4.~~ Neighborhood Commercial shall not exceed 20% ~~5%~~ of total acreage.

6. ~~5.~~ Aggregate Combined commercial uses, exclusive of Office Complexes, shall not exceed 30% ~~20%~~ of total acreage. ~~Office-Complex uses, exclusive of other commercial uses, shall not exceed 60% of total acreage.~~

K. ~~(k)~~ Aggregate Combined commercial uses, exclusive of Technology-Office Complexes, and residential uses shall not exceed thirty ~~twenty~~ percent (30%) ~~(20%)~~ of total acreage.

L. ~~(l)~~ Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses.

M. ~~(m)~~ Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon completion or abandonment of the construction work.

Page B-116 (Section 4.138 Old Town Overlay Zone)

**(.14) Storage of Trash and Recyclables.** Storage areas for trash and recyclables shall meet the applicable City requirements of Sections 4.179 and 4.430 of the Wilsonville Code.

Page B-120 (Section 4.140 Planned Development Regulations)

**(.02) Lot Qualification.**

A. ~~(1)~~ Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section ~~s 4.130 to~~ 4.140.

B. ~~(2)~~ Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD." All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, *unless approved for other uses permitted by the Development Code.* Smaller sites may also be developed through the City's PD procedures, provided that the location and characteristics of the site warrant such development. ~~For those Planned Development Residential lots which are located in a residential zone, the site shall include not less than two (2) acres of contiguous land unless the Planning Commission Development Review Board or City Council find that the property of less than two (2) acres be suitable by virtue of its unique historical character, or other natural features, or by virtue of its qualifying as a special interest area.~~

**(.05) Planned Development Permit Process.**

**A. ~~(1)~~ All parcels of land exceeding two (2) acres in size that are to be used planned for residential, commercial or industrial development, except those whose size is two (2) acres or less, and that are located in an RAI or R Zone, shall, prior to the issuance of any building permit:**

1. ~~(a)~~ Be zoned for planned development;
2. ~~(b)~~ Obtain a planned development permit; and
3. ~~(c)~~ Obtain Design Development Review Board, or, on appeal, City Council approval.

**B. ~~(b)~~ The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035 4.008(4), shall be accompanied by the following information :**

1. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.
2. Topographic information as set forth in Section 4.035 4.008(4).
3. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.
4. A stage development schedule demonstrating that the developer intends receive Stage II approval within two (2) years of receiving Stage I approval, and to commence construction within two (2) one (1) years after the approval of the final development plan, and will proceed diligently to completion; *unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion.*
5. A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.
6. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.
7. Statement of anticipated waivers from any of the applicable site development standards.

**4.176 ~~4.166~~ Landscaping, Screening, and Buffering**

Note: the reader is encouraged to see Section 4.179, applying to screening and buffering of storage areas for solid waste and recyclables.

- (.01) Purpose. This Section consists of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. The City recognizes the ecological and economic value of landscaping and requires the use of landscaping and other screening or buffering to:**
- A. Promote the re-establishment of vegetation for aesthetic, health, erosion control, flood control and wildlife reasons;**
  - B. Restore natural plant communities and conserve irrigation water through establishment, or re-establishment, of native, drought-tolerant plants;**
  - C. Mitigate for loss of *native vegetation* ~~natural resource values~~;**
  - D. Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;**
  - E. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting sites or uses;**
  - F. Unify development and enhance and define public and private spaces;**
  - G. Promote the retention and use of existing vegetation;**
  - H. Aid in energy conservation by providing shade from the sun and shelter from the wind; and**
  - I. Screen from public view the storage of materials that would otherwise be considered unsightly.**

**4.178 ~~4.168~~ Sidewalk and Pathway Standards.**

(.01) ~~(1)~~ Sidewalks. ~~(a)~~ All sidewalks shall be concrete and a minimum of five (5) feet in width, except where the walk is adjacent to commercial store fronts. In such cases, they shall be increased to a minimum of ten (10) feet in width.

(.02) ~~(2)~~ Pathways

~~A. (a) All primary pathways shall be two-way Class I paths, unless topography, physical barriers or adjacent development patterns will not permit such separation. However, a Class II path may be constructed as an interim improvement, i. e.g., Wilsonville Road.~~

~~B. (b) Secondary pathways, designed within individual developments may be Class II. Class III paths shall only be permitted by specific approval of the Development Review Board Planning Commission.~~

*A. Bicycle facilities shall be provided using a bicycle lane as the preferred facility design. The other facility designs listed will only be used if the bike lane standard cannot be constructed due to physical or financial constraints. The alternative standards are listed in order of preference.*

*1. Bike lane. This design includes 12-foot minimum travel lanes for autos and paved shoulders, 5-6 feet wide for bikes, that are striped and marked as bicycle lanes. This shall be the basic standard applied to bike lanes on all arterial and collector streets in the City, with the exception of minor residential collectors with less than 1,500 (existing or anticipated) vehicle trips per day.*

*2. Shoulder bikeway. This design includes 12-foot minimum travel lanes for autos and paved shoulders, 5-6 feet wide for bikes, that are striped but not marked as a bicycle lane. This will only be used in "rural" situations when it is determined by the City Engineer that a marked bike lane is inappropriate or not feasible.*

*3. Shared roadway. This design features a 14-16 foot minimum travel lane width for autos and bikes. This standard will be applied to all arterial and collector streets only when sufficient pavement width is not available for a bike lane. On arterial and collector streets, bike route signage is recommended to alert motorists to the potential presence of bicyclists.*

(.03) ~~(3)~~ Pavement surface

~~A. (a) All bike paths shall be paved with asphalt to provide a smooth riding surface. Where pathways are adjacent to and accessible from improved public streets, the Public Works Director may require a concrete surface. At a minimum the current AASHTO "Guide for the Development of Bicycle Facilities" and the State "Oregon Bicycle Plan"~~

*shall be used to design all bicycle facilities within the City of Wilsonville. Any deviation from the AASHTO, ODOT, and City standards will require approval from the City Engineer prior to implementation of the design.*

B. ~~(b)~~ To increase safety, all street crossings shall be marked and should be designed with a change of pavement such as brick or exposed aggregate. All arterial crossings should be signalized.

C. ~~(c)~~ All pathways shall be clearly posted with standard bikeway signs.

D. ~~(d)~~ Pedestrian and equestrian trails may have a gravel or sawdust surface if not intended for all weather use.

(.04) ~~(4)~~ The minimum bike path pavement width shall be ~~eight- five to six (5-6)~~ feet except as follows:

A. ~~(a)~~ 10 feet through commercial districts or where designed for emergency or maintenance vehicle access.

B. ~~(b)~~ 15 feet where adjacent to commercial store fronts.

C. ~~(c)~~ 10 feet on slopes from 12% to 18%.

D. ~~(d)~~ 12 feet on slopes greater than 18%, and in locations where multiple use is anticipated.

E. ~~(e)~~ Directionally separated pathways may be permitted provided each lane is a minimum of four feet in width.

*A. Bike/pedestrian path. This facility is separate from the roadway with a minimum width of 10 feet for two-way bicycle traffic only, and 12 feet if multiple use is expected. A 2-foot clear distance on both sides of the path is also required.*

(.05) ~~(5)~~ All Class I paths and sidewalks shall be set back a minimum of five feet from the street curb except at intersections, bus stops and street crossings. In these cases, they shall be aligned adjacent to the curb and designed with wheelchair ramps. Pathways alignments shall be allowed to meander on easements outside of the public street right-of-way. *Bicycle and pedestrian paths shall be located to provide a reasonably direct connection between likely destinations. A reasonably direct connection is a route which minimizes out-of-direction travel considering terrain, physical barriers, and safety. The objective of this standard is to achieve the equivalent of a 1/4 mile grid of routes.*

*A. Bicycle and pedestrian paths shall be as short as possible and, where possible, straight enough to allow one end of the path so be seen from the other.*

***B. Bicycle and pedestrian paths shall be lighted either by street lights on adjacent streets or pedestrian scale lighting along the accessway. Lighting shall not shine into adjacent residences.***

**(.06) ~~(6)~~ Pathway Clearance**

**A. ~~(a)~~ Vertical clearance of at least 8 feet 6 inches shall be maintained above the surface of all pathways. The clearance above equestrian trails shall be a minimum of ten feet.**

**B. ~~(b)~~ All landscaping, signs and other potential obstructions shall be set back at least (1) foot from the edge of the pathway surface. No exposed rock should be permitted within two (2) feet of the path pavement and all exposed earth within two (2) feet of the pavement shall be planted with grass, sod or covered with 2" of barkdust.**

**(.07) ~~(7)~~ Construction standards**

**A. ~~(a)~~ When required, concrete paths shall be constructed in accordance with City sidewalk standards.**

**B. ~~(b)~~ Asphalt pathways shall be constructed with 4" of 0 to 3/4" rock under 3" of A.C. paving and designed to carry maintenance and service vehicles unless otherwise approved by the Public Works Director.**

**C. ~~(c)~~ All asphalt bike path subgrades shall be treated with a soil sterilant prior to placement of base rock.**

**D. ~~(d)~~ All expansion joints, paving joints, driveway intersections and railroad crossings shall be designed to maintain a smooth riding surface. Catch basin grates shall be designed to prevent trapping of bike wheels.**

**E. ~~(e)~~ In areas where gravel driveways cross the path, a five foot paved apron should be provided to minimize the transfer of gravel to the pathway surface.**

**F. ~~(f)~~ Grade changes on pathways shall provide for a minimum pedal clearance of six inches.**

Page C-91 (Section 4.184 Conditional Use Permits – Authorization)

**4.184 4.174 Conditional Use Regulations Permits - Authorization.**

**(.01) ~~(1)~~ Conditional Use of property may be granted by the ~~Planning Commission at~~ **Development Review Board after concluding a public hearing as provided in Section 4.013. 4.012. A land use that is "conditional" is one that is generally not compatible with surrounding uses unless mitigating conditions of approval are established. In acting on applications for Conditional Use Permits, the DRB may establish conditions of approval that are found to be necessary to implement the Comprehensive Plan or to assure compliance with the standards of this Code, based on information in the record.****

***A) Authorization to Grant or Deny Conditional Uses: A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In judging whether a conditional use permit shall be approved, or determining appropriate conditions of approval, the Development Review Board shall weigh the proposal's positive and negative features that would result from authorizing the particular development at a location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:***

- 1. 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.***
- 2. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.***
- 3. All required public facilities and services exist, or will be provided, to adequately meet the needs of the proposed development.***
- 4. 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.***