



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/24/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Wilsonville Plan Amendment
DLCD File Number 003-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, April 07, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Sandi Young, City of Wilsonville
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE STAMP

DEPT OF

MAR 18 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Wilsonville**

Local file number: **Ordinance No. 659**

Date of Adoption: **3/16/2009**

Date Mailed: **3/18/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/3/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend Planning & Land Development Ordinance (Wilsonville's Development Code) Section 4.163 General Regulations-Temporary Structures and Uses, to allow temporary structure and/or use permits to be issued for up to a 5-year period based on a showing of good cause.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **n/a**

to:

Zone Map Changed from: **n/a**

to:

Location: **n/a**

Acres Involved:

Specify Density: Previous: **n/a**

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD FILE No. 003-08(17092)[15445]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

See the attached list.

Local Contact: **Sandi Young**

Phone: **(503) 682-4960** Extension:

Address: **29799 SW Town Center Loop East**

Fax Number: **503-682-7025**

City: **Wilsonville**

Zip: **97070-**

E-mail Address: **young@ci.wilsonville.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

ORDINANCE NO. 659


RECORDER, CITY OF WILSONVILLE

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE PLANNING AND LAND DEVELOPMENT CODE, CHAPTER 4.163 – GENERAL REGULATIONS – TEMPORARY STRUCTURES AND USES TO ALLOW TEMPORARY STRUCTURE AND/OR USE PERMITS TO BE ISSUED FOR UP TO A FIVE YEAR PERIOD BASED ON A SHOWING OF GOOD CAUSE.

WHEREAS, the Planning And Land Development Code, Chapter 4.163 – General Regulations – Temporary Structures And Uses currently allows the approval of permits for temporary structures and uses for up to one year, and

WHEREAS, temporary structures and uses are often legitimately needed for more than one year, but not as permanent uses and structures, and

WHEREAS, under the current limitation of Chapter 4.163, entities with multi-year temporary uses and structures such as the West Lin/Wilsonville School District (classroom modules) and Villebois residential developers (sales offices) must return to the Development Review Board each year for a new temporary use permit, and

WHEREAS, the annual renewal of a temporary use permit is costly in time and money for both the applicants and the City, and

WHEREAS, the proposed amendment provides standards and criteria to be met for a multi-year permit, thus protecting against abuse of the allowance for temporary structures and uses.

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

1. The Wilsonville Planning and Land Development Code, Section 4.163. General Regulations - Temporary Structures and Uses is hereby amended as follows:
Section 4.163. General Regulations - Temporary Structures and Uses
(.01) The Development Review Board, after hearing as set forth in Section 4.012, may permit the temporary use of a structure or premises in any zone for a purpose or use that does not conform

to the regulations prescribed elsewhere in this Code for the zone in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A permit for such use may be granted in the form of a temporary and revocable permit, up to a ~~twelve (12) month~~ **five (5) year** period, subject to a **showing of good cause** and such conditions as will safeguard the public health, safety, convenience and general welfare. Such permits may be renewable upon reapplication to the Development Review Board, provided that the Board finds that the renewal is not likely to result in a ~~long-term or~~ permanent situation.

(.02) Applications for Temporary Use Permits shall provide:

- a) **A clear description of the proposed temporary structure/use and the reasons why a temporary structure/use is necessary at this location for the requested time period.**
- b) **A statement of the expected duration of the temporary use/structure, together with documentation supporting the proposed date for termination of the temporary use/structure**
- c) **A site plan showing the location of the proposed use/structure, access, associated parking, pedestrian connections to the greater site if appropriate, lighting, signage and landscaping.**
- d) **A plan for removal of the temporary use/structure and restoration of the site to pre-TUP conditions or development of the site for approved permanent structures/uses.**


(.03) Factors and considerations for “good cause” include, but are not limited to:

- a) **Availability of appropriately zoned land for the proposed use in the city.**
- b) **Availability of and need for the subject property for allowed uses.**
- c) **Market conditions, construction costs and other obstructions to the location of the use on appropriately zoned land.**
- d) **Due diligence of the applicant to site the use on appropriately zoned land,**
- e) **Circumstances of the applicant bearing on the need for the temporary use permit.**

(.04) The Planning Director of the City and the Director's staff shall be authorized to issue, without public hearing and upon application for Administrative Review pursuant to Section 4.035, a temporary permit for a use of less than two (2) weeks duration which does not involve the erection of a substantial structure. Examples of such uses are farmer's market sales, Fourth of July fireworks stands, Christmas tree sales and Boones Ferry Days. For the purposes of this provision, those structures and signs commonly associated with these special events are not "substantial structures."

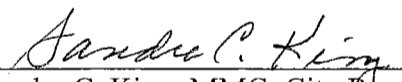
2. The staff report and record of the Planning Commission are incorporated herein by reference as findings and conclusions in support of this amendment.

SUBMITTED to the Wilsonville City Council and read for the first time at a special meeting thereof on the 18th day of February, 2009, and scheduled for second reading on the 16th of March, 2009, commencing at the hour of 7 p.m. at the Wilsonville City Hall.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 16th day of March 2009 by the following votes:

Yes: 2 No: 0 Abstain: 1


Sandra C. King, MMC, City Recorder

DATED and signed by the City Council President this 17th day March 2009.


ALAN KIRK, CITY COUNCIL PRESIDENT

SUMMARY OF VOTES:

Mayor Knapp -	Excused
Councilor Kirk	Abstain
Councilor Ripple	Excused
Councilor Núñez	Yes
Councilor Hurst	Yes

List of attachments:

Staff report dated January 26, 2009, written by Sandi Young, Planning Director

WILSONVILLE PLANNING DIVISION

LEGISLATIVE STAFF REPORT

Date: January 26, 2009

To: Mayor Knapp and City Councilors

From: Sandi Young, Planning Director

Request: Amendment To The Wilsonville Planning And Land Development Code,
Section 4.163
General Regulations – Temporary Structures And Uses

Applicant: City Of Wilsonville

Project Location: The proposed code amendment would be applicable in any zone in the
City.

Recommendation: Staff recommends that the City Council approve Ordinance No. 659, as
recommended by the Planning Commission

SUMMARY:

Section 4.163 of the Planning and Land Development Code authorizes temporary use permits (TUP) for temporary structures and uses for a period of one year with Development Review Board (DRB) approval. Over the years, it has become apparent that some temporary structures/uses are legitimately expected to remain beyond the one year permit period. Examples are temporary classroom modules for West Linn/Wilsonville School District and residential sales offices in Villebois. Since the permits expire annually, it is necessary for permit holders to return to the Development Review Board each year for a new temporary use permit, even though no change in circumstances has occurred.

Other uses, such as churches in industrial buildings, also require annual permits to continue operations. Staff investigated allowing churches in the Planned Development Industrial (PDI) Zone as an allowed use subject to conditions, but determined that the need to retain the opportunity for conversion of the non-industrial use back to industrial use created problems with city involvement in the private leasing arrangements between parties.

The annual temporary use permitting process is costly to both applicants and the city, especially when there is little or no reason to deny such applications. Temporary structure/use permits such as those above are usually scheduled on DRB Consent Agendas, and approved by the Board with little or no discussion.

Staff has been searching for a way to make this process more efficient, and is recommending that the Code be amended to allow the Development Review Boards to grant a temporary structure/use permit for a period of up to five years upon a showing of good cause. The proposed code amendment includes criteria for establishment of good cause.

The proposed amendment contains application requirements and criteria for review that address mitigation of impacts, provide for removal of the TUP and restoration or redevelopment of the TUP site.

Sections 4.030 and 4.156 of the City Code contain additional temporary use permits for lesser time frames that may be issued by staff. The authorizations conflict with that in Section 4.163. Therefore, these temporary permits are included in this amendment to make it clear that they are authorized.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a work session on October 8, 2008 and a properly noticed public hearing on November 12, 2008 and recommended that Council approve amendments to amend Section 4.163 of the Planning and Land Development Code to allow the Development Review Board to grant a temporary structure/use permit for a period of up to five years upon a showing of good cause.

LP08-0005

Development Code Amendment:

Section 4.163.

*General Regulations – Temporary
Structures and Uses*

Planning Commission Record

LP08-0005
Development Code Amendment:
Section 4.163 – General Regulations – Temporary Structures and Uses

Planning Commission Record Index

November 12, 2008 Planning Commission actions.

- Notice of Decision
- Resolution No. LP08-0005
- Motion
- Minutes

Distributed with the November 12, 2008 Staff Report:

- Exhibit A: Draft Resolution No. LP08-0005
Exhibit B: Temporary Use Permits 2005 through 2008

LPo8-0005
Development Code Amendment:
Section 4.163 – General Regulations – Temporary Structures and Uses

Planning Commission Record Index

November 12, 2008 Planning Commission actions.

- Notice of Decision
- Resolution No. LPo8-0005
- Motion
- Minutes



Planning Division
29799 SW Town Center Loop E
Wilsonville, OR 97070
503-682-4960
503-682-7025 fax

**AMENDED
NOTICE OF DECISION**

PLANNING COMMISSION

RECOMMENDATION TO CITY COUNCIL

FILE NO.: LP08-0005

APPLICANT: City of Wilsonville

REQUEST: Adoption of an amendment to the Wilsonville Planning and Land Development Ordinance (Wilsonville's Development Code) Section 4.163. General Regulations – Temporary Structures and Uses.

After conducting public hearings on November 12, 2008 the Planning Commission voted to recommend this action to the City Council by passing Resolution No. LP08-0005.

The City Council is scheduled to conduct a Public Hearing on this matter on Monday, February 2, 2009 at 7:00 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East.

For further information, please contact the Wilsonville Planning Division, 29799 SW Town Center Loop East, or telephone (503) 682-1011.

PLANNING COMMISSION
RESOLUTION NO. LP08-0005

A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING
THAT THE CITY COUNCIL ADOPT AMENDMENTS TO THE WILSONVILLE
PLANNING AND LAND DEVELOPMENT ORDINANCE (WILSONVILLE'S
DEVELOPMENT CODE), SECTION 4.163 - GENERAL REGULATIONS -
TEMPORARY STRUCTURES AND USES

WHEREAS, the Wilsonville Planning Director submitted proposed Development Code amendments to the Planning Commission, along with a Staff Report, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.010, 4.011 and 4.012 of the Wilsonville Code (WC); and

WHEREAS, the Planning Commission, after providing the required notice, held a Public Hearing on November 10, 2008, to review the proposed and to gather additional testimony and evidence regarding the Development Code Amendments; and

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

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties; and

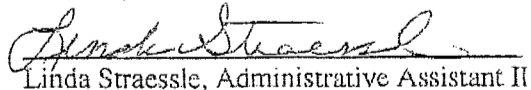
NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt all Planning Staff Reports along with the findings and recommendations contained therein and, further, recommends that the Wilsonville City Council approve and adopt the Development Code amendments, as reviewed by the Planning Commission; and

BE IT RESOLVED that this Resolution shall be effective upon adoption.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 12th day of November 2008, and filed with the Planning Administrative Assistant on November 13, 2008.


Wilsonville Planning Commission

Attest:


Linda Straessle, Administrative Assistant II

SUMMARY of Votes:

Chair Hurst:	<u>Aye</u>
Commissioner Meyer:	<u>Aye</u>
Commissioner Kohls:	<u>Aye</u>
Commissioner McGuire:	<u>Aye</u>
Commissioner Montclair:	<u>Aye</u>
Commissioner Peck:	<u>Absent</u>
Commissioner Phelps:	<u>Aye</u>

PLANNING COMMISSION
WEDNESDAY, NOVEMBER 12, 2008
6:00 P.M.

Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon

MOTION

II. PUBLIC HEARING

A. LP08-0005 – Amend Development Code Section 4.163 General Regulations – Temporary Structures and Uses.

A proposal to amend the Planning and Land Development Code, Chapter 4.163 – *General Regulations – Temporary Structures and Uses* to allow temporary structure and/or use permits to be issued for up to a five year period based on a showing of good cause.

Commissioner Phelps moved to adopt Resolution No. LP08-0005. Commissioner McGuire seconded the motion, which passed unanimously.



Planning Division
29799 SW Town Center Loop E
Wilsonville, OR 97170
503-652-4960
503-652-7025 fax

PLANNING COMMISSION

WEDNESDAY, NOVEMBER 12, 2008
6:00 P.M.

Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon

Approved
December 10, 2008

Minutes Excerpt

I. CALL TO ORDER - ROLL CALL

Chair Hurst called the meeting to order at 6:02 p.m. Those present:

Planning Commission: Steve Hurst, Robert Meyer, Ray Phelps, Carol Montclair, Dustin Kohls, and City Councilor Tim Knapp. Marta McGuire arrived after roll call. Yvonne Peck was absent.

City Staff: Sandi Young, Paul Lee and Chris Neamtzu

A. LP08-0005 – Amend Development Code Section 4.163 General Regulations – Temporary Structures and Uses.

A proposal to amend the Planning and Land Development Code. Chapter 4.163 – *General Regulations – Temporary Structures and Uses* to allow temporary structure and/or use permits to be issued for up to a five-year period based on a showing of good cause.

Chair Hurst read the Legislative Hearing Procedure for the record and called for the Staff report.

Sandi Young, Planning Director, announced that the criteria applicable to the application were stated on page 1 of the Staff Report, which was entered into the record. Copies of the report were made available at the side of the room.

Ms. Young reviewed the staff report, explaining that the amendment modified the temporary use section of the Development Code, which currently allows temporary use permits for a one-year period to allow the Development Review Board (DRB) to grant temporary uses for a period up to five years, based on a show of good cause. The DRB could still deny temporary use permits if applicants did not meet the criteria.

- The amendment does not include weekend temporary uses, which are done as administrative reviews, but addresses temporary uses such as the modular buildings used by the school district, the temporary sales offices used by real estate developers, or the occasional church with a temporary use in an industrial area.

Commissioner Phelps asked how Staff had arrived at the five-year timeframe.

- * Ms. Young explained that five years seemed reasonable for the temporary use requests the City received given the tenure of the sales offices and school modular units.
- * She confirmed the timeframe approved by the DRB could be any time interval between zero and five years and that those who were granted five-year temporary use permits would have to reapply for a new temporary permit and return before the DRB, making the process more time and cost efficient for both the City and applicants while still maintaining some controls.

Commissioner Montclair confirmed that applicants must have an exit plan for when the five-year period expired, especially in light of the real estate market since temporary structures could decline over time.

- She agreed with Staff's language change in Section 4.163(.01) on page 2 of 17 that retained "up to a five-year period, subject to a showing of good cause." She verified that bracketed language in the draft presented to the Commission would be deleted in the final resolution.

Commissioner Kohls appreciated that the City was streamlining the process, but noting the language, "such conditions as would safeguard the public health safety convenience and general welfare", he suggested including some type of amendment to that language that incorporated Wilsonville's commitment to sustainability and ecosystem management.

- Instead of an environmental assessment, he supported some type of recommendation written directly in the Development Code so the DRB would specifically consider long-term projects because waste management, pollution, noise pollution, traffic flows, etc. were easy to overlook and five years was a long time.
 - * Ms. Young assured that such language was currently spread throughout the Development Code and applied to temporary structures and that those elements were considered in the initial permitting process and during onsite design review.
 - * Paul Lee, Assistant Attorney, agreed it was a good question as no reference to environmental considerations was included in the proposed amendment. Traditionally, however, the City has imposed environmental mitigations/conditions relating to pollution and the environment under the label of public health and safety. In fact, Measure 37 defined public health and safety to specifically include environmental laws, so given the traditional interpretation the concern was likely already embedded into an interpretation of the proposed language.

Commissioner Phelps commented that being in the solid waste industry, he was intimately familiar with what was meant by public health, safety, convenience, and general welfare. He assured the Commission that 'environmental' was included, and noted that the City was very aggressive in such matters.

Chair Hurst called for public testimony in favor of, opposed or neutral to the application. Seeing none, he closed the public hearing at 6:20 p.m.

Commissioner Phelps moved to adopt Resolution No. LP08-0005. Commissioner McGuire seconded the motion, which passed unanimously.

LPo8-0005
Development Code Amendment:
Section 4.163 – General Regulations – Temporary Structures and Uses

Planning Commission Record Index

Distributed with the November 12, 2008 Staff Report:

Exhibit A: Draft Resolution No. LPo8-0005

Exhibit B: Temporary Use Permits 2005 through 2008

WILSONVILLE PLANNING DIVISION
LEGISLATIVE STAFF REPORT

HEARING DATE: November 12, 2008

DATE OF REPORT: November 5, 2008

APPLICATION NO: LP08-0005

REQUEST: Amendment to the Wilsonville Planning and Land Development Ordinance, Section 4.163 – General Regulations – Temporary Structures and Uses

APPLICANT: City of Wilsonville

STAFF REVIEWER: Sandi Young, Planning Director

APPLICABLE REVIEW CRITERIA:

Wilsonville Comprehensive Plan.

Section A. Citizen Involvement

Industrial Land Uses, Implementation Measure 4.1.3j

Planning and Land Development Ordinance (Wilsonville's Development Code):

Section 4.197 – Zoning Changes and Amendments to this Code - Procedures

Sections 4.008 through 4.024 – Application Procedures, In General

LOCATION: The proposed amendment would be applicable in any zone in the City.

SUMMARY:

Section 4.163 of the Planning and Land Development Code (Wilsonville's Development Code) authorizes temporary use permits (TUP) for temporary structures and uses for a period of one year with Development Review Board (DRB) approval. Over the years, it has become apparent that some temporary structures/uses are legitimately expected to remain beyond the one year permit period. Examples are temporary classroom modules for West Linn/Wilsonville School District and residential sales offices in Villebois. Since the permits expire annually, it is necessary for permit holders to return to the Development Review Board each year for a new temporary use permit, even though no change in circumstances has occurred.

Other uses, such as churches in industrial buildings, also require annual permits to continue operations. Staff investigated allowing churches in the Planned Development Industrial (PDI) Zone as an allowed use subject to conditions, but determined that the need to retain the opportunity for conversion of the non-industrial use back to industrial use created problems with City involvement in the private leasing arrangements between parties.

The annual temporary use permitting process is costly to both applicants and the City, especially when there is little or no reason to deny such applications. Temporary structure/use permits such as those above are usually scheduled on DRB Consent Agendas, and approved by the Board with little or no discussion.

Staff has been searching for a way to make this process more efficient, and is recommending that the Code be amended to allow the Development Review Boards to grant a temporary structure/use permit for a period of up to five years upon a showing of good cause. The proposed Code amendment includes criteria for establishment of good cause.

The proposed amendment contains application requirements and criteria for review that address mitigation of impacts, provide for removal of the TUP and restoration or redevelopment of the TUP site.

Development Code Sections 4.030 and 4.156 contain additional temporary use permits for lesser time frames that may be issued by staff. The authorizations conflict with that in Section 4.163. Therefore, these temporary permits are included in this amendment to make it clear that they are authorized.

STAFF RECOMMENDATION:

Approve the request to amend Section 4.163 of the Planning and Land Development Code to allow the Development Review Board to grant a temporary structure/use permit for a period of up to five years upon a showing of good cause, as detailed below. *The Planning Commission action is in the form of a recommendation to the City Council.*

PROPOSED CODE AMENDMENT:

Section 4.163. General Regulations - Temporary Structures and Uses.

- (.01) The Development Review Board, after hearing as set forth in Section 4.012, may permit the temporary use of a structure or premises in any zone for a purpose or use that does not conform to the regulations prescribed elsewhere in this Code for the zone in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A permit for such use may be granted in the form of a temporary and revocable permit, for ~~not more than a twelve (12) month~~ up to a five (5) year period, [*alternate language suggested: an appropriate and limited period up to a maximum of five years*] subject to a **showing of good cause** and such conditions as will safeguard the public health, safety, convenience and general welfare. Such permits may be renewable upon reapplication to the Development Review Board, provided that the Board finds that the renewal is not likely to result in a ~~long-term~~ or permanent situation.
- (.02) Applications for Temporary Use Permits shall provide:
- A. A clear description of the proposed temporary structure/use and the reasons why a temporary structure/use is necessary at this location for the requested time period.

- B. A statement of the expected duration of the temporary use/structure, together with documentation supporting the proposed date for termination of the temporary use/structure
- C. A site plan showing the location of the proposed use/structure, access, associated parking, pedestrian connections to the greater site if appropriate, lighting, signage and landscaping.
- D. A plan for removal of the temporary use/structure and restoration of the site to pre-TUP conditions or development of the site for approved permanent structures/uses.

(.03) Factors and considerations for "good cause" include, but are not limited to:

- A. Availability of appropriately zoned land for the proposed use in the city.
- B. Availability of and need for the subject property for allowed uses.
- C. Market conditions, construction costs and other obstructions to the location of the use on appropriately zoned land.
- D. Due diligence of the applicant to site the use on appropriately zoned land,
- E. Circumstances of the applicant bearing on the need for the temporary use permit.

(.04)~~(.02)~~ The Planning Director of the City and the Director's staff shall be authorized to issue, without public hearing and upon application for Administrative Review pursuant to Section 4.035, a temporary permit for a use of less than two (2) weeks duration which does not involve the erection of a substantial structure. Examples of such uses are farmer's market sales, Fourth of July fireworks stands, Christmas tree sales and Boones Ferry Days. For the purposes of this provision, those structures and signs commonly associated with these special events are not "substantial structures."

FINDINGS AND CONCLUSIONS:

Statewide Land Use Goals: Under Oregon law, implementing ordinances and amendments to those ordinances must be consistent with the acknowledged Comprehensive Plan of the jurisdiction. Since an acknowledged Plan has been determined to comply with applicable statewide land use planning goals, if a proposed ordinance or amendment is shown to be consistent with the Plan, the statewide goals do not apply and do not need to be addressed on the findings and conclusions supporting an ordinance or amendment to implementing measures.

Wilsonville Comprehensive Plan.

Section A. Citizen Involvement is applicable.

Goal 1.1 requires the city to encourage and provide means for interested parties to be involved in land use planning processes, on individual cases, and city-wide programs and policies.

Policy 1.1.1 states that the city shall provide opportunities for a wide range of public involvement in city planning programs and processes.

Implementation Measure 1.1.1a directs the city to provide for early public involvement to address neighborhood or community concerns regarding Development Code changes.

Implementation Measure 1.1.1e encourages the participation of residents of Wilsonville, employers and employees in Wilsonville, property owners and residents and owners within the UGB areas outside city boundaries.

Implementation Measure 1.1.1f directs the city to establish and maintain procedures that will allow any interested parties to supply information.

Response: The proposed amendment is a minor amendment affecting only the possible length of time for which a temporary use permit (TUP) may be granted. Since it is a minor amendment, an extensive public involvement process was not considered to be necessary. The City has established procedures for conducting public hearings found in the City's Development Code, Sections 4.008 – 4.033. Notice of the Planning Commission public hearing has been sent to all parties currently holding DRB granted temporary use permits, to the Wilsonville Chamber of Commerce, and surrounding jurisdictions. The Public Hearing Notice is posted in the Wilsonville City Hall, the Community Center, Post Office and the Wilsonville Library. The proposed amendment and staff report are available on the City's web site, and at City Hall and the Wilsonville Library. Findings and conclusions have been prepared. A Planning Commission worksession on this item was held on October 8, 2008 prior to the public hearing.

This amendment is proposed in response to comments and requests from current and past TUP holders, DRB members and city councilors.

Other than procedural requirements, the City's acknowledged Comprehensive Plan is for the most part, silent on temporary uses.

The only directly applicable measure is Implementation Measure 4.1.3j, which states:
"Non-industrial uses may be allowed in a Planned Development Industrial Zone, provided that those non-industrial uses do not limit the industrial potential of the area."

Response: City Code currently permits TUPs in all land use zones, subject to the requirements of WC 4.163. The proposed amendment will continue to permit TUPs in all zones, but will allow the DRB to grant a TUP for a period of up to five years for a showing of good cause as defined in the proposed ordinance. WC 4.163 clearly states that a TUP permit is granted in the form of a temporary and revocable permit, providing a mechanism for conversion of a TUP back to the underlying industrial zone.

Planning and Land Development Ordinance:

Section 4.197. Zone Changes and Amendments To This Code – Procedures.

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

- A. *The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within forty (40) days after concluding the hearing, provide a report and recommendation to the City Council regarding the proposed amendment. The findings and recommendations of the Commission shall be adopted by resolution and shall be signed by the Chair of the Commission.*

Response: This amendment is City initiated. A public hearing is noticed for November 12, 2008. The findings and recommendations of the Commission will be adopted by Resolution No. LP08-0005, attached as Exhibit A, which will be signed by the Chair of the Commission. The Council public hearing and first reading is tentatively scheduled for December 1, 2008.

Section 4.197(.01). Zone Changes and Amendments To This Code – Procedures.

- B. *In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:*
1. *That the application was submitted in compliance with the procedures set forth in Section 4.008;*

Section 4.008. Application Procedures - In General.

(.01) *The general application procedures listed in Sections 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:*

- F. *Changes to the text of Chapter 4, pursuant to Section 4.197;*

Response: This proposal is an amendment to the text of Chapter 4, so must comply with Section 4.008 – 4.024.

Section 4.009. Who May Initiate Applications.

- (.01) *Except for a Specific Area Plan (SAP), 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. Changes to the Comprehensive Plan or zoning may also be initiated by the City Council, Planning Commission, or Development Review Board, acting by motion. Applications involving a Specific Area Plan shall be initiated as provided in Section 4.125(.18)(C) and (D).*

Response: The proposed amendment is a legislative amendment to Chapter 4 of the city code, not a site specific change to zoning. Therefore, Section (.01) is not applicable.

- (.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.*

Response: This amendment is proposed by the City in response to requests from temporary use permit holders and interested parties who are property and/or business owners, to make the temporary use permit process more time and cost effective for applicants, current permit holders and city staff.

- (.03) *A decision by the City Council, Planning Commission, or Development Review Board to initiate an action under this Section does not predetermine that the same body will approve or adopt the proposed change after concluding public hearings.*

Response: The proposed amendment was not initiated by a hearing body or the City Council.

- (.04) *In the event that the City of Wilsonville is the applicant, the City Manager may authorize any City employee or consultant to act as the City's agent.*

Response: Planning staff is acting as the agent for the City on this application.

Section 4.010. How To Apply.

- (.01) *Contact Planning Department. Prospective applicants are advised to contact the Planning Department of the City's Community Development Department for application forms and information on application procedures.*

Response: This section is not applicable. The City is the applicant.

(.02) Pre-Application Conference

- A. An applicant or the applicant's authorized representative shall contact the Planning Department to arrange a pre-application conference, unless the applicant and the Planning Director agree the conference is not needed.*
- B. The conference shall be held within thirty (30) days of the request.*
- C. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Code, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development standards, arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.*
- D. Such conferences will be open to the public unless the prospective applicant requests a private conference. Private pre-application conferences are conducted in order to protect the interests of those who have not yet completed property acquisition arrangements, or who are concerned about providing proprietary information that may give an advantage to competing developers or businesses. However, once an application has been filed with the City, all information that is part of the public record will be available for public review.*
- E. The Planning Department if requested in writing by the applicant at least one week in advance of the pre-application conference, shall provide the applicant with a written summary of the conference within five (5) working days after the conference. If prepared, written summaries of pre-application conferences shall be available for public review. Summaries shall include:
 - 1. Confirmation of the procedures to be used to process the application;*
 - 2. A list of materials to be submitted; and*
 - 3. The criteria and standards which may apply to the approval of the application.**

Response (.02, A-E): Since the city is the applicant, an in-house version of a pre-application conference was held to gather input from all concerned departments.

Section 4.011. How Applications are Processed.

- (.01) Applications submitted without the required filing fee shall not be considered to be "filed" and shall be returned to the prospective applicant without being processed.*

Response: The City is exempted from payment of application fees, since it is a City application prepared at City expense, for which City funds are expended throughout the hearing and amendment process.

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

A. In the event that an application is found to be incomplete in any way, the Planning Director shall notify the applicant in writing within thirty (30) days of the original filing and shall list the deficiencies in the application.

Response: The application contains the draft of the proposed amendment and the mailing lists for notice of public hearing. The staff report to the Planning Commission will include the Findings and Conclusions in support of this application.

B. City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.

Response: This is not a site specific application. Therefore, there are no outstanding liens.

C. Failure of an applicant to remedy any deficiencies in an application prior to the preparation of the staff report on the matter shall constitute adequate grounds for denial of the application by the appropriate decision-making body. Failure of an applicant to provide the deficient information may be considered to be a "refusal" as the term is used in ORS 197, and the application shall be processed accordingly.

Response: References to additional applicable review criteria have been added to the staff report, to correct deficiencies in that section of the notice of public hearing.

D. Upon concluding that an application is complete, or that it will be processed in spite of the applicant's failure or refusal to correct any deficiencies in the application, the Planning Director shall provide copies of the application materials to other affected agencies and City departments, requesting their input and recommendations for the record.

Response: Copies of the application materials have been provided to the City's Legal Department, and the Current Planning and Building Divisions for their comments.

1. Such other agencies and departments shall be given a specified amount of time to respond, sufficient to allow the planning staff an opportunity to complete the preparation of a written staff report for the review of the public and decision-makers. For public hearing items, staff reports are printed and available for review seven (7) days prior to the time when a public hearing is conducted.

Response: The city's legal staff has reviewed and revised the original application. The staff report will be available at least 7 days prior to the public hearing.

2. *Each written staff report includes a list of the agencies and departments contacted in the review process and their written comments, if any.*

Response: Comments from legal staff are incorporated into the proposed amended language. No comments were received from Building. Current Planning staff supports this amendment.

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

Response: At the time of publication of this report, no mailed, faxed or electronic testimony had been received by the Planning Division.

Section 4.012. Public Hearing Notices.

- (.01) *Published Notice. The Planning Director shall have published in a newspaper of general circulation in the City of Wilsonville, prior to the date of the Planning Commission or Development Review Board meeting, a notice that the Commission or the Board will consider proposals, documents, or pending applications.*
 - A. *If the matter will require a public hearing, the notice shall be published at least ten (10) and not more than twenty-one (21) days before the first hearing.*
 - B. *The publication shall contain a brief description of the subject property, including either the street address or other common description of the site, and including the approximate geographic location such as a reference to nearby cross streets, the time and place that the City's decision-making body will consider the submitted documents, and the nature of the proposal, as well as other matters required by law. Failure to advertise as specified in this Section shall not invalidate any decisions or proceedings of the City if a good faith attempt was made to comply*
with the notice requirements of this Code.

Response: Notice of Planning Commission public hearing was transmitted to the Department of Land Conservation and Development on August 21, 2008. Notice was published in the *Wilsonville Spokesman* on October 29, 2008, a date at least 10 days, but not more than 21 days from the noticed public hearing date.

- (.02) *Mailed Notice for Ouasi-Judicial Hearings.*
 - A. *For development projects involving Class II Administrative Reviews, or quasi-judicial public hearings, the Planning Director shall have public hearing notices*

mailed to the owners of real property located within 250 feet of the site of the proposed development. The Planning Director shall use the property ownership lists of the County Assessor in determining the recipients of the notices.

- B. Notices shall be mailed not less than twenty (20) days nor more than forty (40) days prior to the initial public hearing date. Except, however, in cases where the development proposal will require public hearings before both the City Council and Development Review Board, in which case the notices shall be mailed at least ten (10) days before the initial public hearing.*
- C. In any case where State law requires different timing or form of notice than that specified in this Code, the standard requiring a broader coverage or duration of notice shall be followed.*
- D. The City will make a good faith effort to contact property owners whose names do not appear on County ownership records and to contact others who have asked to be contacted for different types of applications.*

Response: This is not a quasi-judicial application, therefore, Section 4.012(.02)(A – D) is not applicable.

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

Response: Notices were mailed to all property owners holding current annual temporary use permits, to surrounding cities and counties, and to the Wilsonville Chamber of Commerce. It was also included in the October Boones Ferry Messenger which is mailed to all households and businesses in Wilsonville.

- (.04) Posted Notice.*

- A. The Planning Director shall have notice of development proposals, subject to Class II administrative or hearing body review, posted in at least three (3) standard locations for public notice. In addition, the property proposed for development may be posted so as to be visible and legible from adjacent public streets.*

Response: Notice was posted at City Hall, the City Library, the Wilsonville Post Office and at the Chamber of Commerce. This is a legislative amendment; therefore, no property was posted.

- B. Notice shall be posted not less than twenty-one (21) nor more than forty (40) days prior to the anticipated date of final decision or hearing, except in the case where the notice concerns public hearings before both the City Council and either the Planning Commission or Development Review Board. In such cases, the notice*

shall be posted at least ten (10), and not more than forty (40), days before the initial hearing.

Response: Notice was posted on October 23, 2008, at least 10 days, but not more than 40 days, prior to the initial hearing date of November 12, 2008.

Section 4.013. Hearing Procedures.

- (.01) *Public Hearings shall be conducted in accordance with procedures for evidentiary hearings set forth in Section 2.560 of the Wilsonville Code, or as otherwise amended by City Council action.*
- (.02) *Decision. Following the public hearing, the hearing body shall approve, conditionally approve, or deny the application or if the hearing is in the nature of an appeal, affirm, reverse or remand the decision that is on appeal.*
- (.03) *A final decision involving a hearing on an application for a Development Permit shall be made within one hundred and twenty (120) days of the application being deemed complete; other than expedited land divisions which require a final decision within sixty-three (63) days of a complete filing. Except, however, that with agreement of the hearing body and the applicant or appellant, the processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body.*

Response: The minutes of the Planning Commission public hearing will record the hearing procedures that were followed.

Section 4.014. Burden of Proof.

The burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case. In the case of an appeal, the burden of proof rests with the appellant.

Response: The City, as applicant, has submitted findings of fact in support of the application.

Section 4.015. Findings and Conditions.

- (.01) *All decisions on applications filed pursuant to this Chapter shall include written findings of fact and may include conditions of approval. Findings of fact shall include:*
 - A. *A statement of the applicable criteria against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards.*
 - B. *A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criterion and assurance of compliance with applicable standards.*

C. *The reasons for a conclusion to approve or deny.*

D. *The decision to deny or approve the proposed change with or without conditions.*

Response: Draft Findings and Conclusions and Statement of Applicable Criteria are included in this staff report for review, amendment and approval by the Planning Commission and City Council.

(.02) *Any graphic or written information, as well as any verbal commitments made by an applicant or applicant's agent during a public hearing, shall automatically be included as requirements of any approval granted by the City, unless specifically altered or waived by the City's decision-making body.*

Response: The resolution and the draft amendment are included as exhibits to this staff report.

(.03) *Those testifying in a public hearing process, either for or against a given application, are encouraged to submit draft findings of fact for the consideration of the decision makers. The decision-makers may choose to adopt as findings of fact any part, or none, of any testimony that is submitted.*

Response: This is a legislative hearing, therefore, this is not applicable.

Section 4.018. Participation by Interested Officers or Employees.

No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.

Response: City staff members involved in the application and hearing have no financial or other private interest in this proposal. Generally, Temporary Use Permits (TUPs) subject to the proposed amendment have been issued to the School District for temporary instructional units, and to developers for temporary sales offices. Some churches have received TUPs. Planning staff are not members of those churches.

Section 4.019. Hearing Body - Conflicts of Interest.

(.01) *A member of the hearing body shall disclose any actual or potential conflict of interest before participating in any hearing body proceeding or action on a planning matter involving action on any particular parcel of real estate. No member shall participate as a member of the hearing body if that member has an actual conflict of interest. A member of the hearing body may participate as a member of the public at large in cases where that member has an actual conflict of interest.*

- (.02) *An actual conflict of interest arises when any of the following persons have direct or substantial financial interest in the particular parcel of real estate or in property immediately adjacent to that real estate:*
- A. *the member or the member's spouse,*
 - B. *a brother, sister, child, parent, father-in-law or mother-in-law of the member,*
 - C. *any business associate of the member within the previous two years, a prospective partner, an employer or prospective employer.*
- (.03) *If a member of the hearing body shows evidence of or declares a potential conflict of interest, members of the public or other members of the hearing body may challenge the member's participation in hearing body proceedings on the particular issue involved. Following such a challenge the member of the hearing body may either withdraw from participation or explain the invalidity of the challenge. In cases of potential conflict, the hearing body member, her/himself, will decide on her/his final participation.*
- (.04) *A potential conflict of interest arises when the member has an indirect financial interest in the particular parcel of real estate or in property immediately adjacent to that real estate or exhibits bias toward the real estate, its owners, or its tenants.*

Response: Prior to the public hearing, Commissioners are requested to declare any conflict of interest according to the above procedures.

Section 4.020. Ex Parte Contacts.

Response: This is a legislative hearing, therefore, the ex parte restrictions do not apply.

Section 4.022. Appeal and Call-up Procedures.

Response: The action by the Planning Commission is a recommendation to the City Council, who will hold the final hearing and adopt, amend, remand or reject the proposed recommendation. The Council final decision may be appealed to LUBA.

Section 4.197. Zone Changes and Amendments To This Code – Procedures

- (.01) *The following procedure shall be followed in applying for an amendment to the text of this Chapter.*
- B. *In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:*
 - 2. *The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan.*

Response: The proposed amendment complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan, as documented in the Findings and conclusions on pages 4 and 5 of this staff report.

3 The amendment does not conflict with, nor endanger, other provisions of the text of the Code.

Response: The proposed amendment does not add or delete any lands uses, nor does it redefine "temporary uses". It merely allows a longer time period for temporary uses upon a showing of good cause, but continues to do so as a revocable permit. There are no other provisions in the Code providing criteria for length of the permitting period for temporary uses. Therefore, there are no conflicts with provisions of the text of the Code.

4. If applicable, the amendment is necessary to insure that the City's Land Use and Development ordinance complies with mandated requirements or State or Federal laws and/or statutes.

Response: The proposed amendment is not necessary to comply with mandates of state or federal laws or statutes. It is a locally initiated "fix" to existing code to provide for a more cost and time effective mechanism for applicants and staff in implementing the Code.

Section 4.197(.02) (.03)(.05) are applicable to zoning map amendments. This is a zoning text amendment.

Section 4.197(.04) is a procedural requirement related to final Council action.

EXHIBITS:

Exhibit A: Resolution No. LP08-0005

Exhibit B: Temporary Use Permits 2005 through 2008

DRAFT

Exhibit A

PLANNING COMMISSION
RESOLUTION NO. LP08-0005

A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO THE WILSONVILLE PLANNING AND LAND DEVELOPMENT ORDINANCE (WILSONVILLE'S DEVELOPMENT CODE), SECTION 4.163 – GENERAL REGULATIONS – TEMPORARY STRUCTURES AND USES

WHEREAS, the Wilsonville Planning Director submitted proposed Development Code amendments to the Planning Commission, along with a Staff Report, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.010, 4.011 and 4.012 of the Wilsonville Code (WC); and

WHEREAS, the Planning Commission, after providing the required notice, held a Public Hearing on November 10, 2008, to review the proposed and to gather additional testimony and evidence regarding the Development Code Amendments; and

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

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties; and

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt all Planning Staff Reports along with the findings and recommendations contained therein and, further, recommends that the Wilsonville City Council approve and adopt the Development Code amendments, as reviewed by the Planning Commission; and

BE IT RESOLVED that this Resolution shall be effective upon adoption.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 10th day of November 2008, and filed with the Planning Administrative Assistant on November 11, 2008.

Wilsonville Planning Commission

Attest:

Linda Straessle, Administrative Assistant II

SUMMARY of Votes:

Chair Hurst: _____
Commissioner Meyer: _____
Commissioner Kohls: _____
Commissioner McGuire: _____
Commissioner Montclair: _____
Commissioner Peck: _____
Commissioner Phelps: _____

Exhibit B

Temporary Use Permits
2005 through 2008

Permit number	Permit type code	Permit description	Permit Address	Customer Last Name
DB05-0002	Class 3 Temporary Use Permit- DRB Review	GRACE CHAPEL 1-year TUP for church within PDI zone.	30170 SW OREPAC WAY	GRACE CHAPEL
DB05-0018	Class 3 Temporary Use Permit- DRB Review	TEMPORARY USE PERMIT SAP EAST Model Home Complex		ALPHA COMMUNITY DEVELOPMENT
DB05-0028	Class 3 Temporary Use Permit- DRB Review	RENAISSANCE AT CANYON CREEK Temporary Use for Sales Office & Off-site Advertising Sign	28705 SW CANYON CREEK RD	URBAN SOLUTIONS
DB05-0085	Class 3 Temporary Use Permit- DRB Review	GRACE CHAPEL Renew TUP for church use in industrial zone	30170 SW OREPAC WAY	INLAND EMPIRE INVESTMENTS
DB06-0025	Class 3 Temporary Use Permit- DRB Review	TEMPORARY USE PERMIT SAP EAST Model Home Complex		ALPHA COMMUNITY DEVELOPMENT
DB06-0026	Class 3 Temporary Use Permit- DRB Review	GRACE CHAPEL CHURCH ON RFD Site	9600 SW BOECKMAN RD	INLAND PACIFIC PROPERTIES
DB07-0032	Class 3 Temporary Use Permit- DRB Review	GRACE CHAPEL CHURCH ON RFD Site Temporary Use Permit	9600 SW BOECKMAN RD	GRACE CHAPEL
DB07-0033	Class 3 Temporary Use Permit- DRB Review	TEMPORARY USE PERMIT SAP EAST PDP 1 Mainix Development - Model Home Complex EXPIRES JUNE 25, 2008		MATRIX DEVELOPMENT
DB07-0037	Class 3 Temporary Use Permit- DRB Review	BOONES FERRY PRIMARY SCHOOL TUP for two portable classrooms TUP Expires on July 9, 2008.	11495 SW WILSONVILLE RD	WEST LINN-WILS SCH DIST #3J
DB08-0013	Class 3 Temporary Use Permit- DRB Review	Beckman Creek Elementary School 1-yr TUP for 2 new portable classrooms	6700 SW WILSONVILLE RD	WEST LINN-WILS SCH DIST #3J
DB08-0014	Class 3 Temporary Use Permit- DRB Review	Inza Wood Middle School 1-yr TUP for 2 new portable classrooms	11055 SW WILSONVILLE RD	WEST LINN-WILS SCH DIST #3J
DB08-0016	Class 3 Temporary Use Permit- DRB Review	Boones Ferry Primary, RENEWAL of TUP for two portable classrooms. Expires 8/9/2009	11495 SW WILSONVILLE RD	WEST LINN-WILS SCH DIST #3J
DB08-0017	Class 3 Temporary Use Permit- DRB Review	1-year TUP renewal for Grace Chapel Church	9600 SW BOECKMAN RD	GRACE CHAPEL
DB08-0019	Class 3 Temporary Use Permit- DRB Review	Villebois SAP CENTRAL PDP 1 TUP for Sales Office	11422 SW BARBER ST	VILLEBOIS VILLAGE CENTER LLC
DB08-0047	Class 3 Temporary Use Permit- DRB Review	1-year Temporary Use Permit for Mobile Office Unit at 3 Bay Facility at Memorial Park	7934 SW MEMORIAL DR	CITY OF WILSONVILLE

FORM

1 DLCD Notice of Proposed Amendment

THIS FORM **MUST BE RECEIVED** BY DLCD AT LEAST
45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING
PER ORS 197.610, OAR CHAPTER 660, DIVISION 18

in person electronic mailed

For DLCD Use Only

Jurisdiction: **City of Wilsonville**

Local file number: **LP08-0005**

Date First Evidentiary hearing: **10/8/2008**

Date of Final Hearing: **11/3/08**

Is this a **revision** to a previously submitted proposal? Yes No Date submitted:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):

Amend Planning and Land Development Ordinance (Wilsonville's Development Code) Section 4.163 General Regulations - Temporary Structures and Uses, to allow temporary structure and/or use permits to be issued for up to a 5-year period based on a showing of good cause.

Has sufficient information been included to advise DLCD of the effect of proposal? Yes

Plan map changed from: *n/a*

Tc: *n/a*

Zone map changed from: *n/a*

Tc: *n/a*

Location of property (do not use Tax Lot): *n/a*

Previous density: *n/a*

New density: *n/a*

Acres involved:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Is an exception to a statewide planning goal proposed? YES NO Goals:

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies. DLCD only reports this information.):

See attached list

Local Contact: **Sandi Young, Planning Director**

Phone: **(503) 682-4960** Extension:

Address: **29799 SW Town Center Loop East**

Fax Number: **503-683-7025**

City: **Wilsonville**

Zip: **97070-**

E-mail Address: **young@ci.wilsonville.or.us**

DLCD file No. _____

SUBMITTAL REQUIREMENTS

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing
per ORS 197.610 and OAR Chapter 660, Division 18

1. This form must be submitted by local jurisdictions only (not by an applicant).
2. When submitting, please print this form on light green paper.
3. Send this Form and **TWO COPIES** of the proposed amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

4. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
5. Unless exempt by ORS 197.610(2), proposed amendments must be received at the DLCD's Salem office at least 45 days before the first evidentiary hearing on the proposal. (The clock begins on the day DLCD receives your proposal.) The first evidentiary hearing is usually the first public hearing held by the jurisdiction's planning commission on the proposal.
6. Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must include the text of the amendment and any other information the local government believes is necessary to advise DLCD of the effect of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate.
7. Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map should be legible and on 8½ x 11 inch paper. Please provide the specific location of property, such as an address and/or tax lot number. Include text regarding background and/or the justification for the change, such as the application accepted by the local government.
8. Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
9. **Do not submit this form without supporting documentation.**
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on 8-1/2x11 green paper only. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

Affected State or Federal Agencies, Local Governments or Special Districts

Name	Company	Address	City	State	Zip
Doug McClain	Clackamas Cty Planning Section Mgr	9101 SE Sunnybrook Blvd	Clackamas	OR	97015
Brent Curtis	Wash. County Planning Manager	155 N. First Avenue	Hillsboro	OR	97124
Portland General Electric		121 SW Salmon 1 WTC-9	Portland	OR	97204
Michael Dennis	Tri-Met Project Planning Dept	4012 SE 175th Avenue	Portland	OR	97202
Ray Valone	Metro	600 NE Grand Avenue	Portland	OR	97232
Manager, Community Development	Growth Management Services Metro	600 NE Grand Avenue	Portland	OR	97232
Attr: Development Review	ODOT	123 NW Flanders Street	Portland	OR	97209
Roger Woehl	West Linn/Wilsonville School District 3JT	PO Box 35	West Linn	OR	97068
Brian Tietzort	United Disposal Services	10295 SW Ridder Road	Wilsonville	OR	97070
Jim Johnston	Portland General Electric	9540 SW Boeckman Road	Wilsonville	OR	97070
Tualatin Valley Fire and Rescue	South Division	7401 SW Washo Court	Tualatin	OR	97062-8350
Tualatin Valley Fire and Rescue		29875 SW Kinsman Road	Wilsonville	OR	97070

impression antibouillage et a sechage rapide
Utilisez le gabarit 5960^{MC}



www.avery.com
1-800-GO-AVERY



Ord. 659 Labels for Notice of Council
Decision 3/17/09

Doug McClain
Clackamas County Planning
9101 SE Sunnybrook Blvd
Clackamas OR 97015

Brent Curtis
Washington County Planning
155 N. First Avenue
Hillsboro OR 97124

Portland General Electric
121 SW Salmon 1 WTC-9
Portland OR 97204

Michael Dennis
Tri-Met Project Planning Dept.
4012 SE 175th Avenue
Portland OR 97202

Ray Valone
Metro
600 NE Grand Avenue
Portland OR 97232

Community Development Manager
Metro
600 NE Grand Avenue
Portland OR 97232

ODOT
Attn: Development Review
123 NW Flanders ST
Portland OR 97209

Roger Woehl
West Linn/Wilsonville School Dist
PO Box 35
West Linn OR 97068

Brian Tietsort
United Disposal Services
10295 SW Ridder RD
Wilsonville OR 97070

Jim Johnston
Portland General Electric
9540 SW Boeckman RD
Wilsonville OR 97070

Tualatin Valley Fire & Rescue
South Division
7401 SW Washo CT
Tualatin OR 97062-8350

Tualatin Valley Fire & Rescue
29875 SW Kinsman RD
Wilsonville OR 97070

Ben Altman
SFA Design Group LLC
9020 SW Washington SQ Dr #350
Portland OR 97223

Alan Kirk
7926 Edgewater
Wilsonville OR 97070

Matrix Development Corp.
12755 SW 69th Ave. #100
Portland OR 97223

Karina Ruiz
Dull Olson Weekes Architects
319 SW Washington ST #200
Portland OR 97024

Villebois Village Center LLC
4724 SW macadam Ave
Portland OR 97239

Grace Chapel
9600 SW Boeckman RD
Wilsonville OR 97070

Renaissance Development
16771 SW Boones Ferry Rd
Lake Oswego OR 97035

Wilsonville Chamber of Commerce
PO Box 3737
Wilsonville OR 97070

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Affected State or Federal Agencies, Local Governments or Special Districts

Name	Company	Address	City	State	Zip
Doug McClain	Clackamas Cty Planning Section Mgr	9101 SE Sunnybrook Blvd	Clackamas	OR	97015
Brent Curtis	Wash. County Planning Manager	155 N. First Avenue	Hillsboro	OR	97124
Portland General Electric		121 SW Salmon 1 WTC-9	Portland	OR	97204
Michael Dennis	Tri-Met Project Planning Dept	4012 SE 175th Avenue	Portland	OR	97202
Ray Valone	Metro	600 NE Grand Avenue	Portland	OR	97232
Manager, Community Development	Growth Management Services Metro	600 NE Grand Avenue	Portland	OR	97232
Attn: Development Review	ODOT	123 NW Flanders Street	Portland	OR	97209
Roger Woehl	West Linn/Wilsonville School District 3JT	PO Box 35	West Linn	OR	97068
Brian Tietzort	United Disposal Services	10295 SW Ridder Road	Wilsonville	OR	97070
Jim Johnston	Portland General Electric	9540 SW Boeckman Road	Wilsonville	OR	97070
Tualatin Valley Fire and Rescue	South Division	7401 SW Washo Court	Tualatin	OR	97062-8350
Tualatin Valley Fire and Rescue		29875 SW Kinsman Road	Wilsonville	OR	97070

First	Last	Company	Address	City	State	Zip	email	Comment
Ben	Altman	SFA Design Group, LLC	9020 SW Washington Sq. Dr., Suite 350	Portland	OR	97223		TUP Holder or rep
Alan	Kirk		7926 Edgewater	Wilsonville	OR	97070		TUP Holder or rep
		Matrix Development Corp	12755 SW 69th Av., # 100	Portland	OR	97223		TUP Holder or rep
		West Linn-Wilsonville School District	PO Box 35	West Linn	OR	97068		TUP Holder or rep
Karina	Ruiz	Dull Olson Weekes Architects	319 SW Washington Street #200	Portland	OR	97204		TUP Holder or rep
		Villebois Village Center LLC	4724 SW Macadam Avenue	Portland	OR	97239		TUP Holder or rep
		Grace Chapel	9600 SW Boeckman Rd.	Wilsonville	OR	97070		TUP Holder or rep
		Renaissance Development	16771 SW Boones Ferry Road	Lake Oswego	OR	97035		TUP Holder or rep
		Wilsonville Chamber of Commerce	PO Box 3737	Wilsonville	OR	97070		
Tim	Bobosky	The Archive PRO LLC	tim@thearchivepro.com					Signed in at 11.12.08 PH



29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

March 17, 2009

Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

RE: Wilsonville Notice of Decision

Attached is the Notice of Decision for Ordinance No. 659 titled, "An Ordinance Of The City Of Wilsonville Amending The Planning And Land Development Code, Chapter 4.163 – General Regulations- Temporary Structures And Uses To Allow Temporary Structure And/Or Use Permits To Be Issued For Up To A Five Year Period Based On A Showing Of Good Cause", with two copies of the Ordinance and supporting documents. The Ordinance was adopted at the March 16, 2009 City Council meeting.

Sincerely,

Sandra C. King, MMC
City Recorder

/sck
Enclosures



"Serving The Community With Pride"



29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

WILSONVILLE CITY COUNCIL NOTICE OF DECISION

FILE NO: **Ordinance No. 659** An Ordinance Of The City Of Wilsonville Amending The Planning And Land Development Code, Chapter 4.163 – General Regulations- Temporary Structures And Uses To Allow Temporary Structure And/Or Use Permits To Be Issued For Up To A Five Year Period Based On A Showing Of Good Cause.

APPLICATION NO: LP08-0005

APPLICANT: City of Wilsonville

REQUEST: Amend Planning and Land Development Ordinance (Wilsonville's Development Code) Section 4.163 General Regulations – Temporary Structures and Uses, to allow temporary structure and/or use permits to be issued for up to a 5-year period based on a showing of good cause.

LOCATION: City Wide

After conducting public hearings, the City Council voted to adopt Ordinance No. 659 as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as Ordinance No.659 and placed on file in the city records at the Wilsonville City Hall on March 17, 2009, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of decision. Copies of Ordinance No. 647 may be obtained from the City Recorder, 29799 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506.

For further information, please contact Sandi Young, Planning Director, at the Wilsonville Planning Division, City Hall, 29799 SW Town Center Loop East, Wilsonville, OR 97070 or telephone (503) 682-4960.

AFFIDAVIT OF MAILING
CITY COUNCIL NOTICE OF DECISION
OF THE CITY OF WILSONVILLE

STATE OF OREGON)
COUNTY OF CLACKAMAS)
CITY OF WILSONVILLE)

I, Sandra C. King, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached copy of Notice of City Council Decision regarding Ordinance No. 659 is a true copy of the original notice; that on March 18, 2009, I did cause to be sent either by e-mail or U.S. Mail copies of such notice of City Council Decision in the exact form hereto attached to the property owners listed in Exhibit "A":

Witness my hand this 17th day of March, 2009.

Sandra C. King
Sandra C. King, MMC, City Recorder

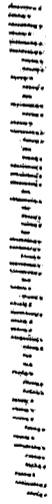
Subscribed and sworn to before me

this 17 day of March, 2009

Diane M. Pankonin
NOTARY PUBLIC, STATE OF OREGON

My commission expires: 11/29/2011





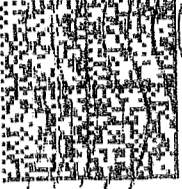
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City of Wilsonville
29799 SW Town Center Lp E
Wilsonville, OR 97070

TO: Plan Amendment Specialist
DLCD
635 Capitol Street NE, #150
Salem, OR 97301-2540