

CITY OF WILSONVILLE

**PLANNING
AND
LAND DEVELOPMENT
ORDINANCE**

**(Chapter 4 of the Wilsonville Code and
Wilsonville's Development Code)**



UPDATED JANUARY 2009

CITY OF WILSONVILLE
PLANNING AND LAND DEVELOPMENT ORDINANCE
(Wilsonville's Development Code)
Updated January 2009

**This document was revised in its entirety November 2000 by
Ordinance No. 509 and includes revisions made by:**

ORDINANCE	DESCRIPTION	ADOPTION DATE
Ordinance 650	New Section 4.134 – <u>Day Road Design Overlay District</u>	12/29/08
Ordinance No. 649	New Section 4.199 <u>Outdoor Lighting</u>	6/2/08
Ordinance No. 647	Development Code Amendments amending WC Section 4.172 – Flood Plain Regulations and WC 4.001 – Definitions; adopting FEMA's revised Flood Insurance Rate Maps (FIRM) effective date June 17, 2008 and the supporting Flood Insurance Study (FIS).	4/21/08
Ordinance No. 631	Code amendments pertaining to Noise, Enforcement, and Citation	8/6/07
Ordinance No. 610	Development Code amendments pertaining to updated Public Works Standards, which include amendments to Section 4.177 - Street Improvements Standards, Section 4.178 Sidewalk and Pathway Standards, and Section 4.156 - Sign Regulations.	5/1/06
Ordinance No. 607	Development Code amendment to Section 4.125(.18)(K.) regarding requirements for financial security for future parks. (See Also Ordinance No. 606)	4/3/06
Ordinance No. 606	Development Code Amendment pertaining to Villebois Indoor Recreation Facilities	4/3/06
Ordinance No. 595	Village Center Architectural Design Standards at Villebois	12/5/05
Ordinance No. 601	Portion of Ordinance No. 580 remanded by City Council - Section 4.116(.05)(E) & (G.) related to outdoor storage of retail inventory & temporary staging of inventory.	11/7/05
Ordinance No. 596	Fencing and Signage/Wayfinding Standards at Villebois	10/3/05
Ordinance No. 589	Open Space Standards in Residential Developments	8/15/05
Ordinance No. 587	Concurrent Filing Requirements for PDPs/FDPs; Class II Phasing; & PDP/FDP Refinements In Villebois	5/16/05
Ordinance No. 580	Expansion to the list of exemptions related to the "Completely Enclosed Building" standard for Commercial Development in all Zones.	4/18/05
Ordinance No. 579	Modification to Rainwater Management in the Village Zone at Villebois.	3/7/05

Ordinance No. 574	Reduction of Allowable Commercial Uses in Industrially-Zoned Land, Regionally Significant Industrial Areas (RSIA); & Reduction of Allowable Commercial Uses in Industrially-Zoned Land	11/1/04
Ordinance No. 565	Delete Figure V-2 <i>Specific Area Plan Boundaries</i> from the Village Zone.	6/21/04
Ordinance No. 561	Allow Vesting of Transportation Capacity	12/15/03
Ordinance No. 557	Addition of Section 4.125 <u>V - Village Zone</u>	9/5/03
Ordinance No. 545	Essential Services, LOS "D" Exemption	8/19/02
Ordinance No. 548	Table 5 Parking Lot Standards	10/7/02
Ordinance No. 538	Development Code Minor Edits	2/21/02
Ordinance No. 536	Parking Lot Landscaping Standards	1/7/02
Ordinance No. 516	Natural Resources Plan (Goal 5)	6/7/01

**WILSONVILLE CODE
PLANNING AND LAND DEVELOPMENT**

CHAPTER 4

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**WILSONVILLE CODE
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**CHAPTER 4
SECTIONS 4.000 – 4.035
ADMINISTRATION**

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WILSONVILLE CODE
CHAPTER 4 PLANNING
PLANNING AND LAND DEVELOPMENT ORDINANCE

ADMINISTRATION

Section 4.000. Administration - Purpose and Title.

- (.01) Chapter 4 of this Code is enacted for the purpose of promoting the general public welfare by ensuring procedural due process in the administration and enforcement of the City's Comprehensive Plan, Zoning, Design Review, Land Division, and Development Standards.
- (.02) This ordinance shall be known as the Planning and Land Development Ordinance. It shall include those ordinances familiarly referred to as the Zoning Ordinance, Subdivision Ordinance, Sign Ordinance, Tree Preservation Ordinance, Development Code, etc.

Section 4.001 Definitions.

In addition to the definitions set forth in Section 4.001, below, for the purpose of this Chapter, the following terms are hereby defined. The word "occupy" includes premises designed or intended to be occupied. The word "shall" is always mandatory. All other words shall have the following respective meanings, unless the context otherwise requires:

1. Abutting: See Adjoining.
2. Access, Vehicular: The designed location of ingress and egress, where vehicles enter or leave property.
3. Access, Pedestrian: The designed location of ingress and egress, where pedestrians enter or leave property.
4. Access Control Strip: A reserve area established adjacent to and paralleling a half street improvement to insure proper participation by adjoining properties in completion of the required street improvements. See Street, Half.
5. Access Drive: A private travel lane primarily used as a means of approach for vehicles.
6. Accessory Building or Use: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot. An accessory use may be located on a lot adjoining that of the main use if approved for this purpose through the Administrative Review procedures of Section 4.030.
7. Accessory Dwelling Unit: A dwelling unit of not more than 600 square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.

8. Address Overlay Zone: Distinct areas within the Villebois Village Center where additional information is provided for the definition of architectural character and community elements. [Added by Ord. No. 595, 12/5/05.]
9. Adjacent: See adjoining.
10. Adjoining: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.
11. Agriculture: The use of land larger than one acre for the primary purpose of deriving income from growing plants on land including, but not limited to, land used principally for the production of crops, land used for orchards or production of fruit, but not including land used primarily for another use and incidentally for growing plants, crops, or fruit.
12. Alley: A minor access way which is used to provide vehicular ingress and egress to the back or side of properties otherwise abutting on a street. An alley typically has a width of no more than twenty (20) feet.
13. Alteration, Structural: Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.
14. Ancillary Telecommunication Facilities: The structures and equipment required for operation of the telecommunication equipment, including but not limited to antennae, repeaters, equipment housing structure, footings and foundations, and ventilation or other electrical or mechanical equipment. [Added by Ord. #479, 5/19/97]
15. Antenna(e): Any exterior, apparatus, electrical conductor or group of electrical conductors, the surface of which is designed for telephonic, radio or television communications by sending and/or receiving radio-frequency or electromagnetic waves, including those sent and/or received by wireless communication facilities. Antennae include the following types:
 - A. Directional or Parabolic (“panel” or “disk”) antenna, which receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
 - B. Omni-direction (“whip”) antenna, which receives and transmits signals in a 360-degree pattern.
 - C. Other, which means all other transmitting or receiving equipment not specifically described herein. Other antennae shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment. For purposes of this ordinance, the term antenna shall not include ancillary antennae, which are antennae less than 12 inches in their largest dimension and are not directly used to provide personal wireless communication services. [Added by Ord. #479, 5/19/97]
 - D. Satellite Dish antenna, which receives signals from satellites.
16. Apartment: A type of multi-family dwelling.
17. Appeal: Means a request for a review of any land use decision or interpretation of any provision of this ordinance.
18. Appropriate Potential Tree Height: The Appropriate Potential Tree Height (APTH) is used to delineate certain areas adjacent to the riparian corridor. The APTH is the

- mature average height of the appropriate tree species that does or could potentially grow on the site. The term “appropriate” is meant to limit the potential tree species to those species that provide critical riparian functions, and are appropriate and acceptable on the specific site based on such factors as public safety, property protection, zoning and other factors. The minimum APTH is fifty feet.
19. Arborist: An arborist who is a member of the American Society of Consulting Arborists (ASCA) or is certified by the International Society of Arboriculture, or an ornamental horticulturist or urban forester who possesses equivalent credentials and experience, and who is approved by the City Planning Director.
 20. Architectural Character: The distinctive qualities of the form, features, details, color and ornamentation that comprise a style of building.
 21. Area of Limited Conflicting Uses: See Section 4.139.00
 22. Area of Shallow Flooding: Means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
 23. Area of Special Flood Hazard: Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This is the area subject to a base flood event. Designation on FIRM maps always includes the letters A or V.
 24. Artificial Sky Glow. The brightening of the night sky attributable to human made sources of light. [Added by Ord. 649, 6/2/08]
 25. Attached Family Dwelling Units: A building or structure designed to house two (2) or more families, whether related to each other or not.
 26. Attached Wireless Communication Facility: A wireless communication facility that is affixed to an existing structure, (e.g., an existing building wall or roof, mechanical equipment, or alternative tower structure. [Added by Ord. #479, 5/19/97]
 27. Attachment: An antenna or other piece of related equipment affixed to a transmission tower. [Added by Ord. #479, 5/19/97]
 28. Accessory Dwelling Unit: A dwelling unit of not more than 600 square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.
 29. Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on FIRM maps always includes the letters A or V.
 30. Basement: A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining grade.
 31. Bed and Breakfast Home or Boarding House: A building or premises used for the provision of lodging and meals, where not more than five (5) rooms are available for rent.

32. **Bikeway**: Bikeway is a general term used to describe any type of travel way that is designated for use by bicycles. Bikeways may include bike lanes, bike paths, shared roadways, shoulder bikeways and other bikeways.
 - A. **Bike Lane**: A bike lane facility is a type of bikeway where a section of the roadway is designated for exclusive bicycle use.
 - B. **Bike /Pedestrian Path**: A bike/pedestrian path facility is a type of bikeway that is entirely separate from the roadway and is designed and constructed to allow for safe use by both pedestrians and bicyclists.
 - C. **Recreational Trail**: A recreation trail is a type of pedestrian or equestrian facility that is entirely separate from roadways and has unimproved, gravel, or bark dust surface.
 - D. **Shared Roadway**: A shared roadway facility is a type of bikeway where motorists and cyclists occupy the same roadway area.
 - E. **Shoulder Bikeway**: A shoulder bikeway facility is a type of bikeway where cyclists occupy the paved roadway shoulder. Shoulder bikeways are common in rural areas.
33. **Block**: A tract of land bounded by streets, or bounded by such features as the City limits or barriers such as bodies of water or steep slopes.
34. **Block Complex**: An assemblage of buildings bounded entirely by intersecting streets so as to form a single, comprehensive group.
35. **Block Perimeter**: The outer boundary of a block.
36. **Board**: The Development Review Board established pursuant to Chapter 2 of the Wilsonville Code.
37. **Buffers or Buffering**: Distance, landscaping, walls, berms, or other measures used to separate one land use from another, and to mitigate or minimize the adverse effects of one land use on another.
38. **Build-To Line**: A line shown on a final plat or other development plan indicating that buildings are required to be built to it, rather than set back from it.
39. **Building**: Any structure built for the support, shelter or enclosure of any persons, animals, chattels, or property of any kind which requires location on the ground or is attached to something having a location on the ground.
40. **Building Façade**: The exterior elevation(s) of a building; usually set parallel to the front lot line, often distinguished by elaboration of architectural characteristics.
41. **Building Façade, Primary**: The main exterior elevation of a building; usually associated with its primary entrance and/or street address.
42. **Building Frontage Width, Minimum**: A Development Standard that controls the degree of spatial definition of public open space. Described as a percentage, the Minimum Building Frontage Width is calculated as the ratio of the length of the primary building façade(s) to its corresponding lot line length, exclusive of required setbacks.
43. **Building Line**: A line that is adjacent to the front side of a main building parallel to the front lot line.

44. Building Official. The person holding the position of Building Official of the City of Wilsonville. [Added by Ord. 649, 6/2/08]
45. Building or Structure 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 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.
46. Candela. The unit of luminous intensity of a lighting source emitted in a given direction. [Added by Ord. 649, 6/2/08]
47. Canopy. A roof-like covering over an area, in or under which a lighting fixture is mounted. [Added by Ord. 649, 6/2/08]
48. Category of Use: Type of use. See Mixed Use.
49. Change of Use: Within the Willamette River Greenway means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of the existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of Sections 4.500.
50. Civic: Relating to, or derived from, a city or citizen.
51. Civic Building or Place: A building or place that functions communally, such as religious, cultural, environmental or educational institutions.
52. Clear Vision Area: A standard for sight lines at intersections of streets, railways, and driveways. See section 4.125.09, Street Improvement Standards.
53. Cluster Housing: Small lot detached single-family dwellings arranged in groups, with a courtyard(s) containing shared green space and a public access sidewalk easement.
54. Commercial: Development having to do with retail, service, commercial recreation, and/or office uses.
55. Common Residential Areas.
 - Areas shared in common by residents of buildings with three or more dwelling units, (i.e. common open space, play areas, trash receptacle areas, “common property” under a subdivision or partition declaration); and
 - Three or more open off-street stripped parking spaces, either abutting or within 10 feet of each other and not separated by a wall or other physical barrier between the two parking spaces, designated or set aside for use by the three or more dwelling units, regardless of whether the parking space is assigned for exclusive use of each dwelling unit or non-exclusively used by three or more

dwelling units, and are either commonly owned or were developed for the purpose of serving the parking needs of “multiple dwellings” or multiple attached single-family dwellings, as defined in the Development Code. [Added by Ord. 649, 6/2/08]

56. Community Center: A structure for the social, cultural, and educational activities of an entire neighborhood or group of people having common rights, privileges, or interests, or living in the same place under the same laws and regulations.
57. Community Elements Book: A plan which is used to establish the type and location of community elements within the Village zone. Community elements may include lighting, site furniture, , bollards, trash receptacles, recycling receptacles, benches, bicycle racks, , and playground equipment. The Community Elements Book also includes a Street Tree Master Plan and Lighting Master Plan.
58. Community Housing: Dwellings developed as defined by ORS 426.502(2).
59. Collocation: The use or placement of two or more antenna systems or platforms by separate FCC license holders on a single support structure, transmission tower or building. [Added by Ord. #479, 5/19/97]
60. Commercial Nursery or Tree Farm. A plant or tree nursery or tree farm where trees are planted and grown on the premises for sale in the ordinary course of business, but not including commercial woodlots, or land that is designated or assessed as forest land for tax deferral purposes or managed for timber production.
61. Commercial Recreation: A planned development commercial center or complex of recreational and complimentary uses. Typical uses include miniature golf courses, bowling alleys, theaters, tennis and racquetball clubs, health spas, swim centers, pool halls and sports complexes. Appropriate complimentary uses would include restaurants and sporting goods stores.
62. Commercial Woodlot. A site of at least 30,000 square feet on which trees are grown for the purpose of harvesting, and which is assessed as forest land for tax deferral purposes, and which is not a part of the approved open space or landscaping of a previously approved development.
63. Commission: The Planning Commission of the City established in Chapter 2 of the Wilsonville Code.
64. Comprehensive Plan: The City of Wilsonville Comprehensive Plan (effective date June 7, 2000).
65. Conditional Use: A use allowable if processed in accordance with the procedures listed in Section 4.512 and 4.184.
66. Conference Center: A facility where the primary function is the formal gathering of large groups of people.
67. Contiguous: See Adjoining.
68. Convenience Store: A retail business that provides for the purchase of limited food and household sundries.
69. Critical Facility: Facilities for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes,

- hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. [Added by Ord. # 647, 4/21/08]
70. Crown Cover: The area within the drip line or perimeter of the foliage of a tree.
71. Curb Line: The line indicating the edge of the vehicular roadway within the overall right-of-way.
72. Curfew. A time each night after which certain electric illumination must be turned off or reduced in intensity. [Added by Ord. 649, 6/2/08]
73. DATELUP: An acronym for the Dammasch Area Transportation-Efficient Land Use Plan, which is the City of Wilsonville’s 1997 adopted land-use plan within the Comprehensive Plan Area of Special Concern “B”.
74. Design: The conceptualization of the built environment in response to specific sets of human needs and desires.
75. Design Standards, Village Center: Criteria applicable to the design and construction of development within the Village Center, to guide the selection and arrangement of building elements to achieve a minimum level of quality and consistency in the finished product.
76. Design Principles, Village Zone: The fundamental concepts that support the objectives of the Master Plan and guide the intrinsic qualities of the built environment within the Residential Village Plan District. Design Principles are implemented through conformance with the Design Standards.
77. Design Standards, Village Zone: Criteria applicable to the design and construction of development within the Village zone, to guide the selection and arrangement of building elements to achieve a minimum level of quality and consistency in the finished product.
78. Density: The number of residential units per acre of land.
79. Development: Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located or storage of equipment or materials located within the area of special flood hazard. [Amended by Ord. # 647, 4/21/08]
80. Development Standards: Criteria established for initial planning of any change to improved or unimproved real estate that determines the relative size and arrangement of common building elements in order to achieve a certain level of quality and consistency in the built environment.
81. Diameter Breast Height (d.b.h.): A tree’s diameter in inches measured by diameter tape at four and one-half (4-1/2) feet above grade. On multi-stem trees, the largest diameter stem shall be measured.
82. Director: The Planning Director as established in Section 2.190 of the Wilsonville Code. As used in this Chapter, the term “Planning Director” also applies to other staff persons or consultants specifically assigned to act on behalf of the Director.
83. Drip Line: An imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

84. Duplex: Two dwelling units on a single lot, neither of which meets the definition of an accessory dwelling unit.
85. Dwelling: A building, mobile home, or manufactured home, designed for residential occupancy, but not a house trailer or recreational vehicle.
86. Dwelling, Multiple Family: Three or more attached dwelling units located on a single tax lot. In the Village zone, such use also includes stacked flats or townhouses.
87. Dwelling, Single Family: A dwelling unit designed for occupancy by one family. A single-family dwelling may be detached or attached, provided that each such unit is located on its own tax lot. A single-family dwelling may also include an accessory dwelling unit, if approved for that use as specified in this Code.
88. Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.
89. Encroachment Area: See Section 4.139.00
90. Equipment Enclosures: A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators. [Added by Ord. #479, 5/19/97]
91. Essential Government Services. Services and facilities provided by a governmental unit, that are basis and inherent to the public health and welfare including, but not limited to, fire, police, water, sewer, transportation, emergency communication, and education, and governmental services and facilities in support thereof. [Added by Ord. 545, 8/19/02]
92. Exempt tree or vegetation: As used in the solar access provisions of this Code, the terms “exempt tree or exempt vegetation” refer to the full height and breadth of vegetation that has been identified by the City as “solar friendly,” and any vegetation listed as exempt on a plat, a document recorded with the plat, or a solar access permit.
93. Existing Manufactured Home Park or Subdivision: A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations. [Added by Ord. # 647, 4/21/08]
94. Exterior Display: The outdoor exhibit of merchandise by a retail merchant.
95. Façade. The exterior wall or elevation of a building. [Added by Ord. 649, 6/2/08]
96. Family: One or two persons with or without their direct descendants and adopted children (and including domestic employees thereof) together with not more than five (5) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or fewer persons living in such housekeeping unit shall be considered a separate family. For housing developed to implement ORS 426.508 or under the Fair Housing Amendments Act of 1988, family shall mean all persons living in a dwelling unit, regardless of relationship.

97. Feasible: Able to be accomplished, considering all aspects of preservation and proposed site development, including the cost of mitigation and relocation.
98. Fill: Any act by which earth, sand, gravel, rock, structures or any similar material is deposited, erected, placed, pulled or transported, including the conditions resulting therefrom, whether within the limits of the 100-year flood plain or not.
99. Final Development Plan: A plan that includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a land development, in the form required by Section 4.125(.18).
100. Flag Lot: A flag-shaped lot located behind another lot where the frontage on the street is only wide enough for its vehicular and pedestrian access; often found at the end of a street or adjacent to the outside corner of an L-shaped block.
101. Flood or Flooding: General and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.
102. Flood Insurance Rate Map (FIRM): The official map prepared for the City of Wilsonville on which the Federal Insurance Administration has delineated both the flood plain and the risk premium zones applicable to the community.
103. Flood Insurance Study: The official report prepared for the City of Wilsonville by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
104. Flood Plain: Flood-prone areas as identified on the FIRM.
105. 100-Year Flood Plain: Land adjacent to a floodway that has a one percent chance of flooding in any given year, and as identified within the "A" zones of the FIRM.
106. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
107. Floodway Fringe: That portion of the flood plain not contained in the floodway.
108. Floodway Map: An official map prepared for the City of Wilsonville by the Federal Insurance Administration which identifies floodways.
109. Floor Area: The area of the building, exclusive of porches and exterior stairs which shall extend to the exterior faces of all walls. Floor area shall include all levels within a structure, including mezzanines and additional stories above the first floor. Within a residential structure, floor area does not include garages or carports.
110. Foot Candle. The density of luminous flux (lumens) incident at a point on a surface having an area of one square foot. [Added by Ord. 649, 6/2/08]
111. Front lot line: For purposes of the solar access regulations, a lot line abutting a street. For corner lots the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole (see Figure 2: Front Line Lot).

112. Garage: Enclosure for the storage of vehicles.
113. Garage, private: An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.
114. Glare. Light that causes visual discomfort or disability, and the wattage and/or light distribution is excessive for the purposes for which the illumination is necessary. [Added by Ord. 649, 6/2/08]
115. Grocery Store: A retail business that sells food and household sundries.
116. Grocery Store, Specialty: A retail business that sells specialty food and specialty household sundries.
117. Habitable floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
118. Hardscape Permanent improvements to a site, including but not limited to, parking lots, driveways, streets, plazas, sidewalks, walkways, bikeways, abutments, stairs, ramps, and architectural features, such as fountains and sculptures. [Added by Ord. 649, 6/2/08]
119. Hearing Body: The City Council, the Development Review Board, or the Planning Commission having the authority to review an application assigned by Section 4.031, Section 4.032, and Section 4.033.
120. Heritage Tree: A tree that, due to age, size, species, quality or historic association, is considered of landmark importance to the community and has been designated as such by the City Council.
121. Home Business: A business operating from a dwelling unit that does not meet the definition of a "Home Occupation" listed below, and for which a conditional use permit has been issued by the City.
122. Home Occupation: "Home Occupation" means an occupation, profession, or craft, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the business use. A home occupation is carried on by an immediate member of the family residing within the dwelling place. A home occupation shall require no structural alteration or changes to the exterior of the dwelling, and shall include no display of merchandise on the premises which can be seen from the exterior of the dwelling. Any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure. Traffic and parking are to be such as to give no outward appearance that a business is being conducted on the premises.
123. Hospital: A building or premises providing in-patient services that is used for human medical or surgical treatment.
124. Hospital, Animal: A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat and veterinary hospitals.
125. Hotel, Motel, or Overnight Lodging Facility: A building which is designed or used to offer lodging, with or without meals, for compensation, for six (6) or more people.

126. House Side Shield. For fully shielded luminaires only, an internal shield designed and installed by the luminaire manufacturer that significantly attenuates candlepower in the back photometric hemisphere at all angles greater than 30 degrees relative to nadir. [Added by Ord. 649, 6/2/08]
127. Human Occupancy: For purposes of Section 4.172(.02)(C.)(4.), any structure usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, is considered to be for human occupancy. A structure used only for storage purposes is not for "human occupancy." [Added by Ordinance No. 538, 2/21/02.]
128. IESNA. The Illuminating Engineering Society of North America (see www.iesna.com). [Added by Ord. 649, 6/2/08]
129. Impact Area: See Section 4.139.00
130. Impervious Area: An area with minimal infiltration of surface water into the underlying soil and shall include pavement (including but not limited to concrete or asphaltic concrete surfaces), gravel roads, structures, roadways, and roofs.
131. Intensification of Use: Within the Willamette River Greenway means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of land within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Code. Seasonal increases in gravel operations shall not be considered an intensification of use.
132. Kenel: Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept for boarding, breeding or sales.
133. Lane: See "Alley"
134. Landscaping: The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours and shall include exterior use of artificial turf or carpeting, artificial plants, shrubs or flowers. Both native and non-native vegetation may constitute landscaping materials. This definition pertains to complete site modifications rather than just buildings.
135. Landscape Lighting. Luminaires attached to structures, mounted on poles or otherwise, or at grade (luminaire not to exceed 3 feet above grade) and used solely for landscape rather than area lighting. [Added by Ord. 649, 6/2/08]
136. Legislative process: A process that leads to the adoption of rules or policies that have broad implications for a large geographic area or for the community overall.

137. Light Manufacturing: Low- to moderate-impact industrial, manufacturing, processing, and assembly uses that exhibit benign external characteristics compatible with the character and overall design of a Residential Village environment.
138. Light Source (or Lamp): The actual bulb or lamp that emits the light. [Added by Ord. 649, 6/2/08]
139. Light Trespass. Spill light that because of quantitative, directional, or spectral content causes light level at the property line that is greater than as provided on Table 4 of this Code. [Added by Ord. 649, 6/2/08]
140. Lighting Master Plan: A plan that indicates the criteria for, and general location of exterior lighting within the Village zone. See also Community Elements Book.
141. Lighting System. One or more luminaires, together with associated wires, conduits and poles that constitute the illumination system on the parcel. [Added by Ord. 649, 6/2/08]
142. Lighting Zones. Specific allowances and limitations for lighting systems and fixtures as specified in this Ordinance. [Added by Ord. 649, 6/2/08]
143. Lot: A unit of land owned by or under the lawful control and in the lawful possession of one distinct ownership, or separated from other land by a drawing on a recorded subdivision or partition plat, for separate individual use or development.
144. Lot Area: The total horizontal area within the lot lines of a lot, excluding the driveway portion of a flag lot.
145. Lot Coverage: The area of a lot covered by all of the buildings on that lot, expressed as a percentage of the total lot area.
146. Lot Depth: The lot depth is the mean average distance between the front lot line and rear lot line of a lot measured within the lot boundaries.
147. Lot, Front: The boundary line of a lot abutting a street, other than a boundary line along a side or rear yard. If the lot does not abut a street, the narrowest boundary line shall be considered to be the front.
148. Lot, Key: A lot, the side line of which abuts the rear line of one or more adjoining lots.
149. Lot Line, Front: The boundary line of a lot abutting a street, other than a boundary line along a side or rear yard. If the lot does not abut a street, the narrowest boundary line shall be considered to be the front. In the Village zone: the case of an interior lot, the lot line separating the lot from the public space, public street or private way, other than an alley. In the case of a corner lot, the shortest lot line along a public space, public street or private way, other than an alley. The boundary line of a lot abutting a street, other than a boundary line along a side or rear yard. If the lot does not abut a street, the narrowest boundary line shall be considered to be the front.
150. Lot Line, Rear: Any boundary line opposite and most distant from a front line and not intersecting a front lot line, except in the case of a corner lot.
151. Lot Line, Side: Any boundary line not a front or rear lot line.
152. Lot, Through: Any lot, except a corner lot, that abuts two or more streets other than a freeway.

153. Lot, Width: The 'lot width' is the mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.
154. Lowest floor: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
155. Lumen. The unit of luminous flux: a measure of the amount of light emitted by a lamp. [Added by Ord. 649, 6/2/08]
156. Luminaire (or "Light Fixture"). A complete lighting unit consisting of one or more electric lamps, the lamp holder, reflector, lens, ballast, and/or other components and accessories. [Added by Ord. 649, 6/2/08]
157. Luminance. The amount of light emitted in a given direction from a surface by the light source or by reflection from a surface. The unit is candela per square meter. [Added by Ord. 649, 6/2/08]
158. Luminous Flux. A measure of the total light output from a source, the unit being the lumen. [Added by Ord. 649, 6/2/08]
159. Major Alteration: Any change, enlargement or modification to existing site improvements or structures, or use thereof or any which substantially alters the exterior appearance or function of the site or building or increases the previous floor area by an amount equal to or greater than one-third.
160. Manufactured Dwelling: Includes residential trailer, mobile home, mobile house, trailer and manufactured home. This definition does not include any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.
161. Manufactured Home: A structure built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities, for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, and was constructed in accordance with Federal Manufactured Housing Construction and Safety Standards regulations in effect at the time of construction. [Amended, Ord. #317, 11/4/87]. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For flood insurance purposes, and City zoning standards, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles. [Amended by Ord. # 647, 4/21/08]
162. Manufactured Home or Mobile Home Park: Means a parcel (or contiguous parcels) of land divided into two or more spaces that are rented or leased for the placement of manufactured or mobile homes.
163. Manufactured Home or Mobile Home Subdivision: Means a group of three (3) or more separate lots intended for the location of manufactured or mobile homes, and which lots may be rented or sold.

164. Master Plan: See “Villebois Village Master Plan”.
165. Master Planner: A professional team selected by the City of Wilsonville and the State of Oregon in accordance with ORS 426.508 to master plan the area prescribed in DATELUP.
166. Master Signage and Wayfinding Plan: A plan that describes the design principles and standards of public and private signage and wayfinding elements within the Village zone.
167. Mixed Solid Waste: Solid Waste that contains recoverable or recyclable materials and materials that are not capable of being recycled or recovered for further use. [Amended by Ord. # 426 - April 4, 1994]
168. Mixed Use: A development in which a site or building provides more than one type of use, such as commercial and residential
169. Mobile Home: A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of the Oregon mobile home law in effect at the time of construction. [Amended by Ord. #317, 11/4/87]
170. Modular Home: A structure intended for residential use that has sleeping, cooking and plumbing facilities and is constructed off-site in compliance with the Uniform Building Code (Oregon State Structural Specialty Code) and designed to be transported to a site for installation and/or assembly of modular components to form a permanent structure. [Amended by Ord. #317, 11/4/87].
171. Native: As applied to any tree or plant, this term means indigenous to the northern Willamette Valley.
172. Neighborhood: An urban sector of multiple uses served by a network of pedestrian-friendly streets and alleys within approximately ¼ mile in radius. Neighborhoods are defined by arterial or collector streets and/or open space at their edges and include a Neighborhood Commons at their center.
173. Mounting Height. The vertical distance between the lowest part of the luminaire and the ground surface directly below the luminaire. [Added by Ord. 649, 6/2/08]
174. Multi-family housing. For purposes of this ordinance, multi-family housing is defined as a building or structure that contains three or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes, apartment houses, condominiums, congregate residences, townhouses and similar non-transient dwellings. [Added by Ord. 649, 6/2/08]
175. Nadir. The downward direction; exactly vertical, directly below a luminaire. [Added by Ord. 649, 6/2/08]
176. Neighborhood Center: An area of mixed-use buildings at or near the center of a neighborhood, providing nearby residents with convenient access to goods and services.

177. Neighborhood Commons: A site within a neighborhood, for use by local residents, which may include a transit shelter and waiting place for transit riders, and public space, providing a social gathering place.
178. Neighborhood Commercial: A planned development commercial center or complex of commercial uses to provide for the daily convenience, goods and services of nearby residential areas. Typical uses include grocery, hardware, and drug stores; barber and beauty stores; banks; laundry and dry cleaning; and professional offices, but exclude service stations.
179. New Construction: For purposes of flood plain management, structures for which the "start of construction" commenced on or after June 17, 2008. [Added by Ord. # 647, 4/21/08]
180. New Facility: The installation of a new transmission tower. New attachments are not new facilities. [Added by Ord. #479, 5/19/97]
181. New Manufactured Home Park or Subdivision: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after the effective date of flood plain management regulations adopted by the City.
182. Non-Conforming Lot: A legally created lot or parcel that does not conform in terms of area, width, depth, or other dimensions with the standards of the zone in which it is located.
183. Non-Conforming Site Conditions: A legally established site that does not conform with the landscaping, parking or other site development standards of the zone in which it is located. A site may be rendered non-conforming to development standards through a change in zoning requirements or through the acquisition of some portion of the property by a public agency. For purposes of this Code, a site for which Stage II Planned Development approval has been granted by the City, and which approval remains in effect, shall not be deemed non-conforming. [Amended by Ordinance No. 538, 2/21/02.]
184. Non-Conforming Structure: A legally established building or other structure that does not conform with the height, setback, area, lot coverage, or other standards for structures of the zone in which it is located. A structure may be rendered non-conforming through a change in zoning requirements or through the acquisition of some portion of the property by a public agency. For purposes of this Code, a structure for which Stage II Planned Development approval has been granted by the City, and which approval remains in effect, shall not be deemed non-conforming. [Amended by Ordinance No. 538, 2/21/02.]
185. Non-Conforming Use: A legally established use, which was established prior to the adoption of the zoning use requirements for the site with which it does not conform. For purposes of this Code, a use for which or Stage II Planned Development approval has been granted by the City, and which approval remains in effect, shall not be deemed non-conforming. [Amended by Ordinance No. 538, 2/21/02.]

186. Northern lot line: The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the northern edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, or if the northern lot lines is less than 35 feet, then the northern lot line shall be a line 35 feet in length within the lot parallel with and at a maximum distance from the front lot line (see Figure 3: Northern Lot Line in Section 4.137).
187. North-south dimension: The length of a line beginning at the mid-point of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 4: North-South Dimension of the Lot in Section 4.137).
188. Office: A use category designating buildings commonly used as a workplace for professional or government functions.
189. 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.
190. Obtrusive Light. Glare and light trespass. [Added by Ord. 649, 6/2/08]
191. Office Complex - Technology. 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.
192. Official Map: The map established by the City Council on which the plan locations, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisition, building restrictions, building permits, zoning or other uses, the original -of which is on file in the office of the City Recorder.
193. Open Space: Land that is not covered by buildings, paving , or other hard surfaces, unless such hard surfaces are part of an approved landscape plan.
194. Open Space Area: A specific measurement. See Section 4.125(.08), Open Space.
195. Ornamentation: The details of shape, texture, and color that are deliberately added to a structure for decorative effect.
196. Outdoor Dining Area: A space designated for commercial dining, partially bounded by building walls, screening or property lines, but open to the sky, and open on at least one side to a street or public space.
197. Outdoor Living Area: Outdoor recreational area intended for the use of the residents of the development. In order to be considered “outdoor living area” it must be usable and accessible by the residents of the development.

198. Ornamental or Accent Lighting. Outdoor lighting that is installed mainly or entirely for its decorative effect or to accent an object or a feature, rather than as an aid to visibility. [Added by Ord. 649, 6/2/08]
199. Parking Facility, Commercial: A surface lot or parking structure that is operated as a business and is not integral to a specific use or uses within Villebois.
200. Parking Space: A permanently surfaced and marked area not less than nine (9) feet wide and eighteen (18) feet long, excluding paved area necessary for access, for the parking of a motor vehicle.
201. Parking Space, Accessible: A permanently surfaced and marked area meeting the standards established by ORS 447.233. Such spaces shall be appropriately reserved and signed for use by the disabled and shall be subject to any additional standards of the Americans with Disabilities Act (ADA) or other applicable provisions of local, state or federal law.
202. Parking Space, Compact: A permanently surfaced and marked area not less than eight (8) feet wide and sixteen (16) feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle. In order to be considered a compact parking space, it must be clearly labeled as such.
203. Parking Space, Handicapped: Be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces, provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000. [Amended by Ordinance No. 538, 2/21/02.]
204. Parking Space, Motorcycle: A permanently surfaced and marked area not less than four (4) feet wide and eight (8) feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle. In order to be considered a motorcycle parking space, it must be clearly labeled as such.
205. Partition:
 - A. "Partition" means either an act of partitioning land or an area or tract of land partitioned under the provisions of Section 4.200. As used in this Code, a land partition may be either a "major" or "minor" partition, as those terms are commonly used.
 - B. "Partition land" means to divide an area or tract of land into two or three parcels when such area or tract of land exists as a unit or contiguous units of land under single ownership. "Partition land" does not include divisions of land resulting from lien foreclosures, and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.
206. Pathway: A pathway is a pedestrian facility that is entirely separate from the roadway and generally serves as an on-site pedestrian system for multi-family, commercial and

- industrial developments. The Americans with Disabilities Act defines a pathway as an "Exterior Accessible Route."
207. Pattern Book: An illustrative document that depicts the architectural character of a proposed development, in compliance with the Design Principles and Design Standards. See Section 4.125.15, Pattern Book.
208. Pedestrian Access: A path of travel to approach and enter a building , or open space on foot.
209. Permit (Tree cutting): Approval to remove trees according to the following categories:
- A. Type A - Permits removal of one to three trees within a twelve (12) month period on any property.
 - B. Type B - Permits removal of four or more trees on any property (a) not subject to site development review, or b) previously approved for site development, and is c) not in a commercial woodlot.
 - C. Type C - Permits removal of trees on property under a site development application.
 - D. Type D - Permits removal of trees on a commercial woodlot.
210. Permit Grantee: Any person, including the person's successors-in-interest, whose application for a Permit has been approved, or who is acting on the permit grantee's behalf with the grantee's consent.
211. Person: Any individual or legal entity.
212. Phasing: To plan and then carry out development in stages over time. The length of time will be determined by several factors, including response to market conditions, availability and capacity of existing utilities and infrastructure, and timing of road improvement approval and funding.
213. Planning Commission: The Planning Commission of the City of Wilsonville established in Chapter 2 of the Wilsonville Code.
214. Planning Director: The Planning Director as established in Section 2.190 of the Wilsonville Code. As used in this Chapter, the term "Planning Director" also applies to other staff persons or consultants specifically assigned to act on behalf of the Planning Director.
215. Photometric Test Report. A report by an independent testing laboratory or one certified by the National Institute of Standards and Technology (NIST) describing the candela distribution, shielding type, luminance, and other characteristics of a specific luminaire. [Added by Ord. 649, 6/2/08]
216. Plat: A map, diagram, drawing, replat or other writing containing all of the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision, condominium division or land partition. A tentative plat is one that is prepared for review and consideration by the City. A final plat is one that is prepared for recordation with the County after the City has approved the tentative plat.
217. Plaza: A public space at the intersection of important streets, as illustrated and described in the Villebois Village Master Plan, for civic purposes and commercial activity.

218. Porch: An open-air room appended to the mass of a building, with floor and roof.
219. Pre-existing Towers and Pre-existing Antennae: Any tower or antennae for which a building permit has been properly issued prior to the effective date of this ordinance. [Added by Ord. 479, 5/19/97]
220. Preliminary Development Plan: A conceptual and quantitatively accurate representation of a defined area within an approved Specific Area Plan, in the form required by Section 4.125(.18).
221. Premises: A site with or without buildings.
222. Professional-Type Services: A “professional-type service” shall include activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher, real estate and insurance sales.
223. Protected solar building line: A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or non-exempt trees (see Figure 11: Soar Lot Option 2: Protected Solar Building Line in Section 4.137).
224. Protected Outdoor Space: An outdoor space that is partially protected from direct exposure to the weather by a roof, building walls, and/or other enclosures.
225. Private Way: A private area dedicated to circulation, including the roadway for private streets, bikeways, paths or utilities.
226. Public Space: An area without buildings, reserved for public use, whether owned and maintained by a public or private organization, including but not limited to, plazas, parks, natural preserves, and trails.
227. Public Way: A public area dedicated to circulation, including the roadway or street, bikeways, paths and public utilities.
228. Quasi-judicial process: A process that leads to a decision on a land use or development application involving a single property or small group of properties. (Please see the definition of Legislative Process, above.)
229. Rainwater Management Program: Infrastructure and procedures for the collection, filtration, and conveyance of rainwater.
230. Rainwater Management System: The physical components of the Rainwater Management Program.
231. Rainwater Path: The route of movement of rainwater from building roofs and paved surfaces to the Rainwater Management System.
232. Recreational Vehicle: Means a vehicle which is:
 - A. Built on a single chassis;
 - B. 400 square feet or less, when measured at the largest horizontal projection;
 - C. designed to be self-propelled or permanently towable by a light-duty truck; and
 - D. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
233. Religious Institution: A building or structure, or groups of buildings or structures, such as a church, synagogue, temple or mosque, that is used for conducting organized

- religious services, including ceremonies, rituals, and education pertaining to a particular system of beliefs.
234. Remove or Removal: The act of removing a tree by topping, digging up or cutting down, effecting removal through damage, or causing to be removed, transplanted or destroyed.
235. Replacement Area: the mitigation area required to compensate for an encroachment into the SROZ when allowed in accordance within Section 4.139.00
236. Research and Development: Commercial and non-profit establishments primarily engaged in performing laboratory or other physical or biological, primary, basic, or applied research, development and testing. Does not include Light Manufacturing.
237. Residential Facility: As used in ORS 197, a residential facility is a residential treatment or training facility, licensed by the State of Oregon, which provides care, treatment or training for six (6) to fifteen (15) individuals, and which may also provide housing for staff persons who provide services to those individuals. For the purposes of this Code, unless inhabited by a single family, a residential facility is considered to be a form of multiple family residential development.
238. Residential Home: As used in ORS 197, a residential home is a residential treatment or training home, or adult foster home, licensed by the State of Oregon, which provides care, treatment or training for five (5) or fewer individuals, and which may also provide housing for staff persons who provide services to those individuals. For the purposes of this Code, a residential home is considered to be a form of single-family dwelling unit.
239. Residential Trailer: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962. [Amended by Ordinance 317, 11/4/87].
240. Residential Village Comprehensive Plan Designation: The area within which the Village zone applies, as illustrated on the Comprehensive Plan Map.
241. Row House: A form of single family dwelling where individual units are arranged in an unbroken row with no intervening side yards, with or without an accessory dwelling unit or building.
242. Right-of-way: The area between boundary lines of a public way.
243. Riparian Corridor: See Section 4.139.00.
244. Riparian Corridor Cross Sections: See Section 4.139.00.
245. Riparian Impact Area: See Section 4.139.00.
246. Roadway: The portion of a street right-of-way developed for use by vehicular traffic.
247. School: An educational facility.
248. School, Commercial: A school operated as a commercial enterprise. See Section 4.125(.04), Conditional Uses.
249. School, Private: Schools, including kindergartens, nurseries, children's or adult day care facilities, play schools, and other such facilities, operated primarily through private funding sources. See Section 4.125(.04), Conditional Uses.

250. School, Public: A school endowed and/or supported by taxation. See Section 4.125(.04), Conditional Uses.
251. Screening: Any construction whose essential function is to visually conceal, as in sight-obscuring fencing or sight-obscuring planting. See Section 4.176.
252. Setback: The distance between a reference line (usually a property line) and the nearest point of a building, or portion thereof. In the Village Zone, see Section 4.125.06, Standards Applying to all Developments.
253. Service Center: A planned development commercial center or complex of uses related to serve the motoring public and located at or near the freeway interchanges. Typical uses include restaurants, motels, automobile and truck service stations and centers.
254. Shade point: The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the northern end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal) the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 5: Height of the Shade Point of the Structure and Figure 6: Shade Point Height in Section 4.137).
255. Shade reduction line: A line drawn parallel to the northern lot line that intersects the shade point (see Figure 7: Shade Reduction Line in Section 4.137).
256. Shade: As used in the solar access provisions of this Code, a shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.
257. Shadow pattern: A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 13: Shadow Pattern in Section 4.137).
258. Shielding.
- Directional. A luminaire designed to be aimed or pointed.
 - Fully Shielded. A luminaire emitting no more than 0.5 percent of its luminous flux above the horizontal plane, including any luminaire rated “full cut off” according to IESNA RP-8-01.
 - Partly Shielded. A luminaire emitting no more than 10 percent of its total luminous flux above the horizontal plane, including any luminaire rated “semi-cutoff” according to IESNA RP-8-01.

- Shielded. A luminaire emitting no more than 2 percent of its total luminous flux above the horizontal plane, including any luminaire rated “cutoff” according to IESNA RP-8-01.
 - Unshielded. A luminaire that may emit its flux in any direction. [Added by Ord. 649, 6/2/08]
259. Sidewalk: A walkway, within or adjacent to a street right-of-way, paved to City standards.
260. Sight-Obscuring Planting: A dense perennial evergreen planting with sufficient foliage to obscure vision as specified in Section 4.176 and which will reach a height of at least six (6) feet within thirty (30) months after planting.
261. Sign: A device or display used or intended to be used for advertising purposes or used or intended to be used to inform or attract the attention of the public. “Sign” includes, where applicable, the structure, display surface, or other component parts of the device or display. Examples include, but are not limited to, advertising sign, banner, outdoor advertising sign, on-premises sign, temporary sign, window sign, message, light (other than a device used primarily to illuminate a building and/or premise), emblem, figure or, painting, drawing, placard, or poster. The display of merchandise that is offered on the premises shall not be considered to be a sign unless it is attached to any exterior surface or structure of the building including, but not limited to, roofs, walls, marquees, monuments, or poles. Flags of the United States, State of Oregon, Clackamas or Washington County or City of Wilsonville shall not be considered to be signs and shall not be subject to these regulations.
- A. Addressing Signs: Signs indicating, at a minimum, the numerical address of the building. Such signs are provided in lieu of a street graphics sign.
 - B. Building Graphics: building mounted signs.
 - C. Changing image sign. Any sign which, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of sign image or text.
 - D. Directional signs: Signs on private property that provide directions for the traveling public and deemed necessary for the safe traverse of the public.
 - E. District Sign: a sign indicating the entrance to a Planned Development containing at least fifty (50) acres.
 - F. Electric Sign: any sign containing electric wiring, but not including signs illuminated by an exterior floodlight source.
 - G. Flashing Sign: any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times when such sign is in use. For the purpose of this Code, any moving illuminated sign shall be considered a flashing sign.
 - H. Freestanding Sign: A sign erected and maintained on a freestanding frame, mast, or pole not attached to any building, and not including ground-mounted signs.
 - I. Ground-mounted Sign: a sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground, including monument signs.

- J. Inflatable Sign: any device that depends on a differential between internal and external air pressure to maintain its size, form or shape regardless of whether it is tied, tethered, mounted or connected to a pole, building, or ground.
- K. Institutional Signs: signs that identify public buildings, churches, public and private schools and other such structures used for public gathering or to serve the general public. The Planning Director shall determine the nature of such signs if there is a question. Institutional signage shall comply with all applicable provisions of this Code.
- L. Integral Sign: a sign carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction indicating names of buildings, date of erection, monumental citations, commemorative tablets and the like when made an integral a part of the structures.
- M. Marquee Sign: a canopy or covering structure bearing a signboard or graphics projecting from, and attached to, a building.
- N. Permanent Sign: any sign that does not meet the definition of a temporary sign, below.
- O. Portable Sign: a sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place; other than garage sale signs and real estate signs. These signs include, but are not limited to movable A-frame signs, sandwich board signs, signs on vehicles or trailers, signs attached to wood or metal frames designed to be self-supporting and movable, including trailer reader boards, paper, cardboard or canvas sign wrapped around supporting poles.
- P. Projecting Sign: a sign, other than a wall sign which projects from and is supported by a wall of a building or structure. Projecting Signs are differentiated from Wall Flat Signs as defined below.
- Q. Roof Sign: A sign located on or above the roof of any building, not including a false mansard roof, canopy or other fascia.
- R. Selling slogans: a brief striking phrase used in advertising or promotion. The hours of operation of a business shall be considered to be a selling slogan.
- S. Sign Area: the display surface or face of the sign, including all frames, backing face plates, non-structured trim or other component parts not otherwise used for support. Where a sign is displayed on a surface that includes both signage and blank area, the Planning Director shall have the responsibility for calculating the sign area and shall include all of the surface generally bounding any lettering or other display.
- T. Site Area, Net: The area of a development site, excepting all areas in public or private streets, driveways, and parking spaces.
- U. Street Graphics: signs that indicate the name and function of a business or institution and are located on private property but within fifteen (15) feet of the right-of-way of a public street.
- V. Temporary Sign: a banner, pennant, poster or advertising display constructed of paper, window paint, cloth, canvas, plastic sheet, cardboard, or other like materials intended to be displayed for a limited period of time.

- W. Wall Flat Sign: a sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits of any building and which projects from that surface not more than twelve (12) inches at all points.
262. Significant Resource Impact Report (SRIR): See Section 4.139.00
263. Significant Resource Overlay Zone (SROZ): See Section 4.139.00
264. Site Development: Any human-caused change to improved or unimproved property -, including, but not limited to, land surface mining, grading, filling, excavation, tree cutting, clearing, construction, installation or alteration of a building or other structure, establishment or termination of an access or outdoor storage on the land.
265. Solar access height limit: A series of contour line establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit (see Figure 12: Solar Access Height Limit in Section 4.137).
266. Solar access permit: A document issued by the city that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.
267. Solar feature: A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window or windows that contain(s) at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this Section.
268. Solar gain line: A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot (see Figure 8: Solar Gain Line in Section 4.137).
269. Source Separated Recyclables: Recyclable materials designated “principle recyclable materials” by the Oregon Environmental Quality Commission under ORS 495A.025 with the exception of yard debris, as well as other source-separated recyclables that may be designated by local ordinance or regulation. [Amended by Ord. #426 – 4/1/94]
270. South or South facing: True south, or 20 degrees east of magnetic south.
271. Special Flood Hazard Area: Means an area having special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, A1-30, AE, AR, A99, AH, VO, VI-30, VE, V, M, OR E. [Amended by Ord. # 647, 4/21/08]
272. Specific Area Plan (SAP): A plan with a series of detailed components covering one of the five distinct areas of the Villebois Village Master Plan. These plans provide a higher level of analysis and detail than the Villebois Village Master Plan.
273. Stacked Flats: Two or more single-level dwelling units, the second arranged above the first, etc.
274. Start of Construction: Includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair,

reconstruction, placement or other improvement was within 180 days of the permit date or within any lawful extension of the 180 day permit period provided for by the Oregon State Structural Specialty Codes. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. [Added by Ord. # 647, 4/21/08]

275. Stoop: A small uncovered platform or porch at the entrance to a dwelling, usually up several steps from the sidewalk.
276. Storage Area for Solid Waste or Recyclables: The space necessary to store mixed solid waste and source separated recyclables that accumulate between collection days. [Amended by Ord. #426 – 4/1/94]
277. Story: That portion of a building included between a floor and the ceiling next above it, exclusive of a basement.
278. Street: The entire right-of-way of a dedicated public way, which provides vehicular and pedestrian access to adjacent properties. It shall include the terms street, court, road, drive, and other such terms. Except in the Village zone, a right-of-way less than twenty (20) feet in width shall not be recognized as a street.
279. Street, Arterial: A street used primarily for through traffic.
280. Street, Collector: A street used to some extent for through traffic and to some extent for access to abutting properties.
281. Street, Frontage: A minor street parallel to and adjacent to a major street providing access to abutting properties and protection from through traffic.
282. Street, Half: A portion of the width of a street, usually along the edge of a development where the remaining portion of the street could be provided in another adjacent development. In the Village Zone, see Section 4.125(.09), Street Improvement Standards.
283. Street Tree Master Plan: A plan that denotes the species, spacing, minimum size and location of all street trees.
284. Street, Local: A street used exclusively for access to abutting properties.
285. Structure: Anything built which requires location on the ground or is attached to something having a location on the ground. [Amended by Ord. # 647, 4/21/08]
286. Structured Parking: Enclosure for the storage of four or more vehicles.
287. Subdivide: To effect a subdivision of land, as defined below.
288. Subdivider: Any owner commencing proceedings under Sections 4.200 to 4.290 to effect a subdivision of land.

289. **Subdivision**: Either an act of subdividing land, or an area or tract of land subdivided as defined in this Code. A subdivision means the division of land into more than three (3) lots.
290. **Substantial Damage**: Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. [Added by Ord. # 647, 4/21/08]
291. **Substantial Development**: Receipt of a valid public works permit or building permit for construction activities, other than a grading permit, is deemed to constitute "substantial development."
292. **Substantial Improvement**: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50 percent) of the market value of the structure, as determined by the City's Building Official, either:
- A. Before the improvement or repair is started, or
 - B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term is not used in the same manner as the term "substantial development" and does not include either:
 - (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
293. **Sunchart**: One or more photographs that plot the position of the sun between 10:30 am and 1:30 pm on January 21, prepared pursuant to guidelines issued by the Planning Director. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30-minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.
294. **Support Structure (Telecommunication)**: The structure to which wireless communication antennae and other necessary hardware are mounted. For purposes of this ordinance the terms "support structure," "tower," and "transmission tower" shall be interchangeable. Support structures include, but are not limited to:
- A. **Guyed Tower**: A tower which is supported, in whole or in part, but the use of cables (guy wires) and ground anchors.
 - B. **Lattice tower**: A freestanding support structure which consists of an open framework of crossed metal braces on three or four sides which stabilize the tower and which is built without guy wires and ground anchors.
 - C. **Monopole**: A freestanding support structure consisting of a single upright pole sunk into the ground and/or attached to a foundation and engineered to be self-supporting without guy wires or ground anchors.
295. **Terrace**: A raised space or platform adjoining a building, paved or planted, especially one used for leisure enjoyment.

296. Temporary Lighting. Lighting installed with temporary wiring and operated for less than 120 days in any calendar year. [Added by Ord. 649, 6/2/08]
297. Theater: A building or outdoor structure providing facilities for the presentation of performances.
298. Tower Footprint: The area described at the base of a transmission tower as the perimeter of the transmission tower including the transmission tower foundation and any attached or overhanging equipment, attachments or structural members but excluding ancillary facilities and guy wires and anchors. [Added by Ord. #479, 5/19/97]
299. Tower Height: The distance measured vertically from the highest point when positioned for operation to the lowest point, which is defined as the bottom of the base of the structure being measured at either roof level for a roof-mounted structure or at ground level for a freestanding structure. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point on the tower. [Added by Ord. #479, 5/19/97]
300. Tower Pad: The area encompassing the tower footprint, ancillary facilities, fencing and screening. [Added by Ord. #479, 5/19/97]
301. Town Center: That part of the community that is generally bounded by, or adjoining, Town Center Loop Road.
302. Townhouse: A configuration of a Multiple Family Dwelling where multi-story units are attached in an unbroken row sharing common walls, and each having a separate entrance.
303. Trailers, Travel Trailers, Mobile Coaches: A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking or plumbing facilities and is intended for temporary residential and/or recreational uses. Trailers, travel trailers, and mobile coaches do not meet the standards to be considered mobile homes or manufactured dwellings noted above.
304. Transit Stop: A designated location along or near a transit street for pick-up and drop-off of transit users.
305. Transit Station: A facility at a major transit stop accommodating multiple types of transportation, including the seating, sheltering, pick-up, and drop-off of transit users; bicycle storage; automobile drop-off lanes; and other uses compatible with transit use.
306. Transit Street: A designated transit route with one or more transit stops serving TRI-MET or South Metro Area Rapid Transit (SMART) riders.
307. Tree: Any living, standing woody plant having a trunk six inches or more d.b.h. at four and one-half (4-1/2) feet above grade.
308. Tree Cutting: The falling or removal of a tree, or any procedure the natural result of which is to cause the death or substantial destruction of a tree, including topping and severe cutting back of limbs to such a degree as to destroy or adversely affect the normal growth pattern of the tree. Cutting does not include routine pruning or trimming.

309. Tree Preservation and Protection Plan: A plan that indicates the locations of existing trees to be preserved and the methods to be employed to do so. See the City of Wilsonville Tree Preservation Code, Section 4.600 for additional information.
310. Tree Pruning: Reduction of a tree to achieve a better shape and more fruitful growth, using common practices of the arboriculture industry, including the International Society of Arboriculture, the Oregon Department of Forestry (Urban Forestry), or other professional arboriculture industry organizations.
311. Tree Survey: Information provided by an arborist which describes size, species, health, and condition, and an accurate map that locates the trees on the property and descriptive text. Tree surveys shall be provided in keeping with WC 4.610.30 and 4.610.40.
312. Tree Topping: The severe cutting of the top or limbs within the tree's crown to such a degree so as to remove the natural canopy or disfigure the tree.
313. TRP: Tree Removal Permit.
314. Undevelopable area: As used in the solar access provisions of this Code, an area that cannot be used practicably for a habitable structure, because of natural conditions, such as slopes exceeding 20% in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.
315. Urban Growth Management Function Plan (UGMFP): Regulatory requirements imposed on local governments by Metro.
316. Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied.
317. Utilities: Any water, gas, sewer, storm drainage, electrical, telephone, or communication service and all persons, companies, and agencies supplying the same.
318. Value: Current market value or replacement cost as determined by a licensed or certified professional in the tree, nursery, or landscape field.
319. Variance: Means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. A Variance does not allow a use that is prohibited by this Chapter.
320. View Corridor: As located and defined in the Master Plan, a view corridor is a panorama or line-of-site that, for aesthetic or cultural reasons, is to remain free of noncontributing elements.
321. Village Center: An area illustrated and described in the Villebois Village Master Plan, providing a mixture of residential and commercial uses, at the intersection of three neighborhoods. The Village Center is the focal point of civic and commercial activity.

322. Village Center Architectural Standards: A document that includes standards for all buildings within the Village Center. [Definition amended by Ord. No. 595, 12/5/05.]
323. Village Zone: The zoning district that is applied to areas designated Residential Village on the Wilsonville Comprehensive Plan Map. The Village zone implements the Residential-Village designation and the Villebois Village Master Plan. Also known as the V zone.
324. Villebois Village Master Plan: The approved document depicting the general organizational structure of the Villebois Village Concept Plan, implemented by the Residential-Village Comprehensive Plan designation, and the Village (V) zone, including but not limited to the form and location of public open spaces, types and alignment of the utilities and various thoroughfares, and land use types and locations.
325. Violation: The division or use of land or structures, or the construction of, addition to, or alteration of, structures in a manner that does not fully comply with the provisions of Chapter 4. Structures located in flood hazard areas without adequate elevation certificates or other satisfactory proof of compliance with the provisions of Section 4.172 will be presumed to be in violation until such time as the necessary information has been provided to the Community Development Director.
326. Wall: An upright construction having a length greater than the thickness and presenting a continuous surface except where pierced by doors, windows, etc., used for shelter, protection, or privacy.
327. Water-Dependent: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production or source of water.
328. Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories; and trailer parks are not generally considered dependent on or related to water location needs.
329. Wayfinding Plan: See Master Signage and Wayfinding Plan.
330. Wetlands: Existing wetlands include jurisdictional wetlands as determined by the Division of State Lands (DSL) and/or the US Army Corps of Engineers (COE). “Wetlands” are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Created wetlands are mitigation wetlands as defined by the Division of State Lands or US Army Corps of Engineers. For the purpose of this ordinance, wetlands shall not include these constructed facilities:
- A. stormwater treatment ponds or swales;
 - B. stormwater treatment wetlands;
 - C. detention ponds;
 - D. a 25-foot buffer adjacent to the wetland;
 - E. an off-stream recreational lake, lagoon, fire pond or reservoir; and

Section 4.002. Scope, Interpretation and Compliance.

- F. ditches that are not mapped within the Significant Resources Overlay Zone and are constructed solely for the purpose of draining roads, lots, and outfalls of storm drains.
331. **Wildlife Habitat:** A Goal 5 resource defined as an area upon which wildlife depend in order to meet their requirements for food, water, shelter and reproduction. Wildlife habitat in the *City of Wilsonville Natural Resource Inventory and Goal 5, Title 3, Endangered Species Act Compliance and Protection Plan* refers to upland, forested areas of at least one-acre size. Hazelnut orchards, small clumps of trees and areas with only a few scattered trees are not included as wildlife habitat.
332. **Wireless Communication Facilities (WCF):** An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. WCFs are composed of two or more of the following components: (1) antenna: (2) support structure: (3) equipment enclosures; and (4) security barrier. [Added by Ord. #479, 5/19/97]
333. **Yard:** The open space, other than a court, on a lot, unoccupied and unobstructed other than by landscaping or permitted fences from the ground upward, between a structure or structures and any lot line. The minimum horizontal distance between any point on a lot line and the nearest part of any structure or building is the yard depth.
334. **Yard, Front:** Any yard abutting a street, unless one side is determined to meet the definition of a side yard, below.
335. **Yard, Rear:** Any yard abutting a rear lot line.
336. **Yard, Side:** Any yard abutting a side lot line and, for corner lots, the side with the longest street frontage. Where a corner lot has an existing building with a primary entrance, the street side without the entrance shall be deemed the side yard. Where a corner lot has the same amount of frontage on both streets, and no primary building entrance facing either street, the Planning Director may designate the side yard in order to determine required setbacks.
- [Definitions amended by Ord. 557 adopted 9/5/03]

Section 4.002. Scope, Interpretation and Compliance.

- (.01) A parcel of land may be used, developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise only as this Code permits. In addition to complying with the criteria and other provisions within this Code, each development shall comply with (1) the applicable elements of the Comprehensive Plan, and (2) any conditions of approval established by the City of Wilsonville. The requirements of this Code apply to the property owner, the person undertaking a development or the user of a development and to the person's successors in interest.
- (.02) Illustrations, examples and graphic materials contained in this Code are intended to aid in interpretation but are not intended to replace, or take precedence over, the text.

Section 4.003. Consistency with Plan and Laws.

Actions initiated under this Code shall be consistent with the Comprehensive Plan and with applicable State and Federal laws and regulations as these plans, laws and regulations may now or hereafter provide.

Section 4.004. Development Permit Required.

- (.01) Except as excluded by Section 4.005, no person shall directly or indirectly engage in or cause to occur a development for which a development permit has not been issued. The building official shall not issue a permit for the construction, reconstruction or alteration of a structure or a part of a structure for which a development permit has not been issued.
- (.02) A development permit shall be issued by the Planning Director in accordance with the provisions set forth in Sections 4.035 of this Code. The Director shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this Code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development.
- (.03) Unless appealed, as provided in Section 4.022, a decision on a development permit shall be final upon expiration of the period provided for filing an appeal or, if appealed, upon rendering of the decision by the reviewing body.

Section 4.005 Exclusions from Development Permit Requirement.

An activity or development listed below is excluded from the requirements for a development permit.

- (.01) Landscaping, provided that plant materials specifically prohibited by the Wilsonville Code are not installed.
- (.02) 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) An emergency measure necessary for the safety or protection of people or property.
- (.04) Farming, provided that the farming is a continuation of agricultural activities on the site and is not a temporary process as a precursor to other development of the site.
- (.05) Except as otherwise required by Sections 4.184 and 4.500 to 4.510, the establishment, construction or termination of an authorized public facility that 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 is not intended to apply to buildings used by utility providers.

Section 4.006. Use of a Development.

- (.06) Installation or construction of an accessory structure that does not require a building permit.
- (.07) Minor clearing or grading for purposes of site surveying, or exploratory excavations under direction of a civil engineer or engineering geologist, 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).

Section 4.006. Use of a Development.

A development may be used only in a manner that is not prohibited by law and for which the development is designed, arranged and intended or which is "nonconforming" as defined in Section 4.001.

Section 4.007 Lawfully Existing Development.

For the purposes of this Code, lawfully existing uses shall include the following:

- (.01) All lawfully existing land uses and buildings developed in accordance with the Comprehensive Plan and Zoning Ordinance, including land uses and buildings that were legally established subject to Ordinance No. 23 or 154, and Design Review Ordinance No. 38 or Subdivision Ordinance No. 16.
- (.02) All site development permits, Planned Development Permits, Final Development Plans, and tentative plats approved by the Planning Commission or Development Review Board prior to the effective date of this Code shall be valid for the purposes of submittal of final plats or issuance of Building Permits, unless they have expired as provided in Section 4.023. Said plans shall remain valid, consistent with the conditions and time limitations in effect on the effective date of this Code and conditions of approval imposed on the application. Development approvals are subject to expiration as provided in Section 4.023.

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:
 - A. Class I and Class II Administrative Reviews, pursuant to Section 4.030;
 - B. Stage I and Stage II Site Development Permits, pursuant to Section 4.035;
 - C. Conditional Use Permits, pursuant to Section 4.184;
 - D. Variances, pursuant to Section 4.196;
 - E. Quasi-judicial zone changes, pursuant to Section 4.197;
 - F. Changes to the text of Chapter 4, pursuant to Section 4.197;

Section 4.008. Application Procedures - In General.

- G. Quasi-judicial changes to the map or maps of the Comprehensive Plan, pursuant to Section 4.198;
 - H. Changes to the text of the Comprehensive Plan, including adoption of new Plan elements or sub-elements, pursuant to Section 4.198;
 - I. Subdivisions, condominium divisions, and land partitions, pursuant to Section 4.200;
 - J. Expedited land divisions, pursuant to Section 4.232;
 - K. Annexations, pursuant to Section 4.700; and
 - L. Street vacations, pursuant to ORS 271 and Sections 4.031 and 4.032 of this Code.
 - M. Specific Area Plans, preliminary Development Plans and Final Development Plans, pursuant to Section 4.125. (Added by Ord. 557 adopted 9/5/03)
- (.02) Unique features of Wilsonville's development review processes. The Wilsonville Land Development and Planning Ordinance is structured and implemented differently than the Codes of most other cities. These differences are summarized below:
- A. Most of Wilsonville's vacant land (without active approved projects) is zoned RA-H, a Residential-Agricultural holding zone with a large minimum lot size. Properties in this holding zone must be rezoned to conform with the Comprehensive Plan as part of the planned development review process.
 - B. If the subject property is over 2 acres in size, it must be zoned in one of the Planned Development categories, (PDR, PDC, PDI, etc.), or zoned for public use, before it can be developed.
 - C. Some portions of a parcel may have development constraints because of such things as steep slopes, wetlands, wildlife habitat, hazard areas, or trees.
 - D. In residential developments, at least 25% of the site area must be preserved as open space. Some of the site is also typically required to be recreational area. See Section 4.113 for more information on requirements for open space and recreational area in residential developments. For all projects, at least 15% of the net site area must be landscaped including vegetative plant materials.
 - E. Unless waived by the Community Development Director for good cause, a traffic study must be completed to determine that the City's level of service standards can be met, considering the subject development and all previously approved projects.
 - F. For a Planned Development there are four (4) phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual stage through to detailed architectural, landscape and site plan review in stages:
 - 1. Rezoning;
 - 2. Stage 1 - Preliminary Plan;
 - 3. Stage 2 - Final Plan; and
 - 4. Site Design Review.

Section 4.008. Application Procedures - In General.

- G. Approval of each stage shall remain valid unless it expires as provided in Section 4.023. A Stage I approval will not be revoked or substantially altered during the Stage II review process, unless requested by the applicant. Stage II approval will not be revoked or substantially altered during the Site Design Review process, unless requested by the applicant. Zoning may be changed by action of the City Council, but will not be subject to automatic revocation unless such revocation is specifically made a condition of approval at the time of the original zone change.
- H. In Wilsonville, the practice is to review each new phase in light of previous approvals and conditions. At construction and occupancy, the review includes inspections to verify compliance with conditions of approval. These inspections include detailed site comparison with previous plan approvals (including number and types of plants and design of elevations and setbacks). Developers are often required to post a bond or provide other financial security for the completion of the conditions of approval for the project.
- I. Wilsonville uses a “concurrency” requirement regarding public services and facilities. Basically, the needed services and facilities must be scheduled for completion within two years of occupancy and a positive finding of such concurrency must be made prior to project approval.
- J. Wilsonville expects project progress to be made in a timely fashion. For each step in the Planned Development, the applicant must take action to “exercise” the approval within a given time period or the approval lapses.
- K. Special additional features include: mixed use provisions for most zones ability to “waive” many of the typical development standards based on design improvements that will result; density transfers; strong variance provisions; tree protection with mitigation requirements for tree cutting; City Council “Call Up” provisions; heavy landscaping requirements; owner/developer signature to accept and abide by conditions; limited administrative approval power; enforcement powers and practice.

[Section 4.008(.02)(K.) amended by Ord. No. 574, 11/1/04]

- L. For Land in the Village zone, there are three (3) phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual stage through to detailed architectural, landscape and plan review in phases:

1. Specific Area Plan (SAP);
2. Preliminary Development Plan (PDP), Rezoning, and Final Development Plan (FDP); and
3. Land Division Approval.

Land within the Central SAP or multi-family dwellings outside of the Central SAP may be developed in four phases, with the application and approval of an FDP occurring after PDP approval.

[Added by Ord. 557 adopted 9/5/03]

[Section 4.008(.02)(L) amended by Ord. No. 587, 5/16/05.]

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). [Amended by Ord. 557 adopted 9/5/03]
- (.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.
- (.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.
- (.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.

Section 4.010. How To Apply.

- (.01) Contact Planning Department. Prospective applicants are advised to contact the Planning Department of the City's Community Development Department for application forms and information on application procedures.
- (.02) Pre-Application Conference
 - A. An applicant or the applicant's authorized representative shall contact the Planning Department to arrange a pre-application conference, unless the applicant and the Planning Director agree the conference is not needed.
 - B. The conference shall be held within 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.

Section 4.011. How Applications are Processed.

- 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.

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.
- (.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.
 - 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.
 - C. Failure of an applicant to remedy any deficiencies in an application prior to the preparation of the staff report on the matter shall constitute adequate grounds for denial of the application by the appropriate decision-making body. Failure of an applicant to provide the deficient information may be considered to be a "refusal" as the term is used in ORS 197, and the application shall be processed accordingly.
 - D. Upon concluding that an application is complete, or that it will be processed in spite of the applicant's failure or refusal to correct any deficiencies in the application, the Planning Director shall provide copies of the application materials to other affected agencies and City departments, requesting their input and recommendations for the record.
 - 1. Such other agencies and departments shall be given a specified amount of time to respond, sufficient to allow the planning staff an opportunity to complete the preparation of a written staff report for the review of the public and decision-makers. For public hearing items, staff reports are printed and available for review seven (7) days prior to the time when a public hearing is conducted.
 - 2. Each written staff report includes a list of the agencies and departments contacted in the review process and their written comments, if any.

Section 4.012. Public Hearing Notices.

- (.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.

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.

[Section 4.012(.01) amended by Ordinance No. 538, 2/21/02.]

- (.02) Mailed Notice for Quasi-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.
- (.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.

Section 4.013. Hearing Procedures.

(.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.
- 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.

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.

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.

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.

Section 4.016. Notification of Action on Applications.

- 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.
- (.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.
- (.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.

Section 4.016. Notification of Action on Applications.

All individuals who are required by law to receive notification, as well as any persons who submit oral or written testimony on an application, shall be provided with written notification of the decision on the application at the same time. This notification shall include information on local appeal procedures and requirements.

Section 4.017. Withdrawal of Application

- (.01) An application for a zone change or development permit may be withdrawn, at the request of the applicant, any time up to the point that the first public hearing on the matter is closed. Once the hearing has been closed, however, a final decision shall be made and no withdrawal request will be accepted.
- (.02) If an application is withdrawn within one week of the date it was submitted, the application fee, less a 15% administrative cost, shall be refunded. Any withdrawal after one week of the date it was submitted shall be without any refund or application fees, unless the Director authorizes a refund because of an unusual hardship to the applicant. In such cases, the Director shall determine an appropriate refund based upon the costs already incurred by the city in processing the application. [(Added Ord. 282, 12/16/85)].

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.

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

Section 4.020. Ex Parte Contacts.

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.

Section 4.020. Ex Parte Contacts.

- (.01) The general public has a right to have hearing body members free from prehearing or ex-parte contacts on quasi-judicial matters heard by that hearing body. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal any significant prehearing or ex-parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain as specified below.
- (.02) Abstention or Disqualification. Disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.
- (.03) Rights of Disqualified Member of the Hearing Body.
 - A. An abstaining or disqualified member of the hearing body shall be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full

Section 4.021. Record of Proceedings.

disclosure of his or her status and position at the time of addressing the hearing body.

- B. If a majority of the members of a hearing body abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall by so doing be requalified and proceed to resolve the issues.
- C. Except for appeal hearings conducted by the Council, a member not present during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

Section 4.021. Record of Proceedings.

The Secretary to the hearing body shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically.

- (.01) Testimony shall be transcribed if required for judicial review or if ordered by the hearing body.
- (.02) The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence received and made part of the record and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.
- (.03) Included in the record shall be a brief statement that explains the criteria and standards considered relevant to the decision; states the facts relied upon in rendering the decision; and explains the justification for the decision based on the criteria, standards and facts set forth.
- (.04) A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to have copies of the record made at the person's own expense.

Section 4.022. Appeal and Call-up Procedures.

- (.01) Administrative Action Appeals. A decision by the Planning Director on issuance of a Site Development Permit may be appealed. Such appeals shall be heard by the Development Review Board for all quasi-judicial land use matters except expedited land divisions, which may be appealed to a referee selected by the City to consider such cases. Only the applicant may appeal a Class I decision unless otherwise specified in Section 4.030, and such appeals shall be filed, including all of the required particulars and filing fee, with the City recorder as provided in this Section. Any affected party may appeal a Class II decision by filing an appeal, including all of the required particulars and filing fee, with the City Recorder within fourteen (14) calendar days of notice of the decision. Either panel of the Development Review Board, or both panels if convened together, may also initiate a call-up of the

Section 4.022. Appeal and Call-up Procedures.

Director's decision by motion, without the necessity of paying a filing fee, for matters other than expedited land divisions. The notice of appeal shall indicate the nature of the action or interpretation that is being appealed or called up and the matter at issue will be a determination of the appropriateness of the action or interpretation of the requirements of the Code.

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

(.03) City Council Call-up.

A. Within fourteen (14) calendar days of final action on any project, the City Council on its own motion, may cause any final action taken by the Development Review Board to be called up for review by the full Council. If the City Council determines by majority vote that an emergency exists in that the Development Review Board will not complete its review of a given application with sufficient time for the Council to consider and resolve any appeals within the statutorily mandated 120-day limit, the City Council may vote to call the matter up for hearing by the Council prior to the completion of the Development Review Board's action on the matter.

B. Notice of the call-up shall be provided in the same manner as an appeal to all parties who have testified or submitted written materials, the Planning Director, and the members of the respective commission or board, and shall also be posted and published as provided in Section 4.012. The notice shall describe the property, set forth the nature of the action and state the time, place and date set for hearing and whether public testimony is to be received.

C. In the event the City Council votes to call-up an action taken by the Development Review Board, any approvals granted by the Board shall be suspended until the Council has acted on the call-up.

D. Upon review, the Council may, by resolution or order, affirm, reverse or modify in whole or part, a determination, condition or requirement, or remand with or without instruction, the decision or part thereof that has been called up. (Added by Ordinance #396 - May 4, 1992)

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

A. The date of the hearing.

B. The issue(s) being appealed.

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

(.05) Scope of Review.

A. At its discretion, the hearing body may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or

Section 4.022. Appeal and Call-up Procedures.

may accept new evidence and testimony. Except, however, that the standard of review on an appeal or call up of a staff decision to be heard by the Development Review Board is de novo.

- B. The reviewing body shall issue an order stating the scope of review on appeal to be one of the following:
 - 1. Restricted to the record made on the decision being appealed.
 - 2. Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.
 - 3. A de novo hearing on the merits.

(.06) Review on the Record

- A. Unless otherwise provided for by the reviewing body, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:
 - 1. A factual report prepared by the Planning Director or the Director's designee.
 - 2. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
 - 3. The written transcript or electronic recording of the hearing and a detailed summary of the evidence.
- B. The reviewing body shall make its decision based upon the record after first granting the right of argument on the record, but not the introduction of additional evidence to any party who has filed a notice of appeal. The reviewing body shall decide if the correct procedure was followed and if so, was the correct or appropriate decision made based on the applicable policies and standards.

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

- A. Except as otherwise specified in this Code, or required by State law, the reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that that additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.
 - 1. Prejudice to the parties.
 - 2. Convenience or availability of evidence at the time of the initial hearing.
 - 3. Surprise to opposing parties.
 - 4. The competency, relevancy and materiality of the proposed testimony or other evidence.
 - 5. Such other factors as may be determined by the reviewing body to be appropriate.
- B. "De novo hearing" shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all

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

testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

(.08) Review Body Decision

- A. Upon review, the referee, Commission, or Board may by Resolution or the Council shall by order, affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.
1. When the referee, Commission, or Board modifies or renders a decision that reverses a decision of the Planning Director, the referee, Commission or Board, in its Resolution, shall set forth its findings and state its reasons for taking the action.
 2. When the Council modifies or renders a decision that reverses a decision of the Commission or Board, the Council, in its order, shall set forth its findings and state its reasons for taking the action.
 3. When the Council modifies or renders a decision of the Commission or Board, the Council, in its order, shall set forth its findings and state its reasons for taking the action.
 4. When the Council elects to remand the matter back to the lower review body for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.
- B. Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) calendar days after the filing of the request for review and shall file that decision with the City Recorder within five (5) working days after it is rendered.

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

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

- (.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section. Specific Area Plan approvals shall not expire. [Amended by Ord 557 adopted 9/5/03]
- A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or

Section 4.024. Prohibition of Resubmittal After Application Denial.

- B. A time extension has been granted by the appropriate City reviewing body (generally the Development Review Board) for good cause. Not more than three such extensions may granted, for not more than one (1) year each.
- (.02) If the development approval is for a subdivision or partition, the developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in (.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.
- (.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the City Council.
- (.04) Requests for time extensions shall be submitted in writing, including written justification therefore, and received by the Planning Department not less than eight (8) calendar days prior to the expiration date of the permit or approval. [Amended by Ordinance No. 538, 2/21/02.]

Section 4.024. Prohibition of Resubmittal After Application Denial.

- (.01) If an application is denied for any reason by the City, no new application which is substantially the same as the previously denied application shall be resubmitted for at least one year after the previous denial. Except, however, that the City's decision-makers may specify in denying an application that the decision is without prejudice, and the applicant may resubmit at any time. The Planning Director shall be responsible for determining, subject to appeal, whether an application is substantially the same as an application that was previously denied.
- (.02) The Planning Commission, Development Review Board, or City Council may, after finding good cause, specifically authorize the resubmittal of an application within the one-year period. Good cause shall be shown by one or more of the following:
 - A. New evidence will be presented which was unavailable or unknown to the applicant at previous hearings and which could not have been discovered by reasonable diligence or the applicant; and/or
 - B. There has been a change of circumstances since the previous hearings which materially affect the applicant's real property, and as a result, the reasons for the denial, as stated by the Planning Commission, Development Review Board or City Council, no longer exist; and/or
 - C. A mistake was made at a previous hearing which was a significant factor in the denial of the previous application; and/or
 - D. The resubmitted application substantially corrects any stated grounds for denial of the earlier application; and/or
 - E. Resubmitted application sufficiently revises the proposal to warrant consideration.

Section 4.025. Enforcement and Administration.

- (.01) It shall be the duty of the Planning Director, to administer and enforce the provisions of Chapter 4 of this Code in a manner to assure rapid and effective compliance.
- (.02) The records of zoning actions and all amendments shall be officially held within the office of the City Recorder. All amendments to 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) The Commission or Board by a majority vote may instruct the Planning Director to enforce any provision of this Ordinance.
- (.04) When it appears to the City Council that there is a failure or refusal by any person, firm or corporation to comply with a final decision of the Board or Planning Commission, or of the Council in cases of appeal, or that there is a continuing violation otherwise of this Ordinance, the City Council may authorize the City Attorney to institute an appropriate suit in equity in the Circuit Court in the name of the City and abate and temporarily and permanently enjoin such violation.

Section 4.026. Enforcement Procedures and Penalties.

- (.01) On new construction, and prior to occupancy, the Planning Director shall 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) 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) 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 may cause the domestic water service to the property to be shut off as set by the Water Rates Ordinance.
- (.04) A violation of any provision of this Chapter is punishable, upon a first conviction, as a violation pursuant to Section 1.012 of the Wilsonville Code, and upon a subsequent

Section 4.027. Saving Clause (Severability).

conviction, as a Class C Misdemeanor pursuant to Section 1.011. In the case of a continuing offense, each day of any violation constitutes a separate offense.
[Amended Ord. #253, 2/21/84]

- (.05) The City Attorney, at the request of the City Council, shall institute any necessary legal proceedings to enforce the provisions of this Chapter.

Section 4.027. Saving Clause (Severability).

Should any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid; each section, clause and provision hereof being declared severable.

Section 4.028. Fees.

Fees are for the purpose of defraying administrative costs and shall be governed by the provisions of a Resolution duly adopted by the Wilsonville City Council. The City Council may establish fees sufficient to cover all or part of the City's actual costs or actual average costs of processing applications.

Section 4.029. Zoning to be Consistent with Comprehensive Plan.

If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.

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

- (.01) Authority of Planning Director. The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:
- A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below. Pursuant to Class I procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:
 - 1. Minor site clearing and grading, prior to the approval of a Site Development Plan, provided that:
 - a. no clearing or grading occurs within the Significant Resource Overlay Zone. Clearing or grading in the Significant Resource Overlay Zone shall require, at a minimum, approval of a Class II permit through the procedures specified below;
 - b. no clearing or grading occurs within twenty-five (25) feet of an area that has been identified by the City as a wetland;

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

- c. not more than three (3) 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.
2. Signs authorized for administrative approval by the sign regulations and signs that are permitted outright by the sign regulations of this Code. This includes copy changes to an existing sign, provided that no other structural changes occur and provided that the change occurs to a sign that is otherwise legal.
 3. Architectural, landscape, tree removal, grading and building plans that substantially conform to the plans approved by the Development Review Board and/or City Council. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
 4. Building permits for single family or two-family dwellings, and in the Village zone, row houses or apartments, meeting zoning requirements and located on lots that have been legally created. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
[Amended by Ord 557 adopted 9/5/03].
 5. Lot line adjustments, where none of the lots increase in area by fifty percent (50%) or more, subject to the standards specified in Section 4.233.
 6. A temporary use permit for not more than thirty (30) days, subject to the following standards:
 - a. the applicant has the written permission of the property owner to use the site;
 - b. the proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property;
 - c. adequate parking is provided;
 - d. signs shall meet the standards of Section 4.156. A maximum of two signs, not exceeding a combined total of 24 square feet, are allowed; and
 - e. the proposed use has the approval of the Fire Marshal.
 7. Determination that an existing use or structure is a non-conforming use or non-conforming structure, as defined in this Code. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the history of the property, choose to process such determinations through the Class II procedures below.
 8. Actions taken subject to Site Development Permits which have been approved by the appropriate decision-making body of the City.

9. Final plats for condominiums, subdivisions, or partitions that are substantially the same as tentative plats approved by the City and which are submitted for review and signature prior to recordation with the appropriate county.
 10. Type A tree removal permits as provided in Section 4.600.
 11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.
 12. Expedited land divisions. Applications for expedited land divisions, as provided for in Section 4.232 of this Code and ORS Chapter 197 shall be processed without public hearing, and shall be subject to appeal through the special appeal procedures specified in Section 4.232.
 - a. Authority of Planning Director. The Planning Director shall have authority to review applications for expedited land divisions and to take action approving, approving with conditions, or denying such applications, based on findings of fact.
 - b. Tentative Plat Requirements for Expedited Land Divisions. Tentative plats and all other application requirements for expedited land divisions shall be the same as for other forms of land divisions, except as those requirements are specifically altered by the Oregon Revised Statutes.
 - c. Administrative Relief Not Available. In taking action on an application for an expedited land division, the Planning Director is not authorized to grant Variances or waivers from the requirements of the Code.
 - d. Residential Areas Only. As specified in ORS 197, expedited land divisions shall only be approved in areas zoned for residential use.
- B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:
1. Minor alterations to existing buildings or site improvements of less than twenty-five percent (25%) of the previous floor area of a building, but not to exceed 1,250 square feet, or including the addition or removal of not more than ten (10) parking spaces. Minor modifications to approved Architectural and Site Development Plans may also be approved, subject to the same standards.
 2. Residential accessory buildings or structures with less than one hundred and twenty (120) square feet of floor area located within the Willamette River Greenway Boundary pursuant to Section 4.500 and subject to the flood plain development standards of Section 4.172. Approval of such accessory structures in the Greenway shall be based on all of the following findings of fact:

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

- a. The building or structure is located so that the maximum amount of landscape area, open space and/or vegetation is provided between the river and the building;
 - b. Public access to the river is preserved or is provided in accordance with an approved and adopted plan; and
 - c. That the change of use, intensification of use, or development will be directed away from the river to the greatest possible degree while allowing a reasonable use of the property.
3. A temporary Use Permit for more than thirty (30) and fewer than sixty-one (61) days.
 4. Written interpretations of the text or maps of this Code, the Comprehensive Plan or sub-elements of the Comprehensive Plan, subject to appeal as provided in Section 4.022. The Planning Director may review and interpret the provisions and standards of Chapter 4 (Planning) of the Wilsonville Code upon receiving the required filing fee along with a specific written request. The Director shall publish and mail notice to affected parties and shall inform the Planning Commission and City Attorney prior to making a final written decision. The Director's letter and notice of decision shall be provided to the applicant, the Planning Commission, the City Council, and City Attorney and the notice shall clearly state that the decision may be appealed in accordance with Section 4.022 (Appeal Procedures). A log of such interpretations shall be kept in the office of the Planning Department for public review.
 5. A permit to locate an accessory use on a lot adjacent to the site of the principal use.
 6. Land partitions, other than expedited land divisions, pursuant to Section 4.210. Approval of land partitions shall be based on all of the following findings of fact:
 - a. The applicant has made a complete submittal of materials for the Director to review, as required in Section 4.210;
 - b. The proposed plan meets the requirements of the Code regarding minimum lot size and yard setbacks;
 - c. The approval will not impede or adversely affect the orderly development of any adjoining property or access thereto;
 - d. The public right-of-way bordering the lots or parcels will meet City standards;
 - e. Any required public dedications of land have been approved for acceptance by the City and will be recorded with the County prior to final plat approval;
 - f. Adequate easements are proposed where an existing utility line crosses or encroaches upon any other parcel to be created by the partition;
 - g. All public utilities and facilities are available or can be provided prior to the issuance of any development permit for any lot or parcel; and
 - h. Roads extended or created as a result of the land division will meet City standards.

7. Decisions on the following:
 - a. Lot line adjustments, where any of the lots increase by more than fifty percent (50%) in area, subject to the provisions of Section 4.233.
 - b. Temporary use permits for periods exceeding thirty (30) days. Temporary use permits may allow specific activities associated with the primary use or business located on the property for up to 120 days provided that:
 - i. the property owners have given written permission;
 - ii. no structure, sign or any other object shall exceed 20 feet in height;
 - iii. adequate parking is provided in designated spaces;
 - iv. signs are limited to a maximum of two and shall not exceed a total combined area of 24 square feet;
 - v. electrical and building permits are obtained as required;
 - vi. undue traffic congestion will not result and, if traffic congestion is expected, a traffic control plan is submitted along with the application that identifies the traffic control procedures that will be used;
 - vii. the activity and/or use shall not unduly interfere with motorists driving on adjacent roads and streets, including I-5; and
 - viii. public notice has been provided and the comments of interested parties have been considered in the action that has been taken.

8. Solar access permits, as specified in Section 4.137.3.

[Correction of numbering order for Section 4.030(.01)(B.) by Ordinance No. 538, 2/21/02.]

- C. Other specific actions or duties delegated by Planning Commission or Development Review Board Resolution, or by order of the Council, setting forth the review procedure guided by clear and objective standards for administration.
- D. Administrative Relief: In issuing the permits in subsection “B,” above, the Planning Director may grant limited relief in cases of hardship. The Director shall follow the Class II - Administrative Approval procedures to determine whether administrative relief shall be granted. If the Director receives a complete application, along with the required filing fee, and the request involves only the expansion or reduction by not more than 20 percent of one or more quantifiable provisions of yard, area, lot dimension, or parking requirements of the zone, the Director may approve the application, based upon findings of fact supported by evidence in the record. The Variance procedures and standards specified in Section 4.196 shall be used in determining whether administrative relief shall be granted.
- E. Emergency Situations: The Planning Director may review and approve any reasonable and necessary emergency measure, including the removal of trees and vegetation from the Willamette River Greenway, Significant Resource Overlay Zone and wetlands, necessary for the safety and/or protection of persons or property. The standard shall be that the least amount of activity or disruption is used to provide the necessary protection to the property or to avert damage to the property. The Director may require restoration of landscaping, vegetation or soil to repair any damage resulting from enacting emergency protection measures.

Section 4.031. Authority of the Development Review Board.

- (.02) Authority of Community Development Director. The Community Development Director shall serve as the City's Flood Plain Administrator and shall have specific additional authority as follows:
- A. Reviewing proposed site development applications to assure compliance with the requirements of Section 4.172 (Flood Plain Regulations);
 - B. Reviewing proposed site development applications to determine whether sufficient information exists to waive the requirement of a traffic study.
 - C. Reviewing and determining the adequacy of security provided in lieu of improvements for a development.
 - D. Reviewing final plats for compliance with conditions of approval and City engineering standards.

Section 4.031. Authority of the Development Review Board.

- (.01) As specified in Chapter 2 of the Wilsonville Code and except as specified herein, the Board shall have authority to act on the following types of applications:
- A. Class II development applications referred to the Board by the Planning Director, as authorized in Section 4.030.
 - B. Call-ups or appeals of staff decisions or interpretations involving quasi-judicial applications or procedures, as authorized in Sections 4.022 and 4.172.
 - C. Review of tentative subdivision and condominium plats, as authorized in Section 4.210, other than those processed as expedited land divisions.
 - D. Conditional Use Permits, as authorized in Section 4.184.
 - E. Variances, as authorized in Section 4.196, other than those that are reviewed and acted upon by the Planning Director through Administrative Review processes.
 - F. Initial review of quasi-judicial applications for zone changes, as authorized in Section 4.197.
 - G. Initial review of quasi-judicial applications for amendments to one or maps in the Comprehensive Plan, as authorized in Section 4.198.
 - H. Site design review, as authorized in Section 4.400.
 - I. Review of Stage I and Stage II Planned Development applications.
 - J. Acceptance, rejection, or modification of traffic studies prepared for projects or developments. A traffic study prepared by the City's consultant shall not be rejected or modified by the Board unless substantial evidence exists in the record to justify such action. If the Board rejects a traffic study prepared by the City's consultant, the fee paid by the applicant for that study shall be refunded.
 - K. Initial review of requests for quasi-judicial annexations to the City of Wilsonville.
 - L. Street vacations, where a specific development application has been filed for the subject property. If no specific development application has been filed for the subject property, the vacation request shall be considered by the Planning

Section 4.032. Authority of the Planning Commission.

Commission. Action of the Planning Commission or Board on a street vacation request shall be a recommendation to the City Council.

- (.02) Once an application is determined or deemed to be complete pursuant to Section 4.011, it shall be scheduled for public hearing before the Development Review Board. The City shall provide public notice of the hearing as specified in Section 4.012.
- (.03) At the public hearing, the staff, any applicant, and interested persons may present information relevant to the policies, criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved or proposing modifications or conditions and the reasons the person believes they are necessary for approval. The hearing body shall make a finding for each of the applicable policies, criteria and standards, including whether the proposal conforms to the Comprehensive Plan. The decision, including findings of the hearing body shall be adopted by Resolution, setting forth all Conditions of Approval and relevant time periods for compliance with said conditions.
 - A. If the application is approved, that approval shall constitute a Development Permit when the applicant has complied with the other requirements of this Chapter or the applicant has filed with the Planning Director a written agreement to comply with all conditions of approval.
 - B. A decision of the Board may be appealed to the City Council by any party to the hearing in accordance with Section 4.022.

Section 4.032. Authority of the Planning Commission.

- (.01) As specified in Chapter 2 of the Wilsonville Code, the Planning Commission sits as an advisory body, making recommendations to the City Council on a variety of land use and transportation policy issues. The Commission also serves as the City's official Committee for Citizen Involvement and shall have the authority to review and make recommendations on the following types of applications or procedures:
 - A. Legislative zone changes and changes to the text of Chapter 4 of this Code;
 - B. Legislative changes to, or adoption of new elements or sub-elements of, the Comprehensive Plan;
 - C. Initial review of requests for legislative annexations to the City of Wilsonville; and
 - D. Street vacations, where no specific development application has been filed for the subject property. If a specific development application has been filed for the subject property, the vacation request shall be considered by the Development Review Board. Action of the Planning Commission or Board on a street vacation request shall be a recommendation to the City Council.

Section 4.033. Authority of City Council.

- (.01) Upon appeal, the City Council shall have final authority to act on all applications filed pursuant to Chapter 4 of the Wilsonville Code, with the exception of applications for expedited land divisions, as specified in Section 4.232. Additionally, the Council shall have final authority to interpret and enforce the procedures and standards set forth in this Chapter and shall have final decision-making authority on the following:
- A. Applications for zone changes and changes to the text of Chapter 4, as authorized in Section 4.197.
 - B. Applications for amendments to, or adoption of new elements or sub-elements to, the maps or text of the Comprehensive Plan, as authorized in Section 4.198.
 - C. Appeals of any action taken by the Development Review Board, as authorized in Section 4.022.
 - D. Items called up from the Development Review Board by the City Council, as authorized in Section 4.022.
 - E. Consideration of the recommendations of the Planning Commission.
 - F. Review of requests for annexations to the City of Wilsonville.
 - G. Recommendations to the Metro Council on proposed changes to the portion of the Urban Growth Boundary adjoining Wilsonville.
 - H. Final actions on street vacation applications.
- (.02) When a decision or approval of the Council is required, the Planning Director shall schedule a public hearing pursuant to Section 4.013. At the public hearing the staff shall review the report of the Planning Commission or Development Review Board and provide other pertinent information, and interested persons shall be given the opportunity to present testimony and information relevant to the proposal and make final arguments why the matter shall not be approved and, if approved, the nature of the provisions to be contained in approving action.
- (.03) To the extent that a finding of fact is required, the Council shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission or Development Review Board. The Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the Council determines the conditions are appropriate to fulfill the criteria for approval.
- (.04) To the extent that a policy is to be established or revised, the Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an Ordinance, Resolution or order.
- (.05) Legislative enactments not restricted. Nothing in Sections 4.030 through 4.035 shall limit the authority of the Council to make changes in district designations or

Section 4.034. Application Requirements.

requirements as part of some more extensive revision of the Comprehensive Plan, an implementing ordinance or development standards or relieve a use or development from compliance with other applicable laws.

Section 4.034. Application Requirements.

Applications shall be reviewed as follows:

- (.01) A zone change shall be reviewed in accordance with the standards and procedures set forth in Section 4.197.
- (.02) Applications for Conditional Use Permits shall be reviewed in accordance with the standards and procedures set forth in Section 4.184.
- (.03) Applications for Variances shall be reviewed in accordance with the standards and procedures set forth in Section 4.196.
- (.04) Applications for Planned Development Approvals shall be reviewed in accordance with the standards and procedures set forth in Section 4.035.
- (.05) Applications for subdivisions, condominium divisions, lot line adjustments and land partitions shall be reviewed in accordance with the standards and procedures set forth in Section 4.210.
- (.06) Applications for Site Development Permits shall be reviewed in accordance with the standards and procedures set forth in Section 4.035:
- (.07) Applications for street vacations shall be reviewed in accordance with the standards and procedures set forth in ORS 271.
- (.08) Applications for development approvals within the Village zone shall be reviewed in accordance with the standards and procedures set forth in Section 4.125. [Added by Ord. 557, adopted 9/5/03]

Section 4.035. Site Development Permits.

- (.01) Procedures for Processing Site Development Permit.
 - A. Unless the matter is subject to a public hearing process for a land development permit, an application for a Site Development Permit shall be processed through a Class I or II procedure as set forth below.
 - B. When an application and proposed development plan is submitted, the Planning Director shall determine the appropriate procedure specified by the Code, together with the determination of affected departments, public agencies and property owners. Where there is a question as to the appropriate type of procedure, the Director may elect to process the application as a Class II Administrative Review item.
 - C. The Planning Director shall be responsible for the coordination of the Development Permit application and decision-making procedure and shall only issue a Development Permit to an applicant whose application and proposed development are found to be in compliance with all of the applicable provisions

Section 4.035. Site Development Permits.

set forth in the Comprehensive Plan and Chapter 4 of this Code. Before issuing the Development Permit, the Director shall be provided with the detail required to establish full compliance with the requirements of this Code.

- (.02) Class I - Administrative Review. Consistent with the authority set forth in Section 4.030, a Class I application shall be processed without a public hearing or public notice, unless otherwise specifically required by this Code.
- A. Within thirty (30) days of the date of receiving a complete Class I application, pursuant to Section 4.011, the Director shall approve, conditionally approve, or deny the Development Permit. The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others. The Director shall notify the applicant in writing of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Section 4.022.
 - B. The Development Permit shall be approved if applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of the Comprehensive Plan, and the remainder of Chapter 4.
 - 1. The Development Permit shall be denied if required approvals are not obtained or the application otherwise fails to comply with Code requirements. The notice shall describe the reason for denial.
 - 2. Upon taking action on a Class I Permit application, the Planning Director shall mail notice of the decision to the applicant. A decision of the Planning Director under this procedure may be appealed by the applicant in accordance with Sections 4.022 and 4.030. The hearing on the appeal shall be a review of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Planning Director.
- (.03). Class II - Administrative Review. Consistent with the authority set forth in Section 4.030, a Class II application shall be processed without a public hearing, except as determined appropriate by the Director.
- A. Within ten (10) calendar days of receiving a complete Class II Permit application, the Planning Director shall mail notice of the proposed development, pursuant to Section 4.012, to all property owners within 250 feet of the proposal. The notice shall summarize the standards and criteria that will be used to evaluate the application and shall be sent to the persons designated to receive notice by the relevant sections of this Code. The notice shall invite persons to submit information within ten (10) calendar days, relevant to the standards pertinent to the proposal and giving reasons why the application should or should not be approved or proposing conditions the person believes are necessary for approval according to the standards. The notice shall also advise the person of the right to appeal the decision on the proposed development if the person's concerns are not resolved.
 - B. If the Director anticipates that persons other than the applicant can be expected to question the application's compliance with the Comprehensive Plan or Development Standards, the Planning Director may initiate a public hearing.

Section 4.035. Site Development Permits.

- C. Within ten (10) calendar days of the final response date, the Director shall review any information received under Subsection “A”, above, and make a final decision. The final decision and supporting findings shall be forwarded to the applicant, affected parties required to be notified, and the Development Review Board. The decision shall be based upon a determination of whether the application complies with the standards and criteria listed above for Class I Administrative Reviews and the following additional standards:
 - 1. The proposed development or use, including signage, is compatible with developments or uses permitted in the zone;
 - 2. The proposed development or use will not create a nuisance or result in a significant reduction in the value or usefulness of adjacent properties;
 - 3. If the proposed use is to be temporary, the length of time for which it is permitted shall be reasonable in terms of the purpose and nature of the use that is proposed;
 - 4. If the application involves a Variance, it shall be subject to the standards and criteria listed in Section 4.196;
 - 5. All of the relevant application filing requirements of Chapter 4 have been met.
- D. A decision of the Planning Director under a Class II procedure may be appealed by an affected party or may be called up for review by the Development Review Board, provided such action is taken by members of either panel of the Board as specified in Section 4.022.
- E. The Development Review Board, Planning Commission, or City Council may delegate specific actions or duties to be executed by the Planning Director. The body making the delegation shall specify the administrative review procedures that the Director is to follow in the process.

(.04) Site Development Permit Application.

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

5. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size and impact of the development on the community, public facilities and adjacent properties; and except as otherwise specified in this Code, shall be accompanied by the following information,
6. Unless specifically waived by the Director, the submittal shall include: ten (10) copies folded to 9" x 12" or (one (1) set of full-sized scaled drawings and nine (9) - 8 1/2" x 11" reductions of larger drawings) of the proposed Site Development Plan, including a small scale vicinity map and showing:
 - a. Streets, driveways, sidewalks, pedestrian ways, off-street parking, loading areas, garbage and recycling storage areas, power lines and railroad tracks, and shall indicate the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles.
 - b. The Site Plan shall indicate how utility service, including sanitary sewer, water and storm drainage, are to be provided. The Site Plan shall also show the following off-site features: distances from the subject property to any structures on adjacent properties and the locations and uses of streets or driveways on adjacent properties.
 - c. Location and dimensions of structures, utilization of structures, including activities and the number of living units.
 - d. Major existing landscaping features including trees to be saved, and existing and proposed contours.
 - e. Relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets and open space.
 - f. Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, e.g., flood plain, forested areas, steep slopes or adjacent to stream banks, the elevations of all points used to determine contours shall be indicated and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals shall be shown:
 - i. One (1) foot contours for slopes of up to five percent (5%);
 - ii. Two (2) foot contours for slopes of from six percent (6%) to twelve percent (12%);
 - iii. Five (5) foot contours for slopes of from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
 - iv. Ten (10) foot contours for slopes exceeding twenty percent (20%).
 - g. A tabulation of land area, in square feet, devoted to various uses such as building area (gross and net rentable), parking and paving coverage, landscaped area coverage and average residential density per net acre.
 - h. An application fee as set by the City Council.

Section 4.035. Site Development Permits.

- i. If there are trees in the development area, an arborist's report, as required in Section 4.600. This report shall also show the impacts of grading on the trees.
- j. A list of all owners of property within 250 feet of the subject property, printed on label format. The list is to be based on the latest available information from the County Assessor.

(.05) Complete Submittal Required. Application materials shall be submitted to the Planning Director who shall have the date of submission indicated on each copy submitted. Within thirty (30) calendar days from the date of submission, the Director shall determine whether an application is complete. An application is not complete unless accompanied by a traffic study, as prescribed by the City Engineer; except in cases where the requirement of a traffic study has been specifically waived by the Community Development Director.

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

**WILSONVILLE CODE
PLANNING AND LAND DEVELOPMENT**

**CHAPTER 4 SECTIONS 4.100 – 4.141
ZONING**

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WILSONVILLE CODE

CHAPTER 4 PLANNING

PLANNING AND LAND DEVELOPMENT ORDINANCE

ZONING

Section 4.100. Zoning - Purpose.

Sections 4.100 to 4.199 of this Code are enacted for the purpose of promoting public health, safety, comfort and general welfare; to encourage the most appropriate use of land; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to provide proper drainage; to facilitate adequate and economical provision of public improvements and services, and to conserve, stabilize, and protect property values; all in accordance with the Statewide Planning Goals and the City's Comprehensive Plan. The purpose is further to provide a method of administration and to prescribe penalties for violations of provisions hereafter described - all as authorized by the provisions of Oregon Revised Statutes.

Section 4.101. Zoning - Interpretation.

The provisions of Sections 4.100 to 4.199, shall be construed as the minimum requirements for the promotion of the public safety, health and general welfare. These Sections are not intended to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where these Sections impose a greater restriction upon the use of buildings or premises or upon the height of buildings, or require larger space than is imposed or required by other Code Sections, rules or regulation, or by easement, covenants or agreements, the provisions of these Sections shall govern.

Section 4.102. Zoning - Official Zoning Map.

- (.01) The City is hereby divided into base zones or zoning districts, and overlay zones, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Code.
- (.02) The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Recorder, together with the date of the adoption of this Code.
- (.03) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Code and punishable as provided by law.
- (.04) Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time, be made or published, the Official Zoning Map, which shall be located in the Office of the Planning Director, shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the City.

- (.05) The perimeter boundaries of the Official Zoning Map and the City are intended to be identical to each other at all times, except when properties have been annexed to the City and not yet zoned by the City. New developments in such areas shall require completion of the zone change process before proceeding.

Section 4.110. Zoning - Zones.

- (.01) The following Base Zones are established by this Code:
 - A. Residential Agricultural H Holding, which shall be designated "RA-H".
 - B. Residential, which shall be designated "R".
 - C. Planned Development Residential, which shall be designated "PDR," and further divided into:
 - PDR-1
 - PDR-2
 - PDR-3
 - PDR-4
 - PDR-5
 - PDR-6
 - PDR-7.
 - D. Planned Development Commercial, which shall be designated "PDC," including PDC-TC (Town Center).
 - E. Planned Development Industrial, which shall be designated "PDI."
 - F. Public Facility, which shall be designated "PF."
 - G. Public Facility - Corrections, which shall be designated "PF-C."
 - H. Village, which shall be designated "V". (Added by Ord 557, adopted 9/5/03)
- (.02) The following Overlay Zones, to be used in combination with the underlying base zones, are established by this Code.
 - A. Solar-Friendly (S) overlay zone;
 - B. Screening and Buffering (SB) overlay zone;
 - C. Old Town (O) overlay zone;
- (.03) The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.
- (.04) The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.

Section 4.111. Zoning - Zone Boundary Lines.

- (.01) Except where reference is made on said map to a street line, political boundary, section line, legal description, or other designated line by dimensions shown on said map or maps, the zone boundary lines are intended to follow property lines, lot lines,

or centerlines of streets, alleys, streams, or railroads or the extension of such lines as they existed at the time of the adoption of this Code.

- (.02) Questions concerning the exact location of zone boundary lines shall be determined by the Planning Director, who may seek the advice of the City Attorney and/or Planning Commission in making the determination.
- (.03) Whenever any street, alley, or public way is vacated by official action as provided by law, the zone adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended zone or zones.

Section 4.113. Standards Applying To Residential Developments In Any Zone.

- (.01) Outdoor Recreational Area in Residential Developments.
 - A. Purpose. The purposes of the following standards for outdoor recreational area are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development. Outdoor recreational area shall be:
 - 1. Designed with a reasonable amount of privacy balanced between indoor and outdoor living areas. Such outdoor recreational area shall be provided consistent with the requirements of this Section.
 - 2. Recreational areas shall be provided in keeping with the needs of the prospective tenants and shall not be located in required yards, parking, or maneuvering areas, or areas that are inaccessible. Standards for outdoor recreational areas may be waived by the Development Review Board upon finding that the recreational needs of the residents will be adequately met through the use of other recreational facilities that are available in the area.
 - 3. In mixed-use developments containing residential uses, the Development Review Board shall establish appropriate requirements for outdoor recreational area, consistent with this Section.
 - 4. The Development Review Board may establish conditions of approval to alter the amount of required outdoor recreation area, based on findings of projected need for the development. Multi-family developments shall provide at least the following minimum recreational area:
 - a. For ten (10) or fewer dwelling units, 1000 square feet of usable recreation area;
 - b. For eleven (11) through nineteen (19) units, 200 square feet per unit;
 - c. For twenty (20) or more units, 300 square feet per unit.
 - 5. Outdoor recreational area shall be considered to be part of the open space required in the following subsection.
- (.02) (.02) Open Space Area shall be provided in the following manner:
 - A. In all residential subdivisions including subdivision portions of mixed use developments where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units

per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, walking paths, and other like space. For subdivisions with less than 25% SROZ lands and those with no SROZ lands, the minimum requirement shall be ¼ acre of usable park area for 50 or less lots, ½ acre of usable park area for 51 to 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. Front, side and rear yards of individual residential lots shall not be counted towards the 25% open space.

Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide ¼ acre of usable park area for a development of less than 100 lots, and ½ acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways. Irrespective of the amount of SROZ, a development may not use phasing to avoid the minimum usable space requirement.

Multi-family developments shall provide a minimum of 25% open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations, and outdoor recreational area as provided in 4.113(.01)(A)(1) through (5) [Amended by Ord. 589 8/15/05]

- B. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.
 - C. The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.
- (.03) Building Setbacks (for Fence Setbacks, see subsection .08)
- A. For lots over 10,000 square feet:
 - 1. Minimum front yard setback: Twenty (20) feet.

2. Minimum side yard setback: Ten (10) feet. In the case of a corner lot less than one hundred (100) feet in width, abutting more than one street, the side yard on the street side of such lot shall be not less than twenty percent (20%) of the width of the lot, but not less than ten (10) feet.
3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street upon which the key lot faces and the setback required on the adjacent interior lot.
4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
5. Minimum setback to garage door or carport entry: Twenty (20) feet. Except, however, in the case of an alley where garages or carports may be located no less than four (4) feet from the right-of-way.
6. Minimum rear yard setback: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.

B. For lots not exceeding 10,000 square feet:

1. Minimum front yard setback: Fifteen (15) feet, with open porches allowed to extend to within ten (10) feet of the property line.
2. Minimum side yard setback: One story: five (5) feet; Two or more stories: seven (7) feet. In the case of a corner lot, abutting more than one street, the side yard on the street side of such lot shall be not less than ten (10) feet.
3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street upon which the key lot faces and the setback required on the adjacent interior lot.
4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
5. Minimum setback to garage door or carport entry: Twenty (20) feet. Wall above the garage door may project to within fifteen (15) feet of property line, provided that clearance to garage door is maintained. Where access is taken from an alley, garages or carports may be located no less than four (4) feet from the right-of-way.
6. Minimum rear yard setback: One story: fifteen (15) feet. Two or more stories: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.

(.04) Height Guidelines: The Development Review Board may regulate heights as follows:

- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.
- B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.

- C. 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.
- (.05) Residential uses for treatment or training.
- A. Residential Homes, as defined in Section 4.001, shall be permitted in any location where a single-family dwelling is permitted.
 - B. Residential Facilities, as defined in Section 4.001, shall be permitted in any location where multiple-family dwelling units are permitted.
- (.06) Off Street Parking: Off-street parking shall be provided as specified in Section 4.155.
- (.07) Signs: Signs shall be governed by the provisions of Section 4.156.
- (.08) Fences:
- A. The maximum height of a sight-obscuring fence located in the required front yard of a residential development shall not exceed four (4) feet.
 - B. The maximum height of a sight-obscuring fence located in the side yard of a residential lot shall not exceed four (4) feet forward of the building line and shall not exceed six (6) feet in height in the rear yard, except as approved by the 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. Notwithstanding the provisions of Section 4.122(10)(a) and (b), the Development Review Board may require such fencing as shall be deemed necessary to promote and provide traffic safety, noise mitigation, and nuisance abatement, and the compatibility of different uses 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.

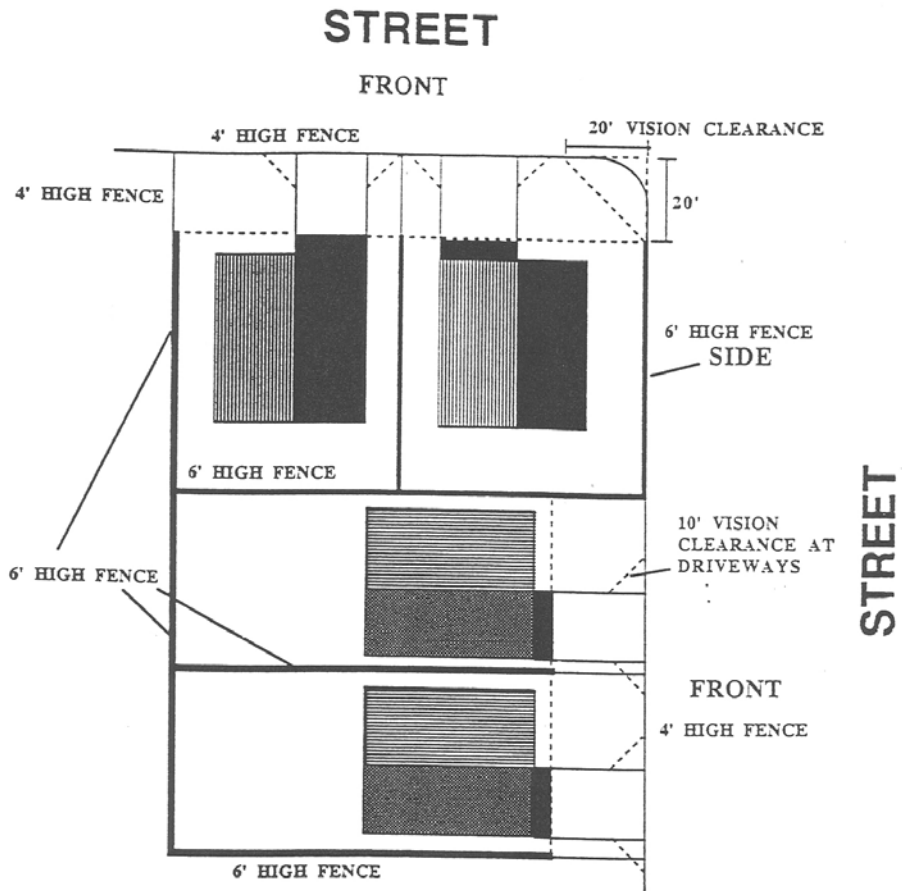


Figure 1 Fence Standards for Residential Development

- (.09) Corner Vision: Vision clearance shall be provided as specified in Section 4.177, or such additional requirements as specified by the City Engineer.
- (.10) Prohibited Uses:
- A. Uses of structures and land not specifically permitted in the applicable zoning districts.
 - B. The use of a trailer, travel trailer or mobile coach as a residence, except as specifically permitted in an approved RV park.
 - C. Outdoor advertising displays, advertising signs, or advertising structures except as provided in Section 4.156.
- (.11) Accessory Dwelling Units.
- A. Accessory Dwelling Units shall be permitted outright when developed in conjunction with detached single family dwellings that have been approved by the City. When proposed to be added to an existing single family dwelling, the procedure specified in B. 5, below, shall be followed. Accessory Dwelling Units shall be subject to the standards and requirements of this Section.
 - B. Standards
 - 1. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.
 - 2. This Section applies only to units of less than 600 square feet. Larger units shall be subject to standards applied to duplex housing.
 - 3. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.
 - 4. This Section applies only to residential developments in PD-R, R, or RA-H zones.
 - 5. Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. Application for duplex construction shall be subject to the density standards of the zone.
 - 6. The Accessory Dwelling Unit must be of substantially the same exterior design and architecture as the primary dwelling unit on the property.
- (.12) Reduced Setback Agreements. The following procedure has been created to allow the owners of contiguous residential properties to reduce the building setbacks that would typically be required between those properties, or to allow for neighbors to

voluntary waive the solar access provisions of Section 4.137. Setbacks can be reduced to zero through the procedures outlined in this subsection.

A. Examples

1. First example: the owner of one house is allowed to build to the sideyard property line, with no setback, provided that the owner of the neighboring property agrees and that the agreements of both owners are recorded with the deed records for those properties.
2. Second example: the owner of one property is allowed to build a structure, or grow trees that are not solar friendly, shading an adjoining property beyond the amount that is permitted in Section 4.137.

B. Standards

1. The use of the Reduced Setback Agreement procedure does not waive Building Code requirements. The Building Code may require increased firewall standards or increased setbacks on one property as a means of assuring adequate fire separation from the adjoining property. Applicants are advised to work with the Building Division of the Community Development Department prior to filing for approval of a Reduced Setback Agreement.
2. The Reduced Setback Agreement procedure may be used to allow for the construction of common wall units.
3. Property owners using the Reduced Setback Agreement procedure have responsibility for notifying lien holders of the changes, for meeting all requirements of utility providers, and for avoiding conflicts with established easements.
4. The Reduced Setback Agreement procedure shall require the approval of a Class I Administrative Review permit.
5. Owners must provide accurate metes and bounds descriptions of all areas to be covered by non-construction easements.
6. Nothing in this Section shall abrogate any easements or utility locations existing on the subject properties. The property owners are responsible for assuring that easements and utilities are not adversely affected by any construction that is anticipated.

(.13) Bed and Breakfasts.

A. Purpose. The purpose of this subsection is to provide standards for the establishment of bed and breakfast facilities. These regulations are intended to allow for a more efficient use of large, older houses in residential areas where the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner that keeps them primarily in residential use. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

B. Description

1. **Bed and Breakfast Home.** An operation conducted by the owner-occupant of a dwelling in an RA-H, R, or PDR zone, or of a one- or other district permitting residential uses, that provides not more than five (5) rooms for paying guests on an overnight basis. Guest occupancy periods shall not exceed fourteen (14) consecutive days. The occupancy of such a bed and breakfast home is limited to two (2) persons or one (1) family per lodging unit or guest room.
2. Operations that would otherwise meet the standards listed above for Bed and Breakfast Homes, but which exceed either the number of rooms available or the length of stay allowed, shall be subject to the same standards as hotels or motels, listed elsewhere in this Code.

C. **Where These Regulations Apply.** The regulations of Section 4.113(13) apply to bed and breakfast facilities in PDR, R, and RA-H zones.

D. **Conditional Use Review.** Bed and breakfast facilities require a conditional use review, as specified in Section 4.184.

E. Use-Related Regulations.

1. **Accessory Use.** A bed and breakfast facility must be accessory to a household living use on the site. This means that the individual or family who operate the facility must occupy the house as their primary residence.
2. **Maximum size.** Bed and Breakfast facilities are limited to a maximum of five (5) bedrooms for guests and a maximum of six (6) guests per night. In PDR-1, PDR-2, PDR-3, AND PDR-4 zones, bed and breakfast facilities over these size limits are prohibited.
3. **Services to guests.**
 - a. Food services may only be provided to overnight guests of a bed and breakfast facility.
 - b. Serving alcohol to overnight guests is allowed. The proprietor may need Oregon Liquor Control Commission approval to serve alcohol at a bed and breakfast facility.
4. **Meetings and Social Gatherings.**
 - a. **Commercial meetings.** Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are prohibited at a bed and breakfast facility.
 - b. **Private social gatherings.** The residents of bed and breakfast facilities are allowed to have only four (4) private social gatherings, parties, or meetings per year, for more than four (4) guests. The private social gatherings must be hosted by and for the enjoyment of the residents. The bed and breakfast operator must log the dates these social gatherings are held. Private social gatherings for four (4) or fewer guests are allowed without limit as part of a normal household living use at the site. All

participants in the social gathering are counted as guests except for residents.

F. Site-Related Standards.

1. Development Standards. Bed and breakfast facilities must comply with the development standards of the base zone, overlay zones, and plan districts, if applicable.
 2. Appearance. Bed and breakfast homes or inns in residential zones must be compatible with the surrounding residential neighborhood. No alterations to the exterior of the house shall be for the purpose of establishing a more commercial building appearance shall be permitted except for routine maintenance, alterations not requiring a building permit, restoration or requirements related to safety or handicapped accessibility. There shall be no exterior indication of a business except for the one (1) permitted sign.
 3. No cooking facilities are permitted in the individual guest rooms.
 4. Food service shall only be provided to guests taking lodging in the bed and breakfast home or inn.
 5. In PDR-1, PDR-2, PDR-3 or PDR-4 zones, no bed and breakfast home may be located on a lot closer than five hundred (500) feet from any other lot containing a bed and breakfast home, with only one (1) such establishment permitted per block face.
 6. There shall be no more than one (1) sign. Such sign shall not be self-illuminated and shall not exceed six (6) square feet in area. Additional sign requirements described in Section 4.156 of this Code shall be met.
 7. Each such use must obtain a Certificate of Occupancy from the Building Official before it commences.
 8. Bed and Breakfast facilities must comply with the off-street parking standards for commercial development found in Section 4.155.
 9. Bed and Breakfast facilities must comply with the landscaping standards for commercial development found in Section 4.176.
- (.14) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type. However, consideration of these factors shall not prevent the Board or Planning Director from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.

Section 4.115. Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted.

[Section 4.115 deleted by Ordinance No. 538, 2/21/02.]

Section 4.116. Standards Applying To Commercial Developments In Any Zone.

Any commercial use shall be subject to the applicable provisions of this Code and to the following:

- (.01) 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.
- (.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. 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) All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for:
 - A. The sale of automotive fuel, lubricants, and fluids at service stations.
 - B. Car washes and car vacuum bays.
 - C. Off-street parking for customers and employees and off-street loading.
 - D. Outdoor seating areas associated with food and drink establishments on private property, or on public easements, provided the area and activities conform to ADA standards and do not interfere with public uses, safety, access or circulation.
 - E. Temporary staging of inventory, as shall be authorized through a site development permit, complying with the following additional minimum development and performance standards:
 1. The staging area shall be screened by a fully sight obscuring fence or planting, high wall, high berm or high screen landscape standard as specified in Section 4.176 - Landscaping Screening and Buffering;
 2. All parts of the staged inventory shall be completely concealed on all sides from public view at the right-of-way line; and
 3. The staged inventory shall be relocated into a completely enclosed structure of the primary retail operation within 48 hours of placement.
 - F. Exterior sales that are specifically authorized through temporary use permit approval, subject to conditions of approval. Exterior sales that may be permitted are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers' markets. [Section 4.116(.05) amended by Ord. No. 580, 4/4/05.]

- G. Exterior sales areas, complying with the following minimum development and performance standards:
1. The sales area shall be accessory to, and shall not exceed 5% of the floor area of the primary retail operation.
 2. The sales area shall be completely covered by a permanent structure of a design, construction and architecture compatible with that of the structure of the primary retail operation.
 3. All required ADA and pedestrian access ways and circulation aisles shall remain clear at all times.
 4. For new development, the Development Review Board may grant a waiver to allow exterior sales area of up to 10% of the floor area of the primary retail operation, provided that findings can be made that:
 - a. The expanded covered area has received approval through a Stage II/Site Design Review process.
 - b. The expanded area does not detract from the overall character of the development or the surrounding neighborhood.
 - c. Partial walls are required for screening large or bulky items.
 5. For Development existing on December 21, 2005, the Planning Director, pursuant to a Class II Administrative Review Process, may grant a waiver to allow exterior sales areas of up to 10% of the floor area of the primary retail operation, provided that findings can be made that:
 - a. The expanded area does not detract from the overall character of the area,
 - b. Partial walls are required for screening large or bulky items.

[Section 4.116(.05) amended by Ord. 601, 11/21/05]

- (.06) In any Commercial Development 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. Screening shall be provided in a manner that is compatible with the adjacent residential development in terms of quality of materials and design. Such screening shall effectively minimize light glare and noise levels to those of adjacent residential areas.
- (.07) Uses shall be limited to those which will meet the performance standards specified in Section 4.135(.05), with the exception of 4.135(.05)(M.)(3.).
- (.08) Corner lots shall conform to the vision clearance standards set forth in Section 4.177.
- (.09) Trailer, trailer houses, mobile coaches, or any altered variation thereof shall not be used for the purpose of conducting a trade or calling or for storage of material unless approved for such purpose as a temporary use.
- (.10) Commercial developments generally.
- A. No structure shall be erected closer than the right-of-way line then existing or the officially planned right-of-way of any public, county, or state road.

- B. Minimum Front Yard Setback: None required except when front yard abuts a more restrictive district. When front yard abuts a more restrictive district, setbacks shall be the same as the abutting district.
 - C. Minimum Rear Yard Setback: None required except when rear yard abuts a more restrictive district. When rear yard abuts a more restrictive district, setbacks shall be the same as for the abutting district.
 - D. Minimum Side Yard Setback: None required except when side yard abuts a more restrictive district. When side yard abuts a more restrictive district, setbacks shall be one and one-half (1 1/2) times the setback required for the abutting district.
 - E. Maximum Building Height: Thirty-five (35) feet, unless taller buildings are specifically allowed in the zone.
 - F. Minimum Lot Size: No limitation, save and except as may otherwise be affected by other provisions of this Code.
 - G. Maximum Lot Coverage: No limitation, save and except as may otherwise be affected by other provisions of this Code.
 - H. Minimum Street Frontage: No limitation, save and except as may be necessary to provide minimum access requirements.
- (.11) Hotels or Motels.
- A. Minimum Lot Size: One thousand (1,000) square feet for each unit.
 - B. Minimum Street Frontage: One hundred (100) feet.
 - C. Front Yard Setback: Thirty (30) feet, unless located in the Old Town overlay zone, in which case the standards of the overlay zone shall apply. Structures on corner lots shall observe the minimum setback on both streets.
 - D. Minimum Rear Yard Setback: Thirty (30) feet.
 - E. Minimum Side Yard Setback: Twenty-four (24) feet.
- (.12) Off-Street Parking is to be as specified in Section 4.155.
- (.13) Signs are subject to the standards of Section 4.156.
- (.14) Prohibited Uses.
- A. The use of a trailer, trailer house, or mobile coach as a residence is prohibited except where approved within an RV park or approved as a temporary use during construction.
 - B. Any use that violates the performance standards of Section 4.135(.05), other than 4.135(.05)(M.)(3.) is prohibited within commercial developments.

Section 4.117. Standards Applying To Industrial Developments In Any Zone.

- (.01) All industrial developments, uses, or activities are subject to performance standards. If not otherwise specified in the Planning and Development Code, industrial

developments, uses, and activities shall be subject to the performance standards specified in Section 4. 135 (.05) (PDI Zone).

Section 4.118. Standards applying to all Planned Development Zones:

- (.01) Height Guidelines: In “S” overlay zones, the solar access provisions of Section 4.137 shall be used to determine maximum building heights. In cases that are subject to review by the Development Review Board, the Board may further regulate heights as follows:
 - A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.
 - B. To provide buffering of low density developments by requiring the placement of three or more story buildings away from the property lines abutting a low density zone.
 - C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River.
- (.02) 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) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:
 - A. Waive the following typical development standards:
 - 1. minimum lot area;
 - 2. lot width and frontage;
 - 3. height and yard requirements;
 - 4. lot coverage;
 - 5. lot depth;
 - 6. street widths;
 - 7. sidewalk requirements;
 - 8. height of buildings other than signs;
 - 9. parking space configuration;
 - 10. minimum number of parking or loading spaces;
 - 11. shade tree islands in parking lots, provided that alternative shading is provided;
 - 12. fence height;
 - 13. architectural design standards;
 - 14. transit facilities; and
 - 15. solar access standards, as provided in Section 4.137.

- B. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:
 - 1. open space requirements in residential areas;
 - 2. minimum density standards of residential zones;
 - 3. minimum landscape, buffering, and screening standards;
- C. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable federal, state, or regional standards:
 - 1. maximum number of parking spaces;
 - 2. standards for mitigation of trees that are removed;
 - 3. standards for mitigation of wetlands that are filled or damaged; and
 - 4. trails or pathways shown in the Parks and Recreation Master Plan.
- D. Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and
- E. Adopt other requirements or restrictions, inclusive of, but not limited to, the following:
 - 1. Percent coverage of land by buildings and structures in relationship to property boundaries to provide stepped increases in densities away from low-density development.
 - 2. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.
 - 3. The locations, width and improvement of vehicular and pedestrian access to various portions of the property, including portions within abutting street.
 - 4. Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.
 - 5. Location and size of off-street loading areas and docks.
 - 6. Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permits.
 - 7. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare, or radiation which would have an adverse effect on the present or potential development on surrounding properties.
 - 8. Schedule of time for construction of the proposed buildings and structures and any stage of development thereof to insure consistency with the City's adopted Capital Improvements Plan and other applicable regulations.

9. A waiver of the right of remonstrance by the applicant to the formation of a Local Improvement District (LID) for streets, utilities and/or other public purposes.
 10. Modify the proposed development in order to prevent congestion of streets and/or to facilitate transportation.
 11. Condition the issuance of an occupancy permit upon the installation of landscaping or upon a reasonable scheduling for completion of the installation of landscaping. In the latter event, a posting of a bond or other security in an amount equal to one hundred ten percent (110%) of the cost of the landscaping and installation may be required.
 12. A dedication of property for streets, pathways, and bicycle paths in accordance with adopted Facilities Master Plans or such other streets necessary to provide proper development of adjacent properties.
- (.04) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.
- (.05) The Planning Director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:
- A. Recreational Facilities: The Director, Board, or Council, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development consistent with adopted Park standards and Parks and Recreation Master Plan.
 - B. Open Space Area: Whenever private and/or common open space area is provided, the City shall require that an association of owners or tenants be established which shall adopt such Articles of Incorporation, By-Laws or other appropriate agreement, and shall adopt and impose such Declaration of Covenants and Restrictions on such open space areas and/or common areas that are acceptable to the Development Review Board. Said association shall be formed and continued for the purpose of maintaining such open space area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said open space area for the purposes intended. The period of existence of such association shall be not less than twenty (20) years and it shall continue thereafter and until a majority vote of the members shall terminate it, and the City Council formally votes to accept such termination.

- C. Easements: Easements necessary to the orderly extension of public utilities, and the protection of open space, may be required as a condition of approval. When required, such easements must meet the requirements of the City Attorney prior to recordation.
- (.06) Nothing in this Code shall prevent the owner of a site that is less than two (2) acres in size from filing an application to rezone and develop the site as a Planned Development. Smaller properties may or may not be suitable for such development, depending upon their particular sizes, shapes, locations, and the nature of the proposed development, but Planned Developments shall be encouraged at any appropriate location.
- (.07) Density Transfers. In order to protect significant open space or resource areas, the Development Review Board may authorize the transfer of development densities from one portion of a proposed development to another. Such transfers may go to adjoining properties, provided that those properties are considered to be part of the total development under consideration as a unit.
- (.08) Wetland Mitigation and other mitigation for lost or damaged resources. The Development Review Board may, after considering the testimony of experts in the field, allow for the replacement of resource areas with newly created or enhanced resource areas. The Board may specify the ratio of lost to created and/or enhanced areas after making findings based on information in the record. As much as possible, mitigation areas shall replicate the beneficial values of the lost or damaged resource areas.

Section 4.120. Zones. RA-H Residential Agricultural - Holding Zone.

- (.01) Purpose. It is the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for more intensive development. This zone has been applied to all urbanizable properties within the city which are planned for development and which have not previously received development approval in accordance with the Comprehensive Plan.
- (.02) Uses Permitted Outright:
- A. One single-family dwelling, with not more than one accessory dwelling unit per lot. Where the Comprehensive Plan calls for future non-residential zoning of the site, the building permit for any proposed residential development shall not be granted until a statement has been recorded applying to the title of the subject property, notifying any potential buyer that future development in the area is expected to be non-residential.
- B. Except for existing lots of record of less than two acres, recorded prior to the effective date of this Code, partitioning or subdivision of properties designated for development shall only be considered in conjunction with or following a zone change in conformance with the Comprehensive Plan. Said zoning shall confirm the adequate provision of public facilities and the protection of future urban development potentials.

- C. If the proposed development is for a less intensive interim density consisting of large lots, a pre-plat and Site Plan review shall be required that provides for future development of the property in accordance with the uses and densities shown in the Comprehensive Plan. Said plat shall be filed on the City's Lien Docket as an obligation toward the property, together with an agreement of non-remonstrance towards the formation of any local improvement district which may serve the subject site.
 - D. For properties designated in the City's Comprehensive Plan for nonresidential use, the intensity of use shall be restricted to activities which do not require construction of a permanent structure and which will not tend to restrict, obstruct, or adversely affect the future development of the property for its designated use. Except, however, that the development of a single-family dwelling shall be permitted as specified in subsection (.02), above.
 - E. Temporary structures or uses, subject to the procedures for temporary uses set forth in Section 4.163.
 - F. Agriculture, horticulture, greenhouses, nurseries (provided that any commercial sales of products shall require the approval of a conditional use permit), timber growing, grazing, and the small scale raising of livestock and animals.
 - G. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H district.
 - H. Accessory Uses Permitted:
 - 1. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal uses permitted located on the same lot therewith.
 - 2. Home occupations.
 - 3. Signs, subject to the provisions of Section 4.156.
- (.03) Uses Permitted Subject to receiving approval of a Conditional Use Permit:
- A. Private parks, municipal and government buildings, public utilities, public information centers, semi-public buildings of a non-commercial nature, churches, attached family dwelling units limited to two (2) family maximum, public, private, and parochial schools as provided in Section 4.184 when approved by the Development Review Board at a Public Hearing as provided in Section 4.013.
 - B. Roadside stands when located on the same property as the principal uses, selling only those products that are produced on the same property on which the stand is located, or on adjacent property.
- (.04) Dimensional Standards:
- A. Minimum Lot Size: 30,000 square feet.
 - B. Minimum Front and Rear Yard Setbacks: Thirty (30) feet. Minimum Side Yard Setback: Ten (10) feet.

1. Legal, non-conforming RA-H lots in the Old Town Overlay Zone shall have the following setbacks:
 - a. Front: Ten (10) feet for single family dwellings, for all other uses: none;
 - b. Rear: Fifteen (15) feet;
 - c. Side: Five (5) feet.
 2. Minimum setback for residential garage or carport: At least five (5) feet behind the front of the nearest residential unit on the property. In no case shall the front of a garage or carport be located less than twenty (20) feet behind a sidewalk or a public right-of-way providing access to that garage or carport. Except, however, in the case of an alley where garages or carports are located within five (5) feet of the right-of-way.
- C. Minimum Street Frontage: Seventy-five (75) feet. A reduced street frontage may be approved, based on a finding that the proposed lot frontage will not hinder the future development of the site to densities proposed in the Comprehensive Plan.
- D. Maximum Height: thirty-five (35) feet.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
- (.05) Off-Street Parking Requirements: As provided in Section 4.155.
- (.06) Signs: As provided in Section 4.156.
- (.07) Corner Vision: As provided in Section 4.177.
- (.08) Prohibited Uses:
- A. Uses of structures and land not specifically listed as permitted or conditionally permitted in the zone, or substantially similar to those uses, are prohibited in all RA-H Zones.
 - B. The use of a trailer, travel trailer, or mobile coach as a residence.
 - C. Service stations for petroleum products.
- (.09) Block and access standards:
1. Maximum block perimeter: 1,800 feet.
 2. Maximum spacing between streets for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ordinance No. 538, 2/21/02.]
 3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or

designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

Section 4.122. Residential Zone.

- (.01) Purpose: The purpose of this zone is to provide for standards and a simplified review process for small-scale urban low and medium density residential development. Developments in the 'R' zone are not intended to be Planned Developments.
- (.02) Residential Densities: Residential densities shall be governed by the density range designated by the City of Wilsonville Comprehensive Plan.
- (.03) Lot Size Qualifications:
 - A. The owner or the owner's authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid PDR regulations.
 - B. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
 - C. The development area must be two (2) acres or less in size. Development of larger properties shall be reviewed through planned development procedures.
 - D. Not more than thirty percent (30%) of the lot shall be covered by buildings.
- (.04) Principal Uses Permitted:
 - A. Single-Family Dwelling Units.
 - B. Attached-Family Dwelling Units.
 - C. Apartments.
 - D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H zone.
 - E. Manufactured homes. [Note: Section 4.115 Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted deleted per by Ord. 538, 2/21/02.]
- (.05) Accessory Uses Permitted to Single Family Dwellings:
 - A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in Section 4.156.
 - E. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer

than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

- F. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main buildings, at least one-half (1/2) of the side yard setback. In no case shall a setback less than three (3) feet be permitted unless a Reduced Setback Agreement has been approved and properly recorded, as provided in Section 4.113.
 - G. Livestock and farm animals shall be permitted subject to the provisions of Section 4.162.
- (.06) Accessory Uses Permitted for Attached Family Dwelling Units and Apartments:
- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.
 - E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.
 - F. Livestock and farm animals shall be permitted, subject to the provisions of Section 4.162.
- (.07) Other Standards:
- A. Minimum lot width at building line: Sixty (60) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private road.
 - C. Minimum lot size: 5000 square feet.
 - D. Minimum lot depth: Seventy (70) feet.
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; thirty percent (30%) for all buildings.
 - G. Block and access standards:
 - 1. Maximum block perimeter in new land divisions: 1,800 feet.

2. Maximum spacing between streets for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.122(.07) amended by Ordinance No. 538, 2/21/02.]

Section 4.124. Standards Applying To All Planned Development Residential Zones.

(.01) Examples of principal uses that are typically permitted:

- A. Open Space.
- B. Single-Family Dwelling Units.
- C. Multiple-Family Dwelling Units, subject to the density standards of the zone.
- D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.
- E. Manufactured homes, subject to the standards of Section 4.115 (Manufactured Housing).

(.02) Permitted accessory uses to single family dwellings:

- A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.
- B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.
- C. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).
- D. Home occupations.
- E. A private garage or parking area.
- F. Keeping of not more than two (2) roomers or boarders by a resident family.
- G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Section 4.156.
- H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet

or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.

- J. Livestock and farm animals, subject to the provisions of Section 4.162.
- (.03) Permitted accessory uses for multiple-family dwelling units:
- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
 - F. Livestock and farm animals, subject to the provisions of Section 4.162.
- (.04) Uses permitted subject to Conditional Use Permit requirements:
- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
 - B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
 - C. Churches, public, private and parochial schools, public libraries and public museums.
 - D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:
 - 1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 - 2. Such centers are of a scale compatible with the surrounding residential structures.
 - 3. Such centers shall be compatible with the surrounding residential uses.
 - 4. The site of a Neighborhood Commercial Center shall be at least one-quarter (1/4) mile from any other sites zoned for commercial uses.
 - 5. The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.

- 6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
 - 7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.
- E. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of subsection “D” (Neighborhood Commercial Centers), above.

(.05) Appropriate PDR zone based on Comprehensive Plan Density:

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

[Section 4.124(.05) amended by Ordinance No. 538, 2/21/02.]

(.06) Block and access standards:

- 1. Maximum block perimeter in new land divisions: 1,800 feet.
- 2. Maximum spacing between streets for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
- 3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.124(.06) amended by Ordinance No. 538, 2/21/02.]

(.07) Signs. Per the requirements of Section 4.156.

(.08) Parking. Per the requirements of Section 4.155.

(.09) Corner Vision Clearance. Per the requirements of Section 4.177.

Section 4.124.1. PDR-1:

The following standards shall apply in PDR-1 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 30,000 square feet.
- (.02) Minimum lot size: 25,000 square feet.
- (.03) Minimum density at build out: One unit per 37,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Eighty (80) feet.
 - B. Minimum street frontage of lot: Eighty (80) feet.
 - C. Minimum lot depth: One hundred (100) feet.
 - D. Setbacks: per Section 4.113(.03)
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; twenty-five percent (25%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. Ten single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Fourteen dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.2. PDR-2:

The following standards shall apply in PDR-2 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 16,000 square feet.
- (.02) Minimum lot size: 12,000 square feet.
- (.03) Minimum density at build out: One unit per 20,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Sixty (60) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private road.
 - C. Minimum lot depth: Seventy (70) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty-five percent (25%) for all residential dwelling units; thirty percent (30%) for all buildings.

- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. Twenty single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Twenty-nine dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.3. PDR-3:

The following standards shall apply in PDR-3 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 7,000 square feet.
- (.02) Minimum lot size: 5,000 square feet.
- (.03) Minimum density at build out: One unit per 8,000 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Forty (40) feet.
 - B. Minimum street frontage of lot: Forty (40) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private road.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Fifty percent (50%) for lots containing less than 7000 square feet. Forty-five percent (45%) for lots between 7000 and 8000 square feet. Forty percent (40%) for lots exceeding 8000 square feet.
- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. Fifty-four single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Sixty-two dwelling units (any combination of multiple-family or single-family units with or without accessory dwelling units).

Section 4.124.4. PDR-4:

The following standards shall apply in PDR-4 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 5,000 square feet.
- (.02) Minimum lot size: 4,000 square feet.
- (.03) Minimum density at build out: One unit per 6,000 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty-five (35) feet.
 - B. Minimum street frontage of lot: Thirty-five (35) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private road.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. Seventy-two single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Eighty-seven dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.5. PDR-5:

The following standards shall apply in PDR-5 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 3,000 square feet.
- (.02) Minimum lot size: 2,500 square feet.
- (.03) Minimum density at build out: One unit per 4,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum Lot Depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.

- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. 108 town-house units on individual lots, or
 - B. 145 dwelling units (any combination of multiple-family or single-family units).

Section 4.124.6. PDR-6:

The following standards shall apply in PDR-6 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 2,000 to 2,500 square feet.
- (.02) Minimum lot size: None.
- (.03) Minimum density at build out: One unit per 2,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. 174 condominium units, or
 - B. 217 multiple family-units.

Section 4.124.7. PDR-7:

The following standards shall apply in PDR-7 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 2,000 square feet.
- (.02) Minimum lot size: 1,500 square feet.
- (.03) Minimum density at build out: One unit per 2,400 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.

- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. 174 condominium units, or
 - B. 217 multiple-family units.

Section 4.125. V – Village Zone

- (.01) Purpose.

The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.

 - A. The Village zone provides for a range of intensive land uses and assures the most efficient use of land.
 - B. The Village zone is intended to assure the development of bicycle and pedestrian-sensitive, yet auto-accommodating, communities containing a range of residential housing types and densities, mixed-use buildings, commercial uses in the Village Center and Neighborhood Centers, and employment opportunities.
 - C. The Village zone, together with the Architectural Pattern Book and Community Elements Book, is intended to provide quantitative and objective review guidelines.
- (.02) Permitted Uses. Examples of principle uses that are typically permitted:
 - A. Single Family Dwellings
 - B. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11)
 - C. Duplexes
 - D. Row Houses
 - E. Multi-Family Dwellings
 - F. Cluster Housing
 - G. Residential Facilities, Residential Homes, and Community Housing developed to implement ORS 426.508
 - H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.
 - I. Commercial uses within the Village Center, subject to the standards of (.06) Standards Applying to Commercial Uses and similar to the following:
 - 1. Sales and servicing of consumer goods:
 - Bicycle shop
 - Bookstore
 - Clothing store

Electronics and appliances store

Florist

Furniture store

Jeweler

Pet shop

2. Food and sundries:

Bakery

Butcher shop

Convenience store

Delicatessen

Drugstore

Gifts Store

Hardware store

3. Lifestyle and recreation:

Art gallery

Barbershop or hair salon

Boutique shops and other specialty retail

Coffee shops including outdoor eating areas

Health club or gymnasium

Restaurants and pubs including outdoor eating areas

Dance or martial arts studio

4. Service Commercial:

Banking and investment services

Child day care

Custom tailoring

Dry cleaners

Photo processing

Postal service

Reproduction services

Laundromat

Locksmith

Telecommunications services

Upholstery shop

5. General Office:

Computer and technology companies

Governmental services

Health services

Insurance agencies

Nonprofit organizations

Professional-type services

Real estate offices

Secretarial services

Travel agencies

J. Commercial uses within a Neighborhood Center, subject to the standards of (.06) Standards Applying to Commercial Uses, and similar to the following:

- Bakery
- Barbershop and/or hair salon
- Bookstore
- Coffee shop including outdoor eating areas
- Convenience store
- Dry cleaners
- Florist
- Newsstand
- Postal services
- Service oriented offices
- Wine bar

K. Group Living Facility

(.03) Permitted Accessory Uses

- A. Uses, buildings and structures customarily incidental to any of the principal permitted uses and located on the same lot
- B. Home Occupations
- C. Structured parking, garages, and parking areas
- D. Temporary Uses per Section 4.163.
- E. Signs subject to the standards of (.12) Signage and Wayfinding.
- F. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

(.04) Conditional Uses Applications for the following conditional uses shall be processed in accordance with the procedures listed in Section 4.512:

- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, utility sub-stations and pump stations
- B. Public or private clubs, lodges or meeting halls
- C. Public or private libraries and museums
- D. Religious institutions.
- E. Transit Stations
- F. Community Centers
- G. Conference Centers
- H. Non-commercial community buildings and grounds, and other similar community uses, owned and operated either publicly or by an owners association.

- I. Commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated privately.
 - J. Schools (public, private, or commercial)
 - K. Theaters
 - L. Home Business
 - M. Commercial Parking Facility
 - N. Light Manufacturing / Research and Development located within the Village Center.
 - O. Overnight Lodging Facility
 - P. Grocery Store or Specialty Grocery Store
- (.05) Development Standards Applying to All Developments in the Village Zone. In addition to other applicable provisions of the Wilsonville Planning and Land Development Ordinance, all development in the Village zone shall be subject to Tables V-1 through V-4, and to the following. If there is a conflict between the provisions of the Village zone and other portions of the Code, then the provisions of this section shall apply.
- A. Block, Alley, Pedestrian and Bicycle Standards:
 - 1. Maximum Block Perimeter: 1,800 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent a block perimeter from meeting this standard.
 - 2. Maximum spacing between streets for local access: 530 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions from meeting this standard. Under such circumstances, intervening pedestrian and bicycle access shall be provided, with a maximum spacing of 330 feet from those local streets, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions from meeting this standard.
 - B. Access: All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.
 - C. Trailers, travel trailers, mobile coaches, or any altered variation thereof shall not be used for the purpose of conducting a trade or calling, or for storage of material, unless approved for such purpose as a temporary use.
 - D. Fences:
 - 1. General Provisions:

- a. Fencing in the Village Zone shall be in compliance with the Master Fencing Program in the adopted Architectural Pattern Book for the appropriate SAP. [Section 4.125(.09)(D)(1)(a) amended by Ord. No. 596, 10/3/05.]
- b. When two or more properties with different setbacks abut, the property with the largest front yard setback requirement shall be used to determine the length and height of the shared side yard fence, as required by Section 4.125(.05)(D)(1)(a), above.
Example: Building ‘A’ has 20’ front yard setback and Building ‘B’ has zero front yard setback. Since Building ‘A’ has the larger front yard setback, it shall be used to determine the height and length of the shared side yard fence. It is 6’ tall, but is reduced to 3’ in front of Building ‘A’s building line.
- c. The Development Review Board may, in their discretion, require such fencing as deemed necessary to promote and provide traffic safety, noise mitigation, and nuisance abatement, and the compatibility of different uses permitted on adjacent lots of the same zone and on adjacent lots of different zones.

2. Residential:

- a. The maximum height of any fence located in the required front yard of a residential development shall not exceed three (3) feet.
- b. Fences on residential lots shall not include chain link, barbed wire, razor wire, electrically charged wire, or be constructed of sheathing material such as plywood or flake board. Fences in residential areas that protect wetlands, or other sensitive areas, may be chain link.

E. Recreational Area in Multi-family Residential and Mixed Use Developments

1. The Recreational Area requirement is intended to provide adequate recreational amenities for occupants of multiple family developments and mixed use developments where the majority of the developed square footage is to be in residential use.
2. Recreational Area is defined as the common area of all lawns, community gardens, play lots, plazas, court yards, interior and exterior swimming pools, ball courts, tennis courts, exercise rooms, health and exercise facilities, libraries, internet/electronic media rooms, decks and other similar areas for common recreational uses. Recreational Area may include Parks required under the Villebois Village Master Plan, and any usable park areas not shown in such plan. Private areas under this definition, defined as those areas that are accessible only by a single owner or tenant, or commercial or retail recreation facilities serving the general public, shall not constitute or contribute to the measurement of Recreational Area.
3. A variety of age appropriate facilities shall be included in the mix of Recreational Area facilities.
4. Recreational Area shall be calculated at the following ratios:
 - a. At the SAP Level – 195 square feet per residential unit.

b. At the PDP level – an additional 30 square feet per residential unit

3. Outdoor Living Area shall be considered to be part of the Open Space requirement in Section 4.125(.08). [Section 4.125(.05)(E.) amended by Ord. 606, 4/3/06.]

F. Fire Protection:

1. All structures shall include a rated fire suppression system (i.e., sprinklers), as approved by the Fire Marshal

Table V-1: Development Standards

Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width ^{10, 12} (%)	Max. Bldg. Height ⁹ (ft.)	Setbacks ^{10, 13, 20}			Alley-Loaded Garage (note)	Street-Loaded Garage (note)	
							Front Min. (ft.)	Front Max. (ft.)	Rear Min. (ft.)			Side Min. (ft.)
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	1	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	1	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	1	80	45	8 ⁵	15	NR	NR	NR	NA
Duplexes	4,000	45	70	2	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17,18
Single-Family Dwellings	2,250	35	50	2	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17

- Notes:
- NR No Requirement
 - NA Not Allowed
 - 1 Lot < 8000sf: NR; Lot >8000sf: 80% (Max. Lot Coverage)
 - 2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%, Estate Lots: 45% Maximum Lot Coverage
On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.
 - 3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.
 - 4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.
 - 5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.
 - 6 For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.
 - 7 The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.
 - 8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main façade of the associated dwelling unit.
 - 9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
 - 10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.
 - 11 Row Houses shall be attached; however, no more than ten units shall be contiguous along a street edge.
 - 12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.
 - 13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the alley right of way.
 - 14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.
 - 15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.
 - 16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.
 - 17 Dwellings on lots without alley access shall be at least 36 feet wide.
 - 18 Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.
 - 19 Maximum setbacks may be increased as necessary to accommodate building cod, public utility easements or public open space requirements.
 - 20 Lots are categorized as small, medium, standard, large or estate as shown in the Pattern Book.

(.06) Standards Applying To Commercial Uses

A. All commercial uses shall be subject to the following:

1. A Neighborhood Center shall only be located at a Neighborhood Commons
2. The total area of all commercial uses in a Neighborhood Center shall not exceed 3,500 sq. ft. (excluding residential uses, home occupations, or home businesses).
3. Commercial use shall not include “drive-through” facilities.
4. A commercial use shall be adjacent to a street.
5. All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for off-street parking and off-street loading. Except, however, that exterior displays, outdoor dining areas, or exterior sales may be specifically authorized through temporary use permit or development permit approval, subject to conditions of approval. Exterior sales that may be permitted are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers’ markets. Said areas must maintain the minimum required clear space accessible to pedestrian movement on pathways and/or sidewalks. See the following figure:

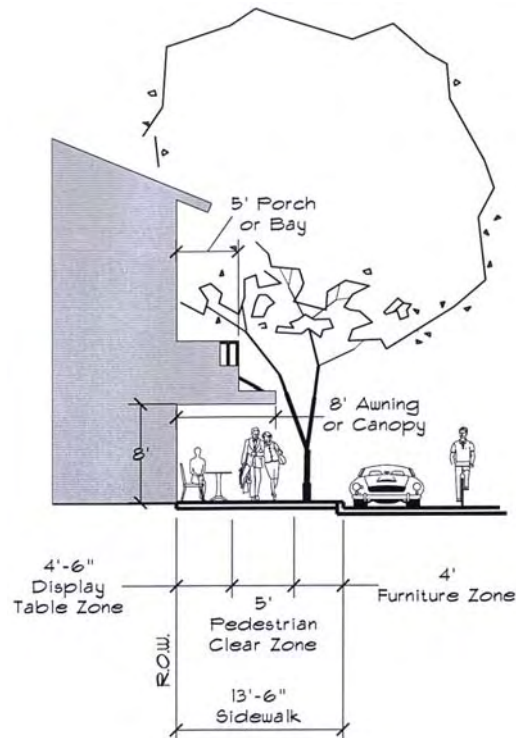


Figure V-1: Exterior Displays/Outdoor Dining

6. Except as may be approved through the processes noted in Section (.07)(A)(5), above, all commercial uses shall meet the performance standards specified in Section 4.135(.05).
- (.07) General Regulations - Off-Street Parking, Loading and Bicycle Parking Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the Village zone.
- A. General Provisions:
1. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.
 2. The Board shall have the authority to grant variances or refinements to these standards in keeping with the purposes and objectives set forth in this zone.
- B. Minimum and Maximum Off-Street Parking Requirements:
1. Table V-2, Off-Street Parking Requirements, below, shall be used to determine the minimum and maximum parking standards for noted land uses. The minimum number of required parking spaces shown in Table V-2 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required.
 2. Minimum parking requirements may be met by dedicated off-site parking, including surfaced parking areas and parking structures.
 3. Except for detached single-family dwellings and duplexes, on-street parking spaces, directly adjoining and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking requirements.
 4. Minimum parking requirements may be reduced under the following conditions:
 - a. When complimentary, shared parking availability can be demonstrated, or;
 - b. Bicycle parking may substitute for up to 25% of required Mixed-Use or Multi-Family Residential parking. For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement for compact spaces may be reduced by one space.
- C. Minimum Off-Street Loading Requirements:
1. Loading facilities shall be sited at the rear or side whenever practicable, and if adjacent to a residential use, shall be screened. Screening shall match the adjacent residential development in terms of quality of materials and design. Such screening shall minimize light glare and noise levels affecting adjacent residential uses. See also Section 4.155(.03)(B).

D. Bicycle Parking Requirements:

- 1 Purpose: Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles for short and long stays.
 - a. Short-term bicycle parking is intended to encourage shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles.
 - b. Long-term bicycle parking is intended to provide employees, students, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. The intent of the long-term standards is to provide bicycle parking within a reasonable distance in order to encourage bicycle use.
2. General Provisions
 - a. Required Bicycle Parking:
 - i. The required minimum number of bicycle parking spaces for each use category is shown in Table V-2, Parking Requirements, below. Bicycle parking is not required for uses not listed.
 - ii. Bicycle parking spaces are not required for accessory uses. If a primary use is listed in Table V-2, bicycle parking is not required for the accessory use.
 - iii. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
3. Bicycle Parking Standards:
 - a. Short-term bicycle parking. Required short-term bicycle parking shall meet the following standards:
 - i. Short-term bicycle parking shall be provided in lockers or racks that meet the standards of this section.
 - ii. Short-term bicycle parking shall be located either within 30 feet of the main entrance to the building; or inside a building, in a location that is easily accessible for bicycles.
 - iii. If 10 or more short-term bicycle spaces are required, then at least 50 percent of the required short-term bicycle spaces shall be covered and meet the standards of this section.
 - b. Long-term bicycle parking. Required long-term bicycle parking shall meet the following standards:
 - i. Long-term bicycle parking shall be provided in racks or lockers that meet the standards of this section.
 - ii. Long-term bicycle parking shall be located on the site or in an area where the closest point is within 300 feet of the site
 - iii. At least 50 percent of required long-term bicycle parking shall be covered in compliance with the standards of this section
 - iv. To provide security, long-term bicycle parking shall be in at least one of the following locations:

- In a locked room or locker
 - In an area that is enclosed by a fence with a locked gate. The fence shall be either eight (8) feet high, or be floor-to-ceiling, subject to review and approval of a building permit;
 - In an area that is visible from employee work areas or within view of an attendant or security guard;
 - In a dwelling unit or dormitory unit. If long-term bicycle parking is provided in a dwelling unit or dormitory unit, neither racks nor lockers shall be required.
- c. Bicycle Lockers, Racks and Cover (Weather Protection):
- i. Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.
 - ii. Covered bicycle parking, as required by this section, shall be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover must be permanent, designed to protect the bicycle from rainfall and provide seven (7) foot minimum overhead clearance.

Table V-2: Off Street Parking Requirements

	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short-term (Spaces)	Bicycle Long-term (Spaces)
Permitted or Conditional Use				
Permitted Uses				
Single-Family Detached Dwellings	1.0/DU	NR	NR	NR
Single-Family Accessory Dwelling Units	1.0/DU	NR	NR	NR
Duplex	1.0/DU	NR	NR	NR
Row Houses	1.0/DU	NR	NR	NR
Multi-Family Dwellings	1.0/1 Bdr 1.5/2 Bdr 1.75/3 Bdr	NR	1 per 20 units Min. of 2	1 per 4 units Min. of 2
Community Housing	1 per 4 residents	1 per unit	None	1 per 8 residents Min. of 2
Commercial Uses				
Convenience Store	2/1000 sf	5/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Restaurant/Pub	2/1000 sf	10/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Child Day Care	0.2 per student/staff	0.3 per student/staff	None	1 per 10,000 sf Min. of 2
Medical/Dental	3/1000 sf	4/1000 sf	1 per 40,000 sf Min. of 2	1 per 70,000 sf Min. of 2
All other commercial uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
Conditional Uses				
Schools	0.2 per student/staff	0.3 per student/staff	0.3 per student/staff	0.2 per classroom
Recreational Facilities	3/1000 sf ¹	5/1000 sf ¹	1 per 3,000 sf Min. of 4	1 per 3000 sf Min. of 4
Conference Center	0.3 per seat	0.5 per seat	1 per 15 seats Min. of 2	1 per 40 seats Min. of 10
Library/Museum	2/1000 sf	4/1000 sf	1 per 1000 sf Min. of 6	1 per 1000 sf Min. of 6
Religious Institution	.25 per seat	.5 per seat	1 per 2,000 sf Min. of 2	1 per 4,000 sf Min. of 2
Theater	.25 per seat	.5 per seat	1 per 20 seats Min. of 2	1 per 50 seats Min. of 4
Overnight Lodging Facility	1 per room	1.5 per room	1 per 20 rooms Min. of 2	1 per 20 rooms Min. of 2
Light Manufacturing/Research and Development	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
All other Conditional Uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2

Notes: 1 1/1000 sf min. for court facilities

NR No requirement

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

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

(.09) Street and Access Improvement Standards

- A. Except as noted below, the provisions of Section 4.177 shall apply within the Village zone:
 1. General Provisions:
 - a. All street alignment and access improvements shall conform to Figures 7, 8, 9A, and 9B of the Villebois Village Master Plan, or as refined in an approved Specific Area Plan, Preliminary Development Plan, or Final Development Plan, and the following standards:
 - i. All street improvements shall conform to the Public Works Standards and the Transportation Systems Plan, and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.
 - ii. All streets shall be developed according to the Master Plan.
 2. Intersections of streets:
 - a. Angles: Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.
 - b. Intersections: If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of a thirty (30) foot centerline radius and said angle shall not be

less than sixty (60) degrees. Any angle less than ninety 90 degrees shall require approval by the City Engineer after consultation with the Fire District.

- c. Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:
 - i. 1000 ft. for major arterials
 - ii. 600 ft. for minor arterials
 - iii. 100 ft. for major collector
 - iv. 50 ft. for minor collector
 - d. Curb Extensions:
 - i. Curb extensions at intersections shall be shown on the Specific Area Plans required in Subsection 4.125(.18)(C) through (F), below, and shall:
 - Not obstruct bicycle lanes on collector streets.
 - Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections, meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.
3. Street Grades: Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.
 4. Centerline Radius Street Curves: The minimum centerline radius street curves shall be as follows:
 - a. Arterial streets: 600 feet, but may be reduced to 400 feet in commercial areas, as approved by the City Engineer.
 - b. Collector streets: 600 feet, but may be reduced to conform with the Public Works Standards, as approved by the City Engineer.
 - c. Local streets: 75 feet
 5. Rights-of-way:
 - a. See Section 4.125(.09)(A), above.
 6. Access drives:
 - a. See Section 4.125(.09)(A), above.
 - b. 16 feet for two-way traffic
 7. Clear Vision Areas
 - a. See Section 4.125(.09)(A), above.
 8. Vertical Clearance:
 - a. See Section 4.125(.09)(A), above.
 9. Interim Improvement Standard:

a. See Section 4.125(.09)(A), above.

(.10) Sidewalk and Pathway Improvement Standards

A. The provisions of Section 4.178 shall apply within the Village zone.

(.11) Landscaping, Screening and Buffering

A. Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:

1. Streets in the Village zone shall be developed with street trees as described in the Community Elements Book.

(.12) Master Signage and Wayfinding

A. All signage and wayfinding elements within the Village Zone shall be in compliance with the adopted Signage and wayfinding Master Plan for the appropriate SAP.

B. Provisions of Section 4.156 shall apply in the Village Zone except subsections (.06), (.07), (.08), and the provisions of (.09) other than that of (.09)(C).(2.). Section 4.156(.09) may be used for comparison purposes to assess conceptually whether signage is allowed in an equitable manner throughout the City. Section 4.156 is not to be used for direct comparison of sign standards.

C. The Master Signage and Wayfinding Plan is the Master Sign Plan for the applicable SAP.

D. In the event of conflict between the applicable standards of Section 4.156 and this subsection or the applicable Master Signage and Wayfinding Plan, this subsection and the Master Signage and Wayfinding Plan shall take precedence.

E. The following signs may be permitted in the Village Zone, subject to the conditions in this Section.

1. Site Signs

a. Signs that capture attention establishing a sense of arrival to Villebois and to areas within Villebois.

2. Site Directional

a. Permanent mounted signs informing and directing the public to major destinations within Villebois.

3. Retail Signs

a. Signs which identify the retail uses, including bulkhead signs, blade signs, temporary window signs and permanent window signs designed to identify storefronts and provide information regarding the retail uses.

4. Informational Signs

a. Permanent mounted signs located along and adjacent to travel ways providing information to residents and visitors traveling within Villebois.

5. Flags and Banners

- a. Permanent and temporary pole mounted signage intended to identify the graphic identity of Villebois and to identify seasonal events taking place within the Villebois Community.

F. Dimensions and square footage of signs are defined in the Master Signage and Wayfinding Plan for the appropriate SAP.

G. Signage locations are specified in the Master Signage and Wayfinding Plan for the appropriate SAP.

H. The number of signs permitted is specified in the Master Signage and wayfinding Plan for the appropriate SAP.

[Section 4.125(.12) amended by Ord. No. 596, 10/3/05.]

(.13) Design Principles Applying to the Village Zone

A. The following design principles reflect the fundamental concepts, and support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities of the built environment within the Village zone.

1. The design of landscape, streets, public places and buildings shall create a place of distinct character.
2. The landscape, streets, public places and buildings within individual development projects shall be considered related and connected components of the Villebois Village Master Plan.
3. The design of buildings shall functionally relate to adjacent open space, gateways, street orientation, and other features as shown in the Villebois Village Master Plan.
4. The design of buildings and landscape shall functionally relate to sunlight, climate, and topography in a way that acknowledges these conditions as particular to the Willamette Valley.
5. The design of buildings shall incorporate regional architectural character and regional building practices.
6. The design of buildings shall include architectural diversity and variety in its built form.
7. The design of buildings shall contribute to the vitality of the street environment through incorporation of storefronts, windows, and entrances facing the sidewalk.
8. The design of streets and public spaces shall provide for and promote pedestrian safety, connectivity and activity.
9. The design of buildings and landscape shall minimize the visual impact of, and screen views of off-street parking from streets.
10. The design of exterior lighting shall minimize off-site impacts, yet enable functionality.

(.14) Design Standards Applying to the Village Zone

A. The following Design Standards implement the Design Principles found in Section 4.125(.13), above, and enumerate the architectural details and design requirements applicable to buildings and other features within the Village (V) zone. The Design Standards are based primarily on the features, types, and details of the residential traditions in the Northwest, but are not intended to mandate a particular style or fashion. All development within the Village zone shall incorporate the following:.

1. General Provisions:

- a. Flag lots are not permitted.
- b. The minimum lot depth for a single-family dwelling with an accessory dwelling unit shall be 70 feet.
- c. Village Center lots may have multiple front lot lines.
- d. For Village Center lots facing two or more streets, two of the facades shall be subject to the minimum frontage width requirement. Where multiple buildings are located on one lot, the facades of all buildings shall be used to calculate the Minimum Building Frontage Width.
- e. Neighborhood Centers shall only be located within a Neighborhood Commons.
- f. Commercial Recreation facilities shall be compatible with surrounding residential uses.
- g. Convenience Stores within the Village zone shall not exceed 4,999 sq. ft., and shall provide pedestrian access.
- h. Specialty Grocery Stores within the Village zone shall not be more 19,999 square feet in size.
- i. A Grocery Store shall not be more than 40,000 square feet in size.

2. Building and site design shall include:

- a. Proportions and massing of architectural elements consistent with those established in an approved Architectural Pattern Book or Village Center Architectural Standards.
- b. Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.
- c. Protective overhangs or recesses at windows and doors.
- d. Raised stoops, terraces or porches at single-family dwellings.
- e. Exposed gutters, scuppers, and downspouts, or approved equivalent.
- f. The protection of existing significant trees as identified in an approved Community Elements Book.
- g. A landscape plan in compliance with Sections 4.125(.07) and (.11), above.
- h. Building elevations of block complexes shall not repeat an elevation found on an adjacent block.

- i. Building elevations of detached buildings shall not repeat an elevation found on buildings on adjacent lots.
 - j. A porch shall have no more than three walls.
 - k. A garage shall provide enclosure for the storage of no more than three motor vehicles, as described in the definition of Parking Space.
3. Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.
 4. Building systems, as noted in Tables V-3 and V-4 (Permitted Materials and Configurations), below, shall comply with the materials, applications and configurations required therein. Design creativity is encouraged. The LEED Building Certification Program of the U.S. Green Building Council may be used as a guide in this regard.

[Section 4.125(.14) amended by Ord. No. 595, 12/5/05.]

Table V-3: Permitted Materials and Configurations

All Single Family Detached, Duplexes, Row Houses - any location
 All Mixed-Use, Multi-Family, and Commercial Buildings - outside the Village Center*

Permitted Materials		Configuration and Application
Exterior Surfaces of Building Walls and Chimneys	<ul style="list-style-type: none"> ▪ Cedar siding and shingles ▪ Dimensional lumber elements ▪ Fiber-cement siding and shingles ▪ Stucco, cementitious ▪ Masonry: brick, stone, concrete, and faux-stone ▪ Exposed cast-in-place concrete ▪ Pre-cast concrete trim and veneer ▪ Plywood with battens (not primary façade) 	<ul style="list-style-type: none"> ▪ Materials can only be changed at horizontal lines or at an inside corner of two vertical planes ▪ Any material used on a front façade shall return a minimum of 16" on side wall ▪ Lap-siding shall not exceed 7" and drop-siding 10" to the weather ▪ Board and batten shall not exceed 10", and 2" running alternately ▪ Brick shall be laid in a true bonding pattern (no stack bond) ▪ Stucco shall be smooth sand finish ▪ Concrete block shall be split-faced or scored ▪ Cast concrete walls shall have a textured finish
Building Elements	<ul style="list-style-type: none"> ▪ Posts and columns shall be of stone masonry, brick, cast concrete, stucco, wood, built-up fiber-cement board, fiberglass, iron, or tubular steel ▪ Arches and piers shall be stone masonry, brick, cast concrete, or stucco ▪ Porches, balconies, decks, stoops, and stairs shall be of wood, wood polymer, stucco, concrete, brick, or stone ▪ Railings and balustrades shall be iron, welded steel, pre-cast concrete, stone, wood or wood polymer ▪ Trellises shall be iron, welded steel, or wood ▪ Walls and fences may be of permitted wall materials, and wood pickets, lattice, boards, or open painted metal 	<ul style="list-style-type: none"> ▪ All balconies, decks, and trellises - whether cantilevered or not - shall be visibly supported by columns, beams, or brackets ▪ Columns and posts shall be minimum 5" in section ▪ Masonry shall be terminated on a concrete base or carried to the ground ▪ The area under porches and decks shall be screened with wall or fencing material ▪ Landscape walls and fences shall match materials on buildings ▪ Concrete and masonry landscape walls shall be a minimum of 8" thick ▪ Stucco landscape walls shall be over concrete or block walls ▪ Metal fencing shall be of open nature and predominately vertical ▪ Fence heights may step up or down in one ft. increments but not at corners ▪ Ornamentation is only allowed to highlight or embellish a functional element ▪ Balconies shall extend no more than 36 inches beyond the furthestmost adjacent building face ▪ Fence boards must be stained or painted
Roofs	<ul style="list-style-type: none"> ▪ Architectural grade composition shingles ▪ Cedar shingles ▪ Concrete or clay tiles ▪ Slate ▪ Built-up flat roofs ▪ Standing seam metal, parallel to slope ▪ Eco/Green roofs ▪ Metal or wood gutters. Metal downspouts or (1) copper, brass or aluminum chain, (2) rope, or (3) freefall water, in lieu of metal downspouts. ▪ Fabric, steel, or glass awnings 	<ul style="list-style-type: none"> ▪ Principal sloped roofs shall have symmetrical 4:12 to 12:12 pitches ▪ Eaves shall overhang at least 12 inches or be tight to the wall and finished by a molding or stucco detail ▪ Eco/Green roofs are permitted on flat roofs or sloped roofs up to 6.9:12 pitch. ▪ Fascia gutters are not allowed ▪ Gutters shall have a half-round, ogee, or square profile ▪ Metal Downspouts shall be round or box and use standoffs instead of bending around trim boards or other elements. ▪ All roof-mounted components, such as mechanical equipment, solar equipment, antennas, satellites, etc., shall be screened from view. ▪ Chain or rope downspouts anchored at bottom, or gutter freefall, shall convey water to a no-splash basin. The basin and drainage conveyance away from the basin require City approval on a per design basis. ▪ Roof vents shall be minimized where visible from public areas ▪ Dormers shall be placed at least 36 inches from side building walls ▪ Flat roofs shall be enclosed by parapets
Windows & Doors	<ul style="list-style-type: none"> ▪ Wood, metal or vinyl-clad wood, vinyl or steel frames and sashes ▪ Clear or Low-E glass where visible from public areas ▪ Entry and garage doors of wood, fiberglass, or embossed metal ▪ Sliding glass doors are allowed only where screened from public areas ▪ Wood, fiber-cement, vinyl, or fiberglass shutters 	<ul style="list-style-type: none"> ▪ Individual windows shall be square or vertical in proportion ▪ Windows and doors shall be recessed at least 3" from the exterior wall surface or surrounded by trim ▪ Door and window shutters shall be sized to cover the window

Table V-4: Permitted Materials and Configurations:

Commercial Buildings - Inside the Village Center*		Educational Facilities (Schools) - any location	
Multi-Family Buildings - Inside the Village Center*		Religious Institutions - any location	
Mixed-Use Buildings - Inside the Village Center*			
	Permitted Materials	Configuration and Application	
Exterior Surfaces of Building Walls	<ul style="list-style-type: none"> ▪ Metal Panel ▪ Cedar siding and wood elements ▪ Fiber-cement siding ▪ Stucco, cementitious ▪ Masonry: brick, stone, concrete, concrete masonry units and faux-stone ▪ Exposed cast-in-place concrete ▪ Pre-cast concrete trim and veneer ▪ Plywood w/ battens (not primary façade) 	<ul style="list-style-type: none"> ▪ Materials may be changed at horizontal lines or at an inside corner of two vertical planes ▪ Lap-siding shall not exceed 7" and drop-siding 10" to the weather ▪ Board and batten shall not exceed 10", and 2" running alternately ▪ Brick shall be laid in a true bonding pattern (no stack bond) ▪ Concrete block shall be split-faced, ground-faced, or scored 	
Building Elements	<ul style="list-style-type: none"> ▪ Posts and columns shall be of stone, masonry, brick, cast concrete, stucco, wood, built-up fiber-cement board, fiberglass, or welded steel ▪ Arches and piers shall be stone masonry, brick, cast concrete, or stucco ▪ Porches, balconies, decks, stoops, and stairs shall be of wood, stucco, concrete, brick, stone, or welded steel ▪ Railings and balustrades shall be iron, welded steel, or wood ▪ Trellises shall be iron, welded steel, or wood ▪ Walls and fences may be of permitted materials, and wood pickets, lattice, boards, or open painted metal 	<ul style="list-style-type: none"> ▪ Balconies shall extend no more than 36 inches beyond the furthest adjacent building face ▪ Masonry shall be terminated on a concrete base or carried to the ground ▪ Columns and posts shall be minimum 5" in section ▪ The area under porches and decks shall be screened with wall or fencing material ▪ Concrete and masonry landscape walls shall be a minimum of 8" thick 	
Roofs	<ul style="list-style-type: none"> ▪ Architectural grade composition shingles ▪ Concrete or clay tiles ▪ Slate ▪ Built-up flat roofs ▪ Standing seam metal, parallel to slope ▪ Metal gutters and downspouts ▪ Eco/Green roofs ▪ Metal or wood gutters. Metal downspouts or (1) copper, brass or aluminum chain, (2) rope, or (3) freefall water, in lieu of metal downspouts. ▪ Fabric, steel, or glass awnings 	<ul style="list-style-type: none"> ▪ Principal sloped roofs shall have 4:12 to 12:12 pitches (excluding mansard roofs) ▪ Where eaves are used, rafter ends may be exposed or concealed by fascia ▪ Eco/Green roofs are permitted on flat roofs or sloped roofs up to 6.9:12 pitch. ▪ Fascia gutters are not allowed ▪ Gutters shall have a half-round, ogee, or square profile ▪ Downspouts shall be round or box and use standoffs instead of bending around trim boards or other elements ▪ Chain or rope downspouts anchored at bottom, or gutter freefall, shall convey water to a no-splash basin. The basin and drainage conveyance away from the basin require City approval on a per design basis. ▪ All roof-mounted components, such as mechanical equipment, solar equipment, antennas, satellites, etc., shall be screened from public streets ▪ Dormers shall be placed at least 36 inches from side building walls ▪ Flat roofs shall be enclosed by parapets or shall project horizontally a min. of 36 inches as an eave 	
Windows & Doors	<ul style="list-style-type: none"> ▪ Wood, metal or vinyl-clad wood, vinyl or steel frames and sashes ▪ Clear or Low-E glass where visible from public areas ▪ Entry and garage doors of wood, fiberglass, or embossed metal ▪ Wood, fiber-cement, vinyl, or fiberglass shutters 	<ul style="list-style-type: none"> ▪ Individual windows shall be square or vertical in proportion ▪ Hexagonal windows are not allowed ▪ Windows and doors shall be recessed at least 3" from the exterior wall surface or surrounded by trim ▪ Shutters shall be sized to cover the window or door 	

*Note: See Figure 2 of the Villebois Village Master Plan for boundaries of Village Center

(.15) Village Center Design Principles

A. In addition to the design principles found in Section 4.125(.13), above, the following principles reflect the fundamental concepts, support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities within the Village Center:

1. The buildings, streets and open spaces of the Village Center are intended to relate in such a way as to create an identifiable and related series of public and private spaces.

(.16) Village Center Design Standards

A. In addition to the design standards found in Section 4.125(.14), above, the following Design Standards are applicable to the Village Center, exclusive of single-family detached dwellings and row houses:

1. Off-street parking areas shall not be located between buildings and the street.
2. The design of off-street parking areas shall include pedestrian connections to the buildings they serve, sidewalks, and adjacent parking areas.
3. The design of buildings and public spaces shall include interior (through-buildings) and exterior public pedestrian accessways, as required, to facilitate pedestrian connections.
4. The design of buildings shall include rear and side entrances in addition to primary street front entrances when necessary to facilitate pedestrian connections.
5. Building facades shall be broken into multiple vertical elements.
6. Canopies and awnings should be provided as specified in the Village Center Architectural Standards. [Section 4.125(.16)(A)(6) amended by Ord. No. 595, 12/5/05.]
7. The design of buildings and landscapes shall provide opportunities for public art at a minimum of one location per block.

(.17) Village Center Plaza Design Standards

A. In addition to the design standards found in Section 4.125(.16), above, the following Design Standards are specific to the design of the Village Center Plaza:

1. The Village Center Plaza shall be measured as all space enclosed by the surrounding buildings.
2. The Village Center Plaza landscape shall consist of textured paving differentiated from typical street pavement. Vehicular movement and on-street parking within the Village Center Plaza is encouraged to have similar paving treatments and occur at the same elevation as the sidewalk and the Village Center Plaza.
3. The Village Center Plaza shall include the following:
 - a. Incorporation of existing significant trees, street furniture, bollards or similar elements, and exterior lighting.

- b. One vertical tower element facing the Village Center Plaza with proportions, massing, and architectural elements consistent with the Village Center Architectural Standards.

[Section 4.125(.17) amended by Ord. No. 595, 12/5/05.]

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

A. Purpose and Intent. It is the purpose of this subsection to describe the process by which development plans are proposed, reviewed and adopted and to provide the procedures and criteria for development permit application, review and approval.

B. Unique Features and Processes of the Village (V) Zone: To be developed, there are three (3) phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual stage through to detailed architectural, landscape and site plan review in stages. All development within the Village zone shall be subject to the following processes:

1. Specific Area Plan (SAP) approval by the Development Review Board, as set forth in Sections 4.125(.18)(C) through (F), below (Stage I equivalent). To be developed, a site must be included in an approved SAP.
2. Preliminary Development Plan (PDP) approval by the Development Review Board, as set forth in Sections 4.125(.18)(G) through (K) (Stage II equivalent), below. Following SAP approval, an applicant may file applications for Preliminary Development Plan approval (Stage II equivalent) for an approved phase in accordance with the approved SAP, and any conditions attached thereto. Land divisions may also be preliminarily approved at this stage. Except for land within the Central SAP or multi-family dwellings outside the Central SAP, application for a Zone Change and Final Development Plan (FDP) shall be made concurrently with an application for PDP approval. The SAP and PDP/FDP may be reviewed simultaneously when a common ownership exists.

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

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

[Section 4.125(.18)(B) amended by Ord. No. 587, 5/16/05.]

C. Specific Area Plan (SAP) Application Procedures.

1. Purpose – A SAP is intended to advance the design of the Villebois Village Master Plan.
2. If not initiated by the City Council, Planning Commission or Development Review Board, an application for SAP approval shall be submitted by the

Master Planner, or by landowners pursuant to subsection C.3 below. The application shall be accompanied by payment of a fee established in accordance with the City's fee schedule.

3. The owners of property representing at least 80 percent of a SAP area may request in writing that the Master Planner submit a SAP application. The Master Planner must provide a written response within thirty days. If the Master Planner agrees to submit a request, the Master Planner shall have 180 days to submit the SAP application. If the Master Planner denies the request, fails to respond within 30 days, or fails as determined by the Planning Director to diligently pursue the application after agreeing to submit it, by providing drafts of a pattern book and all other SAP elements within 60 days and thereafter pursuing approval in good faith, the property owners may submit a SAP application for review and approval. A copy of a SAP application submitted by property owners must be provided to the Master Planner. Once the application has been deemed complete by the City, the Master Planner shall have 30 days to review and comment in writing before the proposed SAP is scheduled for public hearing by the DRB.

D. SAP Application Submittal Requirements:

1. Existing Conditions – An application for SAP approval shall specifically and clearly show the following features and information on maps, drawings, application form or attachments. The SAP shall be drawn at a scale of 1" = 100' (unless otherwise indicated) and may include multiple sheets depicting the entire SAP area, as follows:
 - a. Date, north arrow and scale of drawing.
 - b. The boundaries of the Specific Area Plan as may be refined and in keeping with the intent of the Villebois Village Master Plan's conceptual location of SAPs. (See Figure 3 "Conceptual Specific Area Plan Boundaries" of the Villebois Village Master Plan.) [Amended by Ord. 565, adopted 6/21/04.]
 - c. A vicinity map showing the location of the SAP sufficient to define its location and boundaries and Clackamas County Tax Assessor's map numbers of the tract boundaries. The vicinity map shall clearly identify the nearest cross streets.
 - d. An aerial photograph (at 1" = 500') of the proposed site and properties within 50 feet of the SAP boundary.
 - e. The size, dimensions, and zoning of each lot or parcel tax lot and Tax Assessor's map designations for the SAP and properties within 50 feet of the SAP boundary.
 - f. The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the SAP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only in that SAP .

- g. Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
 - i. One (1) foot contours for slopes of up to five percent (5%);
 - ii. Two (2) foot contours for slopes of from six percent (6%) to twelve percent (12%);
 - iii. Five (5) foot contours for slopes of from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
 - iv. Ten (10) foot contours for slopes exceeding twenty percent (20%).
 - h. The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the SAP and within 50 feet of the SAP boundary, as required by Section 4.139.
2. SAP Development Information – The following information shall also be shown at a scale of 1" = 100' and may include multiple sheets depicting the entire SAP area:
- a. A site circulation plan showing the approximate location of proposed vehicular, bicycle and pedestrian access points and circulation patterns, and parking and loading areas.
 - b. The approximate location of all proposed streets, alleys, other public ways, curb extensions, sidewalks, bicycle and pedestrian accessways, neighborhood commons, and easements. The map shall identify existing subdivisions and development and un-subdivided land ownerships adjacent to the proposed SAP site.
 - c. The approximate project location, acreage, type, preliminary lot lines and density of the proposed development. For the residential portions of the SAP, the master planner shall identify: 1) the overall minimum and maximum number of housing units to be provided; and 2) the overall minimum and maximum number of housing units to be provided, by housing type.
 - d. The approximate locations of proposed parks, playgrounds or other outdoor play areas, outdoor common areas, usable open spaces, and natural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use. This information shall be provided in tabular form, and shall reconcile all such areas as may have been adjusted through prior approvals.
 - e. A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.
 - f. A grading plan illustrating existing and proposed contours as prescribed previously in this section.
 - g. A development sequencing plan
 - h. A utilities sequencing plan
 - i. A bicycle and pedestrian circulation plan

- j. A tree removal, preservation and protection plan
 - k. A property ownership list, as required by Section 4.035(.04)(A)(6)(j).
 - l. At the applicant's expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the SAP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2).
 - m. A master signage and wayfinding plan
 - n. A rainwater management program
3. Architectural Pattern Book – An Architectural Pattern Book shall be submitted with a SAP application. The Architectural Pattern Book shall apply to all development outside of the Village Center Boundary, as shown on Figure 1 of the currently adopted Villebois Village Master Plan. An Architectural Pattern Book shall address the following: [Section 4.125(.18)(D)(3) was amended by Ord. No. 595, 12/5/05.]
- a. Illustrate areas within the Specific Area Plan covered by the Architectural Pattern Book.
 - b. An explanation of how the Architectural Pattern Book is organized, and how it is to be used.
 - c. Define specific standards for architecture, color, texture, materials, and other design elements.
 - d. Include a measurement or checklist system to facilitate review of development conformity with the Architectural Pattern Book.
 - e. Include the following information for all row houses, duplexes, and single-family detached housing inside and outside of the Village Center, and for all other buildings outside of the Village Center, including Neighborhood Center(s) within the SAP:
 - i. Illustrate and describe the Regional and Climatic conditions affecting the SAP, and the proposed building types including:
 - Relationship of indoor and outdoor spaces.
 - Design for rainwater paths including roof forms, gutters, scuppers and downspouts.
 - Design for natural day-lighting.
 - Massing and materials.
 - f. Illustrate and describe examples of appropriate architectural styles and how they would be applied to specific land use types, including the definitions (i.e., specifications) of the elements, massing, and facade composition for each style including:
 - i. Architectural precedent and/or historic relevance of each style.
 - ii. Massing, proportions, and roof forms, including details.
 - iii. Doors, windows and entrances showing trim types and details.
 - iv. Porches, chimneys and unique features and details.

- v. Materials, colors, light fixtures and accents.
 - vi. Downspouts and gutters.
 - g. Illustrate and describe examples of appropriate exterior lighting types, and how their design:
 - i. Minimizes glare.
 - ii. Minimizes emission of light beyond the boundaries of a development site.
 - iii. Conserves energy.
 - iv. Maintains nighttime safety, utility, security, and productivity.
 - v. Minimizes the unnatural brightening of the night sky.
 - h. A Master Fencing Program illustrating and describing the specifications and materials for fencing within the SAP. [Section 4.125(.18)(D)(3)(h) added by Ord. No. 596, 10/305.]
4. Community Elements Book – A Community Elements Book shall be submitted, including the following:
- a. Lighting Master Plan and Specifications, which address the requirements of Section 4.125(.18)(D)(3)(g), above.
 - b. Lighting Master Plan and Specifications
 - c. Site Furnishings Master Plan and Specifications
 - d. Curb Extensions Master Plan and Specifications
 - e. Street Tree Master Plan and Specifications
 - f. Post Box Specifications
 - g. Bollard Specifications
 - h. Trash Receptacle Specifications
 - i. Recycling Receptacle Specifications
 - j. Bench Specifications
 - k. Bicycle Rack and Locker Specifications
 - l. Playground Equipment Specifications
 - m. Master Plant List and Specifications
 - n. For SAP Central, provide additional information regarding the elements within the Address Overlay Areas.
[Section 4.125(.18)(D)(4) amended by Ord. No. 595, 12/5/05.]
5. Rainwater Management Program – A Rainwater Management Program shall be submitted, addressing the following:
- a. Provision for opportunities to integrate water quality, detention, and infiltration into the SAP's natural features and proposed development areas;
 - b. Provision of methods reducing the increase in runoff from the 90th percentile of all rain events and meet pre-development hydrology to the greatest extent practicable;
 - c. Identification of guidelines and standards for the design of all Rainwater Management Systems within the SAP, that:
 - i. Manage the ¼-inch, 24-hour rainfall event at pre-development levels.

- ii. Mitigate 100% of impervious area from private areas within public areas and/or private areas (i.e., parks and open space areas, public street rights-of-way).
- iii. Mitigate 100% of impervious area from all public areas within public areas (i.e., parks and open space areas, public street rights-of-way).
- iv. Remove 70% of Total Suspended Solids (TSS) for ¼-inch, 24-hour storm event for all development areas.
- v. Remove 65% of Phosphorous for ¼-inch, 24-hour storm event for all development areas.
- vi. Integrate compost-amended topsoil in all areas to be landscaped to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.
- vii. Treatment associated with stormwater runoff will be considered in meeting Total Suspended Solids (TSS) and Phosphorus removal requirements.

[Section 4.125(.18)(D)(5)(c) amended by Ord. No. 579, 3/7/05]

6. Master Signage and Wayfinding – A Master Signage and Wayfinding Plan shall be submitted with an SAP application and shall address the following:
 - a. Illustrate the boundaries of the SAP covered by the Master Signage and Wayfinding Plan.
 - b. An explanation of how the Master Signage and Wayfinding Plan is organized and how it is to be used.
 - c. Define specific standards for signage and wayfinding elements within the subject SAP.
 - d. Define specifications for logo, typography, symbols and color palette.
 - e. Narrative shall be submitted as part of the application to adopt the Master Signage and Wayfinding Plan showing how the proposed Master Signage and Wayfinding Plan meets the Purpose statements of W.C. Section 4.156 and W.C. Section 4.156(.09)(B) and how the proposed Plan is consistent with site signs, sited directional signs and information signs in other Villebois SAPs. Narrative shall also be provided describing how the proposed Master Signage and Wayfinding Plan compares conceptually with the signage allowed in the Wilsonville Town Center, as described in Section 4.156(.09), to ensure that signage is allowed in an equitable manner throughout the City. Section 4.156(.09) is not to be used for a direct comparison of sign standards. [Section 4.125(18)(D)(6) added by Ord. No. 596, 10/3/05. Subsequent subsection numbering adjusted.]
7. Village Center Architectural Standards – Village Center Architectural Standards shall be submitted with an application for the Central SAP. The Village Center Architectural Standards shall apply to the portion of SAP Central within the Village Center boundary. This area is shown on Figure 1 of the currently adopted Master Plan. The Village Center Architectural Standards shall address the following:

- a. Provide an explanation of how the Village Center Architectural Standards is organized, and how it is to be used.
 - b. Include a measurement or checklist system to facilitate review of development conformity with the Village Center Architectural Standards.
 - c. The Village Center Architectural Standards shall address Village Center Design Standards required by Sections 4.125(.16) and (.17), above.
 - d. Illustrate the boundaries of all Address Overlay Areas.
 - e. For each Address Overlay Area, the Village Center Architectural Standards shall include a narrative describing the intended characteristics.
 - f. The Village Center Architectural Standards shall include standards for all buildings regarding the following elements:
 - i. Building massing and proportions
 - ii. Roof forms, including typical components
 - iii. Building components, including but not limited to:
 - Doors and primary entrances
 - Canopies and awnings
 - Windows
 - Porches, balconies, bay windows.
 - iv. Exterior materials and color palette
 - g. The Village Center Architectural Standards shall work in coordination with the following SAP documents:
 - i. The Parks and Open Space Plan
 - ii. The Site Circulation Plan
 - iii. Composite Utility Plan
 - iv. The Master Signage and Wayfinding Plan
 - v. The Community Elements Book
 - vi. The Rainwater Management Program
[Section 4.125(.18)(D)(6) amended by Ord. No 595, 12/5/05.]
8. SAP Narrative Statement – A narrative statement shall be submitted, addressing the following:
- a. A description, approximate location and timing of each proposed phase of development within the SAP.
 - b. An explanation of how the proposed development complies with the applicable standards of this section.
 - c. A statement describing the impacts of the proposed development on natural resources within the SAP and how the proposed development complies with the applicable requirements of Chapter 4.
 - d. Includes a description of the goals and objectives of the Villebois Village Master Plan and the Design Principles of the V-Zone, and how they will be met for the specified land use area.
 - e. Includes information demonstrating how the Architectural Pattern Book satisfies the goals and concepts of the Villebois Village Master Plan, the Design Principles and Design Standards of the Village zone.

- f. Where applicable, a written description of the proposal’s conformance with the Village Center Design Principles and Standards.

E. SAP Approval Process and Review Criteria

1. An application for SAP approval shall be reviewed using the following procedures:
 - a. Notice of a public hearing before the Development Review Board regarding a proposed SAP shall be made in accordance with the procedures contained in Section 4.012.
 - b. The Development Review Board may approve an application for SAP approval only upon finding the following approval criteria are met:
 - i. That the proposed SAP:
 - Is consistent with the standards identified in this section.
 - Complies with the applicable standards of the Planning and Land Development Ordinance, and
 - Is consistent with the Villebois Village Master Plan. Those elements of the Village Master Plan with which the SAP must be consistent are the Plan’s Goals, Policies, and Implementation Measures, and, except as the text otherwise provides, Figures 1, 5, 6A, 7, 8, 9A, and 9B.
 - ii. If the SAP is to be phased, as enabled by Sections 4.125(.18)(D)(2)(g) and (h), that the phasing sequence is reasonable.
 - iii. The Development Review Board may require modifications to the SAP, or otherwise impose such conditions, as it may deem necessary to ensure conformance with the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.

F. Refinements to Approved Villebois Village Master Plan

1. In the process of reviewing a SAP for consistency with the Villebois Village Master Plan, the Development Review Board may approve refinements, but not amendments, to the Master Plan. Refinements to the Villebois Village Master Plan may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section 4.125(.18)(F)(2), below. Amendments to the Villebois Village Master Plan may be approved by the Planning Commission as set forth in Section 4.032(.01)(B).
 - a. Refinements to the Master Plan are defined as:
 - i. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.
 - ii. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Specific Area Plan.

- iii. Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.
 - iv. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the affected SAP. For purposes of this subsection, “land uses” or “uses” are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.
 - v. A change in density that does not exceed ten percent, provided such density change does not result in fewer than 2,300 dwelling units in the Village.
 - vi. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the function of collector or minor arterial roadways.
 - b. As used herein, “significant” means:
 - i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(F)(1)(a), above, or,
 - ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(F)(1)(a), above.
 - 2. Refinements meeting the above definition may be approved by the DRB upon the demonstration and finding that:
 - a. The refinements will equally or better meet the Goals, Policies and Implementation Measures of the Villebois Village Master Plan
 - b. The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the SAP and Village area, and
 - c. The refinement will not preclude an adjoining or subsequent SAP area from development consistent with the Master Plan.
 - 3. Amendments are defined as changes to elements of the Master Plan not constituting a refinement. Amendments to the Master Plan must follow the same procedures applicable to adoption of the Master Plan itself.
- G. Preliminary Development Plan Approval Process (Equivalent to Stage II):
- 1. An application for approval of a Preliminary Development Plan for a development in an approved SAP shall:
 - a. Be filed with the City Planning Division for the entire SAP, or when submission of the SAP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.
 - b. Be made by the owner of all affected property or the owner's authorized agent; and

- c. Be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution; and
 - d. Set forth the professional coordinator and professional design team for the project; and
 - e. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.
 - f. Include a preliminary land division (concurrently) per Section 4.200, as applicable.
 - g. Include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.
2. The application for Preliminary Development Plan approval shall include conceptual and quantitatively accurate representations of the entire development sufficient to demonstrate conformance with the approved SAP and to judge the scope, size and impact of the development on the community and shall be accompanied by the following information:
- a. A boundary survey or a certified boundary description by a surveyor licensed in the State of Oregon.
 - b. Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, (e.g., flood plain, wetlands, forested areas, steep slopes or adjacent to stream banks). Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
 - i. One (1) foot contours for slopes of up to five percent (5%);
 - ii. Two (2) foot contours for slopes of from six percent (6%) to twelve percent (12%);
 - iii. Five (5) foot contours for slopes of from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
 - iv. Ten (10) foot contours for slopes exceeding twenty percent (20%).
 - c. The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the PDP and within 50 feet of the PDP boundary, as required by Section 4.139.
 - d. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.
 - e. The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the SAP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails, and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only.
 - f. Conceptual drawings, illustrations and building elevations for each of the listed housing products and typical non-residential and mixed-use buildings to be constructed within the Preliminary Development Plan

boundary, as identified in the approved SAP and where required, the approved Village Center Architectural Standards. [Section 4.125(.18)(G)(2)(f) amended by Ord. No. 595, 12/5/05.]

- g. A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.
- h. If it is proposed that the Preliminary Development Plan will be executed in phases, the sequence thereof shall be provided.
- i. A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project.
- j. At the applicant's expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the SAP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2).

H. PDP Application Submittal Requirements:

1. The Preliminary Development Plan shall conform with the approved Specific Area Plan, and shall include all information required by Sections 4.125(.18)(D)(1) and (2), plus the following:
 - a. The location of water, sewerage and drainage facilities;
 - b. Conceptual building and landscape plans and elevations, sufficient to indicate the general character of the development;
 - c. The general type and location of signs;
 - d. Topographic information as set forth in Section 4.035;
 - e. A map indicating the types and locations of all proposed uses; and
 - f. A grading and erosion control plan illustrating existing and proposed contours as prescribed previously in this section.
2. In addition to this information, and unless waived by the City's Community Development Director as enabled by Section 4.008(.02)(B), at the applicant's expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the PDP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire PDP, and it shall meet Subsection 4.140(.09)(J)(2) for the full development of all five SAPs.
3. The Preliminary Development Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the phase of development. However, approval of a Final Development Plan is a separate and more detailed review of proposed design features, subject to the standards of Section 4.125(.18)(L) through (P), and Section 4.400 through Section 4.450.

4. Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner’s association, shall also be submitted.

I. PDP Approval Procedures

1. An application for PDP approval shall be reviewed using the following procedures:
 - a. Notice of a public hearing before the Development Review Board regarding a proposed PDP shall be made in accordance with the procedures contained in Section 4.012.
 - b. A public hearing shall be held on each such application as provided in Section 4.013.
 - c. After such hearing, the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.

J. PDP Refinements to an Approved Specific Area Plan

1. In the process of reviewing a PDP for consistency with the approved Specific Area Plan, the DRB may approve refinements, but not amendments, to the SAP. Refinements to the SAP may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section (.18)(J)(2), below.
 - a. Refinements to the SAP are defined as:
 - i. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.
 - ii. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Preliminary Development Plan.
 - iii. Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.
 - iv. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan. For purposes of this subsection, “land uses” or “uses” are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.
 - v. A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.

- vi. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the functioning of collector or minor arterial roadways.
- b. As used herein, “significant” means:
 - i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above, or,
 - ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.
- 2. Refinements meeting the above definition may be approved by the DRB upon the demonstration and finding that:
 - a. The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.
 - b. The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area, and
 - c. The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.
- 3. Amendments to the SAP, not including SAP amendments for phasing, must follow the same procedures applicable to adoption of the SAP itself. Amendments are defined as changes to elements of the SAP not constituting a refinement.
- 4. Amendments to the SAP for phasing will be processed as a Class II administrative review proposal. [Section 4.125(.18)(J)(1) amended by Ord. No. 587, 5/16/05.]
- K. PDP Approval Criteria. The Development Review Board may approve an application for a PDP only upon finding that the following approval criteria are met:
 - 1. That the proposed PDP:
 - a. Is consistent with the standards identified in this section.
 - b. Complies with the applicable standards of the Planning and Land Development Ordinance, including Sections 4.140(.09)(J)(1) – (3).
 - c. Is consistent with the approved Specific Area Plan in which it is located.
 - d. Is consistent with the approved Architectural Pattern Book and, where required, the approved Village Center Architectural Standards. [Section 4.125(.18)(K)(1)(d) amended by Ord. No. 595, 9/19/05.]
 - 2. If the PDP is to be phased, that the phasing schedule is reasonable and does not exceed two years between commencement of development of the first, and completion of the last phase, unless otherwise authorized by the Development Review Board.
 - 3. Parks within each PDP or PDP phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase, unless weather or other

special circumstances prohibit completion, in which case bonding for the improvements shall be permitted.

4. In the Central SAP, parks shall be constructed within each PDP as provided above, and that pro rata portion of the estimated cost of Central SAP parks not within the PDP, calculated on a dwelling unit basis, shall be bonded or otherwise secured to the satisfaction of the city.
 5. The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section. [Section 4.125(.18)(K.) amended by Ord. 607, 4/3/06]
- L. Final Development Plan Approval Procedures (Equivalent to Site Design Review):
1. Unless an extension has been granted by the Development Review Board as enabled by Section 4.023, an application for FDP approval on lands within the Central SAP or multi-family dwellings outside of the Central SAP shall be filed within two (2) years after the approval of a PDP. All applications for approval of a FDP shall:
 - a. Be filed with the City Planning Division for the entire FDP, or when submission of the PDP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.
 - b. Be made by the owner of all affected property or the owner's authorized agent.
 - c. Be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution.
 - d. Set forth the professional coordinator and professional design team for the project. [Section 4.125(.18)(L) amended by Ord. No. 587, 5/16/05]
- M. FDP Application Submittal Requirements:
1. An application for approval of a FDP shall be subject to the provisions of Section 4.034.
- N. FDP Approval Procedures
1. An application for approval of a FDP shall be subject to the provisions of Section 4.421
- O. FDP Refinements to an Approved Preliminary Development Plan
1. In the process of reviewing a FDP for consistency with the underlying Preliminary Development Plan , the DRB may approve refinements, but not amendments, to the PDP. Refinements to the PDP may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section 4.125(.18)(O)(2), below.

- a. Refinements to the PDP are defined as:
 - i. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.
 - ii. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the PDP.
 - iii. Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.
 - iv. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the affected PDP. For purposes of this subsection, “land uses” or “uses” are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.
[Section 4.125(.18)(O)(1)(a)(iv) amended by Ord. No. 587, 5/16/05.]
 - v. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the functioning of collector or minor arterial roadways.
 - b. As used herein, “significant” means:
 - i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(O)(1)(a), above, or,
 - ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(F)(1)(a), above.
 2. Refinements meeting the above definition may be approved by the DRB upon the demonstration and finding that:
 - a. The refinements will equally or better meet the approved conditions of approval of the PDP
 - b. The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP, the associated SAP, and
 - c. The refinement will not preclude adjoining or subsequent PDPs, associated or adjoining SAPs from development consistent with an approved SAP or the Villebois Village Master Plan.
 3. Amendments to the PDP must follow the same procedures applicable to adoption of the PDP itself. Amendments are defined as changes to elements of the PDP not constituting a refinement.
- P. FDP Approval Criteria
1. An application for approval of a FDP shall be subject to the provisions of Section 4.421.

Section 4.131. PDC - Planned Development Commercial Zone.

2. An application for an FDP shall demonstrate that the proposal conforms to the applicable Architectural Pattern Book, Community Elements Book, Village Center Architectural Standards and any conditions of a previously approved PDP. [Section 4.125(.18)(P)(2) amended by Ord. No. 595, 9/19/05.]

(.19) Expiration of SAP, PDP and FDP Approvals

A SAP approval shall not expire. A PDP or FDP approval shall expire two years after its approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the Development Review Board may extend these expiration times for up to three (3) additional periods of not more than one (1) year each. Applicants seeking time extensions shall make their requests in writing at least thirty (30) days in advance of the expiration date. Requests for time extensions shall only be granted upon a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year. For purposes of this section, "substantial development" is deemed to have occurred if the subsequently-required development approval, building permit or public works permit has been submitted for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit.

- (.20) Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a FDP. The approved FDP and phase development sequence shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved FDP may be approved by the Planning Director if such changes are consistent with the purposes and general character of the approved development plan. All other modifications, excluding revision of the phase development sequence, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. [Section 4.125(.20) amended by Ord. No. 587, 5/16/05.]

- (.21) In the event of a failure to comply with the approved FDP, or any prescribed condition of approval, including failure to comply with the phase development schedule, the Development Review Board may, after notice and hearing, revoke a FDP. General economic conditions that affect all in a similar manner may be considered as a basis for an extension of a development schedule.

[Section 4.125 V-Village Zone, added by Ord 557, adopted 9/5/03.]

Section 4.131. PDC - Planned Development Commercial Zone.

The requirements of a PDC Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

- (.01) The following shall apply to any PDC zone:
- A. Uses that are typically permitted:
 1. Retail business, goods and sales.
 2. Wholesale showrooms.

Section 4.131. PDC - Planned Development Commercial Zone.

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 the surrounding uses and is planned and developed in a manner consistent with the purposes and objectives of Section 4.140. However, the uses listed as prohibited below shall not 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 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:
 - i. electronics;
 - ii. boats;
 - iii. appliances;
 - iv. light equipment;
 - v. yard equipment;
 - vi. other related types of repair shops.
 - d. Fabrication shops including:
 - i. cabinets;
 - ii. sheet metal;
 - iii. counter tops;
 - iv. closet systems;
 - v. other related types of work.
 - e. Marine equipment – supply and repair

(.02) Prohibited uses.

- A. No body/fender repair shops shall be permitted unless all operations are conducted entirely within enclosed buildings and meet the performance standards of Section 4.135(.05). The storage and parking of damaged vehicles shall be screened to assure that they are not visible off-site.
- B. No used car sales shall be permitted, except in conjunction with new car dealerships within enclosed buildings.
- C. No wrecking yards shall be permitted.

- D. Retail operations south of Boeckman Road and having more than 50,000 square feet of ground floor building 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.”
1. That the majority of the customers for the proposed use can reasonably be expected to come from no further than five (5) miles from the proposed development site; and
 2. That the site design, architecture, landscaping, and pedestrian amenities are compatible with the surrounding neighborhood.
- E. Any use that violates the performance standards of Section 4.135(.05), other than 4.135(.05)(M.)(3.).

(.03) Block and access standards:

1. The Development Review Board shall determine appropriate conditions of approval to assure that adequate connectivity results for pedestrians, bicyclists, and motor vehicle drivers. Consideration shall be given to the use of public transit as a means of meeting access needs.
2. Where a residential development, or mixed-use development including residential development, is proposed in a PDC zone, the Development Review Board shall assure that adequate connectivity is provided meeting the standards of Metro’s Urban Growth Management Functional Plan.
3. Where a residential development, or mixed-use development including residential development, is proposed in a PDC zone, and the application includes a land division, the following standards shall be applied:
 - a. Maximum spacing between streets for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ordinance No. 538, 2/21/02.]
 - b. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

Section 4.131.05. PDC-TC (Town Center Commercial) Zone

- (.01) Purpose: The purpose of this zoning is to permit and encourage a Town Center, adhering to planned commercial and planned development concepts, including provision for commercial services, sales of goods and wares, business and professional offices, department stores, shopping centers and other customer-oriented uses to meet the needs of the Wilsonville community as well as to meet the general shopping and service needs on an area-wide basis, together with such multiple family residential facilities, open space, recreational and park areas, and public uses facilities

as may be approved as part of the Town Center compatible with the Comprehensive Plan of the City.

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

- A. Retail sales.
- B. Planned development permitted commercial uses, including department stores and shopping centers.
- C. Banking and investment services.
- D. 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. Planned multiple-dwelling facilities, including motels, apartments and condominiums as may be approved by the Development Review Board.
- F. Such other and further uses as may be approved by the Development Review Board compatible with the Comprehensive Plan.

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

- A. Central Commercial:
 - 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
Photography and photo processing
Restaurants
Theaters, cinemas
Travel agencies
Title companies
Other uses similar in character of predominately retail or service establishments dealing directly with ultimate customers.

B. Service Commercial:

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, 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
Studios:
* Dance;
* Photography;
* Artists;
* Craft;
* Other.

C. Food and Sundries:

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

Section 4.131.05. PDC-TC (Town Center Commercial) Zone

Dance or martial arts studio
Delicatessen
Dentist, medical and eye clinics, including drug testing and labs
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
Nail Salon
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
Tanning Salon
Telecommunication, sales & service
Temporary employment and placement agencies
Title companies
Travel agencies
Video, retail and rental
Other uses in character of neighborhood food and services
[Section 4.131.05(.03)(C.) amended by Ordinance No. 538, 2/21/02.]

D. Fast Food Service:

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. Office Professional and General Office:

Accountants
Architects
Artists
Attorneys
Authors and Writers
Banks and financial institutions

Section 4.133. Saved for future use

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

(.04) Accessory uses that are typically permitted:

- A. Any accessory use and structure not otherwise prohibited customarily accessory and incidental to any permitted principal use.
- B. Temporary buildings and uses incidental to the development of principal facilities, such temporary structures to be removed upon completion of the work or abandonment of the project. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

(.05) Procedures, Regulations and Restrictions: The procedures, regulations and restrictions applicable to the Town Center District shall conform to those set forth in Section 4.140 of this Code as the Development Review Board may deem necessary to achieve the purposes of the zone.

(.06) The Town Center District consists of all those certain lands in the East Half (E1/2) of Section 14 and the West Half (W1/2) of Section 13, Township 3 South, Range I West, Willamette Meridian, Clackamas County, Oregon. More particularly, those properties within the above-described area that are designated as Commercial on the land use map of the Wilsonville Comprehensive Plan.

(.07) Block and access standards:

The PDC-TC shall be subject to the same block and access standards as the remainder of the PDC zone.

Section 4.133. Saved for future use

Section 4. 134. Day Road Design Overlay District

(.01) Purpose. The Day Road Design Overlay District (DOD) is an overlay district within the larger Planned Development Industrial - Regionally Significant Industrial Area (RSIA) Zone. It is the purpose of the Day Road DOD to establish standards for site design and exterior architecture of all structures located in the Day Road DOD in order to ensure high quality design of development and redevelopment at the Day Road gateway to the City of Wilsonville. These standards are intended to create an aesthetically pleasing aspect for properties abutting Day Road by ensuring:

- A. Coordinated design of building exteriors, additions and accessory structure exteriors
- B. Preservation of trees and natural features
- C. Minimization of adverse impacts on adjacent properties from development that detracts from the character and appearance of the area
- D. Integration of the design of signage into architectural and site design, and
- E. Minimization of the visibility of vehicular parking, circulation and loading areas.

It is the intent to create improved pedestrian linkages and to provide for public transit. It is also the intent of this section to encourage architectural design in relationship to the proposed land use, site characteristics and interior building layout.

(.02) Applicability. The Day Road DOD shall apply to all properties abutting Day Road. The provisions of this section shall apply to:

- A. All new building construction
- B. Any exterior modifications to existing, non-residential buildings
- C. All new parking lots
- D. All outdoor storage and display areas
- E. All new signage
- F. All building expansions greater than 1,250 square feet.

(.03) Exceptions. This section does not apply to the following activities:

- A. Maintenance of the exterior of an existing industrial/employment structure such as painting to the approved color palette, reroofing, or residing with the same or similar materials
- B. Industrial/employment building expansions less than 1,250 square feet
- C. Interior remodeling
- D. Essential public facilities
- E. Existing dwellings and accessory buildings
- F. Agricultural buildings

(.04) Review Process.

- A. Compliance with the Day Road DOD shall be reviewed as part of Stage One – Preliminary Plan, Stage Two - Final Approval and Site Design Review. Such review shall be by the Development Review Board. Building expansions less than 2500 square feet and exterior building modifications less than 2500 square feet may be reviewed under Class II Administrative procedures.
- B. Waivers. Under City Code [4.118(.03)], waivers to several development standards may be approved, including waivers to height and yard requirements, and architectural design standards, provided that the proposed development is equal to or better than that proposed under the standards to be waived. For example, a height waiver might be granted on a smaller site if the façade presentation was significantly enhanced, additional landscaping or open space is provided and site modifications are necessary to preserve significant trees. Waivers to the additional front yard setback for future improvements on Day Road may not be granted. [4.134(.05)(C)(1)]

(.05) Design Review Standards. The DRB shall use the standards in this section together with the standards in Sections 4.400 – 4.421 to ensure compliance with the purpose of the Day Road DOD. These standards shall apply on all Day Road frontages, and on the frontage of corner lots abutting both Day Road and either Boones Ferry Road, Kinsman Road, Garden Acres Road or Grahams Ferry Road.

- A. Natural Features. Buildings shall be sited in compliance with WC 4.171, Protection of Natural Features and Other Resources and with WC 4.600, Tree Preservation and Protection.
- B. Building Location and Orientation: New buildings shall have at least one principal building entrance oriented towards the Day Road frontage. All building elevations fronting on Day Road or on the frontage on corner lots as described in (.05) above, shall have at least 20% glazing.
- C. Setbacks:
 - 1. Front Yard: For public health and safety reasons, the front yard setback shall be 30' plus additional setback (15' minimum) to accommodate future improvements to Day Road.
 - 2. Side and rear setbacks shall be 30'. Side and rear yard setbacks may be reduced from the 30' minimum setback requirement where the setback is adjacent to industrial development subject to meeting other requirements of this section and Building Code requirements.
- D. Building Height: A minimum building height of three stories, 48' is required. on the Day Road frontage and on frontages described in (.05) above. Sites may contain a combination of taller building space abutting the identified street frontages together with 1 or 2-story lab, R&D, and/or manufacturing building space on the remainder of the site. The 1 and 2-story portions of the buildings will be designed to be compatible with the taller structure's design, building materials and colors. Increased building height is encouraged, particularly in combination with site amenities such as under-structure parking, preservation of

significant trees rated good or better in the arborist's report, and/or provision of trail segments or of open space areas open to the public.

E. Building Design:

1. Buildings shall be planned and designed to incorporate green building techniques wherever possible.
2. Exterior Building Design: Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls that can be viewed from public streets or public spaces shall be designed using architectural features for at least 60% of the wall. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall. Possible techniques include:
 - a. Vary the planes of the exterior walls in depth and/or direction.
 - b. Vary the height of the building, so that it appears to be divided into distinct massing elements.
 - c. Articulate the different parts of a building's facade by use of color, arrangement of facade elements, or a change in materials.
 - d. Avoid blank walls at the ground-floor levels. Utilize windows, trellises, wall articulation, arcades, change in materials—textured and/or colored block or similar finished surface, landscape, or other features to lessen the impact of an otherwise bulky building.
 - e. Define entries within the architecture of the building.
 - f. Incorporate, if at all possible, some of the key architectural elements used in the front of the building into rear and side elevations where seen from a main street or residential district.
3. Building Color: All colors shall be harmonious and compatible with colors of other structures in the development and the natural surroundings. Concrete finishes must be painted. The general overall atmosphere of color must be natural tones. Stained wood, natural stone, brick, dark aluminum finishes, etc. shall be used as background colors. The use of corporate colors is permitted provided that such colors are not patterned so as to compete for visual attention. The use of corporate colors shall not create an advertisement of the building itself. Corporate colors shall not violate any other color or design limitations within the Code.
4. Building façade articulation: Both vertical and horizontal articulation is required. If a building is at a corner, all facades must meet the requirement. Incorporation of several of the techniques is the preferred option. The purpose is not to create a standard rigid solution but rather to break up the mass in creative ways.
 - a. Horizontal articulation: Horizontal facades shall be articulated into smaller units. Appropriate methods of horizontal façade articulation include two or more of the following elements:
 - i. change of façade materials
 - ii. change of color

- iii. façade planes that are vertical in proportion
- iv. bays and recesses
- v. breaks in roof elevation, or other methods as approved

Building facades shall incorporate design features such as offsets, projections, reveals, and/or similar elements to preclude large expanses of uninterrupted building surfaces. Articulation shall extend to the roof.

- b. Vertical Facade Articulation: The purpose is to provide articulation, interest in design and human scale to the façade of buildings through a variety of building techniques. Multi-story buildings shall express a division between base and top. Appropriate methods of vertical façade articulation for all buildings include two or more of the following elements:
 - i. Change of material
 - ii. Change of color, texture, or pattern of similar materials
 - iii. Change of structural expression (for example, pilasters with storefronts spanning between at the base and punched openings above)
 - iv. Belt course
 - v. The division between base and top shall occur at or near the floor level of programmatic division
 - vi. Base design shall incorporate design features such as recessed entries, shielded lighting, and/or similar elements to preclude long expanses of undistinguished ground level use
 - vii. Differentiation of a building's base shall extend to a building's corners but may vary in height

5. Building Materials:

- a. No less than 50% of the exterior exposed walls of any new building, or any expansion over 1,250 square feet, shall be constructed of noncombustible, non-degradable and low maintenance construction materials such as face brick, architectural or decorative block, natural stone, specially designed pre-cast concrete panels, concrete masonry units, concrete tilt panels, or other similar materials. Metal roofs may be allowed if compatible with the overall architectural design of the building. Where an elevation of the building is not currently, or will not likely in the future, be exposed to public view, the above standard does not apply.
- b. Accessory structures visible to the public shall be constructed of materials similar to or the same as the principal building(s) on the site.

6. Roof Design:

- a. Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate for the architectural design of the building. Variations within an architectural style are highly encouraged. Visible rooflines and roofs that project over the exterior wall of buildings, and especially over entrances, are highly encouraged.
- b. Mechanical Equipment and Service Areas: Mechanical equipment and service areas shall be screened from adjacent properties, from Day Road

and on Day Road corner properties abutting SW Boones Ferry Road, Kinsman Road, Garden Acres Road and Grahams Ferry Road. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards. Such screening shall blend visually with the related structure.

7. Pedestrian Walkways:
 - a. A continuous pedestrian walkway shall be provided from the primary entrance to the sidewalk along Day Road for access to building entrances and to transit facilities.
 - b. Walkways from parking areas to building entrances shall be at least six (6) feet in width, and shall be separated from moving vehicles. Walkways shall be distinguished from vehicular areas through the use of special pavers, bricks, scored concrete or similar materials providing a clear demarcation between pedestrian and vehicular traffic.
 - c. Buildings shall be connected with onsite walkways at least six (6) feet in width.
8. Community Amenities: Community amenities such as patio seating, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, connections to area trails, parks and open spaces, and similar amenities are strongly encouraged.
9. Lighting and Flag Poles: All lighting shall be shielded and directed interior to the site, including parking lot lighting. Lighting shall not spill over onto adjacent properties. Light poles, light fixtures and flagpoles shall conform to the City's Outdoor Lighting Standards. Flagpoles shall not exceed 40' in height.
10. Signage: Signage shall include a monument sign on the Day Road frontage identifying the industrial/business park and buildings therein. Each building may have wall signage, and such other directional and informational signage as allowed by WC 4.156. Pole signs are prohibited. The design of signage must be integrated into the overall architectural and site design for the project.
11. Parking: Employee parking shall be located at the rear of the building, or in courtyard parking areas between buildings. If no other option is available due to site limitations, then employee parking may be located to the side of buildings. Time and number limited visitor parking is allowed at the front of the building. Within a Stage I master plan, employee parking may be combined in a shared facility or facilities with mutual use agreements. Any parking areas visible from Day Road shall be screened from view with broadleaf evergreen or coniferous shrubbery and/or architectural walls or berms.

- (.06) Infill construction. The following general rules shall be followed when constructing a new building adjacent to existing industrial/employment buildings built under the Day Road DOD. Adjacent includes buildings north of Day Road built under the Day Road DOD.

- A. Proportions and Façade: The average height and width of the surrounding buildings determines a general set of proportions for an infill structure or the bays of a larger structure. The infill building shall fill the entire space and reflect the characteristic rhythm of facades along Day Road. If the site is large, the mass of the façade must be broken into a number of smaller bays to maintain a rhythm similar to the surrounding buildings.
- B. Composition: The composition of the infill façade (i.e. the organization of its parts) shall be similar to surrounding buildings. Rhythms that carry throughout the block, such as window and door spacing, shall be similar to those on surrounding facades.
- C. Detailing/Textures: Infill architecture shall reflect some of the detailing of surrounding buildings in window shapes, cornice lines, brick or stone work, etc. Textures of exterior surfaces shall be reflected in the design of new buildings.
- D. Materials: An infill façade shall be composed of materials similar to adjacent facades. The new building(s) shall not stand out from existing buildings.
- E. Color: All colors shall be harmonious and compatible with colors of other structures in the development and the natural surroundings.
- F. Setbacks: Setbacks for new buildings shall be an average of the setbacks of the two adjacent buildings built under the Day Road DOD, or if none exist, shall meet the setback requirements of the Day Road DOD. Rear yard setbacks may be reduced from the 30' minimum setback requirement in Section 4.135(.06)(D) where the setback is adjacent to industrial development subject to meeting Building Code requirements. Front yard setbacks must include additional setback (15' minimum) to accommodate future improvements to Day Road.
- G. Building Height: A minimum building height of three stories, 48' is required on the Day Road frontage and on frontages described in (.05) above. Sites may contain a combination of taller building space abutting the identified street frontages together with 1 or 2-story lab, R&D, and/or manufacturing building space on the remainder of the site. The 1 and 2-story portions of the buildings will be designed to be compatible with the taller structure's design, building materials and colors. Increased building height is encouraged, particularly in combination with site amenities such as under-structure parking, preservation of significant trees rated good or better in the arborist's report, and/or provision of trail segments or of open space areas open to the public.
- H. Lighting and Flag Poles: All lighting shall be shielded and directed interior to the site, including parking lot lighting. Lighting shall not spill over onto adjacent properties. Light poles, light fixtures and flagpoles shall conform to the City's Outdoor Lighting Standards. Flagpoles shall not exceed 40' in height.

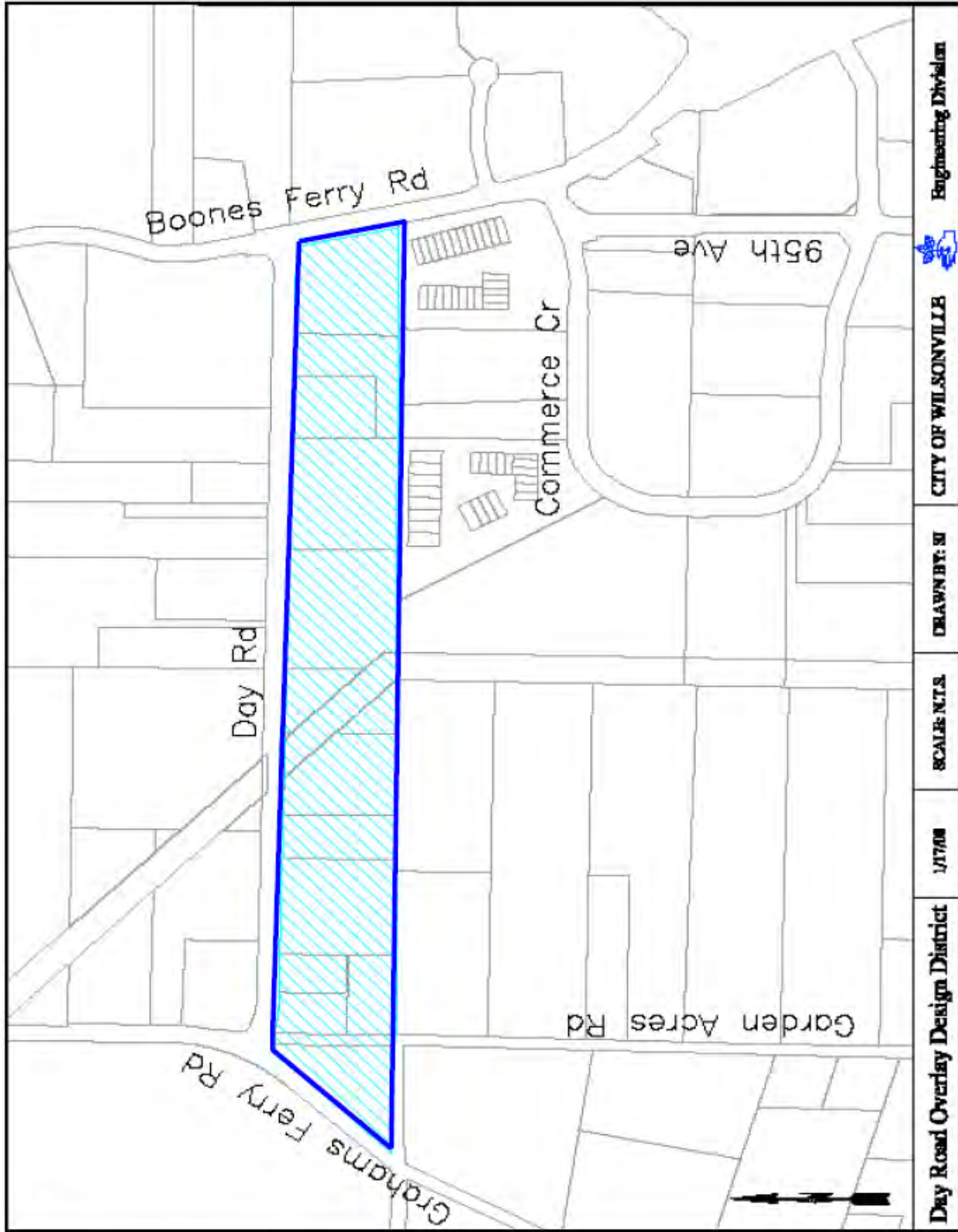


Figure D-1: Day Road Design Overlay District Area Map

Section 4.135. PDI- Planned Development Industrial Zone.

- (.01) Purpose: The purpose of the PDI zone is to provide opportunities for a variety of industrial operations and associated uses.
- (.02) The PDI Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.
- (.03) Uses that are typically permitted:
 - A. Warehouses and other buildings for storage of wholesale goods, including cold storage plants.
 - B. Storage and wholesale distribution of agricultural and other bulk products, provided that dust and odors are effectively contained within the site.
 - C. Assembly and packing of products for wholesale shipment
 - D. Manufacturing and processing
 - E. Motor vehicle services, or other services complementary or incidental to primary uses, and which support the primary uses by allowing more efficient or cost-effective operations
 - F. Manufacturing and processing of electronics, technical instrumentation components and health care equipment.
 - G. Fabrication
 - H. Office complexes - Technology
 - I. Corporate headquarters
 - J. Call centers
 - K. Research and development
 - L. Laboratories
 - M. Repair, finishing and testing of product types manufactured or fabricated within the zone.
 - N. Industrial services
 - O. Any use allowed in a PDC Zone, subject to the following limitations:
 - 1. Service Commercial uses (defined as professional services that cater to daily customers such as financial, insurance, real estate, legal, medical or dental offices) not to exceed 5000 square feet of floor area in a single building, or 20,000 square feet of combined floor area within a multi-building development.
 - 2. Office Complex Use (as defined in Section 4.001) shall not exceed 30% of total floor area within a project site.
 - 3. Retail uses, not to exceed 5000 square feet of indoor and outdoor sales, service or inventory storage area for a single building and 20,000 square feet

of indoor and outdoor sales, service or inventory storage area for multiple buildings.

4. Combined uses under Subsections 4.135(.03)(O.)(1.) and (3.) shall not exceed a total of 5000 square feet of floor area in a single building or 20,000 square feet of combined floor area within a multi-building development.

P. Training facilities whose primary purpose is to provide training to meet industrial needs.

Q. Public facilities.

R. Accessory uses, buildings and structures customarily incidental to any permitted uses.

S. Temporary buildings or structures for uses incidental to construction work. Such structures to be removed within 30 days of completion or abandonment of the construction work.

T. Other similar uses, which in the judgment of the Planning Director, are consistent with the purpose of the PDI Zone.

(.04) 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).

(.05) Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI Zone, and 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.

A. All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Stage II, Site Design or Administrative Review.

B. Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property on which the use is located.

C. Emission of odorous gases or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited.

D. Any open storage shall comply with the provisions of Section 4.176, and this Section.

E. No building customarily used for night operation, such as a baker or bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any residential district and any space used for loading or unloading commercial vehicles in connection with

such an operation shall not be within one hundred (100) feet of any residential district.

F. Heat and Glare:

1. Operations producing heat or glare shall be conducted entirely within an enclosed building.
2. Exterior lighting on private property shall be screened, baffled, or directed away from adjacent residential properties. This is not intended to apply to street lighting.

G. Dangerous Substances: Any use which involves the presence, storage or handling of any explosive, nuclear waste product, or any other substance in a manner which would cause a health or safety hazard for any adjacent land use or site shall be prohibited.

H. Liquid and Solid Wastes:

1. Any storage of wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.
2. Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting as required in Section 4.176.
3. No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.
4. No wastes conveyed shall be allowed to or permitted, caused to enter, or allowed to flow into any public sewer in violation of applicable City or State standards.
5. All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, stream, or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the City, County, and State Department of Environmental Quality.
6. All operations shall be conducted in conformance with the City's standards and ordinances applying to sanitary and storm sewer discharges.

I. Noise: Noise generated by the use, with the exception of traffic noises from automobiles, trucks, and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality and W.C. 6.204 governing noise control in the same or similar locations. [Amended by Ord. 631, 7/16/07]

J. Electrical Disturbances. Except for electrical facilities wherein the City is preempted by other governmental entities, electrical disturbances generated by uses within the PDI zone which interfere with the normal operation of equipment or instruments within the PDI Zone are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential use areas are also prohibited.

K. Discharge Standards: There shall be no emission of smoke, fallout, fly ash, dust, vapor, gases, or other forms of air pollution that may cause a nuisance or injury to

human, plant, or animal life, or to property. Plans of construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

L. Open burning is prohibited.

M. Storage:

1. Outdoor storage must be maintained in an orderly manner at all times.
2. Outdoor storage area shall be gravel surface or better and shall be suitable for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.
3. Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height.

N. Landscaping:

1. Unused property, or property designated for expansion or other future use, shall be landscaped and maintained as approved by the Development Review Board. Landscaping for unused property disturbed during construction shall include such things as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded fieldgrass.
2. Contiguous unused areas of undisturbed fieldgrass may be maintained in their existing state. Large stands of invasive weeds such as Himalayan blackberries, English ivy, cherry Laurel, reed canary grass or other identified invasive plants shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located within a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development.
3. Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards.

(.06) Other Standards:

- A. Minimum Individual Lot Size: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).
- B. Maximum Lot Coverage: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).
- C. Front Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. Setbacks shall also be

maintained from the planned rights-of-way shown on any adopted City street plan.

- D. Rear and Side Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setbacks on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.
- E. No setback is required when side or rear yards abut on a railroad siding.
- F. Corner Vision: Corner lots shall have no sight obstruction to exceed the vision clearance standards of Section 4.177.
- G. Off-Street Parking and Loading: As provided in Section 4.155.
- H. Signs: As provided in Section 4.156.

[Section 4.135 amended by Ordinance No. 574, 11/1/04.]

Section 4.135.5: Planned Development Industrial – Regionally Significant Industrial Area

- (.01) Purpose. The purpose of the PDI-RSIA Zone is to provide opportunities for regionally significant industrial operations along with a limited and appropriate range of related and compatible uses; to provide the flexibility to accommodate the changing nature of industrial employment centers, to protect industrially zoned lands for industrial uses, primarily in those areas near significant transportation facilities for the movement of freight and to facilitate the redevelopment of under-utilized industrial sites.
- (.02) The PDI-RSIA Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.
- (.03) Uses that are typically permitted:
 - A. Wholesale houses, storage units, and warehouses.
 - B. Laboratories, storage buildings, warehouses, and cold storage plants.
 - C. Assembly of electrical equipment, including the manufacture of small parts.
 - D. 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.
 - E. Office Complexes-Technology (as defined in Section 4.001).
 - F. Experimental, film or testing laboratories.
 - G. Storage and distribution of grain, livestock feed, provided dust and smell is effectively controlled.
 - H. Motor vehicle service facilities complementary or incidental to permitted uses.
 - I. Any use allowed in a PDC Zone or any other light industrial uses provided that any such use is compatible with 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 (defined as professional services that cater to daily customers such as financial, insurance, real estate, legal, medical or dental offices) shall not exceed 3000 square feet of floor space in a single building or 20,000 square feet of combined floor area within a multiple building development.
2. Office Use (as defined in Section 4.001) shall not exceed 20% of total floor area within a project site.
3. Retail uses not to exceed 3000 square feet of indoor and outdoor sales, service, or inventory storage area for a single building or 20,000 square feet of indoor and outdoor sales, service or inventory storage area for multiple buildings.
4. Combined uses under I.1 and 3. above shall not exceed a total of 3000 square feet of floor area in a single building or 20,000 square feet of combined floor area within a multi-building development.

- J. Residential uses shall not exceed 10% of total floor area.
- K. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses.
- L. 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.
- M. Expansion of a building, structure or use approved prior to October 25, 2004 of up to 20% additional floor area and/or 10% additional land area.
- N. Other similar uses which in the judgment of the Planning Director are consistent with the purpose of the PDI-RSIA Zone.

(.04) Prohibited uses.

- A. Retail operations exceeding 3,000 square feet of area for sales, service area or storage area for retail inventory in a single building, or 20,000 square feet of sales, service or storage area for multiple buildings, except training facilities whose primary purpose is to provide training to meet industrial needs.
- B. Any use or activity that violates the performance standards specified in Subsection 4.135.5(.06), below.

(.05) Block and Access Standards. The PDI-RSIA Zone shall be subject to the same block and access standards as the PDC Zone [Section 4.131(.02) and (.03)].

(.06) Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI-RSIA Zone, and 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 or site.

- A. All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Stage II, Site Design or Administrative Review.
- B. **Vibration:** Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property or site on which the use is located.
- C. Emission of odorous gases or other odorous matter in quantities detectable at any time and at any point on any boundary line of the property or site on which the use is located are prohibited.
- D. Any open storage shall comply with the provisions of Section 4.176 and this Section.
- E. No building customarily used for night operation, such as a bakery, bottling and distribution plant or other similar use, shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any residential district and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any residential district.
- F. **Heat and Glare.**
 1. Operations producing heat or glare shall be conducted entirely within an enclosed building.
 2. Exterior lighting on private property shall be screened, baffled, or otherwise directed away from adjacent residential properties. This is not intended to apply to street lighting.
- G. **Dangerous Substances:** Any use which involves the presence, storage or handling of any explosive, nuclear waste product or any other substance in a manner which would cause a health or safety hazard on any adjacent land use or site shall be prohibited.
- H. **Liquid and Solid Wastes:**
 1. Any storage of wastes which would attract rodents or insects or otherwise create a health hazard shall be prohibited.
 2. Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting as required by Section 4.176.
 3. No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.

4. No wastes conveyed shall be allowed to or permitted, caused to enter, or allowed to flow into any public sewer in violation of applicable City or State standards.
 5. All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, stream or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the City, County, and State Department of Environmental Quality.
 6. All operations shall be conducted in conformance with the city's standards and ordinances applying to sanitary and storm sewer discharges.
- I. Noise: Noise generated by the use, with the exception of traffic uses from automobiles, trucks and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality and W.C. 6.204 governing noise control in the same or similar locations. [Amended by Ord. 631, 7/16/07]
 - J. Electrical Disturbances. Except for electrical facilities wherein the City is preempted by other governmental entities, electrical disturbances generated by uses within the PDI-RSIA Zone which interfere with the normal operation of equipment or instruments within the PDI-RSIA Zone are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential uses are also prohibited.
 - K. Discharge Standards: There shall be no emission of smoke, fallout, fly ash, dust, vapors, gases or other forms of air pollution that may cause a nuisance or injury to human, plant or animal life or to property. Plans for construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.
 - L. Open burning is prohibited.
 - M. Storage.
 1. Outdoor storage must be maintained in an orderly manner at all times.
 2. Outdoor storage areas shall be gravel surfaced or better and shall be sufficient for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.
 3. Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than 6' in height.
 - N. Landscaping.

1. Unused property, or property designated for expansion or other future use shall be landscaped and maintained as approved by the Development Review Board. Landscaping for unused property disturbed during construction shall include such materials as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded fieldgrass.
2. Contiguous unused areas of undisturbed fieldgrass may be maintained in their existing state. Large stands of invasive weeds such as Himalayan blackberry, English ivy, cherry laurel, reed canary grass or other identified invasive species shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located with a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development.
3. Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards.

(.07) Other Standards.

A. Lot Size:

1. Parcels less than 50 acres in size at the time of adoption of this amended Section: Land divisions may occur in conformance with an approved Master Plan consistent with the requirements of this section. No lot size limit, save and except as shall be consistent with the other provisions of this code.
2. Parcels 50 acres or greater in size existing on October 25, 2004 may be divided into any number of parcels or lots pursuant to an approved Master Plan provided that at least one lot or parcel of at least 50 acres in size remains. Provided further however, at least forty percent (40%) of the lot or parcel so created has been developed or planned for industrial uses and associated accessory uses and no portion has been developed or planned for the uses listed in Section 4.135.5(03)(I)(1.) through (3).
3. Uses not subject to the foregoing lot size provisions:
 - a. Public facilities and services
 - b. Separation of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by DEQ pursuant to ORS 465.225.
 - c. Separation of a lot or parcel containing a nonconforming use from the remainder of the site in order to improve the utility of the remainder site for the intended industrial uses
 - d. Separation for the purposes of financing when the new lot or parcel is consistent with the approved Master Plan.
 - e. Division of lots or parcels consistent with a Master Plan approved by the City prior to July 1, 2004.

- B. Maximum Lot Coverage. No limit save and except as shall be consistent with the other provisions of this code.

Section 4.136. PF - Public Facility Zone.

- C. Front Yard Setback. Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.
- D. Rear and Side Yard Setback. Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setback on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.
- E. No setback is required when rear or side yards abut a railroad siding.
- F. Corner Vision. Corner lots shall have no lot obstruction to exceed the vision clearance standards of Section 4.177.
- G. Off-street Parking and Loading. As required in Section 4.155.
- H. Signs. As required in Section 4.156

[Section 4.135.5 added by Ordinance No. 574, 11/1/04.]

Section 4.136. PF - Public Facility Zone.

- (.01) Purpose: The PF zone is intended to be applied to existing public lands and facilities; including quasi-public lands and facilities which serve and benefit the community and its citizens. Typical uses permitted in the PF Zone are schools, churches, public buildings, hospitals, parks and public utilities. Not all of the uses permitted in this zone are expected to be publicly owned.
- (.02) Uses Permitted Outright:
 - A. Municipal or Governmental Service Building
 - B. Churches
 - C. Hospital
 - D. Marina, public
 - E. Recreational and community buildings and grounds, playgrounds, swimming pools, tennis courts and similar recreational uses
 - F. Parking facilities
 - G. Public utilities and buildings
 - H. Library
 - I. Trails and pathways
 - J. Parks
 - K. Public Schools
 - L. Kindergartens or day care centers
 - M. Accessory Uses

(.03) Uses subject to a Conditional Use:

- A. Picnic grounds
- B. Sewerage Treatment Plant
- C. Water treatment plant and storage reservoir
- D. Storage yard, stockpiles and materials
- E. Zoo
- F. Cemetery
- G. Private or Parochial School, College or University
- H. Military bases or offices, including armories.

(.04) Dimensional Standards:

- A. Minimum Lot Size: One (1) Acre The minimum lot area may be reduced upon a finding that the resulting parcel is compatible with the adjoining property in that it does not impair the development of any adjoining property, does not adversely affect the value of adjoining property, and does not adversely affect the public health, safety, or welfare.
- B. Minimum front and rear yard setbacks: Thirty (30) feet. Minimum sideyard setback: ten (10) feet.
- C. Minimum street frontage: Seventy-five (75) feet.
- D. Maximum height: thirty five (35) feet.

(.05) Off-Street Parking Requirements: As provided in Section 4.155.

(.06) Signs: As provided in Section 4.156

(.07) Corner Vision: As provided in Section 4.176

(.08) Special Regulations:

- A. All principal and conditional uses shall be subject to Section 4.400 through 4.450 (Site Design Review) of the Wilsonville Code.
- B. As part of either a permitted or conditional use, the Planning Commission may review and approve a Master Plan for an entire development or area subject to Section 4.140 (Planned Development Regulations) of the Wilsonville Code. Approval of a Master Plan would allow all uses provided in the Master Plan without further review. Minor changes which do not have off-site impact or increase visitor capacity may be reviewed by the Planning Director. [Amended by Ordinance No. 538, 2/21/02.]
- C. Prisons, other than minimum-security mental institutions, are hereby prohibited.

(.09) Block and access standards:

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

Section 4.136.5. PF-C – Public Facility – Corrections Zone.

- (.01) Purpose: The PF-C zone is intended to be applied to lands that have been, or are being, acquired for use and development of corrections facilities and related accessory uses and facilities.
- (.02) Uses Permitted Outright
 - A. Municipal or Governmental Service Building, subject to the site design review standards of Section 4.400.
 - B. Prisons and other correctional facilities, subject to the site design review standards of Section 4.400.
- (.03) Uses subject to a the granting of a Conditional Use Permit:
 - A. Public parks, trails, or pathways.
 - B. Water treatment plant and storage reservoir.
 - C. Military bases or offices, including armories.
- (.04) Dimensional Standards:
 - A. Minimum Lot Size: One (1) Acre. The minimum lot area may be reduced upon a finding that the resulting parcel is compatible with the adjoining property in that it does not impair the development of any adjoining property, does not adversely affect the value of adjoining property, and does not adversely affect the public health, safety, or welfare.
 - B. Minimum building setbacks, all sides: One hundred (100) feet.
 - C. Maximum height: Forty-five (45) feet.
- (.05) Off-Street Parking Requirements: As provided in Section 4.155.
- (.06) Signs: As provided in Section 4.156.
- (.07) Corner Vision: As provided in Section 4.177
- (.08) Special Regulations:
 - A. All principal and conditional uses shall be subject to Section 4.400 through 4.450 (Site Design Review) of the Wilsonville Code.
 - B. As part of either a permitted or conditional use, the Development Review Board may review and approve a Master Plan for an entire development or area subject to Section 4.140 (Planned Development Regulations) of the Wilsonville Code. Approval of a Master Plan would allow all uses provided in the Maser Plan without further review. Minor changes which do not have off-site impact or increase visitor capacity may be reviewed by the Planning Director.
- (.09) Block standards: None required.

Section 4.137. Solar Access For New Residential Development.

(.01) Solar Access (S) Overlay Zone

- A. An “S” (solar access) Overlay Zone is hereby created. It may be used in conjunction with any underlying residential base zone (e.g., PDR-S, R-S, etc.) to further refine land-use regulations in the interest of protecting solar access.
- B. The City Council may, through the zone change process, apply the “S” Overlay Zone to any area or development where protecting long-term solar access is of particular concern, and is specifically requested by the developer or owner of the site.
- C. The Solar Access (S) Overlay Zone shall not be applied to existing development unless substantial redevelopment is anticipated in the near future.

(.02) Purpose. The purposes of Section 4.137 are to ensure that land is divided or developed so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees. The intent of applying the “S” overlay zone is not to create a loop-hole which will allow a developer to clear-cut a site.

(.03) Applicability. The solar design standard in Section 4.137(.05) shall apply to applications for a development to create lots or building sites in those base zones that have an “S” (solar access) Overlay Zone.

(.04) Exemptions or Adjustments. An applicant may adjust or be exempt from the provisions of this section to the extent the Development Review Board finds that the applicant has shown one or more of the conditions listed in Sections 4.137(.06) and (.07) exist, and exemptions or adjustments provided for therein are warranted.

(.05) Design Standard. At least 80 percent of the lots or building sites in a development subject to the “S” overlay zone shall comply with one or more of the options in this section provided, however, that a development may, but is not required to, use the options in subsections 4.137(.05)(B) or 4.137(.05)(C) to comply with Section 4.137(.05).

- A. Basic Requirement (see Figure 10: Solar Lot Option 1: Basic Requirements). A lot complies with Section 4.137(.05) if it:
 - 1. Has a north-south dimension of 90 feet or more; and
 - 2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.
- B. Protected Solar Building Line Option (see Figure 11: Solar Lot Option 2: Protected Solar Building Line). In the alternative, a lot complies with Section 4.137(.05) if a solar building line is used to protect solar access as follows:
 - 1. A protected solar building line is designated on the subdivision or partition plat or in documents recorded with the plat; and
 - 2. The protected solar building line is oriented within 30 degrees of a true east-west axis; and
 - 3. There is at least 70 feet between the protected solar building line and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and

4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or vegetation.

C. Performance Option. In the alternative, a lot complies with Section 4.137(.05) if:

1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis, and at least 80% of their ground floor south wall will be protected from shade by structures and trees using appropriate deed restrictions; or
2. Habitable structures built on that lot will have at least 32% of their glazing and at least 500 square feet of their roof area within 30 degrees east or west of true south, and that glazing and roof areas are protected from shade by structures and trees using appropriate deed restrictions.

(.06) Exemptions from Design Standard. A development is exempt or partially exempt from Section 4.137(.05) if the Development Review Board finds that the applicant has shown that one or more of the following conditions apply to the site. If a partial exemption is granted for a portion of a given development, the remainder of the development shall comply with Section 4.137(.05).

- A. Slopes. The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor, USGS data, or other officially recognized topographic information.
- B. Off-site shade. The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or vegetation, which will remain after development occurs on the site from which the shade is originating.
 1. Shade from an existing or approved off-site dwelling in a residential zone, and from topographic features, is assumed to remain after development of the site.
 2. Shade from an off-site structure in a zone other than a residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
 3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause shade are situated in a required setback or they are part of a developed area, public park, or are a part of an approved development or Significant Resource Overlay Zone; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to the Wilsonville Code.
 4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

- C. On-site shade. The site, or a portion of the site for which the exemption is requested, is:
 - 1. Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or
 - 2. Contains trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground which have a crown cover over at least 80% of the site, or the relevant portion of the site. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50% of the crown cover that causes the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the Office of the County Recorder binding the applicant to comply with this requirement.
 - D. Completion of phased subdivision. The site is part of a phased subdivision, none of which was subject to Section 4.137, and the site and the remainder of the unplatted portion of the phased subdivision contain no more than 20 percent of the lots in all phases of the subdivision.
- (.07) Adjustments to Design Standard. The Development Review Board shall reduce the percentage of lots that must comply with Section 4.137(.05) to the minimum extent necessary if it finds the applicant has shown it would cause or is subject to one or more of the following conditions.
- A. Adverse impacts on density, cost, or amenities.
 - 1. If the design standard in Section 4.137(.05)(A) is applied, either the resulting density is less than that proposed, or on-site development costs (e.g., grading, water, storm drainage and sanitary systems, and road) and solar related off-site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Section 4.137(.05)(A) would reduce density or increase per lot costs in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for a development.
 - a. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south based on a topographic survey of the site by a professional land surveyor, USGS data, or other officially recognized topographic information.
 - b. There is a significant natural feature on the site, identified as such in the comprehensive plan or development code, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.
 - c. Existing road patterns must be continued throughout the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.

- d. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.
 2. If the design standard in Section 4.137(.05)(A) applies to given lot(s), significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Section 4.137(.05)(A) is relevant to whether a significant development amenity is lost or impaired.
- B. Impacts of existing shade. The shadow pattern from trees cover at least 80% of the lot and at least 50% of the shadow pattern will remain after development of the lot. The applicant shall show the shadow pattern using a scaled survey of trees on the site or using an aerial photograph.
1. Shade from trees is assumed to remain if: the trees are situated in a required setback or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to Wilsonville Code; and they do not need to be removed for a driveway or other development.
 2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, such shade is assumed to remain if a written description of the retained trees causing the shade of the affected lots is titled with the pertinent land partition or subdivision plat.
- (.08) Protection from future shade. Structures and vegetation must comply with the Solar Balance Point Standards [WC section 4.137.2] on all lots in a development subject to the Solar Overlay Zone for New Development, including lots for which exemptions or adjustments to Section 4.137 have been granted. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Section 4.137(.08).
- (.09) Application. An application for approval of a development subject to this section shall include:
- A. Maps and text sufficient to show that the development complies with the solar design standard of Section 4.137(.05), except for lots for which an exemption or adjustment from Section 4.137(.05) is requested, including at least:
 1. The north-south lot dimension and front lot line orientation of each proposed lot.
 2. Protected solar building lines and relevant building site restrictions, if applicable.
 3. For the purpose of identifying trees exempt from Section 4.137(.08), a map showing existing trees at least 30 feet tall and over 6 inches diameter at a point 4 feet above grade, indicating their height, diameter and species, and stating that they are to be retained and are exempt.

- 4. Copies of all private restrictions relating to solar access.
 - B. If an exemption or adjustment to Section 4.137(.05) is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Sections 4.137(.06) or (.07), respectively.
- (.10) Process. The general application procedures listed in Sections 4.008 through 4.024 apply to this section.

Section 4.137.2. Solar Balance Point Standards

- (.01) Purpose. The purposes of these standards are to promote the use of solar energy, to minimize shading of structures by other structures, and, where applicable, to minimize shading of structures by trees. Decisions related to these standards are intended to be ministerial.
- (.02) Applicability. This section applies to an application for a building permit for all structures in an “S” (solar access) Overlay Zone. In addition, vegetation planted or growing on lots subject to the provisions of Section 4.137(.08)(Protection from future shade) shall comply with the shade point height standards as provided in Sections 4.137.2(.05) and (.06).
- (.03) Exemptions or Adjustments. An applicant may adjust or be exempt from the provisions of Section 4.137.2 to the extent the Development Review Board finds the applicant has shown that one or more of the conditions listed in sections 4.137.2(.06) or (.07) exists, and exemptions or adjustments provided for there are warranted.
- (.04) Solar Site Plan required. An applicant for a building permit for a structure subject to this section shall submit a site plan that shows:
- A. The maximum shade point height allowed under Section 4.137.2(.05);
 - B. If the maximum shade point height is adjusted pursuant to Section 4.137.2(.05)(A)(2), the average elevation of the rear property line;
 - C. The location of the shade point, its height relative to the average elevation of the front lot line or the elevation at the midpoint of the front lot line, and its orientation relative to true south; and, if applicable,
 - D. The solar balance point for the structure as provided in Section 4.137.2(.09).
- (.05) Maximum Shade Point Height Standard. The height of the shade point shall comply with either subsection A or B, below.
- A. Basic Requirement.
 - 1. The height of the shade point shall be less than or equal to the height specified in Table 2 or computed using the following formula. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If necessary, interpolate between the 5-foot dimensions listed in Table 2.

$$H = (2 \times \text{SRL}) - N + 150$$

5

Where:

H = the maximum allowed height of the shade point (see Figures 5: Height of the Shade Point of the Structure and Figure 6: Shade Point Height);

SRL = shade reduction line (the distance between the shade point and the northern lot line, (see Figure 7 Shade Reduction Line); and

N = The north-south lot dimension, provided that a north-south lot dimension more than 90 feet shall use a value of 90 feet for this section.

2. Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table 2 for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

TABLE 2: MAXIMUM PERMITTED SHADE POINT HEIGHT (In Feet)													
North-South lot dimension (in feet)													
Distance to Shade Reduction Line from northern lot line (in feet)	100+	95	90	85	80	75	70	65	60	55	50	45	40
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40		
45	30	30	30	31	32	33	34	35	36	37	38	39	
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

- B. Performance Option. The proposed structure, or applicable vegetation, will shade not more than 20 percent of the south-facing glazing of existing habitable structure(s), or, where applicable, the proposed structure or vegetation comply with Section 4.137(.05)(B) or (C) of Section 4.137. If Section 4.137(.05)(B), Protected Solar Building Line, is used, trees and the shade point of structures shall

be set back from the protected solar building line 2.5 feet for every 1 foot of height of the structure or of the mature height of vegetation over 2 feet.

- (.06) Exemption from the Maximum Shade Point Height Standard. The Development Review Board shall exempt a proposed structure or vegetation from Sections 4.137.2(.04) and (.05) if the applicant shows that one or more of the conditions in this section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.
- A. Exempt Lot. When created, the lot was subject to Section 4.137 (Solar Access for New Development) and was not subject to the provisions of Section 4.137(.08).
 - B. Pre-existing shade. The structure or applicable vegetation will shade an area that is already shaded by one or more of the following:
 - 1. An existing or approved building or structure;
 - 2. A topographic feature; or
 - 3. A tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by Wilsonville Code; is part of a developed area or landscaping required by Wilsonville Code; a public park or landscape strip, or are a part of an approved development or Significant Resource Overlay Zone; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.
 - C. Slope. The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor, USGS data, or other officially recognized topographic information.
 - D. Insignificant benefit. The proposed structure or vegetation shades on or more of the following:
 - 1. An undevelopable area;
 - 2. The wall of an unheated space, such as a typical garage;
 - 3. Less than 20 square feet of south-facing glazing; or
 - 4. An undeveloped lot, other than a lot that was subject to the Section 4.137, where:
 - a. There are at least four single family detached or attached homes within 250 feet of the lot within the same subdivision or a phase of the subdivision; and
 - b. A majority of the homes identified in subsection 4.a., above, have an average of less than 20 square feet of south-facing glazing.
 - E. Public involvement. The proposed structure is a publicly owned improvement.

(.07) Adjustments to the Maximum Shade Point Height Standard. The Development Review Board shall increase the maximum permitted height of the shade point determined using section 4.137.2(.05) to the extent it finds the applicant has shown one or more of the following conditions exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- A. Physical conditions. Physical conditions preclude development of the site in a manner that complies with section 4.137.2(.05), due to such things as a lot size less than 3000 square feet, unstable or wet soils, or a drainage way, public or private easement, or right-of-way.
- B. Conflict between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards. A proposed structure may be sited to meet the solar balance point standard described in Section 4.137.2(.09) or be sited as near to the solar balance point as allowed by Section 4.137.2(.09), if:
 - 1. When the proposed structure is sited to meet the maximum shade point height standard determined using Section 4.137.2(.05), its solar feature will potentially be shaded as determined using Section 4.137.2(.08); and
 - 2. The application includes a form provided for that purpose by the City that:
 - a. Releases the applicant from complying with Section 4.137.2(.05) and agrees that the proposed structure may shade an area otherwise protected by section 4.137.2(.05).
 - b. Releases the City from liability for damages resulting from the adjustment; and
 - c. Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of Section 4.137.2(.05).
 - 3. Before the City issues a permit for a proposed structure for which an adjustment has been granted pursuant to Section 4.137.2(.07)(B), the applicant shall file the form provided for in subsection 4.137.2(.07)(B)(2) above in the office of the County Recorder with the deeds to the affected properties.

(.08) Analysis of Allowed Shade on Solar Feature

- A. An applicant may, but is not required to, perform the calculations in or comply with the standards of Section 4.137.2(.08).
- B. Applicants are encouraged to design and site a proposed habitable structure so that the lowest point of any solar feature(s) will not be shaded by building or trees on lot(s) to the south. The applicant will need to complete the following calculation procedure to determine if solar feature(s) of the proposed structure will be shaded. To start, the applicant should choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:
 - 1. Existing structure(s) or trees; or

- 2. The maximum shade that can be cast from future buildings or trees, based on Table 4. If the lot(s) to the south can be further divided, then the north-south dimension is assumed to be the minimum lot width required for a new lot in that zone.
- C. The height of the lowest point of any solar feature of the proposed structure is calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- D. The applicant can determine the height of the shadow that may be cast upon the applicant’s solar feature by the source of shade selected in subsection B by using the following formula or Table 3.

$$SFSH = SH - (SGL/2.5)$$

Where:

SFSH = the allowed shadow height on the solar feature (see Figure 9: Solar Balance Point Standard).

SH = the height of the shade at the northern lot line of lot(s) to the south as determined in Section 4.137.2(.08)(B)

SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south (see Figure 8: Solar Gain Line).

Table 3: Maximum Permitted Height Of Shadow At Solar Feature (Feet)											
Distance from Solar Gain Line to lot line (feet)	Allowed Shade Height at Northern Lot line of Adjacent Lot(s) to the South (In feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

Table 4 may be used to determine (SH) in the above formula.

TABLE 4: Table to Determine Shade Height													
North-south lot dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

E. If the allowed shade height on the solar feature calculated in Subsection D is higher than the lowest point of the solar feature calculated in Subsection C, the applicant shall be encouraged to consider changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

(.09) Solar Balance Point. If a structure does not comply with maximum shade point height standard in Section 4.137.2(.05) and the allowed shade on a solar feature standard in Section 4.137.2(.08), then the solar balance point of the lot shall be calculated (see Figure 9: Solar Balance Point Standard). The solar balance location on the lot is where a structure would be an equal distance between the locations required by the maximum shade point height standard and the allowed shade on a solar feature standard.

(.10) Yard Setback Adjustment. The City shall grant an adjustment to the side, front and/or rear yard setback requirement(s) by up to 50% if necessary to build a proposed structure so it complies with either the shade point height standard in Section 4.137.2(.05), the allowed shade on a solar feature standard in Section 4.137.2(.08), or the solar balance point standard in section 4.137.2(.09) as provided herein (see Figure 9: Solar Balance Point Standard). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of this chapter. [The following list illustrates yard adjustments permitted under this Section:]

A. PDR-7-S Zone(s):

1. A front yard setback may be reduced to not less than 12.5 feet.
2. A rear yard setback may be reduced to not less than 7.5 to 12.5 feet, depending on building height.
3. A side yard setback may be reduced to not less than 2.5 to 5.5 feet, depending on building height.

B. PDR-4-S Zone(s):

Section 4.137.3. Solar Access Permit Standards.

1. A front yard setback may be reduced to not less than 7.5 feet.
2. A rear yard setback may be reduced to not less than 7.5 feet.
3. A side yard setback may be reduced to not less than 2.5 or 3.5 feet, depending on building height.

C. PDR-1-S Zone(s):

1. A front yard setback may be reduced to not less than 15 feet.
2. A rear yard setback may be reduced to not less than 15 feet.
3. A side yard setback may be reduced to not less than 5 feet.

- (.11) Review process. The general application procedures listed in Sections 4.008 through 4.024 apply to this section.

Note: Worksheets to calculate the solar balance point standards are available from the City Planning Department.

Section 4.137.3. Solar Access Permit Standards.

- (.01) Purpose. The purpose of these standards is to protect solar access to solar features on lots designated or used for a single-family detached dwelling under some circumstances. It authorizes owners of such lots to apply for a permit that, if granted, prohibits solar features from being shaded by certain future vegetation on and off the permittee's site.
- (.02) Applicability. An owner or contract purchaser of property may apply for and/or be subject to a solar access permit for a solar feature if that property is in any residential zone that is or will be developed with a single-family dwelling. The City's decision whether or not to grant a solar access permit is intended to be ministerial.
- (.03) Approval standards for a solar access permit. The Planning Director shall approve an application for a solar access permit if the record shows:
- A. The application is complete;
 - B. The information it contains is accurate;
 - C. Vegetation on the applicant's property does not shade the solar feature;
 - D. No objection has been raised by an affected property owner;
 - E. That the permit, if issued, does not conflict with other sections of the Wilsonville Code; and
 - F. That the permit, if issued, would not restrict any lot which has an average slope of fifteen (15) percent in the northerly direction.
- (.04) Duties created by solar access permit.
- A. A party to whom the city grants a solar access permit shall:
 1. Record the permit, legal descriptions of the properties affected by the permit, the solar access height limit, and the site plan required in Section

4.137.3(.05)(C). with such modifications as required by the responsible official in the office of the county recorder with the deeds to the properties affected by it, indexed by the names of the owners of the affected properties, and pay the fees for such filing;

2. Install the solar feature in a timely manner as provided in Section 4.137.3(.08); and
3. Maintain vegetation on the site so it does not shade the solar feature.

B. An owner of property burdened by a solar access permit shall be responsible and pay all costs for keeping vegetation from exceeding the solar access height limit. However, vegetation identified as exempt on the site plan required in Section 4.137.3(.05)(C), vegetation an owner shows was in the ground on the date an application for a solar access permit is filed, and solar friendly vegetation are exempt from the solar access permit.

(.05) Application contents. In addition to the application requirements pursuant to Section 4.035(.05), an application for a solar access permit shall contain the following information:

- A. A legal description of the applicant's lot and legal description, owners' names, and owners' addresses for lots all or a portion of which are within 250 feet of the applicant's lot and 54 degrees east and west of true south measured from the east and west corners of the applicant's south lot line. The services of a title company shall be used to determine who owns property for purposes of an application. The failure of a property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons who may be affected.
- B. A scaled plan of the applicant's property showing:
 1. Vegetation in the ground s of the date of the application, if when mature, that vegetation could shade the solar feature.
 2. The approximate height above the grade of the soar feature, its location, and its orientation relative to true south.
- C. A scaled plan of the properties on the list required in subsection A, above, showing:
 1. Their approximate dimensions; and
 2. The approximate location of all existing vegetation on each property that could shade the solar feature(s) on the applicant's property.
- D. For each affected lot, the requested solar access height limit. The solar access height limit is a series of contour lines establishing the maximum permitted height for vegetation on lots affected by a Solar Access Permit (see Figure 12: Solar Access Height Limit). The contour lines begin at the bottom edge of a solar feature for which a permit is requested and rise in five foot increments at an angle to the south not less than 21.3 degrees from the horizon and extend not more that 54 degrees east and west of true south. Notwithstanding the preceding, the solar access height limit at the northern lot line of any lot burdened by a solar access permit shall allow vegetation on that lot whose height causes not more shade on

the benefited property than could be caused by a structure that complies with Section 4.137.2 for existing lots.

- E. A fee, as required for Class II Administrative Review.
 - F. If available, a statement signed by the owner(s) of some or all of the property(ies) to which the permit will apply if granted verifying that the vegetation shown on the plan submitted pursuant to Section 4.137.3(.05)(C) above accurately represents vegetation in the ground on the date of the application. The signed statements provided for herein are permitted but not required for a complete application.
- (.06) Application review process. Application for a solar access permit shall be reviewed under Section 4.035 Class II – Administrative Review.
- A. A Pre-Application Conference may be held in accordance with Section 4.010(.02).
 - B. After the pre-application meeting is held or waived, the applicant may file an application containing the information required in Section 4.137.3(.05) above.
 - C. After filing the application in accordance with Section 4.011(.01) the Planning Director or his or her designate shall determine whether the application is complete in accordance with Section 4.011(.02).
 - D. Within ten (10) calendar days of receiving a complete application, the Planning Director shall mail notice of the proposed application, pursuant to Section 4.035(.03)A. The notice shall invite persons to submit information within ten (10) calendar day, relevant to the standards pertinent to the proposal and giving reasons why the application should or should not be approved or proposing conditions the person believes are necessary for approval according to the standards.
 - 1. The notice shall include the plot plans required in Sections 4.137.3(.05)(B) and (C) above, the proposed solar access height limits, and duties created by the permit.
 - 2. The notice shall request recipients to verify that the plot plan shows all vegetation on the recipient’s property, and to send the Planning Director comments in writing within (ten) 10 calendar days after the notice is mailed if the recipient believes the applicant’s plot plan is inaccurate.
 - E. Within ten (10) calendar days of the final response date, the Planning Director shall consider responses received from affected parties and/or an inspection of the site, modify the plot plan and the permit to be consistent with the accurate information, and make a final decision pursuant to Section 4.035(.03)(C.)
 - 1. If the final decision is to deny the permit, the Planning Director shall mail a copy of the decision to the applicant.
 - 2. If the final decision is to approve the permit, and the owners of all affected properties did verify the accuracy of the plot plan as permitted under Section 4.137.3(.05)(F), the Planning Director shall mail a copy of the decision to the applicant and affected parties. The notice to affected parties shall include

information that the solar access permit exists and that it may affect the ability of the property owner to grow vegetation, and that it imposes certain obligations the property owner to trim vegetation.

3. If the final decision is to approve the permit, and the owners of all affected properties did not verify the accuracy of the plot plan as permitted under Section 4.137.3(.05)(F), the Planning Director shall send a copy of the final decision to the applicant and to the owners of affected properties (including those who did not sign the verification statement pursuant to Section 4.137.3(.05)(F)). The notice to affected parties shall include information that the solar access permit exists and that it may affect the ability of the property owner to grow vegetation, and that it imposes certain obligations the property owner to trim vegetation.
- F. If the application is approved, the permit is not effective until the applicant records the permit, associated solar access height limits, legal descriptions for the affected properties (including the property where the solar feature is to be located), any special exceptions or exemptions from the usual affects of a solar access permit, and the site plan required in section 4.137.3(.05)(C) (with such modifications as required by the responsible official in the office of the county recorder) with the deeds to the properties affected by the permit.

(.07) Permit enforcement process.

- A. Enforcement request. A solar access permittee may request the city to enforce the solar access permit by providing the following information to the Planning Director:
1. A copy of the solar access permit and the plot plans submitted with the permit; and
 2. The legal description of the lot(s) on which alleged vegetation is situated, the address of the owner(s) of that property, and a scaled site plan of the lot(s) showing the vegetation; and
 3. Evidence the vegetation violates the solar access permit, such as sunchart photograph, shadow pattern, and/or photographs.
- B. Enforcement process. If the Planning Director determines the request for enforcement is complete, he or she shall initiate an enforcement action pursuant to WC section 4.025 and 4.026. Provided the Planning Director shall not enforce the permit against vegetation the owner of which shows was in the ground on the date the permit application was filed with the city.

(.08) Expiration and extension of a solar access permit.

- A. Expiration. Every permit issued by the Planning Director under the provisions of this section shall expire if the construction of the solar feature protected by such permit is not commenced within 180 days form the date of such permit; if the construction of the solar feature protected by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days; or the use of the solar feature is discontinued for more than twelve (12) consecutive

months. The applicant may reapply for a solar access permit in accordance with Section 4.137.3. The fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. If the permittee does not show construction of the solar feature will be started within 180 days of the date of the permit or the extension, or if the solar feature is removed, the Planning Director shall terminate the permit by recording a notice of expiration in the office of the county recorder with the deeds to the affected properties.

- B. Extensions. Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence work under that permit when he or she is unable to commence work within the time required by this section for good and satisfactory reasons. The Planning Director may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

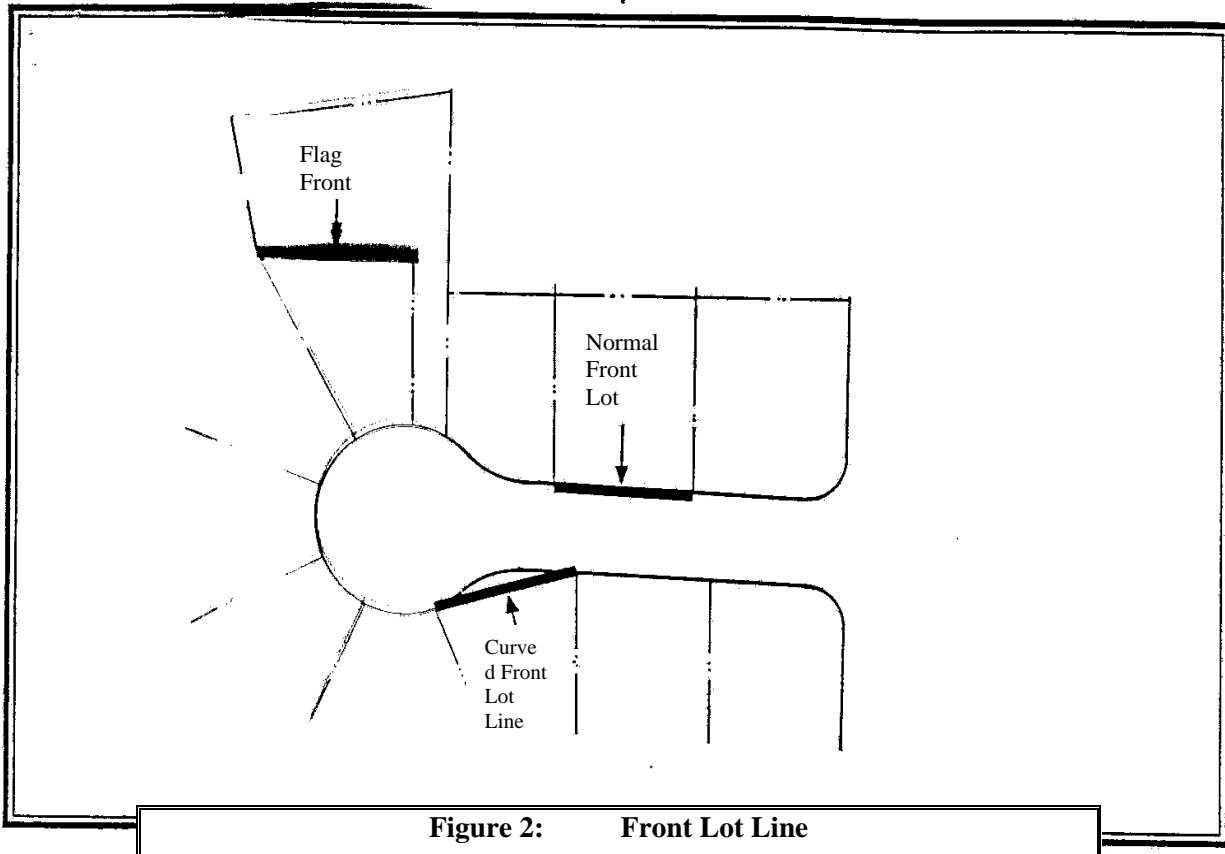


Figure 2: Front Lot Line

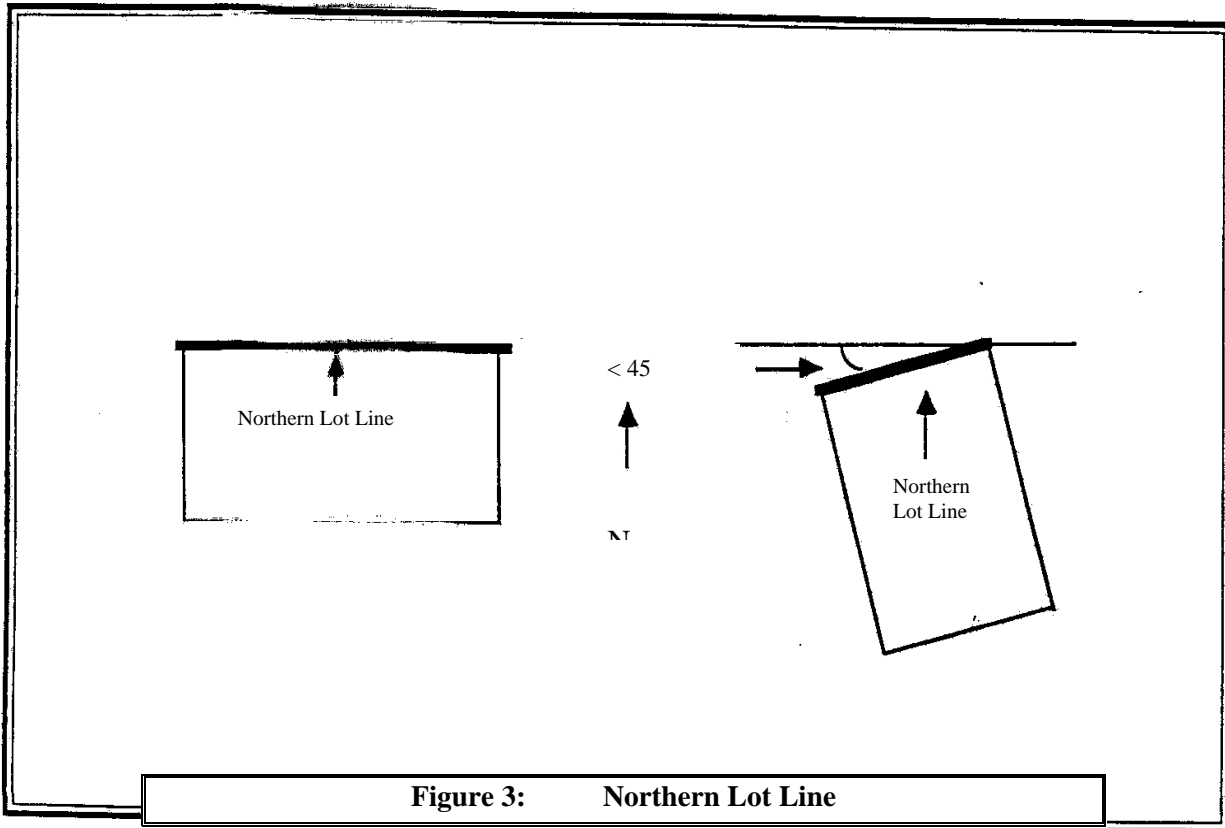
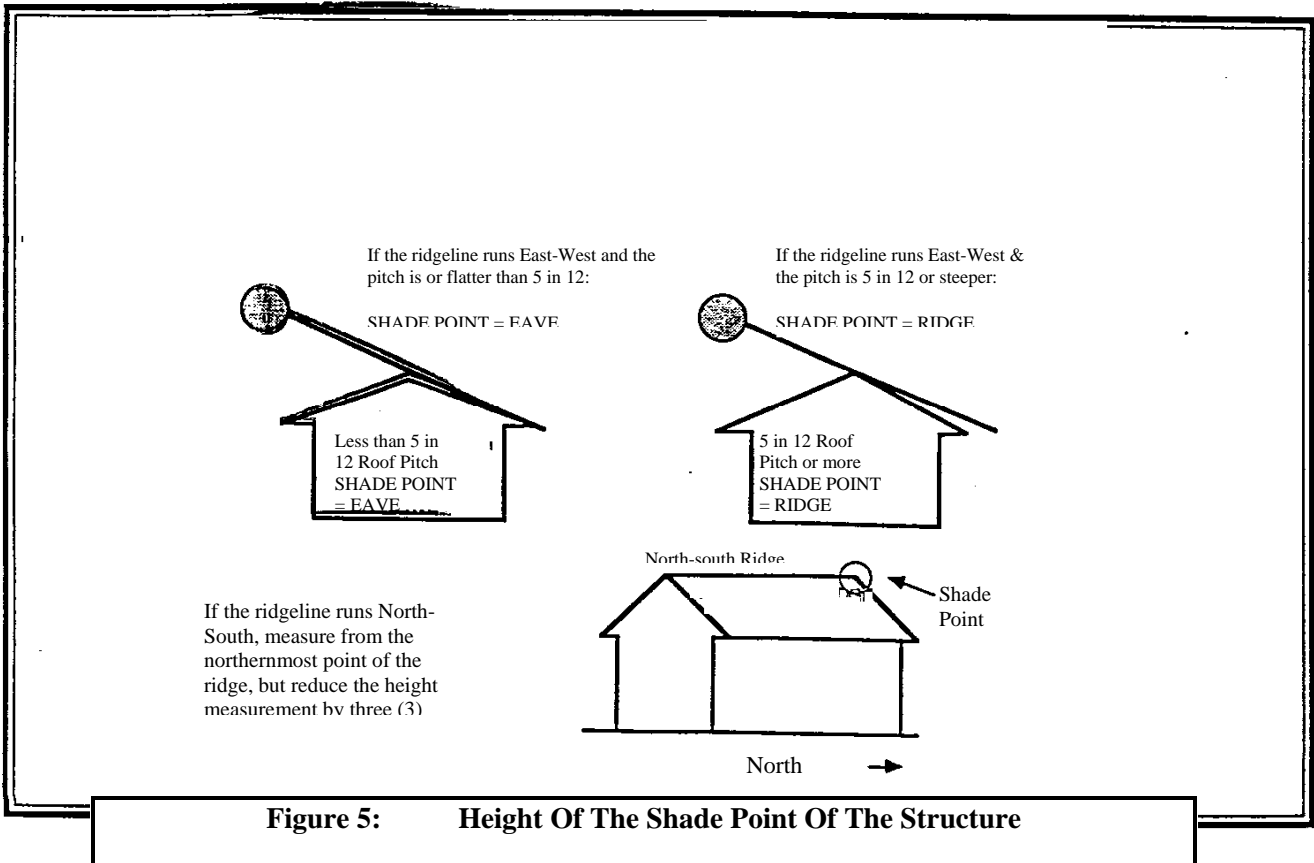
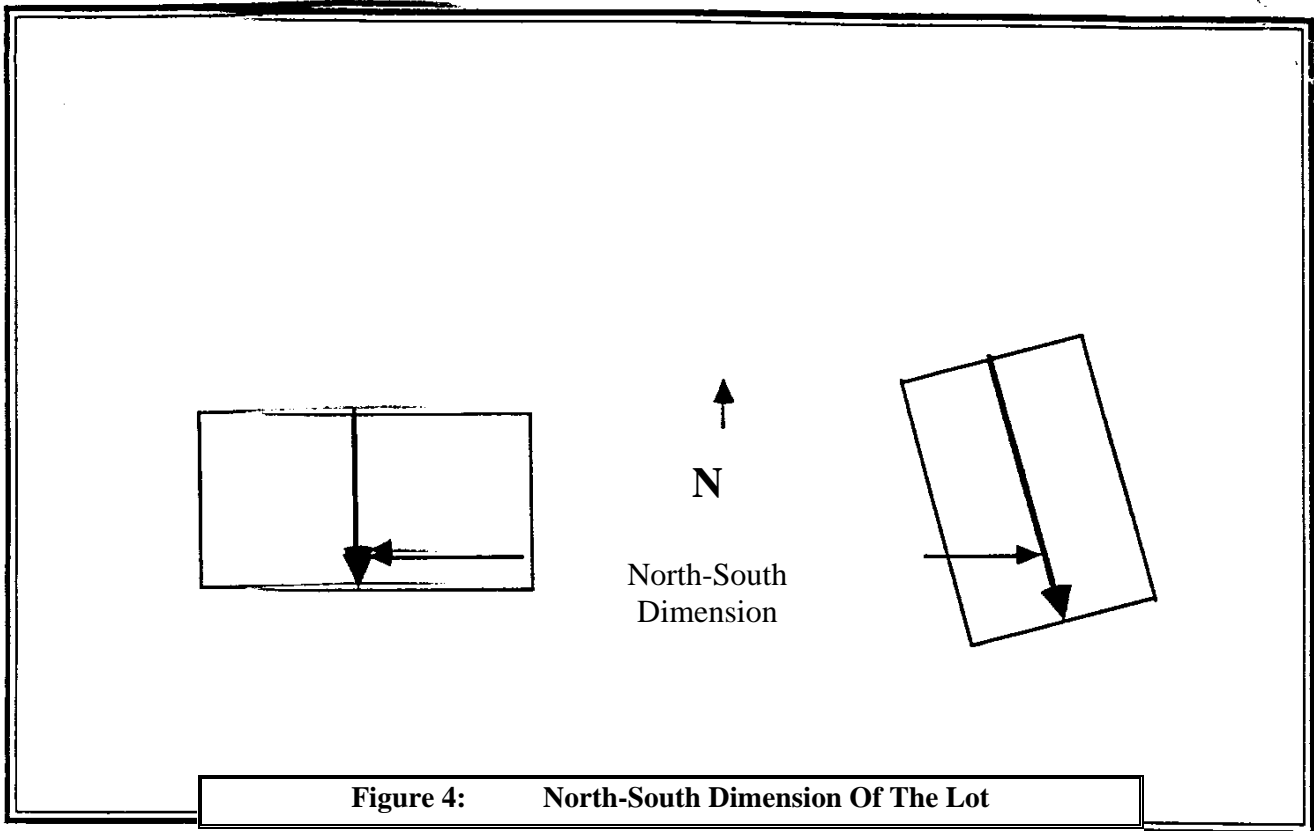


Figure 3: Northern Lot Line



Measure to average grade at the front lot line

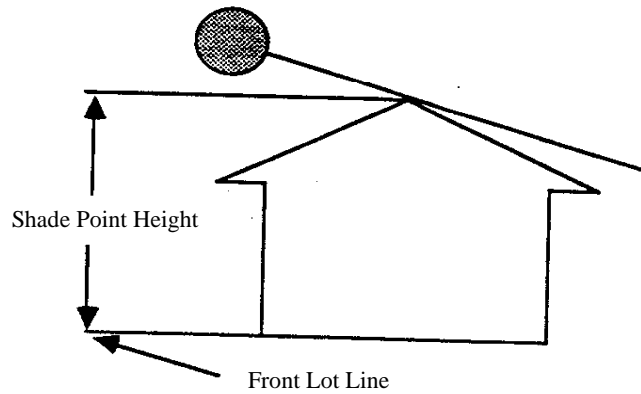


Figure 6: Shade Point Height

Shade Reduction Line measured to Shade Point from Northern Lot Line

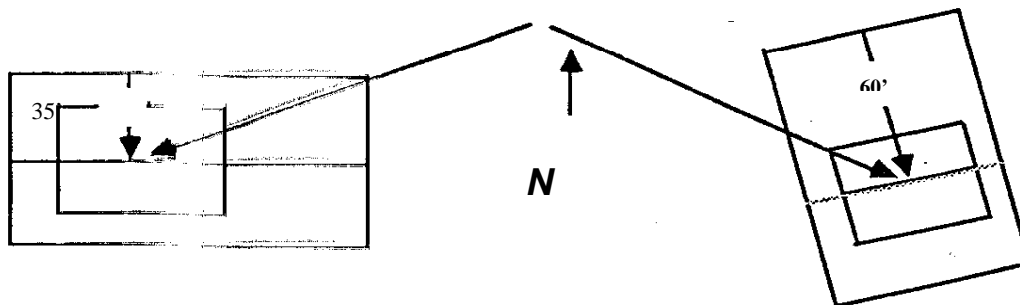


Figure 7: Shade Reduction Line

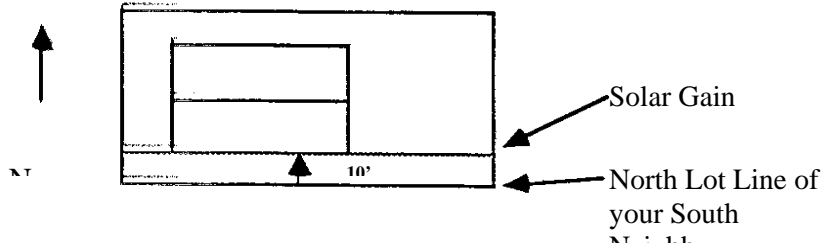


Figure 8: Solar Gain Line

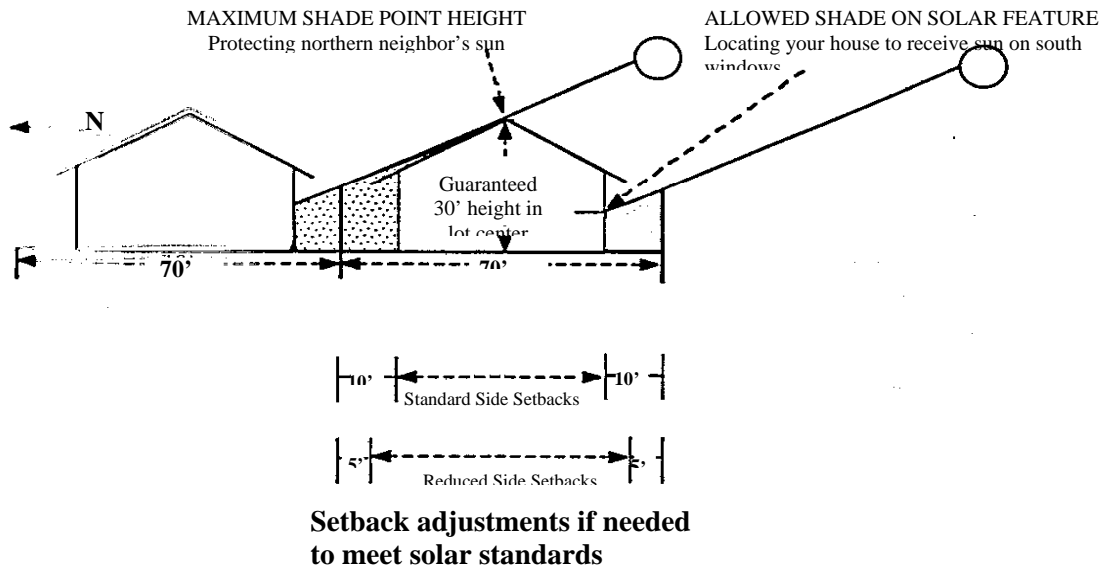


Figure 9: Solar Balance Point Standard

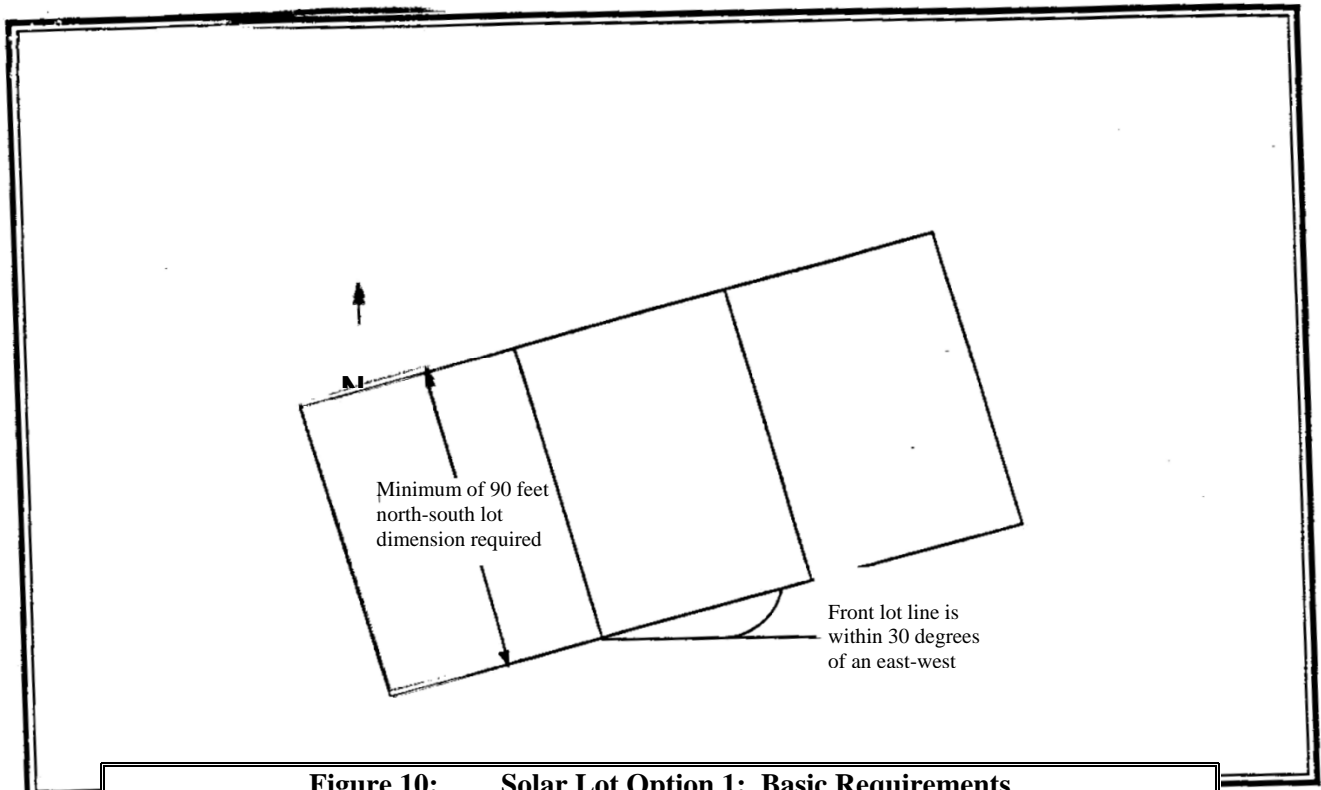


Figure 10: Solar Lot Option 1: Basic Requirements

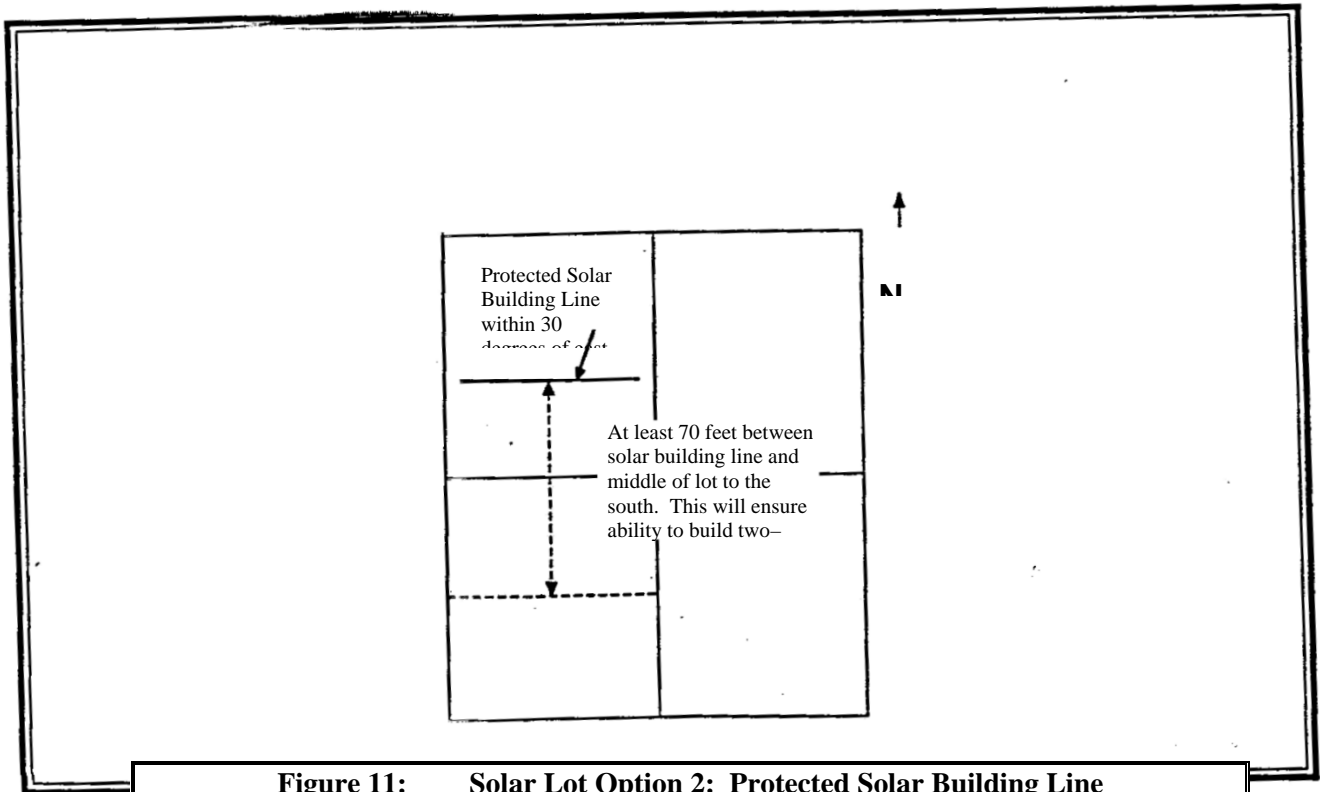


Figure 11: Solar Lot Option 2: Protected Solar Building Line

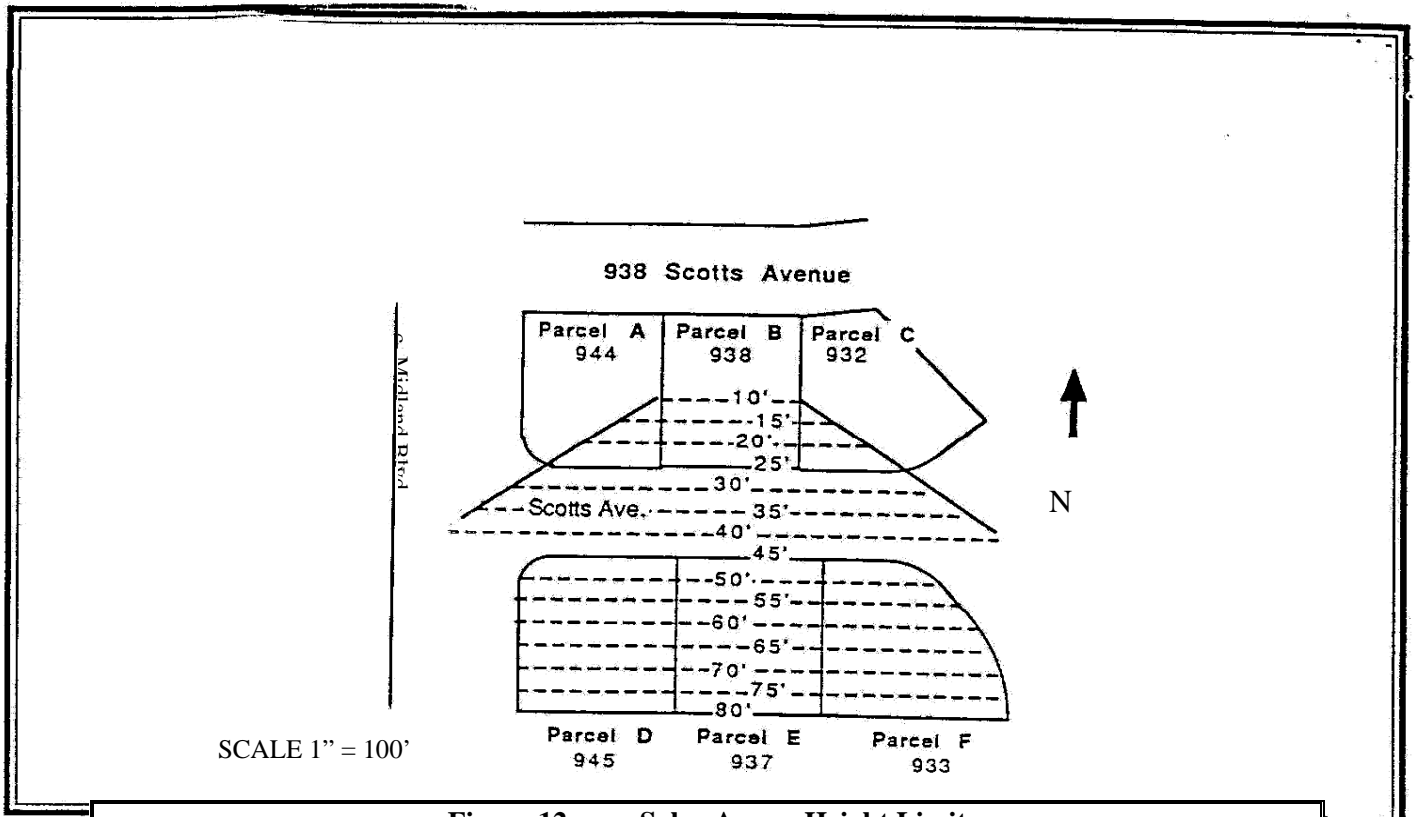


Figure 12: Solar Access Height Limit

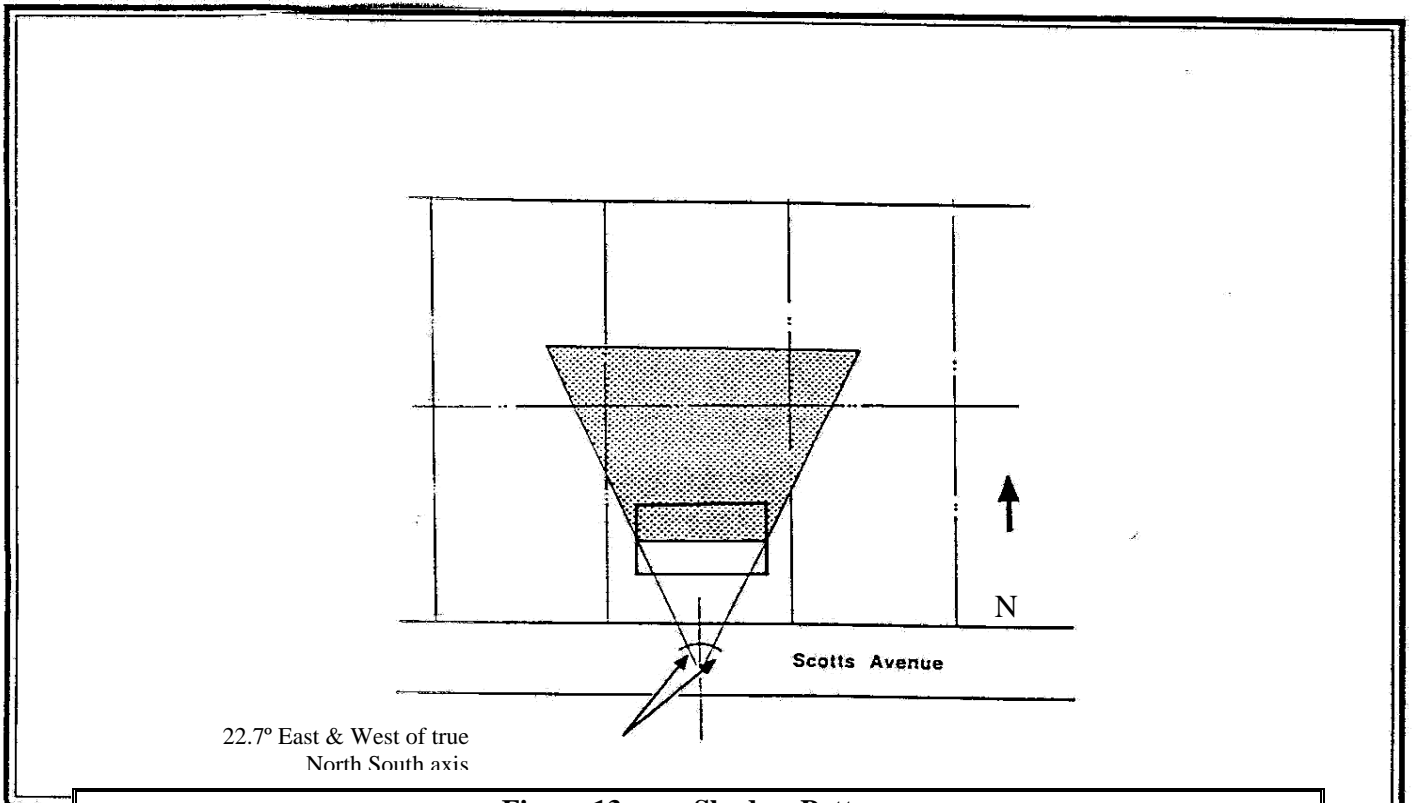


Figure 13: Shadow Pattern

Section 4.137.5. Screening and Buffering (SB) Overlay Zone

- (.01) Purpose. The Screening and Buffering Overlay Zone is intended to be used with any underlying base zone to specify appropriate screening and buffering standards for areas where residential and nonresidential uses abut. The “SB” Overlay Zone is used to assure that there is adequate separation and screening between potentially conflicting land uses. The buffering is achieved by restricting access, increasing setbacks, requiring additional landscaping, restricting signs, and, in some cases, by requiring additional information and proof of mitigation for uses that may otherwise cause off-site impacts or nuisances.
- (.02) Where the “SB” Overlay Zone is to be Applied. The Screening and Buffering Overlay Zone is to be applied primarily along the edge of nonresidential zones abutting, or located directly across the street from, residential zones. As with any zoning, the “SB” Overlay Zone is only applied where established by action of the City Council.
- (.03) Landscaped Areas. The following landscape requirements apply to the “SB” Overlay Zone. Structures, exterior storage and exterior display of merchandise are prohibited in these landscaped areas.
- A. Commercial Properties. For land zoned PDC, a ten (10) foot deep area landscaped to at least the L-3 standard, specified in Section 4.176, must be provided along all street frontages across from properties zoned or designated in the Comprehensive Plan for residential use. (See Figure 23: High Screen Landscaping.) A ten (10) foot deep landscaped area shall also be provided at any point where the property adjoins a property that is planned or zoned for residential use.
- B. Industrial Properties. For land zoned PDI, a twenty (20) foot deep area landscaped to at least the L-3 standard, or a ten (10) foot deep area landscaped to at least the L-4 standard, shall be provided along all property lines where the “SB” Overlay Zone is applied. (See Figures 23: High Screen Landscaping and Figure 24: High Wall Landscaping.)
- (.04) Ingress and Egress. Motor vehicle access shall be limited through any landscaped area required in the “SB” Overlay Zone. The Development Review Board may impose additional landscape requirements to minimize the visual impacts of any vehicle access points that are approved.
- (.05) Exterior Work. No exterior manufacturing, storage, sales, or other similar work shall be performed within the “SB” Overlay Zone.
- (.06) Signs. No signs, other than approved monument signs, shall be permitted within the “SB” Overlay Zone.
- (.07) Performance Standards and Off-Site Impacts. Many of Wilsonville’s base zones contain performance standards to limit impacts on surrounding properties and the

Section 4.137.5. Screening and Buffering (SB) Overlay Zone

overall community. Developers shall be encouraged to utilize the standards of the “SB” Overlay Zone to help assure compliance with the performance standards.

Section 4.138. Old Town (O) Overlay Zone.

- (.01) Purpose. The purpose of this overlay zone is to establish the design standards that will be applied to developments within the Old Town neighborhood, mapped as the Boones Ferry District in the City's West Side Master Plan. The following purpose statement is not intended as a set of additional permit criteria. Rather, it is a description of the desired outcome as development occurs incrementally, over time. This overlay district is intended to create a modern interpretation of a traditional old town Main Street and mixed use neighborhood. It is recognized that the Old Town neighborhood is of unique significance because of its existing pattern of mixed uses, its access to the Willamette River and because it was the original center of housing and commerce for the community.
- A. The standards of the “O” overlay zone are intended to assure that, through the appropriate use of architectural details, windows, building orientation, facades, and construction materials, new structures, and major alterations of existing structures, create a pleasing and pedestrian-friendly environment.
 - B. It is the desire of the City to have buildings in the “O” overlay zone reflect a range of architectural types and styles that were popular in the Willamette Valley from approximately 1880 to 1930. The following design standards are intended to further define those characteristics that will convey the desired architecture.
 - C. These standards are intended to encourage quality design, to enhance public safety, and to provide a comfortable and attractive street environment by providing features and amenities of value to pedestrians. Quality design will result in an arrangement of buildings that are in visual harmony with one-another, leading to a neighborhood that is vital, interesting, attractive, and safe. These qualities contribute to the health and vitality of the overall community.
 - D. These standards shall be used by the City's Planning Department and Development Review Board in reviewing development applications within the Old Town neighborhood.
- (.02) The “O” Overlay zone shall be applied in conjunction with the underlying base zones in the Old Town neighborhood.
- A. The following shall require site design review for conformance with these standards:
 - 1. New building construction and the substantial redevelopment of existing buildings, including the construction of new single family dwellings; and
 - 2. Any exterior remodeling that requires a building permit, when that remodeling is visible from a public street (other than an alley).
 - B. Except, however, that exterior remodeling of residential units other than those facing Boones Ferry Road shall be reviewed through the Class I Administrative Review procedures of Sections 4.009 through 4.012. This review will be applied only to the portions of buildings that are visible from public streets (not including alleys) and is intended to assure that the design of the portion of the building

being remodeled will either match the standards of the Old Town Overlay Zone or be consistent with the existing design of the structure.

- C. Those proposing to build or remodel the exterior of any building in the area are encouraged to contact the City about the availability of funds for historic façade treatment.

(.03) Development standards.

- A. Lot area, width, depth - As specified in the underlying base zone. Single family and two-family dwelling units, other than those on lots fronting Boones Ferry Road, shall be subject to the following minimum setbacks:
 - 1. Front and rear yard: 15 feet;
 - 2. Street side of corner lots: 10 feet;
 - 3. Other side yards: 5 feet.
- B. Building Setbacks - Buildings fronting Boones Ferry Road shall abut the public sidewalk except where public plazas, courtyards, approved landscaping, or other public pedestrian amenities are approved. Except, however, that residential garages or carports shall be set back a minimum of twenty (20) feet from any sidewalk or traveled portion of a street across which access to the garage or carport is taken. The Development Review Board may approve other setbacks to accommodate sidewalks, landscaping, or other streetscape features located between the street right-of-way and the building.
- C. Landscaping - Not less than fifteen (15) percent of the development site shall be landscaped. In the event that a building is set back from a street side property line, along Boones Ferry Road, Bailey Street, or 5th Street, the intervening area shall be landscaped. In reviewing proposals for parking lots in locations between buildings and streets, the Development Review Board may require special landscaping treatments or designs to screen the view of the parking lot from the public right-of-way.
- D. Building height - As specified in the underlying base zone.
- E. Street access to Boones Ferry Road. Ingress and egress points along Boones Ferry Road shall be designed and constructed such that access points on one side of the road shall coordinate with access points on the other side of the road. New developments along Boones Ferry Road and north of Bailey Street will have access points designed and constructed in a pattern that replicates the shape of Main Street blocks.

(.04) Pedestrian environment. In order to enhance the pedestrian scale of the neighborhood:

- A. Special attention shall be given to the primary building entrances, assuring that they are both attractive and functional.
- B. The pedestrian environment shall be enhanced by amenities such as street furniture, landscaping, awnings, and movable planters with flowers, as required by the Development Review Board.

- C. Sidewalk width may vary from block to block, depending upon the nature of adjacent land uses and the setbacks of existing buildings. Provided, however, that a continuity of streetscape design is maintained along Boones Ferry Road, generally following the pattern that has been started with the 1996 approval for Old Town Village on the west side of Boones Ferry Road from Fourth Street to Fifth Street. [Amended by Ordinance No. 538, 2/21/02.]
 - 1. North of Bailey Street, where the most intense commercial development is anticipated, the widest sidewalks and most mature landscaping are required.
 - 2. In situations where existing buildings are located at the right-of-way line, special sidewalk designs may be necessary to assure pedestrian access.
- D. When practicable, buildings along Boones Ferry Road shall occupy 100% of the street frontage between block segments. Up to 25% of street frontage may be in public plazas, courtyards, and similar landscape or streetscape features that provide public spaces adjacent to the sidewalk. For smaller lots, which may not have functional alternatives for parking, up to 40% of lot frontage may be used for parking, provided that appropriate screening and visual enhancement is created between the parking area and the sidewalk. Appropriate pedestrian connections shall be constructed between such parking lots and sidewalks.

(.05) Building compatibility.

- A. The design and materials of proposed buildings shall reflect the architectural styles of the Willamette Valley during the period from 1880 to 1930.
- B. Commercial and manufacturing buildings shall be designed to reflect the types of masonry or wood storefront buildings that were typical in the period from 1880 to 1930. Larger modern buildings shall be designed with facades that are divided to give the appearance of a series of smaller buildings or distinctive store fronts, and/or multi-storied structures with, at least, the appearance of second stories.
- C. Residential buildings shall be designed to reflect the size and shape of traditional dwellings from the period from 1880 to 1930. Where larger multiple family residential buildings are proposed, their building facades shall be divided into units that give the appearance of a series of smaller dwellings.
- D. Manufactured housing units and mobile homes, if located outside of approved manufactured or mobile home parks, shall meet the design standards applied to other single family dwellings in the area.

(.06) Building materials.

- A. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger developments, variations in facades, floor levels, architectural features, and/or exterior finishes shall be used to create the appearance of a series of smaller buildings.
- B. Exterior building materials shall be durable, and shall convey a visual impression of durability. Materials such as masonry, stone, stucco, and wood will generally provide such an appearance. Other materials that replicate the appearance of those durable materials may also be used.

- C. Where masonry is to be used for exterior finish, varied patterns are to be incorporated to break up the appearance of larger surfaces.
 - D. Wood siding is to be bevel, shingle siding or channel siding or the equivalent. T-111 and similar sheathed siding shall not be used unless it is incorporated with batten treatment to give the appearance of boards.
 - E. Exterior materials and colors are to match the architecture of the period.
- (.07) Roof materials, roof design and parapets.
- A. Pitched roof structures shall have a minimum pitch of 4:12.
 - B. Roofs with a pitch of less than 4:12 are permitted, provided that they have detailed, stepped parapets or detailed masonry coursing.
 - C. Parapet corners are to be stepped. Parapets are to be designed to emphasize the center entrance or primary entrance(s).
 - D. Sloped roofs that will be visible from the adjoining street right-of-way shall be of a dark, non-ornamental color.
 - E. Preferred roofing materials that are visible from a public street include wood or architectural grade composition shingle, tile, or metal with standing or batten seams. Metal roofs without raised seams shall not be used in visible locations.
 - F. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes, wireless communication equipment, and vent pipes are to be completely screened from public view by parapets, walls or other approved means; or , alternatively, may be effectively camouflaged to match the exterior of the building.
 - 1. “Public view” is intended to mean the view from the sidewalk directly across the street from the site.
 - 2. Roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes, wireless communication equipment, and vent pipes that are visible from Interstate-5 shall be effectively camouflaged to match the exterior of the building
- (.08) Building entrances. If visible from the street, entrances to commercial, industrial, or multi-family residential buildings are to be architecturally emphasized, with coverings as noted in subsection (.09), below.
- A. The Development Review Board may establish conditions concerning any or all building entrances, especially where such entrances are adjacent to parking lots. For buildings fronting on Boones Ferry Road, at least one entrance shall be from the sidewalk.
 - B. Secondary building entrances may have lesser architectural standards than primary entrances.

(.09) Building facades.

- A. Ornamental devices, such as moldings, entablature, and friezes, are encouraged at building roof lines. Where such ornamentation is to be in the form of a linear molding or board, it shall match or complement the architecture of the building.
- B. Commercial, industrial, and multi-family residential buildings are to incorporate amenities such as alcoves, awnings, roof overhangs, porches, porticoes, and/or arcades to protect pedestrians from the rain and sun. Awnings and entrances may be designed to be shared between two adjoining structures. (See subsection (.08), above.)
- C. Commercial and manufacturing buildings with frontage on Boones Ferry Road shall incorporate the following traditional storefront elements:
 - 1. Building fronts to be located at the right-of-way line for streets, except in cases where an approved sidewalk or other streetscape features are located between the street right-of-way and the building. Intervening areas are to be attractively landscaped.
 - 2. Upper and lower facades are to be clearly delineated.
 - 3. Lower facades shall include large windows, as specified in subsection "(.10)," below, and recessed entries.
 - 4. Tops of facades shall have decorative cornices.
- D. Buildings are to have variations in relief, including such things as cornices, bases, fenestration, fluted masonry, and other aesthetic treatments to enhance pedestrian interest.

(.10) Windows in buildings adjacent to Boones Ferry Road.

- A. Windows shall include amenities such as bottom sills, pediments, or awnings. Glass curtain walls, highly reflective glass, and painted or darkly tinted glass are not permitted other than stained or leaded glass.
- B. Ground-floor windows on commercial or industrial buildings shall include the following features:
 - 1. Windows shall be designed to allow views into interior activity areas and display areas along street frontages.
 - 2. Sills shall be no more than four (4) feet above grade, unless a different design is necessitated by unusual interior floor levels.
 - 3. At least twenty percent (20%), of ground floor wall area along Boones Ferry Road, Bailey Street, or 5th Street shall be in windows or entries. No blank walls shall be permitted abutting any street other than an alley.
- C. Upper-floor windows on commercial, industrial, or multi-family residential buildings shall include the following features:
 - 1. Glass dimensions shall not exceed five (5) feet wide by seven (7) feet high.
 - 2. Windows shall be fully trimmed with molding that is at least two (2) inches wide.

3. Multiple-light windows or windows with grid patterns may be required by the Development Review Board when architecturally consistent with the building.

(.11) Landscapes and streetscapes.

- A. The street lights to be used in the area shall be of a standardized design throughout the Old Town Overlay District.
- B. Benches, outdoor seating, and trash receptacles are to be designed to match the architecture in the area.
- C. Benches and other streetscape items placed within the public right-of-way must not block the free movement of pedestrians, including people with disabilities. A minimum pedestrian walkway of five (5) feet shall be maintained at all times. Standards of the Americans with Disabilities Act (ADA) shall be observed.

(.12) Lighting.

- A. All building entrances and exits shall be well-lit. The minimum lighting level for commercial, industrial, or multi-family residential building entrances is to be four (4) foot-candles. The maximum standard is to be ten (10) foot-candles. A lighting plan shall be submitted for review by the Development Review Board.
- B. Exterior lighting is to be an integral part of the architectural design and must complement the street lighting of the area, unless it is located at the side or rear of buildings in locations that are not facing a public street that is not an alley.
- C. In no case is lighting to produce glare on neighboring properties or public rights-of-way such that a nuisance or safety hazard results.

(.13) Exterior storage.

- A. Exterior storage of merchandise or materials shall be subject to the fencing or screening standards of Section 4.176 of the Wilsonville Code. The Development Review Board may prescribe special standards for landscaping or other screening of walls or fences.
- B. Temporary outdoor displays of merchandise shall be permitted, subject to the conditions of the development permit or temporary use permit for the purpose. Where pedestrian access is provided, a minimum walkway width of five (5) feet shall be maintained at all times.

(.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.

(.15) Signs. Signs shall match the architecture of buildings in the area, and shall be subject to the provisions of Section 4.156 of the Wilsonville Code.

Section 4.139.00 Significant Resource Overlay Zone (SROZ) Ordinance

Definitions:

1. Area of Limited Conflicting Uses: An Area of Limited Conflicting Uses is either:
 - A. An area located between the riparian corridor boundary, riparian impact area or the Urban Growth Management Functional Plan (UGMFP) Metro Title 3 Water Quality Resource Area boundary, whichever is furthest away from the wetland or stream, and the outside edge of the SROZ; or
 - B. An isolated significant wildlife habitat (upland forest) resource site.
2. Encroachment Area: An area within the Area of Limited Conflicting Uses where development may be permitted.
3. Impact Area: The area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of a Significant Resource Impact Report (SRIR) or where an SRIR has been waived in accordance with this ordinance. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body.
4. Riparian Corridor: Is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. The “riparian area” is the area adjacent to a river, lake, stream, consisting of lands that include the area of transition from aquatic ecosystem to a terrestrial ecosystem. The Riparian Corridor is diagrammatically defined in Section 4.139.00.
5. Riparian Corridor Cross Sections: Riparian corridor significance for the City of Wilsonville is based on assessment of several factors:
 - a. The presence of habitat used by species listed as threatened or endangered by the Endangered Species Act. The resource is considered significant if ESA-listed salmonid fish species utilize portions of the resource area.
 - b. The protection of ESA listed species habitat both on - or off-site. The resource is considered significant if it provides functions that protect the habitat of ESA-listed species, either on- or off-site. Riparian corridors can protect water quality parameters such as temperature, suspended sediment and contaminants of downstream waters that are ESA-listed species habitat.
 - c. The inclusion of other significant Goal 5 resource areas. Riparian corridor resources that contain significant wetlands and/or wildlife habitat are considered significant.
 - d. The provision of habitat continuity for wildlife. Riparian corridor resources that provide a link or continuity for wildlife movement between significant wildlife habitat areas are considered significant.
 - e. Headwater areas, including intermittent streams, can be important for fish and wildlife resources. These areas can provide good quality water, protection of water quality, insect and organic materials, and other factors for habitat areas downstream.

Generalized riparian corridor types are shown on the following pages.

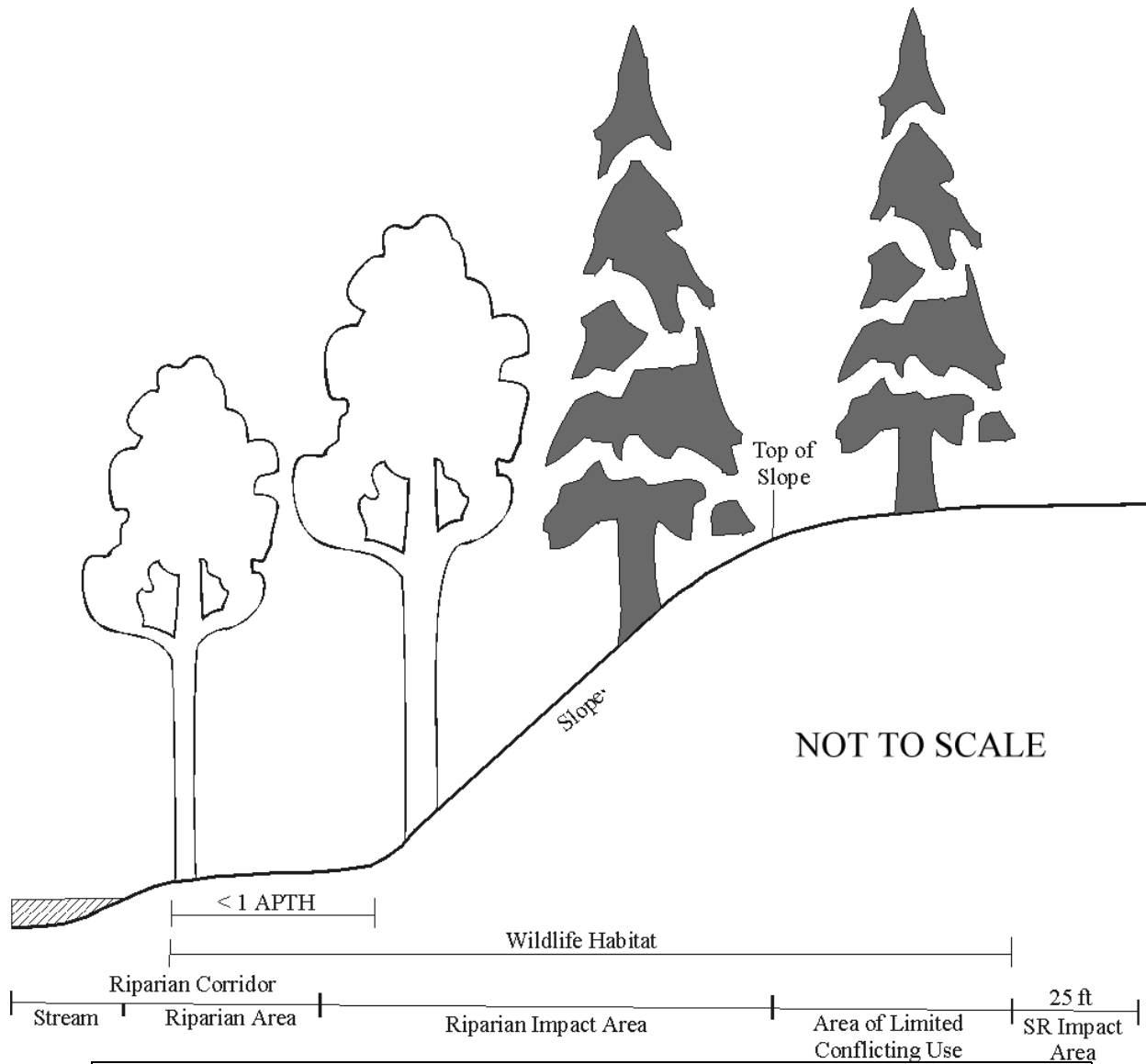


Figure NR - 1: Riparian Corridor Type NR -1 (stream-riparian ecosystem)

Riparian area adjacent to the stream is less than one APTH wide, and has an adjacent slope. The adjacent slope is designated as riparian impact area, based on the potential for activities on the slope to have direct impacts on riparian area functions.

Notes for all riparian figures: (1) The “area of limited conflicting use” and “SR Impact Area” are regulatory areas defined in the proposed City of Wilsonville Significant Resource Overlay Zone (4.139.00). The SR Impact Area is always 25 feet wide from the edge of the significant resource (SR).

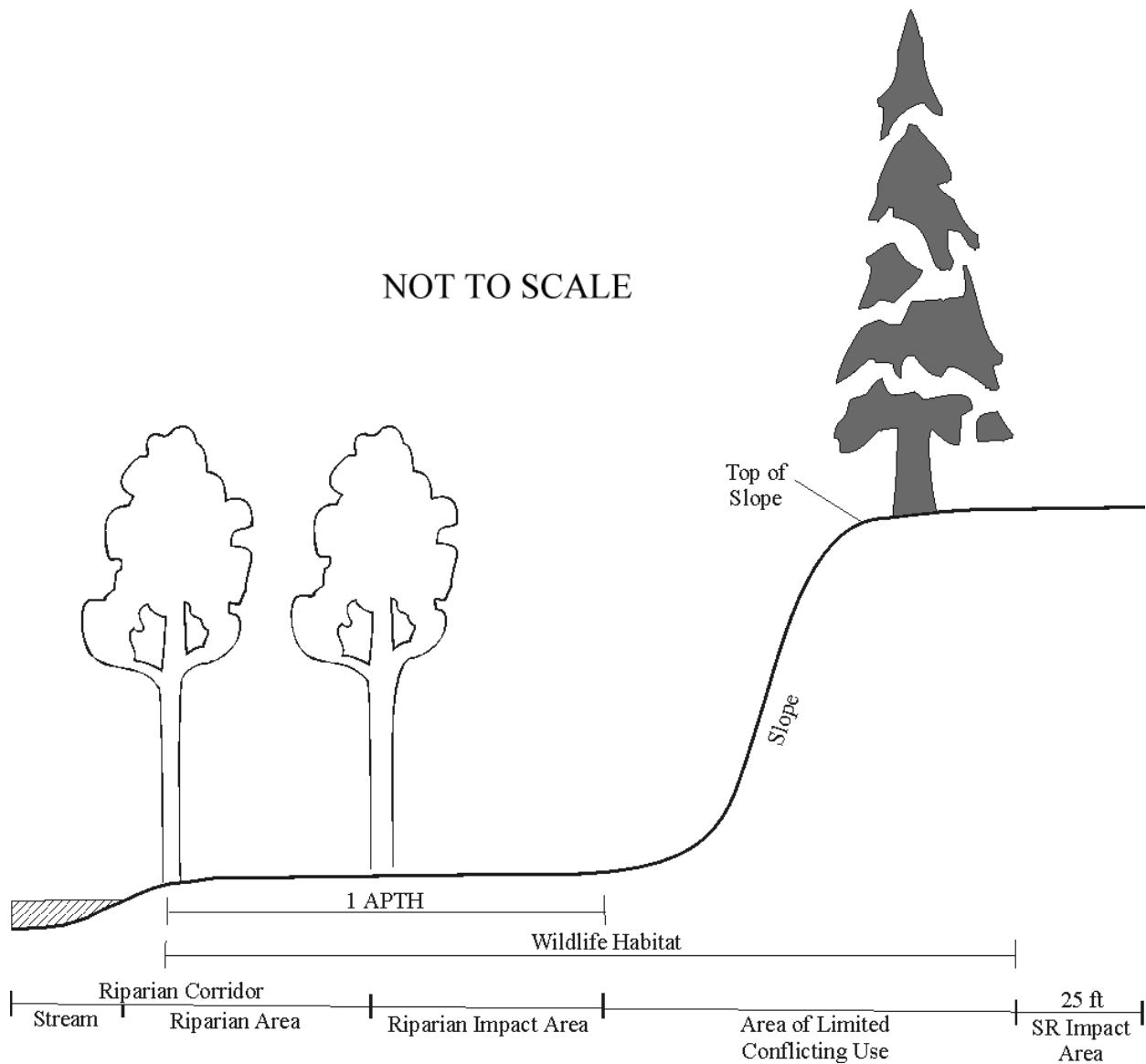


Figure NR - 2: Riparian Corridor Type NR - 2 (stream-riparian ecosystem)

Riparian area adjacent to the stream is less than the width of the streamside terrace or bench, and the base of the adjacent slope is a distance greater than one APTH from the stream bank. If the riparian area is less wide than the distance of one APTH, then the remaining APTH distance is the riparian impact area.

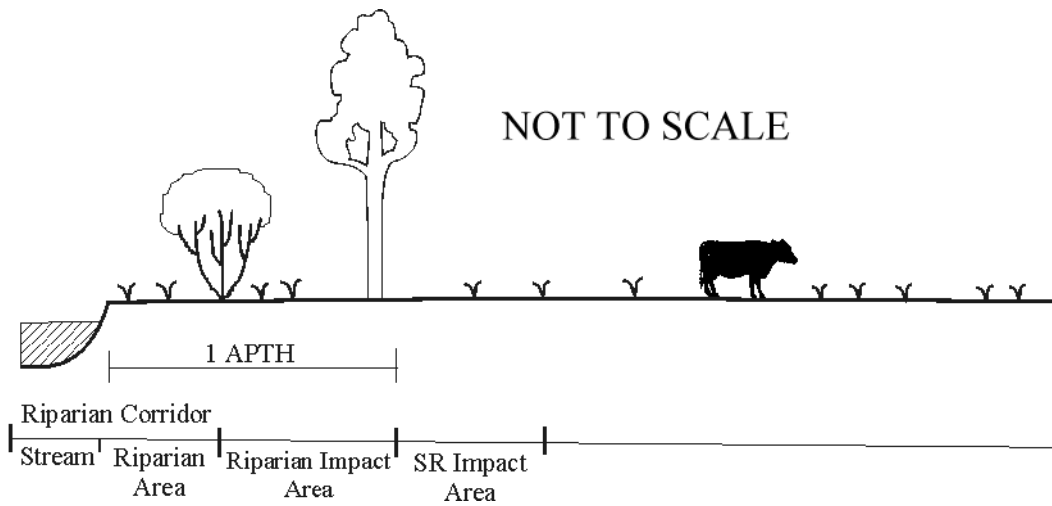


Figure NR – 3: Riparian Corridor Type NR - 3 (stream-riparian ecosystem)

Riparian area adjacent to the stream is upland, forested wetland, or a mosaic of upland and wetland, and does not have adjacent steep slopes within 200 ft. If the riparian area, including wetlands adjacent to the stream, is less wide than one APTH, the riparian impact area extends to a distance of one APTH from the top of the stream bank.

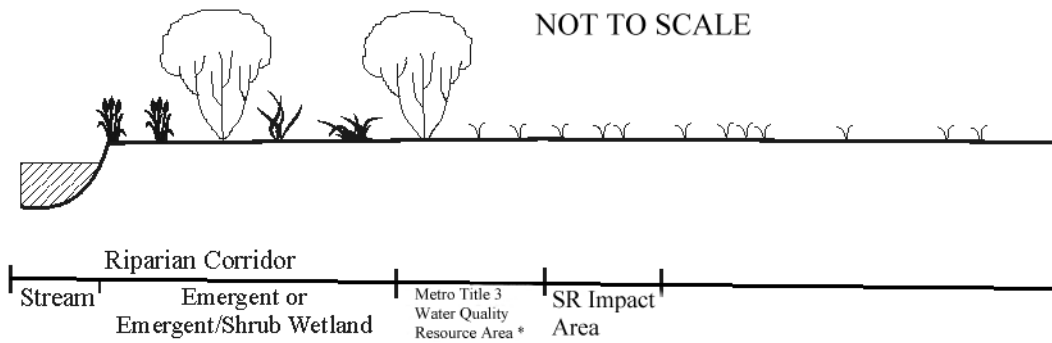


Figure NR – 4: Riparian Corridor Type NR - 4 (stream-riparian ecosystem)

Riparian area is emergent or emergent/shrub wetland, and does not have adjacent steep slopes within 200 ft. The wetland is the riparian corridor. The potential impacts of human activities adjacent to the wetland/riparian area do not warrant placing a riparian impact area on this corridor type.

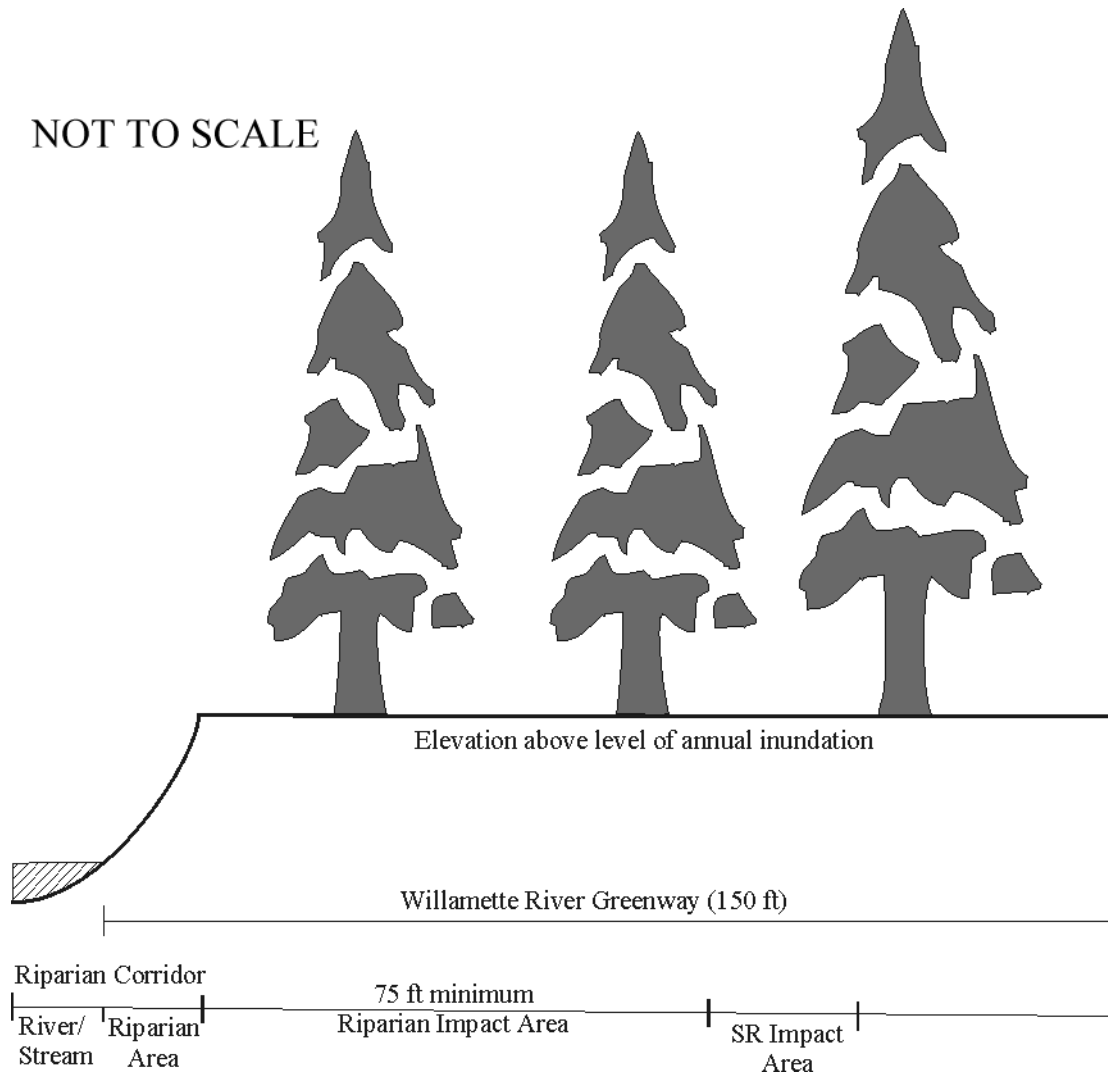


Figure NR-5: Riparian Corridor Type NR - 5 (river-floodplain ecosystem: Willamette River)

Riparian area is confined to a portion of the river bank where the adjacent land is not inundated annually (i.e. not an operational floodplain). The riparian impact area is a minimum 75 feet wide from the top of the stream bank.

For any areas along the Willamette River that have an operational floodplain (i.e. flooded annually), the riparian area is the extent of the operational floodplain.

6. Riparian Impact Area: An area within which human activities could have adverse impacts on functions of adjacent riparian corridor resources.
7. Significant Resource Impact Report (SRIR): A report that delineates specific resource boundaries and analyzes the impacts of development on significant natural resources. It outlines measures to prevent negative impacts, and also provides mitigation and enhancement plans.
8. Significant Resource Overlay Zone (SROZ): The delineated outer boundary of a significant natural resource that includes: a significant Goal 5 natural resource, lands protected under Metro's Urban Growth Management Functional Plan Title 3 (Water Quality Resource Areas), riparian corridors, and significant wildlife habitat.
9. Starting Point for Measurement: Is the edge of the defined channel (bankful flow) for streams/streams, delineated wetland boundary, delineated spring boundary, and/or average high water for lakes or ponds, whichever offers greatest resource protection. Intermittent springs located more than 15 feet from streams/streams or wetlands shall not serve as a starting point for measurement.

Table NR – 1: Metro Water Quality Resource Area Slope Calculations

Protected Water Feature Type (See definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (Setback)
Primary Protected Water Features ¹	<25%	-Edge of bankful flow or 2-year storm level; -Delineated edge of Title 3 wetland	50 feet
Primary Protected Water Features ¹	≥25% for 150 feet or more ⁵	-Edge of bankful flow or 2-year storm level; -Delineated edge of Title 3 wetland	200 feet
Primary Protected Water Features ¹	≥25% for less than 150 feet ⁵	Edge of bankful flow or 2-year storm level; -Delineated edge of Title 3 wetland	Distance from starting point of measurement to top of ravine (break in ≥25% slope) ³ , plus 50 feet ⁴
Secondary Protected Water Features ²	<25%	Edge of bankful flow or 2-year storm level; - Delineated edge of Title 3 wetland	15 feet
Secondary Protected Water Features ²	≥25% ⁵	Edge of bankful flow or 2-year storm level; -Delineated edge of Title 3 wetland	50 feet

¹Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and spring.

²Secondary Protected Water Features include intermittent streams draining 50-100 acres.

³Where the protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the ≥25% slope

⁴A maximum reduction of 25 feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

⁵Vegetated corridors in excess of 50-feet from primary protected features, or in excess of 15-feet from secondary protected features, apply on steep slopes only in the *uphill* direction from the protected water feature.

Section 4.139.01 SROZ - Purpose

The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas, and that portion of Statewide Planning Goal 5 relating to significant natural resources. It is not the intent of this ordinance to prevent development where the impacts to significant resources can be minimized or mitigated.

Section 4.139.02 Where These Regulations Apply

The regulations of this Section apply to the portion of any lot or development site, which is within a Significant Resource Overlay Zone and its associated “Impact Areas”. The text provisions of the Significant Resource Overlay Zone ordinance take precedence over the Significant Resource Overlay Zone maps. The Significant Resource Overlay Zone is described by boundary lines shown on the City of Wilsonville Significant Resource Overlay Zone Map. For the purpose of implementing the provisions of this Section, the Wilsonville Significant Resource Overlay Zone Map is used to determine whether a Significant Resource Impact Report (SRIR) is required. Through the development of an SRIR, a more specific determination can be made of possible impacts on the significant resources.

Unless otherwise exempted by these regulations, any development proposed to be located within the Significant Resource Overlay Zone and/or Impact Area must comply with these regulations. Where the provisions of this Section conflict with other provisions of the City of Wilsonville Planning and Land Development Ordinance, the more restrictive shall apply.

The SROZ represents the area within the outer boundary of all inventoried significant natural resources. The Significant Resource Overlay Zone includes all land identified and protected under Metro’s UGMFP Title 3 Water Quality Resource Areas, as currently configured, significant wetlands, riparian corridors, and significant wildlife habitat that is inventoried and mapped on the Wilsonville Significant Resource Overlay Zone Map.

Section 4.139.03 Administration

- (.01) Resources. The text provisions of this section shall be used to determine whether applications may be approved within the Significant Resource Overlay Zone. The following maps and documents may be used as references for identifying areas subject to the requirements of this Section:
 - A. Metro’s UGMFP Title 3 Water Quality Resource Area maps.
 - B. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM)
 - C. The Wilsonville Local Wetland Inventory (LWI) (1998)

- D. The Wilsonville Riparian Corridor Inventory (RCI) (1998)
 - E. Locally adopted studies or maps
 - F. City of Wilsonville slope analysis maps
 - G. Clackamas and Washington County soils surveys
- (.02) Impact Area. The “Impact Area” is the area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of an SRIR (Significant Resource Impact Report). Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body. Designation of an Impact Area is required by Statewide Planning Goal 5. The primary purpose of the Impact Area is to ensure that development does not encroach into the SROZ.
- (.03) Significant Resource Impact Report (SRIR). For proposed non-exempt development within the SROZ, the applicant shall submit a Significant Resource Impact Report (SRIR) as part of any application for a development permit.
- (.04) Prohibited Activities. New structures, development and construction activities shall not be permitted within the SROZ if they will negatively impact significant natural resources. Gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by DEQ, domestic animal waste, dumping of materials of any kind, or other activities shall not be permitted within the SROZ if they will negatively impact water quality.

Unauthorized land clearing or grading of a site to alter site conditions is not allowed, and may result in the maximum requirement of mitigation/enhancement regardless of pre-existing conditions.

Section 4.139.04 Uses and Activities Exempt from These Regulations

- (.01) Emergency procedures or emergency activities undertaken which are necessary for the protection of public health, safety, and welfare. Measures to remove or abate hazards and nuisances. Areas within the SROZ that are disturbed because of emergency procedures or activities should be repaired and mitigated.
- (.02) Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of these regulations.
- (.03) Alterations of buildings or accessory structures which do not increase building coverage.
- (.04) The following agricultural activities lawfully in existence as of the effective date of this ordinance:
 - A. Mowing of hay, grass or grain crops.

- B. Tilling, disking, planting, seeding, harvesting and related activities for pasture, tree crops, commercial woodlots, food crops or business crops, provided that no additional lands within the SROZ are converted to these uses after the effective date of this ordinance.
- (.05) Operation, maintenance, and repair of irrigation and drainage ditches, constructed ponds, wastewater facilities, stormwater detention or retention facilities, and water facilities consistent with the Stormwater Master Plan or the Comprehensive Plan.
- (.06) Maintenance and repair of streets and utility services within rights-of way, easements, access roads or other previously improved areas.
- (.07) Normal and routine maintenance and repair of any public improvement or public recreational area regardless of its location.
- (.08) The construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area, provided the location of the crossing is consistent with the intent of the Wilsonville Comprehensive Plan. Roads and paths shall be constructed so as to minimize and repair disturbance to existing vegetation and slope stability.
- (.09) Maintenance and repair of existing railroad tracks and related improvements.
- (.10) The removal of invasive vegetation such as Himalayan Blackberry, English Ivy, Poison Oak, Scots (Scotch) Broom or as defined as invasive in the Metro Native Plant List.
- (.11) The planting or propagation of any plant identified as native on the Metro Native Plant List. See Wilsonville Planning Division to obtain a copy of this list.
- (.12) Grading for the purpose of enhancing the Significant Resource as approved by the City.
- (.13) Enhancement of the riparian corridor or wetlands for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.
- (.14) Flood control activities pursuant to the Stormwater Master Plan, save and except those stormwater facilities subject to Class II Administrative Review, as determined by the Planning Director, to ensure such facilities meet applicable standards under federal, state and local laws, rules and regulations.
- (.15) Developments that propose a minor encroachment into the Significant Resource Overlay Zone. The purpose of this adjustment would be to allow for minor encroachments of impervious surfaces such as accessory buildings, eave overhangs, building appurtenances, building access and exiting requirements or other similar feature. The total adjustment shall not exceed 120 square feet in cumulative area.
- (.16) The expansion of an existing single family dwelling not exceeding 600 square feet in area. The expansion of an existing single family dwelling or structures that are accessory to a single family dwelling inside the SROZ, provided that the following

- criteria have been satisfied. An SRIR is not required to evaluate and reach a decision on the issuance of a permit to expand a single-family residence under this paragraph.
- A. The expansion of a single family structure or improvement (including decks and patios) shall not be located any closer to the stream or wetland area than the existing structure or improvement; and
 - B. The coverage of all structures within the SROZ on the subject parcel shall not be increased by more than 600 square feet, based on the coverage in existence prior to the effective date of this ordinance; and,
 - C. The applicant must obtain the approval of an erosion and sediment control plan from the City's Building and Environmental Services Divisions; and,
 - D. No part of the expansion is located within the Metro UGMFP Title 3 Water Quality Area.
- (.17) New Single-Family Dwelling. The construction of a new single family dwelling is exempt unless the building encroaches into the Impact Area and/or the SROZ.
- A. If the proposed building encroaches only into the Impact Area then an abbreviated SRIR may be required as specified in Section 4.139.05, unless it can be clearly determined by the Planning Director that the development proposal will have no impact on the Significant Resource. The primary purpose of the Impact Area is to insure that development does not encroach into the SROZ. Development otherwise in compliance with the Planning and Land Development Ordinance may be authorized within the Impact Area.
 - B. If the proposed building encroaches into the SROZ, then a complete or abbreviated SRIR report is required.
- (.18) Private or public service connection laterals and service utility extensions.
- (.19) A Stage II development permit or other development permits issued by the City and approved prior to the effective date of this ordinance.
- (.20) The installation of public streets and utilities specifically mapped within a municipal utility master plan, the Transportation Systems Plan or a capital improvement plan.
- (.21) Structures which are non conforming to the standards of this Section may be re-built in the event of damage due to fire or other natural hazard subject to Sections 4.189 – 4.192 of the Planning and Land Development Ordinance, provided that the structure is placed within the same foundation lines (See Figure NR-6.). An SRIR is not required to evaluate and reach a decision on the issuance of a permit to replace a structure subject to this paragraph.

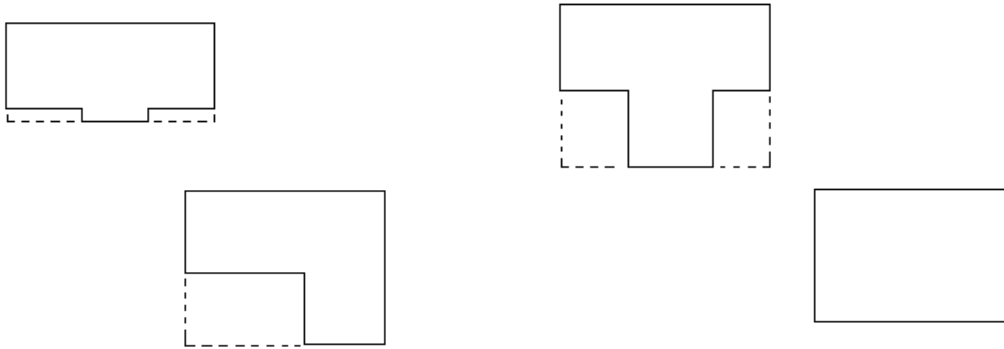


Figure NR-6. Building Line Examples

- (.22) Any impacts to resource functions from the above excepted activities, such as gravel construction pads, erosion/sediment control materials or damaged vegetation, shall be mitigated using appropriate repair or restoration/enhancement techniques.

Section 4.139.05 Significant Resource Impact Report (SRIR) and Review Criteria

A Significant Resource Impact Report (SRIR) is a report that delineates specific resource boundaries and analyzes the impacts of development within mapped significant resource areas based upon the requirements of this Section. An SRIR is only required for non-exempt development that is located within the Significant Resource Overlay Zone and/or its associated 25 foot Impact Area.

The Significant Resource Overlay Zone Map identifies areas that have been classified as significant natural resources. The preparation of the Significant Resource Overlay Zone Map did not include specific field observations of every individual property. These maps are designed to be specific enough to determine whether further environmental review of a development proposal is necessary. If any portion of the development or alteration of the land (except those exempted by this Section) is located within the Significant Resource Overlay Zone boundary or the identified Impact Area, then an SRIR is required before any development permit can be issued. Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review.

The Planning Director may consult with a professional with appropriate expertise to evaluate an applicant's SRIR prepared under this Section or may rely on appropriate staff expertise, in order to properly evaluate the report's conclusions.

- (.01) **Abbreviated SRIR Requirements.** It is the intent of this subsection to provide a user-friendly process for the applicant. Only the materials necessary for the application review are required. At the discretion of the Planning Director, an abbreviated SRIR

may be submitted for certain small-scale developments such as single family dwellings, additions to single family dwellings, minor additions and accessory structures. The following requirements shall be prepared and submitted as part of the abbreviated SRIR evaluation:

- A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance;
- B. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed and existing utility locations*;
- C. Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank;
- D. Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches in diameter at breast height (DBH). Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type or types;
- E. The location of the SROZ and Impact Area boundaries*;
- F. A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream*;
- G. A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards)*;
- H. Current photos of site conditions shall be provided to supplement the above information*.
- I. A narrative describing the possible and probable impacts to natural resources and a plan to mitigate for such impacts*.

*Indicates information that City Staff may have readily available to assist an applicant.

(.02) Application Requirements for a Standard SRIR. The following requirements must be prepared and submitted as part of the SRIR evaluation for any development not included in paragraph A above:

- A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance.
- B. The SRIR shall be conducted and prepared by a natural resource professional knowledgeable and qualified to complete such a report.
- C. The qualifications of the person or persons preparing each element of the analysis shall be included with the SRIR.
- D. The SRIR shall include the following:
 - 1. Physical Analysis. The analysis shall include, at a minimum:
 - a. Soil types;
 - b. Geology;

- c. Hydrology of the site;
 - d. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed, and existing utility locations;
 - e. Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank.
 - f. Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches DBH. Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type or types;
 - g. A property survey together with topography shown by contour lines prepared at two-foot vertical intervals. Five-foot vertical intervals may be allowed for steep sloped areas. The survey shall be prepared by an Oregon Registered Land Surveyor or Civil Engineer.
 - h. The location of the SROZ and Impact Area boundaries;
 - i. A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream;
 - j. A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards);
 - k. A map that delineates the Goal 5 safe harbor boundary (using the standards found within the Oregon Administrative Rule OAR 660-23(1996));
 - l. The existing site significant resource conditions shall be determined and identified by a natural resource professional; and
 - m. Current photos of site conditions shall be provided to supplement the above information.
2. The analysis shall include development recommendations including grading procedures, soil erosion control measures, slope stabilization measures, and methods of mitigating hydrologic impacts. For projects that affect possible wetlands, a copy of the Local Wetland Inventory (LWI) map pertaining to the site shall be provided. Notice of the proposal shall be given to the Oregon Division of State Lands and the Army Corp of Engineers.
 3. Ecological Analysis. The Ecological Analysis shall include a map, using the Physical Analysis map as a base, showing the delineated boundaries and coverage of wetlands, riparian corridors, and wildlife habitat resources identified on the site.
 - a. Wetland boundaries shall be delineated using the method currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers. Riparian boundaries shall be delineated using the riparian corridor descriptions in this ordinance. Boundaries of mapped Goal 5 wildlife habitat shall be verified by field observation.
 - b. The analysis shall include an inventory that lists and describes the native and ornamental dominant and sub-dominant groundcover, shrub and tree species occurring on the site and wildlife observed during at least one site

visit (specify date). The report shall also include recommended measures for minimizing the adverse impacts of the proposed development on unique and/or significant features of the ecosystem. The analysis shall include a report that discusses the ecological functions and values of the SROZ area, discussing each parameter listed below. The discussion shall be based on actual field observations and data obtained by a natural resource professional.

- c. Wetlands (based on evaluation criteria in the Oregon Freshwater Wetlands Assessment Methodology (OFWAM), Oregon Division of State Lands)
 - i. wildlife habitat diversity
 - ii. fish habitat
 - iii. water quality protection
 - iv. hydrologic control
 - d. Wildlife Habitat (includes riparian corridors and upland forested areas)¹
 - i. wildlife habitat diversity
 - ii. water quality protection
 - iii. ecological integrity
 - iv. connectivity
 - v. uniqueness
 - e. Riparian Corridors 1
Stream-riparian ecosystems:
 - i. Presence and abundance of Large Woody Debris (LWD) in and adjacent to stream
 - ii. Tree/shrub canopy stream shade production (water temperature and aquatic plant growth control)
 - iii. Erosion and sediment control by riparian vegetation
 - iv. Water quality protection by riparian vegetation
 - v. River-floodplain ecosystem (Willamette River)
 - vi. Presence of functional floodplain (inundated annually)
 - vii. Type and condition of functional floodplain vegetation
 - viii. Use of river-floodplain by ESA-listed species
 - ix. Role as wildlife corridor connecting significant wildlife habitat areas
4. Mitigation and Enhancement Proposal. The applicant must propose a Significant Resource mitigation and enhancement plan as part of the SRIR. The mitigation and enhancement shall increase the natural values and quality of the remaining Significant Resource lands located on the site or other location as approved by the City. The mitigation and enhancement proposal shall conform to the mitigation standards identified in this Section.
5. Waiver of Documentation: The Planning Director may waive the requirement that an SRIR be prepared where the required information has already been

¹Based on criteria developed for the City of Wilsonville by Fishman Environmental Services, in the *Natural Resources Inventory and Goal 5/Title 3/ESA Compliance and Protection Plan: Inventory Update, 1999-2000*

made available to the City, or may waive certain provisions where the Director determines that the information is not necessary to review the application. Such waivers may be appropriate for small-scale developments and shall be processed under Administrative Review. Where such waivers are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.

- (.03) SRIR Review Criteria. In addition to the normal Site Development Permit Application requirements as stated in the Planning and Land Development Ordinance, the following standards shall apply to the issuance of permits requiring an SRIR. The SRIR must demonstrate how these standards are met in a manner that meets the purposes of this Section.
- A. Except as specifically authorized by this code, development shall be permitted only within the Area of Limited Conflicting Use (see definition) found within the SROZ;
 - B. Except as specifically authorized by this code, no development is permitted within Metro's Urban Growth Management Functional Plan Title 3 Water Quality Resource Areas boundary;
 - C. No more than five (5) percent of the Area of Limited Conflicting Use (see definition) located on a property may be impacted by a development proposal. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway, no more than five (5) percent of the Area of Limited Conflicting Use on each side of the riparian corridor may be impacted by a development proposal. This condition is cumulative to any successive development proposals on the subject property such that the total impact on the property shall not exceed five (5) percent;
 - D. Mitigation of the area to be impacted shall be consistent with Section 4.139.06 of this code and shall occur in accordance with the provisions of this Section;
 - E. The impact on the Significant Resource is minimized by limiting the degree or magnitude of the action, by using appropriate technology or by taking affirmative steps to avoid, reduce or mitigate impacts;
 - F. The impacts to the Significant Resources will be rectified by restoring, rehabilitating, or creating enhanced resource values within the "replacement area" (see definitions) on the site or, where mitigation is not practical on-site, mitigation may occur in another location approved by the City;
 - G. Non-structural fill used within the SROZ area shall primarily consist of natural materials similar to the soil types found on the site;
 - H. The amount of fill used shall be the minimum required to practically achieve the project purpose;
 - I. Other than measures taken to minimize turbidity during construction, stream turbidity shall not be significantly increased by any proposed development or alteration of the site;

- J. Appropriate federal and state permits shall be obtained prior to the initiation of any activities regulated by the U.S. Army Corps of Engineers and the Oregon Division of State Lands in any jurisdictional wetlands or water of the United States or State of Oregon, respectively.

Section 4.139.06 Mitigation Standards

The following mitigation standards apply to significant wildlife habitat resource areas for encroachments within the Area of Limited Conflicting Uses, and shall be followed by those proposing such encroachments. Wetland mitigation shall be conducted as per permit conditions from the US Army Corps of Engineers and Oregon Division of State Lands. While impacts are generally not allowed in the riparian corridor resource area, permitted impacts shall be mitigated by: using these mitigation standards if the impacts are to wildlife habitat values; and using state and federal processes if the impacts are to wetland resources in the riparian corridor. Mitigation is not required for trees lost to a natural event such as wind or floods.

- (.01) The applicant shall review the appropriate Goal 5 Inventory Summary Sheets for wildlife habitat (i.e. upland) contained in the *City of Wilsonville Natural Resource Inventory and Goal 5/Title 3/ESA Compliance and Protection Plan* (“Compliance and Protection Plan”- May 2000) to determine the resource function ratings at the time the inventory was conducted.
- (.02) The applicant shall prepare a Mitigation Plan document containing the following elements:
 - A. The Mitigation Plan shall contain an assessment of the existing natural resource function ratings at the time of the proposed encroachment for the site compared to the function ratings recorded in the Compliance and Protection Plan.
 - B. The Mitigation Plan shall contain an assessment of the anticipated adverse impacts to significant wildlife habitat resources. The impact assessment shall discuss impacts by resource functions (as listed in the Compliance and Protection Plan, May 2000) for each resource type, and shall map the area of impact (square feet or acres) for each function.
 - C. The Mitigation Plan shall present a proposed mitigation action designed to replace the lost or impacted resource functions described in Subsection B, above. The mitigation plan shall be designed to replace lost or impacted functions by enhancement of existing resources on, or off the impact site, or creation of new resource areas.
 - D. For mitigation projects based on resource function enhancement, the area ratios presented in Table NR - 2 shall be applied. These ratios are based on the resource function ratings at the time of the proposed action, as described in Subsection A, above. The mitigation action shall be conducted on the appropriate size area as determined by the ratios in Table NR - 2.
- (.03) Proposals for mitigation action where new natural resource functions and values are created (i.e. creating wetland or wildlife habitat where it does not presently exist) will be reviewed and may be approved by the Development Review Board or Planning Director if it is determined that the proposed action will create natural resource

- functions and values that are equal to or greater than those lost by the proposed impact activity.
- (.04) Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.
 - (.05) Mitigation plans shall have clearly stated goals and measurable performance standards.
 - (.06) All mitigation plans shall contain a monitoring and maintenance plan to be conducted for a period of five years following mitigation implementation. The applicant shall be responsible for ongoing maintenance and management activities, and shall submit an annual report to the Planning Director documenting such activities, and reporting progress towards the mitigation goals. The report shall contain, at a minimum, photographs from established photo points, quantitative measure of success criteria, including plant survival and vigor if these are appropriate data. The Year 1 annual report shall be submitted one year following mitigation action implementation. The final annual report (Year 5 report) shall document successful satisfaction of mitigation goals, as per the stated performance standards. If the ownership of the mitigation site property changes, the new owners will have the continued responsibilities established by this section.
 - (.07) The Mitigation Plan document shall be prepared by a natural resource professional.
 - (.08) Prior to any site clearing, grading or construction, the SROZ area shall be staked, and fenced per approved plan. During construction, the SROZ area shall remain fenced and undisturbed except as allowed by an approved development permit.
 - (.09) For any development which creates multiple parcels intended for separate ownership, the City shall require that the SROZ areas on the site be encumbered with a conservation easement or tract.
 - (.10) The City may require a conservation easement over the SROZ that would prevent the owner from activities and uses inconsistent with the purpose of this Section and any easements therein. The purpose of the conservation easement is to conserve and protect resources as well as to prohibit certain activities that are inconsistent with the purposes of this section. Such conservation easements do not exclude the installation of utilities.
 - (.11) At the Planning Directors discretion, mitigation requirements may be modified based on minimization of impacts at the impact activity site. Where such modifications are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.
 - (.12) The Director may study the possibility of a payment-in-lieu-of system for natural resource impact mitigation. This process would involve the public acquisition and management of natural resource properties partially funded by these payments.

TABLE NR – 2: NATURAL RESOURCE ENHANCEMENT MITIGATION RATIOS

Existing Function* Rating at Impact Site	Existing Function* Rating at Mitigation Site	Proposed Function* Rating at Mitigation Site	Area Ratio (Mitigation:Impact)
L	L	M	2:1
L	L	H	1 ½ : 1
L	M	H	2 : 1
M	L	M	3 : 1
M	L	H	2 : 1
M	M	H	2 ½ : 1
H	L	M	4 : 1
H	L	H	3 : 1
H	M	H	2 ½ : 1
H	H	H+	5 : 1

* mitigation function (i.e water quality, ecological integrity) shall be the same as impacted function

+ improve on a H rating

NOTE: These mitigation ratios were created by specifically for the Natural Resources Plan by Fishman Environmental Services.

Examples for using Table NR - 2 – the Doe Property

The Doe property (fictitious) was rated as a significant wildlife habitat site in the 2000 Compliance and Protection Plan report with the following function ratings: wildlife habitat, L (low plant diversity); water quality protection, M (adjacent to the Willamette River); ecological integrity, L (a planted woodland); connectivity, M (adjacent to larger forest unit); and uniqueness, L (no sensitive species or unique natural features). In 2015, the function ratings were determined to be the same, except for wildlife habitat, which increased to M and ecological integrity, which rated M, both due to an increase in native plant species diversity and a reduction in Himalayan blackberry resulting from good stewardship practices by the Doe family. A project proposed by the Does would remove 0.2 acre of trees, shrubs and ground cover plants in the Area of Limited Conflicting Uses having an impact on wildlife habitat function. The Does propose to mitigate for the impact by enhancing another area of their property that has continuing invasive plant problems. By removing blackberry, instituting a 5-year blackberry control program, and planting/maintaining native shrubs, they will improve the mitigation site

ratings for wildlife habitat and ecological integrity from L to M. Using Table NR - 2, they determine that a 3:1 ratio will be required, and they plan to enhance 0.6 acres of the mitigation site.

Calculation summary: existing function rating at impact site = M
existing function rating at mitigation site = L
proposed function rating at mitigation site = M
Table NR - 2 required ration = 3:1
Impact area X 3 = 0.2 acre X 3 = 0.6 acre.
Note: both impacted functions are mitigated by the same action.

Calculation summary:
Wildlife Habitat function:
existing function rating at impact site = H
existing rating at mitigation site = H
proposed function rating at mitigation site = H+
Table NR - 2 required ratio = 5:1
Impact area X 5 = 0.04 acre X 5 = 0.2 acre
Water Quality Protection function:
existing function rating at impact site = H
existing rating at mitigation site = M
proposed function rating at mitigation site = H
Table NR - 2 required ratio = 2½:1
Impact area X 2½ = 0.04 acre X 2½ = 0.1 acre

Section 4.139.07 Activities Requiring a Class I Administrative Review Process

- (.01) Class I Procedure for Amending the Significant Resource Overlay Zone Boundary. The Director may authorize an adjustment to the SROZ by a maximum of 2% (two percent) of the Area of Limited Conflicting Use. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway or wetland, no more than 2% of the Area of Limited Conflicting Use on each side of the riparian corridor may be adjusted, provided the applicant demonstrates that the following standards are met:
- A. The proposed adjustment is located in an Area of Limited Conflicting Use as determined through a site assessment and SRIR;
 - B. The area within the Significant Resource Overlay Zone is not reduced to less than the requirements of Metro’s UGMFP Title 3 Water Quality Resource Areas for the site;
 - C. The adjustment shall be located in the outermost 10% of the significant resource area as it runs near or parallel to a riparian corridor. Where no riparian corridor exists on the site, the adjustment shall be made in a manner which protects the highest resource values on the site;

- D. The conclusions of the SRIR confirm that the area where the project is proposed does not significantly contribute to the protection of the remaining Significant Resource for water quality, storm water control and wildlife habitat;
 - E. The line to be adjusted has not been previously adjusted from the boundary location originally adopted as part of this Section; and
 - F. The land proposed to be removed through the use of this adjustment process do not contain more than three healthy trees, as determined by an arborist, that are greater than 6 inches DBH.
 - G. Any change to the SROZ boundary authorized through this Section shall be noted on the official zoning map of the City.
- (.02) Applications that do not meet all of the above criteria shall be processed as a Class II Administrative Review.

Section 4.139.08 Activities Requiring a Class II Administrative Review Process

- (.01) The review of any action requiring an SRIR except:
- A. Activities and uses exempt under this Section;
 - B. Adjustments permitted as a Class I Administrative Review.
 - C. Adjustments permitted as part of a Development Review Board public hearing process.
- (.02) Single family dwelling or the expansion of a single family dwelling on lots with limited buildable land. Single family dwelling or the expansion of a single family dwelling which meet all of the following requirements:
- A. The lot was legally created and has less than 5,000 square feet of buildable land located outside the SROZ; and
 - B. No more than one single family house is permitted on the property and no more than 3,000 square feet of land is to be developed by impervious improvements within the SROZ; and
 - C. The single-family structure shall be sited in a location, which reduces the impacts to the Significant Resources.
 - D. An Abbreviated SRIR is required to be submitted.
- (.03) The expansion of an existing single family dwelling or structures that are accessory to a single-family dwelling located inside Metro's UGMFP Title 3 Water Quality Resource Areas.
- A. The expansion of a single family structure or improvement is located no closer to the stream or wetland area than the existing structures, roadways, driveways or accessory uses and development; and
 - B. The coverage of all structures shall not be increased by more than 600 square feet, based on the coverage in existence as of the effective date of this ordinance; and

- C. The applicant must obtain the approval of an erosion and sediment control plan from the City's Building and Environmental Services Divisions.
- D. In determining appropriate conditions of approval, the applicant shall:
 - 1. Demonstrate that no reasonably feasible alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; and
 - 2. If no such reasonably feasible alternative design or method of development exists, the project shall be conditioned to limit its disturbance and impact on the Water Quality Resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and
 - 3. Provide mitigation consistent with Section 4.139.06 to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.

Section 4.139.09 Development Review Board (DRB) Process

The following actions require review through a Development Review Board quasi-judicial process. Nothing contained herein shall be deemed to require a hearing body to approve a request for a permit under this Section.

- (.01) Exceptions. The following exceptions may be authorized through a Development Review Board quasi-judicial review procedure.
 - A. Unbuildable Lot. For existing non-developed lots that are demonstrated to be unbuildable by the provisions of this Section, the SROZ shall be reduced or removed to assure the lot will be buildable by allowing up to 3,000 square feet of land to be developed by impervious improvements for residential use, or 5,000 square feet of impervious improvements for non-residential uses, while still providing for the maximum protection of the significant resources, if not in conflict with any other requirements of the Planning and Land Development Ordinance. This section shall not apply to lots created after the effective date of this ordinance.
 - B. Large Lot Exception. An exception under this paragraph is authorized and may allow impact into wetlands, riparian corridors and wildlife habitat areas, and shall not be limited to locations solely within the Area of Limited Conflicting Use. Mitigation is required, and for wetland impacts, state and federal permit requirements shall be followed. An exception to the standards of this Section may be authorized where the following conditions apply:
 - 1. The lot is greater than one acre in size; and
 - 2. At least 85 percent of the lot is located within the SROZ based on surveyed resource and property line boundaries; and
 - 3. No more than 10 percent of the area located within the SROZ on the property may be excepted and used for development purposes; and

4. Through the review of an SRIR, it is determined that a reduction of the SROZ does not reduce the values listed on the City of Wilsonville Natural Resource Function Rating Matrix for the resource site; and
 5. The proposal is sited in a location that avoids or minimizes impacts to the significant resource to the greatest extent possible.
 6. For purposes of this subsection, “lot” refers to an existing legally created lot of record as of the date of the adoption of the SROZ.
- C. Public. If the application of this Section would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this Section. The hearing body shall use the SRIR review criteria identified within this section.
- D. Map Refinement process. The applicant may propose to amend the SROZ boundary through a Development Review Board quasi-judicial zone change where more detailed information is provided, such as a state approved wetland delineation. The criteria for amending the SROZ are as follows:
1. Any map refinement must be evaluated by considering the riparian corridor types contained in this ordinance.
 2. Other supporting documents to be considered in evaluating a proposal to refine a map include, but are not limited to:
 - a. Natural Resources Inventories (LWI/RCI);
 - b. The Economic, Social, Environmental and Energy (ESEE) Analysis;
 - c. Metro Functional Plans;
 - d. Wilsonville Comprehensive Plan;
 - e. State approved wetland delineations;
 - f. Detailed slope analysis
 3. An SRIR must be prepared by the applicant in conformance with the provisions of this Section.
 4. The Hearing Body (including City Council) may amend the Significant Resource Overlay Zone (in or out) upon making a determination that the land area in question is or is not a significant resource. The criteria for determining that land is significant shall be based on finding that the site area has at least one rating of “high” using the function criteria listed in the Natural Resource Function Rating Matrices.
- (.02) Adding Wetlands. Except for water quality or storm water detention facilities, the City shall initiate amendments to the Significant Resource Overlay Zone maps to add wetlands when the City receives significant evidence that a wetland meets any one of the following criteria:
- A. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or the wetland qualifies as having intact water quality function under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

- B. The wetland is in the Metro Title 3 Flood Management Area as corrected by the most current FEMA Flood Insurance Rate Maps, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or the wetland qualifies as having intact hydrologic control function under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
 - C. The wetland or a portion of the wetland is within a horizontal distance of less than one - fourth mile from a water body which meets the Department of Environmental Quality definition of water quality limited water body in OAR Chapter 340, Division 41 (1996).
- (.03) Development of structures, additions and improvements that relate to uses other than single family residential.
- (.04) Variances. A variance may be taken to any of the provisions of this Section per the standards of Section 4.196 of the Planning and Land Development Ordinance.

Section 4.139.10 Special Provisions

- (.01) Reduced front, rear and side yard setback. Applications on properties containing the SROZ may reduce the front, rear and side yard setback for developments or additions to protect the significant resource, as approved by the Development Review Board.
- (.02) Density Transfer. For residential development proposals on lands which contain the SROZ, a transfer of density shall be permitted within the development proposal site. The following formula shall be used to calculate the density that shall be permitted for allowed residential use on the property:
- A. Step 1. Calculate Expected Maximum Density. The Expected Maximum Density (EMD) is calculated by multiplying the acreage of the property by the maximum density permitted in the Wilsonville Comprehensive Plan.
 - B. Step 2. The density that shall be permitted on the property shall be equal to the EMD obtained in Step 1, provided:
 - 1. The density credit can only be transferred to that portion of the development site that is not located within the designated Significant Resource; and
 - 2. 50% of the maximum number of dwelling units that are within the SROZ are allowed to be transferred to the buildable portion of the proposed development site provided that the standards for outdoor living area, landscaping, building height and parking shall still be met. Applicants proposing a density transfer must demonstrate compatibility between adjacent properties as well as satisfy the setback requirements of the zone in which the development is proposed or meet Section 4.139.10 A. above; and
 - 3. The types of residential uses and other applicable standards permitted in the zone shall remain the same; and
 - 4. Land area within the Significant Resource Overlay Zone may be used to satisfy the requirements for outdoor recreation/open space area consistent with

Section 4.140. Planned Development Regulations.

the provisions found in Section 4.113 of the Planning and Land Development Ordinance.

- (.03) Alteration of constructed drainageways. Alteration of constructed drainageways may be allowed provided that such alterations do not adversely impact stream flows, flood storage capacity and in stream water quality and provide more efficient use of the land as well as provide improved habitat value through mitigation, enhancement and/or restoration. Such alterations must be evaluated through an SRIR and approved by the City Engineer and Development Review Board.

Section 4.140. Planned Development Regulations.

(.01) Purpose.

- A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.
- B. It is the further purpose of the following Section:
1. To take advantage of advances in technology, architectural design, and functional land use design;
 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

(.02) Lot Qualification.

- A. 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 4.140.
- B. 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, size, lot configuration, topography, open space and natural vegetation of the site warrant such development.

(.03) Ownership.

- A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.
- B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.

(.04) Professional Design.

- A. The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.
- B. Appropriate professionals shall include, but not be limited to the following to provide the elements of the planning process set out in Section 4.139:
 1. An architect licensed by the State of Oregon;
 2. A landscape architect registered by the State of Oregon;
 3. An urban planner holding full membership in the American Institute of Certified Planners, or a professional planner with prior experience

representing clients before the Development Review Board, Planning Commission, or City Council; or

4. A registered engineer or a land surveyor licensed by the State of Oregon.
- C. One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.
- D. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff.

(.05) Planned Development Permit Process.

- A. All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:
 1. Be zoned for planned development;
 2. Obtain a planned development permit; and
 3. Obtain Development Review Board, or, on appeal, City Council approval.
- B. Zone change and amendment to the zoning map are governed by the applicable provisions of the Zoning Sections, inclusive of Section 4.197
- C. Development Review Board approval is governed by Sections 4.400 to 4.450
- D. All planned developments require a planned development permit. The planned development permit review and approval process consists of the following multiple stages, the last two or three of which can be combined at the request of the applicant:
 1. Pre-application conference with Planning Department;
 2. Preliminary (Stage I) review by the Development Review Board. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval to the Board; and
 3. Final (Stage II) review by the Development Review Board
 4. In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan.

(.06) Staff Report:

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

(.07) Preliminary Approval (Stage One):

- A. Applications for preliminary approval for planned developments shall:
1. Be made by the owner of all affected property or the owner's authorized agent; and
 2. Be filed on a form prescribed by the City Planning Department and filed with said Department.
 3. Set forth the professional coordinator and professional design team as provided in subsection (.04), above.
 4. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.
- B. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:
1. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.
 2. Topographic information as set forth in Section 4.035
 3. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.
 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) years after the approval of the final development plan, and will proceed diligently to completion; unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion.
 5. A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.
 6. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.
 7. Statement of anticipated waivers from any of the applicable site development standards.
- C. An application for a Stage I approval shall be considered by the Development Review Board as follows:
1. A public hearing as provided in Section 4.013.
 2. After such hearing, the Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such conditions of approval as are in its judgment, necessary to ensure conformity to said criteria and regulations. In

so doing, the Board may, in its discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. It shall do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule.

3. A final decision on a complete application and preliminary plan shall be rendered within one hundred and twenty (120) days after the application is deemed complete unless a continuance is agreed upon by the applicant and the appropriate City decision-making body.
4. The determination of the Development Review Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council in accordance with Section 4.022 of this Code.

(.09) Final Approval (Stage Two):

[Note: Outline Number is incorrect.]

- A. Unless an extension has been granted by the Development Review Board, within two (2) years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013.
- B. After such hearing, the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.
- C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:
 1. The location of water, sewerage and drainage facilities;
 2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;
 3. The general type and location of signs;
 4. Topographic information as set forth in Section 4.035;
 5. A map indicating the types and locations of all proposed uses; and
 6. A grading plan.
- D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.
- E. Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.

- F. Within thirty (30) days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Development Review Board shall not act on a final development plan until it has first received a report from the agencies or until more than thirty (30) days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.
- G. Upon receipt of the final development plan, the Development Review Board shall conduct a public hearing and examine such plan and determine:
 - 1. Whether it conforms to all applicable criteria and standards; and
 - 2. Whether it conforms in all substantial respects to the preliminary approval; or
 - 3. Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.
- H. If the Development Review Board permits the applicant to revise the plan, it shall be resubmitted as a final development plan within sixty (60) days. If the Board approves, disapproves or grants such permission to resubmit, the decision of the Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.
- I. All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the Development Review Board may extend these expiration times for up to three (3) additional periods of not more than one (1) year each. Applicants seeking time extensions shall make their requests in writing at least thirty (30) days in advance of the expiration date. Requests for time extensions shall only be granted upon (1) a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year, and (2) payment of any and all Supplemental Street SDCs applicable to the development. Upon such payment, the development shall have vested traffic generation rights under 4.140 (.10), provided however, that if the Stage II approval should expire, the vested right to use trips is terminated upon City repayment, without interest, of Supplemental Street SDCs. For purposes of this Ordinance, “substantial development” is deemed to have occurred if the required building permits or public works permits have been issued for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit. [Amended by Ord 561, adopted 12/15/03.]
- J. A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:
 - 1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.

2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.
 - a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel; [Added by Ord. 561, adopted 12/15/03.]
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations. [Amended by Ord 561, adopted 12/15/03.]
 - b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three (3) new p.m. peak hour traffic trips or less;
 - ii. A planned development or expansion thereof which provides an essential governmental service.
 - c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant. [Added by Ord 561, adopted 12/15/03.]
 - d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations. [Added by Ord 561, adopted 12/15/03.]
 - e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F". ([Added by Ord 561, adopted 12/15/03.]

3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
 - K. Mapping: Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.
 - L. Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
 - M. In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the stage development schedule, the Development Review Board may, after notice and hearing, revoke a Planned Development permit. General economic conditions that affect all in a similar manner may be considered as a basis for an extension of a development schedule. The determination of the Board shall become final thirty (30) days after the date of decision unless appealed to the City Council.
- (.10) Early Vesting of Traffic Generation. Applicants with Stage I or Master Plan approvals occurring after June 2, 2003 may apply to vest the right to use available transportation capacity at the intersections of Wilsonville Road with Boone's Ferry Road and with Town Center Loop West, and/or the I-5 interchange. Vesting for properties with such approvals shall occur upon execution of a vesting agreement satisfactory to the city, which agreement shall include a proposed development schedule or phasing plan and either provide for the payment of any and all Supplemental Street SDCs or provide other means of financing public improvements. Vesting for properties pending such approvals shall occur upon such agreement and the date the approvals are final.

The number of trips vested is subject to modification based upon updated traffic analysis associated with subsequent development approvals for the property. A reduction in vested trips shall attend repayment of vesting fees by the City. An increase in available vested trips shall occur upon payment of necessary vesting fees.

Vesting shall remain valid and run with the property, unless an approval that is necessary for vesting to occur is terminated or a vesting agreement is terminated. If the vested right to use certain trips is lost or terminated, as determined by the Community Development Director with the concurrence of City Council, such trips shall be made available to other development upon City repayment, without interest, of associated vesting fees. [Added by Ord. 561, adopted 12/15/03.]

Section 4.141. Special Regulations - Changes of Use.

- (.01) Except as otherwise specified in this Code, an approved land-use or existing non-conforming use may be changed to another use, subject to the standards of this Section.
- A. Conversion to a use that is listed as permitted outright in the zone shall be permitted without discretionary review, provided that the existing use was not specifically approved through a Planned Development review process. If the existing use is a non-conforming use, is within a non-conforming structure, or is non-conforming as to site conditions, the conversion shall be subject to the applicable standards and procedures of Sections 4.189 through 4.191.
 - B. Conversion to a use that is listed as typically permitted in the zone, where the existing use was approved through a Planned Development review process, or conversion to a use that is found by the Planning Director to be substantially similar to a typically permitted use, shall be approved by the Planning Director, unless the Director determines that the proposed use will result in adverse impacts on neighboring properties that exceed those that would typically be permitted in the zone, in which case the Director shall require that the request be reviewed through the Class II Administrative Review process specified in Section 4.035.
 - C. Conversion to a use that is listed as conditional in the zone, or conversion to a use that is found by the Planning Director to be substantially similar to a listed conditional use, may be approved through the Conditional Use Permit process specified in Section 4.184. In reviewing the proposed Conditional Use Permit, the Development Review Board may approve the application only if the Board agrees with the Director's determination that the proposed use is substantially similar to one or more of the listed conditional uses of the zone.
 - D. If a change of use is proposed in a situation where "A" through "C," above, do not apply, the use may be changed only after the site has been zoned in conformance with the Comprehensive Plan and the applicant completes the PD approval or other development permit process specified in this Code.
- (.02) The conversion of apartments or other rental units to condominiums shall be subject to the standards and procedures for land divisions specified in Section 4.200, et seq.
- (.03) The conversion of any building into a dwelling, or the conversion of a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a zone in which a new building of similar occupancy would be permitted under this Code, and only when the resulting occupancy will comply with the requirements governing new construction and use in such zone.

**WILSONVILLE CODE
 PLANNING AND LAND DEVELOPMENT
 CHAPTER 4 SECTIONS 4.154 – 4.198
 GENERAL DEVELOPMENT REGULATIONS**

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GENERAL DEVELOPMENT REGULATIONS

Section 4.154. Bicycle, Pedestrian and Transit Facilities.

NOTE: Completion of Section 4.154 has been postponed pending the completion of the Transportation Systems Plan.

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

(.01) Purpose:

- A. The design of parking areas is intended to enhance the use of the parking area as it relates to the site development as a whole, while providing efficient parking, vehicle circulation and attractive, safe pedestrian access.
- B. As much as possible, site design of impervious surface parking and loading areas shall address the environmental impacts of air and water pollution, as well as climate change from heat islands.
- C. The view from the public right of way and adjoining properties is critical to meet the aesthetic concerns of the community and to ensure that private property rights are met. Where developments are located in key locations such as near or adjacent to the I-5 interchanges, or involve large expanses of asphalt, they deserve community concern and attention.

(.02) General Provisions:

- A. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.
 1. The Board shall have the authority to grant variances or planned development waivers to these standards in keeping with the purposes and objectives set forth in the Comprehensive Plan and this Code.
 2. Waivers to the parking, loading, or bicycle parking standards shall only be issued upon a findings that the resulting development will have no significant adverse impact on the surrounding neighborhood, and the community, and that the development considered as a whole meets the purposes of this section.
- B. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director.
- C. In cases of enlargement of a building or a change of use from that existing on the effective date of this Code, the number of parking spaces required shall be based on the additional floor area of the enlarged or additional building, or changed use, as set forth in this Section. Current development standards, including parking area landscaping and screening, shall apply only to the additional approved parking area.

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- D. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately, except as modified by subsection "E," below.
- E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas for all the parties jointly using them.
- F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.
- G. The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.
- H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.
- I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.
- J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.
- K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as "grasscrete" in lightly-used areas, that is found by the City Engineer to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City Engineer, shall be provided.
- L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.
- M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.
- N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.
- O. Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

(.03) Minimum and Maximum Off-Street Parking Requirements:

- A. Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:
 - 1. Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked.
 - 2. To the greatest extent possible, separate vehicle and pedestrian traffic.
- B. Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:
 - 1. Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the fifteen percent (15%) total landscaping required in Section 4.176.03 for the site development.
 - 2. Landscape tree planting areas shall be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount.
 - a. Trees shall be planted in a ratio of one (1) tree per eight (8) parking spaces or fraction thereof, except in parking areas of more than two hundred (200) spaces where a ratio of one (1) tree per six (six) spaces shall be applied as noted in subsection (.03)(B.)(3.). A landscape design that includes trees planted in areas based on an aggregated number of parking spaces must provide all area calculations.
 - b. Except for trees planted for screening, all deciduous interior parking lot trees must be suitably sized, located, and maintained to provide a branching minimum of seven (7) feet clearance at maturity.
 - 3. Due to their large amount of impervious surface, new development with parking areas of more than two hundred (200) spaces that are located in any zone, and that may be viewed from the public right of way, shall be landscaped to the following additional standards:
 - a. One (1) trees shall be planted per six (6) parking spaces or fraction thereof. At least twenty-five percent (25%) of the required trees must be planted in the interior of the parking area.
 - b. Required trees may be planted within the parking area or the perimeter, provided that a minimum of forty percent (40%) of the canopy dripline of mature perimeter trees can be expected to shade or overlap the parking area. Shading shall be determined based on shadows cast on the summer solstice.
 - c. All parking lots in excess of two hundred (200) parking spaces shall provide an internal pedestrian walkway for every six (6) parking aisles. Minimum walkway clearance shall be at least six (6) feet in width. Walkways shall be designed to provide pedestrian access to parking areas in order to minimize pedestrian travel among vehicles. Walkways shall be designed to channel pedestrians to the front entrance of the building.

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- d. All parking lots viewed from the public right of way shall have a minimum twelve (12) foot landscaped buffer extending from the edge of the property line at the right of way to the edge of the parking area. Buffer landscaping shall meet the low screen standard of 4.176(.02)(D) except that trees, groundcovers and shrubs shall be grouped to provide visual interest and to create view openings no more than ten (10) feet in length and provided every forty (40) feet. Notwithstanding this requirement, view of parking area that is unscreened from the right of way due to slope or topography shall require an increased landscaping standard under 4.176(.02) in order to buffer and soften the view of vehicles as much as possible. For purposes of this section, "view from the public right of way" is intended to mean the view from the sidewalk directly across the street from the site, or if no sidewalk, from the opposite side of the adjacent street or road.
 - e. Where topography and slope condition permit, the landscape buffer shall integrate parking lot storm water treatment in bioswales and related plantings. Use of berms or drainage swales are allowed provided that planting areas with lower grade are constructed so that they are protected from vehicle maneuvers. Drainage swales shall be constructed to Public Works Standards.
 - f. In addition to the application requirements of section 4.035(.04)(6)(d), where view of signs is pertinent to landscape design, any approved or planned sign plan shall accompany the application for landscape design approval.
4. Be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces, provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.
 5. Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking.
 6. In all multi-family dwelling developments, there shall be sufficient areas established to provide for parking and storage of motorcycles, mopeds and bicycles. Such areas shall be clearly defined and reserved for the exclusive use of these vehicles.
 7. On-street parking spaces, directly adjoining and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards.
 8. Tables 5, below, shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required. [Amended by Ordinance No. 538, 2/21/02.]

Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are 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 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a. Residential			
1. Single and attached units and any apartments (9 or fewer units)	1 per D.U., except accessory dwelling units, which have no minimum.	No Limit	0
2. Apartments of ten (10) or more units	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)	No Limit	1 per D.U.
3. Manufactured or mobile home park	2 spaces/unit	No Limit	1 per D.U.
4. Manufactured or mobile home subdivision	1 per D.U.	No Limit	1 per D.U.
b. Commercial Residential			
1. Hotel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2
2. Motel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2

TABLE 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
3. Clubs, Lodges	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.	No Limit	1 per 20 parking spaces Min. of 2
c. Institutions			
1. Welfare or correctional institution	1 space/3 beds for patients or inmates	No Limit	1 per 50 beds Min. of 2
2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space/2 beds for patients or residents	No Limit	1 per 6000 sq. ft. Min. of 2
3. Hospital	2 spaces/bed	No Limit	1 per 20 parking spaces Min. of 2
d. Places of Public Assembly			
1. Church	1 space/4 seats, or 8 ft of bench length in the main auditorium	.8 per seat	1 per 50 seats Min. of 2
2. Library, reading room, museum, art gallery	2.5 per 1000 sq. ft.	No Limit	1 per 1000 sq. ft. Min. of 6
3. Preschool nursery, kindergarten	.2 per student and staff	.3 per student and staff	1 per 3500 sq. ft. Min. of 2

TABLE 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
4. Elementary or Middle School	.2 per student and staff	.3 per student and staff	8 per class (above 2 nd grade) K – 2 nd grade: 1 per 3500 sq. ft.
5. High School	.2 per student and staff	.3 per student and staff	4 per class
6 College, commercial school for adults	.2 per student and staff	.3 per student and staff	1 per class Min. of 4
7 Other auditorium, meeting rooms	.3 per seat	.5 per seat	1 per 50 seats Min. of 4
8. Stadium, arena, theater	.3 per seat	.5 per seat	1 per 40 seats Min. of 4
9. Bowling alley	4 spaces/lane	No Limit	1 per 10 lanes Min. of 2
10. Dance hall, skating rink, gym, swim or fitness center	4.3 per 1000 sq. ft.	6.5 per 1000- sq. ft.	1 per 4000 sq. ft. Min. of 2
11. Tennis or racquetball facility	1 per 1000 sq. ft.	1.5 per 1000 sq. ft.	1 per court Min. of 2

TABLE 5: PARKING STANDARDS

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
e. Commercial			
1. Retail store except supermarkets and stores selling bulky merchandise and grocery stores 1500 sq. ft. gross floor area or less	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft. Min. of 2
2. Commercial retail, 1501 sq. ft. or more	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft. Min. of 2
3. Service or repair shops	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft.
4. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major areas of the building	1.67 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 8000 sq. ft. Min. of 2
5. Office or flex space (except medical and dental) Bank with drive-thru	2.7 per 1000 sq. ft. 4.3 per 1000 sq. ft.	4.1 per 1000 sq. ft. 6.5 per 1000 sq. ft.	1 per 5000 sq. ft. Min. of 2
6. Medical and dental office or clinic area	3.9 per 1000 sq. ft.	5.9 per 1000 sq. ft.	1 per 5000 sq. ft. Min. of 2
7. Eating or drinking establishments	15.3 per 1000 sq. ft.	23 per 1000 sq. ft.	1 per 4000 sq. ft.

TABLE 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
Fast food (with drive-thru) Other	9.9 per 1000 sq. ft.	14.9 per 1000 sq. ft.	Min. of 4
8. Mortuaries	1 space/4 seats, or 8ft. of bench length in chapels	No Limit	Min. of 2
f. Industrial			
1. Manufacturing establishment	1.6 per 1000 sq. ft.	No Limit	1 per 10,000 sq. ft. Min. of 6
2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	.3 per 1000 sq. ft.	.5 per 1000 sq. ft.	1 per 20,000 sq. ft. Min. of 2
g. Park & Ride or Transit Parking	As needed	No Limit	10 per acre, with 50% in lockable enclosures

[Table 5 amended by Ordinance No. 538, 2/21/02]

[Table 5 amended by Ordinance No. 548, 10/9/02]

(.04) Minimum Off-Street Loading Requirements:

A. Every building that is erected or structurally altered to increase the floor area, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths on the basis of minimum requirements as follows:

1. Commercial, industrial, and public utility uses which have a gross floor area of 5,000 square feet or more, shall provide truck loading or unloading berths in accordance with the following tables:

Square feet of Floor Area	Number of Berths Required
Less than 5,000	0
5,000 - 30,000	1
30,000 - 100,000	2
100,000 and over	3

2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar use which has a gross floor area of 30,000 square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table:

Square feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 - 100,000	1
100,000 and over	2

3. A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long, and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased to accommodate the larger vehicles.
4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
5. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to meet parking needs.

[Section 4.155 Amended Ordinance. No. 536, 1/7/02]

Section 4.156. Sign Regulations.

- (.01) Purpose. The general purpose of this Section is to provide one of the principal means of implementing the Wilsonville Comprehensive Plan by promoting public safety, providing locational and directional information, ensuring continued aesthetic improvement of the City's environment, and providing adequate opportunity for signage to meet the needs of individuals, businesses, institutions, and public agencies. These provisions classify and regulate the variety, number, size, location, and type of signs for a site. They do not necessarily assure or provide for a property owner's desired level of sign visibility. Regulations for signs have one or more of the following specific objectives:
- A. To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;
 - B. To allow and promote positive conditions for meeting the needs of sign users while avoiding nuisances to nearby properties and the community overall;
 - C. To reflect and support the desired character and development patterns of the various zones;
 - D. To allow for variety in number and type of signs in appropriate locations, while preventing signs from dominating the visual appearance of the area;
 - E. To prevent the construction or use of signs that would otherwise detract from the design of adjacent buildings or properties;
 - F. To provide the public with adequate opportunity for needed information that can be supplied through signage;
 - G. To stabilize and improve property values and prevent the creation of blighted areas;
 - H. To provide for the clear identification of structures in order to enhance public safety; and
 - I. To ensure the protection of the constitutionally guaranteed right of free speech.
- (.02) Application For Sign Permits.
- A. Submittals. Every request for a sign approval shall be made on the application form, which shall be provided by the City Planning Department and shall be accompanied by additional information and such fees as may be required by the City.
 - B. Review Processes.
 - 1. The Planning Director shall have authority over the administration, interpretation, and enforcement of the provisions of this Section, subject to appeal as provided in Section 4.022. Pursuant to a Class I Administrative Review procedure, the Planning Director may approve, approve with conditions, or deny applications for sign permits, except as provided in this Section. The Planning Director's authority to approve sign permits shall be limited to reviewing and acting upon temporary use sign permits, permits for

Section 4.156. Sign Regulations.

replacement of existing signs, minor changes to approved sign permits, and signs that have already received preliminary approval as part of a master sign plan, or in the Village zone, as part of a master signage and Wayfinding plan. (Amended by Ord 557, adopted 9/5/03).

2. Any decision for approval of a sign proposal shall include written findings addressing the following criteria:
 - a. The proposed signage complies with the specific objectives in subsection 4.156(.01) of this Code;
 - b. The proposed signage is compatible with developments or uses permitted in the zone in terms of design, materials used, color schemes, proportionality, and location, so that it does not interfere with or detract from the visual appearance of adjacent development;
 - c. The proposed signage will not create a nuisance or result in a significant reduction in the value or usefulness of adjacent properties;
 - d. If the proposed signage is to be temporary, the length of time for which it is permitted shall be reasonable in terms of the purpose and nature of the signs that are proposed, but not to exceed one (1) year from the date of approval;
 - e. If the application involves a Variance, it shall be subject to the standards and criteria listed in Section 4.196; and
 - f. All of the relevant application filing requirements of Chapter 4 have been met.
3. As specified in this Code, the Development Review Board shall have authority to review applications for sign permits, and for waivers and variances from these standards, except in cases where such authority is granted to the Planning Director. The Development Review Board shall make written findings for its decisions, subject to the criteria in subsection 4.156(.01) and (.02) above, Section 4.196, and Sections 4.400 through 4.450, as applicable.
4. In issuing a Sign Permit, the Planning Director may grant or deny a variance to relieve a hardship using Class I (Administrative Review) procedures. Such a variance shall only be approved where the variance does not exceed twenty percent (20%) of area, height, or setback requirements (e.g., a ten foot setback requirement could be decreased to eight feet, etc.). The Planning Director shall approve such a variance only upon finding that the application complies with all of the required variance criteria listed in Section 4.196.
5. Variances to sign regulations. Additional to the authority of the Planning Director to issue administrative variances as noted in subsection 4, above, the Development Review Board may authorize variances from sign requirements of this Code, subject to the standards and criteria listed in Section 4.196.

(.03) General Provisions Affecting Signs. No person shall erect, install, construct, place, alter, change, relocate, suspend or attach any sign, except for routine maintenance of existing signs, without first obtaining a sign permit, paying the required fees, and otherwise complying with the provisions of this Code. The location of free standing

or ground mounted signs located adjacent to or near the Public Right-of-Way shall be in compliance with the City's Public Works Standards for sight distance clearance. Prior to construction, the location of the sign shall be approved by the City of Wilsonville Engineering Division. [Section 4.156(.03) amended by Ord. 610, 5/1/06]

- A. Approval of Permits. No permit shall be issued for signs within the City until reviewed and approved by the Development Review Board, the Planning Director, or the Director's designee as authorized in this Code. Applicants shall, whenever possible, incorporate all proposed signage as a part of the initial submittal on new development projects.
- B. Sign Measurement.
1. Sign area shall be determined as follows:
 - a. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 15: Sign Face Measurement). Sign area does not include foundations, supports, and other essential structures unless they are serving as a backdrop or border to the sign.
 - b. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all of the pieces (see Figure 17: Individual Element Sign).
 - c. For a round or three-dimensional sign, the maximum surface area visible from any one location on the ground is used to determine sign area (see Figure 20: Sign Face Area).
 - d. When signs are incorporated into awnings, walls, or marquees, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign-related display or decoration.
 - e. For the purposes of sign area calculations, the surface area of wall murals and wall signs shall be calculated as part of the total sign area as indicated in this subsection.
 - f. The Planning Director shall be responsible for determining the area of a sign, subject to appeal as specified in Section 4.022.
 - g. Unless otherwise specified, the sign area of a two-sided sign, with two matching sides, shall be considered to be the area of one side. For example, the sign area of a two-sided sign having thirty-two (32) square feet per sign face shall be considered to be thirty-two (32) square feet, unless this code specifies otherwise.
 2. The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure. If there is a question regarding the height of a sign, the Planning Director shall make the determination, subject to appeal, as provided in this Code.
- C. Non-conforming Signs. Non-conforming signs, which may be non-conforming structures or non-conforming uses, are subject to the standards for non-conforming uses and non-conforming structures delineated in Sections 4.189 through 4.190. Except, however, that a non-conforming sign that is damaged beyond fifty percent (50%) of its value, as determined by the City Building

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Official, may only be reconstructed if the reconstructed sign meets all applicable zoning, structural, and electrical standards applicable at the time of reconstruction. Nothing in this Section is intended to impair any previously approved sign permit that has been issued by the City of Wilsonville, subject to state or federal law, or to require the removal of any sign that was legally erected or installed prior to the effective date of these regulations. In the event that a previously erected or installed sign no longer meets applicable City zoning standards it may remain in place, subject to the standards for non-conforming uses or nonconforming structures noted above.

- D. Master Sign Plans. A master sign plan is required for developments containing three (3) or more non-residential occupants, including but not limited to tenants, businesses, agencies, and entities. Additionally, the developer of any project may apply to have the development's signs reviewed through master sign plan procedures. A master sign plan shall be submitted at the time the development is reviewed by the Development Review Board. Master sign plans shall contain the method of illumination, the number, locations, and sizes of signs. The proposed master sign plan shall also show the estimated number of tenant signs and the total square footage of all signs within the development. Lettering styles and sizes for all occupants of the development shall be shown if known at the time of application.
1. In reviewing a master sign plan, the Development Review Board may regulate size, location, number and type of proposed signage in accordance with Sections 4.400 through 4.450 of this Code.
 2. The Development Review Board may grant waivers from the requirements of this Section where the overall design of the master sign plan is found by the Board to assure attractive and functional signage. The Board shall give consideration to the size and scale of the proposed development, as well as the number of separate entrances, when acting on a master sign plan for a large development.
 3. Any existing sign, whether or not it is to be retained, must be shown on the plan. It shall be the responsibility of the property owner or the owner's agent to administer and control any aspect of an approved master sign plan that is more restrictive than the City's sign regulations. Individual business signs that are part of a master sign plan are subject to the permit application process.
 4. Applications for temporary signs on properties that are subject to master sign plans shall be reviewed by the Planning Director or Development Review Board through the Administrative Review process. Such temporary signs are not required to meet the strict standards of the approved master sign plan but shall be required to be designed, or limited in duration, to avoid conflicts with the master sign plan.

(.04) Signs Exempt From Sign Permit Requirements.

- A. The following signs are exempt from the permit requirements of this Section and do not require sign permits. Unless otherwise specified, the area of the exempted

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signs shall not be included in the calculations of sign area permitted on a given site:

1. Traffic or other governmental or directional signs, as may be authorized by the City or other units of government having jurisdiction within the City.
 2. Signs installed by public utility companies indicating danger, or which serve as an aid to public safety, or which show the location of utilities or public facilities, including underground utilities.
- B. Other Signs. No sign permit is necessary before placing, constructing or erecting the following signs. However, in all other particulars such signs shall conform to the requirements of applicable Building and Electrical Codes, as well as this Code.
1. Signs inside a building containing strobe lights, other flashing lights, or changing image signs which are visible from a public right-of-way are prohibited, unless specifically approved in a sign permit. Other interior signs are allowed, unless determined to be a public nuisance.
 2. Construction Project Signs. A sign erected in conjunction with a construction project and used to inform the public of the architects, engineers and construction organizations participating in the project or indicating “future home of” information. One such sign may be erected after any required Building Permits have been obtained, subject to the following standards and conditions:
 - a. No such sign shall exceed sixty-four (64) square feet of total face area or exceed ten (10) feet in height. (Note that signs exceeding six (6) feet in height typically require building permits.)
 - b. The sign shall be removed prior to receipt of approval for building occupancy by the City Building Official.
 3. Signs for Temporary Sales. A sign advertising a temporary sale or similar event. Such signs shall not be placed in a public right-of-way. -Signs on private property for temporary sales, other than weekend signs, are subject to the following standards and conditions:
 - a. Surface area shall not exceed a size per face of six (6) square feet and height shall not exceed thirty (30) inches. A-frame signs may be 24” by 36” provided that they are designed to meet vision clearance requirements (typically not over 30 inches in height when standing).
 - b. Such signs may be erected up to one week before the event and shall be removed no later than the day after the event.
 - c. One such sign per tax lot may be posted for up to ten (10) days within a thirty (30) day period without receiving approval of a temporary use permit.
 - d. Such signs shall be located on-site and no more than one (1) such sign shall be located per sale or event.
 4. Weekend Signs. In order to provide an opportunity for short-term, temporary advertising of such events as garage sales, open houses, or other events that

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are temporary in nature, signs meeting all of the following standards shall be allowed without requiring a sign permit:

- a. On-site signs:
 - i. No larger than six (6) square feet per sign face and no more than six (6) feet in height;
 - ii. Allowed only between the hours of six (6) p.m. Friday and eight (8) p.m. Sunday, and the hours of 6 a.m. and 1 p.m. Tuesdays;
 - iii. Outside of vision clearance areas at driveways and intersections;
 - iv. No more than one (1) sign per dwelling unit or business, per lot frontage (e.g., a development with only one lot frontage onto a street would be permitted only one such sign, regardless of the number of units); and
 - v. Not placed within required parking spaces, pedestrian paths, or bike ways.
 - b. Off-site signs, subject to the same standards as on-site weekend signs, above, with the addition of the following:
 - i. Permission for the sign location is to be provided by the property owner;
 - ii. No more than three (3) off-site signs per sale or event.
 - iii. No closer than ten (10) feet from any other sign.
 - c. Signs in rights-of-way, subject to the same standards as off-site weekend signs, above, with the addition of the following:
 - i. Not greater than thirty (30) inches in height. A-frame signs may be 24" by 36" provided that they are designed to meet vision clearance requirements (typically not over 30 inches in height when standing);
 - ii. Not placed on street surfaces, sidewalks, paths, median strips, or bicycle ways;
 - iii. Additionally, weekend signs within rights-of-way shall be located within forty (40) feet of an intersection; they shall be directional signs as listed in subsection 4.156(.04)(B.)(6.), below, with the exception that they are specifically allowed in City rights-of-way and may be up to six (6) square feet in size; and
 - iv. Weekend signs shall be subject to the same locational limitations as campaign or candidate signs listed in subsection 4.156(.10)(A.)(5.).
5. Name Plates and Announcements.
- a. A sign identifying the name, street address, occupation and/or profession of the occupant of the premises. Graphic information on all name plates shall be limited to the identification of the business name as registered with the State of Oregon or the City of Wilsonville. One name plate, not exceeding a total of three (3) square feet shall be allowed for each occupant. The name plate shall be affixed to the building.
 - b. Announcements posted on a given property (e.g., no smoking, no parking, rules of conduct, etc.) and not intended to be read from off-site, are permitted to be located as needed. Such announcements shall not be considered to be part of the sign allotment for the property.

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6. Directional Signs. Designed for non-changing messages, directional signs facilitate the safe movement of the traveling public. Such signs are subject to the following standards and conditions:
 - a. The following directional signs are exempt from sign permit requirements:
 - i. Those having a maximum area of not more than three (3) square feet per sign face, are not located within public rights-of-way and which meet City vision clearance requirements;
 - ii. Those without lighting;
 - iii. Those without a logo or those having a logo that does not exceed one (1) square foot in size; and
 - iv. Those where not more than one (1) directional sign is located on the same tax lot.
 - b. The following directional signs require a sign permit:
 - i. Those having a maximum sign face area of more than three (3) and not exceeding six (6) square feet.
 - ii. Those having lighting that is limited to indirect or internal lighting. Flashing lights are prohibited.
7. Real Estate Signs, including signs for the purpose of advertising the rent, lease, sales, etc. of real property, building opportunities or building space.
 - a. Real Estate Signs for Residential Properties. When residential units are for rent or sale, the owner or the owner's authorized representative may erect signs which:
 - i. Are limited to one single, double, or triple-faced sign on the lot or parcel, not to exceed six (6) square feet per face.
 - ii. Shall not exceed six (6) feet in height.
 - iii. Shall pertain only to the property upon which they are located.
 - iv. Shall not be illuminated, either directly or indirectly.

In addition, directional signs may be erected off-site to aid the public in locating the residential properties offered. Such off-site directional signs shall be subject to the provisions of Section 4.035 applying to temporary signs, or to subsection 4.156(.04)(B.)(4.), above, applying to weekend signs.

- b. Signs Advertising a Legally Recorded Residential Subdivision in its Entirety, or the Sale, Rental or Lease of Tracts of Land in Excess of Five (5) Acres. When such tracts are offered, the owner or owner's representative may erect signs which:
 - i. Are limited to one single, double, or triple-faced sign, not to exceed thirty-two (32) square feet per face.
 - ii. Shall pertain only to property upon which they are located.
 - iii. If pertaining to a recorded residential subdivision, shall not remain upon the premises in excess of eighteen (18) months from the date of recordation of the final subdivision plat. An extension of this time limit may be granted by the Planning Director through a Class I Administrative Review procedure, upon finding that at least 25% of the subdivision lots remain unsold and undeveloped.

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- iv. Shall not exceed six (6) feet in height.
 - v. Shall not be illuminated, either directly or indirectly.
 - c. Signs Advertising the Sale, Lease or Rental of Commercial or Industrial Premises. When such properties are offered, the owner or the owner's authorized representative may erect signs which:
 - i. Are limited to the greater of one single, double, or triple-faced sign, not exceeding thirty-two (32) square feet per sign face per:
 - Tax lot;
 - Three (3) acres; or
 - Street frontage.
 - ii. Shall pertain only to the property upon which they are located.
 - iii. Shall not exceed six (6) feet in height.
 - iv. Shall be located at least fifty (50) feet from any other freestanding sign on the same lot.
 8. Changes of Copy Only, where the graphics contained on an existing sign are changed, but the sign itself is not structurally altered, and no building or electrical permit is required.
 9. Campaign or Candidate Signs on Private Property. A campaign or candidate lawn sign on private property shall meet the following standards and conditions:
 - a. Such signs shall not be placed in a manner which obstructs sight lines of the motoring public, obscures traffic or other government signs, or creates a nuisance to the use or occupancy of any property.
 - b. Such signs shall have no more than two (2) sides; shall be no higher than six (6) feet tall measured from the grade surface to the top of the sign inclusive of pole; and sign face area shall measure no more than six (6) square feet. Such signs shall not be illuminated or exhibit movement.
 - c. Such signs are considered temporary. They may be erected during the period sixty (60) days prior to a general, primary, or special election and shall be removed within three (3) days after the election.
 10. A sign that is not visible from any off-site location shall be exempt from the sign permit requirements of this Code and shall not be included within the area calculations of permitted signage. This does not, however, exempt such signs from the permit requirements of applicable building or electrical codes.
 11. Holiday lights and decorations, in place between November 15 and January 15.
 12. Signs on scoreboards or ballfields located on public property.
 13. Additional to the signs that are otherwise permitted by this Code, one small decorative banner per dwelling unit may be placed on site, in residential zones.
- (.05) Prohibited Signs. The following signs are prohibited and shall not be placed within the City:

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- A. Search lights, strobe lights, and signs containing strobe lights or other flashing lights, unless specifically approved in a sign permit.
- B. Obstructing signs, a sign or sign structure such that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, hydrant, standpipe, or the exterior of any window; any sign projecting more than twelve (12) inches from a wall, except projecting signs that are specifically permitted through the provisions of this Code.
- C. Changing image signs, including those within windows, unless specifically approved through the waiver process provided for architectural features in planned developments.
- D. Roof-top signs - signs placed on the top of a building or attached to the building and projecting above the top of that building, unless specifically approved through the temporary use permit or annual pre-approved sign procedures of this Code.
- E. Other Prohibitions: Additional to the signs listed above, the following are prohibited:
 - 1. Signs obstructing vision clearance areas.
 - 2. Pennants, streamers, festoon lights and other similar devices intended to be moved by the wind, unless specifically authorized in an approved sign permit.
 - 3. Signs attached to trees or public utility poles, other than those placed by appropriate government agencies or public utilities.
 - 4. Signs using bare-bulb illumination or signs lighted so that the immediate source of illumination is visible, unless specifically authorized by the Development Review Board or City Council. This is not intended to prohibit the use of neon as a source of illumination.
 - 5. Signs that use flame as a source of light or that emit smoke or odors.
 - 6. Any sign, including a window sign, which is an imitation of or resembles an official traffic sign or signal; and which may include display of words or graphics that are likely to cause confusion for the public, such as “STOP,” “GO,” “SLOW,” “CAUTION,” “DANGER,” “WARNING,” etc.
 - 7. Any sign, including a window sign, which by reason of its size, location, movements, content, coloring or manner of illumination may be confused with, or construed as, a traffic control device, or which hides from view any traffic sign, signal, or device.
 - 8. Portable signs, exceeding six (6) square feet of sign area per side, other than those on vehicles or trailers. The display of signs on a vehicle or trailer is prohibited where the vehicle or trailer is not fully operational for use on public roads or where the primary function of the vehicle or trailer is advertising. Examples where the primary function of the vehicle or trailer is advertising include mobile billboards such as those on which advertising space is rented, sold, or leased.
 - 9. Signs located on public property in violation of subsection 4.156 -“10” or “11”, below.

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10. Signs placed on private property without the property owner's permission.
11. Signs erected or installed in violation of standards prescribed by the City of Wilsonville, State of Oregon or the U.S. government.

- (.06) Sign Area. The total square footage of signage per lot shall be regulated by Sign Table 6, Permanent Signs, except as otherwise specified in this Code. Additional signage may be authorized, provided that the sign proposal conforms to the provisions of this Section.
- (.07) Sign Permit Requirements In Residential Zones. Notwithstanding the provisions of Sign Table 6, the following signs may be allowed in PDR, R, and RA-1 zones:
- A. Signs pertaining to individual residences or home occupations shall be subject to the following standards and conditions:
 1. Surface area shall not exceed three (3) square feet and sign shall not be artificially illuminated.
 2. The sign shall be located inside the dwelling or located flat against the dwelling.
 3. One such sign per dwelling unit is allowed.
 - B. 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 special event signs to be located on-site, off-site, or within City rights-of-way, excluding those areas listed in subsection 4.156(.10)(A).(4.) through the Administrative Review process of Sections 4.030 and 4.035. The Planning Director may attach conditions to such Permits to ensure compliance with the purposes and specifications of this Section.
 1. Annual pre-approved special event signs. The Planning Director shall maintain a list of pre-approved special events for which separate temporary use sign permits are not required. The Planning Director shall utilize the Administrative Review process and criteria to establish the list, subject to appeal as specified in Section 4.022. The Planning Director may renew the list annually with or without changes. This list shall specify the total number of signs that are to be allowed for each listed event. In acting on requests for inclusion on the pre-approved list, the Planning Director may set conditions of approval and shall not be bound by the standards of this code applying to other signs. Because these special events occur annually, it is more efficient to process requests in a single package rather than require numerous temporary use permits. Additionally, traffic congestion is expected to be diminished during special events if adequate signage helps to direct people to appropriate locations.
 2. Inflatable signs - Inflatable signs shall not be mounted or suspended from the roof, nor shall a ground-mounted inflatable sign exceed ten (10) feet in overall height in a residential zone. Inflatable signs shall be permitted for a maximum of fifteen (15) days of display use in any calendar year.

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- C. 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:
 - 1. The sign may be a double-faced sign and shall not exceed sixteen (16) square feet per face.
 - 2. The sign shall pertain only to the subject development which it is intended to identify.
 - 3. Sign graphics may be changeable so as to indicate vacancies and occupancy changes.
 - 4. The sign shall be reviewed by the Development Review Board in conjunction with the overall Planned Development.
 - D. Opening Banner for a new business or housing development. A banner announcing the opening of a new business or housing development (e.g., "Grand Opening," "Now Renting," etc.) may be permitted, subject to the Class I Administrative Review provisions of Section 4.030 and 4.035 and the following standards and conditions:
 - 1. One such banner shall be allowed either from the date of issuance of Building Permits until four (4) weeks after issuance of Certificates of Occupancy, or if no Building Permit is issued, for four (4) weeks after occupancy of a new business.
 - 2. Such banner may be two-sided but shall not exceed thirty-two (32) square feet per face.
 - E. Monument Signs. One monument sign, not exceeding eighteen (18) square feet in area, shall be permitted for each residential subdivision having fifty (50) or more lots or for any other residential development with fifty (50) or more dwelling units.
- (.08) Sign Permit Requirements In PDC And PDI Zones. In implementing the permanent sign footage per lot allowed by the provisions of Sign Table 6, the following standards and conditions shall apply to all signs in PDC and PDI zones, other than the Town Center area:
- A. Freestanding Signs
 - 1. One freestanding sign is allowed for the first two-hundred (200) linear feet of site frontage. One additional freestanding sign may be added for through lots having at least two-hundred (200) feet of frontage on one street and one-hundred (100) feet on the other street.
 - 2. The maximum height of a freestanding sign shall be twenty (20) feet. If there is a building on the site, the maximum height shall be twenty (20) feet above the average grade of the building footprint.
 - 3. Pole placement shall be installed in a vertical position (see Figure 16: Sign Position).

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4. Freestanding signs shall not extend into or above public rights-of-way.
5. Street side setbacks for freestanding signs may be reduced to ten (10) feet without requiring a waiver or variance.

B. Signs on Buildings

1. Total area of building signs shall be determined as follows:
 - a. Square feet of all building signs shall not exceed the longest side of the largest building (i.e., one square foot of sign area for each linear foot of building) occupied by the use advertised, up to a maximum of two-hundred (200) square feet, whichever amount is less, except as provided in “b” and “c” below. The length of building is to be measured at the building line.
 - b. The two-hundred (200) square foot maximum noted in “a,” above, shall be increased by twenty (20) percent to allow for building signs at separate building entrances; or
 - c. The two-hundred (200) square foot maximum noted in “a,” above, shall be increased by fifty (50) percent to allow for building signs at separate entrances that are located at least fifty (50) feet apart or on different sides of the building.
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 6, 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 special event signs to be located on-site, off-site, or within City rights-of-way, excluding those areas listed in subsection 4.156(.10)(A).(4.) through the Administrative Review process of Sections 4.030 and 4.035. 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 subsection 4.156(.07), 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 Sections 4.030 and 4.035. Inflatable signs shall be permitted for a maximum of fifteen (15) days of display use in any calendar year.

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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 double-faced, shall not exceed thirty-two (32) 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.
5. Fuel or Service Station Price Signs. Two (2) changeable copy signs shall be allowed for the purpose of advertising fuel prices, subject to the following standards and conditions:
 - a. The sign shall have a maximum of six (6) square feet in area per face and shall be permanently affixed to the building or freestanding sign.
 - b. The sign shall not be considered in calculating the maximum area or number of signs permitted at the location.
 - c. Signs on fuel pumps shall be permitted, providing that they do not project beyond the outer edge of the pump in any direction.
6. Banner for new business, apartment complex, housing development, or special event. A banner announcing a special event or opening (e.g., "Grand Opening," "Now Renting," etc.) may be permitted, subject to the Administrative Review provisions of Section 4.030 and 4.035, and the following standards and conditions:
 - a. One (1) such banner shall be allowed either from the date of issuance of Building Permits until four (4) weeks after issuance of Certificates of Occupancy, or if no Building Permit is issued, for four (4) weeks after occupancy of a new business.
 - b. Such banner may be two-sided but shall not exceed thirty-two (32) square feet per face.

(.09) Sign Permit Requirements In The Town Center Area Of The Planned Development Commercial Zone. The following shall apply to signs within the Town Center area:

- A. Purpose. The Wilsonville Town Center is well suited for the institution of a coordinated signing program because of its geographic unity, focal location, and the fact that it is in the early stage of development. The purpose of this subsection is to provide the Town Center with a program of coordinated signing which is both functional and aesthetic, and to provide a method of administration which will insure continuity and enforcement. In this manner, the framework will be provided for a comprehensive balanced system of street graphics which provide a clear and pleasant communication between people and their environment.

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- B. In regulating the use of street graphics and building signage, the following design criteria shall be applied in conjunction with the provisions of this Code. Street graphics and building signage shall be:
1. Appropriate to the type of activity to which they pertain.
 2. Expressive of the identity of the individual proprietors and the Wilsonville Town Center as a whole.
 3. Legible in the circumstances in which they are seen.
 4. Functional as they relate to other graphics and signage. Further provision is made herein for an orderly and reasonable process to obtain signing approval, collect permit fees, and provide for hearings, review, and enforcement.
- C. General Requirements.
1. Addressing (note that addresses are assigned by the City's Community Development Department).
 - a. Every building or complex with a designated address shall have a permanent address sign. This address sign shall be located on a street graphics sign, except that when no graphics sign is provided, the address shall be on its own sign.
 - b. Address letters shall be 2 inches to 6 inches in height with contrasting background.
 - c. When not part of the street graphics sign, the address sign shall be not more than four (4) square feet in area.
 - d. The maximum height of an address sign shall not exceed four (4) feet above the adjacent grade.
 - e. Information on address signs shall be limited to the address and the street name.
 2. Special event signs - signs advertising or pertaining to any special event taking place within the City. Through the Administrative Review process of Sections 4.030 and 4.035, the Planning Director may issue a temporary use permit for special event signs to be located on-site, off-site, or within City rights-of-way, excluding those areas listed in subsection 4.156(.10)(A.)(4.). 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 the Town Center area through the same procedures as for residential zones, listed in Section 4.156(.07), above.
 3. Street Graphics Signage. Approval of Street Graphics Signage shall not precede the Development Review Board approval of Building Graphics Signage.
 - a. Street graphics shall include the building name, if there is one, and the building address.
 - b. The letter height for the building name shall be twelve (12) inches maximum.
 - c. For individual occupants, letter height shall be eight (8) inches maximum.

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- d. There shall be not more than one sign for each parcel of land, except where approved as part of a Master Sign Plan.
- e. The maximum height shall be eight (8) feet above curb for multi-tenants and four (4) feet above curb for single tenants.
- f. The maximum area for street graphics shall be limited to eight (8) square feet per tenant.
- g. Within a multi-tenant building, the maximum square footage for street graphics signage shall not exceed 48 square feet (96 square feet both sides) for solely commercial retail; 40 square feet (80 square feet both sides) for mixed occupancies, retail and professional; 32 square feet (64 square feet both sides) for solely professional.
- h. Street graphic lighting shall not be of flashing, intermittent types. Floodlights or spotlights which illuminate graphics must be positioned in such a manner that no light shines over onto an adjoining property or glares or shines in the eyes of motorists or pedestrians.
- i. Location of street graphics shall not be further than fifteen (15) feet from the property line nor closer than two (2) feet from the sidewalk. In no case shall a sign be permitted in the public right-of-way.
- j. No sign shall obscure any road sign as determined by the manual on uniform traffic control devices and posted by City, County or the State.
- k. No selling slogans shall be permitted on street graphics signage.

4. Building Graphics Signage

- a. The total square footage of all signs except a single address sign and a street graphics sign shall not exceed the width of the building occupied by the use advertised. The width of a building is to be measured as the longest dimension of the width or depth of the building. Except, however, that the total area of signage allowed may be increased by up to fifty percent (50%) for each building side having a public entrance.
- b. Letters shall be allowed to increase from twelve (12) inches within the first twenty (20) feet from the property line by increments of up to 3: for each 50-foot setback or fraction thereof with the maximum height of twenty-four (24) inches.
- c. The maximum height of signs shall be as shown in Figure 18: Maximum Sign Height – Town Center.

- (.10) Signs On City Property. For the purposes of this subsection, City property is defined as physical sites, City right-of-ways, and rights-of-way over which the City has jurisdiction. City property includes, but is not limited to, the following: City Hall, The Community Development Annex, the Community Center, the Library, Boones Ferry Park, the Burlington Northern park site, Town Center Park, Tranquil Park, Wilsonville Memorial Park, the Boozier property, the Montebello open space on Wilsonville Road, Fox Chase Park, and the City's reservoir, pump station, or treatment plant properties.

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- A. Permitted Signs. Signs may be placed on City property and/or City rights-of-way and right-of-ways over which the City has jurisdiction under the following conditions:
1. Such signs as are necessary to locate and direct the public to City premises, or other governmental premises, shall be permitted.
 2. Such signs as are necessary for the public's health, safety and welfare authorized under law, regulation, ordinance, or order including but not limited to traffic signs shall be permitted. This shall include signs authorized to conform with the State's Tourism Information program.
 3. Signs and their placement as authorized in subsections 1 and 2, above, shall meet all other applicable standards and criteria under law, regulation, ordinance, or order.
 4. Campaign and candidate lawn signs may be placed on City rights-of-way and rights-of-way over which the City has jurisdiction except those rights-of-way adjoining City properties listed above, and are prohibited in the following locations where the placement of campaign and candidate lawn signs could damage City landscaping or interfere with the City's maintenance of the rights-of-way:
 - a. In any median strip inside the City limits.
 - b. Either side of French Prairie Road.
 - c. Either side of Canyon Creek Road North, from Boeckman Road to Elligsen Road.
 - d. Either side of Wilsonville Road between Town Center Loop East and the Portland & Western (previously Burlington Northern) Railroad property.
 - e. Either side of Town Center Loop West and East.
 - f. Both sides of former S.W. Parkway frontage between Town Center Loop West and Wilsonville Road.
 - g. Wilsonville Road between Willamette Way West and Willamette Way East.
 - h. The north side of Wilsonville Road from Town Center Loop East to Boeckman Creek.
 - i. Either side of Wilsonville Road between Boeckman Road and the southern boundary of the Wilsonville High School property.
 - j. Either side of Parkway Center Avenue.
 - k. The south side of Elligsen Road from the eastern city limits to a point directly across from the west side of the Tualatin Valley Fire District fire station.
 - l. The western side of Boones Ferry Road adjoining Boones Ferry Park.
 5. Campaign or candidate lawn signs shall meet the following standards and conditions:
 - a. Such signs shall not be placed in a City right-of-way which is adjacent to other public owned property, in order to avoid the appearance that a public entity is politically supporting a candidate(s) or measure(s). Other public

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owned property includes that of districts, county, regional, state and federal governmental entities.

- b. Such signs shall not be placed within a City right-of-way in a manner which obstructs sight lines of the motoring public, obscures traffic or other government signs, or creates a nuisance to the use or occupancy of private property.
- c. Such signs shall be designed and constructed to prevent being moved by the wind and may be placed one every fifty (50) feet within a right-of-way location. Such signs shall have no more than two (2) sides, shall be no higher than thirty (30) inches measured from the surface of the right-of-way to the top of the sign inclusive of pole, and each sign face area shall measure no more than six (6) square feet. Such signs shall not be illuminated or exhibit movement.
- d. Such signs are considered temporary. They may be erected during the period sixty (60) days prior to a general, primary or special election and shall be removed within three (3) days after the election. Each sign shall be placed at least ten (10) feet away from any other placed candidate or campaign sign.

(.11) Signs Within ODOT Right-Of-Way. Consistent with the Laws and Administrative Rules of the State of Oregon, all signs of any kind are prohibited within right-of-way of the Oregon Department of Transportation (ODOT), except those signs that are specifically determined by ODOT to be necessary for the public's health, safety, or welfare. The City may assist the State in the removal of signs that are illegally placed within ODOT right-of-way, as provided above for signs in City right-of-way. City assistance is justified in view of the substantial public investment that has recently been made to improve and beautify both freeway interchange areas north of the Willamette River.

(.12) Enforcement.

- A. Any person who places a sign that requires a permit under this section, and who fails to obtain a permit before installing the sign, shall be subject to penalties and fines as established in Wilsonville Code 4.025.
- B. Removal of signs. Any sign placed on public property in violation of the provisions of this Code shall be immediately removed by the City. As soon thereafter as reasonable, the City shall notify the owner or the owner's representative that the sign has been removed, and that if the sign is not claimed within ten (10) days, the sign will be deemed abandoned and subject to disposal by the City. The City shall have no responsibility to contact the owner of the sign if the owner's name, address, and telephone number are not clearly indicated on the sign and shall dispose of the sign ten days after its removal by the City. The City Council may establish fees to be collected at the time of releasing impounded signs in order to cover the City's costs in collecting, storing, and returning these signs and administering the sign removal program.
- C. Civil enforcement. Any sign which is intentionally placed in violation of the provisions of this code after the owner of the sign has been notified of the initial

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sign removal and reason for its removal, shall subject the owner to a civil violation not to exceed \$100.00 as and for a civil fine for each day that a violation continues to exist.

- D. Additional enforcement. The remedies described herein are not exclusive and may be used in addition to those prescribed elsewhere in the Wilsonville Code, including Sections 1.012 and 1.013, Violations, and 6.200 through 6.620, Nuisances. The City Attorney may use any enforcement process available at law or equity, including but not limited to, seeking injunctive relief, equitable relief, damages, or fines for violations.

[Minor Edits to Section 4.156 by Ordinance No. 538, 2/21/02.]

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

Table 6: Sign Size Standards by Zone (Permanent Signs)

- * See special sign standards for the Town Center area in Section 4.156(9).
- Monument signs are counted at 50% of their actual square footage, for purposes of this Table.
 - Most restrictive standard applies. Signage not to exceed the most restrictive of applicable standards.
 - River frontage shall be counted the same as street frontage.
 - 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.
 - Total sign area per lot may be increased by up to 50% per street frontage for corner and double frontage lots.
 - 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.
 - Residential densities are based on Wilsonville Comprehensive Plan.
 - Non-residential uses that are permitted in residential zones shall have sign standards determined through site development permit process.

Section 4.156. Sign Regulations.

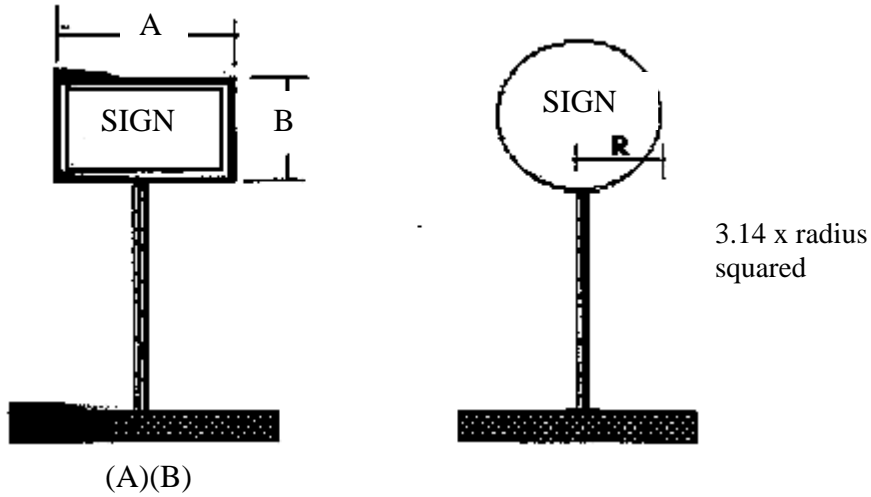


Figure 15: Sign Face Measurement

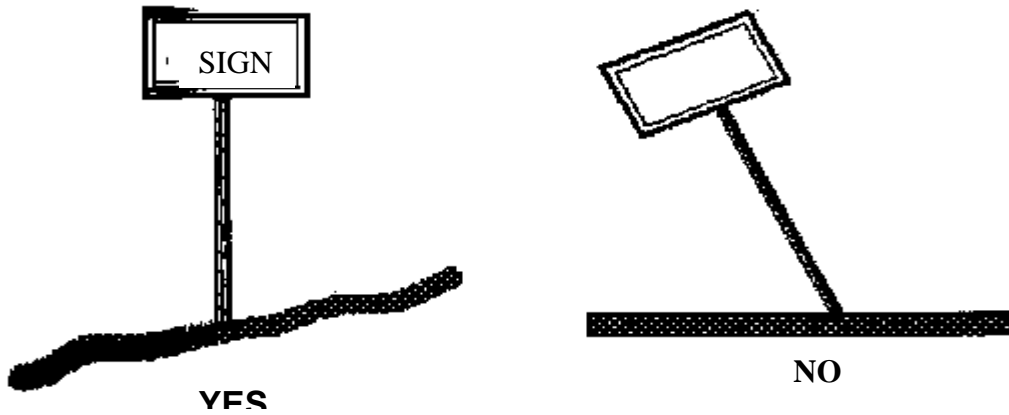
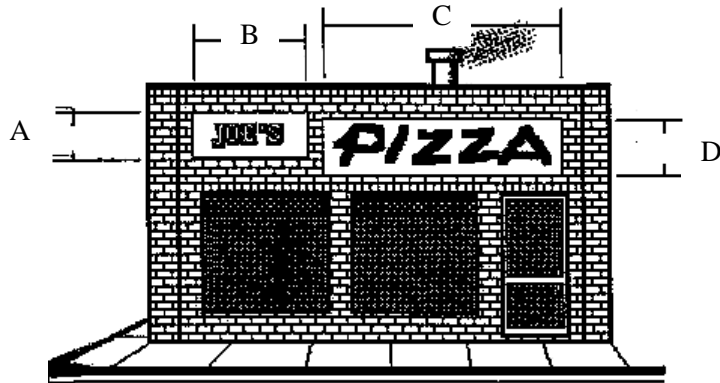


FIGURE 16: Sign Position

Toy Shop

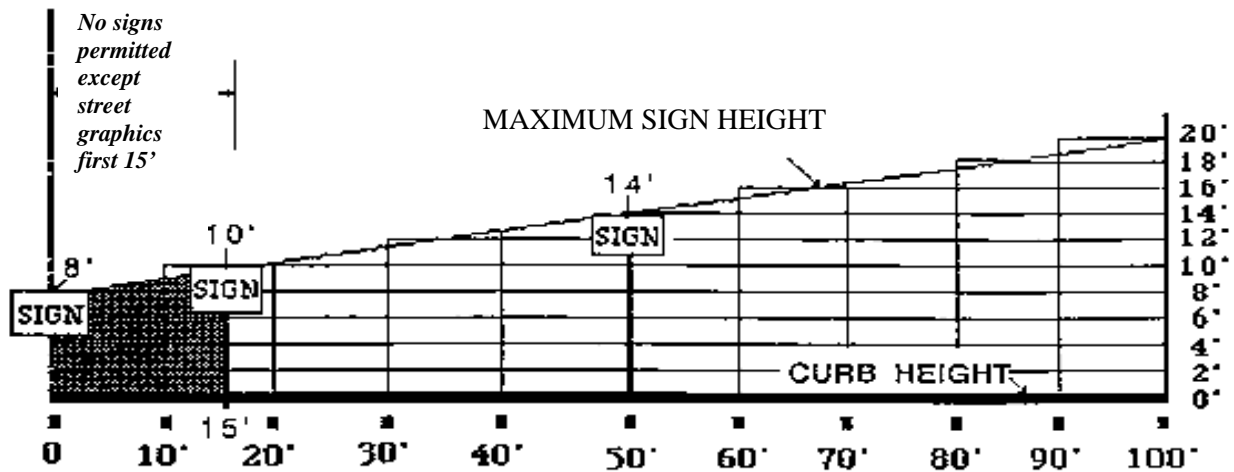
Sign Area is determined by calculating the perimeter drawn around all the sign elements



$$\text{TOTAL AREA} = (A)(B) + (C)(D)$$

FIGURE 17: INDIVIDUAL ELEMENT SIGN

PROPERTY LINE



The maximum height of a sign is measured from a point 8 feet above the curb at the property line, to a point 20 feet in height.

Figure 18: Maximum Sign Height – Town Center

Section

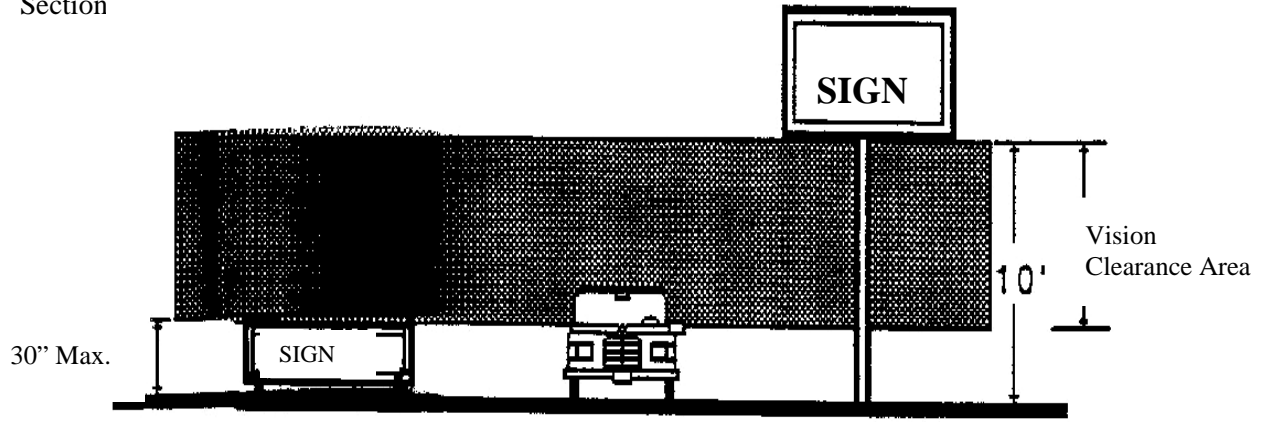
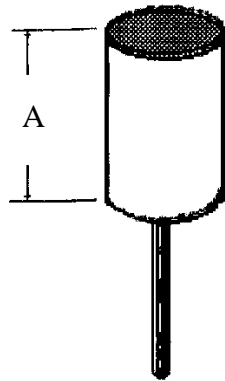
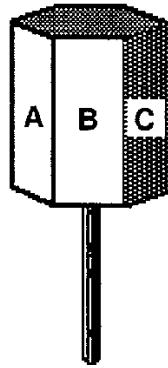


Figure 19: Vertical Vision Clearance Area



Sign Face Area = A



Total Area = (A) + (B) + (C)

FIGURE 20: Sign Face Area

Section 4.162. General Regulations - Livestock and Farm Animals.

- (.01) Under no circumstances shall any livestock animals, farm animals, poultry or fowl be kept for commercial purposes in a Residential or Planned Development Zone, except where such animal keeping is a legal non-conforming use. The animals listed below shall not be kept on lots having an area of less than one (1) acre. The total number of such animals (other than their young under the age of six (6) months) allowed on a lot shall be limited to the square footage of the lot divided by the total minimum areas required for each animal as listed below.
- A. One (1) horse or cow: Twenty thousand (20,000) square feet.
 - B. One (1) goat, llama or sheep: Ten thousand (10,000) square feet.
 - C. One (1) swine: Two thousand (2,000) square feet. (Maximum two swine per individual lot or contiguous lots under individual ownership).
 - D. One (1) ostrich: Four thousand (4,000) square feet.
 - E. One (1) emu: Two thousand (2,000) square feet.
- (.02) Animal runs or barns, chicken or fowl pens shall be located no closer than one hundred (100) feet from any residence other than the residence of the owner. Swine pens shall be located a minimum of two hundred (200) feet from any residence other than that of the resident owner.
- (.03) Animals, chickens and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.
- (.04) Upon a receipt of a formal complaint by adjacent property owners alleging improper or unsanitary maintenance of animal runs, pens or barn, the Development Review Board shall hold a public hearing and adopt findings as to the validity of said complaint. Based on the adopted findings, the Board may impose conditions or restrictions as determined necessary to insure proper maintenance and sanitation, including prohibition of raising livestock and farm animals on the subject site.
- (.05) “Pot-bellied” pigs may be considered to be either livestock or household pets, depending upon the accommodations provided for them. If such pigs are kept primarily within a dwelling unit, they shall be considered to be household pets, subject to the same rules as the keeping of dogs. If they are kept primarily outside of a dwelling unit, they shall be considered to be livestock, and subject to the provisions listed above.

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

Section 4.164. General Regulations - Uses Not Listed.

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 period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. Such permits may be renewable upon re-application 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) 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."

Section 4.164. General Regulations - Uses Not Listed.

- (.01) The Planning Director may determine that a proposed use is sufficiently similar to other uses permitted in the zone to allow that use without special review. Such determinations may be made through the Class II Administrative Review procedure listed in Section 4.035, or may be at the initiation of the Director. In either case, written notification of the decision, including opportunity for appeal, shall be provided to the public as well as to the members of the Development Review Board and Planning Commission.

Section 4.166. General Regulations - Unsafe Buildings.

- (.01) Nothing in this Code shall prevent the strengthening or restoring to a safe condition of any building or structure declared unsafe by Building Official or City Engineer.

Section 4.167. General Regulations - Access, Ingress and Egress.

- (.01) Each access onto streets shall be at defined points as approved by the City and shall be consistent with the public's health, safety and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit.

Section 4.169. General Regulations – Double-Frontage Lots.

- (.01) Buildings on double frontage lots (i.e., through lots) and corner lots must meet the front yard setback for principal buildings on both streets.
- (.02) Given that double-frontage lots tend to have one end that is regarded as a rear yard by the owner, the Development Review Board may establish special maintenance conditions to apply to such areas. Such conditions may include the requirement that the subject homeowners association, if any, be responsible for the on-going maintenance of the street frontage areas of double-frontage lots.

Section 4.171. General Regulations - Protection of Natural Features and Other Resources.

- (.01) Purpose. It is the purpose of this Section to prescribe standards and procedures for the use and development of land to assure the protection of valued natural features and cultural resources. The requirements of this Section are intended to be used in conjunction with those of the Comprehensive Plan and other zoning standards. It is further the purpose of this Section:
- A. To protect the natural environmental and scenic features of the City of Wilsonville.
 - B. To encourage site planning and development practices which protect and enhance natural features such as riparian corridors, streams, wetlands, swales, ridges, rock outcroppings, views, large trees and wooded areas.
 - C. To provide ample open space and to create a constructed environment capable and harmonious with the natural environment.
- (.02) General Terrain Preparation:
- A. All developments shall be planned, designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant landforms.
 - B. All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code
 - C. In addition to any permits required under the Uniform Building Code, all developments shall be planned, designed, constructed and maintained so as to:
 - 1. Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
 - 2. Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination, or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
 - 3. Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.
- (.03) Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:
- A. An engineering geologic study approved by the City, establishes that the site is stable for the proposed development, and any conditions and recommendations based on the study are incorporated into the plans and construction of the development. The study shall include items specified under subsection 4.171(.07)(A.)(2.)(a-j):
 - B. Slope stabilization and re-vegetation plans shall be included as part of the applicant's landscape plans.
 - C. Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features.

Section 4.171. General Regulations - Protection of Natural Features and Other Resources.

- D. Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided where feasible.
- E. Roads shall be of minimum width, with grades consistent with the City's Public Works Standards.
- F. Maintenance, including re-vegetation, of all grading areas is the responsibility of the developer, and shall occur through October 1 of the second growing season following receipt of Certificates of Occupancy unless a longer period is approved by the Development Review Board.
- G. The applicant shall obtain an erosion and sediment control permit from the City's Building and Environmental Services Division's.

(.04) Trees and Wooded Areas.

- A. All developments shall be planned, designed, constructed and maintained so that:
 - 1. Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.
 - 2. Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible.
 - 3. Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- B. Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:
 - 1. Avoiding disturbance of the roots by grading and/or compacting activity.
 - 2. Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.
 - 3. Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.
 - 4. Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees.

(.05) High Voltage Powerline Easements and Rights of Way and Petroleum Pipeline Easements:

- A. Due to the restrictions placed on these lands, no residential structures shall be allowed within high voltage powerline easements and rights of way and petroleum pipeline easements, and any development, particularly residential, adjacent to high voltage powerline easements and rights of way and petroleum pipeline easements shall be carefully reviewed.
- B. Any proposed non-residential development within high voltage powerline easements and rights of way and petroleum pipeline easements shall be coordinated with and approved by the Bonneville Power Administration, Portland

General Electric Company or other appropriate utility, depending on the easement or right of way ownership.

(.06) Hazards to Safety: Purpose:

- A. To protect lives and property from natural or human-induced geologic or hydrologic hazards and disasters.
- B. To protect lives and property from damage due to soil hazards.
- C. To protect lives and property from forest and brush fires.
- D. To avoid financial loss resulting from development in hazard areas.

(.07) Standards for Earth Movement Hazard Areas:

- A. No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions:
 - 1. Stabilization of the identified hazardous condition based on established and proven engineering techniques which ensure protection of public and private property. Appropriate conditions of approval may be attached by the City.
 - 2. An engineering geologic study approved by the City establishing that the site is stable for the proposed use and development. The study shall include the following:
 - a. Index map.
 - b. Project description, to include: location; topography, drainage, vegetation; discussion of previous work; and discussion of field exploration methods.
 - c. Site geology, to include: site geologic map; description of bedrock and superficial materials including artificial fill; location of any faults, folds, etc.; and structural data including bedding, jointing, and shear zones.
 - d. Discussion and analysis of any slope stability problems.
 - e. Discussion of any off-site geologic conditions that may pose a potential hazard to the site or that may be affected by on-site development.
 - f. Suitability of site for proposed development from geologic standpoint.
 - g. Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
 - h. Supportive data, to include: cross sections showing subsurface structure; graphic logs of subsurface explorations; results of laboratory tests; and references.
 - i. Signature and certification number of engineering geologist registered in the State of Oregon.
 - j. Additional information or analyses as necessary to evaluate the site.
- B. Vegetative cover shall be maintained or established for stability and erosion control purposes.
- C. Diversion of storm water into these areas shall be prohibited.
- D. The principal source of information for determining earth movement hazards is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99

and any subsequent bulletins and accompanying maps. Approved site specific engineering geologic studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the earth movement hazards database.

(.08) Standards for Soil Hazard Areas:

- A. Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.
- B. The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

(.09) Historic Protection: Purpose:

- A. To preserve structures, sites, objects, and areas within the City of Wilsonville having historic, cultural, or archaeological significance.
- B. Standards:
 - 1. All developments shall be planned, designed, constructed, and maintained to assure protection of any designated historic or cultural resource on or near the site. Restrictions on development may include:
 - a. Clustering of buildings and incorporation of historic and/or cultural resources into site design in a manner compatible with the character of such resource.
 - b. Limitations on site preparation and grading to avoid disturbance of areas within any historic or archaeological sites, monuments or objects of antiquity.
 - c. Provision of adequate setbacks and buffers between the proposed development and the designated resources.
 - 2. The city may attach additional conditions with respect to the following design factors in protecting the unique character of historic/cultural resources:
 - a. Architectural compatibility;
 - b. Proposed intensity of development;
 - c. Relationship to designated open space;
 - d. Vehicular and pedestrian access; and
 - e. Proposed building or structural mass in relation to the designated resource.
- C. Review Process:
 - 1. The Development Review Board shall be the review body for:
 - a. All development which proposes to alter a designated historic, or cultural resource or resource site; and

- b. All development which proposes to use property adjacent to a designated cultural resource; and
 - c. All applications requesting designation of a cultural or historic resource
 2. The application shall include the following:
 - a. A complete list of exterior materials, including color of these materials.
 - b. Drawings:
 - i. Side elevation for each side of any affected structure.
 - ii. Drawings shall show dimensions or be to scale.
 - iii. Photographs may be used as a substitute for small projects.
 - c. Plot plans shall be submitted for new structures, fences, additions exceeding fifty (50) square feet, or any building relocation.
 3. Any improvement proposed for property adjacent to a designated, cultural or historic resource site, shall be subject to the following provisions:
 - a. All uses and structures which are incompatible with the character of the cultural or historic resource are prohibited. The criteria used to determine incompatibility shall include the following:
 - i. The intensity and type of use when compared with the historic use patterns of the areas.
 - ii. The orientation, setback, alignment, spacing and placement of buildings.
 - iii. The scale, proportions, roof forms, and various architectural features of building design.
 - b. Setbacks may be required which are over and above those required in the base zone in order to protect the resource. Setbacks should be appropriate to the scale and function of the resource, but allow reasonable use of the adjacent property.
 - c. An appropriate buffer or screen may be required between the new or converting use on the adjacent property and the resource.
 4. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external reconstruction thereof, nor does this Code prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the Building Official certifies to the Development Review Board that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of acceptable building practices.
 5. The owner, occupant or other person in actual charge of a cultural resource, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvement, building or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay or any exterior architectural feature.

Section 4.172. Flood Plain Regulations.

(.10) Alteration and Development Criteria:

- A. Demolition or alteration of any structure, or any change in any site or object which has been designated as a cultural resource, is prohibited unless it is determined:
1. In the case of a designated cultural resource, the proposed work would not detrimentally alter, destroy or adversely affect any exterior architectural or other identified feature; or
 2. In the case of any property located within a historic district, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration conforms to any prescriptive standards as adopted by the City, and does not adversely affect the character of the district; or
 3. In the case of construction of a new improvement, building or structure upon a cultural resource site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on said site; or
 4. That no reasonable use can be made of the property without such approval.

(.11) Cultural Resource Designation Criteria: A cultural resource may be designated and placed on the Cultural Resources Inventory if it meets the following criteria:

- A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering or architectural history; or
- B. It is identified with persons or events significant in local, state, or national history; or
- C. It embodies distinctive characteristics of a style, type, period, or method of construction, or it is a valuable example of the use of indigenous materials or craftsmanship; or
- D. It is representative of the notable work of a builder, designer, or architect.

Section 4.172. Flood Plain Regulations.

(.01) Purpose:

- A. To minimize public and private losses due to flood conditions in flood-prone areas.
- B. To regulate uses and alteration of land which would otherwise cause erosion, decreased storm water storage capability, increased flood heights or velocities.
- C. To require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction, alteration or remodeling.
- D. To restrict filling, grading, dredging, and other development which would increase flood damage.

Section 4.172. Flood Plain Regulations.

- E. To prevent construction of flood barriers which would unnaturally divert flood waters or increase flood hazards in other areas.
- F. To properly regulate the 100-year flood plain identified by the Federal Insurance Administration (FIA) in the "Flood Insurance Study for Clackamas County and Incorporated Areas dated effective June 17, 2008", and displayed on FIA Floodway and Flood Insurance Rate Maps dated effective June 17, 2008, which are on file with the City's Community Development Department.
- G. To implement the policies of the Comprehensive Plan and to provide standards consistent with - Wilsonville's adopted Storm Drainage Master Plan.
- H. To insure the City and its residents and businesses, continued eligibility in the National Flood Insurance Program by complying with the requirements of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973.

(.02) General Provisions Affecting Flood Plains:

- A. This section shall apply to all flood plain areas in the City of Wilsonville identified by the Flood Insurance Rate Map. No Building Permits or Construction Permits for development within the flood plain shall be issued except in compliance with the provisions of the Section.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study – Clackamas County, Oregon and Incorporated Areas, effective June 17, 2008," with accompanying Flood Insurance Rate Maps (effective date June 17, 2008) is hereby adopted by reference and declared part of this ordinance. The Flood Insurance Study is on file at the City of Wilsonville Community Development Department.
- C. The City of Wilsonville Community Development Director shall review all Building and Grading Permit applications for new construction or substantial improvement to determine whether proposed building or grading sites will be located in a flood plain. If a proposed building or grading site is located within a flood plain, any proposed new construction, grading, or substantial improvement (including prefabricated and manufactured housing) must:
 - 1. Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure.
 - 2. Use construction materials and utility equipment that are resistant to flood damage,
 - 3. Use construction methods and practices that will minimize flood damage, and
 - 4. Limit the addition of any fill material such that the total volume of fill within the flood plain does not exceed the volume of material removed from the flood plain in the same area.
- D. That the City of Wilsonville Planning Director shall review subdivision proposals and other proposed new developments within the flood plain to assure that:

Section 4.172. Flood Plain Regulations.

1. all such proposals are consistent with the need to minimize flood damage,
 2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage,
 3. adequate drainage is provided so as to reduce exposure to flood hazards, and
 4. No new lots or parcels shall be created for the purpose of increasing the development of buildings for human occupancy within the flood plain.
- E. That the City of Wilsonville Community Development Director shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(.03) Development Permit Required:

- A. A Development Permit shall be obtained before construction or development, including grading, begins within any area of special flood hazard. The Permit shall be for all structures including manufactured homes and for all development including fill and other activities.
- B. Outright Permitted Uses in the 100-year Flood Plain:
1. Agricultural use that is conducted without a structure other than a boundary fence.
 2. Recreational uses which would require only minor structures such as picnic tables and barbecues.
 3. Residential uses that do not contain buildings.
 4. Underground utility facilities.
 5. Repair, reconstruction or improvement of an existing structure, the cost of which is less than 50 percent of the market value of the structure, as determined by the City's Building Official, prior to the improvement or the damage requiring reconstruction, provided no development occurs in the floodway.

(.04) Uses within the 100-year Flood Plain requiring a Flood Plain Permit:

- A. Any development except as specified in subsection (.03), above, that is otherwise permitted within the Zoning District provided such development is consistent with the Flood Plain Standards.
- B. All subdivisions and land partitions.
- C. Installation of dikes to provide buildable or usable property, provided that said dikes do not conflict with the policies of the Comprehensive Plan and this Section.

(.05) Prohibited Uses in the 100-year Flood Plain:

- A. Any use or building which stores or otherwise maintains hazardous materials, chemicals, explosives or any other similar materials.
- B. Storage of any materials that are not properly anchored, enclosed or protected to prevent movement or flotation beyond the property lines.
- C. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(.06) Flood Plain Permit Review Process:

- A. The Community Development Director the local flood plain administrator and is hereby appointed to administer and implement this Section by granting or denying Development Permit applications in accordance with its provisions.
- B. Duties and Responsibilities of the Community Development Director:
 1. Duties of the Community Development Director shall include, but not be limited to:
 - a. Review all Development Permits to determine that the permit requirements of this ordinance have been satisfied.
 - b. Review all Development Permits to determine that all necessary permits have been obtained from those Federal, State or local government agencies from which prior approval is required. Notify the State Department of Land Conservation and Development and FEMA of final permit decision.
 - c. Review all Development Permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment limitations of subsection (.07)(H) are met.
- C. The Permit process for developments not regulated by Section 4.140 shall be as follows:
 1. Pre-application conference with the Planning Department in accordance with the procedures set forth in Section 4.008.
 2. A complete application in accordance with this Section shall be submitted to the Community Development Director.

Section 4.172. Flood Plain Regulations.

3. Within 30 days of complete application, the Community Development Director shall approve or deny the application based on the following Findings:
 - a. Reports from the City Engineer and Planning Director as to the applicant's submittal documents' compliance with this Section, including recommendations.
 - b. The proposed development's compliance with other provisions of the Comprehensive Plan and Zoning Regulations.
- D. The decision of the Community Development Director may be appealed to the Development Review Board, upon written notice to the City Recorder within ten (10) calendar days of the date of final decision. Upon appeal, the Board shall hear the matter in accordance with Section 4.022
- E. Any flood plain development proposed for property regulated under Section 4.140 shall be considered by the Development Review Board and the Community Development Director as part of the Planned Development Permit process.
- F. Submittal requirements.
 1. A field survey in relation to mean sea level by a licensed surveyor or civil engineer of the actual location of the 100-year flood plain, fringe, floodway and the lowest habitable finished floor elevations, including basements, of all existing structures.
 2. A Site Plan map showing all existing and proposed contours and development and supplemented by a soils and hydrologic report sufficient to determine the net effect of the proposed development on the flood plain elevations on the subject site and adjacent properties. Proposed areas of cut or fill shall be clearly indicated.
 3. A soils stabilization plan for all cuts, fills and graded areas.
- G. Use and Interpretation of Base Flood Data and maps.
 1. When specific 100-year flood plain elevation data has not been provided in as required in this Section, the Community Development Director shall obtain, review and reasonably utilize any base flood elevation data available from Federal, State or other sources, in order to determine compliance with this Section.
 2. The Community Development Director shall make the final interpretation of the exact 100-year flood plain boundaries on the FIRM and the Floodway Map. Appeals shall be granted consistent with the Standards of the rules and regulations of the National Flood Insurance Program and pursuant to WC 4.172(.08) Appeal Board.
- H. Monumentation and Recordation:
 1. Prior to issuance of a Flood Plain Permit, the Community Development Director shall cause the placement of an elevation marker, set at two (2) feet above the 100-year flood elevation, on the subject property. The marker shall be properly identified and permanently monumented in concrete.

Section 4.172. Flood Plain Regulations.

2. A Site Plan or map showing the location and elevation of the monument shall be submitted to and maintained on file by the Community Development Director.
3. Prior to issuance of an Occupancy Permit, for any structure within the 100-year flood plain, the Community Development Director shall insure by signature of a licensed surveyor or civil engineer (elevation certificate) that the finished floor elevation of commercial, industrial and public buildings are one and one-half (1-1/2) feet above the 100-year flood elevation and that residential uses are two (2) feet above the 100-year flood elevation. The finished floor elevation shall be in relation to mean sea level, of the lowest floor (including basement) of all structures.

(.07) General Standards:

A. Anchoring:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top of frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
3. All recreational vehicles must either be elevated and anchored or be on the site for less than 180 consecutive days and be fully licensed and highway ready. A recreational vehicle is ready for highway use if its wheels are in place and it is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Construction materials and methods:

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Below-grade crawl spaces:
 - a. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:
 - i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of

buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

- ii. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
- iii. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- iv. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- v. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- vi. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- vii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- viii. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

C. Utilities:

1. All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Alteration of Watercourses:

1. Provide description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
2. Notify adjacent communities and the Federal Emergency Management Agency, Army Corps of Engineers, **Department of Land Conservation and Development** and **Department** of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
3. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
(Amended by Ord. #316, 7/6/87).

E. Residential Construction:

1. New construction and substantial improvement of any residential structure shall have the lowest finished floor, including basement, elevated two feet above the 100-year flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
3. Manufactured homes or mobile homes placed on sites within new or existing manufactured/mobile home parks shall be anchored to a permanent foundation and either:
 - a. Have the lowest floor above the base flood elevation, or

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4. Manufactured/mobile homes outside of manufactured/mobile home parks shall meet all requirements for residential structures at the same locations.
5. All manufactured homes to be placed or substantially improved within Flood Hazard Zones AI-30, AH or AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of sub-section 4.172(.07)(A).

F. Nonresidential Construction:

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest finished floor, including basement, elevated one and one-half (1-1/2) feet above the 100-year flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Floodproofing certifications are required to be provided to the Community Development Director.
 - d. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as prescribed for residential construction, above.
 - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

H. Floodways:

1. Located within the flood plain - are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - a. Encroachments, including fill in any new development or substantial improvements, shall be prohibited unless certification by a registered professional engineer is provided, demonstrating that encroachments shall not result in any increase flood levels during the occurrence of the 100-year flood discharge.
 - b. All development shall comply with all applicable flood plain standards of Section 4.172.
 - c. All buildings designed for human habitation and/or occupancy shall be prohibited within the floodway.

I. Parking Lots and Storage Areas:

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1. All parking lots and storage areas below the flood plain elevation shall be paved.
2. A minimum of twenty-five (25) percent of the required parking space must be provided above the 100-year flood plain elevation for all nonresidential uses.
3. Residential uses shall provide at least one parking space per unit above the 100-year flood plain elevation.

J. Subdivision Proposals:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, and
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

K. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for Building Permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(.08) Appeal Board.

- A. The Development Review Board as established by the City of Wilsonville shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The Development Review Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Community Development Director in the enforcement or administration of this ordinance.
- C. Those aggrieved by the decision of the Development Review Board may appeal such decision to the City Council.
- D. In acting upon such applications, the Development Review Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and
 1. the danger that materials may be swept onto other lands to the injury of others;
 2. the danger to life an property due to flooding or erosion damage;

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3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. the importance of the services provided by the proposed facility to the community;
 5. the necessity to the facility of a waterfront location, where applicable;
 6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. the compatibility of the proposed use with existing and anticipated development;
 8. the relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area;
 9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas electrical and water systems, and streets and bridges.
- E. Upon consideration of the factors of Sections 4.035, 4.184, and 4.196 and the purposes of this ordinance, the Development Review Board may attach such conditions to the granting of - permits as it deems necessary to further the purposes of this ordinance and to protect lives or property.
- F. The Community Development Director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- (.09) Conflicts. If any provisions of Section 4.172 conflict with any other Sections of this Code, the most restrictive shall apply.

[Section 4.172 amended by Ord. 647, 4/21/08]

Section 4.175. Public Safety and Crime Prevention.

- (.01) All developments shall be designed to deter crime and insure public safety.
- (.02) Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public.
- (.03) Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties.
- (.04) Exterior lighting shall be designed and oriented to discourage crime.

Section 4.176. 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 habitat reasons;
 - B. Restore native plant communities and conserve irrigation water through establishment, or re-establishment, of native, drought-tolerant plants;
 - C. Mitigate for loss of native vegetation;
 - 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.
 - J. Support crime prevention, create proper sight distance clearance, and establish other safety factors by effective landscaping and screening.

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- K. Provide landscaping materials that minimize the need for excessive use of fertilizers, herbicides and pesticides, irrigation, pruning, and mowing to conserve and protect natural resources, wildlife habitats, and watersheds.

(.02) Landscaping and Screening Standards.

- A. Subsections “C” through “I,” below, state the different landscaping and screening standards to be applied throughout the City. The locations where the landscaping and screening are required and the depth of the landscaping and screening is stated in various places in the Code.
- B. All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length (e.g., a landscaped area of between 800 and 1600 square feet shall have two trees if the standard calls for one tree per 800 square feet).

C. General Landscaping Standard.

- 1. Intent. The General Landscaping Standard is a landscape treatment for areas that are generally open. It is intended to be applied in situations where distance is used as the principal means of separating uses or developments and landscaping is required to enhance the intervening space. Landscaping may include a mixture of ground cover, evergreen and deciduous shrubs, and coniferous and deciduous trees.
- 2. Required materials. Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs:
 - a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.
 - b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.

D. Low Screen Landscaping Standard.

- 1. Intent. The Low Screen Landscaping Standard is a landscape treatment that uses a combination of distance and low screening to separate uses or developments. It is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The Low Screen Landscaping Standard is usually applied along street lot lines or in the area separating parking lots from street rights-of-way.
- 2. Required materials. The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95%

opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three (3) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 22: Low Screen Landscaping).

E. High Screen Landscaping Standard.

1. Intent. The High Screen Landscaping Standard is a landscape treatment that relies primarily on screening to separate uses or developments. It is intended to be applied in situations where visual separation is required.
2. Required materials. The High Screen Landscaping Standard requires sufficient high shrubs to form a continuous screen at least six (6) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 23: High Screen Landscaping).

F. High Wall Standard.

1. Intent. The High Wall Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts, or where there is little space for physical separation.
2. Required materials. The High Wall Standard requires a masonry wall at least six (6) feet high along the interior side of the landscaped area (see Figure 24: High Wall Landscaping). In addition, one tree is required for every 30 linear feet of wall, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.

G. High Berm Standard.

1. Intent. The High Berm Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another, and where it is desirable and practical to provide separation by both distance and sight-obscuring materials. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts.

2. Required materials. The High Berm Standard requires a berm at least four (4) feet high along the interior side of the landscaped area (see Figure 25: High Berm Landscaping). If the berm is less than six (6) feet high, low shrubs meeting the Low Screen Landscaping Standard, above, are to be planted along the top of the berm, assuring that the screen is at least six (6) feet in height. In addition, one tree is required for every 30 linear feet of berm, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.

H. Partially Sight-Obscuring Fence Standard.

1. Intent. The Partially Sight-Obscuring Fence Standard is intended to provide a tall, but not totally blocked, visual separation. The standard is applied where a low level of screening is adequate to soften the impact of one use or development on another, and where some visibility between abutting areas is preferred over a total visual screen. It can be applied in conjunction with landscape plantings or applied in areas where landscape plantings are not necessary and where nonresidential uses are involved.
2. Required materials. Partially Sight-Obscuring Fence Standard are to be at least six (6) feet high and at least 50% sight-obscuring. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 26: Partially Sight-Obscuring Fence).

I. Fully Sight-Obscuring Fence Standard.

1. Intent. The Fully Sight-Obscuring Fence Standard is intended to provide a totally blocked visual separation. The standard is applied where full visual screening is needed to reduce the impact of one use or development on another. It can be applied in conjunction with landscape plantings or applied in areas where landscape plantings are not necessary.
2. Required materials. Fully sight-obscuring fences are to be at least six (6) feet high and 100% sight-obscuring. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 27: Totally Sight-Obscuring Fence).

- (.03) Landscape Area. Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.
- (.04) Buffering and Screening. Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

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- A. All intensive or higher density developments shall be screened and buffered from less intense or lower density developments.
 - B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas.
 - C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.
 - D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.
 - E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.
 - F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.
- (.05) Sight-Obscuring Fence or Planting. The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City. A temporary occupancy permit may be issued upon a posting of a bond or other security equal to one hundred ten percent (110%) of the cost of such fence or planting and its installation. (See Sections 4.400 to 4.470 for additional requirements.)
- (.06) Plant Materials.
- A. Shrubs and Ground Cover. All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three (3) years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. Surface mulch or bark dust are to be fully raked into soil of appropriate depth, sufficient to control erosion, and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or barkdust are not to be used as substitutes for plant areas.
 - 1. Shrubs. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.
 - 2. Ground cover. Shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.
 - 3. Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent (10%) of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of

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water, a larger percentage of turf or lawn area is appropriate. Use of lawn fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas.

4. Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.
- B. Trees. All trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows:
1. Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of 2" caliper.
 2. Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honeylocust, shall be a minimum of 1-3/4" to 2" caliper.
 3. Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering- Pear and Kousa Dogwood, shall be 1-3/4" minimum caliper.
 4. Large conifer trees such as Douglas-Fir or Deodar Cedar shall be installed at a minimum height of eight (8) feet.
 5. Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six (5 to 6) feet.
- C. Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Development Review Board may require larger or more mature plant materials:
1. At maturity, proposed trees shall be at least one-half the height of the building to which they are closest, and building walls longer than 50 feet shall require tree groups located no more than fifty (50) feet on center, to break up the length and height of the façade.
 2. Either fully branched deciduous or evergreen trees may be specified depending upon the desired results. Where solar access is to be preserved, only solar-friendly deciduous trees are to be used. Where year-round sight obscuring is the highest priority, evergreen trees are to be used.
 3. The following standards are to be applied:
 - a. Deciduous trees:
 - i. Minimum height of ten (10) feet; and
 - ii. Minimum trunk diameter (caliper) of 2 inches (measured at four and one-half [4 1/2] feet above grade).
 - b. Evergreen trees: Minimum height of twelve (12) feet.
- D. Street Trees. In order to provide a diversity of species, the Development Review Board may require a mix of street trees throughout a development. Unless the Board waives the requirement for reasons supported by a finding in the record,

different types of street trees shall be required for adjoining blocks in a development.

1. All trees shall be standard base grafted, well branched and typical of their type as described in current AAN Standards and shall be balled and burlapped (b&b). Street trees shall be planted at sizes in accordance with the following standards:
 - a. Arterial streets - 3" minimum caliper
 - b. Collector streets - 2" minimum caliper.
 - c. Local streets - 1-3/4" minimum caliper.
 - d. Accent or median tree - 1-3/4" minimum caliper.
2. The following trees and varieties thereof are considered satisfactory street trees in most circumstances; however, other varieties and species are encouraged and will be considered:
 - a. Trees over 50 feet mature height: *Quercus garryana* (Native Oregon White Oak), *Quercus rubra borealis* (Red Oak), *Acer Macrophyllum* (Native Big Leaf Maple), *Acer nigrum* (Green Column Black Maple), *Fraxinus americanus* (White Ash), *Fraxinus pennsylvannica* 'Marshall' (Marshall Seedless Green Ash), *Quercus coccinea* (Scarlet Oak), *Quercus pulustris* (Pin-Oak), *Tilia americana* (American Linden).
 - b. Trees under 50 feet mature height: *Acer rubrum* (Red Sunset Maple), *Cornus nuttallii* (Native Pacific Dogwood), *Gleditsia triacanthos* (Honey Locust), *Pyrus calleryana* 'Bradford' (Bradford Pear), *Tilia cordata* (Little Leaf Linden), *Fraxinus oxycarpa* (Flame Ash).
 - c. Other street tree species. Other species may be specified for use in certain situations. For instance, evergreen species may be specified where year-round color is desirable and no adverse effect on solar access is anticipated. Water-loving species may be specified in low locations where wet soil conditions are anticipated.

[Section 4.176(.06)(D.) amended by Ordinance No. 538, 2/21/02.]

E. Types of Plant Species.

1. Existing landscaping or native vegetation may be used to meet these standards, if protected and maintained during the construction phase of the development and if the plant species do not include any that have been listed by the City as prohibited. The existing native and non-native vegetation to be incorporated into the landscaping shall be identified.
2. Selection of plant materials. Landscape materials shall be selected and sited to produce hardy and drought-tolerant landscaping. Selection shall be based on soil characteristics, maintenance requirements, exposure to sun and wind, slope and contours of the site, and compatibility with other vegetation that will remain on the site. Suggested species lists for street trees, shrubs and groundcovers shall be provided by the City of Wilsonville.
3. Prohibited plant materials. The City may establish a list of plants that are prohibited in landscaped areas. Plants may be prohibited because they are

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potentially damaging to sidewalks, roads, underground utilities, drainage improvements, or foundations, or because they are known to be invasive to native vegetation.

[Section 4.176(.06)(E.) amended by Ordinance No. 538, 2/21/02.]

F. Tree Credit.

Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows (measured at four and one-half feet above grade and rounded to the nearest inch):

<u>Existing trunk diameter</u>	<u>Number of Tree Credits</u>
19 inches in diameter	3 tree credits
20 to 25 inches in diameter	4 tree credits
26 inches or greater	5 tree credits

1. It shall be the responsibility of the owner to use reasonable care to maintain preserved trees. Trees preserved under this section may only be removed if an application for removal permit under Section 4.610.10(01)(H) has been approved. Required mitigation for removal shall be replacement with the number of trees credited to the preserved and removed tree.
2. Within five years of occupancy and upon notice from the City, the property owner shall replace any preserved tree that cannot be maintained due to disease or damage, or hazard or nuisance as defined in Chapter 6 of this code. The notice shall be based on complete information provided by an arborist. Replacement with the number of trees credited shall occur within one (1) growing season of notice.

G. Exceeding Standards. Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.

[Section 4.176(.06)(G.) amended by Ordinance No. 538, 2/21/02.]

H. Compliance with Standards. The burden of proof is on the applicant to show that proposed landscaping materials will comply with the purposes and standards of this Section.

[Section 4.176(.06)(H.) amended by Ordinance No. 538, 2/21/02.]

(.07) Installation and Maintenance.

- A. Installation. Plant materials shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement.
- B. Maintenance. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by a City decision-making body

acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Failure to maintain landscaping as required in this Section shall constitute a violation of this Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.

- C. Irrigation. The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following:
1. A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.
 2. A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant.
 3. Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.
 4. A temporary permit issued for a period of one year, after which an inspection shall be conducted to assure that the plants have become established. Any plants that have died, or that appear to the Planning Director to not be thriving, shall be appropriately replaced within one growing season. An inspection fee and a maintenance bond or other security sufficient to cover all costs of replacing the plant materials shall be provided, to the satisfaction of the Community Development Director. Additionally, the applicant shall provide the City with a written license or easement to enter the property and cause any failing plant materials to be replaced.
- D. Protection. All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and the storage of materials.
- (.08) Landscaping on Corner Lots. All landscaping on corner lots shall meet the vision clearance standards of Section 4.177. If high screening would ordinarily be required by this Code, low screening shall be substituted within vision clearance areas. Taller screening may be required outside of the vision clearance area to mitigate for the reduced height within it.
- (.09) Landscape Plans. Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to

Section 4.176. Landscaping, Screening, and Buffering.

be indicated. Landscape plans shall divide all landscape areas into the following categories based on projected water consumption for irrigation:

- A. High water usage areas (+/- two (2) inches per week): small convoluted lawns, lawns under existing trees, annual and perennial flower beds, and temperamental shrubs;
- B. Moderate water usage areas (+/- one (1) inch per week): large lawn areas, average water-using shrubs, and trees;
- C. Low water usage areas (Less than one (1) inch per week, or gallons per hour): seeded fieldgrass, swales, native plantings, drought-tolerant shrubs, and ornamental grasses or drip irrigated areas.
- D. Interim or unique water usage areas: areas with temporary seeding, aquatic plants, erosion control areas, areas with temporary irrigation systems, and areas with special water-saving features or water harvesting irrigation capabilities.

These categories shall be noted in general on the plan and on the plant material list.

- (.10) Completion of Landscaping. The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review.
- (.11) Street Trees Not Typically Part of Site Landscaping. Street trees are not subject to the requirements of this Section and are not counted toward the required standards of this Section. Except, however, that the Development Review Board may, by granting a waiver or variance, allow for special landscaping within the right-of-way to compensate for a lack of appropriate on-site locations for landscaping. See subsection (.06), above, regarding street trees.
- (.12) Mitigation and Restoration Plantings. A mitigation plan is to be approved by the City's Development Review Board before the destruction, damage, or removal of any existing native plants. Plantings intended to mitigate the loss of native vegetation are subject to the following standards. Where these standards conflict with other requirements of this Code, the standards of this Section shall take precedence. The desired effect of this section is to preserve existing native vegetation.
 - A. Plant Sources. Plant materials are to be native and are subject to approval by the City. They are to be non-clonal in origin; seed source is to be as local as possible, and plants must be nursery propagated or taken from a pre-approved transplantation area. All of these requirements are to be addressed in any proposed mitigation plan.

Section 4.176. Landscaping, Screening, and Buffering.

- B. Plant Materials. The mitigation plan shall specify the types and installation sizes of plant materials to be used for restoration. Practices such as the use of pesticides, fungicides, and fertilizers shall not be employed in mitigation areas unless specifically authorized and approved.
- C. Installation. Install native plants in-suitable soil conditions. Plant materials are to be supported only when necessary because of extreme winds at the site. Where support is necessary, all stakes, guy wires or other measures are to be removed as soon as the plants can support themselves. Protect from animal and fowl predation and foraging until establishment.
- D. Irrigation. Permanent irrigation systems are generally not appropriate in restoration situations, and manual or temporary watering of new plantings is often necessary. The mitigation plan shall specify the method and frequency of manual watering, including any that may be necessary after the first growing season.
- E. Monitoring and Reporting. Monitoring of native landscape areas is the on-going responsibility of the property owner. Plants that die are to be replaced in kind and quantity within one year. Written proof of the survival of all plants shall be required to be submitted to the City's Planning Department one year after the planting is completed.

[Section 4.176 amended by Ordinance No. 536, 1/7/02]



Figure 21: General Landscaping

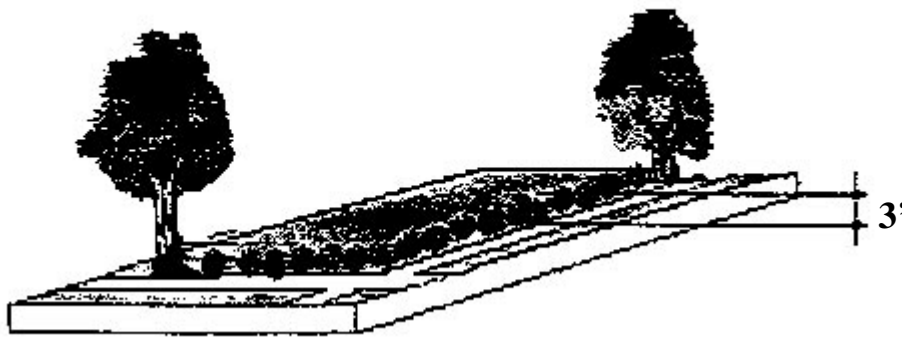


Figure 22: Low Screen Landscaping

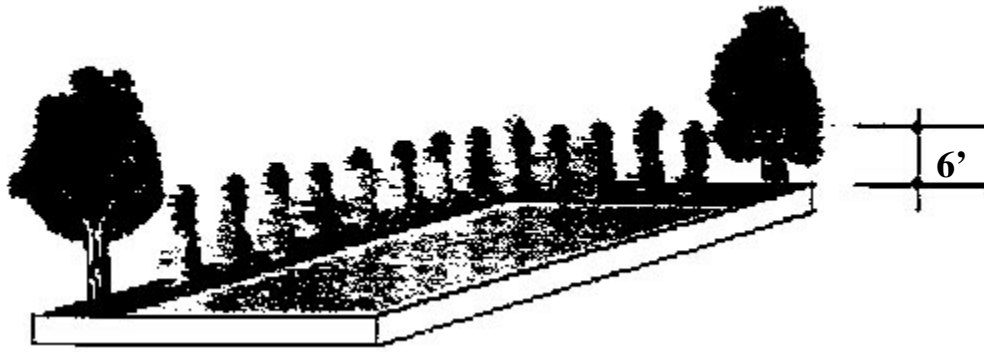


Figure 23: High Screen Landscaping

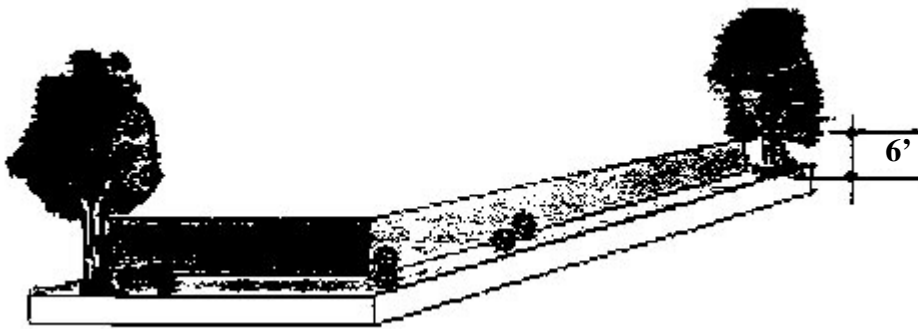


Figure 24: High Wall Landscaping

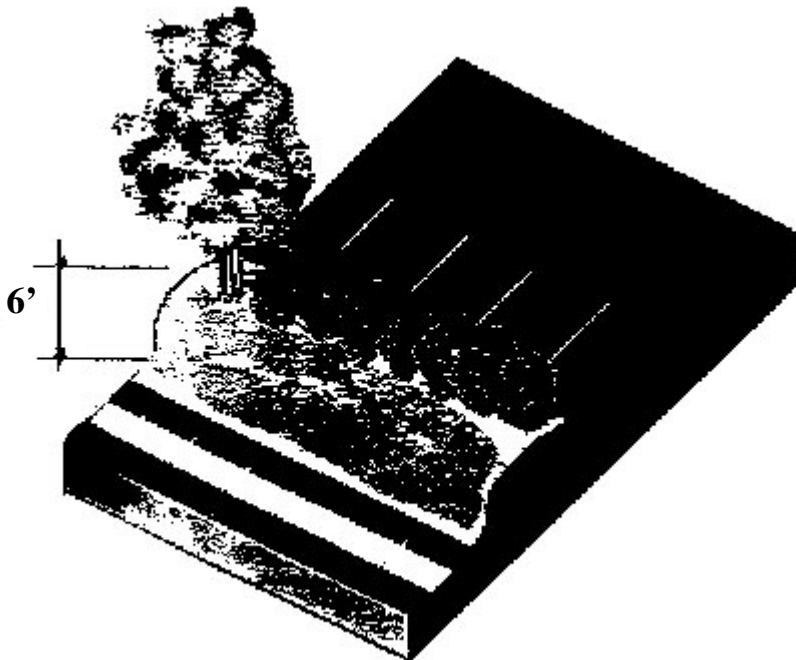


Figure 25: High Berm Landscaping

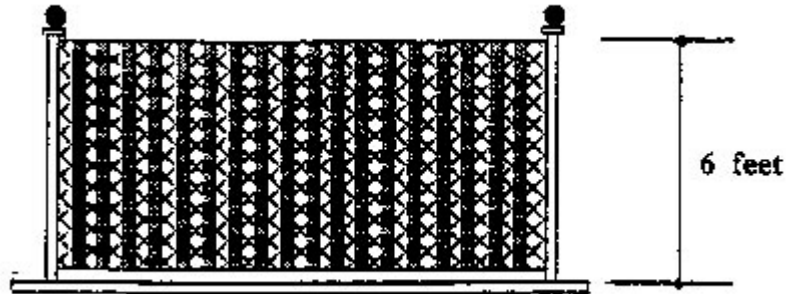


Figure 26: Partially Sight-Obscuring Fence

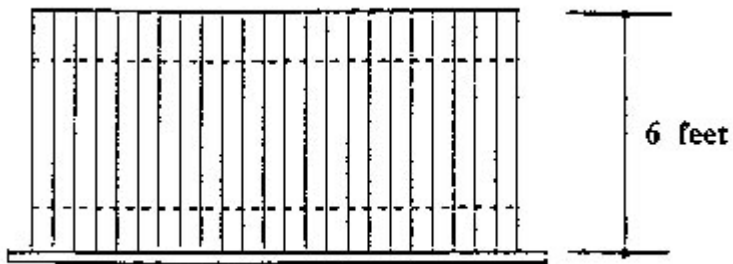
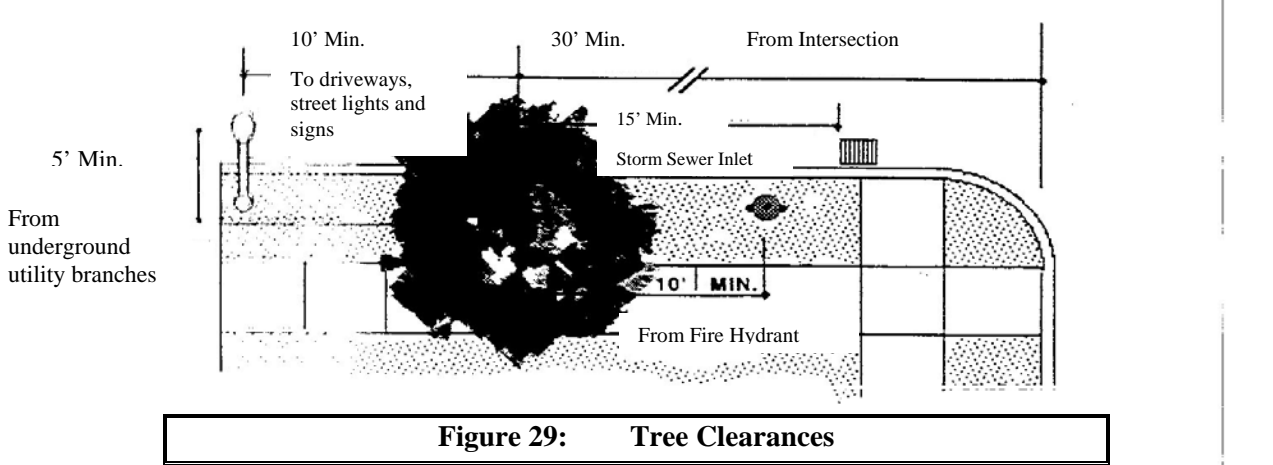
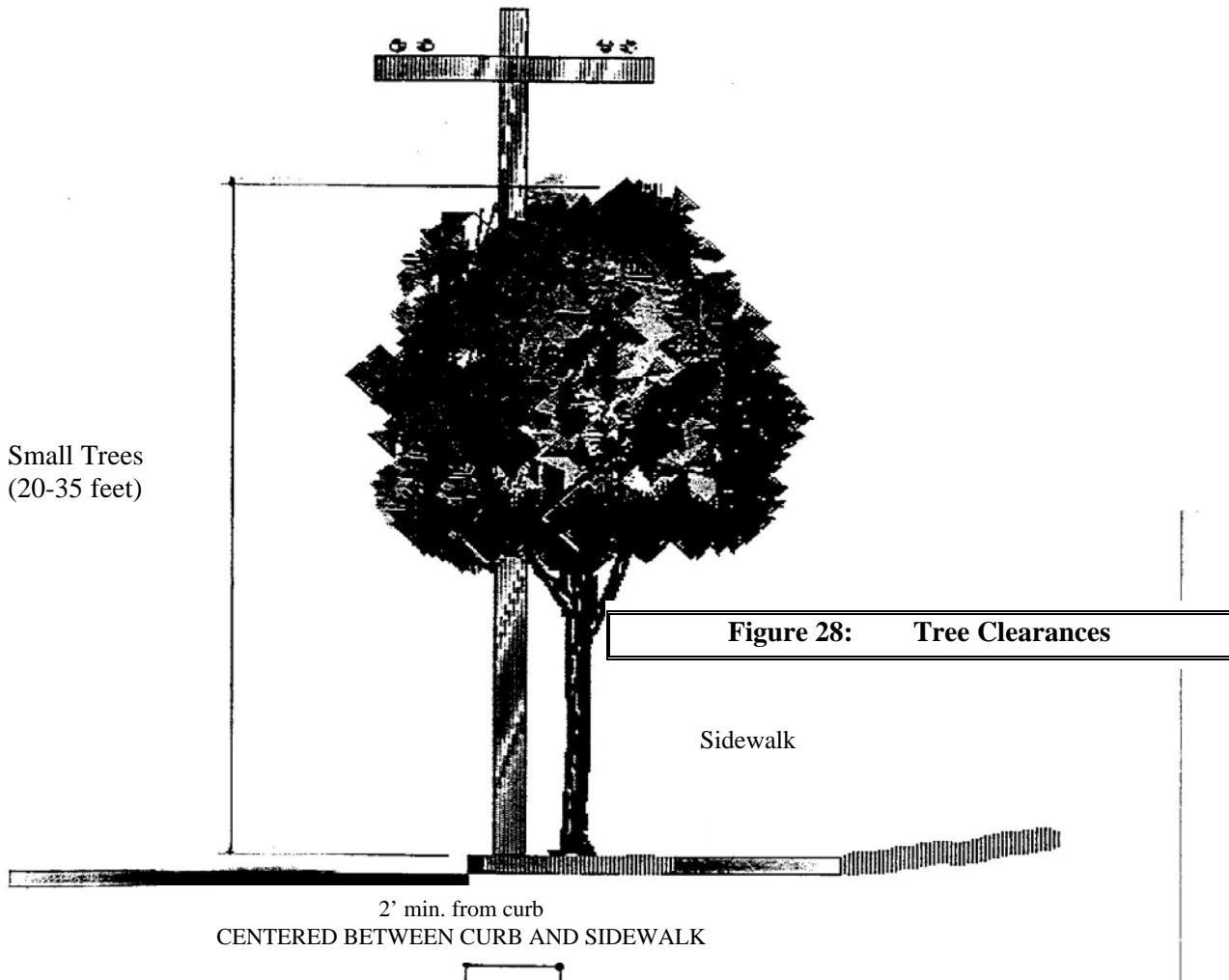


Figure 27: Totally Sight-Obscuring Fence

TREE CLEARANCES

The Landscaping Graphics



Section 4.177. Street Improvement Standards.

Note: This section is expected to be revised after the completion of the Transportation Systems Plan.

- (.01) Except as specifically approved by the Development Review Board -, all street and access improvements shall conform to the Transportation Systems Plan and the Public Works Standards, together with the following standards:
- A. All street improvements and intersections shall conform to the Public Works Standards and shall provide for the continuation of streets through specific developments to adjoining properties or subdivisions.
 - B. All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.
 - 1. Within a Planned Development the Development Review Board may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary.
 - C. Rights-of-way.
 - 1. Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Street System Master Transportation Systems Plan. All dedications shall be recorded with the County Assessor's Office.
 - 2. The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder's Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.
 - 3. In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.
 - D. Dead-end Streets. New dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection. No more than 25 dwelling units shall take access to a new dead-end or cul-de-sac street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of 25 or fewer units. All other dimensional standards of dead-end streets shall be governed by the Public Works Standards.
 - E. Access drives and travel lanes.
 - 1. An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions.

Section 4.177. Street Improvement Standards.

2. Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.
3. Secondary or emergency access lanes may be improved to a minimum 12 feet with an all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.
4. Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.
5. Where access drives connect to the public right-of-way, construction within the right-of-way shall be in conformance to the Public Works Standards.

F. Corner or clear vision area.

1. A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:
 - a. Light and utility poles with a diameter less than 12 inches.
 - b. Trees less than 6" d.b.h., approved as a part of the Stage II Site Design, or administrative review.
 - c. Except as allowed by b., above, an existing tree, trimmed to the trunk, 10 feet above the curb.
 - d. Official warning or street sign.
 - e. Natural contours where the natural elevations are such that there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.

G. Vertical clearance - a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.

H. Interim improvement standard. It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Planning Commission, the following interim standards shall apply.

1. Arterials - 24 foot paved, with standard sub-base. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.
2. Half-streets are generally considered unacceptable. However, where the Development Review Board finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the requirements in the Public Works Standards:

Section 4.178. Sidewalk and Pathway Standards.

3. When considered appropriate in conjunction with other anticipated or scheduled street improvements, the City Engineer may approve street improvements with a single asphalt lift. However, adequate provision must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.

[Section 4.177(.01) amended by Ord. 610, 5/1/06]

Section 4.178. Sidewalk and Pathway Standards.

- (.01) Sidewalks. All sidewalks shall be concrete and a minimum of five (5) feet in width, except where the walk is adjacent to commercial storefronts. In such cases, they shall be increased to a minimum of ten (10) feet in width.
- (.02) Pathways
 - A. Bicycle facilities shall be provided using a bicycle lane as the preferred facility design. Other facility designs described in the Public Works Standards shall only be used if the bike lane standard cannot be constructed due to physical or financial constraints. The order of preference for bicycle facilities is:
 1. Bike lane.
 2. Shoulder bikeway.
 3. Shared roadway.
 - B. Pedestrian and Bicycle Facilities located within the public right-of-way or public easement shall be constructed in conformance with the Public Works Standards.
 - C. To increase safety, all street crossings shall be marked and should be designed with a change of pavement such as brick or exposed aggregate. Arterial crossings may be signalized at the discretion of the City Engineer.
 - D. All pathways shall be clearly posted with standard bikeway signs.
 - E. Pedestrian and equestrian trails may have a gravel or sawdust surface if not intended for all weather use.
- (.03) 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.
- (.04) Pathway Clearance.
 - A. Vertical and horizontal clearance for bicycle and pedestrian paths is specified in the Public Works Standards. The clearance above equestrian trails shall be a minimum of ten feet.

[Section 4.178 amended by Ord. 610, 5/1/06]

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

- (.01) All site plans for multi-unit residential and non-residential buildings submitted to the Wilsonville Development Review Board for approval shall include adequate storage space for mixed solid waste and source separated recyclables. [Amended by Ordinance No. 538, 2/21/02.]
- (.02) The floor area of an interior or exterior storage area shall be excluded from the calculation of building floor area for purposes of determining minimum storage requirements.
- (.03) The storage area requirement shall be based on the predominant use(s) of the building. If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.
- (.04) Storage areas for multiple uses on a single site may be combined and shared.
- (.05) The specific requirements are based on an assumed storage height of four feet for solid waste/recyclables. Vertical storage higher than four feet but no higher than seven feet may be used to accommodate the same volume of storage in a reduced floor space. Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions for the containers.
- (.06) The specific requirements for storage area are as follows:
 - A. Multi-unit residential buildings containing five-ten units shall provide a minimum storage area of 50 square feet. Buildings containing more than ten residential units shall provide an additional five square feet per unit for each unit above ten.
 - B. Non-residential buildings shall provide a minimum storage area of ten square feet, plus:
 - 1. Office: Four square feet per 1,000 square feet gross floor area (GFA);
 - 2. Retail: Ten square feet per 1,000 square feet GFA;
 - 3. Wholesale / Warehouse / Manufacturing: Six square feet per 1,000 square feet GFA; and
 - 4. Other: Four square feet per 1,000 square feet GFA.
- (.07) The applicant shall work with the City's franchised garbage hauler to ensure that site plans provide adequate access for the hauler's equipment and that storage area is adequate for the anticipated volumes, level of service and any other special circumstances which may result in the storage area exceeding its capacity. The hauler shall notify the City by letter of their review of site plans and make recommendations for changes in those plans pursuant to the other provisions of this section.

Section 4.180. Exceptions and Modifications - Projections into Required Yards.

- (.08) Existing multi-unit residential and non-residential developments wishing to retrofit their structures to include storage areas for mixed solid waste and recycling may have their site plans reviewed and approved through the Class I Administrative Review process, according to the provisions of Section 4.035. Site plans for retrofitting existing developments must conform to all requirements of this Section, “Mixed Solid Waste and Recyclables Storage In New Multi-Unit Residential and Non-Residential Buildings,” and 4.430, “Location, Design and Access Standards for Mixed Solid Waste and Recycling Areas,” of the Wilsonville City Code. (Added by Ordinance #426 - April 4, 1994)

Section 4.180. Exceptions and Modifications - Projections into Required Yards.

- (.01) Certain non-structural architectural features are permitted to project into required yards or courts, without requiring the approval of a Variance or Reduced Setback Agreement, as follows:
- A. Into any required yard:
1. Architectural features may project into the required yard not more than two (2) inches for each foot of required setback.
 2. Open, unenclosed fire escapes may project a distance not exceeding forty-eight (48) inches.
- B. Into any required yard, adjoining a street right-of-way:
1. Architectural features may project a distance not exceeding forty (40) inches.
 2. An uncovered porch, terrace, or patio extending no more than two and one-half (2 1/2) feet above the finished elevation may extend within three (3) feet of an interior side lot line, or within ten (10) feet of a front lot line or of an exterior side lot line.

Section 4.181. Exceptions & Modifications - Height Limits.

Except as stipulated in Sections 4.800 through 4.804, height limitations specified elsewhere in this Code shall not apply to barns, silos or other farm buildings or structures on farms; to church spires; belfries; cupolas; and domes; monuments; water towers; windmills; chimneys; smokestacks; fire and hose towers; flag poles; above-ground electric transmission, distribution, communication and signal lines, towers and poles; and properly screened mechanical and elevator structures.

Section 4.182. Exceptions and Modifications - Setback Modifications.

In any residential zone where the average depth of at least two (2) existing front yards on adjoining lots or within one hundred fifty (150) feet of the lot in question and within the same block front is less or greater than the minimum or maximum front yard depth prescribed elsewhere in this Code, the required depth of the front yard on such lot shall be modified. In such case, the front yard depth shall not be less than the average depth, nor more than the greater depth, of existing front yards on at least two (2) adjoining lots within one hundred and fifty (150) feet. In the case of a corner lot, the depth of the front yard may be reduced to that of the lot immediately adjoining, provided, however, that the depth of a front yard on any corner lot shall be at least ten (10) feet.

Section 4.184. Conditional Use Permits – Authorization.

- (.01) Conditional Use of property may be granted by the Development Review Board after concluding a public hearing as provided in Section 4.013. 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.
- (.02) Private parks shall be reviewed in accordance with the Park Standards set forth in the Comprehensive Plan and the Open Space and Recreation Standards set forth in Section 4.113.
- (.03) Municipal and government buildings shall be developed in accordance with the Planned Development Commercial Standards and Sections 4.178.
- (.04) Conditional Use Regulations – Churches.
- A. Zone In Which Conditionally Permitted: All Residential Zones.
[Amended by Ordinance No. 538, 2/21/02.]
- B. Condition Standards:
1. Minimum Lot Area: Ten thousand (10,000) square feet.
 2. Minimum Street Frontage: One hundred (100) feet.
 3. Maximum Coverage: Fifty percent (50%) for all buildings.
 4. Maximum Building Height: Fifty (50) feet.

5. Minimum Depth: One hundred twenty-five (125) feet.

(.05) Conditional Use Regulations - Public, Private and Parochial Schools.

- A. Zone In Which Conditionally Permitted: Any. (Public schools are permitted outright in any Public Facility zone.)
- B. Dimensional Standards:
 - 1. Minimum Land Area: Five (5) acres, unless the Development Review Board finds a lesser area is appropriate to the use and the location.
 - 2. Front, Rear and Side Yard Setbacks: A minimum of fifty (50) feet.
- C. Off-Street Parking: As required in Section 4.155.

(.06) Conditional Use Regulations - Public Utility Structures.

- A. Except as provided in this Section and Section 4.800, all transmission and public utility structures, including, but not limited to, distribution lines and poles, sub-transmission structures, lines and poles, double poles and steel towers for transmission lines, substations, automatic telephone exchanges, relay stations, microwave towers, satellite antennas, pumping stations and treatment plants shall be regulated as conditional uses in all zones.
- B. Underground pipes and conduits as provided in Sections 4.300 to 4.320 and any existing above ground electric distribution, sub-transmission and transmission, communication and signal lines and poles of a single pole system and existing above ground transformers which are not in violation of Sections 4.300 to 4.320 and any current or future applicable franchise agreement shall be a permitted use in any zone. This section shall not be construed as permitting any substantial intensification of use.

(.07) Conditional Use Regulations - Service Stations

- A. The Development Review Board shall approve Conditional Use Permit applications for new service stations only where the design, location and use - are compatible with and do- not adversely impact the surrounding uses.
- B. No gasoline station shall be located closer than two hundred (200) feet from any school, public playground, church, or hospital. Where the subject property is less than five (5) acres in area, the required separation shall be measured to the property line.
- C. Dimensional Standards:
 - 1. Minimum Front Yard Setback:
 - a. Building or Structures: Thirty (30) feet from property line.
 - b. Signs, gasoline pumps, pump islands, and enclosed buildings, excluding attached or detached canopies: Fifteen (15) feet from property line.
 - c. Attached or Detached Canopies: Two (2) feet from property line.
 - 2. Minimum Rear Yard Setback: As required in the particular district.
 - 3. Minimum Side Yard Setback: As required in the particular district.

Section 4.184. Conditional Use Permits – Authorization.

4. Minimum Street Frontage: One hundred (100) feet.
 5. Minimum Lot Depth: Sixty (60) feet.
 6. Minimum Lot Size: Twelve thousand (12,000) square feet.
 7. All other dimensional standards as required in the particular district.
- D. Vehicles: All vehicles for service, parked or under the control of any employee shall be on private property and shall not be on any required landscaped area.
- E. Permitted Services: Sales and services shall be limited to the sale of motor fuels and supplying goods and service generally required in the operation and maintenance of automotive vehicles and fulfilling a motorist's needs. Those may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major automotive repairs, painting, and body and fender work are excluded.
- F. Access, Parking and Circulation Requirements:
1. Each developed site shall not have more than two (2) accessways to any one street.
 2. On-site parking shall be provided for each employee on duty. The peak employment period shall be used to determine the number of employee parking spaces.
 3. No vehicles subject to the control of the operator of the premises may temporarily be parked on sidewalks, parkways, driveways, alleys or other public ways.
- G. Site Screening: Where a service station abuts property in a residential district, a six (6) foot high, solid masonry wall, site-screening decorative fence, or dense evergreen hedge shall be constructed and maintained on such abutting lines. When the wall, fence, or screening reaches the required front yard setback, it shall decrease to a height of three (3) feet. See landscape standards, Section 4.176.
- H. Lighting: All outside lighting shall be so arranged and shielded so as not to shine into adjacent residential areas and to prevent any undue glare or reflection and any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property. All lighting used shall be erected only on the same premises with the use. The Certificate of Occupancy shall not be issued until compliance with this standard has been verified.
- I. All proposed service stations may be subject to design review by the City depending upon the particular site to be utilized in the establishment thereof.
- J. Service stations shall, in addition to the above, meet the following requirements:
1. No vehicle may be parked on the premises and offered for sale, lease or rent.
 2. Automotive repair and lubricating operations and all sales other than petroleum products shall be conducted within the service station building.

Section 4.189. Non-Conforming Uses.

3. Signs shall not cause any glare or reflection of light on other property or building.
4. No banner or pennants shall be permitted except by Temporary Permit.
5. Landscaping:
 - a. A minimum of One Hundred (100) square feet of raised planting area shall be installed and maintained at the intersection of the property lines at a street corner.
 - b. A minimum of Twenty (20) square feet of raised planting area shall be installed and maintained along the building facades fronting on a street.
 - c. Entrances of all restrooms shall be screened from view of adjacent properties or street right-of-way.
 - d. All outside recycling, trash, garbage, and refuse areas shall be enclosed on at least four (4) sides, and each side shall be at least six (6) feet in height.

(.08) Conditional Use Regulations – Willamette River Greenway Development.

- A. The Development Review Board shall approve Conditional Use Permit applications for new development in the Willamette River Greenway only as specified in Section 4.500 and this Section.

Section 4.189. Non-Conforming Uses.

(.01) Continuation of Use.

- A. A non-conforming use may be continued subject to the requirements of this Section.
- B. A manufactured or mobile home placed on a lot, parcel or tract of land and certified to be a non-conforming use shall be allowed to continue in that status. A non-conforming mobile home may be replaced by a newer Manufactured Home as defined herein.
- C. A pre-existing use that is listed as "conditional" in the zone shall be considered to be non-conforming until such time as a conditional use permit is issued for it. In reviewing an application for a conditional use permit for a use that already legally exists, the Development Review Board shall establish conditions of approval that are proportional in scope to the changes proposed in the application and shall not establish conditions that prevent the continued operation of the use.

[Amended by Ordinance No. 538, 2/21/02.]

(.02) Change of Use.

- A. A non-conforming use may not be changed unless the change or replacement is to a use that is determined by the Planning Director to be no less conforming to the regulations for the zone district in which the use is located than the existing use.
- B. In any zone where single-family dwellings are permitted, a non-conforming mobile or manufactured home may be replaced provided that the Planning Director determines that the replacement unit meets the requirements for manufactured housing units on individual lots specified in Section 4.115.

Section 4.190. Non-Conforming Structures.

- (.03) Abandoned Use. If a non-conforming use is abandoned for a period of eighteen (18) consecutive months, the use shall not be re-established without fully complying with the use requirements of the zone. Mere vacancy of a site or building while it is being marketed or other plans for its use are being readied, does not constitute abandonment. In order to be considered abandoned, a site must not be receiving City utilities and must not actively be marketed for rent, lease, or sale. These standards concerning abandonment do not in any way affect the City's processes for the abatement of nuisances as delineated in Chapter 6 of the Wilsonville Code.
- (.04) Damage and Destruction. When a structure that is a non-conforming use or a building containing a non-conforming use is damaged by any cause, exceeding seventy-five percent (75%) of its replacement cost, as determined by the Building Official, the structure shall not be re-established unless the owners of that structure promptly and diligently pursue its repair or replacement. If all required building permits have not been received within eighteen (18) months of the damage or destruction, the non-conforming use shall not be re-established without meeting all of the requirements of Chapter 4. City staff will use the address listed in County Assessor records to contact the owners of properties that have been damaged to alert them to the time limitations for receiving a building permit for repair or replacement. The property owner's failure to receive such notification does not alter or extend the time limit specified in this subsection.
- (.05) Enlargements and Moving. A non-conforming use, may be permitted to enlarge up to twenty percent (20%) in floor area on approval of a conditional use permit by the Development Review Board.
- (.06) Repairs.
 - A. Normal maintenance of a structure containing a non-conforming use is permitted provided that any exterior additions meet the requirements of this Section.

Section 4.190. Non-Conforming Structures.

- (.01) A non-conforming structure that is in use may continue to be used.
- (.02) If a non-conforming structure is abandoned, as defined herein, - for a period of eighteen (18) months, it may not again be used unless brought into conformity with the requirements of this ordinance. Except, however, that an abandoned non-conforming structure may be re-occupied if a Variance is approved per the requirements of Section 4.196.
- (.03) When a non-conforming structure is damaged by any cause exceeding seventy-five percent (75%) of its replacement cost, as determined by the Building Official, the non-conforming structure shall not be re-established unless all required building permits for the repair or replacement are received within eighteen (18) months of the damage. City staff will endeavor to contact the owners of properties that have been damaged to alert them to the time limitations for receiving a building permit for repair or replacement. The property owner's failure to receive such notification does not alter or extend the time limit specified in this subsection.

Section 4.191. Non-Conforming Site Conditions.

- (.04) Normal maintenance of a non-conforming structure is permitted, provided that any exterior additions meet the requirements of this Section.
- (.05) A non-conforming structure may be expanded or enlarged, provided that the portion of the structure being enlarged meets zoning requirements in terms of setbacks, height, and lot coverage.

Section 4.191. Non-Conforming Site Conditions.

- (.01) A property with non-conforming site conditions that is in use may continue to be used.
- (.02) If a property with non-conforming site conditions is abandoned, as defined herein, for a period of eighteen (18) months, it may not again be used unless brought into conformity with the requirements of this ordinance. Except, however, that an abandoned property with non-conforming site conditions may be re-occupied if a Variance is approved per the requirements of Section 4.196.
- (.03) Normal maintenance of a property with non-conforming site conditions is permitted, provided that the site conditions do not become even less conforming as a result.
- (.04) Any application for a change of occupancy, as determined by the City's Building Official, or any application for discretionary review by the City shall justify conditions of approval that will bring the site into conformity with site improvement standards.
- (.05) A structure with non-conforming site conditions may be expanded or enlarged, provided that there is a proportional decrease in the non-conforming site conditions. For example, an application to expand the floor area of a building by 10%, on a site that has 20% shortage of required parking, will be permitted, provided that at least a 10% increase in parking is also provided.

Section 4.192. Non-Conforming Lots.

- (.01) A non-conforming lot may be used for any purpose allowed by zoning, provided that any structure built or located upon a non-conforming lot must meet all of the lot development standards of the zone, or be approved through the Variance procedures of Section 4.196. Except, however, if the non-conforming lot is contiguous to other property under legal control of the same owner or owners, no variance shall be granted for a structure or use that could be accommodated on that contiguous lot, or combination of lots, without a Variance.
- (.02) A lot line adjustment between nonconforming lots may be approved where either:
 - A. Both lots involved in the adjustment will be conforming to zoning standards as a result of the adjustment; or
 - B. The Planning Director or Development Review Board finds, based on information in the record, that each of the lots involved in the adjustment will be suitable for development as allowed in the zone, as a result of the adjustment.

Section 4.196. Variances.

- (.01) Where difficulties exist rendering compliance with Chapter 4 impractical and such compliance would create unnecessary hardship to the owner or user of land or buildings, the Development Review Board may grant a variance from the provisions of this Code after the prescribed public hearing as set forth in Section 4.013, and after an investigation; provided all of the following conditions exist:
- A. The difficulty would apply to the particular land or building regardless of the owner.
 - B. The request for a variance is not the result of an illegal act on the part of the applicant or the applicant's agent.
 - C. The plight of the owner is due to unique circumstances, such as lot size or shape, topography, and size or shape of building, which are not typical of the general conditions of the surrounding area.
 - D. The practical difficulty or unnecessary hardship asserted as a ground for a variance must relate to the premises for which the variance is sought and not to other premises or personal conditions of the applicant.
 - E. The variance does not allow the property to be used for purposes not authorized within the zone involved.
 - F. The variance is the minimum necessary to relieve the hardship.
 - G. Where the variance is sought to allow development within a flood zone, the following additional standards shall apply:
 - 1. Generally, the only condition under which a variance from the flood hazard elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items a-k in Section 4.172 have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
 - 2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this subsection.
 - 3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 - 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 5. Variances shall only be issued upon:
 - a. a showing of good and sufficient cause;
 - b. a determination that failure to grant the variance would result in exceptional hardship to the applicant;

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

- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with other existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations will rarely be granted.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, and complies with all other variance criteria except Section 4.172.
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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.
 - B. In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:
 1. That the application was submitted in compliance with the procedures set forth in Section 4.008; and
 2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and
 3. The amendment does not materially conflict with, nor endanger, other provisions of the - text of the Code; and
 4. If applicable, the amendment is necessary to insure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.

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

- (.02) In recommending approval or denial of a proposed zone map amendment, the Planning Commission or Development Review Board shall at a minimum, adopt findings addressing the following criteria:
- A. That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125 (.18)(B)(2) or, in the case of a Planned Development, Section 4.140; and [Amended by Ord 557, adopted 9/5/03]
 - B. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text; and
 - C. In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measures 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text; and [Amended by Ordinance No. 538, 2/21/02.]
 - D. That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized; and
 - E. That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone and
 - F. That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change; and
 - G. That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.
- (.03) If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied.
- (.04) City Council action approving a change in zoning shall be in the form of a Zoning Order.
- (.05) In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or

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

applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.

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

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

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

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

(Legal Description)

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

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

(Incorporated Conditions)

ORDERED that the property above-described is hereby rezoned as follows:

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

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

DATED: This _____ day of _____, 19_____.

- Mayor

Approved as to form:
ATTEST:
City Recorder
City of Wilsonville, Oregon

by:
City Recorder

Section 4.198. Comprehensive Plan Changes - Adoption by the City Council.

- (.01) Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:
 - A. That the proposed amendment meets a public need that has been identified;
 - B. That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;
 - C. That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and
 - D. That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.
- (.02) Following the adoption and signature of the - Resolution by the Development Review Board or Planning Commission, together with minutes of public hearings on the proposed Amendment, the matter shall be shall be scheduled for public hearing before the City Council.
- (.03) Notice of the Council's consideration of the matter shall be provided as set forth in Section 4.012.
- (.04) Upon conclusion of its public hearing on the matter, the Council shall adopt its decision by ordinance, authorizing the Planning Director to amend the official zoning map, Comprehensive Plan Map or the text of Chapter 4 as set forth in Section 4.102.
- (.05) In cases where a property owner or other applicant has requested an amendment to the Comprehensive Plan map and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the Comprehensive Plan map shall be changed.

Section 4.199 OUTDOOR LIGHTING

- Section 4.199.10 Outdoor Lighting In General.
- Section 4.199.20 Applicability.
- Section 4.199.30 Lighting Zones.
- Section 4.199.40 Lighting Systems Standards for Approval.
- Section 4.199.50 Submittal Requirements.
- Section 4.199.60 Major Additions or Modifications.

Section 4.199.10. Outdoor Lighting In General.

- (.01) Purpose: The purpose of this Code is to provide regulations for outdoor lighting that will:

Section 4.199.20. Applicability.

- A. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce.
 - B. Conserve energy and resources to the greatest extent possible.
 - C. Minimize glare, particularly in and around public rights-of-way; and reduce visual discomfort and improve visual acuity over large areas by avoiding “light islands” and “spotlighting” that result in reduced visual perception in areas adjacent to either the source of the glare or the area illuminated by the glare.
 - D. Minimize light trespass, so that each owner of property does not cause unreasonable light spillover to other property.
 - E. Curtail the degradation of the nighttime environment and the night sky.
 - F. Preserve the dark night sky for astronomy and enjoyment.
 - G. Protect the natural environment, including wildlife, from the damaging effects of night lighting from human sources.
- (.02) Purpose Statement as Guidelines: Declaration of purpose statements are guidelines and not approval criteria in the application of WC Section 4.199.

Section 4.199.20. Applicability.

- (.01) This Ordinance is applicable to:
- A. Installation of new exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.
 - B. Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.
- (.02) Exemption. The following luminaires and lighting systems are EXEMPT from these requirements:
- A. Interior lighting.
 - B. Internally illuminated signs.
 - C. Externally illuminated signs.
 - D. Temporary lighting for theatrical, television, and performance areas.
 - E. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
 - F. Building Code required exit path lighting.
 - G. Lighting specifically for stairs and ramps.
 - H. Temporary and seasonal lighting provided that individual lamps are 10 watts or less.

Section 4.199.30. Lighting Overlay Zones.

- I. Lighting required and/or regulated by the City (i.e. construction related activities), Federal Aviation Administration, U.S. Coast Guard or other Federal or State agency.
- J. Single-family residential lighting.
- K. Code Required Signs.
- L. American flag.
- M. Landscape lighting.
- N. Lights approved by the City through an Administrative Review Temporary Use Permit process.
- O. Public street lights.
- P. ATM security lighting.

Section 4.199.30. Lighting Overlay Zones.

- (.01) The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance.
 - A. Property may contain more than one lighting zone depending on site conditions and natural resource characteristics.
- (.02) The Lighting Zones shall be:
 - A. LZ 0. Critical dark environments, sensitive wildlife areas and parks. This zone shall not be applied to areas zoned commercial, industrial, residential or agricultural.
 - B. LZ 1. Developed areas in City and State parks, recreation areas, SROZ wetland and wildlife habitat areas; developed areas in natural settings; sensitive night environments; and rural areas. This zone is intended to be the default condition for rural areas within the City.
 - C. LZ 2. Low-density suburban neighborhoods and suburban commercial districts, industrial parks and districts. This zone is intended to be the default condition for the majority of the City.
 - D. LZ 3. Medium to high-density suburban neighborhoods and districts, major shopping and commercial districts as depicted on the Lighting Overlay Zone Map.
 - E. LZ 4. Reserved for limited applications with special lighting requirements. This zone is appropriate for users who have unique site or operating circumstances that warrant additional light. This zone shall not be applied to residential or agricultural areas.
- (.03) Modification of Lighting Zones.
 - A. The City Council may modify the designated Lighting Zones of one or more parcels if the City Council finds that the original Lighting Zone was in error, a

change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served.

- B. The Development Review Board (DRB) may modify the designated Lighting Zones as part of the Stage II, Site Design Review Process if the DRB finds that the original Lighting Zone was in error, or a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served.
- C. This ordinance establishes a Lighting Overlay Zone Map. The Planning Division shall maintain the current Lighting Overlay Zone Map.

Section 4.199.40. Lighting Systems Standards for Approval.

(.01) Non-Residential Uses and Common Residential Areas.

- A. All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option below.
- B. Prescriptive Option. If the lighting is to comply with this Prescriptive Option, the installed lighting shall meet all of the following requirements according to the designated Lighting Zone.
 - 1. The maximum luminaire lamp wattage and shielding shall comply with Table 7.
 - 2. The total lighting power for the site shall be less than or equal to the allowed lighting power. The allowed lighting power shall be determined according to Table 8.
 - 3. The maximum pole or mounting height shall be consistent with Table 9.
 - 4. Each luminaire shall be set back from all property lines at least 3 times the mounting height of the luminaire:
 - a. Exception 1: If the subject property abuts a property with the same base and lighting zone, no setback from the common lot lines is required.
 - b. Exception 2: If the subject property abuts a property which is zoned (base and lighting) other than the subject parcel, the luminaire shall be setback three times the mounting height of the luminaire, measured from the abutting parcel's setback line. (Any variance or waiver to the abutting property's setback shall not be considered in the distance calculation).
 - c. Exception 3: If the luminaire is used for the purpose of street, parking lot or public utility easement illumination and is located less than 3 mounting heights from the property line, the luminaire shall include a house side shield to protect adjoining property.
 - d. Exception 4: If the subject property includes an exterior column, wall or abutment within 25 feet of the property line, a luminaire partly shielded or better and not exceeding 60 lamp watts may be mounted onto the exterior column, wall or abutment or under or within an overhang or canopy attached thereto.

- e. Exception 5: Lighting adjacent to SROZ areas shall be set back 3 times the mounting height of the luminaire, or shall employ a house side shield to protect the natural resource area.
- C. Performance Option. If the lighting is to comply with the Performance Option, the proposed lighting design shall be submitted by the applicant for approval by the City meeting all of the following:
1. The weighted average percentage of direct uplight lumens shall be less than the allowed amount per Table 10.
 2. The maximum light level at any property line shall be less than the values in Table 10, as evidenced by a complete photometric analysis including horizontal illuminance of the site and vertical illuminance on the plane facing the site up to the mounting height of the luminaire mounted highest above grade. The Building Official or designee may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaire meets the shielding requirements of Table 7. Luminaires shall not be mounted so as to permit aiming or use in any way other than the manner maintaining the shielding classification required herein:
 - a. Exception 1. If the property line abuts a public right-of-way, including a sidewalk or street, the analysis may be performed across the street at the adjacent property line to the right-of-way.
 - b. Exception 2. If, in the opinion of the Building Official or designee, compliance is impractical due to unique site circumstances such as lot size or shape, topography, or size or shape of building, which are circumstances not typical of the general conditions of the surrounding area. The Building Official may impose conditions of approval to avoid light trespass to the maximum extent possible and minimize any additional negative impacts resulting to abutting and adjacent parcels, as well as public rights-of-way, based on best lighting practices and available lighting technology.
 3. The maximum pole or mounting height shall comply with Table 9.
- D. Curfew. All prescriptive or performance based exterior lighting systems shall be controlled by automatic device(s) or system(s) that:
1. Initiate operation at dusk and either extinguish lighting one hour after close or at the curfew times according to Table 11; or
 2. Reduce lighting intensity one hour after close or at the curfew time to not more than 50% of the requirements set forth in Table 8 unless waived by the DRB due to special circumstances; and
 3. Extinguish or reduce lighting consistent with 1. and 2. above on Holidays.
- The following are exceptions to curfew:
- a. Exception 1: Building Code required lighting.
 - b. Exception 2: Lighting for pedestrian ramps, steps and stairs.
 - c. Exception 3: Businesses that operate continuously or periodically after curfew.

(.02) Special Permit for Specific Lighting Fixtures and Systems and When Exceeding Lighting Requirements.

- A. This section is intended to apply to situations where more than normal foot candles are required due to a unique circumstance or use or where it is absolutely essential to perform the proposed activities after dark. All special permits shall be reviewed by the DRB.
- B. Upon issuance of a special permit by the Development Review Board (DRB), lighting systems not complying with the technical requirements of this Ordinance may be installed, maintained, and replaced for lighting that exceeds the maximums permitted by this Ordinance. This section is intended to be applied to uses such as sports lighting systems including but not limited to, sport fields and stadiums, such as baseball and football field lighting, tennis court lighting, swimming pool area lighting and prisons; other very intense lighting defined as having a light source exceeding 200,000 lumens or an intensity in any direction of more than 2,000,000 candelas; building façade lighting of portions of buildings over two stories high; and public monuments.
- C. To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:
 - 1. Is within Lighting Zone 3 or above.
 - 2. Has been designed to minimize obtrusive light and artificial sky glow, supported by a signed statement from a registered civil or electrical engineer describing the mitigation measures. Such statement shall be accompanied by calculations indicating the light trespass levels (horizontal and vertical at ground level) at the property line.
 - 3. Will not create excessive glare, sky glow, or light trespass beyond that which can be reasonably expected by application of best lighting practices, and available technology.
 - 4. Provides appropriate lighting curfew hours based on the use and the surrounding areas.
- D. The DRB may impose conditions of approval to mitigate any negative impacts resulting to the abutting parcel, based on best lighting practices and available lighting technology.
- E. The City may charge a review fee and may, at the Building Official's option, employ the services of a qualified professional civil or electrical engineer to review such submittals and the cost thereof shall be an additional fee charged to the applicant.

Section 4.199.50. Submittal Requirements.

- (.01) Applicants shall submit the following information as part of DRB review or administrative review of new commercial, industrial, multi-family or public facility projects:
 - A. A statement regarding which of the lighting methods will be utilized, prescriptive or performance, and a map depicting the lighting zone(s) for the property.

- B. A site lighting plan that clearly indicates intended lighting by type and location. For adjustable luminaires, the aiming angles or coordinates shall be shown.
 - C. For each luminaire type, Drawings, cut sheets or other documents containing specifications for the intended lighting including but not limited to, luminaire description, mounting, mounting height, lamp type and manufacturer, lamp watts, ballast, optical system/distribution, and accessories such as shields.
 - D. Calculations of allowed lighting power and actual lighting power demonstrating compliance with power limits.
 - E. Lighting plans shall be coordinated with landscaping plans so that pole lights and trees are not placed in conflict with one another. The location of lights shall be shown on the landscape plan. Generally, pole lights should not be placed within one pole length of landscape and parking lot trees.
 - F. Applicants shall identify the hours of lighting curfew.
- (.02) In addition to the above submittal requirements, Applicants using the Prescriptive Method shall submit the following information as part of the permit set plan review:
- A. A site lighting plan (items 1 A - F, above) which indicates for each luminaire the 3 mounting height line to demonstrate compliance with the setback requirements. For luminaires mounted within 3 mounting heights of the property line the compliance exception or special shielding requirements shall be clearly indicated.
- (.03) In addition to the above submittal requirements, Applicants using the Performance Method shall submit the following information as part of the permit set plan review:
- A. Site plan showing horizontal isocandle lines, or the output of a point-by-point computer calculation of the horizontal illumination of the site, showing property lines and light levels immediately off of the subject property.
 - B. For each side of the property, the output of a point-by-point vertical footcandle calculation showing illumination in the vertical plane at the property line from grade to at least 10 feet higher than the height of the tallest pole.
 - C. Lighting plans shall be prepared by a qualified licensed engineer.
- (.04) In addition to the above applicable submittal requirements, Applicants for Special Permits shall submit the following to the DRB for review:
- A. Tabulation of International Engineering Society of North America (IESNA) lighting recommendations for each task including area illuminated, recommended illumination level, actual maintained illumination level, and luminaires used specifically to achieve the indicated criteria.
 - B. Lighting plans shall be prepared by a qualified licensed engineer.
- (.05) For all calculations, the following light loss factors shall be used unless an alternative is specifically approved by the City:
- | | |
|----------------------|-----|
| Metal halide | 0.6 |
| High pressure sodium | 0.8 |
| Compact fluorescent | 0.7 |

Section 4.199.60. Major Additions or Modifications to Pre-Existing Sites.

Full size fluorescent	0.75
Incandescent	0.9
Halogen	0.95
Other	As approved

Section 4.199.60. Major Additions or Modifications to Pre-Existing Sites.

- (01.) Major Additions. If a major addition occurs on a property, all of the luminaires on the site shall comply with the requirements of this Section. For purposes of this subsection, the following are considered to be major additions:
- A. Additions of 50 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after July 2, 2008.
 - B. Modification or replacement of 50 percent or more of the outdoor lighting luminaries' within a 5-year timeframe existing as of July 2, 2008.

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded
LZ 0	55	None permitted	None permitted	None permitted
LZ 1	70	20	13	Low voltage landscape lighting 50 watts or less
LZ 2	100	35	39	Low voltage landscape lighting 50 watts or less
LZ 3	250	100	70	Landscape and facade lighting 100 watts or less; ornamental lighting on private streets of 39 watts and less
LZ 4	450	150	150	Landscape and facade lighting 250 watts or less; ornamental lights on private streets and lanterns 70 watts or less; marquee lighting not employing medium based lamps

Table 8: Allowed Lighting Power Density(watts per square foot (w/ft²) unless otherwise noted)

Determine the allowed lighting power for each application by multiplying the area in plan by the allowed lighting power density for the application. Only one lighting power allowance can be claimed for an allowed area. The actual lighting power must be equal to or less than the sum of the allowed lighting power for all applications.

Lighting Application	Allowed Area	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Hardscape	Paved area plus 5 feet of the perimeter of adjacent unpaved land. Includes planters and landscaped areas less than 10 feet wide that are enclosed by hardscape on at least three sides	0.03	0.05	0.07	0.09	0.20
Building entrances*	Per Door (stated values are watts, not watts per square foot).	13	18	26	32	70
Building entry, drive-up sales, and general use canopies	Drip line area under canopy.	Not allowed	0.10	0.20	0.40	0.70
Vehicle Service Station Canopy	Drip line area under canopy	Not allowed	0.30	0.60	1.20	2.40
Outdoor Sales, Service or Industrial Lot	Portion of uncovered hardscape used exclusively for display of vehicles or other merchandise for sale, for the service of vehicles, aircraft or watercraft, or for exterior manufacturing.	Not allowed	0.25	0.45	0.90	1.80
Ornamental Lighting	Entire site	Not allowed	Not allowed	0.010	0.020	0.04
Building Facade	Square foot of illuminated facade	0.00	0.00	0.18	0.35	0.50
Landscape Lighting	Landscaped area	Exempt	Exempt	Exempt	Exempt	Exempt
ATM Security Lighting	Within 5 feet of ATM facility	Exempt	Exempt	Exempt	Exempt	Exempt
Flagpole lighting	Illuminating flags on flagpole	Exempt	Exempt	Exempt	Exempt	Exempt

*In addition to area lighting, an additional allowance per door is permitted.

Table 9: Maximum Lighting Mounting Height In Feet			
Lighting Zone	Lighting for private roads, driveways, parking, bus stops and other transit facilities	Lighting for walkways, bikeways, plazas and other pedestrian areas	All other lighting
LZ 0	20	8	4
LZ 1	25	12	4
LZ 2	40	18	8
LZ 3	40	18	16
LZ 4	Height limit to be determined by Special Use Permit Only		

Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 33.33 percent of the horizontal distance of the light from the nearest property line, whichever is less.

Table 10: Performance Method			
Lighting Zone	Maximum percentage of direct uplight lumens	Maximum Light Level at Property Line	
		Horizontal plane at grade (foot candles - fc)	Vertical plane facing the site in question, from grade to mounting height of highest mounted luminaire (foot candles - fc)
LZ 0	0	0.01 fc	0.02 fc
LZ 1	1%	0.05 fc	0.1 fc
LZ 2	5%	0.2 fc	0.4 fc
LZ 3	10%	0.4 fc	0.8 fc
LZ 4	20%	0.8 fc	1.6 fc

Table 11: Curfew	
Lighting Zone	Curfew Time
LZ 0	8:00 PM (2000 hours)
LZ 1	
LZ 2	10:00 PM (2200 hours)
LZ 3	Midnight (2400 hours)
LZ 4	

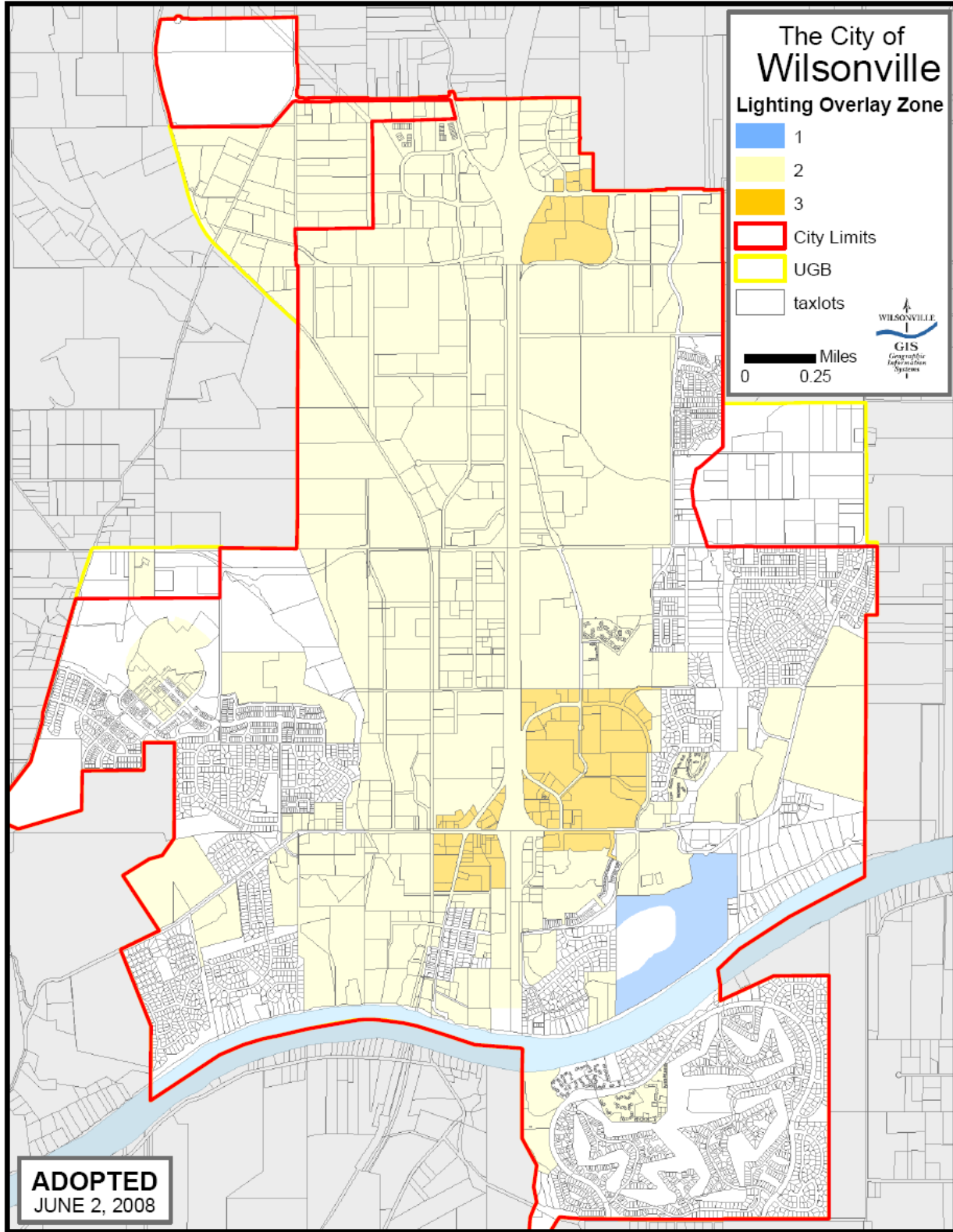


Figure 30: Lighting Overlay Zone Map

[Section 4.199 – 4.199.60 added by Ord. No. 649, adopted 6/2/08]

**WILSONVILLE CODE
PLANNING AND LAND DEVELOPMENT**

**CHAPTER 4 SECTIONS 4.200 – 4.290
LAND DIVISIONS**

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LAND DIVISIONS

Section 4.200. General - Purpose.

The City Council hereby finds and deems that it is reasonable and necessary, in order to accomplish the orderly development of land within the corporate limits of the City, and in order to promote the public health, safety and general welfare of the City, to enact these sections, to be hereinafter known as the "Land Division Regulations of the City of Wilsonville, Oregon," in order to provide rules, regulations and standards to govern the approval of plats for subdivisions, land partitions, condominium divisions, and plans for other property divisions, to carry out the development pattern and plan of the City and to promote the public health, safety and general welfare thereof, and in order to lessen congestion of streets, secure safety from fires, flood, pollution and other dangers and to provide adequate light and area, and to prevent overcrowding of land, improve connectivity from one part of the community to another, and to facilitate adequate provision for transportation, water supplies, sewage, drainage, education, recreation and other needs of the people of the City, and to prescribe procedures to be followed in submitting plans and plats of land divisions for approval by the City.

Section 4.202. General - Authorization.

- (.01) Pursuant to ORS Chapter 92, plans and plats must be approved by the Planning Director or Development Review Board (Board), as specified in Sections 4.030 and 4.031, before a plat for any land division may be filed in the county recording office for any land within the boundaries of the City, except that the Planning Director shall have authority to approve a final plat that is found to be substantially consistent with the tentative plat approved by the Board.
- (.02) The Development Review Board and Planning Director shall be given all the powers and duties with respect to procedures and action on tentative and final plans, plats and maps of land divisions specified in Oregon Revised Statutes and by this Code.
- (.03) Approval by the Development Review Board or Planning Director of divisions of land within the boundaries of the City, other than statutory subdivisions, is hereby required by virtue of the authority granted to the City in ORS 92.
- (.04) No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.
 - A. No development permit shall be issued for any lot or parcel that is not legally created in accordance with this Code.
 - B. It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved by the Development Review Board or City Council. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through the Variance

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procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.118.

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

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- (.01) Pre-application conference. Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.
 - A. Preparation of Tentative Plat. The Planning staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Comprehensive Plan, existing and proposed streets, roads and public utilities. The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.

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- B. Tentative Plat Submission. The purpose of the Tentative Plat is to present a study of the proposed subdivision to the Planning Department and Development Review Board and to receive approval or recommendations for revisions before preparation of a final Plat. The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:
1. Site development application form completed and signed by the owner of the land or a letter of authorization signed by the owner. A preliminary title report or other proof of ownership is to be included with the application form.
 2. Application fees as established by resolution of the City Council.
 3. Ten (10) copies and one (1) sepia or suitable reproducible tracing of the Tentative Plat shall be submitted with the application. Paper size shall be eighteen inch (18") by twenty-four inch (24"), or such other size as may be specified by the City Engineer.
 4. Name of the subdivision. No subdivision name shall duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Names may be checked through the county offices.
 5. Names, addresses, and telephone numbers of the owners and applicants, and engineer or surveyor.
 6. Date, north point and scale of drawing.
 7. Location of the subject property by Section, Township, and Range.
 8. Legal road access to subject property shall be indicated as City, County, or other public roads.
 9. Vicinity map showing the relationship to the nearest major highway or street.
 10. Lots: Dimensions of all lots, minimum lot size, average lot size, and proposed lot and block numbers.
 11. Gross acreage in proposed plat.
 12. Proposed uses of the property, including sites, if any, for multi-family dwellings, shopping centers, churches, industries, parks, and playgrounds or other public or semi-public uses.
 13. Improvements: Statement of the improvements to be made or installed including streets, sidewalks, lighting, tree planting, and times such improvements are to be made or completed.
 14. Trees. Locations, types, sizes, and general conditions of all existing trees, as required in Section 4.600.
 15. Utilities such as electrical, gas, telephone, on and abutting the tract.
 16. Easements: Approximate width, location, and purpose of all existing and proposed easements on, and known easements abutting the tract.
 17. Deed Restrictions: Outline of proposed deed restrictions, if any.
 18. Written Statement: Information which is not practical to be shown on the maps may be shown in separate statements accompanying the Tentative Plat.

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19. If the subdivision is to be a "Planned Development," a copy of the proposed Home Owners Association By-Laws must be submitted at the time of submission of the application. The Tentative Plat shall be considered as the Stage I Preliminary Plan. The proposed By-Laws must address the maintenance of any parks, common areas, or facilities.
 20. Any plat bordering a stream or river shall indicate areas subject to flooding and shall comply with the provisions of Section 4.172.
 21. Proposed use or treatment of any property designated as open space by the City of Wilsonville.
 22. A list of the names and addresses of the owners of all properties within 250 feet of the subject property, printed on self-adhesive mailing labels. The list shall be taken from the latest available property ownership records of the Assessor's office of the affected county.
 23. A completed "liens and assessments" form, provided by the City Finance Department.
 24. Locations of all areas designated as a Significant Resource Overlay Zone by the City, as well as any wetlands shall be shown on the tentative plat.
 25. Locations of all existing and proposed utilities, including but not limited to domestic water, sanitary sewer, storm drainage, streets, and any private utilities crossing or intended to serve the site. Any plans to phase the construction or use of utilities shall be indicated.
 26. A traffic study, prepared under contract with the City, shall be submitted as part of the tentative plat application process, unless specifically waived by the Community Development Director.
- C. Action on proposed tentative plat:
1. Consideration of tentative subdivision plat. The Development Review Board shall consider the tentative plat and the reports of City staff and other agencies at a regular Board meeting no more than ninety (90) days after tentative plat application has been accepted as complete by the City. Final action on the proposed tentative plat shall occur within the time limits specified in Section 4.013. The tentative plat shall be approved if the Development Review Board determines that the tentative plat conforms in all respects to the requirements of this Code.
 2. Consideration of tentative partition plat. The Planning Director shall review and consider any proposed land partition plat through the procedures for Administrative Reviews specified in Section 4.030 and 4.035.
 3. The Board shall, by Resolution, adopt its decision, together with findings and a list of all Conditions of Approval or required changes to be reflected on the Final Plat.
 4. Board may limit content of deed restrictions. In order to promote local, regional and state interests in affordable housing, the Board may limit the content that will be accepted within proposed deed restrictions or covenants. In adopting conditions of approval for a residential subdivision or

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condominium development, the Board may prohibit such things as mandatory minimum construction costs, minimum unit sizes, prohibitions of manufactured housing, etc.

5. Effect of Approval. After approval of a tentative plat, the applicant may proceed with final surveying, improvement construction and preparation of the final plat. Approval shall be effective for a period of two (2) years, and if the final plat is not submitted to the Planning Department within such time, the tentative plat shall be submitted again and the entire procedure shall be repeated for consideration of any changed conditions which may exist. Except, however, that the Development Review Board may grant a time extension as provided in Section 4.023.
- D. Land division phases to be shown. Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.
- E. Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.
- F. Replats subject to same procedures as new plats. Proposals to replat any previously platted land shall be subject to the same standards and procedures as a new application for tentative plat approval. Except, however, that a replat that proposes the same number of lots or parcels as the originally recorded land division, and that is determined by the Planning Director to create no significant adverse impacts on adjacent properties beyond that of the original division, may be reviewed through Class II Administrative Review procedures.

Section 4.220. Final Plat Review.

- (.01) Submission of the Paper Plat. Prior to submitting the Final Plat as required in subsection “(.02),” below, the applicant shall submit a Paper Plat to the City Engineer for review. Comments of the City Engineer, Planning Director, and Community Development Director shall be conveyed in writing to the County Surveyor of the County where the final plat is to be recorded.
- (.02) Submission of the Final Plat. Any time within two (2) years after approval of the tentative plat, the applicant shall have the subject property, or any part thereof, surveyed and the final plat prepared in conformance with the approved tentative plat. When the final plat is in order, the applicant will submit the following items to the City offices for final approval of the plat.
 - A. Plat board, tracing, and five (5) full-sized blueprint copies of the plat.
 - B. The signatures of owner(s), surveyor or engineer shall all be properly acknowledged by a notary public. All signatures shall be signed in India ink.

Section 4.220. Final Plat Review.

- C. Deed restrictions. A copy of all protective deed restrictions proposed for the area shall accompany the final Plat and specifications of all easements and dedications as required by the Development Review Board. The Planning Director shall not sign the final plat if the proposed deed restrictions fail to provide for the on-going maintenance of common areas or violate established conditions of approval for the development.
 - D. Approval of agreement certified for all required improvements as follows:
 - 1. Improvements as required by conditions of approval have been completed, and a certificate of such fact has been filed with the Planning Director by the City Engineer; or
 - 2. A performance agreement and completion bond has been filed with the City Recorder in sufficient amount to ensure the completion of all required improvements.
- (.03) Review of Final Plat. Upon receipt of a complete Final Plat, together with the required fee, the Plat and other required information shall be reviewed as follows:
- A. The Planning Director and Community Development Director shall examine the Plat and supplementary materials to determine that the subdivision or partition, as shown, is substantially the same as it appeared on the approved tentative plat and that there has been compliance with provisions of State Law and this Ordinance.
 - B. The County Surveyor, or such other professional land surveyor as shall be selected by the City to perform such work, shall check the site and plat and shall take such measurements and make such computations as are necessary to determine that the plat is correct, and that all requirements of State Law and this Ordinance are met.
 - C. The Community Development Director shall not sign any plat which does not indicate the marking with monuments of the intersections of all streets and the centerlines of all streets at every point of curvature and point of tangent. It shall be the responsibility of the applicant to provide such Monumentation within the land division prior to the issuance of any Building permit for construction within the subject property.
- (.04) Action on Final Plat: Within thirty (30) days of receipt of a complete final plat submittal, the Planning Director shall approve, deny, or, when further information is required, postpone a decision on the application. Written notice of such action shall be mailed to the applicant by the Planning Director. If the Planning Director determines that full conformity with all applicable ordinances has not been made, the Director shall advise the applicant of the changes or additions that must be made and shall afford the applicant an opportunity to make the necessary changes or additions.
- A. A final plat shall be approved only if affirmative findings can be made that:
 - 1. The Plat is in substantial conformance with the provisions of the Preliminary Plat, as approved;

Section 4.220. Final Plat Review.

2. The proposal is consistent with the provisions, intents and purposes of the Comprehensive Plan, Zoning Regulations and the requirements of other relevant sections of this Code.
3. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat contains a donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, the donation of which is required by Ordinance or was made a condition of the approval of the tentative plat for the development.
5. Explanations of all common improvements to remain in private ownership have been accounted for and referenced on the plat;
6. Streets and roads held for private use and indicated on the tentative plat have been approved by the City; and
7. All conditions of approval for the development have been met, or adequate assurances for their completion have been provided, to the satisfaction of the Community Development Director.

B. If affirmative findings cannot be made with regard to all of the above criteria, the Planning Director shall not approve the final plat.

C. If approved, such approval shall be evidenced by the signature on the plat of the Planning Director together with the date of approval. In the event of denial, the Planning Director shall cause written notice and the reasons for denial to be furnished to the applicant.

(.05) Appeal of the Planning Director's Decision. A decision made by the Planning Director to deny a final plat application may be appealed by the applicant as provided in Section 4.022.

(.06) Effect of Approval: Approval shall be effective for a period of ninety (90) days, and if the final plat is not offered for record by the applicant in the office of the County Clerk within such time, the final plat shall be submitted again to the Planning Director under Section 4.220 of this Code, and the entire procedure shall be repeated, for consideration of any conditions which may then exist.

(.07) Delivery of Final Plat to County Offices. Following the approval of the Planning Director:

A. Unless otherwise specified by the county where the final plat is to be recorded, the final plat shall be routed to the county departments as follows:

1. The Assessor shall receive the final plat and may research the needed requirements as well as forward identification information to the Tax Department.
2. Obtain on the final plat the signature of the County Surveyor, whose signature shall certify that the platting laws of this State have been met.

Section 4.232. Expedited Land Divisions.

3. Obtain the signature on the final plat of a majority of the Board of County Commissioners whose signatures shall certify that the plat is approved by them.
 4. Obtain the signature on the final plat of the County Tax Department if/or when all taxes on the property are paid.
 5. Obtain on the final plat the signature of the County Assessor, whose signature shall certify that ownership is correct and taxes have been pro-rated and collected, if plat is to be recorded after July 1.
 6. After the above items have been completed, the final plat shall be delivered to the office of the County Clerk and required fees paid for recordation.
- (.08) Recording Final Plat. In addition to the requirements authorized and provided in ORS 92, upon offering the final plat for recordation, the subdivider shall furnish one black line or blue print copy of the final plat to the City Engineer and to such County offices as may be requested or required by the County. [Amended by Ordinance No. 538, 2/21/02.]

Section 4.232. Expedited Land Divisions.

- (.01) Applicants for subdivisions or land partitions may request that their applications be processed as expedited land divisions, pursuant to ORS 197. In order to be processed as an expedited land division, each such request must be filed in writing at the time that the application is filed.
- (.02) Additional to the relevant standards and criteria applying to partitions and subdivisions, applications for expedited land divisions shall only be approved where the subject property is in a residential zone and the application includes no requests for waivers or variances from the standards applying to land divisions in the zone.
- (.03) Expedited land divisions shall be subject to the same procedures and requirements as conventional land divisions, with the following exceptions:
 - A. The Planning Director shall have the authority to approve, conditionally approve, or deny applications through the Administrative Review procedures of Section 4.035. The Director shall not refer an application for an expedited land division to the Development Review Board for hearing and the Board shall not have the authority to call up the decision of the Director for review.
 - B. The Director shall render a decision on an expedited land division within thirty (30) days of a complete filing, unless a time extension has been requested by the applicant.
 - C. Appeals of the decisions of the Director on expedited land divisions shall be heard by a referee who has been retained by the City for the purpose of considering such appeals. Decisions of the referee shall be final and the City Council shall not have the authority to call up such decisions for review.
 - D. The referee shall render a decision on an expedited land division appeal within sixty-three (63) days of a complete filing, unless a time extension has been requested by the applicant.

Section 4.233. Lot Line Adjustments.

- (.01) Property owners wishing to alter the location of a property line that separates adjoining properties, without creating a new lot or parcel in the process, may apply for approval of a lot line adjustment. Applications for lot line adjustment shall be processed through either of the following:
 - A. Administrative Review, through the procedures outlined in Section 4.035; or
 - B. As part of a partition or subdivision process, where new lots or parcels are being created at the same time as the existing lot lines are being reconfigured.
- (.02) The lots or parcels resulting from a lot line adjustment shall conform to all requirements of the zone. Except, however, if either of the subject properties is a legal non-conforming lot at the time of the application, the requirements of Section 4.192 (Non-Conforming Lots) shall be followed.
- (.03) The dedication of property to a unit of government, where the property being dedicated is added to property that is already in public ownership, may be completed by deed without requiring compliance with this Section.

Section 4.236. General Requirements - Streets.

- (.01) Conformity to the Master Plan or Map: Land divisions shall conform to and be in harmony with the Transportation Master Plan (Transportation Systems Plan), the Bicycle and Pedestrian Master Plan, the Parks and Recreation Master Plan, the Official Plan or Map and especially to the Master Street Plan.
- (.02) Relation to Adjoining Street System.
 - A. A land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Director or Development Review Board, topographic conditions make such continuation or conformity impractical, an exception may be made. In cases where the Board or Planning Commission has adopted a plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.
 - B. Where the plat submitted covers only a part of the applicant's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.
 - C. At any time when an applicant proposes a land division and the Comprehensive Plan would allow for the proposed lots to be further divided, the city may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street plans and other requirements specified in these regulations.

Section 4.236. General Requirements - Streets.

- (.03) All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.
- (.04) Creation of Easements: The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required. Also, within a Planned Development, cluster settlements may have easement driveways for any number of dwelling units when approved by the Planning Director or Development Review Board.
- (.05) Topography: The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.
- (.06) Reserve Strips: The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the - Director or Board determine that a strip is necessary:
 - A. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
 - B. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards established by the City; or
 - C. To prevent access to land abutting a street of the land division but not within the tract or parcel of land being divided; or
 - D. To prevent access to land unsuitable for building development.
- (.07) Future Expansion of Street: When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension.
- (.08) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.
- (.09) Street Names: No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.

Section 4.237. General Requirements – Other.

(.01) Blocks:

- A. The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic, and recognition of limitations and opportunities of topography.
- B. Sizes: Blocks shall not exceed the sizes and lengths specified for the zone in which they are located unless topographical conditions or other physical constraints necessitate larger blocks. Larger blocks shall only be approved where specific findings are made justifying the size, shape, and configuration.

(.02) Easements:

- A. Utility lines. Easements for sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the City Engineer or Planning Director. All the utility lines within and adjacent to the site shall be installed with underground services within the street and to any structures. All utilities shall have appropriate easements for construction and maintenance purposes.
- B. Water courses. Where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. Streets or parkways parallel to water courses may be required.

(.03) Pedestrian and bicycle pathways. An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

- A. Pathways shall be required to connect to cul-de-sacs or to pass through unusually shaped blocks.
- B. Pathways required by this subsection shall have a minimum width of ten (10) feet unless they are found to be unnecessary for bicycle traffic, in which case they are to have a minimum width of six (6) feet.

(.04) Tree planting. Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review Board before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.

- (.05) Lot Size and shape. The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.
- A. In areas that are not served by public sewer, an on-site sewage disposal permit is required from the City. If the soil structure is adverse to on-site sewage disposal, no development shall be permitted until sewer service can be provided.
 - B. Where property is zoned or deeded for business or industrial use, other lot widths and areas may be permitted at the discretion of the Development Review Board. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - C. In approving an application for a Planned Development, the Development Review Board may waive the requirements of this section and lot size, shape, and density shall conform to the Planned Development conditions of approval.
- (.06) Access. The division of land shall be such that each lot shall have a minimum frontage on a public street, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:
- A. A lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than twenty-five (25) feet upon a street, measured on the arc.
 - B. The Development Review Board may waive lot frontage requirements where in its judgment the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of this regulation or if the Board determines that another standard is appropriate because of the characteristics of the overall development.
- (.07) Through lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of one hundred (100) feet. The Development Review Board may require assurance that such screened areas be maintained as specified in Section 4.176.
- (.08) Lot side lines. The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street upon which the lots face.
- (.09) Large lot land divisions. In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Development Review Board considers it necessary.

Section 4.250. Lots of Record.

- (.10) Building line. The Planning Director or Development Review Board may establish special building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.
- (.11) Build-to line. The Planning Director or Development Review Board may establish special build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.
- (.12) Land for public purposes. The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.
- (.13) Corner lots. Lots on street intersections shall have a corner radius of not less than ten (10) feet.

Section 4.250. Lots of Record.

All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.

Section 4.260. Improvements - Procedures.

In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this Code and improvement standards and specifications of the City. The improvements shall be installed in accordance with the City's Public Works Standards.

Section 4.262. Improvements - Requirements.

- (.01) Streets. Streets within or partially within the development shall be graded for the entire right-of-way width, constructed and surfaced in accordance with the Transportation Systems Plan and City Public Works Standards. Existing streets which abut the development shall be graded, constructed, reconstructed, surfaced or repaired as determined by the City Engineer.
- (.02) Curbs. Curbs shall be constructed in accordance with standards adopted by the City.
- (.03) Sidewalks. Sidewalks shall be constructed in accordance with standards adopted by the City.
- (.04) Sanitary sewers. When the development is within two hundred (200) feet of an existing public sewer main, sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the City. When the development is more than two hundred (200) feet from an existing public sewer main, the City Engineer may approve an alternate sewage disposal system.

Section 4.264. Improvements - Assurance.

- (.05) Drainage. Storm drainage, including detention or retention systems, shall be provided as determined by the City Engineer.
- (.06) Underground utility and service facilities. All new utilities shall be subject to the standards of Section 4.300 (Underground Utilities). The developer shall make all necessary arrangements with the serving utility to provide the underground services in conformance with the City's Public Works Standards.
- (.07) Streetlight standards. Streetlight standards shall be installed in accordance with regulations adopted by the City.
- (.08) Street signs. Street name signs shall be installed at all street intersections and dead-end signs at the entrance to all dead-end streets and cul-de-sacs in accordance with standards adopted by the City. Other signs may be required by the City Engineer.
- (.09) Monuments. Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and shall be of such material, size and length as required by State Law. Any monuments that are disturbed before all improvements are completed by the developer and accepted by the City shall be replaced to conform to the requirements of State Law.
- (.10) Water. Water mains and fire hydrants shall be installed to serve each lot in accordance with City standards.

Section 4.264. Improvements - Assurance.

- (.01) A certificate shall be signed by the City Engineer certifying that the developer has complied with one of the following alternatives:
 - A. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Director or Development Review Board, giving conditional approval of the preliminary plat, or
 - B. A bond or other form of security satisfactory to the Community Development Director or a certified check, equal to one and one-half (1 1/2) times the City Engineer's estimate of the cost of such improvement, has been posted with the City to assure completion of all required improvements, or
 - C. Deed restriction to the effect that no lots may be sold until improvements have been completed and accepted by the City, a bond or other security satisfactory to the City Council or a certified check is posted, or other means approved by the Community Development Director, giving full assurance that the improvements will be completed.
 - D. If, at the termination of two (2) years, the work has not been completed, and no extension has been granted, the certified check or bond may be forfeited and the improvements constructed at the direction of the City Engineer. If the work has been completed to the satisfaction of the City Engineer, the certified check or bond shall be released.

Section 4.270. Variance from Land Division Standards.

Section 4.270. Variance from Land Division Standards.

- (.01) The Development Review Board may authorize a variance from any requirement set forth in these standards, based upon the procedures, standards and criteria listed in Section 4.196, and the additional standards listed below.
- (.02) The basic reason for granting a variance will be proof that:
 - A. Special conditions or circumstances unique to the property under consideration make the variance necessary.
 - B. The variance is necessary for the proper development of the land division and the preservation of property rights and values.
 - C. The variance will not at present or hereafter be detrimental to the public welfare or injurious to other properties adjacent to or in the vicinity of the proposed land division.
- (.03) Consideration for a variance from these regulations shall be based upon a written statement by the applicant giving complete details of conditions and reasons why a variance should be granted.

Section 4.280. Appeals.

Appeals may be made as set forth in Section 4.022.

Section 4.290. Penalties.

Any person who violates or fails to comply with any provisions of this Code shall be subject to the provisions of Section 4.026 (Enforcement).

UNDERGROUND UTILITIES

Section 4.300. General.

- (.01) The City Council deems it reasonable and necessary in order to accomplish the orderly and desirable development of land within the corporate limits of the City, to require the underground installation of utilities in all new developments.
- (.02) After the effective date of this Code, the approval of any development of land within the City will be upon the express condition that all new utility lines, including but not limited to those required for power, communication, street lighting, gas, cable television services and related facilities, shall be placed underground.
- (.03) The construction of underground utilities shall be subject to the City's Public Works Standards and shall meet applicable requirements for erosion control and other environmental protection.

Section 4.310 Exceptions.

Section 4.300 of this Code shall not apply to surface-mounted transformers, surface-mounted connection boxes, wireless communication facilities, and meter cabinets and other appurtenances which are reasonably necessary to be placed above ground, or to temporary utility service facilities during construction, or to high capacity electric and communication feeder lines, or to utility transmission lines operating at 50,000 volts or more.

Section 4.320. Requirements.

- (.01) The developer or subdivider shall be responsible for and make all necessary arrangements with the serving utility to provide the underground services (including cost of rearranging any existing overhead facilities). All such underground facilities as described shall be constructed in compliance with the rules and regulations of the Public Utility Commission of the State of Oregon relating to the installation and safety of underground lines, plant, system, equipment and apparatus.
- (.02) The location of the buried facilities shall conform to standards supplied to the subdivider by the City. The City also reserves the right to approve location of all surface-mounted transformers.
- (.03) Interior easements (back lot lines) will only be used for storm or sanitary sewers, and front easements will be used for other utilities unless different locations are approved by the City Engineer. Easements satisfactory to the serving utilities shall be provided by the developer and shall be set forth on the plat.

**WILSONVILLE CODE
PLANNING AND LAND DEVELOPMENT**

**CHAPTER 4 – SECTIONS 4.400 – 4.450
SITE DESIGN REVIEW**

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SITE DESIGN REVIEW.

Section 4.400. Purpose.

- (.01) Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.

- (.02) The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:
 - A. Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment.
 - B. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;
 - C. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;
 - D. Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;
 - E. Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;
 - F. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;
 - G. Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services.
 - H. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and

Section 4.420. Jurisdiction and Powers of the Board.

opportunities for easy surveillance of the site that maximize resident control of behavior -- particularly crime;

- I. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;
- J. Sustain the comfort, health, tranquillity and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.

Section 4.420. Jurisdiction and Powers of the Board.

- (.01) Application of Section. Except for single-family or two-family dwellings in any residential zoning district, and in the Village zone, row houses or apartments, no Building Permit shall be issued for a new building or major exterior remodeling of an existing building, and no Sign Permit, except as permitted in Section 4.156, shall be issued for the erection or construction of a sign relating to such new building or major remodeling, until the plans, drawings, sketches and other documents required for a Sign Permit application have been reviewed and approved by the Board. [Amended by Ordinance No. 538, 2/21/02.] (Amended by Ord. 557, adopted 9/5/03.)
- (.02) Development in Accord with Plans. Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose of Section 4.400. If the Board objects to such proposed changes, they shall be subject to the procedures and requirements of the site design review process applicable to new proposals.
- (.03) Variances. The Board may authorize variances from the site development requirements, based upon the procedures, standards and criteria listed in Section 4.196. Variances shall be considered in conjunction with the site design review process.

Section 4.421. Criteria and Application of Design Standards.

- (.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)
 - A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade

Section 4.421. Criteria and Application of Design Standards.

changes shall be in keeping with the general appearance of neighboring developed areas.

- B. Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.
 - C. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
 - D. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.
 - E. Utility Service. Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.
 - F. Advertising Features. In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
 - G. Special Features. Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.
- (.02) The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.
- (.03) The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.

Section 4.430. Location, Design and Access Standards for mixed Solid Waste and Recycling Areas

- (.04) Conditional application. The Planning Director, Planning Commission, Development Review Board or City Council may, as a Condition of Approval for a zone change, subdivision, land partition, variance, conditional use, or other land use action, require conformance to the site development standards set forth in this Section.
- (.05) The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code. In making this determination of compliance and attaching conditions, the Board shall, however, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions either singularly or accumulatively have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.
- (.06) The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.
 - A. Where the conditions of approval for a development permit specify that certain paints or colors of materials be used, the use of those paints or colors shall be binding upon the applicant. No Certificate of Occupancy shall be granted until compliance with such conditions has been verified.
 - B. Subsequent changes to the color of a structure shall not be subject to City review unless the conditions of approval under which the original colors were set included a condition requiring a subsequent review before the colors could be changed.

Section 4.430. Location, Design and Access Standards for mixed Solid Waste and Recycling Areas

- (.01) The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code.
- (.02) Location Standards:
 - A. To encourage its use, the storage area for source separated recyclables shall be co-located with the storage area for residual mixed solid waste.
 - B. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements.
 - C. Storage area space requirements can be satisfied with a single location or multiple locations and can combine with both interior and exterior locations.
 - D. Exterior storage areas can be located within interior side yard or rear yard areas. Minimum setback shall be three (3) feet. Exterior storage areas shall not be located within a required front yard setback, including double frontage lots.

Section 4.430. Location, Design and Access Standards for mixed Solid Waste and Recycling Areas

- E. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.
- F. Exterior storage areas can be located in a parking area if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions of Section 4.430 (.03), below.
- G. The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.

(.03) Design Standards.

- A. The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.
- B. Storage containers shall meet Uniform Fire Code standards and be made of or covered with waterproof materials or situated in a covered area.
- C. Exterior storage areas shall be enclosed by a sight obscuring fence, wall or hedge at least six (6) feet in height. Gate openings for haulers shall be a minimum of ten (10) feet wide and shall be capable of being secured in a closed or open position. In no case shall exterior storage areas be located in conflict with the vision clearance requirements of Section 4.177.
- D. Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

(.04) Access Standards.

- A. Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day and to collect service personnel on the day and approximate time they are scheduled to provide collection service.
- B. Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of ten (10) feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered.
- C. Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion. (Added by Ordinance #426, April 4, 1994.)

Section 4.440. Procedure.

- (.01) Submission of Documents. A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:
- A. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas, and railroad tracks. The site plan shall indicate the location of entrances and exits and direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided.
 - B. A Landscape Plan, drawn to scale, showing the location and design of landscaped areas, the variety and sizes of trees and plant materials to be planted on the site, the location and design of landscaped areas, the varieties, by scientific and common name, and sizes of trees and plant materials to be retained or planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials. An inventory, drawn at the same scale as the Site Plan, of existing trees of 4" caliper or more is required. However, when large areas of trees are proposed to be retained undisturbed, only a survey identifying the location and size of all perimeter trees in the mass is necessary.
 - C. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Floor plans shall also be provided in sufficient detail to permit computation of yard requirements based on the relationship of indoor versus outdoor living area, and to evaluate the floor plan's effect on the exterior design of the building through the placement and configuration of windows and doors.
 - D. A Color Board displaying specifications as to type, color, and texture of exterior surfaces of proposed structures. Also, a phased development schedule if the development is constructed in stages.
 - E. A sign Plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.
 - F. The required application fee.
- (.02) As soon as possible after the preparation of a staff report, a public hearing shall be scheduled before the Development Review Board. In accordance with the procedures set forth in Section 4.010(2) and 4.012, the Development Review Board shall review and approve, approve with conditions, or deny the proposed architectural, site development, landscaping or sign plans of the applicant. If the Board finds that additional information or time are necessary to render a decision, the matter may be

Section 4.441. Effective Date of Decisions.

continued to a date certain. The applicant shall be immediately notified in writing of any such continuation or delay together with the scheduled date of review.

Section 4.441. Effective Date of Decisions.

A decision of the Board shall become effective fourteen (14) calendar days after the date of the decision, unless the decision is appealed to, or called up by, the Council. If the decision of the Board is appealed to, or called up by, the City Council, the decision of the Council shall become effective immediately.

Section 4.442. Time Limit on Approval.

Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

Section 4.443. Preliminary Consideration.

An applicant may request preliminary consideration by the Board of general plans prior to seeking a building permit. When seeking preliminary consideration, the applicant shall submit a site plan showing the proposed structures, improvements and parking, together with a general description of the plans. The Board shall approve or reject all or part of the applicant's general plan within the normal time requirements of a formal application. Preliminary approval shall be deemed to be approval of the final plan to the extent that the final design contains the characteristics of the preliminary design.

Section 4.450. Installation of Landscaping.

- (.01) All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.
- (.02) Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code.
- (.03) All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.

Section 4.450. Installation of Landscaping.

- (.04) If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City's development review process, that removal or modification must first be approved through the procedures of Section 4.010.

**WILSONVILLE CODE
PLANNING AND LAND DEVELOPMENT**

**CHAPTER 4 – SECTIONS 4.500 – 4.515
WILLAMETTE RIVER GREENWAY**

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WILLAMETTE RIVER GREENWAY

Section 4.500. General Purpose.

The general purposes of this Section are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Section 4.504. General - Greenway Boundaries.

The Willamette River Greenway Boundaries in the City shall be the same as the Oregon State Parks and Recreation Department Willamette River Greenway Boundaries, and shall be defined on the City of Wilsonville Zoning and Comprehensive Plan Maps. The boundary is generally 150 feet from the ordinary low water line unless otherwise defined by the Map and this Section. Given that the Greenway Boundary does not always parallel the banks of the River, contact should be made with the City's Planning Department to verify boundary locations.

Section 4.506. General - Uses Permitted Outright.

- (.01) The following are outright permitted uses within the Willamette River Greenway Boundary:
 - A. The placing, by a public agency, of signs, markers, aids, etc. to serve the public.
 - B. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical, and natural uses on public and private lands, except that changes of use, intensification of use or development shall require Conditional Use Permit review as provided by this Code.
 - C. Agriculture as defined in ORS 215.203(2).
 - D. Reasonable emergency procedures necessary for the safety or protection of property.
 - E. Maintenance and repair usual and necessary for the continuance of an existing use not defined as intensification of use or change of use.
 - F. Uses legally existing on December 6, 1975.

Section 4.508. Conditional Use Permit - Uses Permitted Conditionally.

- (.01) The following uses may be allowed within the Willamette River Greenway Boundaries subject to a Conditional Use Permit by the Development Review Board:
 - A. All uses permitted in the underlying zone which are not listed as permitted uses in Section 4.506.
 - B. All uses which are classified as intensification of use, change of use or development, other than tree removal, which shall be governed by the provisions of Section 4.600.

Section 4.510. Conditional Use Permit - Findings In Support of Granting.

- (.01) A Greenway Conditional Use Permit may be granted by the Development Review Board upon making the findings required in Section 4.184 (Conditional Use Permits) and the following additional findings:
 - A. That to the greatest extent possible, the maximum possible landscape area, open space or vegetation between the activity and the river are provided,
 - B. That to the greatest extent possible, necessary public access in accordance with the Comprehensive Plan will be provided to and along the River by appropriate legal means.
 - C. That the change of use, intensification of use, or development complies with this Code, all other applicable City Ordinances, the Comprehensive Plan, and the Oregon State Parks and Recreation Department Greenway Plan.

Section 4.512. Conditional Use Permit - Application Procedures.

- (.01) All Conditional Use Permits shall be applied for and reviewed by the Development Review Board in accordance with Section 4.184.
- (.02) Within five (5) days of receipt of a complete application by the City, a copy of the application shall be forwarded to the Oregon State Parks and Recreation Department by Certified Mail, with a return receipt requested. Notice of the action taken by the City on the application shall also be submitted to the Oregon State Parks and Recreation Department within five (5) days of the action.

Section 4.514. Conditional Use Permit - Use Management Standards.

- (.01) The natural scenic views, historical character and recreational qualities of the Willamette River shall be protected by preservation and enhancement of the vegetative fringe along the river bank.
- (.02) A plan to remove any tree or trees shall be reviewed by the Development Review Board under the procedures of Section 4.600, et seq. Based on the standards and procedures of Section 4.620.10, mandatory mitigation shall be required as a condition of approval for any conditional use permit granted under this Section.
- (.03) Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses within the Greenway shall be permitted to continue as urban uses, including port, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities.
- (.04) All development after the effective date of this ordinance, except water dependent and water related uses, shall be set back a minimum of 75 feet upland from the top of each bank.
- (.05) Fish, riparian and wildlife corridors leading into the river channel shall remain open.

Section 4.514. Conditional Use Permit - Use Management Standards.

- (.06) All development, change of use or intensification of use shall demonstrate, to the maximum extent possible, maintenance of public safety and protection of public and private property, especially from vandalism and trespass.

[Chapter Amended Ord. No. 210, 5/3/82]

[Chapter Amended Ord. No. 516, 5/7/01]

**WILSONVILLE CODE
PLANNING AND LAND DEVELOPMENT**

**CHAPTER 4 – SECTIONS 4.600 – 4.640.20
TREE PRESERVATION AND PROTECTION**

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TREE PRESERVATION AND PROTECTION

Section 4.600. Purpose and Declaration

- (.01) Rapid growth, the spread of development, need for water and increasing demands upon natural resources have the effect of encroaching upon, despoiling, or eliminating many of the trees, other forms of vegetation, and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreational and economic assets to existing and future residents of the City of Wilsonville.
- (.02) Specifically, the City Council finds that:
- A. Woodland growth protects public health through the absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, and through its cooling effect in the summer months, and insulating effects in winter;
 - B. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding; and
 - C. Trees make a positive contribution to water quality and water supply by absorbing rainfall, controlling surface water run-off, and filtering and assisting in ground water recharge; and
 - D. Trees and woodland growth are an essential component of the general welfare of the City of Wilsonville by producing play areas for children and natural beauty, recreation for all ages and an irreplaceable heritage for existing and future City residents.
- (.03) Therefore, the purposes of this subchapter are:
- A. To preserve Significant Resource Overlay Zone areas, recognizing that development can and will occur.
 - B. To provide for the protection, preservation, proper maintenance and use of trees and woodlands in order to protect natural habitat and prevent erosion.
 - C. To protect trees and other wooded areas for their economic contribution to local property values when preserved, and for their natural beauty and ecological or historical significance.
 - D. To protect water quality, control surface water run-off, and protect ground water recharge.
 - E. To reflect the public concern for these natural resources in the interest of health, safety and general welfare of Wilsonville residents.
 - F. To encourage replanting where trees are removed.

Section 4.600.20. Applicability of Subchapter

- (.01) The provisions of this subchapter apply to the United States and the State of Oregon, and to their agencies and subdivisions, including the City of Wilsonville, and to the employees and agents thereof.
- (.02) By this subchapter, the City of Wilsonville regulates forest practices on all lands located within its urban growth boundary, as provided by ORS 527.722.
- (.03) The provisions of this subchapter apply to all land within the City limits, including property designated as a Significant Resource Overlay Zone or other areas or trees designated as protected by the Comprehensive Plan, City zoning map, or any other law or ordinance; except that any tree activities in the Willamette River Greenway that are regulated by the provisions of WC 4.500 - 4.514 and requiring a conditional use permit shall be reviewed by the DRB under the application and review procedures set forth for Tree Removal Permits.

Section 4.600.30. Tree Removal Permit Required

- (.01) Requirement Established. No person shall remove any tree without first obtaining a Tree Removal Permit (TRP) as required by this subchapter.
- (.02) Tree Removal Permits will be reviewed according to the standards provided for in this subchapter, in addition to all other applicable requirements of Chapter 4.
- (.03) Although tree activities in the Willamette River Greenway are governed by WC 4.500 - 4.514, the application materials required to apply for a conditional use shall be the same as those required for a Type B or C permit under this subchapter, along with any additional materials that may be required by the Planning Department. An application for a Tree Removal Permit under this section shall be reviewed by the Development Review Board.

Section 4.600.40. Exceptions

- (.01) Exception from requirement. Notwithstanding the requirement of WC 4.600.30(1), the following activities are allowed without a Tree Removal Permit, unless otherwise prohibited:
 - A. Agriculture, Commercial Tree Farm or Orchard. Tree removal or transplanting occurring during use of land for commercial purposes for agriculture, orchard(s), or tree farm(s), such as Christmas tree production.
 - B. Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, utility damage or other like disasters, in order to prevent imminent injury or damage to persons or property or restore order and it is impractical due to circumstances to apply for a permit.

1. When an emergency has occurred, a Tree Removal Permit must be applied for within thirty (30) days following the emergency tree removal under the application procedures established in this subchapter.
 2. In addition to complying with the permit application requirements of this subchapter, an applicant shall provide a photograph of any tree removed and a brief description of the conditions that necessitated emergency removal. Such photograph shall be supplied within seven days of application for a permit. Based on good cause shown arising out of the emergency, the Planning Director may waive any or all requirements of this section.
 3. Where a Type A Permit is granted for emergency tree removal, the permittee is encouraged to apply to the City Tree Fund for replanting assistance.
- C. City utility or road work in utility or road easements, in utility or road right-of-ways, or in public lands. However, any trees removed in the course of utility work shall be mitigated in accordance with the standards of this subchapter.
- D. Nuisance abatement. The City is not required to apply for a Tree Removal Permit to undertake nuisance abatement as provided in WC 6.200 et seq. However, the owner of the property subject to nuisance abatement is subject to all the provisions of this subchapter in addition to the requirements of WC 6.200 et seq.
- E. The removal of filbert trees is exempt from the requirements of this subchapter.
- F. The Charbonneau District, including its golf course, is exempt from the requirements of WC 4.600.30(1) on the basis that by and through the current CC&R's of the Charbonneau Country Club, the homeowners' association complies with all requirements of WC 4.610.30(1)(C)(1). This exception has been based upon the Tree Maintenance and Protection Plan that has been submitted by the Charbonneau Country Club and approved by the Planning Director. Tree removal activities remain subject to all applicable standards of this subchapter. Unless authorized by the City, this exception does not include tree removal upon any public easements or public property within the district. In the event that the CC&R's are changed relative to the effect of the Tree Maintenance and Protection Plan, then the Planning Director shall review whether such effect is material, whether it can be mitigated, and if not, may disallow the exemption.

Section 4.600.50. Application For Tree Removal Permit

- (.01) Application for Permit. A person seeking to remove one or more trees shall apply to the Director for a Tree Removal Permit for a Type A, B, C, or D permit, depending on the applicable standards as provided in this subchapter.
- (A) An application for a tree removal permit that does not meet the requirements of Type A may be submitted as a Type B application.
- (.02) Time of Application. Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating site

plan or plat review, application for a Tree Removal Permit shall be made as part of the site development application as specified in this subchapter.

- (.03) Fees. A person applying for a Tree Removal Permit shall pay a non-refundable application fee; as established by resolution of the City Council.
- A. By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant's property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.

Section 4.610.00. Application Review Procedure

- (.01) The permit applicant shall provide complete information as required by this subchapter in order for the City to review the application.
- (.02) Departmental Review. All applications for Tree Removal Permits must be deemed complete by the City Planning Department before being accepted for review. When all required information has been supplied, the Planning Department will verify whether - the application is complete. Upon request of either the applicant or the City, the City may conduct a field inspection or review meeting. City departments involved in the review shall submit their report and recommendations to the Planning Director who shall forward them to the appropriate reviewing authority.
- (.03) Reviewing Authority.
- A. Type A or B. Where site plan review or plat approval by the Development Review Board is not required by City ordinance, the grant or denial of the Tree Removal Permit application shall be the responsibility of the Planning Director. The Planning Director has the authority to refer a Type B permit application to the DRB under the Class II administrative review procedures of this Chapter. The decision to grant or deny a permit shall be governed by the applicable review standards enumerated in WC 4.610.10
- B. Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council.
- C. Type D. Type D permit applications shall be subject to the standards and procedures of Class I administrative review and shall be reviewed for compliance with the Oregon Forest Practice Rules and Statutes. The Planning Director shall make the decision to grant or deny an application for a Type D permit.
- D. Review period for complete applications. Type A permit applications shall be reviewed within 10 (ten) working days. Type B permit applications shall be reviewed by the Planning Director within thirty (30) calendar days, except that the DRB shall review any referred application within sixty (60) calendar days. Type C permit applications shall be reviewed within the time frame established

by this Chapter. Type D permit applications shall be reviewed within 15 calendar days.

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

Section 4.610.10. Standards For Tree Removal, Relocation Or Replacement

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

location alternatives and design options on-site for proposed buildings, structures or other site improvements.

- D. Land Clearing. Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.
- E. Residential Development. Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.
- F. Compliance With Statutes and Ordinances. The proposed activity shall comply with all applicable statutes and ordinances.
- G. Relocation or Replacement. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not to be removed, in accordance with WC 4.620.10.
- H. Limitation. Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this Chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.
 - 1. Necessary For Construction. Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure or other site improvement, and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to existing or proposed buildings or structures, or creates unsafe vision clearance.
 - 2. Disease, Damage, or Nuisance, or Hazard. Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 et seq., or creates unsafe vision clearance as defined in this Code.
 - (a) As a condition of approval of Stage II development, filbert trees must be removed if they are no longer commercially grown or maintained.
 - 3. Interference. Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site.
 - 4. Other. Where the applicant shows that tree removal or transplanting is reasonable under the circumstances.
- I. Additional Standards for Type C Permits.
 - 1. Tree survey. For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40, and provide a Tree Maintenance and Protection plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.

2. **Platted Subdivisions.** The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.
 3. **Utilities.** The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.
- J. **Exemption.** Type D permit applications shall be exempt from review under standards D, E, H and I of this subsection.

Section 4.610.20. Type A Permit

- (.01) Approval to remove one to three trees within a twelve (12) month period on any property shall be granted if the application meets all of the following requirements:
- A. The trees subject to removal are not located in the Significant Resource Overlay Zone; and
 - B. The trees subject to removal are not located in the Willamette River Greenway;
 - C. The trees subject to removal are not Heritage Trees.
 - D. The trees subject to removal are not street trees;
 - E. The trees subject to removal must not be retained as a condition of site development approval.
- (.02) Where the City determines that an application to remove a tree or trees does not meet the criteria of 1(A) - (E) of this section, then the application may be submitted as a Type B application.
- (.03) An application for a Type A Permit shall contain the following information:
- A. A brief statement explaining why tree removal is necessary.
 - B. A brief description of the trees proposed for removal or relocation, including common name, approximate height, diameter (or circumference) at four and one-half (4 1/2) feet d.b.h. above grade, and apparent health.
 - C. A drawing that depicts where trees are located and provides sufficient detail to indicate to a City reviewer where removal or relocation will occur.
 - D. The name of the person who will perform the removal or transplanting, if known, and the approximate date of removal.
 - E. Additional supporting information which the Planning Department requests, in order to determine whether an application meets the requirements of this section.

- (.04) The City shall accept a Type A permit application under the following procedure:
- A. Review Period. Completed Type A permit applications shall be reviewed within ten (10) working days. The grant or denial of the Tree Removal Permit application shall be the responsibility of the Planning Director.
 - B. The Type A permit application shall be reviewed under the standards of Class I administrative review and applicable requirements of this subchapter.

Section 4.610.30. Type B Permit

- (.01) An applicant may apply for a Type B Permit based on the following criteria:
- A. The applicant proposes to remove four (4) or more trees on property not subject to site development review; or
 - B. The applicant proposes major or minor changes in a condition or conditions of a development permit previously approved under the provisions of this Chapter; or
 - C. The applicant is a homeowners' association that proposes to remove trees on property previously approved by the City for development.
 - 1. A Tree Maintenance and Protection Plan submitted for approval-under (1)(C) of this subsection shall meet the following criteria:
 - a. The Development Review Board shall review the Covenants, Conditions and Restrictions (CC&R's) to verify that the homeowners' association is designated and authorized by the CC&R's to review tree maintenance, removal, and planting requests.
 - b. A request for tree removal shall indicate the reason for the request, as well as the location, size, species and health of tree.
 - c. Decisions on requests and actions taken are documented and retained and shall be made available to the City's Development Review Board upon request.
 - d. A replanting program is established and reviewed on an annual basis. Where such a program is approved, mitigation under this Chapter shall not be required.
 - 2. Any permit approved under this subsection shall require that all maintenance, planting, and removal be performed to the standards established in this subchapter and in Wilsonville Code.
 - 3. Failure of a homeowners' association to meet the requirements of this subsection shall be grounds for revocation of a Type B permit.
- (.02) Application for the Type B permit shall consist of the information required for a Type A Permit, as provided in WC 4.610.20, and a Tree Maintenance and Protection Plan, which shall contain the following information:
- A. An accurate topographical survey, subdivision map or plat map, that bears the signature of a qualified, registered surveyor or engineer, and which shows:

1. the shape and dimensions of the property, and the location of any existing and proposed structure or improvement,
 2. the location of the trees on the site, and indicating species, approximate height, d.b.h. diameter, canopy spread and common name,
 3. the location of existing and proposed easements, as well as setbacks required by existing zoning requirements.
- B. In lieu of the map or survey, an applicant proposing to remove trees under (1)(B) or (1)(C) of this subsection may provide aerial photographs with overlays, GIS documentation, or maps approved by the Planning Director, and clearly indicating the information required by (2)(A) of this subsection.
- C. Arborist Report. The report shall describe the health and condition of all trees subject to removal or transplanting, and shall include information on species, common name, diameter at four and one-half (4 1/2) feet d.b.h., approximately height and age.
- D. Tree Protection. Unless specifically exempted by the Planning Director, a statement describing how trees intended to remain will be protected during tree removal, and how remaining trees will be maintained.
- E. Tree Identification. Unless specifically exempted by the Planning Director, a statement that any trees proposed for removal will be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction documents.
- F. Replacement Trees. A description of the proposed tree replacement program with a detailed explanation including the number, size, and species, and cost. In lieu of replacing trees, the applicant may propose to pay into the City Tree Fund an amount equivalent to the value of the replacement trees after installation, as provided in this subchapter.
- G. Covenants, Conditions and Restrictions (CC&R's). Where the applicant is proposing to remove trees on common areas, the applicant shall provide a copy of the applicable CC&R's, including any landscaping provisions.
- H. Waiver of documentation. The Planning Director may waive an application document where the required information has already been made available to the City, or where the Director determines the information is not necessary to review the application.

(.03) Review.

- A. The Type B permit application, including major or minor changes in a condition or conditions of a development permit previously approved under the provisions of this chapter, shall be reviewed under the standards of Class II administrative review and the requirements of this subchapter. Where site plan review or plat approval by the Development Review Board is not required by City ordinance, the grant or denial of the Type B permit shall be the responsibility of the Planning Director. The Planning Director has the authority to refer a Type B permit

application to DRB under the Class II administrative review procedures of this Chapter.

- B. The DRB shall review and render a decision on any application referred by the Planning Director within sixty (60) days. The Planning Director shall review a completed permit application within thirty (30) days.
- C. The decision to grant or deny a Type B permit shall be governed by the standards established in WC 4.610.10.

Section 4.610.40. Type C Permit

- (.01) Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.
- (.02) The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:
 - A. A plan, including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:
 - 1. Property Dimensions. The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.
 - 2. Tree survey. The survey must include:
 - a. An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch (1”) equals one hundred feet (100’) and which provides a) the location of all trees having six inches (6”) or greater d.b.h. likely to be impacted, b) the spread of canopy of those trees, (c) the common and botanical name of those trees, and d) the approximate location and name of any other trees on the property.
 - b. A description of the health and condition of all trees likely to be impacted on the site property. In addition, for trees in a present or proposed public street or road right-of-way that are described as unhealthy, the description shall include recommended actions to restore

such trees to full health. Trees proposed to remain, to be transplanted or to be removed shall be so designated. All trees to remain on the site are to be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.

- c. Where a stand of twenty (20) or more contiguous trees exist on a site and the applicant does not propose to remove any of those trees, the required tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line. Only those trees on the perimeter of the stand shall be tagged, as provided in "b," above.
 - d. All Oregon white oaks, native yews, and any species listed by either the state or federal government as rare or endangered shall be shown in the tree survey.
3. Tree Protection. A statement describing how trees intended to remain will be protected during development, and where protective barriers are necessary, that they will be erected before work starts. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers."
 4. Easements and Setbacks. Location and dimension of existing and proposed easements, as well as all setbacks required by existing zoning requirements.
 5. Grade Changes. Designation of grade changes proposed for the property that may impact trees.
 6. Cost of Replacement. A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size and species.
 7. Tree Identification. A statement that all trees being retained will be identified by numbered metal tags, as specified in subsection "A," above in addition to clear identification on construction documents.

Section 4.610.50. Type D Permit

- (.01) The owner or operator of a commercial woodlot shall apply and receive approval for a Type D Permit before beginning harvesting operations of more than three (3) trees within any twelve (12) month period. Type D permit applications shall be subject to the standards and procedures of Class I administrative review and shall be reviewed for compliance with the Oregon Forest Practice Rules. The removal of three (3) or fewer trees in a commercial woodlot within any twelve (12) month period shall not require a tree removal permit.
- (.02) Sites which meet the following criteria on the effective date of this regulation shall be designated as commercial woodlots by the Planning Director:
 - A. The site is at least 30,000 square feet.
 - B. Trees have been maintained on the site for the purpose of harvesting.

- C. The property from which the forest species are to be harvested are in a property tax deferred status based on agricultural and/or forest use under state law provisions for Farm Deferral, Forest Land Deferral, or Small Woodlands Deferral.
- (.03) All other sites which potentially meet the criteria of WC 4.610.50(B) shall be reviewed by the Development Review Board, which shall determine whether a site meets the criteria for a commercial woodlot designation when an application is submitted for a tree removal permit.
- (.04) Approval to remove trees as part of a commercial harvest shall be granted if a plan meets all of the following criteria:
 - A. Trees will be grown and maintained according to an established plan.
 - B. Approved forestry practices will be followed. Forest practices include the administrative rules as adopted by the Oregon Department of Forestry.
 - C. Harvested trees will be replanted according to an established plan. Where trees are proposed to be removed as a final harvest and no further planting, maintenance, or rotation of trees will occur after trees are removed, the applicant shall propose an erosion control and revegetation plan for review.

Section 4.620.00. Tree Relocation, Mitigation, Or Replacement

- (.01) Requirement Established. A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.
- (.02) Basis For Determining Replacement. The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2”) or more in diameter. Alternatively, the Planning Director or Development Review Board may require the permit grantee to replace removed trees on a per caliper inch basis, based on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. Except, however, that the Planning Director or Development Review Board may allow the use of replacement Oregon white oaks and other uniquely valuable trees with a smaller diameter.
- (.03) Replacement Tree Requirements. A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.
 - A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.
 - B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee’s successors-in-interest for two (2) years after the planting date.

- C. A “guaranteed” tree that dies or becomes diseased during that time shall be replaced.
 - D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.
- (.04) All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade.
- (.05) Replacement Tree Location.
- A. City Review Required. The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.
 - B. Relocation or Replacement Off-Site. When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location-approved by the City.
- (.06) City Tree Fund. Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the Tree Removal Permit grantee shall pay into the City Tree Fund, which fund is hereby created, an amount of money approximately the value as defined by this subchapter, of the replacement trees that would otherwise be required by this subchapter. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City.
- A. The City Tree Fund shall be used to offer trees at low cost on a first-come, first-serve basis to any Type A Permit grantee who requests a tree and registers with the City Tree Fund.
 - B. In addition, and as funds allow, the City Tree Fund shall provide educational materials to assist with tree planting, mitigation, and relocation.
- (.07) Exception. Tree replacement may not be required for applicants in circumstances where the Director determines that there is good cause to not so require. Good cause shall be based on a consideration of preservation of natural resources, including preservation of mature trees and diversity of ages of trees. Other criteria shall include consideration of terrain, difficulty of replacement and impact on adjacent property.

Section 4.620.10. Tree Protection During Construction

- (.01) Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:
- A. All trees required to be protected must be clearly labeled as such.

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

Section 4.620.20. Maintenance And Protection Standards

- (.01) The following standards apply to all activities affecting trees, including, but not limited to, tree protection as required by a condition of approval on a site development application brought under this Chapter or as required by an approved Tree Maintenance and Protection Plan.
 - A. Pruning activities shall be guided by the most recent version of the ANSI 300 Standards for Tree, Shrub, and Other Woody Plant Maintenance. Information on these standards shall be available upon request from the Planning Department.
 - B. Topping is prohibited.
 - 1. Exception from this section may be granted under a Tree Removal Permit if necessary for utility work or public safety.

Section 4.630.00. Appeal

- (.01) The City shall not issue a Tree Removal Permit until approval has been granted by either the Planning Director or the DRB. Any applicant denied a Type A or B permit may appeal the decision as provided for in review of Class I Development Applications, or Class II Development Applications, whichever is applicable. Decisions by the Planning Director may be appealed to the DRB as provided in WC 4.022. Decisions by the DRB may be appealed to the City Council as provided in WC 4.022.
- (.02) The City shall not issue a Tree Removal Permit approved by the Development Review Board until fifteen (15) calendar days have passed following the approval. The grant or denial of a Tree Removal Permit may be appealed to the City Council in the same manner as provided for in WC 4.022. An appeal must be filed in writing, within the fifteen (15) calendar day period following the decision being appealed. The timely filing of an appeal shall have the effect of suspending the issuance of a permit pending the outcome of the appeal. The City Council, upon review, may affirm, reverse or modify the decision rendered by the Development Review Board based upon the same standards of review specified for the DRB in the Wilsonville Code.

Section 4.630.10. Display Of Permit; Inspection

The Tree Removal Permit grantee shall conspicuously display the permit on-site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow City representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this subchapter.

Section 4.630.20. Variance For Hardship

Any person may apply for a variance of this subchapter as provided for in Section 4.196 of this Chapter.

Section 4.630.30. Severability

If any part of this ordinance is found by a court of competent jurisdiction to be invalid, that part shall be severable and the remainder of this ordinance shall not be affected.

Section 4.640.00. Violation; Enforcement

- (.01) The cutting, damaging, or removal of any individual tree without a permit as required by this ordinance constitutes a violation punishable as a separate infraction under WC 1.013. In addition, each violation of a condition or a violation of any requirement of this Chapter shall constitute a separate infraction.
- (.02) Retroactive Permit. A person who removes a tree without obtaining a Type A or Type B permit may apply retroactively for a permit. In addition to all application requirements of this Chapter, the person must be able to demonstrate compliance with

all requirements of this subchapter, in addition to paying a triple permit fee and a penalty per tree in an amount established by resolution of City Council. Mitigation requirements of this subchapter apply to all retroactive permits.

- (.03) Nuisance Abatement. Removal of a tree in violation of this Chapter is a nuisance and may be abated as provided in Sections 6.230 to 6.244, 6.250, and 6.260 of the Wilsonville Code.
- (.04) Withholding Certificate of Occupancy. The City Building Official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this Chapter, including any conditions attached to a Tree Removal Permit, have been fully met.
- (.05) Fines. Fines for a violation shall be imposed according to WC 1.012.
- (.06) Mitigation. The City shall require the property owner to replace illegally removed or damaged trees. The City may also require a combination of payment and tree replacement.
 - A. The City shall notify the property owner in writing that a violation has occurred and mitigation is required. Within thirty (30) days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the City. The plan shall provide for replacement of a tree of similar species and size taking into account the suitability of the site and nursery stock availability.
 - B. Replacement will be on an inch-for-inch basis computed by adding the total diameter measured at d.b.h. in inches of the illegally removed or damaged trees. The City may use any reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. All replaced trees must be a minimum two-inch (2”) caliper. If the mitigation requirements cannot be completed on the property, the City may require completion at another approved location. Alternatively, the City may require payment into the City Tree Fund of the value of the removed tree as established by the Planning Department.

Section 4.640.10. Alternative Enforcement

- (.01) In the event that a person commits more than one violation of WC 4.600.30 to WC 4.630.00, the following alternative sentence may be imposed:
 - A. If a person has gained money or property through the commission of an offense under this section, then upon conviction thereof, the court, in lieu of imposing a fine, may sentence the person to pay an amount, fixed by the court, not to exceed double the amount of the gain from the commission of the offense.
 - B. “Gain” is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the City. “Value” shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.

Section 4.640.20. Responsibility For Enforcement.

- C. Any fines collected by the City under this section shall accrue to the City Tree Fund.

Section 4.640.20. Responsibility For Enforcement.

Compliance with this Chapter shall be enforced by the City Attorney, the City Attorney's designee, and Clackamas County or Washington County law enforcement officers.

ANNEXATIONS AND URBAN GROWTH BOUNDARY AMENDMENTS

Section 4.700. Procedures Relating To The Processing Of Requests For Annexation And Urban Growth Boundary Amendments.

- (.01) The City of Wilsonville is located within the Portland Metropolitan Area, and is therefore subject to regional government requirements affecting changes to the city limits and changes to the Urban Growth Boundary (UGB) around Wilsonville. The City has the authority to annex properties as prescribed in State law, but the City's role in determining the UGB is primarily advisory to Metro, as provided in Oregon Revised Statutes. The following procedures will be used to aid the City Council in formulating recommendations to those regional entities. [Amended by Ordinance No. 538, 2/21/02.]
- A. Proponents of such changes shall provide the Planning Director with all necessary maps and written information to allow for review by city decision-makers. The Planning Director, after consultation with the City Attorney, will determine whether each given request is quasi-judicial or legislative in nature and will make the necessary arrangements for review based upon that determination.
 - B. Written information submitted with each request shall include an analysis of the relationship between the proposal and the City's Comprehensive Plan, applicable statutes, as well as the Statewide Planning Goals and any officially adopted regional plan that may be applicable.
 - C. The Planning Director shall review the information submitted by the proponents and will prepare a written report for the review of the City Council and the Planning Commission or Development Review Board. If the Director determines that the information submitted by the proponents does not adequately support the request, this shall be stated in the Director's staff report.
 - D. If the Development Review Board, Planning Commission, or City Council determine that the information submitted by the proponents does not adequately support the request, the City Council may oppose the request to the regional entity having the final decision making authority.
- (.02) Each quasi-judicial request shall be reviewed by the Development Review Board, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.03) Each legislative request shall be reviewed by the Planning Commission, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.04) The City Council shall consider the information in the record of the Development Review Board or Planning Commission and shall, after concluding a public hearing on the request, determine the appropriate course of action. That course of action may be:
- A. In the case of a proposed amendment to the Regional Urban Growth Boundary: forward its recommendation in the form of a Resolution to the Metro Council.

Section 4.700. Procedures Relating To The Processing Of Requests For Annexation And Urban Growth Boundary Amendments.

- B. In the case of a proposed annexation to the City, select from the following as allowed by State law (ORS 222):
 - 1. Take no action;
 - 2. Declare the subject property, or some portion thereof, to be annexed;
 - 3. Set the matter for election of the voters residing within the affected territory;
or
 - 4. Set the matter for election of City voters.
- (.05) The City Council may adopt a development agreement with the owners of property that is proposed for annexation to the City, and such agreement may include an agreement to annex at a future date. A development agreement with an agreement to annex shall be subject to the same procedural requirement as other annexations in terms of staff report preparation, public review, and public hearings.

**WILSONVILLE CODE
 PLANNING AND LAND DEVELOPMENT
 CHAPTER 4 – SECTIONS 4.800 – 4.804
 WIRELESS COMMUNICATIONS FACILITIES**

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Please see the City Recorder for information regarding this Section.

WIRELESS COMMUNICATIONS FACILITIES

Section 4.800. Wireless Communication Facilities – Permitted, Conditionally Permitted, And Prohibited Uses

(.01) Permitted Uses.

- A. Towers and ancillary wireless communication facilities are permitted outright, subject to approval through the Class I Administrative Review process listed in Section 4.030 of the Wilsonville Code, at the following locations:
 - 1. Any property owned by the City of Wilsonville;
 - 2. Any property owned by the West Linn - Wilsonville School District;
 - 3. Any property owned by the Tualatin Valley Fire District;
 - 4. Any property within an electric utility substation.
- B. Collocated WCFs shall be considered a permitted use on all existing, legally established, transmission towers in all zones.
- C. Satellite dishes not exceeding one meter in diameter shall be permitted in any zone, without requiring Administrative Review, provided they are not located within any area designated as a Significant Resource Overlay Zone in the City's Comprehensive Plan.
- D. Satellite dishes not exceeding two meters in diameter shall be permitted outright in any PDC, PDI or PF zone, provided that they are not located within any area designated as a Significant Resource Overlay Zone in the City's Comprehensive Plan.
- E. WCFs attached to existing light, power, or telephone poles shall be permitted in all zones, subject to the development standards of Section 4.803, and subject to approval through the Class I Administrative Review process listed in Section 4.030 of the Wilsonville Code.

(.02) Conditional Uses. Wireless communication facilities shall be allowed in all zones, upon approval of a conditional use permit pursuant to Section 4.184 of the Wilsonville Code, subject to the following limitations:

- A. In the Town Center Master Planning Area, only attached WCFs shall be permitted as conditional uses. Other WCFs are prohibited.
- B. Satellite dishes greater than one meter in diameter shall only be permitted in a residential zone upon the granting of a conditional use permit. Except, however, that the collocation of a dish greater than one meter in diameter on an existing tower within a residential zone shall be subject to the Class I administrative review process as defined in Wilsonville Code, Chapter 4, Sections 4.030.
- C. Satellite dishes greater than two meters in diameter shall only be permitted in a PDC, PDI or PF zone upon the granting of a conditional use permit. Except, however, that the collocation of a dish greater than two meters in diameter on

Section 4.801. Application Requirements.

an existing tower within a PDC, PDI or PF zone shall be subject to the Class I administrative review process as defined in Wilsonville Code, Chapter 4, Section 4.030.

- (.03) Prohibited uses. Wireless communication facilities are prohibited on all lands designated as Significant Resource Overlay Zone lands.

Section 4.801. Application Requirements.

In addition to all standard required application materials, an applicant for a new WCF shall submit the following information:

- (.01) A visual study containing, at a minimum, a vicinity map depicting where, within a half-mile radius, any portion of the proposed tower could be visible, and a graphic simulation showing the appearance of the proposed tower and accessory structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation measures. Such points are to be mutually agreed upon by the planning director or the planning director's designee and the applicant.
- (.02) Documentation of the steps that will be taken to minimize the visual impact of the proposed facility.
- (.03) A landscape plan drawn to scale that is consistent with the need for screening at the site. Existing vegetation that is to be removed must be clearly indicated and provisions for mitigation included where appropriate.
- (.04) A feasibility study for the collocation of telecommunication facilities as an alternative to new structures. The feasibility study shall include:
- A. An inventory, including the location, ownership, height and design of existing WCFs within one-half mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCFs, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
 - B. Documentation of the efforts that have been made to collocate on existing or previously approved towers. Each applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form and content of such contact.
 - C. Documentation as to why collocation on existing or proposed towers or location on an existing tall structure within one-half mile of the proposed site is not practical or feasible. Collocation shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Development Review Board may consider expert testimony to determine whether the fee and costs are reasonable. Collocation costs exceeding new tower development are presumed to be unreasonable.

Section 4.801. Application Requirements.

- (.05) A report containing the following information:
- A. A report from a licensed professional engineer documenting the following:
 - 1. A description of the proposed tower height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed tower structure shall be included. If proposed tower is intended to accommodate future collocation, the engineer shall document that the design is sufficient for the purpose. If the proposed tower is not intended to allow for future collocation, the engineer shall provide an explanation of why it is not so intended.
 - 2. The total anticipated capacity of the tower in terms of the number and types of antennae which can be accommodated. The engineer shall also describe any limitations on the ability of the tower to accommodate collocation. The engineer shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not used.
 - 3. Documentation that the proposed tower will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the minimum safety requirements of the State Structural Specialty Code, latest adopted edition at the time of the application.
 - B. A description of mitigation methods which will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment.
 - C. Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards as set forth by the Federal Communications Commission.
 - D. Evidence that the proposed tower will comply with all applicable requirements of the Federal Aviation Administration, the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communications Commission.
- (.06) A description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.
- (.07) If a new tower is approved, the owner shall be required, as a condition of approval, to:
- A. Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the tower site is located;
 - B. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - C. Negotiate in good faith for shared use by third parties; and

Section 4.802. Collocation.

- D. Such conditions shall run with the land and be binding on subsequent purchasers of the tower site.
- (.08) The Planning Director may request any other information deemed necessary to fully evaluate and review the application and the potential impact of a proposed tower and/or antenna.”

Section 4.802. Collocation.

In order to encourage shared use of towers, all new WCFs shall comply with the following collocation standards.

- (.01) To encourage shared use of towers, no conditional use permit shall be required for the addition of antennae to an existing tower, nor shall a conditional use permit be required for accompanying accessory uses.
- (.02) The height of an existing support structure may be increased for the purpose of accommodating collocation without requiring a discretionary review process by the City, provided that there is no change to the type of tower and tower height is increased by the minimum amount necessary to accommodate the collocated facilities. Increases in height exceeding ten (10) feet, but not more than twenty (20) feet, beyond the original design shall require the approval of a Class I Administrative Review permit as provided in Section 4.030 of the Wilsonville Code. Height increases of twenty (20) or more feet for the purpose of accommodating collocation shall require the approval of a conditional use permit.
- (.03) All collocated facilities, and additions to existing towers, shall meet all requirements of the State of Oregon Structural Specialty Code, latest adopted edition. A building permit shall be required for such alterations or additions. Documentation shall be provided by a licensed professional engineer, verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
- (.04) All collocated facilities shall be designed in such a way as to be visually compatible with the tower structures on which they are placed.”

Section 4.803. Development Standards.

All new WCFs shall comply with the following standards.

- (.01) Visual Impact
 - A. Tower Height. Freestanding WCFs shall be exempted from the height limitations of the zone in which they are located. This exemption notwithstanding, the height and mass of the transmission tower shall be the minimum which is necessary for its intended use, as demonstrated in a report prepared by a licensed professional engineer. A WCF that is attached to an alternative tower structure may not exceed the height of the alternative tower structure, unless findings are made by the Planning Director or Development Review Board that such an increase will have a deminimis impact on the appearance of the structure. A WCF that is attached to an existing structure

Section 4.803. Development Standards.

other than an alternative tower structure in a PDC, PDI or PF zone may not exceed the height of the existing structure by more than twenty (20) feet. A WCF that is attached to an existing structure other than an alternative tower structure in an R, RA-H or PDR zone may not exceed the height of the existing structure by more than ten (10) feet.

1. The tower height of a freestanding WCF in R, PDR and RA-H zones may not exceed fifty (50) feet, except that the RA-H zoned property occupied by the City Sewerage Treatment Plant and the PDR zoned property occupied by the Elligsen Road Water Reservoir shall be exempted from the height limitations of the subject zones, and subsection 4.803 1 a, above, shall apply.

B. Paint and finish.

1. Towers, antennae and associated equipment shall either maintain a galvanized steel finish or be painted a non-reflective, neutral color, as approved by the Planning Director or Development Review Board. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure.
2. Towers more than 200 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall be painted and/or camouflaged in accordance with subsection "1", above.
3. All ancillary facilities shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment.
4. Equipment enclosures and ancillary facilities, other than antennae, in R, RA-H, and PDR zones shall be screened from public view or placed underground.

C. Unenclosed storage of materials is prohibited.

- D. Other building facilities, including offices, vehicle storage areas or other similar uses not necessary for transmission or relay functions are prohibited, unless a separate land use application for such is submitted and approved.

(.02) Site size.

- A. The site on which a transmission tower is located shall be of a sufficient shape and size to provide adequate setbacks as specified below. Towers may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this ordinance are met.
- B. Wherever possible, tower sites shall be large enough and structurally sufficient to allow for additional collocated and ancillary facilities, unless a finding is made by the Planning Director or Development Review Board that the tower will not accommodate future collocation. This standard shall not apply to antennae attached to existing structures or towers located on rooftops.

(.03) Separation and setbacks.

- A. Freestanding WCFs shall be set back from any other property line by a distance equal to or greater than the tower height, unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
- B. Freestanding WCFs located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 20% of the tower height or twenty-five (25) feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
- C. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100% breakpoint or twenty-five (25) feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
- D. Towers and antennae mounted on rooftops or alternative tower structures shall be exempt from these minimum separation requirements. However, WCFs and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties.
- E. Towers are prohibited in the required front yard, back yard or side yard setback of any lot in an R, PDR or RA-H zone.

(.04) Lighting. No lighting shall be permitted on transmission towers except that required by the Oregon State Aeronautics Division or the Federal Aviation Administration.

(.05) Signs. All signs are prohibited on WCFs, except for one non-illuminated sign, not to exceed two (2) square feet, which shall be provided at the main entrance to the facility stating owner's name and address, and a contact name and phone number for emergency purposes.

(.06) Security. WCFs shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device. Fencing shall be compatible with other nearby fencing. Such requirements may be waived for attached WCFs.

(.07) Landscaping. Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of a fast growing vegetation that can be expected to reach a minimum height of six feet and form a continuous hedge within two years of planting. Drought tolerant landscaping materials shall be required. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height and would not affect the stability of the guys

Section 4.804 Abandoned Facilities.

should they be uprooted. Landscaping shall be compatible with other nearby landscaping.

- (.08) Conflict with planned right-of-way. No WCF shall be located within a planned or existing public right-of-way, unless it is specifically designed for the purpose in a way that will not impede pedestrian or vehicular traffic. ”
- (.09) Pre-existing towers/non-conforming use. In order to encourage the collocation of antennae on existing towers, all WCFs operative prior to May 19, 1997 shall be allowed to continue in use without being considered to be non-conforming uses.

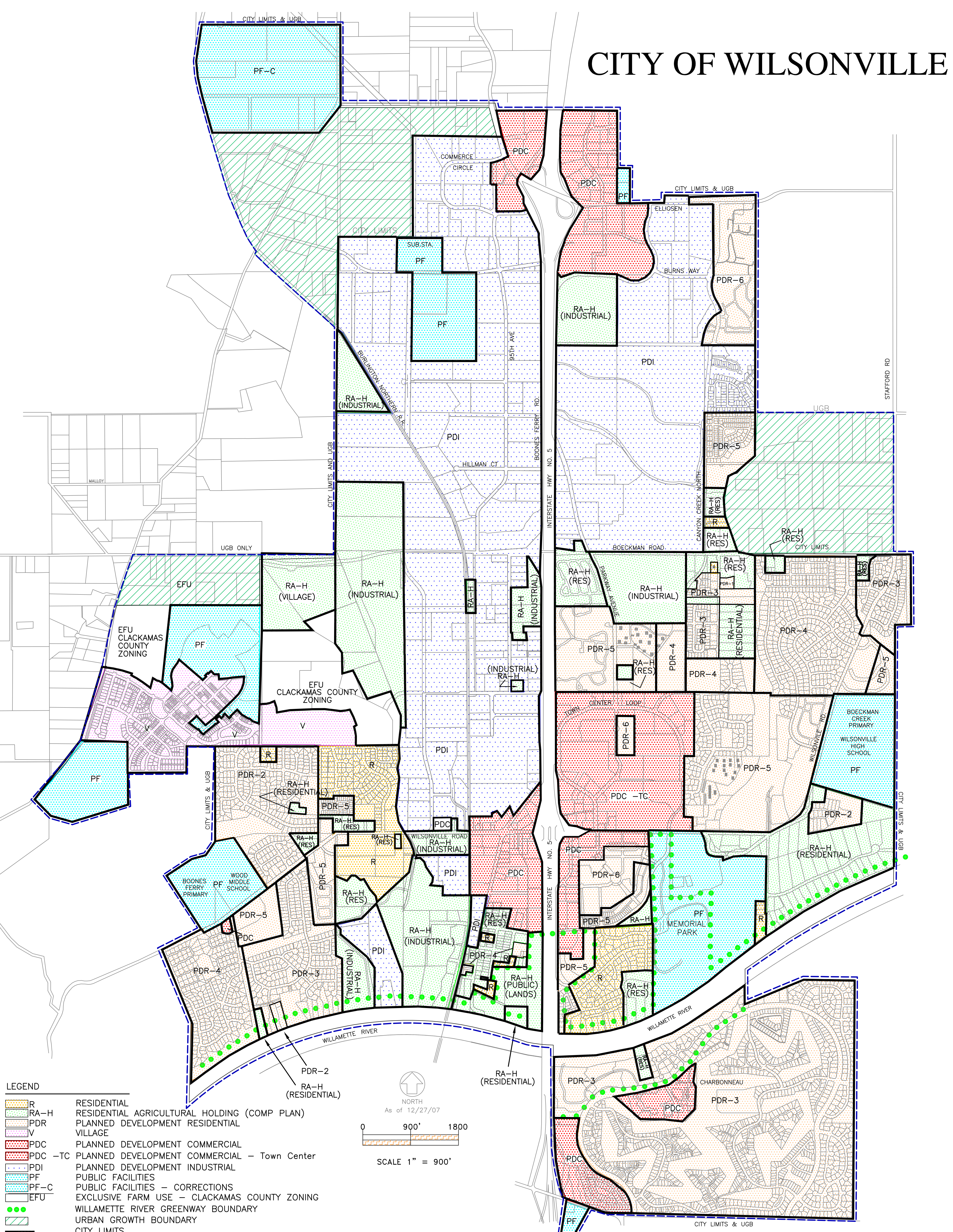
Section 4.804 Abandoned Facilities.

- (.01) In the event that an owner discontinues use of a transmission facility for more than six (6) consecutive months, the city may declare the facility abandoned and require the property owner to remove it. An abandoned facility may be declared a nuisance subject to the abatement procedures of Wilsonville Code Chapter 6. Delay by the city in taking action shall not in any way waive the city's right to take action. Upon written application prior to the expiration of the six-month period, the Planning Director may grant a six-month extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the Planning Director subject to any conditions required to bring the project into compliance with current law(s) and make compatible with surrounding development.
- (.02) The applicant for a new wireless communication facility shall provide an affidavit, signed by the property owner, indicating that the owner has read, and understands subsection (.01), above.

Section 4.900 Real Property Compensation Law.

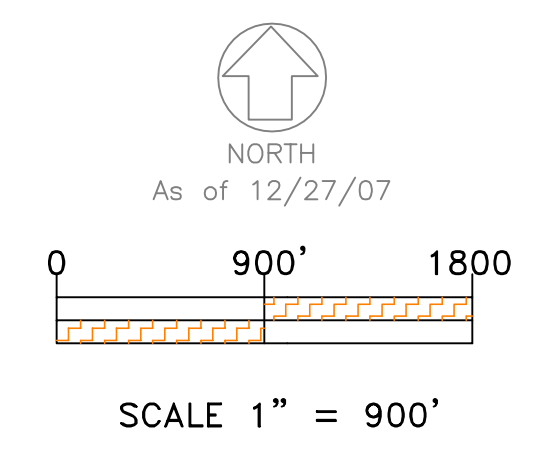
Please see the City Recorder for information regarding this Section.

CITY OF WILSONVILLE



LEGEND

	R	RESIDENTIAL
	RA-H	RESIDENTIAL AGRICULTURAL HOLDING (COMP PLAN)
	PDR	PLANNED DEVELOPMENT RESIDENTIAL
	V	VILLAGE
	PDC	PLANNED DEVELOPMENT COMMERCIAL
	PDC -TC	PLANNED DEVELOPMENT COMMERCIAL - Town Center
	PDI	PLANNED DEVELOPMENT INDUSTRIAL
	PF	PUBLIC FACILITIES
	PF-C	PUBLIC FACILITIES - CORRECTIONS
	EFU	EXCLUSIVE FARM USE - CLACKAMAS COUNTY ZONING
		WILLAMETTE RIVER GREENWAY BOUNDARY
		URBAN GROWTH BOUNDARY
		CITY LIMITS



* Please refer to the separate Natural Resource Plan Map in the Planning Division to determine the boundaries of the Significant Resource Overlay Zone and the Old Town Overlay Zone.

OFFICIAL ZONING MAP

MAYOR _____ DATE _____
 ATTEST: _____
 CITY RECORDER _____ DATE _____

ORDINANCE NUMBER: _____