

**Exhibit C - Additional Development Code Modifications**

**Administration**

Sections 4.000 – 4.035

#### **Section 4.001 Definitions.**

*The following definitions, related to the Coffee Creek Industrial Design Overlay District, are proposed to be added to this section in alphabetical order.*

Addressing street: A major existing or planned street within the Coffee Creek Industrial Design Overlay District as defined in Section 4.134.

Master Plan: A plan with a series of detailed components covering one or more distinct areas.

- See Villebois Village Master Plan.
- See Coffee Creek Design Overlay District.

Pattern Book: An illustrative document that depicts the site development, landscaped design, and/ or architectural character of a proposed development.

- See Section 4.125.15, Pattern Book for projects in Villebois.
- See Section 4.134 (.06) F, Pattern Book for projects in the Coffee Creek Design Overlay District.

Parcel: Within the Coffee Creek Industrial Design Overlay District, areas bounded by addressing streets, supporting streets and/or through connections are defined as a parcel.

Regulating Plan: A plan that organizes the system of existing and future streets and multi-use paths within the Coffee Creek Industrial Design Overlay District.

Supporting streets: New streets within the Coffee Creek Industrial Design Overlay District, which may be located within public rights-of-way or public easements.

Through connections: New streets, multi-use paths, or streets that combine characteristics of local streets and multi-use paths. They are located within the Coffee Creek Industrial Design Overlay District and may be located within public rights-of-way or public easements.

#### **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;
  - 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. Class I Sign Permits, and Temporary Sign Permits for thirty (30) days or less. [Amended by Ord. No. 704, 6/18/12.]
  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 4.156.09. 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:

- 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. 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.
  4. A permit to locate an accessory use on a lot adjacent to the site of the principal use.
  5. Subdivisions located within the Coffee Creek Industrial Design Overlay District and 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.
  6. 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.

7. 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.]

8. Class II Sign Permits. [Added by Ord. No. 704, 6/18/12.]

9. Site design review, as authorized in Section 4.400 for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.

10. Review of Stage I and Stage II Planned Development applications for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.

11. Type C tree removal permits as provided in Section 4.600 for properties located within the Coffee Creek Industrial Design Overlay District.

- 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.
- (.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.

## **Zoning**

Sections 4.100 – 4.141



**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)
  - I. Residential Neighborhood, which shall be designated "RN". The RN zone is a Planned Development Residential zone. (Added by Ord. 806 adopted 07/17)
- (.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; and
  - D. Coffee Creek Industrial Design Overlay District (CCDOD).
- (.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 4.135.5: 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:
- A. The same block and access standards as the PDC Zone [Section 4.131(.02) and (.03)] for properties located outside of the Coffee Creek Industrial Design Overlay District; or
  - B. The access and block size standards in Section 4.134 for those properties located within the Coffee Creek Industrial Design Overlay District. ~~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.

C. Front Yard Setback. Thirty (30) feet. Except as otherwise provided for properties within the Coffee Creek Industrial Design Overlay District, sStructures 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. Except as otherwise provided for properties within the Coffee Creek Industrial Design Overlay District, sStructures 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 Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

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

**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” or specifically defined as a PD zone by this code. 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 Planning Director, 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 and Planning Director 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 or the Planning Director for properties within the Coffee Creek Industrial Design Overlay District. 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 or the Planning Director for properties within the Coffee Creek Industrial Design Overlay District.
4. In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan except for properties within the Coffee Creek Industrial Design Overlay District, which may receive separate zone map amendment approvals.

(.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. Developments within the RN zone shall show how the proposed number of units complies with the applicable maximum and minimum provisions of the RN zone.
  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.

D. As provided in Section 4.134, an application for a Stage I approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director as follows:

1. A Class II – Administrative Review as provided in Section 4.035(.03).
2. After considering available information, the Planning Director 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 his or her judgment, necessary to ensure conformity to said criteria and regulations. In so doing, the Planning Director may, in his or her discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. The Planning Director shall do so only upon receiving 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 Planning Director.
4. The determination of the Planning Director shall become final at the end of the appeal period for the decision, unless appealed to the Development Review Board 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 or Planning Director, as applicable, 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. As provided in Section 4.134, an application for a Stage II approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director without a public hearing as a Class II Administrative Review as provided in Section 4.035(.03).

- B. ~~After such hearing,~~ The Development Review Board or Planning Director, as applicable, 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 or Planning Director, as applicable, 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 or Planning Director, as applicable, 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 or Planning Director, as applicable 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 or Planning Director, as applicable, permits the applicant to revise the plan, it shall be resubmitted as a final development plan within sixty (60) days. If the Board or Planning Director 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 or Planning Director, as applicable, 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 or Planning Director, as applicable, 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.]

## **General Development Regulations**

Sections 4.154 – 4.199



## **Section 4.156.02. Sign Review Process and General Requirements.**

- (.01) Permit Required. Unless exempt under Section 4.156.05, no sign, permanent or temporary, shall be displayed or installed in the City without first obtaining a sign permit.
- (.02) Sign Permits and Master Sign Plans. Many properties in the City have signs pre-approved through a Master Sign Plan. For the majority of applications where a Master Sign Plan has been approved the applicant need not consult the sign requirements for the zone, but rather the Master Sign Plan, copies of which are available from the Planning Division. Signs conforming to a Master Sign Plan require only a Class I Sign Permit.
- (.03) Classes of Sign Permits, Master Sign Plans, and Review Process. The City has three classes of sign permits for permanent signs: Class I, Class II, and Class III. In addition, non-residential developments with three or more tenants require a Master Sign Plan. Class I sign permits are reviewed through the Class I Administrative Review Process as outlined in Subsection 4.030(.01)(A.). Class II sign permits are reviewed through the Class II Administrative Review Process as outlined in Subsection 4.030 (.01)(B.). Class III Sign Permits and Master Sign Plans are reviewed by the Development Review Board (DRB) as outlined in Section 4.031.
- (.04) Class I Sign Permit. Sign permit requests shall be processed as a Class I Sign Permit when the requested sign or signs conform to a Master Sign Plan or other previous sign approval. In addition, a Minor Adjustment to a Master Sign Plan or other previous sign approval may be approved in connection with a Class I Sign Permit.
  - A. Class I Sign Permit Submission Requirements: Application for a Class I Sign Permit shall include two (2) copies of the following along with all required application fees:
    - 1. Completed application form prescribed by the City and signed by the property owner or the property owner's representative,
    - 2. Sign drawings showing all materials, the sign area and dimensions used to calculate sign areas, and other details sufficient to judge the full scale of the associated sign or signs and related improvements,
    - 3. Information showing how the proposed sign or signs conform with all applicable code requirements, Master Sign Plans, or other previous sign approvals for the property, and
    - 4. Information supporting any minor adjustment requests.
  - B. Class I Sign Permit Review Criteria: The sign or signs conform with the applicable master sign plan or other previous sign approvals, and applicable code requirements.
  - C. Minor Adjustments: Notwithstanding approved Master Sign Plans or other previous sign approvals, as part of a Class I Sign Permit Minor Adjustments may be approved as described in 1. and 2. below. Minor Adjustments are valid only for

the Sign Permit with which they are associated and do not carry over to future sign permits or copy changes.

1. Adjustment to Sign Height or Length: Adjustment of not more than ten (10) percent from the sign height (not height from ground) and/or length may be approved for the reasons listed in a. through d. below, unless otherwise specifically prohibited in the Master Sign Plan. Minor adjustments to sign height and length shall not cause the sign to cross the edge of any fascia, architectural element or area of a building facade identified as a sign band. The area of the sign exceeding the height or length as part of a minor adjustment shall not count against the sign area indicated in a Master Sign Plan or other previous sign approval.
  - a. To accommodate the descender on the lower case letters “q, y, p g, or j”, not otherwise accommodated by the measurement method used, where the letter matches the font of other letters in the sign, the descender is no more than 1/2 the cap height of the font, and the descender is no wider than the main body of the letter;
  - b. To accommodate stylized fonts where bowls, shoulders, or serifs of the stylized letters extend beyond the cap height;
  - c. To accommodate an arching or other non-straight baseline; or
  - d. To accommodate a federally registered trademark logo where compliance with the defined maximum sign height would result in the cap height of the text in the logo being ninety (90) percent or less of the cap height for letters otherwise allowed. (i.e. if a Master Sign Plan allowed 24” letters and 24” total sign height, and a 24” logo would result in the cap height of the text within the logo being less than 21.6”, the total height of the logo could be increased to 26.4”)
2. Lateral Adjustment of Building Sign Location: Lateral adjustment of a building sign location identified in drawings or plans for a Master Sign Plan or other sign approval when all of the following are met:
  - a. The lateral distance being moved does not exceed fifty (50) percent of the sign length or ten (10) feet, whichever is greater;
  - b. The exact location is not specifically supported or required by written findings or a condition of approval;
  - c. The sign remains within the same architectural feature and sign band, except if the location is on a pillar, column, or similar narrow architectural support feature, the sign may be moved to a sign band on the architecture feature which it supports if no other sign is already placed in that sign band for the tenant space; and
  - d. The placement maintains any spacing from the edge of an architectural feature, building, or tenant space specifically identified in the Master Sign plan or other sign approval or if no spacing is identified, maintains a definable space between the sign and the edge of architectural features, the tenant space, and building.

(.05) Class II Sign Permit. Sign permit requests for meeting one or more of the descriptions listed in A. through C. below shall be processed as a Class II Sign Permit when the request does not conform with a Master Sign Plan or other previous sign approval but meets the requirements of the applicable sign regulations, unless the request would modify a condition of approval specifically imposed by the DRB or City Council:

A. Existing residential development;

B. Existing non-residential development with less than three (3) tenants unless the request involves a freestanding or ground mounted sign greater than eight (8) feet in height in a new location;

C. New development or redevelopment in the Coffee Creek Industrial Design Overlay District subject to a Class II administrative review process;

CD. Major Adjustments to a Master Sign Plan when all of the following criteria are met:

1. The request is compatible with the pattern of signage established in the sign plan in terms of locations, placement on buildings, proportionality to fascia and building facade, architectural design, and materials used;
2. The request is due to special conditions or circumstances that make it difficult to comply with the established Master Sign Plan;
3. The request involves signs for a single tenant, a single multi-tenant freestanding or ground mounted sign, or a series of similar related multi-tenant freestanding or ground mounted signs in the same development; and
4. The request does not involve a freestanding or ground mounted sign greater than eight (8) feet in height at a new location.

DE. Class II Sign Permit Submission Requirements: Application for a Class II Sign Permit shall include two (2) paper copies and one (1) electronic copy of the following in addition to all required fees:

1. Completed application form prescribed by the City and signed by the property owner or their authorized representative;
2. Sign drawings or descriptions of all materials, sign area and dimensions used to calculate areas, lighting methods, and other details sufficient to judge the full scale of the signs and related improvements;
3. Documentation of the lengths of building or tenant space facades used in calculating maximum allowed sign area;
4. Drawings of all building facades on which signs are proposed indicating the areas of the facades on which signs will be allowed;
5. Narrative describing the scope of the project, including written findings addressing all applicable review criteria, along with any other information showing how the proposed signage conforms with requirements for the applicable zone;

EF. Class II Sign Permit Review Criteria: Class II Sign Permits shall satisfy the sign regulations for the applicable zoning district and the Site Design Review Criteria in Sections 4.400 through 4.421, as well as the following criteria:

1. 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 surrounding development;
2. The proposed signage will not create a nuisance or result in a significant reduction in the value or usefulness of surrounding development; and
3. Special attention is paid to the interface between signs and other site elements including building architecture and landscaping, including trees.

(.06) Class III Sign Permit. Sign permit requests shall be processed as a Class III Sign Permit when associated with new development, except as noted in Subsection 4.156.02 (.05) C., or redevelopment requiring DRB review, and not requiring a Master Sign Plan; when a sign permit request is associated with a waiver or non-administrative variance; or when the sign permit request involves one or more freestanding or ground mounted signs greater than eight (8) feet in height in a new location.

A. Class III Sign Permit Submission Requirements: Ten (10) paper and electronic copies of the submission requirements for Class II Sign Permits plus information on any requested waivers or variances in addition to all required fees.

B. Class III Sign Permit Review Criteria: The review criteria for Class II Sign Permits plus waiver or variance criteria when applicable.

(.07) Master Sign Plans. A Master Sign Plan is required for non-residential developments with three (3) or more tenants. In creating a Master Sign Plan thought should be given to needs of initial tenants as well as the potential needs of future tenants.

A. Master Sign Plan Submission Requirements: Applications for Master Sign Plans shall include ten (10) paper and electronic copies of all the submission requirements for Class II and III Sign Permits and the following in addition to all required fees:

1. A written explanation of the flexibility of the Master Sign Plan for different potential tenant space configurations over time;
2. A written explanation of the extent to which different sign designs, including those incorporating logos, stylized letters, multiple lines of text, non-straight baselines, or different materials and illumination will be allowed and if allowed how the flexibility of the master sign plan will allow these different sign designs over time;
3. A written explanation of how the sign plan provides for a consistent and compatible sign design throughout the subject development.

B. Master Sign Plan Review Criteria: In addition to the review criteria for Class II and Class III Sign Permits, Master Sign Plans shall meet the following criteria:

1. The Master Sign Plan provides for consistent and compatible design of signs throughout the development; and
  2. The Master Sign Plan considers future needs, including potential different configurations of tenant spaces and different sign designs, if allowed.
- C. **Modifications of a Master Sign Plan:** Modifications of a Master Sign Plan, other than Minor and Major Adjustments, shall be reviewed the same as a new Master Sign Plan.
- (.08) **Waivers and Variances.** Waivers and variances are similar in that they allow deviation from requirements such as area, and height from ground. They differ in that waivers are granted by the DRB as part of a comprehensive review of the design and function of an entire site to bring about an improved design and variances are granted by either the Planning Director or DRB to relieve a specific hardship caused by the regulations.
- A. **Waivers.** The DRB may grant waivers for sign area, sign height from ground (no waiver shall be granted to allow signs to exceed thirty-five (35) feet in height), number of signs, or use of electronic changeable copy signs in order to better implement the purpose and objectives of the sign regulations as determined by making findings that all of the following criteria are met:
1. The waiver will result in improved sign design, in regards to both aesthetics and functionality.
  2. The waiver will result in a sign or signs more compatible with and complementary to the overall design and architecture of a site, along with adjoining properties, surrounding areas, and the zoning district than signs allowed without the waiver.
  3. The waiver will result in a sign or signs that improve, or at least do not negatively impact, public safety, especially traffic safety.
  4. Sign content is not being considered when determining whether or not to grant a waiver.
- B. **Variances.**
1. **Administrative Variance:** In reviewing a Sign Permit the Planning Director may grant or deny a variance to relieve a hardship through the Class II Administrative Review process. Such a variance shall only be approved where the variance does not exceed twenty percent (20%) of area, height, or setback requirements. 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.
  2. **Other Variances:** In addition to the authority of the Planning Director to issue administrative variances as noted above, the Development Review Board may authorize variances from sign requirements of the Code, subject to the standards and criteria listed in Section 4.196.

(.09) **Temporary Sign Permits.** Temporary sign permits shall be reviewed as follows:

- A. 30 days and less- Class I Administrative Review

- B. 31 days up to 120 days- Class II Administrative Review
  - C. Submission Requirements: Applications for a temporary sign permit shall include the following in addition to the required application fee:
    - 1. Completed application form prescribed by the City and signed by the property owner or their authorized representative,
    - 2. Two (2) copies of sign drawings or descriptions showing all materials, sign area and dimensions used to calculate areas, number of signs, location and placement of signs, and other details sufficient to judge the full scale of the sign or signs,
    - 3. Information showing the proposed sign or signs conform with all applicable code requirements.
  - D. Review Criteria: Temporary Sign Regulations in Section 4.156.09
  - E. When a temporary sign permit request is submitted as part of the broader temporary use permit request of the same duration, the sign request shall not require an additional fee.
- (.10) Waiver of Documentation. The Planning Director may, in his or her discretion, waive an application document for Class I, Class II, and temporary sign permits where the required information has already been made available to the City, or where the Planning Director determines the information contained in an otherwise required document is not necessary to review the application.

**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 topsoil and vegetation. Amended soils benefit stormwater retention and promote infiltration;
  - 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.
  - 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. Low Berm Landscaping Standard.

1. Intent. The Low Berm Standard is intended to be applied in situations where moderate 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 Low Berm Standard requires a berm at least two feet six inches (2' 6") high along the interior side of the landscaped area (see Figure 23: Low Berm Landscaping). If the berm is less than three (3) 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 three (3) 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.

#### EF. 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 243: High Screen Landscaping).

**FG.** 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 254: 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.

**GH.** 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 265: 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.

**HI.** 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 276: Partially Sight-Obscuring Fence).

**H. 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 287: 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. (For recommendations refer to the Native Plant List maintained by the City of Wilsonville). [Amended by Ord. # 674 11/16/09]

(.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.

- 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. Native topsoil shall be preserved and reused to the extent feasible. 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. [Amended by Ord. # 674 11/16/09]
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 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.
  5. Integrate compost-amended topsoil in all areas to be landscaped, including lawns, to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape. [Added by Ord. # 674 11/16/09]
- 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 Planning Director or the Development Review Board, as applicable, 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 or residential private access drives - 1-3/4" minimum caliper. [Amended by Ord. 682, 9/9/10]
    - 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 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):

Existing trunk diameter	Number of Tree Credits
-------------------------	------------------------

18 to 24 inches in diameter	3 tree credits
25 to 31 inches in diameter	4 tree credits
32 inches or greater	5 tree credits

[Amended by Ord. # 674 11/16/09]

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. [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. [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 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.

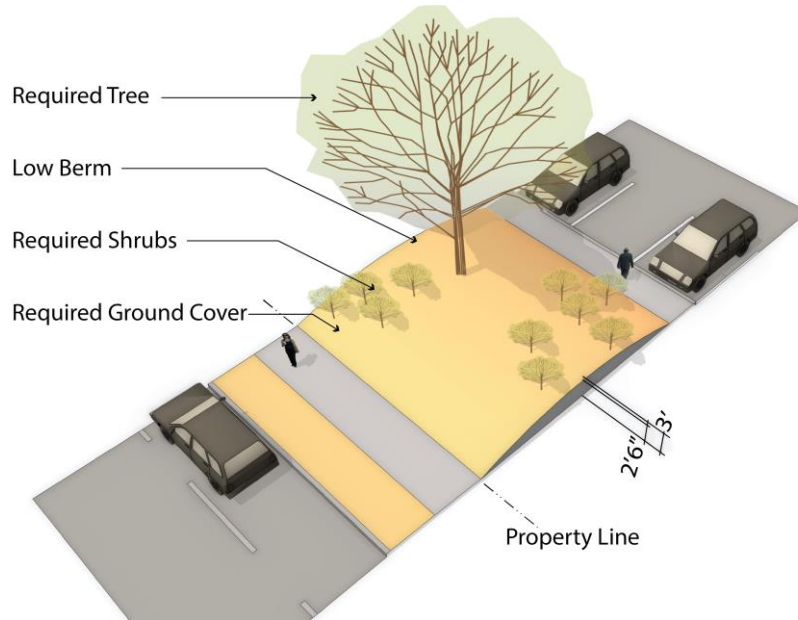
- (.10) **Completion of Landscaping.** The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit 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.
- 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]

**Add new Figure 23: Low Berm Landscaping - subsequent figures to be renumbered**



**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. Architectural features on buildings within the Coffee Creek Industrial Design Overlay District shall be subject to the applicable requirements in Section 4.134.
3. Open, unenclosed fire escapes may project a distance not exceeding forty-eight (48) inches.

B. Into any required yard, adjoining a street or tract with a private drive: [Amended by Ord. 682, 9/9/10]

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 4.197. 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 in compliance with Statewide Land Use Planning Goals and related administrative rules; and
  - 5. If applicable, the amendment is necessary to ensure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.

(.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~~The following procedures shall be followed for zone map amendments.

- A. When a requested quasi-judicial zone map amendment within the Coffee Creek Industrial Design Overlay District is consistent with the adopted or concurrently proposed Comprehensive Plan Map designation and only one option exists for a zone map amendment consistent with the Comprehensive Plan Map the amendment shall be reviewed by the City Council without prior review or recommendation by the Development Review Board or Planning Commission.
  - 1. The Zoning Order adopting such zone map amendments shall state the zone map amendment expires 120 days from Council adoption unless a Stage II Final Plan receives final local approval for the area subject to the zone map amendment. In the event of a LUBA appeal of the final local approval, the 120-day expiration period will be tolled pending completion of the appeal process.
  - 2. Notwithstanding the process described above an applicant may elect to have the zone map amendment reviewed by the Development Review Board for a recommendation to City Council concurrently with other land use applications for the subject property.

3. If the Planning Director anticipates that individuals other than the applicant can be expected to question the requested zone map amendment's compliance with the Comprehensive Plan the Planning Director may require the zone map amendment be first reviewed by the Development Review Board to make a recommendation to City Council.
- B. All other quasi-judicial zone map amendments shall be reviewed by the Development Review Board to make a recommendation to City Council and all legislative zone map amendments shall be reviewed by the Planning Commission to make a recommendation to City Council.
- C. 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:
- 1A. 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]
- 2B. 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
- 3C. 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.]
- 4D. 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
- 5E. 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
- 6F. 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
- 7G. 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.

8H. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment has a significant effect on the transportation system pursuant to OAR 660-012-0060. A Traffic Impact Analysis (TIA) shall be prepared pursuant to the requirements in Section 4.133.05.(01).

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

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) When a requested quasi-judicial Comprehensive Plan Map amendment within the Coffee Creek Industrial Design Overlay District is consistent with an adopted master plan that is a sub-element of the Comprehensive Plan and only one option exists for a Comprehensive Plan Map amendment consistent with the adopted area plan the amendment shall be reviewed by the City Council without prior review or recommendation by the Development Review Board or Planning Commission.
- A. The ordinance adopting such Comprehensive Plan Map amendments shall state the Comprehensive Plan Map amendment expires 120 days from Council adoption unless a Stage II Final Plan receives final local approval for the area subject to the Comprehensive Plan Map amendment. In the event of a LUBA appeal of the final local approval, the 120-day expiration period will be tolled pending completion of the appeal process.
  - B. Notwithstanding the process described above an applicant may elect to have the Comprehensive Plan Map amendment reviewed by the Development Review Board for a recommendation to City Council concurrently with other land use applications for the subject property.
  - C. If the Planning Director anticipates that individuals other than the applicant can be expected to question the requested Comprehensive Plan Map amendment's compliance with the adopted master plan the Planning Director may require the Comprehensive Plan Map amendment be first reviewed by the Development Review Board to make a recommendation to City Council.
- (.03) All other quasi-judicial Comprehensive Plan Map Amendments shall be reviewed by the Development Review Board to make a recommendation to City Council and all legislative Comprehensive Plan Map Amendments shall be reviewed by the Planning Commission to make a recommendation to City Council.

- (.042) As applicable 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.
- (.053) Notice of the Council's consideration of the matter shall be provided as set forth in Section 4.012.
- (.064) 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.
- (.075) 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.

**Site Design Review**  
Sections 4.400 – 4.450



**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, and Class II applications in the Coffee Creek Industrial Design Overlay District, 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 Sections 4.156.02 and 4.156.05, 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 Ord. No. 538, 2/21/02.] [Amended by Ord. No. 557, 9/5/03.] [Amended by Ord. No. 704, 6/18/12]
- (.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.

## **Tree Preservation and Protection**

Sections 4.600 – 4.640.20

## **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. For site development applications subject to a Class II administrative review process in the Coffee Creek Industrial Design Overlay District, the Planning Director shall be responsible for the granting or denial of the Tree Removal Permit application.
- 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 4.610.40. 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; The DRB shall review all Type C permits, with the exception of Class II development review applications located within the Coffee Creek Industrial Design Overlay District, where the Planning Director shall have review authority. ~~and a~~ Any plan changes made that affect trees after Stage II review of a development application shall be subject to review by ~~DRB~~ the original approval authority. 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.

**Annexations and Urban Growth Boundary  
Amendments**

Section 4.700

## **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, except in the following circumstance:
- A. When an annexation in the Coffee Creek Industrial Design Overlay District is requested concurrent with a quasi-judicial Comprehensive Plan Map amendment and/or zone map amendment as specified in Section 4.197 (.02) A. and Section 4.198 (.02), the annexation shall be reviewed by the City Council without prior review or recommendation by the Development Review Board.
    - a. The ordinance adopting such annexation request shall state the annexation expires 120 days from Council adoption unless a Stage II Final Plan receives final local approval for the area subject to the annexation. In the event of a

LUBA appeal of the final local approval, the 120-day expiration period will be tolled pending completion of the appeal process.

- b. Notwithstanding the process described above an applicant may elect to have the annexation reviewed by the Development Review Board for a recommendation to City Council concurrently with other land use applications for the subject property.
- c. If the Planning Director anticipates that individuals other than the applicant can be expected to question the requested annexation's compliance with the applicable criteria the Planning Director may require the annexation be first reviewed by the Development Review Board to make a recommendation to City Council.

(.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) As applicable, ~~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.

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.