



**Wilsonville City Hall
Development Review Board Panel A**

Monday, February 10, 2020 - 6:30 P.M.

- I. Call to order:
- II. Chairman's Remarks:
- III. Roll Call:
 - Daniel McKay Jean Svadlenka
 - Angela Niggli Ken Pitta
 - Katie Hamm
- IV. Citizens' Input:
- V. Election of 2020 Chair and Vice-Chair:
 - A. Chair
 - B. Vice-Chair
- VI. Consent Agenda:
 - A. Approval of minutes of the September 9, 2019 DRB Panel A meeting
 - B. Approval of minutes of the December 9, 2019 DRB Panel A meeting
 - C. Approval of minutes of the January 13, 2020 DRB Panel A meeting
- VII. Public Hearings:
- VIII. Board Member Communications:
- IX. Staff Communications:
 - A. SROZ Training
- X. Adjournment

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting.

- Qualified sign language interpreters for persons with speech or hearing impairments.
- Qualified bilingual interpreters.
- To obtain such services, please call the Planning Assistant at 503 682-4960

DEVELOPMENT REVIEW BOARD MEETING
FEBRUARY 10, 2020
6:30 PM

- VI. Consent Agenda:
 - A. Approval of minutes of September 9, 2019 DRB
Panel A meeting

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

**Development Review Board – Panel A
Minutes– September 9, 2019 6:30 PM**

I. Call to Order

Chair **Joanne Linville** called the meeting to order at 6:30 p.m.

II. Chair’s Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Joann Linville, Jennifer Willard, Daniel McKay, and Angela Niggli

Staff present: Daniel Pauly, Barbara Jacobson, Kim Rybold

IV. Citizens’ Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. Consent Agenda:

A. Approval of minutes of August 12, 2019 DRB Panel A meeting

Daniel McKay moved to approve the August 12, 2019 DRB Panel A meeting minutes as presented. Angela Niggli seconded the motion, which passed 3 to 0 to 1 with Jennifer Willard abstaining.

VI. Public Hearing:

A. **Resolution No. 367. Industrial Focus: Gavin Russell, CIDA Architects & Engineers – Representative for David Nicoli, Nicoli Pacific LLC – Owner.** The applicant is requesting approval of a Stage II Final Plan, Site Design Review, Class III Sign Review and Type C Tree Removal Plan for development of Phase I of a new three-phase multi-tenant industrial complex. The subject site is located on Tax Lots 300 and 500 of Section 14A, Township 3 South, Range 1 West, Clackamas County, Oregon. Staff: Cindy Luxhoj

Case Files: DB19-0013 Stage II Final Plan
DB19-0014 Site Design Review
DB19-0015 Class III Sign Review
DB19-0016 Type C Tree Removal Plan

This item was continued to this date and time certain at the August 12, 2019 DRB Panel A meeting.

The applicant has withdrawn the application. No public hearing will be held.

B. Resolution No. 369. Wilsonville Library Sign: Pat Duke, City of Wilsonville – Applicant/Owner. The applicant is requesting approval of a Class 3 Sign Permit and Waiver for a new digital changeable copy monument sign at Wilsonville Public Library. The subject property is located at 8200 SW Wilsonville Road on a portion of Tax Lot 601 of Section 24, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Kimberly Rybold

Case Files: DB19-0030 Class 3 Sign Permit and Waiver

Chair Linville called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Kim Rybold, Associate Planner, announced that the criteria applicable to the application were stated on pages 1 and 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Ms. Rybold presented the Staff report via PowerPoint, briefly outlining the proposed sign's location and features with these key comments.

- The proposed monument sign contained a digital changeable copy sign within the overall sign area. The inclusion of the digital sign necessitated a Class III sign permit and associated waiver to allow for the electronic changeable copy sign.
- In March of 2019, City Council approved a Signage and Wayfinding Plan in hopes of developing a coordinated system of signage for City buildings, as well as other wayfinding signage and gateways into the city. The Wilsonville Public Library was the first building to upgrade its signage consistent with the Signage and Wayfinding Plan.
 - Features of the proposed sign that aligned with the Signage and Wayfinding Plan included building signs that featured a ledgerstone base, an aluminum sign cabinet with a corten powder coating finish with a bronze-like color, and white pin lettering that identified the library's location along with a font and style consistent with the Signage and Wayfinding Plan.
- Per City Code, certain signs listed as prohibited could be more aptly described as conditionally permitted. As such, a waiver was required for digital changeable copy signs, and specific criteria applied to the sign, such as automatic dimming technology that adjusted for ambient light, and conditions that the luminance could not exceed 5,000 candelas per sq meter between sunrise and sunset, or 500 candelas per sq meter between sunset and sunrise.
 - Also of note was the distinction between a changing image sign and a changeable copy sign. A changing image sign was identified as having the appearance of movement or copy change with a frequency less than once per 15 minutes and was outright prohibited per the Development Code. In contrast, a changeable copy sign had a frequency of copy change of at least 15 minutes or more and could be conditionally permitted through the DRB with a waiver.

- The proposed sign was consistent with the City's Wayfinding Signage Plan and the visual impact to the site and surrounding properties was substantially the same as other signs in the area. The digital sign would provide a sleek technological option to provide information about library activities, including community events and library programming. Ultimately, it would provide for easier maintenance and upkeep than a manual changeable copy sign.
- The proposal met with the conditions of approval listed in the Staff report and would not negatively impact safety. As always, content was not considered in the decision to approve a changeable copy sign.
- Staff recommended approval of the Class III Sign Permit and Waiver with the conditions as noted in the Staff report.

Chair Linville confirmed there were no questions for Staff and called for the Applicant's presentation.

Daniel Pauly, Planning Manager, noted he was representing the Applicant tonight. He had helped Mr. Duke prepare the application and Ms. Rybold had reviewed it.

Pat Duke, Library Director, stated the sign was the result of a Metro Community Enhancement Grant received within the last two years that brought an opportunity to the library and City to provide information for the community. The two-line signs currently on either side of Memorial Dr and Rebecca St would be removed. He believed it was nice that the proposed library sign was the first Wayfinding Plan piece that would be used by the City. The proposed sign would give the library the opportunity to be able to reach out to the community with its services and the services of the City itself. The library would be in control of the sign from day to day, and he believed it would be changed maybe once per day, as the library did not have much going on. However, the new sign would be a nice addition and allow the library to push its services out to the community and make a better connection with the community.

Daniel McKay asked why the library was removing the other two signs instead of replacing them.

Mr. Duke replied he did not believe the other two signs would be necessary. The existing signs were old, ugly, and at minimum needed to be replaced. At this point, they would simply be removed, and if that turned out to be a mistake, the library would do something else. The smaller signs that directed library patrons into the parking lot along Rebecca St and Memorial Dr might be replaced.

Mr. McKay responded the two signs might be good advertising for people coming from Memorial Park since the library was situated in such a way that it was not obvious it was a library until people got to Wilsonville Rd.

Mr. Duke responded that was fair, and believed the smaller signs next to the driveways were sufficient for that purpose.

Chair Linville noted Mr. Duke said the library would change the sign once per day and asked if the sign would therefore be static, with two or three items on it for the entire day, similar to the example provided to Staff. (Slide 4)

Mr. Duke replied that was a reasonable option. If there was more going on in the community or additional events, that approach might be changed. He believed the sign's usage would evolve to a degree over time, but changing the sign once a day would be sufficient to begin.

Chair Linville asked if he foresaw a situation in which the sign would change every 15 minutes.

Mr. Duke replied that was always a possibility. Changing the sign in that manner would imply that the sign displayed one message at a time. It was originally designed to have two or three messages displayed at a time, although it was possible that displaying only one message at a time was better. If that became the case, particularly in the summer, the sign might be changed more often, and every 15 minutes could be reasonable.

Chair Linville asked if the library was able to program how often the sign changed copy and how the technology worked.

Mr. Duke replied he believed that was how it worked, but he did not know any technology details other than it was run by a computer.

Chair Linville noted there was no one in the audience to provide testimony. She confirmed there were no other questions and closed the hearing at 6:53 pm.

Jennifer Willard moved to approve Resolution No. 369. The motion was seconded by Angela Niggli and passed unanimously.

Chair Linville read the rules of appeal into the record.

VII. Board Member Communications

- A. Results of the August 26, 2019 DRB Panel B meeting
- B. Recent City Council Action Minutes There were no comments.

Daniel Pauly, Planning Manager, stated that in August, DRB Panel B had a hearing regarding last year's DRB approval of a subdivision in Villebois. Presently, Staff did not know when the subdivision would be built or by whom as the property transaction had fallen through. Through the earlier review process, it was determined that the planned street could not be built due to topography and steep grade. During a prior phase, a street stub had been built and the DRB had addressed the vacation of that street stub. The issue would go before City Council for final action on September 16.

Kimberly Rybold, Senior Planner noted in August, City Council had made some minor modifications to the City's Mixed and Solid Waste and Recyclables Code to bring it in line with

future changes that might impact storage area relative to food waste. Those Code updates would apply to any future applications that dealt with commercial, industrial, or mixed-use spaces.

VIII. Staff Communications

Kimberly Rybold, Senior Planner noted that at the September 16 meeting, City Council would appoint Chair Linville to the City Council. She congratulated Chair Linville and thanked her for her wisdom and time spent on the DRB, wishing her good luck and success in her next endeavor.

Chair Linville thanked Staff, noting Ms. Rybold had been very helpful since she came on, and Mr. Pauly had been the standard bearer for the DRB and provided much assistance. She appreciated everything he had done. She thanked Barbara Jacobson for her legal advice that helped DRB run their meetings. She felt guilty leaving her colleagues on DRB without completing her term. She realized that due to Fred's departure and her own, the DRB would be shorthanded but believed they would still do well. She thanked the Board for being good colleagues and for all of the good work they had done. She was excited to join the City Council and looked forward to the opportunity to expand her decision-making, adding her time on the Board would be helpful in her Council work.

Barbara Jacobson thanked Chair Linville for all of her hard work on DRB.

Staff explained that Vice Chair Willard would chair the meetings on an interim basis until a new Chair was found. A recruitment announcement had already been made, and the DRB's replacements were anticipated to be appointed in October or November. At the next meeting, Ms. Willard would begin the meeting as Chair, but had the option of electing a permanent Chair and Vice Chair. The Chair and Vice Chair positions were usually incumbents, as opposed to new Board members, because incumbents had experience. Because Panel A was down to three Board members, Panel B members might be called on to help until the new appointments were made, especially if a current Board member was absent or to bring the Panel up to five members for major decisions.

IX. Adjournment

The meeting adjourned at 7:02 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant

DEVELOPMENT REVIEW BOARD MEETING
FEBRUARY 10, 2020
6:30 PM

- VI. Consent Agenda:
 - B. Approval of minutes of December 9, 2019 DRB
Panel A meeting

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

**Development Review Board – Panel A
Minutes– December 9, 2019 6:30 PM**

I. Call to Order

Acting Chair Shawn O’Neil called the meeting to order at 6:31 p.m.

II. Chair’s Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Shawn O’Neil (Panel B), Daniel McKay, and Angela Niggli

Staff present: Daniel Pauly, Barbara Jacobson, Kimberly Rybold, and Philip Bradford

IV. Citizens’ Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. Consent Agenda:

A. Approval of minutes of September 9, 2019 DRB Panel A meeting

This item was postponed due to the lack of a quorum.

Kimberly Rybold, Senior Planner, introduced new Associate Planner Phillip Bradford, who had joined Staff from the City of Columbus, Ohio, where he worked in development review. She noted that he brought a very good eye to detail in his review of projects that would be very useful.

Philip Bradford, Associate Planner, stated that prior to working at the City of Columbus, he worked in the Portland, Oregon area in the private sector, including a lot of projects in Villebois and noted that his background was in planning and architecture.

VI. Public Hearing:

A. **Resolution No. 372. Stafford Woods Master Sign Plan Update: Security Signs, Inc. – Representative for Stafford Woods LLC – Owner/Applicant.** The applicant is requesting approval of an updated Master Sign Plan for Stafford Woods. The subject property is located at 25030 SW Parkway Avenue on Tax Lot 90000 of Section 2AD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon. Staff: Philip Bradford

Case Files: DB19-0036 Class 3 Master Sign Plan

Chair O’Neil called the public hearing to order at 6:35 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site.

No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Philip Bradford, Associate Planner, announced that the criteria applicable to the application were stated on page 1 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Bradford presented the Staff report via PowerPoint, noting the subject site's location and highlighting the background regarding the request for the updated Master Sign Plan with these key comments:

- A Master Sign Plan was approved for the Stafford Woods development in 2006 with the land use application and accounted for the wall signs based on the tenants intended to occupy the building after completion. (Slide 3) The building was eventually replatted as a condominium and multiple commercial tenant improvements had changed the interior layout, creating new tenant spaces.
 - In 2017, IVC received approval for a new building sign, which included channel letter signs of a height and location not approved in the original Master Sign Plan. (Slide 4)
- The proposed Master Sign Plan would allow for more flexibility for future tenants, along with the ability to have external signage while maintaining a cohesive look with a similar square footage allowance to that of the 2006 Master Sign Plan. (Slide 5)
 - The proposed Master Sign Plan also incorporated prior signage approvals and provided a framework for the approval of future tenant signs, sizes, and placement requirements for areas not accounted for in the original Master Sign Plan.
- He reviewed the applicable Master Sign Plan criteria (Slide 6), noting the proposed signage was compatible with multi-tenant office buildings consistent with the Planned Development Commercial (PDC) zone. No evidence or testimony had been received that indicated the updated Master Sign Plan would create a nuisance or negative impact on surrounding properties.
- The proposed Master Sign Plan allowed for building signs in appropriate locations relative to existing design elements, such as landscaping and architecture. Specifically, if Signs C and G (Slide 5) were proposed, the tenants would be required to remove the brick bump-out in the structure.
 - All signs would be consistently constructed out of LED halo illuminated brushed stainless steel. The plan also considered future needs by accounting for future interior changes to the building, such as consolidation of ground floor tenant spaces from four to two.
 - If Signs B or G were not used, the remaining position could be 54 sq ft per the tenant frontage allowances, and an 18 sq ft transfer from the adjacent facades.
 - If that did not occur, the signs would be as shown on Slide 5, based on the square footage of the existing tenant spaces.
- Based on the information provided, Staff recommended approval of the Class 3 Sign Permit, with conditions as noted in the Staff report.

Chair O'Neil confirmed there were no questions of Staff and called for the Applicant's presentation.

Joseph Platt, Security Signs, 2424 SE Holgate, Portland, OR noted the original Sign Plan was pretty restrictive and presented quite a few challenges, even requiring a very specific font, which resulted in not being able to use the font that the tenant had.

- IVC was one of the first to be outside of that font, and while it did require some extra work with the Planning Department, it did not require a full DRB meeting. Now that halo illuminated letters and flat cut out letters were part of the Sign Plan, signs could be created for tenants that looked good and did not take away from the general flavor of the original plan. Signs would not just be copper plate font as indicated initially by the original architect and the building owner, Heather Westing. He noted sample sign was displayed at the back of the room.

Angela Niggli inquired about the placement for Signs G and C. The notes on the building elevation shown on Page 16 of 18 of the Staff report indicated that Signs G and C were allowed as long as the brick bump-out was removed. She asked if that meant the full height of the brick bump-out, or only where the sign was being placed.

Mr. Platt confirmed the entire bump-out would have to be removed in that particular sign band area. He also confirmed the sign could be placed to the left or right of the bump-out if the sign was small enough to fit in that area.

Ms. Niggli stated her concern was that the building was symmetrical, with the current signs centered over the space so signs placed to the left or right of either space would not look right. She proposed that future signage be centered and the bump-out removed regardless of the sign's size, so it would be centered in that bay. She asked if there would be any situation in those spaces where there would be a different tenant on either side of the windows.

Mr. Platt replied he did not think so.

Andy Labunsky, Atlas Property Management, 25030 SW Parkway Ave, Wilsonville, OR stated he represented the Stafford Woods Condominium Association and was also an owner in the building. He stated the space in question was about 2,500 sq ft, so it was possible that there could be two tenants, but it was pretty unlikely that someone would want to have that small of a space and put two different signs up.

- He confirmed he would be fine with having the signage centered and the bump-out removed.
- He explained that the Master Sign Plan revision was initially sparked by Tenant C wanting the sign to be the width of that space as represented in the building elevation and removing the architectural element had been discussed.

Chair O'Neil asked whether Board Member Niggli's proposal, while not necessarily the Board's position, was something Mr. Labunsky was willing to adopt.

Mr. Labunsky replied yes, noting the opportunity and flexibility now available would not restrict anyone too far.

Daniel Pauly, Planning Manager, stated Staff concurred with Board Member Niggli's suggestion, adding that having signage consistently placed at the center of the tenant space made sense from an architectural and compatibility standpoint.

Chair O'Neil noted no citizens in the audience were present to provide public testimony and therefore, no rebuttal from the Applicant was necessary. He closed the public hearing at 6:49 pm.

There was a brief discussion regarding how to best phrase the motion.

Daniel McKay asked if the signs were vertically centered or if that was part of the original Master Sign Plan.

Kimberly Rybold, Senior Planner, confirmed the two existing signs as shown on the west elevation appeared to be both vertically and horizontally centered in the sign band. (Page 16)

Daniel Pauly, Planning Manager, added the only clarification regarded the sign band, because on the lower tenant spaces where the possibility existed for two sign locations, if a tenant took up the entire half of that space on the bottom floor, the sign was not to be centered on the tenant space.

Ms. Rybold confirmed that signage would be centered on the defined sign band.

Daniel McKay moved to approve Resolution No. 372, with an amendment to ensure that all signs are centered vertically and horizontally on the sign band. **Angela Niggli** seconded the motion, which passed unanimously.

Chair O'Neil read the rules of appeal into the record.

VII. Board Member Communications

- A. Results of the October 28, 2019 DRB Panel B meeting
- B. Results of the November 25, 2019 DRB Panel B meeting
- C. Recent City Council Action Minutes

Kimberly Rybold, Senior Planner, highlighted the projects reviewed during the October and November DRB Panel B meetings, noting the October meeting included a similar application to update the Master Sign Plan for the Wilsonville Business Center.

- The November Panel B meeting addressed the Willamette Water Supply Program. A new raw water intake facility would be constructed on the City's water treatment plant property, which would include modifications to the lower site with additional park improvements

along the river bank, as well as a new electrical building to support that project on the upper site, which was a bit farther north where Arrowhead Creek Ln came in. Construction for those projects was expected to start sometime in 2020.

VIII. Staff Communications

Kimberly Rybold, Senior Planner, stated two items would likely come before DRB Panel A in January, a pump station in Memorial Park and a Dutch Bros. Coffee shop in the Town Center area. The public hearing notices were expected to go out during the week of Christmas.

Daniel Pauly, Planning Manager, noted the pump station proposed at Memorial Park would replace the current sewer pump station located at the bottom of the drive.

Daniel McKay asked for an update about recruiting new Board members since the Board had lost a Board member in September.

Barbara Jacobson, City Attorney, stated the Mayor was in the process of interviewing candidates for several boards, including DRB Panel A.

IX. Adjournment

The meeting adjourned at 6:57 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant

DEVELOPMENT REVIEW BOARD MEETING
FEBRUARY 10, 2020
6:30 PM

- VI. Consent Agenda:
 - C. Approval of minutes of January 13, 2030 DRB
Panel A meeting

**Wilsonville City Hall
29799 SW Town Center Lp East
Wilsonville, Oregon**

**Development Review Board – Panel A
Minutes– January 13, 2020 6:30 PM**

I. Call to Order

Acting Chair Richard Martens called the meeting to order at 6:32 p.m.

II. Chair’s Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Richard Martens (Panel B), Daniel McKay, and Angela Niggli

Staff present: Daniel Pauly, Barbara Jacobson, Kimberly Rybold, Philip Bradford, Khoi Le, and Mike Nacrelli

IV. Citizens’ Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. Consent Agenda:

- A. Approval of minutes of September 9, 2019 DRB Panel A meeting
- B. Approval of minutes of December 9, 2019 DRB Panel A meeting

Approval of the minutes was postponed due to the lack of a quorum. The minutes would be approved via signature by the Board members in attendance at the meetings.

VI. Public Hearing:

- A. **Resolution No. 373. Memorial Park Sewer Pump Station: Eddie Kreipe, Murraysmith – Representative for City of Wilsonville – Owner/Applicant.** The applicant is requesting approval of a Site Design Review and Type C Tree Removal Plan for a Sewer Pump Station, portion of the planned regional trail and associated improvements in Memorial Park. The site is located on Tax Lot 691, Section 24, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Philip Bradford

Case Files:	DB19-0037	Site Design Review
	DB19-0038	Type C Tree Removal Plan

Chair Martens called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. Daniel McKay and Angela Niggli declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Philip Bradford, Associate Planner, announced that the criteria applicable to the application were stated on page 1 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Bradford presented the Staff report on the Memorial Park Pump Station via PowerPoint, briefly noting the site's location and reviewing the application with these comments:

- The new pump station was proposed to address future capacity issues due to additional development in the Frog Pond area. The existing pump station had a capacity of 1300 gallons per minute (GPM) and the developed area served by the pump station currently produced a peak flow of 1100 GPM. Frog Pond development would increase the flow to 3200 GMP within the next 20 years, rendering the current pump station obsolete. The existing pump station would be converted to a storage structure once the new pump station was constructed several hundred feet to the east of the existing structure.
- The new pump station was accounted for in the 2014 City of Wilsonville Wastewater Collection System Master Plan for future wastewater collection, and unlike the existing pump station, it would be built above the 100-year flood plain and designed to withstand a seismic event via the use of restrained joints on the new force main pipe. (Slide 6)
- The proposed location of the new pump station within Memorial Park could also be seen on the 2015 Parks and Recreation Master Plan Update Map (Slide 7) along with the new regional trail segment.
- The application was noticed using the standard requirements of notifying residents who lived within 250 ft of the site, announcements in the newspaper, and additional announcements posted on the site and on the City's website.
- Site Design Review. The Applicant had prepared a professional site-specific design that carefully considered the relationship of the pump station with other improvements to the site. The building was screened with landscaping designed to blend the site into the surrounding natural environment. The trail segment and landscaping provided onsite served as a focal point or gateway feature to those entering this section of Memorial Park. The architecture of the pump station was consistent with the existing pump station and other structures within Memorial Park. The building would use CMU block, have a metal roof, and the end gables would have lap siding. (Slide 11)
 - Landscaping would be located in three distinct areas, two of which would be on both sides of the pump station to soften the appearance of the structure and associated equipment. The other, smaller landscaping area would be located south of the proposed trail extension.
- Type C Tree Plan. Six trees would be removed, two due to construction impacts and four due to either poor health or were currently dead. Mitigation was not required for dead trees, but the Applicant had proposed planting six new trees anyway. (Slide 12)
- Staff recommended approval of the Site Design Review and Type C Tree Plan with the conditions as noted in the Staff report.

Chair Martens confirmed there were no questions from the Board and called for the Applicant's presentation.

Mike Nacrelli, City Civil Engineer, Memorial Park Pump Station Project Manager, stated he did not have any prepared remarks, but was happy to answer any questions. Adam Crafts, with Murraysmith, the design engineering firm, was also present.

Chair Martens said he understood the new pump station would replace an existing one and asked if the existing pump station would be removed.

Mr. Nacrelli responded the existing pump station building would be utilized as a storage facility for Park Maintenance. All pumps and equipment would be removed and the wet well converted to a manhole, but the current building and underground structure would remain.

Angela Niggli asked if there was a smell associated with the sewer pump station.

Mr. Nacrelli replied it was designed to cycle enough to avoid malodorous smells. He was not aware of any issues with the current pump station and did not anticipate any in the new one.

Ms. Niggli stated she was only concerned about smell because the existing pump station did not have a trail nearby, but a nice walking path was proposed near the new pump station

Adam Crafts stated that odor control was incorporated into the design process. A carbon filter inside the building would aerate any potential odors from the wet well through the filter and vent them out the roof.

Chair Martens called for public testimony in favor of, opposed and neutral to the application. Seeing none, he closed the public hearing at 6:49 pm.

Daniel McKay moved to adopt Resolution No. 373 as presented. Angela Niggli seconded the motion, which passed unanimously.

Chair Martens read the rules of appeal into the record.

- B. Resolution No. 374. Dutch Bros. Drive-thru Coffee Shop: Casey McGuirl, McGuirl Designs & Architecture – Representative for Douglas Fry – Owner/Applicant.** The applicant is requesting approval of a Stage I Preliminary Plan Modification, a Stage II Final Plan, Site Design Review and Class 3 Sign Permit for a drive-thru coffee shop with outdoor seating. The site is located at 29702 SW Town Center Lp W on Tax Lot 500 of Section 13CC, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Kimberly Rybold

Case Files: DB19-0024 Stage I Preliminary Plan Modification

DB19-0025	Stage II Final Plan
DB19-0026	Site Design Review
DB19-0027	Class 3 Sign Permit

Chair Martens called the public hearing to order at 6:50 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Kimberly Rybold, Senior Planner, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

The following exhibits were entered into the record:

- Exhibit D1: Public comment dated January 13, 2020 from John Wynton, Director of Leasing, ROIC.
- Exhibit B5: Copy of an Easement Agreement dated February 17, 2006 submitted by the Applicant.

Ms. Rybold presented the Staff report via PowerPoint, briefly noting the site's location and surrounding features and reviewing the four proposed applications with these key comments:

- Last year, the City adopted a Town Center Plan, a long-term vision for how the larger Wilsonville Town Center area would evolve over the next 20+ years. The Plan envisioned the area as a connected, walkable destination, and a new zoning designation had been created specifically for the Town Center area called the Town Center Zone.
 - The City received the subject application prior to the new Code section going into effect, so the project was subject to the standards and requirements contained in the previous zoning designation, the Planned Development Commercial Town Center. Therefore, that prior section of the Development Code was included in Board's packet as Exhibit A2.
- The subject property was a part of the Town Center Master Plan improved during the 1980s, which covered a large portion of the Town Center area that was planned for a variety of commercial uses. That 1980 Master Plan served as the Stage I Preliminary Plan for the site for the proposed project.
 - The half-acre subject site highlighted in red had been partitioned off from a larger property in 2006. (Slide 5) In 2008, a proposal was reviewed and approved by the DRB for a paint store with an associated storage component which modified the Stage I Preliminary Plan and also had a Stage II Final Plan associated with it. That project was never built, and both the previously approved Stage II Final Plan Site Design Review request and Master Sign Plan expired in 2012.
- Standard noticing protocol was followed, which included notice sent out to all property owners within 250 ft of the site, a posting in the local newspaper, site posting on the property, and information posted to the City's website.

- The Stage I Preliminary Plan Revision would change the envisioned use of the site from the previously approved service commercial use to allow for a drive-through coffee shop on the site.
- Stage II Final Plan reviewed the function and design of the drive-through coffee shop and the associated site layout. In the Final Plan, concurrency in terms of public services and traffic capacity was reviewed. The site already included parking areas, circulation areas, pedestrian connections, and landscaped areas that met or exceeded current City standards.
- During Site Design Review, items such as the exterior appearance of the site were reviewed. Renderings of the proposed building were shown on Slide 11. The Applicant also submitted a Materials Board, which provided more information about the specific materials proposed.
 - Staff believed the Application used appropriate professional services to design the structures on the site, using quality materials and design. The proposed building would have neutral-colored building materials such as brick, woodgrain plank, and concrete masonry with metal panel siding.
 - The proposed landscape materials met or exceeded City standards.
- Class 3 Sign Permit. The Applicant had applied for building signs and one monument sign. Four face lit wall signs were proposed on the building, one each on the north and west elevations and two on the east elevation. All three elevations were sign eligible per the Code requirements and the proposed sign area was below the Sign Code allowance for each elevation. The signs' placement would be within definable sign bands on the building, blending appropriately with the architecture consistent with City standards.
 - The Applicant also proposed one internally illuminated monument sign at the corner of Town Center Lp W and Park Place, along with directional signs onsite to assist in navigation. The landscaping around the proposed monument sign avoided conflicts between the sign and any shrubs or other site features. No trees were in close proximity to the sign.
 - The monument sign would not block the vision clearance area required for vehicles exiting onto Park Place, which was indicated by the site triangle shown on Slide 13.
- Traffic Impacts & Public Improvements. The traffic study conducted trip generation surveys at two existing Dutch Bros coffee locations in the Portland Metro area during AM and PM peak periods. It also looked at historical trip generation survey data for a Dutch Bros located in Dallas, OR because it had similar amenities to the one proposed for Wilsonville. Taken together, the locations had a range of PM peak hour trip generation rates from 72 to 114 trips with AM peak hour rates ranging from 156 to 176 at those locations.
 - That data became the basis for estimating the number of trips that would be generated by the proposed drive-through coffee shop, which was determined to be approximately 96 total trips and 11 net PM peak hour trips. Consistent with the City's standard methodology used in transportation studies, a pass-by reduction was applied to account for vehicles already on the road and in the network that would stop at this destination en route to somewhere else as opposed to the coffee shop being the sole destination.
 - While the traffic study determined there would be 11 net PM peak hour trips for the site, using the City's measuring tool for determining whether the City's operational standards were met, Staff found that the proposed project would result in 167 total,

and 18 net, AM peak hour trips as people often associate getting coffee as a morning activity.

- The traffic study determined that the intersections would continue to perform at Level of Service (LOS) D or better in the surrounding area, which met City standards, with the exception of the Town Center Lp W/Citizens Dr intersection, which would fall to a LOS F when existing development, approved future development, and the proposed coffee shop were all taken into consideration. However, the Citizens Dr approach was privately owned and not required to meet the City's operational standards like a public right-of-way.
- The traffic study also included an analysis of site circulation and queuing for the proposed drive-through. (Slide 16) The site plan showed two drive-through aisles that merged into a single lane prior to reaching the service window. As designed, it could accommodate approximately 13 vehicles within the drive-through lane. The Trip Generation Survey observed maximum queues of 12 vehicles, both in the AM and PM peak hours, at the other locations.
 - Given that information, and noting the proposed location of the drive-through entryway in the center of the site, it was expected that the design of the drive-through aisles would accommodate the anticipated vehicular queuing with sufficient room on the remainder of the site to store additional vehicles without impacting the public right-of-way.
- The traffic study also looked at counts of pedestrians using the walkup window at both the Happy Valley and Beaverton Dutch Bros locations. During the AM peak hour, an average of 15 customers used the walkup window and an average of 8 customers used the window during the PM peak hour.
 - Given the location of the new coffee shop and future plans for Town Center to become a more walkable place, a similar increase in pedestrian demand was anticipated at the proposed location. Therefore, the traffic study recommended installation of a marked crosswalk, pedestrian refuge island, intersection lighting, and a rectangular rapid-flashing beacon with signage on the south leg of Town Center Lp W to provide a safe, enhanced pedestrian crossing at that location. (Slide 17) A marked crosswalk was also recommended at the east leg of the intersection at Park Place.
 - The outlined improvements would ensure a direct, enhanced crossing to connect pedestrians from the project site to other retail, office, and hotel uses on the west side of Town Center Lp W and make pedestrians more visible to southbound vehicles on Town Center Lp W due to the curvature of the roadway. In addition, the sidewalk along Town Center Lp W would be widened to 10-ft along the project frontage, which was consistent with the Transportation System Plan (TSP) and Bicycle and Pedestrian Master Plan recommendations.
- She noted one additional comment was received today from a representative of the owner of ROIC, which was located on an adjacent property. She entered the letter into the record Exhibit D1. The property owner was concerned about the parking easement for 20 spaces associated with the subject property. Staff looked into the issue to ensure parking standards were met, and based upon a review of the documentation submitted by the Applicant about

the easement, Staff determined that the 20-space easement was in fact on the ROIC property for the benefit of the subject property. As such, Staff believed the Development Code parking requirements would continue to be met.

- She entered the parking easement received from the Applicant into the record as Exhibit B5.
- Staff recommended approval of the applications with the conditions outlined within the Staff report.

Daniel McKay confirmed that the studies done at the Happy Valley and Beaverton Dutch Bros locations showed a maximum of 12 cars queued in the drive-through aisles, while the proposed site would allow for 13 cars. He expressed concern with the small sample size and the resulting confidence that queues would be limited to approximately 12 cars at any given time. He asked if it was possible to review additional sites to ensure there was no blockage of the main driveways.

Ms. Rybold noted those locations were chosen specifically because they had comparable characteristics to the location of the proposed coffee shop.

Khoi Le, Development Engineer Manager, explained that typically during traffic surveys, traffic patterns at a location would be observed over the course of a few days and during specific time periods. For this study, they recorded 12 vehicles in the queue in that observation period of time.

Daniel Pauly, Planning Manager, added that traffic studies involved a vigorous process. Traffic surveyors purposefully chose certain days, always on a weekday, and a number of data points were always collected. For this particular study, the survey was purposely conducted while neighboring high schools were still in session to help ensure the data was as accurate as possible.

Mr. Le confirmed traffic surveyors only collected data on Tuesdays through Thursdays because Mondays and Fridays resulted in different data.

Chair Martens stated he was confident the Applicant could their knowledge about the likelihood that at some point, the queueing tended to discourage additional cars from joining the line.

Mr. McKay noted the recent holiday season and asked on what dates was the study done.

Ms. Rybold responded the traffic study it was finalized much earlier in the year. The Applicant submitted their request in June so the study would not have been conducted over the holiday season.

Mr. Pauly acknowledged comments coming from an audience member and reiterated the traffic study had been conducted on a typical weekday while school was in session.

Ms. Rybold suggested that any further questions on the topic be asked of the Applicant.

Mr. McKay reiterated that per the traffic study only one street, Citizens Dr, would fall to a LOS F. Because Citizens Dr was the current entrance to Starbucks and shopping center, he was concerned about safety at the intersection because it was already risky when attempting to go straight or left when exiting the shopping center. Although there was no requirement that the private owner maintain the service level, given that an external party was making a decision that would affect that service level, he asked if it was the responsibility of the private drive owner to maintain the service level if they wished or if that fell upon the City or Applicant.

Mr. Pauly explained that because maintenance of the service level was not clearly delineated as a standard in the Code, it could be a criteria applied to the current application. The Code was purposely specific about traffic performance at intersections in order to approve an application. There had been efforts over the years to make the process of determining traffic patterns as clear and objective as possible, so the Code required review of traffic based on those criteria. It was very specific about private drives, local streets, and the type of intersections that needed to perform for a project to be approvable.

Chair Martens asked if there would be any restrictions on entering or exiting the facility in terms of directing traffic, or if could vehicles access the site from any direction.

Ms. Rybold replied there would be no restrictions. She understood cross access easements existed throughout the adjacent property, and she assumed individual customers would decide whether to go left or right to exit based on the observed traffic pattern. Sometimes when queues were involved, individual businesses might have their own way of managing traffic. If the Applicant had any plans in place or restrictions in mind, they could address that issue, but in terms of the City's requirements for the site, Staff was not recommending any restrictions on either side of the property.

Chair Martens called for the Applicant's presentation.

Brian Lee, Civil Engineer, Pace Engineers, 4500 Kruse Way, Suite 245, Lake Oswego, OR introduced himself.

Casey McGuirl, McGuirl Designs & Architecture, 811 E Burnside, Portland, OR, noted that during negotiations with Dutch Bros, he learned they had very specific criteria for the traffic queue based upon the performance of other Dutch Bros sites, and the capacity of the proposed design for the drive-through queue exceeded those queuing criteria.

- He confirmed that Dutch Bros had designed a 150-linear-ft queue, and while he did not know the exact linear footage of queuing in the subject drive aisle, he knew it well exceeded that. He assumed that was based on Dutch Bros' data across all of its properties.

Chair Martens asked if Dutch Bros knew at what point customers would become discouraged by the length of the queue and keep driving.

Mr. McGuirl replied he imagined an operation of that scale had people who did market research on that level. He also reiterated that the proposed design provided outdoor seating, a walk-up window, and parking, so it was not solely a drive-up kiosk.

- He confirmed there were 19 parking spots on the subject property itself, including the ADA space, along with the additional 20 parking spaces granted to the property owner via the easement, for a total of 39 parking spaces.

Mr. McKay stated he had been to quite a few Dutch Bros and believed 19 spots was ample as most customers used the drive through.

Mr. McGuirl confirmed that was his experience as well. The Dutch Bros in West Linn had similar conditions being part of a larger shopping center, but most were drive-through customers.

Chair Martens believed the Development Code was based upon the square footage of the building, which meant 19 parking spaces would well exceed the requirement.

Ms. Rybold agreed, adding the range, based on the use, which was a Fast Food Use, was a minimum 9.9 and maximum 14.9 parking spots per 1,000 sq ft. resulting in 6 to 7 required spaces for the subject property. Because the existing parking lot was already approved, Staff determined that conformed to the parking requirements, so not additional parking spots were needed.

Mr. McKay stated that per the Staff report, part of the Master Plan was to create a walkable Town Center area. If the Applicant wanted to repurpose some of the parking spaces into seating areas or something else that encouraged walkability, could the existing design be modified without new DRB approval?

Ms. Rybold responded that when changing an approved site plan, certain thresholds triggered different levels of review, so Staff would review what changes were proposed relative to the percentage of the overall site area. The vision for how the different connections would fall into place would happen over a number of years, and as opportunities arose in the future. If the Applicant wanted to modify the site according to the new Town Center Plan, any DRB review would depend on the extent of the proposed changes.

Chair Martens understood the project application was submitted prior to the adoption of the current Master Plan. He asked if the proposed use would be allowable on the subject site under the current Master Plan.

Ms. Rybold replied yes, drive-through uses were still permitted in certain parts of the new Town Center Zone, although some criteria were different, including building placement

requirements, minimum building height requirements, and drive-through orientation and access, which might have affected how the Applicant configured the site.

Chair Martens called for public testimony in favor of, opposed, and neutral to the application. Seeing none, he noted there was no Applicant rebuttal and closed the public hearing at 7:24 pm.

Angela Niggli moved to adopt Resolution No. 374 as presented. The motion was seconded by Daniel McKay and passed unanimously.

Chair Martens read the rules of appeal into the record.

C. Resolution No. 375. I & E Construction: Ryan McTague, Woodblock Architecture – Representative for I & E Construction – Owner/ Applicant. The applicant is requesting approval of a Stage II Final Plan Modification, Site Design Review, Class 3 Sign Permit and Type C Tree Removal Plan for a change of use, exterior remodel and expansion of an existing 21,313 square foot building for I & E Construction. The site is located at 27375 SW Parkway Avenue on Tax Lot 303 of Section 11, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Staff: Philip Bradford

Case Files:	DB19-0031	Stage II Final Plan Modification
	DB19-0033	Site Design Review
	DB19-0034	Class 3 Sign Permit
	DB19-0035	Type C Tree Removal Plan

Chair Martens called the public hearing to order at 7:26 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Philip Bradford, Associate Planner, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Bradford presented the Staff report via PowerPoint, briefly noting the site's location and background, and summarizing the applications and proposed architectural changes as follows:

- The existing property was originally approved in the 1970s, which allowed for a mixture of commercial and industrial uses on the site. The existing building had been vacant for some time which had led to some deterioration.
- Standard noticing had been provided including notification to all property owners within 250 ft of the project, as well as postings published in the newspaper, placed onsite, and on the City's website.

- Stage II Final Plan Revision. The requested revision would result in a change of use for the structure from academic usage to a corporate headquarters, which was a permitted use in the PDI zone.
 - The Applicant also requested a 4,487 sq ft building expansion of, increasing the current 21,313 sq ft structure to 25,800 sq ft. The roof line would be changed and the exterior of the building replaced with fiber cement panels, aluminum panels, and the roof line would be altered, along with the existing entry area, which would be enclosed. A second floor patio area would be added, and a new solid waste enclosure was proposed in the parking lot along with new landscaping.
- Site Design Review. The rendering showed the new enclosed entry area, sloped roofline, as well as the new second floor patio area. (Slide 9) The Applicant had used appropriate professional services to design the remodel and used quality materials and design. The architect's description of the proposed design further illustrated the appropriateness and quality of the design, stating their goal was to replace the outdated façade with a more contemporary and dynamic aesthetic, while not completely alienating the adjacent church redevelopment plan by utilizing a mixture of vertical siding and flat panels.
 - The Applicant's proposed landscaping materials met or exceeded City standards.
 - He circulated the Applicant's Materials Board, which displayed the different materials proposed. He confirmed the panels were aluminum, with some perforated and some non-perforated. He believed the panels were rigid, but deferred to the Applicant for comment.
- Class 3 Sign Permit. The ground sign proposed by the Applicant was smaller than the maximum allowed for a freestanding or ground mounted sign in the PDI zone. The proposed sign was shown within the public right-of-way on the Applicant's plan set but Staff included a condition of approval requiring the sign to be relocated elsewhere on the site in a Code compliant location. Other than its current location, the sign met the Code requirements.
- Type C Tree Permit. Fourteen trees would be removed on site due to construction impacts and poor health. All trees would be mitigated at a one-to-one ratio and replaced with more drought-tolerant species of trees.
- The general office/corporate headquarters use reduced the PM peak hour trips on the site and the impact on city streets. The site was already under active construction, as the Applicant had previously obtained a building permit for the interior work, excluding all elements of the proposal under the scope of tonight's DRB hearing.
- Staff recommended approval of all the requested applications with the conditions as noted in the Staff report.

Daniel McKay asked where the metal pieces would be installed on the building.

Mr. Bradford replied on the western side of the building facing I-5. He understood there would be a new staff break area with windows underneath, and the metal panels would be used as a sun screen for that elevation.

Chair Martens called for the Applicant's presentation.

Ryan McTague, Woodblock Architecture, 827 SW 2nd Ave, Portland, OR, stated he had no prepared remarks, but was excited to be a part of the community and was happy to answer any questions.

Chair Martens asked if the footprint was being expanded, noting that an additional 4,000 to 5,000 sq ft was being built.

Mr. McTague responded an exterior atrium was being enclosed to use as a lobby, which was already included in the building footprint. The building would also be expanded over the first floor to provide more office space on the second floor and access to a new rooftop patio. There were currently no plans to expand beyond that.

Angela Niggli commented that the design was very nice.

Chair Martens called for public testimony in favor of, opposed and neutral to the application. Seeing none, he closed the public hearing at 7:38 pm.

Daniel McKay moved to adopt Resolution No 375 as presented. Angela Niggli seconded the motion, which passed unanimously.

Chair Martens read the rules of appeal into the record.

VII. Board Member Communications

A. Recent City Council Action Minutes

No comments.

VIII. Staff Communications

Daniel Pauly, Planning Manager, thanked Richard Martens for filling in on Panel A and announced that Jean Svadlenka, Ken Pitta, and Katie Hamm, would join DRB Panel A as new members, and Nicole Hendrix was the new DRB Panel B member. Ms. Svadlenka, Mr. Pitta and Nicole Hendrix were in attendance. He noted Khoi Le was the City's new Development Engineering Manager.

The new and current Panel A Board members introduced themselves, noting how long they had lived in Wilsonville, other organizations they had served in, and their interest in serving on the DRB.

IX. Adjournment

The meeting adjourned at 7:46 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant

DEVELOPMENT REVIEW BOARD MEETING
FEBRUARY 10, 2020
6:30 PM

- IX. Staff Communications:
 - A. SROZ Training



DEVELOPMENT REVIEW BOARD WORK SESSION STAFF REPORT

Meeting Date: February 10, 2020		Subject: Significant Resource Overlay Zone (SROZ) Training Session	
		Staff Member: Kerry Rappold, Natural Resources Manager	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments:	
Staff Recommendation: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE BOARD: A training session about the Significant Resource Overlay Zone (Section 4.139.00 of the Development Code).

EXECUTIVE SUMMARY:

The preservation and protection of natural resources has been a hallmark of Wilsonville's development and growth. Due to the City's close proximity to the Willamette River and a variety of local native habitats, Wilsonville's natural resources support an abundant wildlife population and provide educational and recreational opportunities for community residents. Understanding regulations related to the preservation and protection of natural resources is important for the Commission as they consider changes to interrelated standards and policies.

Oregon's Statewide Planning Goals provide the foundation for Wilsonville's efforts to protect natural resources. Goal 5, which mandates the conservation of open space and the protection of natural and scenic resources, requires local jurisdictions to adopt a comprehensive plan and zoning for the protection of natural resources. In addition, Metro's Titles 3 and 13 of the Urban Growth Management Functional Plan require the protection of regionally significant natural resources.

In the early 1980s, the city adopted the Primary Open Space (POS) and Secondary Open Space (SOS) designations in the Wilsonville Comprehensive Plan and Land Use Map to protect and preserve significant natural areas. POS was a protected resource category that did not allow any development, and SOS, which served as a buffer to POS, allowed limited development through a conditional use permit.

In 2001, the Significant Resource Overlay Zone (SROZ) replaced the POS/SOS designations. The SROZ includes locally significant wetlands, riparian corridors, and wildlife habitat areas. All identified natural resource sites were field inspected to ensure accuracy of the inventory.

SROZ adoption addressed Metro's Title 3 requirements for Water Quality Resource Areas (WQRA). Title 3 protects the functions and values of resources within the WQRA by limiting or mitigating the impact of these areas from development activities and protecting life and property from dangers associated with flooding.

In 2009, the City updated the SROZ to incorporate Metro's Title 13 Habitat Conservation Areas and Habitat-Friendly Development Practices. Title 13 is a region-wide regulatory and voluntary-based initiative to conserve, protect, and restore regionally significant habitat, and to control and prevent water pollution and improve water quality.

SROZ Development Code Requirements

The regulations associated with the SROZ restrict most development from impacting locally significant natural resources. The City has only approved minor encroachments, and only in cases where avoidance was not possible. Minimization of impacts and mitigation for these impacts are required for approved encroachments. Since adoption of the SROZ nearly 20 years ago, development has only impacted a few acres of land within the SROZ.

Section 4.139 of the Development Code contains the Significant Resources Overlay Zone requirements. In addition to City staff, the Development Review Board (DRB) plays a critical role in applying the SROZ requirements. When a land use application is submitted that includes

land identified within the SROZ, the process for reviewing the submittal includes the following steps:

1. A verification of the SROZ map based on the City's Natural Resources Inventory and additional information submitted by the applicant.
2. A determination of any uses or activities exempt from the SROZ regulations. Common exemptions include new roads and paths, utilities, and removal of invasive plants. These determinations can also be provided through a more informal process outside a land use case.
3. If the applicant is proposing impacts to the SROZ, they must provide documentation through a Significant Resource Impact Report (SRIR). Depending on the level of impact, the City requires either an abbreviated or standard SRIR. The SRIR includes a justification of the proposed impacts including avoidance and minimization options, a description of resource conditions, and the mitigation proposed.

Only the Area of Limited Conflicting Use (ALCU) in the SROZ may be potentially impacted. The ALCU includes wildlife habitat associated with upland forests or the edge of riparian corridors. A development proposal can impact no more than five percent of the ALCU. The ALCU does not include water resource areas.

4. Submission of a mitigation plan for any proposed impacts to the SROZ. Mitigation is based on area ratios associated with the existing functions at the impact and mitigation sites and the proposed functions at the mitigation site. For example, if the existing functions are rated "Low" at both the impact and mitigation sites and the proposed function at the mitigation site will be "High", the ratio is 2:1. Thus, if 5,000 square feet is impacted, 10,000 square feet needs to be enhanced at the mitigation site.

The mitigation includes a planting plan, which may include the removal of invasive species. In addition, the use of Habitat-Friendly Development Practices is required for any impact to the SROZ. These practices include minimizing impervious areas, incorporating "green" stormwater management methods, and reducing impacts to wildlife habitat. All mitigation sites must be monitored and maintained by the applicant for five years. Annual reports are submitted to document the mitigation site is satisfying the performance standards.

In addition to the steps outlined above, an applicant may request a refinement of the SROZ map. The DRB may allow an amendment of the SROZ if the land area in question is not considered a significant resource. The criteria for determining land is significant is based on finding the site area has at least one rating of "high" using the function criteria listed in the Natural Resource Function Rating Matrices (e.g., wildlife habitat and ecological integrity). These criteria, which assess habitat quality, are part of the resource inventory for the SROZ. The inventory can be updated based on more current information, such as wetland delineations or resource assessments.

Exceptions to the SROZ requirements are found within Section 4.139.10. These exceptions include unbuildable lots due to the SROZ, and a large lot exception that allows certain impacts to the SROZ. Setback reduction, density transfer, and alteration of constructed drainageways are addressed in the Special Provisions of Section 4.139.11.

EXPECTED RESULTS: Understanding of the City's SROZ requirements and the relationship to other City development standards.

TIMELINE: N/A

CURRENT YEAR BUDGET IMPACTS: N/A

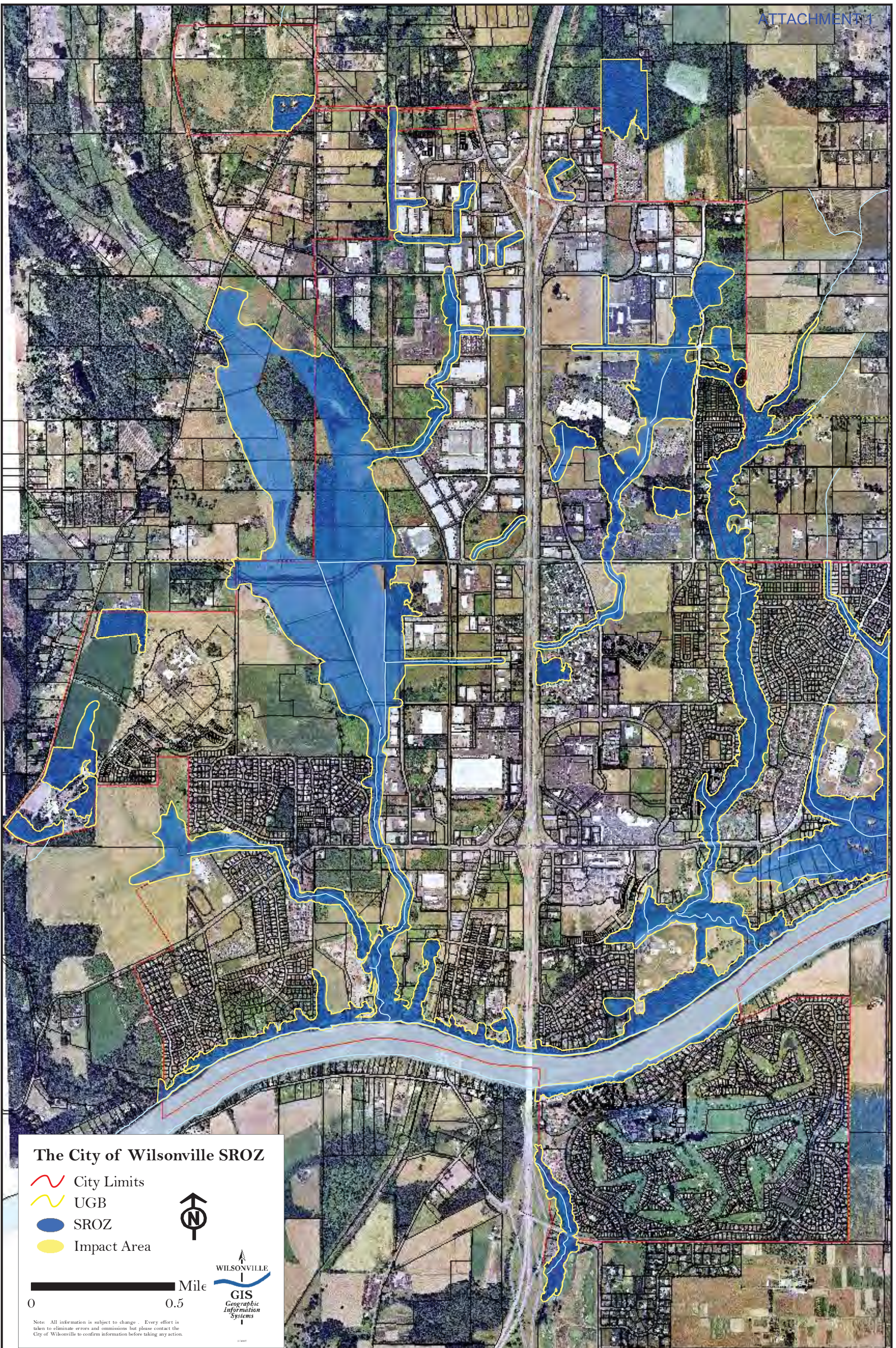
COMMUNITY INVOLVEMENT PROCESS: N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): N/A





ALTERNATIVES: N/A

ATTACHMENTS:

1. SROZ Map
2. SROZ Portions of the Development Code



The City of Wilsonville SROZ

-  City Limits
-  UGB
-  SROZ
-  Impact Area



0 Mile 0.5



Note: All information is subject to change. Every effort is taken to eliminate errors and omissions but please contact the City of Wilsonville to confirm information before taking any action.

Section 4.139.00 Significant Resource Overlay Zone (SROZ) Ordinance

Definitions:

1. **Area of Limited Conflicting Uses:** An Area of Limited Conflicting Uses is either:
 - A. An area located between the riparian corridor boundary, riparian impact area or the Urban Growth Management Functional Plan (UGMFP) Metro Title 3 Water Quality Resource Area boundary, whichever is furthest away from the wetland or stream, and the outside edge of the SROZ; or
 - B. An isolated significant wildlife habitat (upland forest) resource site.
2. **Bankful Stage:** The stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankful stage. [Added by Ord. # 674 11/16/09]
3. **Emergency:** Any human-caused or natural event or circumstances causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of hazardous material, contamination, utility or transportation disruptions, and disease. [Added by Ord. # 674 11/16/09]
4. **Encroachment Area:** An area within the Area of Limited Conflicting Uses where development may be permitted.
5. **Impact Area:** The area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of a Significant Resource Impact Report (SRIR) or where an SRIR has been waived in accordance with this ordinance. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body.
6. **Riparian Corridor:** Is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. The “riparian area” is the area adjacent to a river, lake, stream, consisting of lands that include the area of transition from aquatic ecosystem to a terrestrial ecosystem. The Riparian Corridor is diagrammatically defined in Section 4.139.00.
7. **Riparian Corridor Cross Sections:** Riparian corridor significance for the City of Wilsonville is based on assessment of several factors:
 - a. The presence of habitat used by species listed as threatened or endangered by the Endangered Species Act. The resource is considered significant if ESA-listed salmonid fish species utilize portions of the resource area.
 - b. The protection of ESA listed species habitat both on - or off-site. The resource is considered significant if it provides functions that protect the habitat of ESA-listed species, either on- or off-site. Riparian corridors can protect water quality

parameters such as temperature, suspended sediment and contaminants of downstream waters that are ESA-listed species habitat.

- c. The inclusion of other significant Goal 5 resource areas. Riparian corridor resources that contain significant wetlands and/or wildlife habitat are considered significant.
- d. The provision of habitat continuity for wildlife. Riparian corridor resources that provide a link or continuity for wildlife movement between significant wildlife habitat areas are considered significant.
- e. Headwater areas, including intermittent streams, can be important for fish and wildlife resources. These areas can provide good quality water, protection of water quality, insect and organic materials, and other factors for habitat areas downstream.

Generalized riparian corridor types are shown on the following pages.

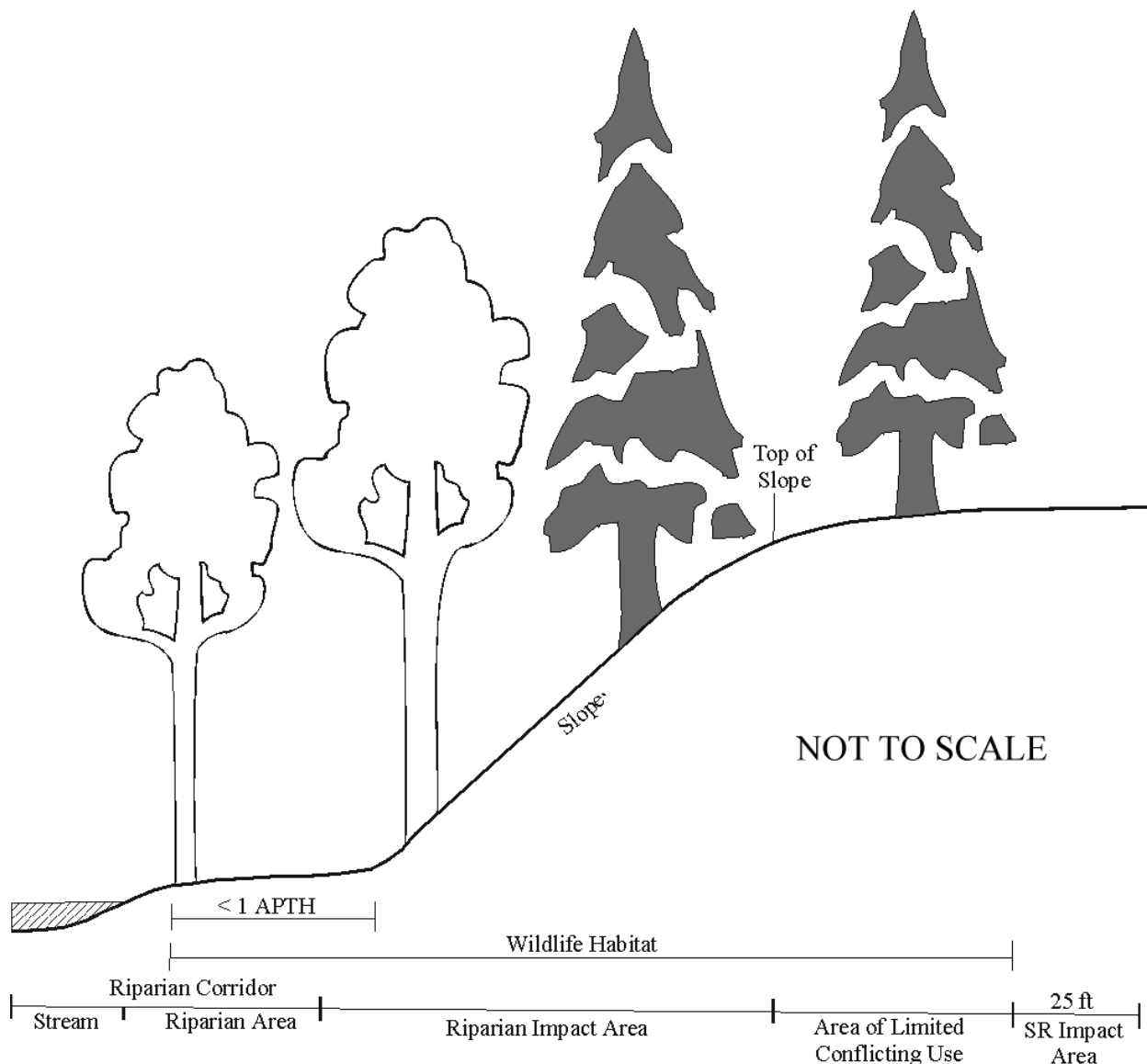


Figure NR - 1: Riparian Corridor Type NR -1 (stream-riparian ecosystem)

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

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

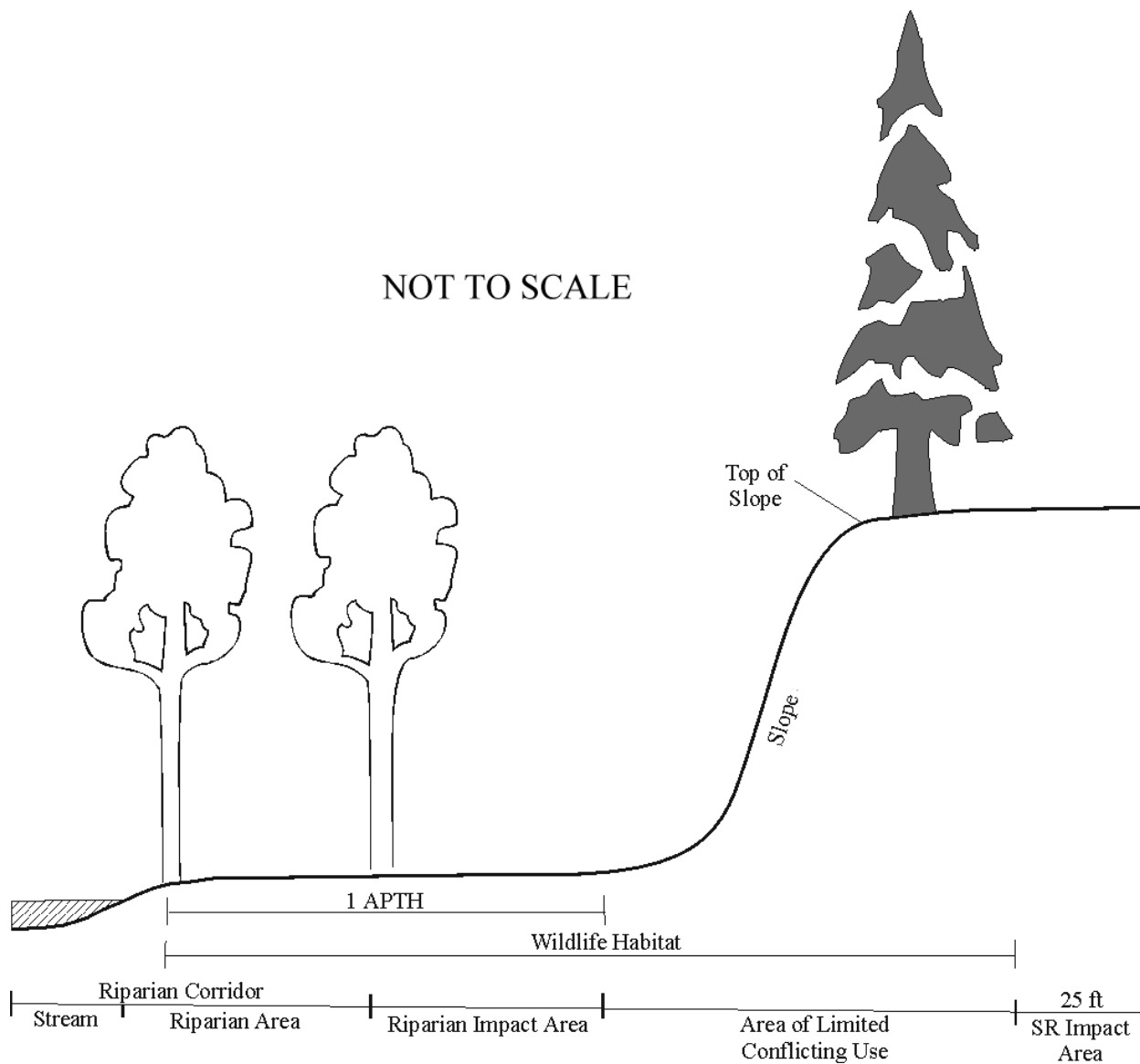


Figure NR - 2: Riparian Corridor Type NR - 2 (stream-riparian ecosystem)

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

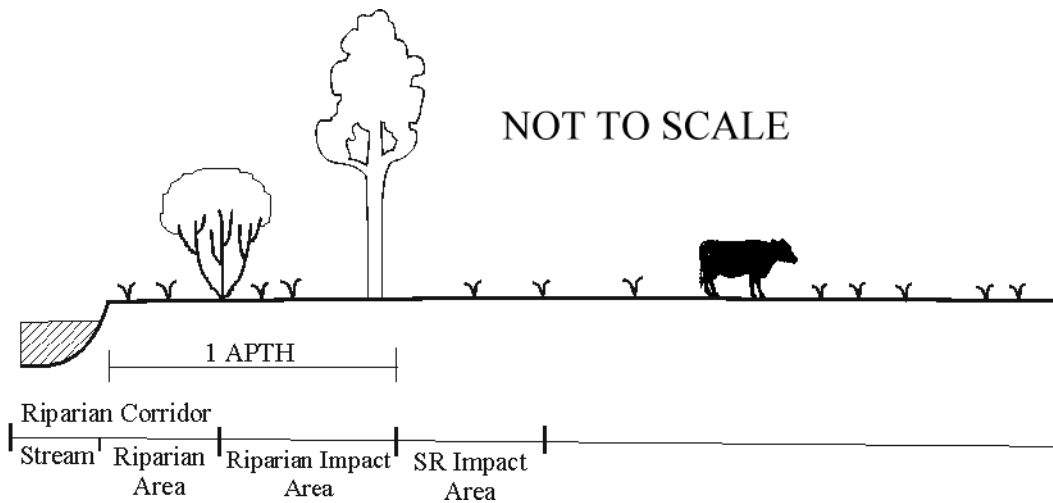


Figure NR – 3: Riparian Corridor Type NR - 3 (stream-riparian ecosystem)

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

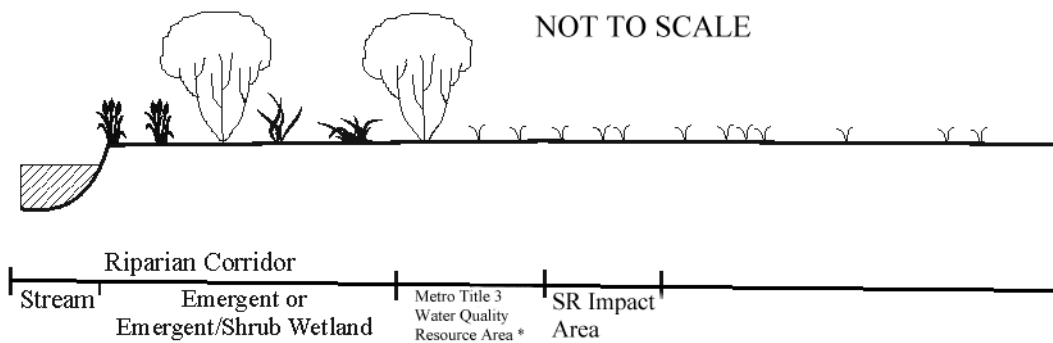


Figure NR – 4: Riparian Corridor Type NR - 4 (stream-riparian ecosystem)

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

NOT TO SCALE

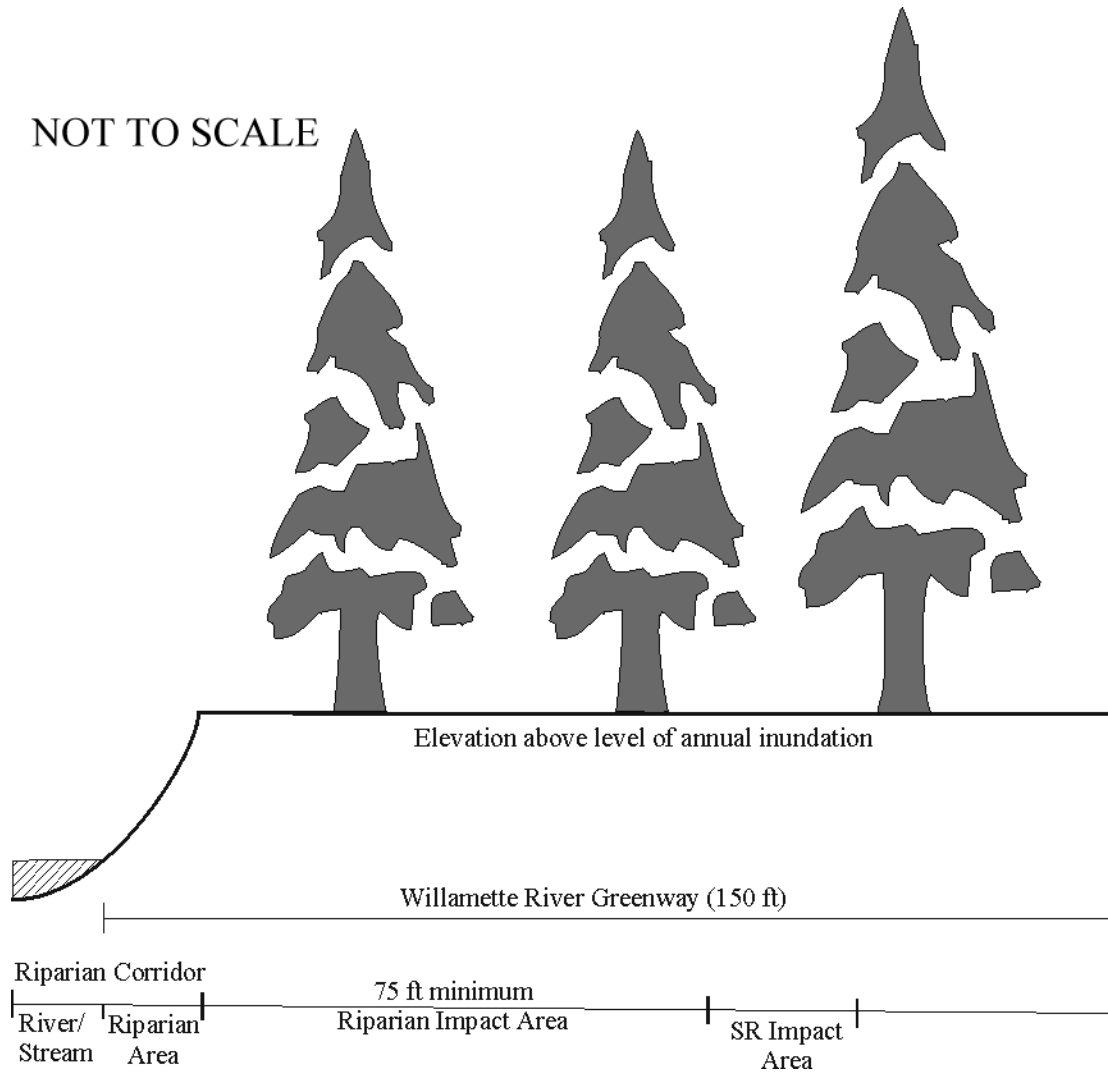


Figure NR-5: Riparian Corridor	Type	NR	-	5
(River-Floodplain Ecosystem: Willamette River)				

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

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

8. **Riparian Impact Area:** An area within which human activities could have adverse impacts on functions of adjacent riparian corridor resources.
9. **Significant Resource Impact Report (SRIR):** A report that delineates specific resource boundaries and analyzes the impacts of development on significant natural resources. It outlines measures to prevent negative impacts, and also provides mitigation and enhancement plans.
10. **Significant Resource Overlay Zone (SROZ):** The delineated outer boundary of a significant natural resource that includes: a significant Goal 5 natural resource, lands protected under Metro's Urban Growth Management Functional Plan Title 3 (Water Quality Resource Areas), riparian corridors, and significant wildlife habitat.
11. **Starting Point for Measurement:** Is the edge of the defined channel (bankful stage) for streams/streams, delineated wetland boundary, delineated spring boundary, and/or average high water for lakes or ponds, whichever offers greatest resource protection. Intermittent springs located more than 15 feet from streams/streams or wetlands shall not serve as a starting point for measurement. [Amended by Ord. # 674 11/16/09]

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

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

		Title 3 wetland	
Secondary Protected Water Features ²	≥25% ⁵	Edge of bankful stage or 2-year storm level; -Delineated edge of Title 3 wetland	50 feet

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

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

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

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

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

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

Section 4.139.01 SROZ - Purpose

The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas, and Title 13 Habitat Conservation Areas, and that portion of Statewide Planning Goal 5 relating to significant natural resources. It is not the intent of this ordinance to prevent development where the impacts to significant resources can be minimized or mitigated. [Amended by Ord. # 674 11/16/09]

Section 4.139.02 Where These Regulations Apply

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

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

The SROZ represents the area within the outer boundary of all inventoried significant natural resources. The Significant Resource Overlay Zone includes all land identified and protected under Metro's UGMFP Title 3 Water Quality Resource Areas and Title 13 Habitat Conservation Areas, as currently configured, significant wetlands, riparian corridors, and significant wildlife habitat that is inventoried and mapped on the Wilsonville Significant Resource Overlay Zone Map. [Amended by Ord. # 674 11/16/09]

Section 4.139.03 Administration

- (.01) Resources. The text provisions of this section shall be used to determine whether applications may be approved within the Significant Resource Overlay Zone. The following maps and documents may be used as references for identifying areas subject to the requirements of this Section:
- A. Metro's UGMFP Title 3 Water Quality Resource Area maps.
 - B. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM)
 - C. The Wilsonville Local Wetland Inventory (LWI) (1998)
 - D. The Wilsonville Riparian Corridor Inventory (RCI) (1998)
 - E. Locally adopted studies or maps
 - F. City of Wilsonville slope analysis maps
 - G. Clackamas and Washington County soils surveys
 - H. Metro's UGMFP Title 13 Habitat Conservation Area Map [Added by Ord. # 674 11/16/09]
- (.02) Impact Area. The "Impact Area" is the area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of an SRIR (Significant Resource Impact Report). Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body. Designation of an Impact Area is required by Statewide Planning Goal 5. The primary purpose of the Impact Area is to ensure that development does not encroach into the SROZ.

- (.03) Significant Resource Impact Report (SRIR). For proposed non-exempt development within the SROZ, the applicant shall submit a Significant Resource Impact Report (SRIR) as part of any application for a development permit.
- (.04) Prohibited Activities. New structures, development and construction activities shall not be permitted within the SROZ if they will negatively impact significant natural resources. Gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by DEQ, domestic animal waste, dumping of materials of any kind, or other activities shall not be permitted within the SROZ if they will negatively impact water quality.

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

- (.05) Habitat-Friendly Development Practices. To the extent practicable, development and construction activities that encroach within the Significant Resource Overlay Zone and/or Impact Area shall be designed, located and constructed to:
- A. Minimize grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;
 - B. Minimize adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;
 - C. Minimize impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2; and
 - D. Consider using the practices described in Part (c) of Table NR-2.
[Section 4.139.03(.05) added by Ord. # 674 11/16/09]

Table NR-2: Habitat-Friendly Development Practices
Part (A) Design and Construction Practices to Minimize Hydrologic Impacts
1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
2. Use pervious paving materials for residential driveways, parking lots and walkways.
3. Incorporate stormwater management in road right-of ways.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater and groundwater re-charge.
5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Use multi-functional open drainage systems in lieu of more conventional curb and gutter systems.
9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13. Use shared driveways.
14. Reduce width of residential streets, depending on traffic and parking needs.
15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
16. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
17. Minimize the number of stream crossings and place crossing perpendicular to stream channel, if possible.
18. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.
Part (B) Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage
1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2. Use bridge crossings rather than culverts, wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom

habitat.
4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.
Part (C) Miscellaneous Other Habitat Friendly Design and Construction Practices
1. Use native vegetation throughout the development.
2. Locate landscaping adjacent to SROZ.
3. Reduce light spill-off into SROZ areas from development.
4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

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

Section 4.139.04 Uses and Activities Exempt from These Regulations

A request for exemption shall be consistent with the submittal requirements listed under Section 4.139.06(.01)(B – I), as applicable to the exempt use and activity. [Added by Ord. # 674 11/16/09]

- (.01) Emergency procedures or emergency activities undertaken which are necessary for the protection of public health, safety, and welfare. Measures to remove or abate hazards and nuisances. Areas within the SROZ that are disturbed because of emergency procedures or activities should be repaired and mitigated.
- (.02) Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of these regulations.
- (.03) Alterations of buildings or accessory structures which do not increase building coverage.
- (.04) The following agricultural activities lawfully in existence as of the effective date of this ordinance:
 - A. Mowing of hay, grass or grain crops.
 - B. Tilling, disking, planting, seeding, harvesting and related activities for pasture, tree crops, commercial woodlots, food crops or business crops, provided that no additional lands within the SROZ are converted to these uses after the effective date of this ordinance.
- (.05) Operation, maintenance, and repair of irrigation and drainage ditches, constructed ponds, wastewater facilities, stormwater detention or retention facilities, and water facilities consistent with the Stormwater Master Plan or the Comprehensive Plan.
- (.06) Maintenance and repair of streets and utility services within rights-of way, easements, access drives or other previously improved areas. [Amended by Ord. 682, 9/9/10]
- (.07) Normal and routine maintenance and repair of any public improvement or public recreational area regardless of its location.
- (.08) The construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area, provided the location of the crossing is consistent with the intent of the Wilsonville Comprehensive Plan. Roads and paths shall be constructed so as to minimize and repair disturbance to existing vegetation and slope stability.
- (.09) Maintenance and repair of existing railroad tracks and related improvements.
- (.10) The removal of invasive vegetation such as Himalayan Blackberry, English Ivy, Poison Oak, Scots (Scotch) Broom or as defined as invasive in the Metro Native Plant List.

- (.11) The planting or propagation of any plant identified as native on the Metro Native Plant List. See Wilsonville Planning Division to obtain a copy of this list.
- (.12) Grading for the purpose of enhancing the Significant Resource as approved by the City.
- (.13) Enhancement of the riparian corridor or wetlands for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.
- (.14) Flood control activities pursuant to the Stormwater Master Plan, save and except those stormwater facilities subject to Class II Administrative Review, as determined by the Planning Director, to ensure such facilities meet applicable standards under federal, state and local laws, rules and regulations.
- (.15) Developments that propose a minor encroachment into the Significant Resource Overlay Zone. The purpose of this adjustment would be to allow for minor encroachments of impervious surfaces such as accessory buildings, eave overhangs, building appurtenances, building access and exiting requirements or other similar feature. The total adjustment shall not exceed 120 square feet in cumulative area.
- (.16) The expansion of an existing single family dwelling not exceeding 600 square feet in area. The expansion of an existing single family dwelling or structures that are accessory to a single family dwelling inside the SROZ, provided that the following criteria have been satisfied. An SRIR is not required to evaluate and reach a decision on the issuance of a permit to expand a single-family residence under this paragraph.
 - A. The expansion of a single family structure or improvement (including decks and patios) shall not be located any closer to the stream or wetland area than the existing structure or improvement; and
 - B. The coverage of all structures within the SROZ on the subject parcel shall not be increased by more than 600 square feet, based on the coverage in existence prior to the effective date of this ordinance; and,
 - C. The applicant must obtain the approval of an erosion and sediment control plan from the City's Building and Environmental Services Divisions; and,
 - D. No part of the expansion is located within the Metro UGMFP Title 3 Water Quality Area.
- (.17) New Single-Family Dwelling. The construction of a new single family dwelling is exempt unless the building encroaches into the Impact Area and/or the SROZ.
 - A. If the proposed building encroaches only into the Impact Area then an abbreviated SRIR may be required as specified in Section 4.139.05, unless it can be clearly determined by the Planning Director that the development proposal will have no impact on the Significant Resource. The primary purpose of the Impact Area is to insure that development does not encroach into the SROZ.

Development otherwise in compliance with the Planning and Land Development Ordinance may be authorized within the Impact Area.

- B. If the proposed building encroaches into the SROZ, then a complete or abbreviated SRIR report is required.
- (.18) Private or public service connection laterals and service utility extensions.
 - (.19) A Stage II development permit or other development permits issued by the City and approved prior to the effective date of this ordinance.
 - (.20) The installation of public streets and utilities specifically mapped within a municipal utility master plan, the Transportation Systems Plan or a capital improvement plan.
 - (.21) Structures which are non conforming to the standards of this Section may be re-built in the event of damage due to fire or other natural hazard subject to Sections 4.189 – 4.192 of the Planning and Land Development Ordinance, provided that the structure is placed within the same foundation lines (See Figure NR-6.). An SRIR is not required to evaluate and reach a decision on the issuance of a permit to replace a structure subject to this paragraph.

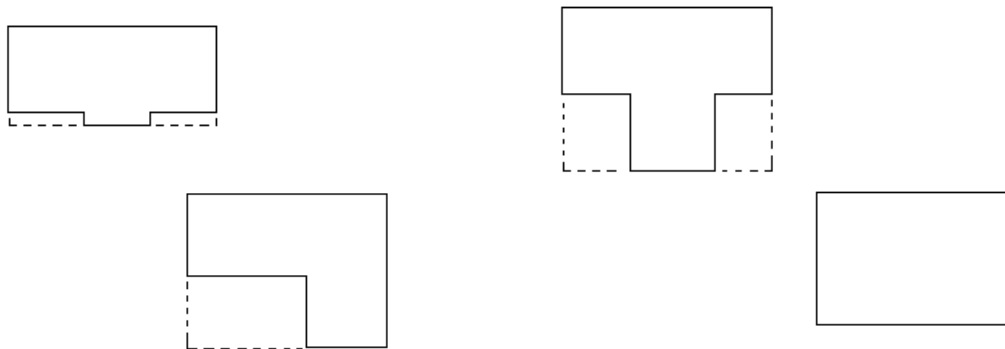


Figure NR-6. Building Line Examples

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

Section 4.139.05 Significant Resource Overlay Zone Map Verification

The map verification requirements described in this Section shall be met at the time an applicant requests a building permit, grading permit, tree removal permit, land division approval, or other land use decision. Map verification shall not be used to dispute whether the mapped Significant Resource Overlay Zone boundary is a significant natural resource. Map refinements are subject to the requirements of Section 4.139.10(.01)(D).

- (.01) In order to confirm the location of the Significant Resource Overlay Zone, map verification shall be required or allowed as follows:
- A. Development that is proposed to be either in the Significant Resource Overlay Zone or less than 100 feet outside of the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map.
 - B. A lot or parcel that:
 - 1. Either contains the Significant Resource Overlay Zone, or any part of which is less than 100 feet outside the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map; and
 - 2. Is the subject of a land use application for a partition, subdivision, or any land use application that the approval of which would authorize new development on the subject lot or parcel.
- (.02) An application for Significant Resource Overlay Zone Map Verification may be submitted even if one is not required pursuant to Section 4.139.05(.01).
- (.03) If a lot or parcel or parcel is subject to Section 4.139.05(.01), an application for Significant Resource Overlay Zone Map Verification shall be filed concurrently with the other land use applications referenced in Section 4.139.05(.01)(B)(2) unless a previously approved Significant Resource Overlay Zone Map Verification for the subject property remains valid.
- (.04) An applicant for Significant Resource Overlay Zone Map Verification shall use one or more of the following methods to verify the Significant Resource Overlay Zone boundary:
- A. The applicant may concur with the accuracy of the Significant Resource Overlay Zone Map of the subject property;
 - B. The applicant may demonstrate a mapping error was made in the creation of the Significant Resource Overlay Zone Map;
 - C. The applicant may demonstrate that the subject property was developed lawfully prior to June 7, 2001.
- (.05) The Planning Director shall determine the location of any Significant Resource Overlay Zone on the subject property by considering information submitted by the applicant, information collected during any site visit that may be made to the subject property, information generated by Significant Resource Overlay Zone Map Verification that has occurred on adjacent properties, and any other relevant information that has been provided.
- (.06) For applications filed pursuant to Section 4.139.05(.04)(A) and (C), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.01)(B-H).
- (.07) For applications filed pursuant to Section 4.139.05(.04)(B), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements

listed under Section 4.139.06(.02)(D)(1).
[Section 4.139.05 added by Ord. # 674 11/16/09]

Section 4.139.06 Significant Resource Impact Report (SRIR) and Review Criteria

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

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

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

- (.01) Abbreviated SRIR Requirements. It is the intent of this subsection to provide a user-friendly process for the applicant. Only the materials necessary for the application review are required. At the discretion of the Planning Director, an abbreviated SRIR may be submitted for certain small-scale developments such as single family dwellings, additions to single family dwellings, minor additions and accessory structures. The following requirements shall be prepared and submitted as part of the abbreviated SRIR evaluation:
- A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance;
 - B. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed and existing utility locations*;
 - C. Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank;
 - D. Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches in diameter at breast height (DBH). Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type or types;

- E. The location of the SROZ and Impact Area boundaries*;
- F. A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream*;
- G. A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards)*;
- H. Current photos of site conditions shall be provided to supplement the above information*.
- I. A narrative describing the possible and probable impacts to natural resources and a plan to mitigate for such impacts*.

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

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

- A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance.
- B. The SRIR shall be conducted and prepared by a natural resource professional knowledgeable and qualified to complete such a report.
- C. The qualifications of the person or persons preparing each element of the analysis shall be included with the SRIR.
- D. The SRIR shall include the following:
 - 1. Physical Analysis. The analysis shall include, at a minimum:
 - a. Soil types;
 - b. Geology;
 - c. Hydrology of the site;
 - d. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed, and existing utility locations;
 - e. Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank.
 - f. Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches DBH. Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type or types;
 - g. A property survey together with topography shown by contour lines prepared at two-foot vertical intervals. Five-foot vertical intervals may be allowed for steep sloped areas. The survey shall be prepared by an Oregon Registered Land Surveyor or Civil Engineer.
 - h. The location of the SROZ and Impact Area boundaries;

- i. A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream;
 - j. A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards);
 - k. A map that delineates the Goal 5 safe harbor boundary (using the standards found within the Oregon Administrative Rule OAR 660-23(1996));
 - l. The existing site significant resource conditions shall be determined and identified by a natural resource professional; and
 - m. Current photos of site conditions shall be provided to supplement the above information.
2. The analysis shall include development recommendations including grading procedures, soil erosion control measures, slope stabilization measures, and methods of mitigating hydrologic impacts. For projects that affect possible wetlands, a copy of the Local Wetland Inventory (LWI) map pertaining to the site shall be provided. Notice of the proposal shall be given to the Oregon Division of State Lands and the Army Corp of Engineers.
 3. Ecological Analysis. The Ecological Analysis shall include a map, using the Physical Analysis map as a base, showing the delineated boundaries and coverage of wetlands, riparian corridors, and wildlife habitat resources identified on the site.
 - a. Wetland boundaries shall be delineated using the method currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers. Riparian boundaries shall be delineated using the riparian corridor descriptions in this ordinance. Boundaries of mapped Goal 5 wildlife habitat shall be verified by field observation.
 - b. The analysis shall include an inventory that lists and describes the native and ornamental dominant and sub-dominant groundcover, shrub and tree species occurring on the site and wildlife observed during at least one site visit (specify date). The report shall also include recommended measures for minimizing the adverse impacts of the proposed development on unique and/or significant features of the ecosystem. The analysis shall include a report that discusses the ecological functions and values of the SROZ area, discussing each parameter listed below. The discussion shall be based on actual field observations and data obtained by a natural resource professional.
 - c. Wetlands (based on evaluation criteria in the Oregon Freshwater Wetlands Assessment Methodology (OFWAM), Oregon Division of State Lands)
 - i. wildlife habitat diversity
 - ii. fish habitat
 - iii. water quality protection

- iv. hydrologic control
 - d. Wildlife Habitat (includes riparian corridors and upland forested areas)¹
 - i. wildlife habitat diversity
 - ii. water quality protection
 - iii. ecological integrity
 - iv. connectivity
 - v. uniqueness
 - e. Riparian Corridors 1
 - Stream-riparian ecosystems:
 - i. Presence and abundance of Large Woody Debris (LWD) in and adjacent to stream
 - ii. Tree/shrub canopy stream shade production (water temperature and aquatic plant growth control)
 - iii. Erosion and sediment control by riparian vegetation
 - iv. Water quality protection by riparian vegetation
 - v. River-floodplain ecosystem (Willamette River)
 - vi. Presence of functional floodplain (inundated annually)
 - vii. Type and condition of functional floodplain vegetation
 - viii. Use of river-floodplain by ESA-listed species
 - ix. Role as wildlife corridor connecting significant wildlife habitat areas
4. Mitigation and Enhancement Proposal. The applicant must propose a Significant Resource mitigation and enhancement plan as part of the SRIR. The mitigation and enhancement shall increase the natural values and quality of the remaining Significant Resource lands located on the site or other location as approved by the City. The mitigation and enhancement proposal shall conform to the mitigation standards identified in this Section.
5. Waiver of Documentation: The Planning Director may waive the requirement that an SRIR be prepared where the required information has already been made available to the City, or may waive certain provisions where the Director determines that the information is not necessary to review the application. Such waivers may be appropriate for small-scale developments and shall be processed under Administrative Review. Where such waivers are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.

(.03) SRIR Review Criteria. In addition to the normal Site Development Permit Application requirements as stated in the Planning and Land Development Ordinance, the following standards shall apply to the issuance of permits requiring an SRIR. The

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

SRIR must demonstrate how these standards are met in a manner that meets the purposes of this Section.

- A. Except as specifically authorized by this code, development shall be permitted only within the Area of Limited Conflicting Use (see definition) found within the SROZ;
- B. Except as specifically authorized by this code, no development is permitted within Metro's Urban Growth Management Functional Plan Title 3 Water Quality Resource Areas boundary;
- C. No more than five (5) percent of the Area of Limited Conflicting Use (see definition) located on a property may be impacted by a development proposal. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway, no more than five (5) percent of the Area of Limited Conflicting Use on each side of the riparian corridor may be impacted by a development proposal. This condition is cumulative to any successive development proposals on the subject property such that the total impact on the property shall not exceed five (5) percent;
- D. Mitigation of the area to be impacted shall be consistent with Section 4.139.06 of this code and shall occur in accordance with the provisions of this Section;
- E. The impact on the Significant Resource is minimized by limiting the degree or magnitude of the action, by using appropriate technology or by taking affirmative steps to avoid, reduce or mitigate impacts;
- F. The impacts to the Significant Resources will be rectified by restoring, rehabilitating, or creating enhanced resource values within the "replacement area" (see definitions) on the site or, where mitigation is not practical on-site, mitigation may occur in another location approved by the City;
- G. Non-structural fill used within the SROZ area shall primarily consist of natural materials similar to the soil types found on the site;
- H. The amount of fill used shall be the minimum required to practically achieve the project purpose;
- I. Other than measures taken to minimize turbidity during construction, stream turbidity shall not be significantly increased by any proposed development or alteration of the site;
- J. Appropriate federal and state permits shall be obtained prior to the initiation of any activities regulated by the U.S. Army Corps of Engineers and the Oregon Division of State Lands in any jurisdictional wetlands or water of the United States or State of Oregon, respectively.

Section 4.139.07 Mitigation Standards

The following mitigation standards apply to significant wildlife habitat resource areas for encroachments within the Area of Limited Conflicting Uses, and shall be followed by those proposing such encroachments. Wetland mitigation shall be conducted as per permit

conditions from the US Army Corps of Engineers and Oregon Division of State Lands. While impacts are generally not allowed in the riparian corridor resource area, permitted impacts shall be mitigated by: using these mitigation standards if the impacts are to wildlife habitat values; and using state and federal processes if the impacts are to wetland resources in the riparian corridor. Mitigation is not required for trees lost to a natural event such as wind or floods.

- (.01) The applicant shall review the appropriate Goal 5 Inventory Summary Sheets for wildlife habitat (i.e. upland) contained in the *City of Wilsonville Natural Resource Inventory and Goal 5/Title 3/ESA Compliance and Protection Plan* ("Compliance and Protection Plan"- May 2000) to determine the resource function ratings at the time the inventory was conducted.
- (.02) The applicant shall prepare a Mitigation Plan document containing the following elements:
 - A. The Mitigation Plan shall contain an assessment of the existing natural resource function ratings at the time of the proposed encroachment for the site compared to the function ratings recorded in the Compliance and Protection Plan.
 - B. The Mitigation Plan shall contain an assessment of the anticipated adverse impacts to significant wildlife habitat resources. The impact assessment shall discuss impacts by resource functions (as listed in the Compliance and Protection Plan, May 2000) for each resource type, and shall map the area of impact (square feet or acres) for each function.
 - C. The Mitigation Plan shall present a proposed mitigation action designed to replace the lost or impacted resource functions described in Subsection B, above. The mitigation plan shall be designed to replace lost or impacted functions by enhancement of existing resources on, or off the impact site, or creation of new resource areas.
 - D. For mitigation projects based on resource function enhancement, the area ratios presented in Table NR - 2 shall be applied. These ratios are based on the resource function ratings at the time of the proposed action, as described in Subsection A, above. The mitigation action shall be conducted on the appropriate size area as determined by the ratios in Table NR - 2.
 - E. The Mitigation Plan shall include a planting plan containing the following elements:
 - 1. Required Plants and Plant Densities. All trees, shrubs and ground cover shall be native vegetation. An applicant shall comply with Section 4.139.06(.02)(E)(1)(a) or (b), whichever results in more tree plantings, except where the disturbance area is one acre or more, the applicant shall comply with Section 4.139.06(.02)(E)(1)(b).
 - a. The mitigation requirement shall be calculated based on the number and size of trees that are removed from the site. Trees that are removed from

the site shall be replaced as shown in Table NR – 3. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs.

Table NR – 3: Tree Replacement Requirements	
Size of Tree to be Removed (inches in diameter at breast height)	Number of Trees and Shrubs to be Planted
6 to 12	2 trees and 3 shrubs
over 12 to 18	3 trees and 6 shrubs
over 18 to 24	5 trees and 12 shrubs
over 24 to 30	7 trees and 18 shrubs
over 30	10 trees and 30 shrubs

- b. The mitigation requirement shall be calculated based on the size of the disturbance within the Significant Resource Overlay Zone. Native trees and shrubs shall be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five (5) trees and twenty-five (25) shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three (3) trees shall be planted, and 0.66 times twenty-five (25) equals 16.5, so seventeen (17) shrubs shall be planted). Bare ground shall be planted or seeded with native grasses or herbs.
2. Plant Size. Replacement trees and shrubs shall be at least one-gallon in size and shall be at least twelve (12) inches in height.
 3. Plant Spacing. Trees shall be planted between eight (8) and twelve (12) feet on center, and shrubs shall be planted between four (4) and five (5) feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between eight (8) and ten (10) feet on center. When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.
 4. Plant Diversity. Shrubs shall consist of at least two (2) different species. If five (5) trees or more are planted, then no more than fifty (50) percent of the trees may be of the same genus.
 5. Invasive Vegetation. Invasive non-native or noxious vegetation shall be removed within the mitigation area prior to planting, and shall be removed or controlled for five (5) years following the date that the mitigation planting is completed.
 6. Mulching and Browse Protection. Mulch shall be applied around new plantings at a minimum of three inches in depth and eighteen inches in

diameter. Browse protection shall be installed on trees and shrubs. Mulching and browse protection shall be maintained during the two-year plant establishment period.

7. Tree and Shrub Survival. Trees and shrubs that die shall be replaced in kind to the extent necessary to ensure that a minimum of eighty (80) percent of the trees and shrubs initially required shall remain alive on the fifth anniversary of the date that the mitigation planting is completed. [Section 4.139.07(.02)(E.) added by Ord. # 674 11/16/09]

- (.03) Proposals for mitigation action where new natural resource functions and values are created (i.e. creating wetland or wildlife habitat where it does not presently exist) will be reviewed and may be approved by the Development Review Board or Planning Director if it is determined that the proposed action will create natural resource functions and values that are equal to or greater than those lost by the proposed impact activity.
- (.04) Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.
- (.05) Mitigation plans shall have clearly stated goals and measurable performance standards.
- (.06) All mitigation plans shall contain a monitoring and maintenance plan to be conducted for a period of five years following mitigation implementation. The applicant shall be responsible for ongoing maintenance and management activities, and shall submit an annual report to the Planning Director documenting such activities, and reporting progress towards the mitigation goals. The report shall contain, at a minimum, photographs from established photo points, quantitative measure of success criteria, including plant survival and vigor if these are appropriate data. The Year 1 annual report shall be submitted one year following mitigation action implementation. The final annual report (Year 5 report) shall document successful satisfaction of mitigation goals, as per the stated performance standards. If the ownership of the mitigation site property changes, the new owners will have the continued responsibilities established by this section.
- (.07) The Mitigation Plan document shall be prepared by a natural resource professional.
- (.08) Prior to any site clearing, grading or construction, the SROZ area shall be staked, and fenced per approved plan. During construction, the SROZ area shall remain fenced and undisturbed except as allowed by an approved development permit.
- (.09) For any development which creates multiple parcels intended for separate ownership, the City shall require that the SROZ areas on the site be encumbered with a conservation easement or tract.
- (.10) The City may require a conservation easement over the SROZ that would prevent the owner from activities and uses inconsistent with the purpose of this Section and any easements therein. The purpose of the conservation easement is to conserve

and protect resources as well as to prohibit certain activities that are inconsistent with the purposes of this section. Such conservation easements do not exclude the installation of utilities.

(.11) At the Planning Directors discretion, mitigation requirements may be modified based on minimization of impacts at the impact activity site. Where such modifications are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.

(.12) The Director may study the possibility of a payment-in-lieu-of system for natural resource impact mitigation. This process would involve the public acquisition and management of natural resource properties partially funded by these payments.

TABLE NR – 4: NATURAL RESOURCE ENHANCEMENT MITIGATION RATIOS

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

* mitigation function (i.e water quality, ecological integrity) shall be the same as impacted function
+ improve on a H rating

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

Examples for using Table NR - 4 – the Doe Property

The Doe property (fictitious) was rated as a significant wildlife habitat site in the 2000 Compliance and Protection Plan report with the following function ratings: wildlife habitat, L

(low plant diversity); water quality protection, M (adjacent to the Willamette River); ecological integrity, L (a planted woodland); connectivity, M (adjacent to larger forest unit); and uniqueness, L (no sensitive species or unique natural features). In 2015, the function ratings were determined to be the same, except for wildlife habitat, which increased to M and ecological integrity, which rated M, both due to an increase in native plant species diversity and a reduction in Himalayan blackberry resulting from good stewardship practices by the Doe family. A project proposed by the Does would remove 0.2 acre of trees, shrubs and ground cover plants in the Area of Limited Conflicting Uses having an impact on wildlife habitat function. The Does propose to mitigate for the impact by enhancing another area of their property that has continuing invasive plant problems. By removing blackberry, instituting a 5-year blackberry control program, and planting/maintaining native shrubs, they will improve the mitigation site ratings for wildlife habitat and ecological integrity from L to M. Using Table NR - 2, they determine that a 3:1 ratio will be required, and they plan to enhance 0.6 acres of the mitigation site.

Calculation summary: existing function rating at impact site = M
 existing function rating at mitigation site = L
 proposed function rating at mitigation site = M
 Table NR - 4 required ration = 3:1
 Impact area X 3 = 0.2 acre X 3 = 0.6 acre.
 Note: both impacted functions are mitigated by the same action.

Calculation summary:

Wildlife Habitat function:

existing function rating at impact site = H
 existing rating at mitigation site = H
 proposed function rating at mitigation site = H+
 Table NR - 4 required ratio = 5:1
 Impact area X 5 = 0.04 acre X 5 = 0.2 acre

Water Quality Protection function:

existing function rating at impact site = H
 existing rating at mitigation site = M
 proposed function rating at mitigation site = H
 Table NR - 4 required ratio = 2½:1
 Impact area X 2½ = 0.04 acre X 2½ = 0.1 acre

Section 4.139.08 Activities Requiring a Class I Administrative Review Process

- (.01) Class I Procedure for Amending the Significant Resource Overlay Zone Boundary. The Director may authorize an adjustment to the SROZ by a maximum of 2% (two percent) of the Area of Limited Conflicting Use. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway or wetland, no more than 2% of the Area of Limited Conflicting Use on each side of the riparian corridor may be adjusted, provided the applicant demonstrates that the following standards are met:

- A. The proposed adjustment is located in an Area of Limited Conflicting Use as determined through a site assessment and SRIR;
 - B. The area within the Significant Resource Overlay Zone is not reduced to less than the requirements of Metro's UGMFP Title 3 Water Quality Resource Areas for the site;
 - C. The adjustment shall be located in the outermost 10% of the significant resource area as it runs near or parallel to a riparian corridor. Where no riparian corridor exists on the site, the adjustment shall be made in a manner which protects the highest resource values on the site;
 - D. The conclusions of the SRIR confirm that the area where the project is proposed does not significantly contribute to the protection of the remaining Significant Resource for water quality, storm water control and wildlife habitat;
 - E. The line to be adjusted has not been previously adjusted from the boundary location originally adopted as part of this Section; and
 - F. The land proposed to be removed through the use of this adjustment process do not contain more than three healthy trees, as determined by an arborist, that are greater than 6 inches DBH.
 - G. Any change to the SROZ boundary authorized through this Section shall be noted on the official zoning map of the City.
- (.02) Applications that do not meet all of the above criteria shall be processed as a Class II Administrative Review.

Section 4.139.09 Activities Requiring a Class II Administrative Review Process

- (.01) The review of any action requiring an SRIR except:
- A. Activities and uses exempt under this Section;
 - B. Adjustments permitted as a Class I Administrative Review.
 - C. Adjustments permitted as part of a Development Review Board public hearing process.
- (.02) Single family dwelling or the expansion of a single family dwelling on lots with limited buildable land. Single family dwelling or the expansion of a single family dwelling which meet all of the following requirements:
- A. The lot was legally created and has less than 5,000 square feet of buildable land located outside the SROZ; and
 - B. No more than one single family house is permitted on the property and no more than 3,000 square feet of land is to be developed by impervious improvements within the SROZ; and
 - C. The single-family structure shall be sited in a location, which reduces the impacts to the Significant Resources.

- D. An Abbreviated SRIR is required to be submitted.
- (.03) The expansion of an existing single family dwelling or structures that are accessory to a single-family dwelling located inside Metro’s UGMFP Title 3 Water Quality Resource Areas.
- A. The expansion of a single family structure or improvement is located no closer to the stream or wetland area than the existing structures, roadways, driveways or accessory uses and development; and
 - B. The coverage of all structures shall not be increased by more than 600 square feet, based on the coverage in existence as of the effective date of this ordinance; and
 - C. The applicant must obtain the approval of an erosion and sediment control plan from the City’s Building and Environmental Services Divisions.
 - D. In determining appropriate conditions of approval, the applicant shall:
 1. Demonstrate that no reasonably feasible alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; and
 2. If no such reasonably feasible alternative design or method of development exists, the project shall be conditioned to limit its disturbance and impact on the Water Quality Resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and
 3. Provide mitigation consistent with Section 4.139.06 to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.

Section 4.139.10 Development Review Board (DRB) Process

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

- (.01) Exceptions. The following exceptions may be authorized through a Development Review Board quasi-judicial review procedure.
- A. Unbuildable Lot. For existing non-developed lots that are demonstrated to be unbuildable by the provisions of this Section, the SROZ shall be reduced or removed to assure the lot will be buildable by allowing up to 3,000 square feet of land to be developed by impervious improvements for residential use, or 5,000 square feet of impervious improvements for non-residential uses, while still providing for the maximum protection of the significant resources, if not in conflict with any other requirements of the Planning and Land Development Ordinance. This section shall not apply to lots created after the effective date of this ordinance.

- B. Large Lot Exception. An exception under this paragraph is authorized and may allow impact into wetlands, riparian corridors and wildlife habitat areas, and shall not be limited to locations solely within the Area of Limited Conflicting Use. Mitigation is required, and for wetland impacts, state and federal permit requirements shall be followed. An exception to the standards of this Section may be authorized where the following conditions apply:
1. The lot is greater than one acre in size; and
 2. At least 85 percent of the lot is located within the SROZ based on surveyed resource and property line boundaries; and
 3. No more than 10 percent of the area located within the SROZ on the property may be excepted and used for development purposes; and
 4. Through the review of an SRIR, it is determined that a reduction of the SROZ does not reduce the values listed on the City of Wilsonville Natural Resource Function Rating Matrix for the resource site; and
 5. The proposal is sited in a location that avoids or minimizes impacts to the significant resource to the greatest extent possible.
 6. For purposes of this subsection, "lot" refers to an existing legally created lot of record as of the date of the adoption of the SROZ.
- C. Public. If the application of this Section would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this Section. The hearing body shall use the SRIR review criteria identified within this section.
- D. Map Refinement process. The applicant may propose to amend the SROZ boundary through a Development Review Board quasi-judicial zone change where more detailed information is provided, such as a state approved wetland delineation. The criteria for amending the SROZ are as follows:
1. Any map refinement must be evaluated by considering the riparian corridor types contained in this ordinance.
 2. Other supporting documents to be considered in evaluating a proposal to refine a map include, but are not limited to:
 - a. Natural Resources Inventories (LWI/RCI);
 - b. The Economic, Social, Environmental and Energy (ESEE) Analysis;
 - c. Metro Functional Plans;
 - d. Wilsonville Comprehensive Plan;
 - e. State approved wetland delineations;
 - f. Detailed slope analysis
 3. An SRIR must be prepared by the applicant in conformance with the provisions of this Section.
 4. The Hearing Body (including City Council) may amend the Significant Resource Overlay Zone (in or out) upon making a determination that the land area in question is or is not a significant resource. The criteria for

determining that land is significant shall be based on finding that the site area has at least one rating of “high” using the function criteria listed in the Natural Resource Function Rating Matrices.

- (.02) Adding Wetlands. Except for water quality or storm water detention facilities, the City shall initiate amendments to the Significant Resource Overlay Zone maps to add wetlands when the City receives significant evidence that a wetland meets any one of the following criteria:
- A. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or the wetland qualifies as having intact water quality function under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
 - B. The wetland is in the Metro Title 3 Flood Management Area as corrected by the most current FEMA Flood Insurance Rate Maps, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or the wetland qualifies as having intact hydrologic control function under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
 - C. The wetland or a portion of the wetland is within a horizontal distance of less than one - fourth mile from a water body which meets the Department of Environmental Quality definition of water quality limited water body in OAR Chapter 340, Division 41 (1996).
 - D. Created or restored wetlands that meet the requirements of Section 4.139.10(.02) shall be added to the Significant Resource Overlay Zone. [Added by Ord. # 674 11/16/09]
- (.03) Development of structures, additions and improvements that relate to uses other than single family residential.
- (.04) Variances. A variance may be taken to any of the provisions of this Section per the standards of Section 4.196 of the Planning and Land Development Ordinance.

Section 4.139.11 Special Provisions

- (.01) Reduced front, rear and side yard setback. Applications on properties containing the SROZ may reduce the front, rear and side yard setback for developments or additions to protect the significant resource, as approved by the Development Review Board.
- (.02) Density Transfer. For residential development proposals on lands which contain the SROZ, a transfer of density shall be permitted within the development proposal site. The following formula shall be used to calculate the density that shall be permitted for allowed residential use on the property:

- A. Step 1. Calculate Expected Maximum Density. The Expected Maximum Density (EMD) is calculated by multiplying the acreage of the property by the maximum density permitted in the Wilsonville Comprehensive Plan.
 - B. Step 2. The density that shall be permitted on the property shall be equal to the EMD obtained in Step 1, provided:
 1. The density credit can only be transferred to that portion of the development site that is not located within the designated Significant Resource; and
 2. 50% of the maximum number of dwelling units that are within the SROZ are allowed to be transferred to the buildable portion of the proposed development site provided that the standards for outdoor living area, landscaping, building height and parking shall still be met. Applicants proposing a density transfer must demonstrate compatibility between adjacent properties as well as satisfy the setback requirements of the zone in which the development is proposed or meet Section 4.139.10 A. above; and
 3. The types of residential uses and other applicable standards permitted in the zone shall remain the same; and
 4. Land area within the Significant Resource Overlay Zone may be used to satisfy the requirements for outdoor recreation/open space area consistent with the provisions found in Section 4.113 of the Planning and Land Development Ordinance.
- (.03) Alteration of constructed drainageways. Alteration of constructed drainageways may be allowed provided that such alterations do not adversely impact stream flows, flood storage capacity and in stream water quality and provide more efficient use of the land as well as provide improved habitat value through mitigation, enhancement and/or restoration. Such alterations must be evaluated through an SRIR and approved by the City Engineer and Development Review Board.