



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

Monday, February 24, 2020 - 6:30 P.M.

- I. Call to order:
- II. Chairman's Remarks:
- III. Roll Call:

Richard Martens	Ellie Schroeder
Shawn O'Neil	Nicole Hendrix
Samy Nada	
- 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 November 25, 2019 DRB Panel B meeting
- VII. Public Hearings:
- VIII. Board Member Communications:
 - A. Results of the December 9, 2019 DRB Panel A meeting
 - B. Results of the January 13, 2020 DRB Panel A meeting
 - C. Results of the February 10, 2020 DRB Panel A meeting
 - D. Recent City Council Action Minutes
- 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

MONDAY, FEBRUARY 24, 2020

6:30 PM

VI. Consent Agenda:

- A. Approval of minutes from the November 25, 2019 DRB Panel B meeting

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

**Development Review Board – Panel B
Minutes–November 25, 2019 6:30 PM**

I. Call to Order

Chair **Richard Martens** 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: Richard Martens, Samy Nada, and Ellie Schroeder

Staff present: Kimberly Rybold, Barbara Jacobson, Cindy Luxhoj, Kerry Rappold, Miranda Bateschell, and Khoi Le

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 October 28, 2019 DRB Panel B meeting

Ellie Schroeder moved to approve the October 28, 2019 DRB Panel B meeting minutes with the Roll Call corrected to state, “~~Elizabeth~~ Ellie Schroeder.” Samy Nada seconded the motion, which passed unanimously.

VI. Public Hearing:

A. Resolution No. 371. Willamette Water Supply System Raw Water Facilities: Tualatin Valley Water District and City of Wilsonville – Owners, Willamette Water Supply Program – Applicant. The applicant is requesting approval of a Conditional Use Permit, Site Design Review, Type C Tree Removal Plan, Willamette River Greenway Conditional Use Permit, Abbreviated SROZ Map Refinement and Abbreviated SRIR Review for development of water intake and transmission facilities and associated improvements at the Willamette River Water Treatment Plant. The site is located at 10350 SW Arrowhead Creek Lane on Tax Lots 1800 and 1900 and on temporary and permanent easements on Tax Lot 1700 of Section 23B, Township 3 South Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Cindy Luxhoj

Case Files: DB19-0019 Conditional Use Permit
DB19-0020 Site Design Review
DB19-0021 Type C Tree Removal Plan
DB19-0022 Willamette River Greenway Conditional Use Permit

Chair Martens called the public hearing to order at 6:35 p.m. and read the conduct of hearing format into the record. Chair Martens and Ellie Schroeder 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.

Cindy Luxhoj, Associate Planner, announced that the criteria applicable to the application were stated on Pages 2 and 3 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Ms. Luxhoj presented the Staff report via PowerPoint, briefly reviewing the site's history and describing its location, surrounding features and land uses, as well as the requested applications, with these key comments:

- The project site was located at the Willamette River Water Treatment Plant (WRWTP) and Park. The WRWTP was developed in 2002 in a partnership between the City of Wilsonville and the Tualatin Valley Water District (TVWD). The site was jointly owned by the City and TVWD, 51% and 49% respectively. The Applicant was the Willamette Water Supply Program (WWSP), a partnership between TVWD and the cities of Hillsboro and Beaverton, on behalf of the Willamette Water Supply System (WWSS) Commission, with Angelo Planning Group acting as the authorized representative.
- The proposed project would provide a resilient and redundant water supply to several communities on the west side of the metro area, including Hillsboro, Beaverton, and others, via a 66-in water pipeline that would draw water from the Willamette River. The proposed facilities and improvements were collectively referred to as the Raw Water Facilities.
 - She reviewed the overall extent of the project. (Slide 6) From the WRWTP site, raw water would be pumped through the pipeline to a new water filtration plant in Sherwood's Tonquin Employment Area where multiple treatment processes would produce high quality drinking water. The drinking water would then be pumped to reservoir facilities on Cooper Mountain and then gravity-fed to the existing distribution system.
- The WWSP was seeking land use approvals to develop water intake and transmission facilities at the WRWTP site. Construction at the site was planned to start mid next year and expected to be completed in 2024, with the entire WWSS project slated for completion in 2026.
- Proper noticing was followed for the application and no comments were received. Beginning in November 2017, the Applicant conducted outreach activities with neighbors and others in the city to create awareness and provide opportunities for input. There had also been ongoing coordination with City departments, particularly Public Works, Engineering, Natural Resources, Parks, and Planning.
 - Earlier this month, a presentation focused on the proposed park and trail improvements was made to the Parks and Recreation Advisory Board, and the Board approved a

recommendation that the parks improvements associated with the project be presented to the DRB with no changes to the design.

- The City and the WWSS Commission entered into an intergovernmental agreement (IGA) for the proposed project that was fully executed on October 30, 2019. (Exhibit B4) Project goals, as outlined in the IGA, included coordinating the design and construction of the proposed work; acknowledging that the proposed work could not interfere in any way with the ability of the WRWTP to produce safe, reliable, and uninterrupted drinking water; and specifically for the City to review and approve the work to ensure it would not unreasonably disturb the WRWTP and park property, operation of the treatment plant, or other City work in those areas; and for the WWSS Commission to design and construct portions of the water transmission facilities and pipeline to further the objectives of the Commission to increase water supply, reliability, redundancy, and resiliency to its member service areas.
- The Conditional Use Permit application was required because the proposal included improvements to the WRWTP and raw water facilities that were regulated as conditional uses in all zones.
 - Some of the improvements included modification to the Willamette River Intake Facilities, the seismic upgrades to the riverbank, pump station upgrades, an electrical duct bank or buried conduit for electrical wiring, a new electrical building, and other public utility structures. In addition, although the proposed underground pipes that were a part of the Raw Water Facility improvements, including the 66-in water main, were permitted in all zones, they were reviewed pursuant to the Conditional Use criteria because they were a part of the set of improvements containing conditional uses.
- Site Design Review applied to the new electrical building and landscaping on the Upper Site. The new building was designed to be simple, attractive, and complementary of other buildings on the WRWTP property. Materials were brick and cast-in-place concrete with a modern look that matched the overall aesthetics of the existing buildings. Design elements included a metal roof, panels and trim, door canopies, window frames, and doors and louvers in a range of neutral colors from medium bronze to light gray and Portland stone. The building and ancillary facilities would be buffered and screened from the adjacent trail, residential area, and road by a high berm and a variety of landscaping.
 - Site Design Review also applied to the minor architectural changes on the pump station building on the Lower Site. The exterior modifications were designed to be consistent with other existing treatment plant buildings, mainly by replacing the brick faces with cast-in-place concrete, which was required as a part of the seismic upgrades.
 - Additionally, Site Design Review also applied to improvements to areas of the park outside the Willamette River Greenway, including landscaping, the park pathway, improvements to the upper overlook, and upper parts of the new west and lower trails.
- The Type C Tree Removal Plan was required due to the 413 trees on the project site, 92 of which were proposed for removal, including 75 inside and 17 outside the SROZ. Tree removal was needed to accomplish the proposed improvements.
 - In Area A, seven trees needed to be removed to locate the receiving shaft near Arrowhead Creek. In Area B1, seven trees needed to be removed, as well as 36 trees in Areas B2 and B3, to locate the pipeline and the fiber optic conduit bench. In Area

- B4, which was closest to the river, 40 trees needed to be removed for the seismic stabilization measures to the pump house and riverbank. (Slide 14)
- Throughout the project site, tree removal was limited to only trees necessary for construction of the proposed improvements, and removal had been minimized to the extent possible while still allowing the work to occur.
 - Tree removal on the Willamette riverbank and in the SROZ would be mitigated in several ways, including: restoring native shrubs over locations of the footprint of the seismic stabilization measures; planting over the location of the informal trail on the riverbank that was being abandoned for safety reasons; plantings associated with the overlooks and the new trails on the riverbank; and planting in a large mitigation area on the Upper Site to create a diverse native upland habitat connected with Arrowhead creeks.
 - To mitigate the removal of the 17 trees outside the SROZ, trees would be planted in landscape areas associated with the new electrical building on the Upper Site, and park improvements on the Lower Site, well in excess of the number of trees removed. For instance, 13 trees would be planted at the main overlook on the Lower Site. (Slide 15) On the Upper Site, 23 trees would be planted on the west berm shown as Area A. In Area C, 34 trees would be planted on the south and east berms, as well as 21 trees along SW Arrowhead Creek Lane for a total of 91 trees, which did not include the additional trees proposed for planting in the stormwater swales surrounding the new electrical building. (Slide 16)
 - Willamette River Greenway Conditional Use Permit. The proposed project also involved several improvements within the Willamette River Greenway which included modifications to the water intake facilities, seismic stability measures, including stability along the riverbank, and landscape improvements and new trails along the riverbank.
 - The applicant had requested approval of an Abbreviated SROZ Map Refinement and SRIR review for exempt development located within the SROZ and its 25-ft impact area. The proposed exempt development included the pipeline bored under Arrowhead Creek Lane at the Upper Site; a pipeline construction corridor along the western side of the treatment plant between it and the ravine along the west side of the Lower Site; staging areas grading and seismic stability improvements along the south side of the Lower Site; and a new path and pedestrian overlook in the Willamette River riparian area.
 - The request was reviewed pursuant to the SROZ ordinance, and the impact to the SROZ was found to be necessary to accommodate public improvements associated with the project. The Applicant provided sufficient information to demonstrate that compliance was correct with the review criteria.
 - The Applicant requested modifications to Conditions of Approval PDB 5, PDB 6, PDC 2, and PDC 4, but because the conditions were based directly on the standards of the Wilsonville Code, Staff did not recommend the requested changes be made, except for one clarification to Condition PDB 5, which applied to Site Design Review and specified requirements for the planting of shrubs and ground cover in landscaped areas of the project site.
 - She entered into the record Exhibit A3, Staff's memorandum dated November 25, 2019 which responded to the Applicant's requests to modify the four conditions of approval.

She noted there had been additional clarifications to the wording of the modifications since the Board members received their copies earlier that afternoon, and the memo presented at the dais was the most recent version of that text.

- Staff recommended that Condition PDB 5 be modified to clarify that the requirements of the condition only applied to plantings in the landscaped areas that were reviewed by Planning Staff. It did not apply to mitigation sites for the SROZ or plantings in stormwater facilities, which were reviewed for compliance by Natural Resource Staff. Staff proposed adding, *"Except for mitigation sites and storm water facilities to be reviewed and approved in writing by Natural Resources Staff pursuant to the conditions and findings outlined in the Staff report,* to the beginning of Condition PDB 5. (Slide 20)
- Staff recommended approval of the Willamette Water Supply System Raw Water Facilities with conditions, including the recommended clarifying edit to Condition PDB 5.

Ellie Schroeder confirmed the bold, italic, underlined language shown in Exhibit A3 were Staff's addition, and that everything else was the same as the initial exhibit provided to the Board.

Chair Martens requested a summary of what work would be done within the SROZ.

Kerry Rappold, Natural Resources Manager, said he had reviewed the proposal based on the Abbreviated SRIR because all of the proposed impacts were exempt within the Code because they complied with the existing Master Plan developed for the site. All of the City's capital projects fell within exemptions within the SROZ, because they were considered in a broader perspective as far as the environmental impacts and sometimes other types of permitting were required, similar to the proposed project.

- The most significant impact would be to the riparian area along the Willamette River, which would undergo seismic improvements. While most of that work to stabilize the area would be done underground, the bulk of the disturbance would occur when gaining access to the area, impacting both the trees and understory.
- The fiber and duct work along the western edge would result in some impact to a riparian area associated with that intermittent drainage way. The pipeline would be to the east of the SROZ.
- There would also be impacts on Arrowhead Creek due to the boring underneath the creek for the 66-in pipe; however, there would not be any disturbance in the creek. The boring required creating a shaft to gain access, which would be in the receiving area on the eastern side of Arrowhead Creek where the seven trees would be removed.
- Some of the trees being removed were non-native species, but the impact to the canopy would be mitigated by the introduction of native tree and understory species.

Chair Martens confirmed that the cable tree would not be removed.

Mr. Rappold elaborated that although the trail connection would not be improved, the tree would still be accessible. The tree was a large Cottonwood with an old logging cable around it

located in the far southwest corner of the riparian area. There were also one or two other trees with logging cables adjacent to the river that would not be impacted. Staff and the consulting team had worked closely to preserve some of the more significant trees, such as a Grand Fir, and minimize the impact while also enabling the work needing to be done.

Ms. Schroeder noted that on Page 14, Condition PDC 3 stated that any tree that died or became diseased during the two years after planting would be replaced, but the language did not include a time limit for replacing the tree(s).

Kimberly Rybold, Senior Planner, replied she did not believe the Tree Code requirement included a specific time period for replacing a diseased or dead tree; however, at that point, it would become a Code compliance issue where part of that approval relied upon the presence of those mitigation trees and would be enforceable by the City.

Samy Nada asked if the City had Code regarding acceptable noise range levels during construction and operation of the facility.

Ms. Luxhoj confirmed the City did have a noise code that included certain hours of operation. She deferred to the Applicant regarding construction noise, but noted operational noise after construction was complete would be similar to the existing buildings on the site, which was minimal.

Chair Martens called for the Applicant's testimony.

Joe Dills, Planner, Angelo Planning Group, stated the Applicant was appreciative and supportive of the findings and recommended conditions in the Staff report, including the modification of Condition PDB 5 as presented. The Applicant collaborated with Staff last week and learned how standard conditions were applied. He explained that representatives for engineering, landscape design, permit coordination, and natural resources were also present to answer any questions.

David Kraska, Director, Willamette Water Supply Program, explained that he and Mike Rich would be presenting the Willamette Water Supply Project via PowerPoint. He provided an overview of the project with these key comments:

- For the program owners, the Willamette Water Supply Project was preparing for the future. Metro predicted 200,000 additional people living in Washington County by 2040. The supply also represented resilience against various threats to the water supply, including earthquakes, drought, pollution, and more severe storms.
- From 2011 to 2013, both TVWD and the City of Hillsboro independently conducted their own studies regarding long-term water supply options, and both considered four options, which included new ground water supply developed in Sauvie Island; additional purchased water from the City of Portland; the mid-Willamette River supply in Wilsonville; and increasing storage in Hagg Lake.

- Hagg Lake was also known as the Joint Water Commission Supply in Forest Grove, another jointly-owned partnership project by the cities of Hillsboro, Beaverton, Forest Grove, and TVWD, which was also one of the original owners and investors of the original WRWTP, and partially owned the land and facilities there. Both Hillsboro, TVWD, and the City of Beaverton own water rights to the Willamette River.
- Following the studies, both TVWD and the City of Hillsboro independently selected the Willamette River for a number of reasons. The water quality was excellent as proven by the City of Wilsonville through its operation of its WRWTP since 2002. Having ownership of the Willamette Water Supply was very important to the City of Hillsboro and TVWD, and the supply was reliable. The site offered fewer environmental impacts than the alternatives, and was the lowest cost option to develop.
- This was a partnership project with the TVWD and the Cities of Hillsboro and Beaverton with all three being part owners of the operation.
- Project Overview. (Slide 7) One benefit of the project was the existing intake on the Willamette River could be modified, so no new intake needed to be built. Six to seven miles of pipeline would run from Wilsonville to just outside Sherwood at the intersection of the new 124th Ave extension and Tualatin Sherwood Rd, where the new water treatment plant would be built. From there, the finished water pipelines would go up Tualatin Sherwood Rd and Roy Rogers Rd, extending up to Sunset Hwy with another extension to the east that would connect up to Beaverton Hillsdale Hwy. The total transmission system included about 30 miles of large-diameter pipeline. On the top of Cooper Mountain would be 30 million gallons of water storage for handling emergency supplies and peak demands.

Mike Rich, Engineering and Construction Manager, Willamette Water Supply Program,

continued the PowerPoint presentation, noting he would address some of the questions raised by the Board. His comments were as follows:

- He reviewed the features of the existing WRWTP site, noting the pump station currently included a 50-ft diameter caisson that was 80-ft deep with 4-ft thick, reinforced, concrete walls. The existing pumps that served the water treatment plant, as well as new pumps being added, would be inside the caisson with a structure on the top. From the caisson, there was a pipe out to the river with screens at the end. During the WRWTP's construction, the Upper Site had served as a convenient location to stockpile all of the spoils from the building phase.
- The Applicant would be doing work throughout the park, connecting the Lower Site to the Upper Site with pipelines and the duct bank that would contain the electrical facilities.
- It was important to consider seismic hazards, which were one of the greatest risks to water systems in the Northwest Region. The fault of the Cascadia Subduction Zone was approximately 140 miles due west of Wilsonville where the Pacific Plate was subducting below the North American Plate. When such faults ruptured, they created subduction zone earthquakes, the largest type of earthquakes. The 1964 earthquake in Alaska and the 2011 earthquake in Tohoku, Japan were examples of such earthquakes. After a trip to the Tohoku region, he had brought back lessons learned that could be applied to future construction projects.

- Another characteristic was that subduction earthquakes typically had several minutes of ground shaking, which was important as it could significantly impact the site, given the kinds of soils present.
- Referencing the chart on Slide 10, he explained the vertical axis represented the amount of movement expected and the horizontal axis represented the duration of ground shaking. During a short-duration earthquake, there would be virtually no soil movement until approximately 60 to 80 seconds of ground shaking when the soils would weaken such that there would be about a foot of displacement. Once the ground would start moving toward the riverbank, the caisson was predicted fail and be rendered useless. It was important to understand what long duration ground shaking would do to the soils as the soils lost strength through all of that shaking, and then developing appropriate mitigation to arrest that expected movement.
- The improvements the Applicant expected to use included methods that would strengthen the ground in place. To achieve that, a cementitious material known as jet grout would be installed or cement would be mixed in with the soil in a method known as deep soil mixing.
 - In between the caisson and riverbank, the Applicant would use a top-down method of construction with different kinds of equipment to improve the ground and improve their importance. Based on various analyses and input from structural and geotechnical engineers, the mix of soil improvements and the geometry required to stabilize the structure had been identified.
 - However, limiting the amount of tilt in the caisson was also important. The caisson would move a little bit, but the design solution would limit the amount of tilt, which would enable the pumps to continue running. The really long pumps could only get out of vertical a tiny bit. The design criteria for the ground improvements would limit the movement of the caisson such that the pumps continued to run, which was less than what the actual structure required.
- The Applicant had collaborated with City Staff and their own design team to understand what was needed to install the top down approach and minimize the impact to the riverbank, particularly along the top of the bank.
 - After construction was completed, the Applicant planned to go back and improve the entire riverbank area. Those improvements included a set of new trails to the lower overlook, a new trail loop at the top of the park area with a west overlook, and broader improvements to the existing overlook. He also indicated the existing informal trail that preserved access to the cable trees at a couple locations.
 - An improved view of the riparian forested riverbank was another benefit of the improvements to the upper overlook and overall mitigation. Currently, it was very overgrown and offered limited access.
 - He also described the views depicted in the renderings of the Upper Site on Slide 16, noting the top image showed the view from Arrowhead Creek Ln looking north. The lower image showed the view facing west. He noted berms and landscaping would be installed around the perimeter of the site where public access existed, resulting in an improvement over present conditions. (Slide 16)
- The Applicant was intentional in having the proposed building match the existing architecture of the lower plant. (Slide 17)

- Park closures would be necessary in certain degrees.
- Access to the site was very limited and all the pipes and infrastructure would go through one narrow corridor on Arrowhead Creek Ln. In support of that activity, the Applicant anticipated a five-month closure to facilitate construction in that location, which would prevent public access by road to the park, but the Applicant would work closely with City Staff to ensure access was maintained for operations of the WRWTP. Aside from the five-month closure, it was anticipated that much of the park would remain open.
- Construction of the pipeline and duct bank on the west side would not go into the ravine, but would stay on the Upper Site, although some closures would be needed to support that work.
- With regard to noise, he explained that once built, the operational noise levels would be similar to the existing WRWTP. During the construction phase, the Applicant would comply with all City requirements regarding construction noise.
- No metal piles were being driven in, so there would not be any loud, striking noises. He was unsure how the contractor would install the metal piles in the river to protect the screens, so there might be some loud striking noises for a short duration. Otherwise, the Applicant intended to work closely with the neighborhood and be sensitive to any comments received from the neighbors.

Mr. Nada asked if the Applicant had received any feedback from neighbors about the construction.

Marliss Mock, Lead Communications, Willamette Water Supply Program, stated the Applicant had been conducting outreach for a couple of years, as mentioned, and had coordinated their outreach activities with City Staff since 2014. The Applicant had met with the Morey's Landing Association twice, and people just had a lot of questions about the project and the benefits the city would receive. There were some questions about a possible park closure, but no strong sentiments either positive or negative regarding the project; people appreciated the Applicant asking questions and working with them and City Staff as much as possible. No specific comments had been received from residents, and the Applicant had knocked on doors, left flyers, attended meetings, and had done quite a bit of outreach over the last few years.

Mr. Dills added the Applicant tried to anticipate the needs of the community that lived adjacent to the site. It was clear that the trail on the west side of the upper side was well-used, which was taken into consideration for the design and the reason behind the total retention of the ravine's screening and trees enjoyed today.

Mr. Nada asked if it was well-communicated to the neighbors that the project's construction would last four years.

Ms. Mock replied that at the meeting with the neighbors last winter, the duration and clarity around how long the park would be closed during any particular phase of the project was uncertain; however, the Applicant was committed to providing access as much as possible. She believed the residents understood the important seismic benefits to the facility and reiterated

that there were no strong objections to the project. Overall, they were happy to hear information about what was coming and that the Applicant was committed to keeping everyone updated to avoid surprises and so everyone knew what to expect.

Mr. Rich explained that construction would take place in two phases. The first phase, anticipated to begin approximately June 2020, would consist of all the ground improvements, pipe and duct bank installation, and other elements impactful to the site. That phase would take a couple of years to complete. The balance of time would consist of building the structure at the Upper Site, installing the big pumps, motors, and large pieces of equipment. The Applicant had tried to be deliberate in how the work was set up, focusing the more impactful elements in a concentrated timeframe for the first phase with the second phase being less impactful and focused more on trade activities.

Chair Martens confirmed with Mr. Rich that the pipe itself would be in an open trench and the pipe installation work would start next summer.

Mr. Nada asked about the size of the water supply system compared to other sites in Oregon.

Mr. Rich replied at \$1.3 billion, it was currently the largest infrastructure program in the state. As a comparison, the TVWD was the second largest behind the City of Portland, but when coupled with Hillsboro and Beaverton, which represented a large group of water users in the region, the program represented a pretty large infrastructure system for a portion of Oregon.

Mr. Nada asked if the facility was the same size as or larger than Portland's, for example.

Mr. Rich replied it was different, but noted the intake facilities were roughly the same size as the Lake Oswego/Tigard intake facilities.

Ms. Schroeder stated she had visited the plant and was happy to see the seismic changes, as she had lived in Seattle, Wilsonville, California, Japan, and Taiwan, and as such, knew the importance of the proposed changes and their significance.

Chair Martens called for public testimony in favor of, opposed and neutral to the application.

Ashley Threlfall, 10501 SW Brockway Dr, Wilsonville, OR, 97070, stated she had just learned about tonight's meeting recently through a mailing. She said she had questions about the tree removal in Area B1 and asked if the seven trees right on her property line along her fence would be removed permanently or if they would be replaced. (Staff's Slide 14) She also asked if a pipe would be put into the ground right up next to her fence, adding she did not understand the details around that part of the project. She indicated that her home was along the narrow section of road that connected to the park.

Mr. Nada asked if Ms. Threlfall knew about the project before the mailing.

Ms. Threlfall replied she did not know about the electrical building, but was aware pipeline would be installed. She did not know anything else about the project, such as tree removal, until she received the mailing. She had not attended HOA meetings, but also had not heard anything from the HOA about the meetings with the Applicant regarding the project. She clarified her property was located in Area B1 right on the corner of Brockway Dr. She reiterated she wanted to know if the trees along the fence line would be permanently removed. (Slide 14)

Sarah Betz, Project Manager, Associate, David Evans and Associates, stated her firm was doing all of the environmental permitting for the project. She explained that part of Area B1 with the trees lined up with the pinch point area where the water pipeline, fiber conduit, and duct bank would all converge, and the seven trees in question would be permanently removed. Mitigation for those trees would be at the Upper Site mitigation area. The tree removal in Area B1 was driven by the need to thread the needle through a really congested area with three different lines.

Ms. Schroeder asked if any other landscaping would be installed to replace the seven removed trees, which she believed was Ms. Threlfall's concern, adding she would lose the shade.

Ms. Betz replied the Applicant's team was looking that up.

Ms. Threlfall responded the trees acted as a buffer between the road and concrete plant and her home, so it was a significant impact. She confirmed the trees provided a visual barrier. She also asked how long the construction near her fence would take place and what type of noise impact there would be, noting 2024 was a long time.

Mr. Dills clarified that all parts of the site would be revegetated, but the Applicant would need to do more research on whether new trees would be planted in the area. Construction would take place on and off during the first phase that was more earthwork related, followed by building the facility on the Upper Site, and then finishing up with the bank work which would be done at a much later date.

Chair Martens asked how long construction activity was expected to last near Ms. Threlfall's home.

Ms. Threlfall asked if it would be a couple feet from the fence line as it was a narrow area.

Mr. Rich replied it was difficult to give specifics, noting a contractor was currently working with the Applicant to develop the sequence in the plan. During the 5-month closure, there would be a lot of activity right there that involved not only their infrastructure, but also the City of Wilsonville's and other utilities. That area would also serve as the vehicle access through the park as the pipeline and duct bank were being constructed and would also support the movement of equipment down to the riverbank as part of a construction loop that would enter through the park and exit via the existing WRWTP. During that Phase 1 period, there would likely be ongoing construction on and off over a roughly two-year period.

Ms. Schroeder stated she was not sure that could be mitigated due to the pinch point.

Mr. Rich explained the pinch point was created by the Wilsonville Concrete property on the east side, and then the neighborhood on the west side. It was an unfortunate limit based on how the properties came together at that location.

Ms. Rybold clarified that it appeared that the trees being removed were not the ones that were westernmost against the property line. She noted the road, a line of trees, and then a path shown on Slide 14 of Staff's presentation and said the trees being removed were between the path and road itself with a small handful of trees remaining in between the path and Ms. Threlfall's property line.

Mr. Dills stated Ms. Rybold was correct. At that location, the trees west of the path, closest to the adjacent property, were all being retained, and the trees bordering the east, inside edge, where the path was at pinch point, were being removed, so, the screening function of the existing trees on the west side would still be in place.

Ms. Luxhoj confirmed she was looking at Sheet 27 in the 11x17 plans.

Mr. Dills added that not only would the trees on the west side of the path be retained, but trees would be a part of the planting plan on the east side, at the inside turn of the path as well.

Chair Martens understood that some of the trees closest to Ms. Threlfall's property would be retained.

Ms. Threlfall agreed, adding that according to the sheet before her, [Sheet 27] it appeared that the trees she had been concerned about would all be retained, which was comforting. She asked if there would be more communication regarding the project and how she could receive emails updates, etc.

Mr. Dills replied there was a communications process that would occur during the project that Ms. Mock could explain.

Ms. Rybold noted that by signing the sign-up sheet at the side of the room, she would receive an update on the decision and the documentation. Ms. Luxhoj could give her some additional contact information, if she still had questions.

Ms. Mock stated an outreach plan was developed for all of the Applicant's projects that helped guide the outreach process. She planned to be onsite often over the next four years to help neighbors cope and to work with the contractors to ensure the park locations were kept open as much as possible. She would also be attending all construction and neighbor meetings, and even visiting with neighbors, if needed. The Applicant wanted to ensure that all plans were communicated to neighbors before they happened, so there were no surprises. She confirmed

there was a hotline number for neighbors to call if they needed to and that she would deal with any issues with construction workers.

Mr. Nada noted that not all HOAs communicated information to people. He suggested the Applicant try to communicate/reach out to all the neighbors abutting the construction project.

Chair Martens confirmed there was no further testimony or questions and closed the public hearing at 7:45 pm.

Ellie Schroeder moved to accept the Staff report as amended with the modification to Condition PDB 5 as noted in new Exhibit A3. Samy Nada seconded the motion, which passed unanimously.

Samy Nada moved to adopt Resolution No. 371. The motion was seconded by Ellie Schroeder and passed unanimously.

Chair Martens read the rules of appeal into the record.

VII. Board Member Communications:

A. Recent City Council Action Minutes

Kimberly Rybold, Senior Planner, noted the three City Council Action Minutes summaries and that the right-of-way vacation for Cherbourg Lane was approved on second reading at the first October meeting, so that the ordinance was now in effect.

- She stated DRB Panel A did not meet this month, but a meeting was anticipated in December. She confirmed Panel A only had three members due to a member relocating outside the city and Councilor Linville's appointment. Staff expected the open positions to be filled in the New Year.
- She did not anticipate a December meeting for Panel B. There were some agenda items, but they would be pushed to a possible January meeting.

VIII. Staff Communications

IX. Adjournment

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

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

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, FEBRUARY 24, 2020

6:30 PM

VIII. Board Member Communications:

- A. Results of the December 9, 2019 DRB Panel A meeting

City of Wilsonville

Development Review Board Panel A Meeting Meeting Results

DATE:	DECEMBER 9, 2019	
LOCATION:	29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR	
TIME START:	6:31 P.M.	TIME END: 6:57 P.M.

ATTENDANCE LOG

BOARD MEMBERS	STAFF
Shawn O’Neil (Panel B)	Daniel Pauly
Daniel McKay	Barbara Jacobson
Angela Niggli	Kimberly Rybold
	Philip Bradford

AGENDA RESULTS

AGENDA	ACTIONS
CITIZENS’ INPUT	None.
CONSENT AGENDA	None.
A. Approval of minutes of September 9, 2019 DRB Panel A meeting	A. Postponed due to lack of a quorum
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	A. Resolution No. 372 unanimously adopted with one amendment
BOARD MEMBER COMUNICATIONS	None.
A. Results of the October 28, 2019 DRB Panel B meeting	A. Staff noted projects reviewed
B. Results of the November 25, 2019 DRB Panel B meeting	B. Staff noted projects reviewed
C. Recent City Council Action Minutes	C. No comment
STAFF COMMUNICATIONS	
	Staff updated on January’s meeting agenda and confirmed new Board members were being interviewed

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, FEBRUARY 24, 2020

6:30 PM

VIII. Board Member Communications:

- B. Results of the January 13, 2020 DRB Panel A meeting

City of Wilsonville

Development Review Board Panel A Meeting Meeting Results

DATE: JANUARY 13, 2020		
LOCATION: 29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR		
TIME START: 6:32 P.M.		TIME END: 7:46 P.M.

ATTENDANCE LOG

BOARD MEMBERS	STAFF
Richard Martens (Panel B)	Daniel Pauly
Angela Niggli	Barbara Jacobson
Daniel McKay	Kimberly Rybold
	Philip Bradford
	Khoi Le
	Mike Nacrelli

AGENDA RESULTS

AGENDA	ACTIONS
CITIZENS' INPUT	None.
CONSENT AGENDA	None.
<ul style="list-style-type: none"> A. Approval of minutes of September 9, 2019 DRB Panel A meeting B. Approval of minutes of December 9, 2019 DRB Panel A meeting 	Items A & B postponed due to the lack of a quorum; minutes would be approved via signature
PUBLIC HEARING	
<ul style="list-style-type: none"> 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 <div style="margin-left: 20px;"> Case Files: DB19-0037 Site Design Review DB19-0038 Type C Tree Removal Plan </div> 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 Loop 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 	<ul style="list-style-type: none"> A. Unanimously approved as presented B. Unanimously approved as presented

<p>Case Files: DB19-0024 Stage I Preliminary Plan Modification</p> <p> DB19-0025 Stage II Final Plan DB19-0026 Site Design Review DB19-0027 Class 3 Sign Permit</p> <p>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</p> <p>Case Files: DB19-0031 Stage II Final Plan Modification</p> <p> DB19-0033 Site Design Review DB19-0034 Class 3 Sign Permit DB19-0035 Type C Tree Removal Plan</p>	<p>C. Unanimously approved as presented</p>
<p>BOARD MEMBER COMMUNICATIONS</p>	<p>None.</p>
<p>A. Recent City Council Action Minutes</p>	
<p>STAFF COMMUNICATIONS</p>	
	<p>Staff noted Khoi Le was the City's new Development Engineering Manager, and introduced new DRB-A members.</p>

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, FEBRUARY 24, 2020

6:30 PM

VIII. Board Member Communications:

C. Results of the February 10, 2020 DRB Panel A meeting

City of Wilsonville

Development Review Board Panel A Meeting Meeting Results

DATE: FEBRUARY 10, 2020	
LOCATION: 29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR	
TIME START: 6:30 P.M.	TIME END: 7:16 P.M.

ATTENDANCE LOG

BOARD MEMBERS	STAFF
Daniel McKay	Daniel Pauly
Angela Niggli	Kimberly Rybold
Jean Svadlenka	Kerry Rappold
Ken Pitta	
Katie Hamm	

AGENDA RESULTS

AGENDA	ACTIONS
CITIZENS' INPUT	None.
ELECTION OF 2020 CHAIR AND VICE-CHAIR	
A. Chair	A. Daniel McKay unanimously elected 2020 Chair
B. Vice-Chair	B. Angela Niggli unanimously elected 2020 Vice-Chair
CONSENT AGENDA	None.
A. Approval of minutes of September 9, 2019 DRB Panel A meeting B. Approval of minutes of December 9, 2019 DRB Panel A meeting C. Approval of minutes of January 13, 2020 DRB Panel A meeting	The Consent Agenda was unanimously approved.
PUBLIC HEARING	
BOARD MEMBER COMMUNICATIONS	
	Board Members introduced themselves, noting what they most enjoyed about Wilsonville's built environment.
STAFF COMMUNICATIONS	
A. SROZ Training	A. Mr. Rappold presented and addressed clarifying questions about the SROZ Code.

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, FEBRUARY 24, 2020

6:30 PM

VIII. Board Member Communications:

D. Recent City Council Action Minutes

City Council Meeting Action Minutes
November 18, 2019

City Council members present included:

Mayor Knapp
Council President Akervall
Councilor Lehan
Councilor West
Councilor Linville - Excused

Zoe Monahan, Assistant to the City Manager
Bill Evans, Communications & Marketing Manager
Dan Carlson, Building Official
Dan Stark, GIS Manager
Jayme Taylor, GIS Intern
Dwight Brashear, Transit Director
Eric Loomis, Transit Operations Manager
Scott Simonton, Fleet Manager
Andy Stone, IT Director
Michelle Marston, Program Coordinator
Elli Work, Grants & Program Manager
Eric Loomis, Transit Operations Manager
Stacy Baker, Driver
Kim Deibert, Driver
Pete Padron, Driver
Patrick Edwards, Transit Supervisor

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Chris Neamtzu, Community Develop. Director
Mark Ottenad, Public/Government Affairs Director
Amanda Guile-Hinman, Assistant City Attorney
Miranda Bateschell, Planning Director

AGENDA ITEM	ACTIONS
WORK SESSION	
A. Public Art Interpretive Information	Council received a virtual walk through of City owned public art through the newly created Wilsonville Maps database.
B. DAR Steering Committee Recommendation	Council heard and then endorsed the Dial-a-Ride (DAR) Committee's recommendations.
C. Wilsonville Code Chapter 9 Code Administration	Staff updated on upcoming Wilsonville Code Chapter 9 changes. Which, will return for Council's approval at the next meeting.
REGULAR MEETING	
<u>Communications</u>	
A. Systems Innovation Award	The Oregon Transit Association recognized SMART as the 2019 recipient of the Public Transportation System Innovation Award.
<u>Mayor's Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.

<u>City Manager's Business</u>	<p>Announced the quarterly Council goals are in the packet. Also, announced that the Parks Bond Task Force is seeking a member of Council to be on the Task Force.</p> <p>Lastly, mentioned that staff was challenged to collect snacks for Boones Ferry Primary and that they donated about 10,000 snacks.</p>
<u>Legal Business</u>	<p>Reported that the time to appeal the Basalt Creek LUBA decision has passed</p>
ADJOURN	7:47 p.m.

City Council Meeting Action Minutes
December 2, 2019

City Council members present included:

Mayor Knapp
Council President Akervall
Councilor Lehan - Excused
Councilor West
Councilor Linville

Kimberly Veliz, City Recorder
Chris Neamtzu, Community Development Director
Cathy Rodocker, Finance Director
Mark Ottenad, Public/Government Affairs Director
Delora Kerber, Public Works Director
Dwight Brashear, Transit Director
Eric Loomis, Transit Operations Manager
Holt Cazal, Code Compliance Coordinator
Mike McCarty, Parks and Recreation Director
Zach Weigel, Civil Engineer
Miranda Bateschell, Planning Director
Bill Evans, Communications & Marketing Manager

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Amanda Guile-Hinman, Assistant City Attorney

AGENDA ITEM	ACTIONS
WORK SESSION	
A. 2019 Solid Waste Collection Rate Report: Findings and Recommended Actions	Staff informed Council of negotiations with Republic Services to reduce the recycling surcharge and provide new recycling services.
B. Wilsonville Code (W.C) Chapter 9 Code Administration	Council was briefed on Ordinance No. 839, repealing and replacing Wilsonville Code Chapter 9 – Structures; and declaring an emergency.
C. SMART Satisfaction Survey Results	Staff detailed the results of a recent rider-satisfaction survey.
D. Speed Reader Board	Staff updated Council on the City’s use of a new speed reader board to curtail driving speeds and collect data in residential areas.
E. Residential Sidewalk Repair Program	Staff discussed initial steps to be taken by a Parks Bond Task Force to determine the potential timing and scope of a future Parks Bond.
F. Parks Bond Update	Staff introduced a new residential sidewalk repair reimbursement program for the Council’s consideration.
G. Water Intake Facility (WIF) Commission Representative	Council designated Council President Akervall as the City’s WIF representative, with Councilor West serving as alternate.

REGULAR MEETING	
<u>Mayor's Business</u> A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.
<u>Consent Agenda</u> A. <u>Resolution No. 2773</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement Contract With OBEC Consulting Engineers For Phase 1 – Preliminary Engineering Services For The I-5 Pedestrian Bridge Project (Capital Improvement Project #4202). B. <u>Resolution No. 2774</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Wallis Engineering, PLLC For Design And Construction Engineering Services For The 2020 Street Maintenance Project (Capital Improvement Project #4104 And #4118).	The Consent Agenda was approved 4-0.
<u>Public Hearing</u> A. <u>Ordinance No. 839</u> An Ordinance Of The City Of Wilsonville Repealing And Replacing Wilsonville Code Chapter 9 – Structures; And Declaring An Emergency.	Ordinance No. 839 was approved on first reading by a vote of 4-0, with the public hearing left open.
<u>City Manager's Business</u>	Reported the contract for Day Road repairs had been signed.
<u>Legal Business</u>	Updated Council on the status of Covenants, Conditions & Restrictions (CC&Rs) for Town Center.
ADJOURN	8:13 p.m.

City Council Meeting Action Minutes
December 16, 2019

City Council members present included:

Mayor Knapp
Council President Akervall
Councilor Lehan
Councilor West - Excused
Councilor Linville

Amanda Guile-Hinman, Assistant City Attorney
Miranda Bateschell, Planning Director
Zoe Monahan, Assistant to the City Manager
Delora Kerber, Public Works Director
Erica Behler, Recreation Coordinator
Andrea Villagrana, Human Resource Manager
Melissa Gitt, Building Inspector
Rob Wurpes, Chief of Police
Dan Carlson, Building Official
Cricket Jones, Accountant
Beth Penner, Finance Operations Manager
Martin Montalvo, Public Works Ops. Manager
Mike McCarty, Parks and Recreation Director

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Kerry Rappold, Natural Resources Manager
Chris Neamtzu, Community Develop. Director
Cathy Rodocker, Finance Director
Mark Ottenad, Public/Government Affairs Director

AGENDA ITEM	ACTIONS
WORK SESSION	
A. Continued Discussion on the Water Rate Review	Council agreed that option 3 should move forward.
B. Willamette Falls Locks Commission Update	Council agreed to continue with the current level of committee.
C. Adoption of Structural, Energy, Mechanical, Residential, Electrical, Plumbing, and Fire Codes pursuant to WC 9.300-9.370	Staff provided a presentation on Resolution No. 2779, adopting a structural specialty code, zero energy ready commercial code, mechanical specialty code, residential specialty code, electrical specialty code, plumbing specialty code, and fire code. The item to be voted on under the New Business portion of the regular meeting.
D. Bylaws of the Sister City Advisory Board	Council and staff discussed the development of bylaws for the future Sister City Advisory Board.
REGULAR MEETING	
<u>Communications</u>	
A. Family Justice Center	The Clackamas County Sheriff's Office spoke about the Family Justice Center, a unit that provides a safe space and services to victims of domestic abuse, sexual assault, human trafficking and other forms of abuse.

<p>B. Wildlife Monitoring</p>	<p>Council heard an update on the success of the City’s partnership with PSU to plan and monitor the effects of roadway design to provide safe passage for wildlife living in the Coffee Creek Lake natural area near the roads of Boeckman and Kinsman.</p>
<p><u>Mayor’s Business</u></p> <p>A. City Attorney Contract Renewal</p> <p>B. Upcoming Meetings</p>	<p>Council renewed the City Attorney’s contract for an additional 2 years. 4-0</p> <p>Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.</p>
<p><u>Consent Agenda</u></p> <p>A. <u>Resolution No. 2778</u> A Resolution Of The City Of Wilsonville Authorizing The Sole Source Selection Of The National Research Center For The 2020 And 2022 National Citizen Survey.</p> <p>B. <u>Resolution No. 2781</u> A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Approving The Bid Process; Accepting The Proposal Which Will Best Serve The Interest Of The City; And Awarding A Contract To Green Sweep Asphalt Services, LLC., For The Project Known As Street Sweeping Services.</p>	<p>The Consent Agenda was approved 4-0.</p>
<p><u>New Business</u></p> <p>A. <u>Resolution No. 2775</u> A Resolution Of The City Of Wilsonville Adopting The Findings Of The Solid Waste Collection Rate Report Amended December 2019, Creating New Community Recycling Services And City Street-Sweeping Collection/Disposal Service And Reducing The Temporary Recycling Surcharge Rate.</p> <p>B. <u>Resolution No. 2776</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With JayRay Ads & PR, Inc. For ‘Explore Wilsonville’ Tourism Promotion And Development And Destination Marketing Services.</p> <p>C. <u>Resolution No. 2779</u> A Resolution Of The City Of Wilsonville Adopting Structural Specialty Code, Zero Energy Ready Commercial Code, Mechanical Specialty Code, Residential Specialty Code, Electrical Specialty Code, Plumbing Specialty Code, And Fire Code.</p>	<p>Resolution No. 2775 was adopted 4-0.</p> <p>Resolution No. 2776 was adopted 4-0.</p> <p>Resolution No. 2779 was adopted 4-0.</p>

<p>D. <u>Resolution No. 2780</u> A Resolution Of The City Of Wilsonville Approving Building Permit Fee Schedules, Mechanical Permit Fee Schedules, And Plumbing Permit Fee Schedule.</p> <p>E. <u>Resolution No. 2783</u> A Resolution Of The City Of Wilsonville Authorizing Settlement And Dismissal Of Land Use Board Of Appeals Case No. 2019-058.</p>	<p>Resolution No. 2780 was adopted 4-0.</p> <p>Resolution No. 2783 was adopted 4-0.</p>
<p><u>Continuing Business</u></p> <p>A. <u>Ordinance No. 839</u> An Ordinance Of The City Of Wilsonville Repealing And Replacing Wilsonville Code Chapter 9 – Structures; And Declaring An Emergency.</p>	<p>Ordinance No. 839 was adopted on second reading by a vote of 4-0.</p>
<p><u>City Manager’s Business</u></p>	<p>Wished Council happy holiday and reminded them of the upcoming Citizens Academy in January.</p>
<p><u>Legal Business</u></p>	<p>Wished Council happy holiday and mentioned a recent ruling on a Supreme Court case.</p>
<p>ADJOURN</p>	<p>9:25 p.m.</p>

City Council Meeting Action Minutes
January 6, 2020

City Council members present included:

Mayor Knapp
Council President Akervall - Excused
Councilor Lehan
Councilor West
Councilor Linville

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Martin Montalvo, Public Works Ops. Manager
Delora Kerber, Public Works Director

AGENDA ITEM	ACTIONS
WORK SESSION	
There was no Work Session scheduled.	
REGULAR MEETING	
<u>Communications</u> A. Healthy Democracy	The non-profit summarized the services they provide to engage more citizens in public participation.
<u>Mayor's Business</u> A. Municipal Court Judge Contract Renewal B. Placeholder for Reappointments and Appointments	<p>Council renewed the Municipal Court Judge's contract. 4-0.</p> <p><u>Budget Committee – Reappointment</u> Reappointment of Daphnee Legarza to Budget Committee for a term beginning 1/1/20 to 12/31/22. Passed 4-0.</p> <p><u>DRB Panel A – Appointment</u> Appointment of Jean Svadlenka and Ken Pitta to Development Review Board Panel A for a term beginning 1/1/20 to 12/31/20. Passed 4-0.</p> <p><u>DRB Panel B – Reappointment</u> Reappointment of Samy Nada to Development Review Board Panel B for a term beginning 1/1/20 to 12/31/21. Passed 4-0.</p> <p><u>DRB– Appointment</u> Appointment of Katie Hamm and Nicole Hendrix to Development Review Board for a term beginning 1/1/20 to 12/31/21. Passed 4-0.</p> <p><u>Parks and Recreation Advisory Board – Appointment</u> Appointment of Jennifer Link Raschko and Jeffrey Redmon to Parks and Recreation</p>

<p>C. Upcoming Meetings</p>	<p>Advisory Board for a term beginning 1/1/20 to 12/31/23. Passed 4-0.</p> <p><u>Parks and Recreation Advisory Board – Appointment</u> Appointment of Daniel Christensen to Parks and Recreation Advisory Board for a term beginning 1/1/20 to 12/31/20. Passed 4-0.</p> <p><u>Planning Commission - Reappointment</u> Reappointment of Kamran Mesbah to Planning Commission for a term beginning 1/1/20 to 12/31/23. Passed 4-0.</p> <p><u>Planning Commission - Appointment</u> Appointment of Aaron Woods and Jennifer Willard to Planning Commission for a term beginning 1/1/20 to 12/31/23. Passed 4-0.</p> <p><u>Community Enhancement Committee – Appointment</u> Appointment of Amy Day to the Wilsonville-Metro Community Enhancement Committee, Position 4 for a term beginning 1/1/20 to 6/30/21. Passed 4-0.</p> <p>Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.</p>
<p><u>Consent Agenda</u></p> <p>A. <u>Resolution No. 2784</u> A Resolution Of The City Of Wilsonville Adopting the Intergovernmental Agreement Between The City of Wilsonville And Other Governmental Agencies Who Are Members Of The Managing Oregon Resources Efficiently (MORE-IGA) Assistance Agreement.</p>	<p>The Consent Agenda was approved 4-0.</p>
<p><u>City Manager’s Business</u></p>	<p>Reported that staff will look into term limits of the various boards/committees and provide Council with findings.</p>
<p><u>Legal Business</u></p>	<p>Invited Council to attend an upcoming elections training by the Secretary of State’s office hosted by Clackamas County.</p>
<p>ADJOURN</p>	<p>8:46 p.m.</p>

City Council Meeting Action Minutes
January 23, 2020

City Council members present included:

Mayor Knapp
Council President Akervall
Councilor Lehan
Councilor West - Excused
Councilor Linville

Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Keith Katko, Finance Director
Dan Carlson, Building Official
Chris Neamtzu, Community Develop. Director
Cathy Rodocker, Finance Director
Miranda Bateschell, Planning Director
Zoe Monahan, Assistant to the City Manager

Staff present included:

Bryan Cosgrove, City Manager

AGENDA ITEM	ACTIONS
WORK SESSION	
A. Annual Urban Renewal Report, FY2018-19	Staff presented Council with the Fiscal Year 2018-2019 Urban Renewal Report.
B. Building Permit Fee Increase	Staff sought Council’s feedback on a proposed building permit fee increase.
C. Monument Sign Designs	Council provided staff with direction on the style and design for the “Welcome to Wilsonville” monument sign.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.
B. Proposed Initiative Petition 2019-1i	Staff reported that a sufficient number of valid signatures had been verified by Clackamas County Elections for the Proposed Initiative Petition 2019-1i pertaining to term limits for City Mayor and Council positions.
<u>City Manager’s Business</u>	
	No report.
<u>Legal Business</u>	
	No report.
ADJOURN	7:22 p.m.

City Council Meeting Action Minutes
February 3, 2020

City Council members present included:

Mayor Knapp
Council President Akervall
Councilor Lehan
Councilor West
Councilor Linville

Mark Ottenad, Public/Government Affairs Director
Miranda Bateschell, Planning Director
Mike McCarty, Community Development Director
Brian Stevenson, Parks & Rec. Program Manager
Zoe Monahan, Assistant to the City Manager
Scott Simonton, Fleet Manager
Mike Nacrelli, Civil Engineer
Dwight Brashear, Transit Director
Zach Weigel, Capital Projects Engineering Manager
Bill Evans, Communications & Marketing Manager
Nancy Kraushaar, Engineer

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Chris Neamtzu, Community Develop. Director

AGENDA ITEM	ACTIONS
WORK SESSION	
A. Boeckman Dip Bridge Alternatives Analysis (CIP #4212)	Council concurred with staff’s suggestions on next steps.
B. 5th to Kinsman Eminent Domain Resolution Amendment	Staff reported that Resolution No. 2790 and URA Resolution No. 340 assists in updating numbers and reaffirm that staff can move forward with property acquisition.
C. Korean War Memorial Interpretative Center Agreement	Council was informed of Resolution No. 2785, authorizing a Korean War Memorial Interpretive Center Agreement between the City and the Korean War Memorial Foundation of Oregon.
D. Grant Funded Bus Purchase	Council heard about Resolution No. 2786, which authorizes SMART to purchase two 21-passenger compressed natural gas buses from Schetky NW Sales, Inc.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.
<u>Communications</u>	
A. None.	

<p><u>Consent Agenda</u></p> <p>A. <u>Resolution No. 2786</u> A Resolution Of The City Of Wilsonville Authorizing South Metro Area Regional Transit (SMART) To Purchase Two 21-Passenger Compressed Natural Gas Buses From Schetky NW Sales, Inc.</p> <p>B. <u>Resolution No. 2792</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Amend A Professional Services Agreement With Murraysmith, Inc. For Design And Construction Engineering Services For The Memorial Park Pump Station Project (Capital Improvement Project #2065).</p>	<p>The Consent Agenda was approved 5-0.</p>
<p><u>New Business</u></p> <p>A. <u>Resolution No. 2785</u> A Resolution Of The City Of Wilsonville Authorizing A Korean War Memorial Interpretive Center Agreement Between The City Of Wilsonville And The Korean War Memorial Foundation Of Oregon.</p> <p>B. <u>Resolution No. 2790</u> A Resolution Of The City Of Wilsonville Amending Resolution No. 2676 Authorizing Acquisition Of Property And Property Interests Related To Construction Of The 5th Street / Kinsman Road Extension Project Through Eminent Domain.</p> <p>C. <u>Resolution No. 2791</u> – Option 1 A Resolution Adopting Initiative Measure For Term Limits.</p> <p>D. <u>Resolution No. 2791</u> – Option 2 A Resolution Rejecting Initiative Measure For Term Limits.</p>	<p>Resolution No. 2785 was adopted 4-0.</p> <p>Resolution No. 2790 was adopted 4-0.</p> <p>Council chose not to draft a competing ballot measure nor take any action on Resolution No. 2791, Option 1 or Option 2.</p>
<p><u>Continuing Business</u></p> <p>A. None.</p>	
<p><u>Public Hearing</u></p> <p>A. <u>Ordinance No. 840</u> An Ordinance Of The City Of Wilsonville Authorizing The Preparation, Submittal, And Publication Of Explanatory Statements For Voters’ Pamphlets; And Declaring An Emergency.</p>	<p>After a public hearing was conducted, Ordinance No. 840 was approved on first reading by a vote of 5-0.</p>
<p><u>City Manager’s Business</u></p>	<p>No report.</p>
<p><u>Legal Business</u></p>	<p>No report.</p>

URBAN RENEWAL AGENCY	
<u>Consent Agenda</u> A. Minutes of the October 7, 2019 URA Meeting.	The URA Consent Agenda was approved 4-0.
<u>New Business</u> A. <u>URA Resolution No. 340</u> A Resolution Of The Urban Renewal Agency Of The City Of Wilsonville Amending URA Resolution No. 281 Authorizing Acquisition Of Property And Property Interests Related To Construction Of The 5th Street / Kinsman Road Extension Project Through Eminent Domain.	URA Resolution No. 340 was adopted 4-0.
ADJOURN	8:37 p.m.

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, FEBRUARY 24, 2020

6:30 PM

IX. Staff Communications:

A. SROZ Training



DEVELOPMENT REVIEW BOARD WORK SESSION STAFF REPORT

Meeting Date: February 24, 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

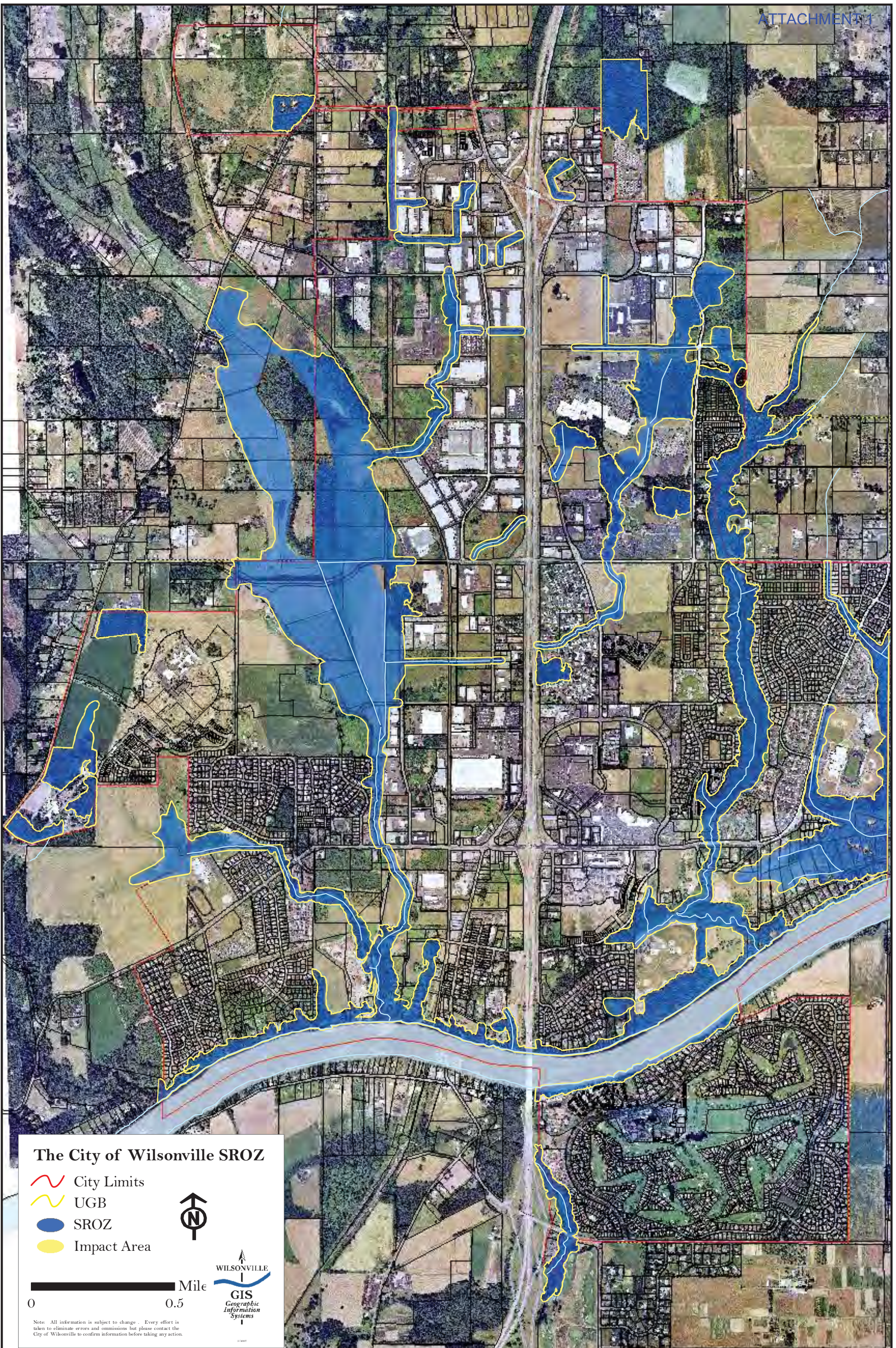
COMMUNITY INVOLVEMENT PROCESS: N/A

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.

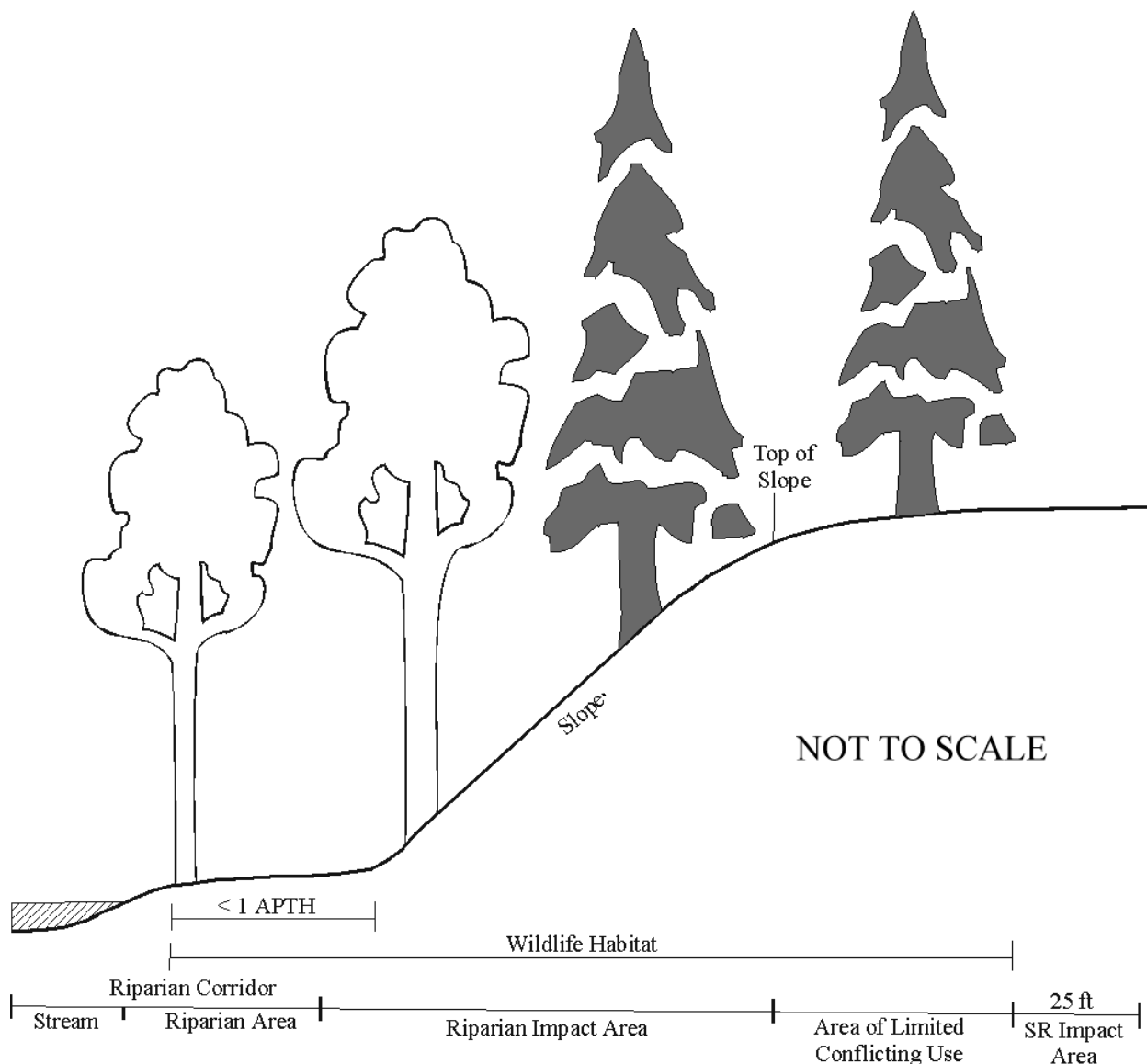


Figure NR - 1: Riparian Corridor Type NR -1 (stream-riparian ecosystem)

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).

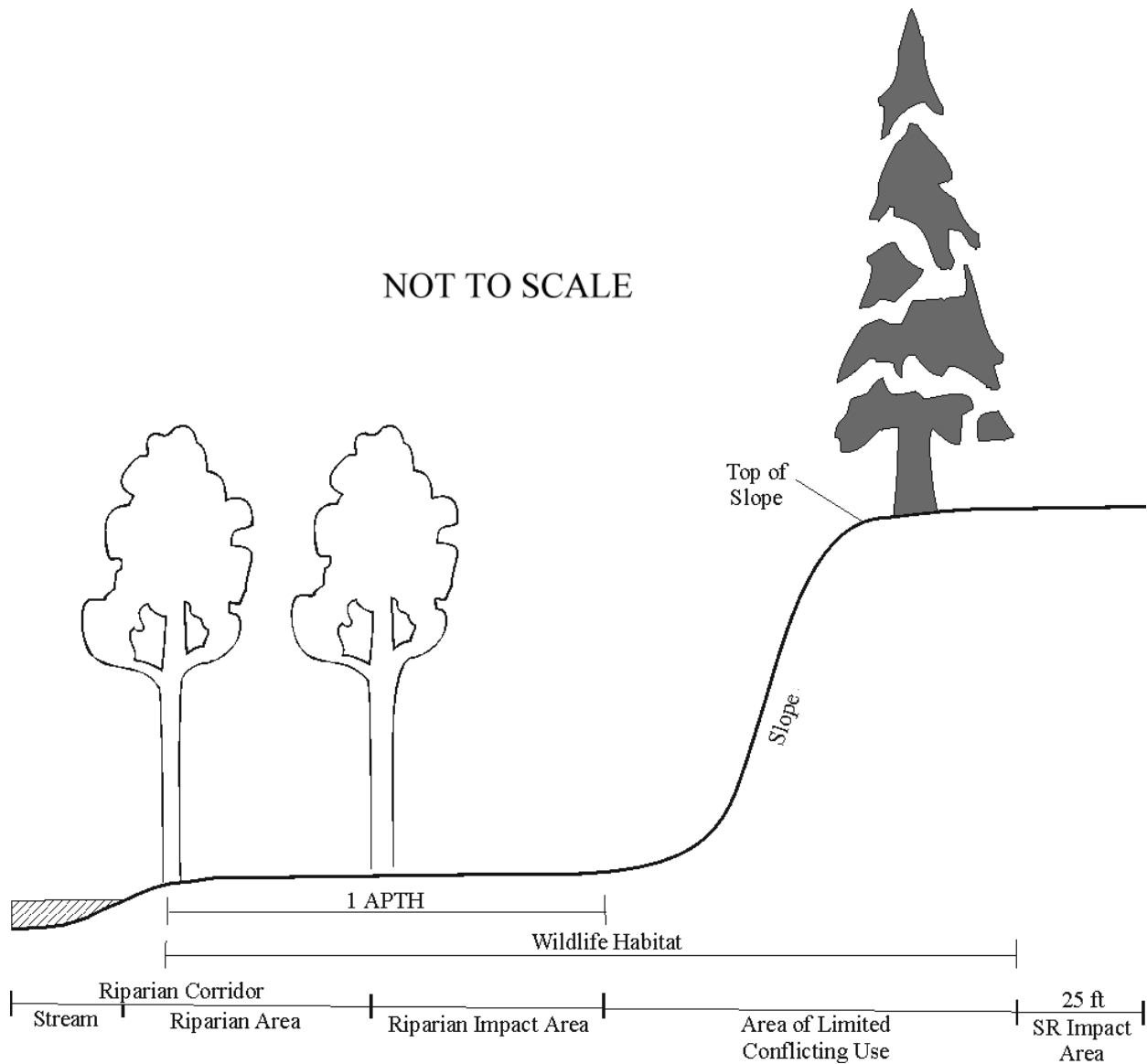


Figure NR - 2: Riparian Corridor Type NR - 2 (stream-riparian ecosystem)

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.

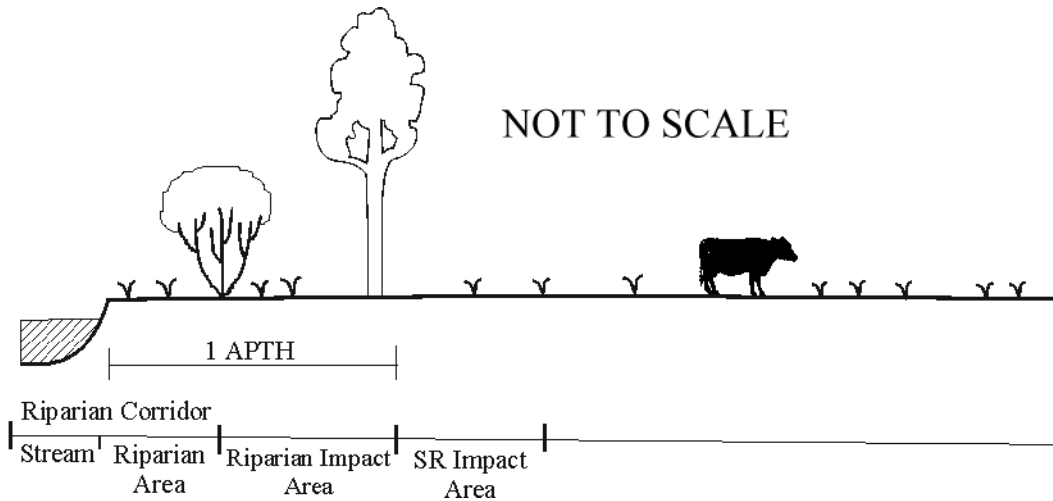


Figure NR – 3: Riparian Corridor Type NR - 3 (stream-riparian ecosystem)

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.

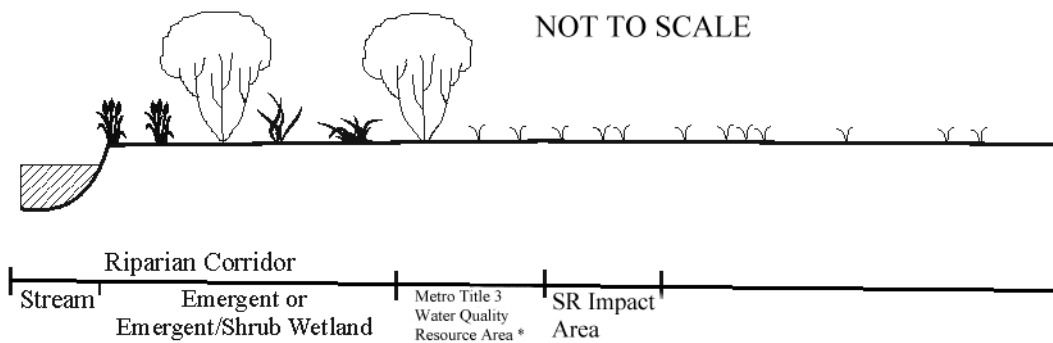


Figure NR – 4: Riparian Corridor Type NR - 4 (stream-riparian ecosystem)

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

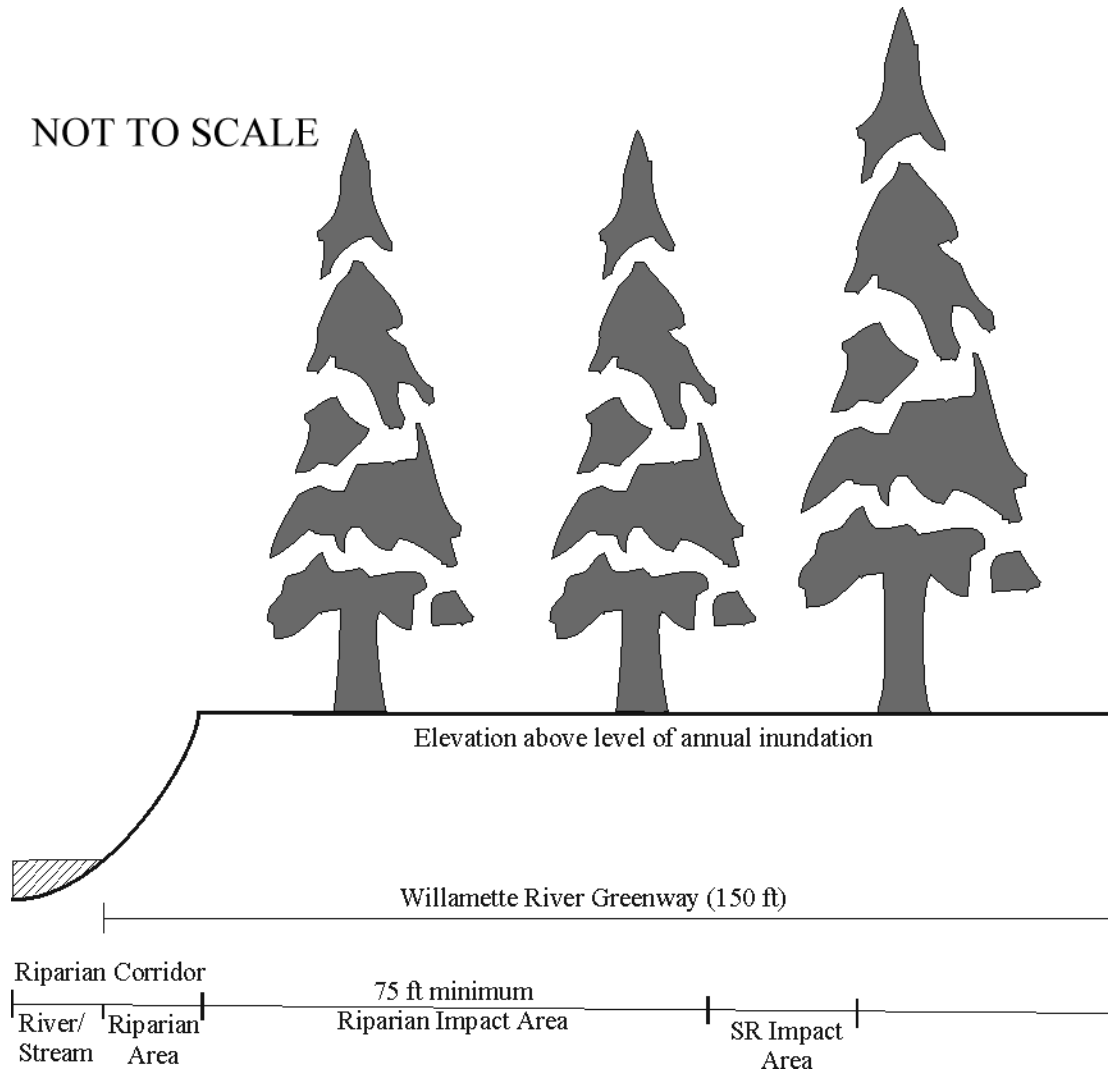


Figure NR-5:	Riparian	Corridor	Type	NR	-	5
(River-Floodplain Ecosystem: Willamette River)						

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	≥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	≥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 ≥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
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|---|
| 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
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|---|
| 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.

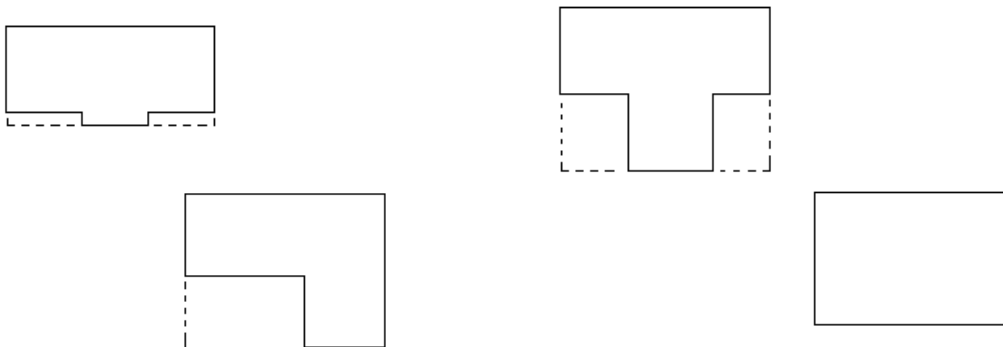


Figure NR-6. Building Line Examples

(.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

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.