

ORDINANCE NO. 675

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE SECTIONS 4.001 AND 4.156 OF THE CITY SIGN CODE TO ELIMINATE CONTENT-BASED REGULATIONS AND ADOPT REPACEMENT PROVISIONS ACHIEVING CONTENT-NEUTRALITY

WHEREAS, sign regulations that are based upon the content of the sign's message may be unconstitutional under the federal and state freedom of speech clauses; and

WHEREAS, the exempt sign section of the City sign code features differential regulation of real estate signs, construction project signs, certain advertising signs, and campaign signs based upon the sign messages; and

WHEREAS, neither strict enforcement of these constitutionally suspect provisions nor selective suspension of enforcement to avoid exposure to liability are legally advisable; and

WHEREAS, replacement of content-based regulations with content-neutral time, place, and manner restrictions would diminish the chance of litigation and facilitate the regulation of signage in the public interest; and

WHEREAS, City staff has proposed amendments to the sign code that achieve content neutrality while replicating the regulatory balance of communication and aesthetic interests manifested in the current code; and

WHEREAS, the Wilsonville Planning Commission conducted a duly noticed public hearing on the proposed amendments on October 14, 2009, at which time testimony from interested businesses and citizens were heard and, upon the incorporation of several of the requests by stake holders and the direction to staff to present certain unresolved issues to City Council, said Commission recommended approval of the proposed amendments; and

WHEREAS, on November 16, 2009, January 20, 2010 and March 1, 2010, the Wilsonville City Council conducted duly noticed public hearings on a proposed ordinance, at which time further testimony from interested parties was heard and further responsive amendments made to the proposed code changes; and

WHEREAS, it appearing to Council that the proposed amendments address content neutrality and generally achieve a comparable amount of exempt signage under the current code, depending on experience with sign placement under the new provisions;

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

1. Findings.

The above-mentioned recitals are incorporated as findings of the City Council. The Council further adopts as findings and fact those staff reports in this matter dated November 9, 2009, January 20, 2010, and March 1, attached hereto as Exhibit A and incorporated by reference as fully set forth herein.

2. Order.

A. Wilsonville Code Section 4.001 is hereby amended to read as follows:

Section 4.001 Definitions

261. Sign: A device or display used or intended to be used for advertising purposes or used or intended to be used to inform or attract the attention of the public. "Sign" includes, where applicable, the structure, display surface, or other component parts of the device or display. Examples include, but are not limited to, advertising sign, banner, outdoor advertising sign, on-premises sign, temporary sign, window sign, message, light (other than a device used primarily to illuminate a building and/or premise), emblem, figure, or, painting, drawing, placard, or poster. The display of merchandise that is offered on the premises shall not be considered to be a sign unless it is attached to any exterior surface or structure of the building including, but not limited to, roofs, walls, marquees, monuments, or poles. ~~Flags of the United States, State of Oregon, Clackamas or Washington County or City of Wilsonville shall not be considered to be signs and shall not be subject to these regulations.~~ **The scope of the term "sign" does not depend on the content of the message or image conveyed.**

- A. Addressing Signs: Signs indicating, at a minimum, the numerical address of the building. Such signs are provided in lieu of a street graphics sign.
- B. Building Graphics: Building mounted signs.
- C. Changing Image Sign: Any sign which, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of sign image or text.
- D. Directional Signs: Signs on private property that provide directions for the traveling public and **are** deemed necessary for the safe traverse of the public.
- E. District Sign: A sign indicating the entrance to a Planned Development containing at least fifty (50) acres.
- F. Electric Sign: Any sign containing electric wiring, but not including signs illuminated by an exterior floodlight source.
- G. Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times when such sign is in use. For the purpose of this Code, any moving illuminated sign shall be considered a flashing sign.

- H. Freestanding Sign: A sign erected and maintained on a freestanding frame, mast, or pole not attached to any building, and not including ground-mounted signs.
- I. Ground-mounted Sign: A **non-temporary** sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground, including monument signs.
- J. Inflatable Sign: Any device that depends on a differential between internal and external air pressure to maintain its size, form, or shape regardless of whether it is tied, tethered, mounted or connected to a pole, building, or ground.
- K. Institutional Signs: Signs that identify public buildings, churches, public and private schools, and other such structures used for public gathering or to serve the general public. The Planning Director shall determine the nature of such signs if there is a question. Institutional signage shall comply with all applicable provisions of this Code.
- L. Integral Sign: A sign carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction indicating names of buildings, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the structures.
- M. Lawn Sign: **A temporary freestanding sign commonly made of corrugated plastic, greyboard, or similar type of material, constructed and maintained to prevent being moved or heavily damaged by typical exposure to natural elements. Lawn signs in the rights-of-way under W.C. 4.156(.10) may be constructed to be movable.**
- N. Marquee Sign: A canopy or covering structure bearing a signboard or graphics projecting from, and attached to, a building.
- O. Permanent Sign: Any sign that does not meet the definition of a temporary sign, below.
- P. Portable Sign: A sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place; ~~other than garage sale signs and real estate signs.~~ These signs include, but are not limited to movable A-frame signs, sandwich board signs, signs on vehicles or trailers, and signs attached to wood or metal frames designed to be self-supporting and movable, including trailer reader boards, paper, cardboard or canvas sign wrapped around supporting poles.
- Q. Projecting Sign: A sign, other than a wall sign which projects from and is supported by a wall of a building or structure. Projecting Signs are differentiated from Wall Flat Signs as defined below.
- R. Rigid Sign: **A temporary freestanding sign designed and constructed with materials of a grade and quality to withstand strong winds, rains, and harsh weather conditions, and maintained as a potentially year-long temporary sign to ensure that degradation or weathering does not present aesthetic and public safety concerns and the sign retains substantially the same quality throughout the year. Such signs may not be constructed of cardboard, poster board, or other similar light weight paper products.**
- S. Roof Sign: A sign located on or above the roof of any building, not including a false mansard roof, canopy, or other fascia.

- T. Selling Slogans: A brief striking phrase used in advertising or promotion. The hours of operation of a business shall be considered to be a selling slogan.
- U. Sign Area: The display surface or face of the sign, including all frames, backing face plates, non-structured trim, or other component parts not otherwise used for support. Where a sign is displayed on a surface that includes both signage and blank area, the Planning Director shall have the responsibility for calculating the sign area and shall include all of the surface generally bounding any lettering or other display.
- V. Site Area, Net: The area of a development site, excepting all areas in public or private streets, driveways, and parking spaces.
- W. Street Graphics: Signs that indicate the name and function of a business or institution and are located on private property but within fifteen (15) feet of the right-of-way of a public street.
- X. Temporary Sign: ~~A banner, pennant, poster or advertising display constructed of paper, window paint, cloth, canvas, plastic sheet, cardboard, or other like materials~~ **A sign not permanently affixed to a building, structure, or the ground**, intended to be displayed for a limited period of time.
- Y. Wall Flat Sign: A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits of any building and which projects from that surface not more than twelve (12) inches at all points.

B. Wilsonville Code Section 4.156 is hereby amended to read as follows:

Section 4.156. Sign Regulations.

- (.01) Purpose. The general purpose of this Section is to provide one of the principal means of implementing the Wilsonville Comprehensive Plan by promoting public safety, providing locational and directional information, ensuring continued aesthetic improvement of the City's environment, and providing adequate opportunity for signage to meet the needs of individuals, businesses, institutions, and public agencies. These provisions classify and regulate the variety, number, size, location, and type of signs for a site. They do not necessarily assure or provide for a property owner's desired level of sign visibility. Regulations for signs have one or more of the following specific objectives:
 - A. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised;
 - B. To allow and promote positive conditions for meeting the needs of sign users while avoiding nuisances to nearby properties and the community overall;
 - C. To reflect and support the desired character and development patterns of the various zones;
 - D. To allow for variety in number and type of signs in appropriate locations, while preventing signs from dominating the visual appearance of the area;
 - E. To prevent the construction or use of signs that would otherwise detract from the design of adjacent buildings or properties;

- F. To provide the public with adequate opportunity for needed information that can be supplied through signage;
- G. To stabilize and improve property values and prevent the creation of blighted areas;
- H. To provide for the clear identification of structures in order to enhance public safety; and
- I. To ensure the protection of the constitutionally guaranteed right of free speech.

(.02) Application for Sign Permits.

- A. Submittals. Every request for a sign approval shall be made on the application form, which shall be provided by the City Planning Department, and shall be accompanied by additional information and such fees as may be required by the City.
- B. Review Processes.
 - 1. The Planning Director shall have authority over the administration, interpretation, and enforcement of the provisions of this Section, subject to appeal as provided in Section 4.022. Pursuant to a Class I Administrative Review procedure, the Planning Director may approve, approve with conditions, or deny applications for sign permits, except as provided in this Section. The Planning Director's authority to approve sign permits shall be limited to reviewing and acting upon temporary use sign permits, permits for replacement of existing signs, minor changes to approved sign permits, and signs that have already received preliminary approval as part of a master sign plan, or in the Village zone, as part of a master signage and Wayfinding plan. (Amended by Ord 557, adopted 9/5/03).
 - 2. Any decision for approval of a sign proposal shall include written findings addressing the following criteria:
 - a. The proposed signage complies with the specific objectives in subsection 4.156(.01) of this Code;
 - b. The proposed signage is compatible with developments or uses permitted in the zone in terms of design, materials used, color schemes, proportionality, and location, so that it does not interfere with or detract from the visual appearance of adjacent development;
 - c. The proposed signage will not create a nuisance or result in a significant reduction in the value or usefulness of adjacent properties;
 - d. If the proposed signage is to be temporary, the length of time for which it is permitted shall be reasonable in terms of the purpose and nature of the signs that are proposed, but not to exceed one (1) year from the date of approval;
 - e. If the application involves a Variance, it shall be subject to the standards and criteria listed in Section 4.196; and
 - f. All of the relevant application filing requirements of Chapter 4 have been met.

3. As specified in this Code, the Development Review Board shall have authority to review applications for sign permits, and for waivers and variances from these standards, except in cases where such authority is granted to the Planning Director. The Development Review Board shall make written findings for its decisions, subject to the criteria in subsections 4.156(.01) and (.02) above, Section 4.196, and Sections 4.400 through 4.450, as applicable.
4. In issuing a Sign Permit, the Planning Director may grant or deny a variance to relieve a hardship using Class I (Administrative Review) procedures. Such a variance shall only be approved where the variance does not exceed twenty percent (20%) of area, height, or setback requirements (e.g., a ten foot setback requirement could be decreased to eight feet, etc.). The Planning Director shall approve such a variance only upon finding that the application complies with all of the required variance criteria listed in Section 4.196.
5. Variances to sign regulations. Additional to the authority of the Planning Director to issue administrative variances as noted in subsection 4, above, the Development Review Board may authorize variances from sign requirements of this Code, subject to the standards and criteria listed in Section 4.196.

(.03) General Provisions Affecting Signs. No person shall erect, install, construct, place, alter, change, relocate, suspend, or attach any sign, except for routine maintenance of existing signs, without first obtaining a sign permit, paying the required fees, and otherwise complying with the provisions of this Code. The location of free standing or ground-mounted signs located adjacent to or near the Public Right-of-Way shall be in compliance with the City's Public Works Standards for sight distance clearance. Prior to construction, the location of the sign shall be approved by the City of Wilsonville Engineering Division. [Section 4.156(.03) amended by Ord. 610, 5/1/06]

- A. Approval of Permits. No permit shall be issued for signs within the City until reviewed and approved by the Development Review Board, the Planning Director, or the Director's designee as authorized in this Code. Applicants shall, whenever possible, incorporate all proposed signage as a part of the initial submittal on new development projects.
- B. Sign Measurement.
 1. Sign area shall be determined as follows:
 - a. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 15: Sign Face Measurement). Sign area does not include foundations, supports, and other essential structures unless they are serving as a backdrop or border to the sign.
 - b. When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all of the pieces (see Figure 17: Individual Element Sign).
 - c. For a round or three-dimensional sign, the maximum surface area visible from any one location on the ground is used to determine sign area (see Figure 20: Sign Face Area).

- d. When signs are incorporated into awnings, walls, or marquees, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign-related display or decoration.
 - e. For the purposes of sign area calculations, the surface area of wall murals and wall signs shall be calculated as part of the total sign area as indicated in this subsection.
 - f. The Planning Director shall be responsible for determining the area of a sign, subject to appeal as specified in Section 4.022.
 - g. Unless otherwise specified, the sign area of a two-sided sign, with two matching sides, shall be considered to be the area of one side. For example, the sign area of a two-sided sign having thirty-two (32) square feet per sign face shall be considered to be thirty-two (32) square feet, unless this code specifies otherwise.
2. The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure. If there is a question regarding the height of a sign, the Planning Director shall make the determination, subject to appeal, as provided in this Code.
- C. Non-conforming Signs. Non-conforming signs, which may be non-conforming structures or non-conforming uses, are subject to the standards for non-conforming uses and non-conforming structures delineated in Sections 4.189 through 4.190. Except, however, that a non-conforming sign that is damaged beyond fifty percent (50%) of its value, as determined by the City Building Official, may only be reconstructed if the reconstructed sign meets all applicable zoning, structural, and electrical standards applicable at the time of reconstruction. Nothing in this Section is intended to impair any previously approved sign permit that has been issued by the City of Wilsonville, subject to state or federal law, or to require the removal of any sign that was legally erected or installed prior to the effective date of these regulations. In the event that a previously erected or installed sign no longer meets applicable City zoning standards, it may remain in place subject to the standards for non-conforming uses or nonconforming structures noted above.
- D. Master Sign Plans. A master sign plan is required for developments containing three (3) or more non-residential occupants, including but not limited to tenants, businesses, agencies, and entities. Additionally, the developer of any project may apply to have the development's signs reviewed through master sign plan procedures. A master sign plan shall be submitted at the time the development is reviewed by the Development Review Board. Master sign plans shall contain the method of illumination, the number, locations, and sizes of signs. The proposed master sign plan shall also show the estimated number of tenant signs and the total square footage of all signs within the development. Lettering styles and sizes for all occupants of the development shall be shown if known at the time of application.
1. In reviewing a master sign plan, the Development Review Board may regulate size, location, number, and type of proposed signage in accordance with Sections 4.400 through 4.450 of this Code.

2. The Development Review Board may grant waivers from the requirements of this Section where the overall design of the master sign plan is found by the Board to assure attractive and functional signage. The Board shall give consideration to the size and scale of the proposed development, as well as the number of separate entrances, when acting on a master sign plan for a large development.
3. Any existing sign, whether or not it is to be retained, must be shown on the plan. It shall be the responsibility of the property owner or the owner's agent to administer and control any aspect of an approved master sign plan that is more restrictive than the City's sign regulations. Individual business signs that are part of a master sign plan are subject to the permit application process.
4. Applications for temporary signs on properties that are subject to master sign plans shall be reviewed by the Planning Director or Development Review Board through the Administrative Review process. Such temporary signs are not required to meet the strict standards of the approved master sign plan but shall be required to be designed, or limited in duration, to avoid conflicts with the master sign plan.

(.04) Signs Exempt From Sign Permit Requirements.

- A. The following signs are exempt from the permit requirements of this Section and do not require sign permits. Unless otherwise specified, the area of the exempted signs shall not be included in the calculations of sign area permitted on a given site:
 1. Traffic or other governmental or directional signs, as may be authorized by the City or other units of government having jurisdiction within the City.
 2. Signs installed by public utility companies indicating danger, or which serve as an aid to public safety, or which show the location of utilities or public facilities, including underground utilities.
 3. **Flags displayed from permanently located freestanding or wall-mounted flagpoles that are designed to allow raising and lowering of flags. One site may have up to two (2) exempt flags; no exempt flag may be more than thirty (30) feet in height.**
- B. Other Signs. No sign permit is necessary before placing, constructing, or erecting the following signs. However, in all other particulars such signs shall conform to the requirements of applicable Building and Electrical Codes, as well as this Code.
 1. Signs inside a building containing strobe lights, other flashing lights, or changing image signs which are visible from a public right-of-way are prohibited, unless specifically approved in a sign permit. Other interior signs are allowed, unless determined to be a public nuisance.
 2. ~~Construction Project Signs. A sign erected in conjunction with a construction project and used to inform the public of the architects, engineers and construction organizations participating in the project or indicating "future home of" information. One such sign may be erected after any required~~

Building Permits have been obtained, subject to the following standards and conditions:

- a. ~~No such sign shall exceed sixty four (64) square feet of total face area or exceed ten (10) feet in height. (Note that signs exceeding six (6) feet in height typically require building permits.)~~
 - b. ~~The sign shall be removed prior to receipt of approval for building occupancy by the City Building Official.~~
3. ~~Signs for Temporary Sales. A sign advertising a temporary sale or similar event. Such signs shall not be placed in a public right of way. signs on private property for temporary sales, other than weekend signs, are subject to the following standards and conditions:~~
- a. ~~Surface area shall not exceed a size per face of six (6) square feet, and height shall not exceed thirty (30) inches. A frame signs may be 24" by 36" provided that they are designed to meet vision clearance requirements (typically not over 30 inches in height when standing).~~
 - b. ~~Such signs may be erected up to one week before the event and shall be removed no later than the day after the event.~~
 - c. ~~One such sign per tax lot may be posted for up to ten (10) days within a thirty (30) day period without receiving approval of a temporary use permit.~~
 - d. ~~Such signs shall be located on site and no more than one (1) such sign shall be located per sale or event.~~
4. ~~Weekend Signs. In order to provide an opportunity for short term, temporary advertising of such events as garage sales, open houses, or other events that are temporary in nature, signs meeting all of the following standards shall be allowed without requiring a sign permit:~~
- a. ~~On-site signs~~
 - i. ~~No larger than six (6) square feet per sign face and no more than six (6) feet in height;~~
 - ii. ~~Allowed only between the hours of six (6) p.m.. Friday and eight (8) p.m. Sunday, and the hours of 6 a.m. and 1 p.m. Tuesdays;~~
 - iii. ~~Outside of vision clearance areas at driveways and intersections;~~
 - iv. ~~No more than one (1) sign per dwelling unit or business, per lot frontage (e.g., a development with only one lot frontage onto a street would be permitted only one such sign, regardless of the number of units); and~~
 - v. ~~Not placed within required parking spaces, pedestrian paths, or bike ways.~~
 - b. ~~Off-site signs, subject to the same standards as on-site weekend signs, above, with the addition of the following:~~
 - i. ~~Permission for the sign location is to be provided by the property owner;~~
 - ii. ~~No more than three (3) off-site signs per sale or event.~~
 - iii. ~~No closer than ten (10) feet from any other sign.~~

- ~~e. Signs In rights of way, subject to the same standards as off-site weekend signs, above, with the addition of the following:

 - ~~i. Not greater than thirty (3)) inches in height. A frame signs may be 24" by 36" provided that they are designed to meet vision clearance requirements (typically not over 30 Inches in height when standing):~~
 - ~~ii. Not placed on street surfaces, sidewalks, paths, median strips, or bicycle ways;~~
 - ~~iii. Additionally, weekend signs within rights of way shall be located within forty (40) feet of an intersection; they shall be directional signs as listed in subsections 4.156 (.04) (B.) (6), below, with the exception that they are specifically allowed in City rights of way and may be up to six (6) square feet in size; and~~
 - ~~iv. Weekend signs shall be subject to the same locational limitations as campaign or candidate signs listed in subsection 4.156 (.10) (A) (5).~~~~

5.2. Name Plates and Announcements.

- a. A sign identifying the name, street address, occupation and/or profession of the occupant of the premises **in the aid of public health and safety**. ~~Graphic information on all name plates shall be limited to the identification of the business name as registered with the State of Oregon or the City of Wilsonville.~~ One name plate, not exceeding a total of three (3) square feet, shall be allowed for each occupant. The name plate shall be affixed to the building.
- b. Announcements posted on a given property (e.g., no smoking, no parking, rules of conduct, etc.) and not intended to be read from off-site, are permitted to be located as needed. Such announcements shall not be considered to be part of the sign allotment for the property.

6.3. Directional Signs. Designed for non-changing messages, directional signs facilitate the safe movement of the traveling public. Such signs are subject to the following standards and conditions:

- a. The following directional signs are exempt from sign permit requirements:
 - i. Those having a maximum area of not more than three (3) square feet per sign face, are not located within public rights-of-way, and which meet City vision clearance requirements;
 - ii. Those without lighting;
 - iii. Those without a logo or those having a logo that does not exceed one (1) square foot in size; and
 - iv. Those where not more than one (1) directional sign is located on the same tax lot.
- b. The following directional signs require a sign permit:
 - i. Those having a maximum sign face area of more than three (3) and not exceeding six (6) square feet.
 - ii. Those having lighting that is limited to indirect or internal lighting. Flashing lights are prohibited.

- ~~7. Real Estate Signs, including signs for the purpose of advertising the rent, lease, sales, etc. of real property, building opportunities or building space.~~
- ~~a. Real Estate Signs for Residential Properties. When residential units are for rent or sale, the owner or the owner's authorized representative may erect signs which:~~
- ~~i. Are limited to one single, double, or triple faced sign on the lot or parcel, not to exceed six (6) square feet per face.~~
 - ~~ii. Shall not exceed six (6) feet in height.~~
 - ~~iii. Shall pertain only to the property upon which they are located.~~
 - ~~iv. Shall not be illuminated, either directly or indirectly.~~

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

- ~~b. Signs Advertising a Legally Recorded Residential Subdivision in its Entirety, or the Sale, Rental or Lease of Tracts of Land in Excess of Five (5) Acres. When such tracts are offered, the owner or owner's representative may erect signs which:~~
- ~~i. Are limited to one single, double, or triple faced sign, not to exceed thirty two (32) square feet per face.~~
 - ~~ii. Shall pertain only to property upon which they are located.~~
 - ~~iii. If pertaining to a recorded residential subdivision, shall not remain upon the premises in excess of eighteen (18) months from the date of recordation of the final subdivision plat. An extension of this time limit may be granted by the Planning Director through a Class I Administrative Review procedure, upon finding that at least 25% of the subdivision lots remain unsold and undeveloped.~~
 - ~~iv. Shall not exceed six (6) feet in height.~~
 - ~~v. Shall not be illuminated, either directly or indirectly.~~
- ~~c. Signs Advertising the Sale, Lease or Rental of Commercial or Industrial Premises. When such properties are offered, the owner or the owner's authorized representative may erect signs which:~~
- ~~i. Are limited to the greater of one single, double, or triple faced sign, not exceeding thirty two (32) square feet per sign face per:
 - ~~• Tax lot;~~
 - ~~• Three (3) acres; or~~
 - ~~• Street frontage.~~~~
 - ~~ii. Shall pertain only to the property upon which they are located.~~
 - ~~iii. Shall not exceed six (6) feet in height.~~
 - ~~iv. Shall be located at least fifty (50) feet from any other freestanding sign on the same lot.~~

- 8 4. Changes of Copy Only, where the graphics contained on an existing sign are changed, but the sign itself is not structurally altered, and no building or electrical permit is required.

~~9. Campaign or Candidate Signs on Private Property. A campaign or candidate lawn sign on private property shall meet the following standards and conditions:~~

- ~~a. Such signs shall not be placed in a manner which obstructs sight lines of the motoring public, obscures traffic or other government signs, or creates a nuisance to the use or occupancy of any property.~~
- ~~b. Such signs shall have no more than two (2) sides; shall be no higher than six (6) feet tall measured from the grade surface to the top of the sign inclusive of pole; and sign face area shall measure no more than six (6) square feet. Such signs shall not be illuminated or exhibit movement.~~
- ~~c. Such signs are considered temporary. They may be erected during the period sixty (60) days prior to a general, primary, or special election and shall be removed within three (3) days after the election.~~

105. A sign that is not visible from any off-site location shall be exempt from the sign permit requirements of this Code and shall not be included within the area calculations of permitted signage. This does not, however, exempt such signs from the permit requirements of applicable building or electrical codes.

116. Holiday lights and decorations, in place between November 15 and January 15.

127. Signs on scoreboards or ballfields located on public property.

138. Additional to the signs that are otherwise permitted by this Code, one small decorative banner per dwelling unit may be placed on site in residential zones.

9. Lawn Signs meeting the standards of Table S-1 and the following conditions:

- a. Such signs shall not be intentionally illuminated and shall not display movement.**
- b. Such signs shall not obscure sight lines of the motoring public, obscure traffic or other government signs, or create a nuisance to the use or occupancy of any property.**
- c. Lawn signs associated with temporary events may be posted no longer than sixty (60) days before the beginning of an event and must be removed at the event's completion.**
- d. Lawn signs not associated with temporary events may be posted for one period of up to sixty (60) days in a calendar year.**
- e. Such signs may be up to six (6) feet in height.**
- f. Such signs may be one (1) or two (2) sided.**

12. Rigid Signs meeting the standards of Table S-1 and the following conditions:

- a. Such signs shall not be intentionally illuminated and shall not display movement.**

- b. **Such signs shall not obscure sight lines of the motoring public, obscure traffic or other government signs, or create a nuisance to the use or occupancy of any property.**
- c. **Such signs may be up to six (6) feet in height, except signs on lots with an active construction project (active building permit), which may be up to ten (10) feet in height. (Note that signs exceeding six (6) feet in height typically require building permits.)**
- d. **Such signs may be one (1), two (2), or three (3) sided.**
- e. **On Residential and Agriculture zoned lots:**
 - i. **A rigid sign not associated with an ongoing temporary event may be displayed for no more than sixty (60) days each calendar year.**
 - ii. **A rigid sign associated with an ongoing temporary event may be displayed for the duration of that event. Note: Section 4.156(.05)E.12 of this Code prohibits signs associated with temporary events to remain posted after the completion of the event.**
- f. **On Commercial, Industrial, or Public Facility zoned lots:**
 - i. **A rigid sign not associated with an ongoing temporary event may be displayed for no more than ninety (90) days each calendar year.**
 - ii. **A rigid sign associated with an ongoing temporary event may be displayed for the duration of that temporary event. Note: Section 4.156(.05)E.12 of this Code prohibits signs associated with temporary events to remain posted after the completion of the event.**
 - iii. **A temporary event must have an end, marked by the occurrence of a specifically anticipated date or happening. A temporary event may not be a part of a broader, continuing event or of related, serial events. Temporary events shall not be defined by content, but may include isolated merchandise sales or discounts, or availability of real estate for sale or lease.**

(.05) Prohibited Signs. The following signs are prohibited and shall not be placed within the City:

- A. Search lights, strobe lights, and signs containing strobe lights or other flashing lights, unless specifically approved in a sign permit.
- B. Obstructing signs, a sign or sign structure such that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, hydrant, standpipe, or the exterior of any window; any sign projecting more than twelve (12) inches from a wall, except projecting signs that are specifically permitted through the provisions of this Code.
- C. Changing image signs, including those within windows, unless specifically approved through the waiver process provided for architectural features in planned developments.

- D. Roof-top signs - signs placed on the top of a building or attached to the building and projecting above the top of that building, unless specifically approved through the temporary use permit or annual pre-approved sign procedures of this Code.
- E. Other Prohibitions: Additional to the signs listed above, the following are prohibited:
1. Signs obstructing vision clearance areas.
 2. Pennants, streamers, festoon lights, and other similar devices intended to be moved by the wind, unless specifically authorized in an approved sign permit.
 3. Signs attached to trees or public utility poles, other than those placed by appropriate government agencies or public utilities.
 4. Signs using bare-bulb illumination or signs lighted so that the immediate source of illumination is visible, unless specifically authorized by the Development Review Board or City Council. This is not intended to prohibit the use of neon as a source of illumination.
 5. Signs that use flame as a source of light or that emit smoke or odors.
 6. Any sign, including a window sign, which is an imitation of or resembles an official traffic sign or signal; and which may include display of words or graphics that are likely to cause confusion for the public, such as "STOP," "GO," "SLOW," "CAUTION," "DANGER," "WARNING," etc.
 7. Any sign, including a window sign, which by reason of its size, location, movements, content, coloring, or manner of illumination may be confused with, or construed as, a traffic control device, or which hides from view any traffic sign, signal, or device.
 8. Portable signs, exceeding six (6) square feet of sign area per side, other than those on vehicles or trailers. The display of signs on a vehicle or trailer is prohibited where the vehicle or trailer is not fully operational for use on public roads or where the primary function of the vehicle or trailer is advertising. Examples where the primary function of the vehicle or trailer is advertising include mobile billboards such as those on which advertising space is rented, sold, or leased.
 9. Signs located on public property in violation of subsections 4.156 -"10" or "11," below.
 10. Signs placed on private property without the property owner's permission.
 11. Signs erected or installed in violation of standards prescribed by the City of Wilsonville, State of Oregon, or the U.S. government.
 12. **Signs associated with temporary events, after the temporary event is completed.**

(.06) Sign Area. The total square footage of signage per lot shall be regulated by Sign Table 6, Permanent Signs, except as otherwise specified in this Code. Additional signage may be authorized, provided that the sign proposal conforms to the provisions of this Section.

- (.07) Sign Permit Requirements In Residential Zones. Notwithstanding the provisions of Sign Table 6, the following signs may be allowed in PDR, R, and RA-1 zones:
- A. Signs pertaining to individual residences or home occupations shall be subject to the following standards and conditions:
 - 1. Surface area shall not exceed three (3) square feet and sign shall not be artificially illuminated.
 - 2. The sign shall be located inside the dwelling or located flat against the dwelling.
 - 3. One such sign per dwelling unit is allowed.
 - B. Special event signs - signs advertising or pertaining to any special event taking place within the City. The Planning Director may issue a temporary use permit for special event signs to be located on-site, off-site, or within City rights-of-way, excluding those areas listed in subsection 4.156(.10)(A.)(4.) through the Administrative Review process of Sections 4.030 and 4.035. The Planning Director may attach conditions to such Permits to ensure compliance with the purposes and specifications of this Section.
 - 1. Annual pre-approved special event signs. The Planning Director shall maintain a list of pre-approved special events for which separate temporary use sign permits are not required. The Planning Director shall utilize the Administrative Review process and criteria to establish the list, subject to appeal as specified in Section 4.022. The Planning Director may renew the list annually with or without changes. This list shall specify the total number of signs that are to be allowed for each listed event. In acting on requests for inclusion on the pre-approved list, the Planning Director may set conditions of approval and shall not be bound by the standards of this code applying to other signs. Because these special events occur annually, it is more efficient to process requests in a single package rather than require numerous temporary use permits. Additionally, traffic congestion is expected to be diminished during special events if adequate signage helps to direct people to appropriate locations.
 - 2. Inflatable signs - Inflatable signs shall not be mounted or suspended from the roof, nor shall a ground-mounted inflatable sign exceed ten (10) feet in overall height in a residential zone. Inflatable signs shall be permitted for a maximum of fifteen (15) days of display use in any calendar year.
 - C. District or Planned Development signs - one (1) on-site monument sign, or one (1) off-site monument sign on an adjacent parcel identifying that Planned Development project may be permitted, subject to the following standards and conditions:
 - 1. The sign may be a double-faced sign and shall not exceed sixteen (16) square feet per face.
 - 2. The sign shall pertain only to the subject development which it is intended to identify.

3. Sign graphics may be changeable so as to indicate vacancies and occupancy changes.
 4. The sign shall be reviewed by the Development Review Board in conjunction with the overall Planned Development.
- D. Opening Banner for a new business or housing development. A banner ~~announcing~~ **corresponding with** the opening of a new business or housing development (e.g., "~~Grand Opening,~~" "~~Now Renting,~~" etc.) may be permitted, subject to the Class I Administrative Review provisions of Sections 4.030 and 4.035 and the following standards and conditions:
1. One such banner shall be allowed either from the date of issuance of Building Permits until four (4) weeks after issuance of Certificates of Occupancy or, if no Building Permit is issued, for four (4) weeks after occupancy of a new business.
 2. Such banner may be two-sided but shall not exceed thirty-two (32) square feet per face.
- E. Monument Signs. One monument sign, not exceeding eighteen (18) square feet in area, shall be permitted for each residential subdivision having fifty (50) or more lots or for any other residential development with fifty (50) or more dwelling units.
- (.08) Sign Permit Requirements In PDC And PDI Zones. In implementing the permanent sign footage per lot allowed by the provisions of Sign Table 6, the following standards and conditions shall apply to all signs in PDC and PDI zones, other than the Town Center area:
- A. Freestanding Signs.
1. One freestanding sign is allowed for the first two-hundred (200) linear feet of site frontage. One additional freestanding sign may be added for through lots having at least two-hundred (200) feet of frontage on one street and one-hundred (100) feet on the other street.
 2. The maximum height of a freestanding sign shall be twenty (20) feet. If there is a building on the site, the maximum height shall be twenty (20) feet above the average grade of the building footprint.
 3. Pole placement shall be installed in a vertical position (see Figure 16: Sign Position).
 4. Freestanding signs shall not extend into or above public rights-of-way.
 5. Street side setbacks for freestanding signs may be reduced to ten (10) feet without requiring a waiver or variance.
- B. Signs on Buildings.
1. Total area of building signs shall be determined as follows:
 - a. Square feet of all building signs shall not exceed the longest side of the largest building (i.e., one square foot of sign area for each linear foot of building) occupied by the use advertised, up to a maximum of two-

hundred (200) square feet, whichever amount is less, except as provided in “b” and “c” below. The length of building is to be measured at the building line.

- b. The two-hundred (200) square foot maximum noted in “a,” above, shall be increased by twenty (20) percent to allow for building signs at separate building entrances; or
 - c. The two-hundred (200) square foot maximum noted in “a,” above, shall be increased by fifty (50) percent to allow for building signs at separate entrances that are located at least fifty (50) feet apart or on different sides of the building.
2. Types of signs permitted on buildings include wall flat, fascia, projecting, marquee, and awning signs. Roof-top signs are prohibited.
- C. Additional Signs. Notwithstanding the sign footage allowed based on the site and building frontages as shown in Table 6, the following signs may be permitted, subject to standards and conditions in this Section:
1. Directional signs.
 2. Special event signs - signs advertising or pertaining to any special event taking place within the City. The Planning Director may issue a temporary use permit for special event signs to be located on-site, off-site, or within City rights-of-way, excluding those areas listed in subsection 4.156(.10)(A).(4.) through the Administrative Review process of Sections 4.030 and 4.035. The Planning Director may attach conditions to such Permits to ensure compliance with the purposes and specifications of this Section. Additionally, the Planning Director may authorize signs for pre-approved special events in PDC and PDI zones through the same procedures as for residential zones, listed in subsection 4.156(.07), above.
 3. Inflatable signs - Inflatable signs shall not be mounted or suspended from a roof unless specifically authorized through a temporary use permit or annual pre-approved event permit, nor shall a ground-mounted inflatable sign exceed ten (10) feet in overall height. If attached to a building in any manner, an inflatable sign must meet applicable building code requirements including consideration of wind loads. Inflatable signs are temporary advertising devices, subject to the standards for Administrative Review specified in Sections 4.030 and 4.035. Inflatable signs shall be permitted for a maximum of fifteen (15) days of display use in any calendar year.
 4. District or Planned Development signs - one (1) on-site monument sign, or one (1) off-site monument sign on an adjacent parcel identifying that Planned Development project, may be permitted, subject to the following standards and conditions:
 - a. The sign may be double-faced, shall not exceed thirty-two (32) square feet per face, and may be located within ten (10) feet of a street right-of-way without requiring a waiver or variance.
 - b. The sign shall pertain only to identification of its subject development.

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

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

- A. Purpose. The Wilsonville Town Center is well suited for the institution of a coordinated signing program because of its geographic unity, focal location, and the fact that it is in the early stage of development. The purpose of this subsection is to provide the Town Center with a program of coordinated signing which is both functional and aesthetic, and to provide a method of administration which will insure continuity and enforcement. In this manner, the framework will be provided for a comprehensive balanced system of street graphics which provide a clear and pleasant communication between people and their environment.
- B. In regulating the use of street graphics and building signage, the following design criteria shall be applied in conjunction with the provisions of this Code. Street graphics and building signage shall be:
 - 1. Appropriate to the type of activity to which they pertain.
 - 2. Expressive of the identity of the individual proprietors and the Wilsonville Town Center as a whole.
 - 3. Legible in the circumstances in which they are seen.

4. Functional as they relate to other graphics and signage. Further provision is made herein for an orderly and reasonable process to obtain signing approval, collect permit fees, and provide for hearings, review, and enforcement.

C. General Requirements.

1. Addressing (note that addresses are assigned by the City's Community Development Department).
 - a. Every building or complex with a designated address shall have a permanent address sign. This address sign shall be located on a street graphics sign, except that when no graphics sign is provided, the address shall be on its own sign.
 - b. Address letters shall be 2 inches to 6 inches in height with contrasting background.
 - c. When not part of the street graphics sign, the address sign shall be not more than four (4) square feet in area.
 - d. The maximum height of an address sign shall not exceed four (4) feet above the adjacent grade.
 - e. Information on address signs shall be limited to the address and the street name.
2. Special event signs - signs advertising or pertaining to any special event taking place within the City. Through the Administrative Review process of Sections 4.030 and 4.035, the Planning Director may issue a temporary use permit for special event signs to be located on-site, off-site, or within City rights-of-way, excluding those areas listed in subsection 4.156(.10)(A).(4.). The Planning Director may attach conditions to such Permits to ensure compliance with the purposes and specifications of this Section. Additionally, the Planning Director may authorize signs for pre-approved special events in the Town Center area through the same procedures as for residential zones, listed in Section 4.156(.07), above.
3. Street Graphics Signage. Approval of Street Graphics Signage shall not precede the Development Review Board approval of Building Graphics Signage.
 - a. Street graphics shall include the building name, if there is one, and the building address.
 - b. The letter height for the building name shall be twelve (12) inches maximum.
 - c. For individual occupants, letter height shall be eight (8) inches maximum.
 - d. There shall be not more than one sign for each parcel of land, except where approved as part of a Master Sign Plan.
 - e. The maximum height shall be eight (8) feet above curb for multi-tenants and four (4) feet above curb for single tenants.
 - f. The maximum area for street graphics shall be limited to eight (8) square feet per tenant.

- g. Within a multi-tenant building, the maximum square footage for street graphics signage shall not exceed 48 square feet (96 square feet both sides) for solely commercial retail; 40 square feet (80 square feet both sides) for mixed occupancies, retail and professional; 32 square feet (64 square feet both sides) for solely professional.
- h. Street graphic lighting shall not be of flashing, intermittent types. Floodlights or spotlights which illuminate graphics must be positioned in such a manner that no light shines over onto an adjoining property or glares or shines in the eyes of motorists or pedestrians.
- i. Location of street graphics shall not be further than fifteen (15) feet from the property line nor closer than two (2) feet from the sidewalk. In no case shall a sign be permitted in the public right-of-way.
- j. No sign shall obscure any road sign as determined by the manual on uniform traffic control devices and posted by the City, County, or State.
- k. No selling slogans shall be permitted on street graphics signage.

4. Building Graphics Signage.

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

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

A. ~~Permitted~~ **Allowed** Signs. **The following** signs may be placed on City property and/or City rights-of-way and right-of-ways over which the City has jurisdiction under the following conditions:

- 1. Such signs as are necessary to locate and direct the public to City premises, or other governmental premises, ~~shall be permitted.~~
- 2. Such signs as are necessary for the public’s health, safety, and welfare authorized under law, regulation, ordinance, or order, including but not

limited to traffic signs ~~shall be permitted~~. This shall include signs authorized to conform with the State's Tourism Information program.

3. Signs and their placement as authorized in subsections 1 and 2, above, shall meet all other applicable standards and criteria under law, regulation, ordinance, or order.
4. ~~Campaign and candidate~~ **Lawn** signs may be placed, **subject to the standards in subsection (.5), below**, on City rights-of-way and rights-of-way over which the City has jurisdiction except **1) those rights-of-way adjoining City properties listed above defined in subsection (.10) above, and 2) are prohibited** in the following locations where the placement of ~~campaign and candidate lawn~~ signs could damage City landscaping or interfere with the City's maintenance of the rights-of-way:
 - a. In any median **or landscaped** strip inside the City limits **as identified below in section b through q.**
 - b. Either side of French Prairie Road.
 - c. Either side of Canyon Creek Road North, from Boeckman Road to Elligsen Road.
 - d. Either side of Wilsonville Road between Town Center Loop East and the Portland & Western (previously Burlington Northern) Railroad property.
 - e. Either side of Town Center Loop West and East.
 - f. Both sides of former S.W. Parkway frontage between Town Center Loop West and Wilsonville Road.
 - g. Wilsonville Road between Willamette Way West and Willamette Way East.
 - h. The north side of Wilsonville Road from Town Center Loop East to Boeckman Creek.
 - i. Either side of Wilsonville Road between Boeckman Road and the southern boundary of the Wilsonville High School property.
 - j. Either side of Parkway Center Avenue.
 - k. The south side of Elligsen Road from the eastern city limits to a point directly across from the west side of the Tualatin Valley Fire District fire station.
 - l. The western side of Boones Ferry Road adjoining Boones Ferry Park.
 - m. Either side of Boeckman Road and all islands, from the railroad tracks west to 110th.**
 - n. Either side of 110th between Barber Street and Boeckman Road.**
 - o. The eastern side of Grahams Ferry Road from Tooze Road to the City limits.**
 - p. Either side of Barber Street between 110th and Brown Road, including islands and roundabouts.**

q. Such other areas as the City may designate as requiring protection from landscape damage.

~~5. Campaign or candidate signs shall meet the following standards and conditions:~~

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

4. Lawn signs shall meet the following standards and conditions:

- a. Allowed only between the hours of 6 a.m. Friday and 8 p.m. Sunday, and the hours of 9 a.m. and 4 p.m. Tuesdays;**
- b. Not greater than thirty (30) inches in height. A-frame signs may be 24" by 36" provided that they are designed to meet vision clearance requirements (typically not over 30 inches in height when standing);**
- b. Not placed on street surfaces, sidewalks, paths, median strips, or bicycle ways;**
- c. Located within forty (40) feet of an intersection;**
- d. No more than three (3) signs per person; and**
- e. Placed no more than one every fifty (50) feet and at least ten (10) feet away from any other temporary sign.**

Signs Within ODOT Right-Of-Way. Consistent with the Laws and Administrative Rules of the State of Oregon, all signs of any kind are prohibited within right-of-way of the Oregon Department of Transportation (ODOT), except those signs that are specifically determined by ODOT to be necessary for the public's health, safety, or welfare. The City may assist the State in the removal of signs that are illegally placed

within ODOT right-of-way, as provided above for signs in City right-of-way. City assistance is justified in view of the substantial public investment that has recently been made to improve and beautify both freeway interchange areas north of the Willamette River.

(.12) Enforcement.

- A. Any person who places a sign that requires a permit under this Section, and who fails to obtain a permit before installing the sign, shall be subject to penalties and fines as established in Wilsonville Code 4.025.
- B. Removal of signs. Any sign placed on public property in violation of the provisions of this Code shall be immediately removed by the City. As soon thereafter as reasonable, the City shall notify the owner or the owner's representative that the sign has been removed, and that, if the sign is not claimed within ten (10) days, the sign will be deemed abandoned and subject to disposal by the City. The City shall have no responsibility to contact the owner of the sign if the owner's name, address, and telephone number are not clearly indicated on the sign and shall dispose of the sign ten days after its removal by the City. The City Council may establish fees to be collected at the time of releasing impounded signs in order to cover the City's costs in collecting, storing, and returning these signs and administering the sign removal program.
- C. Civil Enforcement. Any sign which is intentionally placed in violation of the provisions of this Code after the owner of the sign has been notified of the initial sign removal and reason for its removal, shall subject the owner to a civil violation not to exceed \$100.00 as and for a civil fine for each day that a violation continues to exist.
- D. Additional Enforcement. The remedies described herein are not exclusive and may be used in addition to those prescribed elsewhere in the Wilsonville Code, including Sections 1.012 and 1.013, Violations, and 6.200 through 6.620, Nuisances. The City Attorney may use any enforcement process available at law or equity, including but not limited to, seeking injunctive relief, equitable relief, damages, or fines for violations.

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

ZONE	TOTAL SQUARE FOOTAGE OF SIGNAGE PERMITTED PER LOT	TOTAL SQ. FT. SIGN AREA TO LENGTH OF BUILDING (SQ. FT. LINEAR FT)
R, RA-1, PDR (0-3 u/ac.)	3	1:1
PDR (3-7 u/ac)-	3	1:1
PDR (7+ u/ac)	6/D.U., 80 for non-res.	1:1
PF, PDC (not Town Ctr)	200	1:1
PDC-Town Center *	*	1:1
PDI	200	1:1

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

- * See special sign standards for the Town Center area in Section 4.156(9).
- a. Monument signs are counted at 50% of their actual square footage, for purposes of this Table.
- b. Most restrictive standard applies. Signage not to exceed the most restrictive of applicable standards.
- c. River frontage shall be counted the same as street frontage.
- d. Where a building exists, total sign area per lot not to exceed 1 sq. ft. for each 1 linear foot of building, on the building's longest side, except as otherwise provided in this Code.
- e. Total sign area per lot may be increased by up to 50% per street frontage for corner and double frontage lots.
- f. Total sign area based on building length may be increased by up to 50% where the building footprint has not more than 10% of the area of the tax lot on which it is located.
- g. Residential densities are based on Wilsonville Comprehensive Plan.
- h. Non-residential uses that are permitted in residential zones shall have sign standards determined through site development permit process.

Table S-1 Exempt Lawn and Rigid Sign Allowances

<u>Sign Location Description</u>		<u>Lawn Signs</u> (see WC 4.156 (.04)(B)(9.))	<u>Rigid Signs</u> (see WC 4.156(.04)(B)(10.))	<u>Maximum Combined Lawn and Rigid Signs</u>
Part 1 General Allowances for Lawn and Rigid Signs				
Residential or Agriculture zoned lots. ¹	Area Per Sign Face	6 sq. ft.	6 sq. ft.	3 signs per lot
	Exempt at One Time	3 signs per lot	1 sign per lot	
Commercial, Industrial, or Public Facility zoned lots. ²	Area Per Sign Face	6 sq. ft.	32 sq. ft.	3 sign per lot, plus 1 additional rigid sign if the lot is more than 3 acres in area or has multiple street frontages.
	Exempt at One Time	3 signs per lot	1 sign per lot, plus 1 additional sign if the lot is more than 3 acres in area or has multiple street frontages.	
Part 2 Additional Special Allowances for Rigid Signs³				
Lots with <i>active</i> commercial, industrial, public facility, or multi-family construction projects. ⁴	Area Per Sign Face		64 sq. ft.	
	Exempt at One Time		1 sign per lot	
Residential or Agriculture tracts of land in excess of 5 acres or recorded residential subdivisions with more than 25% of the lots remaining unsold and undeveloped	Area Per Sign Face		32 sq. ft.	
	Exempt at One Time		1 sign per qualifying tract or subdivision	

Table S-1: Exempt Lawn and Rigid Sign Allowances

¹ Residential and Agriculture zones include all PDR (Planned Development Residential) zones, along with the R (Residential), RA-H (Residential Agriculture-Holding) zone, and any county zoned land within Wilsonville City limits. In addition, lots not zoned Residential, but designated exclusively for residential use in an approved Master Plan, shall be considered residentially zoned for the purposes of this table. This includes residential lots and in the Village Zone.

² Commercial, Industrial, Public Facility zones include all PDC (Planned Development Commercial) PDI (Planned Development Industrial), and PF (Public Facility) zones. In addition, lots zoned Village, but designated for commercial, mixed-use, or publicly-owned use in an approved Master Plan, shall fall under this description category for the purposes of this table.

³ Sign allowances in Part 2 are in addition to the allowances and maximums in Part 1.

⁴ An active construction project means a construction project for which any required building permits have been obtained and for which the City Building Official has not approved building occupancy. When the Building Official issues a temporary Certificate of Occupancy, the construction project shall be considered active until a permanent Certificate of Occupancy is issued. Active construction projects involving churches, private schools, or other non-single-family uses are included in this description.

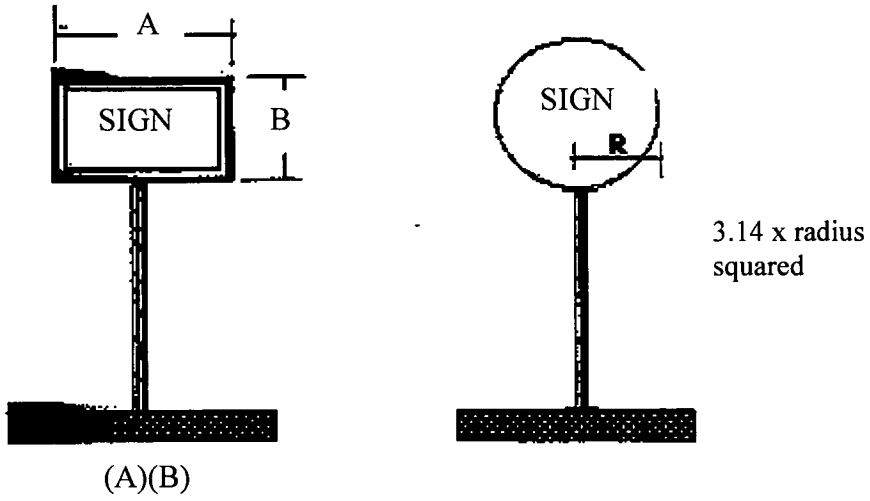


Figure 15: Sign Face Measurement

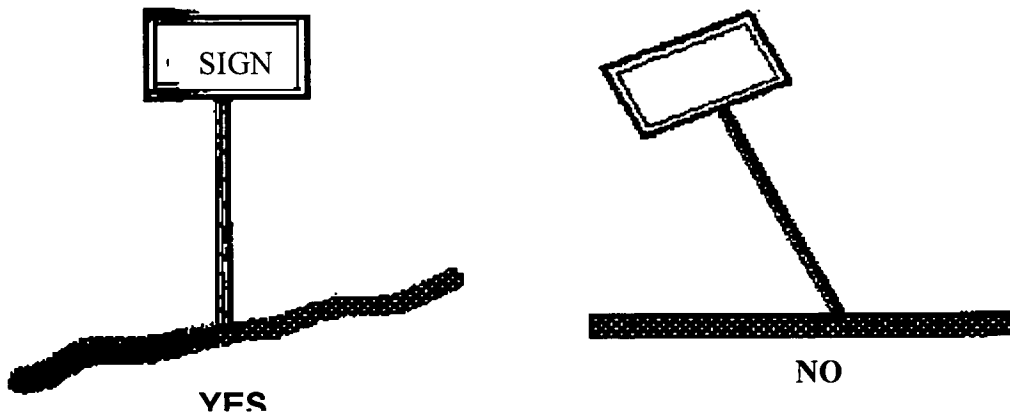
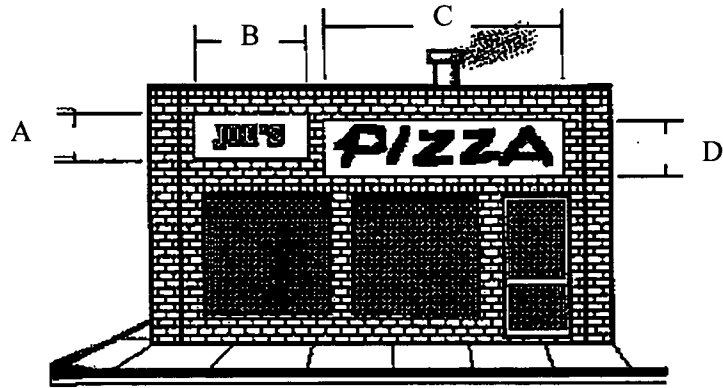


Figure 16: Sign Position

Toy Shop

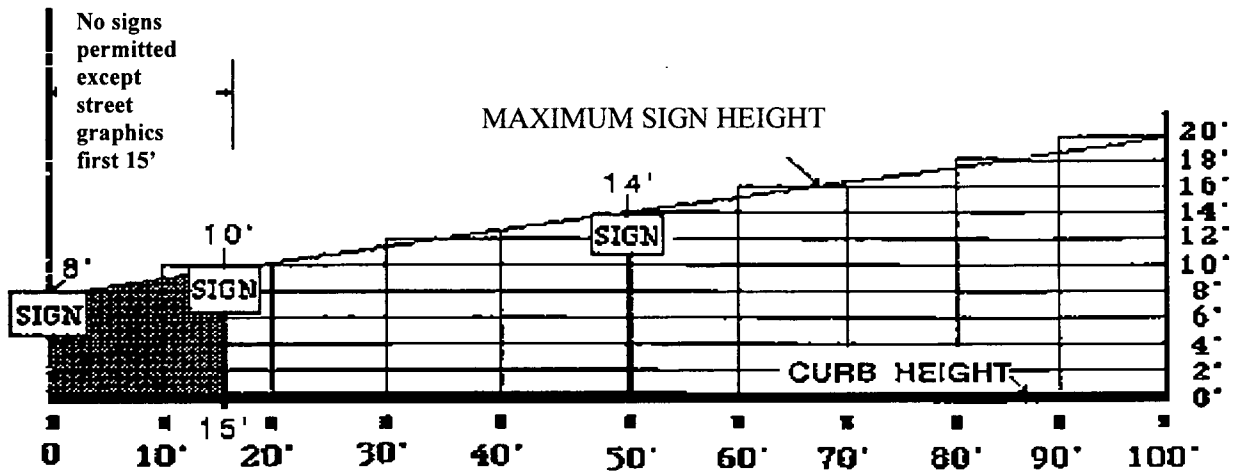
Sign Area is determined by calculating the perimeter drawn around all the sign elements



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

Figure 17: Individual Element Sign

PROPERTY LINE



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

Figure 18: Maximum Sign Height – Town Center

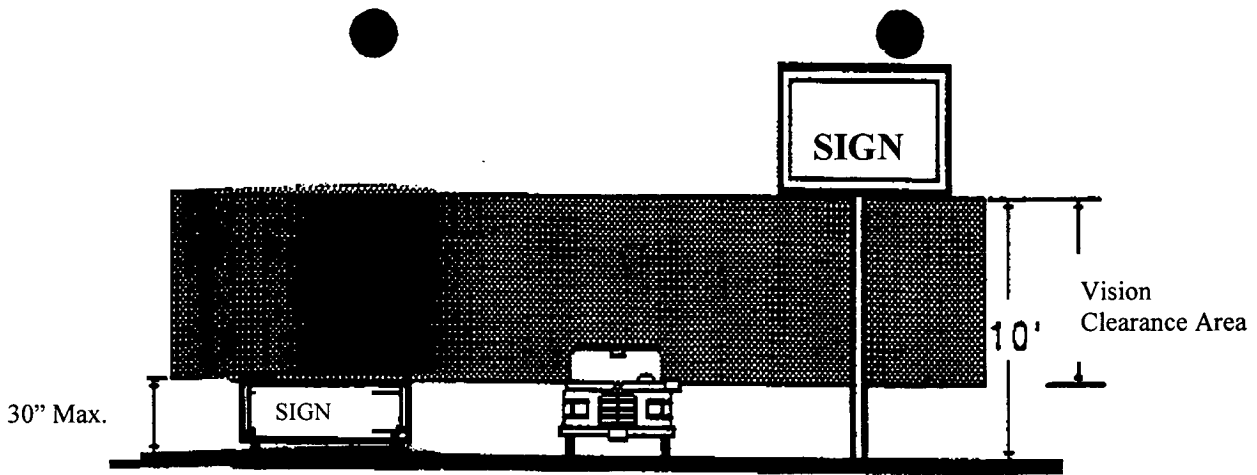
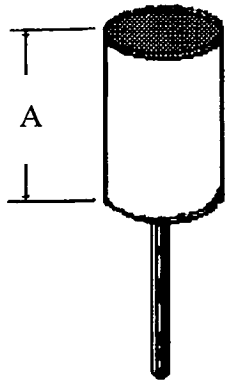
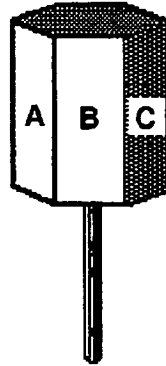


Figure 19: Vertical Vision Clearance Area



Sign Face Area = A



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

FIGURE 20: Sign Face Area

3. Nonconforming Exempt Signs. Lawful nonconforming exempt signs in existence prior to the effective date of this ordinance may be maintained at then-applicable number and size limitations, but must thereafter conform to the duration limits provided by this ordinance.

4. Staff Direction.

Staff is directed to monitor the use of exempt signage under the new sign provisions and, where experience reveals a proliferation of signage that does not achieve a balance of communication and aesthetic interests reflected in current code or prevailing public interest, staff is directed to return to Council with further recommended amendments.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 16th day of November, 2009, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, Oregon, and, following a continuance from a January 20, 2010 meeting, scheduled for second reading on March 1, 2010 Council meeting.



Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 1st day of March 2010, by the following votes:

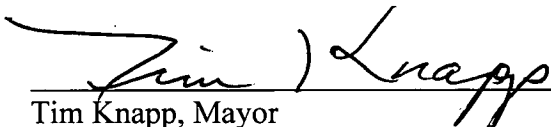
Yes: -4-

No: -0-



Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 3RD day of March, 2010.



Tim Knapp, Mayor

SUMMARY OF VOTES:

Mayor Knapp	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Ripple	<u>Excused</u>
Councilor Nunez	<u>Yes</u>
Councilor Hurst	<u>Yes</u>

Attachments:

Exhibit A, staffs report dated November 9, 2009, January 20, 2010 and March 1, 2010.

WILSONVILLE PLANNING DIVISION
Legislative STAFF REPORT

HEARING DATE: November 16, 2009

DATE OF REPORT: November 9, 2009

APPLICATION NO: LP09-0

APPLICANT: City of Wilsonville

REQUEST: Amend the sign code to eliminate content-based regulations in the exempt sign section and replace the language with constitutional, content-neutral regulations that achieve a comparable balance of communication and aesthetic interests.

APPLICABLE REVIEW CRITERIA:

W.C. 4.197 (.01) B. 1.-4; W. C. 4.156 (.01) A.- I.; and Comprehensive Plan General Development Goal 4.1.

STAFF REVIEWERS: Bridget Donegan and Paul Lee, Wilsonville Legal Department.

LOCATION: General application

SUMMARY: Sign regulations that are based on sign content or message (e.g. campaign signs or real estate signs) are unconstitutional under the Federal and State freedom of speech clauses. The proposed amendments: 1) repeal regulations of real estate signs (signs advertising the sale, lease, or rental of property), construction project signs, signs advertising sale of lots in a subdivision, and campaign or candidate signs; 2) replace these regulations with new or amended regulations of temporary lawn signs, rigid signs, weekend signs, and monthly signs; and 3) retain area and duration limits for redefined signs.

ISSUES: Eliminating regulations that are based upon the content of the communication is relatively easy. The challenge will be the creation of area, duration, and density (signs-per-lot) regulations that replicate those of the repealed regulations. The intent is to adopt replacement code language that does not change the current balance between the desire to communicate by signage and the desire to keep the community free of sign clutter and blight.

RECOMMENDATION:

Staff respectfully recommends that the City Council adopt Draft Ordinance 675, attached as Exhibit A, with such amendments as Council may, following the public hearing, incorporate.

CODE LANGUAGE CHANGES, GENERALLY:

The proposed amendments are detailed in the body of this staff report. They are summarily described as follows:

- The definition section of the sign code is amended to add a definition for Lawn Sign and Rigid Sign; the definition of Sign is amended to remove mention of flags.
- The exempt sign section, W. C. 4.156 (.04), is amended to delete reference to construction project signs, real estate signs, signs advertising a legally recorded residential subdivision, signs advertising the sale, lease or rental of commercial or industrial premises, and campaign or candidate signs.
- This section is further amended to add regulations for exempt lawn signs and rigid signs on residential, commercial, industrial, and mixed-use properties.
- Regulations of temporary sale signs and weekend signs are amended to delete reference to advertising and sale. Temporary sale signs are renamed monthly signs.
- The section regulating exempt signs on city property, W. C. 4.156 (.10), is modified to delete reference to campaign and candidate signs and to add several rights of way to the list of streets with landscaping that would be interfered with by sign placement.
- Table S-1 is added, which provides sign area and signs-per-lot regulations for Weekend, Monthly, Lawn and Rigid Signs.

CONCLUSIONARY FINDING(S):

I. Comprehensive Plan GOAL 4.1 To have an attractive, functional, economically vital community with a balance of different type of land uses.

Response: Staff is not proposing to change the balance of aesthetic and functional (communication) aspects of signage as a category of land use. Because the proposed amendments should replicate the current balance between community sign attractiveness and functionality, and because the current sign code is presumed to be consistent with this Goal, the amendments are in keeping with this Goal.

II. Planning and Development Code section 4.197(.01) B. 1-4

- 1. That the application was submitted in compliance with the procedures set forth in Section 4.008.*
- 2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and*

3. *The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code; and*
4. *If applicable, the amendment is necessary to insure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.*

Responses:

1. Zone text amendments are authorized under 4.008 9.01) F. and Public Hearing Notices applicable to Legislative Hearings have been sent, the application processed, and the hearing and decision making procedure before the Planning Commission and City Council is and will be followed under W.C. 4.008 – 4.024.
2. As noted in Conclusionary Finding I, above, the proposal is consistent with Comprehensive Plan Goal 4.1.
3. Because the amendment is "surgical" in nature – i.e., extracts unconstitutional verbiage without modifying the current operation of the sign code, other unamended provisions of the code are not compromised.
4. The amendment is necessary to insure that the sign section of the zoning code complies with the freedom of speech clauses in the state and federal constitutions: Article I, Section 8 of the Oregon Constitution, and the First Amendment of the US Constitution.

III. Planning and Land Development Code, section 4.156. Sign regulations shall have one or more of the following specific objectives:

- A. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised;
- B. To allow and promote positive conditions for meeting the needs of sign users while avoiding nuisances to nearby properties and the community overall;
- C. To reflect and support the desired character and development patterns of the various zones;
- D. To allow for variety in number and type of signs in appropriate locations, while preventing signs from dominating the visual appearance of the area;
- E. To prevent the construction or use of signs that would otherwise detract from the design of adjacent buildings or properties;
- F. To provide the public with adequate opportunity for needed information that can be supplied through signage;
- G. To stabilize and improve property values and prevent the creation of blighted areas;
- H. To provide for the clear identification of structure in order to enhance public safety; and
- I. To ensure the protection of the constitutionally guaranteed right of free speech.

Response: The proposed amendments are supported by all of the above objectives. These objectives implement the Comprehensive Plan. Because the current code regulations regarding exempt sign size, duration and placement were adopted pursuant to the Plan and these objectives, (which Plan and Code and have been acknowledged by

LCDC), and because the amendments should replicate these regulations, the proposal is in keeping with these objectives and the community's overall policy to provide adequate opportunity for signage to meet the needs of individuals and business while promoting public safety and continued aesthetic improvement of the City's environment.

EXHIBITS

Draft Ordinance 675.

FACTS AND FINDINGS

I. Oregon Constitutional Requirements

The Oregon Supreme Court interprets the state constitution to protect free speech more broadly than the federal constitution. These broad protections require sign code regulations to be entirely "content-neutral;" the City may not regulate signs based on the message of the sign and may not regulate commercial speech differently than political speech. The City may use reasonable time, place, and manner restrictions as long as they are content-neutral and related to the City's interest in aesthetics or public safety. For example, a restriction on the number of signs in a right-of-way is constitutional as long as the restriction applies to a sign regardless of what the sign says. It may apply differently to a sign based on the sign's size, structure, physical placement, or duration. However, a restriction on the number of advertising signs in a right-of-way is not constitutional because it treats advertising messages differently than all other messages.

II. Temporary Signs Exempt from Permit Requirements – W. C. 4.156(.04)B

A. Current Code – Content-Based Exempt Signs

Wilsonville exempts certain categories of signs from permit requirements as long as the signs meet the size, physical placement, and duration limits in the code. These categories of exempt signs include: construction project signs, real estate signs (for large tracts of land, commercial or industrial premises, and residential property), campaign signs, and temporary sale signs. The size limits between categories vary: construction signs may be sixty-four square feet; real estate signs may be thirty-two square feet, and campaign signs may be six square feet. Duration limits are based on the sign's purpose: a construction sign may be posted as long as a person has a building permit; real estate signs may be posted as long as a property remains for lease or sale; campaign signs may be posted for sixty days before an election and three days after an election. A person may post one sign at any time the conditions are met, except a person may post an unlimited number of campaign signs and a person may post one commercial or industrial real estate sign per lot, per street frontage, or per three acres.

The problem we are addressing is that all of these regulations depend on the content-based categories. Constitutional protections of free speech in Oregon prevent the City from treating a real estate sign differently than a campaign sign simply because it is a real estate sign.

B. Proposals – Lawn Signs and Rigid Signs

To avoid content regulation without losing these time, place, and manner restrictions, we first propose eliminating the content-based categories for real estate signs, construction signs, and campaign signs. We propose renaming temporary sale signs “monthly signs” and not changing those regulations. A person may post a monthly sign for ten days within a thirty day period. Finally, we propose maintaining the weekend sign category but changing the regulations so that the content of those signs is not limited to advertisement of temporary events.

To regulate real estate, construction, and campaign signs without regulating content, we propose defining signs based on the usual sign structures people use for different communications and then applying the regulations to the structure types. The revisions include adding definitions for two types of temporary signs: lawn signs (lighter weight signs) and rigid signs (sturdier signs, constructed to stay in good condition for up to a year). The City of Salem uses these distinctions and staff there has informed us that the categories have worked well for them.

Lawn signs may be posted either for sixty days in one calendar year or for the duration of an associated temporary event. A lawn sign may be six square feet, up to six feet in height, and one or two sided. These sizes are the same as current campaign sign limits. Rigid signs may be posted for ninety days or the duration of an ongoing temporary event, and may be thirty-two square feet (like current real estate signs) or sixty-four square feet for a person with a building permit (like current construction signs).

Temporary event is defined to exclude periodic episodes within larger ongoing or serial events so that the exempt sign does not become an extra permanent sign on a property. For example, a person advertising office space for rent would be able to post a rigid sign for the duration of the real estate availability because 1) real estate availability is an event, that 2) will end at a definite time (when the space is rented or sold), and 3) is not a part of a broader, continuing event or related, serial events. An advertisement for a spring clearance sale would fit these requirements as well. However, the serial advertisement of monthly specials, as an ongoing event, would not. The intent is to disallow an indefinite sign with changed copy.

C. Right of Way Signs

The current code allows weekend signs and campaign signs in rights of way. Weekend signs are limited to the same time restrictions as they face on private property, and we do not recommend changing these regulations except to allow for weekend signs beginning at 6:00 a.m. on Fridays rather than 6:00 p.m. Campaign signs are currently limited to posting in rights of way for sixty days before an election and three days after an election. Because we propose eliminating the category of campaign signs, we also propose modifying these regulations.

We propose allowing lawn signs in rights of way during the same time period – sixty days before and three days after a primary, general, or special election. This does not restrict the content of the sign. Advertisements and social commentary, for example, would be allowed in rights of way along with campaign signs. We propose keeping the

time restrictions around elections because the time limits for lawn signs on private property would be nearly impossible to enforce on rights of way. The community has a need for more communication around elections, so we propose during those limited times allowing *all* communications in the rights of way historically used for such purposes (e.g., industrial areas, Wilsonville Road between the High School and the Boeckman Creek Bridge, and Wilsonville Road between the railroad tracks and the Middle School). Allowing any lawn sign message may result in sign blight during elections. This is an issue that the City may revisit in a few years if this proposal proves to be unmanageable.

The City does have the ability to prohibit all signage in the rights of way. The revisions add four streets to the list of landscaped rights of way where no signs may be placed. These are: Boeckman Rd. from the railroad tracks to 110th, 110th between Barbur Rd. and Boeckman Rd., the Eastern side of Grahams Ferry Rd. from Tooze Rd. to the City limits, and either side of Barber St. between 110th and Brown Rd. The proposed revisions also clarify that no sign may be placed in any median, *landscape* strip, or round-a-bout in the City as identified in the list, so that the City can protect its landscaping without having to amend the code and add new streets to the list. The specific list of streets in the list was kept for clarity. Not all landscaped areas are automatically included because the Code has a very broad definition of landscaped. A map is available that highlights rights of way where signs may be placed.

D. Limits on the Amount of Exempt Signage on Private Property

The revisions limit the number of each type of exempt sign that a person could post at one time. These limits are included in the new Table S-1. The following limits apply to residential properties, undeveloped properties, and properties currently covered by a building permit: 1 weekend sign, 1 monthly sign, 3 lawn signs, and 1 rigid sign. This does allow for six signs at one time, if all of the conditions are met for each sign. By comparison, the current code allows these properties to have: 1 weekend sign, 1 temporary sale sign, unlimited campaign signs, and 1 real estate sign. For an illustration of this, see the comparison chart on the next page.

The question of whether the proposed changes will result in more signage depends on whether people will take advantage of the new lack of restrictions on sign content. For example, there will be more signage if a person decides to post lawn signs outside of campaign season, or to post a rigid sign that is not a real estate sign. If they do, the sign will be subject to time restrictions (sixty or ninety days in a calendar year). The other restrictions (for weekend and monthly signs) are exactly the same as the current code.

The following limits apply to commercial, industrial, or mixed use properties: 1 weekend sign per occupied unit, 1 monthly sign and 3 lawn signs per property, and 1 rigid sign per lot, per street frontage, or per 3 acre area. The difference in allowances for occupied units and properties is to ensure a comparable amount of signage on multi-unit commercial structures to what is currently posted. Thus, not every business leasing a space is allowed a rigid sign and three lawn signs. Those are limited to the larger property as a whole. Those businesses may still post weekend signs, as they are currently allowed to do.

Comparison Chart

Current and Proposed Amounts of Exempt Signs Allowed on Private Properties

<u>Description of Lot Use</u> Note: this does not refer to zoning, but to the use of the property where the sign is located. Where applicable, the City may determine this according to the property's master plan.		<u>Weekend Sign</u> (6 am Fri. – 8 pm Sun.; 6 am – 1pm Tue.)	<u>Monthly Sign</u> (up to 10 days in any 30 day period)	<u>Lawn Sign</u> (see WC 4.156 (.04)B.11)	<u>Rigid Sign</u> (see WC 4.156(.04)B.12)
All Residential Properties except Undeveloped Property 2 Acres or Greater	Total Currently Exempt	1	1	Unlimited Campaign Signs	1 Real Estate Sign
	Proposed Exempt Amount	1	1	3	1
All Undeveloped Commercial or Industrial Land; Undeveloped Residential Land 2 acres or Greater in Area	Total Currently Exempt	1	1	Unlimited Campaign Signs	1 Real Estate Sign
	Proposed Exempt Amount	1	1	3	1
Any Commercial or Industrial Properties for which a Building Permit is Currently Issued	Total Currently Exempt	1	1	Unlimited Campaign Signs	1 Real Estate Sign
	Proposed Exempt Amount	1	1	3	1
Developed Commercial, Industrial, or Mixed Use Property for which a Building Permit is not Currently Issued	Total Currently Exempt	1 sign per unit	1 sign per property	Unlimited Campaign Signs	1 real estate sign per lot, street frontage, or 3 acre area; 50 feet from any other freestanding sign on the lot
	Proposed Exempt Amount	1 sign per occupied unit	1 sign per property	3 signs per property	1 sign per lot, street frontage, or 3 acre area; 50 feet from any other freestanding sign on the lot

The limits on each type of exempt sign attempt to allow all communications we currently allow while preventing blight without restricting content. If the Council feels that the potential for six exempt signs per property is excessive, options include capping the total amount of signage per property (e.g., no residential property could ever have more than three exempt signs of any type) or lowering the number of allowed lawn signs from three to two.

III. Other Revisions

A. Flags

The current code defines “sign” to exclude flags of the US, State of Oregon, Clackamas or Washington County, or City of Wilsonville. The revisions cure this content preference by removing this sentence from the definition and instead adding a permit exemption for “Flags displayed from permanently located freestanding or wall-mounted flagpoles that are designed to allow raising and lowering of flags. One site may have up to two (2) exempt flags; no exempt flag may be more than thirty (30) feet in height.”

B. Off-Site Signs

The Oregon Supreme Court has specifically found distinctions between off-site and on-site signs to be unconstitutional. Currently the code provides for off-site temporary sale signs and off-site weekend signs. We propose striking those and any other references prohibiting off-site signs. This should have a minimal effect, if any, on exempt signage in the City. Under the proposed revisions, a person would be allowed to post a sign on a neighbor’s property if that neighbor gave the person permission and all of the other sign requirements were met. The City may not prohibit this. We believe that the proposed time and amount limits will serve to prevent this from being a problem.

C. Miscellaneous

A few other very small changes were made: nameplates may now contain business names that are not registered with the state, banners must “correspond with” instead of “announce” the opening of a new business, and weekend signs are allowed beginning at 6 a.m. Fridays rather than 6 p.m. Fridays.

IV. Input and Staff Response

We have been in regular communications with Daryl Winand, governmental affairs specialist with the Portland Metropolitan Association of Realtors, and with Mark Pruitt, a Chamber of Commerce member and the owner of Professional Signs and Graphics in Wilsonville. We have incorporated their feedback, Planning Commission feedback, and City Council feedback up to this point. Many earlier concerns were fully incorporated into the newer revisions and are not discussed here. The following is a summary of our recommendations in two areas of continued concern.

A. Rigid Signs on Commercial Properties

The previous version of proposed amendments allowed commercial properties one exempt rigid sign for 12 months, with a possible extension for signs associated with ongoing temporary events. A person who removed a rigid sign was then required to wait six months before posting another rigid sign on the same property.

Council was very concerned that the six month waiting period would prevent people from putting up real estate signs after their property was taken off the market for a short period or after the property owner changed leasing agents. In response to these concerns, we that these signs are regulated the same way rigid signs on residential properties are regulated: the time period that a sign may be posted for depends on whether the sign is associated with an ongoing temporary event. If a sign is not associated with a temporary event, it may be posted for one period of up to ninety days in a calendar year. A sign that is associated with an ongoing temporary event may be posted for the duration of that event.

In order to prevent these regulations from allowing extra indefinite signage on commercial properties, we define temporary event as follows:

A temporary event must have an end, marked by the occurrence of a specifically anticipated date or happening. A temporary event may not be a part of a broader, continuing event or a related, serial event. Temporary events shall not be defined by content, but may include isolated merchandise sales or discounts, or availability of real estate for sale or lease.

This language will allow for signage when communication is demanded by a certain event, for the duration of the event. However, it is written to prevent people from abusing this allowance by claiming that one indefinite or long-term series of events is actually several temporary events, each deserving of an exempt rigid sign.

B. Rigid Signs on Residential Properties

We continue to recommend that the City not allow for multiple rigid signs on residential properties with multiple frontages. Mr. Wynand has presented us with examples of other cities which allow an unlimited number of signs on residential properties, or allow a second sign on a residence with more than one frontage. We believe that allowing this extra signage would not only expand the amount of signage we currently allow, but is unnecessary in our code because a residential owner may use up to three lawn signs to advertise property on a second frontage. Further, allowing extra signage on a secondary frontage would not be limited to real estate purposes. While we appreciate Mr. Wynand's input and interest in the matter, we believe that these proposed revisions allow for a sufficient amount of signage on residential properties.

Two examples of language the City could use for allowing such signage, if the Council decided to do so, are:

One rigid sign per residential property except where the property faces more than one street, an additional rigid sign is allowed on the second street if that face of the property is at least 300 feet in length.

One rigid sign per residential property except where the property faces more than one street, an additional rigid sign is allowed if the two signs are not simultaneously visible to pedestrians or motorists.

V. Conclusion

We feel that these revisions achieve the content neutrality required by Oregon law and protect the City from any potential liability for free speech infringement. We have made our best effort to achieve this end without compromising the sign allowances in our current code and without making the City vulnerable to sign clutter and blight.

MEMORANDUM

To: Honorable Mayor and City Council

From: Paul A. Lee, Assistant City Attorney and Bridget Donegan, Legal Intern

Date: January 20, 2010

Re: Ordinance 675, Exempt Sign Code Amendments, on Second Reading and Continued Public Hearing.

I. Background and recap of Ordinance on First Reading

On November 16th, 2009, the council had a public hearing on a draft ordinance that would replace content-based exempt sign regulations with content-neutral, time, place and manner restrictions. "Exempt" signs are signs that do not require a permit under the sign code because of the temporary and insubstantial nature of the signs. The ordinance was before the council on first reading, having been reviewed and recommended by the Planning Commission. The major features of the first-read ordinance are as follows:

- The repeal of regulations that limited signs based upon sign content or message – real estate signs, campaign or candidate signs, construction project signs, and signs advertising sale of lots in a subdivision.
- The adoption of new definitions for temporary exempt signage that are based on the usual sign structures people use for the different communications, e.g. the smaller, less substantial "lawn" sign and the larger, more substantial, "rigid" sign, which replace, for instance, campaign signs and construction project signs, respectively.
- Applying the current size, number and duration regulations to the corresponding structure types, e.g. the six square feet area maximum for campaign signs becomes the area limit for lawn signs.
- Creation of a new Table S-1 providing the maximum area and number of signs by sign type and property type (developed and undeveloped Residential, and developed and undeveloped Commercial and Industrial).

Several responses to issues raised at the two Planning Commission public hearings and a council work session have been incorporated into the ordinance: rigid signs were allowed on commercial/industrial properties for the duration of a defined "temporary event" rather than only after a waiting period. Also, three different descriptions of the property to which the regulations apply -- "lot," "tax lot," and "property," were reduced to "lot," a term used elsewhere in the sign and land development code and defined as a unit of land in the lawful possession of one distinct ownership or separated from other land by subdivision or partition plat. W. C. 4.001. 143.

Following the November 16th public hearing, the council acted to continue the hearing and directed staff to focus the analysis and presentation on issues that had recently been raised and for which no definitive recommendation had been advanced.

The outstanding issues at this juncture are 1) whether to place limits on the number of exempt signs allowable per lot at any one time (e.g. caps or proximity requirements), 2) whether to allow exempt signs in selected rights-of-way during election periods, and 3) whether to allow an extra rigid sign on residential properties with multiple frontages. Prior to analysis of these issues, it would be well to review the goal of the legislation and the inherent policy choices.

II. Policy Choices at Play

The city's sign policy is to recognize the right to free expression while at the same time maintaining an attractive, functional and economically vital community.

The primary goal of this ordinance is to remove those aspects of the current code that arguably violate free speech protections while at the same time preserving a comparable regulatory scheme. The intent is to retain the current balance between the desire to communicate by signage and the desire to keep the community free of sign clutter and distractions to drivers. Achieving this goal has been difficult. Limits on the number, size and display periods for signs based upon the sign's message (e.g. allowing only one a real estate sign at any one time) have been effective. The need for content neutrality makes coming up with similar workable restrictions tricky. To balance the aesthetic and functional aspects of signage, any solution will necessarily depend on reasonable assumptions or evidence about how many signs people would erect if free to do so, and how many signs it would take to create blight or clutter in most locations.

History and past practice is a big consideration in shaping regulation. For instance, certain rights-of-way in the city (primarily those whose landscaping would not be damaged by sign placement) have been available for placement of campaign signs, and assumptions concerning the availability of this forum have developed. But removing content restrictions and allowing all manner of temporary signage raises new issues. As will be discussed further, there is a real potential for clutter when commercial advertizing signs, for instance, are placed on this public property along with the campaign signs.

Government is limited in its policy choices to restricting expression only where there is a demonstrable relationship between the regulation and the interests it serves. Where the connection between the regulation and community goals is unjustified or unclear, courts will invalidate regulations as prior restraints on speech.

Enforceability is also a major consideration. With limited enforcement staff, complex and fact-dependent regulations can be a regulatory nightmare and a source of frustration on the part of sign owners and the general public.

Staff has previously proposed, and the Planning Commission has recommended, an approach that allows signage based upon the maximum amount reasonably needed at one time: e.g., a commercial property could simultaneously be for sale or lease, have a weekend sign, a monthly

sign, and a number of campaign signs. The overall number of these signs allowed at any one time is six for commercial and six for residential. Whether this is too much or too little is hard to know, and staff has recognized that experience with the regulations may be necessary before an adjustment is warranted.

Still, based on field evidence of current signage practices and the visual effect of erecting a number of signs on a single lot, staff currently proposes further refinement of the code to better achieve the balance between communication and aesthetics/traffic management. Those recommendations appear in the analysis of the outstanding issues below.

III. Issues and Analysis

A. Prohibition of Signs in the Right-of-way.

Currently, campaign signs may be placed on city properties or city rights-of-way sixty days before and three days after a general, primary or special election if the sign owner places a sign no closer than fifty feet from other owned signs and no closer than ten feet from those of another owner; weekend signs may be similarly placed between Fridays and Sundays and on Tuesday mornings. No signs may be placed on certain named rights of way where the placement could damage landscaping or interfere with the city's maintenance of the right-of-way. The planning department has published maps of the areas where campaign signs are allowed –generally described as streets in industrial areas, Wilsonville Road between the High School and the Boeckman Creek Bridge, and Wilsonville Road between the railroad tracts and the Middle School.

The Planning Commission recommended to council that the current code be modified to delete the reference to sign content, retain the election-based and weekend period of display, and expand the list of rights-of-way prohibiting sign placement. While the Commission knew full well that commercial advertising and other signs could be interspersed with campaign signs under the content-neutral code, on staff advice, it recommended retaining the ability to place signs in rights-of-way. In the Commission's view, this would be largely consistent with the current regulatory scheme, and could readily be modified in the next phase of a planned sign code re-write if experience dictated.

At the November public hearing, staff suggested the council consider a second option in this context – doing away with signs in the right-of-way entirely. The following are the pros and cons of the two options.

OPTION 1. PROHIBIT SIGNS IN THE RIGHT-OF-WAY

It may be reasonably observed that allowing signs every ten feet is "blight and clutter waiting to happen." It is also readily conceived that making sure that signs of the proper size are placed in the proper right-of-way and properly spaced five or one hundred feet away from other signs, depending on ownership, is a prescription for an enforcement headache. Perhaps for these reasons, no other city in the metro area allows these signs in the right-of- way.

The case law allows a municipality to completely prohibit the posting of signs on utility poles or in the right-of-way. *Los Angeles v. Taxpayers for Vincent*, 466 US 789 (1984). Ample, alternative avenues exist in the city for the expression of campaign and other messages. While in the past, campaign signs have not been so numerous as to constitute a visual nuisance, the addition of other (e.g., advertizing) signs raises the real possibility that, for the whole of the March, May, September, and November campaign seasons, certain streets could very well be overrun with signs. Also, the appearance of commercial advertizing in a right-of-way can reasonably lead some business owners to believe that signs can be placed in **any** right-of-way (such as the street fronting McDonalds restaurant where unlawful signs were recently located).

OPTION 2. ALLOW SIGNS IN THE RIGHT-OF-WAY.

The primary advantage of the Planning Commission-recommended approach is to maintain an historical forum for political speech. The citizens of Wilsonville have come to expect and even to appreciate seeing campaign signage along certain rights-of-way. Weekend signs have also historically been placed in these areas. Taking this communication ability away is a significant change with little evidence that sign blight will be avoided. Given the cost of signs and sign placement, material clutter and distraction is not a given, and practical experience is a preferred policy basis. Should commercial advertisers, along with campaigners and others, so saturate these rights-of-way as to create a problem, the code readily can be modified to mitigate or eliminate these effects.

Staff Recommendation. Expanding the use of the right-of-way to include all manner of signs will likely cause a significant increase in advertizing signs. The resultant sign clutter is manifest, as are the attendant enforcement problems. Staff recommends Option 1: elimination of signage along-rights-of- way.

The ordinance will come in drafts featuring alternative texts, depending on the option chosen for this and the issues discussed below. Attached to the report is the ordinance on first reading with text recommended for second reading italicized or stricken twice. Option 1 (ROW signs prohibited) and Option 2 (ROW signs allowed) replacement pages are also attached.

Certain policy choices will necessitate further text changes. For instance, should the council wish to continue to allow signage in the right-of-way, staff recommends, and has added to Option 2, language requiring the subject signs be inscribed with the name and telephone number of the owner, so as to assist city personnel in administering and enforcing the provision.

B. Caps and Dispersal Regulations

Removing the inappropriate content-based categories of exempt signs also removed the implicit numerical limits on signs per lot. Therefore it is reasonable to consider capping the number of signs posted at one time to prevent blight and clutter. Our recommendations up to this point allowed up to six signs per lot. Staff now recommends capping exempt signs at three per property, except on larger commercial lots and commercial lots with multiple frontages, which may have an additional rigid sign. In the interest of simplicity and enforceability, staff

recommends creating this cap by removing the weekend and monthly sign categories, which have become obsolete, and capping the total number of signs per lot at 3. The result as illustrated in the new Table S-1 is that most lots could have up to three lawn signs and up to one rigid sign, but never more than three exempt signs total.

Staff originally proposed preserving weekend signs and monthly signs in an effort to maintain existing regulations. However, the past several months of analysis and changes have led us to conclude that lawn and rigid signs now fully serve the purposes of weekend and monthly signs. Because a person can always post a lawn or rigid sign that is associated with an ongoing temporary event, the narrower weekend and monthly sign categories are unnecessary. Removing the categories does not limit the type or content of signs a person may erect.

The current code generally allows only one sign per content-based category (e.g., one real estate sign, one temporary sale sign, one weekend sign, and one construction sign). With the recognition that weekend and temporary sign categories are now unnecessary, exempting up to three lawn signs and one rigid sign per property (capped at three total) carries over these allowances to track what landowners usually do.

Against the real and implied cap concept is the current code provision allowing for an unlimited number of campaign/political signs a person could post. We believe that it is a rare property owner that posts more than three campaign signs at one time and therefore this new proposal is a reasonable restriction based on the City's experience when unlimited signs were allowed. A person who does want to post several campaign signs while a house is for sale, for example, will no longer have unlimited signage to do so. But the proposed code allows for adequate alternatives for communication through expressing multiple messages on one sign, unlimited signage on the insides of buildings (a current code exception), and the option of obtaining a temporary use permit for additional signs. For these reasons, the limit is rationally related to the City's interest in preventing blight and clutter without foreclosing reasonable avenues for communication.

The recommendation of a flat cap rather than a dispersal requirement is based on staff's conclusion that a dispersal requirement 1) could easily result in sign blight on larger commercial properties, 2) would allow for much more signage than the city currently allows on those properties, and 3) could harm smaller properties. Staff and Mark Pruitt of the Chamber of Commerce placed lawn signs at various distances apart on the Riverwood and Village at Main frontages and took photos. These pictures are part of a slide presentation that staff will have ready for the public hearing. While the visual effect of signs placed 100 feet apart does not appear from the slides to be overwhelming from a pedestrian's point of view, it very well could be when viewed from a moving vehicle. Attached as Exhibit 1 to this report is a graphic illustrating the number of signs that could be placed 100 feet apart on the Village at Main property. While current code would allow no more than four signs outside of campaign season, the dispersal provision as shown on the graphic would allow for 12 signs, an unsightly amount of signage in most anyone's book.

A dispersal requirement does have the advantage of directly preventing physical clutter by disallowing unsightly groupings of signs. However, attempting to determine the best distance

requirement while mitigating the varied effects of any distance requirement on larger and smaller properties results in a messy and difficult-to-enforce code (e.g., allowing the greater of three signs per lot or one sign per 100 feet per lot frontage). It is only by expanding the dispersal distance to 300-400 feet that comparable amounts of signage to that currently allowed is achieved. But at that distance, the dispersal loses its utility, advantaging only the larger properties in the city. In staff's view, the simple cap concept emerges as the most efficient regulatory measure.

A numerical cap per lot provides an adequate means of communication, comparable to the amount experienced under the current code, and is the most enforceable and easy to understand solution to the question of how to control blight without controlling content.

C. Rigid Signs on Residential Lots

Staff continues to recommend that the City not allow additional rigid signs on residential properties with multiple frontages. Mr. Daryl Winand of the Portland Metropolitan Association of Realtors encourages the council to provide residential property owners the ability to erect two "colonial style" rigid signs on properties with more than one street frontage. This would double the amount of real estate signage allowed under the old code. That doubling would not be limited to "For Sale" signs either, since the City could not dictate the message or content. In addition, staff believes the allowance is unnecessary because a person may use up to three lawn signs to advertise property on a second frontage. While staff appreciates Mr. Winand's input and interest in the matter, we believe that these proposed revisions allow for a sufficient amount of signage on residential properties.

If the council decided to allow for such signage, two examples of language the City could use (inserted into the rigid sign allowance for residential properties on Table S-1) are:

- One rigid sign per residential property except where the property faces more than one street, an additional rigid sign is allowed on the second street if that face of the property is at least 300 feet in length.

- One rigid sign per residential property except where the property faces more than one street, an additional rigid sign is allowed if the two signs are not simultaneously visible to pedestrians or motorists.

Mr. Winand wrote the city a letter on December 31, advocating for this and several other positions, including: (1) a cap of no less than six signs for residential properties, (2) no dispersal requirements on private properties, and (3) allowing temporary signs to be posted in rights-of-way on weekends for the purposes of real estate open houses. Staff explanations for opposing these positions can be found in the sections above. This letter appears in the record and council packet.

The input of Mark Pruitt with the Chamber of Commerce has been solicited in the preparation of this report, but no new feedback has been provided.

IV. Secondary Issues

If adopted, the code amendments will arguably make some sign placement non-conforming, if not illegal. Staff has added a section to the ordinance that would grandfather existing exempt signage, applying the durational limits (but not the numerical limits) to existing signage to achieve a smoother and fairer transition.

Staff is also aware and appreciates that there are other issues relating to the placement of exempt and permitted signs (e.g., orientation to Interstate 5). We would recommend however that these matters be deferred to the larger sign code amendment process that is currently anticipated.

V. Conclusion

The process of removing content-based restrictions with comparable, content-neutral regulations is a complex, and, likely, iterative process. The ordinance drafts are staff's best effort to get it right at this particular point in time.

Option 1: Exempt Signs Prohibited in the Rights-of-Way

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

A. ~~Permitted~~ **Allowed** Signs. **The following** signs may be placed on City property and/or City rights-of-way and right-of-ways over which the City has jurisdiction under the following conditions:

1. Such signs as are necessary to locate and direct the public to City premises, or other governmental premises, ~~shall be permitted.~~
2. Such signs as are necessary for the public's health, safety, and welfare authorized under law, regulation, ordinance, or order, including but not limited to traffic signs ~~shall be permitted.~~ This shall include signs authorized to conform with the State's Tourism Information program.
3. Signs and their placement as authorized in subsections 1 and 2, above, shall meet all other applicable standards and criteria under law, regulation, ordinance, or order.
4. ~~Campaign and candidate lawn signs may be placed on City rights of way and rights of way over which the City has jurisdiction except those rights of way adjoining City properties listed above, and are prohibited in the following~~

locations where the placement of campaign and candidate lawn signs could damage City landscaping or interfere with the City's maintenance of the rights-of-way:

- a. In any median strip inside the City limits
 - b. Either side of French Prairie Road.
 - c. Either side of Canyon Creek Road North, from Boeckman Road to Elligsen Road.
 - d. Either side of Wilsonville Road between Town Center Loop East and the Portland & Western (previously Burlington Northern) Railroad property.
 - e. Either side of Town Center Loop West and East.
 - f. Both sides of former S.W. Parkway frontage between Town Center Loop West and Wilsonville Road.
 - g. Wilsonville Road between Willamette Way West and Willamette Way East.
 - h. The north side of Wilsonville Road from Town Center Loop East to Boeckman Creek.
 - i. Either side of Wilsonville Road between Boeckman Road and the southern boundary of the Wilsonville High School property.
 - j. Either side of Parkway Center Avenue.
 - k. The south side of Elligsen Road from the eastern city limits to a point directly across from the west side of the Tualatin Valley Fire District fire station.
 - l. The western side of Boones Ferry Road adjoining Boones Ferry Park.
5. Campaign or candidate lawn signs shall meet the following standards and conditions:
- a. Such signs shall not be placed in a City right-of-way which is adjacent to other publicly owned property, in order to avoid the appearance that a public entity is politically supporting a candidate(s) or measure(s). Other publicly owned property includes that of districts, county, regional, state, and federal governmental entities.
 - b. Such signs shall not be placed within a City right-of-way in a manner which obstructs sight lines of the motoring public, obscures traffic or other government signs, or creates a nuisance to the use or occupancy of private property.
 - c. Such signs shall be designed and constructed to prevent being moved by the wind and may be placed one every fifty (50) feet within a right-of-way location. Such signs shall have no more than two (2) sides, shall be no higher than thirty (30) inches measured from the surface of the right-of-way to the top of the sign inclusive of pole, and each sign face area shall measure no more than six (6) square feet. Such signs shall not be illuminated or exhibit movement.
 - d. Such signs are considered temporary. They may be erected during the period sixty (60) days prior to a general, primary or special election and shall be removed within three (3) days after the election. Each sign shall

~~be placed at least ten (10) feet away from any other temporary placed candidate or campaign sign.~~

Option 2. Exempt Lawn Signs Allowed in the Right-of-Way

- (.10) Signs on City Property. For the purposes of this subsection, City property is defined as physical sites, City right-of-ways, and rights-of-way over which the City has jurisdiction. City property includes, but is not limited to, the following: City Hall, The Community Development Annex, the Community Center, the Library, Boones Ferry Park, the Burlington Northern park site, Town Center Park, Tranquil Park, Wilsonville Memorial Park, the Boozier property, the Montebello open space on Wilsonville Road, Fox Chase Park, and the City's reservoir, pump station, or treatment plant properties.
- A. ~~Permitted~~ **Allowed** Signs. **The following** signs may be placed on City property and/or City rights-of-way and right-of-ways over which the City has jurisdiction under the following conditions:
1. Such signs as are necessary to locate and direct the public to City premises, or other governmental premises, ~~shall be permitted~~.
 2. Such signs as are necessary for the public's health, safety, and welfare authorized under law, regulation, ordinance, or order, including but not limited to traffic signs ~~shall be permitted~~. This shall include signs authorized to conform with the State's Tourism Information program.
 3. Signs and their placement as authorized in subsections 1 and 2, above, shall meet all other applicable standards and criteria under law, regulation, ordinance, or order.
 4. ~~Campaign and candidate~~ **Lawn and Weekend** signs may be placed, **subject to the standards in subsection (5.), below**, on City rights-of-way and rights-of-way over which the City has jurisdiction except **1) those rights-of-way adjoining City properties listed above defined in subsection (.10) above, and 2) are prohibited** in the following locations where the placement of ~~campaign and candidate lawn~~ signs could damage City landscaping or interfere with the City's maintenance of the rights-of-way:
 - a. In any median **or landscaped** strip inside the City limits **as identified below in sections b through q**.
 - b. Either side of French Prairie Road.
 - c. Either side of Canyon Creek Road North, from Boeckman Road to Elligsen Road.
 - d. Either side of Wilsonville Road between Town Center Loop East and the Portland & Western (previously Burlington Northern) Railroad property.
 - e. Either side of Town Center Loop West and East.

- f. Both sides of former S.W. Parkway frontage between Town Center Loop West and Wilsonville Road.
 - g. Wilsonville Road between Willamette Way West and Willamette Way East.
 - h. The north side of Wilsonville Road from Town Center Loop East to Boeckman Creek.
 - i. Either side of Wilsonville Road between Boeckman Road and the southern boundary of the Wilsonville High School property.
 - j. Either side of Parkway Center Avenue.
 - k. The south side of Elligsen Road from the eastern city limits to a point directly across from the west side of the Tualatin Valley Fire District fire station.
 - l. The western side of Boones Ferry Road adjoining Boones Ferry Park.
 - m. Either side of Boeckman Road and all islands, from the railroad tracks west to 110th.**
 - n. Either side of 110th between Barber Street and Boeckman Road.**
 - o. The eastern side of Grahams Ferry Road from Tooze Road to the City limits.**
 - p. Either side of Barber Street between 110th and Brown Road, including islands and roundabouts.**
 - q. Such other areas as the City may designate as requiring protection from landscape damage.**
5. ~~Campaign or candidate~~ Lawn signs shall meet the following standards and conditions:
- a. Such signs shall not be placed in a City right-of-way which is adjacent to other publicly owned property, in order to avoid the appearance that a public entity is ~~politically supporting a candidate(s) or measure(s)~~ **sign's content**. Other publicly owned property includes that of districts, county, regional, state, and federal governmental entities.
 - b. Such signs shall not be placed within a City right-of-way in a manner which obstructs sight lines of the motoring public, obscures traffic or other government signs, or creates a nuisance to the use or occupancy of private property.
 - c. Such signs shall be designed and constructed to prevent being moved by the wind and may be placed *by a person owning the signs* one every fifty (50) feet within a right-of-way location. Such signs shall have no more than two (2) sides, shall be no higher than thirty (30) inches measured from the surface of the right-of-way to the top of the sign inclusive of pole, and each sign face area shall measure no more than six (6) square feet. Such signs shall not be illuminated or exhibit movement.
 - d. Such signs are considered temporary. They may be erected during the period sixty (60) days prior to a general, primary or special election and shall be removed within three (3) days after the election. ~~Each sign shall be placed at least ten (10) feet away from any other temporary placed~~

~~candidate or campaign sign.~~ *Outside of these sixty (60) day periods, no more than three (3) such signs per person may be erected only between the hours of six (6) a.m. Friday and eight (8) p.m. Sunday, and the hours of 6 a.m. and 1 p.m. Tuesdays.*

- e. **Each sign shall be placed at least ten (10) feet away from any other temporary sign.**
- f. *Each sign shall bear the name and contact telephone number of the owner.*

MEMORANDUM

To: Honorable Mayor and City Council

From: Paul A. Lee, Assistant City Attorney

Date: March 1, 2010

Re: Ordinance 675, Exempt Sign Code Amendments, Second Reading

VI. Background/ recap of proceedings to date

On November 16th, 2009, and January 20, 2010, the council held public hearings on a draft ordinance that would replace content-based exempt sign regulations with content-neutral time, place, and manner restrictions. "Exempt" signs are signs that do not require a permit under the sign code because of the temporary and insubstantial nature of the signs. At these first two hearings, the council considered an ordinance that 1) repealed regulations that limited signs based upon sign content or message – real estate signs, campaign or candidate signs, construction project signs, and signs advertising sale of lots in a subdivision, 2) adopted new definitions for temporary exempt signage that are based on the usual sign structures people use for the different communications, e.g. the smaller, less substantial "lawn" sign and the larger, more substantial, "rigid" sign, which replace, for instance, campaign signs and construction project signs, respectively, 3) applied the current size, number and duration regulations to the corresponding structure types, e.g. the six square feet area maximum for campaign signs becomes the area limit for lawn signs and 4) created a new Table S-1 providing the maximum area and number of signs by sign type and property type.

Several responses to issues raised at these hearings have been incorporated into the ordinance: rigid signs were allowed on commercial/industrial properties for the duration of a defined "temporary event" rather than only after a waiting period, the word "lot" replaced various other references to lot, tax lot and property, alternative language for the placement of signs in selected rights of way were introduced, and caps on the number of exempt signs allowable per lot at any one time were added to table S-1.

VII. Response to Council Request for Further Information

On January 20th, sign caps were primary focus of the hearing. Staff's proposal allows 3 signs per commercial/industrial lot, with one additional sign for any additional street frontage or area in excess of 3 acres and another for lots that have an "active" building permit. This reflects an effort to replicate the allowances and restrictions in the present code. At the

January hearing, Mark Pruitt, speaking for the Chamber of Commerce, reiterated that the new code should not add significant burdens to landowners over that experienced under the current code. Based upon a view that if commercial developments are considered a single "lot" rather than a number or constituent tax lots, the way to avoid added burdens was to allow an extra rigid sign per additional frontage or three-acre area increment, an interpretation that was reflected in current code language. Given the alternative positions, council directed staff to investigate the extent of signage use under the current code and present maps showing the amount of signage allowed under the staff recommendation and the chamber proposal.

The maps attached to this report as Exhibits A-C depict the commercial and industrial properties (in tax lots) that have more than 3 acres or multiple frontages. Exhibit A shows the actual number of rigid signs used based upon a "windshield survey" conducted by Daniel Pauly, Assistant Planner and Zoning Enforcement Officer. Exhibit B shows the number of rigid signs the staff proposal would allow for these properties. Comparing Exhibit A and B, one finds that the number of signs used is very much in line with staff- recommended caps. Recalling that the staff recommendation is to allow a second extra rigid sign for large/multiple fronted lots and a third sign for lots with an active building permit, the properties eligible for 2 and 3 extra rigid signs align well with those actually utilizing 2 and 3 rigid signs. Exhibit C shows the potential number of extra rigid signs under the chamber proposal. The map demonstrates that extra signage based upon multiples of 3 acre area or frontage allows many more signs (up to 32 for the largest properties) than currently utilized by these properties. All three maps show helpful information from a policy point of view. They reflect the fact that "tax lot" and "lot" are essentially synonymous in Wilsonville, something that wasn't clear at the last public hearing but became clear in the preparation of the maps. Since the maps were produced, staff has confirmed that, with few exceptions, lots and tax lots track each other. To the Chamber, this fact is critical. Mark Pruitt has commented that if, for instance, the Canyon Creek Business Park, which is comprised of 5 tax lots, is not considered one "lot" under the table S-1 caps, but the actual number of recorded lots (5), then the proposal offers signage similar to current code. Given this clarification, the Chamber is of the view that the caps in Table S-1 provide adequate signage.

The Table that has the support of the Chamber was structurally reworked from the prior versions and is attached as Exhibit D to this report. Table S-1 now defines what circumstances allow for a specified number of lawn and rigid signs, and, through footnotes and text, clarifies what additional rigid signage is allowed for all land uses.

VIII. Prevailing Issues on Second Reading

With the issue of lawn and rigid sign caps overcome, the council is left with the following decisions:

- 1) Signs in the right of way. Staff has recommended that exempt signs not be allowed in the rights-of way. The Chamber and the Association of Realtors recommend the third alternative presented to council at its last hearing; namely Option 3 – allowing lawn signs in specified rights of way during the weekend and Tuesdays. In addition, many

realtors and those interested in real estate sales have provided emails supporting Option 3. These will appear in the record and the council packet.

- 2) Two rigid signs for double fronted residential lots. Staff has recommended against the alternative text supported by the Association of Realtors (attached as Exhibit E).
- 3) Decorative and other banners for Commercial Industrial lots. In attempting to come up with a workable regulation for "small decorative banners" in commercial zones, staff determined that the concept engaged one of the more difficult and controversial aspects of sign regulation – the line between art and advertizing. This is not a big problem in residential zones but could be tricky in commercial zones – what does "decorative" mean? – and when does a decorative banner with flowers become an attention-getting advertisement for a florist? It is also a matter that has not been noticed or discussed by the Planning Commission or greater public. Consequently staff recommends that council defer consideration of such issues for the secondary review of the sign code set to be commenced in the near future.

IV. Conclusion

Staff recommends that council decide which of the alternatives in 1) and 2) above it prefers and direct staff to incorporate the changes into the ordinance for second reading. Then, per City Charter, Staff will read or otherwise identify for the public what changes are new from the first reading ordinance.

ORDINANCE NO. 674

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE COMPREHENSIVE PLAN AND PLANNING AND LAND DEVELOPMENT ORDINANCE TO COMPLY WITH METRO'S TITLE 13 (NATURE IN NEIGHBORHOODS) OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN.

WHEREAS, on September 25, 2005 the Metro Council voted to approve a regional Nature in Neighborhoods (Statewide Planning Goal 5) program which became Title 13 of Metro's Urban Growth Management Functional Plan; and

WHEREAS, the purposes of the Title 13 Nature in Neighborhoods program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region; and

WHEREAS, the regional Title 13 program: A. Will achieve its purpose through conservation, protection, and appropriate restoration of riparian and upland fish and wildlife habitat through time, using a comprehensive approach that includes voluntary, incentive-based, educational, and regulatory elements; B. Balances and integrates goals of protecting and enhancing fish and wildlife habitat, building livable Region 2040 communities, supporting a strong economy, controlling and preventing water pollution for the protection of the public health and safety, and complying with federal laws including the Clean Water Act and the Endangered Species Act; and

WHEREAS, the Metro region places a high priority on the protection of its streams, wetlands, and floodplains to maintain access to nature, sustain and enhance native fish and wildlife species and their habitats, mitigate high storm flows and maintain adequate summer flows, provide clean water, and create communities that fully integrate the built and natural environment; and

WHEREAS, Metro's regional Nature in Neighborhoods program is critical to maintaining and improving the high quality of life, livability, and standard of living enjoyed by the people of the Metro region; and

WHEREAS, local governments were required to comply with Title 13 by January 5, 2009; and
WHEREAS, city staff has coordinated with Metro staff regarding a compliance approach as well as adoption schedule and has received affirmation of the city's approach, which includes adoption of the Storm Water Master Plan; and

WHEREAS, the city's Statewide Planning Goal 5 Program was adopted on May 7, 2001 and has been acknowledged by the Department of Land Conservation and Development; and

WHEREAS, the city's compliance approach to Title 13 is to utilize the existing Significant Resource Overlay Zone (SROZ) map and text as substantially compliant with minor modifications to the Comprehensive Plan and Planning and Land Development Ordinance to address and encourage incorporation of habitat (nature) friendly development practices; and

WHEREAS, the SROZ site verification and mitigation processes provide clarification and certainty for the public and development community that previously did not exist in the SROZ Ordinance; and

WHEREAS, adoption of the proposed Comprehensive Plan and Planning and Land Development Ordinance amendments supports City Council Goal #2 which is to *engage the community in smart growth and sustainability concepts*; and

WHEREAS, an important feature of Nature in Neighborhoods compliance is the evaluation of local codes for barriers to land developers, builders and property owners to incorporate habitat friendly development practices in their site design; and

WHEREAS, this package of Comprehensive Plan and Planning and Land Development Code amendments are to necessary to address and encourage habitat friendly development practices and Title 13; and

WHEREAS, the Planning Commission held public work sessions on March 11, April 8, May 13, June 10, and July 8, 2009; and

WHEREAS, after providing notice to affected parties inviting comment on the proposal the Planning Commission conducted a public hearing on this matter on September 9, 2009 receiving no public comments; and

WHEREAS, the Planning Commission forwarded a unanimous recommendation of approval of the proposal to the City Council; and

WHEREAS, the City Council held duly noted public hearings on November 2, 2009 and November 16, 2009, affording interested parties an opportunity to comment on the proposed Comprehensive Plan and Planning and Land Development Code amendments;

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

Section 1. The Comprehensive Plan section on Environmental Resources and Community Design is amended to read as follows:

(Below are the Comprehensive Plan amendments, with the modifications in **bold** and language to be removed ~~stricken~~.)

ENVIRONMENTAL RESOURCES AND COMMUNITY DESIGN

At a glance, most land appears to be much the same as the lands surrounding it, with the exception of obvious differences such as topography and vegetation. However, a more detailed analysis can reveal distinct differences in the land composition and physical characteristics of nearly any two adjacent parcels of land. These differences can affect the overall suitability of a particular parcel of land for various types of land use. Each piece of land has a natural land use intensity potential which results from variations in its physical features and their interrelationships with natural processes, such as:

1. Underlying geological deposits and associated characteristics.
2. Types of surface soils and associated characteristics.
3. Water, the hydrologic cycle and natural drainage.
4. Slope of the land.
5. Vegetative cover (type, size, and location).
6. Weather conditions.
7. Character of adjoining natural features and developments.

Certain combinations of these natural features and processes can create inherently hazardous or unstable conditions which have special significance to humans and their land use activities. These conditions, referred to as natural hazards, are more appropriately labeled physical or natural limitations and occur in the form of:

1. Flood plains and wetlands
2. Runoff and erosion potentials.
3. Soil instability, including landslides, settlement, shrink/swell potential and earthquakes.

In addition to natural limitations, there are also natural potentials which can provide a more desirable living environment if given proper consideration in determining land use patterns and development design. The elements which offer these potentials are:

1. Existing vegetation.

2. Topography.
3. Wildlife and their associated habitats.
4. River, streams, lakes, and ponds.

In nature, there is a balanced system of events and processes that affect and shape the land on which we live. Because these processes continually and ultimately affect land and property, it follows that we should respect these natural processes in making land use decisions. For example, unless mitigated, it would not be wise to make a land use decision that encourages subdivisions to be built in areas that are known to flood.

By using nature as a guide to initial land use decisions, it is possible to minimize potential development hazards due to physical limitations of the land. It is also possible to maximize the preservation of nature and natural processes, thereby insuring that development occurs in harmony with the natural features of the community. This approach can also maintain and even enhance the natural aesthetic qualities of the community.

Following a detailed analysis of the characteristics of Wilsonville's natural environment, several areas of special concern were identified. They are:

1. Areas containing weak foundation soils, which are soft or compressible or those prone to liquefaction in the event of earthquakes and require special foundation engineering for construction.
2. Areas subject to seasonal or periodic flooding.
3. Areas with seasonally high ground water tables.
4. Areas of steep slope and subject to landslide and/or erosion.
5. Fish and wildlife habitat and associated water courses and native vegetation.

These areas are discussed in detail in the Physical Inventory report. The most significant areas identified are as follows:

1. Coffee Lake Creek/Seely Ditch - this area contains historically hydric soils with a high water table and low compressive strength. The wet soil conditions are compounded by winter rains resulting in standing water over much of the area during the winter months.
2. Boeckman Creek and other small streams have formed steep-sided canyons and ravines as they drain into the Willamette River. These steep slopes, as well as the steep banks along the Willamette River itself, include locations that are extremely unstable and subject to landslide and/or excessive erosion.
3. The flood plains along the Willamette River, Coffee Lake Creek, and Seely Ditch which are subject to seasonal and/or periodic high water following heavy storms.
4. Several stands of native vegetation scattered throughout the City, particularly along natural drainage ways. These areas provide visual relief from urban development plus run-off erosion control and habitat for wildlife.

Generally, all intensive urban development creates conflicts with open space and associated wildlife areas. However, careful management within and adjacent to these areas can significantly reduce these conflicts. Open-space-use management can also increase public safety by controlling development in hazardous areas while preserving valuable natural resources.

The City has identified significant natural resource areas that warrant special use management consideration in order to preserve water quality, visual quality, and sensitive wildlife habitats. Uncontrolled development of adjacent properties could diminish the natural quality of these areas. Therefore, it is necessary to establish development standards for properties along the fringe of the sensitive areas. The management and protection of these natural resource areas is implemented through the provisions of the Significant Resource Overlay Zone ordinance. The economic loss of development of open space lands can be compensated for through such techniques as density transfers. In order for such a technique to work, the City must take an effective and creative approach to proposed developments, without placing unnecessary limitations on the density of development that will be permitted.

Many of these open space areas also provide scenic views, although no significant site-specific viewpoints have been identified. The Physical Inventory Report identifies the following general scenic views:

1. The Willamette River from the water, its bank, and from the I-5 bridge.
2. Numerous stands of trees throughout the City.
3. Mount Hood.
4. Boeckman Creek.

These views can be observed from numerous locations throughout the City and are infrequently threatened by development in accordance with current standards. Therefore, special scenic view standards are considered impracticable and unnecessary.

The City has determined that there is limited commercial timber resource in the numerous stands of trees throughout the City. However, as noted, they have been considered worthy of protection to preserve wildlife habitats and the community's air and visual quality, as well as providing shade, soil stabilization, and erosion control.

Other environmental resources investigated in the Physical Inventory Report include mineral and aggregate deposits. Based on the Report, there are no known mineral deposits in the City. There are some gravel deposits along the I-5 corridor north of the Willamette River. However, these deposits are of low grade in both quality and quantity. In addition, further excavation of these deposits would significantly conflict with the urban uses planned along the I-5 corridor.

Therefore, no provisions have been made to protect this resource.

In addition to these factors, one of the major aspects of Wilsonville's natural environment is its relationship to agricultural land. Statewide Planning Goal #3 is intended to preserve agricultural lands.

Wilsonville's 1971 General Plan and 1988 Comprehensive Plan set objectives to allow for the continuation of agriculture as a viable part of the community's economy. Agricultural activities still exist as an interim use within the City, and they are the primary land use outside of the City. In recognition of this factor, Metro has established an urban growth boundary to protect prime agricultural lands outside of the urban area. The urban growth boundary has been established in consideration of the placement of existing and planned utilities in relation to existing and

planned development patterns and provides sufficient vacant land for continued growth over the next 20 years.

As a basic framework for land use decisions in these areas, the following Policies and Implementation Measures have been established. Many of these Policies and Implementation Measures are complemented by policies in the parks and open space sections of the Public Facilities Element.

In combination, these Policies and Implementation Measures form the foundation for an integrated community design that preserves the integrity and aesthetic quality of the natural environment while allowing for development. It is the underlying intent of the Plan to reconcile these factors through site planning and design, so that they complement each other.

Wilsonville's agricultural and rural heritage has long given it a sense of openness accented by lines and clusters of trees and other natural vegetation. As the City has become more urban, there remains a desire to create the sense of openness and to preserve natural features, while allowing for higher density development, as expected in urban areas.

Noise, water quality, and air quality affect our health, our economic interests and quality of life. High noise levels affect a person's mental and physical well being and ability to work. Poor water and air quality can be a health hazard. Because of their complexities, air and water quality and noise control require both local and regional action. A regional and urban growth boundary has been established to concentrate urban growth within a specified area and to reduce sprawl. Wilsonville is within the regional growth boundary. While urban growth will be contained by the boundary, the boundary, without the necessary safeguards (such as performance standards), could simultaneously exaggrate and concentrate urban pollution.

Wilsonville is located within the Portland/Vancouver Air Quality Maintenance Area (AQMA). Within the AQMA there are three non-attainment areas (CO, TSP, 03). Only the 03 non-attainment area includes Wilsonville (it has the same boundaries as the AQMA). Consequently, the City is subject to the policies and standards set forth in the State Implementation Plan jointly adopted by Metro and State Department of Environmental Quality (DEQ).

Full compliance with these standards could result in some development constraints with the City and at a minimum could require installation of air pollution control devices on some industries. Air quality will remain a concern as urban development occurs.

Similarly, water quality is regulated by Federal Standards enforced by DEQ at the State level. For example, the City's sanitary sewer treatment system is monitored to insure compliance with DEQ wastewater discharge standards.

The major source of noise pollution within the City is the I-5 Freeway. Other noticeable sources include boats on the river and trains passing through town.

In recognition of the noise conflicts with the Freeway and railroad tracks, the City has made an effort to minimize the location of residential development adjacent to the Freeway or tracks. In

addition, site design and sound control devices, i.e., berms and walls can be used to reduce noise conflicts.

In considering the overall character of the community, it is important to look to the past. As a community develops, it should not discard its past for the sake of the future. Historic features provide a link with the past and add character and variety to the community's design.

The Statewide Inventory of Historic Sites and Building identifies one historic site in the City, the Boones Ferry Landing Site. There is no physical evidence of this landing site, except that Boone's Ferry Road terminates at the river's edge. The site is part of a six-acre City Park and is located within the Willamette River Greenway Boundaries. Other than documentation and recognition that this landing site exists, no additional standards or measures are considered necessary to preserve its historic value.

Additional Wilsonville sites and buildings have been inventoried and the results have been included as an appendix to the Comprehensive Plan as potential historic sites and structures. The City has worked with the local Historical Society on that inventory in the past and is expected to continue to coordinate with that group in completing the Goal 5 process for historic resources in the future.

Policy 4.1.5 Protect valuable resource lands from incompatible development and protect people and property from natural hazards.

Implementation Measure 4.1.5.a Require the placement of utilities underground in new developments and seek means of undergrounding existing above-ground utilities, other than storm drainage facilities.

Implementation Measure 4.1.5.b Help to preserve agricultural land by protecting the agricultural lands outside the Urban Growth Boundary, by guiding development within the boundary. Discourage long term agricultural uses within the urban boundary.

Implementation Measure 4.1.5.c Provide a buffer use or transition zone between urban and adjacent agricultural areas.

Implementation Measure 4.1.5.d Conserve and create open space throughout the City for specified objectives.

Implementation Measure 4.1.5.e Protect the beneficial uses and functional values of resources within the Water Quality and Flood Management Areas **and Habitat Conservation Areas** identified by Metro by limiting or mitigating the impact on these areas from development activities.

Implementation Measure 4.1.5.f Ensure protection of Water Quality and Flood Management Areas **and Habitat Conservation Areas** pursuant to Title's 3 **and 13** of the Metro Urban Growth Management Functional Plan by either:

1. Adopting the relevant provisions of the Metro Water Quality and Flood Management model ordinance and Metro Water Quality and Flood Management Conservation Area Map; or
2. **Adopting the relevant provisions of the Metro Title 13 model ordinance and Habitat Conservation Areas Map; or**
2. 3. Demonstrating that the City's plans and implementing ordinances substantially comply with the performance standards, including the map, contained in Title 3. In this case, the purpose of this map is to provide a performance standard for evaluation of substantial compliance for the City; or
4. **Demonstrating that the City's plans and implementing ordinances substantially comply with the development standards, including the Habitat Conservation Areas Map; or**
3. 5. Any combination of 1 and 3 2 above that substantially complies with all performance standards in Section 4 of Title 3 of Metro's Urban Growth Management Functional Plan.
6. **Any combination of 2 and 4 above that substantially complies with all development standards in Section 6 of Title 13 of Metro's Urban Growth Management Functional Plan.**

Implementation Measure 4.1.5.g Encourage identification and conservation of natural scenic and historic areas within the City.

Implementation Measure 4.1.5.h Develop an attractive and economically sound community.

Implementation Measure 4.1.5.i Identify buildings of unusual or outstanding architectural style from earlier eras. Encourage preservation of these structures.

Implementation Measure 4.1.5.j Ensure that open space conforms to the characteristics of the land, type of land use, adjacent land uses and City needs.

Implementation Measure 4.1.5.k Develop open, limited, or restricted access natural areas connected where possible by natural corridors, for wildlife habitat, watershed, soil and terrain protection. Preservation of contiguous natural corridors throughout the City for the protection of watersheds and wildlife will be given priority in land use decisions regarding open space.

Implementation Measure 4.1.5.l Identify areas of natural and scenic importance and give them priority in selection of public open space. Where legal rights of access have been acquired, extend public access to, and knowledge of such areas, in order to encourage public involvement in their preservation.

Implementation Measure 4.1.5.m Protect the river-connected wildlife habitat and encourage the integration and inter-connection of the Willamette River Greenway to open space areas of the

City. Continue to regulate development within the Greenway boundaries. Provide for public access to the river only through and within the City parks or other properties intended for public access.

Implementation Measure 4.1.5.n Adopt performance **and development** standards, in accordance with Metro, to conserve, preserve, protect, and enhance fish and wildlife habitat within the fish and wildlife habitat conservation areas identified on Metro's water quality and flood management area map **and Habitat Conservation Areas Map**.

Implementation Measure 4.1.5.o Adopt Metro's Habitat-Friendly Development Practices, which provide a method of developing property that protects natural resources and focuses on land development and site design that mimic natural processes. The design and construction practices include the following categories:

- 1. Minimize hydrologic impacts**
- 2. Minimize impacts on wildlife corridors and fish passage**
- 3. Protect and enhance native landscaping**

Implementation Measure 4.1.5.pø Require compliance with Oregon Department of Fish and Wildlife (ODFW) seasonal restrictions for in-stream work. Limit development activities that would impair fish and wildlife during key life-cycle events according to the guidelines contained in ODFW's "Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources."

Implementation Measure 4.1.5.qp The Administrative Review, Variance and mitigation procedures within the Development Code may be used to consider claims of map error and unique hardship, to assure that the standards do not render any legal tax lot to be unbuildable by application of requirements for natural resource protection.

Implementation Measure 4.1.5.rq Continue to regulate development in potential disaster and hazard areas to minimize risks to life or property.

Implementation Measure 4.1.5.sr Housing development, and any other development intended for human occupancy, shall occur, to the greatest extent possible, on lands designated for development that are free from flood hazard, severe soil limitations, or other hazards.

Implementation Measure 4.1.5.ts Ensure adequate storm drainage.

Implementation Measure 4.1.5.ut Define risks of development by using Federal Emergency Management Agency maps showing flood plains and floodways. Restrict buildings in the flood plains and prohibit buildings in the floodway.

Implementation Measure 4.1.5.va Require engineering where necessary to minimize the potential effects of natural hazards.

Implementation Measure 4.1.5.wv Require all future utilities to be placed underground, other than storm drainage facilities.

Implementation Measure 4.1.5.xw Provide available information, when requested, to those interested in developing land in areas of the following hazards:

- a. 100 year floods;
- b. slides and earthquake damage; or
- c. wind damage, possible tree topping.

Implementation Measure 4.1.5.yx Protect the Willamette River Greenway from incompatible uses or development activities, using the standards of the Greenway section of the Development Code.

Implementation Measure 4.1.5.zy Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process shall be designated as one or more overlay zones on the City Zoning Map.

Implementation Measure 4.1.5.aaz Protected natural resources within the Significant Resource Overlay Zone are intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:

1. Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process and are included in the Significant Resource Overlay Zone.
2. Water quality resource areas as defined by Metro's Title 3 of the Urban Growth Management Functional Plan.
3. **Habitat Conservation Areas as defined by Metro's Title 13.**

Implementation Measure 4.1.5.bbba An Area of Limited Conflicting Use is defined as an area located between the riparian corridor boundary, riparian impact area or the Metro Urban Growth Management Functional Plan Title 3 Water Quality Resource Area boundary, whichever is furthest away from the wetland or stream and the outside edge of the SROZ or an isolated significant wildlife habitat area as defined by Goal 5. These areas can serve as a buffer between development and conservation. Limited development impacts may be permitted in accordance with special development standards found within the Planning and Land Development Ordinance.

Implementation Measure 4.1.5.cbbb Undeveloped portions of the Significant Resource Overlay Zone may be used towards satisfaction of open space requirements. A density transfer credit of not more than 50% of the designated Significant Resource Overlay Zone will also be allowed.

Implementation Measure 4.1.5.ddee In vegetated areas, the positive visual impact of the trees, etc., is to be preserved. Any clearing of trees for development is subject to arboricultural standards and the requirements of the Planning and Land Development Ordinance.

Implementation Measure 4.1.5.~~eeed~~ Due to potential hazards to human health, the high voltage powerline easements within the City are regulated by the Planning and Land Development Ordinance. No residential structures shall be allowed within the easements and any development, particularly residential, adjacent to the easements will be carefully reviewed. While these corridors offer some potential for recreational use, their use is also somewhat limited by utility requirements. Any proposed non-residential development within powerline easements shall also be coordinated with, and approved by, the Bonneville Power Administration or Portland General Electric Company, depending on the easement ownership.

Implementation Measure 4.1.5.~~ffee~~ To protect the integrity of the Willamette River Greenway, the City has established standards for the development of non-water-related and non-water-dependent uses consistent with Greenway standards. These standards:

- a. Direct incompatible (non-water-related and non-water-dependent) development away from the river.
- b. Establish a minimum setback from the top of bank where no native vegetation can be removed, and only allow selective vegetation removal within the remaining portion of the Greenway Boundaries with revegetation required.
- c. Establish a minimum setback from the river banks for all uses that are not appropriate river-dependent or river-related land uses.
- d. Provide protection of public and private property, as well as public safety.
- e. Provide necessary and needed public access to the river oriented through public lands, without precluding legal river access at appropriate locations across private property. Such public access shall be based upon recorded easements or other legal instruments.

Implementation Measure 4.1.5.~~ggff~~ Where possible, on-site drainage should be designed to preserve natural drainage channels and to allow for ground water infiltration. Man-made structures should be designed to complement the natural system. It is not the intent of this Measure to encourage unsightly and unsafe open ditches. Rather, open drainage systems should be designed to accent natural creeks and drainage channels and provide an attractive natural area-like appearance.

Implementation Measure 4.1.5.~~hhgg~~ Minimize the impact of urban development on adjacent rural and agricultural lands. A combination of open space and low density land use designation may be employed.

Implementation Measure 4.1.5.~~iihh~~ The design of developments within the community can be regarded from two viewpoints: the design of structures as they relate to site and function (architectural design) and, their relationship to the surrounding area (community design). Both aspects shall be considered to be of equal importance. Good architectural design is necessary to provide visual variety and allow for individual identity. At the same time, good community design provides a sense of unity with other development while eliminating conflicting appearances.

Implementation Measure 4.1.5.jjj All proposed developments, except single family dwellings outside of designated significant natural resource areas, shall continue to be subject to site plan (including landscaping) and architectural development review approval. Single-family subdivisions are subject to development review for approval of street tree plans. Individual (single-family) dwellings to be located within a designated significant natural resource area are subject to site plan review for removal of trees and vegetation and impacts to natural resources. They are not, however, subject to architectural review.

Implementation Measure 4.1.5.kkk Minimum open space and landscaping standards have been established, emphasizing the incorporation of native vegetation and unique topographic features in site design. Additional landscaping may be required based on the scale and type of development and its compatibility with abutting land uses.

Implementation Measure 4.1.5.lll Landscaping and/or open space may be used to buffer non-compatible uses. It is intended to soften the visual impact and provide a sense of openness and should be used to complement good building designs and may be used to screen certain types of development.

Implementation Measure 4.1.5.mmm Sign standards have been established to control the visual impact of signs on the community and minimize sign clutter.

Implementation Measure 4.1.5.nnn The City shall coordinate with and encourage the State and other appropriate agencies to assist in developing noise controls and mitigation measures.

Implementation Measure 4.1.5.ooo Industrial and other potential noise generating activities will be located and designed so as to minimize noise conflicts with adjacent uses. The City will cooperate with DEQ and ODOT in establishing and where practicable assisting in enforcing noise control standards.

Implementation Measure 4.1.5.ppp In reviewing all major residential, commercial, industrial and public facility uses, the City shall coordinate with DEQ to insure compliance with the Portland AQMA Plan and standards as well as other applicable regional, State and Federal air, water and environmental quality standards.

Implementation Measure 4.1.5.qqq The City will further cooperate with the appropriate State and Federal agencies for enforcement of air, water, noise and other environmental quality standards.

Implementation Measure 4.1.5.rrr The City recognizes that historic features form a desirable link with the past and that they form a vital part of and contribute to the overall character of Wilsonville. The City, therefore, will cooperate with the Wilsonville Historical Society, the State Historic Preservation Office, Clackamas County and other interested parties to evaluate and identify potential historic sites and structures and proceed with the Goal 5 process. The City shall determine which sites and structures, if any, are suitable for inclusion on the Plan Inventory and will contact the owners of potentially historic properties to determine whether they object to having their properties listed.

Section 2. Wilsonville Code section 4.001 - **Definitions** is amended by adding the following language in bold text as follows. The bold text is inserted, strikethrough text is removed. This entire section shall be reformatted and renumbered:

Drip Line: An imaginary vertical line extending downward from the outermost tips of the tree branches to the ground; **when delineating the drip line on the ground, it will appear as an irregularly shaped circle defining the canopy's perimeter.**

Habitat-Friendly Development: A method of developing property that protects our natural resources as we grow and focuses on land development and site design that mimic natural processes. Examples include clustering development to avoid habitat, minimizing tree removal and root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, and, where feasible, reducing the amount of impervious surface created by development.

Landscaping: The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours. **The use of pervious materials is encouraged.** ~~and shall include exterior use of artificial turf or carpeting, artificial plants, shrubs or flowers.~~ Both native and non-native vegetation may constitute landscaping materials. This definition pertains to complete site modifications rather than just buildings.

Parking Space, Compact: A permanently surfaced and marked area not less than ~~eight (8)~~ 7 feet **6 inches** wide and ~~sixteen (16)~~ 15 feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle. In order to be considered a compact parking space, it must be clearly labeled as such.

Section 3. Wilsonville Code Section 4.118 is amended to read as follows:

Section 4.118. Standards applying to all Planned Development Zones:

- (.01) **Height Guidelines:** In "S" overlay zones, the solar access provisions of Section 4.137 shall be used to determine maximum building heights. In cases that are subject to review by the Development Review Board, the Board may further regulate heights as follows:
- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.
 - B. To provide buffering of low density developments by requiring the placement of three or more story buildings away from the property lines abutting a low density zone.
 - C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River.

- (.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.
- (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:
- A. Waive the following typical development standards:
1. minimum lot area;
 2. lot width and frontage;
 3. height and yard requirements;
 4. lot coverage;
 5. lot depth;
 6. street widths;
 7. sidewalk requirements;
 8. height of buildings other than signs;
 9. parking space configuration;
 10. minimum number of parking or loading spaces;
 11. shade tree islands in parking lots, provided that alternative shading is provided;
 12. fence height;
 13. architectural design standards;
 14. transit facilities; and
 15. solar access standards, as provided in Section 4.137.
- B. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:
1. open space requirements in residential areas;
 2. minimum density standards of residential zones;
 3. minimum landscape, buffering, and screening standards;
- C. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable federal, state, or regional standards:
1. maximum number of parking spaces;
 2. standards for mitigation of trees that are removed;
 3. standards for mitigation of wetlands that are filled or damaged; and
 4. trails or pathways shown in the Parks and Recreation Master Plan.

- D. Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and
- E. Adopt other requirements or restrictions, inclusive of, but not limited to, the following:
1. Percent coverage of land by buildings and structures in relationship to property boundaries to provide stepped increases in densities away from low-density development.
 2. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.
 3. The locations, width and improvement of vehicular and pedestrian access to various portions of the property, including portions within abutting street.
 4. Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.
 5. Location and size of off-street loading areas and docks.
 6. Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permits.
 7. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare, or radiation which would have an adverse effect on the present or potential development on surrounding properties.
 8. Schedule of time for construction of the proposed buildings and structures and any stage of development thereof to insure consistency with the City's adopted Capital Improvements Plan and other applicable regulations.
 9. A waiver of the right of remonstrance by the applicant to the formation of a Local Improvement District (LID) for streets, utilities and/or other public purposes.
 10. Modify the proposed development in order to prevent congestion of streets and/or to facilitate transportation.
 11. Condition the issuance of an occupancy permit upon the installation of landscaping or upon a reasonable scheduling for completion of the installation of landscaping. In the latter event, a posting of a bond or other security in an amount equal to one hundred ten percent (110%) of the cost of the landscaping and installation may be required.
 12. A dedication of property for streets, pathways, and bicycle paths in accordance with adopted Facilities Master Plans or such other streets necessary to provide proper development of adjacent properties.

(.04) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this

action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.

- (.05) The Planning Director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:
- A. Recreational Facilities: The Director, Board, or Council, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development consistent with adopted Park standards and Parks and Recreation Master Plan.
 - B. Open Space Area: Whenever private and/or common open space area is provided, the City shall require that an association of owners or tenants be established which shall adopt such Articles of Incorporation, By-Laws or other appropriate agreement, and shall adopt and impose such Declaration of Covenants and Restrictions on such open space areas and/or common areas that are acceptable to the Development Review Board. Said association shall be formed and continued for the purpose of maintaining such open space area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said open space area for the purposes intended. The period of existence of such association shall be not less than twenty (20) years and it shall continue thereafter and until a majority vote of the members shall terminate it, and the City Council formally votes to accept such termination.
 - C. Easements: Easements necessary to the orderly extension of public utilities, and the protection of open space, may be required as a condition of approval. When required, such easements must meet the requirements of the City Attorney prior to recordation.
- (.06) Nothing in this Code shall prevent the owner of a site that is less than two (2) acres in size from filing an application to rezone and develop the site as a Planned Development. Smaller properties may or may not be suitable for such development, depending upon their particular sizes, shapes, locations, and the nature of the proposed development, but Planned Developments shall be encouraged at any appropriate location.
- (.07) Density Transfers. In order to protect significant open space or resource areas, the Development Review Board may authorize the transfer of development densities from one portion of a proposed development to another. Such transfers may go to adjoining properties, provided that those properties are considered to be part of the total development under consideration as a unit.

- (.08) Wetland Mitigation and other mitigation for lost or damaged resources. The Development Review Board may, after considering the testimony of experts in the field, allow for the replacement of resource areas with newly created or enhanced resource areas. The Board may specify the ratio of lost to created and/or enhanced areas after making findings based on information in the record. As much as possible, mitigation areas shall replicate the beneficial values of the lost or damaged resource areas.
- (.09) Habitat-Friendly Development Practices. To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:
- A. Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;
 - B. Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, 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. Minimizing impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2 in Section 4.139.03; and
 - D. Using the practices described in Part (c) of Table NR-2 in Section 4.139.03.

Section 3. Wilsonville Code Section 4.139 - Significant Resource Overlay Zone is amended to read as follows:

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.
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.

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.

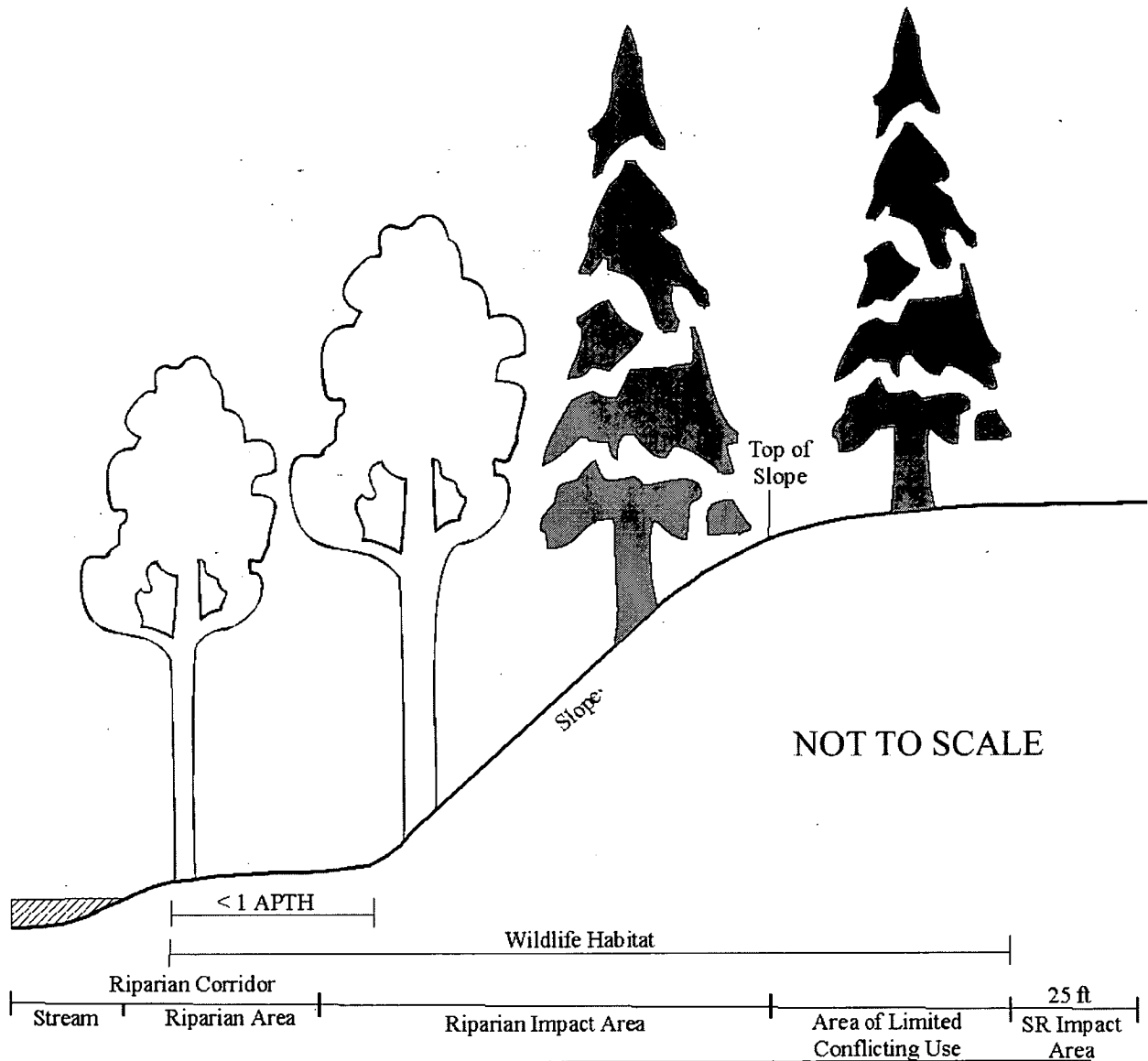


Figure NR - 1: Riparian Corridor Type NR -1 (stream-riparian ecosystem)

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).

NOT TO SCALE

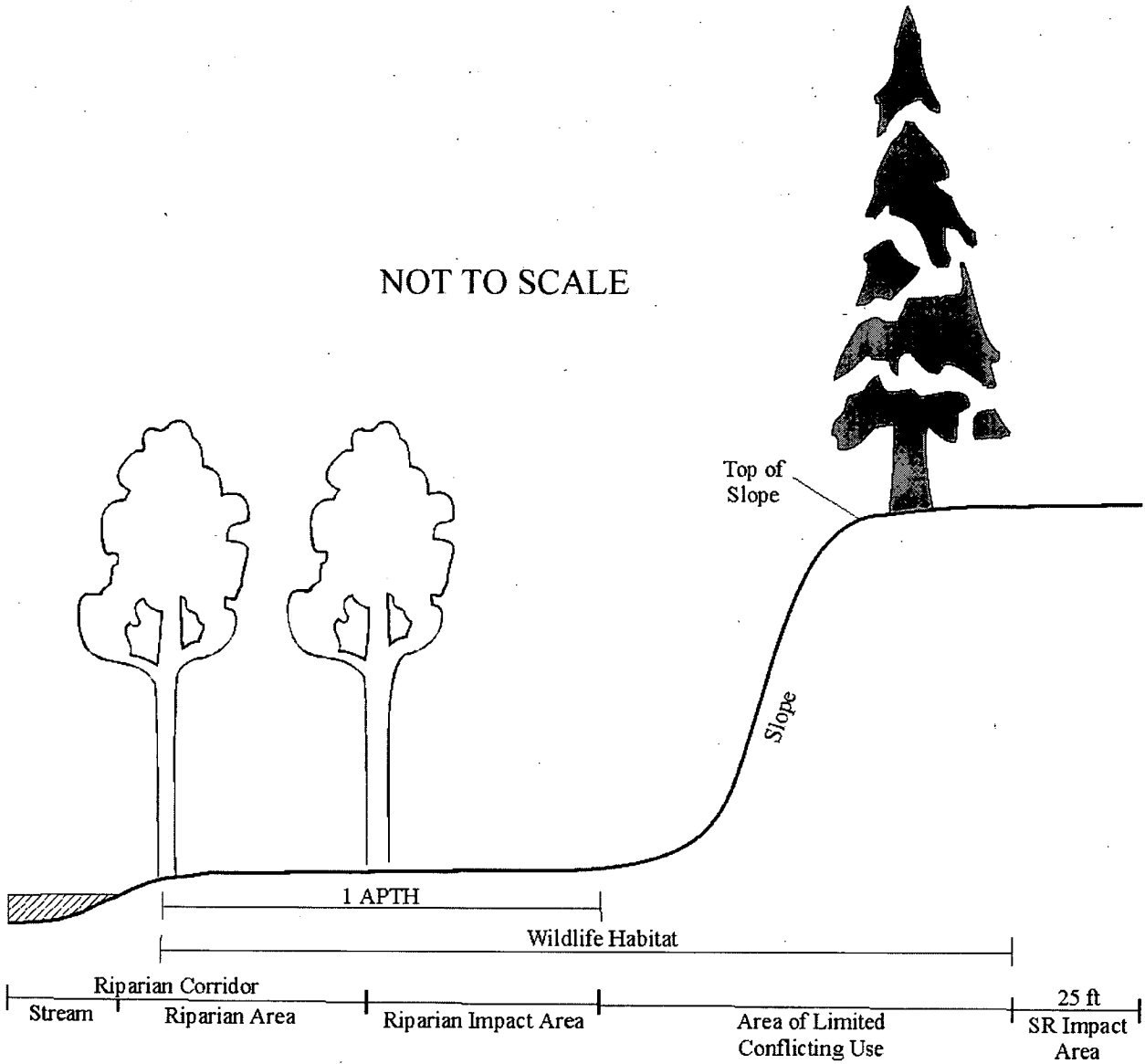


Figure NR - 2: Riparian Corridor Type NR - 2 (stream-riparian ecosystem)

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.

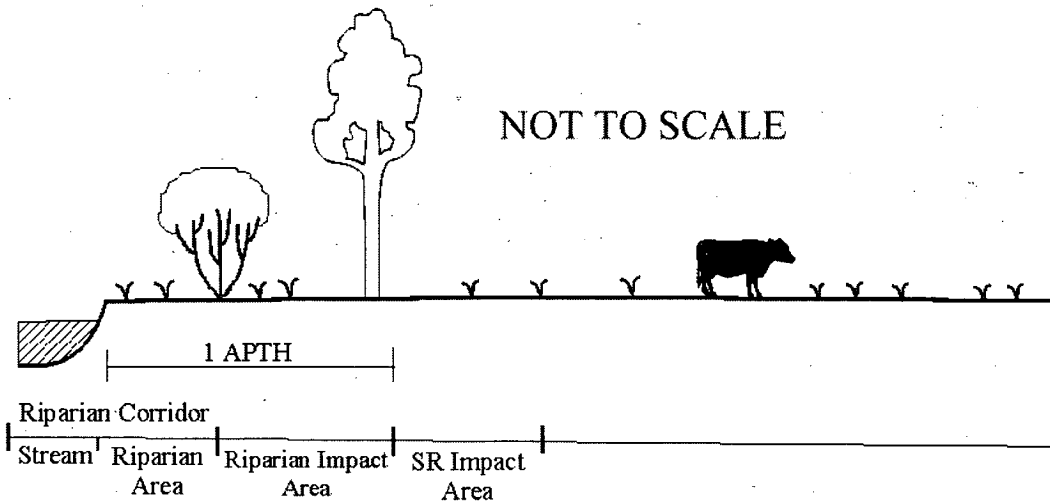


Figure NR – 3: Riparian Corridor Type NR - 3 (stream-riparian ecosystem)

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.

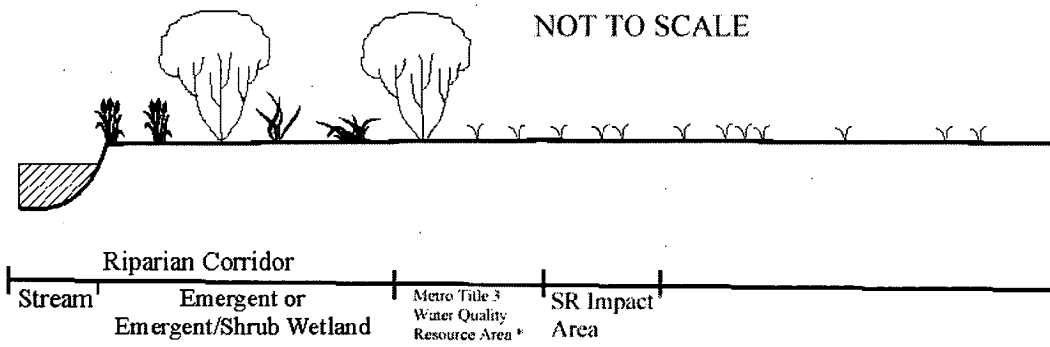


Figure NR – 4: Riparian Corridor Type NR - 4 (stream-riparian ecosystem)

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

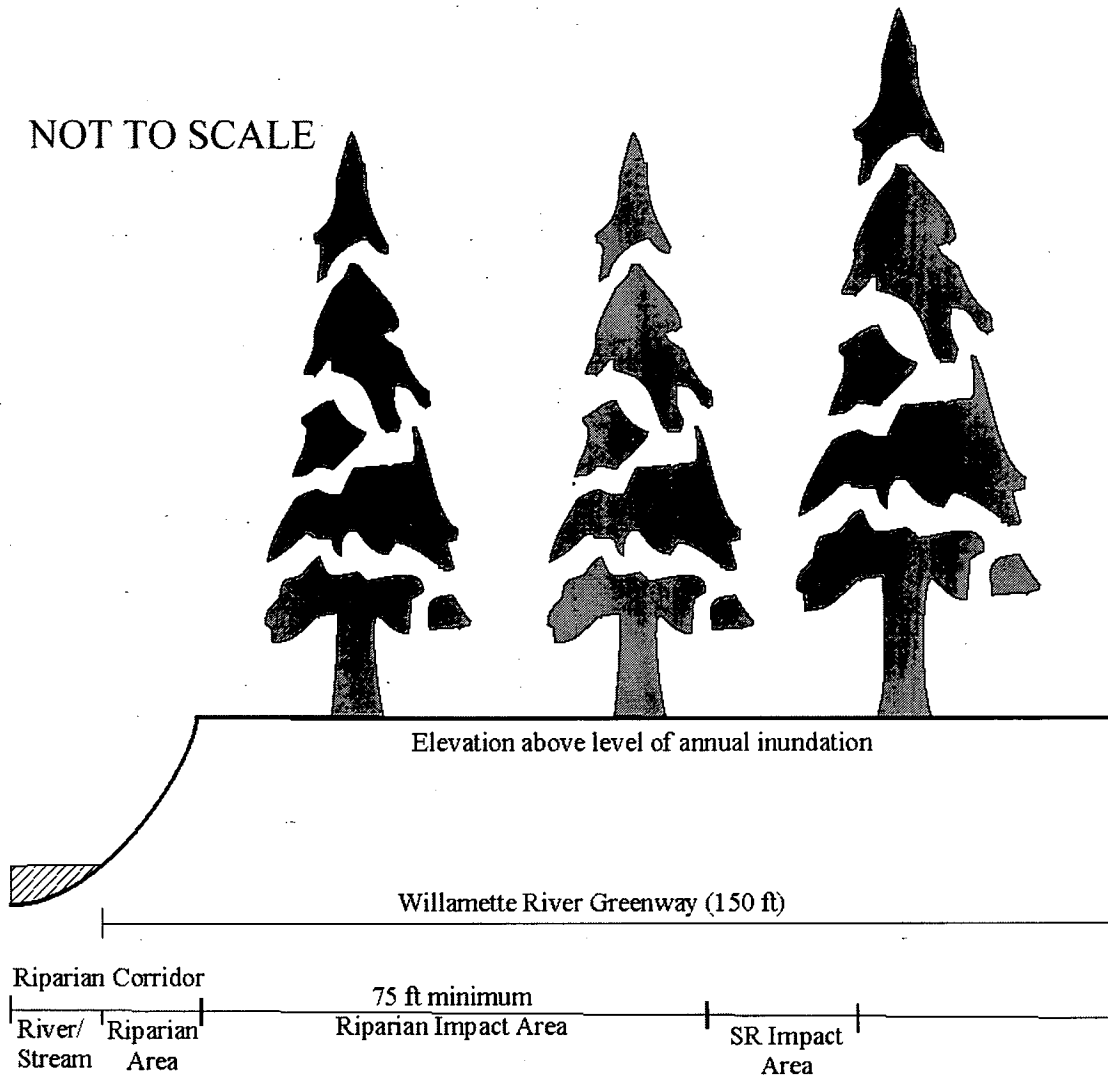


Figure NR-5: Riparian Corridor Type NR - 5
(river-floodplain ecosystem: Willamette River)

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 flow stage) for streams/rivers, 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/rivers or wetlands shall not serve as a starting point for measurement.

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

Protected Water Feature Type (See definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (Setback)
Primary Protected Water Features ¹	<25%	-Edge of bankful flow 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 flow 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 flow 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 flow stage or 2-year storm level; -Delineated edge of Title 3 wetland	15 feet
Secondary Protected Water Features ²	≥25% ⁵	Edge of bankful flow stage or 2-year storm level; -Delineated edge of Title 3 wetland	50 feet

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

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

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

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

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

Section 4.139.01 SROZ - Purpose

The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas **and 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.

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.

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

- (.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.**

Table NR-2: Habitat-Friendly Development Practices

Part (a) Design and Construction Practices to Minimize Hydrologic Impacts

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

Part (b) Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage

1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.

2. Use bridge crossings rather than culverts, wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.
Part (c) Miscellaneous Other Habitat Friendly Design and Construction Practices
1. Use native vegetation throughout the development.
2. Locate landscaping adjacent to SROZ.
3. Reduce light spill-off into SROZ areas from development.
4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

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.

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

- (.11) The planting or propagation of any plant identified as native on the Metro Native Plant List. See Wilsonville Planning Division to obtain a copy of this list.
- (.12) Grading for the purpose of enhancing the Significant Resource as approved by the City.
- (.13) Enhancement of the riparian corridor or wetlands for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.
- (.14) Flood control activities pursuant to the Stormwater Master Plan, save and except those stormwater facilities subject to Class II Administrative Review, as determined by the Planning Director, to ensure such facilities meet applicable standards under federal, state and local laws, rules and regulations.
- (.15) Developments that propose a minor encroachment into the Significant Resource Overlay Zone. The purpose of this adjustment would be to allow for minor encroachments of impervious surfaces such as accessory buildings, eave overhangs, building appurtenances, building access and exiting requirements or other similar feature. The total adjustment shall not exceed 120 square feet in cumulative area.
- (.16) The expansion of an existing single family dwelling not exceeding 600 square feet in area. The expansion of an existing single family dwelling or structures that are accessory to a single family dwelling inside the SROZ, provided that the following criteria have been satisfied. An SRIR is not required to evaluate and reach a decision on the issuance of a permit to expand a single-family residence under this paragraph.
 - A. The expansion of a single family structure or improvement (including decks and patios) shall not be located any closer to the stream or wetland area than the existing structure or improvement; and
 - B. The coverage of all structures within the SROZ on the subject parcel shall not be increased by more than 600 square feet, based on the coverage in existence prior to the effective date of this ordinance; and,
 - C. The applicant must obtain the approval of an erosion and sediment control plan from the City's Building and Environmental Services Divisions; and,
 - D. No part of the expansion is located within the Metro UGMFP Title 3 Water Quality Area.
- (.17) New Single-Family Dwelling. The construction of a new single family dwelling is exempt unless the building encroaches into the Impact Area and/or the SROZ.
 - A. If the proposed building encroaches only into the Impact Area then an abbreviated SRIR may be required as specified in Section 4.139.056, unless it can be clearly determined by the Planning Director that the development proposal will have no impact on the Significant Resource.

The primary purpose of the Impact Area is to insure that development does not encroach into the SROZ. Development otherwise in compliance with the Planning and Land Development Ordinance may be authorized within the Impact Area.

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

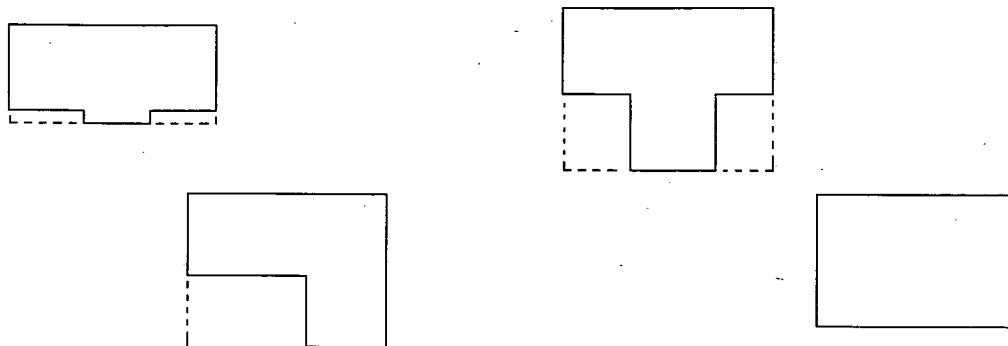


Figure NR-6. Building Line Examples

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

Section 4.139.05 Significant Resource Overlay Zone Map Verification

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

- (.01) In order to confirm the location of the Significant Resource Overlay Zone, map verification shall be required or allowed as follows:
- A. Development that is proposed to be either in the Significant Resource Overlay Zone or less than 100 feet outside of the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map.
 - B. A lot or parcel that:
 - 1. Either contains the Significant Resource Overlay Zone, or any part of which is less than 100 feet outside the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map; and
 - 2. Is the subject of a land use application for a partition, subdivision, or any land use application that the approval of which would authorize new development on the subject lot or parcel.

- (.02) An application for Significant Resource Overlay Zone Map Verification may be submitted even if one is not required pursuant to Section 4.139.05(.01).**
- (.03) If a lot or parcel or parcel is subject to Section 4.139.05(.01), an application for Significant Resource Overlay Zone Map Verification shall be filed concurrently with the other land use applications referenced in Section 4.139.05(.01)(B)(2) unless a previously approved Significant Resource Overlay Zone Map Verification for the subject property remains valid.**
- (.04) An applicant for Significant Resource Overlay Zone Map Verification shall use one or more of the following methods to verify the Significant Resource Overlay Zone boundary:**
- A. The applicant may concur with the accuracy of the Significant Resource Overlay Zone Map of the subject property;**
 - B. The applicant may demonstrate a mapping error was made in the creation of the Significant Resource Overlay Zone Map;**
 - C. The applicant may demonstrate that the subject property was developed lawfully prior to June 7, 2001.**
- (.05) The Planning Director shall determine the location of any Significant Resource Overlay Zone on the subject property by considering information submitted by the applicant, information collected during any site visit that may be made to the subject property, information generated by Significant Resource Overlay Zone Map Verification that has occurred on adjacent properties, and any other relevant information that has been provided.**
- (.06) For applications filed pursuant to Section 4.139.05(.04)(A) and (C), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.01)(B-H).**
- (.07) For applications filed pursuant to Section 4.139.05(.04)(B), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.02)(D)(1).**

Section 4.139.056 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

¹ Based 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*

- 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 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 4.139.067 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 4.139.067 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 - 23 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 - 23.
 - 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.**

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.

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

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

- (.11) At the Planning Directors discretion, mitigation requirements may be modified based on minimization of impacts at the impact activity site. Where such modifications are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.
- (.12) The Director may study the possibility of a payment-in-lieu-of system for natural resource impact mitigation. This process would involve the public acquisition and management of natural resource properties partially funded by these payments.

TABLE NR – 2 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 – 2 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 - 23, 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 – 24 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 – 24 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 – 24 required ratio = 2½:1
 Impact area X 2½ = 0.04 acre X 2½ = 0.1 acre

Section 4.139.07 8 Activities Requiring a Class I Administrative Review Process

(.01) Class I Procedure for Amending the Significant Resource Overlay Zone Boundary. The Director may authorize an adjustment to the SROZ by a maximum of 2% (two percent) of the Area of Limited Conflicting Use. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway or wetland, no more than 2% of the Area of

Limited Conflicting Use on each side of the riparian corridor may be adjusted, provided the applicant demonstrates that the following standards are met:

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

Section 4.139.08 9Activities 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 4.139.067 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 4.139.0910 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.**
- (.03) Development of structures, additions and improvements that relate to uses other than single family residential.
- (.04) Variances. A variance may be taken to any of the provisions of this Section per the standards of Section 4.196 of the Planning and Land Development Ordinance.

Section 4.139.10 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 4.139.101 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.

Section 4. Wilsonville Code Section 4.155 General Regulations – Parking, Loading and Bicycle Parking is amended to read as follows:

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

- (.01) Purpose:
- A. The design of parking areas is intended to enhance the use of the parking area as it relates to the site development as a whole, while providing efficient parking, vehicle circulation and attractive, safe pedestrian access.

- B. As much as possible, site design of impervious surface parking and loading areas shall address the environmental impacts of air and water pollution, as well as climate change from heat islands.
- C. The view from the public right of way and adjoining properties is critical to meet the aesthetic concerns of the community and to ensure that private property rights are met. Where developments are located in key locations such as near or adjacent to the I-5 interchanges, or involve large expanses of asphalt, they deserve community concern and attention.

(.02) General Provisions:

- A. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.
 - 1. The Board shall have the authority to grant variances or planned development waivers to these standards in keeping with the purposes and objectives set forth in the Comprehensive Plan and this Code.
 - 2. Waivers to the parking, loading, or bicycle parking standards shall only be issued upon a findings that the resulting development will have no significant adverse impact on the surrounding neighborhood, and the community, and that the development considered as a whole meets the purposes of this section.
- B. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director.
- C. In cases of enlargement of a building or a change of use from that existing on the effective date of this Code, the number of parking spaces required shall be based on the additional floor area of the enlarged or additional building, or changed use, as set forth in this Section. Current development standards, including parking area landscaping and screening, shall apply only to the additional approved parking area.
- D. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately, except as modified by subsection "E," below.
- E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full **and permanent** access to such parking areas for all the parties jointly using them.
- F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.

- G. **Off-Site Parking.** Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. ~~The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.~~
- H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.
- I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.
- J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.
- K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as **pervious materials (i. e. pavers, concrete, asphalt)** ~~"grasserete" in lightly used areas~~, that is found by the City's **authorized representative** ~~Engineer~~ to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's **authorized representative** ~~Engineer~~, shall be provided.
- L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.
- M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.
- N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.
- O. Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be

increased to a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

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

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

- or overlap the parking area. Shading shall be determined based on shadows cast on the summer solstice.
- c. All parking lots in excess of two hundred (200) parking spaces shall provide an internal pedestrian walkway for every six (6) parking aisles. Minimum walkway clearance shall be at least six (6) feet in width. Walkways shall be designed to provide pedestrian access to parking areas in order to minimize pedestrian travel among vehicles. Walkways shall be designed to channel pedestrians to the front entrance of the building.
 - d. All parking lots viewed from the public right of way shall have a minimum twelve (12) foot landscaped buffer extending from the edge of the property line at the right of way to the edge of the parking area. Buffer landscaping shall meet the low screen standard of 4.176(.02)(D) except that trees, groundcovers and shrubs shall be grouped to provide visual interest and to create view openings no more than ten (10) feet in length and provided every forty (40) feet. Notwithstanding this requirement, view of parking area that is unscreened from the right of way due to slope or topography shall require an increased landscaping standard under 4.176(.02) in order to buffer and soften the view of vehicles as much as possible. For purposes of this section, "view from the public right of way" is intended to mean the view from the sidewalk directly across the street from the site, or if no sidewalk, from the opposite side of the adjacent street or road.
 - e. Where topography and slope condition permit, the landscape buffer shall integrate parking lot storm water treatment in bioswales and related plantings. Use of berms or drainage swales are allowed provided that planting areas with lower grade are constructed so that they are protected from vehicle maneuvers. Drainage swales shall be constructed to Public Works Standards.
 - f. In addition to the application requirements of section 4.035(.04)(6)(d), where view of signs is pertinent to landscape design, any approved or planned sign plan shall accompany the application for landscape design approval.
4. Be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces, provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.
 5. Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking.

6. In all multi-family dwelling developments, there shall be sufficient areas established to provide for parking and storage of motorcycles, mopeds and bicycles. Such areas shall be clearly defined and reserved for the exclusive use of these vehicles.
7. On-street parking spaces, directly adjoining and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards.
8. Tables 5, below, shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required. [Amended by Ordinance No. 538, 2/21/02.]

Section 5. Wilsonville Code Section 4.176 Landscaping, Screening and Buffering is amended to read as follows:

Section 4.176. Landscaping, Screening, and Buffering.

Note: the reader is encouraged to see Section 4.179, applying to screening and buffering of storage areas for solid waste and recyclables.

- (.01) Purpose. This Section consists of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. The City recognizes the ecological and economic value of landscaping and requires the use of landscaping and other screening or buffering to:
 - A. Promote the re-establishment of vegetation for aesthetic, health, erosion control, flood control and wildlife habitat reasons;
 - B. Restore native plant communities and conserve irrigation water through establishment, or re-establishment, of native, drought-tolerant plants;
 - C. Mitigate for loss of native vegetation;
 - D. Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
 - E. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting sites or uses;
 - F. Unify development and enhance and define public and private spaces;
 - G. Promote the retention and use of existing **topsoil and vegetation.**
Amended soils benefit stormwater retention and promote infiltration.

- H. Aid in energy conservation by providing shade from the sun and shelter from the wind; and
- I. Screen from public view the storage of materials that would otherwise be considered unsightly.
- J. Support crime prevention, create proper sight distance clearance, and establish other safety factors by effective landscaping and screening.
- K. Provide landscaping materials that minimize the need for excessive use of fertilizers, herbicides and pesticides, irrigation, pruning, and mowing to conserve and protect natural resources, wildlife habitats, and watersheds.

(.02) Landscaping and Screening Standards.

- A. Subsections “C” through “I,” below, state the different landscaping and screening standards to be applied throughout the City. The locations where the landscaping and screening are required and the depth of the landscaping and screening is stated in various places in the Code.
- B. All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length (e.g., a landscaped area of between 800 and 1600 square feet shall have two trees if the standard calls for one tree per 800 square feet.
- C. General Landscaping Standard.
 - 1. Intent. The General Landscaping Standard is a landscape treatment for areas that are generally open. It is intended to be applied in situations where distance is used as the principal means of separating uses or developments and landscaping is required to enhance the intervening space. Landscaping may include a mixture of ground cover, evergreen and deciduous shrubs, and coniferous and deciduous trees.
 - 2. Required materials. Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs:
 - a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.
 - b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.
- D. Low Screen Landscaping Standard.

1. Intent. The Low Screen Landscaping Standard is a landscape treatment that uses a combination of distance and low screening to separate uses or developments. It is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The Low Screen Landscaping Standard is usually applied along street lot lines or in the area separating parking lots from street rights-of-way.
2. Required materials. The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three (3) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 22: Low Screen Landscaping).

E. High Screen Landscaping Standard.

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

F. High Wall Standard.

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

required for every 30 linear feet of wall, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.

G. High Berm Standard.

1. Intent. The High Berm Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another, and where it is desirable and practical to provide separation by both distance and sight-obscuring materials. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts.
2. Required materials. The High Berm Standard requires a berm at least four (4) feet high along the interior side of the landscaped area (see Figure 25: High Berm Landscaping). If the berm is less than six (6) feet high, low shrubs meeting the Low Screen Landscaping Standard, above, are to be planted along the top of the berm, assuring that the screen is at least six (6) feet in height. In addition, one tree is required for every 30 linear feet of berm, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.

H. Partially Sight-Obscuring Fence Standard.

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

I. Fully Sight-Obscuring Fence Standard.

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

(other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 27: Totally Sight-Obscuring Fence).

- (.03) Landscape Area. Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable **(For recommendations refer to the Native Plant List maintained by the City of Wilsonville).**
- (.04) Buffering and Screening. Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.
- A. All intensive or higher density developments shall be screened and buffered from less intense or lower density developments.
 - B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas.
 - C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.
 - D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.
 - E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.
 - F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.
- (.05) Sight-Obscuring Fence or Planting. The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City. A temporary occupancy permit may be issued upon a posting of a bond or other security equal to one hundred ten percent (110%) of the cost of such fence or planting and its installation. (See Sections 4.400 to 4.470 for additional requirements.)
- (.06) Plant Materials.

- A. Shrubs and Ground Cover. All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three (3) years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. **Native topsoil shall be preserved and reused to the extent feasible.** Surface mulch or bark dust are to be fully raked into soil of appropriate depth, sufficient to control erosion, and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or bark dust are not to be used as substitutes for plant areas.
1. Shrubs. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.
 2. Ground cover. Shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.
 3. Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent (10%) of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of water, a larger percentage of turf or lawn area is appropriate. Use of lawn fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas.
 4. Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.
 5. **Integrate compost-amended topsoil in all areas to be landscaped, including lawns, to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.**
- B. Trees. All trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows:
1. Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of 2" caliper.
 2. Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honeylocust, shall be a minimum of 1-3/4" to 2" caliper.

3. Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering- Pear and Kousa Dogwood, shall be 1-3/4" minimum caliper.
 4. Large conifer trees such as Douglas-Fir or Deodar Cedar shall be installed at a minimum height of eight (8) feet.
 5. Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six (5 to 6) feet.
- C. Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Development Review Board may require larger or more mature plant materials:
1. At maturity, proposed trees shall be at least one-half the height of the building to which they are closest, and building walls longer than 50 feet shall require tree groups located no more than fifty (50) feet on center, to break up the length and height of the façade.
 2. Either fully branched deciduous or evergreen trees may be specified depending upon the desired results. Where solar access is to be preserved, only solar-friendly deciduous trees are to be used. Where year-round sight obscuring is the highest priority, evergreen trees are to be used.
 3. The following standards are to be applied:
 - a. Deciduous trees:
 - i. Minimum height of ten (10) feet; and
 - ii. Minimum trunk diameter (caliper) of 2 inches (measured at four and one-half [4 1/2] feet above grade).
 - b. Evergreen trees: Minimum height of twelve (12) feet.
- D. Street Trees. In order to provide a diversity of species, the Development Review Board may require a mix of street trees throughout a development. Unless the Board waives the requirement for reasons supported by a finding in the record, different types of street trees shall be required for adjoining blocks in a development.
1. All trees shall be standard base grafted, well branched and typical of their type as described in current AAN Standards and shall be balled and burlapped (b&b). Street trees shall be planted at sizes in accordance with the following standards:
 - a. Arterial streets - 3" minimum caliper
 - b. Collector streets - 2" minimum caliper.
 - c. Local streets - 1-3/4" minimum caliper.
 - d. Accent or median tree -1-3/4" minimum caliper.
 2. The following trees and varieties thereof are considered satisfactory street trees in most circumstances; however, other varieties and species are encouraged and will be considered:

- a. Trees over 50 feet mature height: *Quercus garryana* (Native Oregon White Oak), *Quercus rubra borealis* (Red Oak), *Acer macrophyllum* (Native Big Leaf Maple), *Acer nigrum* (Green Column Black Maple), *Fraxinus americanus* (White Ash), *Fraxinus pennsylvannica* 'Marshall' (Marshall Seedless Green Ash), *Quercus coccinea* (Scarlet Oak), *Quercus pulustris* (Pin-Oak), *Tilia americana* (American Linden).
- b. Trees under 50 feet mature height: *Acer rubrum* (Red Sunset Maple), *Cornus nuttallii* (Native Pacific Dogwood), *Gleditsia triacanthos* (Honey Locust), *Pyrus calleryana* 'Bradford' (Bradford Pear), *Tilia cordata* (Little Leaf Linden), *Fraxinus oxycarpa* (Flame Ash).
- c. Other street tree species. Other species may be specified for use in certain situations. For instance, evergreen species may be specified where year-round color is desirable and no adverse effect on solar access is anticipated. Water-loving species may be specified in low locations where wet soil conditions are anticipated.

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

E. Types of Plant Species.

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

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

F. Tree Credit.

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

Existing trunk diameter

Number of Tree Credits

18 to ~~24~~19 inches in diameter

3 tree credits

25~~0~~ to 31~~2~~5 inches in diameter

4 tree credits

32~~2~~6 inches or greater

5 tree credits

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

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

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

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

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

(.07) Installation and Maintenance.

- A. Installation. Plant materials shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement.
- B. Maintenance. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by a City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Failure to maintain landscaping as required in this Section shall constitute a violation of this Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.
- C. Irrigation. The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a

lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following:

1. A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.
2. A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant.
3. Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.
4. A temporary permit issued for a period of one year, after which an inspection shall be conducted to assure that the plants have become established. Any plants that have died, or that appear to the Planning Director to not be thriving, shall be appropriately replaced within one growing season. An inspection fee and a maintenance bond or other security sufficient to cover all costs of replacing the plant materials shall be provided, to the satisfaction of the Community Development Director. Additionally, the applicant shall provide the City with a written license or easement to enter the property and cause any failing plant materials to be replaced.

D. Protection. All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and the storage of materials.

(.08) Landscaping on Corner Lots. All landscaping on corner lots shall meet the vision clearance standards of Section 4.177. If high screening would ordinarily be required by this Code, low screening shall be substituted within vision clearance areas. Taller screening may be required outside of the vision clearance area to mitigate for the reduced height within it.

(.09) Landscape Plans. Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated. Landscape plans shall divide all landscape areas into the following categories based on projected water consumption for irrigation:

- A. High water usage areas (+/- two (2) inches per week): small convoluted lawns, lawns under existing trees, annual and perennial flower beds, and temperamental shrubs;
- B. Moderate water usage areas (+/- one (1) inch per week): large lawn areas, average water-using shrubs, and trees;

- C. Low water usage areas (Less than one (1) inch per week, or gallons per hour): seeded fieldgrass, swales, native plantings, drought-tolerant shrubs, and ornamental grasses or drip irrigated areas.
- D. Interim or unique water usage areas: areas with temporary seeding, aquatic plants, erosion control areas, areas with temporary irrigation systems, and areas with special water-saving features or water harvesting irrigation capabilities.

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

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

- C. Installation. Install native plants in-suitable soil conditions. Plant materials are to be supported only when necessary because of extreme winds at the site. Where support is necessary, all stakes, guy wires or other measures are to be removed as soon as the plants can support themselves. Protect from animal and fowl predation and foraging until establishment.
- D. Irrigation. Permanent irrigation systems are generally not appropriate in restoration situations, and manual or temporary watering of new plantings is often necessary. The mitigation plan shall specify the method and frequency of manual watering, including any that may be necessary after the first growing season.
- E. Monitoring and Reporting. Monitoring of native landscape areas is the on-going responsibility of the property owner. Plants that die are to be replaced in kind and quantity within one year. Written proof of the survival of all plants shall be required to be submitted to the City's Planning Department one year after the planting is completed.
[Section 4.176 amended by Ordinance No. 536, 1/7/02]

Section 6. Wilsonville Code Section 4.177 Street Improvement Standards is amended to read as follows:

Section 4.177. Street Improvement Standards.

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

- (.01) Except as specifically approved by the Development Review Board, all street and access improvements shall conform to the Transportation Systems Plan and the Public Works Standards, together with the following standards:
 - A. All street improvements and intersections shall conform to the Public Works Standards and shall provide for the continuation of streets through specific developments to adjoining properties or subdivisions.
 - B. All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.
 - 1. Within a Planned Development the Development Review Board may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary.
 - C. Rights-of-way.
 - 1. Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Street System Master Transportation Systems Plan. All dedications shall be recorded with the County Assessor's Office.

2. The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder's Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.
 3. In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.
- D. Dead-end Streets. New dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection. **A central landscaped island with rainwater management and infiltration are encouraged in cul-de-sac design.** No more than 25 dwelling units shall take access to a new dead-end or cul-de-sac street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of 25 or fewer units. All other dimensional standards of dead-end streets shall be governed by the Public Works Standards.
- E. Access drives and travel lanes.
1. An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions.
 2. Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.
 3. Secondary or emergency access lanes may be improved to a minimum 12 feet with an all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.
 4. Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.
 5. Where access drives connect to the public right-of-way, construction within the right-of-way shall be in conformance to the Public Works Standards.
- F. Corner or clear vision area.
1. A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:
 - a. Light and utility poles with a diameter less than 12 inches.
 - b. Trees less than 6" d.b.h., approved as a part of the Stage II Site Design, or administrative review.

- c. Except as allowed by b., above, an existing tree, trimmed to the trunk, 10 feet above the curb.
 - d. Official warning or street sign.
 - e. Natural contours where the natural elevations are such that there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.
- G. Vertical clearance - a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.
- H. Interim improvement standard. It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Planning Commission, the following interim standards shall apply.
- 1. Arterials - 24 foot paved, with standard sub-base. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.
 - 2. Half-streets are generally considered unacceptable. However, where the Development Review Board finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the requirements in the Public Works Standards:
 - 3. When considered appropriate in conjunction with other anticipated or scheduled street improvements, the City Engineer may approve street improvements with a single asphalt lift. However, adequate provision must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.

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

Section 7. Findings. The City Council adopts as findings and conclusions the foregoing recitals and the staff reports in this matter attached hereto as Exhibits A and B, adopted as if set forth fully herein.

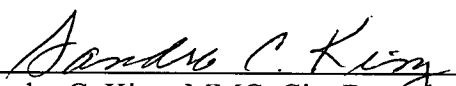
Section 8. Severability. In the event any provisions of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 9. Formatting. The City Recorder is hereby authorized to reformat and renumber the Comprehensive Plan and Chapter 4 to accommodate the approved changes.

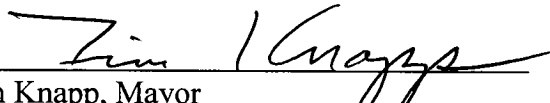
SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 2nd day of November, 2009, at the hour of 7:00 p.m. at the Wilsonville City Hall 29799 SW Town Center Loop East, Wilsonville, Oregon, and scheduled for second reading on the 16th day of November, 2009, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 16th day of November, 2009, by the following votes: YEAS: -4- NAYS: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 17th day of November, 2009.


Tim Knapp, Mayor

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Kirk	Yes
Councilor Nunez	Yes
Councilor Ripple	Excused
Councilor Hurst	Yes

Exhibit A – Kerry Rappold Staff Report Dated October 27, 2009 which includes:

- Exhibit 1. Memo from Angelo Planning Group
- Exhibit 2. Mapping Comparison Report
- Exhibit 3. Metro Letter dated August 18, 2009
- Exhibit 4. Metro brochures related to habitat-friendly development practices
- Exhibit 5. Metro Model Ordinance
- Exhibit 6. Title 13 Compliance Status and Comparison
- Exhibit 7. Metro letter dated October 21, 2009

Exhibit B – Chris Neamtzu Staff Report dated October 26, 2009

WILSONVILLE PLANNING DIVISION
***Legislative* STAFF REPORT**

HEARING DATE: November 2, 2009

DATE OF REPORT: October 27, 2009

APPLICATION NO: LP09-0002

APPLICANT: City of Wilsonville

REQUEST: Proposed Comprehensive Plan and Development Code text amendments to address compliance with Title 13 (Nature in Neighborhoods) of Metro's Urban Growth Management Functional Plan.

Minor modifications are proposed to the text of the Wilsonville Comprehensive Plan section on Environmental Resources and Community Design. Development Code modifications are proposed to Section 4.001 Definitions; Section 4.118 Standards Applying to All Planned Development Zones, and Section 4.139 Significant Resource Overlay Zone.

The City Council is the final authority in this matter.

APPLICABLE REVIEW CRITERIA:

Statewide Planning Goals: Goal 1 Citizen Involvement; Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

Wilsonville Comprehensive Plan:

- Section A: Citizen Involvement;
- Section C: Complimentary Facilities - Parks/Recreation/Open Space;
- Section D: Land Use and Development - Environmental Resources and Community Design

Wilsonville Planning and Land Development Ordinance:

- Section 4.008 – Application Procedures – In General;
- Section 4.197 – Zone Changes and Amendments to This Code – Procedures;
- Section 4.198 – Comprehensive Plan Changes

STAFF REVIEWER: Kerry Rappold, Natural Resources Program Manager
(503) 570-1570, rappold@ci.wilsonville.or.us

LOCATION: The proposed Comprehensive Plan and Development Code amendments are applicable to all planned development zones and properties with mapped Significant Resource Overlay Zone areas.

This public hearing reflects implementation of:

Council Goal 1 – Enhance Livability and safety in Wilsonville

Council Goal 2 – Engage the Community in Smart Growth and Sustainability Concepts

INTRODUCTION:

This staff report addresses a series of minor comprehensive plan and code amendments that when coupled with the companion amendments prepared by Mr. Neamtzu in a separate report will comprise a Title 13 (Nature in Neighborhoods) compliance packet that will be submitted to Metro. Staff proposes to comply with Title 13 by modifying the existing Significant Resource Overlay Zone (SROZ) and removing barriers to habitat-friendly development practices in the Development Code. The SROZ effectively balances the protection of natural resources with the need for development in the community.

The most significant change proposed is the requirement for utilization of habitat-friendly development practices when a development impacts the SROZ or its associated impact area. Habitat-friendly development practices minimize the impact of development on natural resources, and can help developers save money and add value to their properties. Where no impact to the SROZ is proposed, these practices are only encouraged and not required.

The City has received preliminary approval from Metro staff on the proposed approach to substantial compliance with Title 13 based on materials presented at the Planning Commission meetings.

SUMMARY:

Planning Commission Process

The Planning Commission conducted an extensive review of the proposed Comprehensive Plan and Development Code amendments. Work sessions were held at the Planning Commission on March 11, 2009, April 8, 2009, May 13, 2009, June 10, 2009 and July 8, 2009 to allow feedback from the commissioners. At the work sessions, the Planning Commission requested revisions to some of the proposed definitions, and minor adjustments to the wording of the code language.

A public hearing was conducted before the Planning Commission on September 9, 2009. No testimony was received from the public, and the Planning Commission approved the compliance program without any revisions.

Proposed Comprehensive Plan and Development Code Amendments

The Wilsonville Comprehensive Plan section on Environmental Resources and Community Design has been amended to achieve compliance with Title 13. There are seven proposed development code amendments, including some house keeping items, to Sections 4.001, 4.118, and 4.139 of the Development Code. The following summary highlights these amendments:

1. Amendments to the Wilsonville Comprehensive Plan section on Environmental Resources and Community Design, which modify implementation measures to achieve compliance with Title 13.
2. New or revised definitions (Section 4.001): Recommended definitions have been included for “drip line” and “habitat-friendly development”. The definitions will improve the application of existing requirements and establish a basis for applying habitat-friendly development practices.
3. Encouraging the use of habitat-friendly development practices (Section 4.118): Code language has been added to the *Standards applying to all Planned Development Zones*, which encourages the use of habitat-friendly development practices to the extent practicable, which are found in Table NR-2.
4. New or revised definitions (Section 4.139.00): Recommended definitions have been included for “bankful stage” and “emergency”. The definitions will improve the application of existing SROZ requirements.
5. Requiring the use of habitat-friendly development practices (Section 4.139.03): Code language has been added that requires the use of habitat-friendly development practices, which are found in Table NR-2, for mitigating development impacts to the Significant Resource Overlay Zone to the extent practicable.
6. Submittal requirements for exemption determinations (Section 4.139.04): Minimum submittal requirements are necessary for the equitable application of exemptions to the SROZ. Submittal requirements are consistent with the requirements in Section 4.139.06 (*Significant Resource Impact Report (SRIR) and Review Criteria*).
7. Map verification process (Section 4.139.05): A map verification process, similar to the one identified in the Title 13 Model Ordinance, has been included. The existing code did not identify specific steps for verifying the

SROZ map. The map verification requirements provide a clear and objective standard for verifying the accuracy of the mapping.

8. Mitigation planting requirements (Section 4.139.07): Planting plan requirements, similar to the requirements in the Title 13 Model Ordinance, have been included. The existing code was silent in regards to plant densities, size, spacing, and diversity. In addition, requirements have been included for plant survival and maintenance.
9. Created or restored wetlands added to SROZ (4.139.10): Establishes a requirement for including created or restored wetlands in the SROZ if they meet the definitions in Section 4.139.10.02. Previously, this requirement was not stipulated in the code.

Subsequent to the Planning Commission public hearing, staff has identified several minor revisions to the code amendments in Section 4.118 (Planned Development Zones) and Section 4.139 (Significant Resource Overlay Zone). These amendments provide greater clarity and effectiveness in administering the Title 13 requirements. They include:

1. Section 4.118.09 (Habitat-Friendly Development Practices): A reference to “building footprints” was revised to “impervious area”. All references to “techniques” were revised to “practices”.
2. Section 4.139.05 (Habitat-Friendly Development Practices): Clarified habitat-friendly development practices are required for “development and construction activities *that encroach* within the Significant Resource Overlay Zone *and/or* Impact Area”. A reference to “building footprints” was revised to “impervious area”. All references to “techniques” were revised to “practices”.

City Council Work Session

Staff conducted a work session about Title 13 compliance (and its relationship to the proposed Stormwater Master Plan) with the City Council on October 19, 2009. The councilors asked two questions in regards to the Title 13 presentation provided by staff, and a number of questions related to the Stormwater Master Plan presentation. The councilor questions about Title 13 are addressed in the following staff responses:

1. *How does the City of Wilsonville compare to other jurisdictions in the Metro region in regards to Title 13 Compliance?*

Staff Response: Based on research of the various timelines and compliance approaches used by other jurisdictions in the Metro region, the most commonly used approach is amending existing comprehensive plans and development codes (Exhibits 6 and 7). A majority of the jurisdictions have finalized their compliance approaches and received approval from Metro, which includes the Tualatin Basin Natural Resource Coordinating Committee (i.e. Washington County and the nine local

jurisdictions in the county) that adopted a Goal 5 program that was incorporated into Title 13.

Four cities (i.e. Portland, Lake Oswego, Milwaukie, and Fairview) have requested extensions due to delays in completing their compliance efforts, and three jurisdictions are in the process of adopting code and map amendments (i.e. Gladstone, Wilsonville and Multnomah County). Although some jurisdictions have not finalized their compliance, they are still responsible (including Wilsonville) for applying the requirements of Title 13 directly to their land use decisions after January 5, 2009, whether or not they have adopted comprehensive plan provisions and land use regulations to implement Title 13.

All of the 25 local jurisdictions within Metro now have regulations in effect that protect natural resource areas. Whether they are using the Tualatin Basin approach, Metro's Model Ordinance, or their own set of standards, these regulations share many similarities. Wilsonville is one of 11 cities in the region to regulate tree removal.

2. *What impact does the application of habitat-friendly development practices have on development costs?*

Staff Response: Staff provided an example of conventional site design versus habitat-friendly site design in the presentation given to the City Council. The conventional site design included a standard layout for lots, wide streets with cul-de-sacs, and minimal greenspace incorporated into the development. The habitat-friendly development incorporated a comparable number of smaller lots configured to preserve the maximum amount of open space, bioswales and bioretention areas for managing stormwater, and narrow streets that provide greater connectivity.

The habitat-friendly development can provide benefits to the environment as well as the developer. These include greater marketability due to increased property values associated with preserving trees and proximity to open space; cost savings due to less clearing, grading, pipes, ponds, inlets, curbs and paving; and potentially lower lifetime costs.

ISSUES:

The City has received preliminary approval from Metro staff (Exhibit 3) on the proposed approach to substantial compliance with Title 13: Nature in Neighborhoods based on materials presented at the March 11, 2009, April 8, 2009, May 13, 2009, June 10, 2009 and July 8, 2009 Planning Commission work sessions. Significant alterations or changes to these proposals could necessitate additional meetings with the regional government to ensure substantial compliance is achieved.

RECOMMENDATION:

Staff respectfully recommends that the City Council conduct a public hearing on the proposed comprehensive plan and development code amendments, and adopt the attached Ordinance.

The City Council is the final authority in this matter.

BACKGROUND:

On September 29, 2005, the Metro Council voted to approve a regional Nature in Neighborhoods (Statewide Planning Goal 5-Natural Resources) program, which became Title 13 of Metro's Urban Growth Management Functional Plan. Local governments were given until January 5, 2009 to comply with the new regulations. There are three primary ways to comply. The city could create new regulations; the city could adopt the model ordinance provided by Metro; or the city could modify their existing regulations and tailor them to more concisely address Title 13. The City, with the Planning Commissions agreement, proposes to comply with Title 13 by modifying the existing Significant Resource Overlay Zone and removing barriers to habitat-friendly development practices in the Development Code. City staff has coordinated with Metro staff regarding this deadline and has been granted an informal extension given the substantial progress towards compliance that has been made.

An important feature of the Nature in Neighborhoods approach is the encouragement of local agencies to evaluate current codes for implementation barriers to land developers, builders and property owners to incorporate habitat (nature) friendly practices in their site design. Staff has prepared several proposed Planning and Land Development Code amendments, including some house keeping items in Section 4.139 (SROZ), as part of Metro's Title 13 (T13)-Nature in Neighborhoods compliance. The changes are proposed to encourage the use of habitat-friendly development practices. Habitat-friendly development practices include a broad range of development techniques and activities that reduce the potentially detrimental impact on fish and wildlife habitat from 'traditional' development practices. As part of T13, Metro has identified a wide range of practices that represent best management practices (BMPs).

An audit was performed on the city's Development Code by planning consultant Angelo Planning Group in November of 2008 (Exhibit 1). The key findings generally revealed that the city's development code does not present significant barriers to implementation of habitat-friendly development practices. This is in large part due to the Planned Development process that is used in Wilsonville. The Planned Development process provides flexibility in design and allows for 'waivers' to certain standards rather than to a strict variance process, when better than average development is proposed. For more information on the Planned Development process, please review Section 4.008 (.01-.02) of the Planning and Land Development Ordinance.

In addition to the proposed Development Code amendments, the City proposed the SROZ Map as substantially compliant with Metro's Habitat Conservation Areas (HCA) Map. Based on a comparison of the SROZ and Habitat Conservation Areas mapping, the SROZ

protects almost 94% of the High HCA. Overall, including low and moderate HCA, the SROZ protects 86% of these designated areas. A mapping report was submitted to Metro (Exhibit 2), which documented any discrepancies between the SROZ and HCA maps. Metro staff concurred with the report, and will incorporate the SROZ Map into the HCA Map.

The SROZ was adopted in June 2001, which also included compliance with Metro's Title 3 requirements. The SROZ replaced the Primary Open Space/Secondary Open Space (POS/SOS) designations in the Comprehensive Plan and Land Use Map. The SROZ includes locally significant wetlands, riparian corridors, and wildlife habitat areas. Many of the natural resources protected under the SROZ were also part of the POS/SOS designations, which provides an important continuity of resource protection over the last few decades.

The regulations associated with the SROZ restrict most development from impacting locally significant natural resources. Typically, only minor encroachments have been approved, and only in cases where avoidance was not possible. Minimization of impacts and mitigation for these impacts are required for approved encroachments. Over the last eight years, approximately one acre of SROZ has been permanently impacted by development. The SROZ effectively balances the protection of natural resources with the need for development in the community.

The amended Comprehensive Plan and Development Code sections are found in Ordinance No. 674 in their entirety.

CONCLUSIONARY FINDING(S):

Statewide Planning Goals

Goal 1: Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Response: Work sessions were held at the Planning Commission on March 11, 2009, April 8, 2009, May 13, 2009, June 10, 2009 and July 8, 2009 to allow feedback from the commissioners. A public hearing was conducted before the Planning Commission on September 9, 2009. In addition, public testimony will be taken at the public hearing before the City Council on November 2, 2009

Goal 1 is satisfied.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. To conserve open space and protect natural and scenic resources.

Response: Metro's Title 13 was developed in compliance with Goal 5. It achieves its purpose through conservation, protection, and appropriate restoration of riparian and upland fish and wildlife habitat through time, using a comprehensive approach that includes voluntary, incentive-based, educational and regulatory elements. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan,

and achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan relating to Title 3 Water Quality Resource Areas and Title 13 - Nature in Neighborhoods, and that portion of Statewide Planning Goal 5 relating to significant natural resources.

Goal 5 is satisfied.

Wilsonville Comprehensive Plan

Citizen Involvement

GOAL 1.1 To encourage and provide means for interested parties to be involved in land use planning processes, on individual cases and City-wide programs and policies.

Policy 1.1.1 The City of Wilsonville shall provide opportunities for a wide range of public involvement in City planning programs and processes.

Implementation Measure 1.1.1.a Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes. Whenever practical to do so, City staff will provide information for public review while it is still in "draft" form, thereby allowing for community involvement before decisions have been made.

Response: The City has provided copies of the draft comprehensive plan and development code amendments to interested parties. Notice was provided to DLCD on June 25, 2009, at least 45 days prior to the first evidentiary hearing. The Planning Commission hearing was conducted on September 9, 2009. Public notice of the hearing was mailed on August 27, 2009 to a list of agencies, interested individuals, and surrounding property owners.

Public notice for the City Council public hearing was posted in the Wilsonville Spokesman on October 14, 2009, and copies of the notice were also mailed to parties that attended the Planning Commission public hearing.

These goal, policy and implementation measures are satisfied.

Implementation Measure 1.1.1.b Support the Planning Commission as the City's official Citizens Involvement Organization with regular, open, public meetings in which planning issues and projects of special concern to the City are discussed and resultant recommendations and resolutions are recorded and regularly reported to the City Council, City staff, and local newspapers. The Planning Commission may schedule special public meetings as the Commission deems necessary and appropriate to carry out its responsibilities as the Committee for Citizen Involvement.

Implementation Measure 1.1.1.c Support the Planning Commission as the Committee for Citizen Involvement, which assists City Officials with task forces for gathering information, sponsoring public meetings and/or evaluating proposals on special

projects relating to land use and civic issues, when requested by officials or indicated by community need.

Implementation Measure 1.1.1.d Support the Planning Commission as a public Citizens Involvement Organization which assists elected and appointed City Officials in communicating information to the public regarding land use and other community issues. Examples of ways in which the Commission may accomplish this include conducting workshops or special meetings.

Implementation Measure 1.1.1.e Encourage the participation of individuals who meet any of the following criteria:

- 1. They reside within the City of Wilsonville.*
- 2. They are employers or employees within the City of Wilsonville.*
- 3. They own real property within the City of Wilsonville.*
- 4. They reside or own property within the City's planning area or Urban**

Growth Boundary adjacent to Wilsonville.

Response: In updating the Stormwater Master Plan, an integrated approach to stormwater and watershed management was used to ensure the development of management solutions and policies that maintain, restore and enhance local watersheds and meet engineering, environmental and land use needs. As part of the master plan update, recommendations were developed regarding habitat-friendly development practices for stormwater management consistent with Metro's Title 13 (Nature in Neighborhoods) program.

In its capacity as the Committee for Citizen Involvement, the Planning Commission hosted two open houses for the Stormwater Master Plan. The open houses were held on October 16, 2008 and May 27, 2009, and provided the public an opportunity to comment on habitat-friendly development practices for stormwater management.

These implementation measures are satisfied.

Parks/Recreation/Open Space

Policy 3.1.11 The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park lands.

Implementation Measure 3.1.11.a Identify and encourage conservation of natural, scenic, and historic areas within the City.

Response: The Significant Resource Overlay Zone, and the proposed code amendments that will bring it in to compliance with Title 13, provide an effective program for the conservation of natural and scenic areas within the community.

This implementation measure is satisfied.

Implementation Measure 3.1.11.c Protect the Willamette River Greenway from incompatible uses or developments.

Implementation Measure 3.1.11.k Protect the river-connected wildlife habitat.

Implementation Measure 3.1.11.l Encourage the interconnection and integration of open spaces within the City and carefully manage development of the Willamette River Greenway.

Response: One of the purposes of Title 13 is to “conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape.” In support of this Title 13 objective, the Significant Resource Overlay Zone implements goals and policies related to the Willamette River Greenway and river-connected wildlife habitat. This is accomplished by conserving and protecting these critically important habitat areas through development regulations and the mapping of significant riparian areas.

These implementation measures are satisfied.

Environmental Resources and Community Design

Policy 4.1.5 Protect valuable resource lands from incompatible development and protect people and property from natural hazards.

Implementation Measure 4.1.5.d Conserve and create open space throughout the City for specified objectives.

Response: Title 13 provides a tool box comprised of regulatory elements, education and incentives to conserve open space throughout the Metro region. By incorporating Title 13 requirements into the Significant Resource Overlay Zone and Development Code, the City achieves a more effective means of conserving and protecting significant natural resources and important open space throughout the community and in areas adjacent to the City.

This implementation measure is satisfied.

Implementation Measure 4.1.5.g Encourage identification and conservation of natural scenic and historic areas within the City.

Response: Locally and regionally significant fish and wildlife habitat were identified as part of the development of the Significant Resource Overlay Zone and Title 13’s Habitat Conservation Areas. These maps have been reconciled to eliminate any discrepancies, and form the basis for conserving and protecting significant natural resources within the

City. The City's SROZ map will be incorporated into Metro's Habitat Conservation Areas map.

This implementation measure is satisfied.

Implementation Measure 4.1.5.k Develop open, limited, or restricted access natural areas connected where possible by natural corridors, for wildlife habitat, watershed, soil and terrain protection. Preservation of contiguous natural corridors throughout the City for the protection of watersheds and wildlife will be given priority in land use decisions regarding open space.

Implementation Measure 4.1.5.m Protect the river-connected wildlife habitat and encourage the integration and inter-connection of the Willamette River Greenway to open space areas of the City. Continue to regulate development within the Greenway boundaries. Provide for public access to the river only through and within the City parks or other properties intended for public access.

Response: Protecting contiguous natural corridors, including river-connected wildlife habitat, throughout the City, and the region, is an important objective of Title 13. By incorporating Title 13 requirements into the Significant Resource Overlay Zone and Development Code, the City achieves a more effective means of conserving and protecting fish and wildlife corridors. Not only are corridors protected within the City limits, but due to Title 13 regional requirements habitat connectivity is protected and conserved in areas adjacent to the City.

These implementation measures are satisfied.

Implementation Measure 4.1.5.n Adopt performance standards, in accordance with Metro, to conserve, preserve, protect, and enhance fish and wildlife habitat within the fish and wildlife habitat conservation areas identified on Metro's water quality and flood management area map.

Response: The habitat-friendly development practices enumerated in Title 13 provide performance standards that conserve and protect fish and wildlife habitat conservation areas. By incorporating these practices into the SROZ and Development Code, impacts to fish and wildlife throughout the community can be avoided or minimized and, if necessary, mitigated.

This implementation measure is satisfied.

Implementation Measure 4.1.5.p The Administrative Review, Variance and mitigation procedures within the Development Code may be used to consider claims of map error and unique hardship, to assure that the standards do not render any legal tax lot to be unbuildable by application of requirements for natural resource protection.

Response: A map verification process, similar to the one identified in the Title 13 Model Ordinance, has been incorporated into the SROZ. The map verification requirements

provide a clear and objective standard for verifying the accuracy of the mapping. The new verification process in combination with the existing SROZ requirements assure that any legal tax lot will not be deemed unbuildable due to the application of requirements for natural resources protection.

This implementation measure is satisfied.

Implementation Measure 4.1.5.y Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process shall be designated as one or more overlay zones on the City Zoning Map.

Response: The SROZ mapping will be incorporated into Metro's HCA mapping, which will ensure locally protected natural resources, such as riparian corridors, wetlands, and wildlife habitat, will continue to be designated as an overlay zone on the City Zoning Map.

This implementation measure is satisfied.

Implementation Measure 4.1.5.z Protected natural resources within the Significant Resource Overlay Zone are intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:

1. *Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process and are included in the Significant Resource Overlay Zone.*
2. *Water quality resource areas as defined by Metro's Title 3 of the Urban Growth Management Functional Plan.*

Response: The proposed Comprehensive Plan and Development Code amendments will strengthen the protection of natural resources within the SROZ, by incorporating habitat-friendly development practices and mitigation requirements that offset and minimize development impacts.

This implementation measure is satisfied.

Implementation Measure 4.1.5.ff Where possible, on-site drainage should be designed to preserve natural drainage channels and to allow for ground water infiltration. Man-made structures should be designed to complement the natural system. It is not the intent of this Measure to encourage unsightly and unsafe open ditches. Rather, open drainage systems should be designed to accent natural creeks and drainage channels and provide an attractive natural area-like appearance.

Response: Habitat-friendly development practices minimize adverse hydrological impacts on water resources through the use of on-site management of stormwater. These practices mimic the natural hydrologic process, and include the use of open drainage systems and ground water infiltration.

This implementation measure is satisfied.

Section 4.008. Application Procedures - In General.

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

H. Changes to the text of the Comprehensive Plan, including adoption of new Plan elements or sub-elements, pursuant to Section 4.198;

Response: Compliance with Section 4.198 is demonstrated by the findings in this staff report. All submittal requirements have been adhered to for this proposal. The City of Wilsonville is the applicant for the proposed amendments.

This criterion is satisfied.

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

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

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

Response: The Planning Commission conducted a public hearing on the proposed amendments in an appropriate timeframe, and acted upon the amendments previously discussed at a number of work sessions. Based on public testimony and subsequent deliberations, the Commission forwarded a recommendation to the City Council.

This criterion is satisfied.

B. In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:

- 1. That the application was submitted in compliance with the procedures set forth in Section 4.008; and*
- 2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and*

3. *The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code; and*
4. *If applicable, the amendment is necessary to insure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.*

Response: The following findings support the application and the recommendation for approval. The proposed Comprehensive Plan and Development Code amendments are intended to support the requirements of Title 13 of Metro's UGMFP.

1. The application was submitted consistent with the procedures set forth in Section 4.008.
2. The Findings found earlier in this report demonstrate substantial compliance with applicable goals, policies and objectives set forth in the Comprehensive Plan.
3. The proposed Comprehensive Plan and Development Code amendments do not conflict with other portions of the Development Code, but instead strengthen the Code by adhering to the requirements in Title 13 – Nature in Neighborhoods.
4. The proposed Comprehensive Plan and Development Code amendments are not necessary for compliance with state and federal laws or statutes, but are a requirement of the Metro regional government. The proposed amendments are being initiated to achieve compliance with the provisions of the Urban Growth Management Functional Plan.

Section 4.198 Comprehensive Plan Changes – Adoption by the City Council.

- (.01) *Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:*
 - A. *That the proposed amendment meets a public need that has been identified;*
 - B. *That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;*
 - C. *That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and*
 - D. *That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.*
- (.02) *Following the adoption and signature of the - Resolution by the Development Review Board or Planning Commission, together with minutes of public*

hearings on the proposed Amendment, the matter shall be shall be scheduled for public hearing before the City Council.

- (.03) Notice of the Council's consideration of the matter shall be provided as set forth in Section 4.012.*
- (.04) Upon conclusion of its public hearing on the matter, the Council shall adopt its decision by ordinance, authorizing the Planning Director to amend the official zoning map, Comprehensive Plan Map or the text of Chapter 4 as set forth in Section 4.102.*

Response: The proposed amendments to the Stormwater Master Plan meet a public need, and comply with the goals and policies enumerated in the Comprehensive Plan. In addition, the proposed amendments substantially comply with applicable Statewide Planning Goals. The public notice of the Council's consideration of this matter has been provided as set forth in 4.012.

These criteria are satisfied.

EXHIBITS

1. Memo from Angelo Planning Group
2. Mapping Comparison Report
3. Metro letter dated August 18, 2009
4. Metro brochures related to habitat-friendly development practices
5. Metro Model Ordinance
6. Title 13 Compliance Status and Comparison
7. Metro letter dated October 21, 2009

WILSONVILLE PLANNING DIVISION
Legislative STAFF REPORT

HEARING DATE: November 2, 2009

DATE OF REPORT: October 26, 2009

APPLICATION NO: LP09-002

APPLICANT: City of Wilsonville

REQUEST: Proposed minor text amendments to the Planning and Land Development Ordinance to implement Title 13 of Metro's Urban Growth Management Functional Plan, Nature in Neighborhoods.

Proposed are text amendments to the definition of "landscaping" and "compact parking space" as well as proposed amendments to WC Section 4.155; General Regulations – Parking, Loading and Bicycle Parking, 4.176: Landscaping, Screening and Buffering and 4.177: Street Improvement Standards.

The City Council is the final local authority on this matter.

APPLICABLE REVIEW CRITERIA: *Comprehensive Plan* Goal 1.1 Citizen Involvement; Policy 1.1.1; Implementation Measure 1.1.1.a; 1.1.1.e; Goal 4.1; Policy 4.1.1; *Planning and Land Development Ordinance*: Section 4.008: Application Procedures-In General; Section 4.197: Zone Changes and Amendments to This Code -Procedures;

STAFF REVIEWER: Chris Neamtzu AICP, Long-Range Planner

LOCATION: The proposed Planning and Land Development Ordinance text amendments apply to commercial, industrial, public facility and multi-family development.

SUMMARY:

This staff report contains minor code text amendments to WC *Section 4.001 Definitions, 4.155: General Regulations – Parking, Loading and Bicycle Parking, 4.176: Landscaping, Screening and Buffering and 4.177: Street Improvement Standards.* The

modifications are proposed to encourage the use of habitat friendly development practices.

Following five work sessions and two public open houses on Title 13 and the Storm Water Master Plan (not part of this application), the Planning Commission conducted a public hearing in September on the package of Title 13 Comprehensive Plan and Planning and Land Development Ordinance text amendments forwarding a unanimous recommendation of approval to the City Council.

No public testimony was received at the public hearing and none has been received by staff since the Planning Commission conclusion of work on this topic. The Planning Commission did make numerous changes to the Staff proposals throughout the work session process. At the public hearing, one change was made to *Section 4.155 Parking, Loading and Bicycle Parking*. The change was made to clarify when reciprocal arrangements for shared parking are proposed the agreement would be 'recorded'. The Planning Commission also included 'easements' as another way to satisfy the requirement. Modified language is below:

WC Section 4.155 (.02) G.:

"The right to use the off-site parking must be evidenced in the form of *recorded* deeds, *easements*, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them."

RECOMMENDATION:

Staff respectfully recommends that the City Council conduct the public hearing on the proposed code amendments, and adopt the attached Ordinance, as recommended by the Planning Commission.

BACKGROUND:

This report addresses a series of small code amendments that, when coupled with the companion amendments prepared by Mr. Rappold in a separate report, will comprise a Title 13 compliance packet that will be submitted to Metro.

On September 29, 2005, the Metro Council voted to approve a regional Nature in Neighborhoods (Statewide Planning Goal 5-Natural Resources) program, which became Title 13 of Metro's Urban Growth Management Functional Plan. Local governments were given until January 5, 2009 to comply with the new regulations. There are three primary ways to comply. The city could create new regulations to address the criteria found in Title 13; the city could adopt the model ordinance created by Metro; or the city could modify the existing SROZ regulations and tailor them to more concisely address the requirements of Title 13.

City staff proposed, and the Planning Commission has recommended that the City comply with Title 13 by modifying the existing Significant Resource Overlay Zone

ordinance as well as making a series of small code amendments to encourage smart growth and habitat friendly development practices. City staff has coordinated with Metro staff regarding this approach and adoption timeline and has been granted an informal extension given the substantial progress towards compliance that has been made.

An important feature of the Nature in Neighborhoods approach is the encouragement of local agencies to evaluate current codes for implementation barriers to land developers, builders and property owners to incorporate habitat (nature) friendly practices in their site design.

An audit was performed on the City's Development Code by planning consultant Angelo Planning Group in November 2008. The key findings generally revealed that the City's Development Code does not present significant barriers to implementation of habitat friendly development practices. This is in large part due to the Planned Development process that is used in Wilsonville. The Planned Development process provides flexibility in design and allows for 'waivers' to certain development standards opposed to a strict variance process. For more information on the Planned Development process, please review Section 4.008 (.01-.02) of the Planning and Land Development Ordinance.

Staff then prepared several proposed Planning and Land Development Code amendments as part of Metro's Title 13 (T13)-Nature in Neighborhoods compliance. The changes are proposed to encourage the use of habitat friendly development practices. Habitat friendly development practices include a broad range of development techniques and activities that reduce the potentially detrimental impact on fish and wildlife habitat from 'traditional' development practices. As part of T13, Metro has identified a wide range of practices that represent best management practices (BMPs).

These proposed code amendments are generally intended to result in less impervious surfaces on development sites, offer more options for developers and increase the health and vitality of landscaping.

The Planning Commission has recommended approval of the ten proposed development code amendments contained in this staff report.

1. Modification to the definition of "landscaping" deleting the reference to *artificial plants, shrubs and turf* in commercial, industrial, public facility and multi-family residential projects.
2. Reduce the dimensions of a compact parking space by 6" in width, and 1' in length to reduce impervious surfaces. The proposal is consistent with the *Model Development Code and Users Guide for Small Cities, 2nd Edition* (ODOT TGM Program).
3. Modify the standards for shared use parking (WC 4.155 (.02) G.) and increase the distance that shared parking can be utilized from 100' to 500' (a reasonable walking distance -.09 mile) and clarify how the measurement is calculated. Language has been proposed that is borrowed from the *Model Development Code and Users Guide for Small Cities, 2nd Edition*, (ODOT TGM Program).

4. Increase the amount of permitted on-site compact spaces from 40% to 60% allowing developer flexibility.
5. Delete the reference to the specific product “grasscrete” and “City Engineer”, and replace with the more generic description of “pervious materials” and “authorized representative”.
6. Add to the landscaping section reference regarding preservation of topsoil. The current code does not recognize the important role soil amendments plays in healthy landscapes and retaining runoff.
7. Add reference to a native plant list that is maintained by the City of Wilsonville.
8. Add reference to preservation and reuse of native topsoil consistent with existing provisions found in Villebois (WC Section 4.125: Village Zone).
9. Modify and clarify trees that qualify for “tree credits” when preserving existing trees.
10. Add a statement that encourages cul-de-sac design to incorporate vegetative areas to incorporate rainwater management and infiltration.

ISSUES:

The City has received preliminary approval from Metro staff on the proposed approach to substantial compliance with Title 13: Nature in Neighborhoods based on materials presented at the Planning Commission meetings. Significant alterations or changes to these proposals could necessitate additional meetings with the regional government to ensure substantial compliance is achieved.

NEW PLANNING AND LAND DEVELOPMENT CODE LANGUAGE:

1. **Proposal:** Modify the definition of ‘landscaping’ (#134) to eliminate the ability to utilize artificial turf, plants, shrubs and flowers from meeting the minimum 15% on-site landscaping requirements and include a statement encouraging the use of pervious materials when using concrete or stonework areas to satisfy landscaping requirements.

Under the current code it would appear permissible to have all of the on-site landscaping be artificial.

- **Positives:** Water and fertilizers would be conserved with the use of artificial plants. Money would be saved over time by business owners on maintenance, fertilizers and water. Aesthetically, the grass would always be green and the flowers blooming.
- **Negatives:** There is no habitat value in artificial plants, no wildlife would be encouraged or supported with such landscapes. There would be no environmental benefits, no carbon sequestration, or oxygen production. Costs would be higher to initially install such materials. The end result could be a contrived Hollywood movie set sort of look that may not be attractive over time. There could be negative public perception about the aesthetics of such landscapes.

- **Alternatives:** Permit only a limited percentage of artificial plants, limit based on square footage of turf (i.e. <500 SF), or overall percent of landscaped area (i.e. < 5%).
134. Landscaping: The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours. **The use of pervious materials is encouraged.** ~~and shall include exterior use of artificial turf or carpeting, artificial plants, shrubs or flowers.~~ Both native and non-native vegetation may constitute landscaping materials. This definition pertains to complete site modifications rather than just buildings.
2. **Proposal:** Reduce the dimensions of a compact parking space by 6" in width, and 1' in length to reduce impervious surfaces. The proposal is consistent with the Model Development Code and Users Guide for Small Cities, 2nd Edition (ODOT TGM Program). This standard would be able to be used at the discretion of the developer and is an option, not a requirement.
- **Positives:** Less impervious surfaces, less stormwater to manage.
 - **Negatives:** More difficult to negotiate with a larger car.
 - **Alternatives:** Leave the stall sizes the same.
202. Parking Space, Compact: A permanently surfaced and marked area not less than ~~eight (8)~~ 7 feet **6 inches** wide and ~~sixteen (16)~~ 15 feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle. In order to be considered a compact parking space, it must be clearly labeled as such.
3. **Proposal:** Modify the standards for shared use parking (WC 4.155 (.02) G) and increase the distance that shared parking can be utilized from 100' to 500' (a reasonable walking distance -.09 mile) and clarify how the measurement is calculated. Language has been proposed that is borrowed from the *Model Development Code and Users Guide for Small Cities, 2nd Edition*, (ODOT TGM Program).

The Town Center part of the city could greatly benefit from more shared parking agreements, which would allow for more developable area, more public space, open space, landscaping and fewer vacant parking lots.

For example, if the Regal Cinemas shared parking with the old hardware store to the east, a breakfast/lunch restaurant or more intense retail user with a higher parking ratio per building square foot could occupy the vacant space. As it

stands, the vacant hardware store will only be able to be re-used by another retail user in the same general commercial category due to limited on-site parking.

- **Positives:** The use of shared parking agreements allows for uses that have different peak hour uses (churches to retail, or banks to dinner establishments) to utilize the same parking areas for both of their needs. This practice will result in less paved surfaces, allowing for more dense urban development and potentially a more vibrant area. Costs are less to a developer who does not have to construct additional parking, and maintenance costs could be lower over time. Areas of the city could have more activity as folks find parking, and there is less under utilized or vacant parking lots creating dead zones. A little longer walk is good for your health.
- **Negatives:** People may have to look harder to find a convenient parking space, or will have to walk farther to get to their destination. There could be potential impacts to senior's or disabled individuals.
- **Alternatives:** 1) Leave the standard as it is today; or 2) reduce the distance for shared use off-site parking.

E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full **and permanent** access to such parking areas for all the parties jointly using them.

G. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.

4. **Proposal:** Increase the amount of permitted on-site compact spaces from 40% to 60%. Compact parking spaces are defined as "*a permanently surfaced and marked area not less than eight (8) feet wide and sixteen (16) (7' 6" X 15' is proposed) feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle. In order to be considered a compact parking space,*

it must be clearly labeled as such.” The proposal does not require an increase, only permits the developer to choose a higher percentage if desired.

- **Positives:** Allows developers more flexibility in choosing the amount of on-site compact spaces to accommodate their anticipated clientele. Development and maintenance costs could be reduced by slightly less impervious area, and less stormwater managed. More cars could be accommodated on paved surfaces.
- **Negatives:** There could be more difficulty in accessing vehicles. Vehicle conflicts could arise if too many spaces are compact, and the site is occupied by large vehicles.
- **Alternatives:** 1) Leave the percentage as it is today; 2) increase the permitted percentage beyond 60%.

N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - “Definitions,” and shall be appropriately identified.

5. **Proposal:** Delete the reference to the specific product “grasscrete” and “City Engineer”, and replace with the more generic description of “pervious materials” and “authorized representative”.

Grasscrete at one time was the most widely used pervious material. This is no longer the case. Availability of pervious material products has grown vastly over the years, and it is more appropriate to reference the broad category opposed to the specific product. Today, pervious materials are used in a wide variety of situations, from heavily traveled streets in large urban areas, to lightly traveled parking lots. Reference to “lightly traveled areas” is no longer needed or appropriate as the technology has evolved to be appropriate for all circumstances.

The City Engineer would not be the appropriate city authority to review parking lots in private development. The Public Works Standards (PWS) has been modified to be more generic in reference to “authorized representative”, and the Code is proposed to be modified to match the PWS.

- **Positives:** The proposal makes the code more current and flexible permitting a wider variety of products to be explored and used. Reference to the “city’s authorized representative” allows for the most appropriate staff person to review and approve proposals for suitability, which is not in all cases the City Engineer.
- **Negatives:** None were noted.
- **Alternatives:** Leave the code as it is today.

K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as **pervious materials (i. e. pavers, concrete, asphalt)** ~~"grasserete" in lightly used areas~~, that is found by the City's **authorized representative Engineer** to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's **authorized representative Engineer**, shall be provided.

6. **Proposal:** Add reference to the landscaping section regarding preservation of topsoil. The current code does not recognize the important role soil amendments

- **Positives:** Preservation of existing topsoil and amending the soil can result in healthier plant growth and higher survivability, resulting in more attractive development and less cost replacing plant material over time. The public enjoys healthy landscapes and the environmental and aesthetic benefits they provide. Properly amended soils can retain more stormwater on-site and can reduce the amount of runoff that occurs from a development site.

- **Negatives:** There can be more cost involved in amending soils at the time of installation, opposed to just using what is on site.

- **Alternatives:** Retain existing language or modify Staff's proposal.

G. Promote the retention and use of existing **topsoil and** vegetation. **Amended soils benefit stormwater retention and promote infiltration.**

7. **Proposal:** Add reference to the City of Portland Native Plant List as it is the most comprehensive source for native and invasive plants and is regularly updated and kept current as new information becomes available about the noxious nature and habitat extent of plants. **The Commission deliberated on this item in work session and recommended that the City create its own native plant list based on the City of Portland list, but wanted local control and flexibility. The staff proposal reflects this direction.**

- **Positives:** Referring to this source is easy and eliminates tracking and updating by City Staff, saving the city money.

- **Negatives:** It is the City of Portland's Plant List, and the decision to include species could potentially be impacted by politics or other forces that may result in disagreement at the local level. This is an unlikely scenario, but is worth noting.

- **Alternatives:** Create a City of Wilsonville Plant List based on Portland's list or similar resource. **In work session, the Planning Commission discussed this issue and determined that it would be preferred for city staff to maintain our own native plant list. The proposed language has been modified to reflect this direction.**

(.03) Landscape Area. Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen

percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable **(For recommendations refer to the Native Plant List maintained by the City of Wilsonville).**

8. **Proposal:** Reference to the preservation and reuse of native topsoil is important as it relates to plant health and survival. A section from the Villebois Village Zone is proposed to be added to require the integration of compost-amended topsoil to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.
- **Positives:** Better plant health, lower maintenance costs, stormwater management benefits.
 - **Negatives:** Additional up front construction costs.
 - **Alternatives:** Leave the code as it is, or modify the Staff proposal.

(.06) Plant Materials.

A. Shrubs and Ground Cover. All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three (3) years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. **Native topsoil shall be preserved and reused to the extent feasible.** Surface mulch or bark dust are to be fully raked into soil of appropriate depth, sufficient to control erosion, and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or bark dust are not to be used as substitutes for plant areas.

1. Shrubs. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.
2. Ground cover. Shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.

3. Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent (10%) of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of water, a larger percentage of turf or lawn area is appropriate. Use of lawn fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas.
 4. Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.
 5. **Integrate compost-amended topsoil in all areas to be landscaped, including lawns, to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.**
9. **Proposal:** Modify and clarify the sizes of trees that qualify for tree credits under the code. The current code does not contain a range of sizes to qualify for a 3 tree credit. It is awkward and would appear to be an error to have the 3 tree credit only apply to a 19" DBH tree. Staff proposes to lower the low end and create a range for the 3 tree credit. Also proposed is an increase in tree size to qualify for the 4 and 5 tree credit.

In this exercise it is important to think about the tradeoffs that occur when granting tree credits. For a developer saving an 18" DBH tree, they would not be required to plant 3 other trees on their site. Large trees provide many benefits to development sites, and can add value to projects. However, the biomass of three new trees over time, depending on species, will likely provide more stormwater benefits and overall habitat and biomass than the preserved tree. So, the short term benefits would appear much greater, with a breakeven point and diminishing return at some point well in the future.

- **Positives:** A slightly smaller tree would qualify for the 3 tree credit.
- **Negatives:** A slightly larger tree would be needed to qualify for the 4 and 5 tree credits.
- **Alternatives:** Modify the ranges, or leave the code section as it is today.

F. Tree Credit.

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

<u>Existing trunk diameter</u>	<u>Number of Tree Credits</u>
18 to 24 1/2 inches in diameter	3 tree credits
25 1/2 to 31 1/2 inches in diameter	4 tree credits
32 1/2 inches or greater	5 tree credits

10: **Proposal:** Add a statement that encourages cul-de-sac design to include a vegetative island that incorporates rainwater management and infiltration. The proposal reduces impervious surfaces, while still preserving turning radii for large vehicles such as garbage trucks and fire fighting apparatus.

- **Positives:** Improved aesthetics, screening, usable area and enhanced stormwater management.
- **Negatives:** Tighter maneuvering conditions occur when cars are parked on the street and larger vehicles are servicing the area.
- **Alternatives:** Modify the proposal or leave the code language as it stands today.

D. Dead-end Streets. New dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection. **A central landscaped island with rainwater management and infiltration are encouraged in cul-de-sac design.** No more than 25 dwelling units shall take access to a new dead-end or cul-de-sac street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of 25 or fewer units. All other dimensional standards of dead-end streets shall be governed by the Public Works Standards.

NOTE: The modified code sections are found in Ordinance No. 674 in their entirety.

CONCLUSIONARY FINDING(S):

GOAL 1.1 To encourage and provide means for interested parties to be involved in land use planning processes, on individual cases and City-wide programs and policies.

Policy 1.1.1 The City of Wilsonville shall provide opportunities for a wide range of public involvement in City planning programs and processes.

Response: Notice was provided to DLCD on June 25, 2009, at least 45 days prior to the first evidentiary hearing. The Planning Commission hearing was conducted on September 9, 2009. Public notice of the hearing was mailed on August 27, 2009 to a list of agencies, interested individuals, and affected property owners.

Work sessions were held on the broad topic of Title 13 and the Stormwater Master Plan at Planning Commission meetings on March 11, 2009, April 8, 2009, May 13, 2009, June 10, 2009 and July 8, 2009 to allow feedback from the Commissioners and the public.

Two open houses have been held on the Stormwater Master Plan and Title 13. They were held on October 16, 2008 and May 27, 2009, and provided the public an opportunity to comment on habitat-friendly development practices for stormwater management. This criterion is met.

Implementation Measure 1.1.1.a Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes. Whenever practical to do so, City staff will provide information for public review while it is still in "draft" form, thereby allowing for community involvement before decisions have been made.

Response: The above described open house and public meeting schedule has provided the public with numerous opportunities for early involvement in the development of the compliance approach. The proposed Plan and Code amendments have been in draft form for several months and have been available to the public via the city's web site. This criterion is met.

Implementation Measure 1.1.1.e Encourage the participation of individuals who meet any of the following criteria:

1. *They reside within the City of Wilsonville.*
2. *They are employers or employees within the City of Wilsonville.*
3. *They own real property within the City of Wilsonville.*
4. **They reside or own property within the City's planning area or Urban**

Growth Boundary adjacent to Wilsonville.

Response: Public notice of the proceedings has been provided to individuals in all of the above categories as part of public hearing notification process. This criterion is met.

GOAL 4.1 - To have an attractive, functional, economically vital community with a balance of different types of land uses.

Policy 4.1.1 The City of Wilsonville shall make land use and planning decisions to achieve Goal 4.1.

Response: Several of the proposed code amendments support the general goal of creating an attractive, functional, economically vital community and support smart growth principals.

- Not permitting artificial plants as landscaping.
- Slightly reducing the size of compact parking stalls makes more efficient use of land.
- Increasing the distance that shared parking can be used results in more efficient use of land and can result in less under utilized surface parking.

- Improving soils for landscaping creates healthier plantings, requires less fertilizers and chemicals.
- Increasing the permitted number of compact parking spaces encourages efficient use of land.
- Preservation of native topsoil and integration of compost amended soils assists with plant vitality, survival and health.

Generally, these proposed code amendments support an attractive, functional and economically vital community. These criteria are satisfied.

Planning and Land Development Code, Section 4.197, Zone Changes and Amendments to This Code:

Section 4.008. Application Procedures - In General.

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

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

Response: The application procedures found in the city code have been followed and satisfied as part of the Planning Commission’s legislative process. The proposed changes to the text of Chapter 4 of the WC have been vetted in several work sessions and proper notices have been provided to agencies, interested individuals and affected parties.

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

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

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

Response: The Planning Commission conducted a public hearing on the proposal at an appropriate time following numerous public work sessions and two city wide open houses. Following receipt of the public testimony and conclusion of the deliberations, the Commission forwarded a unanimous recommendation of approval to the City Council at which time staff scheduled a work session and two additional public hearings with the City Council, allowing additional input into the process. The Planning Commission and City Council legislative process satisfies the above related applicable code criterion.

B. In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:

- 1. That the application was submitted in compliance with the procedures set forth in Section 4.008; and*
- 2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and*
- 3. The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code; and*
- 4. If applicable, the amendment is necessary to insure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.*

Response: The following findings support the application and the recommendation for approval. Overall, the proposed changes are minor in nature and do not materially affect the overall intent of the existing standards. The proposed minor amendments are intended to support habitat friendly development consistent with the requirements of Title 13 of Metro's Urban Growth Management Functional Plan.

1. The application was submitted consistent with the procedures set forth in WC Section 4.008.
2. The proposed amendments comply with all applicable goals, policies and objectives found in the Comprehensive Plan, and are necessary to comply with regional requirements.
3. The proposed amendments do not materially conflict with or endanger other provisions of the text of the code as is evidenced by the findings and analysis contained in the staff report.
4. The proposed amendment is not necessary to comply with state or federal laws or statutes, but is a requirement of the regional government Metro. The proposed amendments are being initiated to achieve compliance with the provisions of the Urban Growth Management Functional Plan.

ORDINANCE NO. 673

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE CITY'S OFFICIAL ZONING MAP TO INCLUDE THE BOUNDARIES OF THE I-5/WILSONVILLE ROAD INTERCHANGE AREA MANAGEMENT PLAN(IAMP) OVERLAY ZONING DISTRICT

WHEREAS, the City has adopted an Official Zoning Map, and

WHEREAS, the City and ODOT have agreed on improvements to and financing for the I-5/Wilsonville Road Interchange Area, and

WHEREAS, the State Transportation Planning Rule requires that the investment made in improvements to interstate interchanges be protected by joint adoption of interchange area management plans, and

WHEREAS, the draft I-5/Wilsonville Road IAMP, and associated Comprehensive Plan and Development Code amendments, including the I-5/Wilsonville Road Interchange Area Management Plan Overlay District, were presented to the public at an open house held on July 14, 2009, and

WHEREAS, the I-5/Wilsonville Road Interchange Area Management Plan Overlay District is a necessary technique in application of the Goals, Policies and Implementing Measures of the IAMP and the Comprehensive Plan to development applications within the Overlay District, and

WHEREAS, the Planning Commission held a work session on the draft Plan and associated Plan and code amendments on August 12, 2009, and

WHEREAS, the Planning Commission, after providing the required notice, held a Public Hearing on September 9, 2009 to review the I-5/Wilsonville Road Interchange Area Management Plan Overlay Zone and to gather additional testimony and evidence regarding the Plan and proposed amendments; and

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

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

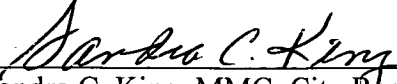
WHEREAS, the Wilsonville Planning Commission recommends that the Wilsonville City Council amend the City's Official Zoning Map as shown in Exhibit "B", attached,

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

1. The City Council adopts as findings and conclusions the foregoing recitals, the Planning Commission recommendations and record before the Planning Commission in this matter as contained in Exhibit "A"

2. The Official City of Wilsonville Zoning Map is hereby amended in Zoning Order LP09-0009, attached hereto, to include the boundaries of the I-5/Wilsonville Road Interchange Area Management Plan Overlay District as shown in Exhibit "B", attached.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of October, 2009, scheduled for second reading at a regular meeting of the City Council on the 19th day of October, 2009, and held over for final decision on the 2nd day of November, commencing at the hour of 7 p.m. at the Wilsonville City Hall.



Sandra C. King, MMC, City Recorder


Sandra C. King, MMC, City Recorder


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

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 17TH day of November, 2009.


Tim Knapp, MAYOR

Summary of votes:

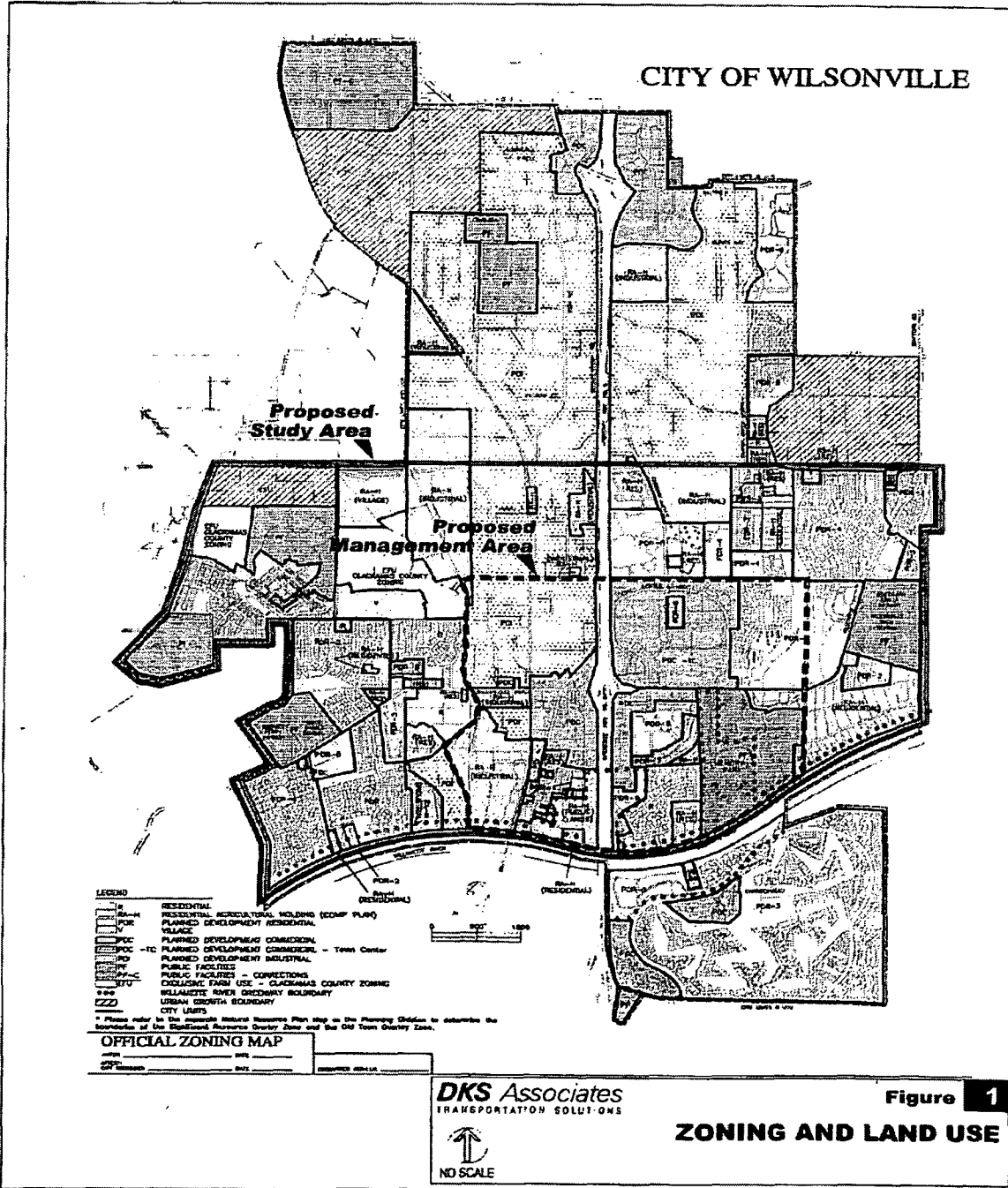
Mayor Knapp	Yes
Councilor Kirk	Yes
Councilor Hurst	Yes
Councilor Ripple	Excused
Councilor Núñez	Yes

EXHIBIT "A"

Record of the Planning Commission for September 9, 2009

EXHIBIT "B"

Amend the Official Zoning Map to include the boundaries of the I-5/Wilsonville Road Interchange Area Management Plan Overlay Zone as shown below:



BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
I-5/WILSONVILLE ROAD
INTERCHANGE AREA MANAGEMENT PLAN
OVERLAY DISTRICT

In the matter of the application of)
The City of Wilsonville for)
Amendment of the City of Wilsonville)
Official Zoning Map to include)
the boundaries of the I-5/Wilsonville)
Road Interchange Area Management)
Plan Overlay District)

ZONING ORDER LP09-0012

The above entitled matter is before the City Council to consider the application by the City of Wilsonville for amendment of the Official Zoning Map to include the I-5/Wilsonville Road Interchange Area Management Plan Overlay District boundaries as shown on Exhibit "A" attached.

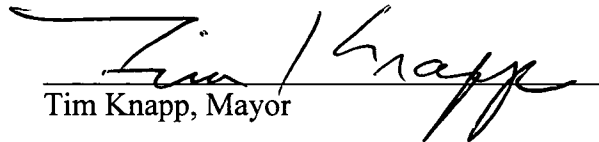
This matter is before the City Council as partial implementation of the Cooperative Improvement Agreement (CIA 23581) between the City of Wilsonville and the Oregon Department of Transportation (ODOT) for design and construction of improvements to the I-5/Wilsonville Road Interchange.

OAR 734-051-0155 requires the preparation and adoption of Interchange Area Management Plans (IAMP) when new interchanges or major improvements to existing interchanges are constructed. The I-5/Wilsonville Road IAMP designates a management area within which development and redevelopment must meet certain requirements whose goal is preservation of the capacity of the newly constructed interchange for at least 20 years.

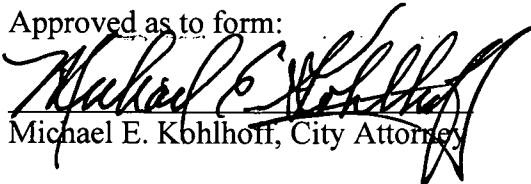
The Council having heard and considered all matters relevant to the application, including the Planning Commission record and recommendation, finds that the application should be approved, and it is therefore,

ORDERED that the Official Zoning Map be amended to include the boundaries of the I-5/Wilsonville Road Interchange Area Management Plan Overlay District, adopted by the Council separately under Ordinance No. 673, as depicted on Exhibit "A" attached, and shall appear as such from and after entry of this Order.

Dated this 16th day of November, 2009.


Tim Knapp, Mayor

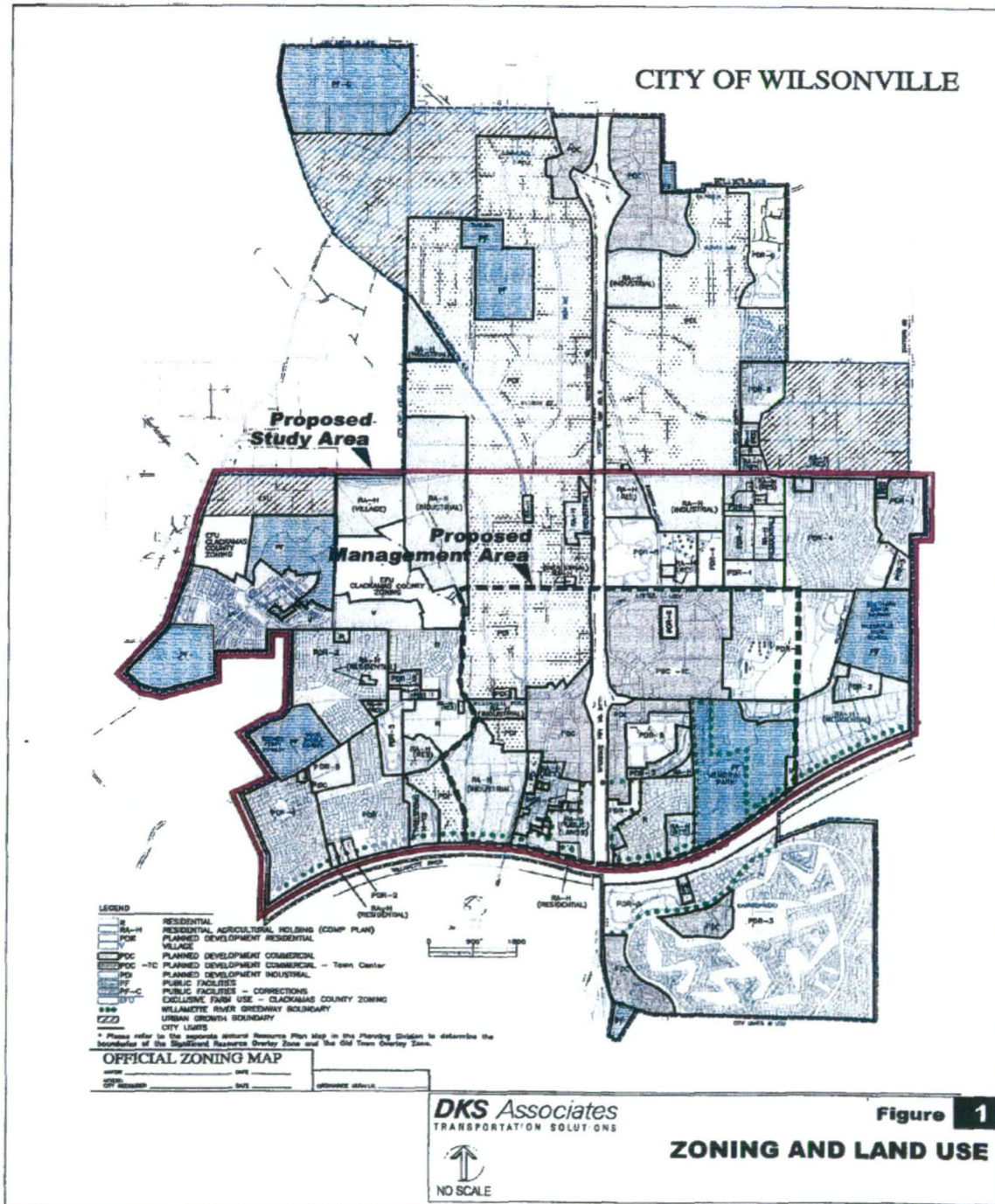
Approved as to form:


Michael E. Koblhoff, City Attorney

ATTEST:

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

Attachment "A": Map depicting boundaries of the I-5/Wilsonville Road Interchange Management Area Plan Overlay district.



ORDINANCE NO. 672

**AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING
CHAPER 4 OF THE CITY CODE TO INCLUDE THE I-5/WILSONVILLE
ROAD INTERCHANGE AREA MANAGEMENT PLAN(IAMP) OVERLAY
ZONING DISTRICT**

WHEREAS, the City and ODOT have agreed on improvements to and financing for the I-5/Wilsonville Road Interchange Area, and

WHEREAS, the State Transportation Planning Rule requires that the investment made in improvements to interstate interchanges be protected by joint adoption of interchange area management plans, and

WHEREAS, the City and consultants have prepared a draft I-5/Wilsonville Road Interchange Area Management Plan (IAMP) and a draft Overlay Zoning District which is necessary in order to implement the Goals and Objectives of the IAMP, and

WHEREAS, the draft I-5/Wilsonville Road IAMP, and associated Comprehensive Plan and Development Code amendments, including the I-5/Wilsonville Road Interchange Area Management Plan Overlay Zone, were presented to the public at an open house held on July 14, 2009, and

WHEREAS, the Planning Commission held a work session on the draft Plan and associated Plan and code amendments on August 12, 2009, and

WHEREAS, the Planning Commission, after providing the required notice, held a Public Hearing on September 9, 2009 to review the I-5/Wilsonville Road Interchange Area Management Plan Overlay Zone and to gather additional testimony and evidence regarding the Plan and proposed amendments; and

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

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

WHEREAS, the Wilsonville Planning Commission adopted all Planning Staff Reports along with the findings and recommendations contained therein and recommended that the Wilsonville City Council amend Chapter 4 of the City Code as shown in Exhibit "B", attached,

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

1. The City Council does hereby adopt all Staff Reports along with the findings and recommendations of the Planning Commission, as contained in Exhibit "A".
2. The Wilsonville Planning and Land Development Ordinance shall be amended as shown in Exhibit "B" attached.
3. Staff is authorized to make any formatting changes necessary to integrate this amendment into the Planning and Land Development Ordinance

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of October, 2009, scheduled for second reading at a regular meeting of the City Council on the 19th day of October, 2009, and held over for

a regular meeting of the City Council on the November 16, 2009 by roll call vote, commencing at the hour of 7 p.m. at the Wilsonville City Hall.



Sandra C. King, MMC, City Recorder

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

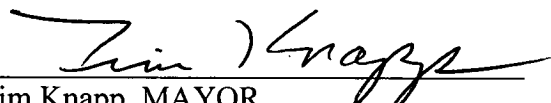
Yes: -4-

No: -0-



Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 17TH day of November 2009.



Tim Knapp, MAYOR

Summary of votes:

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

Attachments:

EXHIBIT "A"

Record of the Planning Commission – September 9, 2009

EXHIBIT "B"

Amend Chapter 4, the Planning and Land Development Ordinance by adding a new section as follows:

Section 4.133.00. Wilsonville Road Interchange Area Management Plan (IAMP) Overlay Zone

Section 4.133.01. Purpose

The purpose of the IAMP Overlay Zone is the long-range preservation of operational efficiency and safety of the Wilsonville Road Interchange, which provides access from and to Interstate 5 for residents and businesses in south Wilsonville. The Wilsonville Road Interchange is a vital transportation link for regional travel and freight movement and provides connectivity between the east and west side of the community. Preserving capacity and ensuring safety of this interchange and the transportation system in its vicinity is essential to existing businesses and residents in the southern parts of the city and to the continued economic and community growth and development in the vicinity of Wilsonville Road and the interchange.

Section 4.133.02. Where These Regulations Apply

The provisions of this Section shall apply to land use applications subject to Section 4.004, Development Permit Required, for parcels wholly or partially within the IAMP Overlay Zone, as shown on **Figure 1**. Any conflict between the standards of the IAMP Overlay Zone and those contained within other chapters of the Development Code shall be resolved in favor of the Overlay Zone.

Section 4.133.03. Permitted Land Uses

Uses allowed in the underlying zoning districts are allowed subject to other applicable provisions in the Code and this Section.

Section 4.133.04. Access Management

In addition to the standards and requirements of Section 4.237 for land divisions and Street Improvement Standards in Section 4.177, parcels wholly or partially within the IAMP Overlay Zone are governed by the Access Management Plan in the Wilsonville Road Interchange Area Management Plan. The following applies to land use and development applications subject to Sections 4.133(.01) Applicability. The provisions of Section 4.133.04 apply to:

- A. Development or redevelopment proposals for parcels two (2) acres or less that are subject to the requirements of Section 4.004 Development Permit.
- B. Planned Development applications, pursuant to Section 4.140, as part of Preliminary Approval (Stage One).
- C. Final Approval (Stage Two) Planned Development applications, pursuant to Section 4.140, to the extent that subsequent phases of development differ from the approved preliminary development plan, or where one or more of the following elements are not identified for subsequent phases:
 - 1. Land uses.
 - 2. Building location.
 - 3. Building size.
 - 4. Internal circulation.

(.02) Access Approval.

- A. Access to public streets within the IAMP Overlay Zone shall be reviewed for consistency with the IAMP Access Management Plan.
- B. Approval of access to City streets within the IAMP Overlay Zone shall be granted only after joint review by the City and the Oregon Department of Transportation (ODOT). Coordination of this review will occur pursuant to Section 4.133.05(.02).
- C. Access approval is a Class II decision, pursuant to Section 4.030, and is based on the standards contained in this Section, the provisions in Section 4.177 and Section 4.237 of this Code, and the Access Management Plan in the Wilsonville Road Interchange Area Management Plan.
 - 1. Where the recommendations of the Access Management Plan conflict with other access and spacing requirements in Section 4.177 of this Code, the IAMP Access Management Plan shall govern.
 - 2. Where development proposals are inconsistent with the Access Management Plan, modifications to the Access Management Plan are required pursuant to (.03) in this Section.

(.02) Cross access easements.

- A. Prior to approving access for tax lots that are identified in the Access Management Plan (see Table 3 and Figure 5 in the Wilsonville Road Interchange Area Management Plan), the City shall require that:

1. The applicant demonstrate how cross access can be accomplished for sites contiguous to the subject property or properties, consistent with the circulation and planned local street network shown in the Interchange Area Management Plan;
2. If access across an adjacent parcel or parcels is necessary for the development of the subject site, a signed cross access agreement is submitted with the application; and,
3. For applications reviewed as part of a subdivision approval process, necessary cross access easements are shown and recorded on the final plat. Access widths shall consistent with City Public Works standards unless based on a Transportation Impact Analysis, developed pursuant to Section 4.133.05(.01) and approved by the City Engineer.

(.03) Access Management Plan Modifications.

A. Recommended actions in the Access Management Plan are based on property configurations development application approvals and ownership existing at the time of the Wilsonville Road Interchange Area Management Plan's adoption. Lot consolidation and other land use actions may necessitate an amendment to the Access Management Plan. Modifications to the Access Management Plan:

1. May occur through agreement by the City of Wilsonville and ODOT and require an amendment to the Wilsonville Road Interchange Area Management Plan; and
2. Will only be allowed if the proposed modifications meet, or move in the direction of meeting, the adopted access management spacing requirements in the Wilsonville Road Interchange Area Management Plan.

Section 4.133.05. Administration

Section 4.133.05 delineates the responsibilities of the City, in coordination with ODOT, to monitor and evaluate vehicle trip generation impacts on the Wilsonville Road Interchange from development approved under this Section.

(.01) Traffic Impact Analysis.

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal in the IAMP Overlay Zone must be

reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

- B. Typical Average Daily Trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips, unless a specific trip generation study is approved by the City Engineer. A trip generation study could be used to determine trip generation for a specific land use which is not well represented in the ITE Trip Generation Manual and for which a similar facility is available to count.
- C. When Required. A Traffic Impact Analysis shall be required to be submitted to the City with a land use application, when the following conditions apply:
 - 1. The development application involves one or more of the following actions:
 - a. A change in zoning or a plan amendment designation; or
 - b. The development requires a Development Permit pursuant to Section 4.004; or
 - c. The development may cause one or more of the following effects to access or circulation, which can be determined by site observation, traffic impact analysis or study, field measurements, and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - i. The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
 - ii. The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
 - iii. The location of the access driveway is inconsistent with the Wilsonville Road Interchange Area Management Plan Access Management Plan.
 - iv. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.
- D. Traffic Impact Analysis Requirements.

1. Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer under retainer to the city. The traffic analysis will be paid for by the applicant.
 2. Transportation Planning Rule Compliance. The traffic impact analysis shall be sufficient in detail to determine compliance with Oregon Administrative Rule (OAR) 660-012-0060.
 3. Traffic Impact Analysis Scoping. The applicant will coordinate with the Wilsonville City Engineer prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected. Coordination with ODOT is advisable and is at the City's discretion.
- E. Approval Criteria.
1. Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:
 - a. The Traffic Impact Analysis was prepared by a professional engineer selected by the City; and
 - b. If the proposed development meets the criteria in Section C, above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's performance standards (i.e. Level-of-Service and/or Volume/Capacity ratio) and are satisfactory to the City Engineer and ODOT; and
 - c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - i. Have the least negative impact on all applicable transportation facilities; and
 - ii. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
 - iii. Make the most efficient use of land and public facilities as practicable; and
 - iv. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - v. Otherwise comply with applicable requirements of the City of Wilsonville's Development Code.
- F. Conditions of Approval. The City may deny, approve, or approve a development proposal with appropriate conditions.
1. Where the existing transportation system will be impacted by the proposed development, dedication of

land for streets, transit facilities, sidewalks, bikeways, paths, or access ways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.

2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use may be required.
3. Where planned local street connectivity is required to improve local circulation for the betterment of interchange function, local street system improvements will be required.

(.02) Land Use Review Coordination.

- A. The City shall not deem the land use application complete unless it includes a Traffic Impact Analysis prepared in accordance with the requirements of this Section.
- B. The City shall provide written notification to ODOT when the application within ten (10) calendar days of receiving a complete Class II Permit application.
- C. ODOT shall have at least 20 calendar days, measured from the date completion notice was mailed, to provide written comments to the City. If ODOT does not provide written comments during this 20-day period, the City staff report will be issued without consideration of ODOT comments.

Section 4.133.06. Comprehensive Plan and Zoning Map Amendments

This Section applies to all Comprehensive Plan Map and Zoning Map amendments to parcels wholly or partially within the IAMP Overlay Zone.

(.01) IAMP Amendment.

If the proposed land use is inconsistent with the current Comprehensive Plan Map or Zoning Map land use designation the applicant will be required to undertake a legislative process to amend and update the Wilsonville Road Interchange Area Management Plan in order to demonstrate that the proposed amendment will be consistent with the planned improvements in the Overlay Zone.

(.02) Transportation Planning Rule Requirements.

- A. Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change pertaining development within the IAMP Overlay Zone, whether initiated by the City or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-

012-0060 (the Transportation Planning Rule – “TPR”).
“Significant” means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 2. Change standards implementing a functional classification system; or
 3. As measured at the end of the planning period identified in the adopted transportation system plan:
 - a. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- B. Amendments That Affect Transportation Facilities. Amendments to the comprehensive plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section -0060 of the TPR.
 3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
 4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- C. Traffic Impact Analysis. A Traffic Impact Analysis shall be submitted with a plan amendment or zone change application. (See Section 4.133.05 Traffic Impact Analysis).

ORDINANCE NO. 671

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE CITY'S COMPREHENSIVE PLAN BY DELETING THE SECTION TITLED ROADS AND TRANSPORTATION PLAN (pp C-7 – C-14) AND ADOPTING A NEW SECTION TITLED TRANSPORTATION.

WHEREAS, the Comprehensive Plan Section, Roads and Transportation contains a text note that, "This section will be redrafted with completion of the Transportation Systems Plan" and

WHEREAS, the City's Transportation Systems Plan (TSP) was adopted in 2003, as an amendment to the Comprehensive Plan, and

WHEREAS, the City has also adopted a Bicycle and Pedestrian Master Plan in 2006, and a Transit Master Plan in 2009, and

WHEREAS, the amendment of the TSP to include the Interchange Area Management Plan (IAMP) for the I-5/Wilsonville Road Interchange and implementing Comprehensive Plan and Development Code amendments offers an opportunity to redraft and bring current the Roads and Transportation Section of the Comprehensive Plan, and

WHEREAS, the Planning Commission held a work session on the draft IAMP and implementing Comprehensive Plan and Development Code amendments on August 12, 2009, and

WHEREAS, the Planning Commission, after providing the required notice, held a Public Hearing on September 9, 2009 and

WHEREAS, adoption of the IAMP and implementing Comprehensive Plan and Development Code amendments is a requirement associated with the planned improvements to the I-5/Wilsonville road Interchange Area, and

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

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

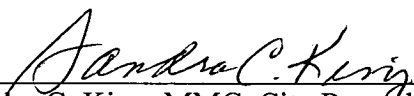
WHEREAS, the Wilsonville Planning Commission adopted all Staff Reports along with the findings and recommendations contained therein and recommends that the Wilsonville City Council adopt amendments to the City's Comprehensive Plan deleting the section titled, Roads and Transportation Plan (pp C-7 – C-14) and adopting a new section titled Transportation, as shown in Exhibit "B" .

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

1. The City Council does hereby adopt all Staff Reports along with the findings and recommendations of the Planning Commission, as contained in Exhibit "A".
2. The Wilsonville Comprehensive Plan shall be amended as shown in Exhibit "B" attached.
3. Staff is authorized to make any formatting changes necessary to integrate this amendment into the Comprehensive Plan.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of October, 2009, scheduled for second reading at a regular meeting of the City Council on the 19th day of October, 2009, and held over for


a regular meeting of the City Council on the November 16, 2009 by roll call vote, commencing at the hour of 7 p.m. at the Wilsonville City Hall.


Sandra C. King, MMC, City Recorder

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

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 17th day of November, 2009.


Tim Knapp, MAYOR

Summary of votes:

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

Attachments:

EXHIBIT "A": Planning Commission record of September 9, 2009

EXHIBIT "B":

Amend the Wilsonville Comprehensive Plan as follows:

Delete all struck-through language. :

Roads and Transportation Plan

Note: This section will be redrafted with completion of the Transportation Systems Plan.

~~Wilsonville is bisected by the I-5 freeway, just south of its intersection with I-205. The freeway provides excellent north-south transportation linkages to Portland and the southern Willamette Valley. In fact, I-5 remains one of the most important transportation links between Canada and Mexico. The combination of large amounts of developable land, with both rail and freeway transportation access, present Wilsonville with continued growth potential for residential, commercial, and industrial development.~~

~~While the freeway is a major growth impetus, it also creates certain limitations on the growth and development of the City. The freeway is a barrier between the east and west sides of the community and makes it both difficult and expensive to add streets connecting the east and west sides of town. Also, heavy traffic at freeway interchanges during rush-hour times can result in traffic backups into other nearby intersections.~~

~~In the late 1990s, substantial public investments were made to up-grade both the Wilsonville Road and Elligsen Road interchanges (exits 283 and 286, respectively). In spite of those improvements, capacity limitations can be seen in both of those interchanges, as the existing freeway on-off ramps at Wilsonville Road are inadequate to handle projected traffic volumes. The City recognizes these problems and notes that if travel patterns continue as they are today and appropriate street improvements, including an additional freeway interchange, are not made, substantial growth limitations will result. It also, however, recognizes the potentials for proper planning and land development to generate certain transportation efficiencies. Therefore, the following policies have been established to promote sound economic growth while providing for an efficient and economical transportation system.~~

~~The Plan identifies three areas of responsibility in transportation planning.~~

~~1. What the City expects to do in providing for efficient transportation.~~

~~———2. What the City will expect developers and businesses to do in support of efficient transportation.~~

~~———3. What the City will expect from Federal, State and regional agencies in support of the City's planning efforts.~~

~~The State's Transportation Planning Rule calls for reductions in vehicle miles traveled (VMTs) per capita and restrictions on the construction of new parking spaces in order to encourage planning that responds to the transportation and land use impacts of growth. Metro's 2040 Growth Concept Plan calls for more compact development as a means of encouraging more efficient use of land, promoting non-auto trips, and protecting air quality. In addition, the federally mandated air quality plan adopted by the State of Oregon relies on Metro fully achieving the 2040 Growth Concept transportation objectives. Notably, the air quality plan relies upon reducing vehicle trips per capita through limitations on the maximum parking ratios allowed for different land uses.~~

~~A compact urban form requires that each use of land is carefully considered and that more efficient forms are favored over less efficient ones. Parking, especially that provided in new developments, can result in less efficient land usage and lower floor area ratios. Parking also has implications for transportation. In areas where transit is provided, or other non-auto modes (e.g., walking, biking) are convenient, less parking can be provided and still allow accessibility and mobility for all modes, including autos. Reductions in auto trips when substituted by non-auto modes can alleviate congestion and improve air quality.~~

~~The City is required by State and regional plans to address these needs through adopting, implementing, and regular updating of a Transportation Systems Plan. The City is also required to adopt minimum and maximum parking ratios in accordance with Title 2 of the Metro Urban Growth Management Functional Plan, or may use categories or measurement standards other than those in the Regional Parking Ratios Table (of that Functional Plan), as long as findings are provided that show such regulations will be substantially the same as the application of the Regional Parking Ratios. As part of the regional effort, the City is required to monitor and provide the following data to Metro on an annual basis:~~

- ~~——— a. the number and location of newly developed parking spaces, and~~
- ~~——— b. demonstration of compliance with the minimum and maximum parking standards, including the application of any variances to the regional standards in this Title. Coordination with Metro through the collection of other building data will also continue.~~

~~Implementation Measure 3.1.6.a The Transportation Master Plan shall be used to establish the design standards for each arterial and major collector street. The conceptual location of proposed new major streets will also be identified. However, actual alignments may vary from the conceptual alignments based on detailed engineering specifications, design considerations, and consideration of the impacts of the road alignments on neighborhoods and natural resources, provided that the intended function of the street is not altered. While local residential streets are considered a part of the Transportation Master Plan, they are not typically shown in detail in the Plan. The alignment of local streets shall be evaluated on a project-by-project basis, but must function in coordination with the overall purposes of the Transportation Master Plan. Other streets not shown on the Plan may also be considered, if determined necessary for safe and convenient traffic circulation or increased connectivity.~~

~~Implementation Measure 3.1.6.b. The Transportation Master Plan shall be used to establish the Functional Street Classification System and the physical design characteristics (right-of way and pavement width, curbs, sidewalks, etc.) of the various street classifications.~~

~~Implementation Measure 3.1.6.c. All streets shall be designed and developed in accordance with the Master Plan and street standards, except that the Development Review Board or City Council may approve specific modifications through the planned development process. Such modifications shall be made in consideration of existing traffic volumes and the cumulative traffic generation potential of the land uses being developed. At a minimum, all streets must be developed with sufficient pavement width to provide two lanes of traffic, unless designated for one-way traffic flow. However, adequate emergency vehicle access and circulation must be provided.~~

~~Implementation Measure 3.1.6.d. Where the City Council officially designates truck routes, these streets shall be developed to arterial street construction standards and be posted as truck routes.~~

~~Implementation Measure 3.1.6.e. All arterial and collector streets shall be dedicated public streets. To insure adequate protection of potential future right-of-way needs, minimum setbacks shall be retained adjacent to arterial streets. In addition, to maintain efficient traffic flows, intersections with arterial streets shall be minimized, and property owners shall be encouraged and, where feasible, may be required to consolidate driveways.~~

~~Implementation Measure 3.1.6.f. Through the Planned Development process, local streets may be approved as private streets, provided that adequate~~

~~emergency access is available and that appropriate deed restrictions, homeowners' association requirements, etc. are established to insure proper maintenance.~~

~~Implementation Measure 3.1.6.g Minimum street service levels shall continue to be established. Dedication of adequate right-of-way, as established by the Street System Master Plan, or as otherwise approved by the Development Review Board or City Council shall be required prior to actual site development~~

~~Implementation Measure 3.1.6.h The City shall periodically review and update its street lighting standards in the interest of public safety. Energy conservation shall also be considered in setting these standards.~~

~~Implementation Measure 3.1.6.i The City is responsible for planning, scheduling, and coordinating all street improvements through the on-going Capital Improvements Plan. A priority is given to eliminating existing deficiencies and in upgrading the structural quality of the existing arterial system.~~

~~Implementation Measure 3.1.6.j The City shall encourage the State (ODOT) and the Counties to acknowledge or adopt the City's street standards to insure consistent application of street improvement requirements regardless of the jurisdictional control of the road in question.~~

~~Implementation Measure 3.1.6.k Individual developments shall be responsible for providing all collector and local streets. However, there may be cases where collector streets are found to benefit the entire community to a degree that warrants public participation in funding those collector streets. Developers and property owners of developing property shall also collectively assume the responsibility for providing "extra capacity" to the existing street system. To insure development of an adequate street system, the City shall collect a Systems Development Charge as development occurs. Funds collected shall be allocated through the Capital Improvements Plan as needed to provide extra capacity service.~~

~~Implementation Measure 3.1.6.l Maintenance of the developed City Street System is a public obligation. The City shall coordinate routine and necessary maintenance with the appropriate State or County agencies.~~

~~Implementation Measure 3.1.6.m The City shall continue to work with the State, Metro, Clackamas and Washington Counties and adjacent jurisdictions to develop and implement a Regional Transportation Plan that is complementary to and supportive of the City's Plan while addressing regional~~

~~concerns. The City expects a reciprocal commitment from the other agencies. This policy recognizes that there is a need for a collective and cooperative commitment from all affected agencies to solve existing and future transportation problems. The City will do its part to minimize transportation conflicts, but it must also have the support of County, regional, State and Federal agencies to effectively implement this Plan.~~

~~Implementation Measure 3.1.6.n The City shall actively encourage the State to provide improvements to regional transportation facilities which, due to inadequate carrying capacities, frustrate implementation of the City's Transportation Plan.~~

~~Implementation Measure 3.1.6.o The City shall take the following steps to reduce VMTs and overall reliance on single occupancy vehicles:~~

- ~~1. Review all land use/development proposals with regard to transportation impacts. All development proposals shall be required to pay for a transportation impact analysis, unless specifically waived by the City's Community Development Director because the information is not needed.~~
- ~~2. Seek to minimize traffic congestion at the freeway interchanges as well as on local arterial and collector streets.~~
- ~~3. Seek to reduce the number and length of home-to-work trips.~~
- ~~4. Seek a balanced mix of activities which encourage consolidation of automobile oriented trips and encourage design and location of complementary activities that support public transit, ride-share programs, and use of other alternative modes of transportation.~~
- ~~5. Require large developments and high employment and/or traffic generators to design for mass transit and to submit programs to the City indicating how they will reduce transportation impacts. All such proposals shall be subject to review by SMART and, if applicable, ODOT. Maximum parking limits shall be used in conformity with Metro standards.~~
- ~~6. Seek location of a permanent park and ride station as well as a commitment from Tri-Met to upgrade transit service to the greatest extent possible, in coordination with SMART. Note the potential need for a commuter rail station in conjunction with the park and ride lot.~~
- ~~7. Accommodate the expected growth in population and employment and the resulting transportation needs, the City by expanding local bus service in the residential and employment areas, continue to improve arterial and collector street networks, a bikeway system, ride-sharing programs including carpools and van pools and encourage staggered or flex-time, work-hour programs.~~
- ~~8. Take steps to improve connectivity between existing neighborhoods and between residential areas and traffic generator locations. Also, work to~~

~~provide more and better options for travel from one side of the freeway, the railroad, and major drainage courses to the other. It is recognized that alignment decisions for streets may cause concerns for adjacent property owners or residents, whose suggestions may help to improve plans or designs. The testimony of neighboring property owners shall not be the sole justification to postpone the construction of planned streets.~~

~~9. Increase densities and intensities of development in or near the Town Center area and in other locations where transportation systems can meet those needs.~~

~~10. Improve the balance between housing, employment, and commercial activities within the City in order to reduce commuting.~~

~~Implementation Measure 3.1.6.p The City recognizes the value of the railroad to industrial growth in Wilsonville, and will encourage the railroad and the State of Oregon to maintain quality service and provide needed improvements, rail crossings and signalization, etc. System expansion to accommodate commuter rail service shall be strongly encouraged.~~

~~Implementation Measure 3.1.6.q In addition to Willamette River Greenway policies, the City recognizes the use of the Willamette River for both commercial and private recreational travel. The City also recognizes the potential conflict between these uses as well as the safety problems created by heavy usage of the river, particularly during the summer months.~~

~~Implementation Measure 3.1.6.r The City shall work with the appropriate authorities to establish regulations for activities conducted on the Willamette River to insure protection of the public health, safety, and general welfare.~~

~~Implementation Measure 3.1.6.s Pedestrian, bicycle, and equestrian travel is often considered a recreational activity. However, people commonly bike and walk throughout the City, and with increasing gasoline prices and traffic congestion, these forms of travel are likely to increase in popularity. For this reason, provisions for pedestrian and bicycle travel will be considered as a basic transportation element as well as a recreational element.~~

~~Implementation Measure 3.1.6.t The Bicycle and Pedestrian Master Plan identifies the general alignment of primary routes for pedestrian and bicycle travel. It has been designed to provide connections between residential neighborhoods and major commercial, industrial and recreational activity centers throughout the City. The system has been coordinated with pathways planned in adjacent jurisdictions to allow for regional travel.~~

~~Implementation Measure 3.1.6.u Safety, convenience, and security for both path users and adjacent property owners shall be a primary consideration in~~

determining the actual location and routing of pathways. It is recognized that alignment decisions for pathways and trails may cause concerns for adjacent property owners or residents, whose suggestions may help to improve plans or designs. The testimony of neighboring property owners shall not be the sole justification to postpone the construction of planned pathways.

~~Implementation Measure 3.1.6.v The City shall continue to use pathway construction standards in the Public Works Standards.~~

~~Implementation Measure 3.1.6.w All primary pathways shall be constructed in accordance with the Master Plan, with specific alignments to be approved by the Planning Commission, Development Review Board, or City Council. All major street construction or improvements shall be coordinated with the Pathway Master Plan.~~

~~Implementation Measure 3.1.6.x The City shall schedule and coordinate all pathway improvements. A priority will be given to completing specific links of the system, thereby avoiding dead-end pathways. When land is developed which includes a designated pathway, appropriate dedication of right-of-way or easements shall be required. In cases where the proposed development will substantially increase the need for the path, construction may also be required prior to occupancy.~~

~~Implementation Measure 3.1.6.y The City shall encourage development of secondary pathways that are internal to individual developments. Secondary paths shall be designed and provided by private development as new construction occurs and shall be coordinated with the primary pathway system.~~

~~Implementation Measure 3.1.6.z City street standards require concrete sidewalks on both sides of all streets. This standard can be waived only in cases where alternative provisions are found to adequately address pedestrian needs.~~

~~Implementation Measure 3.1.6.aa All bikeways are to be developed in conformity with the City's adopted Bicycle and Pedestrian Master Plan.~~

~~Implementation Measure 3.1.6.bb Complete the major street system improvements shown in the Transportation Master Plan. The City may not be able to finance all of these improvements and some may be financed by other entities.~~

~~Implementation Measure 3.1.6.cc If adequate regional transportation services, including I-5 interchange modification or additions, and high~~

capacity public transportation, cannot be provided, then the City shall reevaluate and reduce the level of development and/or timing of development anticipated by other elements of this Plan. Such reductions shall be consistent with the capacity of the transportation system at the time of re-evaluation.

Street Improvements

Note: This section will be redrafted with completion of the Transportation Systems Plan.

The general concept of the Transportation Master Plan is to provide an arterial system which surrounds the City and passes through it in the east-west direction and north-south direction on each side of I-5. Improved access to I-5 is also proposed in this Plan.

Collector streets would provide for internal circulation within the arterial streets.

A detailed description of the recommended street improvements to the existing network is included in the Transportation Master Plan. These improvements are listed for I-5, the arterials and the collector streets.

Note: This section will be redrafted with completion of the Transportation Systems Plan.

**TABLE I
ROADWAY STANDARDS**

	Pavement	Right-of-way
Design Capacity	Width in	width in
Vehicles/day	feet	feet
A. Cul-de-sac street 200	28	50
B. Local resident 1,200	32	52
C. Resident collector 7,000	36	60
D. Collector, industrial & 10,000 to 18,000 Arterial	40	60

E. Arterial	48	60
15,000 to 20,000		
F. Arterial	62*	72
33,000		
G. Arterial	70	94
34,000 to 37,000		

* Includes left turn lane

NOTE: Design capacities based on level of service "D", 5 percent commercial vehicles, 10 percent right turns, 10 percent left turns, peak hour factor 85-90 percent, peak hour directional distribution 55 to 60 percent, peak hour 9-12 percent of daily volume and average signal timing for collector and arterial streets.

Add new language as follows:

Transportation

Under the State’s Transportation Planning Rule (TPR), planning for transportation must “encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation”.

In MPO areas, (i.e. Metro), “regional and local Transportation Systems Plans (TSP) shall be designed to achieve adopted standards for increasing transportation choices and reducing reliance on the automobile”. It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation systems so that walking, cycling and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today”.

Both the Transportation Planning Rule and the federally mandated State Air Quality Plan call for reductions in vehicle miles travelled (VMTs) per capita. The goal is to adopt plans and measures that are likely to achieve a five percent reduction in VMT per capita over the 20-year planning period. The Metro Regional Transportation Plan (2035 Federal component) states that, “Improvement in non-single occupancy vehicle (non-SOV) mode share will be used to demonstrate compliance with per capita travel reductions” [VMT reductions] “required by the TPR.”

Transportation plans must also “facilitate the safe, efficient and economic flow of freight and other goods and services within regions and throughout the state through a variety of modes including road, air, rail and marine transportation”.

Communities must “protect existing and planned transportation facilities, corridors and sites for their identified functions’ and also “provide for the construction and

implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans”.

Transportation plans must include a transportation financing program.

The Wilsonville Comprehensive Plan includes, as sub-elements of the Plan, the City's Transportation Systems Plan (2003), the Bicycle and Pedestrian Master Plan (2006) and the Transit Master Plan (2008). There are no airports or marine transportation facilities within the city. The City has adopted 1 Year and 5-Year Capital Improvement Plans which provide for the construction of transportation facilities, improvements and services necessary to support the City's Transportation Systems Plan, the Bicycle and Pedestrian Master Plan and the Transit Master Plan.

The Transportation Network

Wilsonville is bisected by I-5, just south of its intersection with I-205. I-5 is classified as an Interstate Highway. It is part of the National Highway system and is a designated freight route between Portland and points south. The operational objective for Interstate Highways is to provide safe and efficient high-speed travel in urban and rural areas.

Two I-5 interchanges are located within Wilsonville, Interchange 283, I-5 @ Wilsonville Road, and 286, I-5 @ Elligsen Road. Both interchanges provide a vital function in supporting local and regional economic development goals and plans. Local traffic, including commercial and industrial vehicles, must have safe and efficient access to and from the freeway.

In the late 1990s, substantial public improvements were made to up-grade both interchanges. Now, ten years later, both interchanges again have capacity limitations. A major modernization project is planned to begin construction at I-5/Wilsonville Road in 2010, following the City's completion of improvements on Boones Ferry Road which connects to Wilsonville Road within the interchange management area. The I-5/Wilsonville Road project includes elevated bike/pedestrian pathways on both sides of the street, expansion of the travel way to 8 lanes under the I-5 Bridge, and wider and longer on and off ramps.

Capacity limitations also exist at the 95th / Commerce Circle /Boones Ferry Road intersections. The planned improvements there will add an additional right turn lane southbound off I-5 to Boones Ferry Road and an additional left turn lane from Boones Ferry Road to 95th.

The City has a network of streets which serve the east side or the west side, with only three connection points east-west across I-5. These are Wilsonville Road, Boeckman Road and Elligsen Road. The recent extension of Boeckman Road to Grahams Ferry Road has provided an alternative east-west route resulting in a reduction of the trip levels on both Wilsonville and Elligsen Roads.

City street standards require provision of bike lanes and sidewalks on all new streets. Developments in areas without bike lanes and sidewalks are required to provide them as part of the development of their site. The city also maintains a sidewalk infill fund for construction of missing sidewalk segments in older neighborhoods. The Bicycle and Pedestrian Master Plan provides greater detail about the existing system and its deficiencies and identifies planned improvements and financial resources.

The City operates a transit system, SMART, which provides local service, and connects with WES, Cherriots in Salem and Tri-Met in the Portland area. WES, the Westside Express Service Commuter Rail, operates during weekday commuter hours in the morning and evening, connecting Wilsonville with the Beaverton Transit Station and the MAX system. The Transit Master Plan provides greater detail about the existing system and its deficiencies and identifies planned improvements and financial resources.

Goal 1: To encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation

Policy 1.1 To provide for safe and efficient vehicular, transit, pedestrian and bicycle access and circulation.

Implementation Measure 1.1.1 Plan and implement a well-connected network of streets and supporting improvements for all applicable travel modes.

Implementation Measure 1.1.2 Provide safe and efficient multi-modal travel between the connecting roadways (and the surface street network, if applicable).

Policy 1.2 To provide for a mix of planned transportation facilities and services that are sufficient to ensure economic, sustainable and environmentally sound mobility and accessibility for all residents and employees in the city.

Policy 1.3 If adequate regional transportation services, including I-5 interchange modification or additions, and high capacity public transportation, cannot be provided, then the City shall reevaluate and reduce the level of development and/or timing of development anticipated by other elements of this Plan. Such reductions shall be consistent with the capacity of the transportation system at the time of re-evaluation.

Goal 2: To achieve adopted standards for increasing transportation choices and reducing reliance on the automobile by changing land use patterns and transportation systems so that walking, cycling and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.

Policy 2.1 The City shall adopt standards for reducing reliance on single occupant automobile use, particularly during peak periods.

Implementation Measure 2.1.1 Improve the balance between housing, employment, and commercial activities within the City in order to reduce commuting.

Implementation Measure 2.1.2 Increase densities and intensities of development in or near the Town Center area and in other locations where transportation systems can meet those needs.

Implementation Measure 2.1.3 Plan for increased access to alternative modes of transportation, such as bicycling, transit and walking.

Implementation Measure 2.1.4 Continue use of the Planned Development process to encourage developments that make it more convenient for people to use transit, to walk, to bicycle, and to drive less to meet daily needs.

Implementation Measure 2.1.5 Take steps to improve connectivity between existing neighborhoods and between residential areas and traffic generator locations. Work to provide more and better options for travel from one side of the freeway, the railroad, and major drainage courses to the other.

Implementation Measure 2.1.6 Strongly encourage full day and Saturday service for WES.

Implementation Measure 2.1.7 Continue to support the extension of WES to Salem.

Implementation Measure 2.1.8 Continue to comply with Metro parking standards. Consider reducing parking requirements where it can be shown that transit and/or bicycle pedestrian access will reduce vehicular trips.

Policy 2.2 The City shall work to improve accessibility for all citizens to all modes of transportation.

Implementation Measure 2.2.1 The City's Bicycle and Pedestrian Master Plan identifies the general alignment of primary routes for pedestrian and bicycle travel. It has been designed to provide connections between residential neighborhoods and major commercial, industrial and recreational activity centers throughout the City. The system has been coordinated with pathways planned in adjacent jurisdictions to allow for regional travel.

Implementation Measure 2.2.2 City street standards require concrete sidewalks on both sides of all streets. This standard can be waived only in cases where alternative provisions are found to adequately address pedestrian needs.

Implementation Measure 2.2.3 Transportation facilities shall be ADA-compliant.

Implementation Measure 2.2.4 The City will prepare an implementation schedule and continue to provide funding for infilling gaps in the sidewalk system.

Goal 3: To facilitate the safe, efficient and economic flow of freight and other goods and services within the city and the region.

Policy 3.1: The City will continue to upgrade and/or complete the street network on the west side of I-5, including the Coffee Creek area, to serve the warehousing, distribution, and other industrial uses located there.

Implementation Measure 3.1.1 Where the City Council officially designates truck routes, these streets shall be developed to arterial street construction standards and be posted as truck routes.

Policy 3.2 The City will work with ODOT, Metro and neighboring communities to maintain the capacity of I-5 through a variety of techniques, including requirements for concurrency, continued development of a local street network within and connecting cities along I-5, access management, and completion of targeted improvements on I-5 such as auxiliary lanes, improvements at interchanges, etc.

Implementation Measure 3.2.1 Consistent with the city's policy that needed public facilities and services are provided in advance of, or concurrently with, development, proposed land use changes within the I-5/Wilsonville Road IMA shall be consistent with planned future transportation projects.

Goal 4: To protect existing and planned transportation facilities, corridors and sites for their identified functions, including protection of the function and operation of the I-5/Wilsonville Road Interchange and the I-5/Elligsen Road Interchange, together with the local street network within the Interchange Areas.

Policy 4.1 The Transportation Systems Plan(TSP) shall establish policies and implementation measures to fulfill the City's transportation needs through the Year 2020, provides details to guide transportation investment for the future and determine how land use and transportation needs can be balanced to bring the most benefit to the city.

Implementation Measure 4.1.1 The Transportation Systems Plan shall be used to establish the design standards for each arterial and major collector street. The conceptual location of proposed new major streets will also be identified. However, actual alignments may vary from the conceptual alignments based on detailed engineering specifications, design considerations, and consideration of the impacts of the road alignments on neighborhoods and natural resources, provided that the intended function of the street is not altered.

Implementation Measure 4.1.2 While local residential streets are considered a part of the Transportation Systems Plan, they are not typically shown in detail in the Plan. The alignment of local streets shall be evaluated on a project-by-project basis, but must function in coordination with the overall purposes of the Transportation Systems Plan. Other streets not shown on the Plan may also be considered, if determined necessary for safe and convenient traffic circulation or increased connectivity.

Implementation Measure 4.1.3. The Transportation Systems Plan shall be used to establish the Functional Street Classification System and the physical design characteristics (right-of way and pavement width, curbs, sidewalks, etc.) of the various street classifications.

Implementation Measure 4.1.4 All streets shall be designed and developed in accordance with the Transportation Systems Plan and street standards, except that the Development Review Board or City Council may approve specific modifications through the planned development process. Such modifications shall be made in consideration of existing traffic volumes and the cumulative traffic generation potential of the land uses being developed. At a minimum, all streets must be developed with sufficient pavement width to provide two lanes of traffic, unless designated for one-way traffic flow. However, adequate emergency vehicle access and circulation must be provided.

Implementation Measure 4.1.5 All arterial and collector streets shall be dedicated public streets. To insure adequate protection of potential future right-of-way needs, minimum setbacks shall be retained adjacent to arterial streets. In addition, to maintain efficient traffic flows, intersections with arterial streets shall be minimized, and property owners shall be encouraged and, where feasible, may be required to consolidate driveways.

Policy 4.2 Review all land use/development proposals with regards to consistency with the TSP transportation impacts.

Implementation Measure 4.2.1 All development proposals shall be required to provide for a transportation impact analysis by payment to the City for completion of such study by the city's traffic consultant unless specifically waived by the City's Community Development Director because the scale of the proposed development will have very limited impacts.

Implementation Measure 4.2.2. Through the Planned Development process, local streets may be approved as private streets, provided that adequate emergency access is available and that appropriate deed restrictions, homeowners' association requirements, etc. are established to insure proper maintenance.

Implementation Measure 4.2.3 Any proposed change to the Comprehensive Plan Map or existing zoning that would result in additional trips above that allowed

under the city's concurrency policies may be denied unless mitigation measures are identified and provided.

Policy 4.3 Provide for an adequate system of local roads and streets for access and circulation within I-5 Interchange Management Areas that minimize local traffic through the interchanges and on the interchange cross roads.

I-5/Wilsonville Road IMA: (4.3a)

Implementation Measure 4.3a.1 The City will require future development to plan for and develop local roadway connections consistent with the I-5/Wilsonville Road IAMP as part of the development permit approval process.

Implementation Measure 4.3a.2 Bicycle and pedestrian connections within the IMA will be required for new development consistent with the City's Bicycle and Pedestrian Plan.

Implementation Measure 4.3a.3 System operational improvements, including signal synchronization, transportation demand management measures and incident management shall be implemented within the vicinity of the interchange to maximize the efficiency of the local street network and minimize the impact of local traffic on the interchange.

Implementation Measure 4.3a.4 The City will require future development to adhere to access management spacing standards for private and public approaches on statewide highways as adopted in the Wilsonville Road IAMP.

Implementation Measure 4.3a.5 The City will approve development proposals in the I-5/Wilsonville Road Interchange Management Area (IMA) only after it is demonstrated that proposed access and local circulation are consistent with the Access Management Plan in the I-5/Wilsonville Road IAMP.

Implementation Measure 4.3a.6 Ensure that future changes to the planned land use system are consistent with protecting the long-term function of the interchange and the surface street system.

Implementation Measure 4.3a.7 Any proposed change to the Comprehensive Plan Map or existing zoning that would result in additional trips above that allowed under the current zoning and assumed in the I-5/Wilsonville Road IAMP must include a review of transportation impacts consistent with OAR 660-12-0060.

Implementation Measure 4.3a.8 The City will provide notice to ODOT for any land use actions proposed within the I-5/Wilsonville Road IAMP Overlay Zone.

I-5/Elligsen Road Interchange (4.3b)

Implementation Measure 4.3b.1 The City will require future development to adhere to access management spacing standards for private and public approaches on statewide highways as required by the Oregon Highway Plan.

Implementation Measure 4.3b.2 Ensure that future changes to the planned land use system are consistent with protecting the long-term function of the interchange and the surface street system.

Implementation Measure 4.3b.3 Bicycle and pedestrian connections within the Interchange Area will be required for new development consistent with the City's Bicycle and Pedestrian Plan.

Implementation Measure 4.3b.4 System operational improvements, including signal synchronization, transportation demand management measures and incident management shall be implemented within the vicinity of the interchange to maximize the efficiency of the local street network and minimize the impact of local traffic on the interchange.

Goal 5: To provide for the construction and implementation of transportation facilities, improvements and services necessary to support the TSP, the Transit Master Plan and the Bicycle and Pedestrian Master Plan.

Policy 5.1 *The City is responsible for planning, scheduling, and coordinating all street improvements through the on-going Capital Improvements Plan. A priority is given to eliminating existing deficiencies and in upgrading the structural quality of the existing arterial system.*

Implementation Measure 5.1.1 Complete the major street system improvements shown in the Transportation Systems Plan. The City may not be able to finance all of these improvements. Some may be financed by other entities, or a combination of public and private funds.

Implementation Measure 5.1.2 Maintenance of the developed City Street System is a public responsibility. The City shall coordinate routine and necessary maintenance with the appropriate State or County agencies.

Policy 5.2 Individual developments shall be responsible for providing all collector and local streets. However, there may be cases where collector streets are found to benefit the entire community to a degree that warrants public participation in funding those collector streets.

Goal 6: To maintain a transportation financing program for the construction and implementation of transportation facilities, improvements and services necessary to support the TSP, the Transit Master Plan and the Bicycle and Pedestrian Master Plan.

Policy 6.1 The City is responsible for planning, scheduling, and coordinating all street improvements through the on-going Capital Improvements Plan. A priority is given to eliminating existing deficiencies and in upgrading the structural quality of the existing arterial system.

Policy 6.2 To insure development of an adequate street system, the City shall collect a Systems Development Charge as development occurs. Funds collected shall be allocated through the Capital Improvements Plan as needed to provide extra capacity service.

Goal 7: To maintain coordination with neighboring cities, counties, Metro, ODOT local businesses, residents and transportation service providers regarding transportation planning and implementation.

Policy 7.1 The City shall continue to work with the State, Metro, Clackamas and Washington Counties and adjacent jurisdictions to develop and implement a Regional Transportation Plan that is complementary to and supportive of the City's Plan while addressing regional concerns. The City expects a reciprocal commitment from the other agencies. This policy recognizes that there is a need for a collective and cooperative commitment from all affected agencies to solve existing and future transportation problems. The City will do its part to minimize transportation conflicts, but it must also have the support of County, regional, State and Federal agencies to effectively implement this Plan.

Implementation Measure 7.1.1 The City shall actively encourage the State to provide improvements to regional transportation

facilities which, due to inadequate carrying capacities, frustrate implementation of the City's Transportation Plan.

November 18, 2009

Please Note:

Ordinance No. 670 is in a redwell pocket file due to its size.

ORDINANCE NO. 669

AN ORDINANCE OF THE CITY OF WILSONVILLE ADDING SECTION 3.420 TO THE W.C., ADOPTING AN ALTERNATIVE PROCEDURE FOR THE SALE, TRANSFER, OR MODIFICATION OF PUBLIC UTILITY EASEMENTS NO LONGER NEEDED FOR PUBLIC USE AND FOR THE SALE, TRANSFER, OR MODIFICATION OF PUBLIC EASEMENTS AS CONDITIONS OF APPROVAL FOR LAND USE DEVELOPMENT PERMITS

WHEREAS, ORS 221.725 requires a public hearing process and City Council approval before the City may dispose of real property or any interest in real property, and ORS 221.727 authorizes the City to adopt an alternative procedure from that in ORS 221.725 for the sale of parcels of a class of real property, or any interest therein; and

WHEREAS, the day to day operations of City Engineering require modifications or transfers of incorrectly recorded public utility easements; also, land use development plans often include the transfer or modification of public easements; and

WHEREAS, the currently required public hearing and City Council approval process requires a significant amount of staff time and effort; and

WHEREAS, modifying public utility easements no longer in the public use is a simple administrative act of correcting inaccurate records, and sale, transfer, or modification of public easements in land use development projects must undergo public hearing for land use development permit approval; and

WHEREAS, an alternative procedure adopted under ORS 221.727 would save the City time and money by allowing City staff to sell, transfer, or modify public interests in easements or rights of way described above through a simplified process that ensured adequate consideration for any transferred property.

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

1. The above recitals are incorporated as fully set forth herein as findings of the City Council.
2. Wilsonville Code Chapter 3, City Property is amended with the addition of a new section, Section 3.420 Alternative Procedures for Disposition of City Property.

3.420 Alternative Procedures for Disposition of City Property

(1) Authority and Purpose

Pursuant to ORS 221.727, the City Manager or designee is authorized to sell, transfer, or modify the City's interest in any real property which is held or granted to the City or the public as a right of way or for the limited purpose of allowing installation, construction, and/or maintenance of public utility facilities.

(2) Authority of the City Manager to Sell, Transfer, or Modify

(a) The City Manager or designee may sell, transfer, or modify the City's interest in real property which is held or granted to the City or the public for the limited purpose of allowing installation, construction, and/or maintenance of public utility facilities when such property is no longer needed for public use or when such sale, transfer, or modification will further the public interest.

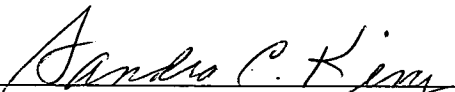
(b) The City Manager or designee may sell, transfer, or modify the City's interest in real property which is held or granted to the City or the public as a right of way when the sale, transfer, or modification of the right of way is a condition of approval of a land use development permit.

(c) Relevant factors to be considered by the City Manager or designee include, but are not limited to:

- (i.) The need of the City or a utility provider for the easement or any portion thereof.
- (ii.) Existing utility facilities within or near the easement.
- (iii.) Future plans for development or for extension of utility services within or near the easement.
- (iv.) Topography and lateral support of the easement and of the surrounding area.
- (v.) Development proposals for the property subject to the easement or any nearby property.
- (vi.) Appropriate consideration to be provided in exchange for a transfer.

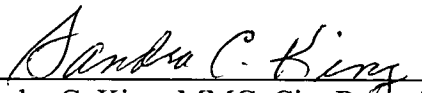
(d) The City Manager or designee may sell, transfer, or modify the property interest, or a portion thereof, by quit claim deed or by such document as otherwise approved by the City Attorney, conditioned upon the satisfaction of conditions under which the public interest may be better served.

SUBMITTED to the Wilsonville City Council and read for the first time at a special meeting thereof on the 21st day of September 2009, at the hour of 7:00 p.m. at the Wilsonville City Hall 29799 SW Town Center Loop East, Wilsonville, Oregon, and scheduled for second reading on the 5th day of October, 2009, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

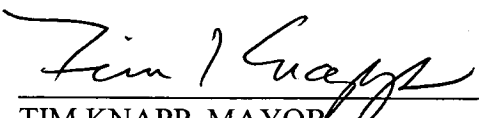

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 5th day of October 2009, by the following votes:

YEAS:-3- NAYS: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 8th day of October 2009.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Núñez	<u>Excused</u>
Councilor Ripple	<u>Yes</u>
Councilor Hurst	<u>Excused</u>