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

(.01) Purpose. It is the purpose of this Section to prescribe standards and procedures for the use and development of land to assure the protection of valued natural features and cultural resources. The requirements of this Section are intended to be used in conjunction with those of the Comprehensive Plan and other zoning standards. It is further the purpose of this Section:

A. To protect the natural environmental and scenic features of the City of Wilsonville.

B. To encourage site planning and development practices which protect and enhance natural features such as riparian corridors, streams, wetlands, swales, ridges, rock outcroppings, views, large trees and wooded areas.

C. To provide ample open space and to create a constructed environment capable and harmonious with the natural environment.

(.02) General Terrain Preparation:

A. All developments shall be planned, designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant landforms.

B. All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code.

C. In addition to any permits required under the Uniform Building Code, all developments shall be planned, designed, constructed and maintained so as to:

1. Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.

2. Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination, or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.

3. Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

(.03) Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:

A. An engineering geologic study approved by the City, establishes that the site is stable for the proposed development, and any conditions and recommendations based on the study are incorporated into the plans and construction of the development. The study shall include items specified under subsection 4.171(.07)(A.)(2.)(a-j):

B. Slope stabilization and re-vegetation plans shall be included as part of the applicant’s landscape plans.
C. Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features.

D. Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided where feasible.

E. Roads shall be of minimum width, with grades consistent with the City's Public Works Standards.

F. Maintenance, including re-vegetation, of all grading areas is the responsibility of the developer, and shall occur through October 1 of the second growing season following receipt of Certificates of Occupancy unless a longer period is approved by the Development Review Board.

G. The applicant shall obtain an erosion and sediment control permit from the City’s Building and Environmental Services Division’s.

(.04) Trees and Wooded Areas.

A. All developments shall be planned, designed, constructed and maintained so that:

1. Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.

2. Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible.

3. Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.

B. Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:

1. Avoiding disturbance of the roots by grading and/or compacting activity.

2. Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.

3. Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.

4. Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees.

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

A. Due to the restrictions placed on these lands, no residential structures shall be allowed within high voltage powerline easements and rights of way and petroleum pipeline easements, and any development, particularly residential,
adjacent to high voltage powerline easements and rights of way and petroleum pipeline easements shall be carefully reviewed.

B. Any proposed non-residential development within high voltage powerline easements and rights of way and petroleum pipeline easements shall be coordinated with and approved by the Bonneville Power Administration, Portland General Electric Company or other appropriate utility, depending on the easement or right of way ownership.

(.06) Hazards to Safety: Purpose:

A. To protect lives and property from natural or human-induced geologic or hydrologic hazards and disasters.

B. To protect lives and property from damage due to soil hazards.

C. To protect lives and property from forest and brush fires.

D. To avoid financial loss resulting from development in hazard areas.

(.07) Standards for Earth Movement Hazard Areas:

A. No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions:

1. Stabilization of the identified hazardous condition based on established and proven engineering techniques which ensure protection of public and private property. Appropriate conditions of approval may be attached by the City.

2. An engineering geologic study approved by the City establishing that the site is stable for the proposed use and development. The study shall include the following:
   a. Index map.
   b. Project description, to include: location; topography, drainage, vegetation; discussion of previous work; and discussion of field exploration methods.
   c. Site geology, to include: site geologic map; description of bedrock and superficial materials including artificial fill; location of any faults, folds, etc.; and structural data including bedding, jointing, and shear zones.
   d. Discussion and analysis of any slope stability problems.
   e. Discussion of any off-site geologic conditions that may pose a potential hazard to the site or that may be affected by on-site development.
   f. Suitability of site for proposed development from geologic standpoint.
   g. Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
   h. Supportive data, to include: cross sections showing subsurface structure; graphic logs of subsurface explorations; results of laboratory tests; and references.
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i. Signature and certification number of engineering geologist registered in the State of Oregon.

j. Additional information or analyses as necessary to evaluate the site.

B. Vegetative cover shall be maintained or established for stability and erosion control purposes.

C. Diversion of storm water into these areas shall be prohibited.

D. The principal source of information for determining earth movement hazards is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site specific engineering geologic studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the earth movement hazards database.

(.08) Standards for Soil Hazard Areas:

A. Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.

B. The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

(.09) Historic Protection: Purpose:

A. To preserve structures, sites, objects, and areas within the City of Wilsonville having historic, cultural, or archaeological significance.

B. Standards:

1. All developments shall be planned, designed, constructed, and maintained to assure protection of any designated historic or cultural resource on or near the site. Restrictions on development may include:
   a. Clustering of buildings and incorporation of historic and/or cultural resources into site design in a manner compatible with the character of such resource.
   b. Limitations on site preparation and grading to avoid disturbance of areas within any historic or archaeological sites, monuments or objects of antiquity.
   c. Provision of adequate setbacks and buffers between the proposed development and the designated resources.

2. The city may attach additional conditions with respect to the following design factors in protecting the unique character of historic/cultural resources:
a. Architectural compatibility;
b. Proposed intensity of development;
c. Relationship to designated open space;
d. Vehicular and pedestrian access; and
e. Proposed building or structural mass in relation to the designated resource.

C. Review Process:

1. The Development Review Board shall be the review body for:
   a. All development which proposes to alter a designated historic, or cultural resource or resource site; and
   b. All development which proposes to use property adjacent to a designated cultural resource; and
   c. All applications requesting designation of a cultural or historic resource

2. The application shall include the following:
   a. A complete list of exterior materials, including color of these materials.
   b. Drawings:
      i. Side elevation for each side of any affected structure.
      ii. Drawings shall show dimensions or be to scale.
      iii. Photographs may be used as a substitute for small projects.
   c. Plot plans shall be submitted for new structures, fences, additions exceeding fifty (50) square feet, or any building relocation.

3. Any improvement proposed for property adjacent to a designated, cultural or historic resource site, shall be subject to the following provisions:
   a. All uses and structures which are incompatible with the character of the cultural or historic resource are prohibited. The criteria used to determine incompatibility shall include the following:
      i. The intensity and type of use when compared with the historic use patterns of the areas.
      ii. The orientation, setback, alignment, spacing and placement of buildings.
      iii. The scale, proportions, roof forms, and various architectural features of building design.
   b. Setbacks may be required which are over and above those required in the base zone in order to protect the resource. Setbacks should be appropriate to the scale and function of the resource, but allow reasonable use of the adjacent property.
   c. An appropriate buffer or screen may be required between the new or converting use on the adjacent property and the resource.

4. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design,
material or external reconstruction thereof, nor does this Code prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the Building Official certifies to the Development Review Board that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of acceptable building practices.

5. The owner, occupant or other person in actual charge of a cultural resource, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvement, building or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay or any exterior architectural feature.

(.10) Alteration and Development Criteria:
A. Demolition or alteration of any structure, or any change in any site or object which has been designated as a cultural resource, is prohibited unless it is determined:

1. In the case of a designated cultural resource, the proposed work would not detrimentally alter, destroy or adversely affect any exterior architectural or other identified feature; or

2. In the case of any property located within a historic district, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration conforms to any prescriptive standards as adopted by the City, and does not adversely affect the character of the district; or

3. In the case of construction of a new improvement, building or structure upon a cultural resource site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on said site; or

4. That no reasonable use can be made of the property without such approval.

(.11) Cultural Resource Designation Criteria: A cultural resource may be designated and placed on the Cultural Resources Inventory if it meets the following criteria:
A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering or architectural history; or

B. It is identified with persons or events significant in local, state, or national history; or

C. It embodies distinctive characteristics of a style, type, period, or method of construction, or it is a valuable example of the use of indigenous materials or craftsmanship; or

D. It is representative of the notable work of a builder, designer, or architect.