

ORDINANCE NO. 538

AN ORDINANCE AMENDING WILSONVILLE CODE CHAPTER 4, PLANNING AND LAND DEVELOPMENT BY MAKING MINOR EDITS TO NUMEROUS SECTIONS.

WHEREAS, the City of Wilsonville is a home rule city under the laws of the State of Oregon and has a duly acknowledged Comprehensive Plan and implementing ordinances; and

WHEREAS, The City of Wilsonville is currently in periodic review of its Comprehensive Plan as mandated by the Land Conservation and Development Commission (LCDC) and is in the process of completing periodic review work task #2 – Land Use Regulations; and

WHEREAS, the City currently has in effect Chapter 4 of the Wilsonville Code which regulates land development and planning activities within the City of Wilsonville; and wishes to make minor edits to the Wilsonville Code, as set forth in Exhibit A; and

WHEREAS, a duly noticed public hearing was conducted before the City's Planning Commission on November 14, 2001, December 12, 2001, and January 9, 2002, with the Planning Commission receiving exhibits and testimony; and

WHEREAS, the public hearing notice for the initial public hearing was posted at four locations around the city on October 25, 2001, and published in the *Wilsonville Spokesman* on October 31, 2001; and

WHEREAS, a Periodic Review Work Task Submittal was hand delivered to the Oregon Department of Land Conservation and Development on September 20, 2001; and

WHEREAS, the Planning Commission found that the proposed edits to Chapter 4 of the Wilsonville Code were minor and did not make substantive changes to the Code; and

WHEREAS, on January 9, 2002, the Planning Commission adopted Resolution 01PC04, a recommendation to City Council to adopt Ordinance No. 538, adopting minor edits to Chapter 4 of the Wilsonville Code including additional changes and revisions proposed by the Planning Commission, attached as Exhibit A; and

WHEREAS, staff has included all the proposed revisions that the Planning Commission recommended as noted in the staff report; and

WHEREAS, a duly noticed public hearing was conducted before the Wilsonville City Council on February 4, 2002; and

WHEREAS, the Legal Department has further found minor changes caused by unintended omissions from original text, an omission of intended change and clarification of existing text interpretation and recommended these changes be additionally adopted.

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

Section I. FINDINGS AND DETERMINATIONS

- A. The above-mentioned recitals are incorporated by reference in support of this ordinance.
- B. The City Council hereby adopts Planning Commission Resolution 01PC04 and Exhibit A, and authorizes and directs the City Recorder to make any conforming changes necessary to amend the Wilsonville Code in keeping with the adoption of these minor edits.

Section II. VALIDITY and SEVERABILITY

The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other provision of this ordinance which can be given effect without reference to the invalid parts or parts.

Section III. EFFECTIVE DATE

The effective date of this ordinance shall be March 23, 2002.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4th of February, 2002, at the hour of 7 p.m. at the Wilsonville Community Center, and scheduled for second reading February 21, 2002 commencing at the hour of 7 p.m. at the Wilsonville Community Development Annex.



SANDRA C. KING, CMC, City Recorder

ENACTED by the City Council on the 21st day of February, 2002, by the following votes:

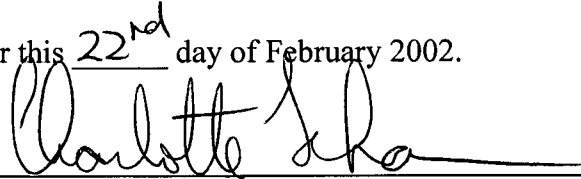
YEAS: -5-

NAYS: -0-



SANDRA C. KING, CMC, City Recorder

DATED and signed by the Mayor this 22nd day of February 2002.



CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Holt	<u>Yes</u>

Attachments:

Exhibit A: Development Code Minor Edits

Development Code - Minor Editing Amendments
November 2001 Planning Commission Recommended Draft *January 2002*
Planning Commission Additions are in **Bold**; Deletions are ~~Struck Through~~

Amendments to Section 4.001 **Definitions**

Rationale: A definition has been requested for "human occupancy" to explain the provisions of Section 4.172 Flood Plain Regulations. The following is based on the existing Code definition for "habitable floor."

Human occupancy: For purposes of Section 4.172(.02)(C)(4.), Any structure usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, is considered to be for human occupancy. A structure used only for storage purposes is not for "human occupancy."

Rationale: The following three subsections all say that legal non-conforming status can be gained by virtue of Stage I approval. In fact, planned developments are not built without both Stage I and Stage II approval. The references to Stage I should be deleted here. Existing Stage I approvals are still valid unless they have expired or been revoked for cause.

Non-Conforming Site Conditions: A legally established site that does not conform with the landscaping, parking or other site development standards of the zone in which it is located. A site may be rendered non-conforming to development standards through a change in zoning requirements or through the acquisition of some portion of the property by a public agency. For purposes of this Code, a site for which ~~Stage I or~~ Stage II Planned Development approval has been granted by the City, and which approval remains in effect, shall not be deemed non-conforming.

Non-Conforming Structure: A legally established building or other structure that does not conform with the height, setback, area, lot coverage, or other standards for structures of the zone in which it is located. A structure may be rendered non-conforming through a change in zoning requirements or through the acquisition of some portion of the property by a public agency. For purposes of this Code, a structure for which ~~Stage I or~~ Stage II Planned Development approval has been granted by the City, and which approval remains in effect, shall not be deemed non-conforming.

Non-Conforming Use: A legally established use, which was established prior to the adoption of the zoning use requirements for the site with which it does not conform. For purposes of this Code, a use for which ~~Stage I or~~ Stage II Planned Development approval has been granted by the City, and which approval remains in effect, shall not be deemed non-conforming.

Rationale: The current definition of a handicapped parking space does not meet state or federal requirements.

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Parking Space, Handicapped: ~~A permanently surfaced and properly marked area not less than nine (9) twelve (12) feet wide, eighteen (18) feet long and open on the right one side an additional amount to allow room for individuals in wheelchairs or on braces and crutches to get in and out of an automobile onto a level paved surface suitable for wheelchairs and walking. The width of the open accessway beside the parking space is specified in the building code. Such Parking spaces for persons with disabilities shall be appropriately reserved and signed for use by the those with physical disabilities by handicapped and shall be subject to any additional standards of the Americans with Disabilities Act (ADA) or other applicable provisions of state or federal law.~~

“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.”

Amendments to Section 4.012 Public Hearing Notices

Rationale: The notice system that was put in place with the new Code has proven to be unnecessarily cumbersome. The following changes should clarify the situation.

- (.01) Published Notice. The Planning Director shall have published in a newspaper of general circulation in the City of Wilsonville, prior to the date of the Planning Commission or Development Review Board meeting, a notice that the Commission or the Board will consider proposals, documents, or pending applications.
- A. If the matter will require a public hearing, ~~before both the City Council and either the Planning Commission or Development Review Board,~~ the notice shall be published at least ten (10) **and not more than twenty-one (21)** days before the first hearing.
- ~~B. If the matter will require a public hearing only before one decision-making body, the notice shall be published at least twenty-one (21) days before that hearing.~~
- €B.** The publication shall contain a brief description of the subject property, including either the street address or other common description of the site, **and including the approximate geographic location such as a reference to nearby cross streets,** the time and place that the City’s decision-making body will consider the submitted documents, and the nature of the proposal, as well as other matters required by law. Failure to advertise as specified in this Section shall not invalidate any decisions or proceedings of the City if a good faith attempt was made to comply with the notice requirements of this Code.

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Amendments to Section 4.022 Appeal and Call-up Procedures

The Planning Commission recommended that the Amendments to Section 4.022 be removed from the Development Code –Minor Edits. Section 4.022 is to be reviewed with the substantive edits to the Development Code.

Amendments to Section 4.023. Expiration of Development Approvals (See also Section 4.140)

Rationale: Clarifying the procedure that is now followed.

- (.04) Requests for time extensions shall be submitted in writing, including written justification therefore, and received by the Planning Department not less than **eight (8) calendar** ~~thirty (30)~~ days prior to the expiration date of the permit or approval.

Amendments to Section 4.030 Jurisdiction and Powers of Planning Director and Community Development Director

Rationale: Correcting a number error.

- B. A Class II application shall be processed as an administrative action, with or without a public hearing; shall require public notice; and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:
1. Minor alterations to existing buildings or site improvements of less than twenty-five percent (25%) of the previous floor area of a building, but not to exceed 1,250 square feet, or including the addition or removal of not more than ten (10) parking spaces. Minor modifications to approved Architectural and Site Development Plans may also be approved, subject to the same standards.
 2. Residential accessory buildings or structures with less than one hundred and twenty (120) square feet of floor area located within the Willamette River Greenway Boundary pursuant to Section 4.500 and subject to the flood plain development standards of Section 4.172. Approval of such accessory structures in the Greenway shall be based on all of the following findings of fact:
 - a. The building or structure is located so that the maximum amount of landscape area, open space and/or vegetation is provided between the river and the building;

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- b. Public access to the river is preserved or is provided in accordance with an approved and adopted plan; and
 - c. That the change of use, intensification of use, or development will be directed away from the river to the greatest possible degree while allowing a reasonable use of the property.
3. 4. A temporary Use Permit for more than thirty (30) and fewer than sixty-one (61) days.
4. 5. Written interpretations of the text or maps of this Code, the Comprehensive Plan or sub-elements of the Comprehensive Plan, subject to appeal as provided in Section 4.022. The Planning Director may review and interpret the provisions and standards of Chapter 4 (Planning) of the Wilsonville Code upon receiving the required filing fee along with a specific written request. The Director shall publish and mail notice to affected parties and shall inform the Planning Commission and City Attorney prior to making a final written decision. The Director's letter and notice of decision shall be provided to the applicant, the Planning Commission, the City Council, and City Attorney and the notice shall clearly state that the decision may be appealed in accordance with Section 4.022 (Appeal Procedures). A log of such interpretations shall be kept in the office of the Planning Department for public review.
5. 6. A permit to locate an accessory use on a lot adjacent to the site of the principal use.
6. 7. Land partitions, other than expedited land divisions, pursuant to Section 4.210. Approval of land partitions shall be based on all of the following findings of fact:
- a. The applicant has made a complete submittal of materials for the Director to review, as required in Section 4.210;
 - b. The proposed plan meets the requirements of the Code regarding minimum lot size and yard setbacks;
 - c. The approval will not impede or adversely affect the orderly development of any adjoining property or access thereto;
 - d. The public right-of-way bordering the lots or parcels will meet City standards;
 - e. Any required public dedications of land have been approved for acceptance by the City and will be recorded with the County prior to final plat approval;

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- f. Adequate easements are proposed where an existing utility line crosses or encroaches upon any other parcel to be created by the partition;
 - g. All public utilities and facilities are available or can be provided prior to the issuance of any development permit for any lot or parcel; and
 - h. Roads extended or created as a result of the land division will meet City standards.
7. ~~8.~~ Decisions on the following:
- a. Lot line adjustments, where any of the lots increase by more than fifty percent (50%) in area, subject to the provisions of Section 4.233.
 - b. Temporary use permits for periods exceeding thirty (30) days. Temporary use permits may allow specific activities associated with the primary use or business located on the property for up to 120 days provided that:
 - i. the property owners have given written permission;
 - ii. no structure, sign or any other object shall exceed 20 feet in height;
 - iii. adequate parking is provided in designated spaces;
 - iv. signs are limited to a maximum of two and shall not exceed a total combined area of 24 square feet;
 - v. electrical and building permits are obtained as required;
 - vi. undue traffic congestion will not result and, if traffic congestion is expected, a traffic control plan is submitted along with the application that identifies the traffic control procedures that will be used;
 - vii. the activity and/or use shall not unduly interfere with motorists driving on adjacent roads and streets, including I-5; and
 - viii. public notice has been provided and the comments of interested parties have been considered in the action that has been taken.
8. ~~9.~~ Solar access permits, as specified in Section 4.137.3.

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Amendments to Section 4.115 **Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing Is Permitted.**

Rationale: The authority for the City to regulate mobile home or manufactured dwelling parks has been pre-empted by the State. Therefore, the following section can be removed from the Code:

~~Additional to the special standards applying to the location of manufactured housing in flood-prone areas pursuant to Section 4.172, manufactured homes, mobile homes and trailers shall be subject to the following:~~

~~(.03) **Manufactured or Mobile Home Parks:** A manufactured or mobile home park shall be built to State standards in effect at the time of construction and shall comply with the following additional provisions:~~

~~A. Applications for use of land as a manufactured or mobile home park shall be accompanied by a plot plan of the general layout of the entire park, and complete plans and specifications of the park and all permanent buildings, indicating the proposed methods of compliance with the requirements stated in this Section. The plans shall be to scale of not less than one (1) inch to forty (40) feet, and shall be one (1) inch to twenty (20) feet unless the size of the development renders that scale unworkable. Such application shall also include a copy of the Oregon State Board of Health certification of approval.~~

~~B. Evidence shall be provided that the park will be eligible for a certification of sanitation as required by state law.~~

~~C. The space provided for each home shall be provided with public water and sanitary sewerage connections.~~

~~D. Each home shall occupy not more than forty percent (40%) of the contiguous space provided for the exclusive use of the occupants of the home and exclusive of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways and areas for recreation and landscaping.~~

~~E. No manufactured or mobile home in the park shall be located closer than fifteen (15) feet from another such home or from a general use building in the park. No accessory building or other building or structure on a space shall be closer than ten (10) feet from another home, accessory building or other building or structure on another home space. No home or other building or structure shall be within twenty five (25) feet of a public street property boundary or ten (10) feet of another property boundary.~~

~~F. Each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. The names of vehicular ways shall not be similar to any other streets in the area, unless~~

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~~specifically approved by the City. A map of the named vehicular ways shall be provided to the City and fire district.~~

- ~~G. All home spaces or permanent structures in the park shall be located within five hundred (500) feet of a fire hydrant. Any hydrant located within the park shall be located on a vehicular way and shall conform to the City's public works standards, or as otherwise approved by the fire district.~~
- ~~H. Access drives shall be provided to each home space, shall be continuous, shall connect with a public street, and shall have a minimum width of twenty (20) feet for interior circulation. The point of access to the street shall be at least thirty-two (32) feet in width.~~
- ~~I. Walkways, not less than three (3) feet in width, shall be provided from each home space to service buildings.~~
- ~~J. Access drives and public walkways within the park shall be hard surfaced according to the City's public works standards.~~
- ~~K. Each home space shall be improved with one (1) concrete patio having a minimum area of one hundred fifty (150) feet, and one (1) crushed rock or better, pad having a minimum size of ten feet by fifty feet (10' x 50').~~
- ~~L. Off street parking shall be provided as required by the Development Review Board in conformance with Section 4.155. Minimum width access drives shall not be considered in fulfilling this requirement.~~
- ~~M. A minimum of one hundred (100) square feet of open and/or recreational space per unit shall be provided in one or more locations within the park. At least one open space and/or recreational area of not less than two thousand five hundred (2,500) square feet shall be provided.~~
- ~~N. When children are permitted to reside in manufactured or mobile home parks, playground areas shall be provided, suitably equipped and restricted to such use. Such areas shall be protected from streets, drives, and parking areas. A minimum of one hundred (100) square feet of playground area for each space shall be provided in one (1) or more locations within the park. The minimum size of each such playground area shall be two thousand five hundred (2,500) square feet. Where occupancy is limited to adults, a comparable area of usable and attractively landscaped open space shall be provided. Regardless of the age of the residents, adequate recreational opportunities shall be provided.~~
- ~~O. A manufactured or mobile home permitted in the park shall meet the following standards as determined by an inspection by the building official.~~

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- ~~1. It shall have a State insignia indicating compliance with Oregon State standards in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.~~
 - ~~2. It shall contain not less than seven hundred (700) square feet of space as determined by measurement of the exterior of the unit, exclusive of any trailer hitch device.~~
- ~~P. No manufactured or mobile home shall remain in a park more than two (2) consecutive days and nights unless a manufactured or mobile home space is available, unless otherwise authorized by the Development Review Board. In no case shall a manufactured or mobile home be allowed to block a designated fire lane.~~
- ~~Q. Permanent structures located within any manufactured or mobile home space shall be used for storage purposes only, shall be detached from any home, shall be located on the rear half of the space, and shall be subject to all of the applicable provisions of the City's building code.~~
- ~~R. A home shall be placed a maximum of eighteen (18) inches above the ground level at any point, unless the manufactured or mobile home is placed upon a permanent foundation, or unless otherwise approved by the City planning and building departments.~~
- ~~S. A home shall be placed upon a permanent concrete or block foundation or supplied with a continuous perimeter skirting that extends at least six (6) inches below the surface of the ground or to an impervious surface; such skirting shall be composed of the same material and finish as the exterior of the home or of brick or concrete block. Other materials or finishes shall require the prior approval of the Development Review Board. A home shall have a roof with a minimum slope of sixteen percent (16%) (2:12), and shall have a composition or shake roof, or other roofing agents approved by the Development Review Board.~~

Amendments to Section 4.120 Zones. RA-H Residential Agricultural - Holding Zone

Rationale: The minimum block and access standards of the Code have been pre-empted by Metro's Urban Growth Management Functional Plan. These amendments bring the Development Code into compliance.

(.09) Block and access standards:

1. Maximum block perimeter: 1,800 feet.
2. Maximum spacing between streets for local access: **530** ~~660~~ feet, unless waived by the Development Review Board upon finding that barriers such as

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railroads, freeways, existing buildings, topographic variations, or designated Primary Open Space areas will prevent street extensions meeting this standard.

3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Primary Open Space areas will prevent pedestrian and bicycle facility extensions meeting this standard.

Amendments to Section 4.122 Residential Zone

Rationale: Minimum lot size in the "R" zone was inadvertently left out of the Code when it was printed.

(.07) **Other Standards:**

- A Minimum lot width at building line: Sixty (60) feet.
- B Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private road.
- C. Minimum lot size: 5000 square feet.**
- D. Minimum lot depth: Seventy (70) feet.
- E. Maximum building or structure height: Thirty-five (35) feet.
- F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; thirty percent (30%) for all buildings.
- G. Block and access standards:
 1. Maximum block perimeter in new land divisions: 1,800 feet.
 2. Maximum spacing between streets for local access: **530** ~~660~~ feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Primary Open Space areas will prevent street extensions meeting this standard.
 3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Primary Open Space areas will prevent pedestrian and bicycle facility extensions meeting this standard.

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Amendments to Section 4.124 Standards Applying to All Planned Development Residential Zones

Rationale: The following changes reflect Metro's required minimum density standards that have already been incorporated into the Comprehensive Plan.

(.05) Appropriate PDR zone based on Comprehensive Plan Density:

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2 0-3 u/acre	PDR-2
4 3-5 u/acre	PDR-3
6 5-7 u/acre	PDR-4
10 7-12 u/acre	PDR-5
16 12-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

(.06) Block and access standards:

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets for local access: **530** ~~660~~ feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Primary Open Space areas will prevent street extensions meeting this standard.
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Primary Open Space areas will prevent pedestrian and bicycle facility extensions meeting this standard.

Amendments to Section 4.131 PDC - Planned Development Commercial Zone

Rationale: The following changes reflect Metro's required minimum density standards that have already been incorporated into the Comprehensive Plan.

The requirements of a PDC Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

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(.03) Block and access standards:

1. The Development Review Board shall determine appropriate conditions of approval to assure that adequate connectivity results for pedestrians, bicyclists, and motor vehicle drivers. Consideration shall be given to the use of public transit as a means of meeting access needs.
2. Where a residential development, or mixed-use development including residential development, is proposed in a PDC zone, the Development Review Board shall assure that adequate connectivity is provided meeting the standards of Metro's Urban Growth Management Functional Plan.
3. Where a residential development, or mixed-use development including residential development, is proposed in a PDC zone, and the application includes a land division, the following standards shall be applied:
 - a. Maximum spacing between streets for local access: 530 ~~660~~ feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Primary Open Space areas will prevent street extensions meeting this standard.
 - b. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Primary Open Space areas will prevent pedestrian and bicycle facility extensions meeting this standard.

Amendments to Section 4.131.05 PDC-TC (Town Center Commercial) Zone

Rationale: The following additions to the use list reflect uses that were part of the adopted code but not included in the final published version:

- A. Central Commercial:
- Department Stores
 - Florist Shop
 - Interior Decorating or design Shops
 - Retail Stores
 - Banks, Loan Companies, other Financial Institutions
 - Bicycle sales and service
 - Bird Store, Pet Shop or Taxidermist
 - Blueprinting, Photostatting, other Reproduction Process
 - Business Machines, retail sales & service
 - Car wash (automatic)
 - Cleaning and Pressing Establishments

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Coffee shops
Commercial Schools, such as business colleges, music conservatories, trade schools, preschools
Custom Tailoring, Dressmaking or Millinery Shop
Day care for adults or children
Dentists or medical offices
Dry cleaning or laundries
Electronics, retail sales and service
Employment agencies
Entertainment
Film Exchange
Furniture Store
Gunsmith or Locksmith
Household Machines, retail sales & service
Insurance agents
Investment, real estate and law offices
Jewelry store, watch and clock repair shops
Locksmiths, security systems
Office supplies
Photography and photo processing
Restaurants
Theaters, cinemas
Travel agencies
Title companies
Other uses similar in character of predominately retail or service establishments dealing directly with ultimate customers.

C. Food and Sundries:

Bakery, retail
Banks, loan companies, other financial institutes
Barber Shop
Beauty Parlor, Nail salon
Bicycle, retail sales & service
Bookstores
Clothes Cleaning Pick-up Agencies
Clothes Pressing Establishment
Coffee shop
Confectionery
Custom Dressmaking
Dance or martial arts studio
Delicatessen
Dentist, medical and eye clinics, including drug testing and labs
DMV (Department of Motor Vehicles office)
Drug Store
Dry Goods Store

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Electronics, retail sales & service
Florist Shop
Frame shop
Furniture stores
Gifts, stationery, card, party supplies
Grocers, Fruit or Vegetable Store
Hardware Store
Health club, gym, personal trainer, tanning salon
Insurance agencies
Jewelry store, watch and clock repair shops
Internet, sales & service
Investment, real estate and law offices
Locksmiths, security systems
Mail, shipping and photocopying
Meat Market
Music, sales & service, including lessons
Nail Salon
Notions or Variety Store
Office supplies
Pet shop, bird store
Photography, photo processing and film exchange
Printing, blueprinting, other reproduction processes
Restaurants
Shoe Repair Shop
Tanning Salon
Telecommunication, sales & service
Temporary employment and placement agencies
Title companies
Travel agencies
Video, retail and rental
Other uses in character of neighborhood food and services

Amendments to Section 4.135 PDI- Planned Development Industrial Zone

The Planning Commission recommended that the amendments to Section 4.135 be removed from the Development Code –Minor Edits. Amendments to Section 4.135 are to be reviewed with the substantive edits to the Development Code.

Amendment to Section 4.136(.08) PF – Public Facility Zone.

Rationale: This change was inadvertently omitted when similar changes were made to the Code. It is in accord with Ordinance No. 453 wherein the Development Review board was created to hear quasi-judicial matters. The Legal Department has made the recommendation for this change.

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(.08) Special Regulations:

- B As part of either a permitted or conditional use the ~~Planning Commission~~ *Development Review Board* may review and approve a Master Plan for an entire development or area subject to Section 4.140 (Planned Development Regulations) of the Wilsonville Code. Approval of a Master Plan would allow all uses provided in the Master Plan without further review. Minor changes which do not have off site impact or increase visitor capacity may be viewed by the Planning Director.

Amendments to Section 4.138 Old Town Overlay Zone

Rationale: The description of where the patterns of buildings begins is ambiguous. The following language is specific:

(.04) Pedestrian environment. In order to enhance the pedestrian scale of the neighborhood:

- A Special attention shall be given to the primary building entrances, assuring that they are both attractive and functional.
- B. The pedestrian environment shall be enhanced by amenities such as street furniture, landscaping, awnings, and movable planters with flowers, as required by the Development Review Board.
- C. Sidewalk width may vary from block to block, depending upon the nature of adjacent land uses and the setbacks of existing buildings. Provided, however, that a continuity of streetscape design is maintained along Boones Ferry Road, generally following the pattern that has been started **with the 1996 approval for Old Town Village on the west side of Boones Ferry Road from Fourth Street to Fifth Street** ~~at the southwest corner of Boones Ferry and Fourth Street.~~

Amendments to Section 4.139 Planned Development Regulations – Planned Development Permit

Rationale: In adopting the new code revisions to Chapter 4, 4.139(4) was renumbered as 4.140(.09)J. Subsections (a), (b), and (c) were re-numbered 1, 2, and 3. While the text of (a) and (c) were carried over in full, portions of the text of (b) were omitted. The text which was inadvertently omitted is in bold. Additionally, the term "existing level of service" has previously been interpreted to include traffic for Stage II developments approved, but not built and traffic vested by prior development. These interpretations have been included as a simple clarification and are in Aerial font. The Legal Department has made the recommendation for these changes. Thus, subsection 4.140(.09)J2 should read:

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- 2. That the location, design, size and uses are such that traffic generated by the development **at the most probable used intersection(s)** can be accommodated (safely and without congestion in excess of Level of Service D) defined in the Highway Capacity Manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.
 - a. In determining Levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Planning Commission:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic for Stage II developments approved but not yet built, and traffic vested by prior development, through the most probable used intersection(s), including state and county intersections, at the times of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.

Amendments to Section 4.155 General Regulations – Parking, Loading, and Bicycle Parking

Rationale: The following represents the correction of an error carried over from previous Code language.

- 8. Table ~~5 s-2 and 3~~, 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 Table ~~5 s-2 and 3~~ 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.

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NOTE: Table 5 corrections to meet Metro requirements are included in the Parking Lot Landscaping Ordinance.

Table 5: PARKING STANDARDS

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a. Residential			
1. Single and attached units and any apartments (9 or fewer units)	1 per D.U., except accessory dwelling units, which have no minimum.	No Limit	0
2. Apartments of ten (10) or more units	1 per D.U. (less than 500 Sq.Ft.) 1.25 per D.U. (1 Bdrm) 1.5 per D.U. (2 Bdrm) 1.75 per D.U. (3 Bdrm)	No Limit	1 per D.U.
3. Manufactured or mobile home park	2 spaces/unit	No Limit	1 per D.U.
4. Manufactured or mobile home subdivision	1 per D.U.	No Limit	1 per D.U.
b. Commercial Residential			
1. Hotel	1 per 1000 Sq.Ft.	No Limit	1 per 5 units Min. of 2
2. Motel	1 per 1000 Sq.Ft.	No Limit	1 per 5 units Min. of 2
3. Clubs, Lodges	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.	No Limit	1 per 20 parking spaces Min. of 2
c. Institutions			
1. Welfare or correctional	1 space/3 beds for patients or inmates	No Limit	1 per 50 beds

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USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
institution			Min. of 2
2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space/2 beds for patients or residents	No Limit	1 per 6000 Sq.Ft. Min. of 2
3. Hospital	2 spaces/bed	No Limit	1 per 20 parking spaces Min. of 2
d. Places of Public Assembly			
1. Church	1 space/4 seats, or 8 ft. of bench length in the main auditorium	.8 per seat	1 per 50 seats Min. of 2
2. Library, reading room, museum, art gallery	2.5 per 1000 Sq.Ft.	No limit	1 per 1000 Sq.Ft. Min. of 6
3. Preschool nursery, kindergarten	.2 per student and staff	.3 per student and staff	1 per 3500 Sq. Ft. Min. of 2
4. Elementary or Middle School	.2 per student and staff	.3 per student and staff	8 per class (above 2nd grade) K - 2nd grade: 1 per 3500 Sq.Ft.
5. High School	.2 per student and staff	.3 per student and staff	4 per class
6. College, commercial school for adults	.2 per student and staff	.3 per student and staff	1 per class Min. of 4
7. Other auditorium, meeting rooms	.3 per seat	.5 per seat	1 per 50 seats Min. of 4
8. Stadium, arena, theater	.3 per seat	.5 per seat	1 per 40 seats Min. of 4
9. Bowling alley	4 spaces/lane	No limit	1 per 10 lanes Min. of 2

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USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
10. Dance hall, skating rink, gym, swim or fitness center	4.3 per 1000 Sq. Ft.	6.5 per 1000 Sq.Ft.	1 per 4000 Sq.Ft. Min. of 2
11. Tennis or racquetball facility	1 per 1000 Sq. Ft.	1.5 per 1000 Sq.Ft.	1 per court Min. of 2
e. Commercial			
1. Retail store except supermarkets and stores selling bulky merchandise and grocery stores 1,500 sq. ft. gross floor area or less	4.1 per 1000 Sq.Ft.	6.2 per 1000 Sq.Ft.	1 per 4000 Sq.Ft. Min. of 2
2. Commercial retail, 1,501 sq. ft. or more	4.1 per 1000 Sq.Ft.	6.2 per 1000 Sq.Ft.	1 per 4000 Sq.Ft. Min. of 2
3. Service or repair shops	4.1 per 1000 Sq.Ft.	6.2 per 1000 Sq.Ft.	1 per 4000 Sq.Ft. Min. of 2
4. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major areas of the building	1.67 per 1000 Sq.Ft.	6.2 per 1000 Sq.Ft.	1 per 8000 Sq.Ft. Min. of 2
5. Office or flex space (except medical and dental)	4 per 1000 Sq.Ft.	4.1 per 1000 Sq.Ft.	1 per 5000 Sq.Ft.
	2.7 per 1000 Sq.Ft.	6.5 per 1000 Sq.Ft.	Min. of 2

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USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
Bank with drive-thru			
6. Medical and dental office or clinic area	3.9 per 1000 Sq.Ft.	5.9 per 1000 Sq.Ft.	1 per 5000 Sq.Ft. Min. of 2
7. Eating or drinking establishments	9.9 per 1000 Sq.Ft.	14.9 per 1000 Sq.Ft.	1 per 4000 Sq.Ft. Min. of 4
Fast food (with drive-thru)	15.3 per 1000 Sq.Ft.	23 per 1000 Sq.Ft.	
Other			
8. Mortuaries	1 space/4 seats, or 8 ft. of bench length in chapels	No limit	Min. of 2
f. Industrial			
1. Manufacturing establishment	1.6 per 1000 Sq.Ft.	No Limit	1 per 10,000 Sq.Ft. Min. of 6
2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	.3 per 1000 Sq.Ft.	.5 per 1000 Sq.Ft.	1 per 20,000 Sq.Ft. Min. of 2
g. Park & Ride or Transit Parking	As needed	No limit	10 per acre, with 50% in lockable enclosures

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Amendments to Section 4.156.02 Sign Regulations.

Rationale: Correcting references to Section numbers from the old Code.

(.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** ~~4.017~~. 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.
 - 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)** ~~4.151(1)~~ 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** ~~4.186~~; and

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- 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 subsection **4.156(.01) and (.02)**, ~~4.151(1)(2)~~ above, Section **4.196** ~~4.186~~, 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**. ~~4.186~~.
 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**. ~~4.186~~.
- (.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.

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).

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- 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**. ~~4.017~~.
 - 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.

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 and 4.190**. ~~4.179 through 4.185~~. 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.

Amendments to Section 4.156 Signs Exempt From Sign Permit Requirements

Rationale: Clarifying ambiguous Code language.

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- 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.
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.
 - c. Signs in rights-of-way, subject to the same standards as off-site weekend signs, above, with the addition of the following:
 - i. No 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);
 - ii. Not placed on street surfaces, sidewalks, paths, median strips, or bicycle ways;

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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 subsection ~~(6.) (.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. 4.151(10)(a)(4)**.

(.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.** ~~in a sign permit.~~
3. Signs attached to trees or public utility poles, other than those placed by appropriate government agencies or public utilities.

(.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,

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excluding those areas listed in subsection 4.156 -(10)(a)(4) through the Administrative Review process of Sections **4.030 and 4.035**, ~~4.009 through 4.012~~. 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** ~~4.017~~. 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.

D. Opening Banner for a new business or housing development. A banner announcing 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**, ~~4.009 through 4.012~~ 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.

(.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:

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.

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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**. ~~s 4.009 through 4.012~~. 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 (.07), (7-);** 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**. ~~4.009 through 4.012~~. Inflatable signs shall be permitted for a maximum of fifteen (15) days of display use in any calendar year.
6. Banner for new business, apartment complex, housing development, or special event. A banner announcing a special event or opening (e.g., "Grand Opening," "Now Renting," etc.) may be permitted, subject to the Administrative Review provisions of Sections **4.030 and 4.035** ~~4.009 through 4.012~~, 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:

C. General Requirements.

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**. ~~4.009 through 4.012~~, the Planning Director may issue a temporary use permit for special event signs to be located on-site, off-

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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(7), above.

(.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 **Section 4.025** ~~4.191 through 4.193.~~
- ~~B.~~ **D.** Additional enforcement. The remedies described herein are not exclusive and may be used in addition to those prescribed ~~in~~ **elsewhere in the** Wilsonville Code, **including Sections** ~~4.191 through 4.193,~~ 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.

Amendments to Section 4.176 Landscaping, Screening, and Buffering

Rationale: Correcting subsection lettering

(.06) Plant Materials.

- D.C.** 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 in accordance with the following standards:~~
 - ~~a. Arterial streets - primary tree: red oak 3" minimum caliper, b&b.~~
 - ~~b. Collector streets - primary tree: emerald queen or Norway maple, 2" minimum caliper, b&b.~~
 - ~~c. Local streets - primary tree: red sunset maple, 1-3/4" minimum caliper.~~
 - ~~d. Accent or median tree - flowering pear or flowering cherry, etc. 1-3/4" minimum caliper.~~

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- ~~2. The following trees and varieties thereof are considered satisfactory street trees in most circumstances; however, other varieties and species will be considered:~~
- ~~a. Trees over 50 feet mature height: *Quercus rubra borealis* (red oak), *Acer nigrum* (black maple), *Fraxinus americanus* (white ash), *Fraxinus penn 'Marshall'* (seedless green ash), *Quercus alba* (white oak), *Quercus coccinea* (scarlet oak), *Quercus pulustris* (pin oak), *Tilia americana* (American linden).~~
 - ~~b. Trees under 50 feet mature height: *Acer platanoides* (Norway maple), *Acer rubrum* (red maple), *Ginkgo biloba* (ginkgo), *Gleditsia triacanthos* (honey locust), *Pyrus calleryana 'Bradford'* (Bradford pear), *Tilia cordata* (little leaf linden).~~
- ~~D. 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 locations where wet soil conditions are anticipated. C. Plant Species.~~
- ~~1. Existing vegetation. 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. Existing trees that are at least twelve (12) inches in diameter (measured at four and one-half feet above grade), and in good health, may count as equal to three (3) replacement trees.~~
 - ~~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.~~
- 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:**

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- 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.**

~~E.C.~~ **Types of Plant Species:**

- 1. ~~Existing vegetation.~~ 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. ~~Existing trees that are at least twelve (12) inches in diameter (measured at four and one-half feet above grade), and in good health, may count as equal to three (3) replacement trees~~ 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.

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

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~~H.F.E.~~ **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.**

Amendments to Section 4.179 Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings

Rationale: Correcting out-of-date references.

- (.01) All site plans for multi-unit residential and non-residential buildings submitted to the Wilsonville **Development Review Board** ~~Planning Commission~~ for approval shall include adequate storage space for mixed solid waste and source separated recyclables.

Amendment to Section 4.184 Conditional Use Permits – Authorization

Rationale: Correcting incorrect Section references.

- (.04) Conditional Use Regulations – Churches

A. Zone In Which Conditionally Permitted: ~~RA-H and R~~ **All Residential Zones**

Amendments to Section 4.189 Non-Conforming Uses

Rationale: Correcting a typo.

- (.01) Continuation of Use.

CB. A pre-existing use that is listed as "conditional" in the zone shall be considered to be **non con**-conforming until such time as a conditional use permit is issued for it. In reviewing an application for a conditional use permit for a use that already legally exists, the Development Review Board shall establish conditions of approval that are proportional in scope to the changes proposed in the application and shall not establish conditions that prevent the continued operation of the use.

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

Rationale: Correcting out-of-date Comp Plan references.

- (.02) In recommending approval or denial of a proposed zone map amendment, the Planning Commission or Development Review Board shall at a minimum, adopt findings addressing the following criteria:

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- A. That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140; and
- B. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text; and
- C. In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with **Implementation Measures 4.1.4.b, d, e, q, and x** ~~goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8~~ of Wilsonville's Comprehensive Plan text; and

Amendments to Section 4.220 Expedited Land Divisions

Rationale: Correcting a typo.

- (.08) Recording Final Plat. In addition to the requirements authorized and provided in ORS 92, upon offering the final plat for recordation, the subdivider shall furnish one black line or blue print copy of the final **plat** ~~plant~~ to the City Engineer and to such County offices as may be requested or required by the County.

Amendments to Section 4.420 Jurisdiction and Powers of the Board

Rationale: Correcting a Section reference.

- (.01) Application of Section. Except for single-family or two-family dwellings in any residential zoning district, no Building Permit shall be issued for a new building or major exterior remodeling of an existing building, and no Sign Permit, except as permitted in Section **4.156** ~~4.155~~, shall be issued for the erection or construction of a sign relating to such new building or major remodeling, until the plans, drawings, sketches and other documents required for a Sign Permit application have been reviewed and approved by the Board.

Amendments to Section 4.700 Procedures Relating To The Processing Of Requests For Annexation And Urban Growth Boundary Amendments

Rationale: Correcting a typo.

- (.01) The City of Wilsonville is located within the Portland Metropolitan Area, and is therefore subject to regional government requirements affecting changes to the city

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limits and changes to the Urban Growth Boundary (UGB) around Wilsonville. The City has the authority **to** annex properties as prescribed in State law, but the City's role in determining the UGB is primarily advisory to Metro, as provided in Oregon Revised Statutes. The following procedures will be used to aid the City Council in formulating recommendations to those regional entities.