

ORDINANCE NO. 650

AN ORDINANCE AMENDING THE WILSONVILLE PLANNING AND LAND DEVELOPMENT CODE TO INCLUDE A NEW SECTION 4.134 – DAY ROAD DESIGN OVERLAY DISTRICT ESTABLISHING MINIMUM STANDARDS FOR SITE DESIGN AND EXTERIOR ARCHITECTURE FOR STRUCTURES LOCATED IN THE DAY ROAD DESIGN OVERLAY DISTRICT WITHIN THE PLANNED DEVELOPMENT REGIONALLY SIGNIFICANT INDUSTRIAL AREA.

WHEREAS, the Coffee Creek I Master Plan was adopted by the City Council on October 15, 2007, and

WHEREAS, the Coffee Creek I Master Plan recommended adoption of a Day Road Design Overlay District that included architectural features to enhance the character of the zone, maximum 30' front yard setbacks, siting of parking areas to the rear or side of buildings, and 25% window glazing of building facades along Day Road, and

WHEREAS, Planning staff drafted a Day Road Design Overlay District following the guidelines of the Coffee Creek I Master Plan, and presented it to Planning Commission in work session in December 2007, with responses to questions provided on January 9, 2008, and

WHEREAS, copies of the draft were provided informally to developers considering projects along Day Road, and their comments were incorporated into the initial draft, and

WHEREAS, notice was provided to all owners within the proposed Day Road Design District Overlay, as well as to owners on the north side of Day Road and to all owners within 500 feet of the proposed Overlay District, and

WHEREAS, the Planning Commission held a public hearing on the Day Road Design Overlay District on February 13, 2008, and continued the hearing to April 9, 2008 to allow staff to provide additional information related to the development character created by the proposed standards, particularly related to amount of glazing, building height, signage and building articulation, and

WHEREAS, the Planning Commission, on April 9, 2008, following extensive discussion, voted unanimously to recommend Day Road Design standards consistent with the direction of the City's Goal 9 Economic Opportunity Analysis which recommended higher densities on commercial and industrial lands and that would result in higher density employment buildings similar to Mentor Graphics or Infocus, rather than standards which would result in the more

typical Wilsonville low density employment single or two story warehouse or tech-flex type buildings, and

WHEREAS, the Planning Commission forwarded their recommendations to the City Council for public hearing on May 19, 2008, and

WHEREAS, the Planning Commission, in making their recommendation to Council, determined that the importance of the Day Road Corridor as a principal entrance to Wilsonville, together with preservation of the natural character of Day Road with its extensive groves of large trees, and creation of an employment center at an easily accessible location with ready access to I-5, created sufficient reasons to deviate from the more standard warehousing and distribution character of much of the PDI-RSIA Zone, and

WHEREAS, the City Council voted 4-1 to approve the ordinance on first reading, and

WHEREAS, on June 2, 2008, the City Council received new testimony that the draft ordinance was inconsistent with the present market for industrial lands in Wilsonville, and should be modified to allow one and two story buildings, and

WHEREAS, the Council voted to continue the public hearing to June 16, 2008 for additional testimony, and

WHEREAS, at the Planning Commission meeting of June 11, 2008, the Planning Commission, after discussion, voted to request that the Council remand the draft ordinance back to the Planning Commission for additional hearings and public testimony, and

WHEREAS, the City Council, at their June 16, 2008 meeting, voted to remand the ordinance as requested together with the record of testimony at the June 2, 2008 council meeting, and

WHEREAS, the Planning Commission held a public hearing on July 9, 2008, and heard testimony from persons who had addressed Council, and others, and continued the hearing to August 13, 2008 for consideration of testimony received, and

WHEREAS, at the August 13, 2008 meeting, the Planning Commission received a revised ordinance from staff incorporating changes as directed by the Commission at the July meeting, and

WHEREAS, following extensive discussion and an issue by issue vote, the Planning Commission recommended, 4-1, that the Day Road Design Overlay District, as attached, be forwarded to Council for hearings and adoption, and

WHEREAS, the City Council held a public hearing on November 17, 2008, received the recommendation and record of the Planning Commission action, and heard testimony from concerned property owners and interested parties, and

WHEREAS, the Council, after deliberations, approved the draft ordinance, with revisions, on first reading, and set the second reading for December 1, 2008, and

WHEREAS, after reviewing the revised draft ordinance, the Council voted on second reading to approve the revised draft, as attached in Exhibit A.

NOW THEREFORE, THE WILSONVILLE CITY COUNCIL ORDAINS AS FOLLOWS;

Section 1: The Wilsonville Planning and Land Development Ordinance is hereby amended as shown in Exhibit A attached, and

Section 2: The above recitals, the Planning Commission recommendation, and the attached record before the Planning Commission, together with the staff report to City Council, are hereby adopted as findings and conclusions in support of this action.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 1st day of December, 2008, and scheduled for second reading at a special meeting of the City Council on the 29th day of December, 2008, commencing at the hour of 7 p.m. at the Wilsonville City Hall.



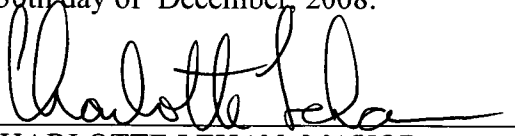
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 29th day of December 2008 by the following votes: Yes: -5- No: -0-



Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 30th day of December, 2008.


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes
Councilor Núñez	Yes

List of Exhibits

Exhibit A:	Planning Commission recommended new Development Code Section 4.134. <u>Day Road Design Overlay District.</u>
Exhibit B:	Day Road Design Overlay District Area Map
Exhibit C:	Planning Commission Record is Separately Bound

4. 134. Day Road Design Overlay District

(.01) Purpose:

The Day Road Design Overlay District (DOD) is an overlay district within the larger Planned Development Industrial - Regionally Significant Industrial Area (RSIA) Zone. It is the purpose of the Day Road DOD to establish standards for site design and exterior architecture of all structures located in the Day Road DOD in order to ensure high quality design of development and redevelopment at the Day Road gateway to the City of Wilsonville. These standards are intended to create an aesthetically pleasing aspect for properties abutting Day Road by ensuring:

- A. coordinated design of building exteriors, additions and accessory structure exteriors,
- B. preservation of trees and natural features,
- C. minimization of adverse impacts on adjacent properties from development that detracts from the character and appearance of the area,
- D. integration of the design of signage into architectural and site design, and
- E. minimization of the visibility of vehicular parking, circulation and loading areas.

It is the intent to create improved pedestrian linkages and to provide for public transit. It is also the intent of this section to encourage architectural design in relationship to the proposed land use, site characteristics and interior building layout.

(.02) Applicability: The Day Road DOD shall apply to all properties abutting Day Road. The provisions of this section shall apply to:

- A. All new building construction
- B. Any exterior modifications to existing, non-residential buildings.
- C. All new parking lots
- D. All outdoor storage and display areas
- E. All new signage
- F. All building expansions greater than 1,250 square feet.

(.03) Exceptions: This section does not apply to the following activities:

- A. Maintenance of the exterior of an existing industrial/employment structure such as painting to the approved color palette, reroofing, or residing with the same or similar materials
- B. Industrial/employment building expansions less than 1,250 square feet.
- C. Interior remodeling
- D. Essential public facilities
- E. Existing dwellings and accessory buildings
- F. Agricultural buildings

(.04): Review Process:

- A. Compliance with the Day Road DOD shall be reviewed as part of Stage One – Preliminary Plan, Stage Two - Final Approval and Site Design Review. Such review shall be by the Development Review Board. Building expansions less than 2500 square feet and exterior building modifications less than 2500 square feet may be reviewed under Class II Administrative procedures.

- B. Waivers. Under City Code [4.118(.03)], waivers to several development standards may be approved, including waivers to height and yard requirements, and architectural design standards, provided that the proposed development is equal to or better than that proposed under the standards to be waived. For example, a height waiver might be granted on a smaller site if the façade presentation was significantly enhanced, additional landscaping or open space is provided and site modifications are necessary to preserve significant trees. Waivers to the ~~15~~¹⁵ additional front yard setback for future improvements on Day Road may not be granted. [4.134(.05)(C)(1)]

(.05): Design Review Standards: The DRB shall use the standards in this section together with the standards in Sections 4.400 – 4.421 to ensure compliance with the purpose of the Day Road DOD. These standards shall apply on all Day Road frontages, and on the frontage of corner lots abutting both Day Road and either Boones Ferry Road, Kinsman Road, Garden Acres Road or Grahams Ferry Road.

A. Natural Features. Buildings shall be sited in compliance with WC 4.171, Protection of Natural Features and Other Resources and with WC 4.600, Tree Preservation and Protection.

B. Building Location and Orientation: New buildings shall have at least one principal building entrance oriented towards the Day Road frontage. All building elevations fronting on Day Road or on the frontage on corner lots as described in (.05) above, shall have at least 20% glazing.

C. Setbacks:

1) Front Yard: For public health and safety reasons, the front yard setback shall be 30' plus additional setback (15' **minimum**) to accommodate future improvements to Day Road.

2) Side and rear setbacks shall be 30'. Side and rear yard setbacks may be reduced from the 30' minimum setback requirement where the setback is adjacent to industrial development subject to meeting other requirements of this section and Building Code requirements.

D. Building Height: A minimum building height of three stories, 48' is required. on the Day Road frontage and on frontages described in (.05) above. Sites may contain a combination of taller building space abutting the identified street frontages together with 1 or 2-story lab, R&D, and/or manufacturing building space on the remainder of the site. The 1 and 2-story portions of the buildings will be designed to be compatible with the taller structure's design, building materials and colors. Increased building height is encouraged, particularly in combination with site amenities such as under-structure parking, preservation of significant trees rated good or better in the arborist's report, and/or provision of trail segments or of open space areas open to the public.

E.. Building Design:

1. Buildings shall be planned and designed to incorporate green building techniques wherever possible.

2. Exterior Building Design: Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls that can be viewed from public streets or public spaces shall be designed using architectural features for at least 60% of the wall. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall. Possible techniques include:

(a) Vary the planes of the exterior walls in depth and/or direction.

(b) Vary the height of the building, so that it appears to be divided into distinct massing elements.

(c) Articulate the different parts of a building's facade by use of color, arrangement of facade elements, or a change in materials.

(d) Avoid blank walls at the ground-floor levels. Utilize windows, trellises, wall articulation, arcades, change in materials—textured and/or colored block or similar finished surface, landscape, or other features to lessen the impact of an otherwise bulky building.

(e) Define entries within the architecture of the building.

(f) Incorporate, if at all possible, some of the key architectural elements used in the front of the building into rear and side elevations where seen from a main street or residential district.

3. Building Color: All colors shall be harmonious and compatible with colors of other structures in the development and the natural surroundings. Concrete finishes must be painted. The general overall atmosphere of color must be natural tones. Stained wood, natural stone, brick, dark aluminum finishes, etc. shall be used as background colors. The use of corporate colors is permitted provided that such colors are not patterned so as to compete for visual attention. The use of corporate colors shall not create an advertisement of the building itself. Corporate colors shall not violate any other color or design limitations within the Code.

4. Building façade articulation. Both vertical and horizontal articulation is e required. If a building is at a corner, all facades must meet the requirement. Incorporation of several of the techniques is the preferred option. The purpose is not to create a standard rigid solution but rather to break up the mass in creative ways.

a) Horizontal articulation: Horizontal facades shall be articulated into smaller units. Appropriate methods of horizontal façade articulation include two or more of the following elements:

- i) change of façade materials,
- ii) change of color,
- iii) façade planes that are vertical in proportion,
- iv) bays and recesses,
- v) breaks in roof elevation, or other methods as approved.

Building facades shall incorporate design features such as offsets, projections, reveals, and/or similar elements to preclude large expanses of uninterrupted building surfaces. Articulation shall extend to the roof.

b) Vertical Facade Articulation: The purpose is to provide articulation, interest in design and human scale to the façade of buildings through a variety of building techniques. Multi-story buildings shall express a division between base and top. Appropriate methods of vertical façade articulation for all buildings include two or more of the following elements:

- i) Change of material;
- ii) Change of color, texture, or pattern of similar materials;
- iii) Change of structural expression (for example, pilasters with storefronts spanning between at the base and punched openings above);
- iv) Belt course;
- v) The division between base and top shall occur at or near the floor level of programmatic division; and
- vi) Base design shall incorporate design features such as recessed entries, shielded lighting, and/or similar elements to preclude long expanses of undistinguished ground level uses.
- vii) Differentiation of a building's base shall extend to a building's corners but may vary in height.

5. Building Materials

a) No less than 50% of the exterior exposed walls of any new building, or any expansion over 1,250 square feet, shall be constructed of noncombustible, non-degradable and low maintenance construction materials such as face brick, architectural or decorative block, natural stone, specially designed pre-

cast concrete panels, concrete masonry units, concrete tilt panels, or other similar materials. Metal roofs may be allowed if compatible with the overall architectural design of the building. Where an elevation of the building is not currently, or will not likely in the future, be exposed to public view, the above standard does not apply.

b) Accessory structures visible to the public shall be constructed of materials similar to or the same as the principal building(s) on the site.

6. Roof Design:

a) Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate for the architectural design of the building. Variations within an architectural style are highly encouraged. Visible rooflines and roofs that project over the exterior wall of buildings, and especially over entrances, are highly encouraged.

b) Mechanical Equipment and Service Areas: Mechanical equipment and service areas shall be screened from adjacent properties, from Day Road and on Day Road corner properties abutting SW Boones Ferry Road, Kinsman Road, Garden Acres Road and Grahams Ferry Road. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards. Such screening shall blend visually with the related structure.

7. Pedestrian Walkways

a) A continuous pedestrian walkway shall be provided from the primary entrance to the sidewalk along Day Road for access to building entrances and to transit facilities.

b) Walkways from parking areas to building entrances shall be at least six (6) feet in width, and shall be separated from moving vehicles. Walkways shall be distinguished from vehicular areas through the use of special pavers, bricks, scored concrete or similar materials providing a clear demarcation between pedestrian and vehicular traffic.

c) Buildings shall be connected with onsite walkways at least six (6) feet in width.

8. Community Amenities: Community amenities such as patio seating, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, connections to area trails, parks and open spaces, and similar amenities are strongly encouraged.

9. Lighting and Flag Poles: All lighting shall be shielded and directed interior to the site, including parking lot lighting. Lighting shall not spill over

onto adjacent properties. Light poles, light fixtures and flagpoles shall conform to the City's Outdoor Lighting Standards. Flagpoles shall not exceed 40' in height.

10. Signage: Signage shall include a monument sign on the Day Road frontage identifying the industrial/business park and buildings therein. Each building may have wall signage, and such other directional and informational signage as allowed by WC 4.156. Pole signs are prohibited. The design of signage must be integrated into the overall architectural and site design for the project.
11. Parking: Employee parking shall be located at the rear of the building, or in courtyard parking areas between buildings. If no other option is available due to site limitations, then employee parking may be located to the side of buildings. Time and number limited visitor parking is allowed at the front of the building. Within a Stage I master plan, employee parking may be combined in a shared facility or facilities with mutual use agreements. Any parking areas visible from Day Road shall be screened from view with broadleaf evergreen or coniferous shrubbery and/or architectural walls or berms.

(.06) Infill construction: The following general rules shall be followed when constructing a new building adjacent to existing industrial/employment buildings built under the Day Road DOD. Adjacent includes buildings north of Day Road built under the Day Road DOD.

A. Proportions and Façade: The average height and width of the surrounding buildings determines a general set of proportions for an infill structure or the bays of a larger structure. The infill building shall fill the entire space and reflect the characteristic rhythm of facades along Day Road. If the site is large, the mass of the façade must be broken into a number of smaller bays to maintain a rhythm similar to the surrounding buildings.

B. Composition: The composition of the infill façade (i.e. the organization of its parts) shall be similar to surrounding buildings. Rhythms that carry throughout the block, such as window and door spacing, shall be similar to those on surrounding facades.

C. Detailing/Textures: Infill architecture shall reflect some of the detailing of surrounding buildings in window shapes, cornice lines, brick or stone work, etc. Textures of exterior surfaces shall be reflected in the design of new buildings.

D. Materials: An infill façade shall be composed of materials similar to adjacent facades. The new building(s) shall not stand out from existing buildings.

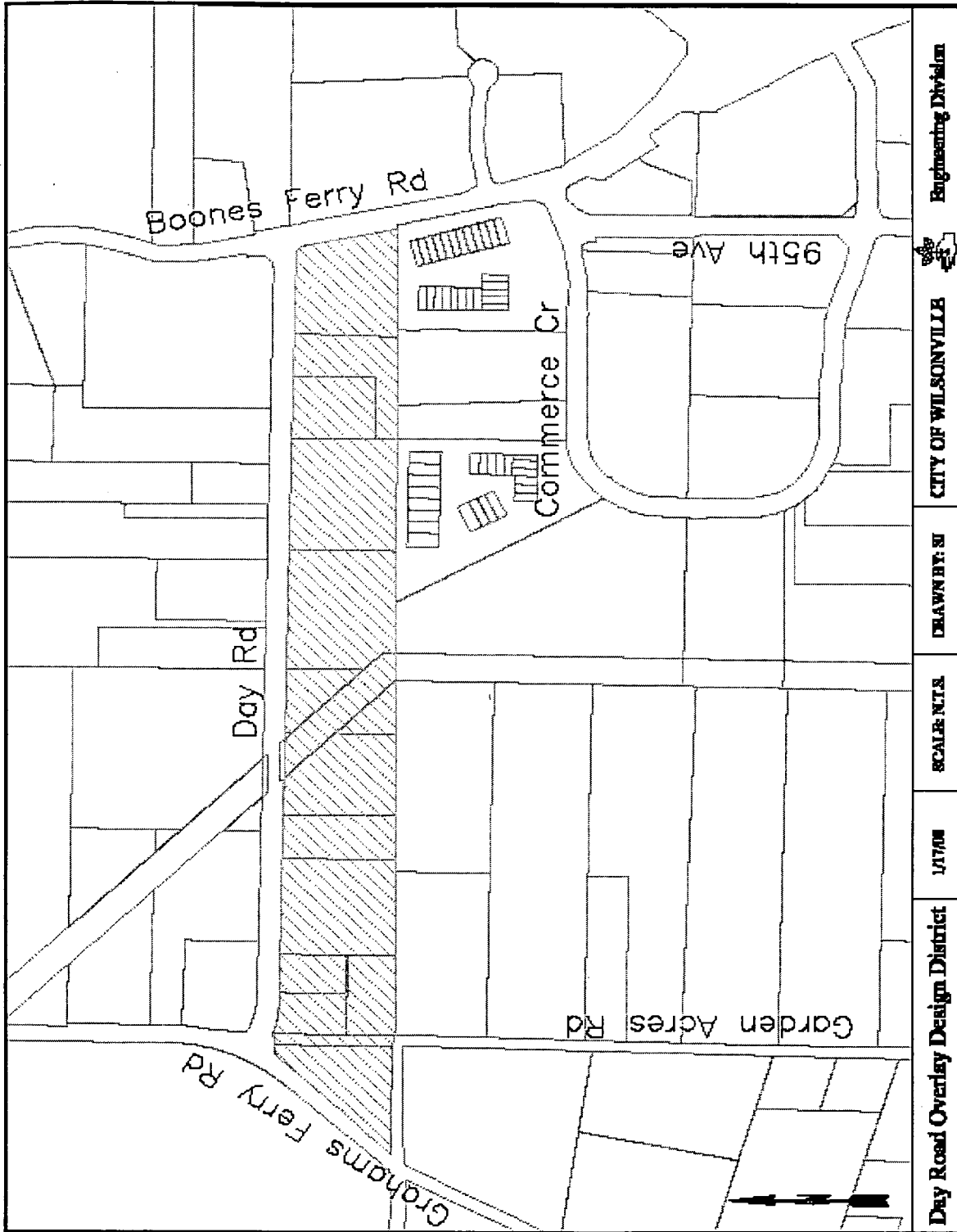
E. Color: All colors shall be harmonious and compatible with colors of other structures in the development and the natural surroundings.

F. Setbacks: Setbacks for new buildings shall be an average of the setbacks of the two adjacent buildings built under the Day Road DOD, or if none exist, shall meet the setback requirements of the Day Road DOD. Rear yard setbacks may be reduced from the 30' minimum setback requirement in Section 4.135(.06)(D) where the setback is adjacent to industrial development subject to meeting Building Code requirements. Front yard setbacks must include additional setback (15' **minimum**) to accommodate future improvements to Day Road.

G. Building Height: A minimum building height of three stories, 48' is required. on the Day Road frontage and on frontages described in (.05) above. Sites may contain a combination of taller building space abutting the identified street frontages together with 1 or 2-story lab, R&D, and/or manufacturing building space on the remainder of the site. The 1 and 2-story portions of the buildings will be designed to be compatible with the taller structure's design, building materials and colors. Increased building height is encouraged, particularly in combination with site amenities such as under-structure parking, preservation of significant trees rated good or better in the arborist's report, and/or provision of trail segments or of open space areas open to the public.

H. Lighting and Flag Poles: All lighting shall be shielded and directed interior to the site, including parking lot lighting. Lighting shall not spill over onto adjacent properties. Light poles, light fixtures and flagpoles shall conform to the City's Outdoor Lighting Standards. Flagpoles shall not exceed 40' in height.

Exhibit B



PLANNING DIVISION - STAFF REPORT AND RECOMMENDATION

Date: November 10, 2008
To: Honorable Mayor and City Councilors
From: Sandi Young, Planning Director
Subject: Day Road Design Overlay District

RECOMMENDATION:

Staff recommends that the Council adopt the Day Road Design Overlay District and Map as recommended by the Planning Commission, following the requested Council remand and additional public hearings.

HISTORY

The Coffee Creek I Master Plan, adopted by the Council in December 2007, recommended that the City adopt a design overlay district for properties abutting Day Road. Staff prepared a draft Overlay District following the recommendations of the Coffee Creek Plan and presented it to the Planning Commission in work sessions. The Planning Commission made revisions and scheduled a public hearing for February 12, 2008. Notice was sent to all owners in the proposed Day Road Design Overlay District, to interested parties and to owners within 500 feet of the Overlay District. Following deliberations, the Commission continued the hearing to April 8 to allow staff to respond to several issues raised. On April 8, the Planning Commission, after further discussion, voted unanimously to approve Resolution LP07-0006, with amending language added to Exhibit A regarding the encouragement of Green Building standards and to forward their recommendation on to the Council for public hearing and adoption.

The Council public hearing and first reading was held on May 19, 2008. The title of Ordinance No. 650 was read into the record for first reading by Mr. Kohlhoff. Mayor Lehan opened the public hearing. The staff report was presented by Ms. Young. The Council voted 4-1 to approve Ordinance No. 650 on first reading.

At the June 2 Council meeting, under Citizen Input, T.J. Newby, commercial real-estate broker working in Wilsonville spoke on behalf of her clients regarding Ordinance No. 650. They understood Coffee Creek was to be a regionally significant industrial area and the ordinance related to a Day Road Design Overlay that is not consistent with the goals of the RSIA designation. Her clients felt this overlay title would not serve the significant industrial area designation or help with industrial development and the creation of jobs for families. Ms. Newby described the concepts of "base employment" or "traded sector jobs" versus the other types of jobs. Her research suggested that for every base employment position, 2.8 additional jobs were created in the community. Planning standards in communities are to have a 20-year supply of industrial land to support healthy economies; however, the majority of these parcels are small. Property owners in the Day Road area are struggling with the wait to develop their property, the lack of infrastructure, and annexation timeline. The additional overlay will further encumber

development, particularly if the personal services are not in place nearby to serve office workers in the proposed Day Road Design Overlay District buildings.

The Planning Commission held public hearings on February 13th, 2008, and April 9th, 2008; however, there was no public testimony at those hearings. To allow additional opportunities to testify, Councilor Kirk requested the Ordinance be re-noticed for public hearing for the June 16, 2008 Council meeting. Mr. Kohlhoff advised that the Council would be continuing the public hearing on the ordinance to the June 16 meeting and Ms. Newby's comments would be included in the minutes of that hearing.

The Council voted to continue Ordinance No. 650 to June 16, 2008 Council Meeting and open the public hearing to take further testimony on the Overlay District. Ms. Loble, City Manager, noted that each of the Councilors received a letter from Steven Hurst, Chair of the Planning Commission concerning Ordinance No. 650, which would be included in the record for June 16th.

At their June 11th meeting, the Planning Commission unanimously approved a motion requesting the Council to remand the Day Road Design Overlay District Ordinance back to the Commission for further public comment and review. The Planning Commission stated that it is their responsibility to hear initial public testimony on legislative matters, and following discussion, to forward a recommendation to the Council. Now that an interested public has appeared, the proper venue for their initial testimony is at the Planning Commission level.

The Planning Commission believes that the public has to understand that there is a process. Part of the Planning Commission's responsibility is to make the process more efficient. The Commission spends the time reviewing the detail and developing the record that supports the Commission's recommendation to Council on policy adoption. From a well developed record, the City Council can focus the Council's policy discussion without going back and reinventing the wheel. Nobody gains by that and the Commission's effectiveness is not rendered moot. If the constituency is trying to sidestep the Commission process by not appearing, then remanding the project serves the message to those that have chosen not to "play" that they need to do so, while at the same time, making sure that everyone is heard and that the record is fully developed

Chair Hurst stated that he believes that the Day Road District proposal was a carefully crafted, well-thought through, debated, and discussed proposal that the Commission recommended to City Council. The Planning Commission then voted 6 – 0 in favor of the motion to request City Council to remand the Day Road Design Overlay District to the Commission. Commissioner Phelps volunteered to represent the sense of the Planning Commission at the City Council. On June 16, the Council, after receiving the request from the Planning Commission and reviewing the record, voted 5 – 0 to remand the Day Road DOD back to the Planning Commission for further public hearing and discussion.

At the June 16, 2008 Council meeting, Mr. Kohlhoff reviewed proceedings to date. Council received testimony at the June 2, 2008 Council meeting with the understanding that that testimony would be made a part of the record at the June

16 hearing. In addition, Council received a letter from Martha Hill; and a letter from Everett Hill urging a "No" vote on Ordinance 650. Both letters are part of the public record. The Planning Commission presented their request for remand to the Council. After deliberation, the Council voted to remand the matter back to the Planning Commission for further public hearing and testimony together with the record of testimony of June 2, 2008 and the Hill letters.

The Planning Commission held a properly noticed public hearing on July 9, 2008. Testimony was received from Greg Specht, Specht Development, Gene Mildren, President, Mildren Design Group, Stu Peterson, Majority Partner/Corporate Treasurer, Macadam Forbes, and Bill McCormack, Chief Executive Officer, Perle & McCormack,., all in favor of a simplified ordinance with a two story height minimum and less glazing. The testimony stated that the Day Road area was zoned industrial, and that the Wilsonville industrial market supports warehousing/distribution and tech/flex buildings, not the three story or taller technology/corporate centers being proposed. After a lengthy discussion, this item was continued to the August 13, 2008 Planning Commission meeting.

Following the July 9 public hearing, staff presented a revised draft for Planning Commission consideration on August 13. That draft included the following changes:

- Reduced minimum glazing requirement from 30% to 25%. Deleted the following: *All glass on all elevations shall be non-reflective. Shading for climate control is permitted.*
- Modified height requirements to 3 story, 48' (to meet building code requirements) for buildings facing Day Road, and side streets at named intersections, but allowed other buildings on the site to be 1 and 2 story to accommodate a variety of complementary uses
- Modified the waiver language to include the "*equal to or better than*" language from Section 4.140(B)
- Deleted the requirement that *the predominant building materials shall be materials commonly used in mid-rise Class A office construction in the Portland metro area.*

On August 13, the Planning Commission voted to recommend the Day Road Design Overlay District as presented by staff, with the following modifications:

- Reduce the glazing requirement to 20%
- Revise the waiver language in 4.134(.04)(B) to prohibit waivers to the 15' additional front yard setback for future improvements on Day Road, and included reference to the waiver section of the City Code, 4.118(.03).

ISSUES: The major remaining issue is the minimum building height requirement. The original 3-story, 35' minimum height standard was modified to 48' to be consistent with requirements of the building code. The 3-story minimum would apply only on the street frontages listed in (.05)

of the ordinance, while other buildings without frontage on Day Road or the other frontages in (.05) may be one and two story for research and development, manufacturing, etc. provided that the design and materials are compatible with the taller frontage buildings.

However, testimony at the Planning Commission in July stated that the current Wilsonville industrial land market is for warehousing/distribution and for tech/flex buildings, all of which utilize 1 and 2 story buildings.

The question is: Should the City adopt a flexible code that implements the direction of the Goal 9 Economic Opportunity Analysis to increase overall densities in industrial zones in order to protect the long-term character of the Day Road Corridor, but allows use of waivers to consider buildings less than 3 stories until such time as the market recognizes the vision of the Day Road Design Overlay, or in recognition of the current market, should the draft allow the one and two story buildings now being built in our industrial zone as a permitted use but with the improved site plans and facades required in the Overlay District?

The Planning Commission is recommending that the Council adopt a Day Road Design Overlay District that protects the character of the Day Road Corridor, and allows use of waivers to consider buildings less than 3 stories until such time as the market recognizes higher density industrial uses in the Day Road Corridor. The Planning Commission recommended draft code is attached as Exhibit A.

Exhibits attached to the Ordinance:

Exhibit A: Planning Commission recommended new Development Code Section 4.134.
Day Road Design Overlay District.

Exhibit B: Day Road Design Overlay District Area Map

11/13/08