

AFFIDAVIT OF POSTING ORDINANCE NO. 38

STATE OF OREGON            )  
                                  )  
Counties of Clackamas    )  
and Washington            ) ss.  
                                  )  
City of Wilsonville        )

I, the undersigned, City Recorder of the City of Wilsonville, Oregon, being first duly sworn on oath depose and say:

On Tuesday the 8th day of January, 1974, I caused to be posted copies of the attached Ordinance No. 38 in the following three (3) public and conspicuous places of the City, to-wit:

1. Wilsonville City Hall
2. Kopper Kitchen Restaurant
3. Wilsonville United States Post Office

The notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 14th day of January, 1974.

Dated at Wilsonville, Oregon this 8th day of January, 1974.

Margaret A. Hintz  
City Recorder

Subscribed and sworn to before me this 8th day of January, 1974.

Laur Kepley  
Notary Public for Oregon  
My Commission expires: Sept 10, 1976

ORDINANCE NO. 38

AN ORDINANCE ESTABLISHING A BOARD OF DESIGN REVIEW, ITS MEMBERSHIP, POWERS AND DUTIES AND SITE DESIGN REVIEW PROCEDURES WITH CRITERIA AND STANDARDS FOR REVIEW.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

SECTION 1 - FINDINGS AND PURPOSES

- A. The Wilsonville City Council finds that excessive uniformity, inappropriateness or poor quality of design in the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use and value of land and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare of the City, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.
- B. The Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:
1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;
  2. Discourage monotonous, drab, unsightly, dreary and inharmonious development;
  3. Conserve the City's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;
  4. Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;
  5. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;
  6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services.
  7. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement;
  8. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.

## SECTION 2 - DEFINITIONS

The following words or phrases, unless the context otherwise requires, shall mean:

- A. Board. The Board of Design Review established pursuant to Section 3.
- B. City Recorder. The Recorder of the City of Wilsonville or another individual officially designated by the City Council to fulfill the functions assigned by this Ordinance to the City Recorder.
- C. Landscaping. The term "landscaping" includes not only trees, grass, shrubs, flowers and garden areas but also the arrangement of fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework area and artificial turf or carpeting, but excludes artificial plants, shrubs or flowers, earth forms such as grading, mounding and contours. Pertains to complete site modifications rather than just building.
- D. Major Remodeling. Any change, enlargement or modification to an existing structure which increases the floor area, or the value of the structure, or that substantially changes the exterior by an amount equal to or greater than one-third of the previous floor area or value of the structure.

## SECTION 3 - BOARD OF DESIGN REVIEW

- A. Purpose. In order to carry out the purpose and objectives of this Ordinance and to carry out such further duties and functions as may be assigned by the City Council, a Board of Design Review is hereby established.
- B. Board of Design Review. There is hereby established a Board of Design Review whose members, term, officers and manner of transacting business shall be as follows:
  1. Members: Qualifications. The Board shall consist of seven members which shall include: one member of the City Planning Commission; at least one architect; at least one landscape architect, artist or designer; at least one individual specially qualified by reason of education, training or experience in the financing of commercial real property; and at least one individual actively engaged in business, commerce or industry.
  2. Appointment: Term. The members of the Board shall be appointed by the Mayor and approved by the Council. Whenever possible, the Mayor shall appoint individuals who are either property owners, residents or actively engaged in business or employment in the City. Of the members first appointed, three members shall be appointed for a term of one year and four members for a term of two years. Subsequent appointments shall be for a term of two years or until successors are appointed. Terms of office shall commence on the first day of the calendar year, except that the terms of office for members first appointed under this Ordinance shall commence on the date of their appointment.
  3. Vacancies: Removal. Any vacancy shall be filled for the remainder of the unexpired term as original appointments are herein provided. The Mayor, with approval of the Council, may remove any member of the Board at any time and for any reason.

4. Chairman: Secretary. The Design Review Board will elect its own chairman. The Chairman shall be counted to determine a quorum and shall have the same right as other members of the Board, including the right to vote. The City Council shall appoint a secretary of the Board and fix his or her compensation.
5. Quorum: Voting. Four members shall constitute a quorum for the transaction of business. A majority of members present shall be required for all Board actions.
6. Attendance. If a Board member misses three consecutive meetings with unexcused absences, he will no longer be a Board member.
7. Meetings: Records. The Board shall hold at least one (1) meeting each month. However, a meeting need not be held if there are no drawings or plans submitted for review by the Board. The deliberations and proceedings of the Board shall be public. The Board shall keep Minutes of its proceedings and such minutes shall be public records. Special meetings of the Board may be called by the Chairman or at the request of any two (2) members on twenty-four (24) hours' reasonable notice to the public and at least twenty-four (24) hours' actual notice to the Board members.
8. Rules. The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Ordinance.

#### SECTION 4 - JURISDICTION AND POWERS OF THE BOARD

- A. Application of Ordinance. Except for single-family dwellings in any residential zoning district, no building permit shall be issued for a new building or major remodeling of an existing business, and no sign permit 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 under Section 6 have been reviewed and approved by the Board in conformity with the criteria specified in Section 5. For purposes of this Section, the term "major remodeling" shall mean any remodeling that substantially changes the exterior appearance of the building.
- B. Development in Accord with Plans. Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the goals and objections of Section 1. Proposed "substantial changes" shall be submitted to the Board at its next regularly scheduled meeting. If the Board objects to such proposed changes, they shall be subject to the procedures and requirements of the site design review process applicable to new proposals.
- C. Variances. The Board may authorize variances from the site development requirements, off-street parking and loading and supplemental provisions of the City Zoning Ordinance which are subject to the jurisdiction of the Board, where it can be shown that by reason of exceptional size, shape or topographic conditions, or other special or unusual circumstances, the literal enforcement of such requirements would not allow reasonable development to take place. Variances shall be considered in conjunction with the site design review process and subject to the procedural and appellate provisions applicable to such process, provided that either the Board or the Council, or both,

may hold public hearings prior to making a decision on the variance. Variance procedures shall be in accordance with Section 10.01 of Ordinance No. 23, the City Zoning Ordinance, except that the Board of Design Review shall perform the functions set forth for the Planning Commission in that Section.

#### SECTION 5 - CRITERIA AND STANDARDS

- A. The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required under Section 6. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specification of one or more particular architectural styles is not included in these standards.
1. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
  2. Relation of Proposed Buildings to Environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
  3. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
  4. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.
  5. Utility Service. Any utility installations above ground shall be located so as to have an harmonious relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated.
  6. Advertising Features. In addition to the requirements of the City's sign Ordinance, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
  7. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

8. Application of Design Standards. The standards of review outlined in 1 through 7 above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.
- B. The Board shall also be guided by the objectives of Section 1, and such objectives shall serve as additional criteria and standards.
- C. Unless otherwise authorized under this Ordinance, the Board shall not have the authority to waive or modify the requirements of any other applicable City Ordinance.

#### SECTION 6 - PROCEDURE

- A. Submission of Documents. A prospective applicant for a building or other permit who is subject to site design review shall submit to the City Recorder the following:
  1. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off street parking and loading areas, and railroad tracks. The site plan shall indicate the location of entrances and exits and direction of traffic flow into and out of off street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided.
  2. A landscape plan, drawn to scale, showing the location of existing trees proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials. Tree massings, tree groupings and aerial photos are required. Large areas need not be surveyed but small areas must be surveyed. Photos must show existing clumps of trees or individual specimens of 6" caliper or more.
  3. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction.
  4. Specifications as to type, color and texture of exterior surfaces of proposed structures.
  5. A design plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.
  6. An application fee of \$50.00.
- B. Action by City Recorder. The City Recorder shall review all drawings, plans, and specifications submitted for design review. If he finds that they meet all other requirements of the Ordinances of the City, he shall forward them to the Board.
- C. Notice. The City Recorder shall have published in a newspaper of general circulation in the City of Wilsonville, the week prior to the Design Review Board meeting, a notice that the Board will consider such documents. The publication shall contain a brief description of the subject property, either by street address, tax lot number, metes and bounds, or combination thereof, the time and place that the Board will consider the submitted documents, and the nature of the proposed development. Failure to advertise as specified in this Section shall not invalidate any decisions or proceedings of the Board.

- D. Action by Board. Within 35 days from the date of submission to the City Recorder, the Board shall approve, approve with conditions, or reject the plans of the applicant. Failure of the Board to so act within the 35 day period shall constitute approval, unless the applicant consents to an extension of time. The actions and recommendations of the Board shall be transmitted in writing to the applicant within seven (7) days of the meeting and copies filed with both the City Council and Planning Commission.
- E. Appeals. Appeals shall be governed by the following provisions:
- The decision of the Board may be appealed to the Council by the applicant, the City Recorder, or any substantially aggrieved property owner within 200 feet of the outer boundaries of the property involved in the Board's decision. The appeal shall be filed in writing with the City Recorder within fifteen (15) days after the Board has rendered its decision, and together with an appeal deposit fee of \$50.00 to apply on such costs involved in the appeal. Upon conclusion of the appeal, the balance, if any, will be refunded to the applicant. Failure to pay the appeal fee shall be deemed a withdrawal of the appeal.
- The City Recorder shall forthwith cause an appeal to be placed on the agenda for the next regularly scheduled Council meeting. The Council shall consider the appeal at such meeting and shall affirm, modify and affirm, or reverse the decision of the Board.
- F. Effective Date of Decisions. A decision of the Board shall become effective sixteen days after the date of the decision, unless the decision is appealed to the Council. If the decision of the Board is appealed to the Council, the decision of the Council shall become effective immediately.
- G. Time Limit on Approval. Site design review approvals shall be void after two (2) years unless a building permit has been issued and substantial construction pursuant thereto has taken place.
- H. Preliminary Consideration. An applicant may request preliminary consideration by the Board of his general plans prior to seeking a building permit. When seeking preliminary consideration, the applicant shall submit a site plan showing the proposed structures, improvements and parking, together with a general description of his plans. The Board shall approve or reject all or part of the applicant's general plan within the normal time requirements of a formal approval. Preliminary approval shall be deemed to be approval of the final plan to the extent of the preliminary approval.

#### SECTION 7 - LANDSCAPING

The following provisions shall apply to all uses in all commercial or industrial zones in the City at the time of construction of a new structure or major remodeling of an existing structure:

- A. Not less than 15% of the total lot area, exclusive of parking lot areas, shall be landscaped. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be located in the front yard area and another in one of the side yard areas. Such areas shall be encouraged adjacent to structures. Landscape planters shall be used to define, soften or screen the appearance of off-street parking areas from public right-of-way. Materials to be installed shall achieve a balance between low-lying and vertical shrubs and trees.

- B. A minimum of 10% of any parking lot area shall be landscaped. If landscaped parking areas include special design features which effectively screen the parking lot areas from view, the 10% minimum required landscaping may be reduced. Said design features may include the use of landscaped berms, decorative walls, and raised planters. In all cases landscaping shall be uniformly distributed throughout the parking area.
- C. All landscaping required by this Ordinance and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to 110% of the cost of the landscaping as determined by the City Recorder is filed with the City assuring such installation within six months of occupancy. "Security" cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.
- D. All landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.

SECTION 8 - VARIANCES

The authority of and procedures to be followed by the Board of Design Review for matters within its jurisdiction shall be as specified in Section 4 C of this Ordinance.

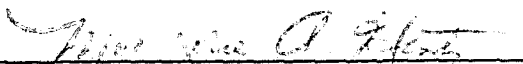
SECTION 9 - PENALTIES AND ENFORCEMENT PROVISIONS

- A. Every person who fails to comply with final decisions of the Board, or final decisions of the Council in cases of appeals, or who violates this Ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$500 or ninety (90) days imprisonment in the County Jail, or by both such fine and imprisonment.
- B. When it appears to the City Council that there is a failure or refusal by any person, firm or corporation to comply with a final decision of the Board, or of the Council in cases of appeal, or that there is a violation otherwise of this Ordinance, it may authorize the City Attorney to institute an appropriate suit in equity in the Circuit Court in the name of the City and abate and temporarily and permanently enjoin such violation.

Passed on first reading at a regular meeting of the Wilsonville City Council on the 10th day of December, 1973; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof on the 14th day of January, 1974, at the hour of 7:30 o'clock PM at the Council's regular meeting place in the Wilsonville City Hall.

  
 PHILLIP R. BALSIGER - Mayor

ATTEST:

  
 MARJORIE A. HINTZ - City Recorder



Passed on final reading of the Wilsonville City Council at a meeting thereof on the 14th day of January, 1974; by the following vote: Yeas 5. Nays 0.

  
PHILLIP R. BALSIGER - Mayor

ATTEST:

  
MARJORIE A. HINTZ - City Recorder