



**WILSONVILLE  
OREGON**

29799 SW Town Center Loop E, Wilsonville, OR 97070  
Phone: 503.682.4960 Fax: 503.682.7025  
Web: [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

**Planning Division  
Development Permit Application**

Final action on development application or zone change is required within 120 days per ORS 227.175 or as otherwise required by state or federal law for specific application types.

A pre application conference may be required.

The City will not accept applications for wireless communication facilities or similar facilities without a completed copy of a Wireless Facility Review Worksheet.

The City will not schedule incomplete applications for public hearing or send administrative public notice until all of the required materials are submitted.

**Applicant:**

Name: Charbonneau Country Club

Company: \_\_\_\_\_

Mailing Address: 32000 SW Charbonneau Ave

City, State, Zip: Wilsonville OR 97070

Phone: 503-694-2300 Fax: \_\_\_\_\_

E-mail: Jim@charbonneaucountryclub.com

**Authorized Representative:**

Name: Dan Jenkins

Company: SERA Architects

Mailing Address: 600 SW 10th Ave. Suite 500

City, State, Zip: Portland, OR, 97205

Phone: 503-445-7365 Fax: \_\_\_\_\_

E-mail: danj@seradesign.com

**Property Owner:**

Name: Same as Above

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Property Owner's Signature:**

Gary J. Newborn  
Printed Name: Gary J. Newborn Date: 12/21/20

**Applicant's Signature: (if different from Property Owner)**

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Site Location and Description:**

Project Address if Available: \_\_\_\_\_ Suite/Unit \_\_\_\_\_

Project Location: Charbonneau, Oregon

Tax Map #(s): 14100 Tax Lot #(s): \_\_\_\_\_ County:  Washington  Clackamas

**Request:**

Design Review Application for the proposed improvements to the existing Edith Green Park

**Project Type: Class I  Class II  Class III**

Residential  Commercial  Industrial  Other: Park

**Application Type(s):**

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Annexation                  | <input type="checkbox"/> Appeal                     | <input type="checkbox"/> Comp Plan Map Amend | <input type="checkbox"/> Parks Plan Review             |
| <input type="checkbox"/> Final Plat                  | <input type="checkbox"/> Major Partition            | <input type="checkbox"/> Minor Partition     | <input type="checkbox"/> Request to Modify Conditions  |
| <input type="checkbox"/> Plan Amendment              | <input type="checkbox"/> Planned Development        | <input type="checkbox"/> Preliminary Plat    | <input checked="" type="checkbox"/> Site Design Review |
| <input type="checkbox"/> Request for Special Meeting | <input type="checkbox"/> Request for Time Extension | <input type="checkbox"/> Signs               | <input type="checkbox"/> Stage II Final Plan           |
| <input type="checkbox"/> SROZ/SRIR Review            | <input type="checkbox"/> Staff Interpretation       | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Variance                      |
| <input type="checkbox"/> Type C Tree Removal Plan    | <input type="checkbox"/> Tree Permit (B or C)       | <input type="checkbox"/> Temporary Use       | <input type="checkbox"/> Other (describe)              |
| <input type="checkbox"/> Villebois SAP               | <input type="checkbox"/> Villebois PDP              | <input type="checkbox"/> Villebois FDP       |  |
| <input type="checkbox"/> Zone Map Amendment          | <input type="checkbox"/> Waiver(s)                  | <input type="checkbox"/> Conditional Use     |  |



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## PROJECT NARRATIVE - EDITH GREEN PARK DESIGN APPLICATION

May 2, 2023

### **SUMMARY OF PROPOSAL**

This Design Review application address the proposed improvements to the existing Edith Green Park located in the Charbonneau community of Wilsonville. The 2.1-acre site is identified as Tax Lot 14100 and located on the east side of Country View Lane. Residential lots border the north and south property lines with an agricultural field bordering the west side of the site. Currently the site consists entirely of lawn with a six-foot-tall Arborvitae hedges screening the north and south residential properties. No trees are on the site. Existing uses include a basketball court, softball field/backstop and informal dog park use. No buildings, fencing or other structures are existing on site.

Proposed uses reflect the community input process and include maintaining the basketball and adding two bocce ball courts, two free-standing park shelters, picnic tables, fenced dog park and a pathway to provide an accessible connection to all park features.

Park development is intended to be phased with the bocce and shelter initially installed with the remaining improvements in a subsequent phase. The project will be completed within a two-year period.

### **BACKGROUND INFORMATION**

Charbonneau is a private planned community within the city limits and jurisdiction of Wilsonville located on the south side of the Willamette River. The proposed improvements will occur in the existing Edith Green Park located along Country View Lane on the western side of the Charbonneau community.

The site is served by public utilities located within the right-of-way. There is a public easement over the site for park and school use and one existing water line easement that is shown on the submitted site plan.

The Charbonneau Country Club initially issued an RFP (Request for Proposal) for park planning services in 2021 and subsequently awarded a contract to BerryDunn, a park planning firm to conduct a planning and public input process to determine the interests and needs of the community. SERA Design served as a consultant to BerryDunn to develop park concept drawings which were approved and refined into the Design Review submittal site plan.

The proposed improvements as noted above in the summary include bocce courts, picnic areas, fenced dog park, two free standing shelters, benches, and an open recreation lawn area to serve a wide variety of public users of all age groups. An accessible concrete walkway will connect all improvements to the right-of way.

There is no parking proposed for the site as currently residents walk, drive golf carts or park on the street adjacent to the park site. No lighting currently exists on site to limit light trespass and no lighting is proposed as all park activities are intended to occur during daylight hours.

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The proposed improvements account for 4,400 square feet of impervious surface which will require approximately 75 cubic yards of grading.

### **KEY ISSUES OR DISCUSSION ITEMS**

A through public outreach and involvement process was conducted to gather community input concerning existing park conditions, neighborhood adjacencies, and proposed uses. Key discussion topics included potential uses such as bocce, pickleball, dog park, restroom, shelter, gardens, as well as their design, size, and location within the park.

The information gathering and public engagement was conducted in the form of focus groups and stakeholder meetings in a virtual format with more than 80 residents and two non-residents during February 2022. The information gathered during the initial public engagement was used to develop the needs assessment survey.

The purpose of the survey was to gather feedback to better understand the community's needs and desires related to the potential reimagination of Edith Green Park. This survey research effort and subsequent analysis were designed to assist the project team in determining the appropriate mix of programs and activities along with the necessary facilities and amenities. Six hundred and thirty-two residents completed the survey. The 632 total surveys completed was a strong response rate considering that the planned community has 1,627 living units and approximately 3,000 residents. The survey results provided valuable information for the project team.

The resulting plan reflects the input of the community and Charbonneau Country Club board.

### **RESPONSE TO CODE FINDINGS**

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## Section 4.035. Site Development Permits.

(.01) *Procedures for Processing Site Development Permit. N/A*

- A. Unless the matter is subject to a public hearing process for a land development permit, an application for a Site Development Permit shall be processed through a Class I or II procedure as set forth below.
- B. When an application and proposed development plan is submitted, the Planning Director shall determine the appropriate procedure specified by the Code, together with the determination of affected departments, public agencies and property owners. Where there is a question as to the appropriate type of procedure, the Director may elect to process the application as a Class II Administrative Review item.
- C. The Planning Director shall be responsible for the coordination of the Development Permit application and decision-making procedure and shall only issue a Development Permit to an applicant whose application and proposed development are found to be in compliance with all of the applicable provisions set forth in the Comprehensive Plan and Chapter 4 of this Code. Before issuing the Development Permit, the Director shall be provided with the detail required to establish full compliance with the requirements of this Code.

(.02) *Class I—Administrative Review.* Consistent with the authority set forth in Section 4.030, a Class I application shall be processed without a public hearing or public notice, unless otherwise specifically required by this Code. **N/A**

- A. Within 30 days of the date of receiving a complete Class I application, pursuant to Section 4.011, the Director shall approve, conditionally approve, or deny the Development Permit. The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others. The Director shall notify the applicant in writing of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Section 4.022.
- B. The Development Permit shall be approved if applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of the Comprehensive Plan, and the remainder of Chapter 4.
  - 1. The Development Permit shall be denied if required approvals are not obtained or the application otherwise fails to comply with Code requirements. The notice shall describe the reason for denial.
  - 2. Upon taking action on a Class I Permit application, the Planning Director shall mail notice of the decision to the applicant. A decision of the Planning Director under this procedure may be appealed by the applicant in accordance with Sections 4.022 and 4.030. The hearing on the appeal shall be a review of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Planning Director.

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(.03) Class II—Administrative Review. Consistent with the authority set forth in Section 4.030, a Class II application shall be processed without a public hearing, except as determined appropriate by the Director. *N/A*

- A. Within ten calendar days of receiving a complete Class II Permit application, the Planning Director shall mail notice of the proposed development, pursuant to Section 4.012, to all property owners within 250 feet of the proposal. The notice shall summarize the standards and criteria that will be used to evaluate the application and shall be sent to the persons designated to receive notice by the relevant sections of this Code. The notice shall invite persons to submit information within ten calendar days, relevant to the standards pertinent to the proposal and giving reasons why the application should or should not be approved or proposing conditions the person believes are necessary for approval according to the standards. The notice shall also advise the person of the right to appeal the decision on the proposed development if the person's concerns are not resolved.
- B. If the Director anticipates that persons other than the applicant can be expected to question the application's compliance with the Comprehensive Plan or Development Standards, the Planning Director may initiate a public hearing.
- C. Within ten calendar days of the final response date, the Director shall review any information received under Subsection "A", above, and make a final decision. The final decision and supporting findings shall be forwarded to the applicant, affected parties required to be notified, and the Development Review Board. The decision shall be based upon a determination of whether the application complies with the standards and criteria listed above for Class I Administrative Reviews and the following additional standards:
  - 1. The proposed development or use, including signage, is compatible with developments or uses permitted in the zone;
  - 2. The proposed development or use will not create a nuisance or result in a significant reduction in the value or usefulness of adjacent properties;
  - 3. If the proposed use 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 use that is proposed;
  - 4. If the application involves a Variance, it shall be subject to the standards and criteria listed in Section 4.196;
  - 5. All of the relevant application filing requirements of Chapter 4 have been met.
- D. A decision of the Planning Director under a Class II procedure may be appealed by an affected party or may be called up for review by the Development Review Board, provided such action is taken by members of either panel of the Board as specified in Section 4.022.
- E. The Development Review Board, Planning Commission, or City Council may delegate specific actions or duties to be executed by the Planning Director. The body making the delegation shall specify the administrative review procedures that the Director is to follow in the process.

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(.04) Site Development Permit Application.

- A. An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.
1. A completed Permit application form, including identification of the project coordinator, or professional design team. **Submitted with the application.**
  2. An explanation of intent, stating the nature of the proposed development, reasons for the Permit request, pertinent background information, information required by the development standards and other information specified by the Director as required by other sections of this Code because of the type of development proposal or the area involved or that may have a bearing in determining the action to be taken. As noted in Section 4.014, the applicant bears the burden of proving that the application meets all requirements of this Code

***The proposed Edith Green Park is 95% open space consisting of open existing turf for recreational play, dog park, bocce and basketball courts, walkways, and picnic areas. The area is designed for a variety of age groups and users. The existing basketball court will be improved with a new adjustable basketball hoop, resurfaced and restriped to match the existing court. The adjustable hoop will provide a recreational activity for all age groups including children. The unused baseball backstop and dirt infield will be removed and replaced with an approximately one-acre open lawn area in the south of the park to accommodate a variety of informal recreational uses including soccer, softball, frisbee, cornhole, etc. for all age groups including children. Two bocce ball courts will be added to provide a new activity recommended during the public input process. They will be surfaced with an artificial turf material on a gravel base to provide a permeable surface and minimize on site runoff and stormwater impacts. Five picnic table will be added to the park in a variety of locations to provide seating and gathering opportunities for park users. The current use of the park for off leash dogs will be continued and contained within a fenced area as preferred during the public meeting and input process. Two shelters will be added to the park providing gathering opportunities, sun and rain protection for all park users. A simple 6ft. wide walkway will be added to the park to connected to the existing pedestrian ramp at the south end of the site to provide universal access to all park activities.***

3. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all individuals or partners in ownership of the affected property. **Submitted with the application.**
4. Legal description of the property affected by the application. **Submitted with the application.**

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5. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size and impact of the development on the community, public facilities and adjacent properties; and except as otherwise specified in this Code, shall be accompanied by the following information, **Submitted with the application.**
  6. Unless specifically waived by the Director, the submittal shall include: ten copies folded to 9" x 12" or (one set of full-sized scaled drawings and nine 8½" x 11" reductions of larger drawings) of the proposed Site Development Plan, including a small scale vicinity map and showing:
    - a. Streets, private drives, driveways, sidewalks, pedestrian ways, off-street parking, loading areas, garbage and recycling storage areas, power lines and railroad tracks, and shall indicate the 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. **No vehicular or right-of-way improvements are proposed for the site.**
    - b. The Site Plan shall indicate how utility service, including sanitary sewer, water and storm drainage, are to be provided. The Site Plan shall also show the following off-site features: distances from the subject property to any structures on adjacent properties and the locations and uses of streets, private drives, or driveways on adjacent properties. **No utilities or vehicular improvements are proposed for the site and no structures requiring utilities are proposed for the site. Stormwater improvements are not required as the impervious surface is less than 5000 square feet.**
    - c. Location and dimensions of structures, utilization of structures, including activities and the number of living units. **Two small park shelters are proposed for the site and shown on the plan.**
    - d. Major existing landscaping features including trees to be saved, and existing and proposed contours. **No major existing landscape features or trees exist on the site.**
    - e. Relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets, private drives, and open space. **Elevation of dog park fence and small park shelters are submitted with application.**
    - f. Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, e.g., flood plain, forested areas, steep slopes or adjacent to stream banks, the elevations of all points used to determine contours shall be indicated and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals shall be shown:
      - i. One foot contours for slopes of up to five percent; **Shown on submitted site plan**

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- ii. Two foot contours for slopes of from six percent to 12 percent;
  - iii. Five foot contours for slopes of from 12 percent to 20 percent. These slopes shall be clearly identified, and
  - iv. Ten foot contours for slopes exceeding 20 percent.
- g. A tabulation of land area, in square feet, devoted to various uses such as building area (gross and net rentable), parking and paving coverage, landscaped area coverage and average residential density per net acre. **Area calculations schedule is included on the plan**
  - h. An application fee as set by the City Council.
  - i. If there are trees in the development area, an arborist's report, as required in Section 4.600. This report shall also show the impacts of grading on the trees. **No existing trees are with in the development area.**
  - j. A list of all owners of property within 250 feet of the subject property, printed on label format. The list is to be based on the latest available information from the County Assessor. **Submitted with the application.**
- (.05) Complete Submittal Required. Application materials shall be submitted to the Planning Director who shall have the date of submission indicated on each copy submitted. Within 30 calendar days from the date of submission, the Director shall determine whether an application is complete. An application is not complete unless accompanied by a traffic study, as prescribed by the City Engineer; except in cases where the requirement of a traffic study has been specifically waived by the Community Development Director.
- A. If the Director determines that the application is incomplete or otherwise does not conform to the provisions of this Code, the applicant shall immediately be notified in writing, conveying an explanation and a submittal deadline for completion or correction of the application. If the applicant fails or refuses to provide the necessary information, the application will be processed as specified in Section 4.011 (How Applications Are Processed) in order to assure that statutory time limits are met.
  - B. If an application is determined to be complete and in conformance with the provisions of this Ordinance, the Director shall accept it and note the date of acceptance on the application form. The Director shall then schedule the appropriate review and notify the applicant of the date of the final decision or hearing as set forth in this Chapter.

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- C. Materials submitted to the Planning Department staff after the preparation of the staff report shall be date-stamped and passed on to the appropriate decision makers. If there is insufficient time for the staff to prepare an analysis of such information, the decision-makers may choose to postpone action until such an analysis can be completed. If statutory time limits for action on the application preclude postponement, the decision makers may request a summary of the new information from the party presenting it. If information is received too late to be adequately evaluated within the legal time limits for action on the application, the decision-makers shall so state and shall make the decision, indicating within the adopted findings of fact the extent to which that information was considered in rendering the decision.
  - D. Written testimony that is sent via mail, facsimile, or computer and received by the City Recorder or the Recorder's designee prior to a public hearing shall be included in the record and considered to be originals, provided the document bears the name of the person testifying. Persons sending such documents shall be responsible for verifying that the documents have been received by the intended recipient on City staff. The City will make all reasonable attempts to convert testimony sent by telecommunication to paper format but bears no responsibility for doing so.

(Ord. No. 682, 9-9-2010)

Section 4.113. Standards Applying to Residential Developments in any Zone.

(.01) *Open Space:*

- A. *Purpose.* The purposes of the following standards for open space are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development.  
***The proposed Edith Green Park is 95% open space consisting of open grass for recreational play, dog park, bocce, basketball court, walkways and picnic areas. The area is designed for a variety of age groups and users.***
- B. *Applicability.*
  - 1. The open space standards of this subsection shall apply to the following:
    - a. Subdivisions.
    - b. Planned Developments.
    - c. Multi-family Development.
  - 2. These standards do not apply to the following:
    - a. Partitions for non-Multi-family development. However, serial or adjacent partitions shall not be used to avoid the requirements.
    - b. Middle Housing Land Divisions.
- C. *Area Required.* The minimum open space area required in a development is an area equal to 25 percent of the size of the Gross Development Area except if reduced for shared parking pursuant to Subsection 4.155(.03)S. **N/A**
- D. *Required Open Space Characteristics:*

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1. *Size of Individual Open Spaces.* For developments with ten or more lots buildable with dwelling units (or ten or more multi-family units) an open space area must be at least 2,000 square feet to be counted towards the 25 percent open space requirement. For developments with less than ten lots buildable with dwelling units (or less than ten multi-family units) an open space area must be at least 1,000 square feet to be counted towards the 25 percent open space requirement. **N/A**
  2. *Types of Open Space and Ownership.* The following types of areas count towards the minimum open space requirement if they are or will be owned by the City, a homeowners' association or similar joint ownership entity, or the property owner for Multi-family Development. **N/A**
    - a. Preserved wetlands and their buffers, natural and/or treed areas, including those within the SROZ
    - b. New natural/wildlife habitat areas
    - c. Non-fenced vegetated stormwater features
    - d. Play areas and play structures
    - e. Open grass area for recreational play
    - f. Swimming and wading areas
    - g. Other areas similar to a. through f. that are [publicly] accessible
    - h. Walking paths besides required sidewalks in the public right-of-way or along a private drive.
  3. *Usable open space requirements.* Half of the minimum open space area, an area equal to 12.5 percent of the size of the Gross Development Area, shall be located outside the SROZ and be usable open space programmed for active recreational use. Any open space considered usable open space programmed for active recreation use shall meet the following requirements.
    - a. Be designed by a registered professional landscape architect with experience designing residential park areas. An affidavit of such professional's credentials shall be included in the development application material. **Project is designed by a Registered Landscape Architect in the State of Oregon.**
    - b. Be designed and programmed for a variety of age groups or other user groups. **The area is designed for a variety of age groups including children and users with a dog park, bocce, basketball court, open recreation lawn for informal sports, and walking paths.**
  4. *Enhancing Existing Wildlife Habitat through Design of Open Space:* **N/A**
    - a. Open space designed, as wildlife habitat shall be placed adjacent to and connect to existing, preserved wildlife habitat to the extent feasible.
    - b. To the extent feasible, open space shall create or enhance connections between existing wildlife habitat.
- E. Any dedication of land as public park land must meet City parks standards. The square footage of any open space land outside the SROZ and BPA easements, whether dedicated to the public or not, shall be considered part of the Gross Development Area. **N/A**
- F. Approval of open space must ensure the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review

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any pertinent bylaws, covenants, or agreements prior to recordation. **The Edith Green Park will be maintained by the Charbonneau Homeowners Association**

G. The open space requirements of this subsection are subject to adjustments in PDR zones pursuant to Subsection 4.124(.08).

(.02) **Building Setbacks** (for Fence Setbacks, see subsection .08). The following provisions apply unless otherwise provided for by the Code or a legislative master plan. **All setbacks comply with city code.**

A. *For lots over 10,000 square feet:*

1. Minimum front yard setback: 20 feet. **Met and shown on site plan.**
2. Minimum side yard setback: Ten feet. In the case of a corner lot less than 100 feet in width, abutting more than one street or tract with a private drive, the side yard on the street or private drive side of such lot shall be not less than 20 percent of the width of the lot, but not less than ten feet. **Met and shown on site plan.**
3. In the case of a key lot, the front setback shall equal one-half the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot. **N/A**
4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan. **N/A**
5. Minimum setback to garage door or carport entry: 20 feet. Except, however, in the case of an alley where garages or carports may be located no less than four feet from the property line adjoining the alley. **N/A**
6. Minimum rear yard setback: 20 feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot. **N/A**
7. Cottage Cluster Setbacks: Setbacks in 1.—3. and 6. above do not apply to cottage clusters. For cottage clusters, minimum front, rear, and side setbacks are ten (10) feet. **N/A**
8. Townhouse Setbacks: No setback is required along property lines where townhouses are attached. **N/A**

B. *For lots not exceeding 10,000 square feet: N/A*

1. Minimum front yard setback: 15 feet, with open porches allowed to extend to within ten feet of the property line.
2. Minimum side yard setback: One story: five feet; Two or more stories: seven feet. In the case of a corner lot, abutting more than one street or tract with a private drive, the side yard on the street side of such lot shall be not less than ten feet.
3. In the case of a key lot, the front setback shall equal one-half the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.
4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
5. Minimum setback to garage door or carport entry: 20 feet. Wall above the garage door may project to within 15 feet of property line, provided that clearance to garage door is maintained.

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Where access is taken from an alley, garages or carports may be located no less than four feet from the property line adjoining the alley.

6. Minimum rear yard setback: One story: 15 feet. Two or more stories: 20 feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.
7. Cottage Cluster Setbacks: Any minimum setback in 1.—3. or 6. above that would exceed ten feet for a cottage cluster shall be ten feet.
8. Townhouse Setbacks: No setback is required along property lines where townhouses are attached.

(.03) *Height Guidelines.* The Development Review Board may regulate heights as follows: **N/A**

- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.
- B. To provide buffering of low density developments by requiring the placement of buildings more than two stories in height away from the property lines abutting a low density zone.
- C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River from greater encroachments than would occur if developed conventionally.

(.04) *Residential uses for treatment or training:* **N/A**

- A. Residential Homes, as defined in Section 4.001, shall be permitted in any location where a single-family dwelling is permitted.
- B. Residential Facilities, as defined in Section 4.001, shall be permitted in any location where multiple-family dwelling units are permitted.

(.05) *Off Street Parking.* Off-street parking shall be provided as specified in Section 4.155. **N/A**

(.06) *Signs.* Signs shall be governed by the provisions of Sections 4.156.01—4.156.11. ***The existing Edith Green Park plaque will stay in place and no additional signage will be provided.***

(.07) *Fences:*

- A. The maximum height of a sight-obscuring fence located in the required front yard of a residential development shall not exceed four feet. ***The dog park fencing will be open in nature and not exceed four feet in height. An elevation of the fence is shown on the submitted site plan.***
- B. The maximum height of a sight-obscuring fence located in the side yard of a residential lot shall not exceed four feet forward of the building line and shall not exceed six feet in height in the rear yard, except as approved by the Development Review Board. Except, however, that a fence in the side yard of residential corner lot may be up to six feet in height, unless a greater restriction is imposed by the Development Review Board acting on an application. A fence of up to six feet in height may be constructed with no setback along the side, the rear, and in the front yard of a residential lot adjoining the rear of a corner lot as shown in the attached Figure. **N/A**
- C. Notwithstanding the provisions of Section 4.122(10)(a) and (b), the Development Review Board may require such fencing as shall be deemed necessary to promote and provide traffic safety, noise mitigation, and nuisance abatement, and the compatibility of different uses permitted on adjacent lots of the same zone and on adjacent lots of different zones. **N/A**
- D. Fences in residential zones shall not include barbed wire, razor wire, electrically charged wire, or be constructed of sheathing material such as plywood or flakeboard. ***Dog park fence will be a powder coated woven wire steel mesh with wood framing to fit the character of the neighborhood.***



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- a. For detached single-family dwelling units, and for townhouses on lots meeting the minimum lot size for detached single-family in the zone: One per dwelling unit.
  - b. For all other dwelling units: None.
  2. Maximum Floor Area: per definition in Section 4.001, 800 square feet of habitable floor area. Per Subsection 4.138(.04)C.1., in the Old Town Overlay Zone the maximum is 600 square feet of habitable floor area. Larger units shall be subject to standards applied to duplex housing.
  3. Accessory dwelling units shall be on the same lot as the dwelling unit to which they are subordinate.
  4. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.
  5. *Design Standards:*
    - a. Roof pitch shall be 4:12 to 12:12. No flat roofs allowed.
      - i. Where the primary dwelling unit has a roof pitch of less than 4:12 the minimum roof pitch does not apply.
    - b. Roof and siding materials shall match the respective material of one or more of the following: (1) the primary dwelling unit on the same lot, (2) a primary dwelling unit on an immediately adjacent lot, or (3) a primary dwelling unit within the same subdivision.
      - i. For the purpose of the requirement to match material, fiber cement siding made to appear like wood, stucco, or masonry may be used to match wood, stucco, or masonry respectively.
    - c. Where design standards established for a zone or overlay zone are more restrictive and/or extensive than a. and b. above the more restrictive and/or extensive design standards shall apply. This includes design standards for the Village (V) Zone, the Residential Neighborhood (RN) Zone, and the Old Town Overlay Zone.
  6. Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit.
  7. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.
  8. Each accessory dwelling unit shall provide complete, independent permanent facilities for living, sleeping, eating, cooking, bathing and sanitation purposes, and shall have its own separate secure entrance.
  9. Reserved.
  10. Accessory dwelling units may be short-term rentals, but the owner/local operator must maintain an active business license with the City of Wilsonville for a short-term rental business and pay all applicable lodging and other taxes.

(.11) *Reduced Setback Agreements.* The following procedure has been created to allow the owners of contiguous residential properties to reduce the building setbacks that would typically be required between those

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properties, or to allow for neighbors to voluntarily waive the solar access provisions of Section 4.137. Setbacks can be reduced to zero through the procedures outlined in this subsection. **N/A**

A. *Examples:*

1. *First example:* the owner of one house is allowed to build to the sideyard property line, with no setback, provided that the owner of the neighboring property agrees and that the agreements of both owners are recorded with the deed records for those properties.
2. *Second example:* the owner of one property is allowed to build a structure, or grow trees that are not solar friendly, shading an adjoining property beyond the amount that is permitted in Section 4.137.

B. *Standards:*

1. The use of the Reduced Setback Agreement procedure does not waive Building Code requirements. The Building Code may require increased firewall standards or increased setbacks on one property as a means of assuring adequate fire separation from the adjoining property. Applicants are advised to work with the Building Division of the Community Development Department prior to filing for approval of a Reduced Setback Agreement.
2. Property owners using the Reduced Setback Agreement procedure have responsibility for notifying lien holders of the changes, for meeting all requirements of utility providers, and for avoiding conflicts with established easements.
3. The Reduced Setback Agreement procedure shall require the approval of a Class I Administrative Review permit.
4. Owners must provide accurate metes and bounds descriptions of all areas to be covered by non-construction easements.
5. Nothing in this Section shall abrogate any easements or utility locations existing on the subject properties. The property owners are responsible for assuring that easements and utilities are not adversely affected by any construction that is anticipated.

(.12) *Bed and Breakfasts:* **N/A**

A. *Purpose.* The purpose of this subsection is to provide standards for the establishment of bed and breakfast facilities. These regulations are intended to allow for a more efficient use of large, older houses in residential areas where the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner that keeps them primarily in residential use. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

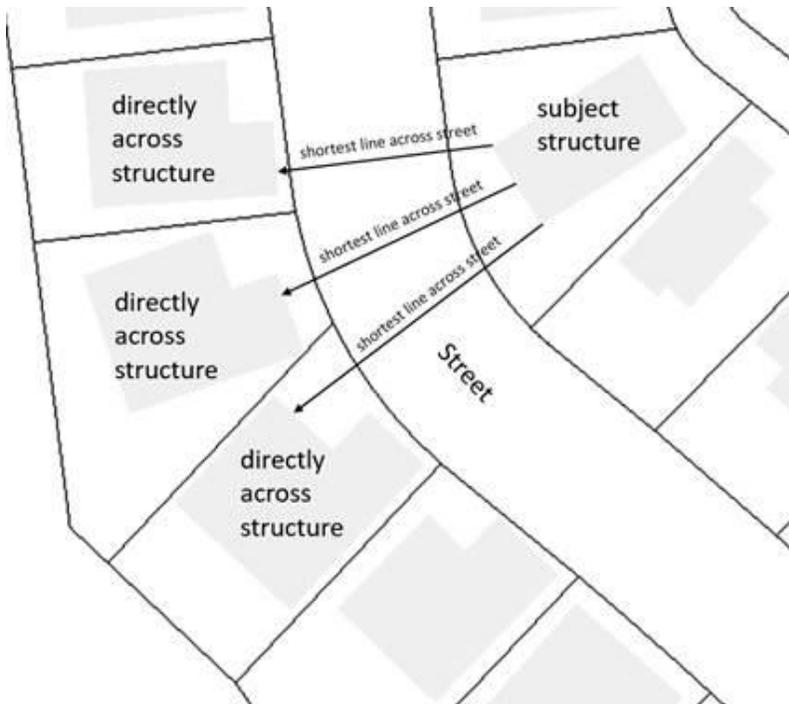
B. *Description:*

1. **Bed and Breakfast Home.** An operation conducted by the owner-occupant of a dwelling in an RA-H, R, or PDR zone, or of a one- or other district permitting residential uses, that provides not more than five rooms for paying guests on an overnight basis. Guest occupancy periods shall not exceed 14 consecutive days. The occupancy of such a bed and breakfast home is limited to two persons or one family per lodging unit or guest room.
2. Operations that would otherwise meet the standards listed above for Bed and Breakfast Homes, but which exceed either the number of rooms available or the length of stay allowed, shall be subject to the same standards as hotels or motels, listed elsewhere in this Code.

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- C. *Where These Regulations Apply.* The regulations of Section 4.113(.12) apply to bed and breakfast facilities in PDR, R, and RA-H zones.
- D. *Conditional Use Review.* Bed and breakfast facilities require a conditional use review, as specified in Section 4.184.
- E. *Use-Related Regulations:*
1. *Accessory Use.* A bed and breakfast facility must be accessory to a household living use on the site. This means that the individual or family who operate the facility must occupy the house as their primary residence.
  2. *Maximum size.* Bed and Breakfast facilities are limited to a maximum of five bedrooms for guests and a maximum of six guests per night. In PDR-1, PDR-2, PDR-3, AND PDR-4 zones, bed and breakfast facilities over these size limits are prohibited.
  3. *Services to guests:*
    - a. Food services may only be provided to overnight guests of a bed and breakfast facility.
    - b. Serving alcohol to overnight guests is allowed. The proprietor may need Oregon Liquor Control Commission approval to serve alcohol at a bed and breakfast facility.
  4. *Meetings and Social Gatherings:*
    - a. *Commercial meetings.* Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are prohibited at a bed and breakfast facility.
    - b. *Private social gatherings.* The residents of bed and breakfast facilities are allowed to have only four private social gatherings, parties, or meetings per year, for more than four guests. The private social gatherings must be hosted by and for the enjoyment of the residents. The bed and breakfast operator must log the dates these social gatherings are held. Private social gatherings for four or fewer guests are allowed without limit as part of a normal household living use at the site. All participants in the social gathering are counted as guests except for residents.
- F. *Site-Related Standards:*
1. *Development Standards.* Bed and breakfast facilities must comply with the development standards of the base zone, overlay zones, and plan districts, if applicable.
  2. *Appearance.* Bed and breakfast homes or inns in residential zones must be compatible with the surrounding residential neighborhood. No alterations to the exterior of the house shall be for the purpose of establishing a more commercial building appearance shall be permitted except for routine maintenance, alterations not requiring a building permit, restoration or requirements related to safety or handicapped accessibility. There shall be no exterior indication of a business except for the one permitted sign.
  3. No cooking facilities are permitted in the individual guest rooms.
  4. Food service shall only be provided to guests taking lodging in the bed and breakfast home or inn.
  5. In PDR-1, PDR-2, PDR-3 or PDR-4 zones, no bed and breakfast home may be located on a lot closer than 500 feet from any other lot containing a bed and breakfast home, with only one such establishment permitted per block face.

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6. There shall be no more than one sign. Such sign shall not be self-illuminated and shall not exceed six square feet in area. Additional sign requirements described in Sections 4.156.02 through 4.156.10 of this Code shall be met.
  7. Each such use must obtain a Certificate of Occupancy from the Building Official before it commences.
  8. Bed and Breakfast facilities must comply with the off-street parking standards for commercial development found in Section 4.155.
  9. Bed and Breakfast facilities must comply with the landscaping standards for commercial development found in Section 4.176.
- (.13) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type. However, consideration of these factors shall not prevent the Board or Planning Director from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code. **N/A**
- (.14) Design Standards for Detached Single-family and Middle Housing. **N/A**
- A. The standards in this subsection apply in all zones, except as indicated in 1.—2. below:
    1. The Façade Variety standards in Subsection C.1. do not apply in the Village Zone or Residential Neighborhood Zones, as these zones have their own variety standards, except that the standards do apply within middle housing development with multiple detached units on a single lot which the standards of these zones do not address;
    2. The entry orientation and window standards for triplexes, quadplexes, and townhouses in Subsections D.1-2. and E. 2-3. do not apply in the Village Zone or Residential Neighborhood Zone as these zones have their own related standards applicable to all single-family and middle housing.
  - B. For the purpose of this subsection the term "residential structure" is inclusive of a series of structures that are attached to one another such as a grouping of townhouses.
  - C. Standards applicable to all residential structures except as noted in I. below.
    1. *Façade Variety:*
      - a. Each public-facing façade of a residential structure shall differ from the public-facing façades of directly adjacent residential structures in at least one of the three ways listed in Subsection d. below.
      - b. Where public-facing façades repeat on the same block, at least two residential structures with different public-facing façades shall intervene between residential structures with the same public-facing façades, with sameness defined by not differing in at least one of the three ways listed in Subsection d. below.
      - c. For façades of residential structures facing a public street, the façade of any residential structures directly across the street shall differ in at least one of the three ways listed in Subsection d. below. Directly across means any residential structure façade intersected by imaginary lines extending the shortest distance across the street from the mid-point of a façade and from the edges of a façade. See Figure 1 below.

- d. A façade shall be considered different if it differs from another façade in at least one of the following ways:
- i. Variation in type, placement, or width of architectural projections (such as porches, dormers, or gables) or other features that are used to meet the Articulation standards in Subsection (.14)C.2.b or Subsection (.14)E.4. If adjacent or opposite façades feature the same projection type, the projections on adjacent/opposite façades must differ in at least one of the following ways:
    - At least 20 percent difference in width; or
    - Horizontally offset by at least five feet. For the purposes of this standard, "offset" means a measurable difference of at least five feet from the left edge of the projection to the left edge of the front façade or at least five feet from the right edge of the projection to the right edge of the front façade.
  - ii. At least 20 percent of the façade (excluding glazing) is covered by different exterior finish materials. The use of the same material in different types of siding (e.g., cedar shingles vs. cedar lap siding) shall be considered different materials for the purpose of this standard.
  - iii. Variation in primary paint color as determined by a LRVR (Light Reflectance Value) difference of at least 15 percent.



**Figure 1. Determining If A Residential Structure is Directly Across the Street from Another**

2. *Architectural Consistency and Interest.*

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- a. Architectural styles shall not be mixed within the same residential structure (a series of attached structures is one structure for the purpose of these standards). Architectural style consistency is defined by adherence to all of the following:
    - i. Use of the same primary and supporting façade materials throughout the structure.
    - ii. Use of no more than two roof pitch angles.
    - iii. Use of the same door size for each primary entrance in the structure.
  - b. Articulation. All public-facing façades of residential structures, other than townhouses, shall incorporate the following design elements at a minimum interval of every 30 feet, except as noted in 2.c. below. The minimum number of design elements is determined by dividing the façade length by 30 and rounding up to the nearest whole number. For townhouse articulation standards, see subsection (.14)E.4.
    - i. varying rooflines.
    - ii. offsets of at least 12 inches.
    - iii. balconies.
    - iv. projections of at least 12 inches and width of at least three feet.
    - v. porches.
    - vi. entrances that are recessed at least 24 inches or covered.
    - vii. dormers at least three feet wide.
  - c. For structures with two or more dwelling units, a single design element that spans at least 50 percent of the façade of two adjacent units can count as two articulation elements to meet the standard in subsection b. and can meet the standard for 60 feet of façade width (two adjacent 30 foot intervals). Such elements may overlap horizontally with other required design elements on the façade.
  - d. Articulation Element Variety: Different articulation elements shall be used as provided below. For the purpose of this standard, a "different element" is defined as one of the following: a completely different element from the list in subsection 2.b above; the same type of element but at least 50 percent larger; or for varying rooflines, vertically offset by at least three feet.
    - i. Where two to four elements are required on a façade, at least two different elements shall be used.
    - ii. Where more than four elements are required on a façade, at least three different elements shall be used.
  - e. Reductions to required windows percentage: The required percent of façade of a residential structure in the public-facing façade covered by windows or entry doors for single-family or middle housing in any zone may be reduced to the percentages that follows:
    - i. For of 1.5 or 2-story façades facing the front or rear lot line:
      - 12.5 percent if six of the design features in Subsection e.v. below are used.

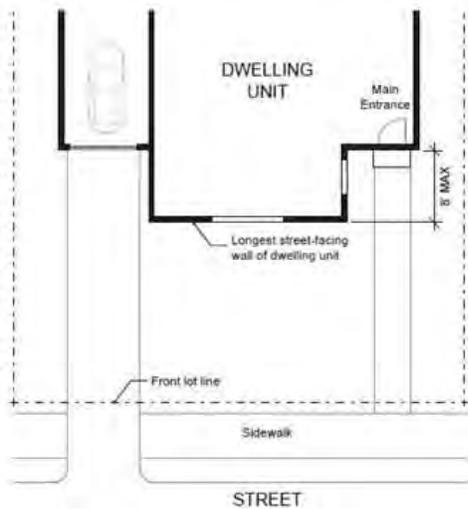
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- Ten percent if seven or more of the design features in Subsection e.v. below are used.
- ii. For 1-story façades facing the front or rear lot line;
- 12.5 percent if less than six design features in Subsection e.v. are used
  - ten percent if six or more design features in Subsection e.v. are used
- iii. For façades facing a side lot line:
- Five percent regardless of the number of design features
- iv. Glass block does not count towards meeting window and entry percentage
- v. Window reduction design features:
- Dormers at least three feet wide.
  - Covered porch entry—minimum 48 square foot covered front porch, minimum six feet deep and minimum of a six foot deep cover. A covered front stoop with minimum 24 square foot area, four foot depth and hand rails meets this standard.
  - Front porch railing around at least two sides of the porch.
  - Second story balcony—projecting from the wall of the building a minimum of four feet and enclosed by a railing or parapet wall.
  - Roof overhang of eight inches or greater.
  - Columns, pillars or posts at least four inches wide and containing larger base materials.
  - Decorative gables—cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends or brackets (does not include a garage gable if garage projects beyond dwelling unit portion of street façade).
  - Decorative molding above windows and doors.
  - Decorative pilaster or chimneys.
  - Bay or bow windows—extending a minimum of 12 inches outward from the main wall of a building and forming a bay or alcove in a room within the building.
  - Sidelight and/or transom windows associated with the front door or windows in the front door.
  - Window grids on all façade windows visible from behind fences (excluding any windows in the garage door or front door).
  - Maximum nine foot wide garage doors or a garage door designed to resemble two smaller garage doors and/or windows in the garage door (only applicable to street facing garages).
  - Decorative base materials such as natural stone, cultured stone or brick extending at least 36 inches above adjacent finished grade occupying a minimum of ten percent of the overall primary street facing façade. This design element does not count if behind a site-obscuring fence.

- Entry courtyards which are visible from, and connected directly to, the street. Courtyards shall have a minimum depth of ten feet and minimum width of 80 percent of the non-garage/driveway building width to be counted as a design element.

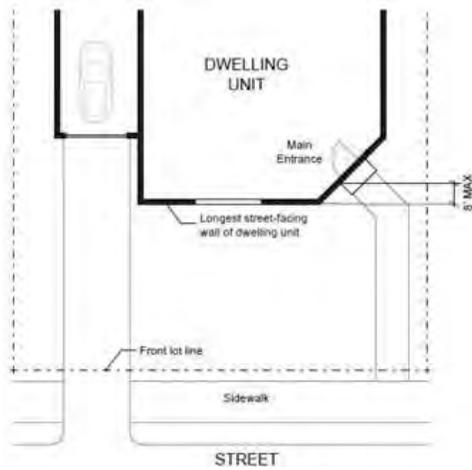
D. Standards applicable to Triplexes and Quadplexes except as noted in I. below.

1. *Entry Orientation.*

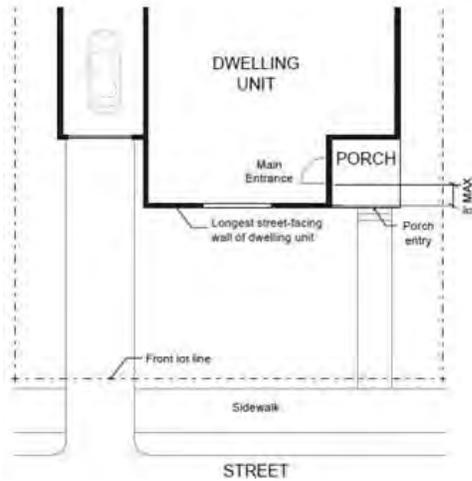
- At least one main entrance for each triplex or quadplex must meet the standards in subsections b. and c. below.
- The entrance must be within eight feet of the longest street-facing exterior wall of the dwelling unit or if no exterior wall faces a street the front of the dwelling unit facing a common drive or open space as designated by the applicant; and
- The entrance must either:
  - Face the street (see Figure 2. Main Entrance Facing the Street);
  - Be at an angle of up to 45 degrees from the street (see Figure 3. Main Entrance at 45 degree angle from the street); or
  - Open onto a porch (see Figure 4. Main Entrance Opening onto a Porch). The porch must:
    - Be at least 25 square feet in area; and
    - Have at least one entrance facing the street or have a roof.



**Figure 2. Main Entrance Facing the Street**



**Figure 3. Main Entrance at 45° Angle from the Street**



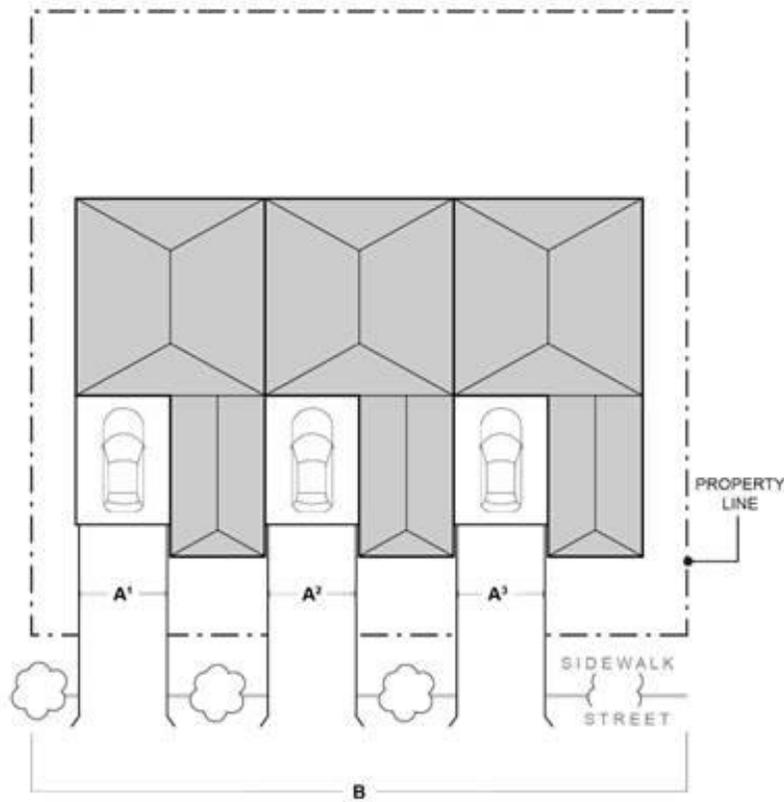
**Figure 4. Main Entrance Opening onto a Porch**

2. *Windows.* A minimum of 15 percent of the area of all street-facing façades must include windows or entrance doors. Façades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 5. Window Coverage.



**Figure 5. Window Coverage**

3. *Garages and Off-Street Parking Areas.* The combined width of all garages and outdoor on-site parking and maneuvering areas shall not exceed a total of 50 percent of any street frontage (other than an alley) (see Figure 6. Width of Garages and Parking Areas).



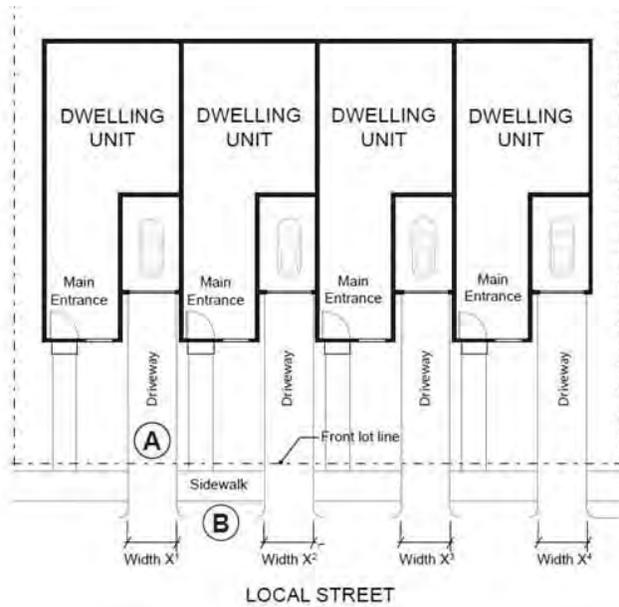
- (A) Garage and on-site parking and maneuvering areas
- (B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

**Figure 6. Width of Garages and Parking Areas**

4. *Driveway Approach.* Driveway approaches must comply with all of the following:
  - a. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 7. Driveway Approach Width and Separation on Local Street). For lots or parcels with more than one frontage, see subsection c.
  - b. Driveway approaches may be separated when located on a local street.
  - c. In addition, lots or parcels with more than one frontage must comply with the following:
    - i. Lots or parcels must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an alley that is improved with a paved surface, access must be taken from the alley (see Figure 8. Alley Access).

- ii. Lots or parcels with frontages only on collectors and/or arterial streets must meet the access standards in the Wilsonville Public Works Standards.
- iii. Lots or parcels with frontages only on local streets may have either:
  - Two driveway approaches not exceeding 32 feet in total width on one frontage; or
  - One maximum 16-foot-wide driveway approach per frontage (see Figure 9. Driveway Approach Options for Multiple Local Street Frontages).



- A**  $X^1 + X^2 + X^3 + X^4$  must not exceed 32 feet per frontage.
- B** Driveway approaches may be separated when located on a local street.

**Figure 7. Driveway Approach Width and Separation on Local Street**

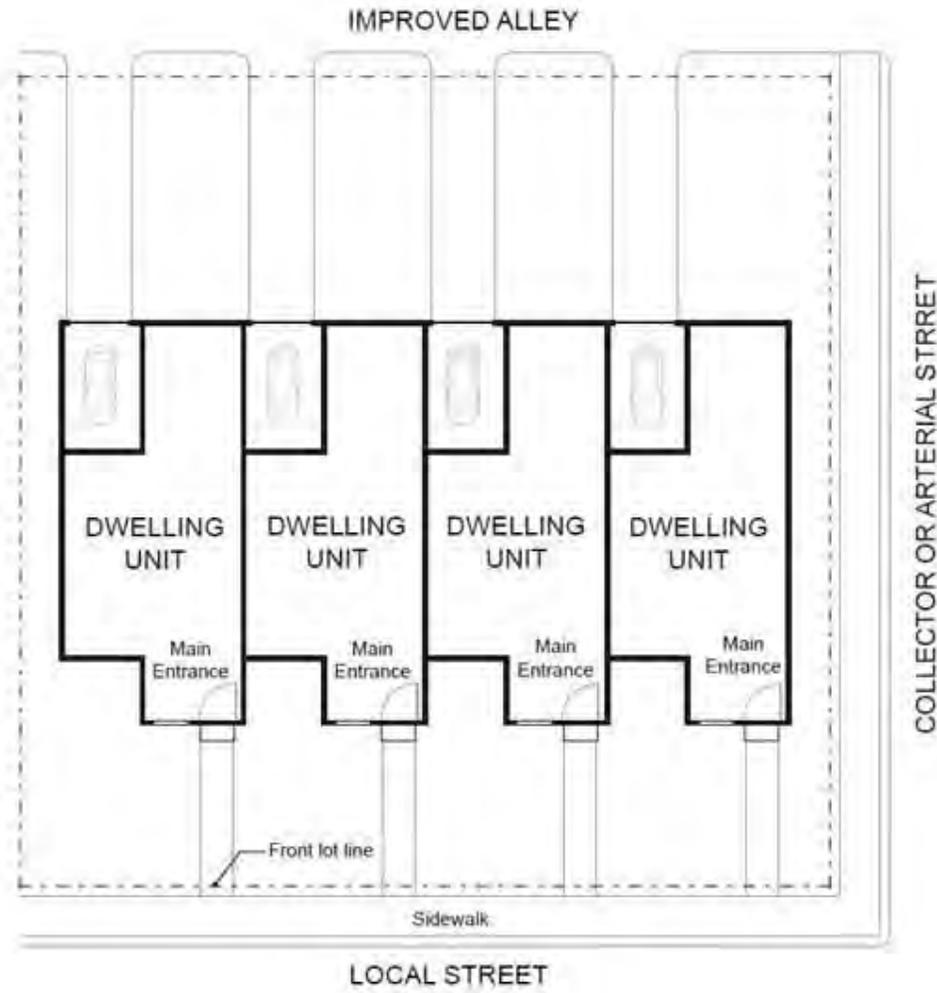
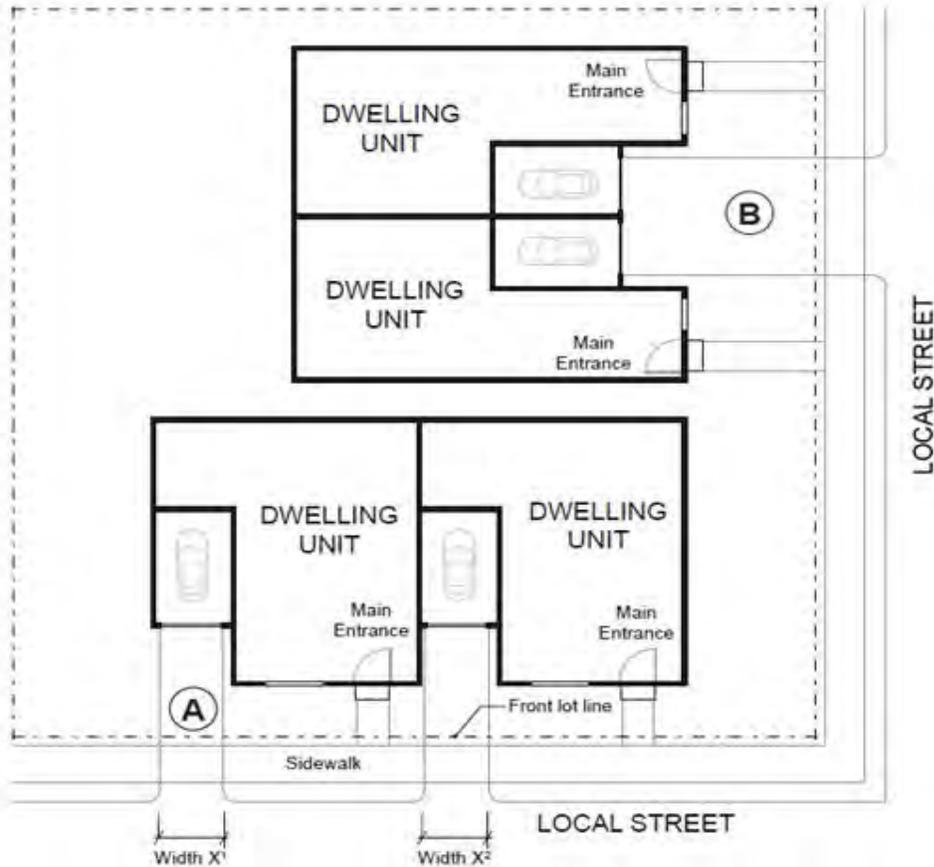


Figure 8. Alley Access



Options for site with more than one frontage on local streets:

- A** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured  $X1 + X2$ ); or
- B** One maximum 16-foot-wide driveway approach per frontage.

*(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)*

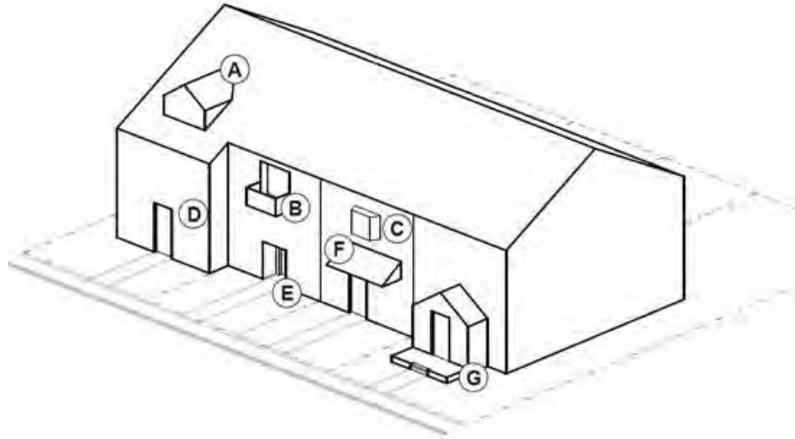
**Figure 9. Driveway Approach Options for Multiple Local Street Frontages**

E. Standards applicable to Townhouses.

1. *Number of Attached Dwelling Units.*

- a. Minimum. A townhouse project must contain at least two attached units.
- b. Maximum. The maximum number of townhouse units that may be attached together to form a group is specified below.
  - R, OTR, PDR-1—PDR-3 Zones: maximum four attached units per group
  - RN, V, PDR-4—PDR-7 Zones: maximum eight attached units per group, except for initial development in Frog Pond West per Section 4.124.

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2. *Entry Orientation.* The main entrance of each townhouse unit must:
- a. Be within eight feet of the longest wall of the dwelling unit facing a street or private drive; and
  - b. Either:
    - i. Face the street or private drive (see Figure 2. Main Entrance Facing the Street);
    - ii. Be at an angle of up to 45 degrees from the street or private drive (see Figure 3. Main Entrance at 45° Angle from the Street);
    - iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or
    - iv. Open onto a porch (see Figure 4. Main Entrance Opening onto a Porch). The porch must:
      - A. Be at least 25 square feet in area; and
      - B. Have at least one entrance facing the street or private drive or have a roof.
3. *Windows.* A minimum of 15 percent of the area of all public-facing façades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 5. Window Coverage.
4. *Unit definition.* Each townhouse unit must include at least one of the items listed in a. through g. below on at least one public-facing façade (see Figure 10. Townhouse Unit Definition). Alternatively, if a single item from the list below spans across at least 50 percent of two adjacent townhouse units, it can meet the standard for two units.
- a. A roof dormer a minimum of four feet in width, or
  - b. A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room, or
  - c. A bay window that extends from the façade a minimum of two feet, or
  - d. An offset of the façade of a minimum of two feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or
  - e. An entryway that is recessed a minimum of three feet, or
  - f. A covered entryway with a minimum depth of four feet, or
  - g. A porch meeting the standards of subsection (.14)E.2.b.iv.
- Balconies and bay windows may encroach into a required setback area, pursuant to Section 4.180.

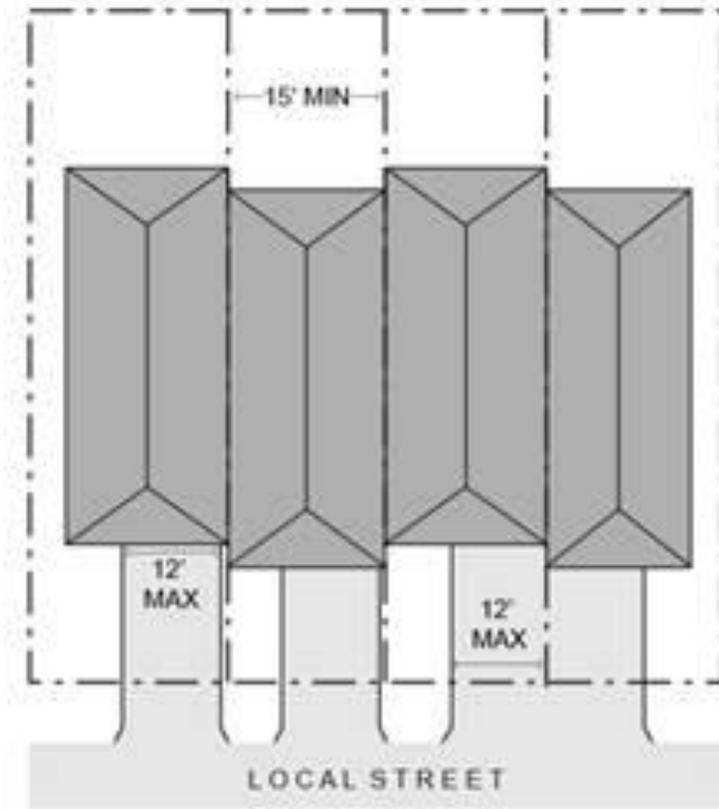


- (A) Roof dormer, minimum of 4 feet wide
- (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C) Bay window extending minimum of 2 feet from facade
- (D) Facade offset, minimum of 2 feet deep
- (E) Recessed entryway, minimum 3 feet deep
- (F) Covered entryway, minimum of 4 feet deep
- (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

**Figure 10. Townhouse Unit Definition**

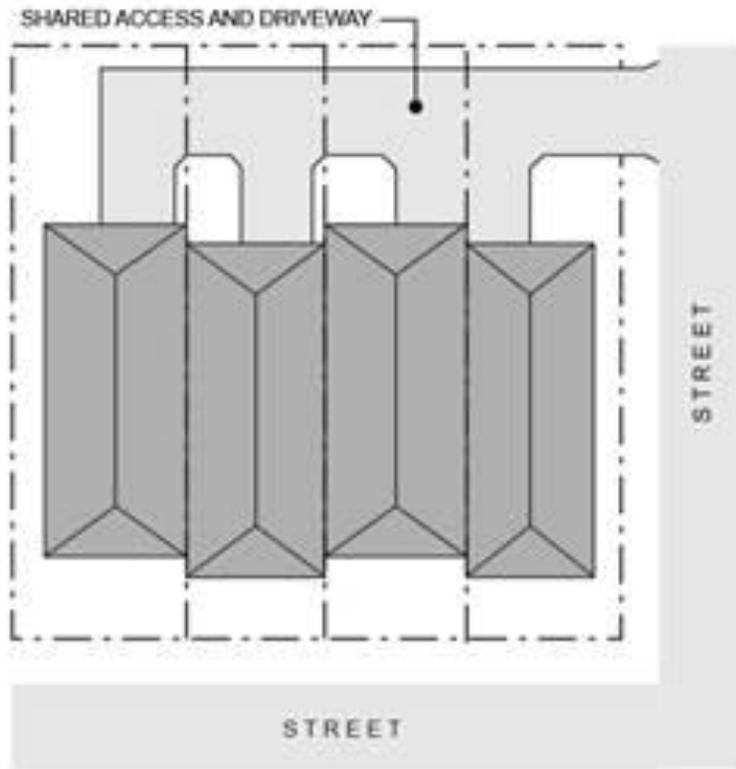
5. *Driveway Access and Parking.* Townhouses with frontage on a street or private drive shall meet the following standards:
  - a. *Alley Access.* Townhouse project sites abutting an alley that is improved with pavement shall take access to the rear of townhouse units from the alley rather than the public street.
  - b. *Front Access.* Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 11. Townhouses with Parking in Front Yard).
    - i. Each townhouse lot has a street frontage of at least 20 feet on a local street.
    - ii. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
    - iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

- iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.



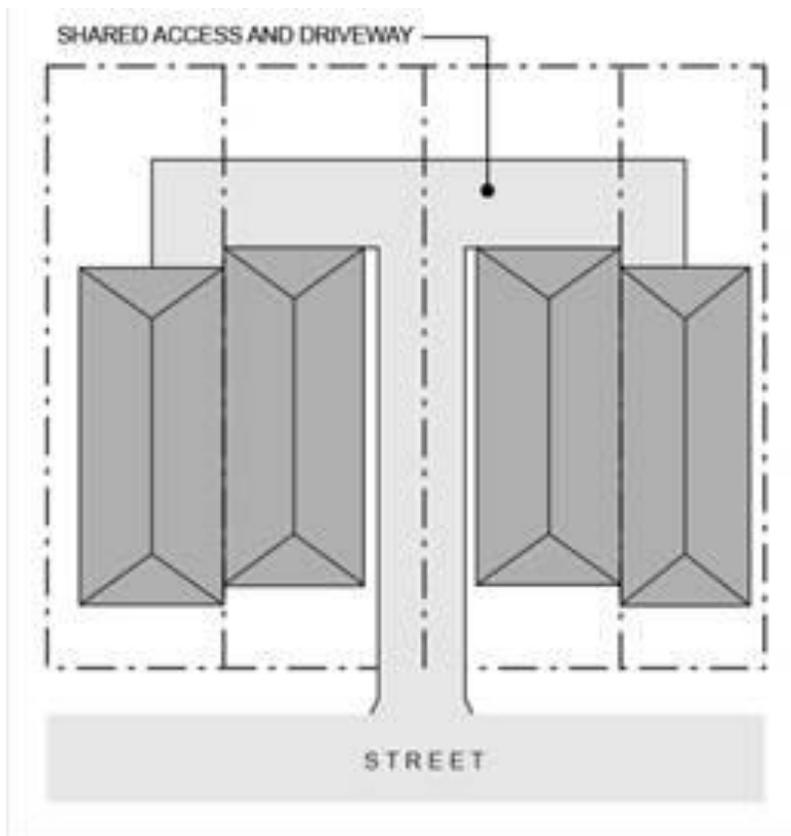
**Figure 11. Townhouses with Parking in Front Yard**

- c. *Shared Access.* The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsections a. or b.
  - i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
  - ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 12. Townhouses on Corner Lot with Shared Access.



**Figure 12. Townhouses on Corner Lot with Shared Access**

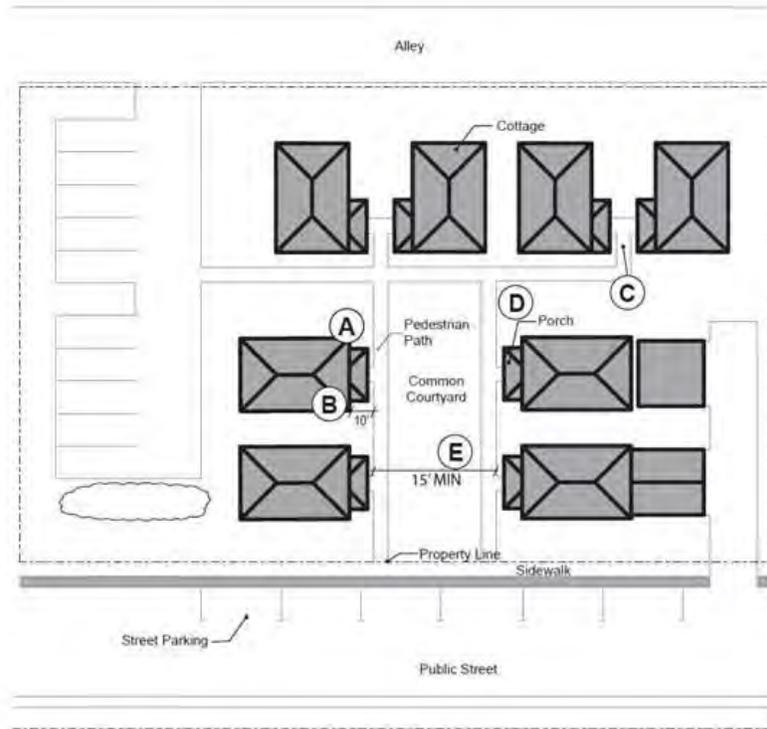
- iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 13. Townhouses with Consolidated Access.



**Figure 13. Townhouses with Consolidated Access**

- iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.
- F. Standards applicable to Cottage Clusters.
1. *Courtyard Required.* All cottages within a single cottage cluster must share a common courtyard. A cottage cluster project may include more than one cluster and more than one common courtyard.
  2. *Number of Dwellings.*
    - a. A single cottage cluster shall contain a minimum of four and a maximum of eight cottages.
  3. *Setbacks.*
    - a. *Building Separation.* Cottages shall be separated by a minimum distance of six feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
    - b. All other setbacks are provided in section (.02) or in the applicable base zone.
  4. *Building Height.* The maximum building height for all structures is 25 feet.

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5. *Footprint.* The maximum building footprint for each cottage is 900 square feet. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint.
  6. *Maximum Habitable Floor Area.* The maximum habitable floor area of each cottage is 1,400 square feet.
  7. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 14. Cottage Cluster Orientation and Common Courtyard Standards):
    - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
    - b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
      - i. Have a main entrance facing the common courtyard;
      - ii. Be within ten feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
      - iii. Be connected to the common courtyard by a pedestrian path.
    - c. Cottages within 20 feet of a street property line may have their entrances facing the street.
    - d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
  8. *Common Courtyard Design Standards.* Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 14. Cottage Cluster Orientation and Common Courtyard Standards):
    - a. The common courtyard must be a single, contiguous piece.
    - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
    - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
    - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
    - e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
    - f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

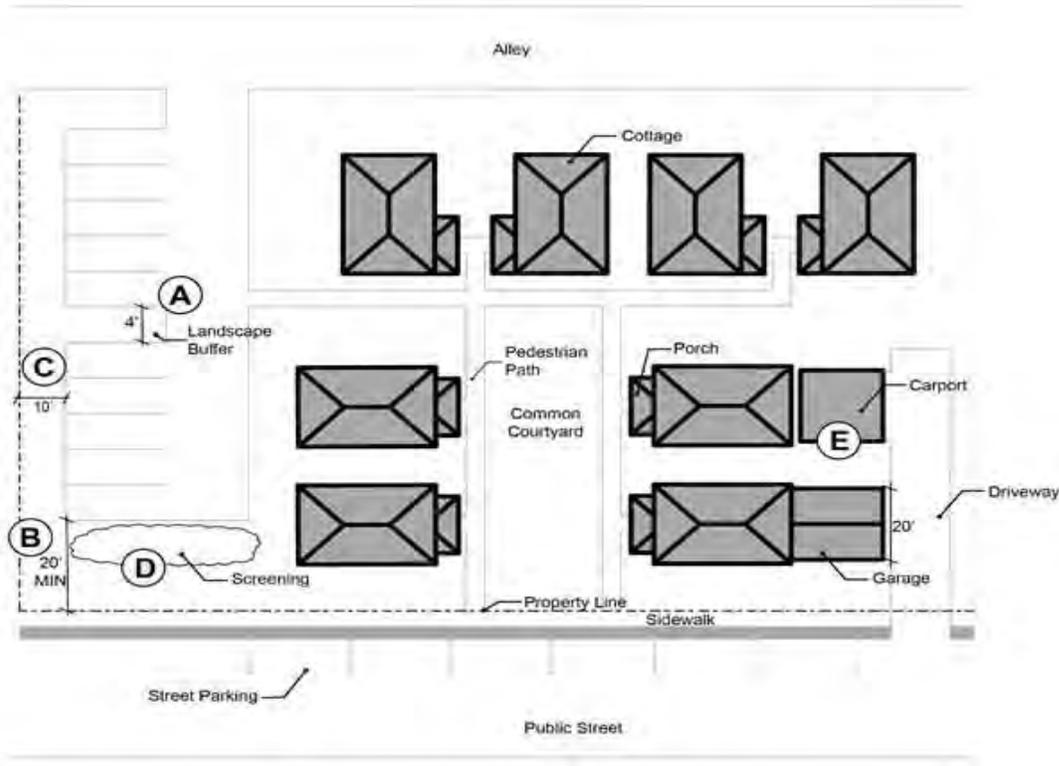
**Figure 14. Cottage Cluster Orientation and Common Courtyard Standards**

9. *Community Buildings.* Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
  - a. Each cottage cluster is permitted one community building.
  - b. The community building shall have a maximum floor area of 1,400 sf.
  - c. A community building that meets the definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages (pursuant to subsection (.14)(F.5.)), unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
10. *Pedestrian Access.*

- 
- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
    - i. The common courtyard;
    - ii. Shared parking areas;
    - iii. Community buildings; and
    - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
  - b. The pedestrian path must be hard-surfaced and a minimum of four feet wide.
11. *Windows.* Cottages within 20 feet of a street property line must meet any window coverage requirements of the applicable base zone.
  12. *Parking Design (see Figure 15. Cottage Cluster Parking Design Standards).*
    - a. *Clustered parking.* Off-street parking may be arranged in clusters, subject to the following standards:
      - i. A parking cluster must not exceed five contiguous spaces.
      - ii. Parking clusters must be separated from other spaces by at least four feet of landscaping.
      - iii. Clustered parking areas may be covered.
      - iv. Parking areas must also meet the standards in Subsections 4.155(.02)—(.03), except where they conflict with these standards.
    - b. *Parking location and access.*
      - i. Off-street parking spaces and vehicle maneuvering areas shall not be located between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
      - ii. Off-street parking spaces shall not be located within ten feet of any property line, except alley property lines.
      - iii. Driveways and drive aisles are permitted within ten feet of property lines.
    - c. *Screening.* Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
    - d. *Garages and carports.*
      - i. Garages and carports (whether shared or individual) must not abut common courtyards.
      - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
      - iii. Individual detached garages must not exceed 400 square feet in floor area.
      - iv. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
  13. *Accessory Buildings.* Accessory buildings must not exceed 400 square feet in floor area.
  14. *Existing Structures.* On a lot or parcel to be used for a cottage cluster project, an existing detached single-family detached dwelling on the same lot at the time of proposed development

of the cottage cluster may remain within the cottage cluster project area under the following conditions:

- a. The existing dwelling may be nonconforming with respect to the requirements of this subsection (.14)F.
- b. The existing dwelling may be expanded up to a maximum height of 25 feet or a maximum building footprint of 900 square feet; however, existing dwellings that exceed these maximum height and/or footprint standards may not be expanded.
- c. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (.14)F.7.b.



- A** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- B** No parking or vehicle area within 20 feet from street property line (except alley).
- C** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- D** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- E** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

**Figure 15. Cottage Cluster Parking Design Standards**

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G. Standards applicable to Cluster Housing besides Cottage Clusters.

1. *Architectural Consistency.* Architecture shall be consistent within the same two-unit, three-unit, or four-unit cluster. However, facade variety standards in Subsection (.14)C.1. shall continue to apply. Architectural consistency is defined by adherence to all of the following:
  - a. Use of the same primary and supporting façade materials throughout the cluster.
  - b. Use of no more than two roof pitch angles.
  - c. Use of the same door size for each primary entrance in the structures.
2. *Entry Orientation.*
  - a. The entry orientation standards apply as follows:
    - i. At least one main entrance for each cluster home must meet the standards in subsections b and c below.
  - b. The entrance must be within eight feet of the longest street-facing exterior wall of the dwelling unit or if no exterior wall faces a street the front of the dwelling unit, facing a common drive or open space as designated by the applicant; and
  - c. The entrance must either:
    - i. Face the street (see Figure 2. Main Entrance Facing the Street);
    - ii. Be at an angle of up to 45 degrees from the street (see Figure 3. Main Entrance at 45° Angle from the Street); or
    - iii. Open onto a porch (see Figure 4. Main Entrance Opening onto a Porch). The porch must:
      - Be at least 25 square feet in area; and
      - Have at least one entrance facing the street or have a roof.
3. *Windows.* A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 5. Window Coverage.
4. *Garages and Off-Street Parking Areas.* The combined width of all garages and outdoor on-site parking and maneuvering areas shall not exceed a total of 50 percent of any street frontage (other than an alley). Garages and off-street parking areas that are separated from the street property line by a dwelling are not subject to this standard. (See Figure 6. Width of Garages and Parking Areas).
5. *Driveway Approach.* Driveway approaches must comply with all of the following:
  - a. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 7. Driveway Approach Width and Separation on Local Street). For lots or parcels with more than one frontage, see subsection c.
  - b. Driveway approaches may be separated when located on a local street.
  - c. In addition, lots or parcels with more than one frontage must comply with the following:
    - i. Lots or parcels must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an alley that is improved with pavement access must be taken from the alley (see Figure 8. Alley Access).

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- ii. Lots or parcels with frontages only on collectors and/or arterial streets must meet the access standards in the Wilsonville Public Works Standards.
  - iii. Lots or parcels with frontages only on local streets may have either:
    - Two driveway approaches not exceeding 32 feet in total width on one frontage; or
    - One maximum 16-foot-wide driveway approach per frontage (see Figure 9. Driveway Approach Options for Multiple Local Street Frontages).

6. *Setbacks.*

- a. **Building Separation.** Cluster housing structures shall be separated by a minimum distance of six feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
- b. All other setbacks are provided in the applicable base zone.

7. *Pedestrian Access.*

- a. An accessible pedestrian path must be provided that connects the main entrance of each unit to the following:
  - i. Shared open space;
  - ii. Shared parking areas; and
  - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of four feet wide.

H. **Combining Unit Types in One Development.**

- 1. If a project proposes a mix of middle housing types which creates a conflict with various standards, the more restrictive standards shall apply.

I. **Existing Structures and Conversions:**

- 1. Where a residential structure is converted from one type of dwelling unit to another without any additions, the design standards in C.—H. do not apply.
- 2. Where a residential structure is added on to, the design standards in C.—H. only apply if the footprint is expanded by 25 percent or more.

J. **Alternative Discretionary Review:** As an alternative to meeting one or more design standards of this subsection an applicant may request Site Design Review by the Development Review Board of a proposed design. In addition to the Site Design Review Standards, affirmative findings shall be made that the following standards are met:

- 1. The request is compatible with existing surrounding development in terms of placement of buildings, scale of buildings, and architectural design;
- 2. The request is due to special conditions or circumstances that make it difficult to comply with the applicable Design Standards, or the request would achieve a design that is superior to the design that could be achieved by complying with the applicable Design Standards; and
- 3. The request continues to comply with and be consistent with State statute and rules related to Middle Housing, including being consistent with State definitions of different Middle Housing types.

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(Ord. No. 677, 3-1-2010; Ord. No. 682, 9-9-2010; Ord. No. 704, 6-18-2012; Ord. No. 806, 7-17-2017; Ord. No. 825, 10-15-2018; Ord. No. 841, eff. 6-4-2020)

#### **Section 4.118. Standards Applying to all Planned Development Zones.**

(.01) *Height Guidelines.* In "S" overlay zones, the solar access provisions of Section 4.137 shall be used to determine maximum building heights. In cases that are subject to review by the Development Review Board, the Board may further regulate heights as follows: ***N/A, no buildings are proposed on the site.***

- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.
- B. To provide buffering of low density developments by requiring the placement of three or more story buildings away from the property lines abutting a low density zone.
- C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River.
- D. In no case shall the height of duplexes, triplexes, fourplexes, or townhouses be limited to less than the maximum height allowed for detached single-family dwellings in the same zone. In addition, in no case shall the height of triplexes, fourplexes, or townhouses be limited to less than 25 feet.

(.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties. ***No buildings requiring utilities, restrooms or additional utilities will be installed within the park site.***

(.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may: ***The application is requesting a variance on the minimum landscape requirement based on the existing landscape condition, intended use, maintenance requirements, site safety, and soil conservation.***

- A. Waive the following typical development standards:
  1. Minimum lot area;
  2. Lot width and frontage;
  3. Height and yard requirements;
  4. Lot coverage;
  5. Lot depth;
  6. Street widths;
  7. Sidewalk requirements;
  8. Height of buildings other than signs;
  9. Parking space configuration and drive aisle design;
  10. Minimum number of parking or loading spaces;
  11. Shade tree islands in parking lots, provided that alternative shading is provided;
  12. Fence height;
  13. Architectural design standards;
  14. Transit facilities;
  15. On-site pedestrian access and circulation standards;

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16. Solar access standards, as provided in section 4.137;
  17. Open space in the Residential Neighborhood zone; and
  18. Lot orientation.
- B. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:
1. Open space requirements in residential areas, except that the Board may waive or reduce open space requirements in the Residential Neighborhood zone. Waivers in compliance with [Section] 4.127(.08)(B)(2)(d);
  2. Minimum density standards of residential zones. The required minimum density may be reduced by the Board in the Residential Neighborhood zone in compliance with [Section] 4.127(.06) B; and
  3. Minimum landscape, buffering, and screening standards. ***The minimum landscape variance request in described in Section 4.176.***
- C. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable federal, state, or regional standards:
1. Maximum number of parking spaces;
  2. Standards for mitigation of trees that are removed;
  3. Standards for mitigation of wetlands that are filled or damaged; and
  4. Trails or pathways shown in the Parks and Recreation Master Plan.
- D. Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and
- E. Adopt other requirements or restrictions, inclusive of, but not limited to, the following, except that no additional requirements or restrictions can conflict with established clear and objective standards for residential development or be grounds for denying a residential development proposal when the applicant has selected the clear and objective path for approval:
1. Percent coverage of land by buildings and structures in relationship to property boundaries to provide stepped increases in densities away from low-density development.
  2. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.
  3. The locations, width and improvement of vehicular and pedestrian access to various portions of the property, including portions within abutting street or private drive.
  4. Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.
  5. Location and size of off-street loading areas and docks.
  6. Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permits.

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7. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare, or radiation which would have an adverse effect on the present or potential development on surrounding properties.
  8. Schedule of time for construction of the proposed buildings and structures and any stage of development thereof to insure consistency with the City's adopted Capital Improvements Plan and other applicable regulations.
  9. A waiver of the right of remonstrance by the applicant to the formation of a Local Improvement District (LID) for streets, utilities and/or other public purposes.
  10. Modify the proposed development in order to prevent congestion of streets and/or to facilitate transportation.
  11. Condition the issuance of an occupancy permit upon the installation of landscaping or upon a reasonable scheduling for completion of the installation of landscaping. In the latter event, a posting of a bond or other security in an amount equal to 110 percent of the cost of the landscaping and installation may be required.
  12. A dedication of property for streets, pathways, and bicycle paths in accordance with adopted Facilities Master Plans or such other streets necessary to provide proper development of adjacent properties.
- (.04) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code. **N/A**
- (.05) The Planning Director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses: **N/A**
- A. *Recreational Facilities:* The Director, Board, or Council, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development consistent with adopted Park standards and Parks and Recreation Master Plan.
  - B. *Open Space Area:* Whenever private and/or common open space area is provided, the City shall require that an association of owners or tenants be established which shall adopt such Articles of Incorporation, By-Laws or other appropriate agreement, and shall adopt and impose such Declaration of Covenants and Restrictions on such open space areas and/or common areas that are acceptable to the Development Review Board. Said association shall be formed and continued for the purpose of maintaining such open space area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said open space area for the purposes intended. The period of existence of such association shall be not less than 20 years and it shall continue thereafter and until a majority vote of the members shall terminate it, and the City Council formally votes to accept such termination.
  - C. *Easements:* Easements necessary to the orderly extension of public utilities, and the protection of open space, may be required as a condition of approval. When required, such easements must meet the requirements of the City Attorney prior to recordation.

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- (.06) Nothing in this Code shall prevent the owner of a site that is less than two acres in size from filing an application to rezone and develop the site as a Planned Development. Smaller properties may or may not be suitable for such development, depending upon their particular sizes, shapes, locations, and the nature of the proposed development, but Planned Developments shall be encouraged at any appropriate location. **N/A**
- (.07) *Density Transfers*. In order to protect significant open space or resource areas, the Development Review Board may authorize the transfer of development densities from one portion of a proposed development to another. Such transfers may go to adjoining properties, provided that those properties are considered to be part of the total development under consideration as a unit. **N/A**
- (.08) *Wetland Mitigation and other mitigation for lost or damaged resources*. The Development Review Board may, after considering the testimony of experts in the field, allow for the replacement of resource areas with newly created or enhanced resource areas. The Board may specify the ratio of lost to created and/or enhanced areas after making findings based on information in the record. As much as possible, mitigation areas shall replicate the beneficial values of the lost or damaged resource areas. **N/A**
- (.09) *Habitat-Friendly Development Practices*. To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:
- A. Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area. **The park construction and limited landscape clearing will minimize grading and native soil disturbance. No native vegetation exists on the site.**
  - B. Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§ 1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and including conditions or plans required by such permit; **N/A**
  - C. Minimizing impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2 in Section 4.139.03; and **N/A**
  - D. Using the practices described in Part (c) of Table NR-2 in Section 4.139.03. **N/A**
- (Ord. No. 674, 11-16-2009; Ord. No. 682, 9-9-2010; Ord. No. 719, 6-17-2013; Ord. No. 806, 7-17-2017)

#### **Section 4.124. Standards Applying to all Planned Development Residential Zones.**

- (.01) *Permitted Uses*:
- A. Open Space.
  - B. Single-Family Dwelling Units.
  - C. Duplexes, triplexes, quadplexes, townhouses.
  - D. Cluster housing, including cottage clusters.
  - E. Multiple-Family Dwelling Units.
  - F. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than 45 feet from any other lot. **Proposed project is a public park with dog park, existing basketball court and bocce courts. No buildings will be proposed for the site. No swimming pools are proposed. Two shade structures are proposed and located over 45 feet from any other lot. The park will be maintained by the Charbonneau Homeowners Association.**

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G. Manufactured homes.

(.02) *Permitted accessory uses to single family and middle housing: N/A*

- A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.
- B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.
- C. Accessory dwelling units, subject to the standards of Section 4.113 (.10).
- D. Home occupations.
- E. A private garage or parking area.
- G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10.
- H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three feet.
- J. Livestock and farm animals, subject to the provisions of Section 4.162.

(.03) *Permitted accessory uses for multiple-family dwelling units: N/A*

- A. Accessory uses, buildings, and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three feet.
- F. Livestock and farm animals, subject to the provisions of Section 4.162.

(.04) *Uses permitted subject to Conditional Use Permit requirements: N/A*

- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
- B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
- C. Churches, public, private and parochial schools, public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:

1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
  2. Such centers are of a scale compatible with the surrounding residential structures.
  3. Such centers shall be compatible with the surrounding residential uses.
  4. The site of a Neighborhood Commercial Center shall be at least one-quarter mile from any other sites zoned for commercial uses.
  5. The site of a Neighborhood Commercial Center shall not exceed five percent of the total area or one acre, whichever is less.
  6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
  7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.
- E. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of subsection "D" (Neighborhood Commercial Centers), above.
- F. Home businesses.

(.05) *Appropriate PDR Zoning Designation and Maximum and Minimum Density based on Comprehensive Plan Density Range District: N/A*

**Table 1: PDR Zoning Designation and Maximum and Minimum Density based on Comprehensive Plan Density Range District**

Zoning Designation	Comprehensive Plan Map Density Range District <sup>a</sup>	Max. Density per Acre <sup>b, c</sup>	Min. Density per Acre <sup>d</sup>
PDR-1	0-1	1	.8
PDR-2	2-3	3	2.4
PDR-3	4-5	5	4
PDR-4	6-7	7.5	6
PDR-5	10-12	12	9.6
PDR-6	16-20	20	16
PDR-7	Over 20	As approved by Zoning Order/Stage 1 Master Plan, at least 25	80% of Max Density

a. Accessory Dwelling Units are not included for calculating density.

b. Middle Housing, besides, townhouses, is not included in calculating maximum density beyond one unit per lot or parcel.

c. For townhouses, the maximum density is the less of: (1) four times the maximum net density listed in Table 1; or (2) net density of 25 units per acre. If applying a maximum density for townhouses of four times the density listed in Table 1, the minimum density remains 80 percent of the maximum density listed in Table 1.

d. For Cottage Clusters, the minimum net density shall be no less than four units per acre.

(.06) *Unit Count Limitations.* Unit count limitations are calculated as follows: **N/A**

- A. Maximum Unit Count. Maximum unit count at build out of Stage I Master Plan area: is calculated by taking the Gross Development Area multiplied by Maximum Density per Acre stated in Table 1 of this Code section, plus any density transferred from SROZ areas pursuant to Subsection 4.139.11(.02). For example, any number greater than four and less than five shall be rounded down to four.
- B. Minimum Unit Count. Minimum unit count at build out of Stage I Master Plan area: 80 percent of maximum unit count described in A. above.
- C. If the Stage I Master Plan area is subject to more than one Comprehensive Plan Map Density Range District and Zoning Designation, calculations for areas of differing densities shall be done separately and then summed together, and the final summed number rounded down to the nearest whole number.

(.07) *Lot Standards:* **N/A**

<b>Table 2: Lot Standards for All PDR Zoned Lots</b>						
Zoning Designation	Minimum Lot Size (square feet) <sup>AB</sup>	Setbacks	Maximum Lot Coverage (percent of lot area) of Largest Building/All Buildings <sup>C</sup>	Minimum Lot Width at building Line/Minimum Street Frontage of Lot <sup>DE</sup> (feet)	Minimum Lot Depth (feet)	Maximum Building Height (feet)
PDR-1	20,000	Per Section 4.113 (.02)	20/25	80/80	100	35
PDR-2	7,000		25/30 (more than 12,000 and less than 20,000 sf lot) 40/50 (more than 8,000 up to 12,000 sf lot) 45/55 (7,000 to 8,000 sf lot)	60/30	70	
PDR-3	4,500		50/60	40/40 <sup>F</sup>	60	
PDR-4	3,000		75/75	35/35 <sup>F</sup>	60	
PDR-5	2,000		75/75	30/30	60	
PDR-6	NA		75/75	30/30	60	
PDR-7	NA		75/75	30/30	60	

A. For townhouses the minimum lot size in PDR-1 through PDR-5 zones is 1,500 square feet.

B. For the PDR 3 through PDR 7 zones, the minimum lot size for triplexes and three-unit cluster housing is 5,000 square feet; the minimum lot size for quadplexes, four-unit cluster housing, and cottage clusters is 7,000 square feet.

C. A building must be completely detached from the largest building to be considered a separate building for the purpose of lot coverage calculations. Cottage clusters are exempt from maximum lot coverage standards.

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D. Lot frontage may be on a public street or approved, platted private drive.

E. For townhouses the minimum lot width at building line and minimum street frontage is 20 feet in all PDR zones.

F. Lot frontage may be reduced to 24 feet when the lot fronts a cul-de-sac.

(.08) *Adjustments to Ensure Minimum Density is Met.* In development not involving Multi-Family Dwelling Units, if demonstrated by the applicant that it is not physically possible to accommodate the minimum number of units at the required minimum lot size and the minimum open space, the following adjustments, A.—B., shall be made to the minimum extent necessary to enable minimum density to be met. To prioritize the provision of required open space, adjustments to minimum lot size, width, and depth shall be used to the extent allowed, as described in A. below, prior to any adjustment to open space requirements as described in B. below. **N/A**

A. *Adjustments to Minimum Lot Size, Width, and Depth:* Reduce minimum lot size of up to 20 percent of the residential lots, rounded consistent with Subsection (.06) above or one lot for a four-lot subdivision, by up to 20 percent. For example, the potential adjustment, if determined necessary, for a 100-lot subdivision in the PDR-4 zone would be to reduce 20 lots to as low as 2,400 square feet (a 20 percent reduction of the 3,000 square foot minimum lot size). Also reduce the minimum lot width and minimum lot depth by up to 20 percent as necessary to allow the reduction of lot size.

B. *Adjustment to Open Space Area.* Reduce the amount of open space area required pursuant to Subsection 4.113(.01). Reduce non-usable open space to the extent possible prior to usable open space required by Subsection 4.113(.01)C.3. After any adjustment to open space, all subdivisions with ten or more units must still include a minimum of one usable, programmed open space of at least 2,000 square feet meeting the requirements of Subsection 4.113(.01)C.3. Subdivisions less than ten units shall require one usable open space of at least 1,000 square feet meeting the same requirements.

(.09) *Block and access standards:* **N/A**

1. *Maximum block perimeter in new land divisions:* 1,800 feet.

2. *Maximum spacing between streets or private drives for local access:* 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone 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 Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

(.10) *Signs.* Per the requirements of Sections 4.156.01 through 4.156.11. **No signage is proposed for the park site.**

(.11) *Parking.* Per the requirements of Section 4.155. **No parking is proposed for the park site.**

(.12) *Corner Vision Clearance.* Per the requirements of Section 4.177. **N/A**

(Ord. No. 538, 2-21-2002; Ord. No. 682, 9-9-2010; Ord. No. 704, 6-18-2012; Ord. No. 825, 10-15-2018; Ord. No. 841, eff. 6-4-2020)

## **Section 4.140. Planned Development Regulations.**

(.01) *Purpose:*

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- A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

***The proposed Edith Green Park is a 2.1 acre parcel within the Charbonneau development. Initially it was zoned a school site . The current use is a passive open space park setting with a basketball court, baseball field, and informal dog park. The proposed park consists of 95% open space including an open existing turf area for recreational play, dog park, bocce , basketball court, walkways, and picnic areas. The area is designed for a variety of age groups and users. The existing basketball court will be improved with a new adjustable basketball hoop, resurfaced and restriped to match the existing court. The adjustable hoop will provide a recreational activity for all age groups including children. The unused baseball backstop and dirt infield will be removed and replaced with an approximately one-acre open lawn area in the south of the park to accommodate a variety of informal recreational uses including soccer, softball, frisbee, cornhole, etc. for all age groups including children. Two bocce ball courts will be added to provide a new activity recommended during the public input process. They will be surfaced with an artificial turf material on a gravel base to provide a permeable surface and minimize on site runoff and stormwater impacts. Five picnic table will be added to the park in a variety of locations to provide seating and gathering opportunities for park users. The current use of the park for off leash dogs will be continued and contained within a fenced area as preferred during the public meeting and input process. Two shelters will be added to the park providing gathering opportunities, sun and rain protection for all park users. A simple 6ft. wide walkway will be added to the park to connected to the existing pedestrian ramp at the south end of the site to provide universal access to all park activities. The overall design recognizes the existing character of Charbonneau and is designed to fit within the overall development context with use of curved walkways, wood site furniture and minimal changes from the existing site.***

***The existing lawn is well established requiring minimal maintenance, irrigation, and is well maintained by the Charbonneau Homeowners association. Future maintenance will continue to be provided to the same standards after park improvements are completed.***

***To retain the existing site character, maintain open site views for safety, minimize soil disturbance and erosion, minimize maintenance and herbicide use, the project is proposing to maintain the existing lawn. Due this this approach the application is seeking a variance on the general landscape standard as described in 4.176.C.2.***

- B. It is the further purpose of the following Section:
1. To take advantage of advances in technology, architectural design, and functional land use design;
  2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
  3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

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4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
  5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.
  6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
  7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
  8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

(.02) ***Lot Qualification: Not submitted as a planned unit development. This application is submitted to revise an existing developed open space.***

- A. Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.
- B. Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD" or specifically defined as a PD zone by this Code. All sites which are greater than two acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code. Smaller sites may also be developed through the City's PD procedures, provided that the location, size, lot configuration, topography, open space and natural vegetation of the site warrant such development.

(.03) ***Ownership: The owner of the development is the Applicant. Jim Meierotto, the General Manager of Charbonneau Country Club, a legally authorized representative signed the application.***

- A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.
- B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.

(.04) ***Professional Design:***

- A. The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.
- B. Appropriate professionals shall include, but not be limited to the following to provide the elements of the planning process set out in Section 4.139:
  1. An architect licensed by the State of Oregon;
  2. A landscape architect registered by the State of Oregon; ***Design and documentation provided by an Oregon Registered Landscape Architect.***
  3. An urban planner holding full membership in the American Institute of Certified Planners, or a professional planner with prior experience representing clients before the Development Review

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Board, Planning Commission, or City Council; or ***Planning is provided by AICP full member with prior experience representing clients before agency boards and councils.***

4. A registered engineer or a land surveyor licensed by the State of Oregon.
  - C. One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.
  - D. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff.
- (.05) ***Planned Development Permit Process: The application is not requesting a Building Permit or Planned Development Permit therefore is not applicable.***
- A. All parcels of land exceeding two acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:
    1. Be zoned for planned development;
    2. Obtain a planned development permit; and
    3. Obtain Planning Director, Development Review Board, or, on appeal, City Council approval.
  - B. Zone change and amendment to the zoning map are governed by the applicable provisions of the Zoning Sections, inclusive of Section 4.197.
  - C. Development Review Board and Planning Director approval is governed by Sections 4.400 to 4.450.
  - D. All planned developments require a planned development permit. The planned development permit review and approval process consists of the following multiple stages, the last two or three of which can be combined at the request of the applicant:
    1. Pre-application conference with Planning Department;
    2. Preliminary (Stage I) review by the Development Review Board or the Planning Director for properties within the Coffee Creek Industrial Design Overlay District. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval; and
    3. Final (Stage II) review by the Development Review Board or the Planning Director for properties within the Coffee Creek Industrial Design Overlay District.
    4. In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan except for properties within the Coffee Creek Industrial Design Overlay District, which may receive separate zone map amendment approvals.

(.06) ***Staff Report: N/A***

- A. The planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is consistent with the land use designated on the Comprehensive Plan. If there is a disagreement as to whether the use contemplated is consistent, the applicant, by request, or the staff, may take the preliminary information provided to the Development Review Board for a use interpretation.
- B. The applicant may proceed to apply for Stage I—Preliminary Approval - upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.

(.07) ***Preliminary Approval (Stage One):***

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- A. Applications for preliminary approval for planned developments shall:
1. Be made by the owner of all affected property or the owner's authorized agent; and **Submitted by Jim Meierotto, General Manager of Charbonneau Country Club.**
  2. Be filed on a form prescribed by the City Planning Department and filed with said Department. **Completed on prescribed form.**
  3. Set forth the professional coordinator and professional design team as provided in subsection (.04), above. **Noted in (.04) above includes a registered Landscape Architect (RLA) and Planner (AICP).**
  4. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations. **Development will be a single use park site that includes open space, dog park, bocce courts, existing basketball court, picnic tables, shelters, and site walkway.**
- B. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:
1. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor. **No changes to parcel lines requested from the original PUD. Charbonneau Single Family East-Fourth Addition Survey completed on May 28<sup>th</sup> 1986 submitted with the application.**
  2. Topographic information as set forth in Section 4.035. **Complete, shown on site plan as required in 4035.04.6.f**
  3. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre. Developments within the RN zone shall show how the proposed number of units complies with the applicable maximum and minimum provisions of the RN zone. **Proposed park site uses and area calculations are shown on the plan, no additional development is proposed.**
  4. A stage development schedule demonstrating that the developer intends receive Stage II approval within two years of receiving Stage I approval, and to commence construction within two years after the approval of the final development plan, and will proceed diligently to completion; unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion. **Owner intends to commence construction within two years after the approval of the final development plan.**
  5. A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project. **This application includes no public improvements.**
  6. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided. **Park development is intended to be phased with the bocce and shelter initially installed with the remaining improvements in a subsequent phase. The entire project will be complete within a two-year period.**
  7. Statement of anticipated waivers from any of the applicable site development standards. **As noted in section 4.176 the anticipated waivers will include the General Landscape Standard 4.176(.02)C.2. Required Material. No additional waivers will be requested.**
- C. An application for a Stage I approval shall be considered by the Development Review Board as follows:

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1. A public hearing as provided in Section 4.013.
  2. After such hearing, the Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such conditions of approval as are in its judgment, necessary to ensure conformity to said criteria and regulations. In so doing, the Board may, in its discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. It shall do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule.
  3. A final decision on a complete application and preliminary plan shall be rendered within 120 days after the application is deemed complete unless a continuance is agreed upon by the applicant and the appropriate City decision-making body.
  4. The determination of the Development Review Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council in accordance with Section 4.022 of this Code.
- D. As provided in Section 4.134, an application for a Stage I approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director as follows:
1. A Class II—Administrative Review as provided in Section 4.035(.03).
  2. After considering available information, the Planning Director shall determine whether the proposal conforms to the permit criteria set forth in this Code and may approve or disapprove the application and the accompanying preliminary development plan or require such changes therein or impose such conditions of approval as are in his or her judgment, necessary to ensure conformity to said criteria and regulations. In so doing, the Planning Director may, in his or her discretion, authorize submission of the final development plan in stages, corresponding to different units or elements of the development. The Planning Director shall do so only upon receiving evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule.
  3. A final decision on a complete application and preliminary plan shall be rendered within 12 days after the application is deemed complete unless a continuance is agreed upon by the applicant and the Planning Director.
  4. The determination of the Planning Director shall become final at the end of the appeal period for the decision, unless appealed to the Development Review Board in accordance with Section 4.022 of this Code.

(.09) *Final Approval (Stage Two):*

[Note: Outline Number is incorrect.]

- A. Unless an extension has been granted by the Development Review Board or Planning Director, as applicable, within two years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013. As provided in Section 4.134, an application for a Stage II approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director without a public hearing as a Class II Administrative Review as provided in Section 4.035(.03).

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- B. The Development Review Board or Planning Director, as applicable, shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.
- C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:
1. The location of water, sewerage and drainage facilities; ***The site will not require water, sewerage or drainage improvements as there are no buildings requiring utilities proposed for the site and the proposed impervious surface is under 5,000 square feet. A gravel infiltration trench will be provided at the low side of the existing basketball court for the shelter roof drainage to infiltrate stormwater.***
  2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development; ***Shelter plan views and elevations are shown on the documents, fence elevation is shown on the documents. The proposed landscape is shown on the overall site plan.***
  3. The general type and location of signs; ***No signs are proposed of the site as noted in section 4.156.***
  4. Topographic information as set forth in Section 4.035; ***The required topographic information as described in section 4.035 is show on the overall site plan.***
  5. A map indicating the types and locations of all proposed uses; and ***Submitted site plan describes all proposed improvements and site uses, including site area tabulations.***
  6. A grading plan. ***No site grading is proposed for the park site improvements.***
- D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.
- E. Copies of legal documents required by the Development Review Board or Planning Director, as applicable, for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.
- F. Within 30 days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Development Review Board or Planning Director, as applicable, shall not act on a final development plan until it has first received a report from the agencies or until more than 30 days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.
- G. Upon receipt of the final development plan, the Development Review Board or Planning Director, as applicable shall examine such plan and determine:
1. Whether it conforms to all applicable criteria and standards; and
  2. Whether it conforms in all substantial respects to the preliminary approval; or
  3. Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.
- H. If the Development Review Board or Planning Director, as applicable, permits the applicant to revise the plan, it shall be resubmitted as a final development plan within 60 days. If the Board or Planning Director approves, disapproves or grants such permission to resubmit, the decision of the Board shall

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become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.

- I. All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the Development Review Board or Planning Director, as applicable, may extend these expiration times for up to three additional periods of not more than one year each. Applicants seeking time extensions shall make their requests in writing at least 30 days in advance of the expiration date. Requests for time extensions shall only be granted upon (1) a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year, and (2) payment of any and all Supplemental Street SDCs applicable to the development. Upon such payment, the development shall have vested traffic generation rights under [section] 4.140(.10), provided however, that if the Stage II approval should expire, the vested right to use trips is terminated upon City repayment, without interest, of Supplemental Street SDCs. For purposes of this Ordinance, "substantial development" is deemed to have occurred if the required building permits or public works permits have been issued for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit.
- J. A planned development permit may be granted by the Development Review Board or Planning Director, as applicable, only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:
  1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.
  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, as 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. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.
    - 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 Development Review Board:
      - 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 generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time 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.

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- b. The following are exempt from meeting the Level of Service D criteria standard:
    - i. A planned development or expansion thereof which generates three new p.m. peak hour traffic trips or less;
    - ii. A planned development or expansion thereof which provides an essential governmental service.
  - c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.
  - d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.
  - e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F".
3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
- K. Mapping: Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.

**(.10) Adherence to Approved Plans, Modification. N/A**

- A. Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
- B. In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the stage development schedule, the Development Review Board may, after notice and hearing, revoke a Planned Development permit. General economic conditions that affect all in a similar manner may be considered as a basis for an extension of a development schedule. The determination of the Board shall become final 30 days after the date of decision unless appealed to the City Council.
- C. Approved plans and non-conforming status with updated zoning and development standards.
  - 1. Approved plans are the basis of legal conforming status of development except where one of the following occurs, at which point, the approved planned development becomes legally non-conforming:
    - a. the zoning of land within the plan area has been changed since adoption of the plan; or
    - b. the zoning standards for the zone under which it was approved have been substantially modified (50 percent or more of the regulatory standards have been modified as determined by the Planning Director); or
    - c. the City Council declared all planned developments in a certain zone or zones to be legal non-conforming as part of an ordinance to update or replace zoning standards; or

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- d. the City Council declared, by a stand-alone ordinance, planned developments in a certain zone not complying with current standards to be legal non-conforming. The City Council may, in an ordinance establishing non-conforming status of a planned development, declare the entire planned development to be non-conforming or declare certain standards established in the planned development to be non-conforming (i.e., lot coverage, setbacks, stormwater standards).
  - 2. If one of the conditions of subsection 1. is met, development that is consistent with the approved plan, but not complying with current zoning standards, shall be considered legal non-conforming and subject to the standards of Sections 4.189 thru 4.192.
  - 3. In no case shall a planned development approved within the previous 24 months, or under a time-extension under WC Section 4.023, be considered non-conforming; but automatically will become non-conforming after 24-months, and the end of any extensions, if it otherwise would qualify as legally non-conforming or is so declared pursuant to this subsection.
- D. The following are exempt from established residential density requirements beyond one unit per lot.
- 1. Accessory Dwelling Units.
  - 2. Duplexes.
  - 3. Triplexes.
  - 4. Quadplexes.
  - 5. Cluster housing.
- E. For new townhouses in existing residential planned developments in residential zones, the allowed density shall be the lesser of: (1) Four times the maximum net density for the lot(s) or parcel(s) established in the approved plan, or (2) 25 units per acre.
- F. Notwithstanding Subsection C. above, single-family residential development built consistent with an approved master plan in the Planned Development Commercial or Planned Development Industrial zones prior to November 18, 2021 shall continue to be legal conforming uses. However, all lots within these master plans that allow for detached single-family must also allow all middle housing types with density exemptions and allowances consistent with D. and E. above. In addition, any lot coverage maximums established in the master plans less than those listed in Table 2 of Subsection 4.124(.07) are superseded by lot coverage standards in that table.
- (.11) *Early Vesting of Traffic Generation.* **N/A** Applicants with Stage I or Master Plan approvals occurring after June 2, 2003 may apply to vest the right to use available transportation capacity at the intersections of Wilsonville Road with Boone's Ferry Road and with Town Center Loop West, and/or the I-5 interchange. Vesting for properties with such approvals shall occur upon execution of a vesting agreement satisfactory to the City, which agreement shall include a proposed development schedule or phasing plan and either provide for the payment of any and all Supplemental Street SDCs or provide other means of financing public improvements. Vesting for properties pending such approvals shall occur upon such agreement and the date the approvals are final.
- The number of trips vested is subject to modification based upon updated traffic analysis associated with subsequent development approvals for the property. A reduction in vested trips shall attend repayment of vesting fees by the City. An increase in available vested trips shall occur upon payment of necessary vesting fees.
- Vesting shall remain valid and run with the property, unless an approval that is necessary for vesting to occur is terminated or a vesting agreement is terminated. If the vested right to use certain trips is lost or terminated, as determined by the Community Development Director with the concurrence of City Council,

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such trips shall be made available to other development upon City repayment, without interest, of associated vesting fees.

(Ord. No. 561, 12-15-2003; Ord. No. 812, 2-22-2018)

#### **Section 4.154. On-site Pedestrian Access and Circulation.**

(.01) *On-site Pedestrian Access and Circulation:*

- A. The purpose of this section is to implement the pedestrian access and connectivity policies of the Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards. Development shall conform to all of the following standards:
  1. *Continuous Pathway System.* A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable. ***The proposed site pathway extends through the park to efficiently connect all proposed improvements such as bocce court, basketball court, dog park, restroom, and shelter.***
  2. *Safe, Direct, and Convenient.* Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:
    - a. Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface. ***The walkways will be constructed of poured-in-place concrete meeting all current ADA accessibility requirements relative to percent of slope and slip resistance.***
    - b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel. ***Pathways are direct between destinations.***
    - c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements. ***Pathways all conform to current ADA accessibility requirements.***
    - d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)B.3.d. ***No parking is proposed on the site.***
  3. *Vehicle/Pathway Separation.* Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards. ***No vehicular improvements are proposed for the site.***
  4. *Crosswalks.* Where a pathway crosses a parking area or driveway, it shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast). ***No vehicular improvements are proposed for the site.***
  5. *Pathway Width and Surface.* Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by

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the ADA. ***The walkways will be constructed of poured-in-place concrete at a minimum five-foot width.***

6. All pathways shall be clearly marked with appropriate standard signs. ***Appropriate pedestrian signage will be provided as needed.***

(Ord. No. 719, 6-17-2013)

#### **Section 4.171. General Regulations—Protection of Natural Features and Other Resources.**

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

- A. To protect the natural environmental and scenic features of the City of Wilsonville.
- B. To encourage site planning and development practices which protect and enhance natural features such as riparian corridors, streams, wetlands, swales, ridges, rock outcroppings, views, large trees and wooded areas.
- C. To provide ample open space and to create a constructed environment capable and harmonious with the natural environment.

(.02) *General Terrain Preparation:*

- A. All developments shall be planned, designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant landforms. ***The existing 2.1-acre park is a level site generally under 2 percent grade with no significant landforms or hillside conditions. Site improvements will conform to the existing grade with under 75 cubic yards of grading.***
- B. All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code. ***All site grading will conform to the Uniform Building code***
- C. In addition to any permits required under the Uniform Building Code, all developments shall be planned, designed, constructed and maintained so as to:
  1. Limit the extent of disturbance of soils and site by grading, excavation and other land alterations. ***Grading will conform to the existing level contours.***
  2. Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination, or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats. ***Site grading will be minimal and avoid impacts to natural features.***
  3. Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character. ***There are eleven existing street trees in the public right-of-way located along Country View Lane that are proposed to remain and will be protected during the construction process, no other trees exist on the site. No disturbance is proposed within the root zones.***

(.03) *Hillsides.* All developments proposed on slopes greater than 25 percent shall be limited to the extent that:  
***N/A***

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- A. An engineering geologic study approved by the City, establishes that the site is stable for the proposed development, and any conditions and recommendations based on the study are incorporated into the plans and construction of the development. The study shall include items specified under subsection 4.171(.07)A.2.a—j:
  - B. Slope stabilization and re-vegetation plans shall be included as part of the applicant's landscape plans.
  - C. Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features.
  - D. Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided where feasible.
  - E. Roads shall be of minimum width, with grades consistent with the City's Public Works Standards.
  - F. Maintenance, including re-vegetation, of all grading areas is the responsibility of the developer, and shall occur through October 1 of the second growing season following receipt of Certificates of Occupancy unless a longer period is approved by the Development Review Board.
  - G. The applicant shall obtain an erosion and sediment control permit from the City's Building and Environmental Services Division's.

(.04) *Trees and Wooded Areas:*

- A. All developments shall be planned, designed, constructed and maintained so that:
  - 1. Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location. **No vegetation will be removed prior to the plan approval.**
  - 2. Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible. **N/A**
  - 3. Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows. **All trees in the right-of-way will be preserved and protected during construction in compliance with city code.**
- B. Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:
  - 1. Avoiding disturbance of the roots by grading and/or compacting activity. **No roots will be disturbed or compacted during site construction for site trees or woodland areas.**
  - 2. Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces. **N/A**
  - 3. Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation. **A registered arborist will be consulted as needed.**
  - 4. Requiring, if necessary, a special maintenance, Management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees. **N/A**

(.05) *High Voltage Powerline Easements and Right-of-Way and Petroleum Pipeline Easements: N/A*

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

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

(.06) *Hazards to Safety: Purpose. N/A*

- A. To protect lives and property from natural or human-induced geologic or hydrologic hazards and disasters.
- B. To protect lives and property from damage due to soil hazards.
- C. To protect lives and property from forest and brush fires.
- D. To avoid financial loss resulting from development in hazard areas.

(.07) *Standards for Earth Movement Hazard Areas: N/A*

- A. No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions:
  - 1. Stabilization of the identified hazardous condition based on established and proven engineering techniques which ensure protection of public and private property. Appropriate conditions of approval may be attached by the City.
  - 2. An engineering geologic study approved by the City establishing that the site is stable for the proposed use and development. The study shall include the following:
    - a. Index map.
    - b. Project description, to include: location; topography, drainage, vegetation; discussion of previous work; and discussion of field exploration methods.
    - c. Site geology, to include: site geologic map; description of bedrock and superficial materials including artificial fill; location of any faults, folds, etc.; and structural data including bedding, jointing, and shear zones.
    - d. Discussion and analysis of any slope stability problems.
    - e. Discussion of any off-site geologic conditions that may pose a potential hazard to the site or that may be affected by on-site development.
    - f. Suitability of site for proposed development from geologic standpoint.
    - g. Specific recommendations for cut slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
    - h. Supportive data, to include: cross sections showing subsurface structure; graphic logs of subsurface explorations; results of laboratory tests; and references.
    - i. Signature and certification number of engineering geologist registered in the State of Oregon.
    - j. Additional information or analyses as necessary to evaluate the site.
- B. Vegetative cover shall be maintained or established for stability and erosion control purposes.
- C. Diversion of storm water into these areas shall be prohibited.
- D. The principal source of information for determining earth movement hazards is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site specific engineering geologic studies shall be used to identify the

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extent and severity of the hazardous conditions on the site, and to update the earth movement hazards database. **N/A**

**(.08) Standards for Soil Hazard Areas: N/A**

- A. Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.
- B. The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulletins and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

**(.09) Historic Protection: Purpose. N/A**

- A. To preserve structures, sites, objects, and areas within the City of Wilsonville having historic, cultural, or archaeological significance.
- B. Standards:
  - 1. All developments shall be planned, designed, constructed, and maintained to assure protection of any designated historic or cultural resource on or near the site. Restrictions on development may include:
    - a. Clustering of buildings and incorporation of historic and/or cultural resources into site design in a manner compatible with the character of such resource.
    - b. Limitations on site preparation and grading to avoid disturbance of areas within any historic or archaeological sites, monuments or objects of antiquity.
    - c. Provision of adequate setbacks and buffers between the proposed development and the designated resources.
  - 2. The City may attach additional conditions with respect to the following design factors in protecting the unique character of historic/cultural resources:
    - a. Architectural compatibility;
    - b. Proposed intensity of development;
    - c. Relationship to designated open space;
    - d. Vehicular and pedestrian access; and
    - e. Proposed building or structural mass in relation to the designated resource.
- C. *Review Process:*
  - 1. The Development Review Board shall be the review body for:
    - a. All development which proposes to alter a designated historic, or cultural resource or resource site; and
    - b. All development which proposes to use property adjacent to a designated cultural resource; and
    - c. All applications requesting designation of a cultural or historic resource.
  - 2. The application shall include the following:

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- a. A complete list of exterior materials, including color of these materials.
  - b. Drawings:
    - i. Side elevation for each side of any affected structure.
    - ii. Drawings shall show dimensions or be to scale.
    - iii. Photographs may be used as a substitute for small projects.
  - c. Plot plans shall be submitted for new structures, fences, additions exceeding 50`1 square feet, or any building relocation.
3. Any improvement proposed for property adjacent to a designated, cultural or historic resource site, shall be subject to the following provisions:
    - a. All uses and structures which are incompatible with the character of the cultural or historic resource are prohibited. The criteria used to determine incompatibility shall include the following:
      - i. The intensity and type of use when compared with the historic use patterns of the areas.
      - ii. The orientation, setback, alignment, spacing and placement of buildings.
      - iii. The scale, proportions, roof forms, and various architectural features of building design.
    - b. Setbacks may be required which are over and above those required in the base zone in order to protect the resource. Setbacks should be appropriate to the scale and function of the resource, but allow reasonable use of the adjacent property.
    - c. An appropriate buffer or screen may be required between the new or converting use on the adjacent property and the resource.
  4. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external reconstruction thereof, nor does this Code prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the Building Official certifies to the Development Review Board that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of acceptable building practices.
  5. The owner, occupant or other person in actual charge of a cultural resource, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvement, building or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay or any exterior architectural feature.

**(.10) Alteration and Development Criteria. N/A**

- A. Demolition or alteration of any structure, or any change in any site or object which has been designated as a cultural resource, is prohibited unless it is determined:
  1. In the case of a designated cultural resource, the proposed work would not detrimentally alter, destroy or adversely affect any exterior architectural or other identified feature; or
  2. In the case of any property located within a historic district, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration conforms to any

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prescriptive standards as adopted by the City, and does not adversely affect the character of the district; or

3. In the case of construction of a new improvement, building or structure upon a cultural resource site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on said site; or
4. That no reasonable use can be made of the property without such approval.

(.11) *Cultural Resource Designation Criteria.* A cultural resource may be designated and placed on the Cultural Resources Inventory if it meets the following criteria: **N/A**

- A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering or architectural history; or
- B. It is identified with persons or events significant in local, state, or national history; or
- C. It embodies distinctive characteristics of a style, type, period, or method of construction, or it is a valuable example of the use of indigenous materials or craftsmanship; or
- D. It is representative of the notable work of a builder, designer, or architect.

#### **Section 4.175. Public Safety and Crime Prevention.**

(.01) All developments shall be designed to deter crime and insure public safety. ***The existing site is a visually accessible lawn area with a good public safety record. The proposed walkways, planting, sports courts, and simple open shelter will maintain the existing visual access throughout the site.***

(.02) Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public. ***N/A***

(.03) Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties. ***No parking or loading is proposed for the site. The open character of the park will be maintained to provide eyes on the park.***

(.04) Exterior lighting shall be designed and oriented to discourage crime. ***No site lighting or parking is proposed for the site.***

#### **Section 4.176. Landscaping, Screening, and Buffering.**

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

(.01) *Purpose.* This Section consists of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. The City recognizes the ecological and economic value of landscaping and requires the use of landscaping and other screening or buffering to:

***The existing turf planting on site is proposed to remain in place to limit disturbance to the existing soil structure, minimize erosion and promote the active programs defined by the public input process including a dog park, open recreation, picnic, and gathering spaces. Retaining the lawn will maintain the existing visual character and keep sight lines in place to enhance overall park visual access and security.***

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***The existing lawn is well established requiring minimal maintenance, irrigation, and is well maintained by the Charbonneau Homeowners association. Future maintenance will continue to be provided to the same standards after park improvements are completed.***

***Due to this approach the application is seeking a variance on the general landscape standard as described below in 4.176.C.2***

- A. Promote the re-establishment of vegetation for aesthetic, health, erosion control, flood control and wildlife habitat reasons; ***The project is proposing to limit the existing landscape planting disturbance to minimize erosion, maintenance, maintain carbon sequestration, and promote water conservation.***
- B. Restore native plant communities and conserve irrigation water through establishment, or re-establishment, of native, drought-tolerant plants; ***Water will be conserved through maintaining the existing well-established landscape and efficient irrigation system.***
- C. Mitigate for loss of native vegetation; ***No native vegetation will be lost in the site development***
- D. Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues; ***Maintaining the existing open landscape will conform to the overall Charbonneau site character.***
- E. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting sites or uses; ***The proposed used will not increase visual or noise impacts and no lighting is proposed for the site development.***
- F. Unify development and enhance and define public and private spaces; ***The overall simple site design approach will maintain the existing character and unify the development, there are not private spaces within the site development.***
- G. Promote the retention and use of existing topsoil and vegetation. Amended soils benefit stormwater retention and promote infiltration; ***Retention of the existing vegetation and lawn will promote the retention of existing topsoil, minimize erosion, and promote infiltration.***
- H. Aid in energy conservation by providing shade from the sun and shelter from the wind; and ***No energy consuming structures are proposed for the site.***
- I. Screen from public view the storage of materials that would otherwise be considered unsightly. ***No materials will be stored on the site.***
- J. Support crime prevention, create proper sight distance clearance, and establish other safety factors by effective landscaping and screening. ***Maintaining the existing lawn and overall open landscape character will maintain existing line of sight conditions and promote site safety.***
- K. Provide landscaping materials that minimize the need for excessive use of fertilizers, herbicides and pesticides, irrigation, pruning, and mowing to conserve and protect natural resources, wildlife habitats, and watersheds. ***The existing lawn is well established with a deep root system requiring minimal irrigation and fertilizers and no use of herbicides and pesticides.***

(.02) *Landscaping and Screening Standards:*

- A. Subsections "C" through "I," below, state the different landscaping and screening standards to be applied throughout the City. The locations where the landscaping and screening are required and the depth of the landscaping and screening is stated in various places in the Code.
- B. All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as

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fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length (e.g., a landscaped area of between 800 and 1,600 square feet shall have two trees if the standard calls for one tree per 800 square feet. ***The application is requesting a variance from the landscape code as noted below in 4.176.C***

C. *General Landscaping Standard:*

1. *Intent.* The General Landscaping Standard is a landscape treatment for areas that are generally open. It is intended to be applied in situations where distance is used as the principal means of separating uses or developments and landscaping is required to enhance the intervening space. Landscaping may include a mixture of ground cover, evergreen and deciduous shrubs, and coniferous and deciduous trees. ***The park site does not include developments and the intent of the park is to connect the uses rather than separate, therefore the overall planting will be open in character to create connectivity, promote community, enhance site lines and community safety, and efficiently use the existing site to its greatest extent to provide community activities.***
2. *Required materials.* Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs: ***The General Landscape Standard will require 460 tall or 690 low shrubs and 115 trees on site. The 10 existing street trees account for 30 trees using the tree credit chart and street tree variance. These requirements are not met as the intent of the park is to provide open lawn for active recreation, dog park, and gathering areas with strong connectivity, visual access, as well to maintain the existing character rather than to separate and screen uses. To minimize soil disturbance, soil erosion, and grading the existing lawn will remain in place rather than removing to provide the tree and shrub quantity noted in the standard.***
  - a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.
  - b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.

D. *Low Screen Landscaping Standard:* . ***N/A***

1. *Intent.* The Low Screen Landscaping Standard is a landscape treatment that uses a combination of distance and low screening to separate uses or developments. It is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The Low Screen Landscaping Standard is usually applied along street lot lines or in the area separating parking lots from street rights-of-way. ***This standard is not applicable to the project improvements as no parking is proposed and site uses are intended to be visually connected rather than screened from each other.***
2. *Required materials.* The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three feet high and 95 percent opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three foot high masonry wall or a berm may be substituted for the shrubs,

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but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 22: Low Screen Landscaping).

E. *Low Berm Landscaping Standard: N/A*

1. *Intent.* The Low Berm Standard is intended to be applied in situations where moderate screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another, and where it is desirable and practical to provide separation by both distance and sight-obscuring materials. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts. ***The standard is not applicable to the project as it will not increase visual or noise impacts to adjacent uses.***
2. *Required materials.* The Low Berm Standard requires a berm at least two feet six inches high along the interior side of the landscaped area (see Figure 23: Low Berm Landscaping). If the berm is less than three feet high, low shrubs meeting the Low Screen Landscaping Standard, above, are to be planted along the top of the berm, assuring that the screen is at least three feet in height. In addition, one tree is required for every 30 linear feet of berm, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.

F. *High Screen Landscaping Standard:*

1. *Intent.* The High Screen Landscaping Standard is a landscape treatment that relies primarily on screening to separate uses or developments. It is intended to be applied in situations where visual separation is required.
2. *Required materials.* The High Screen Landscaping Standard requires sufficient high shrubs to form a continuous screen at least six feet high and 95 percent opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 24: High Screen Landscaping). ***Screening is existing on both the north and south property lines adjacent to residential lots by means of a mature six-foot height Arborvitae hedge with a six-foot wood fence behind. The hedge and fence are proposed to remain in place to provide screening. The east property line is proposed to remain open to the view of the adjacent agricultural field and forest beyond to retain the existing visual character.***

G. *High Wall Standard: N/A*

1. *Intent.* The High Wall Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts, or where there is little space for physical separation. ***The standard is not applicable to the project as it will not increase visual or noise impacts to adjacent uses and there is considerable space for physical separation to adjacent lots.***

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2. *Required materials.* The High Wall Standard requires a masonry wall at least six feet high along the interior side of the landscaped area (see Figure 25: High Wall Landscaping). In addition, one tree is required for every 30 linear feet of wall, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.

H. *High Berm Standard: N/A*

1. *Intent.* The High Berm Standard is intended to be applied in situations where extensive screening to reduce both visual and noise impacts is needed to protect abutting uses or developments from one-another, and where it is desirable and practical to provide separation by both distance and sight-obscuring materials. This screening is most important where either, or both, of the abutting uses or developments can be expected to be particularly sensitive to noise or visual impacts. ***The standard is not applicable to the project as it will not increase visual or noise impacts to adjacent uses and there is considerable space for physical separation to adjacent lots.***
2. *Required materials.* The High Berm Standard requires a berm at least four feet high along the interior side of the landscaped area (see Figure 26: High Berm Landscaping). If the berm is less than six feet high, low shrubs meeting the Low Screen Landscaping Standard, above, are to be planted along the top of the berm, assuring that the screen is at least six feet in height. In addition, one tree is required for every 30 linear feet of berm, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area.

I. *Partially Sight-Obscuring Fence Standard: N/A*

1. *Intent.* The Partially Sight-Obscuring Fence Standard is intended to provide a tall, but not totally blocked, visual separation. The standard is applied where a low level of screening is adequate to soften the impact of one use or development on another, and where some visibility between abutting areas is preferred over a total visual screen. It can be applied in conjunction with landscape plantings or applied in areas where landscape plantings are not necessary and where nonresidential uses are involved. ***A fully sight-obscuring fence is proposed to remain rather than provide the partially sight-obscuring fence.***
2. *Required materials.* Partially Sight-Obscuring Fence Standard are to be at least six feet high and at least 50 percent sight-obscuring. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 27: Partially Sight-Obscuring Fence).

J. *Fully Sight-Obscuring Fence Standard: N/A*

1. *Intent.* The Fully Sight-Obscuring Fence Standard is intended to provide a totally blocked visual separation. The standard is applied where full visual screening is needed to reduce the impact of one use or development on another. It can be applied in conjunction with landscape plantings or applied in areas where landscape plantings are not necessary. ***An existing fully site obscuring fence will remain in placed to provide screening to adjacent properties as noted in section 4.176.F.2 above.***
2. *Required materials.* Fully sight-obscuring fences are to be at least six feet high and 100 percent sight-obscuring. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 28: Totally Sight-Obscuring Fence).

(.03) *Landscape Area.* Not less than 15 percent) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent parking area landscaping required by section 4.155.03(B)(1) is included in the 15 percent total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct

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areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable. (For recommendations refer to the Native Plant List maintained by the City of Wilsonville). **The site landscape will cover over 90% of the site. No parking or buildings are proposed for the site.**

- (.04) *Buffering and Screening.* Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.
- A. All intensive or higher density developments shall be screened and buffered from less intense or lower density developments. **Park site will be screened from adjacent residential lots.**
  - B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas. **N/A, no multi-family or single-family uses are proposed.**
  - C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties. **N/A, no mechanical or utility equipment is proposed.**
  - D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit. **N/A, no outdoor storage is proposed.**
  - E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking. **N/A, no loading areas, docks, or truck parking areas are proposed.**
  - F. In any zone any fence over six feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval. **N/A**
- (.05) *Sight-Obscuring Fence or Planting.* The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City. A temporary occupancy permit may be issued upon a posting of a bond or other security equal to 110 percent of the cost of such fence or planting and its installation. (See Sections 4.400 to 4.470 for additional requirements.) **N/A, the sight-obscuring fence and planting exist on site and will remain in place.**
- (.06) *Plant Materials:*
- A. **Shrubs and Ground Cover.** All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. Native topsoil shall be preserved and reused to the extent feasible. Surface mulch or bark dust are to be fully raked into soil of appropriate depth, sufficient to control erosion, and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or barkdust are not to be used as substitutes for plant areas.
    - 1. **Shrubs.** All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and ten inches to 12 inches spread. **N/A**
    - 2. **Ground cover.** Shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at four feet on center minimum, four inch pot spaced two feet on center minimum, two one-fourth inch pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80 percent of the bare soil in required landscape areas within three years of planting. Where

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wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary. **N/A**

3. Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of water, a larger percentage of turf or lawn area is appropriate. Use of lawn fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas. **Existing lawn will be maintained on site to limit soil disturbance, allow for park uses and provide visual access to all areas of the park.**
  4. Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. **N/A**
  5. Integrate compost-amended topsoil in all areas to be landscaped, including lawns, to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape. **Will provide in all restored site landscape areas.**
- B. *Trees.* All trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows: **N/A, No trees are proposed for the site.**
1. Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of two inch caliper.
  2. Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honeylocust, shall be a minimum of 1¾ inch to 2 inch caliper.
  3. Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering Pear and Kousa Dogwood, shall be 1¾ inch minimum caliper.
  4. Large conifer trees such as Douglas Fir or Deodar Cedar shall be installed at a minimum height of eight feet.
  5. Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six feet.
- C. Where a proposed development includes buildings larger than 24 feet in height or greater than 50,000 square feet in footprint area, the Planning Director or the Development Review Board, as applicable, may require larger or more mature plant materials. **N/A, no buildings are proposed for the site.**
1. At maturity, proposed trees shall be at least one-half the height of the building to which they are closest, and building walls longer than 50 feet shall require tree groups located no more than 50 feet on center, to break up the length and height of the façade.
  2. Either fully branched deciduous or evergreen trees may be specified depending upon the desired results. Where solar access is to be preserved, only solar-friendly deciduous trees are to be used. Where year-round sight obscuring is the highest priority, evergreen trees are to be used.
  3. The following standards are to be applied:
    - a. *Deciduous trees:*
      - i. Minimum height of ten feet; and
      - ii. Minimum trunk diameter (caliper) of two inches (measured at four and one-half feet above grade).
    - b. *Evergreen trees:* Minimum height of 12 feet.

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- D. *Street Trees.* In order to provide a diversity of species, the Development Review Board may require a mix of street trees throughout a development. Unless the Board waives the requirement for reasons supported by a finding in the record, different types of street trees shall be required for adjoining blocks in a development. ***The park site will preserve the existing mature street trees and no additional street trees are proposed.***
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—Three inches minimum caliper
    - b. Collector streets—Two inches minimum caliper.
    - c. Local streets or residential private access drives—1¾ inches minimum caliper.
    - d. Accent or median tree—1¾ inches minimum caliper.
  2. The following trees and varieties thereof are considered satisfactory street trees in most circumstances; however, other varieties and species are encouraged and will be considered:
    - a. Trees over 50 feet mature height: *Quercus garryana* (Native Oregon White Oak), *Quercus rubra borealis* (Red Oak), *Acer Macrophyllum* (Native Big Leaf Maple), *Acer nigrum* (Green Column Black Maple), *Fraxinus americanus* (White Ash), *Fraxinus pennsylvannica* 'Marshall' (Marshall Seedless Green Ash), *Quercus coccinea* (Scarlet Oak), *Quercus pulustris* (PinOak), *Tilia americana* (American Linden).
    - b. Trees under 50 feet mature height: *Acer rubrum* (Red Sunset Maple), *Cornus nuttallii* (NativePacific 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. *Types of Plant Species: N/A, No additional plant material is proposed for the site.*
1. Existing landscaping or native vegetation may be used to meet these standards, if protected and maintained during the construction phase of the development and if the plant species do not include any that have been listed by the City as prohibited. The existing native and non-native vegetation to be incorporated into the landscaping shall be identified.
  2. Selection of plant materials. Landscape materials shall be selected and sited to produce hardy and drought-tolerant landscaping. Selection shall be based on soil characteristics, maintenance requirements, exposure to sun and wind, slope and contours of the site, and compatibility with other vegetation that will remain on the site. Suggested species lists for street trees, shrubs and groundcovers shall be provided by the City of Wilsonville.
  3. *Prohibited plant materials.* The City may establish a list of plants that are prohibited in landscaped areas. Plants may be prohibited because they are potentially damaging to sidewalks, roads, underground utilities, drainage improvements, or foundations, or because they are known to be invasive to native vegetation.
- F. *Tree Credit.* Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows (measured at four and one-half feet above grade and rounded to the nearest inch):

Existing trunk diameter	Number of Tree Credits
18 to 24 inches in diameter	3 tree credits
25 to 31 inches in diameter	4 tree credits
32 inches or greater	5 tree credits

1. It shall be the responsibility of the owner to use reasonable care to maintain preserved trees. Trees preserved under this section may only be removed if an application for removal permit under Section 4.610.10(01)(H) has been approved. Required mitigation for removal shall be replacement with the number of trees credited to the preserved and removed tree.
  2. Within five years of occupancy and upon notice from the City, the property owner shall replace any preserved tree that cannot be maintained due to disease or damage, or hazard or nuisance as defined in Chapter 6 of this Code. The notice shall be based on complete information provided by an arborist. Replacement with the number of trees credited shall occur within one growing season of notice.
- G. *Exceeding Standards.* Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.
- H. *Compliance with Standards.* The burden of proof is on the applicant to show that proposed landscaping materials will comply with the purposes and standards of this Section.

(.07) *Installation and Maintenance:*

- A. *Installation.* Plant materials shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement. **NA, not plants are proposed for the site improvements.**
- B. *Maintenance.* Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by a City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Failure to maintain landscaping as required in this Section shall constitute a violation of this Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result. **Maintenance will be provided by the Charbonneau Homeowners Association.**
- C. *Irrigation.* The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following:
1. A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified. **The successful and proven existing irrigation system will be retained and adjusted to accommodate site improvements.**
  2. A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant. **N/A, an existing irrigation system will remain in place.**
  3. Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design. **N/A**
  4. A temporary permit issued for a period of one year, after which an inspection shall be conducted to assure that the plants have become established. Any plants that have died, or that appear to

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the Planning Director to not be thriving, shall be appropriately replaced within one growing season. An inspection fee and a maintenance bond or other security sufficient to cover all costs of replacing the plant materials shall be provided, to the satisfaction of the Community Development Director. Additionally, the applicant shall provide the City with a written license or easement to enter the property and cause any failing plant materials to be replaced. **N/A**

- D. *Protection.* All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and the storage of materials. **No parking or storage is proposed for the park site**

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

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

- A. High water usage areas ( $\pm$  two inches per week): small convoluted lawns, lawns under existing trees, annual and perennial flower beds, and temperamental shrubs;
- B. Moderate water usage areas ( $\pm$  one inch per week): large lawn areas, average water-using shrubs, and trees;
- C. Low water usage areas (Less than one inch per week, or gallons per hour): seeded fieldgrass, swales, native plantings, drought-tolerant shrubs, and ornamental grasses or drip irrigated areas.
- D. Interim or unique water usage areas: areas with temporary seeding, aquatic plants, erosion control areas, areas with temporary irrigation systems, and areas with special water-saving features or water harvesting irrigation capabilities.

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

(.10) *Completion of Landscaping.* The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review. **N/A**

(.11) *Street Trees Not Typically Part of Site Landscaping.* Street trees are not subject to the requirements of this Section and are not counted toward the required standards of this Section. Except, however, that the Development Review Board may, by granting a waiver or variance, allow for special landscaping within the right-of-way to compensate for a lack of appropriate on-site locations for landscaping. See subsection (.06), above, regarding street trees. **N/A**

(.12) *Mitigation and Restoration Plantings.* A mitigation plan is to be approved by the City's Development Review Board before the destruction, damage, or removal of any existing native plants. Plantings intended to mitigate the loss of native vegetation are subject to the following standards. Where these standards conflict

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with other requirements of this Code, the standards of this Section shall take precedence. The desired effect of this section is to preserve existing native vegetation. ***N/A, native plantings do not exist on the site.***

- A. ***Plant Sources.*** Plant materials are to be native and are subject to approval by the City. They are to be non-clonal in origin; seed source is to be as local as possible, and plants must be nursery propagated or taken from a pre-approved transplantation area. All of these requirements are to be addressed in any proposed mitigation plan.
- B. ***Plant Materials.*** The mitigation plan shall specify the types and installation sizes of plant materials to be used for restoration. Practices such as the use of pesticides, fungicides, and fertilizers shall not be employed in mitigation areas unless specifically authorized and approved.
- C. ***Installation.*** Install native plants unsuitable soil conditions. Plant materials are to be supported only when necessary because of extreme winds at the site. Where support is necessary, all stakes, guy wires or other measures are to be removed as soon as the plants can support themselves. Protect from animal and fowl predation and foraging until establishment.
- D. ***Irrigation.*** Permanent irrigation systems are generally not appropriate in restoration situations, and manual or temporary watering of new plantings is often necessary. The mitigation plan shall specify the method and frequency of manual watering, including any that may be necessary after the first growing season.
- E. ***Monitoring and Reporting.*** Monitoring of native landscape areas is the on-going responsibility of the property owner. Plants that die are to be replaced in kind and quantity within one year. Written proof of the survival of all plants shall be required to be submitted to the City's Planning Department one year after the planting is completed.



**Figure 21: General Landscaping**

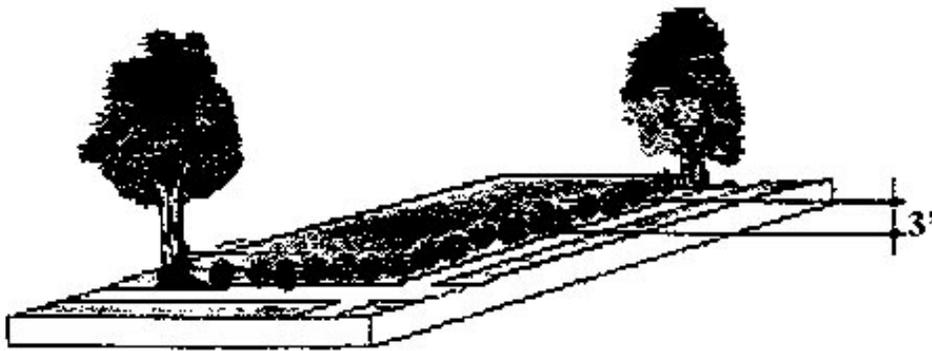


Figure 22: Low Screen Landscaping

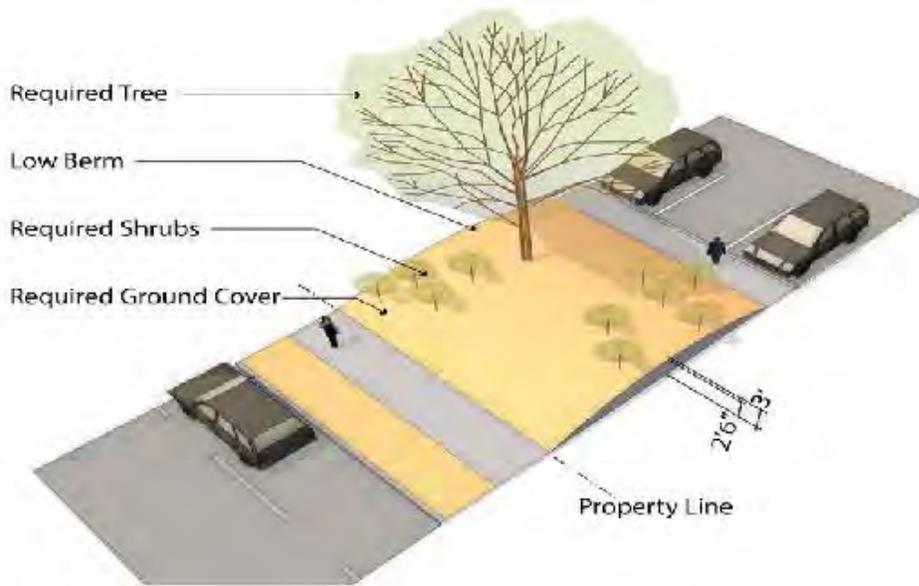


Figure 23: Low Berm Landscaping



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Figure 24: High Screen Landscaping

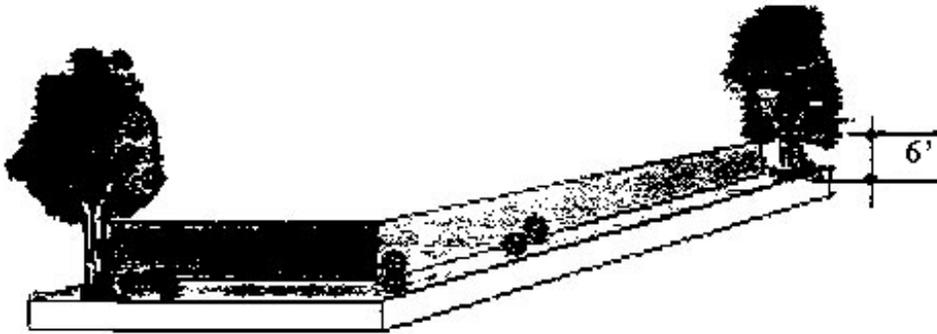


Figure 25: High Wall Landscaping

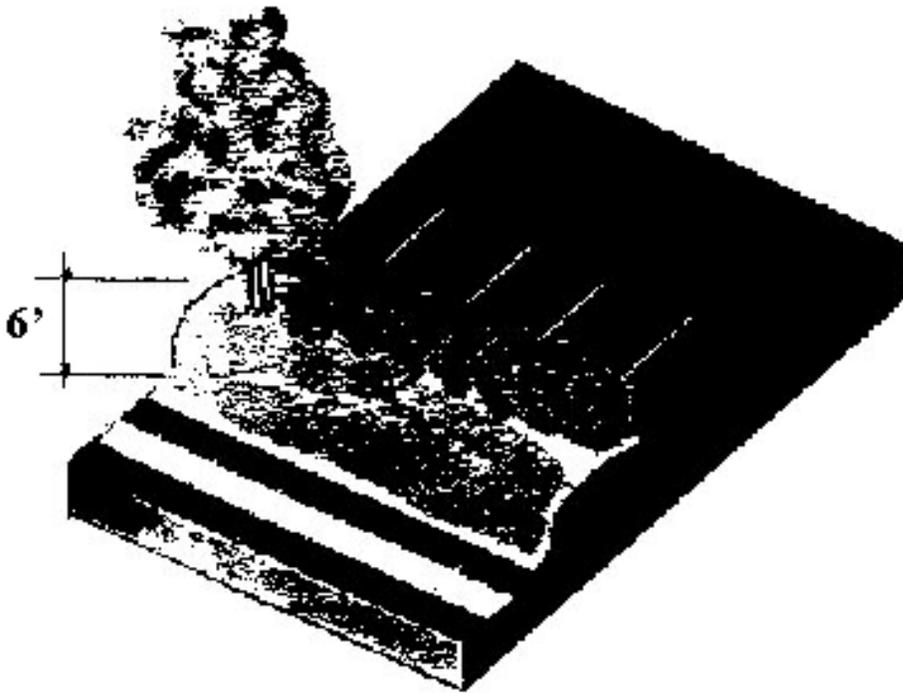


Figure 26: High Berm Landscaping

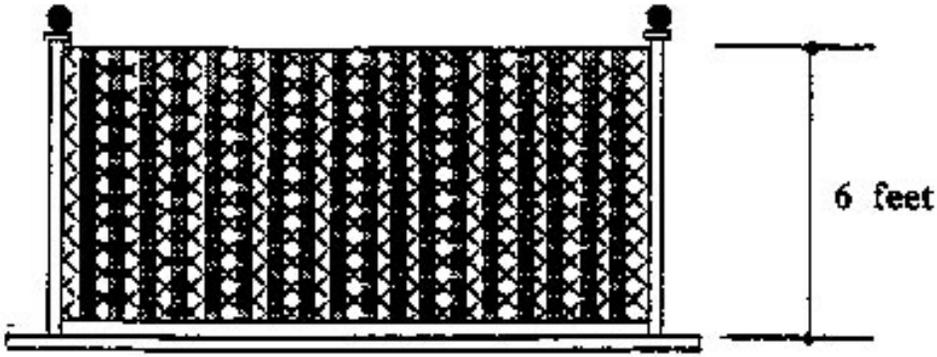


Figure 27: Partially Sight-Obscuring Fence

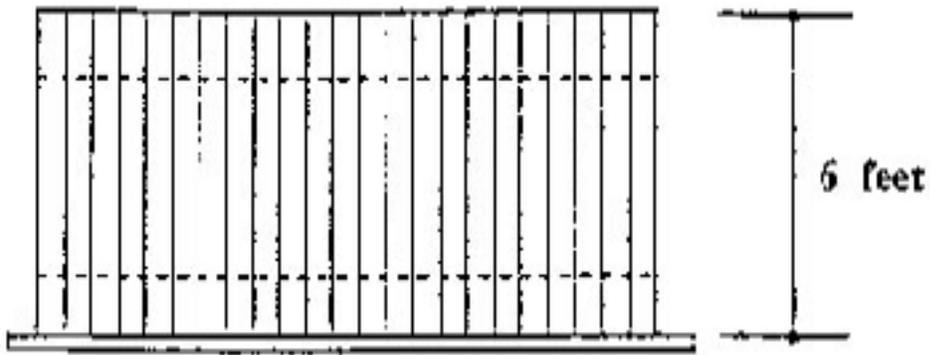
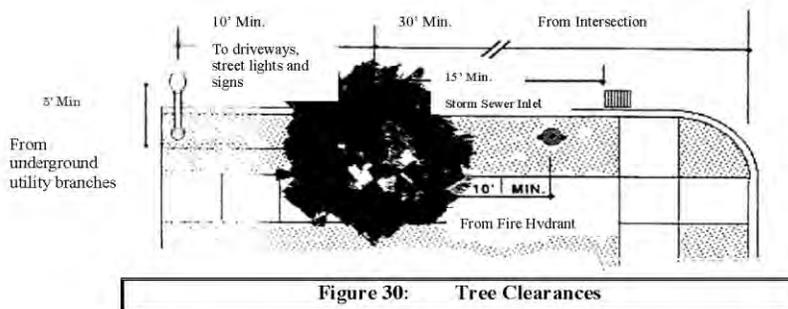
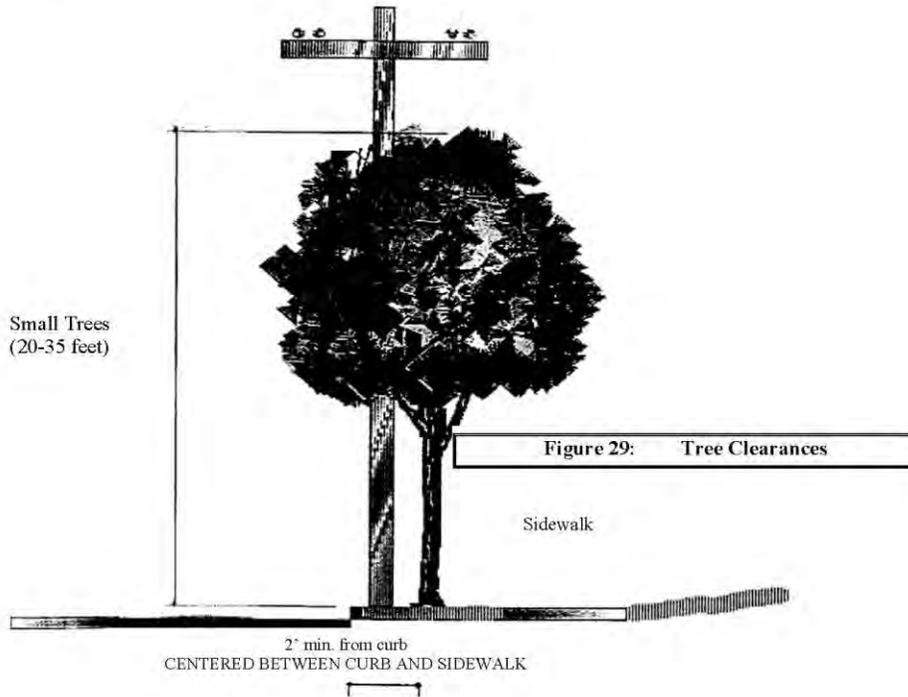


Figure 28: Totally Sight-Obscuring Fence



[Figure C-7 General Landscaping  
Figure C-8 Low Screen Landscaping are not shown here and can be obtained by contacting Linda Straessle,  
Planning Secretary at (503) 682-4960 or e-mail your request to [straessle@ci.wilsonville.or.us](mailto:straessle@ci.wilsonville.or.us).]  
(Ord. No. 538, 2-21-2002; Ord. No. 674, 11-16-2009; Ord. No. 682, 9-9-2010; Ord. No. 812, 2-22-2018)

### Section 4.199. Outdoor Lighting.

#### Section 4.199.10. Outdoor Lighting In General.

(.01) *Purpose.* The purpose of this Code is to provide regulations for outdoor lighting that will: ***N/A, Outdoor lighting is not proposed for the park site.***

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- A. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce.
  - B. Conserve energy and resources to the greatest extent possible.
  - C. Minimize glare, particularly in and around public rights-of-way; and reduce visual discomfort and improve visual acuity over large areas by avoiding "light islands" and "spotlighting" that result in reduced visual perception in areas adjacent to either the source of the glare or the area illuminated by the glare.
  - D. Minimize light trespass, so that each owner of property does not cause unreasonable light spillover to other property.
  - E. Curtail the degradation of the nighttime environment and the night sky.
  - F. Preserve the dark night sky for astronomy and enjoyment.
  - G. Protect the natural environment, including wildlife, from the damaging effects of night lighting from human sources.

(.02) *Purpose Statement as Guidelines:* Declaration of purpose statements are guidelines and not approval criteria in the application of WC Section 4.199.

#### **Section 4.199.20. Applicability.**

(.01) This Ordinance is applicable to: **N/A**

- A. Installation of new exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.
- B. Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.

(.02) Exemption. The following luminaires and lighting systems are EXEMPT from these requirements: **N/A**

- A. Interior lighting.
- B. Internally illuminated signs.
- C. Externally illuminated signs.
- D. Temporary lighting for theatrical, television, and performance areas.
- E. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
- F. Building Code required exit path lighting.
- G. Lighting specifically for stairs and ramps.
- H. Temporary and seasonal lighting provided that individual lamps are 10 watts or less.
- I. Lighting required and/or regulated by the City (i.e. construction related activities), Federal Aviation Administration, U.S. Coast Guard or other Federal or State agency.
- J. Single-family residential lighting.
- K. Code Required Signs.
- L. American flag.
- M. Landscape lighting.

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- N. Lights approved by the City through an Administrative Review Temporary Use Permit process.
  - O. Public street lights.
  - P. ATM security lighting.
  - Q. Those "Exceptions" listed in the "Exterior Lighting Power Allowance" provisions of the Oregon Energy Efficiency Specialty Code.

(Ord. No. 688, 11-15-2010)

#### **Section 4.199.30. Lighting Overlay Zones.**

(.01) The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance. **N/A**

- A. Property may contain more than one lighting zone depending on site conditions and natural resource characteristics.

(.02) The Lighting Zones shall be: **N/A**

- A. *LZ 1.* Developed areas in City and State parks, recreation areas, SROZ wetland and wildlife habitat areas; developed areas in natural settings; sensitive night environments; and rural areas. This zone is intended to be the default condition for rural areas within the City.
- B. *LZ 2.* Low-density suburban neighborhoods and suburban commercial districts, industrial parks and districts. This zone is intended to be the default condition for the majority of the City.
- C. *LZ 3.* Medium to high-density suburban neighborhoods and districts, major shopping and commercial districts as depicted on the Lighting Overlay Zone Map.
- D. *LZ 4.* Reserved for limited applications with special lighting requirements. This zone is appropriate for users who have unique site or operating circumstances that warrant additional light. This zone shall not be applied to residential or agricultural areas.

(.03) Modification of Lighting Zones. **N/A**

- A. The City Council may modify the designated Lighting Zones of one or more parcels if the City Council finds that the original Lighting Zone was in error, a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served.
- B. The Development Review Board (DRB) may modify the designated Lighting Zones as part of the Stage II, Site Design Review Process if the DRB finds that the original Lighting Zone was in error, or a change in circumstances has occurred warranting the change since the designation was established or the purposes of this section are better served.
- C. This ordinance establishes a Lighting Overlay Zone Map. The Planning Division shall maintain the current Lighting Overlay Zone Map. Section 4.199.40. Lighting Systems Standards for Approval.

(Ord. No. 688, 11-15-2010)

#### **Section 4.199.40. Lighting Systems Standards for Approval.**

(.01) *Non-Residential Uses and Common Residential Areas.* **N/A**

- A. All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option below.

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- B. *Prescriptive Option.* If the lighting is to comply with this Prescriptive Option, the installed lighting shall meet all of the following requirements according to the designated Lighting Zone.
1. The maximum luminaire lamp wattage and shielding shall comply with Table 7.
  2. Except for those exemptions listed in Section 4.199.20(.02), the exterior lighting for the site shall comply with the Oregon Energy Efficiency Specialty Code, Exterior Lighting.
  3. The maximum pole or mounting height shall be consistent with Table 8.
  4. Each luminaire shall be set back from all property lines at least three times the mounting height of the luminaire:
    - a. *Exception 1:* If the subject property abuts a property with the same base and lighting zone, no setback from the common lot lines is required.
    - b. *Exception 2:* If the subject property abuts a property which is zoned (base and lighting) other than the subject parcel, the luminaire shall be setback three times the mounting height of the luminaire, measured from the abutting parcel's setback line. (Any variance or waiver to the abutting property's setback shall not be considered in the distance calculation).
    - c. *Exception 3:* If the luminaire is used for the purpose of street, parking lot or public utility easement illumination and is located less than three mounting heights from the property line, the luminaire shall include a house side shield to protect adjoining property.
    - d. *Exception 4:* If the subject property includes an exterior column, wall or abutment within 25 feet of the property line, a luminaire partly shielded or better and not exceeding 60 lamp watts may be mounted onto the exterior column, wall or abutment or under or within an overhang or canopy attached thereto.
    - e. *Exception 5:* Lighting adjacent to SROZ areas shall be set back three times the mounting height of the luminaire, or shall employ a house side shield to protect the natural resource area.
- C. *Performance Option.* If the lighting is to comply with the Performance Option, the proposed lighting design shall be submitted by the applicant for approval by the City meeting all of the following: **N/A**
1. The weighted average percentage of direct uplight lumens shall be less than the allowed amount per Table 9.
  2. The maximum light level at any property line shall be less than the values in Table 9, as evidenced by a complete photometric analysis including horizontal illuminance of the site and vertical illuminance on the plane facing the site up to the mounting height of the luminaire mounted highest above grade. The Building Official or designee may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaire meets the shielding requirements of Table 7. Luminaires shall not be mounted so as to permit aiming or use in any way other than the manner maintaining the shielding classification required herein:
    - a. *Exception 1.* If the property line abuts a public right-of-way, including a sidewalk or street, the analysis may be performed across the street at the adjacent property line to the right-of-way.
    - b. *Exception 2.* If, in the opinion of the Building Official or designee, compliance is impractical due to unique site circumstances such as lot size or shape, topography, or size or shape of building, which are circumstances not typical of the general conditions of the surrounding area. The Building Official may impose conditions of approval to avoid light trespass to the maximum extent possible and minimize any additional negative impacts resulting to

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abutting and adjacent parcels, as well as public rights-of-way, based on best lighting practices and available lighting technology.

3. The maximum pole or mounting height shall comply with Table 8.
- D. *Curfew.* All prescriptive or performance based exterior lighting systems shall be controlled by automatic device(s) or system(s) that: **N/A**
1. Initiate operation at dusk and either extinguish lighting one hour after close or at the curfew times according to Table 10; or
  2. Reduce lighting intensity one hour after close or at the curfew time to not more than 50 percent of the requirements set forth in the Oregon Energy Efficiency Specialty Code unless waived by the DRB due to special circumstances; and
  3. Extinguish or reduce lighting consistent with 1. and 2. above on Holidays.
- The following are exceptions to curfew:
- a. *Exception 1:* Building Code required lighting.
  - b. *Exception 2:* Lighting for pedestrian ramps, steps and stairs.
  - c. *Exception 3:* Businesses that operate continuously or periodically after curfew.

(.02) *Special Permit for Specific Lighting Fixtures and Systems and When Exceeding Lighting Requirements.* **N/A**

- A. This section is intended to apply to situations where more than normal foot candles are required due to a unique circumstance or use or where it is absolutely essential to perform the proposed activities after dark. All special permits shall be reviewed by the DRB.
- B. Upon issuance of a special permit by the Development Review Board (DRB), lighting systems not complying with the technical requirements of this Ordinance may be installed, maintained, and replaced for lighting that exceeds the maximums permitted by this Ordinance. This section is intended to be applied to uses such as sports lighting systems including but not limited to, sport fields and stadiums, such as baseball and football field lighting, tennis court lighting, swimming pool area lighting and prisons; other very intense lighting defined as having a light source exceeding 200,000 lumens or an intensity in any direction of more than 2,000,000 candelas; building façade lighting of portions of buildings over two stories high; and public monuments.
- C. To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:
  1. Is within Lighting Zone 3 or above.
  2. Has been designed to minimize obtrusive light and artificial sky glow, supported by a signed statement from a registered civil or electrical engineer describing the mitigation measures. Such statement shall be accompanied by calculations indicating the light trespass levels (horizontal and vertical at ground level) at the property line.
  3. Will not create excessive glare, sky glow, or light trespass beyond that which can be reasonably expected by application of best lighting practices, and available technology.
  4. Provides appropriate lighting curfew hours based on the use and the surrounding areas.
- D. The DRB may impose conditions of approval to mitigate any negative impacts resulting to the abutting parcel, based on best lighting practices and available lighting technology.
- E. The City may charge a review fee and may, at the Building Official's option, employ the services of a qualified professional civil or electrical engineer to review such submittals and the cost thereof shall be an additional fee charged to the applicant.

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(Ord. No. 688, 11-15-2010)

#### **Section 4.199.50. Submittal Requirements.**

- (.01) Applicants shall submit the following information as part of DRB review or administrative review of new commercial, industrial, multi-family or public facility projects: **N/A**
- A. A statement regarding which of the lighting methods will be utilized, prescriptive or performance, and a map depicting the lighting zone(s) for the property.
  - B. A site lighting plan that clearly indicates intended lighting by type and location. For adjustable luminaires, the aiming angles or coordinates shall be shown.
  - C. For each luminaire type, drawings, cut sheets or other documents containing specifications for the intended lighting including but not limited to, luminaire description, mounting, mounting height, lamp type and manufacturer, lamp watts, ballast, optical system/distribution, and accessories such as shields.
  - D. Calculations demonstrating compliance with Oregon Energy Efficiency Specialty Code, Exterior Lighting, as modified by Section 4.199.40(.01)(B.)(2.)
  - E. Lighting plans shall be coordinated with landscaping plans so that pole lights and trees are not placed in conflict with one another. The location of lights shall be shown on the landscape plan. Generally, pole lights should not be placed within one pole length of landscape and parking lot trees.
  - F. Applicants shall identify the hours of lighting curfew.
- (.02) In addition to the above submittal requirements, Applicants using the Prescriptive Method shall submit the following information as part of the permit set plan review: **N/A**
- A. A site lighting plan (items 1.A—F, above) which indicates for each luminaire the three mounting height line to demonstrate compliance with the setback requirements. For luminaires mounted within three mounting heights of the property line the compliance exception or special shielding requirements shall be clearly indicated.
- (.03) In addition to the above submittal requirements, Applicants using the Performance Method shall submit the following information as part of the permit set plan review: **N/A**
- A. Site plan showing horizontal isocandle lines, or the output of a point-by-point computer calculation of the horizontal illumination of the site, showing property lines and light levels immediately off of the subject property.
  - B. For each side of the property, the output of a point-by-point vertical footcandle calculation showing illumination in the vertical plane at the property line from grade to at least ten feet higher than the height of the tallest pole.
  - C. Lighting plans shall be prepared by a qualified licensed engineer.
- (.04) In addition to the above applicable submittal requirements, Applicants for Special Permits shall submit the following to the DRB for review: **N/A**
- A. Tabulation of International Engineering Society of North America (IESNA) lighting recommendations for each task including area illuminated, recommended illumination level, actual maintained illumination level, and luminaires used specifically to achieve the indicated criteria.
  - B. Lighting plans shall be prepared by a qualified licensed engineer.

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(.05) For all calculations, the following light loss factors shall be used unless an alternative is specifically approved by the City: **N/A**

Metal halide	0.6
High pressure sodium	0.8
Compact fluorescent	0.7
Full size fluorescent	0.75
Incandescent	0.9
Halogen	0.95
Other	As approved

(Ord. No. 688, 11-15-2010)

**Section 4.199.60. Major Additions or Modifications to Pre-Existing Sites.**

(01.) *Major Additions.* If a major addition occurs on a property, all of the luminaires on the site shall comply with the requirements of this Section. For purposes of this sub-section, the following are considered to be major additions: **N/A**

- A. Additions of 50 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after July 2, 2008.
- B. Modification or replacement of 50 percent or more of the outdoor lighting luminaires' within a five-year timeframe existing as of July 2, 2008.

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded
LZ 1	70	20	13	Low voltage landscape lighting 50 watts or less
LZ 2	100	35	39	Low voltage landscape lighting 50 watts or less
LZ 3	250	100	70	Landscape and facade lighting 100 watts or less; ornamental lighting on private drives of 39 watts and less
LZ 4	450	150	150	Landscape and facade lighting 250 watts or less; ornamental lights on private drives and lanterns 70 watts or less; marquee lighting not employing medium based lamps

Lighting Zone	Lighting for private drives, driveways, parking, bus stops and other transit facilities	Lighting for walkways, bikeways, plazas and other pedestrian areas	All other lighting
LZ 0	20	8	4
LZ 1	25	12	4
LZ 2	40	18	8
LZ 3	40	18	16

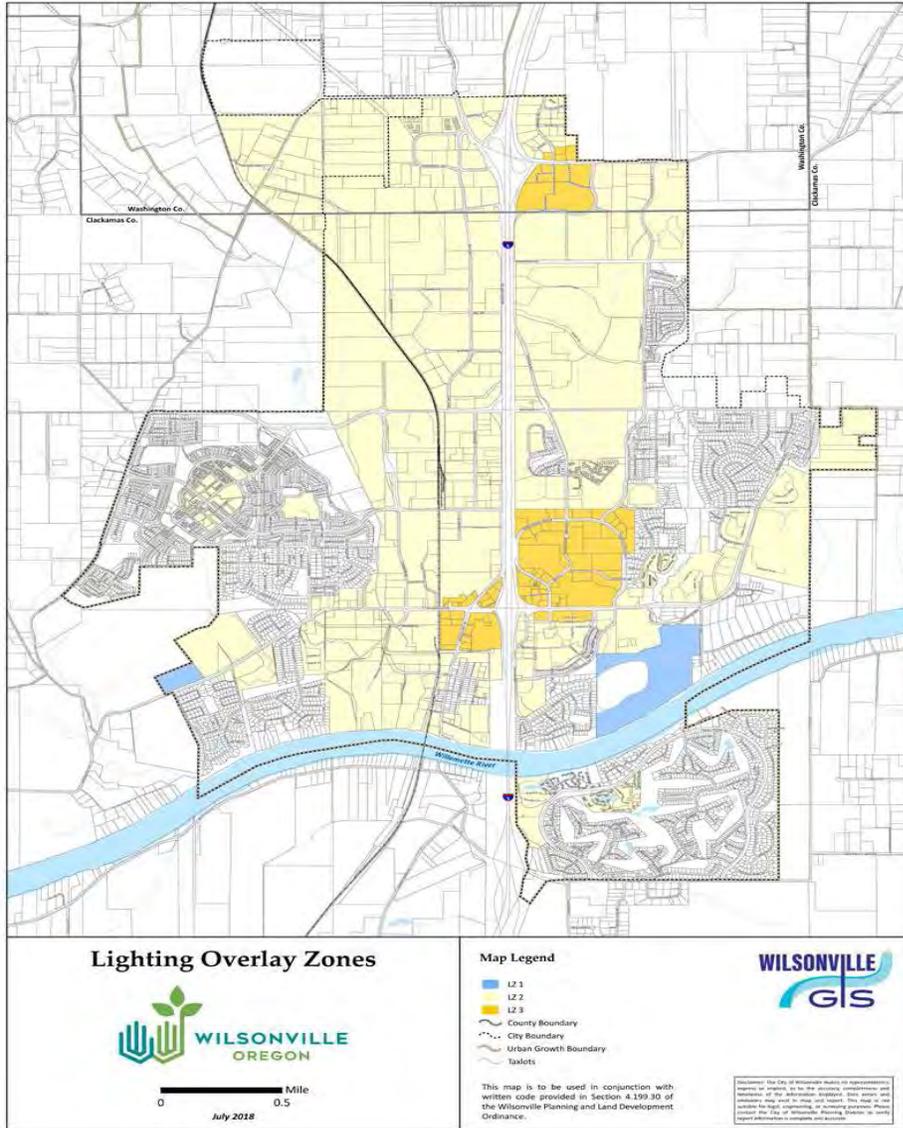
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LZ 4	Height limit to be determined by Special Use Permit Only
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Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than four feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 33.33 percent of the horizontal distance of the light from the nearest property line, whichever is less.

<b>Table 9: Performance Method</b>			
<b>Lighting Zone</b>	<b>Maximum percentage of direct uplight lumens</b>	<b>Maximum Light Level at Property Line</b>	
		<b>Horizontal plane at grade (foot candles fc)</b>	<b>Vertical plane facing the site in question, from grade to mounting height of highest mounted luminaire (foot candles - fc)</b>
LZ 0	0	0.01 fc	0.02 fc
LZ 1	1%	0.05 fc	0.1 fc
LZ 2	5%	0.2 fc	0.4 fc
LZ 3	10%	0.4 fc	0.8 fc
LZ 4	20%	0.8 fc	1.6 fc

<b>Table 10: Curfew</b>	
<b>Lighting Zone</b>	<b>Curfew Time</b>
LZ 0	8:00 PM (2000 hours)
LZ 1	
LZ 2	10:00 PM (2200 hours)
LZ 3	Midnight (2400 hours)
LZ 4	



**Figure 30: Lighting Overlay Zone Map**

(Ord. No. 649, 6-2-2008; Ord. No. 682, 9-9-2010; Ord. No. 688, 11-15-2010; Ord. No. 821, 7-2-2018)

**Section 4.300. Underground Utilities - General.**

(.01) The City Council deems it reasonable and necessary in order to accomplish the orderly and desirable development of land within the corporate limits of the City, to require the underground installation of utilities in all new developments. ***There are no buildings or structures on site requiring utilities and stormwater improvements are required since the impervious paving is less than 5000 square feet. No Underground utilities are proposed for the site. A gravel filled swale is proposed for the north edge of the existing basketball court to capture drainage from the two proposed shelters.***

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(.02) After the effective date of this Code, the approval of any development of land within the City will be upon the express condition that all new utility lines, including but not limited to those required for power, communication, street lighting, gas, cable television services and related facilities, shall be placed underground. **N/A**

(.03) The construction of underground utilities shall be subject to the City's Public Works Standards and shall meet applicable requirements for erosion control and other environmental protection.

### **Section 4.310 Exceptions.**

Section 4.300 of this Code shall not apply to surface-mounted transformers, surface-mounted connection boxes, wireless communication facilities, and meter cabinets and other appurtenances which are reasonably necessary to be placed above ground, or to temporary utility service facilities during construction, or to high capacity electric and communication feeder lines, or to utility transmission lines operating at 50,000 volts or more. **N/A**

### **Section 4.320. Requirements.**

(.01) The developer or subdivider shall be responsible for and make all necessary arrangements with the serving utility to provide the underground services (including cost of rearranging any existing overhead facilities). All such underground facilities as described shall be constructed in compliance with the rules and regulations of the Public Utility Commission of the State of Oregon relating to the installation and safety of underground lines, plant, system, equipment and apparatus. **N/A**

(.02) The location of the buried facilities shall conform to standards supplied to the subdivider by the City. The City also reserves the right to approve location of all surface-mounted transformers. **N/A**

(.03) Interior easements (back lot lines) will only be used for storm or sanitary sewers, and front easements will be used for other utilities unless different locations are approved by the City Engineer. Easements satisfactory to the serving utilities shall be provided by the developer and shall be set forth on the plat. **N/A**

## **SITE DESIGN REVIEW**

### **Section 4.400. Purpose.**

(.01) Excessive uniformity, inappropriateness or poor design of 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 in value 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, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.

***The Site Development Plans were designed in a manner to reflect the public input, ensure proper functioning of the site, minimize grading and erosion, maintain safety, provide additional community recreational benefits, and retain the existing visual character. To meet these goals the proposed Site Design landscape standards defined in section 4.176 will not be met. This proposal is seeking a variance as noted in 4.176 (1)***

(.02) The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:

- 
- A. Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment. ***Maintaining the existing landscape will continue the existing function and character of the site to ensure it fits into the visual environment and maintains open views for community safety.***
  - B. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development; ***Maintaining the existing landscape allows for flexibility of uses and community events.***
  - C. Discourage monotonous, drab, unsightly, dreary and inharmonious developments. ***The proposed site development maintains the existing character of the site.***
  - D. Conserve the City's natural beauty and visual character and charm by assuring 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; ***No signs are proposed for the site.***
  - E. 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; ***N/A***
  - F. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues; ***N/A***
  - G. Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services. ***N/A***
  - H. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior—particularly crime; ***Maintaining the existing landscape will keep the pleasant environment in place, decrease the maintenance, clearly define the public space, and retain clear sightlines for safety.***
  - I. 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 improvements; ***Park improvements foster civic pride and community enhancement.***
  - J. 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. ***Park improvements sustain comfort, health and tranquility of Charbonneau residents.***

#### **Section 4.420. Jurisdiction and Powers of the Board.**

(.01) *Application of Section.* Except for single-family and middle housing dwellings in any residential zoning district, and apartments in the Village zone, 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 Sections 4.156.02 and 4.156.05, 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.

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(.02) *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 purpose of Section 4.400. 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.

(.03) *Variances.* The Board may authorize variances from the site development requirements, based upon the procedures, standards and criteria listed in Section 4.196. Variances shall be considered in conjunction with the site design review process.

(Ord. No. 538, 2-21-2002; Ord. No. 557, 9-5-2003; Ord. No. 704, 6-18-2012; Ord. No. 812, 2-22-2018)

### **Section 4.421. Criteria and Application of Design Standards.**

(.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. 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 specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)

A. *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.

***The existing landscape is preserved in its natural state by minimizing tree and soils removal and grade changes.***

B. *Relation of Proposed Buildings to Environment.* Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. 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, street access or relationships to natural features such as vegetation or topography. ***N/A***

C. *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. ***N/A***

***No parking is proposed for the site.***

D. *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 of the public storm drainage system.

***Stormwater treatment is not required as the proposed overall impervious surface is less than 5000 square feet. Stormwater from structures will be discharged to a point of disposal as shown***

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***on the plans. Surface stormwater will be captured on site and not impact adversely affect neighboring properties.***

- E. *Utility Service.* Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.

***No utilities are proposed for the site.***

- F. *Advertising Features.* In addition to the requirements of the City's sign regulations, 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.

***No signage or advertising is proposed for the site.***

- G. *Special Features.* Exposed storage areas, exposed machinery installations, surface 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 its surrounding properties. Standards for screening and buffering are contained in Section 4.176.

***No special features or storage is proposed for the site.***

- (.02) The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures. ***N/A***
- (.03) The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards. ***N/A***
- (.04) *Conditional application.* The Planning Director, Planning Commission, Development Review Board or City Council may, as a Condition of Approval for a zone change, subdivision, land partition, variance, conditional use, or other land use action, require conformance to the site development standards set forth in this Section. ***N/A***
- (.05) The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code. In making this determination of compliance and attaching conditions, the Board shall, however, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions either singularly or accumulatively have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type. ***N/A***
- (.06) The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City. ***N/A***
- A. Where the conditions of approval for a development permit specify that certain paints or colors of materials be used, the use of those paints or colors shall be binding upon the applicant. No Certificate of Occupancy shall be granted until compliance with such conditions has been verified.
- B. Subsequent changes to the color of a structure shall not be subject to City review unless the conditions of approval under which the original colors were set included a condition requiring a subsequent review before the colors could be changed.

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## **Section 4.430. Location, Design and Access Standards for Mixed Solid Waste and Recycling Areas.**

(.01) The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code.

***No storage areas for mixed solid waste or recycling will be provided for the site. Trash and recycling receptacles will be placed on site and emptied by the Charbonneau Homeowner's association on a consistent schedule to maintain a clean and trash free park site.***

(.02) *Location Standards: N/A*

- A. To encourage its use, the storage area for source separated recyclables shall be co-located with the storage area for residual mixed solid waste.
- B. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements.
- C. Storage area space requirements can be satisfied with a single location or multiple locations and can combine with both interior and exterior locations.
- D. Exterior storage areas can be located within interior side yard or rear yard areas. Minimum setback shall be three feet. Exterior storage areas shall not be located within a required front yard setback, including double frontage lots.
- E. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.
- F. Exterior storage areas can be located in a parking area if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions of Section 4.430(.03), below.
- G. The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.

(.03) *Design Standards: N/A*

- A. The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.
- B. Storage containers shall meet Uniform Fire Code standards and be made of or covered with waterproof materials or situated in a covered area.
- C. Exterior storage areas shall be enclosed by a sight obscuring fence, wall or hedge at least six feet in height. Gate openings for haulers shall be a minimum of ten feet wide and shall be capable of being secured in a closed or open position. In no case shall exterior storage areas be located in conflict with the vision clearance requirements of Section 4.177.
- D. Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

(.04) *Access Standards: N/A*

- A. Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day and to collect service personnel on the day and approximate time they are scheduled to provide collection service.

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- B. Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of ten feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered.
  - C. Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

(Ord. No. 426, 4-4-1994)

#### **Section 4.440. Procedure.**

(.01) *Submission of Documents.* A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:

- A. 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. ***A site plan will be provided.***
- B. A Landscape Plan, drawn to scale, showing the location and design of landscaped areas, the variety and sizes of trees and plant materials to be planted on the site, the location and design of landscaped areas, the varieties, by scientific and common name, and sizes of trees and plant materials to be retained or planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials. An inventory, drawn at the same scale as the Site Plan, of existing trees of four inch caliper or more is required. However, when large areas of trees are proposed to be retained undisturbed, only a survey identifying the location and size of all perimeter trees in the mass is necessary. ***Landscape will be shown on site plan. To meet the goals of maintaining the existing character, maintaining open views for safety, providing open space for community activities, providing connectivity, and limiting the disturbance of the existing soils the proposed Site Design landscape standards defined in section 4.176 will not be met. This proposal is seeking a variance as noted in 4.176 (1) No existing trees exist on site.***
- C. 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. Floor plans shall also be provided in sufficient detail to permit computation of yard requirements based on the relationship of indoor versus outdoor living area, and to evaluate the floor plan's effect on the exterior design of the building through the placement and configuration of windows and doors. ***N/A***
- D. A Color Board displaying specifications as to type, color, and texture of exterior surfaces of proposed structures. Also, a phased development schedule if the development is constructed in stages. ***Will be shown on site plan.***
- E. A sign Plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs. ***N/A***
- F. The required application fee.

(.02) As soon as possible after the preparation of a staff report, a public hearing shall be scheduled before the Development Review Board. In accordance with the procedures set forth in Section 4.010(2) and 4.012, the

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Development Review Board shall review and approve, approve with conditions, or deny the proposed architectural, site development, landscaping or sign plans of the applicant. If the Board finds that additional information or time are necessary to render a decision, the matter may be continued to a date certain. The applicant shall be immediately notified in writing of any such continuation or delay together with the scheduled date of review.

#### **Section 4.441. Effective Date of Decisions.**

A decision of the Board shall become effective 14 calendar days after the date of the decision, unless the decision is appealed to, or called up by, the Council. If the decision of the Board is appealed to, or called up by, the City Council, the decision of the Council shall become effective immediately.

#### **Section 4.442. Time Limit on Approval.**

Site design review approval shall be void after two years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board. Section 4.443. Preliminary Consideration.

An applicant may request preliminary consideration by the Board of 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 the plans. The Board shall approve or reject all or part of the applicant's general plan within the normal time requirements of a formal application. Preliminary approval shall be deemed to be approval of the final plan to the extent that the final design contains the characteristics of the preliminary design.

#### **Section 4.450. Installation of Landscaping.**

- (.01) All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six months of occupancy. "Security" is 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. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. 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. **N/A**
- (.02) Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code. **N/A**
- (.03) 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. ***Landscape will be continually maintained by the Charbonneau Homeowners Association to match the existing standards and conditions.***
- (.04) If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City's development review process, that removal or modification must first be approved through the procedures of Section 4.010.

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***Lawn will be installed on all disturbed site areas to maintain the existing character, minimize erosion, and soil disturbance.***

## **TREE PRESERVATION AND PROTECTION**

### **Section 4.600. Purpose and Declaration.**

(.01) Rapid growth, the spread of development, need for water and increasing demands upon natural resources have the effect of encroaching upon, despoiling, or eliminating many of the trees, other forms of vegetation, and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreational and economic assets to existing and future residents of the City of Wilsonville. ***No trees exist on site for preservation or protection and no construction is proposed within the existing street tree root protection zones.***

(.02) Specifically, the City Council finds that:

- A. Woodland growth protects public health through the absorption of air pollutants and contamination, through the reduction of excessive noise and mental and physical damage related to noise pollution, and through its cooling effect in the summer months, and insulating effects in winter;
- B. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding; and
- C. Trees make a positive contribution to water quality and water supply by absorbing rainfall, controlling surface water run-off, and filtering and assisting in ground water recharge; and
- D. Trees and woodland growth are an essential component of the general welfare of the City of Wilsonville by producing play areas for children and natural beauty, recreation for all ages and an irreplaceable heritage for existing and future City residents.

(.03) Therefore, the purposes of this subchapter are:

- A. To preserve Significant Resource Overlay Zone areas, recognizing that development can and will occur.
- B. To provide for the protection, preservation, proper maintenance and use of trees and woodlands in order to protect natural habitat and prevent erosion.
- C. To protect trees and other wooded areas for their economic contribution to local property values when preserved, and for their natural beauty and ecological or historical significance.
- D. To protect water quality, control surface water run-off, and protect ground water recharge.
- E. To reflect the public concern for these natural resources in the interest of health, safety and general welfare of Wilsonville residents.
- F. To encourage replanting where trees are removed.

### **Section 4.600.20. Applicability of Subchapter.**

(.01) The provisions of this subchapter apply to the United States and the State of Oregon, and to their agencies and subdivisions, including the City of Wilsonville, and to the employees and agents thereof.

(.02) By this subchapter, the City of Wilsonville regulates forest practices on all lands located within its urban growth boundary, as provided by ORS 527.722.

(.03) The provisions of this subchapter apply to all land within the City limits, including property designated as a Significant Resource Overlay Zone or other areas or trees designated as protected by the Comprehensive

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Plan, City zoning map, or any other law or ordinance; except that any tree activities in the Willamette River Greenway that are regulated by the provisions of WC 4.500 - 4.514 and requiring a conditional use permit shall be reviewed by the DRB under the application and review procedures set forth for Tree Removal Permits.

### **Section 4.600.30. Tree Removal Permit Required.**

- (.01) *Requirement Established.* No person shall remove any tree without first obtaining a Tree Removal Permit (TRP) as required by this subchapter. **N/A**
- (.02) Tree Removal Permits will be reviewed according to the standards provided for in this subchapter, in addition to all other applicable requirements of Chapter 4. **N/A**
- (.03) Although tree activities in the Willamette River Greenway are governed by WC 4.500—4.514, the application materials required to apply for a conditional use shall be the same as those required for a Type B or C permit under this subchapter, along with any additional materials that may be required by the Planning Department. An application for a Tree Removal Permit under this section shall be reviewed by the Development Review Board. **N/A, no trees are existing on site therefore none are proposed for removal.**

### **Section 4.600.40. Exceptions.**

- (.01) *Exception from requirement.* Notwithstanding the requirement of WC 4.600.30(1), the following activities are allowed without a Tree Removal Permit, unless otherwise prohibited:
  - A. *Agriculture, Commercial Tree Farm or Orchard.* Tree removal or transplanting occurring during use of land for commercial purposes for agriculture, orchard(s), or tree farm(s), such as Christmas tree production.
  - B. *Emergencies.* Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, utility damage or other like disasters, in order to prevent imminent injury or damage to persons or property or restore order and it is impractical due to circumstances to apply for a permit.
    - 1. When an emergency has occurred, a Tree Removal Permit must be applied for within 30 days following the emergency tree removal under the application procedures established in this subchapter.
    - 2. In addition to complying with the permit application requirements of this subchapter, an applicant shall provide a photograph of any tree removed and a brief description of the conditions that necessitated emergency removal. Such photograph shall be supplied within seven days of application for a permit. Based on good cause shown arising out of the emergency, the Planning Director may waive any or all requirements of this section.
    - 3. Where a Type A Permit is granted for emergency tree removal, the permittee is encouraged to apply to the City Tree Fund for replanting assistance.
  - C. City utility or road work in utility or road easements, in utility or road rights-of-way, or in public lands. However, any trees removed in the course of utility work shall be mitigated in accordance with the standards of this subchapter.
  - D. *Nuisance abatement.* The City is not required to apply for a Tree Removal Permit to undertake nuisance abatement as provided in WC 6.200 et seq. However, the owner of the property subject to nuisance abatement is subject to all the provisions of this subchapter in addition to the requirements of WC 6.200 et seq.
  - E. The removal of filbert trees is exempt from the requirements of this subchapter.

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- F. The Charbonneau District, including its golf course, is exempt from the requirements of WC 4.600.30(1) on the basis that by and through the current CC&R's of the Charbonneau Country Club, the homeowners' association complies with all requirements of WC 4.610.30(1)(C)(1). This exception has been based upon the Tree Maintenance and Protection Plan that has been submitted by the Charbonneau Country Club and approved by the Planning Director. Tree removal activities remain subject to all applicable standards of this subchapter. Unless authorized by the City, this exception does not include tree removal upon any public easements or public property within the district. In the event that the CC&R's are changed relative to the effect of the Tree Maintenance and Protection Plan, then the Planning Director shall review whether such effect is material, whether it can be mitigated, and if not, may disallow the exemption.

#### **Section 4.600.50. Application for Tree Removal Permit.**

- (.01) *Application for Permit.* A person seeking to remove one or more trees shall apply to the Director for a Tree Removal Permit for a Type A, B, C, or D permit, depending on the applicable standards as provided in this subchapter. **N/A**
- A. An application for a tree removal permit that does not meet the requirements of Type A may be submitted as a Type B application.
- (.02) *Time of Application.* Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating site plan or plat review, application for a Tree Removal Permit shall be made as part of the site development application as specified in this subchapter. **N/A**
- (.03) *Fees.* A person applying for a Tree Removal Permit shall pay a non-refundable application fee; as established by resolution of the City Council. **N/A**
- A. By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant's property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed. **N/A**

#### **Section 4.610.00. Application Review Procedure.**

- (.01) The permit applicant shall provide complete information as required by this subchapter in order for the City to review the application. **N/A**
- (.02) *Departmental Review.* All applications for Tree Removal Permits must be deemed complete by the City Planning Department before being accepted for review. When all required information has been supplied, the Planning Department will verify whether the application is complete. Upon request of either the applicant or the City, the City may conduct a field inspection or review meeting. City departments involved in the review shall submit their report and recommendations to the Planning Director who shall forward them to the appropriate reviewing authority. **N/A**
- (.03) *Reviewing Authority.* **N/A**
- A. *Type A or B.* Where site plan review or plat approval by the Development Review Board is not required by City ordinance, the grant or denial of the Tree Removal Permit application shall be the responsibility of the Planning Director. The Planning Director has the authority to refer a Type B permit application to the DRB under the Class II administrative review procedures of this Chapter. The decision to grant or deny a permit shall be governed by the applicable review standards enumerated in WC 4.610.10.

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- B. *Type C.* Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council. For site development applications subject to a Class II administrative review process in the Coffee Creek Industrial Design Overlay District, the Planning Director shall be responsible for the granting or denial of the Tree Removal Permit application.
  - C. *Type D.* Type D permit applications shall be subject to the standards and procedures of Class I administrative review and shall be reviewed for compliance with the Oregon Forest Practice Rules and Statutes. The Planning Director shall make the decision to grant or deny an application for a Type D permit.
  - D. *Review period for complete applications.* Type A permit applications shall be reviewed within ten working days. Type B permit applications shall be reviewed by the Planning Director within 30 calendar days, except that the DRB shall review any referred application within 60 calendar days. Type C permit applications shall be reviewed within the time frame established by this Chapter. Type D permit applications shall be reviewed within 15 calendar days.
- (.04) *Notice.* Before the granting of a Type C Tree Removal Permit, notice of the application shall be sent by regular mail to all owners within 250 feet of the property where the trees are located as provided for in WC 4.010. The notice shall indicate where the application may be inspected and when a public hearing on the application will be held. **N/A**
- (.05) *Denial of Tree Removal Permit.* Whenever an application for a Tree Removal Permit is denied, the permit applicant shall be notified, in writing, of the reasons for denial. **N/A**
- (.06) *Grant of a Tree Removal Permit.* Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall: **N/A**
- A. *Conditions.* Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;
  - B. *Completion of Operations.* Fix a reasonable time to complete tree removal operations; and
  - C. *Security.* Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter.
    - 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.

(Ord. No. 812, 2-22-2018)

#### **Section 4.610.10. Standards for Tree Removal, Relocation or Replacement.**

- (.01) Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit: **N/A, no trees exist on site therefore none are proposed for removal, relocation, or replacement.**

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- A. *Standard for the Significant Resource Overlay Zone.* The standard for tree removal in the Significant Resource Overlay Zone shall be that removal or transplanting of any tree is not inconsistent with the purposes of this Chapter.
  - B. *Preservation and Conservation.* No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles.
  - C. *Developmental Alternatives.* Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.
  - D. *Land Clearing.* Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.
  - E. *Residential Development.* Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.
  - F. *Compliance With Statutes and Ordinances.* The proposed activity shall comply with all applicable statutes and ordinances.
  - G. *Relocation or Replacement.* The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not to be removed, in accordance with WC 4.620.10.
  - H. *Limitation.* Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this Chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.
    - 1. *Necessary For Construction.* Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure or other site improvement, and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to existing or proposed buildings or structures, or creates unsafe vision clearance.
    - 2. *Disease, Damage, or Nuisance, or Hazard.* Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 et seq., or creates unsafe vision clearance as defined in this Code.
      - (a) As a condition of approval of Stage II development, filbert trees must be removed if they are no longer commercially grown or maintained.
    - 3. *Interference.* Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site.
    - 4. *Other.* Where the applicant shows that tree removal or transplanting is reasonable under the circumstances.
  - I. *Additional Standards for Type C Permits.*
    - 1. *Tree survey.* For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40, and provide a Tree Maintenance and Protection plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.

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2. *Platted Subdivisions.* The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.
  3. *Utilities.* The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.
- J. *Exemption.* Type D permit applications shall be exempt from review under standards D, E, H and I of this subsection.

### **Section 4.610.20. Type A Permit.**

- (.01) Approval to remove one to three trees within a 12 month period on any property shall be granted if the application meets all of the following requirements: **N/A**
- A. The trees subject to removal are not located in the Significant Resource Overlay Zone; and
  - B. The trees subject to removal are not located in the Willamette River Greenway;
  - C. The trees subject to removal are not Heritage Trees.
  - D. The trees subject to removal are not street trees;
  - E. The trees subject to removal must not be retained as a condition of site development approval.
- (.02) Where the City determines that an application to remove a tree or trees does not meet the criteria of 1(A)—(E) of this section, then the application may be submitted as a Type B application. **N/A**
- (.03) An application for a Type A Permit shall contain the following information: **N/A**
- A. A brief statement explaining why tree removal is necessary.
  - B. A brief description of the trees proposed for removal or relocation, including common name, approximate height, diameter (or circumference) at four and one-half feet d.b.h. above grade, and apparent health.
  - C. A drawing that depicts where trees are located and provides sufficient detail to indicate to a City reviewer where removal or relocation will occur.
  - D. The name of the person who will perform the removal or transplanting, if known, and the approximate date of removal.
  - E. Additional supporting information which the Planning Department requests, in order to determine whether an application meets the requirements of this section.
- (.04) The City shall accept a Type A permit application under the following procedure: **N/A**
- A. Review Period. Completed Type A permit applications shall be reviewed within ten working days. The grant or denial of the Tree Removal Permit application shall be the responsibility of the Planning Director.
  - B. The Type A permit application shall be reviewed under the standards of Class I administrative review and applicable requirements of this subchapter.

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### Section 4.610.30. Type B Permit.

(.01) An applicant may apply for a Type B Permit based on the following criteria: **N/A**

- A. The applicant proposes to remove four or more trees on property not subject to site development review; or
- B. The applicant proposes major or minor changes in a condition or conditions of a development permit previously approved under the provisions of this Chapter; or
- C. The applicant is a homeowners' association that proposes to remove trees on property previously approved by the City for development.
  - 1. A Tree Maintenance and Protection Plan submitted for approval under (1)(C) of this subsection shall meet the following criteria:
    - a. The Development Review Board shall review the Covenants, Conditions and Restrictions (CC&R's) to verify that the homeowners' association is designated and authorized by the CC&R's to review tree maintenance, removal, and planting requests.
    - b. A request for tree removal shall indicate the reason for the request, as well as the location, size, species and health of tree.
    - c. Decisions on requests and actions taken are documented and retained and shall be made available to the City's Development Review Board upon request.
    - d. A replanting program is established and reviewed on an annual basis. Where such a program is approved, mitigation under this Chapter shall not be required.
  - 2. Any permit approved under this subsection shall require that all maintenance, planting, and removal be performed to the standards established in this subchapter and in Wilsonville Code.
  - 3. Failure of a homeowners' association to meet the requirements of this subsection shall be grounds for revocation of a Type B permit.

(.02) Application for the Type B permit shall consist of the information required for a Type A Permit, as provided in WC 4.610.20, and a Tree Maintenance and Protection Plan, which shall contain the following information:

**N/A**

- A. An accurate topographical survey, subdivision map or plat map, that bears the signature of a qualified, registered surveyor or engineer, and which shows:
  - 1. the shape and dimensions of the property, and the location of any existing and proposed structure or improvement,
  - 2. the location of the trees on the site, and indicating species, approximate height, d.b.h. diameter, canopy spread and common name,
  - 3. the location of existing and proposed easements, as well as setbacks required by existing zoning requirements.
- B. In lieu of the map or survey, an applicant proposing to remove trees under (1)(B) or (1)(C) of this subsection may provide aerial photographs with overlays, GIS documentation, or maps approved by the Planning Director, and clearly indicating the information required by (2)(A) of this subsection.
- C. Arborist Report. The report shall describe the health and condition of all trees subject to removal or transplanting, and shall include information on species, common name, diameter at four and one-half feet d.b.h., approximately height and age.

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- D. *Tree Protection.* Unless specifically exempted by the Planning Director, a statement describing how trees intended to remain will be protected during tree removal, and how remaining trees will be maintained.
  - E. *Tree Identification.* Unless specifically exempted by the Planning Director, a statement that any trees proposed for removal will be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction documents.
  - F. *Replacement Trees.* A description of the proposed tree replacement program with a detailed explanation including the number, size, and species, and cost. In lieu of replacing trees, the applicant may propose to pay into the City Tree Fund an amount equivalent to the value of the replacement trees after installation, as provided in this subchapter.
  - G. *Covenants, Conditions and Restrictions (CC&R's).* Where the applicant is proposing to remove trees on common areas, the applicant shall provide a copy of the applicable CC&R's, including any landscaping provisions.
  - H. *Waiver of documentation.* The Planning Director may waive an application document where the required information has already been made available to the City, or where the Director determines the information is not necessary to review the application.

(.03) *Review: N/A*

- A. The Type B permit application, including major or minor changes in a condition or conditions of a development permit previously approved under the provisions of this chapter, shall be reviewed under the standards of Class II administrative review and the requirements of this subchapter. Where site plan review or plat approval by the Development Review Board is not required by City ordinance, the grant or denial of the Type B permit shall be the responsibility of the Planning Director. The Planning Director has the authority to refer a Type B permit application to DRB under the Class II administrative review procedures of this Chapter.
- B. The DRB shall review and render a decision on any application referred by the Planning Director within 60 days. The Planning Director shall review a completed permit application within 30 days.
- C. The decision to grant or deny a Type B permit shall be governed by the standards established in WC 4.610.10.

#### **Section 4.610.40. Type C Permit.**

(.01) Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process. The DRB shall review all Type C permits, with the exception of Class II development review applications located within the Coffee Creek Industrial Design Overlay District, where the Planning Director shall have review authority. Any plan changes made that affect trees after Stage II review of a development application shall be subject to review by the original approval authority. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled. **N/A**

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(.02) The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information: *N/A*

- A. A plan, including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:
1. *Property Dimensions.* The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.
  2. *Tree survey.* The survey must include:
    - a. An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch equals 100 feet and which provides a) the location of all trees having six inches or greater d.b.h. likely to be impacted, b) the spread of canopy of those trees, (c) the common and botanical name of those trees, and d) the approximate location and name of any other trees on the property.
    - b. A description of the health and condition of all trees likely to be impacted on the site property. In addition, for trees in a present or proposed public street or road right-of-way that are described as unhealthy, the description shall include recommended actions to restore such trees to full health. Trees proposed to remain, to be transplanted or to be removed shall be so designated. All trees to remain on the site are to be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.
    - c. Where a stand of 20 or more contiguous trees exist on a site and the applicant does not propose to remove any of those trees, the required tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line. Only those trees on the perimeter of the stand shall be tagged, as provided in "b," above.
    - d. All Oregon white oaks, native yews, and any species listed by either the state or federal government as rare or endangered shall be shown in the tree survey.
  3. *Tree Protection.* A statement describing how trees intended to remain will be protected during development, and where protective barriers are necessary, that they will be erected before work starts. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers."
  4. *Easements and Setbacks.* Location and dimension of existing and proposed easements, as well as all setbacks required by existing zoning requirements.
  5. *Grade Changes.* Designation of grade changes proposed for the property that may impact trees.
  6. *Cost of Replacement.* A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size and species.
  7. *Tree Identification.* A statement that all trees being retained will be identified by numbered metal tags, as specified in subsection "A," above in addition to clear identification on construction documents.

(Ord. No. 812, 2-22-2018)

#### **Section 4.610.50. Type D Permit.**

(.01) The owner or operator of a commercial woodlot shall apply and receive approval for a Type D Permit before beginning harvesting operations of more than three trees within any 12 month period. Type D permit

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applications shall be subject to the standards and procedures of Class I administrative review and shall be reviewed for compliance with the Oregon Forest Practice Rules. The removal of three or fewer trees in a commercial woodlot within any 12 month period shall not require a tree removal permit. **N/A**

- (.02) Sites which meet the following criteria on the effective date of this regulation shall be designated as commercial woodlots by the Planning Director: **N/A**
- A. The site is at least 30,000 square feet.
  - B. Trees have been maintained on the site for the purpose of harvesting.
  - C. The property from which the forest species are to be harvested are in a property tax deferred status based on agricultural and/or forest use under state law provisions for Farm Deferral, Forest Land Deferral, or Small Woodlands Deferral.
- (.03) All other sites which potentially meet the criteria of WC 4.610.50(B) shall be reviewed by the Development Review Board, which shall determine whether a site meets the criteria for a commercial woodlot designation when an application is submitted for a tree removal permit. **N/A**
- (.04) Approval to remove trees as part of a commercial harvest shall be granted if a plan meets all of the following criteria: **N/A**
- A. Trees will be grown and maintained according to an established plan.
  - B. Approved forestry practices will be followed. Forest practices include the administrative rules as adopted by the Oregon Department of Forestry.
  - C. Harvested trees will be replanted according to an established plan. Where trees are proposed to be removed as a final harvest and no further planting, maintenance, or rotation of trees will occur after trees are removed, the applicant shall propose an erosion control and revegetation plan for review.

#### **Section 4.620.00. Tree Relocation, Mitigation, or Replacement.**

- (.01) *Requirement Established.* A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six inches or greater d.b.h. within one year of removal. **N/A**
- (.02) *Basis For Determining Replacement.* The permit grantee shall replace removed trees on a basis of one tree replanted for each tree removed. All replacement trees must measure two inches or more in diameter. Alternatively, the Planning Director or Development Review Board may require the permit grantee to replace removed trees on a per caliper inch basis, based on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. Except, however, that the Planning Director or Development Review Board may allow the use of replacement Oregon white oaks and other uniquely valuable trees with a smaller diameter. **N/A**
- (.03) *Replacement Tree Requirements.* A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection. **N/A**
- A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.
  - B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two years after the planting date.
  - C. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.
  - D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.

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(.04) All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade. **N/A**

(.05) *Replacement Tree Location.*

- A. *City Review Required.* The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed. **N/A**
- B. *Relocation or Replacement Off-Site.* When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location approved by the City. **N/A**

(.06) *City Tree Fund.* Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the Tree Removal Permit grantee shall pay into the City Tree Fund, which fund is hereby created, an amount of money approximately the value as defined by this subchapter, of the replacement trees that would otherwise be required by this subchapter. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City. **N/A**

- A. The City Tree Fund shall be used to offer trees at low cost on a first-come, first-serve basis to any Type A Permit grantee who requests a tree and registers with the City Tree Fund.
- B. In addition, and as funds allow, the City Tree Fund shall provide educational materials to assist with tree planting, mitigation, and relocation.

(.07) *Exception.* Tree replacement may not be required for applicants in circumstances where the Director determines that there is good cause to not so require. Good cause shall be based on a consideration of preservation of natural resources, including preservation of mature trees and diversity of ages of trees. Other criteria shall include consideration of terrain, difficulty of replacement and impact on adjacent property. **N/A**

#### **Section 4.620.10. Tree Protection During Construction.**

(.01) Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:

***All street trees will be protected in accordance with City of Wilsonville standards, no construction is proposed within street tree root zones. Tree protection onsite will not be needed as there are no existing trees within the project site.***

- A. All trees required to be protected must be clearly labeled as such.
- B. *Placing Construction Materials Near Tree.* No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist.
- C. *Attachments to Trees During Construction.* Notwithstanding the requirement of WC 4.620.10(1)(A), no person shall attach any device or wire to any protected tree unless needed for tree protection.
- D. *Protective Barrier.* Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers as identified by an arborist to protect remaining trees. Protective barriers shall remain in place until the City authorizes

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their removal or issues a final certificate of occupancy, whichever occurs first. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers." The most appropriate and protective barrier shall be utilized. Barriers are required for all trees designated to remain, except in the following cases:

1. *Rights-of-Way and Easements.* Street right-of-way and utility easements may be cordoned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.
2. Any property area separate from the construction or land clearing area onto which no equipment will venture may also be cordoned off as described in paragraph (D) of this subsection, or by other reasonable means as approved by the reviewing authority.

#### **Section 4.620.20. Maintenance and Protection Standards.**

(.01) The following standards apply to all activities affecting trees, including, but not limited to, tree protection as required by a condition of approval on a site development application brought under this Chapter or as required by an approved Tree Maintenance and Protection Plan.

- A. Pruning activities shall be guided by the most recent version of the ANSI 300 Standards for Tree, Shrub, and Other Woody Plant Maintenance. Information on these standards shall be available upon request from the Planning Department. ***No tree pruning is needed or planned.***
- B. Topping is prohibited.
  1. Exception from this section may be granted under a Tree Removal Permit if necessary for utility work or public safety. ***No tree topping is needed or planned.***

#### **Section 4.630.00. Appeal.**

(.01) The City shall not issue a Tree Removal Permit until approval has been granted by either the Planning Director or the DRB. Any applicant denied a Type A or B permit may appeal the decision as provided for in review of Class I Development Applications, or Class II Development Applications, whichever is applicable. Decisions by the Planning Director may be appealed to the DRB as provided in WC 4.022. Decisions by the DRB may be appealed to the City Council as provided in WC 4.022. ***N/A***

(.02) The City shall not issue a Tree Removal Permit approved by the Development Review Board until 15 calendar days have passed following the approval. The grant or denial of a Tree Removal Permit may be appealed to the City Council in the same manner as provided for in WC 4.022. An appeal must be filed in writing, within the 15 calendar day period following the decision being appealed. The timely filing of an appeal shall have the effect of suspending the issuance of a permit pending the outcome of the appeal. The City Council, upon review, may affirm, reverse or modify the decision rendered by the Development Review Board based upon the same standards of review specified for the DRB in the Wilsonville Code. ***N/A***

#### **Section 4.630.10. Display of Permit; Inspection.**

The Tree Removal Permit grantee shall conspicuously display the permit on-site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow City representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this subchapter. ***N/A***

#### **Section 4.630.20. Variance for Hardship.**

Any person may apply for a variance of this subchapter as provided for in Section 4.196 of this Chapter. ***N/A***

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### **Section 4.630.30. Severability.**

If any part of this ordinance is found by a court of competent jurisdiction to be invalid, that part shall be severable and the remainder of this ordinance shall not be affected. *N/A*

### **Section 4.640.00. Violation; Enforcement.**

- (.01) The cutting, damaging, or removal of any individual tree without a permit as required by this ordinance constitutes a violation punishable as a separate infraction under WC 1.013. In addition, each violation of a condition or a violation of any requirement of this Chapter shall constitute a separate infraction. *N/A*
- (.02) *Retroactive Permit.* A person who removes a tree without obtaining a Type A or Type B permit may apply retroactively for a permit. In addition to all application requirements of this Chapter, the person must be able to demonstrate compliance with all requirements of this subchapter, in addition to paying a triple permit fee and a penalty per tree in an amount established by resolution of City Council. Mitigation requirements of this subchapter apply to all retroactive permits. *N/A*
- (.03) *Nuisance Abatement.* Removal of a tree in violation of this Chapter is a nuisance and may be abated as provided in Sections 6.230 to 6.244, 6.250, and 6.260 of the Wilsonville Code. *N/A*
- (.04) *Withholding Certificate of Occupancy.* The City Building Official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this Chapter, including any conditions attached to a Tree Removal Permit, have been fully met. *N/A*
- (.05) *Fines.* Fines for a violation shall be imposed according to WC 1.012. *N/A*
- (.06) *Mitigation.* The City shall require the property owner to replace illegally removed or damaged trees. The City may also require a combination of payment and tree replacement. *N/A*
  - A. The City shall notify the property owner in writing that a violation has occurred and mitigation is required. Within 30 days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the City. The plan shall provide for replacement of a tree of similar species and size taking into account the suitability of the site and nursery stock availability.
  - B. Replacement will be on an inch-for-inch basis computed by adding the total diameter measured at d.b.h. in inches of the illegally removed or damaged trees. The City may use any reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. All replaced trees must be a minimum two-inch caliper. If the mitigation requirements cannot be completed on the property, the City may require completion at another approved location. Alternatively, the City may require payment into the City Tree Fund of the value of the removed tree as established by the Planning Department.

### **Section 4.640.10. Alternative Enforcement.**

- (.01) In the event that a person commits more than one violation of WC 4.600.30 to WC 4.630.00, the following alternative sentence may be imposed: *N/A*
  - A. If a person has gained money or property through the commission of an offense under this section, then upon conviction thereof, the court, in lieu of imposing a fine, may sentence the person to pay an amount, fixed by the court, not to exceed double the amount of the gain from the commission of the offense.

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- B. "Gain" is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the City. "Value" shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.
  - C. Any fines collected by the City under this section shall accrue to the City Tree Fund.

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#### **Section 4.640.20. Responsibility for Enforcement.**

Compliance with this Chapter shall be enforced by the City Attorney, the City Attorney's designee, and Clackamas County or Washington County law enforcement officers.

#### **Reports and Other Documents**

**Correspondence showing coordination with franchise garbage hauler.** – Correspondence was determined to not be required during the Pre-Application meeting. On site trash receptacles will be managed by the Charbonneau Homeowners Associate with no garbage hauler pickup required for the site.

**Outdoor Lighting** – Lighting will not be installed at the park site.

**Traffic Report** – A traffic report was determined to no be required during the Pre-Application meeting.

**Soils and Drainage Report** – The proposed impervious surface will be under 5000 square feet. A soils and drainage report was determined to not be required during Pre-Application meeting.

**Boundary Survey**- A boundary survey is included in the submittal.

**Property Owners** – A list of property owners within 250 feet of the project property is included.