

**ORDINANCE NO. 674**

**AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE COMPREHENSIVE PLAN AND PLANNING AND LAND DEVELOPMENT ORDINANCE TO COMPLY WITH METRO'S TITLE 13 (NATURE IN NEIGHBORHOODS) OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN.**

WHEREAS, on September 25, 2005 the Metro Council voted to approve a regional Nature in Neighborhoods (Statewide Planning Goal 5) program which became Title 13 of Metro's Urban Growth Management Functional Plan; and

WHEREAS, the purposes of the Title 13 Nature in Neighborhoods program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region; and

WHEREAS, the regional Title 13 program: A. Will achieve its purpose through conservation, protection, and appropriate restoration of riparian and upland fish and wildlife habitat through time, using a comprehensive approach that includes voluntary, incentive-based, educational, and regulatory elements; B. Balances and integrates goals of protecting and enhancing fish and wildlife habitat, building livable Region 2040 communities, supporting a strong economy, controlling and preventing water pollution for the protection of the public health and safety, and complying with federal laws including the Clean Water Act and the Endangered Species Act; and

WHEREAS, the Metro region places a high priority on the protection of its streams, wetlands, and floodplains to maintain access to nature, sustain and enhance native fish and wildlife species and their habitats, mitigate high storm flows and maintain adequate summer flows, provide clean water, and create communities that fully integrate the built and natural environment; and

WHEREAS, Metro's regional Nature in Neighborhoods program is critical to maintaining and improving the high quality of life, livability, and standard of living enjoyed by the people of the Metro region; and

WHEREAS, local governments were required to comply with Title 13 by January 5, 2009; and  
WHEREAS, city staff has coordinated with Metro staff regarding a compliance approach as well as adoption schedule and has received affirmation of the city's approach, which includes adoption of the Storm Water Master Plan; and

WHEREAS, the city's Statewide Planning Goal 5 Program was adopted on May 7, 2001 and has been acknowledged by the Department of Land Conservation and Development; and

WHEREAS, the city's compliance approach to Title 13 is to utilize the existing Significant Resource Overlay Zone (SROZ) map and text as substantially compliant with minor modifications to the Comprehensive Plan and Planning and Land Development Ordinance to address and encourage incorporation of habitat (nature) friendly development practices; and

WHEREAS, the SROZ site verification and mitigation processes provide clarification and certainty for the public and development community that previously did not exist in the SROZ Ordinance; and

WHEREAS, adoption of the proposed Comprehensive Plan and Planning and Land Development Ordinance amendments supports City Council Goal #2 which is to *engage the community in smart growth and sustainability concepts*; and

WHEREAS, an important feature of Nature in Neighborhoods compliance is the evaluation of local codes for barriers to land developers, builders and property owners to incorporate habitat friendly development practices in their site design; and

WHEREAS, this package of Comprehensive Plan and Planning and Land Development Code amendments are to necessary to address and encourage habitat friendly development practices and Title 13; and

WHEREAS, the Planning Commission held public work sessions on March 11, April 8, May 13, June 10, and July 8, 2009; and

WHEREAS, after providing notice to affected parties inviting comment on the proposal the Planning Commission conducted a public hearing on this matter on September 9, 2009 receiving no public comments; and

WHEREAS, the Planning Commission forwarded a unanimous recommendation of approval of the proposal to the City Council; and

WHEREAS, the City Council held duly noted public hearings on November 2, 2009 and November 16, 2009, affording interested parties an opportunity to comment on the proposed Comprehensive Plan and Planning and Land Development Code amendments;

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

**Section 1.** The Comprehensive Plan section on Environmental Resources and Community Design is amended to read as follows:

(Below are the Comprehensive Plan amendments, with the modifications in **bold** and language to be removed ~~stricken~~.)

#### ENVIRONMENTAL RESOURCES AND COMMUNITY DESIGN

At a glance, most land appears to be much the same as the lands surrounding it, with the exception of obvious differences such as topography and vegetation. However, a more detailed analysis can reveal distinct differences in the land composition and physical characteristics of nearly any two adjacent parcels of land. These differences can affect the overall suitability of a particular parcel of land for various types of land use. Each piece of land has a natural land use intensity potential which results from variations in its physical features and their interrelationships with natural processes, such as:

1. Underlying geological deposits and associated characteristics.
2. Types of surface soils and associated characteristics.
3. Water, the hydrologic cycle and natural drainage.
4. Slope of the land.
5. Vegetative cover (type, size, and location).
6. Weather conditions.
7. Character of adjoining natural features and developments.

Certain combinations of these natural features and processes can create inherently hazardous or unstable conditions which have special significance to humans and their land use activities. These conditions, referred to as natural hazards, are more appropriately labeled physical or natural limitations and occur in the form of:

1. Flood plains and wetlands
2. Runoff and erosion potentials.
3. Soil instability, including landslides, settlement, shrink/swell potential and earthquakes.

In addition to natural limitations, there are also natural potentials which can provide a more desirable living environment if given proper consideration in determining land use patterns and development design. The elements which offer these potentials are:

1. Existing vegetation.

2. Topography.
3. Wildlife and their associated habitats.
4. River, streams, lakes, and ponds.

In nature, there is a balanced system of events and processes that affect and shape the land on which we live. Because these processes continually and ultimately affect land and property, it follows that we should respect these natural processes in making land use decisions. For example, unless mitigated, it would not be wise to make a land use decision that encourages subdivisions to be built in areas that are known to flood.

By using nature as a guide to initial land use decisions, it is possible to minimize potential development hazards due to physical limitations of the land. It is also possible to maximize the preservation of nature and natural processes, thereby insuring that development occurs in harmony with the natural features of the community. This approach can also maintain and even enhance the natural aesthetic qualities of the community.

Following a detailed analysis of the characteristics of Wilsonville's natural environment, several areas of special concern were identified. They are:

1. Areas containing weak foundation soils, which are soft or compressible or those prone to liquefaction in the event of earthquakes and require special foundation engineering for construction.
2. Areas subject to seasonal or periodic flooding.
3. Areas with seasonally high ground water tables.
4. Areas of steep slope and subject to landslide and/or erosion.
5. Fish and wildlife habitat and associated water courses and native vegetation.

These areas are discussed in detail in the Physical Inventory report. The most significant areas identified are as follows:

1. Coffee Lake Creek/Seely Ditch - this area contains historically hydric soils with a high water table and low compressive strength. The wet soil conditions are compounded by winter rains resulting in standing water over much of the area during the winter months.
2. Boeckman Creek and other small streams have formed steep-sided canyons and ravines as they drain into the Willamette River. These steep slopes, as well as the steep banks along the Willamette River itself, include locations that are extremely unstable and subject to landslide and/or excessive erosion.
3. The flood plains along the Willamette River, Coffee Lake Creek, and Seely Ditch which are subject to seasonal and/or periodic high water following heavy storms.
4. Several stands of native vegetation scattered throughout the City, particularly along natural drainage ways. These areas provide visual relief from urban development plus run-off erosion control and habitat for wildlife.

Generally, all intensive urban development creates conflicts with open space and associated wildlife areas. However, careful management within and adjacent to these areas can significantly reduce these conflicts. Open-space-use management can also increase public safety by controlling development in hazardous areas while preserving valuable natural resources.

The City has identified significant natural resource areas that warrant special use management consideration in order to preserve water quality, visual quality, and sensitive wildlife habitats. Uncontrolled development of adjacent properties could diminish the natural quality of these areas. Therefore, it is necessary to establish development standards for properties along the fringe of the sensitive areas. The management and protection of these natural resource areas is implemented through the provisions of the Significant Resource Overlay Zone ordinance. The economic loss of development of open space lands can be compensated for through such techniques as density transfers. In order for such a technique to work, the City must take an effective and creative approach to proposed developments, without placing unnecessary limitations on the density of development that will be permitted.

Many of these open space areas also provide scenic views, although no significant site-specific viewpoints have been identified. The Physical Inventory Report identifies the following general scenic views:

1. The Willamette River from the water, its bank, and from the I-5 bridge.
2. Numerous stands of trees throughout the City.
3. Mount Hood.
4. Boeckman Creek.

These views can be observed from numerous locations throughout the City and are infrequently threatened by development in accordance with current standards. Therefore, special scenic view standards are considered impracticable and unnecessary.

The City has determined that there is limited commercial timber resource in the numerous stands of trees throughout the City. However, as noted, they have been considered worthy of protection to preserve wildlife habitats and the community's air and visual quality, as well as providing shade, soil stabilization, and erosion control.

Other environmental resources investigated in the Physical Inventory Report include mineral and aggregate deposits. Based on the Report, there are no known mineral deposits in the City. There are some gravel deposits along the I-5 corridor north of the Willamette River. However, these deposits are of low grade in both quality and quantity. In addition, further excavation of these deposits would significantly conflict with the urban uses planned along the I-5 corridor. Therefore, no provisions have been made to protect this resource.

In addition to these factors, one of the major aspects of Wilsonville's natural environment is its relationship to agricultural land. Statewide Planning Goal #3 is intended to preserve agricultural lands.

Wilsonville's 1971 General Plan and 1988 Comprehensive Plan set objectives to allow for the continuation of agriculture as a viable part of the community's economy. Agricultural activities still exist as an interim use within the City, and they are the primary land use outside of the City. In recognition of this factor, Metro has established an urban growth boundary to protect prime agricultural lands outside of the urban area. The urban growth boundary has been established in consideration of the placement of existing and planned utilities in relation to existing and

planned development patterns and provides sufficient vacant land for continued growth over the next 20 years.

As a basic framework for land use decisions in these areas, the following Policies and Implementation Measures have been established. Many of these Policies and Implementation Measures are complemented by policies in the parks and open space sections of the Public Facilities Element.

In combination, these Policies and Implementation Measures form the foundation for an integrated community design that preserves the integrity and aesthetic quality of the natural environment while allowing for development. It is the underlying intent of the Plan to reconcile these factors through site planning and design, so that they complement each other.

Wilsonville's agricultural and rural heritage has long given it a sense of openness accented by lines and clusters of trees and other natural vegetation. As the City has become more urban, there remains a desire to create the sense of openness and to preserve natural features, while allowing for higher density development, as expected in urban areas.

Noise, water quality, and air quality affect our health, our economic interests and quality of life. High noise levels affect a person's mental and physical well being and ability to work. Poor water and air quality can be a health hazard. Because of their complexities, air and water quality and noise control require both local and regional action. A regional and urban growth boundary has been established to concentrate urban growth within a specified area and to reduce sprawl. Wilsonville is within the regional growth boundary. While urban growth will be contained by the boundary, the boundary, without the necessary safeguards (such as performance standards), could simultaneously exaggerate and concentrate urban pollution.

Wilsonville is located within the Portland/Vancouver Air Quality Maintenance Area (AQMA). Within the AQMA there are three non-attainment areas (CO, TSP, 03). Only the 03 non-attainment area includes Wilsonville (it has the same boundaries as the AQMA). Consequently, the City is subject to the policies and standards set forth in the State Implementation Plan jointly adopted by Metro and State Department of Environmental Quality (DEQ).

Full compliance with these standards could result in some development constraints with the City and at a minimum could require installation of air pollution control devices on some industries. Air quality will remain a concern as urban development occurs.

Similarly, water quality is regulated by Federal Standards enforced by DEQ at the State level. For example, the City's sanitary sewer treatment system is monitored to insure compliance with DEQ wastewater discharge standards.

The major source of noise pollution within the City is the I-5 Freeway. Other noticeable sources include boats on the river and trains passing through town.

In recognition of the noise conflicts with the Freeway and railroad tracks, the City has made an effort to minimize the location of residential development adjacent to the Freeway or tracks. In

addition, site design and sound control devices, i.e., berms and walls can be used to reduce noise conflicts.

In considering the overall character of the community, it is important to look to the past. As a community develops, it should not discard its past for the sake of the future. Historic features provide a link with the past and add character and variety to the community's design.

The Statewide Inventory of Historic Sites and Building identifies one historic site in the City, the Boones Ferry Landing Site. There is no physical evidence of this landing site, except that Boone's Ferry Road terminates at the river's edge. The site is part of a six-acre City Park and is located within the Willamette River Greenway Boundaries. Other than documentation and recognition that this landing site exists, no additional standards or measures are considered necessary to preserve its historic value.

Additional Wilsonville sites and buildings have been inventoried and the results have been included as an appendix to the Comprehensive Plan as potential historic sites and structures. The City has worked with the local Historical Society on that inventory in the past and is expected to continue to coordinate with that group in completing the Goal 5 process for historic resources in the future.

Policy 4.1.5 Protect valuable resource lands from incompatible development and protect people and property from natural hazards.

Implementation Measure 4.1.5.a Require the placement of utilities underground in new developments and seek means of undergrounding existing above-ground utilities, other than storm drainage facilities.

Implementation Measure 4.1.5.b Help to preserve agricultural land by protecting the agricultural lands outside the Urban Growth Boundary, by guiding development within the boundary. Discourage long term agricultural uses within the urban boundary.

Implementation Measure 4.1.5.c Provide a buffer use or transition zone between urban and adjacent agricultural areas.

Implementation Measure 4.1.5.d Conserve and create open space throughout the City for specified objectives.

Implementation Measure 4.1.5.e Protect the beneficial uses and functional values of resources within the Water Quality and Flood Management Areas **and Habitat Conservation Areas** identified by Metro by limiting or mitigating the impact on these areas from development activities.

Implementation Measure 4.1.5.f Ensure protection of Water Quality and Flood Management Areas **and Habitat Conservation Areas** pursuant to Title's 3 **and 13** of the Metro Urban Growth Management Functional Plan by either:

1. Adopting the relevant provisions of the Metro Water Quality and Flood Management model ordinance and Metro Water Quality and Flood Management Conservation Area Map; or
2. **Adopting the relevant provisions of the Metro Title 13 model ordinance and Habitat Conservation Areas Map; or**
2. 3. Demonstrating that the City's plans and implementing ordinances substantially comply with the performance standards, including the map, contained in Title 3. In this case, the purpose of this map is to provide a performance standard for evaluation of substantial compliance for the City; or
4. **Demonstrating that the City's plans and implementing ordinances substantially comply with the development standards, including the Habitat Conservation Areas Map; or**
- 3- 5. Any combination of 1 and 3 2 above that substantially complies with all performance standards in Section 4 of Title 3 of Metro's Urban Growth Management Functional Plan.
6. **Any combination of 2 and 4 above that substantially complies with all development standards in Section 6 of Title 13 of Metro's Urban Growth Management Functional Plan.**

Implementation Measure 4.1.5.g Encourage identification and conservation of natural scenic and historic areas within the City.

Implementation Measure 4.1.5.h Develop an attractive and economically sound community.

Implementation Measure 4.1.5.i Identify buildings of unusual or outstanding architectural style from earlier eras. Encourage preservation of these structures.

Implementation Measure 4.1.5.j Ensure that open space conforms to the characteristics of the land, type of land use, adjacent land uses and City needs.

Implementation Measure 4.1.5.k Develop open, limited, or restricted access natural areas connected where possible by natural corridors, for wildlife habitat, watershed, soil and terrain protection. Preservation of contiguous natural corridors throughout the City for the protection of watersheds and wildlife will be given priority in land use decisions regarding open space.

Implementation Measure 4.1.5.l Identify areas of natural and scenic importance and give them priority in selection of public open space. Where legal rights of access have been acquired, extend public access to, and knowledge of such areas, in order to encourage public involvement in their preservation.

Implementation Measure 4.1.5.m Protect the river-connected wildlife habitat and encourage the integration and inter-connection of the Willamette River Greenway to open space areas of the



City. Continue to regulate development within the Greenway boundaries. Provide for public access to the river only through and within the City parks or other properties intended for public access.

Implementation Measure 4.1.5.n Adopt performance **and development** standards, in accordance with Metro, to conserve, preserve, protect, and enhance fish and wildlife habitat within the fish and wildlife habitat conservation areas identified on Metro's water quality and flood management area map **and Habitat Conservation Areas Map**.

**Implementation Measure 4.1.5.o Adopt Metro's Habitat-Friendly Development Practices, which provide a method of developing property that protects natural resources and focuses on land development and site design that mimic natural processes. The design and construction practices include the following categories:**

1. **Minimize hydrologic impacts**
2. **Minimize impacts on wildlife corridors and fish passage**
3. **Protect and enhance native landscaping**

Implementation Measure 4.1.5.pø Require compliance with Oregon Department of Fish and Wildlife (ODFW) seasonal restrictions for in-stream work. Limit development activities that would impair fish and wildlife during key life-cycle events according to the guidelines contained in ODFW's "Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources."

Implementation Measure 4.1.5.qp The Administrative Review, Variance and mitigation procedures within the Development Code may be used to consider claims of map error and unique hardship, to assure that the standards do not render any legal tax lot to be unbuildable by application of requirements for natural resource protection.

Implementation Measure 4.1.5.rq Continue to regulate development in potential disaster and hazard areas to minimize risks to life or property.

Implementation Measure 4.1.5.sr Housing development, and any other development intended for human occupancy, shall occur, to the greatest extent possible, on lands designated for development that are free from flood hazard, severe soil limitations, or other hazards.

Implementation Measure 4.1.5.ts Ensure adequate storm drainage.

Implementation Measure 4.1.5.ut Define risks of development by using Federal Emergency Management Agency maps showing flood plains and floodways. Restrict buildings in the flood plains and prohibit buildings in the floodway.

Implementation Measure 4.1.5.væ Require engineering where necessary to minimize the potential effects of natural hazards.

Implementation Measure 4.1.5.wv Require all future utilities to be placed underground, other than storm drainage facilities.

Implementation Measure 4.1.5.xw Provide available information, when requested, to those interested in developing land in areas of the following hazards:

- a. 100 year floods;
- b. slides and earthquake damage; or
- c. wind damage, possible tree topping.

Implementation Measure 4.1.5.yx Protect the Willamette River Greenway from incompatible uses or development activities, using the standards of the Greenway section of the Development Code.

Implementation Measure 4.1.5.zy Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process shall be designated as one or more overlay zones on the City Zoning Map.

Implementation Measure 4.1.5.aaz Protected natural resources within the Significant Resource Overlay Zone are intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:

1. Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process and are included in the Significant Resource Overlay Zone.
2. Water quality resource areas as defined by Metro's Title 3 of the Urban Growth Management Functional Plan.
3. **Habitat Conservation Areas as defined by Metro's Title 13.**

Implementation Measure 4.1.5.bbba An Area of Limited Conflicting Use is defined as an area located between the riparian corridor boundary, riparian impact area or the Metro Urban Growth Management Functional Plan Title 3 Water Quality Resource Area boundary, whichever is furthest away from the wetland or stream and the outside edge of the SROZ or an isolated significant wildlife habitat area as defined by Goal 5. These areas can serve as a buffer between development and conservation. Limited development impacts may be permitted in accordance with special development standards found within the Planning and Land Development Ordinance.

Implementation Measure 4.1.5.cccb Undeveloped portions of the Significant Resource Overlay Zone may be used towards satisfaction of open space requirements. A density transfer credit of not more than 50% of the designated Significant Resource Overlay Zone will also be allowed.

Implementation Measure 4.1.5.ddee In vegetated areas, the positive visual impact of the trees, etc., is to be preserved. Any clearing of trees for development is subject to arboricultural standards and the requirements of the Planning and Land Development Ordinance.

Implementation Measure 4.1.5.~~eeed~~ Due to potential hazards to human health, the high voltage powerline easements within the City are regulated by the Planning and Land Development Ordinance. No residential structures shall be allowed within the easements and any development, particularly residential, adjacent to the easements will be carefully reviewed. While these corridors offer some potential for recreational use, their use is also somewhat limited by utility requirements. Any proposed non-residential development within powerline easements shall also be coordinated with, and approved by, the Bonneville Power Administration or Portland General Electric Company, depending on the easement ownership.

Implementation Measure 4.1.5.~~ffee~~ To protect the integrity of the Willamette River Greenway, the City has established standards for the development of non-water-related and non-water-dependent uses consistent with Greenway standards. These standards:

- a. Direct incompatible (non-water-related and non-water-dependent) development away from the river.
- b. Establish a minimum setback from the top of bank where no native vegetation can be removed, and only allow selective vegetation removal within the remaining portion of the Greenway Boundaries with revegetation required.
- c. Establish a minimum setback from the river banks for all uses that are not appropriate river-dependent or river-related land uses.
- d. Provide protection of public and private property, as well as public safety.
- e. Provide necessary and needed public access to the river oriented through public lands, without precluding legal river access at appropriate locations across private property. Such public access shall be based upon recorded easements or other legal instruments.

Implementation Measure 4.1.5.~~ggff~~ Where possible, on-site drainage should be designed to preserve natural drainage channels and to allow for ground water infiltration. Man-made structures should be designed to complement the natural system. It is not the intent of this Measure to encourage unsightly and unsafe open ditches. Rather, open drainage systems should be designed to accent natural creeks and drainage channels and provide an attractive natural area-like appearance.

Implementation Measure 4.1.5.~~hhgg~~ Minimize the impact of urban development on adjacent rural and agricultural lands. A combination of open space and low density land use designation may be employed.

Implementation Measure 4.1.5.~~iihh~~ The design of developments within the community can be regarded from two viewpoints: the design of structures as they relate to site and function (architectural design) and, their relationship to the surrounding area (community design). Both aspects shall be considered to be of equal importance. Good architectural design is necessary to provide visual variety and allow for individual identity. At the same time, good community design provides a sense of unity with other development while eliminating conflicting appearances.

Implementation Measure 4.1.5.~~jjj~~ All proposed developments, except single family dwellings outside of designated significant natural resource areas, shall continue to be subject to site plan (including landscaping) and architectural development review approval. Single-family subdivisions are subject to development review for approval of street tree plans. Individual (single-family) dwellings to be located within a designated significant natural resource area are subject to site plan review for removal of trees and vegetation and impacts to natural resources. They are not, however, subject to architectural review.

Implementation Measure 4.1.5.~~kkj~~ Minimum open space and landscaping standards have been established, emphasizing the incorporation of native vegetation and unique topographic features in site design. Additional landscaping may be required based on the scale and type of development and its compatibility with abutting land uses.

Implementation Measure 4.1.5.~~llk~~ Landscaping and/or open space may be used to buffer non-compatible uses. It is intended to soften the visual impact and provide a sense of openness and should be used to complement good building designs and may be used to screen certain types of development.

Implementation Measure 4.1.5.~~mmH~~ Sign standards have been established to control the visual impact of signs on the community and minimize sign clutter.

Implementation Measure 4.1.5.~~nnmm~~ The City shall coordinate with and encourage the State and other appropriate agencies to assist in developing noise controls and mitigation measures.

Implementation Measure 4.1.5.~~oorn~~ Industrial and other potential noise generating activities will be located and designed so as to minimize noise conflicts with adjacent uses. The City will cooperate with DEQ and ODOT in establishing and where practicable assisting in enforcing noise control standards.

Implementation Measure 4.1.5.~~ppoe~~ In reviewing all major residential, commercial, industrial and public facility uses, the City shall coordinate with DEQ to insure compliance with the Portland AQMA Plan and standards as well as other applicable regional, State and Federal air, water and environmental quality standards.

Implementation Measure 4.1.5.~~qqpp~~ The City will further cooperate with the appropriate State and Federal agencies for enforcement of air, water, noise and other environmental quality standards.

Implementation Measure 4.1.5.~~rrqq~~ The City recognizes that historic features form a desirable link with the past and that they form a vital part of and contribute to the overall character of Wilsonville. The City, therefore, will cooperate with the Wilsonville Historical Society, the State Historic Preservation Office, Clackamas County and other interested parties to evaluate and identify potential historic sites and structures and proceed with the Goal 5 process. The City shall determine which sites and structures, if any, are suitable for inclusion on the Plan Inventory and will contact the owners of potentially historic properties to determine whether they object to having their properties listed.

**Section 2.** Wilsonville Code section 4.001 - **Definitions** is amended by adding the following language in bold text as follows. The bold text is inserted, strikethrough text is removed. This entire section shall be reformatted and renumbered:

**Drip Line:** An imaginary vertical line extending downward from the outermost tips of the tree branches to the ground; **when delineating the drip line on the ground, it will appear as an irregularly shaped circle defining the canopy's perimeter.**

**Habitat-Friendly Development:** A method of developing property that protects our natural resources as we grow and focuses on land development and site design that mimic natural processes. Examples include clustering development to avoid habitat, minimizing tree removal and root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, and, where feasible, reducing the amount of impervious surface created by development.

**Landscaping:** The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours. **The use of pervious materials is encouraged.** ~~and shall include exterior use of artificial turf or carpeting, artificial plants, shrubs or flowers.~~ Both native and non-native vegetation may constitute landscaping materials. This definition pertains to complete site modifications rather than just buildings.

**Parking Space, Compact:** A permanently surfaced and marked area not less than ~~eight (8)~~ 7 feet **6 inches** wide and ~~sixteen (16)~~ 15 feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle. In order to be considered a compact parking space, it must be clearly labeled as such.

**Section 3.** Wilsonville Code Section 4.118 is amended to read as follows:

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:
- 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.

- (.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.
- (.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:
- 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;
  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; and
  15. solar access standards, as provided in Section 4.137.
- 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;
  2. minimum density standards of residential zones;
  3. minimum landscape, buffering, and screening standards;
- 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:
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.
  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.
  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 one hundred ten percent (110%) 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.

- (.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:
- 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 twenty (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.
- (.06) Nothing in this Code shall prevent the owner of a site that is less than two (2) 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.
- (.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.



- (.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.
- (.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;**
  - 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;**
  - 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**
  - D. **Using the practices described in Part (c) of Table NR-2 in Section 4.139.03.**

**Section 3.** Wilsonville Code Section 4.139 - Significant Resource Overlay Zone is amended to read as follows:

Section 4.139.00 - Significant Resource Overlay Zone (SROZ) Ordinance

Definitions:

1. **Area of Limited Conflicting Uses:** An Area of Limited Conflicting Uses is either:
  - A. An area located between the riparian corridor boundary, riparian impact area or the Urban Growth Management Functional Plan (UGMFP) Metro Title 3 Water Quality Resource Area boundary, whichever is furthest away from the wetland or stream, and the outside edge of the SROZ; or
  - B. An isolated significant wildlife habitat (upland forest) resource site.
2. **Bankful Stage:** The stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankful stage.
3. **Emergency:** Any human-caused or natural event or circumstances causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or

**releases of hazardous material, contamination, utility or transportation disruptions, and disease.**

4. Encroachment Area: An area within the Area of Limited Conflicting Uses where development may be permitted.
5. Impact Area: The area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of a Significant Resource Impact Report (SRIR) or where an SRIR has been waived in accordance with this ordinance. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body.
6. Riparian Corridor: Is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. The “riparian area” is the area adjacent to a river, lake, stream, consisting of lands that include the area of transition from aquatic ecosystem to a terrestrial ecosystem. The Riparian Corridor is diagrammatically defined in Section 4.139.00.
7. Riparian Corridor Cross Sections: Riparian corridor significance for the City of Wilsonville is based on assessment of several factors:
  - a. The presence of habitat used by species listed as threatened or endangered by the Endangered Species Act. The resource is considered significant if ESA-listed salmonid fish species utilize portions of the resource area.
  - b. The protection of ESA listed species habitat both on-or off-site. The resource is considered significant if it provides functions that protect the habitat of ESA-listed species, either on- or off-site. Riparian corridors can protect water quality parameters such as temperature, suspended sediment and contaminants of downstream waters that are ESA-listed species habitat.
  - c. The inclusion of other significant Goal 5 resource areas. Riparian corridor resources that contain significant wetlands and/or wildlife habitat are considered significant.
  - d. The provision of habitat continuity for wildlife. Riparian corridor resources that provide a link or continuity for wildlife movement between significant wildlife habitat areas are considered significant.
  - e. Headwater areas, including intermittent streams, can be important for fish and wildlife resources. These areas can provide good quality water, protection of water quality, insect and organic materials, and other factors for habitat areas downstream.

Generalized riparian corridor types are shown on the following pages.

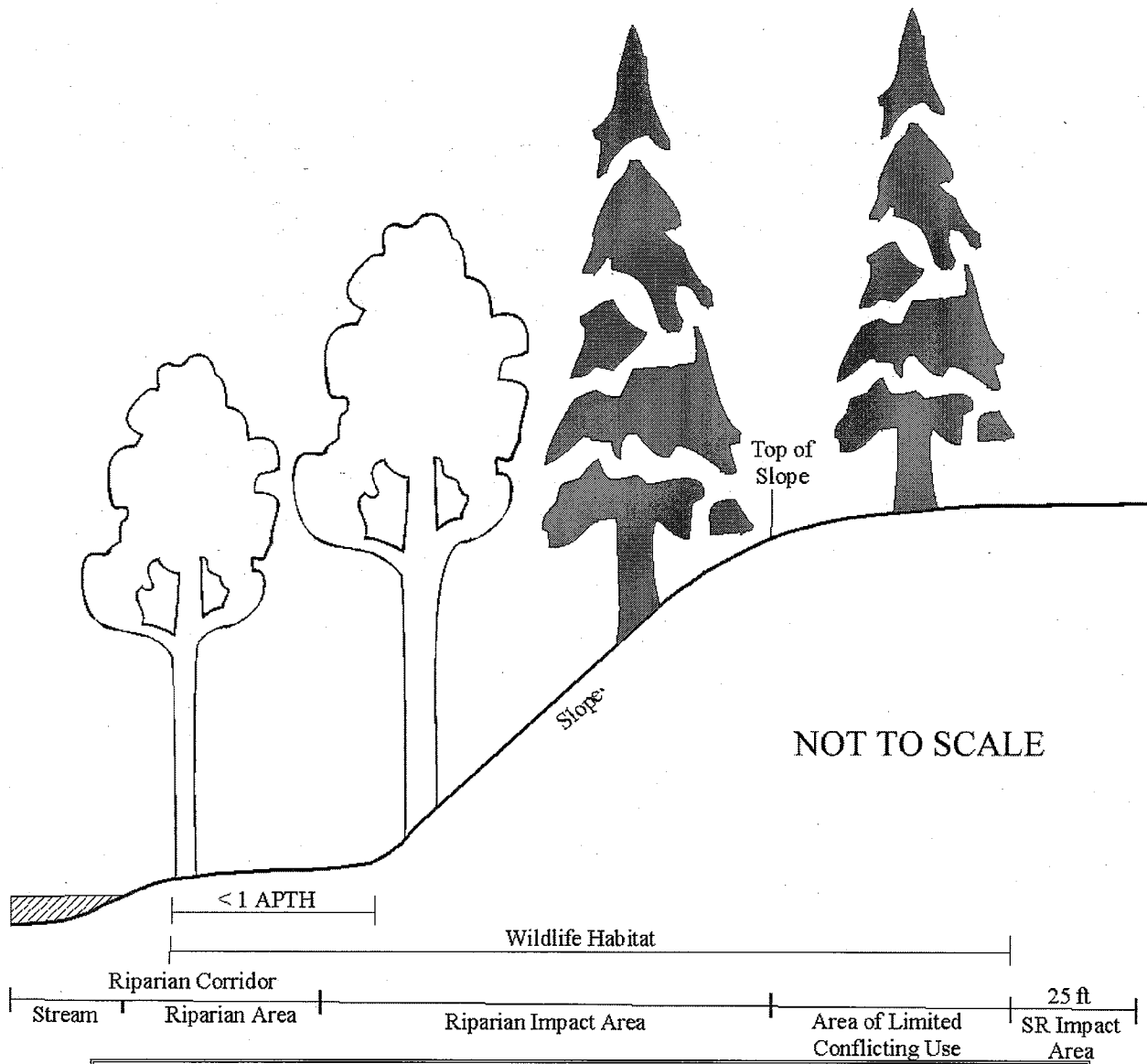


Figure NR - 1: Riparian Corridor Type NR -1 (stream-riparian ecosystem)

*Riparian area adjacent to the stream is less than one APTH wide, and has an adjacent slope. The adjacent slope is designated as riparian impact area, based on the potential for activities on the slope to have direct impacts on riparian area functions.*

Notes for all riparian figures: (1) The “area of limited conflicting use” and “SR Impact Area” are regulatory areas defined in the proposed City of Wilsonville Significant Resource Overlay Zone (4.139.00). The SR Impact Area is always 25 feet wide from the edge of the significant resource (SR).

NOT TO SCALE

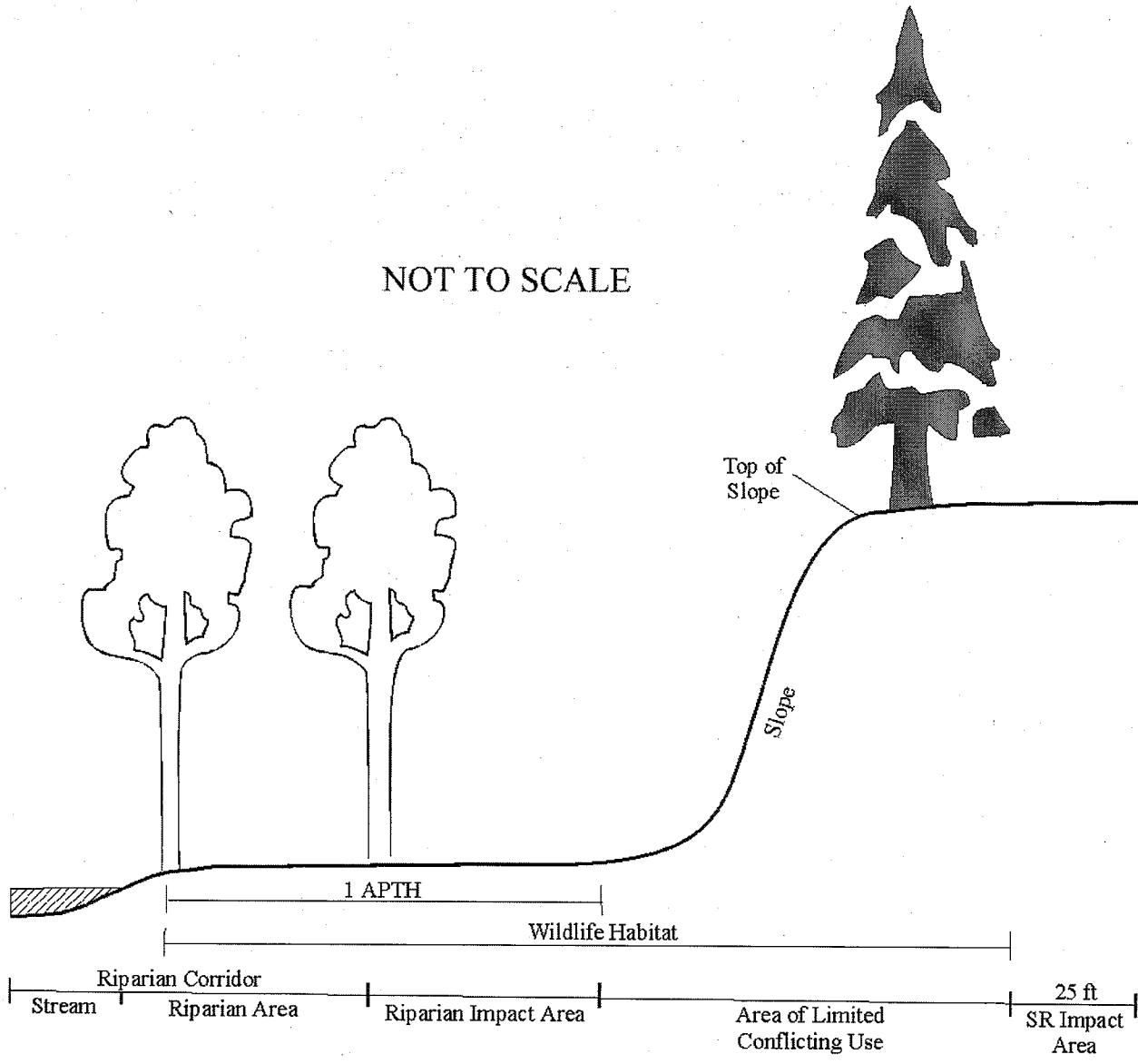


Figure NR - 2: Riparian Corridor Type NR - 2 (stream-riparian ecosystem)

Riparian area adjacent to the stream is less than the width of the streamside terrace or bench, and the base of the adjacent slope is a distance greater than one APTH from the stream bank. If the riparian area is less wide than the distance of one APTH, then the remaining APTH distance is the riparian impact area.

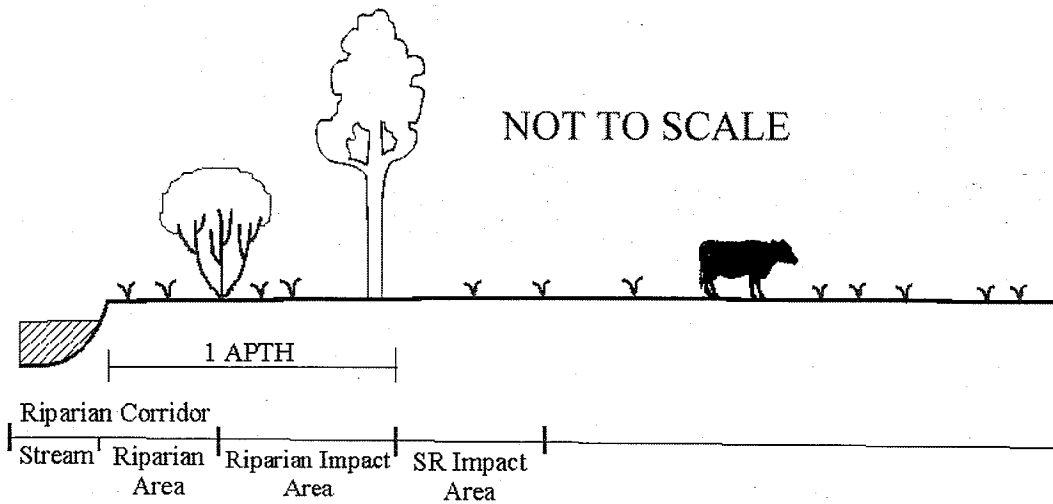


Figure NR – 3: Riparian Corridor Type NR - 3 (stream-riparian ecosystem)

Riparian area adjacent to the stream is upland, forested wetland, or a mosaic of upland and wetland, and does not have adjacent steep slopes within 200 ft. If the riparian area, including wetlands adjacent to the stream, is less wide than one APTH, the riparian impact area extends to a distance of one APTH from the top of the stream bank.

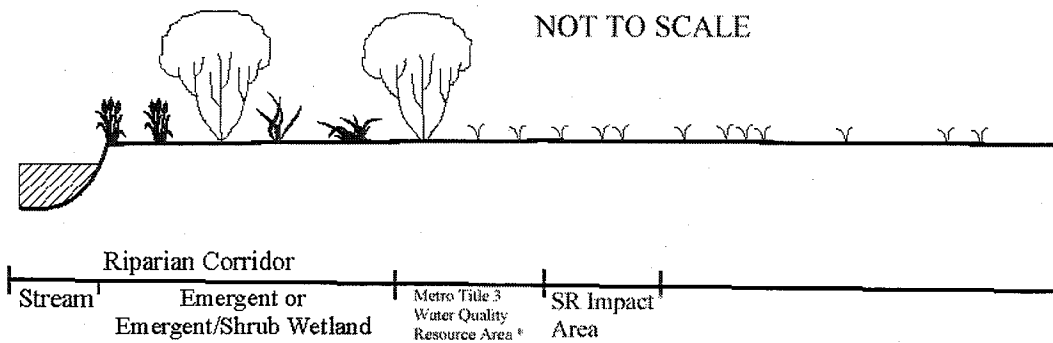


Figure NR – 4: Riparian Corridor Type NR - 4 (stream-riparian ecosystem)

Riparian area is emergent or emergent/shrub wetland, and does not have adjacent steep slopes within 200 ft. The wetland is the riparian corridor. The potential impacts of human activities adjacent to the wetland/riparian area do not warrant placing a riparian impact area on this corridor type.

NOT TO SCALE

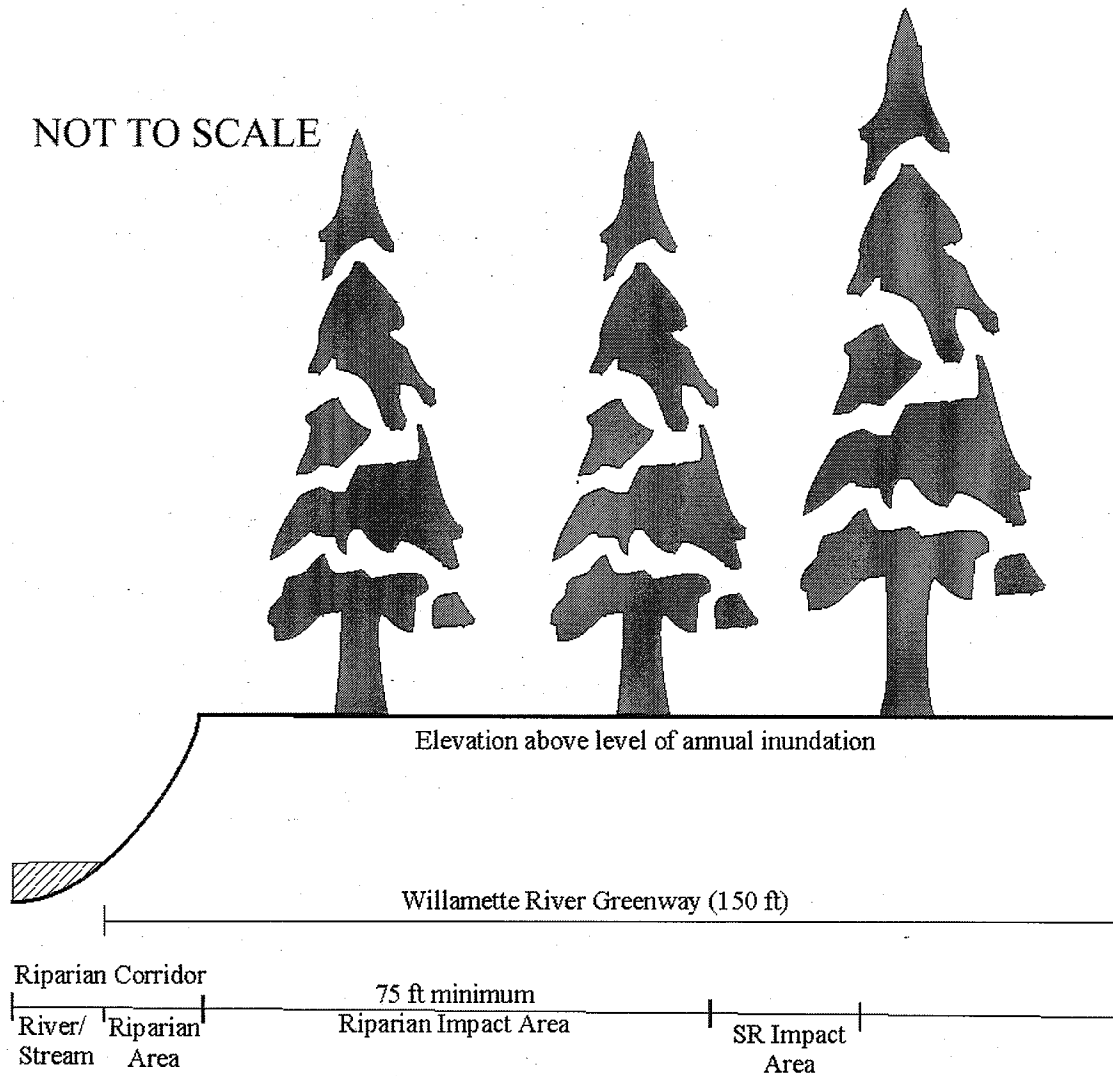


Figure NR-5: Riparian Corridor Type NR - 5  
(river-floodplain ecosystem: Willamette River)

Riparian area is confined to a portion of the river bank where the adjacent land is not inundated annually (i.e. not an operational floodplain). The riparian impact area is a minimum 75 feet wide from the top of the stream bank.

For any areas along the Willamette River that have an operational floodplain (i.e. flooded annually), the riparian area is the extent of the operational floodplain.

8. Riparian Impact Area: An area within which human activities could have adverse impacts on functions of adjacent riparian corridor resources.
9. Significant Resource Impact Report (SRIR): A report that delineates specific resource boundaries and analyzes the impacts of development on significant natural resources. It outlines measures to prevent negative impacts, and also provides mitigation and enhancement plans.
10. Significant Resource Overlay Zone (SROZ): The delineated outer boundary of a significant natural resource that includes: a significant Goal 5 natural resource, lands protected under Metro's Urban Growth Management Functional Plan Title 3 (Water Quality Resource Areas), riparian corridors, and significant wildlife habitat.
11. Starting Point for Measurement: Is the edge of the defined channel (bankful ~~flow~~ **stage**) for streams/rivers, delineated wetland boundary, delineated spring boundary, and/or average high water for lakes or ponds, whichever offers greatest resource protection. Intermittent springs located more than 15 feet from streams/rivers or wetlands shall not serve as a starting point for measurement.

Table NR – 1: Metro Water Quality Resource Area Slope Calculations

| Protected Water Feature Type (See definitions)  | Slope Adjacent to Protected Water Feature | Starting Point for Measurements from Water Feature  | Width of Vegetated Corridor (Setback)   |
|---|---|---|---|
| Primary Protected Water Features <sup>1</sup>   | <25%                                      | -Edge of bankful flow stage or 2-year storm level;<br>-Delineated edge of Title 3 wetland | 50 feet   |
| Primary Protected Water Features <sup>1</sup>   | ≥25% for 150 feet or more <sup>5</sup>    | -Edge of bankful flow stage or 2-year storm level;<br>-Delineated edge of Title 3 wetland | 200 feet  |
| Primary Protected Water Features <sup>1</sup>   | ≥25% for less than 150 feet <sup>5</sup>  | Edge of bankful flow stage or 2-year storm level;<br>-Delineated edge of Title 3 wetland  | Distance from starting point of measurement to top of ravine (break in ≥25% slope) <sup>3</sup> , plus 50 feet <sup>4</sup> |
| Secondary Protected Water Features <sup>2</sup> | <25%                                      | Edge of bankful flow stage or 2-year storm level; -Delineated edge of Title 3 wetland     | 15 feet   |
| Secondary Protected Water Features <sup>2</sup> | ≥25% <sup>5</sup>                         | Edge of bankful flow stage or 2-year storm level;<br>-Delineated edge of Title 3 wetland  | 50 feet   |

<sup>1</sup>Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and spring.

<sup>2</sup>Secondary Protected Water Features include intermittent streams draining 50-100 acres.

<sup>3</sup>Where the protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the ≥25% slope

<sup>4</sup>A maximum reduction of 25 feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

<sup>5</sup>Vegetated corridors in excess of 50-feet from primary protected features, or in excess of 15-feet from secondary protected features, apply on steep slopes only in the *uphill* direction from the protected water feature.



#### Section 4.139.01 SROZ - Purpose

The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas **and Title 13 Habitat Conservation Areas**, and that portion of Statewide Planning Goal 5 relating to significant natural resources. It is not the intent of this ordinance to prevent development where the impacts to significant resources can be minimized or mitigated.

#### Section 4.139.02 Where These Regulations Apply

The regulations of this Section apply to the portion of any lot or development site, which is within a Significant Resource Overlay Zone and its associated "Impact Areas". The text provisions of the Significant Resource Overlay Zone ordinance take precedence over the Significant Resource Overlay Zone maps. The Significant Resource Overlay Zone is described by boundary lines shown on the City of Wilsonville Significant Resource Overlay Zone Map. For the purpose of implementing the provisions of this Section, the Wilsonville Significant Resource Overlay Zone Map is used to determine whether a Significant Resource Impact Report (SRIR) is required. Through the development of an SRIR, a more specific determination can be made of possible impacts on the significant resources.

Unless otherwise exempted by these regulations, any development proposed to be located within the Significant Resource Overlay Zone and/or Impact Area must comply with these regulations. Where the provisions of this Section conflict with other provisions of the City of Wilsonville Planning and Land Development Ordinance, the more restrictive shall apply.

The SROZ represents the area within the outer boundary of all inventoried significant natural resources. The Significant Resource Overlay Zone includes all land identified and protected under Metro's UGMFP Title 3 Water Quality Resource Areas and **Title 13 Habitat Conservation Areas**, as currently configured, significant wetlands, riparian corridors, and significant wildlife habitat that is inventoried and mapped on the Wilsonville Significant Resource Overlay Zone Map.

#### Section 4.139.03 Administration

- (.01) Resources. The text provisions of this section shall be used to determine whether applications may be approved within the Significant Resource Overlay Zone. The following maps and documents may be used as references for identifying areas subject to the requirements of this Section:
- A. Metro's UGMFP Title 3 Water Quality Resource Area maps.
  - B. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM)

- C. The Wilsonville Local Wetland Inventory (LWI) (1998)
- D. The Wilsonville Riparian Corridor Inventory (RCI) (1998)
- E. Locally adopted studies or maps
- F. City of Wilsonville slope analysis maps
- G. Clackamas and Washington County soils surveys

**H. Metro's UGMFP Title 13 Habitat Conservation Area Map**

- (.02) Impact Area. The "Impact Area" is the area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of an SRIR (Significant Resource Impact Report). Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body. Designation of an Impact Area is required by Statewide Planning Goal 5. The primary purpose of the Impact Area is to ensure that development does not encroach into the SROZ.
- (.03) Significant Resource Impact Report (SRIR). For proposed non-exempt development within the SROZ, the applicant shall submit a Significant Resource Impact Report (SRIR) as part of any application for a development permit.
- (.04) Prohibited Activities. New structures, development and construction activities shall not be permitted within the SROZ if they will negatively impact significant natural resources. Gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by DEQ, domestic animal waste, dumping of materials of any kind, or other activities shall not be permitted within the SROZ if they will negatively impact water quality.

Unauthorized land clearing or grading of a site to alter site conditions is not allowed, and may result in the maximum requirement of mitigation/enhancement regardless of pre-existing conditions.

- (.05) **Habitat-Friendly Development Practices. To the extent practicable, development and construction activities that encroach within the Significant Resource Overlay Zone and/or Impact Area shall be designed, located and constructed to:**
  - A. **Minimize grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;**
  - B. **Minimize adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2, 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;**

- C. Minimize impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2; and**
- D. Consider using the practices described in Part (c) of Table NR-2.**

**Table NR-2: Habitat-Friendly Development Practices**

**Part (a) Design and Construction Practices to Minimize Hydrologic Impacts**

1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
2. Use pervious paving materials for residential driveways, parking lots and walkways.
3. Incorporate stormwater management in road right-of ways.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater and groundwater re-charge.
5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Use multi-functional open drainage systems in lieu of more conventional curb and gutter systems.
9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13. Use shared driveways.
14. Reduce width of residential streets, depending on traffic and parking needs.
15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
16. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
17. Minimize the number of stream crossings and place crossing perpendicular to stream channel, if possible.
18. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

**Part (b) Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage**

1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.

**2. Use bridge crossings rather than culverts, wherever possible.**

**3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.**

**4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.**

**5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.**

**Part (c) Miscellaneous Other Habitat Friendly Design and Construction Practices**

**1. Use native vegetation throughout the development.**

**2. Locate landscaping adjacent to SROZ.**

**3. Reduce light spill-off into SROZ areas from development.**

**4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.**

Section 4.139.04 Uses and Activities Exempt from These Regulations

**A request for exemption shall be consistent with the submittal requirements listed under Section 4.139.06(.01)(B – I), as applicable to the exempt use and activity.**

- (.01) Emergency procedures or emergency activities undertaken which are necessary for the protection of public health, safety, and welfare. Measures to remove or abate hazards and nuisances. Areas within the SROZ that are disturbed because of emergency procedures or activities should be repaired and mitigated.
- (.02) Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of these regulations.
- (.03) Alterations of buildings or accessory structures which do not increase building coverage.
- (.04) The following agricultural activities lawfully in existence as of the effective date of this ordinance:
  - A. Mowing of hay, grass or grain crops.
  - B. Tilling, disking, planting, seeding, harvesting and related activities for pasture, tree crops, commercial woodlots, food crops or business crops, provided that no additional lands within the SROZ are converted to these uses after the effective date of this ordinance.
- (.05) Operation, maintenance, and repair of irrigation and drainage ditches, constructed ponds, wastewater facilities, stormwater detention or retention facilities, and water facilities consistent with the Stormwater Master Plan or the Comprehensive Plan.
- (.06) Maintenance and repair of streets and utility services within rights-of way, easements, access roads or other previously improved areas.
- (.07) Normal and routine maintenance and repair of any public improvement or public recreational area regardless of its location.
- (.08) The construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area, provided the location of the crossing is consistent with the intent of the Wilsonville Comprehensive Plan. Roads and paths shall be constructed so as to minimize and repair disturbance to existing vegetation and slope stability.
- (.09) Maintenance and repair of existing railroad tracks and related improvements.
- (.10) The removal of invasive vegetation such as Himalayan Blackberry, English Ivy, Poison Oak, Scots (Scotch) Broom or as defined as invasive in the Metro Native Plant List.

- (.11) The planting or propagation of any plant identified as native on the Metro Native Plant List. See Wilsonville Planning Division to obtain a copy of this list.
- (.12) Grading for the purpose of enhancing the Significant Resource as approved by the City.
- (.13) Enhancement of the riparian corridor or wetlands for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.
- (.14) Flood control activities pursuant to the Stormwater Master Plan, save and except those stormwater facilities subject to Class II Administrative Review, as determined by the Planning Director, to ensure such facilities meet applicable standards under federal, state and local laws, rules and regulations.
- (.15) Developments that propose a minor encroachment into the Significant Resource Overlay Zone. The purpose of this adjustment would be to allow for minor encroachments of impervious surfaces such as accessory buildings, eave overhangs, building appurtenances, building access and exiting requirements or other similar feature. The total adjustment shall not exceed 120 square feet in cumulative area.
- (.16) The expansion of an existing single family dwelling not exceeding 600 square feet in area. The expansion of an existing single family dwelling or structures that are accessory to a single family dwelling inside the SROZ, provided that the following criteria have been satisfied. An SRIR is not required to evaluate and reach a decision on the issuance of a permit to expand a single-family residence under this paragraph.
  - A. The expansion of a single family structure or improvement (including decks and patios) shall not be located any closer to the stream or wetland area than the existing structure or improvement; and
  - B. The coverage of all structures within the SROZ on the subject parcel shall not be increased by more than 600 square feet, based on the coverage in existence prior to the effective date of this ordinance; and,
  - C. The applicant must obtain the approval of an erosion and sediment control plan from the City's Building and Environmental Services Divisions; and,
  - D. No part of the expansion is located within the Metro UGMFP Title 3 Water Quality Area.
- (.17) New Single-Family Dwelling. The construction of a new single family dwelling is exempt unless the building encroaches into the Impact Area and/or the SROZ.
  - A. If the proposed building encroaches only into the Impact Area then an abbreviated SRIR may be required as specified in Section 4.139.056, unless it can be clearly determined by the Planning Director that the development proposal will have no impact on the Significant Resource.

The primary purpose of the Impact Area is to insure that development does not encroach into the SROZ. Development otherwise in compliance with the Planning and Land Development Ordinance may be authorized within the Impact Area.

- B. If the proposed building encroaches into the SROZ, then a complete or abbreviated SRIR report is required.
- (.18) Private or public service connection laterals and service utility extensions.
  - (.19) A Stage II development permit or other development permits issued by the City and approved prior to the effective date of this ordinance.
  - (.20) The installation of public streets and utilities specifically mapped within a municipal utility master plan, the Transportation Systems Plan or a capital improvement plan.
  - (.21) Structures which are non conforming to the standards of this Section may be re-built in the event of damage due to fire or other natural hazard subject to Sections 4.189 – 4.192 of the Planning and Land Development Ordinance, provided that the structure is placed within the same foundation lines (See Figure NR-6.). An SRIR is not required to evaluate and reach a decision on the issuance of a permit to replace a structure subject to this paragraph.



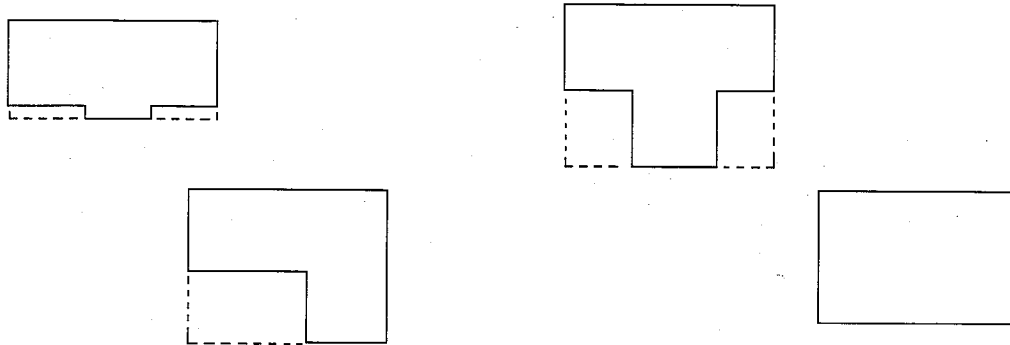


Figure NR-6. Building Line Examples

- (.22) Any impacts to resource functions from the above excepted activities, such as gravel construction pads, erosion/sediment control materials or damaged vegetation, shall be mitigated using appropriate repair or restoration/enhancement techniques.

**Section 4.139.05 Significant Resource Overlay Zone Map Verification**

The map verification requirements described in this Section shall be met at the time an applicant requests a building permit, grading permit, tree removal permit, land division approval, or other land use decision. Map verification shall not be used to dispute whether the mapped Significant Resource Overlay Zone boundary is a significant natural resource. Map refinements are subject to the requirements of Section 4.139.10(.01)(D).

- (.01) In order to confirm the location of the Significant Resource Overlay Zone, map verification shall be required or allowed as follows:
- A. Development that is proposed to be either in the Significant Resource Overlay Zone or less than 100 feet outside of the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map.
  - B. A lot or parcel that:
    - 1. Either contains the Significant Resource Overlay Zone, or any part of which is less than 100 feet outside the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map; and
    - 2. Is the subject of a land use application for a partition, subdivision, or any land use application that the approval of which would authorize new development on the subject lot or parcel.

- (.02) An application for Significant Resource Overlay Zone Map Verification may be submitted even if one is not required pursuant to Section 4.139.05(.01).**
- (.03) If a lot or parcel or parcel is subject to Section 4.139.05(.01), an application for Significant Resource Overlay Zone Map Verification shall be filed concurrently with the other land use applications referenced in Section 4.139.05(.01)(B)(2) unless a previously approved Significant Resource Overlay Zone Map Verification for the subject property remains valid.**
- (.04) An applicant for Significant Resource Overlay Zone Map Verification shall use one or more of the following methods to verify the Significant Resource Overlay Zone boundary:**
  - A. The applicant may concur with the accuracy of the Significant Resource Overlay Zone Map of the subject property;**
  - B. The applicant may demonstrate a mapping error was made in the creation of the Significant Resource Overlay Zone Map;**
  - C. The applicant may demonstrate that the subject property was developed lawfully prior to June 7, 2001.**
- (.05) The Planning Director shall determine the location of any Significant Resource Overlay Zone on the subject property by considering information submitted by the applicant, information collected during any site visit that may be made to the subject property, information generated by Significant Resource Overlay Zone Map Verification that has occurred on adjacent properties, and any other relevant information that has been provided.**
- (.06) For applications filed pursuant to Section 4.139.05(.04)(A) and (C), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.01)(B-H).**
- (.07) For applications filed pursuant to Section 4.139.05(.04)(B), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.02)(D)(1).**

Section 4.139.056 Significant Resource Impact Report (SRIR) and Review Criteria  
 A Significant Resource Impact Report (SRIR) is a report that delineates specific resource boundaries and analyzes the impacts of development within mapped significant resource areas based upon the requirements of this Section. An SRIR is only required for non-exempt development that is located within the Significant Resource Overlay Zone and/or its associated 25 foot Impact Area.

The Significant Resource Overlay Zone Map identifies areas that have been classified as significant natural resources. The preparation of the Significant Resource Overlay Zone Map did not include specific field observations of every individual property. These maps are designed to be specific enough to determine whether further environmental review of

a development proposal is necessary. If any portion of the development or alteration of the land (except those exempted by this Section) is located within the Significant Resource Overlay Zone boundary or the identified Impact Area, then an SRIR is required before any development permit can be issued. Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review.

The Planning Director may consult with a professional with appropriate expertise to evaluate an applicant's SRIR prepared under this Section or may rely on appropriate staff expertise, in order to properly evaluate the report's conclusions.

- (.01) Abbreviated SRIR Requirements. It is the intent of this subsection to provide a user-friendly process for the applicant. Only the materials necessary for the application review are required. At the discretion of the Planning Director, an abbreviated SRIR may be submitted for certain small-scale developments such as single family dwellings, additions to single family dwellings, minor additions and accessory structures. The following requirements shall be prepared and submitted as part of the abbreviated SRIR evaluation:
- A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance;
  - B. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed and existing utility locations\*;
  - C. Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank;
  - D. Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches in diameter at breast height (DBH). Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type or types;
  - E. The location of the SROZ and Impact Area boundaries\*;
  - F. A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream\*;
  - G. A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards)\*;
  - H. Current photos of site conditions shall be provided to supplement the above information\*.
  - I. A narrative describing the possible and probable impacts to natural resources and a plan to mitigate for such impacts\*.

\*Indicates information that City Staff may have readily available to assist an applicant.

- (.02) Application Requirements for a Standard SRIR. The following requirements must be prepared and submitted as part of the SRIR evaluation for any development not included in paragraph A above:
- A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance.
  - B. The SRIR shall be conducted and prepared by a natural resource professional knowledgeable and qualified to complete such a report.
  - C. The qualifications of the person or persons preparing each element of the analysis shall be included with the SRIR.
  - D. The SRIR shall include the following:
    - 1. Physical Analysis. The analysis shall include, at a minimum:
      - a. Soil types;
      - b. Geology;
      - c. Hydrology of the site;
      - d. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed, and existing utility locations;
      - e. Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank.
      - f. Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches DBH. Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type or types;
      - g. A property survey together with topography shown by contour lines prepared at two-foot vertical intervals. Five-foot vertical intervals may be allowed for steep sloped areas. The survey shall be prepared by an Oregon Registered Land Surveyor or Civil Engineer.
      - h. The location of the SROZ and Impact Area boundaries;
      - i. A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream;
      - j. A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards);
      - k. A map that delineates the Goal 5 safe harbor boundary (using the standards found within the Oregon Administrative Rule OAR 660-23(1996));
      - l. The existing site significant resource conditions shall be determined and identified by a natural resource professional; and
      - m. Current photos of site conditions shall be provided to supplement the above information.

2. The analysis shall include development recommendations including grading procedures, soil erosion control measures, slope stabilization measures, and methods of mitigating hydrologic impacts. For projects that affect possible wetlands, a copy of the Local Wetland Inventory (LWI) map pertaining to the site shall be provided. Notice of the proposal shall be given to the Oregon Division of State Lands and the Army Corp of Engineers.
3. Ecological Analysis. The Ecological Analysis shall include a map, using the Physical Analysis map as a base, showing the delineated boundaries and coverage of wetlands, riparian corridors, and wildlife habitat resources identified on the site.
  - a. Wetland boundaries shall be delineated using the method currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers. Riparian boundaries shall be delineated using the riparian corridor descriptions in this ordinance. Boundaries of mapped Goal 5 wildlife habitat shall be verified by field observation.
  - b. The analysis shall include an inventory that lists and describes the native and ornamental dominant and sub-dominant groundcover, shrub and tree species occurring on the site and wildlife observed during at least one site visit (specify date). The report shall also include recommended measures for minimizing the adverse impacts of the proposed development on unique and/or significant features of the ecosystem. The analysis shall include a report that discusses the ecological functions and values of the SROZ area, discussing each parameter listed below. The discussion shall be based on actual field observations and data obtained by a natural resource professional.
  - c. Wetlands (based on evaluation criteria in the Oregon Freshwater Wetlands Assessment Methodology (OFWAM), Oregon Division of State Lands)
    - i. wildlife habitat diversity
    - ii. fish habitat
    - iii. water quality protection
    - iv. hydrologic control
  - d. Wildlife Habitat (includes riparian corridors and upland forested areas)<sup>1</sup>
    - i. wildlife habitat diversity
    - ii. water quality protection
    - iii. ecological integrity
    - iv. connectivity

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<sup>1</sup> Based on criteria developed for the City of Wilsonville by Fishman Environmental Services, in the *Natural Resources Inventory and Goal 5/Title 3/ESA Compliance and Protection Plan: Inventory Update, 1999-2000*

- v. uniqueness
  - e. Riparian Corridors 1
    - Stream-riparian ecosystems:
      - i. Presence and abundance of Large Woody Debris (LWD) in and adjacent to stream
      - ii. Tree/shrub canopy stream shade production (water temperature and aquatic plant growth control)
      - iii. Erosion and sediment control by riparian vegetation
      - iv. Water quality protection by riparian vegetation
      - v. River-floodplain ecosystem (Willamette River)
      - vi. Presence of functional floodplain (inundated annually)
      - vii. Type and condition of functional floodplain vegetation
      - viii. Use of river-floodplain by ESA-listed species
      - ix. Role as wildlife corridor connecting significant wildlife habitat areas
  - 4. Mitigation and Enhancement Proposal. The applicant must propose a Significant Resource mitigation and enhancement plan as part of the SRIR. The mitigation and enhancement shall increase the natural values and quality of the remaining Significant Resource lands located on the site or other location as approved by the City. The mitigation and enhancement proposal shall conform to the mitigation standards identified in this Section.
  - 5. Waiver of Documentation: The Planning Director may waive the requirement that an SRIR be prepared where the required information has already been made available to the City, or may waive certain provisions where the Director determines that the information is not necessary to review the application. Such waivers may be appropriate for small-scale developments and shall be processed under Administrative Review. Where such waivers are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.
- (.03) SRIR Review Criteria. In addition to the normal Site Development Permit Application requirements as stated in the Planning and Land Development Ordinance, the following standards shall apply to the issuance of permits requiring an SRIR. The SRIR must demonstrate how these standards are met in a manner that meets the purposes of this Section.
- A. Except as specifically authorized by this code, development shall be permitted only within the Area of Limited Conflicting Use (see definition) found within the SROZ;

- B. Except as specifically authorized by this code, no development is permitted within Metro's Urban Growth Management Functional Plan Title 3 Water Quality Resource Areas boundary;
- C. No more than five (5) percent of the Area of Limited Conflicting Use (see definition) located on a property may be impacted by a development proposal. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway, no more than five (5) percent of the Area of Limited Conflicting Use on each side of the riparian corridor may be impacted by a development proposal. This condition is cumulative to any successive development proposals on the subject property such that the total impact on the property shall not exceed five (5) percent;
- D. Mitigation of the area to be impacted shall be consistent with Section 4.139.067 of this code and shall occur in accordance with the provisions of this Section;
- E. The impact on the Significant Resource is minimized by limiting the degree or magnitude of the action, by using appropriate technology or by taking affirmative steps to avoid, reduce or mitigate impacts;
- F. The impacts to the Significant Resources will be rectified by restoring, rehabilitating, or creating enhanced resource values within the "replacement area" (see definitions) on the site or, where mitigation is not practical on-site, mitigation may occur in another location approved by the City;
- G. Non-structural fill used within the SROZ area shall primarily consist of natural materials similar to the soil types found on the site;
- H. The amount of fill used shall be the minimum required to practically achieve the project purpose;
- I. Other than measures taken to minimize turbidity during construction, stream turbidity shall not be significantly increased by any proposed development or alteration of the site;
- J. Appropriate federal and state permits shall be obtained prior to the initiation of any activities regulated by the U.S. Army Corps of Engineers and the Oregon Division of State Lands in any jurisdictional wetlands or water of the United States or State of Oregon, respectively.

**Section 4.139.067 Mitigation Standards**

The following mitigation standards apply to significant wildlife habitat resource areas for encroachments within the Area of Limited Conflicting Uses, and shall be followed by those proposing such encroachments. Wetland mitigation shall be conducted as per permit conditions from the US Army Corps of Engineers and Oregon Division of State Lands. While impacts are generally not allowed in the riparian corridor resource area, permitted impacts shall be mitigated by: using these mitigation standards if the impacts are to wildlife habitat values; and using state and federal processes if the impacts are to

wetland resources in the riparian corridor. Mitigation is not required for trees lost to a natural event such as wind or floods.

- (.01) The applicant shall review the appropriate Goal 5 Inventory Summary Sheets for wildlife habitat (i.e. upland) contained in the *City of Wilsonville Natural Resource Inventory and Goal 5/Title 3/ESA Compliance and Protection Plan* ("Compliance and Protection Plan"- May 2000) to determine the resource function ratings at the time the inventory was conducted.
- (.02) The applicant shall prepare a Mitigation Plan document containing the following elements:
  - A. The Mitigation Plan shall contain an assessment of the existing natural resource function ratings at the time of the proposed encroachment for the site compared to the function ratings recorded in the Compliance and Protection Plan.
  - B. The Mitigation Plan shall contain an assessment of the anticipated adverse impacts to significant wildlife habitat resources. The impact assessment shall discuss impacts by resource functions (as listed in the Compliance and Protection Plan, May 2000) for each resource type, and shall map the area of impact (square feet or acres) for each function.
  - C. The Mitigation Plan shall present a proposed mitigation action designed to replace the lost or impacted resource functions described in Subsection B, above. The mitigation plan shall be designed to replace lost or impacted functions by enhancement of existing resources on, or off the impact site, or creation of new resource areas.
  - D. For mitigation projects based on resource function enhancement, the area ratios presented in Table NR - 23 shall be applied. These ratios are based on the resource function ratings at the time of the proposed action, as described in Subsection A, above. The mitigation action shall be conducted on the appropriate size area as determined by the ratios in Table NR - 23.
  - E. **The Mitigation Plan shall include a planting plan containing the following elements:**
    1. **Required Plants and Plant Densities. All trees, shrubs and ground cover shall be native vegetation. An applicant shall comply with Section 4.139.06(.02)(E)(1)(a) or (b), whichever results in more tree plantings, except where the disturbance area is one acre or more, the applicant shall comply with Section 4.139.06(.02)(E)(1)(b).**
      - a. **The mitigation requirement shall be calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site shall be replaced as shown in Table NR – 3. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs.**



| <b>Table NR – 3: Tree Replacement Requirements</b>                          |   |
|---|---|
| <b>Size of Tree to be Removed<br/>(inches in diameter at breast height)</b> | <b>Number of Trees and Shrubs to be Planted</b> |
| 6 to 12   | 2 trees and 3 shrubs                            |
| over 12 to 18   | 3 trees and 6 shrubs                            |
| over 18 to 24   | 5 trees and 12 shrubs                           |
| over 24 to 30   | 7 trees and 18 shrubs                           |
| over 30   | 10 trees and 30 shrubs                          |

- b. The mitigation requirement shall be calculated based on the size of the disturbance within the Significant Resource Overlay Zone. Native trees and shrubs shall be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five (5) trees and twenty-five (25) shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three (3) trees shall be planted, and 0.66 times twenty-five (25) equals 16.5, so seventeen (17) shrubs shall be planted). Bare ground shall be planted or seeded with native grasses or herbs.
2. **Plant Size.** Replacement trees and shrubs shall be at least one-gallon in size and shall be at least twelve (12) inches in height.
  3. **Plant Spacing.** Trees shall be planted between eight (8) and twelve (12) feet on center, and shrubs shall be planted between four (4) and five (5) feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between eight (8) and ten (10) feet on center. When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.
  4. **Plant Diversity.** Shrubs shall consist of at least two (2) different species. If five (5) trees or more are planted, then no more than fifty (50) percent of the trees may be of the same genus.
  5. **Invasive Vegetation.** Invasive non-native or noxious vegetation shall be removed within the mitigation area prior to planting, and shall be removed or controlled for five (5) years following the date that the mitigation planting is completed.
  6. **Mulching and Browse Protection.** Mulch shall be applied around new plantings at a minimum of three inches in depth and eighteen inches in diameter. Browse protection shall be installed on trees

**and shrubs. Mulching and browse protection shall be maintained during the two-year plant establishment period.**

**7. Tree and Shrub Survival. Trees and shrubs that die shall be replaced in kind to the extent necessary to ensure that a minimum of eighty (80) percent of the trees and shrubs initially required shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.**

- (.03) Proposals for mitigation action where new natural resource functions and values are created (i.e. creating wetland or wildlife habitat where it does not presently exist) will be reviewed and may be approved by the Development Review Board or Planning Director if it is determined that the proposed action will create natural resource functions and values that are equal to or greater than those lost by the proposed impact activity.
- (.04) Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.
- (.05) Mitigation plans shall have clearly stated goals and measurable performance standards.
- (.06) All mitigation plans shall contain a monitoring and maintenance plan to be conducted for a period of five years following mitigation implementation. The applicant shall be responsible for ongoing maintenance and management activities, and shall submit an annual report to the Planning Director documenting such activities, and reporting progress towards the mitigation goals. The report shall contain, at a minimum, photographs from established photo points, quantitative measure of success criteria, including plant survival and vigor if these are appropriate data. The Year 1 annual report shall be submitted one year following mitigation action implementation. The final annual report (Year 5 report) shall document successful satisfaction of mitigation goals, as per the stated performance standards. If the ownership of the mitigation site property changes, the new owners will have the continued responsibilities established by this section.
- (.07) The Mitigation Plan document shall be prepared by a natural resource professional.
- (.08) Prior to any site clearing, grading or construction, the SROZ area shall be staked, and fenced per approved plan. During construction, the SROZ area shall remain fenced and undisturbed except as allowed by an approved development permit.
- (.09) For any development which creates multiple parcels intended for separate ownership, the City shall require that the SROZ areas on the site be encumbered with a conservation easement or tract.
- (.10) The City may require a conservation easement over the SROZ that would prevent the owner from activities and uses inconsistent with the purpose of this Section and any easements therein. The purpose of the conservation

easement is to conserve and protect resources as well as to prohibit certain activities that are inconsistent with the purposes of this section. Such conservation easements do not exclude the installation of utilities.

- (.11) At the Planning Directors discretion, mitigation requirements may be modified based on minimization of impacts at the impact activity site. Where such modifications are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.
- (.12) The Director may study the possibility of a payment-in-lieu-of system for natural resource impact mitigation. This process would involve the public acquisition and management of natural resource properties partially funded by these payments.

**TABLE NR – 2 4: NATURAL RESOURCE ENHANCEMENT MITIGATION RATIOS**

| Existing Function*<br>Rating at Impact Site | Existing Function*<br>Rating at Mitigation<br>Site | Proposed Function*<br>Rating at Mitigation<br>Site | Area Ratio<br>(Mitigation:Impact) |
|---|--|--|-----------------------------------|
| L   | L  | M  | 2:1                               |
| L   | L  | H  | 1 ½ : 1                           |
| L   | M  | H  | 2 : 1                             |
| M   | L  | M  | 3 : 1                             |
| M   | L  | H  | 2 : 1                             |
| M   | M  | H  | 2 ½ : 1                           |
| H   | L  | M  | 4 : 1                             |
| H   | L  | H  | 3 : 1                             |
| H   | M  | H  | 2 ½ : 1                           |
| H   | H  | H+   | 5 : 1                             |

\* mitigation function (i.e. water quality, ecological integrity) shall be the same as impacted function

+ improve on a H rating

NOTE: These mitigation ratios were created by specifically for the Natural Resources Plan by Fishman Environmental Services.

Examples for using Table NR – 2 4 – the Doe Property

The Doe property (fictitious) was rated as a significant wildlife habitat site in the 2000 Compliance and Protection Plan report with the following function ratings: wildlife

habitat, L (low plant diversity); water quality protection, M (adjacent to the Willamette River); ecological integrity, L (a planted woodland); connectivity, M (adjacent to larger forest unit); and uniqueness, L (no sensitive species or unique natural features). In 2015, the function ratings were determined to be the same, except for wildlife habitat, which increased to M and ecological integrity, which rated M, both due to an increase in native plant species diversity and a reduction in Himalayan blackberry resulting from good stewardship practices by the Doe family. A project proposed by the Does would remove 0.2 acre of trees, shrubs and ground cover plants in the Area of Limited Conflicting Uses having an impact on wildlife habitat function. The Does propose to mitigate for the impact by enhancing another area of their property that has continuing invasive plant problems. By removing blackberry, instituting a 5-year blackberry control program, and planting/maintaining native shrubs, they will improve the mitigation site ratings for wildlife habitat and ecological integrity from L to M. Using Table NR - 23, they determine that a 3:1 ratio will be required, and they plan to enhance 0.6 acres of the mitigation site.

Calculation summary: existing function rating at impact site = M  
existing function rating at mitigation site = L  
proposed function rating at mitigation site = M  
Table NR - 24 required ration = 3:1  
Impact area X 3 = 0.2 acre X 3 = 0.6 acre.  
Note: both impacted functions are mitigated by the same action.

Calculation summary:

Wildlife Habitat function:

existing function rating at impact site = H  
existing rating at mitigation site = H  
proposed function rating at mitigation site = H+  
Table NR - 24 required ratio = 5:1  
Impact area X 5 = 0.04 acre X 5 = 0.2 acre

Water Quality Protection function:

existing function rating at impact site = H  
existing rating at mitigation site = M  
proposed function rating at mitigation site = H  
Table NR - 24 required ratio = 2½:1  
Impact area X 2½ = 0.04 acre X 2½ = 0.1 acre

Section 4.139.07 8 Activities Requiring a Class I Administrative Review Process

(.01) Class I Procedure for Amending the Significant Resource Overlay Zone Boundary. The Director may authorize an adjustment to the SROZ by a maximum of 2% (two percent) of the Area of Limited Conflicting Use. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway or wetland, no more than 2% of the Area of

Limited Conflicting Use on each side of the riparian corridor may be adjusted, provided the applicant demonstrates that the following standards are met:

- A. The proposed adjustment is located in an Area of Limited Conflicting Use as determined through a site assessment and SRIR;
- B. The area within the Significant Resource Overlay Zone is not reduced to less than the requirements of Metro's UGMFP Title 3 Water Quality Resource Areas for the site;
- C. The adjustment shall be located in the outermost 10% of the significant resource area as it runs near or parallel to a riparian corridor. Where no riparian corridor exists on the site, the adjustment shall be made in a manner which protects the highest resource values on the site;
- D. The conclusions of the SRIR confirm that the area where the project is proposed does not significantly contribute to the protection of the remaining Significant Resource for water quality, storm water control and wildlife habitat;
- E. The line to be adjusted has not been previously adjusted from the boundary location originally adopted as part of this Section; and
- F. The land proposed to be removed through the use of this adjustment process do not contain more than three healthy trees, as determined by an arborist, that are greater than 6 inches DBH.
- G. Any change to the SROZ boundary authorized through this Section shall be noted on the official zoning map of the City.

(.02) Applications that do not meet all of the above criteria shall be processed as a Class II Administrative Review.

Section 4.139.08 9 Activities Requiring a Class II Administrative Review Process

- (.01) The review of any action requiring an SRIR except:
  - A. Activities and uses exempt under this Section;
  - B. Adjustments permitted as a Class I Administrative Review.
  - C. Adjustments permitted as part of a Development Review Board public hearing process.
- (.02) Single family dwelling or the expansion of a single family dwelling on lots with limited buildable land. Single family dwelling or the expansion of a single family dwelling which meet all of the following requirements:
  - A. The lot was legally created and has less than 5,000 square feet of buildable land located outside the SROZ; and
  - B. No more than one single family house is permitted on the property and no more than 3,000 square feet of land is to be developed by impervious improvements within the SROZ; and

- C. The single-family structure shall be sited in a location, which reduces the impacts to the Significant Resources.
  - D. An Abbreviated SRIR is required to be submitted.
- (.03) The expansion of an existing single family dwelling or structures that are accessory to a single-family dwelling located inside Metro's UGMFP Title 3 Water Quality Resource Areas.
- A. The expansion of a single family structure or improvement is located no closer to the stream or wetland area than the existing structures, roadways, driveways or accessory uses and development; and
  - B. The coverage of all structures shall not be increased by more than 600 square feet, based on the coverage in existence as of the effective date of this ordinance; and
  - C. The applicant must obtain the approval of an erosion and sediment control plan from the City's Building and Environmental Services Divisions.
  - D. In determining appropriate conditions of approval, the applicant shall:
    1. Demonstrate that no reasonably feasible alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; and
    2. If no such reasonably feasible alternative design or method of development exists, the project shall be conditioned to limit its disturbance and impact on the Water Quality Resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and
    3. Provide mitigation consistent with Section 4.139.067 to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.

**Section 4.139.0910 Development Review Board (DRB) Process**

The following actions require review through a Development Review Board quasi-judicial process. Nothing contained herein shall be deemed to require a hearing body to approve a request for a permit under this Section.

- (.01) Exceptions. The following exceptions may be authorized through a Development Review Board quasi-judicial review procedure.
  - A. Unbuildable Lot. For existing non-developed lots that are demonstrated to be unbuildable by the provisions of this Section, the SROZ shall be reduced or removed to assure the lot will be buildable by allowing up to 3,000 square feet of land to be developed by impervious improvements for residential use, or 5,000 square feet of impervious improvements for non-residential uses, while still providing for the maximum protection of the significant resources, if not in conflict with any other requirements of the

Planning and Land Development Ordinance. This section shall not apply to lots created after the effective date of this ordinance.

- B. Large Lot Exception. An exception under this paragraph is authorized and may allow impact into wetlands, riparian corridors and wildlife habitat areas, and shall not be limited to locations solely within the Area of Limited Conflicting Use. Mitigation is required, and for wetland impacts, state and federal permit requirements shall be followed. An exception to the standards of this Section may be authorized where the following conditions apply:
1. The lot is greater than one acre in size; and
  2. At least 85 percent of the lot is located within the SROZ based on surveyed resource and property line boundaries; and
  3. No more than 10 percent of the area located within the SROZ on the property may be excepted and used for development purposes; and
  4. Through the review of an SRIR, it is determined that a reduction of the SROZ does not reduce the values listed on the City of Wilsonville Natural Resource Function Rating Matrix for the resource site; and
  5. The proposal is sited in a location that avoids or minimizes impacts to the significant resource to the greatest extent possible.
  6. For purposes of this subsection, "lot" refers to an existing legally created lot of record as of the date of the adoption of the SROZ.
- C. Public. If the application of this Section would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this Section. The hearing body shall use the SRIR review criteria identified within this section.
- D. Map Refinement process. The applicant may propose to amend the SROZ boundary through a Development Review Board quasi-judicial zone change where more detailed information is provided, such as a state approved wetland delineation. The criteria for amending the SROZ are as follows:
1. Any map refinement must be evaluated by considering the riparian corridor types contained in this ordinance.
  2. Other supporting documents to be considered in evaluating a proposal to refine a map include, but are not limited to:
    - a. Natural Resources Inventories (LWI/RCD);
    - b. The Economic, Social, Environmental and Energy (ESEE) Analysis;
    - c. Metro Functional Plans;
    - d. Wilsonville Comprehensive Plan;
    - e. State approved wetland delineations;
    - f. Detailed slope analysis

3. An SRIR must be prepared by the applicant in conformance with the provisions of this Section.
  4. The Hearing Body (including City Council) may amend the Significant Resource Overlay Zone (in or out) upon making a determination that the land area in question is or is not a significant resource. The criteria for determining that land is significant shall be based on finding that the site area has at least one rating of "high" using the function criteria listed in the Natural Resource Function Rating Matrices.
- (.02) Adding Wetlands. Except for water quality or storm water detention facilities, the City shall initiate amendments to the Significant Resource Overlay Zone maps to add wetlands when the City receives significant evidence that a wetland meets any one of the following criteria:
- A. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or the wetland qualifies as having intact water quality function under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
  - B. The wetland is in the Metro Title 3 Flood Management Area as corrected by the most current FEMA Flood Insurance Rate Maps, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or the wetland qualifies as having intact hydrologic control function under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
  - C. The wetland or a portion of the wetland is within a horizontal distance of less than one - fourth mile from a water body which meets the Department of Environmental Quality definition of water quality limited water body in OAR Chapter 340, Division 41 (1996).
  - D. Created or restored wetlands that meet the requirements of Section 4.139.10(.02) shall be added to the Significant Resource Overlay Zone.**
- (.03) Development of structures, additions and improvements that relate to uses other than single family residential.
- (.04) Variiances. A variance may be taken to any of the provisions of this Section per the standards of Section 4.196 of the Planning and Land Development Ordinance.

Section 4.139.10 11 Special Provisions

- (.01) Reduced front, rear and side yard setback. Applications on properties containing the SROZ may reduce the front, rear and side yard setback for developments or additions to protect the significant resource, as approved by the Development Review Board.



- (.02) Density Transfer. For residential development proposals on lands which contain the SROZ, a transfer of density shall be permitted within the development proposal site. The following formula shall be used to calculate the density that shall be permitted for allowed residential use on the property:
- A. Step 1. Calculate Expected Maximum Density. The Expected Maximum Density (EMD) is calculated by multiplying the acreage of the property by the maximum density permitted in the Wilsonville Comprehensive Plan.
  - B. Step 2. The density that shall be permitted on the property shall be equal to the EMD obtained in Step 1, provided:
    1. The density credit can only be transferred to that portion of the development site that is not located within the designated Significant Resource; and
    2. 50% of the maximum number of dwelling units that are within the SROZ are allowed to be transferred to the buildable portion of the proposed development site provided that the standards for outdoor living area, landscaping, building height and parking shall still be met. Applicants proposing a density transfer must demonstrate compatibility between adjacent properties as well as satisfy the setback requirements of the zone in which the development is proposed or meet Section 4.139.101 A. above; and
    3. The types of residential uses and other applicable standards permitted in the zone shall remain the same; and
    4. Land area within the Significant Resource Overlay Zone may be used to satisfy the requirements for outdoor recreation/open space area consistent with the provisions found in Section 4.113 of the Planning and Land Development Ordinance.
- (.03) Alteration of constructed drainageways. Alteration of constructed drainageways may be allowed provided that such alterations do not adversely impact stream flows, flood storage capacity and in stream water quality and provide more efficient use of the land as well as provide improved habitat value through mitigation, enhancement and/or restoration. Such alterations must be evaluated through an SRIR and approved by the City Engineer and Development Review Board.

**Section 4.** Wilsonville Code Section 4.155 General Regulations – Parking, Loading and Bicycle Parking is amended to read as follows:

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

- (.01) Purpose:
- A. The design of parking areas is intended to enhance the use of the parking area as it relates to the site development as a whole, while providing efficient parking, vehicle circulation and attractive, safe pedestrian access.

- B. As much as possible, site design of impervious surface parking and loading areas shall address the environmental impacts of air and water pollution, as well as climate change from heat islands.
- C. The view from the public right of way and adjoining properties is critical to meet the aesthetic concerns of the community and to ensure that private property rights are met. Where developments are located in key locations such as near or adjacent to the I-5 interchanges, or involve large expanses of asphalt, they deserve community concern and attention.

(.02) General Provisions:

- A. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.
  - 1. The Board shall have the authority to grant variances or planned development waivers to these standards in keeping with the purposes and objectives set forth in the Comprehensive Plan and this Code.
  - 2. Waivers to the parking, loading, or bicycle parking standards shall only be issued upon a findings that the resulting development will have no significant adverse impact on the surrounding neighborhood, and the community, and that the development considered as a whole meets the purposes of this section.
- B. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director.
- C. In cases of enlargement of a building or a change of use from that existing on the effective date of this Code, the number of parking spaces required shall be based on the additional floor area of the enlarged or additional building, or changed use, as set forth in this Section. Current development standards, including parking area landscaping and screening, shall apply only to the additional approved parking area.
- D. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately, except as modified by subsection "E," below.
- E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full **and permanent** access to such parking areas for all the parties jointly using them.
- F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.

- G. **Off-Site Parking.** Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. ~~The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.~~
- H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.
- I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.
- J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.
- K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as **pervious materials (i. e. pavers, concrete, asphalt)** ~~"grasserete"~~ in lightly used areas, that is found by the City's **authorized representative** ~~Engineer~~ to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's **authorized representative** ~~Engineer~~, shall be provided.
- L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.
- M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.
- N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.
- O. Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be

increased to a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

(.03) Minimum and Maximum Off-Street Parking Requirements:

- A. Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:
  - 1. Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked.
  - 2. To the greatest extent possible, separate vehicle and pedestrian traffic.
- B. Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:
  - 1. Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the fifteen percent (15%) total landscaping required in Section 4.176.03 for the site development.
  - 2. Landscape tree planting areas shall be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount.
    - a. Trees shall be planted in a ratio of one (1) tree per eight (8) parking spaces or fraction thereof, except in parking areas of more than two hundred (200) spaces where a ratio of one (1) tree per six (six) spaces shall be applied as noted in subsection (.03)(B.)(3.). A landscape design that includes trees planted in areas based on an aggregated number of parking spaces must provide all area calculations.
    - b. Except for trees planted for screening, all deciduous interior parking lot trees must be suitably sized, located, and maintained to provide a branching minimum of seven (7) feet clearance at maturity.
  - 3. Due to their large amount of impervious surface, new development with parking areas of more than two hundred (200) spaces that are located in any zone, and that may be viewed from the public right of way, shall be landscaped to the following additional standards:
    - a. One (1) trees shall be planted per six (6) parking spaces or fraction thereof. At least twenty-five percent (25%) of the required trees must be planted in the interior of the parking area.
    - b. Required trees may be planted within the parking area or the perimeter, provided that a minimum of forty percent (40%) of the canopy dripline of mature perimeter trees can be expected to shade

or overlap the parking area. Shading shall be determined based on shadows cast on the summer solstice.

- c. All parking lots in excess of two hundred (200) parking spaces shall provide an internal pedestrian walkway for every six (6) parking aisles. Minimum walkway clearance shall be at least six (6) feet in width. Walkways shall be designed to provide pedestrian access to parking areas in order to minimize pedestrian travel among vehicles. Walkways shall be designed to channel pedestrians to the front entrance of the building.
  - d. All parking lots viewed from the public right of way shall have a minimum twelve (12) foot landscaped buffer extending from the edge of the property line at the right of way to the edge of the parking area. Buffer landscaping shall meet the low screen standard of 4.176(.02)(D) except that trees, groundcovers and shrubs shall be grouped to provide visual interest and to create view openings no more than ten (10) feet in length and provided every forty (40) feet. Notwithstanding this requirement, view of parking area that is unscreened from the right of way due to slope or topography shall require an increased landscaping standard under 4.176(.02) in order to buffer and soften the view of vehicles as much as possible. For purposes of this section, "view from the public right of way" is intended to mean the view from the sidewalk directly across the street from the site, or if no sidewalk, from the opposite side of the adjacent street or road.
  - e. Where topography and slope condition permit, the landscape buffer shall integrate parking lot storm water treatment in bioswales and related plantings. Use of berms or drainage swales are allowed provided that planting areas with lower grade are constructed so that they are protected from vehicle maneuvers. Drainage swales shall be constructed to Public Works Standards.
  - f. In addition to the application requirements of section 4.035(.04)(6)(d), where view of signs is pertinent to landscape design, any approved or planned sign plan shall accompany the application for landscape design approval.
4. Be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces, provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.
  5. Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking.

6. In all multi-family dwelling developments, there shall be sufficient areas established to provide for parking and storage of motorcycles, mopeds and bicycles. Such areas shall be clearly defined and reserved for the exclusive use of these vehicles.
7. On-street parking spaces, directly adjoining and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards.
8. Tables 5, below, shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required. [Amended by Ordinance No. 538, 2/21/02.]

**Section 5.** Wilsonville Code Section 4.176 Landscaping, Screening and Buffering is amended to read as follows:

**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:
- A. Promote the re-establishment of vegetation for aesthetic, health, erosion control, flood control and wildlife habitat reasons;
  - B. Restore native plant communities and conserve irrigation water through establishment, or re-establishment, of native, drought-tolerant plants;
  - C. Mitigate for loss of native vegetation;
  - D. Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
  - 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;
  - F. Unify development and enhance and define public and private spaces;
  - G. Promote the retention and use of existing **topsoil and** vegetation.  
**Amended soils benefit stormwater retention and promote infiltration.**

- H. Aid in energy conservation by providing shade from the sun and shelter from the wind; and
- I. Screen from public view the storage of materials that would otherwise be considered unsightly.
- J. Support crime prevention, create proper sight distance clearance, and establish other safety factors by effective landscaping and screening.
- 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.

(.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 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 1600 square feet shall have two trees if the standard calls for one tree per 800 square feet.
- 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.
  - 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:
    - 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.

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.
2. Required materials. The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95% 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 (3) 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 22: Low Screen Landscaping).

E. 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 (6) feet high and 95% 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 (6) 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 23: High Screen Landscaping).

F. High Wall Standard.

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.
2. Required materials. The High Wall Standard requires a masonry wall at least six (6) feet high along the interior side of the landscaped area (see Figure 24: 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.

G. High Berm Standard.

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.
2. Required materials. The High Berm Standard requires a berm at least four (4) feet high along the interior side of the landscaped area (see Figure 25: High Berm Landscaping). If the berm is less than six (6) 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 (6) 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.

H. Partially Sight-Obscuring Fence Standard.

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.
2. Required materials. Partially Sight-Obscuring Fence Standard are to be at least six (6) feet high and at least 50% sight-obscuring. Fences may be made of wood (other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 26: Partially Sight-Obscuring Fence).

I. Fully Sight-Obscuring Fence Standard.

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.
2. Required materials. Fully sight-obscuring fences are to be at least six (6) feet high and 100% sight-obscuring. Fences may be made of wood

(other than plywood or particle-board), metal, bricks, masonry or other permanent materials (see Figure 27: Totally Sight-Obscuring Fence).

- (.03) Landscape Area. Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct 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).**
- (.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.
  - 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.
  - 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.
  - 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.
  - 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.
  - F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.
- (.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 one hundred ten percent (110%) of the cost of such fence or planting and its installation. (See Sections 4.400 to 4.470 for additional requirements.)
- (.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 (3) 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 bark dust 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 10" to 12" spread.
2. Ground cover. Shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" 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% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.
3. Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent (10%) 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.
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.
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.**

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:

1. Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of 2" 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 1-3/4" to 2" 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 1-3/4" minimum caliper.
  4. Large conifer trees such as Douglas-Fir or Deodar Cedar shall be installed at a minimum height of eight (8) 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 (5 to 6) feet.
- C. Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Development Review Board may require larger or more mature plant materials:
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 fifty (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 (10) feet; and
      - ii. Minimum trunk diameter (caliper) of 2 inches (measured at four and one-half [4 1/2] feet above grade).
    - b. Evergreen trees: Minimum height of twelve (12) feet.
- 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.
1. All trees shall be standard base grafted, well branched and typical of their type as described in current AAN Standards and shall be balled and burlapped (b&b). Street trees shall be planted at sizes in accordance with the following standards:
    - a. Arterial streets - 3" minimum caliper
    - b. Collector streets - 2" minimum caliper.
    - c. Local streets - 1-3/4" minimum caliper.
    - d. Accent or median tree -1-3/4" minimum caliper.
  2. The following trees and varieties thereof are considered satisfactory street trees in most circumstances; however, other varieties and species are encouraged and will be considered:

- a. Trees over 50 feet mature height: *Quercus garryana* (Native Oregon White Oak), *Quercus rubra borealis* (Red Oak), *Acer Macrophyllum* (Native Big Leaf Maple), *Acer nigrum* (Green Column Black Maple), *Fraxinus americanus* (White Ash), *Fraxinus pennsylvannica 'Marshall'* (Marshall Seedless Green Ash), *Quercus coccinea* (Scarlet Oak), *Quercus pulustris* (Pin-Oak), *Tilia americana* (American Linden).
- b. Trees under 50 feet mature height: *Acer rubrum* (Red Sunset Maple), *Cornus nuttallii* (Native Pacific Dogwood), *Gleditsia triacanthos* (Honey Locust), *Pyrus calleryana 'Bradford'* (Bradford Pear), *Tilia cordata* (Little Leaf Linden), *Fraxinus oxycarpa* (Flame Ash).
- c. Other street tree species. Other species may be specified for use in certain situations. For instance, evergreen species may be specified where year-round color is desirable and no adverse effect on solar access is anticipated. Water-loving species may be specified in low locations where wet soil conditions are anticipated.

[Section 4.176(.06)(D.) amended by Ordinance No. 538, 2/21/02.]

#### E. Types of Plant Species.

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.

[Section 4.176(.06)(E.) amended by Ordinance No. 538, 2/21/02.]

#### 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):

| <u>Existing trunk diameter</u> | <u>Number of Tree Credits</u> |
|--------------------------------|-------------------------------|
| 18 to 2419 inches in diameter  | 3 tree credits                |
| 250 to 3125 inches in diameter | 4 tree credits                |
| 3226 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 (1) 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.

[Section 4.176(.06)(G.) amended by Ordinance No. 538, 2/21/02.]

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.

[Section 4.176(.06)(H.) amended by Ordinance No. 538, 2/21/02.]

(.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.
- 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.
- 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.
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.
3. Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.
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 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.

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.

(.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.

(.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:

- A. High water usage areas (+/- two (2) inches per week): small convoluted lawns, lawns under existing trees, annual and perennial flower beds, and temperamental shrubs;
- B. Moderate water usage areas (+/- one (1) inch per week): large lawn areas, average water-using shrubs, and trees;

- C. Low water usage areas (Less than one (1) 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.
- (.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.
- (.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 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.
  - 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 in-suitable 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.  
[Section 4.176 amended by Ordinance No. 536, 1/7/02]

**Section 6.** Wilsonville Code Section 4.177 Street Improvement Standards is amended to read as follows:

Section 4.177. Street Improvement Standards.

*Note: This section is expected to be revised after the completion of the Transportation Systems Plan.*

- (.01) Except as specifically approved by the Development Review Board, all street and access improvements shall conform to the Transportation Systems Plan and the Public Works Standards, together with the following standards:
  - A. All street improvements and intersections shall conform to the Public Works Standards and shall provide for the continuation of streets through specific developments to adjoining properties or subdivisions.
  - B. All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.
    - 1. Within a Planned Development the Development Review Board may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary.
  - C. Rights-of-way.
    - 1. Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Street System Master Transportation Systems Plan. All dedications shall be recorded with the County Assessor's Office.

2. The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder's Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.
  3. In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.
- D. Dead-end Streets. New dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection. **A central landscaped island with rainwater management and infiltration are encouraged in cul-de-sac design.** No more than 25 dwelling units shall take access to a new dead-end or cul-de-sac street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of 25 or fewer units. All other dimensional standards of dead-end streets shall be governed by the Public Works Standards.
- E. Access drives and travel lanes.
1. An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions.
  2. Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.
  3. Secondary or emergency access lanes may be improved to a minimum 12 feet with an all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.
  4. Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.
  5. Where access drives connect to the public right-of-way, construction within the right-of-way shall be in conformance to the Public Works Standards.
- F. Corner or clear vision area.
1. A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:
    - a. Light and utility poles with a diameter less than 12 inches.
    - b. Trees less than 6" d.b.h., approved as a part of the Stage II Site Design, or administrative review.

- c. Except as allowed by b., above, an existing tree, trimmed to the trunk, 10 feet above the curb.
  - d. Official warning or street sign.
  - e. Natural contours where the natural elevations are such that there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.
- G. Vertical clearance - a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.
- H. Interim improvement standard. It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Planning Commission, the following interim standards shall apply.
- 1. Arterials - 24 foot paved, with standard sub-base. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.
  - 2. Half-streets are generally considered unacceptable. However, where the Development Review Board finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the requirements in the Public Works Standards:
  - 3. When considered appropriate in conjunction with other anticipated or scheduled street improvements, the City Engineer may approve street improvements with a single asphalt lift. However, adequate provision must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.

[Section 4.177(.01) amended by Ord. 610, 5/1/06]

**Section 7.** Findings. The City Council adopts as findings and conclusions the foregoing recitals and the staff reports in this matter attached hereto as Exhibits A and B, adopted as if set forth fully herein.

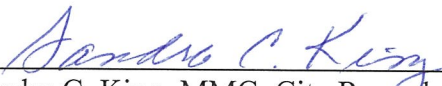
**Section 8.** Severability. In the event any provisions of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

**Section 9.** Formatting. The City Recorder is hereby authorized to reformat and renumber the Comprehensive Plan and Chapter 4 to accommodate the approved changes.

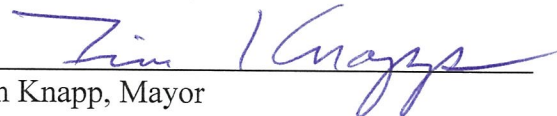
SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 2<sup>nd</sup> day of November, 2009, at the hour of 7:00 p.m. at the Wilsonville City Hall 29799 SW Town Center Loop East, Wilsonville, Oregon, and scheduled for second reading on the 16<sup>th</sup> day of November, 2009, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

  
\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 16th day of November, 2009, by the following votes: YEAS: -4- NAYS: -0-

  
\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 17<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Tim Knapp, Mayor

**SUMMARY OF VOTES:**

|                  |         |
|------------------|---------|
| Mayor Knapp      | Yes     |
| Councilor Kirk   | Yes     |
| Councilor Nunez  | Yes     |
| Councilor Ripple | Excused |
| Councilor Hurst  | Yes     |

**Exhibit A** – Kerry Rappold Staff Report Dated October 27, 2009 which includes:

- Exhibit 1. Memo from Angelo Planning Group
- Exhibit 2. Mapping Comparison Report
- Exhibit 3. Metro Letter dated August 18, 2009
- Exhibit 4. Metro brochures related to habitat-friendly development practices
- Exhibit 5. Metro Model Ordinance
- Exhibit 6. Title 13 Compliance Status and Comparison
- Exhibit 7. Metro letter dated October 21, 2009

**Exhibit B** – Chris Neamtzu Staff Report dated October 26, 2009

**WILSONVILLE PLANNING DIVISION**  
**Legislative STAFF REPORT**

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**HEARING DATE:** November 2, 2009

**DATE OF REPORT:** October 27, 2009

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**APPLICATION NO:** LP09-0002

**APPLICANT:** City of Wilsonville

**REQUEST:** Proposed Comprehensive Plan and Development Code text amendments to address compliance with Title 13 (Nature in Neighborhoods) of Metro's Urban Growth Management Functional Plan.

Minor modifications are proposed to the text of the Wilsonville Comprehensive Plan section on Environmental Resources and Community Design. Development Code modifications are proposed to Section 4.001 Definitions; Section 4.118 Standards Applying to All Planned Development Zones, and Section 4.139 Significant Resource Overlay Zone.

*The City Council is the final authority in this matter.*

**APPLICABLE REVIEW CRITERIA:**

Statewide Planning Goals: Goal 1 Citizen Involvement; Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

Wilsonville Comprehensive Plan:

Section A: Citizen Involvement;  
Section C: Complimentary Facilities - Parks/Recreation/Open Space;  
Section D: Land Use and Development - Environmental Resources and Community Design

Wilsonville Planning and Land Development Ordinance:

Section 4.008 – Application Procedures – In General;  
Section 4.197 – Zone Changes and Amendments to This Code – Procedures;  
Section 4.198 – Comprehensive Plan Changes

**STAFF REVIEWER:** Kerry Rappold, Natural Resources Program Manager  
(503) 570-1570, [rappold@ci.wilsonville.or.us](mailto:rappold@ci.wilsonville.or.us)

**LOCATION:** The proposed Comprehensive Plan and Development Code amendments are applicable to all planned development zones and properties with mapped Significant Resource Overlay Zone areas.

This public hearing reflects implementation of:

**Council Goal 1** – Enhance Livability and safety in Wilsonville

**Council Goal 2** – Engage the Community in Smart Growth and Sustainability Concepts

## **INTRODUCTION:**

This staff report addresses a series of minor comprehensive plan and code amendments that when coupled with the companion amendments prepared by Mr. Neamtzu in a separate report will comprise a Title 13 (Nature in Neighborhoods) compliance packet that will be submitted to Metro. Staff proposes to comply with Title 13 by modifying the existing Significant Resource Overlay Zone (SROZ) and removing barriers to habitat-friendly development practices in the Development Code. The SROZ effectively balances the protection of natural resources with the need for development in the community.

The most significant change proposed is the requirement for utilization of habitat-friendly development practices when a development impacts the SROZ or its associated impact area. Habitat-friendly development practices minimize the impact of development on natural resources, and can help developers save money and add value to their properties. Where no impact to the SROZ is proposed, these practices are only encouraged and not required.

The City has received preliminary approval from Metro staff on the proposed approach to substantial compliance with Title 13 based on materials presented at the Planning Commission meetings.

## **SUMMARY:**

### *Planning Commission Process*

The Planning Commission conducted an extensive review of the proposed Comprehensive Plan and Development Code amendments. Work sessions were held at the Planning Commission on March 11, 2009, April 8, 2009, May 13, 2009, June 10, 2009 and July 8, 2009 to allow feedback from the commissioners. At the work sessions, the Planning Commission requested revisions to some of the proposed definitions, and minor adjustments to the wording of the code language.

A public hearing was conducted before the Planning Commission on September 9, 2009. No testimony was received from the public, and the Planning Commission approved the compliance program without any revisions.

*Proposed Comprehensive Plan and Development Code Amendments*

The Wilsonville Comprehensive Plan section on Environmental Resources and Community Design has been amended to achieve compliance with Title 13. There are seven proposed development code amendments, including some house keeping items, to Sections 4.001, 4.118, and 4.139 of the Development Code. The following summary highlights these amendments:

1. Amendments to the Wilsonville Comprehensive Plan section on Environmental Resources and Community Design, which modify implementation measures to achieve compliance with Title 13.
2. New or revised definitions (Section 4.001): Recommended definitions have been included for “drip line” and “habitat-friendly development”. The definitions will improve the application of existing requirements and establish a basis for applying habitat-friendly development practices.
3. Encouraging the use of habitat-friendly development practices (Section 4.118): Code language has been added to the *Standards applying to all Planned Development Zones*, which encourages the use of habitat-friendly development practices to the extent practicable, which are found in Table NR-2.
4. New or revised definitions (Section 4.139.00): Recommended definitions have been included for “bankful stage” and “emergency”. The definitions will improve the application of existing SROZ requirements.
5. Requiring the use of habitat-friendly development practices (Section 4.139.03): Code language has been added that requires the use of habitat-friendly development practices, which are found in Table NR-2, for mitigating development impacts to the Significant Resource Overlay Zone to the extent practicable.
6. Submittal requirements for exemption determinations (Section 4.139.04): Minimum submittal requirements are necessary for the equitable application of exemptions to the SROZ. Submittal requirements are consistent with the requirements in Section 4.139.06 (*Significant Resource Impact Report (SRIR) and Review Criteria*).
7. Map verification process (Section 4.139.05): A map verification process, similar to the one identified in the Title 13 Model Ordinance, has been included. The existing code did not identify specific steps for verifying the

SROZ map. The map verification requirements provide a clear and objective standard for verifying the accuracy of the mapping.

8. Mitigation planting requirements (Section 4.139.07): Planting plan requirements, similar to the requirements in the Title 13 Model Ordinance, have been included. The existing code was silent in regards to plant densities, size, spacing, and diversity. In addition, requirements have been included for plant survival and maintenance.
9. Created or restored wetlands added to SROZ (4.139.10): Establishes a requirement for including created or restored wetlands in the SROZ if they meet the definitions in Section 4.139.10.02. Previously, this requirement was not stipulated in the code.

Subsequent to the Planning Commission public hearing, staff has identified several minor revisions to the code amendments in Section 4.118 (Planned Development Zones) and Section 4.139 (Significant Resource Overlay Zone). These amendments provide greater clarity and effectiveness in administering the Title 13 requirements. They include:

1. Section 4.118.09 (Habitat-Friendly Development Practices): A reference to “building footprints” was revised to “impervious area”. All references to “techniques” were revised to “practices”.
2. Section 4.139.05 (Habitat-Friendly Development Practices): Clarified habitat-friendly development practices are required for “development and construction activities *that encroach* within the Significant Resource Overlay Zone *and/or* Impact Area”. A reference to “building footprints” was revised to “impervious area”. All references to “techniques” were revised to “practices”.

#### City Council Work Session

Staff conducted a work session about Title 13 compliance (and its relationship to the proposed Stormwater Master Plan) with the City Council on October 19, 2009. The councilors asked two questions in regards to the Title 13 presentation provided by staff, and a number of questions related to the Stormwater Master Plan presentation. The councilor questions about Title 13 are addressed in the following staff responses:

1. *How does the City of Wilsonville compare to other jurisdictions in the Metro region in regards to Title 13 Compliance?*

**Staff Response:** Based on research of the various timelines and compliance approaches used by other jurisdictions in the Metro region, the most commonly used approach is amending existing comprehensive plans and development codes (Exhibits 6 and 7). A majority of the jurisdictions have finalized their compliance approaches and received approval from Metro, which includes the Tualatin Basin Natural Resource Coordinating Committee (i.e. Washington County and the nine local



jurisdictions in the county) that adopted a Goal 5 program that was incorporated into Title 13.

Four cities (i.e. Portland, Lake Oswego, Milwaukie, and Fairview) have requested extensions due to delays in completing their compliance efforts, and three jurisdictions are in the process of adopting code and map amendments (i.e. Gladstone, Wilsonville and Multnomah County). Although some jurisdictions have not finalized their compliance, they are still responsible (including Wilsonville) for applying the requirements of Title 13 directly to their land use decisions after January 5, 2009, whether or not they have adopted comprehensive plan provisions and land use regulations to implement Title 13.

All of the 25 local jurisdictions within Metro now have regulations in effect that protect natural resource areas. Whether they are using the Tualatin Basin approach, Metro's Model Ordinance, or their own set of standards, these regulations share many similarities. Wilsonville is one of 11 cities in the region to regulate tree removal.

2. *What impact does the application of habitat-friendly development practices have on development costs?*

**Staff Response:** Staff provided an example of conventional site design versus habitat-friendly site design in the presentation given to the City Council. The conventional site design included a standard layout for lots, wide streets with cul-de-sacs, and minimal greenspace incorporated into the development. The habitat-friendly development incorporated a comparable number of smaller lots configured to preserve the maximum amount of open space, bioswales and bioretention areas for managing stormwater, and narrow streets that provide greater connectivity.

The habitat-friendly development can provide benefits to the environment as well as the developer. These include greater marketability due to increased property values associated with preserving trees and proximity to open space; cost savings due to less clearing, grading, pipes, ponds, inlets, curbs and paving; and potentially lower lifetime costs.

#### **ISSUES:**

The City has received preliminary approval from Metro staff (Exhibit 3) on the proposed approach to substantial compliance with Title 13: Nature in Neighborhoods based on materials presented at the March 11, 2009, April 8, 2009, May 13, 2009, June 10, 2009 and July 8, 2009 Planning Commission work sessions. Significant alterations or changes to these proposals could necessitate additional meetings with the regional government to ensure substantial compliance is achieved.

#### **RECOMMENDATION:**

Staff respectfully recommends that the City Council conduct a public hearing on the proposed comprehensive plan and development code amendments, and adopt the attached Ordinance.

*The City Council is the final authority in this matter.*

**BACKGROUND:**

On September 29, 2005, the Metro Council voted to approve a regional Nature in Neighborhoods (Statewide Planning Goal 5-Natural Resources) program, which became Title 13 of Metro's Urban Growth Management Functional Plan. Local governments were given until January 5, 2009 to comply with the new regulations. There are three primary ways to comply. The city could create new regulations; the city could adopt the model ordinance provided by Metro; or the city could modify their existing regulations and tailor them to more concisely address Title 13. The City, with the Planning Commissions agreement, proposes to comply with Title 13 by modifying the existing Significant Resource Overlay Zone and removing barriers to habitat-friendly development practices in the Development Code. City staff has coordinated with Metro staff regarding this deadline and has been granted an informal extension given the substantial progress towards compliance that has been made.

An important feature of the Nature in Neighborhoods approach is the encouragement of local agencies to evaluate current codes for implementation barriers to land developers, builders and property owners to incorporate habitat (nature) friendly practices in their site design. Staff has prepared several proposed Planning and Land Development Code amendments, including some house keeping items in Section 4.139 (SROZ), as part of Metro's Title 13 (T13)-Nature in Neighborhoods compliance. The changes are proposed to encourage the use of habitat-friendly development practices. Habitat-friendly development practices include a broad range of development techniques and activities that reduce the potentially detrimental impact on fish and wildlife habitat from 'traditional' development practices. As part of T13, Metro has identified a wide range of practices that represent best management practices (BMPs).

An audit was performed on the city's Development Code by planning consultant Angelo Planning Group in November of 2008 (Exhibit 1). The key findings generally revealed that the city's development code does not present significant barriers to implementation of habitat-friendly development practices. This is in large part due to the Planned Development process that is used in Wilsonville. The Planned Development process provides flexibility in design and allows for 'waivers' to certain standards rather than to a strict variance process, when better than average development is proposed. For more information on the Planned Development process, please review Section 4.008 (.01-.02) of the Planning and Land Development Ordinance.

In addition to the proposed Development Code amendments, the City proposed the SROZ Map as substantially compliant with Metro's Habitat Conservation Areas (HCA) Map. Based on a comparison of the SROZ and Habitat Conservation Areas mapping, the SROZ

protects almost 94% of the High HCA. Overall, including low and moderate HCA, the SROZ protects 86% of these designated areas. A mapping report was submitted to Metro (Exhibit 2), which documented any discrepancies between the SROZ and HCA maps. Metro staff concurred with the report, and will incorporate the SROZ Map into the HCA Map.

The SROZ was adopted in June 2001, which also included compliance with Metro's Title 3 requirements. The SROZ replaced the Primary Open Space/Secondary Open Space (POS/SOS) designations in the Comprehensive Plan and Land Use Map. The SROZ includes locally significant wetlands, riparian corridors, and wildlife habitat areas. Many of the natural resources protected under the SROZ were also part of the POS/SOS designations, which provides an important continuity of resource protection over the last few decades.

The regulations associated with the SROZ restrict most development from impacting locally significant natural resources. Typically, only minor encroachments have been approved, and only in cases where avoidance was not possible. Minimization of impacts and mitigation for these impacts are required for approved encroachments. Over the last eight years, approximately one acre of SROZ has been permanently impacted by development. The SROZ effectively balances the protection of natural resources with the need for development in the community.

**The amended Comprehensive Plan and Development Code sections are found in Ordinance No. 674 in their entirety.**

#### **CONCLUSIONARY FINDING(S):**

##### **Statewide Planning Goals**

*Goal 1: Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Response: Work sessions were held at the Planning Commission on March 11, 2009, April 8, 2009, May 13, 2009, June 10, 2009 and July 8, 2009 to allow feedback from the commissioners. A public hearing was conducted before the Planning Commission on September 9, 2009. In addition, public testimony will be taken at the public hearing before the City Council on November 2, 2009

Goal 1 is satisfied.

*Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. To conserve open space and protect natural and scenic resources.*

Response: Metro's Title 13 was developed in compliance with Goal 5. It achieves its purpose through conservation, protection, and appropriate restoration of riparian and upland fish and wildlife habitat through time, using a comprehensive approach that includes voluntary, incentive-based, educational and regulatory elements. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan,

and achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan relating to Title 3 Water Quality Resource Areas and Title 13 - Nature in Neighborhoods, and that portion of Statewide Planning Goal 5 relating to significant natural resources.

Goal 5 is satisfied.

## **Wilsonville Comprehensive Plan**

### **Citizen Involvement**

*GOAL 1.1 To encourage and provide means for interested parties to be involved in land use planning processes, on individual cases and City-wide programs and policies.*

**Policy 1.1.1 The City of Wilsonville shall provide opportunities for a wide range of public involvement in City planning programs and processes.**

Implementation Measure 1.1.1.a Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes. Whenever practical to do so, City staff will provide information for public review while it is still in "draft" form, thereby allowing for community involvement before decisions have been made.

Response: The City has provided copies of the draft comprehensive plan and development code amendments to interested parties. Notice was provided to DLCD on June 25, 2009, at least 45 days prior to the first evidentiary hearing. The Planning Commission hearing was conducted on September 9, 2009. Public notice of the hearing was mailed on August 27, 2009 to a list of agencies, interested individuals, and surrounding property owners.

Public notice for the City Council public hearing was posted in the Wilsonville Spokesman on October 14, 2009, and copies of the notice were also mailed to parties that attended the Planning Commission public hearing.

These goal, policy and implementation measures are satisfied.

*Implementation Measure 1.1.1.b Support the Planning Commission as the City's official Citizens Involvement Organization with regular, open, public meetings in which planning issues and projects of special concern to the City are discussed and resultant recommendations and resolutions are recorded and regularly reported to the City Council, City staff, and local newspapers. The Planning Commission may schedule special public meetings as the Commission deems necessary and appropriate to carry out its responsibilities as the Committee for Citizen Involvement.*

*Implementation Measure 1.1.1.c Support the Planning Commission as the Committee for Citizen Involvement, which assists City Officials with task forces for gathering information, sponsoring public meetings and/or evaluating proposals on special*

*projects relating to land use and civic issues, when requested by officials or indicated by community need.*

*Implementation Measure 1.1.1.d Support the Planning Commission as a public Citizens Involvement Organization which assists elected and appointed City Officials in communicating information to the public regarding land use and other community issues. Examples of ways in which the Commission may accomplish this include conducting workshops or special meetings.*

*Implementation Measure 1.1.1.e Encourage the participation of individuals who meet any of the following criteria:*

- 1. They reside within the City of Wilsonville.*
- 2. They are employers or employees within the City of Wilsonville.*
- 3. They own real property within the City of Wilsonville.*
- 4. They reside or own property within the City's planning area or Urban**

**Growth Boundary adjacent to Wilsonville.**

Response: In updating the Stormwater Master Plan, an integrated approach to stormwater and watershed management was used to ensure the development of management solutions and policies that maintain, restore and enhance local watersheds and meet engineering, environmental and land use needs. As part of the master plan update, recommendations were developed regarding habitat-friendly development practices for stormwater management consistent with Metro's Title 13 (Nature in Neighborhoods) program.

In its capacity as the Committee for Citizen Involvement, the Planning Commission hosted two open houses for the Stormwater Master Plan. The open houses were held on October 16, 2008 and May 27, 2009, and provided the public an opportunity to comment on habitat-friendly development practices for stormwater management.

These implementation measures are satisfied.

### **Parks/Recreation/Open Space**

*Policy 3.1.11 The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park lands.*

*Implementation Measure 3.1.11.a Identify and encourage conservation of natural, scenic, and historic areas within the City.*

Response: The Significant Resource Overlay Zone, and the proposed code amendments that will bring it in to compliance with Title 13, provide an effective program for the conservation of natural and scenic areas within the community.

This implementation measure is satisfied.

*Implementation Measure 3.1.11.c Protect the Willamette River Greenway from incompatible uses or developments.*

*Implementation Measure 3.1.11.k Protect the river-connected wildlife habitat.*

*Implementation Measure 3.1.11.l Encourage the interconnection and integration of open spaces within the City and carefully manage development of the Willamette River Greenway.*

Response: One of the purposes of Title 13 is to “conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape.” In support of this Title 13 objective, the Significant Resource Overlay Zone implements goals and policies related to the Willamette River Greenway and river-connected wildlife habitat. This is accomplished by conserving and protecting these critically important habitat areas through development regulations and the mapping of significant riparian areas.

These implementation measures are satisfied.

### **Environmental Resources and Community Design**

*Policy 4.1.5 Protect valuable resource lands from incompatible development and protect people and property from natural hazards.*

*Implementation Measure 4.1.5.d Conserve and create open space throughout the City for specified objectives.*

Response: Title 13 provides a tool box comprised of regulatory elements, education and incentives to conserve open space throughout the Metro region. By incorporating Title 13 requirements into the Significant Resource Overlay Zone and Development Code, the City achieves a more effective means of conserving and protecting significant natural resources and important open space throughout the community and in areas adjacent to the City.

This implementation measure is satisfied.

*Implementation Measure 4.1.5.g Encourage identification and conservation of natural scenic and historic areas within the City.*

Response: Locally and regionally significant fish and wildlife habitat were identified as part of the development of the Significant Resource Overlay Zone and Title 13’s Habitat Conservation Areas. These maps have been reconciled to eliminate any discrepancies, and form the basis for conserving and protecting significant natural resources within the

City. The City's SROZ map will be incorporated into Metro's Habitat Conservation Areas map.

This implementation measure is satisfied.

*Implementation Measure 4.1.5.k Develop open, limited, or restricted access natural areas connected where possible by natural corridors, for wildlife habitat, watershed, soil and terrain protection. Preservation of contiguous natural corridors throughout the City for the protection of watersheds and wildlife will be given priority in land use decisions regarding open space.*

*Implementation Measure 4.1.5.m Protect the river-connected wildlife habitat and encourage the integration and inter-connection of the Willamette River Greenway to open space areas of the City. Continue to regulate development within the Greenway boundaries. Provide for public access to the river only through and within the City parks or other properties intended for public access.*

Response: Protecting contiguous natural corridors, including river-connected wildlife habitat, throughout the City, and the region, is an important objective of Title 13. By incorporating Title 13 requirements into the Significant Resource Overlay Zone and Development Code, the City achieves a more effective means of conserving and protecting fish and wildlife corridors. Not only are corridors protected within the City limits, but due to Title 13 regional requirements habitat connectivity is protected and conserved in areas adjacent to the City.

These implementation measures are satisfied.

*Implementation Measure 4.1.5.n Adopt performance standards, in accordance with Metro, to conserve, preserve, protect, and enhance fish and wildlife habitat within the fish and wildlife habitat conservation areas identified on Metro's water quality and flood management area map.*

Response: The habitat-friendly development practices enumerated in Title 13 provide performance standards that conserve and protect fish and wildlife habitat conservation areas. By incorporating these practices into the SROZ and Development Code, impacts to fish and wildlife throughout the community can be avoided or minimized and, if necessary, mitigated.

This implementation measure is satisfied.

*Implementation Measure 4.1.5.p The Administrative Review, Variance and mitigation procedures within the Development Code may be used to consider claims of map error and unique hardship, to assure that the standards do not render any legal tax lot to be unbuildable by application of requirements for natural resource protection.*

Response: A map verification process, similar to the one identified in the Title 13 Model Ordinance, has been incorporated into the SROZ. The map verification requirements

provide a clear and objective standard for verifying the accuracy of the mapping. The new verification process in combination with the existing SROZ requirements assure that any legal tax lot will not be deemed unbuildable due to the application of requirements for natural resources protection.

This implementation measure is satisfied.

*Implementation Measure 4.1.5.y Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process shall be designated as one or more overlay zones on the City Zoning Map.*

Response: The SROZ mapping will be incorporated into Metro's HCA mapping, which will ensure locally protected natural resources, such as riparian corridors, wetlands, and wildlife habitat, will continue to be designated as an overlay zone on the City Zoning Map.

This implementation measure is satisfied.

*Implementation Measure 4.1.5.z Protected natural resources within the Significant Resource Overlay Zone are intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:*

- 1. Riparian corridors, wetlands and wildlife habitat that are determined to be significant through the Goal 5 process and are included in the Significant Resource Overlay Zone.*
- 2. Water quality resource areas as defined by Metro's Title 3 of the Urban Growth Management Functional Plan.*

Response: The proposed Comprehensive Plan and Development Code amendments will strengthen the protection of natural resources within the SROZ, by incorporating habitat-friendly development practices and mitigation requirements that offset and minimize development impacts.

This implementation measure is satisfied.

*Implementation Measure 4.1.5.ff Where possible, on-site drainage should be designed to preserve natural drainage channels and to allow for ground water infiltration. Man-made structures should be designed to complement the natural system. It is not the intent of this Measure to encourage unsightly and unsafe open ditches. Rather, open drainage systems should be designed to accent natural creeks and drainage channels and provide an attractive natural area-like appearance.*

Response: Habitat-friendly development practices minimize adverse hydrological impacts on water resources through the use of on-site management of stormwater. These practices mimic the natural hydrologic process, and include the use of open drainage systems and ground water infiltration.



This implementation measure is satisfied.

**Section 4.008. Application Procedures - In General.**

(.01) *The general application procedures listed in Sections 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:*

*H. Changes to the text of the Comprehensive Plan, including adoption of new Plan elements or sub-elements, pursuant to Section 4.198;*

Response: Compliance with Section 4.198 is demonstrated by the findings in this staff report. All submittal requirements have been adhered to for this proposal. The City of Wilsonville is the applicant for the proposed amendments.

This criterion is satisfied.

**Section 4.197 Zone Changes and Amendments to This Code – Procedures.**

(.01) *The following procedure shall be followed in applying for an amendment to the text of this Chapter:*

*A. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within forty (40) days after concluding the hearing, provide a report and recommendation to the City Council regarding the proposed amendment. The findings and recommendations of the Commission shall be adopted by resolution and shall be signed by the Chair of the Commission.*

Response: The Planning Commission conducted a public hearing on the proposed amendments in an appropriate timeframe, and acted upon the amendments previously discussed at a number of work sessions. Based on public testimony and subsequent deliberations, the Commission forwarded a recommendation to the City Council.

This criterion is satisfied.

- B. In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:*
- 1. That the application was submitted in compliance with the procedures set forth in Section 4.008; and*
  - 2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and*

3. *The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code; and*
4. *If applicable, the amendment is necessary to insure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.*

Response: The following findings support the application and the recommendation for approval. The proposed Comprehensive Plan and Development Code amendments are intended to support the requirements of Title 13 of Metro's UGMFP.

1. The application was submitted consistent with the procedures set forth in Section 4.008.
2. The Findings found earlier in this report demonstrate substantial compliance with applicable goals, policies and objectives set forth in the Comprehensive Plan.
3. The proposed Comprehensive Plan and Development Code amendments do not conflict with other portions of the Development Code, but instead strengthen the Code by adhering to the requirements in Title 13 – Nature in Neighborhoods.
4. The proposed Comprehensive Plan and Development Code amendments are not necessary for compliance with state and federal laws or statutes, but are a requirement of the Metro regional government. The proposed amendments are being initiated to achieve compliance with the provisions of the Urban Growth Management Functional Plan.

Section 4.198     Comprehensive Plan Changes – Adoption by the City Council.

- (.01) *Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:*
  - A. *That the proposed amendment meets a public need that has been identified;*
  - B. *That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;*
  - C. *That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and*
  - D. *That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.*
- (.02) *Following the adoption and signature of the - Resolution by the Development Review Board or Planning Commission, together with minutes of public*

*hearings on the proposed Amendment, the matter shall be shall be scheduled for public hearing before the City Council.*

- (.03) Notice of the Council's consideration of the matter shall be provided as set forth in Section 4.012.*
- (.04) Upon conclusion of its public hearing on the matter, the Council shall adopt its decision by ordinance, authorizing the Planning Director to amend the official zoning map, Comprehensive Plan Map or the text of Chapter 4 as set forth in Section 4.102.*

Response: The proposed amendments to the Stormwater Master Plan meet a public need, and comply with the goals and policies enumerated in the Comprehensive Plan. In addition, the proposed amendments substantially comply with applicable Statewide Planning Goals. The public notice of the Council's consideration of this matter has been provided as set forth in 4.012.

These criteria are satisfied.

#### **EXHIBITS**

1. Memo from Angelo Planning Group
2. Mapping Comparison Report
3. Metro letter dated August 18, 2009
4. Metro brochures related to habitat-friendly development practices
5. Metro Model Ordinance
6. Title 13 Compliance Status and Comparison
7. Metro letter dated October 21, 2009

**WILSONVILLE PLANNING DIVISION**  
***Legislative STAFF REPORT***

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**HEARING DATE:** November 2, 2009

**DATE OF REPORT:** October 26, 2009

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**APPLICATION NO:** LP09-002

**APPLICANT:** City of Wilsonville

**REQUEST:** Proposed minor text amendments to the Planning and Land Development Ordinance to implement Title 13 of Metro's Urban Growth Management Functional Plan, Nature in Neighborhoods.

**Proposed are text amendments to the definition of "landscaping" and "compact parking space" as well as proposed amendments to WC Section 4.155; General Regulations – Parking, Loading and Bicycle Parking, 4.176: Landscaping, Screening and Buffering and 4.177: Street Improvement Standards.**

*The City Council is the final local authority on this matter.*

**APPLICABLE REVIEW CRITERIA:** *Comprehensive Plan* Goal 1.1 Citizen Involvement; Policy 1.1.1; Implementation Measure 1.1.1.a; 1.1.1.e; Goal 4.1; Policy 4.1.1; *Planning and Land Development Ordinance*: Section 4.008: Application Procedures-In General; Section 4.197: Zone Changes and Amendments to This Code -Procedures;

**STAFF REVIEWER:** Chris Neamtzu AICP, Long-Range Planner

**LOCATION:** The proposed Planning and Land Development Ordinance text amendments apply to commercial, industrial, public facility and multi-family development.

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**SUMMARY:**

This staff report contains minor code text amendments to WC *Section 4.001 Definitions, 4.155: General Regulations – Parking, Loading and Bicycle Parking, 4.176: Landscaping, Screening and Buffering and 4.177: Street Improvement Standards.* The

modifications are proposed to encourage the use of habitat friendly development practices.

Following five work sessions and two public open houses on Title 13 and the Storm Water Master Plan (not part of this application), the Planning Commission conducted a public hearing in September on the package of Title 13 Comprehensive Plan and Planning and Land Development Ordinance text amendments forwarding a unanimous recommendation of approval to the City Council.

No public testimony was received at the public hearing and none has been received by staff since the Planning Commission conclusion of work on this topic. The Planning Commission did make numerous changes to the Staff proposals throughout the work session process. At the public hearing, one change was made to *Section 4.155 Parking, Loading and Bicycle Parking*. The change was made to clarify when reciprocal arrangements for shared parking are proposed the agreement would be 'recorded'. The Planning Commission also included 'easements' as another way to satisfy the requirement. Modified language is below:

**WC Section 4.155 (.02) G.:**

“The right to use the off-site parking must be evidenced in the form of *recorded* deeds, *easements*, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them.”

**RECOMMENDATION:**

Staff respectfully recommends that the City Council conduct the public hearing on the proposed code amendments, and adopt the attached Ordinance, as recommended by the Planning Commission.

**BACKGROUND:**

This report addresses a series of small code amendments that, when coupled with the companion amendments prepared by Mr. Rappold in a separate report, will comprise a Title 13 compliance packet that will be submitted to Metro.

On September 29, 2005, the Metro Council voted to approve a regional Nature in Neighborhoods (Statewide Planning Goal 5-Natural Resources) program, which became Title 13 of Metro's Urban Growth Management Functional Plan. Local governments were given until January 5, 2009 to comply with the new regulations. There are three primary ways to comply. The city could create new regulations to address the criteria found in Title 13; the city could adopt the model ordinance created by Metro; or the city could modify the existing SROZ regulations and tailor them to more concisely address the requirements of Title 13.

City staff proposed, and the Planning Commission has recommended that the City comply with Title 13 by modifying the existing Significant Resource Overlay Zone

ordinance as well as making a series of small code amendments to encourage smart growth and habitat friendly development practices. City staff has coordinated with Metro staff regarding this approach and adoption timeline and has been granted an informal extension given the substantial progress towards compliance that has been made.

An important feature of the Nature in Neighborhoods approach is the encouragement of local agencies to evaluate current codes for implementation barriers to land developers, builders and property owners to incorporate habitat (nature) friendly practices in their site design.

An audit was performed on the City's Development Code by planning consultant Angelo Planning Group in November 2008. The key findings generally revealed that the City's Development Code does not present significant barriers to implementation of habitat friendly development practices. This is in large part due to the Planned Development process that is used in Wilsonville. The Planned Development process provides flexibility in design and allows for 'waivers' to certain development standards opposed to a strict variance process. For more information on the Planned Development process, please review Section 4.008 (.01-.02) of the Planning and Land Development Ordinance.

Staff then prepared several proposed Planning and Land Development Code amendments as part of Metro's Title 13 (T13)-Nature in Neighborhoods compliance. The changes are proposed to encourage the use of habitat friendly development practices. Habitat friendly development practices include a broad range of development techniques and activities that reduce the potentially detrimental impact on fish and wildlife habitat from 'traditional' development practices. As part of T13, Metro has identified a wide range of practices that represent best management practices (BMPs).

These proposed code amendments are generally intended to result in less impervious surfaces on development sites, offer more options for developers and increase the health and vitality of landscaping.

The Planning Commission has recommended approval of the **ten** proposed development code amendments contained in this staff report.

1. Modification to the definition of "landscaping" deleting the reference to *artificial plants, shrubs and turf* in commercial, industrial, public facility and multi-family residential projects.
2. Reduce the dimensions of a compact parking space by 6" in width, and 1' in length to reduce impervious surfaces. The proposal is consistent with the *Model Development Code and Users Guide for Small Cities, 2<sup>nd</sup> Edition* (ODOT TGM Program).
3. Modify the standards for shared use parking (WC 4.155 (.02) G.) and increase the distance that shared parking can be utilized from 100' to 500' (a reasonable walking distance -.09 mile) and clarify how the measurement is calculated. Language has been proposed that is borrowed from the *Model Development Code and Users Guide for Small Cities, 2<sup>nd</sup> Edition*, (ODOT TGM Program).

4. Increase the amount of permitted on-site compact spaces from 40% to 60% allowing developer flexibility.
5. Delete the reference to the specific product “grasscrete” and “City Engineer”, and replace with the more generic description of “pervious materials” and “authorized representative”.
6. Add to the landscaping section reference regarding preservation of topsoil. The current code does not recognize the important role soil amendments plays in healthy landscapes and retaining runoff.
7. Add reference to a native plant list that is maintained by the City of Wilsonville.
8. Add reference to preservation and reuse of native topsoil consistent with existing provisions found in Villebois (WC Section 4.125: Village Zone).
9. Modify and clarify trees that qualify for “tree credits” when preserving existing trees.
10. Add a statement that encourages cul-de-sac design to incorporate vegetative areas to incorporate rainwater management and infiltration.

#### **ISSUES:**

The City has received preliminary approval from Metro staff on the proposed approach to substantial compliance with Title 13: Nature in Neighborhoods based on materials presented at the Planning Commission meetings. Significant alterations or changes to these proposals could necessitate additional meetings with the regional government to ensure substantial compliance is achieved.

#### **NEW PLANNING AND LAND DEVELOPMENT CODE LANGUAGE:**

1. **Proposal:** Modify the definition of ‘landscaping’ (#134) to eliminate the ability to utilize artificial turf, plants, shrubs and flowers from meeting the minimum 15% on-site landscaping requirements and include a statement encouraging the use of pervious materials when using concrete or stonework areas to satisfy landscaping requirements.

Under the current code it would appear permissible to have all of the on-site landscaping be artificial.

- **Positives:** Water and fertilizers would be conserved with the use of artificial plants. Money would be saved over time by business owners on maintenance, fertilizers and water. Aesthetically, the grass would always be green and the flowers blooming.
- **Negatives:** There is no habitat value in artificial plants, no wildlife would be encouraged or supported with such landscapes. There would be no environmental benefits, no carbon sequestration, or oxygen production. Costs would be higher to initially install such materials. The end result could be a contrived Hollywood movie set sort of look that may not be attractive over time. There could be negative public perception about the aesthetics of such landscapes.

- **Alternatives:** Permit only a limited percentage of artificial plants, limit based on square footage of turf (i.e. <500 SF), or overall percent of landscaped area (i.e. < 5%).
  
- 134. Landscaping: The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours. **The use of pervious materials is encouraged.** ~~and shall include exterior use of artificial turf or carpeting, artificial plants, shrubs or flowers.~~ Both native and non-native vegetation may constitute landscaping materials. This definition pertains to complete site modifications rather than just buildings.
  
- 2. **Proposal:** Reduce the dimensions of a compact parking space by 6" in width, and 1' in length to reduce impervious surfaces. The proposal is consistent with the Model Development Code and Users Guide for Small Cities, 2<sup>nd</sup> Edition (ODOT TGM Program). This standard would be able to be used at the discretion of the developer and is an option, not a requirement.
  - **Positives:** Less impervious surfaces, less stormwater to manage.
  - **Negatives:** More difficult to negotiate with a larger car.
  - **Alternatives:** Leave the stall sizes the same.
  
- 202. Parking Space, Compact: A permanently surfaced and marked area not less than ~~eight (8)~~ 7 feet **6 inches** wide and ~~sixteen (16)~~ **15** feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle. In order to be considered a compact parking space, it must be clearly labeled as such.
  
- 3. **Proposal:** Modify the standards for shared use parking (WC 4.155 (.02) G) and increase the distance that shared parking can be utilized from 100' to 500' (a reasonable walking distance -.09 mile) and clarify how the measurement is calculated. Language has been proposed that is borrowed from the *Model Development Code and Users Guide for Small Cities, 2<sup>nd</sup> Edition*, (ODOT TGM Program).

The Town Center part of the city could greatly benefit from more shared parking agreements, which would allow for more developable area, more public space, open space, landscaping and fewer vacant parking lots.

For example, if the Regal Cinemas shared parking with the old hardware store to the east, a breakfast/lunch restaurant or more intense retail user with a higher parking ratio per building square foot could occupy the vacant space. As it



stands, the vacant hardware store will only be able to be re-used by another retail user in the same general commercial category due to limited on-site parking.

- **Positives:** The use of shared parking agreements allows for uses that have different peak hour uses (churches to retail, or banks to dinner establishments) to utilize the same parking areas for both of their needs. This practice will result in less paved surfaces, allowing for more dense urban development and potentially a more vibrant area. Costs are less to a developer who does not have to construct additional parking, and maintenance costs could be lower over time. Areas of the city could have more activity as folks find parking, and there is less under utilized or vacant parking lots creating dead zones. A little longer walk is good for your health.
- **Negatives:** People may have to look harder to find a convenient parking space, or will have to walk farther to get to their destination. There could be potential impacts to senior's or disabled individuals.
- **Alternatives:** 1) Leave the standard as it is today; or 2) reduce the distance for shared use off-site parking.

E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full **and permanent** access to such parking areas for all the parties jointly using them.

**G. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. ~~The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.~~**

4. **Proposal:** Increase the amount of permitted on-site compact spaces from 40% to 60%. Compact parking spaces are defined as *“a permanently surfaced and marked area not less than eight (8) feet wide and sixteen (16) (7' 6" X 15' is proposed) feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle. In order to be considered a compact parking space,*

*it must be clearly labeled as such.*” The proposal does not require an increase, only permits the developer to choose a higher percentage if desired.

- **Positives:** Allows developers more flexibility in choosing the amount of on-site compact spaces to accommodate their anticipated clientele. Development and maintenance costs could be reduced by slightly less impervious area, and less stormwater managed. More cars could be accommodated on paved surfaces.
- **Negatives:** There could be more difficulty in accessing vehicles. Vehicle conflicts could arise if too many spaces are compact, and the site is occupied by large vehicles.
- **Alternatives:** 1) Leave the percentage as it is today; 2) increase the permitted percentage beyond 60%.

N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - “Definitions,” and shall be appropriately identified.

5. **Proposal:** Delete the reference to the specific product “grasscrete” and “City Engineer”, and replace with the more generic description of “pervious materials” and “authorized representative”.

Grasscrete at one time was the most widely used pervious material. This is no longer the case. Availability of pervious material products has grown vastly over the years, and it is more appropriate to reference the broad category opposed to the specific product. Today, pervious materials are used in a wide variety of situations, from heavily traveled streets in large urban areas, to lightly traveled parking lots. Reference to “lightly traveled areas” is no longer needed or appropriate as the technology has evolved to be appropriate for all circumstances.

The City Engineer would not be the appropriate city authority to review parking lots in private development. The Public Works Standards (PWS) has been modified to be more generic in reference to “authorized representative”, and the Code is proposed to be modified to match the PWS.

- **Positives:** The proposal makes the code more current and flexible permitting a wider variety of products to be explored and used. Reference to the “city’s authorized representative” allows for the most appropriate staff person to review and approve proposals for suitability, which is not in all cases the City Engineer.
- **Negatives:** None were noted.
- **Alternatives:** Leave the code as it is today.

K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as **pervious materials (i. e. pavers, concrete, asphalt)** "~~grasserete~~" in lightly used areas, that is found by the City's **authorized representative Engineer** to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's **authorized representative Engineer**, shall be provided.

6. **Proposal:** Add reference to the landscaping section regarding preservation of topsoil. The current code does not recognize the important role soil amendments

- **Positives:** Preservation of existing topsoil and amending the soil can result in healthier plant growth and higher survivability, resulting in more attractive development and less cost replacing plant material over time. The public enjoys healthy landscapes and the environmental and aesthetic benefits they provide. Properly amended soils can retain more stormwater on-site and can reduce the amount of runoff that occurs from a development site.
- **Negatives:** There can be more cost involved in amending soils at the time of installation, opposed to just using what is on site.
- **Alternatives:** Retain existing language or modify Staff's proposal.

G. Promote the retention and use of existing **topsoil and** vegetation. **Amended soils benefit stormwater retention and promote infiltration.**

7. **Proposal:** Add reference to the City of Portland Native Plant List as it is the most comprehensive source for native and invasive plants and is regularly updated and kept current as new information becomes available about the noxious nature and habitat extent of plants. **The Commission deliberated on this item in work session and recommended that the City create its own native plant list based on the City of Portland list, but wanted local control and flexibility. The staff proposal reflects this direction.**

- **Positives:** Referring to this source is easy and eliminates tracking and updating by City Staff, saving the city money.
- **Negatives:** It is the City of Portland's Plant List, and the decision to include species could potentially be impacted by politics or other forces that may result in disagreement at the local level. This is an unlikely scenario, but is worth noting.
- **Alternatives:** Create a City of Wilsonville Plant List based on Portland's list or similar resource. **In work session, the Planning Commission discussed this issue and determined that it would be preferred for city staff to maintain our own native plant list. The proposed language has been modified to reflect this direction.**

(.03) Landscape Area. Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen

percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct 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).**

8. **Proposal:** Reference to the preservation and reuse of native topsoil is important as it relates to plant health and survival. A section from the Villebois Village Zone is proposed to be added to require the integration of compost-amended topsoil to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.
- **Positives:** Better plant health, lower maintenance costs, stormwater management benefits.
  - **Negatives:** Additional up front construction costs.
  - **Alternatives:** Leave the code as it is, or modify the Staff proposal.

(.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 (3) 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 bark dust 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 10" to 12" spread.
2. Ground cover. Shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" 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% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.

3. Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent (10%) 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.
  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.
  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.**
9. **Proposal:** Modify and clarify the sizes of trees that qualify for tree credits under the code. The current code does not contain a range of sizes to qualify for a 3 tree credit. It is awkward and would appear to be an error to have the 3 tree credit only apply to a 19" DBH tree. Staff proposes to lower the low end and create a range for the 3 tree credit. Also proposed is an increase in tree size to qualify for the 4 and 5 tree credit.

In this exercise it is important to think about the tradeoffs that occur when granting tree credits. For a developer saving an 18" DBH tree, they would not be required to plant 3 other trees on their site. Large trees provide many benefits to development sites, and can add value to projects. However, the biomass of three new trees over time, depending on species, will likely provide more stormwater benefits and overall habitat and biomass than the preserved tree. So, the short term benefits would appear much greater, with a breakeven point and diminishing return at some point well in the future.

- **Positives:** A slightly smaller tree would qualify for the 3 tree credit.
- **Negatives:** A slightly larger tree would be needed to qualify for the 4 and 5 tree credits.
- **Alternatives:** Modify the ranges, or leave the code section as it is today.

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):

| <u>Existing trunk diameter</u>      | <u>Number of Tree Credits</u> |
|-------------------------------------|-------------------------------|
| 18 to 24 1/2 inches in diameter     | 3 tree credits                |
| 25 1/2 to 31 1/2 inches in diameter | 4 tree credits                |
| 32 1/2 inches or greater            | 5 tree credits                |

**10: Proposal:** Add a statement that encourages cul-de-sac design to include a vegetative island that incorporates rainwater management and infiltration. The proposal reduces impervious surfaces, while still preserving turning radii for large vehicles such as garbage trucks and fire fighting apparatus.

- **Positives:** Improved aesthetics, screening, usable area and enhanced stormwater management.
- **Negatives:** Tighter maneuvering conditions occur when cars are parked on the street and larger vehicles are servicing the area.
- **Alternatives:** Modify the proposal or leave the code language as it stands today.

D. Dead-end Streets. New dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection. **A central landscaped island with rainwater management and infiltration are encouraged in cul-de-sac design.** No more than 25 dwelling units shall take access to a new dead-end or cul-de-sac street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of 25 or fewer units. All other dimensional standards of dead-end streets shall be governed by the Public Works Standards.

**NOTE: The modified code sections are found in Ordinance No. 674 in their entirety.**

#### **CONCLUSIONARY FINDING(S):**

*GOAL 1.1 To encourage and provide means for interested parties to be involved in land use planning processes, on individual cases and City-wide programs and policies.*

**Policy 1.1.1 The City of Wilsonville shall provide opportunities for a wide range of public involvement in City planning programs and processes.**

**Response:** Notice was provided to DLCD on June 25, 2009, at least 45 days prior to the first evidentiary hearing. The Planning Commission hearing was conducted on September 9, 2009. Public notice of the hearing was mailed on August 27, 2009 to a list of agencies, interested individuals, and affected property owners.

Work sessions were held on the broad topic of Title 13 and the Stormwater Master Plan at Planning Commission meetings on March 11, 2009, April 8, 2009, May 13, 2009, June 10, 2009 and July 8, 2009 to allow feedback from the Commissioners and the public.

Two open houses have been held on the Stormwater Master Plan and Title 13. They were held on October 16, 2008 and May 27, 2009, and provided the public an opportunity to comment on habitat-friendly development practices for stormwater management. This criterion is met.

*Implementation Measure 1.1.1.a Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes. Whenever practical to do so, City staff will provide information for public review while it is still in "draft" form, thereby allowing for community involvement before decisions have been made.*

**Response:** The above described open house and public meeting schedule has provided the public with numerous opportunities for early involvement in the development of the compliance approach. The proposed Plan and Code amendments have been in draft form for several months and have been available to the public via the city's web site. This criterion is met.

*Implementation Measure 1.1.1.e Encourage the participation of individuals who meet any of the following criteria:*

1. *They reside within the City of Wilsonville.*
2. *They are employers or employees within the City of Wilsonville.*
3. *They own real property within the City of Wilsonville.*
4. **They reside or own property within the City's planning area or Urban**

**Growth Boundary adjacent to Wilsonville.**

**Response:** Public notice of the proceedings has been provided to individuals in all of the above categories as part of public hearing notification process. This criterion is met.

*GOAL 4.1 - To have an attractive, functional, economically vital community with a balance of different types of land uses.*

*Policy 4.1.1 The City of Wilsonville shall make land use and planning decisions to achieve Goal 4.1.*

**Response:** Several of the proposed code amendments support the general goal of creating an attractive, functional, economically vital community and support smart growth principals.

- Not permitting artificial plants as landscaping.
- Slightly reducing the size of compact parking stalls makes more efficient use of land.
- Increasing the distance that shared parking can be used results in more efficient use of land and can result in less under utilized surface parking.

- Improving soils for landscaping creates healthier plantings, requires less fertilizers and chemicals.
- Increasing the permitted number of compact parking spaces encourages efficient use of land.
- Preservation of native topsoil and integration of compost amended soils assists with plant vitality, survival and health.

Generally, these proposed code amendments support an attractive, functional and economically vital community. These criteria are satisfied.

**Planning and Land Development Code, Section 4.197, Zone Changes and Amendments to This Code:**

**Section 4.008. Application Procedures - In General.**

(.01) *The general application procedures listed in Sections 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:*

*F. Changes to the text of Chapter 4, pursuant to Section 4.197;*

**Response:** The application procedures found in the city code have been followed and satisfied as part of the Planning Commission’s legislative process. The proposed changes to the text of Chapter 4 of the WC have been vetted in several work sessions and proper notices have been provided to agencies, interested individuals and affected parties.

**Section 4.197. Zone Changes and Amendments to This Code – Procedures.**

(.01) *The following procedure shall be followed in applying for an amendment to the text of this Chapter:*

*A. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within forty (40) days after concluding the hearing, provide a report and recommendation to the City Council regarding the proposed amendment. The findings and recommendations of the Commission shall be adopted by resolution and shall be signed by the Chair of the Commission.*

**Response:** The Planning Commission conducted a public hearing on the proposal at an appropriate time following numerous public work sessions and two city wide open houses. Following receipt of the public testimony and conclusion of the deliberations, the Commission forwarded a unanimous recommendation of approval to the City Council at which time staff scheduled a work session and two additional public hearings with the City Council, allowing additional input into the process. The Planning Commission and City Council legislative process satisfies the above related applicable code criterion.



*B. In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:*

- 1. That the application was submitted in compliance with the procedures set forth in Section 4.008; and*
- 2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and*
- 3. The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code; and*
- 4. If applicable, the amendment is necessary to insure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.*

**Response:** The following findings support the application and the recommendation for approval. Overall, the proposed changes are minor in nature and do not materially affect the overall intent of the existing standards. The proposed minor amendments are intended to support habitat friendly development consistent with the requirements of Title 13 of Metro's Urban Growth Management Functional Plan.

1. The application was submitted consistent with the procedures set forth in WC Section 4.008.
2. The proposed amendments comply with all applicable goals, policies and objectives found in the Comprehensive Plan, and are necessary to comply with regional requirements.
3. The proposed amendments do not materially conflict with or endanger other provisions of the text of the code as is evidenced by the findings and analysis contained in the staff report.
4. The proposed amendment is not necessary to comply with state or federal laws or statutes, but is a requirement of the regional government Metro. The proposed amendments are being initiated to achieve compliance with the provisions of the Urban Growth Management Functional Plan.