



PLANNING COMMISSION AGENDA

September 13, 2023 at 6:00 PM

Wilsonville City Hall & Remote Video Conferencing

PARTICIPANTS MAY ATTEND THE MEETING AT:

City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon

YouTube: <https://youtube.com/c/CityofWilsonvilleOR>

Zoom: <https://us02web.zoom.us/j/87239032604>

TO PROVIDE PUBLIC TESTIMONY:

Individuals may submit a testimony card online:

<https://www.ci.wilsonville.or.us/PC-SpeakerCard>

or via email to Dan Pauly: Pauly@ci.wilsonville.or.us, 503-570-1536

by 2:00 PM on the date of the meeting noting the agenda item

for which testimony is being submitted in the subject line.

CALL TO ORDER - ROLL CALL [6:00 PM]

Ron Heberlein

Nicole Hendrix

Andrew Karr

Kamran Mesbah

Kathryn Neil

Jennifer Willard

PLEDGE OF ALLEGIANCE

CITIZEN INPUT

This is the time that citizens have the opportunity to address the Planning Commission regarding any item that is not already scheduled for a formal Public Hearing tonight. Therefore, if any member of the audience would like to speak about any Work Session item or any other matter of concern, please raise your hand so that we may hear from you now.

ADMINISTRATIVE MATTERS

- [1.](#) Consideration of the July 12, 2023 Planning Commission minutes

PUBLIC HEARING [6:05 PM]

- [2.](#) Development Code Process Clarifications (Rybold)(30 Minutes)

WORK SESSION [6:35 PM]

- [3.](#) Coffee Creek Assessment (Luxhoj)(60 Minutes)

INFORMATIONAL [7:35 PM]

- [4.](#) City Council Action Minutes (July 17 and August 7 & 21, 2023)(No staff presentation)
- [5.](#) 2023 PC Work Program (No staff presentation)

ADJOURN [7:40 PM]

Time frames for agenda items are not time certain (i.e. agenda items may be considered earlier than indicated). The City will endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting by contacting Mandi Simmons, Administrative Assistant at 503-682-4960: assistive listening devices (ALD), sign language interpreter, and/or bilingual interpreter. Those who need accessibility assistance can contact the City by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

Habr  interpretes disponibles para aqu llas personas que no hablan Ingl s, previo acuerdo. Comun quese al 503-682-4960.



PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 13, 2023

ADMINISTRATIVE MATTERS

1. Consideration of the July 12, 2023 PC Meeting Minutes



PLANNING COMMISSION MEETING MINUTES

Draft PC Minutes are to be reviewed and approved at the September 13, 2023 PC Meeting.

July 12, 2023 at 6:00 PM

City Hall Council Chambers & Remote Video Conferencing

CALL TO ORDER - ROLL CALL

A regular meeting of the Wilsonville Planning Commission was held at City Hall beginning at 6:00 p.m. on Wednesday, July 12, 2023. Chair Heberlein called the meeting to order at 6:00 p.m., followed by roll call. Those present:

Planning Commission: Ron Heberlein, Andrew Karr, Kamran Mesbah, and Kathryn Neil. Jennifer Willard arrived after Roll Call. Olive Gallagher and Nicole Hendrix were absent.

City Staff: Miranda Bateschell, Daniel Pauly, Amy Pepper, Kimberly Rybold, and Mandi Simmons.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN INPUT

This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

ADMINISTRATIVE MATTERS

1. Consideration of the June 14, 2023 Planning Commission Minutes

The June 14, 2023 Planning Commission Minutes were accepted as presented.

WORK SESSION

2. Procedural Development Code Cleanup (Rybold)

Miranda Bateschell, Planning Director, introduced the agenda item noting that when reviewing Code and processing applications, unclear edits or inconsistencies in the Code are found and that changes or updates to federal government guidelines also impact the processing of applications. The Code Cleanup would help ensure consistency and provide clarification between Staff and applicants.

Kimberly Rybold, Senior Planner, introduced Consultant, Jamie Crawford, who had worked with the planning team particularly on the wireless applications and had prepared a number of the proposed Development Code changes related to those components.

Ms. Rybold and Jamie Crawford, Winterbrook Planning, presented the Development Code Process Clarifications via PowerPoint, noting the goals of the project and reviewing proposed Code updates related to wireless communications facilities, development approval extensions, temporary uses and signs, and development applications. Staff's goal was to return to the Planning Commission in September for a public hearing on the Code amendments.

Ms. Rybold addressed Commissioner questions as follows:

- Staff believed submitting a development approval extension 30 days prior to expiration was enough time to resolve anything that might be missing. An extension request involved the application form, fee, and a written statement explaining the reason for the request. The goal was to ensure decisions are issued before the permit expires. (Slide 4)
 - She confirmed the Code change was from 8 to 30 calendar days, making Code Section lines 4.140 and 4.023 consistent.
 - Applications that did not include payment were not considered successful applications, as noted in the Code sections that discussed what constituted a filed application.
 - The fee and correct authorization must be in place 30 days before the application process begins.

3. Frog Pond East and South Implementation-Development Code (Pauly)

Daniel Pauly, Planning Manager, noted Development Engineering Manager Amy Pepper, Natural Resource Manager Kerry Rappold, and City Engineer Zach Weigel have worked on the Frog Pond stormwater standards, which were an important component when considering a neighborhood layout because stormwater was integrated and consumed land.

Mr. Pauly and Ms. Pepper presented the Stormwater Facilities Standards for Frog Pond East and South via PowerPoint, describing the purpose and background of the City's NPDES MS4 Permit requirements and reviewing the various components of the proposed stormwater standards.

Comments from the Planning Commission was as follows with responses by Staff to Commissioner questions as noted:

- Ms. Pepper clarified the reference to Section 4.113.(05)A, stating, "as required by the City's NPDES MS4 permit." involved only one permit.
- In Section 4.113.(05)C.2.a which described Lower Priority landscaping areas within so many feet of the buildings, stated, "except for detached single-family, middle housing, ..." Did "except" mean they were a higher priority or excluded completely. More language may need to be added for clarity.
 - Ms. Pepper understood the intent was to address stormwater facilities for middle housing which has smaller lots and bigger footprints, and since detached stormwater facilities needed to be 10 ft from a foundation and 5 ft from a property line, there was not enough room for a stormwater facility.

- Mr. Pauly confirmed the intent was to exclude multi-family housing, noting single-family homeowners are not well-equipped to deal with the maintenance. Adding a facility on the lot of a multi-family could be acceptable.
- Mr. Pauly clarified maintenance agreements with either the property owner or homeowners association (HOA) ensured the stormwater facilities are maintained, and the currently vacant environmental specialist position for overseeing that specific task would be filled soon.
 - Ms. Pepper noted the key ways the City ensured maintenance. First, each property with a facility is required to have a maintenance agreement recorded with the property at the time of development. That way, new property owners will see the maintenance agreement on the title report. Second, notices are sent to those with maintenance agreements and they are required to report what they have done with their facilities. Finally, the City conducts inspections to confirm the facilities are actually maintained and then works with property owners not familiar with the facilities, which was common, to get it maintained.
 - Mr. Pauly noted the process was similar to the backflow inspections on irrigation systems where annual letters were sent and the backflow company tests the system and sends the test to the City to ensure it the water system is not being polluted.
- Staff clarified the City has had an environmental specialist for a while, the position was just currently vacant. The City had contracted with a consultant and an intern carrying out some inspections after the last specialist left. Notice has gone out through Mr. Rappold, so work was occurring.
 - Physical stormwater samples are not taken of private stormwater facilities; a visual inspection was done as one could see how well the facilities were operating based on the health of the landscaping, trash present, or invasives taking over.
- Ms. Pepper confirmed the contract with property owners and the Municipal Code gave the City access to go in and maintain a facility if a property owner was not willing to maintain it themselves. She confirmed the City had a way of doing a chargeback.

Commissioner Mesbah:

- Noted resilience was lacking in the standards, which was good in a way. He liked the fact that the kinds of facilities were dispersed. He recalled discussion about not doing large facilities in Frog Pond and that he suggested reserving space for large facilities next to the easement or some natural area because resilience in the system would require that. Weather was reaching more extremes and facilities designed today would get flooded or washed out in 20 years, and permits are renewed every five years. Stormwater standards are harder to achieve as a result of urbanization causing pollution in the receiving waters. At some point, the City would be pushed into a corner of needing to have space somewhere to provide a much higher level of water quantity and water quality protection. It was good that the City was not putting all of its eggs in the basket of a regional facility, but he cautioned against giving space away because the City needed to reserve its space in case resiliency was needed in addition to the dispersed facilities.
 - Ms. Pepper added the City's stormwater design standards for the actual sizing of the facility was to a specific storm event, but the developer is required to explain what happens in the 100-year event and where that flooding would occur, and then provide protection measures. For example, if a pond would not hold a 100-year event, the developer had to show what would flood and provide any needed downstream easements to protect that area downstream as part of the development. While this did not quite address Commissioner Mesbah's comment

because the storm event was based on today's published 25-year, 100-year events and was likely to change; however, it was a bit of a buffer, so the City is trying to address these concerns.

- Responded today's standards for a 100-year flood was 25-years old, and today's 100-year storm is really a 1000-year storm 25 years ago. These facilities are being undersized because the City is stuck with old design standards, and the engineering community is not developing new design standards fast enough for stormwater facilities that reflect of the stochastic change in the stormwater curve seen in each location.
 - The issue that these statistical models are not stationary was raised 10 or 15 years ago, and now the results of the non-stationarity are being seen, but there are still no design standards that account for the movement and allow for flexibility to oversize or deal with overflows. These impacts are being seen around the country, and it will happen in Wilsonville. Space is required to deal with that because the receiving waters are all sensitive cold-water streams for the most part.
 - Ms. Pepper noted the design standards were based on a flow duration calculator that was more of a simulation model, not flow rates pre/post development, and hopefully accounted for some of those changes. She agreed with Commissioner Mesbah's comments, adding the City would push better data out in its standards when available.
- Noted the flow models were dealing with 1973 to 1990 kind of flow, which was not what the City needed to be considering. This planning document was for the future, so resilience needed to be part of the standards.
 - Ms. Pepper stated Mr. Rappold was working on the Stormwater Master Plan and she would ensure he addressed the resilience question, which may be addressed in the Master Plan, too.
- Believed there was federal guidance on climate resilience for infrastructure.
 - Ms. Pepper clarified there was specific guidance for wastewater and drinking water, but she was not sure where stormwater was addressed and would pass along the concern to Mr. Rappold.
- Added the Environmental Protection Agency (EPA) may be getting its wings clipped by the courts, which may be another issue. The NPDES MS4 Permit requirements were minimum standards and the City should be able to do better. As the federal government falls behind in these things, the City ought to have the ability to protect its own environment, ensuring consistency in quality across the board, and protecting the environment at the same level as mobility, aesthetics, etc.
- Confirmed he was requesting revisions to the Code changes to help address the fact that flows would be higher than what the standards were identifying. And to be clear and objective there ought to be some code that allows the City to renegotiate long-time facility agreements with the landowners, but that would not be possible because Wilsonville is densifying as mentioned, so what were landowners to do with the extra water coming down the down spouts?
 - He was unsure what the answer was whether it could be flagged in the standards, or addressed in some way, or whether it was only a matter of ensuring the City's comprehensive Stormwater Plan had those processes under control. Normally, it fell on the City because the developers could not do anything about it; the agreements were passed on to subsequent buyers.
- Liked the narrow focus on the standards. He agreed trees could not be in stormwater facilities, but Minneapolis and Seattle gave stormwater credits based on the trees planted. If the City was going for resilience, maybe the City should not openly offer that as an option, in case it becomes some

Plan B of maybe adding more trees because the city was getting more precipitation, and the City had not used all of its capabilities in that area, because the City disallowed it. He was not suggesting the City give credit for the trees developers plant and allow a smaller stormwater facility.

- Ms. Pepper clarified that credit was already an option, but there were a lot of restrictions on how close the trees had to be to a facility to actually get credit, so it was not often requested.
- Noted parking lots were usually where he saw them used.

Chair Heberlein:

- Asked if there was a site size threshold for 20% decentralized stormwater.
 - Ms. Pepper said she believed that section was written for greater than two acres, so it addressed subdivisions.
- Asked if Morgan Farm as a recent development met the proposed requirements, noting he had seen the decentralized stormwater on that site.
 - Ms. Pepper stated she would have to look at Morgan Farms specifically, noting part of the reason the City wanted to set up this hierarchy was the lack of clarity seen on how to implement the City's stormwater standards as Frog Pond West developed and that there were many more large ponds in Frog Pond West than anticipated in the Master Plan. Recognizing that Frog Pond East and South would be higher density, there could be some regional facilities, but City was trying to help developers be creative and prioritize integrating decentralized stormwater facilities early in the design process.
- Asked if there had been any feedback around cost differences between the larger stormwater facilities and decentralized facilities? Is there a penalty for using decentralized facilities?
 - Ms. Pepper clarified the City wanted decentralized facilities, so no penalty was involved. The City's stormwater permit prohibited Staff from discussing costs as different development communities had different costs depending on design.
 - Mr. Pauly noted the development community would say it would be more expensive, but the City had not investigated or discussed the cost differentials or if the cost differential was reasonable.
- Believed that would be useful to investigate before going forward rather than having people at the public hearing say it would be twice as expensive as anything the City currently developed. Knowing the costs would help ensure the City was also meeting its affordability goals.
- Noted he has served on his neighborhood's HOA for nine years and had never seen the yearly letter sent to owners of stormwater facilities, nor had the HOA been instructed by the management company to do anything related to a letter until this year when a letter was received, saying the swales were out of compliance and needed to be fixed to the tune of about \$20,000. It would be interesting to see if the yearly letter was really going out and how it was being communicated. Secondly, how can the City better communicate the maintenance expectations to HOAs or individual property owners as many do not know they have to maintain their stormwater facilities?
 - Ms. Pepper replied Mr. Rappold would follow up on the letters that go out, adding the operations and maintenance responsibilities were included in the maintenance agreement. She explained the maintenance of the stormwater facilities was a common concern, noting many HOAs change the original landscape companies maintaining the facilities, and the person filling out the annual report might not know what is actually being maintained and the City receives the reports that the facilities are being maintained. It can take couple years for the City to

realize the maintenance is not occurring and the City works with the property owner to get the facility into compliance and hopefully not spend \$20,000 completely rebuilding it.

Commissioner Willard:

- Appreciated Commissioner Mesbah's comments about 1,000-year floods and encouraged the City to consider striking some of the items listed in Paragraph D, "The placement of one or more of the following uses shall be prioritized over stormwater management" so that stormwater would be prioritized because storms are growing.
 - Ms. Pepper explained a comprehensive review of the alternatives and tradeoffs in the priority list was done. Street trees were part of urban shading to help with the temperature of the stormwater, as well as the distance facilities are placed from the pavement. Fire hydrants, street lighting for safety, etc. were all things to have as priorities. Any feedback about which items should be lower priorities or removed from the list would be helpful.
 - Mr. Pauly suggested the language be adjusted towards a balance and not insinuate that stormwater was not a priority.
- Suggested allowing trees in the 1,000-year, not the 100-year, stormwater facility, so the trees would be in a really big flood; perhaps a co-location option could be added for expanded stormwater.

Commissioner Mesbah:

- Believed HOAs with stormwater facilities were supposed to do reserve studies to reflect long-range maintenance and the redoing of them, which was where the \$20,000 would get addressed.
 - Commissioner Neil stated his HOA had a reserve study, but it did not include stormwater facilities.
- Stated the letters should clearly indicate where stormwater facilities that need attention were located or even flag the facilities the reserve study should include.
- Agreed getting developers to prioritize the placement of stormwater facilities was a struggle and recommended having a map/diagram based on topo maps showing the streams, wetlands, wetland buffers, etc. and drainage patterns of the property being considered for development, along with the proposed stormwater facilities, such as a grassy swale. The map would become part of the natural resources overlay, putting stormwater front and center when creating the site plan. The developer could then design and move the facilities/grassy swale based on earthwork, changes within their development, etc., but that way, it was flagged and would not get lost.
 - The City could work with the width, perhaps have a minimum 50-ft width, but map a 150-ft wide area with the allowance to reduce the width, just so there is room.

Chair Heberlein called for public comment.

Monty Hurley, AKS Engineering and Forestry, thanked the Commission for the opportunity to give comments, adding he had been working with Ms. Pepper and Mr. Pauly on projects in Frog Pond and was very familiar with stormwater standards.

- AKS was concerned about the language regarding the 20% standard in Section E, Page 40 of the packet, which he read. He assured stormwater was the first thing AKS looked at on a site. AKS does a lot of development including several projects in Frog Pond, throughout the state of Oregon and southwest Washington. Stormwater drives a lot of AKS' layouts for development. Having

stormwater facilities with a 50-ft swale was a good idea, but the 20% standard would require AKS to output five such facilities throughout a site, which completely blows up the site plan.

- AKS was very concerned about the unintended consequences and the conflicts that had been raised in some of the slides. Having worked in many jurisdictions around Oregon, AKS had not seen this language in any of other standards. The closest would be the City of Portland, where they like dispersed facilities. A bit of success has been observed in places with permeable soils because there is infiltration, but in places like Wilsonville with clay and impermeable soils, decentralized facilities have not worked as well.
- While it was not direct equation that an area would be divided up into fifths for each of the facilities, to put in five stormwater facilities on a site that has one large stormwater facility, like Morgan Farms for example, twice as much area would be required to get that same amount of volume because of the inefficiencies, site slopes, and geometries. Additionally, twice as much area would require twice as many retaining walls, inlets and outlet structures, etc. Often five times the facilities required five times the infrastructure because stormwater piped into each facility also had to be piped out as clean water from each facility. This would result in additional costs upfront to the developer, which would be passed on to the homebuilder, and ultimately on to the homebuyer.
 - Five times the facilities would also mean five times the maintenance cost for the homeowners' association, or if based on area, five times the facilities would be in at least twice as much area. More stormwater facilities meant more infrastructure in the streets, like pipes and manholes, as well as catch basins, etc. and therefore, direct and perhaps even additional maintenance costs for the City as well.
 - AKS has worked in a number of different jurisdictions, as well as with private developers, taking projects from concept to construction and beyond in addressing warranty issues, so the firm was familiar with storm facilities throughout the process and was not biased in any way.
 - When doing a comparable project in Frog Pond versus one in South Hillsboro or in Oregon City or Happy Valley, the additional costs to the project in Wilsonville, under the current standards, was in the range of \$7,000 to \$10,000 per lot for all of the stormwater planters and robust stormwater facilities. On a 30-lot subdivision, that was an extra \$200,000 to \$300,000 that, again, ultimately, gets passed on to the homebuyers. Stormwater facilities are site specific, and there are a multitude of factors to consider. With the proposed changes, the additional costs would be significantly more.
 - In summary, AKS was concerned about additional costs, additional infrastructure, additional maintenance, and the unintended consequences of the standards, which need to be considered very carefully. Rather than having to address the resiliency for one large facility, the standards would result in the need to have resiliency for five different facilities.
 - Expanding the number of storm facilities takes up space on the site, requiring them to be built closer to structures, otherwise density would be lost, requiring further expansions of the urban growth boundary, perhaps.

Chair Heberlein asked if Wilsonville's standards were more rigorous leading to higher cost or were they functionally equivalent and the implementation was driving cost.

Mr. Hurley replied it went to the decentralized facilities. In the City's current standards, there were already incentives for decentralized facilities, which was why they were seen throughout Frog Pond where there was either some level of decentralized facilities and a large pond, or no decentralized

facilities and a very large pond. Those current standards were already driving up the costs. The proposed changes would take it to another whole level. It was common sense to place the stormwater facility at the lowest part of the site, but now five facilities would have to be placed at the lowest part or spread out throughout the site, and then all the additional piping and infrastructure needed to be considered.

Commissioner Mesbah noted that while the points were well taken, it was all theoretical. They were not discussing a particular site plan or what options were available for designing swales, instead of piping everything for example. A dispersed stormwater treatment train, the meandering swales into infiltration areas, minimized the amount of gray infrastructure because those facilities did not provide attenuation, infiltration, etc. However, those facilities were very site specific and required site and landscape design to be part of it and if it was impossible then there was the fee in lieu. Because it was all site specific, the Engineering Staff and developer's engineers had to really do problem solving; it was not a black and white issue.

- Regarding concerns about the 20% standard taking up more space, stormwater facilities take up more space somewhere, and that space had to be dealt with, whether it was a huge regional facility or a bunch of smaller ones. Facilities take away from density, but part of the balancing act Mr. Pauly keeps talking about is that there is a maximum to densification. At some point, the decision must be made not to go any further, because then everything becomes underground, which involves other issues.
- They were all good points raised, but a deeper discussion was needed at the next meeting to ensure the City has a problem-solving attitude while not letting people off the hook easily. It was difficult, but that was why engineers made the big bucks.

INFORMATIONAL

4. City Council Action Minutes (June 5 & 19, 2023) (No staff presentation)
5. 2023 PC Work Program (No staff presentation)

ADJOURN

Commissioner Willard moved to adjourn the regular meeting of the Wilsonville Planning Commission at 7:27 p.m. Commissioner Mesbah seconded the motion, which passed unanimously.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, LLC. for
Mandi Simmons, Planning Administrative Assistant



PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 13, 2023

PUBLIC HEARING

2. Development Code Process Clarifications (Rybold) (30 minutes)

**PLANNING COMMISSION
RESOLUTION NO. LP23-0002**

**A RESOLUTION OF THE CITY OF WILSONVILLE PLANNING COMMISSION
RECOMMENDING THE WILSONVILLE CITY COUNCIL AMEND THE TEXT OF THE DEVELOPMENT
CODE TO CLARIFY REVIEW PROCESSES AND CORRECT INCONSISTENCIES.**

WHEREAS, in 2016 the City adopted Ordinance No. 797 which amended Sections 4.800 through 4.804 of the Wilsonville Code (WC) and added Sections 4.805 through 4.814 to respond to new Federal Communications Commission (FCC) regulations, pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)), requiring that cities provide a faster expedited review of certain new co-located wireless communication facilities applications; and

WHEREAS, in 2019, the City adopted Ordinance No. 831 which amended Sections 4.800 through 4.814 in response to new FCC regulations for small wireless facilities to include a Class 1 Administrative Review process for these facilities due to the required review timelines; and

WHEREAS, per the FCC regulations applications for co-location pursuant to Section 6049(a) are subject to a review timeline of 60 days, which timeframes warrant a Class 1 Administrative Review process instead of the current Class 2 Administrative Review process under the Wilsonville Development Code; and

WHEREAS, clarification of application requirements listed in WC Section 4.801 for different wireless communication facility application types will reduce confusion for applicants, staff, and the public; and

WHEREAS, in 2009, the City adopted Ordinance No. 666 which amended WC Section 4.023 to allow for administrative review of time extensions and included special provisions for development approval extensions during 2009 and 2010; and

WHEREAS, adoption of this Ordinance resulted in inconsistent review processes for development approval extensions in WC Sections 4.023 and 4.140; and

WHEREAS, minor edits to procedural requirements in WC Sections 4.011, 4.022, 4.030, and 4.156.09 will provide additional clarity for applicants, staff, and the public; and

WHEREAS, the Planning Commission of the City has the authority to review and make recommendations to the City Council regarding legislative changes to the Development Code pursuant to WC Sections 2.322 and 4.032; and

WHEREAS, following the timely mailing, posting, and publication of the required notice, the Planning Commission conducted a public hearing on September 13, 2023, to review the proposed Development Code amendments, and to gather additional testimony and evidence regarding the proposed amendments; and

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendation and all the exhibits and testimony introduced and offered by all interested parties.

NOW, THEREFORE, THE CITY OF WILSONVILLE PLANNING COMMISSION RESOLVES AS FOLLOWS:

- Section 1. The Wilsonville Planning Commission does hereby adopt the Planning Staff Report (attached hereto as Exhibit A) and Attachments, as presented at the September 13, 2023, public hearing, including the findings and recommendations contained therein.
- Section 2. The Planning Commission does hereby recommend that the Wilsonville City Council adopt the proposed amendments to the Wilsonville Development Code.
- Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville Planning Commission at a regular meeting thereof this 13th day of September, 2023, and filed with the Planning Administrative Assistant on this date.

PLANNING COMMISSION CHAIR HEBERLEIN

ATTEST:

Mandi Simmons, Administrative Assistant III

RESOLUTION NO. LP23-0002

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SUMMARY OF VOTES:

Ronald Heberlein, Chair

Jennifer Willard, Vice-Chair

Nicole Hendrix

Andrew Karr

Kamran Mesbah

Kathryn Neil

EXHIBITS:

- A. Staff Report and Attachments



**PLANNING COMMISSION MEETING
STAFF REPORT**

Meeting Date: September 13, 2023		Subject: Development Code Process Clarifications	
		Staff Members: Kimberly Rybold, AICP, Senior Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Adopt Resolution No. LP23-0002 recommending adoption of the Development Code amendments that clarify review processes and requirements for certain development application types.			
Recommended Language for Motion: I move to adopt Resolution No. LP23-0002.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COMMISSION:

The project team will present proposed Development Code amendments to clarify the review process for certain application types, including wireless communications facilities, extensions of development approvals, and temporary use and sign permits.

EXECUTIVE SUMMARY:

The proposed Development Code process clarifications will update review processes for certain application types, clarify application requirements, and correct inconsistencies in the Development Code regarding existing review processes. The proposed amendments (Attachment 1, Exhibit A) are intended to reduce confusion among applicants and the broader public on required review processes and information needed for certain application types. The proposed amendments will also adjust the review process for some Wireless Communications Facility (WCF) applications.

The primary focus of this work is to clarify application requirements and review processes for various types of WCF applications to better reflect Federal review and approval requirements and the level of information needed to review different types of WCFs. Key amendments include the following:

- **Review Process for Co-locations** – Revisions to Section 4.804 (Review Process and Approval Standards) to enable WCF applications subject to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)) to be reviewed through the Class 1 Administrative Review process. Section 6409(a) applications are required to be reviewed in a condensed timeline of 60 days (with limited tolling of this review timeline) and must be approved if all applicable criteria are met. Given the ministerial nature of this review and the inability to incorporate input received through the public comment period, a Class 1 Administrative Review process is most appropriate for these application types. This would be the same as the review process for Small Wireless Facilities (SWFs), which are governed by similar Federal review mandates.
- **Application Requirements** – Specificity added to Section 4.800 about the different WCF types to directly address which ones are permitted, conditional, prohibited, or exempt. Within Section 4.801, the proposed amendments clarify what application materials must be submitted for different WCF types. This clarification will reduce applicant confusion for co-locations and SWFs, as many of the required items are only applicable to new WCF.

Other process clarifications are proposed as noted below:

- **Extension of Development Approvals** – Revisions to Sections 4.023 (Expiration of Development Approvals) and 4.140 (Planned Development Regulations) to resolve conflicting process language regarding the review process for development approval extensions. Revisions would clarify that these requests are reviewed as a Class 1 Administrative Review.
- **Temporary Use Permits** – Amendments to Section 4.030 (Jurisdiction and Powers of Planning Director and Community Development Director) clarify how the time period of the permit is calculated consistent with current practice that allows permits for non-consecutive days. Approval criteria for Class 2 Temporary Use Permits would be updated to be consistent with Class 1 Temporary Use Permits.
- **Temporary Sign Permits** – Amendments adding clarifying language to Section 4.156.09 (Temporary Signs in all Zones) describing which temporary signs need a permit.

- **General Administration** – Clarification in Section 4.011 (How Applications are Processed) that to be considered filed, applications must include authorization as specified in Section 4.009 (Who May Initiate Applications). Clarification within Section 4.022 (Appeal and Call-up Procedures) that appeals of Development Review Board decisions must include a payment of a filing fee within the 14-day appeal period. Addition of Type B Tree Removal Permits to the list of Class 2 Administrative Review applications consistent with Section 4.610.30 (Type B Permit).

The final draft of the proposed amendments (Attachment 1) incorporates clarification on outstanding items identified in the first draft of amendments presented to Planning Commission and City Council at work sessions in summer 2023.

EXPECTED RESULTS:

Recommendation to the City Council to adopt the Development Code amendments to clarify review processes and requirements.

TIMELINE:

This item is scheduled for public hearing with the City Council on September 18, 2023, pending the Commission’s recommendation. Second reading is scheduled for October 2, 2023.

CURRENT YEAR BUDGET IMPACTS:

Consultant costs will be paid by the Planning Division’s professional services budget. Staff time for this update will be paid from the Planning Division’s budget.

COMMUNITY INVOLVEMENT PROCESS:

Existing Development Code regulations were adopted by the City after community outreach. The proposed Development Code amendments are procedural, not policy-based, in nature. The community was notified of Planning Commission and City Council public hearings and will have the opportunity to provide oral or written testimony on the amendments.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Adoption of the proposed Development Code modifications will provide applicants and the community additional clarity and certainty on the review process for affected development applications.

ALTERNATIVES:

The Commission can recommend, recommend with modifications, or deny the proposed amendments. If more time is needed to consider the proposed amendments, the Commission may also continue the hearing to a date certain.

ATTACHMENTS:

1. Development Code Amendments
2. LP23-0002 Findings Report
3. LP23-0002 Planning Commission Record

LP23-0002: Proposed Development Code Edits – September 2023

Proposed added language **bold underline**. Proposed removed language ~~struck through~~.

Section 4.011. How Applications are Processed.

- (.01) Applications submitted without the required filing fee, **or the correct authorization as specified in Section 4.009**, shall not be considered to be "filed" and shall be returned to the prospective applicant without being processed.

No additional changes proposed in this section

Section 4.022. Appeal and Call-up Procedures.

- (.01) *Administrative Action Appeals.* A decision by the Planning Director on issuance of a Site Development Permit may be appealed. Such appeals shall be heard by the Development Review Board for all quasi-judicial land use matters except expedited land divisions and middle housing land divisions requiring expedited review under state law, as indicated in Section 4.232, which may be appealed to a referee selected by the City to consider such cases. Only the applicant may appeal a Class I decision unless otherwise specified in Section 4.030, and such appeals shall be filed, including all of the required particulars and filing fee, with the City recorder as provided in this Section. Any affected party may appeal a Class II decision by filing an appeal, including all of the required particulars and filing fee, with the City Recorder within 14 calendar days of notice of the decision. Either panel of the Development Review Board, or both panels if convened together, may also initiate a call-up of the Director's decision by motion, without the necessity of paying a filing fee, for matters other than expedited land divisions and middle housing land divisions requiring expedited review under state law, as indicated in Section 4.232. The notice of appeal shall indicate the nature of the action or interpretation that is being appealed or called up and the matter at issue will be a determination of the appropriateness of the action or interpretation of the requirements of the Code.
- (.02) *Board Action.* A decision of the Development Review Board may be appealed to the Council by any affected party who participated in the hearing before the Board by filing an appeal, **including all of the required particulars and filing fee**, within 14 calendar days of the posting of the notice of decision, or by the call-up procedures listed below. The notice of appeal shall indicate the decision that is being appealed.

No additional changes proposed in this section

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

- (.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section. Specific Area Plan approvals shall not expire.
- A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or
 - B. A time extension has been granted by city staff for good cause. ~~Except as provided in subsection (.05) below, n~~ **Not more than three such extensions** may be granted, for not more than one year each.
- (.02) If the development approval is for a subdivision or partition, the developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in

Section 4.023(.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.

- (.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the City Council.
- (.04) Requests for time extensions shall be submitted in writing, including written justification therefore, and received by the Planning Department not less than ~~eight (8)~~ **one** calendar days prior to the expiration date of the permit or approval. **A development approval shall not expire prior to a decision on the granting of this time extension if the request was submitted in accordance with this subsection.**
- ~~(.05) Notwithstanding the limitations and requirements in Section 4.023(.01)(B.) and (.04), beginning June 1, 2009 and ending June 1, 2010, city staff shall approve all applications for one year extensions, which applications shall not require a demonstration of good cause, but shall be accompanied by a filing fee which shall not exceed the fee for a Class 1 Administrative Review, and which extensions shall not be counted toward the maximum number of extensions allowed in Subsection 4.023(.01)(B.).~~

Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.

- (.01) *Authority of Planning Director.* The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:
 - A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below. Pursuant to Class I procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:
 - 1. Minor site clearing and grading, prior to the approval of a Site Development Plan, provided that:
 - a. No clearing or grading occurs within the Significant Resource Overlay Zone. Clearing or grading in the Significant Resource Overlay Zone shall require, at a minimum, approval of a Class II permit through the procedures specified below;
 - b. No clearing or grading occurs within 25 feet of an area that has been identified by the City as a wetland;
 - c. Not more than three trees are proposed to be removed;
 - d. No fill or removal is proposed;
 - e. Adequate measures are utilized to control erosion and runoff from the site and that the applicant will submit a final Site Development application within seven days of submitting the minor site grading application. All grading activities require compliance with the requirements of the applicable building code and City Public Works standards.
 - 2. Class I Sign Permits, and Temporary Sign Permits for 30 days or less.
 - 3. Architectural, landscape, tree removal, grading and building plans that substantially conform to the plans approved by the Development Review Board and/or City Council. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.

4. Building permits for single family dwellings, middle housing, and in the Village zone, row houses or apartments, meeting zoning requirements and located on lots that have been legally created. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
5. Lot line adjustments, where none of the lots increase in area by 50 percent or more, subject to the standards specified in Section 4.233.
6. A temporary use permit for not more than 30 days, **Permitted days may or may not be consecutive, but shall not exceed 30 days within the calendar year for which the permit was applied. Temporary use permits are** subject to the following standards:
 - a. The applicant has the written permission of the property owner to use the site;
 - b. The proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property;
 - c. Adequate parking is provided;
 - d. Signs shall meet the standards of Section 4.156.09. ~~A maximum of two signs, not exceeding a combined total of 24 square feet, are allowed;~~ and
 - e. The proposed use has the approval of the Fire Marshal.
7. Determination that an existing use or structure is a non-conforming use or non-conforming structure, as defined in this Code. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the history of the property, choose to process such determinations through the Class II procedures below.
8. Actions taken subject to Site Development Permits which have been approved by the appropriate decision-making body of the City.
9. Final plats for condominiums, subdivisions, or partitions that are substantially the same as tentative plats approved by the City and which are submitted for review and signature prior to recordation with the appropriate county.
10. Type A tree removal permits as provided in Section 4.600.
11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.
12. Expedited land divisions and middle housing land divisions requiring expedited review under state law. Applications for expedited land divisions and middle housing land divisions requiring expedited review under state law, as provided for in Section 4.232 of this Code and ORS Chapter 197 shall be processed without public hearing, and shall be subject to appeal through the special appeal procedures specified in Section 4.232.
 - a. Authority of Planning Director. The Planning Director shall have authority to review applications for expedited land divisions and middle housing land divisions requiring expedited review under state law and to take action approving, approving with conditions, or denying such applications, based on findings of fact.
 - b. Tentative Plat Requirements for Expedited Land Divisions and middle housing land divisions requiring expedited review under state law. Tentative plats and all other application requirements for expedited land divisions and middle housing land divisions requiring

expedited review under state law shall be the same as for other forms of land divisions, except as those requirements are specifically altered by the Oregon Revised Statutes.

- c. Administrative Relief Not Available. In taking action on an application for an expedited land division or middle housing land divisions requiring expedited review under state law, the Planning Director is not authorized to grant Variances or waivers from the requirements of the Code.
- d. Residential Areas Only. As specified in ORS 197, expedited land divisions shall only be approved in areas zoned for residential use.

13. Development approval extensions as provided in Section 4.023.

- B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:
 - 1. Minor alterations to existing buildings or site improvements of less than 25 percent of the previous floor area of a building, but not to exceed 1,250 square feet, or including the addition or removal of not more than ten parking spaces. Minor modifications to approved Architectural and Site Development Plans may also be approved, subject to the same standards.
 - 2. Residential accessory buildings or structures with less than 120 square feet of floor area located within the Willamette River Greenway Boundary pursuant to Section 4.500 and subject to the flood plain development standards of Section 4.172. Approval of such accessory structures in the Greenway shall be based on all of the following findings of fact:
 - a. The building or structure is located so that the maximum amount of landscape area, open space and/or vegetation is provided between the river and the building;
 - b. Public access to the river is preserved or is provided in accordance with an approved and adopted plan; and
 - c. That the change of use, intensification of use, or development will be directed away from the river to the greatest possible degree while allowing a reasonable use of the property.
 - 3. Written interpretations of the text or maps of this Code, the Comprehensive Plan or sub-elements of the Comprehensive Plan, subject to appeal as provided in Section 4.022. The Planning Director may review and interpret the provisions and standards of Chapter 4 (Planning) of the Wilsonville Code upon receiving the required filing fee along with a specific written request. The Director shall publish and mail notice to affected parties and shall inform the Planning Commission and City Attorney prior to making a final written decision. The Director's letter and notice of decision shall be provided to the applicant, the Planning Commission, the City Council, and City Attorney and the notice shall clearly state that the decision may be appealed in accordance with Section 4.022 (Appeal Procedures). A log of such interpretations shall be kept in the office of the Planning Department for public review.
 - 4. A permit to locate an accessory use on a lot adjacent to the site of the principal use.
 - 5. Subdivisions located within the Coffee Creek Industrial Design Overlay District and land partitions, other than expedited land divisions, pursuant to Section 4.210. Approval shall be based on all of the following findings of fact:
 - a. The applicant has made a complete submittal of materials for the Director to review, as required in Section 4.210;

- b. The proposed plan meets the requirements of the Code regarding minimum lot size and yard setbacks;
 - c. The approval will not impede or adversely affect the orderly development of any adjoining property or access thereto;
 - d. The public right-of-way bordering the lots or parcels will meet City standards;
 - e. Any required public dedications of land have been approved for acceptance by the City and will be recorded with the County prior to final plat approval;
 - f. Adequate easements are proposed where an existing utility line crosses or encroaches upon any other parcel to be created by the partition;
 - g. All public utilities and facilities are available or can be provided prior to the issuance of any development permit for any lot or parcel; and
 - h. Roads extended or created as a result of the land division will meet City standards.
6. Decisions on the following:
- a. Lot line adjustments, where any of the lots increase by more than 50 percent in area, subject to the provisions of Section 4.233.
 - b. Temporary use permits for periods exceeding 30 days **but not more than 120 days. Permitted days may or may not be consecutive, but shall not exceed 120 days within the calendar year for which the permit was applied.** Temporary use permits may allow specific activities associated with the primary use or business located on the property for up to 120 days provided that:
 - i. the property owners have given written permission;
 - ii. no structure, sign or any other object shall exceed 20 feet in height;
 - iii. adequate parking is provided in designated spaces;
 - iv. signs **shall meet the standards of Section 4.156.09**~~are limited to a maximum of two and shall not exceed a total combined area of 24 square feet;~~
 - v. electrical and building permits are obtained as required;
 - vi. undue traffic congestion will not result and, if traffic congestion is expected, a traffic control plan is submitted along with the application that identifies the traffic control procedures that will be used;
 - vii. the activity and/or use shall not unduly interfere with motorists driving on adjacent roads and streets, including I-5; and
 - viii. public notice has been provided and the comments of interested parties have been considered in the action that has been taken;
 - ix. the proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property; and**
 - x. the proposed use has the approval of the Fire Marshal.**
7. Solar access permits, as specified in Section 4.137.3.
8. Class II Sign Permits.

9. Site design review, as authorized in Section 4.400 for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.10.
10. Review of Stage I and Stage II Planned Development applications for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.

11. Type B tree removal permits as provided in Section 4.600.

- ~~12~~1. Type C tree removal permits as provided in Section 4.600 for properties located within the Coffee Creek Industrial Design Overlay District.

No additional changes proposed in this section

Section 4.140. Planned Development Regulations.

No changes proposed in Subsections (.01) to (.08)

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

[Note: Outline Number is incorrect.]

- A. Unless an extension has been granted by the ~~Development Review Board or~~ Planning Director, ~~as applicable,~~ within two years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013. As provided in Section 4.134, an application for a Stage II approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director without a public hearing as a Class II Administrative Review as provided in Section 4.035(.03).
- B. The Development Review Board or Planning Director, as applicable, shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.
- C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:
 1. The location of water, sewerage and drainage facilities;
 2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;
 3. The general type and location of signs;
 4. Topographic information as set forth in Section 4.035;
 5. A map indicating the types and locations of all proposed uses; and
 6. A grading plan.
- D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.

- E. Copies of legal documents required by the Development Review Board or Planning Director, as applicable, for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.
- F. Within 30 days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Development Review Board or Planning Director, as applicable, shall not act on a final development plan until it has first received a report from the agencies or until more than 30 days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.
- G. Upon receipt of the final development plan, the Development Review Board or Planning Director, as applicable shall examine such plan and determine:
1. Whether it conforms to all applicable criteria and standards; and
 2. Whether it conforms in all substantial respects to the preliminary approval; or
 3. Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.
- H. If the Development Review Board or Planning Director, as applicable, permits the applicant to revise the plan, it shall be resubmitted as a final development plan within 60 days. If the Board or Planning Director approves, disapproves or grants such permission to resubmit, the decision of the Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.
- I. All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the ~~Development Review Board or Planning Director, as applicable,~~ may extend these expiration times for up to three additional periods of not more than one year each. Applicants seeking time extensions shall make their requests in writing at least ~~30~~one days in advance of the expiration date. **A development approval shall not expire prior to a decision on the granting of this time extension if the request was submitted in accordance with this subsection.** Requests for time extensions shall only be granted upon (1) a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year, and (2) payment of any and all Supplemental Street SDCs applicable to the development. Upon such payment, the development shall have vested traffic generation rights under [section] 4.140(.10), provided however, that if the Stage II approval should expire, the vested right to use trips is terminated upon City repayment, without interest, of Supplemental Street SDCs. For purposes of this Ordinance, "substantial development" is deemed to have occurred if the required building permits or public works permits have been issued for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit.
- J. A planned development permit may be granted by the Development Review Board or Planning Director, as applicable, only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:
1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.
 2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.

Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

- a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.
 - b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three new p.m. peak hour traffic trips or less;
 - ii. A planned development or expansion thereof which provides an essential governmental service.
 - c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.
 - d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.
 - e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F".
3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
- K. Mapping: Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.

No additional changes proposed in this section

Section 4.156.09. Temporary Signs in all Zones.

~~The following temporary signs may be permitted:~~ In addition to the permanent signs allowed in different zones and exempt temporary signs, unless specifically prohibited in a master sign plan or other sign approval, **the following temporary signs may be permitted through a temporary sign permit:**

(.01) *General Allowance.* Except as noted in subsection (.02) below up to two temporary signs not exceeding a combined total of 24 square feet may be permitted per lot or non-residential tenant. Such signs may be banners, rigid signs, lawn signs, portable signs, or other signs of similar construction.

No additional changes proposed in this section

Section 4.800. Wireless Communications Facilities—Permitted, Conditionally Permitted, and Prohibited Uses.

Purpose:

Wireless Communications Facilities ("WCF") play an important role in meeting the communication needs of the Wilsonville community citizens. This Section aims to balance the proliferation of and need for WCF with the importance of keeping Wilsonville a livable and attractive City, consistent with City regulations for undergrounding utilities to the greatest extent possible.

In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of the Wilsonville community citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; **and** 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.

As used herein, reference to Wireless Communications Facilities is broadly construed to mean any facility, along with all of its ancillary equipment, used to transmit and/or receive electromagnetic waves, radio or television signals including, but not limited to, antennas, dish antennas, microwave antennas, small cells, distributed antenna systems ("DAS"), 5G, small cell sites/DAS, and any other types of equipment for transmission or receipt of signals, including telecommunication towers, poles, and similar supporting structures, equipment cabinets or buildings, parking and storage areas, and all other accessory development.

Reference to Small Wireless Facilities (SWF) herein is construed to mean ~~telecommunications facilities~~ **WCF** and associated equipment that meet the definition of small wireless facilities as stated in 47 C.F.R. § 1.6002(l).

Reference to Macro WCF means WCF that do not meet the definition of small wireless facilities.

This Section does not apply to (i) amateur radio stations defined by the Federal Communication Commission and regulated pursuant to 47 C.F.R. Part 97; or (ii) WCF owned by, or operated solely for, the City of Wilsonville.

If any provision of this Code directly conflicts with State or Federal law, where State or Federal law preempts local law, then that provision of this Code shall be deemed unenforceable, to the extent of the conflict, but the balance of the Code shall remain in full force and effect.

Nothing contained in this Section shall be construed in any way to waive or limit the City's proprietary rights over its real and personal property, including without limitation any proprietary interest in the right-of-way. Thus, if it is determined the City has authority to exert greater rights or impose additional conditions or limitations beyond those set forth in this Section, the City reserves the absolute right to do so, as it determines appropriate or necessary.

(.01) *Permitted Uses:*

- A. ~~New~~ **New** towers, poles, and structures for **Macro** WCF and ancillary facilities thereto are permitted in all of the following locations:
1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any property owned by the West Linn - Wilsonville School District;
 3. Any property owned by the Tualatin Valley Fire District;

4. Any property within an electric utility substation.
- B. ~~Co-located WCF pursuant to Section 4.802 is encouraged on all existing, legally established, towers, poles, and structures in all zones and may be required on City property.~~
- C. Modification of existing towers, poles, and structures for WCF and ancillary facilities not meeting the co-location requirements of Section 4.802.**
- D. SWF as follows:**
- 1. Attached to an existing structure (i.e., utility pole, tower, streetlight, traffic signal, building, etc.) within the public right-of-way.**
 - 2. Incorporated into a freestanding or replacement structure (i.e., a standalone pole intended to support only the wireless equipment or a replacement pole that supports both the wireless equipment and the other utilities, traffic control or other pre-existing attachments) within the public right-of-way.**
 - 3. Attached or mounted to an existing structure (i.e., rooftop, building façade, sports field light, etc.) outside the public right-of-way.**
- E. Satellite communications antennas:**
- 1. Not exceeding one meter in diameter shall be permitted in any zone without requiring Administrative Review.**
 - 2. One meter or larger shall be subject to Administrative Review.**
- ~~C. Satellite communications antennas not exceeding one meter in diameter shall be permitted in any zone without requiring Administrative Review.~~
- ~~D. Camouflaged WCF antennas attached to existing light, power, or telephone poles are permitted in all zones, subject to the development standards of Section 4.803.~~
- ~~F. The City of Wilsonville is an underground utility City (Undergrounding District) where mandatory aesthetic design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible. The following shall be used to determine maximum extent possible:~~
- ~~1. Equipment functional underground;~~
 - ~~2. Location available to underground near associated antenna; and~~
 - ~~3. Conflicts with other underground uses as determined by the City~~
- (.02) Conditional Uses. Except as indicated as permitted in (.01) above, WCF can be conditionally permitted in all zones, pursuant to Section 4.184 of the Wilsonville Code
- A. Historical Buildings and Structures. No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.**
- B. Tower or Pole Heights. Towers or poles may exceed the height limits otherwise provided for in the Development Code with compelling justification only. Costs and cost efficiency are not compelling justifications.**

C. Lighting. If beacon lights or strobe lights are required by the Federal Aviation Administration (FAA) or other applicable authority, the Development Review Board shall review the available alternatives and approve the design with the least visual impact.

D. Except as indicated as permitted in (.01) above, WCF can be conditionally permitted in all zones, pursuant to Section 4.184 of the Wilsonville Code.

(.03) Prohibited Uses. WCF are prohibited on all lands designated as within the Significant Resource Overlay Zone lands.

(.04) Exemptions. The following shall be considered exempt structures or activities under this Code Chapter:

A. Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.

B. Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 60 days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.

C. Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.

(.05) Undergrounding Requirement. The City of Wilsonville is an underground utility City (Undergrounding District) for the purposes of public safety, service reliability, and aesthetic design; where these mandatory design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible. The following shall be used to determine maximum extent possible:

A. Equipment functional underground;

B. Location available to underground near associated antenna; and

C. Conflicts with other underground uses as determined by the City.

(Ord. No. 831, 1-24-2019)

Section 4.801. Application Requirements.

Cable providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete: 1) a Site Development Permit Application; 2) a Public Works Permit; 3) a Building Permit; and 4) enter into a Lease Agreement with the City for use of the public Right-of-Way. In preparing the Application, the applicant should review all provisions of this Code Section, particularly the portion attached to the Development Review Standards. The WCF Application process shall include all of the following:

(.01) Cable and telecommunication providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete:

A. A Site Development Permit Application;

B. A Public Works Permit;

C. A Building Permit; and**D. Enter into a Lease Agreement with the City for use of the public Right-of-Way.****(.02) Required for all WCF, including SWF applications:**

- A. Property Owner Signature. The signature of the property owner(s) on City of Wilsonville application forms or a written signed statement from the property owner(s) granting authorization to proceed with the land use application and building permits, pursuant to WC Section 4.009.**
- B. ~~(.01)~~ *Speculation.* No Application for a WCF shall be approved from an applicant that constructs WCF and leases tower space to service providers that is not itself a wireless service provider, unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the WCF.**
- C. ~~(.02)~~ *Geographical Survey.* The applicant shall identify the geographic service area for the proposed WCF, including a map showing all of the applicant's existing sites in the local service network ~~associated with the gap that the proposed WCF is proposed to close.~~ The applicant shall **identify technically feasible alternative site locations within the geographic service area** ~~describe how this service area fits into and is necessary for the service provider's service network.~~**
- 1.** Prior to the issuance of any building permits, applicants for WCF shall provide a copy of the corresponding FCC Construction Permit or license for the facility being built or relocated, if required.
 - 2.** The applicant shall include a vicinity map clearly depicting where, within a one-half mile radius, any portion of the proposed WCF could be visible, and a graphic simulation showing the appearance of the proposed WCF and all accessory and ancillary structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation and screening measures. Such points are to be mutually agreed upon by the Planning Director or the Planning Director's designee and the applicant. ~~This Section (2) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).~~
- D. ~~(.03)~~ *Visual Impact, Technological Design Options, and Alternative Site Analysis.* The applicant shall provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening for all components of the facility. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a map showing where the photos were taken. The applicant shall include an analysis of alternative sites **that would meet City design and locational standards** and **alternative** technological design options for the WCF, within and outside of the City, ~~that~~ **which** are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower or pole is proposed as a part of the proposed WCF, the applicant must demonstrate the need for a new tower and pole and why existing locations or design alternatives, such as the use of microcell technology, cannot be used to meet the identified service objectives. Documentation and depiction of all steps that will be taken to screen or camouflage the WCF to minimize the visual impact of the proposed facility must be submitted.**
- E. ~~(.04)~~ *Application Narrative.* ~~Number of WCF.~~ The Application shall include a detailed narrative of all of the equipment and components to be included with the WCF, including, but not limited to, antennas and arrays; equipment cabinets; back-up generators; air conditioning units; poles; towers; lighting; fencing; wiring, housing; and screening. The applicant must provide the number of proposed WCF at each location and include renderings of what the WCF will look like when screened. The Application must contain a list of all equipment and cable systems to be installed, including the maximum and minimum dimensions of all proposed equipment. Wilsonville is an Undergrounding District, meaning that the City will require any utility that can**

be fully or partially located underground to the maximum extent possible to help preserve the aesthetic appearance of the right-of-way and community and to prevent aboveground safety hazards. Therefore, all components of the WCF must be undergrounded to the extent reasonably feasible. Those components of the WCF that must be above ground must be identified by type of facility, dimension of facility, with proposed screening to reduce to the maximum extent possible the visual impact of aboveground facilities and equipment. A written narrative of why any portion of the WCF must be above ground is required.

~~F. (-05)~~ *Safety Hazards.* Any and all known or expected safety hazards for any of the WCF facilities must be identified and the applicant who must demonstrate how all such hazards will be addressed and minimized to comply with all applicable safety codes.

~~G. (-06)~~ *Landscaping.* The Application shall provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site, showing all proposed landscaping, screening and proposed irrigation (if applicable), with a discussion of how proposed landscaping, at maturity, will screen the site. Existing vegetation that is proposed to be removed must be clearly indicated and provisions for mitigation included.

~~H. (-07)~~ *Height.* The Application shall provide an engineer's diagram, drawn to scale, showing the height of the WCF and all of its above-ground components. Applicants must provide sufficient evidence that establishes that the proposed WCF is designed to the minimum height required to meet the carrier's coverage objectives. If a tower or pole height will exceed the base height restrictions of the applicable zone, this narrative shall include a discussion of the physical constraints (topographical features, etc.) making the additional height necessary. The narrative shall include consideration of design alternatives, including the use of multiple sites or designs that would avoid the need for the new WCF or over zone height WCF. Except as noted in (a) and (b) below, the maximum height allowed in the right-of-way is 50 feet.

~~1. A-~~ The maximum height for a freestanding SWF in the public right-of-way is no more than ten percent taller than other adjacent structures in the right-of-way.

~~2. B-~~ When collocated on an existing structure in the public right-of-way, the SWF and the existing structure (including the antenna and any equipment enclosures contained within the structure) shall not exceed 50 feet or more than ten percent of the existing structure or nearby structures, whichever is greater.

~~I. (-08)~~ *Construction.* The Application shall describe the anticipated construction techniques and time frame for **construction or** installation of the WCF. **This narrative must include all temporary staging, site access, and the types of vehicles and equipment to be used.**

~~J. (-09)~~ *Maintenance.* The Application shall describe the anticipated maintenance and monitoring program for the WCF, including antennas, back-up equipment, poles, paint, and landscaping; **and a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.**

~~K. (-10)~~ *Noise/Acoustical Information.* The Application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide a noise study prepared and sealed by a qualified Oregon-license Professional Engineer that demonstrates that the WCF will comply with intent and goals of Section 6.204 et seq. of this Code.

~~(-11)~~ *Parking.* The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.

~~(-12) Co-Location. In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.~~

~~L. (-13) Lease.~~ The site plan shall show the lease area of the proposed WCF.

~~M. (-14) FCC License and Radio Frequency Safety Compliance.~~ The Application shall provide a copy of the applicant's FCC license and/or construction permit, if an FCC license and/or construction permit is required for the proposed facility. The applicant shall provide documentation showing that the party responsible for radio frequency transmissions is in planned or actual compliance with all FCC RF emissions safety standards and guidelines at 47 C.F.R. § 1.1307 et seq. and FCC Office of Engineering Technology Bulletin 65.

~~N. (-15) Lighting and Marking.~~ The Application shall describe any proposed lighting and marking of the WCF, including any required by the FAA.

~~O. (-16) Co-Location Feasibility.~~ A feasibility study for the co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon-licensed Professional Engineer. Co-location will be required when determined to be feasible. The feasibility study shall include:

- ~~1.A~~ An inventory, including the location, ownership, height, and design of existing WCF within one-half mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCF, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
- ~~2.B~~ Documentation of the efforts that have been made to co-locate on existing or previously approved towers, poles, or structures. The applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers, poles, or structures and shall provide a list of all owners contacted in the area, including the date, form, and content of such contact.
- ~~3.C~~ Documentation as to why co-location on existing or proposed towers, poles, or commercial structures within 1,000 feet of the proposed site is not practical or feasible. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Development Review Board may consider expert testimony to determine whether the fee and costs are reasonable when balanced against the market and the important aesthetic considerations of the community.

~~P. (-17) Engineering Report for New Location.~~ A. An Application for a new WCF, whether co-located or new, shall include, as applicable, a report from an Oregon licensed Professional Engineer documenting the following:

1. A description of the proposed WCF height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed WCF structure shall be included. The engineer shall document whether the structure is at its maximum structural capacity and, if not, the additional weight the structure could support.
2. Documentation that the proposed WCF will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the minimum safety requirements of the State Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application.

- 3B. A description of mitigation methods which will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment, if required by any safety law, regulation, or code.
- 4C. Evidence that the proposed WCF will comply with all applicable requirements of the Federal Aviation Administration, the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communications Commission.

~~(.18) Maintenance.~~ The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.

~~(.19) Recordation Requirements.~~ If a new WCF is approved, the owner shall be required, as a condition of approval, to:

- A. Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;
- B. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
- C. Negotiate in good faith for shared use by others; and
- D. Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.

Q. All SWF applications must demonstrate compliance with all requirements in Section 2 "Design Elements" of the "City of Wilsonville Small Wireless Facility Infrastructure Design Standards".

R. (.20) The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application.

(.03) Additional Application Requirements for new Macro WCF applications.

- A. **Parking.** The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.
- B. **Co-Location.** In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.
- C. **Recordation Requirements.** If a new WCF is approved, the owner shall be required, as a condition of approval, to:
 - 1. **Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;**
 - 2. **Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;**
 - 3. **Negotiate in good faith for shared use by others; and**
 - 4. **Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.**

Section 4.802. Co-Location.

In order to encourage shared use of towers, poles, or other facilities for the attachment of WCF, **pursuant to the provisions of 47 U.S.C. 1455(a)**, no conditional use permit shall be required for the addition of equipment, provided that:

- (.01) There is no change to the type of tower or pole.
- (.02) All co-located WCF shall be designed in such a way as to be visually compatible with the structures on which they are placed.

- (.03) All co-located WCF must comply with the conditions and concealment elements of the original tower, pole, or other facility upon which it is co-locating.
- (.04) Shall not disturb, or will mitigate any disturbed, existing landscaping elements.
- (.05) Does not entail excavation or deployment outside site of current facility where co-location is proposed.
- (.06) All co-located WCF, and additions to existing towers, poles, or other structures, shall meet all requirements of the State of Oregon Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application. A building permit shall be required for such alterations or additions. Documentation shall be provided by an Oregon-licensed Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
- (.07) Additional Application Requirements for Co-Location:
 - A. A copy of the site plan approved for the original tower, pole, or other base station facility to which the co-location is proposed.
 - B. A site survey delineating development on-the-ground is consistent with the approved site plan.

Section 4.803. Development Review Standards.

All WCF shall comply with the following Development Review standards, unless ~~grandfathered~~ **exempted** under State or Federal law:

- (.01) **The following development standards are applicable to all WCF and SWF applications:** *Visual Impact:*
- A. *Maximum Number of High Visibility Facilities Per Lot or Parcel.* No more than one high visibility WCF is allowed on any one lot or parcel of five acres or less. The Development Review Board may approve exceeding the maximum number of high visibility WCF per lot or parcel if one of the following findings is made through a Class III review process: (1) co-location of additional high visibility WCF is consistent with neighborhood character, (2) the provider has shown that denial of an application for additional high visibility WCF would prohibit or have the effect of prohibiting service because the WCF would fill a significant gap in coverage and no alternative locations are available and technologically feasible, or (3) the provider has shown that denial of an application for additional high visibility WCF would unreasonably discriminate among providers of functionally equivalent services. In such cases, the Development Review Board shall be the review authority for all related applications.
 - B. *Height. The height of WCF is regulated as follows:*
 - 1.** The tower or pole height of a freestanding WCF in R, PDR and ~~FDA-HRA-H~~ zones shall not exceed 50 feet, except the following:
 - ~~1a.~~ **FDA-HRA-H** zoned property occupied by the City Wastewater Treatment Plant and the PDR zoned property occupied by the Elligsen Road Water Reservoir shall be exempted from the height limitations of the subject zones, ~~and subsection 4.803(.01)A, above, shall apply.~~
 - 2b.** Small Wireless Facilities in the public right-of-way. SWF in the public right-of-way shall not exceed the height permitted under WC 4.801(~~.07~~)(.02)H.
 - 2.** **In all other zones, towers or poles shall not** exceed the height limits ~~otherwise~~ provided for in the Development Code with out compelling justification. Costs and cost efficiency are not compelling justifications.

- C. *WCF Adjacent to Residentially Designated Property.* In order to ensure public safety, all WCF located adjacent to any property designated as residential in Wilsonville shall be set back from all residential property lines by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto. The setback shall be measured from that part of the WCF that is closest to the neighboring residentially designated property.
- ~~D. *Historical Buildings and Structures.* No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.~~
- ~~E. *Tower or Pole Heights.* Towers or poles may exceed the height limits otherwise provided for in the Development Code with compelling justification only. Costs and cost efficiency are not compelling justifications.~~
- D. F. *Accessory Building Size.* Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed 12 feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to 200 square feet, unless approved through a Conditional Use Permit.
- E. G. *Utility Vaults and Equipment Pedestals.* Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible.
- F. H. *Visual Impact.* All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping, and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to cause the least detriment to the viewshed from other properties. The use of radomes and/or other camouflage techniques acceptable to the City to conceal antennas, associated equipment and wiring, and antenna supports is required.
- G. I. *Color Schemes.* For the sake of visual impact, no wooden poles are allowed except Small Wireless Facilities on existing poles with high voltage power lines that would require thermal hydraulic cooling if underground. Color schemes must be approved by the City to best camouflage with the surrounding landscape.
- H. J. *Antennas.* Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.
- I. K. *Noise.* Noise from any equipment supporting the WCF shall meet the requirements of City Code Section 6.204—Noise.
- J. L. *Signage.* No signs, striping, graphics, or other attention-getting devices are permitted on any WCF except for warning and safety signage with a surface area of no more than three square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated sign, not to exceed two square feet, which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a

contact name and phone number for emergency purposes. WCF may be placed entirely behind existing street or building signs as one method of camouflage.

~~K. M.~~ *Traffic Obstruction.* Maintenance vehicles servicing facilities located in the public right-of-way shall not park on the traveled way or in a manner that obstructs traffic. No maintenance vehicle parking shall be permitted in red curb zones, handicap zones, or loading zones.

~~L. N.~~ *Parking.* No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.

~~M. O.~~ *Sidewalks and Pathways.* Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land and shall be screened from view. Cabinets shall be undergrounded, to the maximum extent possible.

~~N. P.~~ *Lighting.* WCF shall not include any beacon lights or strobe lights, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If beacon lights or strobe lights are required, the Development Review Board shall review the available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes shall be shielded and directed downward, and shall comply with the City's outdoor lighting standards in City Code Section 4.199, unless otherwise required under Federal law.

~~O. Q.~~ *Paint and Finish.* Towers, poles, antennas, and associated equipment shall either maintain a galvanized steel finish or be painted a non-reflective, neutral color, as approved by the Planning Director or Development Review Board, to minimize visibility. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure. Towers more than 200 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall be painted and/or camouflaged in accordance with subsection (.01), above. All ancillary facilities shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment.

~~P. R.~~ *Use of Concealments.* Concealments are customized structures engineered to cover cell towers, antennas, DAS equipment and beautify them and make them either less visible or more pleasing to have in the landscape. Applicant shall present a proposal for concealment intended to meet the foregoing goal.

~~Q. S.~~ *Public Works Standards.* Additional applicable construction and design standards are as set forth in the City's 2015 Public Works Standards.

~~R. T.~~ *Compliance With All Laws.* Every WCF shall comply with all local, state, and federal laws, codes, and regulations including without limitation to the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

~~(.02) Site Size.~~ The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.

~~(.03) Separation and Setbacks.~~

~~A. WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.~~

~~B. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100 percent~~

breakpoint or 25 feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.

- C. ~~WCF mounted on rooftops or City approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.~~
- D. ~~WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.~~

- ~~T. (.04)~~ *Security Fencing.* WCF or towers shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device. Fencing shall be compatible with other nearby fencing. Such requirements may be waived for attached WCF.
- ~~U. (.05)~~ *Landscaping.* Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of fast growing vegetation that can be expected to reach a minimum height of six feet and form a continuous hedge within two years of planting. Drought tolerant landscaping materials shall be required and otherwise meet the landscaping standards of City Code Section 4.176. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height and would not affect the stability of the guys should they be uprooted. Landscaping shall be compatible with other nearby landscaping.
- ~~V. (.06)~~ *Conflict with Right-of-Way.* No WCF shall be located within a planned or existing public right-of-way, unless it is specifically designed for the purpose in a way that will not impede pedestrian, bicycle, or vehicular traffic and the installation of any sidewalk or path that is a planned future improvement.
- ~~W. (.07)~~ *Change to Approved WCF.* Any change to or expansion of a WCF that will in any way change the physical appearance of the WCF will require a new application.

(.02) Additional development standards applicable to new Macro WCF:

- A. **Site Size. The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.**
- B. **Separation and Setbacks.**
 1. **WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.**
 2. **A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100 percent breakpoint or 25 feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.**
 3. **WCF mounted on rooftops or City-approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.**

4. **WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.**

Section 4.804. Review Process and Approval Standards.

(.01) *Class I Process.* The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class I process under City Code Section 4.030 (.01) A:

- A. Small Wireless Facilities in the public right-of-way.
- B. ~~Replacement of existing antennas on approved tower at same height.~~ **WCF Co-locations meeting the criteria outlined in Wilsonville Code Section 4.802.**

(.02) *Class II Process.* The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class II process under City Code Section 4.030(.01)B:

- A. **New Macro** WCF proposed in the following locations excepted as noted in (.01) above:
 1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any school property owned by any public school district;
 3. Any fire station property owned by any fire district;
 4. Any property within an electric utility substation.
- ~~B. WCFs attached to existing light, power, or telephone poles in all zones, subject to the development standards of Section 4.803.~~
- BC.** WCF Co-locations **not** meeting the criteria outlined in Wilsonville Code **Section** 4.802.
- CD.** Satellite dishes larger than one meter.

(.03) *Conditional Use Permit Requirements.* Applications for WCF in all other locations and situations, including moderate or high visibility facilities that exceed the height limit of the applicable zone, shall also require a Conditional Use Permit to be reviewed by the Development Review Board. In addition to the approval standards in City Code Section 4.030, the applicant shall demonstrate that the WCF Site Plan approval standards in this Section are met.

(.04) *Approval Criteria.* The Development Review Board shall approve the use and WCF Site Plan for any of the WCF listed in subsections of this Section upon a determination that the following criteria are met:

- A. The height of the proposed WCF does not exceed the height limit of the underlying zoning district, or does not increase the height of an existing facility.
- B. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.
- C. The location, size, design, and operating characteristics of the proposed WCF will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
 1. Scale, bulk, coverage, and density;
 2. The suitability of the site for the type and intensity of the proposed WCF; and
 3. Any other relevant impact of the proposed use in the setting where it is proposed.
- D. All required public facilities have adequate capacity, as determined by the City, to serve the proposed WCF; and
- E. The proposed WCF complies with all of the general regulations contained in this Section 4.800—4.812.

(.05) *Conditions of Approval.* The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location. If compliance with all of the applicable criteria cannot be achieved through the imposition of reasonable conditions, the Application shall be denied.

(Ord. No. 831, 1-24-2019)

Section 4.805. Exemptions.

The following shall be considered exempt structures or activities under this Code Chapter:

- ~~(.01) Antennas (including direct to home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.~~
- ~~(.02) Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 60 days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.~~
- ~~(.03) Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.~~

(Ord. No. 831, 1-24-2019)

Section 4.8056. Damage, Destruction, or Interference to Other Utilities.

In the installation of any WCF within the right-of-way, care must be taken to install in such a way that does not damage, interfere with, or disturb any of the several other utilities that may already be located in the area. Any damage done to such other utilities must be immediately reported to both the City and the owner of the damaged utility, and must be promptly repaired by the permittee or the utility owner, with the permittee being responsible for all costs of repair, including any extra charges that may be assessed for emergency repairs. Failure to notify the City and the damaged utility provider will result in revocation of the WCF. When approving the location for a WCF, the location of other utilities, or the need for the location of other utilities, within the right-of-way must be considered before approval to locate the WCF will be given in order to ensure those other services to the public are not disrupted.

No additional changes proposed in this section, Sections 4.806 through 4.814 to be renumbered accordingly

Attachment 2
 Planning Commission Resolution LP23-0002 Staff Report
 Compliance Findings

Development Code Process Clarifications

Date of Findings:	September 6, 2023
Request:	Amend the Wilsonville Development Code Text to update review processes for certain application types, clarify application requirements, and correct inconsistencies in the Development Code regarding existing review processes.
Affected Properties:	Citywide
Staff Reviewer:	Kimberly Rybold, AICP, Senior Planner
Staff Recommendation:	Recommend adoption of the Development Code amendments to the Wilsonville City Council.

Applicable Review Criteria:

<u>Statewide Planning Goals:</u>	
Goal 1	Citizen Involvement
Goal 2	Land Use Planning
<u>Wilsonville Comprehensive Plan:</u>	
Goal 1.1 and applicable Policy and Implementation Measures	Encourage Public Involvement
Goal 1.2 and applicable Policy and Implementation Measures	Interested, Informed, and Involved Citizenry
Goal 3.1 and applicable Policy and Implementation Measures	Adequate Public Facilities and Services
<u>Development Code:</u>	
Section 4.197	Changes and Amendments to Development Code

Compliance Findings

As described in the Findings below, the request meets the applicable criteria.

Statewide Planning Goals

Citizen Involvement

Goal 1

1. As discussed in Findings 3 through 10 below, the citizen involvement processes and requirements established in Wilsonville's Comprehensive Plan consistent with Goal 1 are being followed.

Land Use Planning

Goal 2

2. The proposed Development Code text amendments support the goal of establishing processes and policy as a basis for making decisions on land use consistent with a Comprehensive Plan.

Wilsonville Comprehensive Plan-Public Involvement

Public Involvement-In General

Goal 1.1, Policy 1.1.1,

3. By following the applicable implementation measures, see Findings 4 through 10 below, the City provided opportunities for public involvement encouraging, and providing means for, involvement of interested parties.

Early Involvement

Implementation Measure 1.1.1.a.

4. Planning Commission practice is to conduct a minimum of one work session per proposed Development Code revision allowing for early involvement. This item was discussed at the July 12, 2023 Planning Commission meeting. Draft versions of the proposed amendments have been available on the City's website.

Encourage Participation of Certain Individuals, Including Residents and Property Owners

Implementation Measure 1.1.1.e.

5. The City encouraged residents, property owners, and other interested parties impacted by the proposed code amendments to participate as described in Finding 7.

Procedures to Allow Interested Parties to Supply Information

Implementation Measure 1.1.1.f.

6. The City will afford interested parties the opportunity to provide oral input and testimony during the public hearings. In addition, the City afforded them the opportunity to provide written input and testimony.

Types of Planning Commission Meetings, Gathering Input Prior to Public Hearings Implementation Measure 1.1.1.g.

7. Prior to the scheduled public hearing on the proposed Development Code modifications, the Planning Commission held a work session open to the public on July 12, 2023, during which the Planning Commission provided feedback incorporated into the current draft.

Public Notices for Planning Commission Meetings Implementation Measure 1.1.1.h.

8. The notice regarding the public hearing clearly indicated the type of meeting.

User Friendly Information for Public Policy 1.2.1, Implementation Measures 1.2.1.a., b., c.

9. The published mailings and notices provided user-friendly information about the purpose, location, and nature of the meetings. The mailings widely publicized different ways for impacted parties to participate. The information given to impacted parties gave access to the information on which the Planning Commission will base their decision. Staff provided contact information to potentially impacted parties and answered questions raised throughout the project.

Coordinate Planning Activities with Affected Agencies Implementation Measure 1.3.1.b.

10. The proposed Development Code amendments will have limited impact to other agencies.

Wilsonville Comprehensive Plan-Semi-Public Utilities

Coordination of Planning Activities with Utility Companies Policy 3.1.13, Implementation Measures 3.1.13.a., b., c.

11. The proposed Development Code amendments will continue to allow for the coordination of the location and design of Wireless Communications Facilities (WCF) while minimizing their visual impact. All components of these facilities than can be located underground will be as is required.

Wilsonville Development Code-Amendments to the Code

Planning Commission Public Hearing, Recommendation to City Council Subsection 4.197 (.01) A.

12. The Planning Commission will conduct a public hearing and then, by resolution, forward findings and a recommendation to the Wilsonville City Council within the allowed 40-day timeframe.

Findings Required: Compliance with Procedures of 4.008

Subsection 4.197 (.01) B. 1., Section 4.008, Sections 4.009 through 4.024 as applicable

- 13.** The City mailed notices to affected properties and published/posted notices consistent with established procedures for legislative actions. The City produced written findings of fact regarding the application in this document for adoption by the Planning Commission. The City also published the findings and other elements a week prior to the Public Hearing as required by law.

Findings Required: Compliance with Goals, Policies, and Objectives of Comprehensive Plan

Subsection 4.197 (.01) B. 2.

- 14.** Findings 3 through 11 above provide findings related to the applicable goals, policies, objectives, and implementation measures of Wilsonville's Comprehensive Plan.

Findings Required: No Conflict with Over Code Provisions

Subsection 4.197 (.01) B. 3.

- 15.** While drafting the code amendments staff took care to ensure the proposed code changes do not conflict with or endanger other provisions of the Development Code. The purpose of the proposed amendments is to improve clarity and function of the Development Code, removing existing conflicts.

Findings Required: Compliance with Statewide Land Use Planning Goals, State Rules and Statutes, Federal Statutes

Subsection 4.197 (.01) B. 4.-5.

- 16.** Findings 1 through 2 above provide findings related to compliance with the applicable Statewide Land Use Planning Goals as well as applicable state statutes.

Affirmative Findings Required

Subsection 4.197 (.03)

- 17.** Findings 1 through 16 provide the required affirmative findings on which a recommendation can be made to City Council for adoption of the requested amendments to the Wilsonville Development Code.

LP23-0002
Development Code Process Clarifications
Planning Commission Public Hearing Record Index
Draft (September 13, 2023)

PLANNING COMMISSION AND CITY COUNCIL MEETINGS

September 13, 2023 - Planning Commission Public Hearing
Resolution LP23-0002 (*included above, adoption pending*)
Staff Report and Attachments (*included above, adoption pending*)
Presentation (*not included at this time*)
Affidavit of Notice of Hearing

August 7, 2023 - City Council Work Session
Staff Report and Attachments
Presentation
Action Minutes

July 12, 2023 - Planning Commission Work Session
Staff Report and Attachments
Presentation
Minutes Excerpt

COMMENTS/ARTICLES

None Received



PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 13, 2023

PUBLIC HEARING

2. Development Code Process Clarifications (Rybold) (30 minutes)

AFFIDAVIT OF MAILING AND POSTING NOTICE OF PUBLIC HEARING IN THE CITY OF WILSONVILLE

STATE OF OREGON)

COUNTIES OF CLACKAMAS)
AND WASHINGTON)

CITY OF WILSONVILLE)

I, Mandi Simmons, do hereby certify that I am Administrative Assistant for the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached copy of Notice of Public Hearing is a true copy of the originals of the following that I did cause to be mailed/displayed copies of said public hearing in the exact form hereto attached:

- Single-paged notice was emailed on August 22, 2023 to the attached list of affected agencies
- Single-paged notice was emailed on August 22, 2023 to the attached list of interested parties
- Single-paged notice was sent to the Wilsonville Spokesman for publication in the August 31, 2023 newspaper issue
- The content of the notice was posted on August 22, 2023 on the City’s website
- Single-paged notice was posted at physical locations listed below on August 22, 2023
 - City Hall, 29799 SW Town Center Loop, East, Wilsonville OR 97070
 - Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, OR 97070
 - Library, 8200 SW Wilsonville Road, Wilsonville OR 97070

Witness my hand this 30th day of August 2023


Mandi Simmons, Administrative Assistant

Acknowledged before me this 30 day of August 2023, in Clackamas County, Oregon


Signature of Oregon Notary

Kimberly Louise Veliz
Printed Notary Name



NOTARY PUBLIC

My Commission Expires March 2, 2025

NOTICE OF LEGISLATIVE PUBLIC HEARING BEFORE THE PLANNING COMMISSION AND CITY COUNCIL: DEVELOPMENT CODE PROCESS CLARIFICATIONS, CASE FILE LP23-0002

PLANNING COMMISSION

On **Wednesday, September 13, 2023, beginning at 6 pm**, the Planning Commission will hold a public hearing regarding the **Development Code Process Clarifications**, and will consider whether to recommend adoption of the updates to City Council.

You will not receive another notice unless you: submit a request in writing or by phone, or submit testimony or sign-in at the hearing.

CITY COUNCIL

On **Monday, September 18, 2023, beginning at 7 pm**, the City Council will hold a public hearing regarding the **Development Code Process Clarifications**, after which it may make the final decision.

The hearings will take place at **Wilsonville City Hall**, 29799 SW Town Center Loop East. A complete copy of the project record, including staff report, findings, and recommendations, will be available online and at City Hall for viewing seven (7) days prior to each public hearing.

SUMMARY OF PROPOSAL

The proposed Development Code changes will update or clarify review processes for certain application types, including development approval extensions and Wireless Communications Facility (WCF) applications that are subject to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. The amendments will also clarify application submittal requirements for different WCF application types, and clarify the timing and review criteria for temporary use permits and temporary sign permits. The amendments will also clarify when applications are considered filed. The proposed amendments are intended to reduce confusion among applicants and the broader public on required review processes and information needed for certain application types.

HOW TO COMMENT: Oral or written testimony may be presented at the public hearings. Written comment on the proposal is also welcome prior to the public hearings. To have your written comments or testimony distributed to the Planning Commission before the meeting, it must be received by 2 pm on September 5, 2023. **Direct written comments to** Mandi Simmons, Administrative Assistant, 29799 SW Town Center Loop East, Wilsonville, Oregon, 97070 or msimmons@ci.wilsonville.or.us

*Note: Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. **The City will endeavor to provide qualified sign language interpreters and/or bilingual interpreters, without cost, if requested at least 48 hours prior to the meeting.** To obtain such services, please call Mandi Simmons, Administrative Assistant at (503) 682-4960.*

Pat McGough
West Linn/Wilsonville School District 3J
2755 SW Borland Road
Tualatin, OR 97062

Andy Back
Wash. County Long Range Planning
155 N. First Avenue
Hillsboro, OR 97124

Steve Koper
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

Attn: Development Review
ODOT Region 1
123 NW Flanders Street
Portland, OR 97209

Ben Baldwin
Tri-Met Project Planning Dept
4012 SE 17th Avenue
Portland, OR 97202

Bill Ferber, Region Manager
Oregon Water Resources Department
725 Summer Street, NE
Salem, OR 97301

Dr. Kathy Ludwig
West Linn/Wilsonville School District 3J
22210 SW Stafford Road
Tualatin, OR 97062

Tracy Wilder, Department of Corrections
Facilities Services
3601 State Street
Salem, Oregon 97301

Steve Hursh, Service & Design Supervisor
Portland General Electric
2213 SW 153rd Drive
Beaverton, OR 97006

Land Use Contact, Planning Department
Metro
600 NE Grand Ave
Portland, OR 97232

Nina Carlson
NW Natural Gas
250 SW Taylor St.
Portland, OR 97204

John Olivares, Operations Manager
Republic Services of Clackamas &
Washington Counties
10295 SW Ridder Road
Wilsonville, OR 97070

City Planner
City of Canby
P.O. Box 930
Canby, OR 97013

Diane Taniguchi-Dennis
Clean Water Services
2550 SW Hillsboro Hwy.
Hillsboro, OR 97123

Department of Corrections
2575 Center Street NE
Salem, OR 97310

John Lilly
Department of State Lands
775 Summer Street, NE
Salem, OR 97301

Roseann Johnson, Assistant Director of
Government Affairs
Home Builders Associations
15555 SW Bangy Road, Suite 301
Lake Oswego, OR 97035

Sherwood School Dist Admin Office
23295 SW Main Street
Sherwood, OR 97140

Clackamas County Planning Director
150 Beaver Creek Road
Oregon City, OR 97045

Oregon Dept of Environ Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232

Tualatin Valley Water District
1850 SW 170th Ave.
Beaverton, OR 97005

Planning Director
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

James Clark
BPA, Realty Department
2715 Tepper Lane
Keizer, OR 97013

Tualatin Valley Fire and Rescue
29875 SW Kinsman Road
Wilsonville, OR 97070

Tualatin Valley Fire and Rescue
South Division
8445 SW Elligsen Road
Wilsonville, OR 97070

Contact First Name	Contact Last Name	Contact Company Name	Contact Email	Site Address	Address
Zach	Phillips	Crown Castle	zach.phillips@crowncastle.com	9275 SW TAUCHMAN ST WILSONVILLE, OR 97070	1842 SW Lobelia ST Portland, OR 97219
Valerie	Peterson	Lynx Consulting	vpeterson@lynxconsulting.org	9275 SW TAUCHMAN ST WILSONVILLE, OR 97070	17311 135th Ave NE Woodinville, WA 98072
Mary	Dunn		mdunn@networkconnex.com	9275 SW TAUCHMAN ST WILSONVILLE, OR 97070	655 N. Central Ave, Ste 1520 Glendale, CA 91203
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Kelsey	Moore	Crafton Communications	kmoore@craftongroup.com	27975 SW PARKWAY AVE WILSONVILLE, OR 97070	2918 Clairmont Avenue South Birmingham, AL 35205
Sarah	Oetken	Crafton Communications	soetken@craftongroup.com	27975 SW PARKWAY AVE WILSONVILLE, OR 97070	2918 Clairmont Ave South Birmingham, AL 35205
Leah	Stout		leah.stout@smartlinkgroup.com	9120 SW PIONEER CT WILSONVILLE, OR 97070	11232 120th Ave NE Ste 204 Kirkland, WA 98033
Paul	Slotemaker	Tilson	pslotemaker@tilsontech.com	9120 SW PIONEER CT WILSONVILLE, OR 97070	2450 NW 144th Ave Beaverton, OR 97006
		Infinigy			PO Box 584 Boring, OR 97010
		AT&T			1010 N ST MARY'S 15TH FLR SAN ANTONIO, TX 78215
Alicia	Vore		avore@tilsontech.com		
		ADD LLC		29722 SW Boones Ferry Rd, Wilsonville, OR 97070	PO BOX 225, LAKE OSWEGO, OR 97034
		Verizon Wireless		27975 SW Parkway Ave, Wilsonville, OR 97070	PO BOX 2549, ADDISON, TX 75001
		Robert Jones		27975 SW Parkway Ave, Wilsonville, OR 97070	PO BOX 750, WASHOUGAL, WA 98671
		WPC Wilsonville LLC		9120 SW Pioneer Ct, Wilsonville, OR 97070	307 Lewers St #600, Honolulu, HI 96815

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<p>Date: 08/22/23 Account #: 108863 Reference #: LP23-0002 Development Code Process Clarifications Company Name: WILSONVILLE, CITY OF Contact: Address: 29799 SW TOWN CENTER LOOP E WILSONVILLE Telephone: (503) 570-1510 Fax: (503) 682-1015</p>	<p>Ad ID: 299658 Start: 08/30/23 Stop: 08/31/23 Total Cost: \$146.32 Ad Size: 8.458 Column Width: 1 Column Height: 8.458 Ad Class: 1202 Phone # Email: spenn@pamplinmedia.com</p>
<p>Run Dates:</p> <p>Wilsonville Spokesman 08/31/23</p>	

**NOTICE OF LEGISLATIVE PUBLIC HEARING
BEFORE THE
PLANNING COMMISSION AND CITY COUNCIL:
DEVELOPMENT CODE PROCESS CLARIFICATIONS,
CASE FILE LP23-0002**

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The proposed Development Code changes will update or clarify review processes for certain application types, including development approval extensions and Wireless Communications Facility (WCF) applications that are subject to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. The amendments will also clarify application submittal requirements for different WCF application types, and clarify the timing and review criteria for temporary use permits and temporary sign permits. The amendments will also clarify when applications are considered filed. The proposed amendments are intended to reduce confusion among applicants and the broader public on required review processes and information needed for certain application types.

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Publish August 31, 2023

WS299658



CITY COUNCIL
THURSDAY, AUGUST 7, 2023

WORK SESSION

Development Code Process Clarifications (Rybold)



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: August 7, 2023		Subject: Development Code Process Clarifications	
		Staff Members: Kimberly Rybold, AICP, Senior Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: Review draft Development Code amendments that clarify review processes for certain development application types.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

The project team will present proposed Development Code amendments to clarify the review process for certain application types, including wireless communications facilities, extensions of development approvals, and temporary use and sign permits.

EXECUTIVE SUMMARY:

The proposed Development Code process clarifications will update review processes for certain application types, clarify application requirements, and correct inconsistencies in the Development Code regarding existing review processes. The proposed amendments (Attachment 1) are intended to reduce confusion among applicants and the broader public on required review processes and information needed for certain application types. The proposed amendments will also adjust the review process for some Wireless Communications Facility (WCF) applications.

The primary focus of this work is to clarify application requirements and review processes for various types of WCF applications to better reflect Federal review and approval requirements and the level of information needed to review different types of WCFs. Key amendments include the following:

- **Review Process for Co-locations** – Revisions to Section 4.804 (Review Process and Approval Standards) to enable WCF applications subject to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)) to be reviewed through the Class 1 Administrative Review process. Section 6409(a) applications are required to be reviewed in a condensed timeline of 60 days (with limited tolling of this review timeline) and must be approved if all applicable criteria are met. Given the ministerial nature of this review and the inability to incorporate input received through the public comment period, a Class 1 Administrative Review process is most appropriate for these application types. This would be the same as the review process for Small Wireless Facilities (SWFs), which are governed by similar Federal review mandates.
- **Application Requirements** – Specificity added to Section 4.800 about the different WCF types to directly address which ones are permitted, conditional, prohibited, or exempt. Within Section 4.801, the proposed amendments clarify what application materials must be submitted for different WCF types. This clarification will reduce applicant confusion for co-locations and SWFs, as many of the required items are only applicable to new WCF.

Other process clarifications are proposed as noted below:

- **Extension of Development Approvals** – Revisions to Sections 4.023 (Expiration of Development Approvals) and 4.140 (Planned Development Regulations) to resolve conflicting process language regarding the review process for development approval extensions. Revisions would clarify that these requests are reviewed as a Class 1 Administrative Review.
- **Temporary Use Permits** – Amendments to Section 4.030 (Jurisdiction and Powers of Planning Director and Community Development Director) clarify how the time period of the permit is calculated consistent with current practice that allows permits for non-consecutive days. Approval criteria for Class 2 Temporary Use Permits would be updated to be consistent with Class 1 Temporary Use Permits.
- **Temporary Sign Permits** – Amendments adding clarifying language to Section 4.156.09 (Temporary Signs in all Zones) describing which temporary signs need a permit.

- **General Administration** – Clarification in Section 4.011 (How Applications are Processed) that to be considered filed, applications must include authorization as specified in Section 4.009 (Who May Initiate Applications). Addition of Type B Tree Removal Permits to the list of Class 2 Administrative Review applications consistent with Section 4.610.30 (Type B Permit).

During this work session the project team will look for the following question to be answered by City Council:

- What comments or questions does City Council have about the proposed Development Code amendments?

EXPECTED RESULTS:

Presentation of proposed Development Code amendments.

TIMELINE:

Upon review of City Council feedback, the Development Code amendments will be scheduled for adoption in fall 2023.

CURRENT YEAR BUDGET IMPACTS:

Consultant costs will be paid by the Planning Division’s professional services budget. Staff time for this update will be paid from the Planning Division’s budget.

COMMUNITY INVOLVEMENT PROCESS:

Existing Development Code regulations were adopted by the City after community outreach. The proposed Development Code amendments are procedural, not policy-based, in nature. The community will be notified of Planning Commission and City Council public hearings and will have the opportunity to provide oral or written testimony on the amendments.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Adoption of the proposed Development Code modifications will provide applicants and the community additional clarity and certainty on the review process for affected development applications.

ALTERNATIVES:

City Council may suggest modifications to the proposed Development Code amendments to add additional clarity.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. DRAFT Proposed Development Code Edits – July 2023

DRAFT Proposed Development Code Edits – July 2023

Proposed added language **bold underline**. Proposed removed language ~~struck through~~.

Section 4.011. How Applications are Processed.

- (.01) Applications submitted without the required filing fee, **or the correct authorization as specified in Section 4.009**, shall not be considered to be "filed" and shall be returned to the prospective applicant without being processed.

No additional changes proposed in this section

Commented [JC1]: Suggested for redundancy based on the practice of not accepting development applications without property owner signatures.

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

- (.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section. Specific Area Plan approvals shall not expire.
- A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or
 - B. A time extension has been granted by city staff for good cause. ~~Except as provided in subsection (.05) below, not more than three such extensions~~ may be granted, for not more than one year each.
- (.02) If the development approval is for a subdivision or partition, the developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in Section 4.023(.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.
- (.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the City Council.
- (.04) Requests for time extensions shall be submitted in writing, including written justification therefore, and received by the Planning Department not less than ~~eight (8)~~ **30** calendar days prior to the expiration date of the permit or approval.
- ~~(.05) Notwithstanding the limitations and requirements in Section 4.023(.01)(B.) and (.04), beginning June 1, 2009 and ending June 1, 2010, city staff shall approve all applications for one year extensions, which applications shall not require a demonstration of good cause, but shall be accompanied by a filing fee which shall not exceed the fee for a Class 1 Administrative Review, and which extensions shall not be counted toward the maximum number of extensions allowed in Subsection 4.023(.01)(B.).~~

Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.

- (.01) *Authority of Planning Director.* The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:
- A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below. Pursuant to Class I

procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:

1. Minor site clearing and grading, prior to the approval of a Site Development Plan, provided that:
 - a. No clearing or grading occurs within the Significant Resource Overlay Zone. Clearing or grading in the Significant Resource Overlay Zone shall require, at a minimum, approval of a Class II permit through the procedures specified below;
 - b. No clearing or grading occurs within 25 feet of an area that has been identified by the City as a wetland;
 - c. Not more than three trees are proposed to be removed;
 - d. No fill or removal is proposed;
 - e. Adequate measures are utilized to control erosion and runoff from the site and that the applicant will submit a final Site Development application within seven days of submitting the minor site grading application. All grading activities require compliance with the requirements of the applicable building code and City Public Works standards.
2. Class I Sign Permits, and Temporary Sign Permits for 30 days or less.
3. Architectural, landscape, tree removal, grading and building plans that substantially conform to the plans approved by the Development Review Board and/or City Council. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
4. Building permits for single family dwellings, middle housing, and in the Village zone, row houses or apartments, meeting zoning requirements and located on lots that have been legally created. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
5. Lot line adjustments, where none of the lots increase in area by 50 percent or more, subject to the standards specified in Section 4.233.
6. A temporary use permit for not more than 30 days, **Permitted days may or may not be consecutive, but shall not exceed 30 days within the calendar year for which the permit was applied. Temporary use permits are** subject to the following standards:
 - a. The applicant has the written permission of the property owner to use the site;
 - b. The proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property;
 - c. Adequate parking is provided;
 - d. Signs shall meet the standards of Section 4.156.09. A maximum of two signs, not exceeding a combined total of 24 square feet, are allowed; and
 - e. The proposed use has the approval of the Fire Marshal.
7. Determination that an existing use or structure is a non-conforming use or non-conforming structure, as defined in this Code. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the history of the property, choose to process such determinations through the Class II procedures below.
8. Actions taken subject to Site Development Permits which have been approved by the appropriate decision-making body of the City.

Commented [JC2]: Codifies the City's interpretation for multi-week temporary use permits. Ex. a permit for every Saturday over a three-month period.

9. Final plats for condominiums, subdivisions, or partitions that are substantially the same as tentative plats approved by the City and which are submitted for review and signature prior to recordation with the appropriate county.
 10. Type A tree removal permits as provided in Section 4.600.
 11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.
 12. Expedited land divisions and middle housing land divisions requiring expedited review under state law. Applications for expedited land divisions and middle housing land divisions requiring expedited review under state law, as provided for in Section 4.232 of this Code and ORS Chapter 197 shall be processed without public hearing, and shall be subject to appeal through the special appeal procedures specified in Section 4.232.
 - a. Authority of Planning Director. The Planning Director shall have authority to review applications for expedited land divisions and middle housing land divisions requiring expedited review under state law and to take action approving, approving with conditions, or denying such applications, based on findings of fact.
 - b. Tentative Plat Requirements for Expedited Land Divisions and middle housing land divisions requiring expedited review under state law. Tentative plats and all other application requirements for expedited land divisions and middle housing land divisions requiring expedited review under state law shall be the same as for other forms of land divisions, except as those requirements are specifically altered by the Oregon Revised Statutes.
 - c. Administrative Relief Not Available. In taking action on an application for an expedited land division or middle housing land divisions requiring expedited review under state law, the Planning Director is not authorized to grant Variances or waivers from the requirements of the Code.
 - d. Residential Areas Only. As specified in ORS 197, expedited land divisions shall only be approved in areas zoned for residential use.
- B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:
1. Minor alterations to existing buildings or site improvements of less than 25 percent of the previous floor area of a building, but not to exceed 1,250 square feet, or including the addition or removal of not more than ten parking spaces. Minor modifications to approved Architectural and Site Development Plans may also be approved, subject to the same standards.
 2. Residential accessory buildings or structures with less than 120 square feet of floor area located within the Willamette River Greenway Boundary pursuant to Section 4.500 and subject to the flood plain development standards of Section 4.172. Approval of such accessory structures in the Greenway shall be based on all of the following findings of fact:
 - a. The building or structure is located so that the maximum amount of landscape area, open space and/or vegetation is provided between the river and the building;
 - b. Public access to the river is preserved or is provided in accordance with an approved and adopted plan; and
 - c. That the change of use, intensification of use, or development will be directed away from the river to the greatest possible degree while allowing a reasonable use of the property.

3. Written interpretations of the text or maps of this Code, the Comprehensive Plan or sub-elements of the Comprehensive Plan, subject to appeal as provided in Section 4.022. The Planning Director may review and interpret the provisions and standards of Chapter 4 (Planning) of the Wilsonville Code upon receiving the required filing fee along with a specific written request. The Director shall publish and mail notice to affected parties and shall inform the Planning Commission and City Attorney prior to making a final written decision. The Director's letter and notice of decision shall be provided to the applicant, the Planning Commission, the City Council, and City Attorney and the notice shall clearly state that the decision may be appealed in accordance with Section 4.022 (Appeal Procedures). A log of such interpretations shall be kept in the office of the Planning Department for public review.
4. A permit to locate an accessory use on a lot adjacent to the site of the principal use.
5. Subdivisions located within the Coffee Creek Industrial Design Overlay District and land partitions, other than expedited land divisions, pursuant to Section 4.210. Approval shall be based on all of the following findings of fact:
 - a. The applicant has made a complete submittal of materials for the Director to review, as required in Section 4.210;
 - b. The proposed plan meets the requirements of the Code regarding minimum lot size and yard setbacks;
 - c. The approval will not impede or adversely affect the orderly development of any adjoining property or access thereto;
 - d. The public right-of-way bordering the lots or parcels will meet City standards;
 - e. Any required public dedications of land have been approved for acceptance by the City and will be recorded with the County prior to final plat approval;
 - f. Adequate easements are proposed where an existing utility line crosses or encroaches upon any other parcel to be created by the partition;
 - g. All public utilities and facilities are available or can be provided prior to the issuance of any development permit for any lot or parcel; and
 - h. Roads extended or created as a result of the land division will meet City standards.
6. Decisions on the following:
 - a. Lot line adjustments, where any of the lots increase by more than 50 percent in area, subject to the provisions of Section 4.233.
 - b. Temporary use permits for periods exceeding 30 days **but not more than 120 days. Permitted days may or may not be consecutive, but shall not exceed 120 days within the calendar year for which the permit was applied.** Temporary use permits may allow specific activities associated with the primary use or business located on the property for up to 120 days provided that:
 - i. the property owners have given written permission;
 - ii. no structure, sign or any other object shall exceed 20 feet in height;
 - iii. adequate parking is provided in designated spaces;
 - iv. signs **shall meet the standards of Section 4.156.09 and** are limited to a maximum of two and shall not exceed a total combined area of 24 square feet;
 - v. electrical and building permits are obtained as required;

- vi. undue traffic congestion will not result and, if traffic congestion is expected, a traffic control plan is submitted along with the application that identifies the traffic control procedures that will be used;
 - vii. the activity and/or use shall not unduly interfere with motorists driving on adjacent roads and streets, including I-5; and
 - viii. public notice has been provided and the comments of interested parties have been considered in the action that has been taken-;
 - ix. the proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property; and**
 - x. the proposed use has the approval of the Fire Marshal.**
7. Solar access permits, as specified in Section 4.137.3.
 8. Class II Sign Permits.
 9. Site design review, as authorized in Section 4.400 for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.10.
 10. Review of Stage I and Stage II Planned Development applications for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.
- 11. Type B tree removal permits as provided in Section 4.600.**
- ~~12.~~ Type C tree removal permits as provided in Section 4.600 for properties located within the Coffee Creek Industrial Design Overlay District.

No additional changes proposed in this section

Section 4.140. Planned Development Regulations.

No changes proposed in Subsections (.01) to (.08)

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

[Note: Outline Number is incorrect.]

- A. Unless an extension has been granted by the ~~Development Review Board or~~ Planning Director, as applicable, within two years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013. As provided in Section 4.134, an application for a Stage II approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director without a public hearing as a Class II Administrative Review as provided in Section 4.035(.03).
- B. The Development Review Board or Planning Director, as applicable, shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.
- C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:

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1. The location of water, sewerage and drainage facilities;
 2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;
 3. The general type and location of signs;
 4. Topographic information as set forth in Section 4.035;
 5. A map indicating the types and locations of all proposed uses; and
 6. A grading plan.
- D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.
- E. Copies of legal documents required by the Development Review Board or Planning Director, as applicable, for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.
- F. Within 30 days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Development Review Board or Planning Director, as applicable, shall not act on a final development plan until it has first received a report from the agencies or until more than 30 days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.
- G. Upon receipt of the final development plan, the Development Review Board or Planning Director, as applicable shall examine such plan and determine:
1. Whether it conforms to all applicable criteria and standards; and
 2. Whether it conforms in all substantial respects to the preliminary approval; or
 3. Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.
- H. If the Development Review Board or Planning Director, as applicable, permits the applicant to revise the plan, it shall be resubmitted as a final development plan within 60 days. If the Board or Planning Director approves, disapproves or grants such permission to resubmit, the decision of the Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.
- I. All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the ~~Development Review Board or Planning Director, as applicable~~, may extend these expiration times for up to three additional periods of not more than one year each. Applicants seeking time extensions shall make their requests in writing at least 30 days in advance of the expiration date. Requests for time extensions shall only be granted upon (1) a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year, and (2) payment of any and all Supplemental Street SDCs applicable to the development. Upon such payment, the development shall have vested traffic generation rights under [section] 4.140(.10), provided however, that if the Stage II approval should expire, the vested right to use trips is terminated upon City repayment, without interest, of Supplemental Street SDCs. For purposes of this Ordinance, "substantial development" is deemed to have occurred if the required building permits or public works permits have been issued for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit.
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- J. A planned development permit may be granted by the Development Review Board or Planning Director, as applicable, only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:
1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.
 2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.
 - a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.
 - b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three new p.m. peak hour traffic trips or less;
 - ii. A planned development or expansion thereof which provides an essential governmental service.
 - c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.
 - d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.
 - e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F".
 3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
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- K. Mapping: Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.

No additional changes proposed in this section

Section 4.156.09. Temporary Signs in all Zones.

~~The following temporary signs may be permitted:~~ In addition to the permanent signs allowed in different zones and exempt temporary signs, unless specifically prohibited in a master sign plan or other sign approval, the following temporary signs may be permitted through a temporary sign permit:

- (.01) *General Allowance.* Except as noted in subsection (.02) below up to two temporary signs not exceeding a combined total of 24 square feet may be permitted per lot or non-residential tenant. Such signs may be banners, rigid signs, lawn signs, portable signs, or other signs of similar construction.

No additional changes proposed in this section

Section 4.800. Wireless Communications Facilities—Permitted, Conditionally Permitted, and Prohibited Uses.

Purpose:

Wireless Communications Facilities ("WCF") play an important role in meeting the communication needs of the Wilsonville community citizens. This Section aims to balance the proliferation of and need for WCF with the importance of keeping Wilsonville a livable and attractive City, consistent with City regulations for undergrounding utilities to the greatest extent possible.

In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of the Wilsonville community citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; and 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.

As used herein, reference to Wireless Communications Facilities is broadly construed to mean any facility, along with all of its ancillary equipment, used to transmit and/or receive electromagnetic waves, radio or television signals including, but not limited to, antennas, dish antennas, microwave antennas, small cells, distributed antenna systems ("DAS"), 5G, small cell sites/DAS, and any other types of equipment for transmission or receipt of signals, including telecommunication towers, poles, and similar supporting structures, equipment cabinets or buildings, parking and storage areas, and all other accessory development.

Reference to Small Wireless Facilities (SWF) herein is construed to mean ~~telecommunications facilities~~ WCF and associated equipment that meet the definition of small wireless facilities as stated in 47 C.F.R. § 1.6002(l).

Reference to Macro WCF means WCF that do not meet the definition of small wireless facilities.

This Section does not apply to (i) amateur radio stations defined by the Federal Communication Commission and regulated pursuant to 47 C.F.R. Part 97; or (ii) WCF owned by, or operated solely for, the City of Wilsonville.

If any provision of this Code directly conflicts with State or Federal law, where State or Federal law preempts local law, then that provision of this Code shall be deemed unenforceable, to the extent of the conflict, but the balance of the Code shall remain in full force and effect.

Nothing contained in this Section shall be construed in any way to waive or limit the City's proprietary rights over its real and personal property, including without limitation any proprietary interest in the right-of-way. Thus, if it is

determined the City has authority to exert greater rights or impose additional conditions or limitations beyond those set forth in this Section, the City reserves the absolute right to do so, as it determines appropriate or necessary.

(.01) *Permitted Uses:*

- A. ~~New~~ Towers, poles, and structures for **Macro** WCF and ancillary facilities thereto are permitted in all of the following locations:
1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any property owned by the West Linn - Wilsonville School District;
 3. Any property owned by the Tualatin Valley Fire District;
 4. Any property within an electric utility substation.
- B. Co-located WCF ~~pursuant to Section 4.802 is encouraged~~ on all existing, legally established, towers, poles, and structures in all zones ~~and may be required on City property.~~
- C. Modification of existing towers, poles, and structures for WCF and ancillary facilities not meeting the co-location requirements of Section 4.802.**
- D. SWF as follows:**
1. Attached to an existing structure (i.e., utility pole, tower, streetlight, traffic signal, building, etc.) within the public right-of-way.
 2. Incorporated into a freestanding or replacement structure (i.e., a standalone pole intended to support only the wireless equipment or a replacement pole that supports both the wireless equipment and the other utilities, traffic control or other pre-existing attachments) within the public right-of-way.
 3. Attached or mounted to an existing structure (i.e., rooftop, building façade, sports field light, etc.) outside the public right-of-way.
- E. Satellite communications antennas:**
1. Not exceeding one meter in diameter shall be permitted in any zone without requiring Administrative Review.
 2. One meter or larger shall be subject to Administrative Review.
- ~~C. Satellite communications antennas not exceeding one meter in diameter shall be permitted in any zone without requiring Administrative Review.~~
- D.F. Camouflaged WCF antennas, excluding SWF,** attached to existing light, power, or telephone poles are permitted in all zones, subject to the development standards of Section 4.803.
- ~~F. The City of Wilsonville is an underground utility City (Undergrounding District) where mandatory aesthetic design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible. The following shall be used to determine maximum extent possible:~~
1. ~~Equipment functional underground;~~
 2. ~~Location available to underground near associated antenna; and~~
 3. ~~Conflicts with other underground uses as determined by the City.~~

Commented [JC3]: Reorganization / clarification - same language and intent

Commented [RK4]: Confirm if this would apply to anything other than SWFs

Commented [JC5]: Reorganized - repeated below with same language and intent

(.02) Conditional Uses. Except as indicated as permitted in (.01) above, WCF can be conditionally permitted in all zones, pursuant to Section 4.184 of the Wilsonville Code

Commented [JC6]: Moved below to (.02)(D)

A. Historical Buildings and Structures. No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.

B. Tower or Pole Heights. Towers or poles may exceed the height limits otherwise provided for in the Development Code with compelling justification only. Costs and cost efficiency are not compelling justifications.

C. Lighting. If beacon lights or strobe lights are required by the Federal Aviation Administration (FAA) or other applicable authority, the Development Review Board shall review the available alternatives and approve the design with the least visual impact.

Commented [JC7]: Referenced in other areas of the code as being conditional uses. Brought here for clarity

D. Except as indicated as permitted in (.01) above, WCF can be conditionally permitted in all zones, pursuant to Section 4.184 of the Wilsonville Code.

Commented [JC8R7]: Previously: WC 4.803(.01)(D) , WC 4.803(.01)(E), WC 4.803(.01)(P)

(.03) Prohibited Uses. WCF are prohibited on all lands ~~designated as~~ within the Significant Resource Overlay Zone ~~lands~~.

(.04) Exemptions. The following shall be considered exempt structures or activities under this Code Chapter:

A. Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.

B. Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 60 days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.

C. Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.

Commented [JC9]: Referenced in other areas of the code as being exempt

(.05) Undergrounding Requirement. The City of Wilsonville is an underground utility City (Undergrounding District) for the purposes of public safety, service reliability, and aesthetic design; where these mandatory design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible. The following shall be used to determine maximum extent possible:

A. Equipment functional underground;

B. Location available to underground near associated antenna; and

C. Conflicts with other underground uses as determined by the City.

(Ord. No. 831, 1-24-2019)

Section 4.801. Application Requirements.

Cable providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete: 1) a Site

Development Permit Application; 2) a Public Works Permit; 3) a Building Permit; and 4) enter into a Lease Agreement with the City for use of the public Right-of-Way. In preparing the Application, the applicant should review all provisions of this Code Section, particularly the portion attached to the Development Review Standards. The WCF Application process shall include all of the following:

Commented [JC10]: Rearranged and moved to standard (.01)

(.01) Cable providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete: 1) a Site Development Permit Application; 2) a Public Works Permit; 3) a Building Permit; and 4) enter into a Lease Agreement with the City for use of the public Right-of-Way.

(.02) Required for all WCF, including SWF applications:

A. Property Owner Signature. The signature of the property owner(s) on City of Wilsonville application forms or a written signed statement from the property owner(s) granting authorization to proceed with the land use application and building permits, pursuant to WC Section 4.009.

B. ~~(.01)~~ Speculation. No Application for a WCF shall be approved from an applicant that constructs WCF and leases tower space to service providers that is not itself a wireless service provider, unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the WCF.

C. ~~(.02)~~ Geographical Survey. **This Section (C) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).** The applicant shall identify the geographic service area for the proposed WCF, including a map showing all of the applicant's existing sites in the local service network ~~associated with the gap that the proposed WCF is proposed to close.~~ The applicant shall **identify technically feasible alternative site locations within the geographic service area** ~~describe how this service area fits into and is necessary for the service provider's service network.~~

Commented [JC11]: Moved from below. This states that 6409(a) applications need not comply. Need to confirm if this still applies to SWFs

1. Prior to the issuance of any building permits, applicants for WCF shall provide a copy of the corresponding FCC Construction Permit or license for the facility being built or relocated, if required.

2. The applicant shall include a vicinity map clearly depicting where, within a one-half mile radius, any portion of the proposed WCF could be visible, and a graphic simulation showing the appearance of the proposed WCF and all accessory and ancillary structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation and screening measures. Such points are to be mutually agreed upon by the Planning Director or the Planning Director's designee and the applicant. ~~This Section (2) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).~~

D. ~~(.03)~~ Visual Impact, Technological Design Options, and Alternative Site Analysis. The applicant shall provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening for all components of the facility. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a map showing where the photos were taken. The applicant shall include an analysis of alternative sites **that would meet City design and locational standards** and **alternative** technological design options for the WCF, within and outside of the City, ~~that~~ **which** are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower or pole is proposed as a part of the proposed WCF, the applicant must demonstrate the need for a new tower and pole and why existing locations or design alternatives, such as the use of microcell technology, cannot be used to meet the identified service objectives. Documentation and depiction of all steps that

will be taken to screen or camouflage the WCF to minimize the visual impact of the proposed facility must be submitted.

- E. (-04) Application Narrative.** ~~Number of WCF.~~ The Application shall include a detailed narrative of all of the equipment and components to be included with the WCF, including, but not limited to, antennas and arrays; equipment cabinets; back-up generators; air conditioning units; poles; towers; lighting; fencing; wiring, housing; and screening. The applicant must provide the number of proposed WCF at each location and include renderings of what the WCF will look like when screened. The Application must contain a list of all equipment and cable systems to be installed, including the maximum and minimum dimensions of all proposed equipment. Wilsonville is an Undergrounding District, meaning that the City will require any utility that can be fully or partially located underground to the maximum extent possible to help preserve the aesthetic appearance of the right-of-way and community and to prevent aboveground safety hazards. Therefore, all components of the WCF must be undergrounded to the extent reasonably feasible. Those components of the WCF that must be above ground must be identified by type of facility, dimension of facility, with proposed screening to reduce to the maximum extent possible the visual impact of aboveground facilities and equipment. A written narrative of why any portion of the WCF must be above ground is required.
- F. (-05) Safety Hazards.** Any and all known or expected safety hazards for any of the WCF facilities must be identified and the applicant who must demonstrate how all such hazards will be addressed and minimized to comply with all applicable safety codes.
- G. (-06) Landscaping.** The Application shall provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site, showing all proposed landscaping, screening and proposed irrigation (if applicable), with a discussion of how proposed landscaping, at maturity, will screen the site. Existing vegetation that is proposed to be removed must be clearly indicated and provisions for mitigation included.
- H. (-07) Height.** The Application shall provide an engineer's diagram, drawn to scale, showing the height of the WCF and all of its above-ground components. Applicants must provide sufficient evidence that establishes that the proposed WCF is designed to the minimum height required to meet the carrier's coverage objectives. If a tower or pole height will exceed the base height restrictions of the applicable zone, this narrative shall include a discussion of the physical constraints (topographical features, etc.) making the additional height necessary. The narrative shall include consideration of design alternatives, including the use of multiple sites or designs that would avoid the need for the new WCF or over zone height WCF. Except as noted in (a) and (b) below, the maximum height allowed in the right-of-way is 50 feet.
- 1. A-** The maximum height for a freestanding SWF in the public right-of-way is no more than ten percent taller than other adjacent structures in the right-of-way.
- 2. B-** When collocated on an existing structure in the public right-of-way, the SWF and the existing structure (including the antenna and any equipment enclosures contained within the structure) shall not exceed 50 feet or more than ten percent of the existing structure or nearby structures, whichever is greater.
- I. (-08) Construction.** The Application shall describe the anticipated construction techniques and time frame for **construction or** installation of the WCF. **This narrative must include all temporary staging, site access, and the types of vehicles and equipment to be used.**
- J. (-09) Maintenance.** The Application shall describe the anticipated maintenance and monitoring program for the WCF, including antennas, back-up equipment, poles, paint, and landscaping; **and a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.**

Commented [JC12]: This requirement predominately asks for narrative descriptions, and so I believe the name is misleading.

Commented [JC13]: Merged from repeated maintenance standard contained in (.18)

K. ~~(.10)~~ *Noise/Acoustical Information.* The Application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide a noise study prepared and sealed by a qualified Oregon-license Professional Engineer that demonstrates that the WCF will comply with intent and goals of Section 6.204 et seq. of this Code.

~~(.11) Parking.~~ The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.

Commented [JC14]: Only applicable to new macro WCF

~~(.12) Co-Location.~~ In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.

Commented [JC15]: Only applicable to new macro WCF

L. ~~(.13)~~ *Lease.* The site plan shall show the lease area of the proposed WCF.

M. ~~(.14)~~ *FCC License and Radio Frequency Safety Compliance.* The Application shall provide a copy of the applicant's FCC license and/or construction permit, if an FCC license and/or construction permit is required for the proposed facility. The applicant shall provide documentation showing that the party responsible for radio frequency transmissions is in planned or actual compliance with all FCC RF emissions safety standards and guidelines at 47 C.F.R. § 1.1307 et seq. and FCC Office of Engineering Technology Bulletin 65.

N. ~~(.15)~~ *Lighting and Marking.* The Application shall describe any proposed lighting and marking of the WCF, including any required by the FAA.

O. ~~(.16)~~ *Co-Location Feasibility.* A feasibility study for the co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon-licensed Professional Engineer. Co-location will be required when determined to be feasible. The feasibility study shall include:

Commented [RK16]: Need to clarify if this should only apply to Macro WCF. If so move to (.03)

- 1.A** An inventory, including the location, ownership, height, and design of existing WCF within one-half mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCF, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
- 2.B** Documentation of the efforts that have been made to co-locate on existing or previously approved towers, poles, or structures. The applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers, poles, or structures and shall provide a list of all owners contacted in the area, including the date, form, and content of such contact.
- 3.C** Documentation as to why co-location on existing or proposed towers, poles, or commercial structures within 1,000 feet of the proposed site is not practical or feasible. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Development Review Board may consider expert testimony to determine whether the fee and costs are reasonable when balanced against the market and the important aesthetic considerations of the community.

P. ~~(.17)~~ *Engineering Report for New Location - A.* An Application for a new WCF, whether co-located or new, shall include, as applicable, a report from an Oregon licensed Professional Engineer documenting the following:

1. A description of the proposed WCF height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed WCF structure shall be included. The engineer shall document whether the

structure is at its maximum structural capacity and, if not, the additional weight the structure could support.

2. Documentation that the proposed WCF will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the minimum safety requirements of the State Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application.
- ~~3B.~~ A description of mitigation methods which will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment, if required by any safety law, regulation, or code.
- 4C. Evidence that the proposed WCF will comply with all applicable requirements of the Federal Aviation Administration, the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communications Commission.

~~(-18) Maintenance. The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.~~

Commented [JC17]: Repeated above

~~(-19) Recordation Requirements. If a new WCF is approved, the owner shall be required, as a condition of approval, to:~~

- A. ~~Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;~~
- B. ~~Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;~~
- C. ~~Negotiate in good faith for shared use by others; and~~
- D. ~~Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.~~

Commented [JC18]: Applies to new WCF

Q. All SWF applications must demonstrate compliance with all requirements in Section 2 "Design Elements" of the "City of Wilsonville Small Wireless Facility Infrastructure Design Standards".

~~R. (-20)~~ The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application.

(.03) Additional Application Requirements for new Macro WCF applications.

- A. **Parking. The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.**
- B. **Co-Location. In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.**
- C. **Recordation Requirements. If a new WCF is approved, the owner shall be required, as a condition of approval, to:**
 1. **Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;**
 2. **Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;**
 3. **Negotiate in good faith for shared use by others; and**
 4. **Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.**

Commented [JC19]: No language change - just restructuring

Section 4.802. Co-Location.

In order to encourage shared use of towers, poles, or other facilities for the attachment of WCF, no conditional use permit shall be required for the addition of equipment, provided that:

- (.01) There is no change to the type of tower or pole.
- (.02) All co-located WCF shall be designed in such a way as to be visually compatible with the structures on which they are placed.
- (.03) All co-located WCF must comply with the conditions and concealment elements of the original tower, pole, or other facility upon which it is co-locating.
- (.04) Shall not disturb, or will mitigate any disturbed, existing landscaping elements.
- (.05) Does not entail excavation or deployment outside site of current facility where co-location is proposed.
- (.06) All co-located WCF, and additions to existing towers, poles, or other structures, shall meet all requirements of the State of Oregon Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application. A building permit shall be required for such alterations or additions. Documentation shall be provided by an Oregon-licensed Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
- (.07) Additional Application Requirements for Co-Location:
 - A. A copy of the site plan approved for the original tower, pole, or other base station facility to which the co-location is proposed.
 - B. A site survey delineating development on-the-ground is consistent with the approved site plan.

Section 4.803. Development Review Standards.

All WCF shall comply with the following Development Review standards, unless grandfathered under State or Federal law:

- (.01) **The following development standards are applicable to all WCF and SWF applications:** ~~Visual Impact:~~
 - A. *Maximum Number of High Visibility Facilities Per Lot or Parcel.* No more than one high visibility WCF is allowed on any one lot or parcel of five acres or less. The Development Review Board may approve exceeding the maximum number of high visibility WCF per lot or parcel if one of the following findings is made through a Class III review process: (1) co-location of additional high visibility WCF is consistent with neighborhood character, (2) the provider has shown that denial of an application for additional high visibility WCF would prohibit or have the effect of prohibiting service because the WCF would fill a significant gap in coverage and no alternative locations are available and technologically feasible, or (3) the provider has shown that denial of an application for additional high visibility WCF would unreasonably discriminate among providers of functionally equivalent services. In such cases, the Development Review Board shall be the review authority for all related applications.
 - B. *Height.* The tower or pole height of a freestanding WCF in R, PDR and RA-H zones shall not exceed 50 feet, except the following:
 - 1. RA-H zoned property occupied by the City Wastewater Treatment Plant and the PDR zoned property occupied by the Elligsen Road Water Reservoir shall be exempted from the height limitations of the subject zones, and subsection 4.803(.01)A, above, shall apply.

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(Supp. No. 2)

2. **Small Wireless Facilities in the public right-of-way.** SWF in the public right-of-way shall not exceed the height permitted under WC 4.801(.07).
- C. **WCF Adjacent to Residentially Designated Property.** In order to ensure public safety, all WCF located adjacent to any property designated as residential in Wilsonville shall be set back from all residential property lines by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto. The setback shall be measured from that part of the WCF that is closest to the neighboring residentially designated property.
- D. ~~**Historical Buildings and Structures.** No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.~~
- D. ~~E.~~ **Tower or Pole Heights.** ~~Towers or poles may~~ **WCFs shall not** exceed the height limits ~~otherwise~~ provided for in the Development Code with **out a conditional use review and** compelling justification ~~only~~. Costs and cost efficiency are not compelling justifications.
- E. ~~F.~~ **Accessory Building Size.** Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed 12 feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to 200 square feet, unless approved through a Conditional Use Permit.
- F. ~~G.~~ **Utility Vaults and Equipment Pedestals.** Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible.
- G. ~~H.~~ **Visual Impact.** All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping, and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to cause the least detriment to the viewshed from other properties. The use of radomes and/or other camouflage techniques acceptable to the City to conceal antennas, associated equipment and wiring, and antenna supports is required.
- H. ~~I.~~ **Color Schemes.** For the sake of visual impact, no wooden poles are allowed except Small Wireless Facilities on existing poles with high voltage power lines that would require thermal hydraulic cooling if undergrounded. Color schemes must be approved by the City to best camouflage with the surrounding landscape.
- I. ~~J.~~ **Antennas.** Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.
- J. ~~K.~~ **Noise.** Noise from any equipment supporting the WCF shall meet the requirements of City Code Section 6.204—Noise.
- K. ~~L.~~ **Signage.** No signs, striping, graphics, or other attention-getting devices are permitted on any WCF except for warning and safety signage with a surface area of no more than three square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated

Commented [JC20]: These references need to be corrected when agreed-upon structure is final.

sign, not to exceed two square feet, which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a contact name and phone number for emergency purposes. WCF may be placed entirely behind existing street or building signs as one method of camouflage.

- ~~L. M.~~ *Traffic Obstruction.* Maintenance vehicles servicing facilities located in the public right-of-way shall not park on the traveled way or in a manner that obstructs traffic. No maintenance vehicle parking shall be permitted in red curb zones, handicap zones, or loading zones.
- ~~M. N.~~ *Parking.* No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.
- ~~N. O.~~ *Sidewalks and Pathways.* Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land and shall be screened from view. Cabinets shall be undergrounded, to the maximum extent possible.
- ~~O. P.~~ *Lighting.* WCF shall not include any beacon lights or strobe lights, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If beacon lights or strobe lights are required, the Development Review Board shall review the available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes shall be shielded and directed downward, and shall comply with the City's outdoor lighting standards in City Code Section 4.199, unless otherwise required under Federal law.
- ~~P. Q.~~ *Paint and Finish.* Towers, poles, antennas, and associated equipment shall either maintain a galvanized steel finish or be painted a non-reflective, neutral color, as approved by the Planning Director or Development Review Board, to minimize visibility. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure. Towers more than 200 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall be painted and/or camouflaged in accordance with subsection (.01), above. All ancillary facilities shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment.
- ~~Q. R.~~ *Use of Concealments.* Concealments are customized structures engineered to cover cell towers, antennas, DAS equipment and beautify them and make them either less visible or more pleasing to have in the landscape. Applicant shall present a proposal for concealment intended to meet the foregoing goal.
- ~~R. S.~~ *Public Works Standards.* Additional applicable construction and design standards are as set forth in the City's 2015 Public Works Standards.
- ~~S. T.~~ *Compliance With All Laws.* Every WCF shall comply with all local, state, and federal laws, codes, and regulations including without limitation to the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

~~(.02) Site Size.~~ The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.

~~(.03) Separation and Setbacks.~~

- ~~A.~~ WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.

- ~~B. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100 percent breakpoint or 25 feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.~~
- ~~C. WCF mounted on rooftops or City approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.~~
- ~~D. WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.~~
- ~~I. (.04) Security Fencing.~~ WCF or towers shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device. Fencing shall be compatible with other nearby fencing. Such requirements may be waived for attached WCF.
- ~~U. (.05) Landscaping.~~ Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of fast growing vegetation that can be expected to reach a minimum height of six feet and form a continuous hedge within two years of planting. Drought tolerant landscaping materials shall be required and otherwise meet the landscaping standards of City Code Section 4.176. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height and would not affect the stability of the guys should they be uprooted. Landscaping shall be compatible with other nearby landscaping.
- ~~V. (.06) Conflict with Right-of-Way.~~ No WCF shall be located within a planned or existing public right-of-way, unless it is specifically designed for the purpose in a way that will not impede pedestrian, bicycle, or vehicular traffic and the installation of any sidewalk or path that is a planned future improvement.
- ~~W. (.07) Change to Approved WCF.~~ Any change to or expansion of a WCF that will in any way change the physical appearance of the WCF will require a new application.

(.02) Additional development standards applicable to new Macro WCF:

- A. **Site Size.** The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.
- B. **Separation and Setbacks.**
1. WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
 2. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100 percent breakpoint or 25 feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
 3. WCF mounted on rooftops or City-approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may

Commented [RK21]: Moved from (.01)

be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.

4. WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.

Section 4.804. Review Process and Approval Standards.

(.01) *Class I Process.* The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class I process under City Code Section 4.030 (.01) A:

- A. Small Wireless Facilities in the public right-of-way.
- B. ~~Replacement of existing antennas on approved tower at same height.~~ WCF Co-locations meeting the criteria outlined in Wilsonville Code Section 4.802.

Commented [JC22]: Clarify if this applies to both colocation and free standing.

Also, for SWF outside of the ROW - Class 2 if current language does not change.

(.02) *Class II Process.* The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class II process under City Code Section 4.030(.01)B:

- A. New Macro WCF proposed in the following locations excepted as noted in (.01) above:
1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any school property owned by any public school district;
 3. Any fire station property owned by any fire district;
 4. Any property within an electric utility substation.
- B. Camouflaged WCFs attached to existing light, power, or telephone poles in all zones, subject to the development standards of Section 4.803.
- C. WCF Co-locations not meeting the criteria outlined in Wilsonville Code Section 4.802.
- D. Satellite dishes larger than one meter.

Commented [RK23]: Clarify if this is still needed

(.03) *Conditional Use Permit Requirements.* Applications for WCF in all other locations and situations, including moderate or high visibility facilities that exceed the height limit of the applicable zone, shall also require a Conditional Use Permit to be reviewed by the Development Review Board. In addition to the approval standards in City Code Section 4.030, the applicant shall demonstrate that the WCF Site Plan approval standards in this Section are met.

(.04) *Approval Criteria.* The Development Review Board shall approve the use and WCF Site Plan for any of the WCF listed in subsections of this Section upon a determination that the following criteria are met:

- A. The height of the proposed WCF does not exceed the height limit of the underlying zoning district, or does not increase the height of an existing facility.
- B. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.
- C. The location, size, design, and operating characteristics of the proposed WCF will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
1. Scale, bulk, coverage, and density;
 2. The suitability of the site for the type and intensity of the proposed WCF; and
 3. Any other relevant impact of the proposed use in the setting where it is proposed.

- D. All required public facilities have adequate capacity, as determined by the City, to serve the proposed WCF; and
- E. The proposed WCF complies with all of the general regulations contained in this Section 4.800—4.812.

(.05) *Conditions of Approval.* The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location. If compliance with all of the applicable criteria cannot be achieved through the imposition of reasonable conditions, the Application shall be denied.

(Ord. No. 831, 1-24-2019)

Section 4.805. Exemptions.

The following shall be considered exempt structures or activities under this Code Chapter:

- (.01) ~~Antennas (including direct to home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.~~
- (.02) ~~Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 60 days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.~~
- (.03) ~~Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.~~

(Ord. No. 831, 1-24-2019)

Section 4.8056. Damage, Destruction, or Interference to Other Utilities.

In the installation of any WCF within the right-of-way, care must be taken to install in such a way that does not damage, interfere with, or disturb any of the several other utilities that may already be located in the area. Any damage done to such other utilities must be immediately reported to both the City and the owner of the damaged utility, and must be promptly repaired by the permittee or the utility owner, with the permittee being responsible for all costs of repair, including any extra charges that may be assessed for emergency repairs. Failure to notify the City and the damaged utility provider will result in revocation of the WCF. When approving the location for a WCF, the location of other utilities, or the need for the location of other utilities, within the right-of-way must be considered before approval to locate the WCF will be given in order to ensure those other services to the public are not disrupted.

No additional changes proposed in this section

Commented [JC24]: Moved above to use section

Commented [JC25]: Renumber from here down - no other changes proposed past this point.

Development Code Process Clarifications

City Council Work Session –
August 7, 2023



Project Overview

- Goals
 - Update review processes
 - Clarify application requirements
 - Correct Development Code inconsistencies
- Changes are procedural in nature

Wireless Communications Facilities

- Issues
 - Co-locations subject to 6409(a) processed via Class 2 process
 - Application requirements cover all WCF, many not applicable to most common application types
- Resolution
 - Change 6409(a) co-location review process to Class 1
 - Clarify permitted vs. conditional uses
 - Reorganize application requirements to distinguish between co-locations, SWFs, and new WCFs

Other Edits

- Development Approval Extensions
- Temporary Uses and Signs
- Development Application Submittal

Anticipated Timing

- Planning Commission Public Hearing
 - September 13, 2023
- City Council Public Hearing
 - September 18, 2023

- What comments or questions does the City Council have about the proposed Development Code amendments?

City Council Meeting Action Minutes
August 7, 2023

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell

Amanda Guile-Hinman, City Attorney
Dan Pauly, Planning Manager
Dustin Schull, Parks Supervisor
Kimberly Rybold, Senior Planner
Kimberly Veliz, City Recorder
Mark Ottenad, Public/Government Affairs Director
Miranda Bateschell, Planning Director
Stephanie Davidson, Assistant City Attorney

STAFF PRESENT

Bryan Cosgrove, City Manager

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:05 p.m.
A. Willamette Falls Locks Authority Update	Staff updated Council on the ongoing work of the Willamette Falls Locks Authority (WFLA) and the Army Corps of Engineers to repair and re-open the locks to river traffic. Council affirmed its commitment to supporting these efforts.
B. Sofia Playground Replacement Project and Contract Award	Staff shared community feedback received on new play equipment to be purchased and installed at Sofia Park in Villebois.
C. Development Code Process Clarifications	Staff shared a summary of proposed amendments to the Development Code that would clarify the review process for applications and amend language to correct inconsistencies.
D. Housing Our Future	Staff introduced the Housing Our Future project, which would analyze the City's housing inventory to understand current and future needs, and to develop strategies.
E. Frog Pond East and South Master Plan Development Code	Council provided input on proposed Development Code amendments that pertain to urban form and architectural standards of structures to be developed in Frog Pond East and South.
ADJOURN	7:20 p.m.



PLANNING COMMISSION

WEDNESDAY, JULY 12, 2023

WORK SESSION

2. Procedural Development Code Cleanup (Rybold) (60 minutes)



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: July 12, 2023		Subject: Development Code Process Clarifications	
		Staff Members: Kimberly Rybold, AICP, Senior Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: Review draft Development Code amendments that clarify review processes for certain development application types.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COMMISSION:

The project team will present proposed Development Code amendments to clarify the review process for certain application types, including wireless communications facilities, extensions of development approvals, and temporary use and sign permits.

EXECUTIVE SUMMARY:

The proposed Development Code process clarifications will update review processes for certain application types, clarify application requirements, and correct inconsistencies in the Development Code regarding existing review processes. The proposed amendments (Attachment 1) are intended to reduce confusion among applicants and the broader public on required review processes and information needed for certain application types. The proposed amendments will also adjust the review process for some Wireless Communications Facility (WCF) applications.

The primary focus of this work is to clarify application requirements and review processes for various types of WCF applications to better reflect Federal review and approval requirements and the level of information needed to review different types of WCFs. Key amendments include the following:

- **Review Process for Co-locations** – Revisions to Section 4.804 (Review Process and Approval Standards) to enable WCF applications subject to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)) to be reviewed through the Class 1 Administrative Review process. Section 6409(a) applications are required to be reviewed in a condensed timeline of 60 days (with limited tolling of this review timeline) and must be approved if all applicable criteria are met. Given the ministerial nature of this review and the inability to incorporate input received through the public comment period, a Class 1 Administrative Review process is most appropriate for these application types. This would be the same as the review process for Small Wireless Facilities (SWFs), which are governed by similar Federal review mandates.
- **Application Requirements** – Specificity added to Section 4.800 about the different WCF types to directly address which ones are permitted, conditional, prohibited, or exempt. Within Section 4.801, the proposed amendments clarify what application materials must be submitted for different WCF types. This clarification will reduce applicant confusion for co-locations and SWFs, as many of the required items are only applicable to new WCF.

Other process clarifications are proposed as noted below:

- **Extension of Development Approvals** – Revisions to Sections 4.023 (Expiration of Development Approvals) and 4.140 (Planned Development Regulations) to resolve conflicting process language regarding the review process for development approval extensions. Revisions would clarify that these requests are reviewed as a Class 1 Administrative Review.
- **Temporary Use Permits** – Amendments to Section 4.030 (Jurisdiction and Powers of Planning Director and Community Development Director) clarify how the time period of the permit is calculated consistent with current practice that allows permits for non-consecutive days. Approval criteria for Class 2 Temporary Use Permits would be updated to be consistent with Class 1 Temporary Use Permits.
- **Temporary Sign Permits** – Amendments adding clarifying language to Section 4.156.09 (Temporary Signs in all Zones) describing which temporary signs need a permit.

- **General Administration** – Clarification in Section 4.011 (How Applications are Processed) that to be considered filed, applications must include authorization as specified in Section 4.009 (Who May Initiate Applications). Addition of Type B Tree Removal Permits to the list of Class 2 Administrative Review applications consistent with Section 4.610.30 (Type B Permit).

During this work session the project team will look for the following question to be answered by the Planning Commission:

- What comments or questions does the Planning Commission have about the proposed Development Code amendments?

EXPECTED RESULTS:

Presentation of proposed Development Code amendments.

TIMELINE:

Upon review of Planning Commission feedback, the Development Code amendments will be scheduled for adoption in fall 2023.

CURRENT YEAR BUDGET IMPACTS:

Consultant costs will be paid by the Planning Division's professional services budget. Staff time for this update will be paid from the Planning Division's budget.

COMMUNITY INVOLVEMENT PROCESS:

Existing Development Code regulations were adopted by the City after community outreach. The proposed Development Code amendments are procedural, not policy-based, in nature. The community will be notified of Planning Commission and City Council public hearings and will have the opportunity to provide oral or written testimony on the amendments.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Adoption of the proposed Development Code modifications will provide applicants and the community additional clarity and certainty on the review process for affected development applications.

ALTERNATIVES:

The Planning Commission may suggest modifications to the proposed Development Code amendments to add additional clarity.

ATTACHMENT:

1. DRAFT Proposed Development Code Edits – July 2023

DRAFT Proposed Development Code Edits – July 2023

Proposed added language **bold underline**. Proposed removed language ~~struck through~~.

Section 4.011. How Applications are Processed.

(.01) Applications submitted without the required filing fee, **or the correct authorization as specified in Section 4.009,** shall not be considered to be "filed" and shall be returned to the prospective applicant without being processed.

No additional changes proposed in this section

Commented [JC1]: Suggested for redundancy based on the practice of not accepting development applications without property owner signatures.

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

(.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section. Specific Area Plan approvals shall not expire.

- A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or
- B. A time extension has been granted by city staff for good cause. ~~Except as provided in subsection (.05) below, not~~ **Not** more than three such extensions may be granted, for not more than one year each.

(.02) If the development approval is for a subdivision or partition, the developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in Section 4.023(.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.

(.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the City Council.

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

~~(.05) Notwithstanding the limitations and requirements in Section 4.023(.01)(B.) and (.04), beginning June 1, 2009 and ending June 1, 2010, city staff shall approve all applications for one year extensions, which applications shall not require a demonstration of good cause, but shall be accompanied by a filing fee which shall not exceed the fee for a Class 1 Administrative Review, and which extensions shall not be counted toward the maximum number of extensions allowed in Subsection 4.023(.01)(B.).~~

Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.

(.01) *Authority of Planning Director.* The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:

- A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below. Pursuant to Class I

procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:

1. Minor site clearing and grading, prior to the approval of a Site Development Plan, provided that:
 - a. No clearing or grading occurs within the Significant Resource Overlay Zone. Clearing or grading in the Significant Resource Overlay Zone shall require, at a minimum, approval of a Class II permit through the procedures specified below;
 - b. No clearing or grading occurs within 25 feet of an area that has been identified by the City as a wetland;
 - c. Not more than three trees are proposed to be removed;
 - d. No fill or removal is proposed;
 - e. Adequate measures are utilized to control erosion and runoff from the site and that the applicant will submit a final Site Development application within seven days of submitting the minor site grading application. All grading activities require compliance with the requirements of the applicable building code and City Public Works standards.
2. Class I Sign Permits, and Temporary Sign Permits for 30 days or less.
3. Architectural, landscape, tree removal, grading and building plans that substantially conform to the plans approved by the Development Review Board and/or City Council. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
4. Building permits for single family dwellings, middle housing, and in the Village zone, row houses or apartments, meeting zoning requirements and located on lots that have been legally created. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
5. Lot line adjustments, where none of the lots increase in area by 50 percent or more, subject to the standards specified in Section 4.233.
6. A temporary use permit for not more than 30 days, **Permitted days may or may not be consecutive, but shall not exceed 30 days within the calendar year for which the permit was applied. Temporary use permits are** subject to the following standards:
 - a. The applicant has the written permission of the property owner to use the site;
 - b. The proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property;
 - c. Adequate parking is provided;
 - d. Signs shall meet the standards of Section 4.156.09. A maximum of two signs, not exceeding a combined total of 24 square feet, are allowed; and
 - e. The proposed use has the approval of the Fire Marshal.
7. Determination that an existing use or structure is a non-conforming use or non-conforming structure, as defined in this Code. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the history of the property, choose to process such determinations through the Class II procedures below.
8. Actions taken subject to Site Development Permits which have been approved by the appropriate decision-making body of the City.

Commented [JC2]: Codifies the City's interpretation for multi-week temporary use permits. Ex. a permit for every Saturday over a three-month period.

9. Final plats for condominiums, subdivisions, or partitions that are substantially the same as tentative plats approved by the City and which are submitted for review and signature prior to recordation with the appropriate county.
 10. Type A tree removal permits as provided in Section 4.600.
 11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.
 12. Expedited land divisions and middle housing land divisions requiring expedited review under state law. Applications for expedited land divisions and middle housing land divisions requiring expedited review under state law, as provided for in Section 4.232 of this Code and ORS Chapter 197 shall be processed without public hearing, and shall be subject to appeal through the special appeal procedures specified in Section 4.232.
 - a. Authority of Planning Director. The Planning Director shall have authority to review applications for expedited land divisions and middle housing land divisions requiring expedited review under state law and to take action approving, approving with conditions, or denying such applications, based on findings of fact.
 - b. Tentative Plat Requirements for Expedited Land Divisions and middle housing land divisions requiring expedited review under state law. Tentative plats and all other application requirements for expedited land divisions and middle housing land divisions requiring expedited review under state law shall be the same as for other forms of land divisions, except as those requirements are specifically altered by the Oregon Revised Statutes.
 - c. Administrative Relief Not Available. In taking action on an application for an expedited land division or middle housing land divisions requiring expedited review under state law, the Planning Director is not authorized to grant Variances or waivers from the requirements of the Code.
 - d. Residential Areas Only. As specified in ORS 197, expedited land divisions shall only be approved in areas zoned for residential use.
- B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:
1. Minor alterations to existing buildings or site improvements of less than 25 percent of the previous floor area of a building, but not to exceed 1,250 square feet, or including the addition or removal of not more than ten parking spaces. Minor modifications to approved Architectural and Site Development Plans may also be approved, subject to the same standards.
 2. Residential accessory buildings or structures with less than 120 square feet of floor area located within the Willamette River Greenway Boundary pursuant to Section 4.500 and subject to the flood plain development standards of Section 4.172. Approval of such accessory structures in the Greenway shall be based on all of the following findings of fact:
 - a. The building or structure is located so that the maximum amount of landscape area, open space and/or vegetation is provided between the river and the building;
 - b. Public access to the river is preserved or is provided in accordance with an approved and adopted plan; and
 - c. That the change of use, intensification of use, or development will be directed away from the river to the greatest possible degree while allowing a reasonable use of the property.

3. Written interpretations of the text or maps of this Code, the Comprehensive Plan or sub-elements of the Comprehensive Plan, subject to appeal as provided in Section 4.022. The Planning Director may review and interpret the provisions and standards of Chapter 4 (Planning) of the Wilsonville Code upon receiving the required filing fee along with a specific written request. The Director shall publish and mail notice to affected parties and shall inform the Planning Commission and City Attorney prior to making a final written decision. The Director's letter and notice of decision shall be provided to the applicant, the Planning Commission, the City Council, and City Attorney and the notice shall clearly state that the decision may be appealed in accordance with Section 4.022 (Appeal Procedures). A log of such interpretations shall be kept in the office of the Planning Department for public review.
4. A permit to locate an accessory use on a lot adjacent to the site of the principal use.
5. Subdivisions located within the Coffee Creek Industrial Design Overlay District and land partitions, other than expedited land divisions, pursuant to Section 4.210. Approval shall be based on all of the following findings of fact:
 - a. The applicant has made a complete submittal of materials for the Director to review, as required in Section 4.210;
 - b. The proposed plan meets the requirements of the Code regarding minimum lot size and yard setbacks;
 - c. The approval will not impede or adversely affect the orderly development of any adjoining property or access thereto;
 - d. The public right-of-way bordering the lots or parcels will meet City standards;
 - e. Any required public dedications of land have been approved for acceptance by the City and will be recorded with the County prior to final plat approval;
 - f. Adequate easements are proposed where an existing utility line crosses or encroaches upon any other parcel to be created by the partition;
 - g. All public utilities and facilities are available or can be provided prior to the issuance of any development permit for any lot or parcel; and
 - h. Roads extended or created as a result of the land division will meet City standards.
6. Decisions on the following:
 - a. Lot line adjustments, where any of the lots increase by more than 50 percent in area, subject to the provisions of Section 4.233.
 - b. Temporary use permits for periods exceeding 30 days **but not more than 120 days. Permitted days may or may not be consecutive, but shall not exceed 120 days within the calendar year for which the permit was applied.** Temporary use permits may allow specific activities associated with the primary use or business located on the property for up to 120 days provided that:
 - i. the property owners have given written permission;
 - ii. no structure, sign or any other object shall exceed 20 feet in height;
 - iii. adequate parking is provided in designated spaces;
 - iv. signs **shall meet the standards of Section 4.156.09 and** are limited to a maximum of two and shall not exceed a total combined area of 24 square feet;
 - v. electrical and building permits are obtained as required;

- vi. undue traffic congestion will not result and, if traffic congestion is expected, a traffic control plan is submitted along with the application that identifies the traffic control procedures that will be used;
 - vii. the activity and/or use shall not unduly interfere with motorists driving on adjacent roads and streets, including I-5; and
 - viii. public notice has been provided and the comments of interested parties have been considered in the action that has been taken-;
 - ix. the proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property; and**
 - x. the proposed use has the approval of the Fire Marshal.**
7. Solar access permits, as specified in Section 4.137.3.
 8. Class II Sign Permits.
 9. Site design review, as authorized in Section 4.400 for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.10.
 10. Review of Stage I and Stage II Planned Development applications for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.
- 11. Type B tree removal permits as provided in Section 4.600.**
- ~~12.~~ Type C tree removal permits as provided in Section 4.600 for properties located within the Coffee Creek Industrial Design Overlay District.

No additional changes proposed in this section

Section 4.140. Planned Development Regulations.

No changes proposed in Subsections (.01) to (.08)

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

[Note: Outline Number is incorrect.]

- A. Unless an extension has been granted by the ~~Development Review Board or~~ Planning Director, as applicable, within two years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013. As provided in Section 4.134, an application for a Stage II approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director without a public hearing as a Class II Administrative Review as provided in Section 4.035(.03).
- B. The Development Review Board or Planning Director, as applicable, shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.
- C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:

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1. The location of water, sewerage and drainage facilities;
 2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;
 3. The general type and location of signs;
 4. Topographic information as set forth in Section 4.035;
 5. A map indicating the types and locations of all proposed uses; and
 6. A grading plan.
- D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.
- E. Copies of legal documents required by the Development Review Board or Planning Director, as applicable, for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.
- F. Within 30 days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Development Review Board or Planning Director, as applicable, shall not act on a final development plan until it has first received a report from the agencies or until more than 30 days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.
- G. Upon receipt of the final development plan, the Development Review Board or Planning Director, as applicable shall examine such plan and determine:
1. Whether it conforms to all applicable criteria and standards; and
 2. Whether it conforms in all substantial respects to the preliminary approval; or
 3. Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.
- H. If the Development Review Board or Planning Director, as applicable, permits the applicant to revise the plan, it shall be resubmitted as a final development plan within 60 days. If the Board or Planning Director approves, disapproves or grants such permission to resubmit, the decision of the Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.
- I. All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the ~~Development Review Board or Planning Director, as applicable,~~ may extend these expiration times for up to three additional periods of not more than one year each. Applicants seeking time extensions shall make their requests in writing at least 30 days in advance of the expiration date. Requests for time extensions shall only be granted upon (1) a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year, and (2) payment of any and all Supplemental Street SDCs applicable to the development. Upon such payment, the development shall have vested traffic generation rights under [section] 4.140(.10), provided however, that if the Stage II approval should expire, the vested right to use trips is terminated upon City repayment, without interest, of Supplemental Street SDCs. For purposes of this Ordinance, "substantial development" is deemed to have occurred if the required building permits or public works permits have been issued for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit.
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- J. A planned development permit may be granted by the Development Review Board or Planning Director, as applicable, only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:
1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.
 2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.
 - a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.
 - b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three new p.m. peak hour traffic trips or less;
 - ii. A planned development or expansion thereof which provides an essential governmental service.
 - c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.
 - d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.
 - e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F".
 3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
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- K. Mapping: Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.

No additional changes proposed in this section

Section 4.156.09. Temporary Signs in all Zones.

~~The following temporary signs may be permitted:~~ In addition to the permanent signs allowed in different zones and exempt temporary signs, unless specifically prohibited in a master sign plan or other sign approval, the following temporary signs may be permitted through a temporary sign permit:

- (.01) *General Allowance.* Except as noted in subsection (.02) below up to two temporary signs not exceeding a combined total of 24 square feet may be permitted per lot or non-residential tenant. Such signs may be banners, rigid signs, lawn signs, portable signs, or other signs of similar construction.

No additional changes proposed in this section

Section 4.800. Wireless Communications Facilities—Permitted, Conditionally Permitted, and Prohibited Uses.

Purpose:

Wireless Communications Facilities ("WCF") play an important role in meeting the communication needs of the Wilsonville community citizens. This Section aims to balance the proliferation of and need for WCF with the importance of keeping Wilsonville a livable and attractive City, consistent with City regulations for undergrounding utilities to the greatest extent possible.

In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of the Wilsonville community citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; and 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.

As used herein, reference to Wireless Communications Facilities is broadly construed to mean any facility, along with all of its ancillary equipment, used to transmit and/or receive electromagnetic waves, radio or television signals including, but not limited to, antennas, dish antennas, microwave antennas, small cells, distributed antenna systems ("DAS"), 5G, small cell sites/DAS, and any other types of equipment for transmission or receipt of signals, including telecommunication towers, poles, and similar supporting structures, equipment cabinets or buildings, parking and storage areas, and all other accessory development.

Reference to Small Wireless Facilities (SWF) herein is construed to mean ~~telecommunications facilities~~ WCF and associated equipment that meet the definition of small wireless facilities as stated in 47 C.F.R. § 1.6002(l).

Reference to Macro WCF means WCF that do not meet the definition of small wireless facilities.

This Section does not apply to (i) amateur radio stations defined by the Federal Communication Commission and regulated pursuant to 47 C.F.R. Part 97; or (ii) WCF owned by, or operated solely for, the City of Wilsonville.

If any provision of this Code directly conflicts with State or Federal law, where State or Federal law preempts local law, then that provision of this Code shall be deemed unenforceable, to the extent of the conflict, but the balance of the Code shall remain in full force and effect.

Nothing contained in this Section shall be construed in any way to waive or limit the City's proprietary rights over its real and personal property, including without limitation any proprietary interest in the right-of-way. Thus, if it is

determined the City has authority to exert greater rights or impose additional conditions or limitations beyond those set forth in this Section, the City reserves the absolute right to do so, as it determines appropriate or necessary.

(.01) Permitted Uses:

- A. ~~New~~ Towers, poles, and structures for Macro WCF and ancillary facilities thereto are permitted in all of the following locations:
 1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any property owned by the West Linn - Wilsonville School District;
 3. Any property owned by the Tualatin Valley Fire District;
 4. Any property within an electric utility substation.

B. ~~Co-located~~ WCF pursuant to Section 4.802 is ~~encouraged~~ on all existing, legally established, towers, poles, and structures in all zones ~~and may be required on City property.~~

C. Modification of existing towers, poles, and structures for WCF and ancillary facilities not meeting the co-location requirements of Section 4.802.

D. SWF as follows:

1. Attached to an existing structure (i.e., utility pole, tower, streetlight, traffic signal, building, etc.) within the public right-of-way.
2. Incorporated into a freestanding or replacement structure (i.e., a standalone pole intended to support only the wireless equipment or a replacement pole that supports both the wireless equipment and the other utilities, traffic control or other pre-existing attachments) within the public right-of-way.
3. Attached or mounted to an existing structure (i.e., rooftop, building façade, sports field light, etc.) outside the public right-of-way.

E. Satellite communications antennas:

1. Not exceeding one meter in diameter shall be permitted in any zone without requiring Administrative Review.
2. One meter or larger shall be subject to Administrative Review.

~~C. Satellite communications antennas not exceeding one meter in diameter shall be permitted in any zone without requiring Administrative Review.~~

~~D.F. Camouflaged WCF antennas, excluding SWF, attached to existing light, power, or telephone poles are permitted in all zones, subject to the development standards of Section 4.803.~~

~~F. The City of Wilsonville is an underground utility City (Undergrounding District) where mandatory aesthetic design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible. The following shall be used to determine maximum extent possible:~~

1. ~~Equipment functional underground;~~
2. ~~Location available to underground near associated antenna; and~~
3. ~~Conflicts with other underground uses as determined by the City.~~

Commented [JC3]: Reorganization / clarification - same language and intent

Commented [RK4]: Confirm if this would apply to anything other than SWFs

Commented [JC5]: Reorganized - repeated below with same language and intent

(.02) Conditional Uses. Except as indicated as permitted in (.01) above, WCF can be conditionally permitted in all zones, pursuant to Section 4.184 of the Wilsonville Code

Commented [JC6]: Moved below to (.02)(D)

A. Historical Buildings and Structures. No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.

B. Tower or Pole Heights. Towers or poles may exceed the height limits otherwise provided for in the Development Code with compelling justification only. Costs and cost efficiency are not compelling justifications.

C. Lighting. If beacon lights or strobe lights are required by the Federal Aviation Administration (FAA) or other applicable authority, the Development Review Board shall review the available alternatives and approve the design with the least visual impact.

Commented [JC7]: Referenced in other areas of the code as being conditional uses. Brought here for clarity

D. Except as indicated as permitted in (.01) above, WCF can be conditionally permitted in all zones, pursuant to Section 4.184 of the Wilsonville Code.

Commented [JC8R7]: Previously: WC 4.803(.01)(D) , WC 4.803(.01)(E), WC 4.803(.01)(P)

(.03) Prohibited Uses. WCF are prohibited on all lands ~~designated as~~ within the Significant Resource Overlay Zone ~~lands~~.

(.04) Exemptions. The following shall be considered exempt structures or activities under this Code Chapter:

A. Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.

B. Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 60 days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.

C. Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.

Commented [JC9]: Referenced in other areas of the code as being exempt

(.05) Undergrounding Requirement. The City of Wilsonville is an underground utility City (Undergrounding District) for the purposes of public safety, service reliability, and aesthetic design; where these mandatory design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible. The following shall be used to determine maximum extent possible:

A. Equipment functional underground;

B. Location available to underground near associated antenna; and

C. Conflicts with other underground uses as determined by the City.

(Ord. No. 831, 1-24-2019)

Section 4.801. Application Requirements.

Cable providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete: 1) a Site

Development Permit Application; 2) a Public Works Permit; 3) a Building Permit; and 4) enter into a Lease Agreement with the City for use of the public Right-of-Way. In preparing the Application, the applicant should review all provisions of this Code Section, particularly the portion attached to the Development Review Standards. The WCF Application process shall include all of the following:

Commented [JC10]: Rearranged and moved to standard (.01)

(.01) Cable providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete: 1) a Site Development Permit Application; 2) a Public Works Permit; 3) a Building Permit; and 4) enter into a Lease Agreement with the City for use of the public Right-of-Way.

(.02) Required for all WCF, including SWF applications:

A. Property Owner Signature. The signature of the property owner(s) on City of Wilsonville application forms or a written signed statement from the property owner(s) granting authorization to proceed with the land use application and building permits, pursuant to WC Section 4.009.

B. ~~(.01)~~ Speculation. No Application for a WCF shall be approved from an applicant that constructs WCF and leases tower space to service providers that is not itself a wireless service provider, unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the WCF.

C. ~~(.02)~~ Geographical Survey. **This Section (C) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).** The applicant shall identify the geographic service area for the proposed WCF, including a map showing all of the applicant's existing sites in the local service network associated with the gap that the proposed WCF is proposed to close. The applicant shall **identify technically feasible alternative site locations within the geographic service area** describe how this service area fits into and is necessary for the service provider's service network.

Commented [JC11]: Moved from below. This states that 6409(a) applications need not comply. Need to confirm if this still applies to SWFs

- 1.** Prior to the issuance of any building permits, applicants for WCF shall provide a copy of the corresponding FCC Construction Permit or license for the facility being built or relocated, if required.
- 2.** The applicant shall include a vicinity map clearly depicting where, within a one-half mile radius, any portion of the proposed WCF could be visible, and a graphic simulation showing the appearance of the proposed WCF and all accessory and ancillary structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation and screening measures. Such points are to be mutually agreed upon by the Planning Director or the Planning Director's designee and the applicant. ~~This Section (2) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).~~

D. ~~(.03)~~ Visual Impact, Technological Design Options, and Alternative Site Analysis. The applicant shall provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening for all components of the facility. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a map showing where the photos were taken. The applicant shall include an analysis of alternative sites **that would meet City design and locational standards** and **alternative** technological design options for the WCF, within and outside of the City, ~~that~~ **which** are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower or pole is proposed as a part of the proposed WCF, the applicant must demonstrate the need for a new tower and pole and why existing locations or design alternatives, such as the use of microcell technology, cannot be used to meet the identified service objectives. Documentation and depiction of all steps that

will be taken to screen or camouflage the WCF to minimize the visual impact of the proposed facility must be submitted.

E. (-04) Application Narrative. ~~Number of WCF.~~ The Application shall include a detailed narrative of all of the equipment and components to be included with the WCF, including, but not limited to, antennas and arrays; equipment cabinets; back-up generators; air conditioning units; poles; towers; lighting; fencing; wiring, housing; and screening. The applicant must provide the number of proposed WCF at each location and include renderings of what the WCF will look like when screened. The Application must contain a list of all equipment and cable systems to be installed, including the maximum and minimum dimensions of all proposed equipment. Wilsonville is an Undergrounding District, meaning that the City will require any utility that can be fully or partially located underground to the maximum extent possible to help preserve the aesthetic appearance of the right-of-way and community and to prevent aboveground safety hazards. Therefore, all components of the WCF must be undergrounded to the extent reasonably feasible. Those components of the WCF that must be above ground must be identified by type of facility, dimension of facility, with proposed screening to reduce to the maximum extent possible the visual impact of aboveground facilities and equipment. A written narrative of why any portion of the WCF must be above ground is required.

Commented [JC12]: This requirement predominately asks for narrative descriptions, and so I believe the name is misleading.

F. (-05) Safety Hazards. Any and all known or expected safety hazards for any of the WCF facilities must be identified and the applicant who must demonstrate how all such hazards will be addressed and minimized to comply with all applicable safety codes.

G. (-06) Landscaping. The Application shall provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site, showing all proposed landscaping, screening and proposed irrigation (if applicable), with a discussion of how proposed landscaping, at maturity, will screen the site. Existing vegetation that is proposed to be removed must be clearly indicated and provisions for mitigation included.

H. (-07) Height. The Application shall provide an engineer's diagram, drawn to scale, showing the height of the WCF and all of its above-ground components. Applicants must provide sufficient evidence that establishes that the proposed WCF is designed to the minimum height required to meet the carrier's coverage objectives. If a tower or pole height will exceed the base height restrictions of the applicable zone, this narrative shall include a discussion of the physical constraints (topographical features, etc.) making the additional height necessary. The narrative shall include consideration of design alternatives, including the use of multiple sites or designs that would avoid the need for the new WCF or over zone height WCF. Except as noted in (a) and (b) below, the maximum height allowed in the right-of-way is 50 feet.

1. A- The maximum height for a freestanding SWF in the public right-of-way is no more than ten percent taller than other adjacent structures in the right-of-way.

2. B- When collocated on an existing structure in the public right-of-way, the SWF and the existing structure (including the antenna and any equipment enclosures contained within the structure) shall not exceed 50 feet or more than ten percent of the existing structure or nearby structures, whichever is greater.

I. (-08) Construction. The Application shall describe the anticipated construction techniques and time frame for **construction or** installation of the WCF. **This narrative must include all temporary staging, site access, and the types of vehicles and equipment to be used.**

J. (-09) Maintenance. The Application shall describe the anticipated maintenance and monitoring program for the WCF, including antennas, back-up equipment, poles, paint, and landscaping; **and a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.**

Commented [JC13]: Merged from repeated maintenance standard contained in (.18)

K. (-10) Noise/Acoustical Information. The Application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide a noise study prepared and sealed by a qualified Oregon-license Professional Engineer that demonstrates that the WCF will comply with intent and goals of Section 6.204 et seq. of this Code.

~~(-11) Parking.~~ The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.

Commented [JC14]: Only applicable to new macro WCF

~~(-12) Co-Location.~~ In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.

Commented [JC15]: Only applicable to new macro WCF

L. (-13) Lease. The site plan shall show the lease area of the proposed WCF.

M. (-14) FCC License and Radio Frequency Safety Compliance. The Application shall provide a copy of the applicant's FCC license and/or construction permit, if an FCC license and/or construction permit is required for the proposed facility. The applicant shall provide documentation showing that the party responsible for radio frequency transmissions is in planned or actual compliance with all FCC RF emissions safety standards and guidelines at 47 C.F.R. § 1.1307 et seq. and FCC Office of Engineering Technology Bulletin 65.

N. (-15) Lighting and Marking. The Application shall describe any proposed lighting and marking of the WCF, including any required by the FAA.

O. (-16) Co-Location Feasibility. A feasibility study for the co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon-licensed Professional Engineer. Co-location will be required when determined to be feasible. The feasibility study shall include:

Commented [RK16]: Need to clarify if this should only apply to Macro WCF. If so move to (.03)

1.A An inventory, including the location, ownership, height, and design of existing WCF within one-half mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCF, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

2.B Documentation of the efforts that have been made to co-locate on existing or previously approved towers, poles, or structures. The applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers, poles, or structures and shall provide a list of all owners contacted in the area, including the date, form, and content of such contact.

3.C Documentation as to why co-location on existing or proposed towers, poles, or commercial structures within 1,000 feet of the proposed site is not practical or feasible. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Development Review Board may consider expert testimony to determine whether the fee and costs are reasonable when balanced against the market and the important aesthetic considerations of the community.

P. (-17) Engineering Report for New Location-A. An Application for a new WCF, whether co-located or new, shall include, as applicable, a report from an Oregon licensed Professional Engineer documenting the following:

1. A description of the proposed WCF height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed WCF structure shall be included. The engineer shall document whether the

structure is at its maximum structural capacity and, if not, the additional weight the structure could support.

- 2. Documentation that the proposed WCF will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the minimum safety requirements of the State Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application.
- 3B. A description of mitigation methods which will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment, if required by any safety law, regulation, or code.
- 4C. Evidence that the proposed WCF will comply with all applicable requirements of the Federal Aviation Administration, the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communications Commission.

~~(-18) Maintenance. The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.~~

Commented [JC17]: Repeated above

~~(-19) Recordation Requirements. If a new WCF is approved, the owner shall be required, as a condition of approval, to:~~

- A. ~~Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;~~
- B. ~~Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;~~
- C. ~~Negotiate in good faith for shared use by others; and~~
- D. ~~Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.~~

Commented [JC18]: Applies to new WCF

Q. All SWF applications must demonstrate compliance with all requirements in Section 2 "Design Elements" of the "City of Wilsonville Small Wireless Facility Infrastructure Design Standards".

~~R. (-20)~~ The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application.

(.03) Additional Application Requirements for new Macro WCF applications.

- A. **Parking. The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.**
- B. **Co-Location. In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.**
- C. **Recordation Requirements. If a new WCF is approved, the owner shall be required, as a condition of approval, to:**
 - 1. **Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;**
 - 2. **Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;**
 - 3. **Negotiate in good faith for shared use by others; and**
 - 4. **Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.**

Commented [JC19]: No language change - just restructuring

Section 4.802. Co-Location.

In order to encourage shared use of towers, poles, or other facilities for the attachment of WCF, no conditional use permit shall be required for the addition of equipment, provided that:

- (.01) There is no change to the type of tower or pole.
- (.02) All co-located WCF shall be designed in such a way as to be visually compatible with the structures on which they are placed.
- (.03) All co-located WCF must comply with the conditions and concealment elements of the original tower, pole, or other facility upon which it is co-locating.
- (.04) Shall not disturb, or will mitigate any disturbed, existing landscaping elements.
- (.05) Does not entail excavation or deployment outside site of current facility where co-location is proposed.
- (.06) All co-located WCF, and additions to existing towers, poles, or other structures, shall meet all requirements of the State of Oregon Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application. A building permit shall be required for such alterations or additions. Documentation shall be provided by an Oregon-licensed Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
- (.07) Additional Application Requirements for Co-Location:
 - A. A copy of the site plan approved for the original tower, pole, or other base station facility to which the co-location is proposed.
 - B. A site survey delineating development on-the-ground is consistent with the approved site plan.

Section 4.803. Development Review Standards.

All WCF shall comply with the following Development Review standards, unless grandfathered under State or Federal law:

- (.01) The following development standards are applicable to all WCF and SWF applications: *Visual Impact:*
 - A. *Maximum Number of High Visibility Facilities Per Lot or Parcel.* No more than one high visibility WCF is allowed on any one lot or parcel of five acres or less. The Development Review Board may approve exceeding the maximum number of high visibility WCF per lot or parcel if one of the following findings is made through a Class III review process: (1) co-location of additional high visibility WCF is consistent with neighborhood character, (2) the provider has shown that denial of an application for additional high visibility WCF would prohibit or have the effect of prohibiting service because the WCF would fill a significant gap in coverage and no alternative locations are available and technologically feasible, or (3) the provider has shown that denial of an application for additional high visibility WCF would unreasonably discriminate among providers of functionally equivalent services. In such cases, the Development Review Board shall be the review authority for all related applications.
 - B. *Height.* The tower or pole height of a freestanding WCF in R, PDR and RA-H zones shall not exceed 50 feet, except the following:
 - 1. RA-H zoned property occupied by the City Wastewater Treatment Plant and the PDR zoned property occupied by the Elligsen Road Water Reservoir shall be exempted from the height limitations of the subject zones, and subsection 4.803(.01)A, above, shall apply.

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(Supp. No. 2)

2. **Small Wireless Facilities in the public right-of-way.** SWF in the public right-of-way shall not exceed the height permitted under WC 4.801(.07).

Commented [JC20]: These references need to be corrected when agreed-upon structure is final.

- C. *WCF Adjacent to Residentially Designated Property.* In order to ensure public safety, all WCF located adjacent to any property designated as residential in Wilsonville shall be set back from all residential property lines by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto. The setback shall be measured from that part of the WCF that is closest to the neighboring residentially designated property.
- D. ~~*Historical Buildings and Structures.* No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.~~
- D. ~~E.~~ *Tower or Pole Heights.* ~~Towers or poles may~~ **WCFs shall not** exceed the height limits ~~otherwise~~ provided for in the Development Code **with** ~~out a conditional use review and~~ **compelling** justification ~~only~~. Costs and cost efficiency are not compelling justifications.
- E. ~~F.~~ *Accessory Building Size.* Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed 12 feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to 200 square feet, unless approved through a Conditional Use Permit.
- E. ~~G.~~ *Utility Vaults and Equipment Pedestals.* Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible.
- G. ~~H.~~ *Visual Impact.* All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping, and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to cause the least detriment to the viewshed from other properties. The use of radomes and/or other camouflage techniques acceptable to the City to conceal antennas, associated equipment and wiring, and antenna supports is required.
- H. ~~I.~~ *Color Schemes.* For the sake of visual impact, no wooden poles are allowed except Small Wireless Facilities on existing poles with high voltage power lines that would require thermal hydraulic cooling if undergrounded. Color schemes must be approved by the City to best camouflage with the surrounding landscape.
- I. ~~J.~~ *Antennas.* Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.
- J. ~~K.~~ *Noise.* Noise from any equipment supporting the WCF shall meet the requirements of City Code Section 6.204—Noise.
- K. ~~L.~~ *Signage.* No signs, striping, graphics, or other attention-getting devices are permitted on any WCF except for warning and safety signage with a surface area of no more than three square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated

sign, not to exceed two square feet, which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a contact name and phone number for emergency purposes. WCF may be placed entirely behind existing street or building signs as one method of camouflage.

- ~~L. M.~~ **Traffic Obstruction.** Maintenance vehicles servicing facilities located in the public right-of-way shall not park on the traveled way or in a manner that obstructs traffic. No maintenance vehicle parking shall be permitted in red curb zones, handicap zones, or loading zones.
- ~~M. N.~~ **Parking.** No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.
- ~~N. O.~~ **Sidewalks and Pathways.** Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land and shall be screened from view. Cabinets shall be undergrounded, to the maximum extent possible.
- ~~O. P.~~ **Lighting.** WCF shall not include any beacon lights or strobe lights, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If beacon lights or strobe lights are required, the Development Review Board shall review the available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes shall be shielded and directed downward, and shall comply with the City's outdoor lighting standards in City Code Section 4.199, unless otherwise required under Federal law.
- ~~P. Q.~~ **Paint and Finish.** Towers, poles, antennas, and associated equipment shall either maintain a galvanized steel finish or be painted a non-reflective, neutral color, as approved by the Planning Director or Development Review Board, to minimize visibility. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure. Towers more than 200 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall be painted and/or camouflaged in accordance with subsection (.01), above. All ancillary facilities shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment.
- ~~Q. R.~~ **Use of Concealments.** Concealments are customized structures engineered to cover cell towers, antennas, DAS equipment and beautify them and make them either less visible or more pleasing to have in the landscape. Applicant shall present a proposal for concealment intended to meet the foregoing goal.
- ~~R. S.~~ **Public Works Standards.** Additional applicable construction and design standards are as set forth in the City's 2015 Public Works Standards.
- ~~S. T.~~ **Compliance With All Laws.** Every WCF shall comply with all local, state, and federal laws, codes, and regulations including without limitation to the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

~~(.02) Site Size.~~ The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.

~~(.03) Separation and Setbacks.~~

- ~~A.~~ WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.

- ~~B. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100 percent breakpoint or 25 feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.~~
- ~~C. WCF mounted on rooftops or City approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.~~
- ~~D. WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.~~

~~T. (.04) Security Fencing.~~ WCF or towers shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device. Fencing shall be compatible with other nearby fencing. Such requirements may be waived for attached WCF.

~~U. (.05) Landscaping.~~ Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of fast growing vegetation that can be expected to reach a minimum height of six feet and form a continuous hedge within two years of planting. Drought tolerant landscaping materials shall be required and otherwise meet the landscaping standards of City Code Section 4.176. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height and would not affect the stability of the guys should they be uprooted. Landscaping shall be compatible with other nearby landscaping.

~~V. (.06) Conflict with Right-of-Way.~~ No WCF shall be located within a planned or existing public right-of-way, unless it is specifically designed for the purpose in a way that will not impede pedestrian, bicycle, or vehicular traffic and the installation of any sidewalk or path that is a planned future improvement.

~~W. (.07) Change to Approved WCF.~~ Any change to or expansion of a WCF that will in any way change the physical appearance of the WCF will require a new application.

(.02) Additional development standards applicable to new Macro WCF:

A. **Site Size.** The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.

B. **Separation and Setbacks.**

1. **WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.**
2. **A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100 percent breakpoint or 25 feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.**
3. **WCF mounted on rooftops or City-approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may**

Commented [RK21]: Moved from (.01)

be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.

- 4. WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.

Section 4.804. Review Process and Approval Standards.

(.01) *Class I Process.* The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class I process under City Code Section 4.030 (.01) A:

- A. Small Wireless Facilities in the public right-of-way.
- B. ~~Replacement of existing antennas on approved tower at same height.~~ **WCF Co-locations meeting the criteria outlined in Wilsonville Code Section 4.802.**

Commented [JC22]: Clarify if this applies to both colocation and free standing.

Also, for SWF outside of the ROW - Class 2 if current language does not change.

(.02) *Class II Process.* The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class II process under City Code Section 4.030(.01)B:

- A. **New Macro** WCF proposed in the following locations excepted as noted in (.01) above:
 1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any school property owned by any public school district;
 3. Any fire station property owned by any fire district;
 4. Any property within an electric utility substation.
- B. **Camouflaged** WCFs attached to existing light, power, or telephone poles in all zones, subject to the development standards of Section 4.803.
- C. WCF Co-locations **not** meeting the criteria outlined in Wilsonville Code **Section** 4.802.
- D. Satellite dishes larger than one meter.

Commented [RK23]: Clarify if this is still needed

(.03) *Conditional Use Permit Requirements.* Applications for WCF in all other locations and situations, including moderate or high visibility facilities that exceed the height limit of the applicable zone, shall also require a Conditional Use Permit to be reviewed by the Development Review Board. In addition to the approval standards in City Code Section 4.030, the applicant shall demonstrate that the WCF Site Plan approval standards in this Section are met.

(.04) *Approval Criteria.* The Development Review Board shall approve the use and WCF Site Plan for any of the WCF listed in subsections of this Section upon a determination that the following criteria are met:

- A. The height of the proposed WCF does not exceed the height limit of the underlying zoning district, or does not increase the height of an existing facility.
- B. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.
- C. The location, size, design, and operating characteristics of the proposed WCF will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
 1. Scale, bulk, coverage, and density;
 2. The suitability of the site for the type and intensity of the proposed WCF; and
 3. Any other relevant impact of the proposed use in the setting where it is proposed.

- D. All required public facilities have adequate capacity, as determined by the City, to serve the proposed WCF; and
- E. The proposed WCF complies with all of the general regulations contained in this Section 4.800—4.812.

(.05) *Conditions of Approval.* The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location. If compliance with all of the applicable criteria cannot be achieved through the imposition of reasonable conditions, the Application shall be denied.

(Ord. No. 831, 1-24-2019)

Section 4.805. Exemptions.

Commented [JC24]: Moved above to use section

The following shall be considered exempt structures or activities under this Code Chapter:

- (.01) Antennas (including direct to home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.
- (.02) Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 60 days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.
- (.03) Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.

(Ord. No. 831, 1-24-2019)

Section 4.8056. Damage, Destruction, or Interference to Other Utilities.

Commented [JC25]: Renumber from here down - no other changes proposed past this point.

In the installation of any WCF within the right-of-way, care must be taken to install in such a way that does not damage, interfere with, or disturb any of the several other utilities that may already be located in the area. Any damage done to such other utilities must be immediately reported to both the City and the owner of the damaged utility, and must be promptly repaired by the permittee or the utility owner, with the permittee being responsible for all costs of repair, including any extra charges that may be assessed for emergency repairs. Failure to notify the City and the damaged utility provider will result in revocation of the WCF. When approving the location for a WCF, the location of other utilities, or the need for the location of other utilities, within the right-of-way must be considered before approval to locate the WCF will be given in order to ensure those other services to the public are not disrupted.

No additional changes proposed in this section

Development Code Process Clarifications

Planning Commission Work
Session – July 12, 2023



Project Overview

- Goals
 - Update review processes
 - Clarify application requirements
 - Correct Development Code inconsistencies
- Changes are procedural in nature

Wireless Communications Facilities

- Issues
 - Co-locations subject to 6409(a) processed via Class 2 process
 - Application requirements cover all WCF, many not applicable to most common application types
- Resolution
 - Change 6409(a) co-location review process to Class 1
 - Clarify permitted vs. conditional uses
 - Reorganize application requirements to distinguish between co-locations, SWFs, and new WCFs

Development Approval Extensions

- Issues
 - Conflicting timeline and process in Sections 4.023 and 4.140
 - Outdated language in Section 4.023
- Resolution
 - Clarify that extensions are approved by the Planning Director via a Class 1 Administrative Review
 - Clarify that extensions must be applied for 30 days prior to expiration
 - Remove outdated language

Temporary Uses and Signs

- Issues
 - Lack of clarity on how days are calculated
 - Inconsistent approval criteria – Class 1 vs. Class 2
 - Unclear that temporary signs require a permit
- Resolution
 - Days can be non-consecutive within calendar year
 - Add Class 1 criteria to Class 2
 - State that temporary signs require a permit

Development Applications

- Issue
 - Section 4.011 does not explicitly state applications are not filed without proper authorization
- Resolution
 - Add language to clarify, consistent with current practice

- What comments or questions does the Planning Commission have about the proposed Development Code amendments?



PLANNING COMMISSION MEETING MINUTES

July 12, 2023 at 6:00 PM

City Hall Council Chambers & Remote Video Conferencing

Draft PC Minutes are to be reviewed and approved at the September 13, 2023 PC Meeting.

CALL TO ORDER - ROLL CALL

A regular meeting of the Wilsonville Planning Commission was held at City Hall beginning at 6:00 p.m. on Wednesday, July 12, 2023. Chair Heberlein called the meeting to order at 6:00 p.m., followed by roll call. Those present:

Planning Commission: Ron Heberlein, Andrew Karr, Kamran Mesbah, and Kathryn Neil. Jennifer Willard arrived after Roll Call. Olive Gallagher and Nicole Hendrix were absent.

City Staff: Miranda Bateschell, Daniel Pauly, Amy Pepper, Kimberly Rybold, and Mandi Simmons.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN INPUT

This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

ADMINISTRATIVE MATTERS

1. Consideration of the June 14, 2023 Planning Commission Minutes

The June 14, 2023 Planning Commission Minutes were accepted as presented.

WORK SESSION

2. Procedural Development Code Cleanup (Rybold)

Miranda Bateschell, Planning Director, introduced the agenda item noting that when reviewing Code and processing applications, unclear edits or inconsistencies in the Code are found and that changes or updates to federal government guidelines also impact the processing of applications. The Code Cleanup would help ensure consistency and provide clarification between Staff and applicants.

Kimberly Rybold, Senior Planner, introduced Consultant, Jamie Crawford, who had worked with the planning team particularly on the wireless applications and had prepared a number of the proposed Development Code changes related to those components.

Ms. Rybold and Jamie Crawford, Winterbrook Planning, presented the Development Code Process Clarifications via PowerPoint, noting the goals of the project and reviewing proposed Code updates related to wireless communications facilities, development approval extensions, temporary uses and signs, and development applications. Staff's goal was to return to the Planning Commission in September for a public hearing on the Code amendments.

Ms. Rybold addressed Commissioner questions as follows:

- Staff believed submitting a development approval extension 30 days prior to expiration was enough time to resolve anything that might be missing. An extension request involved the application form, fee, and a written statement explaining the reason for the request. The goal was to ensure decisions are issued before the permit expires. (Slide 4)
 - She confirmed the Code change was from 8 to 30 calendar days, making Code Section lines 4.140 and 4.023 consistent.
 - Applications that did not include payment were not considered successful applications, as noted in the Code sections that discussed what constituted a filed application.
 - The fee and correct authorization must be in place 30 days before the application process begins.

3. Frog Pond East and South Implementation-Development Code (Pauly)

Daniel Pauly, Planning Manager, noted Development Engineering Manager Amy Pepper, Natural Resource Manager Kerry Rappold, and City Engineer Zach Weigel have worked on the Frog Pond stormwater standards, which were an important component when considering a neighborhood layout because stormwater was integrated and consumed land.

Mr. Pauly and Ms. Pepper presented the Stormwater Facilities Standards for Frog Pond East and South via PowerPoint, describing the purpose and background of the City's NPDES MS4 Permit requirements and reviewing the various components of the proposed stormwater standards.

Comments from the Planning Commission was as follows with responses by Staff to Commissioner questions as noted:

- Ms. Pepper clarified the reference to Section 4.113.(05)A, stating, "as required by the City's NPDES MS4 permit." involved only one permit.
- In Section 4.113.(05)C.2.a which described Lower Priority landscaping areas within so many feet of the buildings, stated, "except for detached single-family, middle housing, ..." Did "except" mean they were a higher priority or excluded completely. More language may need to be added for clarity.
 - Ms. Pepper understood the intent was to address stormwater facilities for middle housing which has smaller lots and bigger footprints, and since detached stormwater facilities needed to be 10 ft from a foundation and 5 ft from a property line, there was not enough room for a stormwater facility.



PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 13, 2023

WORK SESSION

3. Coffee Creek Assessment (Luxhoj) (60 minutes)



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: September 13, 2023		Subject: Coffee Creek Code Assessment	
		Staff Member: Cindy Luxhoj AICP, Associate Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments:	
Staff Recommendation: Provide requested input on direction of possible Development Code amendments to the Coffee Creek Industrial Design Overlay District.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Attract high-quality industry and increase investment in industrial areas	<input checked="" type="checkbox"/> Adopted Master Plan(s): Coffee Creek Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COMMISSION

When the Coffee Creek Industrial Design Overlay District form-based code (FBC) was adopted in 2018 for the Coffee Creek Master Plan area it was subject to a pilot period of three completed development applications or five years, both of which have been achieved. Staff has initiated an assessment of the FBC and is seeking input from Planning Commission on the direction of possible Development Code amendments to the FBC standards and review process.

EXECUTIVE SUMMARY:

The City adopted the Coffee Creek Master Plan in 2007 to guide industrial development in the Coffee Creek area. In 2018, the City adopted the Coffee Creek Industrial Design Overlay District form-based code (FBC; Development Code Section 4.134) and accompanying Pattern Book to establish clear and objective regulations and guidelines for the area. These standards guide street design and connectivity, site design, circulation, building form and architecture, and landscaping for future development.

To facilitate a predictable and timely process for reviewing industrial development applications in Coffee Creek, two land use review tracks were established:

- Class 2 Administrative Review of applications meeting all the clear and objective standards of the FBC.
- Development Review Board (DRB) review of applications requesting one or more waivers to the standards.

The City also modified procedures governing City Council review of annexations and Zone Map amendments in Coffee Creek. These modifications allow for City Council review of the requests without prior review or recommendation by the DRB, thus facilitating concurrent processing with other related development permit applications for a project, such as Stage 1, Stage 2, Site Design Review, etc.

When adopted, the FBC standards and review process was subject to a pilot period of three completed development applications or five years, whichever comes first. As of 2023, both milestones have been achieved, with four completed industrial development projects in various stages of construction throughout the Coffee Creek area (see Attachment 1); thus, staff is assessing the FBC. This review will enable the City to determine whether adjustments are warranted to the standards, process, or both, to achieve the overall objective of providing a clear and quick development review process that fosters creation of a connected, high-quality employment center in the Coffee Creek Industrial Area.

To date, staff has reviewed the timeline to land use approval for the four completed development projects in Coffee Creek (see Attachment 2) and types of requested waivers to the FBC standards (see Attachment 3). The timeline to approval, from complete application to final land use approval has varied from roughly three (3) to seven (7) months. Each application applied for at least one waiver triggering review by the DRB and so, to date, the Class 2 review process has not been utilized. Waivers requested have been for driveway width on a Supporting Street, parking location and use at the front of a building on an Addressing Street, retaining wall height and design, and building entrance canopy and ground floor ceiling height, among others.

In July 2023, staff conducted three focused discussions with applicants and their consultant teams to gain feedback from a customer service standpoint about the FBC to inform the current assessment (see Attachment 4). Earlier this month, staff engaged in a follow-up discussion with one of the applicants to understand in more depth which of the FBC standards could more

closely align with current and future needs of prospective industrial users in the Coffee Creek area.

In regards to process, applicants stated a preference for more definite guidance upfront from City staff about specific Code requirements and the development review timeline. They also desired more frequent communication about application deficiencies during completeness review and preparation of the land use decision so that they could address issues as they arose. Many of these comments about the timeliness and predictability of the development permit process were not specific to the FBC, and when applicants focused on Coffee Creek their comments were mostly positive. The ability to take an application to City Council public hearing prior to Development Review Board review was greatly appreciated and added appreciable time savings to the process. Related to the FBC standards, applicants offered helpful suggestions for adjustments to the standards, particularly related to project waiver requests, which will help inform discussions about what Code amendments could improve and streamline the development review process while maintaining the desired high-quality design in the Coffee Creek Industrial Area (see Attachment 5).

Based on this initial work, it appears that the land use review process is overall working as designed to facilitate a predictable and timely process for reviewing industrial development applications in Coffee Creek. Concurrent City Council review of annexations and Zone Map amendments, which all four projects requested, in particular is enabling a more streamlined land use review process. However, none of the projects has been able to meet all the FBC standards and utilize the Class 2 Administrative Review track. Rather, they all have required at least one waiver and, thus, review by DRB, which has resulted in longer timelines to obtaining approval.

Therefore, staff has determined that modification to the land use review tracks and process is not needed. However, staff is recommending slight adjustments to the FBC standards to make compliance more achievable for applicants, with the objective of enabling applicants to use the Class 2 Administrative Review track while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek.

At this work session, staff is seeking the following feedback from the Planning Commission:

- What questions does the Planning Commission have about the Coffee Creek Code Assessment project?
- Does Planning Commission agree with the direction of possible Development Code amendments described by staff that maintains the review process and focuses on adjusting the form-based code standards to reduce the need for waiver requests?

EXPECTED RESULTS:

Feedback from the meeting will guide completion of a package of draft Development Code amendments that staff will present to Planning Commission for feedback at the December 2023 meeting.

TIMELINE:

A Planning Commission public hearing on the Development Code amendments is expected in February 2024 with City Council adoption in March or April 2024.

CURRENT YEAR BUDGET IMPACTS:

Funding for the Coffee Creek Code Assessment work is allocated in the FY2023-24 Planning Division budget.

COMMUNITY INVOLVEMENT PROCESS:

The Coffee Creek Master Plan, as well as the Coffee Creek Industrial Design Overlay District drafting and review process, included comprehensive community involvement to gather input. For the current Coffee Creek Code Assessment project, staff has focused on gathering input from recent applicants and their consultant teams to inform the evaluation and provide input on the process and standards.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Refinement of the Coffee Creek FBC to facilitate future development while continuing to create the desired connected, high-quality employment center envisioned in the Master Plan will result in efficiencies for future users, as well as inform planning for the Basalt Creek industrial area to the north, which will benefit all members of the Wilsonville community who live and work in these industrial areas.

ALTERNATIVES:

Alternatives include:

- Make no modifications to the Coffee Creek Industrial Design Overlay District standards.
- Modify the Coffee Creek Industrial Design Overlay District standards related to the land use review process for applicants.

ATTACHMENTS:

1. Coffee Creek Regulating Plan with Location of Approved Developments
2. Coffee Creek Industrial Area Application Timeline to Approval
3. Waiver Requests for Approved Developments in Coffee Creek
4. Participant List and Questions for Coffee Creek FBC Focused Discussions
5. Summary of Feedback from Coffee Creek FBC Focused Discussions

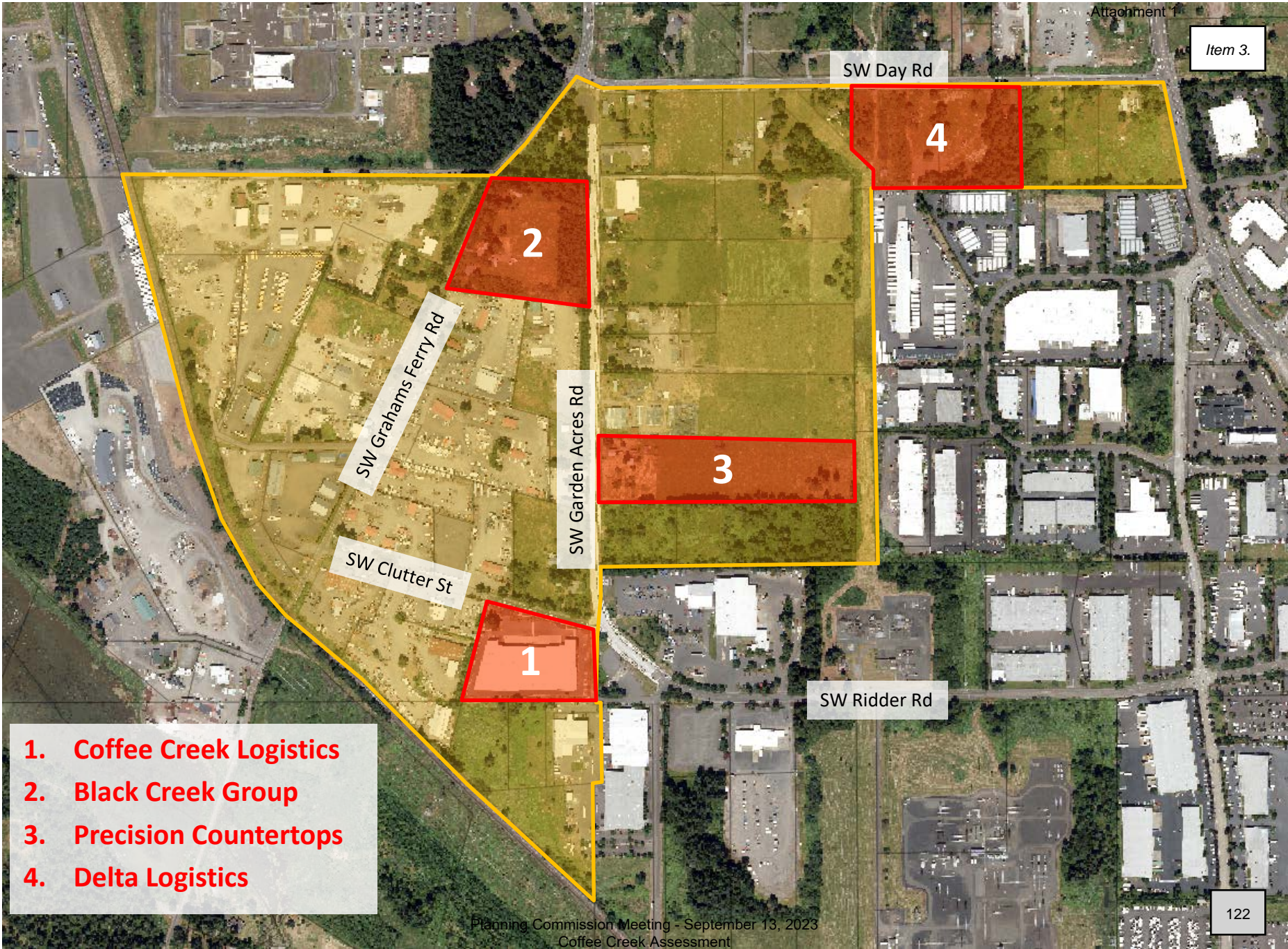
Coffee Creek Regulating Plan with Location of Approved Developments

1. Coffee Creek Logistics
2. Black Creek Group
3. Precision Countertops
4. Delta Logistics



Figure CC-1 - Regulating Plan

Item 3.



- 1. Coffee Creek Logistics
- 2. Black Creek Group
- 3. Precision Countertops
- 4. Delta Logistics

COFFEE CREEK INDUSTRIAL AREA APPLICATION TIMELINE TO APPROVAL

TIMELINE TO APPROVAL	BLACK CREEK GROUP INDUSTRIAL	COFFEE CREEK LOGISTICS	DELTA LOGISTICS SITE EXPANSION	PRECISION COUNTERTOPS
Length of Review, Complete Application through Final Approval (end of City Council or DRB appeal period, whichever is latest)	3 months 6 days (March 10, 2022 through June 15, 2022)	3 months 21 days (July 1, 2020 through October 21, 2020)	7 months 11 days (October 14, 2022 through May 24, 2023)	4 months 20 days (December 14, 2022 through May 3, 2023)
Pre-Application Meeting	June 17, 2021 (PA21-0015)	September 26, 2019 (PA19-0019)	April 15, 2021 (PA21-0007)	July 29, 2021 (PA21-0019)
Completeness Review – 1st Application				
o Submitted	December 21, 2021 (DB21-0083 et seq)	February 27, 2020 (DB20-0017 et seq)	April 19, 2022 (DB22-0007)	October 8, 2021 (DB21-0049 et seq; Reassigned to AR21-0050)
o Incomplete Notice issued	January 20, 2022	March 26, 2020	May 19, 2022	November 5, 2021
o Resubmitted	February 14, 2022	July 1, 2020 ^{*1}	August 26, 2022	--
o 2 nd Incomplete Notice issued	--	--	September 16, 2022	--
o Resubmitted	--	--	October 12, 2022 ^{*2}	--
o Complete Notice issued	March 10, 2022	July 1, 2020	October 14, 2022	--
o Withdrawn	--	--	--	March 23, 2022
o 180-day Review Period ended	--	--	--	April 6, 2022
Completeness Review – 2nd Application				
o Submitted	--	--	--	July 8, 2022 (AR22-0008; Reassigned to DB22-0011)
o Incomplete Notice issued	--	--	--	August 5, 2022
o Resubmitted	--	--	--	November 14, 2022
o Complete Notice issued	--	--	--	December 14, 2022
City Council				
o 1 st Reading	May 2, 2022	September 10, 2020	January 5, 2023	March 20, 2023
o 2 nd Reading	May 16, 2022	September 21, 2020	January 19, 2023	April 3, 2023
o Ordinance Effective Date	June 15, 2022	October 21, 2020	February 18, 2023	May 3, 2023
Development Review Board				
o Public Hearing	May 23, 2022	September 28, 2020	May 8, 2023 ^{*3}	April 10, 2023 ^{*4}
o Notice of Decision	May 24, 2022	September 29, 2020	May 9, 2023	April 11, 2023
o Appeal Period ended	June 8, 2022	October 14, 2020	May 24, 2023	April 26, 2023
120-day Review Period ended	July 8, 2022	October 29, 2020	February 11, 2023	April 13, 2023
o 120-day Waiver extending Review Period ended	--	--	March 30, 2023	May 3, 2023
o 2 nd 120-day Waiver extending Review Period ended	--	--	June 30, 2023	--
Subsequent Class 2 Administrative Review				
o Submitted	June 23, 2022	May 20, 2022	--	--
o Pending Notice issued	July 21, 2022	June 2, 2022	--	--
o Notice of Decision issued	September 26, 2022	June 16, 2022	--	--
o Appeal Period ended	October 10, 2022	June 30, 2022	--	--
Notes:				
^{*1} Resubmittal included request to deem application complete per ORS 227.178(2)(b)				
^{*2} Request to deem application complete per ORS 227.178(2)(b) received on October 14, 2022				
^{*3} Public Hearing rescheduled from January 23, 2023, to February 13, 2023; February 13, 2023 to March 27, 2023; and March 27, 2023, to May 8, 2023, at applicant's request.				
^{*4} Public Hearing rescheduled from March 27, 2023, to April 10, 2023, at applicant's request.				

WAIVER REQUESTS FOR APPROVED DEVELOPMENT IN COFFEE CREEK

Subsection 4.134(.11)	Development Standard	Waiver Request
Table CC-3 1. Parcel Access / Parcel Driveway Width / Supporting Streets	24 feet, maximum, or complies with Supporting Street Standards <u>Allowed adjustment:</u> 10% (to 26.4 feet)	<p><u>Black Creek Group Industrial</u> Applicant proposed to increase the width of the southwest driveway to 50 feet to accommodate vehicle turning movements into the site from the Supporting Street.</p> <p><u>Precision Countertops</u> Applicant proposes to increase the width of the east driveway to 40 feet to accommodate vehicle turning movements into the site from the Supporting Street.</p>
Table CC-3 4. Parking Location and Design / Parking Location and Extent / Addressing Streets	Limited to one double-loaded bay of parking, 16 spaces, maximum, designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building. <u>Allowed adjustment:</u> Up to 20 spaces permitted on an Addressing Street	<p><u>Black Creek Group Industrial</u> Applicant proposed to locate 49 of 71 spaces of provided parking between the right-of-way of SW Garden Acres Road (Addressing Street) and the front of the building. In addition, the applicant proposed to use the spaces for employee parking, as well as the permitted uses of short-term, visitor, and disabled parking.</p> <p><u>Coffee Creek Logistics Center</u> Applicant proposed two (2) parking bays, one (1) containing four (4) spaces and the other containing five (5) spaces outside the office endcaps at the front of the building on SW Clutter Street, rather than one (1) double-loaded bay.</p> <p><u>Delta Logistics Site Expansion</u> Applicant proposed to locate 15 of 41 spaces of provided parking between the right-of-way of SW Day Road (Addressing Street) and the front of the building. Of these spaces, the applicant proposed to use six (6) of the spaces for the permitted uses of short-term, visitor, and disabled parking, and requested a waiver to use nine (9) of the spaces for employee parking,</p>

Subsection 4.134(.11)	Development Standard	Waiver Request
Table CC-3 4. Parking Location and Design / Parking Setback / Addressing Streets	20 feet minimum from the right-of-way of an Addressing Street	<p><u>Black Creek Group Industrial</u> Applicant proposed a narrower 9-foot setback from the right-of-way of SW Garden Acres Road (Addressing Street) than the 20-foot minimum.</p>
Table CC-3 4. Parking Location and Design / Off Street Loading Berth / Addressing Streets	<p>One loading berth is permitted on the front façade of a building facing an Addressing Street. The maximum dimensions for a loading are 16 feet wide and 18 feet tall. A clear space 35 feet, minimum is required in front of the loading berth.</p> <p>The floor level of the loading berth shall match the main floor level of the primary building. No elevated loading docks or recessed truck wells are permitted.</p> <p>Access to a Loading Berth facing an Addressing Street may cross over, but shall not interrupt or alter, a required pedestrian path or sidewalk. All transitions necessary to accommodate changes in grade between access aisles and the loading berth shall be integrated into adjacent site or landscape areas.</p> <p>Architectural design of a loading berth on an Addressing Street shall be visually integrated with the scale, materials, colors, and other design elements of the building.</p>	<p><u>Coffee Creek Logistics Center</u> Applicant proposed one at-grade loading berth and 19 recessed loading berths on the front façade of the building facing an addressing street.</p>
Table CC-3 5. Grading and Retaining Walls / Maximum Height / Addressing Streets	<p>Where site topography requires adjustments to natural grades, landscape retaining walls shall be 48 inches tall maximum.</p> <p>Where the grade differential is greater than 30 inches, retaining walls may be stepped.</p> <p>Allowed adjustment: 20% (to 57.6 inches)</p>	<p><u>Black Creek Group Industrial</u> Applicant proposed a retaining wall on the western side of the drive aisle along SW Grahams Ferry Road, the middle, roughly 105-foot-long section of which varied from 48 inches to 57 inches in height, exceeding the maximum height limitation.</p> <p><u>Delta Logistics Site Expansion</u> Applicant proposed two (2) retaining walls, one (1) on the east side of the SROZ and one (1) on the north, east, and south sides of the building on the east part of the site. The east retaining wall, with a maximum height of over 18 feet, exceeded the allowed height by several feet.</p>

Subsection 4.134(.11)	Development Standard	Waiver Request
Table CC-3 7. Location and Screening of Utilities and Services / Location and Visibility / Addressing Streets	Site and building service, equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted	<u>Black Creek Group Industrial</u> Applicant proposed to locate the trash/recycling enclosure adjacent to SW Grahams Ferry Road (Addressing Street) on the western side of the building.
Table CC-4 2. Primary Building Entrance Accessible Entrance / Required Canopy	Protect the Primary Building Entrance with a canopy with a minimum vertical clearance of 15 feet and an all-weather protection zone that is 8 feet deep, minimum and 15 feet wide, minimum. <u>Allowed adjustment:</u> 10% (to 13.5 feet)	<u>Black Creek Group Industrial</u> Applicant proposed a canopy height of 12 feet. <u>Coffee Creek Logistics Center</u> Applicant proposed a canopy height of 12 feet.
Table CC-4 3. Overall Building Massing / Base, Body, and Top Dimensions	Buildings elevations shall be composed of a clearly demarcated base, body and top. b. For Buildings between 30 feet and 5 stories in height: i. The base shall be 30 inches, minimum; 2 stories, maximum. ii. The body shall be equal to or greater than 75% of the overall height of the building. iii. The top of the building shall be 18 inches, minimum. <u>Allowed adjustment:</u> 10% (Body: to 67.5 %)	<u>Coffee Creek Logistics Center</u> Applicant proposed a body that is 66.25% of overall building height.
Table CC-4 3. Overall Building Massing / Ground Floor Height	The Ground Floor height shall measure 15 feet, minimum from finished floor to finished ceiling (or 17.5 feet from finished floor to any exposed structural member). <u>Allowed adjustment:</u> 10% (to 13.5 feet)	<u>Black Creek Group Industrial</u> Applicant proposed an interior ground floor height of 12 feet. <u>Coffee Creek Logistics Center</u> Applicant proposed an interior ground floor height of 12 feet.

PARTICIPANT LIST AND QUESTIONS FOR COFFEE CREEK FBC DISCUSSIONS

PARTICIPANTS

FOCUSED DISCUSSION – JULY 20, 2023

- Projects: Precision Countertops
 - Will Grimm, First Forty Feet
 - Simone O-Halloran, MDG Architecture/Interiors

FOCUSED DISCUSSION – JULY 24, 2023

- Projects: Coffee Creek Logistics, Black Creek Group, Delta Logistics
- Participants:
 - Lee Leighton, Mackenzie
 - Scott Moore, Mackenzie
 - Nicole Burrell, Mackenzie

FOCUSED DISCUSSION – JULY 27, 2023

- Projects: Coffee Creek Logistics, Black Creek Group
- Participants:
 - Kim Schoenfelder, KGIP
 - Zach Desper, Ares Management

QUESTIONS

1. The two land use review tracks, Administrative Review and Development Review Board, in Coffee Creek were established to facilitate a predictable and timely process for reviewing industrial development applications.
 - a. Based on your experience with the application and land use review process, do you agree that the process is predictable?
 - b. What do you think are the aspects of the process that help achieve this intended result or, conversely, that hinder achieving a predictable result?
2. The four developments subject to the Form-based Code in Coffee Creek have taken roughly 3 to 4 months, with one application taking roughly 7 months, from complete application to final approval of land use application (end of City Council or Development Review Board appeal period).
 - a. Based on your experience with industrial land development, do you think this is a reasonable timeline for land use review?
 - b. Do you think the process resulted in a relatively streamlined and straightforward review and approval?
 - c. Did concurrent City Council review of the annexation and Zone Map amendment make a difference in the process?
 - d. Do you have suggestions for how the process could be refined to shorten the review timeline further?

3. Two of the projects required subsequent Class 2 Administrative Review for modifications to number of parking spaces, landscaping, stormwater facilities, tree removal/retention, and other site improvements that were triggered by Building and Engineering requirements and Planning compliance related to construction.
 - a. Do you think there are modifications that could be made to the land use review process that would reduce the potential need for subsequent review?
4. All four projects in Coffee Creek had to request one or more waivers to the Coffee Creek standards, so none to date have been able to use the more efficient Administrative Review process. The waivers were for such site design elements as parcel driveway width on a Supporting Street, parking location and extent on an Addressing Street, retaining wall height and design, building entrance canopy height, etc.
 - a. Based on your project experience, do you think any of the standards are overly restrictive to development or pose a particular design challenge? Do you have suggestions for how those standards could be modified to make them less challenging?
 - b. Did the Form-based Code and Pattern Book encourage your team to do something different or result in a better building or site design?
 - c. What do you particularly like about the Form-based Code?
5. Would your design team have benefited from any additional information being provided during the pre-application meeting for your project that you did not receive?
6. Are there any questions you have for Staff or other comments and insights you would like to share?

SUMMARY OF FEEDBACK FROM COFFEE CREEK FORM-BASED CODE FOCUSED DISCUSSIONS

Feedback about Process:

Many comments received about the timeliness and predictability of the land use review process were not specific to the two-track process in Coffee Creek, but to land use review in general, particularly related to pre-application meetings and completeness review.

Information provided by the City, from all Departments/Divisions, at pre-application meetings needs to be as detailed as possible to enable an applicant to design and prepare plans for land use review that meet applicable standards, as rework during site design is costly and causes delay. However, it can be difficult at the pre-application stage to provide detail about a particular site plan, because designs will evolve as requirements and standards are better understood during land use review.

Follow-up meetings post pre-application, which are offered by the City, need to happen more than they do as they are helpful to applicants. But these meetings add to review time to organize and coordinate schedules, so a balance is needed.

Applicants need detailed guidelines about rules and requirements so they have clarity about what they are trying to design. No clarity leads to no predictability and, thus, delay. However, applicants also need to spend time understanding what the City is trying to accomplish, so everyone is on the same page as early in the process as possible.

Getting from the pre-application meeting to application submittal can be challenging. This is particularly the case when an applicant modifies their original design to respond to staff input provided at the pre-application meeting and the revised design raises new questions or concerns about compliance with the standards.

It is critical for the applicant to have definite information at the front of project planning for pro-forma and financial commitments. Drastic changes to a site plan that may be needed before submittal for land use completeness review have ripple effects on project design. For example, while the design standards for Supporting Streets are intentionally flexible to accommodate the unique characteristics of each project site, this can be perceived by the applicant as ambiguous and open to interpretation and they may struggle to find an acceptable design solution. This affects speed to market, which is key in speculative building.

With respect to projects in Coffee Creek, the timeline has been reasonable for land use review. But cyclical rounds of review and needed adjustments in some cases were challenging and, in applicants' opinion, time consuming.

Applicants prefer a concrete estimate of timeline to approval and work backward from there to map out their project schedule. If the City provides a timeline estimate and there are delays, either on the applicant's part or in staff response, that prolong the process, this is frustrating for the applicant and has ripple effects on scheduling, cost estimating, budgeting, etc. If the City can answer the biggest question – How long will land use review take? – with certainty at the pre-application meeting, everyone benefits. Now that four projects have gone through the land use review process in Coffee Creek, it may be prudent to adjust the timeline estimate to reflect the experience.

Going to City Council first for annexation and Zone Map amendment as is allowed in Coffee Creek is a significant benefit for applicants, with respect to time savings, and the process has been fairly smooth and worked as anticipated.

After application submittal for completeness review, the land use review process in Coffee Creek was generally predictable and timely. Staff is a good partner and great to work with. At times, more detailed review during completeness from all Departments/Divisions could be helpful. In addition, City review and feedback to the applicant can lag when issues come up. It would be helpful in these instances for staff to mobilize around the issue in a timely manner so it can be addressed quickly and the project can continue to progress through the review process. Timely and frequent conversations are needed throughout the process.

Overall applicants feel staff works very hard to get to yes on applications in Coffee Creek. However, in applicants' opinion it is possible that predictability and timeliness could be improved with more communication with the applicant during completeness review, which could result in fewer incompleteness and compliance items. Also, applicants would prefer more conditions of approval in the land use decision, rather than trying to dial in an application before the decision is issued. Detailed reviews are helpful, but applicants question how many such reviews are enough before outstanding items are conditioned so the project can move forward in the process.

Predictability and timeliness could be improved if some latitude or flexibility was built into the land use approval that anticipates subsequent design changes at the construction permitting stage and either considers the changes substantially compliant or as Class 1 Administrative Review. Returning to the original approving body or going through subsequent Class 2 Administrative Review following approval adds significantly to the project timeline.

Feedback about Intent of FBC:

There appears to be a disconnect between some of the form-based code standards and development typologies described in the Pattern Book and actual development occurring in Coffee Creek. Of the four approved projects in Coffee Creek, three are large single- or two-tenant, speculative industrial warehouse distribution facilities with office endcaps, and one is a corporate headquarters with office, showroom, and manufacturing components. Except for the corporate headquarters, these developments do not fully match the envisioned typologies, which include a mix of uses and more than one building on a site, as well as multi-story office buildings. As a result, achieving fully compliant design, particularly with site design and building form standards, is challenging and resulted in requested waivers. If on-the-ground reality is not fully consistent with the vision for Coffee Creek development typologies but still desirable, does there need to be adjustment to some of the form-based code standards to better align them with market conditions and to anticipate what might come in the future?

The question was raised as to whether the intent of the form-based code is being met with development that has occurred to date, and what the City wants to set the stage for in the future. Now that four projects have gone through the land use review process, what do the next four projects want to be? It could be helpful to have an evolving Master Plan for Coffee Creek that adjusts as projects are constructed to see how they all work together. The Master Plan should be a living document and road map to the future that adapts and updates as the area evolves with development.

Feedback about FBC Standards:

Prescriptive standards can limit innovative design. If a proposed development does not follow Code verbatim, but is a desirable or creative design that the City would like to see developed, is there a path to approval or does the design have to be less or different just to meet the standards? It was suggested that flexibility is needed in the standards, within the administrative review process, to enable the ability to pivot and accommodate divergence, while still achieving the City's vision for the area.

Speculative building (e.g., Black Creek Group) is very different from build-to-suit (e.g., Precision Countertops). Designing standards that work for both types of buildings while not impossible is extremely challenging because of differing operational and site design needs. Speculative users have a list of desirable characteristics for a site and they want to check as many as possible off the list. The purpose of constructing a speculative building is to attract a high quality tenant by checking as many of the boxes as possible based on standards that work for the industry, while making Wilsonville the most desirable location for a prospective user when compared with the larger market.

Applicants want to look at the form-based code and understand what is required. This necessitates that the standards be crystal clear, so that project planning and site design is predictable and there are not gray areas.

Standards that speak to operations are of primary importance from the applicant's perspective and need to be "all dialed in", then the form-based code overlays "desired features" (landscaping, connectivity, etc.) to get what is desired. When they are inflexible or do not make sense operationally, standards cannot be achieved and waivers are needed to enable what operationally works. If the standards that speak to operations are right, it facilitates the process and does not hinder achieving a predictable result. The standards should be reviewed with an eye to allowing more latitude or a higher threshold without requiring a waiver for those that address operations.

Driveway Width

Limiting the driveway width from a Supporting Street to a maximum of 26 feet with adjustment is problematic. There should an allowance for a wider driveway, at least 40 feet wide, to accommodate large truck movements entering/exiting a site. A narrower driveway is fine for passenger vehicles and smaller delivery trucks. Other factors that affect driveway width include such things as restricted access to/from a supporting street, angle of approach, etc.

Parking Location and Design on an Addressing Street

Location and design of passenger vehicle parking is dictated by where loading docks are located - rear, front, side, or cross – characteristics of site, size and orientation of building, etc. With a front load building, it is rare not to see parking in the front. Smaller sites also usually prefer to have parking in the front of the building. This is important to operations, security, and accessibility for employees and customers.

A secure truck court and yard is a high priority need for industrial users. Separating truck and passenger vehicle traffic is essential for safety. Limiting parking, in both number and who can park there, at the front of the building makes achieving separation challenging. If parking is not at the front, then the truck court likely will be on the front, which is less desirable from an aesthetic standpoint.

Allowing 20 spaces maximum with adjustment at the front of a building is extremely limiting. It was suggested that the ratio of allowed parking on an Addressing Street should be adjusted based on the square footage of the building, thus allowing more parking at the front for a larger building size.

Many large industrial users do not have visitors and customers, but do have a large number of employees, particularly in office areas, which are at the front of the building. Some spaces at the front of the building, therefore, should be available for use by employees and not limited to ADA, visitors and customers.

Retaining Walls

Large, flat industrial buildings result in the need to have more and/or taller retaining walls. This is especially true when it is necessary to meet grade on multiple streets around a site. Requirements should be tied to characteristics of an individual site, rather than a uniform standard. Making grade to a street is a key determinant of wall design. In addition, more topography results in the need for more walls. Because walls are very costly, drivers (cut/fill, cost, topography, etc.) will naturally limit their height.

Perhaps consider a proportional approach based on the slope of a site or height as a function of overall cross-slope of a site based on a project that already has been constructed, such as Black Creek Group.

If a retaining wall is not visible from an Addressing Street and primarily visible from the interior of a site, why does it matter what the wall looks like?

The requirement for horizontal offset is problematic. It is prudent to look at aesthetics of a retaining wall, because construction materials vary substantially. However, it may not be possible to integrate the offset or stepped design in landscape areas within the limited constraints of a site.

Entry Canopy Height

A lower entry canopy height than the required 13.5 feet minimum with adjustment makes more sense. Twelve (12) feet is preferable from a functionality standpoint. Standard storefront systems have a natural break at 12 feet. Better weather protection and pedestrian scale is achieved at 12 feet.

Interior ceiling height is typically dropped to 9-10 feet, but a height matching a 12-foot canopy gives a more open feel to the interior and allows better interior/exterior integration. If there is a mezzanine (second story office, not storage mezzanine), the ceiling is usually at 9 feet for first floor, which makes 12 feet problematic.

Building Massing and Base, Middle, Top Dimensions

The overall building massing standard with base, middle, top dimensions probably hinders design and is not productive. Design can be scaled well without the dimensional requirements. The standard results in prescriptive design, causing overall design aesthetic to suffer. The same effect can be achieved with a variety of materials. An alternative methodology is needed that gets the desired "high quality" design.

Requirements for dimensional (recede, project) definition of base and top, rather than just visual, is difficult to achieve with poured slab concrete tilt-up buildings. Allowing applicants to make some trade-offs, such as using graphic treatments, that accomplish the intent of a physical off-set have the same effect from a distance. Paint schemes and reveals are more effective in adding variety and dimension.

Can the standard be adjusted to achieve the same visual interest and variety desired, but in a less prescriptive way? The standard product today is much more interesting and aesthetically pleasing and driven by a market that demands quality. The standards should be flexible and adaptable as the market changes now and in the future.

Landscape Buffer Areas on Addressing and Supporting Streets

Are landscape buffers between a building and/or parking and the public right-of-way necessary? Buildings in urban areas are right up to the street. Is Coffee Creek trying to achieve a suburban model with ample landscape buffers or a more urban aesthetic?

Street Typologies

Street typologies do not align with the Transportation System Plan (TSP) and Engineering Design Manual. This results in negotiation with Engineering staff about street design, leads to confusion, and can make redesign necessary. Required infrastructure design under the streets also needs to be calibrated.

Requiring a Supporting Street, in a public easement, on the edge of an industrial site can make truck circulation more difficult because they are circulating on a public way with other vehicle types. This can put a site at a disadvantage because a large part of the site is reserved for connectivity rather than site circulation.

Agglomeration of sites would help achieve envisioned development and spread the cost burden of Supporting Street infrastructure more equitably across owners/developers.



PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 13, 2023

INFORMATIONAL

4. City Council Action Minutes (July 17 and August 7 & 21, 2023) *(No staff presentation)*

City Council Meeting Action Minutes
July 17, 2023

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall - Excused
Councilor Linville
Councilor Berry
Councilor Dunwell - Excused

Bryan Cosgrove, City Manager
Dwight Brashear, Transit Director
Jeanna Troha, Assistant City Manager
Kimberly Veliz, City Recorder
Kris Ammerman, Parks and Recreation Director
Matt Lorenzen, Economic Development Manager
Ronak Sameer-Asita, Administrative Intern
Zach Weigel, Capital Projects Engineering Manager
Zoe Mombert, Assistant to the City Manager

STAFF PRESENT

Amanda Guile-Hinman, City Attorney
Andrew Barrett, Capital Projects Eng. Manager
Bill Evans, Communications & Marketing Manager

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:01 p.m.
A. Park SDC Methodology Analysis	Staff continued discussion with Council about progress on work to re-calculate Parks System Development Charge (SDC).
B. Town Center Urban Renewal Feasibility Study	Staff shared an update on the progress of the ongoing Urban Renewal Feasibility Study. Council agreed with staff’s recommendation to pursue a May 2024 advisory vote.
URBAN RENEWAL AGENCY	
<u>URA Consent Agenda</u>	The URA Consent Agenda was approved 3-0.
A. <u>URA Resolution No. 336</u> A Resolution Of The City Of Wilsonville Urban Renewal Agency Authorizing The City Manager To Execute Guaranteed Maximum Price (GMP) Amendment No. 2 To The Progressive Design-Build Agreement For The Boeckman Road Corridor Project With Tapani Sundt A Joint Venture.	
B. Minutes of the June 19, 2023 Urban Renewal Agency Meeting.	
<u>URA New Business</u>	
A. None.	
<u>URA Public Hearing</u>	
A. None.	

<p>REGULAR MEETING</p>	
<p><u>Mayor’s Business</u> A. Civics Academy Graduation</p>	<p>Certificates were awarded to the graduates of the Civics Academy, Class of 2023.</p>
<p><u>Communications</u> A. Historical Society Community Enhancement Program Photo Digitization Project Report</p>	<p>Susan Schenk on behalf of the Wilsonville Historical Society shared details of the Society’s recent project funded by a Wilsonville-Metro Community Enhancement grant to organize and digitize its archive of historical photos.</p>
<p><u>Mayor’s Business Continued</u> B. Boards/Commission Appointments/Reappointments C. Upcoming Meetings</p>	<p><u>Diversity, Equity and Inclusion Committee</u> Appointment of David Siha to the Diversity, Equity and Inclusion Committee for a term beginning 7/17/2023 to 12/31/2023. Passed 3-0. Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.</p>
<p><u>Consent Agenda</u> A. <u>Resolution No. 3021</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute Guaranteed Maximum Price (GMP) Amendment No. 2 To The Progressive Design-Build Agreement For The Boeckman Road Corridor Project With Tapani Sundt A Joint Venture. B. <u>Resolution No. 3068</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Mayer Reed To Provide Landscape Architecture, Civil Engineering And Planning Services For The Frog Pond West Neighborhood Park Project (Capital Improvement Project #9175). C. <u>Resolution No. 3075</u> A Resolution Of The City Of Wilsonville Authorizing The Purchase Of One Utility Inspection Van From Cues, Inc.</p>	<p>The Consent Agenda was approved 3-0.</p>

<p>D. <u>Resolution No. 3077</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Enter Into And Execute The Intergovernmental Agreement With Clackamas County For The Regional Advanced Transportation Controller And Signal Optimization Project.</p> <p>E. Minutes of the June 19, 2023 City Council Meeting.</p>	
<p><u>New Business</u> A. None.</p>	
<p><u>Continuing Business</u> A. <u>Ordinance No. 880</u> An Ordinance Of The City Of Wilsonville Adopting An Updated Transit Master Plan As A Sub-Element Of The Transportation System Plan, Replacing All Prior Transit Master Plans, And Repealing Ordinance No. 805 And Ordinance No. 828.</p>	<p>Ordinance No. 880 was adopted on second reading by a vote of 3-0.</p>
<p><u>Public Hearing</u> A. None.</p>	
<p><u>City Manager’s Business</u></p>	<p>Council was reminded that he Community Party in the Park on August 24, 2023.</p>
<p><u>Legal Business</u></p>	<p>The City Attorney updated Council on the implementation of the new camping regulations.</p>
<p>ADJOURN</p>	<p>8:15 p.m.</p>

City Council Meeting Action Minutes
August 7, 2023

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell

Amanda Guile-Hinman, City Attorney
Dan Pauly, Planning Manager
Dustin Schull, Parks Supervisor
Kimberly Rybold, Senior Planner
Kimberly Veliz, City Recorder
Mark Ottenad, Public/Government Affairs Director
Miranda Bateschell, Planning Director
Stephanie Davidson, Assistant City Attorney

STAFF PRESENT

Bryan Cosgrove, City Manager

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:05 p.m.
A. Willamette Falls Locks Authority Update	Staff updated Council on the ongoing work of the Willamette Falls Locks Authority (WFLA) and the Army Corps of Engineers to repair and re-open the locks to river traffic. Council affirmed its commitment to supporting these efforts.
B. Sofia Playground Replacement Project and Contract Award	Staff shared community feedback received on new play equipment to be purchased and installed at Sofia Park in Villebois.
C. Development Code Process Clarifications	Staff shared a summary of proposed amendments to the Development Code that would clarify the review process for applications and amend language to correct inconsistencies.
D. Housing Our Future	Staff introduced the Housing Our Future project, which would analyze the City's housing inventory to understand current and future needs, and to develop strategies.
E. Frog Pond East and South Master Plan Development Code	Council provided input on proposed Development Code amendments that pertain to urban form and architectural standards of structures to be developed in Frog Pond East and South.
ADJOURN	7:20 p.m.

City Council Meeting Action Minutes
August 21, 2023

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell

Dwight Brashear, Transit Director
Kris Ammerman, Parks and Recreation Director
Erika Valentine, Arts & Culture Program Coordinator
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Mark Ottenad, Public/Government Affairs Director
Martin Montalvo, Public Works Ops. Manager
Ronak Sameer-Asita, Administrative Intern
Scott Simonton, Fleet Services Manager
Stephanie Davidson, Assistant City Attorney
Zoe Mombert, Assistant to the City Manager

STAFF PRESENT

Bryan Cosgrove, City Manager
Amanda Guile-Hinman, City Attorney
Delora Kerber, Public Works Director
Dustin Schull, Parks Supervisor

AGENDA ITEM	ACTIONS
WORK SESSION	
START: 5:02 p.m.	
A. Public Art Program Guidelines and Policy Draft	Staff sought Council’s feedback on draft policy to establish goals, standards, procedures, and best practices to guide the selection, acquisition, and display of public art.
B. Public Parking Lot Regulations	Council supported staff drafting an ordinance that would delegate authority to the City Manager to establish appropriate parking regulations to allow the City to address specific needs at City-owned parking lots as needed.
C. Opioid Settlement Funds	The City Manager told the Council that the City had received its first installment, \$55,000, of the City’s allocation from the opioid settlement agreement.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
<u>Communications</u>	
A. Representative Courtney Neron End of Legislative Session Presentation	State House Representative Courtney Neron provided a summary of the 2023 legislative session.

<p>B. Vietnamese Community of Oregon</p>	<p>The President of the Vietnamese Comm of Oregon read a proclamation encouraging the City’s recognition of the Vietnamese Heritage and Freedom Flag.</p>
<p><u>Consent Agenda</u></p> <p>A. Resolution No. 3073 A Resolution Of The City of Wilsonville Approving A Construction Contract With Buell Recreation LLC For The Sofia Playground Replacement Project.</p> <p>B. Resolution No. 3078 A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With 3 Kings Environmental, Inc. For The Demolition Of The Kiva Building (CIP # 8153).</p> <p>C. Resolution No. 3080 A Resolution Of The City Of Wilsonville Authorizing South Metro Area Regional Transit (SMART) To Purchase One Battery-Electric Replica Trolley From Schetky NW Sales, Inc.</p> <p>D. Minutes of the July 17, 2023 City Council Meeting.</p>	<p>The Consent Agenda was approved 5-0.</p>
<p><u>New Business</u></p> <p>A. None.</p>	
<p><u>Continuing Business</u></p> <p>None.</p>	
<p><u>Public Hearing</u></p> <p>A. Resolution No. 3046 A Resolution Of The City Of Wilsonville Establishing And Imposing Just And Equitable Parks, Recreation And Off Street Trail Facilities Systems Development Charges And Repealing Resolution No. 2133.</p>	<p>After a public hearing was conducted, Resolution No. 3046 was approved 5-0.</p>
<p><u>City Manager’s Business</u></p>	<p>No report.</p>
<p><u>Legal Business</u></p>	<p>Legal staff shared details of new State procurement laws that allow public entities latitude to more efficiently acquire small and/or intermediate goods and services.</p>
<p>ADJOURN</p>	<p>8:55 p.m.</p>



PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 13, 2023

INFORMATIONAL

5. 2023 PC Work Program *(No staff presentation)*

2023 DRAFT PC WORK PROGRAM SCHEDULE

Item 5.

Updated 8/23/2023

AGENDA ITEMS			
Date	Informational	Work Sessions	Public Hearings
JANUARY 11		<ul style="list-style-type: none"> Frog Pond E+S Implementation 	
FEBRUARY 8		<ul style="list-style-type: none"> Frog Pond E+S TSP Frog Pond E+S Implementation 	
MARCH 8		<ul style="list-style-type: none"> Frog Pond E+S Implementation 	<ul style="list-style-type: none"> Frog Pond E+S TSP
APRIL 12		<ul style="list-style-type: none"> Transit Master Plan Frog Pond E+S Implementation 	
MAY 10		<ul style="list-style-type: none"> Frog Pond E+S Implementation 	<ul style="list-style-type: none"> Transit Master Plan
JUNE 14	<ul style="list-style-type: none"> Annual Housing Report 	<ul style="list-style-type: none"> Housing Needs & Capacity Analysis 	
JULY 12		<ul style="list-style-type: none"> Procedural Develop Code Cleanup Frog Pond E+S Implementation 	
AUGUST 9	CANCELLED		
SEPTEMBER 13		<ul style="list-style-type: none"> Coffee Creek Assessment 	<ul style="list-style-type: none"> Development Code Process Clarifications
OCTOBER 11	<ul style="list-style-type: none"> Transportation Performance Monitoring Report 	<ul style="list-style-type: none"> Frog Pond E+S Implementation Stormwater System Master Plan Wastewater Treatment Plan Update and Review (brief work session) 	
NOVEMBER 8	HOLD for public event on housing		
DECEMBER 13		<ul style="list-style-type: none"> Coffee Creek Assessment Frog Pond E+S Implementation 	<ul style="list-style-type: none"> Wastewater Treatment Plant Master Plan
JAN. 10, 2024	<ul style="list-style-type: none"> Frog Pond E+S Infrastructure Financing Plan and Policy 	<ul style="list-style-type: none"> Frog Pond E+S Implementation 	<ul style="list-style-type: none"> Stormwater System Master Plan
2023 Projects		Future (2024)/Potential Fill In Projects	
<ul style="list-style-type: none"> Annual Housing Report Housing Needs Analysis Housing Production Strategy Transit Center TOD Transit Master Plan Update 		<ul style="list-style-type: none"> Frog Pond E&S TSP Ammend. Frog Pond E&S Devt. Code TC Programming Plan TC Ec Dev/Business Retention Mobile Food Vendor Standards Basalt Creek Zoning Basalt Creek Infrastructure CFEC Parking Code Updates & TC Parking Study CFEC Transportation Model Update CFEC TSP Update (2025) 	

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