



City Council Meeting May 4, 2020

**Executive Session: 6:30 pm
Council Meeting: 7:00 pm
(all held in Council Chambers)**

This meeting is taking place with social distancing precautions in place:

- Councilors are participating virtually, via Zoom videoconferencing

To Provide Public Comment

- 1) Email cityrecorder@ci.wilsonville.or.us for Zoom login information.
- 2) Email testimony to cityrecorder@ci.wilsonville.or.us by 3 pm on May 4.

To Watch the Meeting Online

You Tube: [youtube.com/c/CityofWilsonvilleOR](https://www.youtube.com/c/CityofWilsonvilleOR)

City of Wilsonville

City Council Meeting

May 4, 2020



AMENDED
AGENDA

WILSONVILLE CITY COUNCIL MEETING
MAY 4, 2020
7:00 P.M.

CITY HALL
29799 SW TOWN CENTER LOOP EAST
WILSONVILLE, OREGON

Mayor Tim Knapp

Council President Kristin Akervall
Councilor Charlotte Lehan

Councilor Joann Linville
Councilor Ben West

CITY COUNCIL MISSION STATEMENT

To protect and enhance Wilsonville's livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

Executive Session will be held in the Council Chambers, City Hall, 1st Floor.
There is no Work Session scheduled.

6:30 P.M. EXECUTIVE SESSION [20 min.]
A. Pursuant to: ORS 192.660(2)(h) Legal Counsel / Litigation
ORS 192.660(2)(f) Exempt Public Records

6:50 P.M. ADJOURN

CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, May 4, 2020 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on April 21, 2020. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered there with except where a time limit for filing has been fixed.

7:00 P.M. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

7:05 P.M. MAYOR'S BUSINESS

- A. Upcoming Meetings

7:10 P.M. COMMUNICATIONS

- A. **Wilsonville Small Business COVID-19 Grant Program Update (Vance)**

7:25 P.M. CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

7:30 P.M. COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS

- A. Council President Akervall
- B. Councilor Lehan
- C. Councilor West
- D. Councilor Linville

7:40 P.M. CONSENT AGENDA

- A. **Resolution No. 2798**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Carollo Engineers To Provide Engineering Consulting Services For The Wastewater Treatment Plant Master Plan Project (Capital Improvement Project #2104).

7:45 P.M. NEW BUSINESS

- A. None.

7:45 P.M. CONTINUING BUSINESS

- A. **Ordinance No. 841** – 2nd Reading

An Ordinance Of The City Of Wilsonville Adopting Text Amendments To The Wilsonville Comprehensive Plan And Development Code Regarding The Planned Development Residential (PDR) And Residential (R) Zones. (Pauly)

7:55 P.M. PUBLIC HEARING

- A. None.

8:00 P.M. CITY MANAGER'S BUSINESS

8:05 P.M. LEGAL BUSINESS

5/4/2020 10:30 AM Last Updated

8:10 P.M. ADJOURN

INFORMATION ITEMS – No Council Action Necessary.

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the meeting. The city will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting: Qualified sign language interpreters for persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503) 570-1506 or cityrecorder@ci.wilsonville.or.us.

CITY COUNCIL ROLLING SCHEDULE Board and Commission Meetings 2020

Items known as of 04/29/20

May

DATE	DAY	TIME	EVENT	LOCATION
5/11	Monday	6:30 p.m.	DRB Panel A	Council Chambers
5/13	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
5/14	Thursday	4:30 p.m.	Parks and Recreation Advisory Board Meeting - Cancelled	Council Chambers
5/18	Monday	7:00 p.m.	City Council Meeting	Council Chambers
5/20	Wednesday	6:00 p.m.	Budget Committee	Council Chambers
5/21	Thursday	6:00 p.m.	Budget Committee	Council Chambers
5/25	Monday	6:30 p.m.	DRB Panel A - TBD	Council Chambers
5/27	Wednesday	6:00 p.m.	Budget Committee	Council Chambers
5/27	Wednesday	6:30 p.m.	Library Board	Library

Community Events:

- 5/5** Toddler Time; 10:30 a.m. to 11:00 a.m. online at:
<https://www.facebook.com/WilsonvilleLibrary/>
- 5/6** Guided Meditation Meetup; 5:30 p.m. to 6:00 p.m. online at:
<https://www.facebook.com/WilsonvilleParksandRec/>
- 5/7** Stories to Go!; 10:30 a.m. to 11:00 a.m. online at:
<https://www.facebook.com/WilsonvilleLibrary/>
- 5/8** Baby Rhyme Time; 10:30 a.m. to 11:00 a.m. online at:
<https://www.facebook.com/WilsonvilleLibrary/>
- 5/12** Toddler Time; 10:30 a.m. to 11:00 a.m. online at:
<https://www.facebook.com/WilsonvilleLibrary/>
- 5/13** Guided Meditation Meetup; 5:30 p.m. to 6:00 p.m. online at:
<https://www.facebook.com/WilsonvilleParksandRec/>
- 5/14** Stories to Go!; 10:30 a.m. to 11:00 a.m. online at:
<https://www.facebook.com/WilsonvilleLibrary/>
- 5/15** Baby Rhyme Time; 10:30 a.m. to 11:00 a.m. online at:
<https://www.facebook.com/WilsonvilleLibrary/>
- 5/25** City offices closed in observance of Memorial Day

All dates and times are tentative; check the City's online calendar for schedule changes at www.ci.wilsonville.or.us.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: May 4, 2020	Subject: Resolution No. 2798 Authorizing the City Manager to Execute a Professional Services Agreement with Carollo Engineers to Provide Engineering Consulting Services for the Wastewater Treatment Plant Master Plan (CIP #2104) Staff Member: Mike Nacrelli, PE, Civil Engineer Department: Community Development	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" 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 checked="" 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: Staff recommends that Council adopt the Consent Agenda.		
Recommended Language for Motion: I move to approve the Consent Agenda.		
Project / Issue Relates To:		
<input checked="" type="checkbox"/> Council Goals/Priorities: Expand and Maintain High Quality Infrastructure	<input type="checkbox"/> Adopted Master Plan(s):	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

A City of Wilsonville Resolution approving a Professional Services Agreement (PSA) with Carollo Engineers in the amount of \$411,534 for engineering consulting services for the Wastewater Treatment Plant (WWTP) Master Plan (CIP #2104) project (Project).

EXECUTIVE SUMMARY:

Completed in 2014, the Wilsonville Wastewater Treatment Plant (WWTP) was rebuilt and expanded to include modern wastewater treatment technology, new odor control systems, and increased capacity of 4 million gallons a day to accommodate Wilsonville’s projected growth. As part of the WWTP expansion project, the existing 2004 Wastewater Facility Plan was updated with a series of technical memoranda but no formal WWTP master plan was adopted.

As part of a sewer rate analysis in 2018, staff identified a need to update the WWTP master plan and revise the flow and load projections based on current population growth, comply with current and anticipated regulatory requirements and create a new WWTP capital improvements plan including a construction schedule and cost estimates.

Staff issued a Request for Proposals (RFP) in December 2019 for professional engineering services for the WWTP Master Plan project. Three proposals were received by the January 16, 2020 due date. Staff evaluated the submitted proposals and determined that Carollo Engineers as qualified to perform engineering consulting services for the Project.

EXPECTED RESULTS:

The WWTP Master Plan will identify needed capital improvements to provide capacity to accommodate projected growth in the City and to comply with anticipated regulatory requirements. It will also include a seismic resilience evaluation and an analysis of possible changes to local pretreatment limits required of local industries.

TIMELINE:

The project is scheduled to be completed by June 30, 2021.

CURRENT YEAR BUDGET IMPACTS:

The adopted budget for FY19/20 includes \$250,000 in Sewer Operating and Sewer System Development Charges (SDC) for CIP #2104. The contract amount is \$411,534, which is over the budgeted amount by \$161,534. The majority of the increased cost of the Project is attributed to WWTP seismic resilience evaluation for a Cascadia Subduction Zone earthquake per the Oregon Resiliency Plan.

A supplemental budget adjustment will be required to add Sewer Operating and SDC funds to the project. In review of the sewer fund account balance, additional funds are available to support the increased cost of the Project.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 4/28/2020

Approval of a supplemental budget will be needed before adequate funding is available. Until that is completed, unused budgets from existing Sewer Operating and Sewer SDC funded projects will prevent any violation in Local Budget Law.

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 4/29/2020

COMMUNITY INVOLVEMENT PROCESS:

Citywide outreach will be conducted, with an emphasis on residences in the vicinity of the WWTP (Old Town). Outreach will also be conducted utilizing *Let's Talk, Wilsonville!*, Boones Ferry Messenger, and social media platforms for any proposed changes to the WWTP resulting from the master plan update. Staff will consult with local industries for any proposed changes to industrial pretreatment requirements as part of the master plan project.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The project will benefit the community by providing an updated capital improvement plan for the WWTP to serve a growing population and meet environmental regulations.

ALTERNATIVES:

Not proceeding with the project will hinder the City's ability to plan for anticipated growth and development and to protect the Willamette River from adverse environmental impacts.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 2798
 - A. Wastewater Treatment Plant Master Plan Professional Services Agreement

RESOLUTION NO. 2798

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE WASTEWATER TREATMENT PLANT MASTER PLAN PROJECT (CAPITAL IMPROVEMENT PROJECT #2104).

WHEREAS, the City has planned and budgeted for engineering consulting services for Capital Improvement Project #2104, known as the Wastewater Treatment Plant Master Plan project (the Project); and

WHEREAS, the City solicited proposals from qualified consulting firms for the Project that duly followed State of Oregon Public Contracting Rules and the City of Wilsonville Municipal Code; and

WHEREAS, Carollo Engineers submitted a proposal on January 16, 2020 and was subsequently evaluated and determined to be the most qualified consultant to perform the work; and

WHEREAS, following the qualifications based selection process and under the direction of the City, a detailed scope of work was prepared, and the fee for the scope was negotiated and found to be acceptable and appropriate for the services to be provided.

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

1. The procurement process for the Project duly followed Oregon Public Contracting Rules, and Carollo Engineers has provided a responsive and responsible proposal for engineering consulting services.
2. The City Council, acting as the Local Contract Review Board, authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, a Professional Services Agreement with Carollo Engineers for a not-to-exceed amount of \$411,534, which is substantially similar to **Exhibit A** attached hereto.
3. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of May, 2020, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Kimberly Veliz, City Recorder,

SUMMARY OF VOTES:

Mayor Knapp

Council President Akervall

Councilor Lehan

Councilor West

Councilor Linville

EXHIBIT:

- A. Wastewater Treatment Plant Master Plan Professional Services Agreement

**CITY OF WILSONVILLE
PROFESSIONAL SERVICES AGREEMENT (CIP #2104)**

This Professional Services Agreement (“Agreement”) for the Wastewater Treatment Plant (“WWTP”) Master Plan Project (“Project”) is made and entered into on this ____ day of _____ 2020 (“Effective Date”) by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (hereinafter referred to as the “City”), and **Carollo Engineers, Inc.**, a Delaware corporation (hereinafter referred to as “Consultant”).

RECITALS

WHEREAS, the City requires services which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, Consultant represents that Consultant is qualified to perform the services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such services as the City does hereinafter require.

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

Section 1. Scope of Work

Consultant shall diligently perform the update of the 2004 WWTP Facility Plan according to the requirements identified in the Scope of Work for the Project, attached hereto as **Exhibit A** and incorporated by reference herein (the “Services”).

Section 2. Term

The term of this Agreement shall be from the Effective Date until all Services required to be performed hereunder are completed and accepted, or no later than June 30, 2021, whichever occurs first, unless earlier terminated in accordance herewith or an extension of time is agreed to, in writing, by the City.

Section 3. Consultant’s Services

3.1. All written documents, drawings, and plans submitted by Consultant in conjunction with the Services shall bear the signature, stamp, or initials of Consultant’s authorized Project Manager. Any documents submitted by Consultant that do not bear the signature, stamp, or initials of Consultant’s authorized Project Manager, will not be relied upon by the City. Interpretation of plans and answers to questions regarding the Services or Scope of Work given by Consultant’s Project Manager may be verbal or in writing, and may be relied upon by the City, whether given

verbally or in writing. If requested by the City to be in writing, Consultant's Project Manager will provide such written documentation.

3.2. Consultant will not be deemed to be in default by reason of delays in performance due to circumstances beyond Consultant's reasonable control, including but not limited to strikes, lockouts, severe acts of nature, or other unavoidable delays or acts of third parties not under Consultant's direction and control ("Force Majeure"). In the case of the happening of any Force Majeure event, the time for completion of the Services will be extended accordingly and proportionately by the City, in writing. Lack of labor, supplies, materials, or the cost of any of the foregoing shall not be deemed a Force Majeure event.

3.3. The existence of this Agreement between the City and Consultant shall not be construed as the City's promise or assurance that Consultant will be retained for future services beyond the Scope of Work described herein.

3.4. Consultant shall maintain the confidentiality of any confidential information that is exempt from disclosure under state or federal law to which Consultant may have access by reason of this Agreement. Consultant warrants that Consultant's employees assigned to the Services provided in this Agreement shall be clearly instructed to maintain this confidentiality. All agreements with respect to confidentiality shall survive the termination or expiration of this Agreement.

Section 4. Compensation

4.1. Except as otherwise set forth in this **Section 4**, the City agrees to pay Consultant the fixed price of FOUR HUNDRED ELEVEN THOUSAND FIVE HUNDRED THIRTY-FOUR DOLLARS (\$411,534) for performance of the Services ("Compensation Amount"). Any compensation in excess of the Compensation Amount will require an express written Addendum to be executed between the City and Consultant.

4.2. During the course of Consultant's performance, if the City, through its Project Manager, specifically requests Consultant to provide additional services that are beyond the Scope of Work described on **Exhibit A**, a written Addendum to this Agreement must be executed in compliance with the provisions of **Section 17**.

4.3. Except for amounts withheld by the City pursuant to this Agreement, Consultant will be paid for Services for which an itemized invoice is received by the City within thirty (30) days of receipt, unless the City disputes such invoice. In that instance, the undisputed portion of the invoice will be paid by the City within the above timeframe. The City will set forth its reasons for the disputed claim amount and make good faith efforts to resolve the invoice dispute with Consultant as promptly as is reasonably possible.

4.4. Consultant's Compensation Amount and Rate Schedule are all inclusive and include, but are not limited to, all work-related costs, expenses, salaries or wages, plus fringe benefits and contributions, including payroll taxes, workers compensation insurance, liability insurance, profit, pension benefits and similar contributions and benefits, technology and/or software charges,

licensing, trademark, and/or copyright costs, office expenses, travel expenses, mileage, and all other indirect and overhead charges.

Section 5. City's Rights and Responsibilities

5.1. The City will designate a Project Manager to facilitate day-to-day communication between Consultant and the City, including timely receipt and processing of invoices, requests for information, and general coordination of City staff to support the Project.

5.2. Award of this contract is subject to budget appropriation. Funds are approved for Fiscal Year 2019-20. If not completed within this fiscal year, funds may not be appropriated for the next fiscal year. The City also reserves the right to terminate this contract early, as described in **Section 15**.

Section 6. City's Project Manager

The City's Project Manager is Mike Nacrelli. The City shall give Consultant prompt written notice of any re-designation of its Project Manager.

Section 7. Consultant's Project Manager

Consultant's Project Manager is Dan Laffitte. In the event that Consultant's designated Project Manager is changed, Consultant shall give the City prompt written notification of such re-designation. Recognizing the need for consistency and knowledge in the administration of the Project, Consultant's Project Manager will not be changed without the written consent of the City, which consent shall not be unreasonably withheld. In the event the City receives any communication from Consultant that is not from Consultant's designated Project Manager, the City may request verification by Consultant's Project Manager, which verification must be promptly furnished.

Section 8. Project Information

Except for confidential information designated by the City as information not to be shared, Consultant agrees to share Project information with, and to fully cooperate with, those corporations, firms, contractors, public utilities, governmental entities, and persons involved in or associated with the Project. No information, news, or press releases related to the Project, whether made to representatives of newspapers, magazines, or television and radio stations, shall be made without the written authorization of the City's Project Manager.

Section 9. Duty to Inform

If at any time during the performance of this Agreement or any future phase of this Agreement for which Consultant has been retained, Consultant becomes aware of actual or potential problems, faults, or defects in the Project or Scope of Work, or any portion thereof; or of any nonconformance with federal, state, or local laws, rules, or regulations; or if Consultant has any objection to any decision or order made by the City with respect to such laws, rules, or regulations, Consultant shall

give prompt written notice thereof to the City's Project Manager. Any delay or failure on the part of the City to provide a written response to Consultant shall neither constitute agreement with nor acquiescence to Consultant's statement or claim, nor constitute a waiver of any of the City's rights.

Section 10. Subcontractors and Assignments

10.1. Unless expressly authorized in **Exhibit A** or **Section 11** of this Agreement, Consultant shall not subcontract with others for any of the Services prescribed herein. Consultant shall not assign any of Consultant's rights acquired hereunder without obtaining prior written approval from the City, which approval may be granted or denied in the City's sole discretion. Some Services may be performed by persons other than Consultant, provided Consultant advises the City of the names of such subcontractors and the work which they intend to perform, and the City specifically agrees in writing to such subcontracting. The City hereby agrees that Consultant will contract with West Yost to provide its regulatory analysis; Penny Carlo to provide her industrial pretreatment analysis; and Northwest Geotechnical Consultants to provide its seismic resilience analysis services, which are critical parts of this Agreement. Consultant acknowledges such work will be provided to the City pursuant to a subcontract(s) between Consultant and subcontractor(s) and no privity of contract exists between the City and the subcontractor(s). Unless otherwise specifically provided by this Agreement, the City incurs no liability to third persons for payment of any compensation provided herein to Consultant. Any attempted assignment of this Agreement without the written consent of the City shall be void. Except as otherwise specifically agreed, all costs for work performed by others on behalf of Consultant shall not be subject to additional reimbursement by the City.

10.2. The City shall have the right to enter into other agreements for the Project, to be coordinated with this Agreement. Consultant shall cooperate with the City and other firms, engineers or subcontractors on the Project so that all portions of the Project may be completed in the least possible time and within normal working hours. Consultant shall furnish other engineers, subcontractors and affected public utilities, whose designs are fitted into Consultant's design, detail drawings giving full information so that conflicts can be avoided.

10.3. Consultant shall include this Agreement by reference in any subcontract and require subcontractors to perform in strict compliance with this Agreement.

Section 11. Consultant Is Independent Contractor

11.1. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the Compensation Amount provided for under **Section 4** of this Agreement. Consultant will be solely responsible for determining the manner and means of accomplishing the end result of Consultant's Services. The City does not have the right to control or interfere with the manner or method of accomplishing said Services. The City, however, will have the right to specify and control the results of Consultant's Services so such Services meet the requirements of the Project.

11.2. Consultant has requested that some consulting services be performed on the Project by persons or firms other than Consultant, through a subcontract with Consultant. Consultant

acknowledges that if such services are provided to the City pursuant to a subcontract(s) between Consultant and those who provide such services, Consultant may not utilize any subcontractor(s), or in any way assign its responsibility under this Agreement, without first obtaining the express written consent of the City, which consent may be given or denied in the City's sole discretion. In all cases, processing and payment of billings from subcontractors is solely the responsibility of Consultant.

11.3. Consultant shall be responsible for, and defend, indemnify, and hold the City harmless against, any liability, cost, or damage arising out of Consultant's use of such subcontractor(s) and subcontractor's negligent acts, errors, or omissions. Unless otherwise agreed to, in writing, by the City, Consultant shall require that all of Consultant's subcontractors also comply with, and be subject to, the provisions of this **Section 11** and meet the same insurance requirements of Consultant under this Agreement.

Section 12. Consultant Responsibilities

12.1. Consultant must make prompt payment for any claims for labor, materials, or services furnished to Consultant by any person in connection with this Agreement as such claims become due. Consultant shall not permit any liens or claims to be filed or prosecuted against the City on account of any labor or material furnished to or on behalf of Consultant. If Consultant fails, neglects, or refuses to make prompt payment of any such claim, the City may, but shall not be obligated to, pay such claim to the person furnishing the labor, materials, or services and offset the amount of the payment against funds due or to become due to Consultant under this Agreement. The City may also recover any such amounts directly from Consultant.

12.2. Consultant must comply with all applicable Oregon and federal wage and hour laws, including BOLI wage requirements, if applicable. Consultant shall make all required workers compensation and medical care payments on time. Consultant shall be fully responsible for payment of all employee withholdings required by law, including but not limited to taxes, including payroll, income, Social Security (FICA), and Medicaid. Consultant shall also be fully responsible for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges on account of any employees. Consultant shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. All costs incident to the hiring of assistants or employees shall be Consultant's responsibility. Consultant shall defend, indemnify, and hold the City harmless from claims for payment of all such expenses.

12.3. No person shall be discriminated against by Consultant or any subcontractor in the performance of this Agreement on the basis of sex, gender, race, color, creed, religion, marital status, age, disability, sexual orientation, gender identity, or national origin. Any violation of this provision shall be grounds for cancellation, termination, or suspension of the Agreement, in whole or in part, by the City. References to "subcontractor" mean a subcontractor at any tier.

Section 13. Indemnity

13.1. Indemnification. Consultant acknowledges responsibility for liability arising out of the performance of this Agreement, and shall defend, indemnify, and hold the City harmless from

any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from Consultant's negligent acts, omissions, errors, or willful or reckless misconduct pursuant to this Agreement, or from Consultant's failure to perform its responsibilities as set forth in this Agreement. The review, approval, or acceptance by the City, its Project Manager, or any City employee of documents or other work performed, prepared, or submitted by Consultant shall not be considered a negligent act, error, omission, or willful misconduct on the part of the City, and none of the foregoing shall relieve Consultant of its responsibility to perform in full conformity with the City's requirements, as set forth in this Agreement, and to indemnify the City as provided above and to reimburse the City for any and all costs and damages suffered by the City as a result of Consultant's negligent performance of this Agreement, failure of performance hereunder, violation of state or federal laws, or failure to adhere to the standards of performance and care described in **Subsection 13.2**. Consultant shall defend the City (using legal counsel reasonably acceptable to the City) against any claim that alleges negligent acts, omissions, errors, or willful or reckless misconduct by Consultant. As used herein, the term "Consultant" applies to Consultant and its own agents, employees, and suppliers, and to all of Consultant's subcontractors, including their agents, employees, and suppliers.

13.2. Standard of Care. In the performance of the Services, Consultant agrees to use at least that degree of care and skill exercised under similar circumstances by reputable members of Consultant's profession practicing in the Portland metropolitan area. Consultant will re-perform any Services not meeting this standard without additional compensation. Consultant's re-performance of any Services, even if done at the City's request, shall not be considered as a limitation or waiver by the City of any other remedies or claims it may have arising out of Consultant's failure to perform in accordance with the applicable standard of care of this Agreement and within the prescribed timeframe.

Section 14. Insurance

14.1. Insurance Requirements. Consultant shall maintain insurance coverage acceptable to the City in full force and effect throughout the term of this Agreement. Such insurance shall cover all risks arising directly or indirectly out of Consultant's activities or work hereunder. Any and all agents, contractors, or subcontractors with which Consultant contracts to work on the Services must have insurance that conforms to the insurance requirements in this Agreement. Additionally, if a subcontractor is an engineer, architect, or other professional, Consultant must require the subcontractor to carry Professional Errors and Omissions insurance and must provide to the City proof of such coverage. The amount of insurance carried is in no way a limitation on Consultant's liability hereunder. The policy or policies maintained by Consultant shall provide at least the following minimum limits and coverages at all times during performance under this Agreement:

14.1.1. Commercial General Liability Insurance. Consultant and all subcontractors shall obtain, at each of their own expense, and keep in effect during the term of this Agreement, comprehensive Commercial General Liability Insurance covering Bodily Injury and Property Damage, written on an "occurrence" form policy. This coverage shall include broad form Contractual Liability insurance for the indemnities provided under this Agreement and shall be for the following minimum insurance coverage amounts: The

coverage shall be in the amount of **\$2,000,000** for each occurrence and **\$3,000,000** general aggregate and shall include Products-Completed Operations Aggregate in the minimum amount of **\$2,000,000** per occurrence, Fire Damage (any one fire) in the minimum amount of **\$50,000**, and Medical Expense (any one person) in the minimum amount of **\$10,000**. All of the foregoing coverages must be carried and maintained at all times during this Agreement.

14.1.2. Professional Errors and Omissions Coverage. Consultant agrees to carry Professional Errors and Omissions Liability insurance on a policy form appropriate to the professionals providing the Services hereunder with a limit of no less than **\$2,000,000** per claim. Consultant shall maintain this insurance for damages alleged to be as a result of errors, omissions, or negligent acts of Consultant. Such policy shall have a retroactive date effective before the commencement of any work by Consultant on the Services covered by this Agreement, and coverage will remain in force for a period of at least three (3) years after termination of the Contract.

14.1.3. Business Automobile Liability Insurance. If Consultant or any subcontractors will be using a motor vehicle in the performance of the Services herein, Consultant shall provide the City a certificate indicating that Consultant and its subcontractors have business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than **\$2,000,000**.

14.1.4. Workers Compensation Insurance. Consultant, its subcontractors, and all employers providing work, labor, or materials under this Agreement that are subject employers under the Oregon Workers Compensation Law shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers under ORS 656.126. Out-of-state employers must provide Oregon workers compensation coverage for their workers who work at a single location within Oregon for more than thirty (30) days in a calendar year. Consultants who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than **\$500,000** each accident.

14.1.5. Insurance Carrier Rating. Coverages provided by Consultant and its subcontractors must be underwritten by an insurance company deemed acceptable by the City, with an AM Best Rating of A or better. The City reserves the right to reject all or any insurance carrier(s) with a financial rating that is unacceptable to the City.

14.1.6. Additional Insured and Termination Endorsements. The City will be named as an additional insured with respect to Consultant's liabilities hereunder in insurance coverages. Additional Insured coverage under Consultant's Commercial General Liability, Automobile Liability, and Excess Liability Policies, as applicable, will be provided by endorsement. Additional insured coverage shall be for both ongoing operations via ISO Form CG 2010 or its equivalent, and products and completed operations via ISO Form CG 2037 or its equivalent. Coverage shall be Primary and Non-Contributory.

Waiver of Subrogation endorsement via ISO Form CG 2404 or its equivalent shall be provided. The following is included as additional insured: “The City of Wilsonville, its elected and appointed officials, officers, agents, employees, and volunteers.” An endorsement shall also be provided requiring the insurance carrier to give the City at least thirty (30) days’ written notification of any termination or major modification of the insurance policies required hereunder. Consultant must be an additional insured on the insurance policies obtained by its subcontractors performing work on the Services contemplated under this Agreement.

14.1.7. Certificates of Insurance. As evidence of the insurance coverage required by this Agreement, Consultant shall furnish a Certificate of Insurance to the City. This Agreement shall not be effective until the required certificates and the Additional Insured Endorsements have been received and approved by the City. Consultant agrees that it will not terminate or change its coverage during the term of this Agreement without giving the City at least thirty (30) days’ prior advance notice and Consultant will obtain an endorsement from its insurance carrier, in favor of the City, requiring the carrier to notify the City of any termination or change in insurance coverage, as provided above.

14.2. Primary Coverage. The coverage provided by these policies shall be primary, and any other insurance carried by the City is excess. Consultant shall be responsible for any deductible amounts payable under all policies of insurance. If insurance policies are “Claims Made” policies, Consultant will be required to maintain such policies in full force and effect throughout any warranty period.

Section 15. Early Termination; Default

15.1. This Agreement may be terminated prior to the expiration of the agreed upon terms:

15.1.1. By mutual written consent of the parties;

15.1.2. By the City, for any reason, and within its sole discretion, effective upon delivery of written notice to Consultant by mail or in person; or

15.1.3. By Consultant, effective upon seven (7) days’ prior written notice in the event of substantial failure by the City to perform in accordance with the terms through no fault of Consultant, where such default is not cured within the seven (7) day period by the City. Withholding of disputed payment is not a default by the City.

15.2. If the City terminates this Agreement, in whole or in part, due to default or failure of Consultant to perform Services in accordance with the Agreement, the City may procure, upon reasonable terms and in a reasonable manner, services similar to those so terminated. In addition to any other remedies the City may have, both at law and in equity, for breach of contract, Consultant shall be liable for all costs and damages incurred by the City as a result of the default by Consultant, including, but not limited to all costs incurred by the City in procuring services from others as needed to complete this Agreement. This Agreement shall be in full force to the extent not terminated by written notice from the City to Consultant. In the event of a default, the City will provide Consultant

with written notice of the default and a period of ten (10) days to cure the default. If Consultant notifies the City that it wishes to cure the default but cannot, in good faith, do so within the ten (10) day cure period provided, then the City may elect, in its sole discretion, to extend the cure period to an agreed upon time period, or the City may elect to terminate this Agreement and seek remedies for the default, as provided above.

15.3. If the City terminates this Agreement for its own convenience not due to any default by Consultant, payment of Consultant shall be prorated to, and include the day of, termination and shall be in full satisfaction of all claims by Consultant against the City under this Agreement.

15.4. Termination under any provision of this section shall not affect any right, obligation, or liability of Consultant or the City that accrued prior to such termination. Consultant shall surrender to the City items of work or portions thereof, referred to in **Section 19**, for which Consultant has received payment or the City has made payment.

Section 16. Suspension of Services

The City may suspend, delay, or interrupt all or any part of the Services for such time as the City deems appropriate for its own convenience by giving written notice thereof to Consultant. An adjustment in the time of performance or method of compensation shall be allowed as a result of such delay or suspension unless the reason for the delay is within Consultant's control. The City shall not be responsible for Services performed by any subcontractors after notice of suspension is given by the City to Consultant. Should the City suspend, delay, or interrupt the Services and the suspension is not within Consultant's control, then the City shall extend the time of completion by the length of the delay.

Section 17. Modification/Addendum

Any modification of the provisions of this Agreement shall not be enforceable unless reduced to writing and signed by both the City and Consultant. A modification is a written document, contemporaneously executed by the City and Consultant, which increases or decreases the cost to the City over the agreed Compensation Amount in **Section 4** of this Agreement, or changes or modifies the Scope of Work or the time for performance. No modification shall be binding or effective until executed, in writing, by both Consultant and the City. In the event Consultant receives any communication of whatsoever nature from the City, which communication Consultant contends gives rise to any modification of this Agreement, Consultant shall, within five (5) days after receipt, make a written request for modification to the City's Project Manager in the form of an Addendum. Consultant's failure to submit such written request for modification in the form of an Addendum shall be the basis for refusal by the City to treat said communication as a basis for modification or to allow such modification. In connection with any modification to this Agreement affecting any change in price, Consultant shall submit a complete breakdown of labor, material, equipment, and other costs. If Consultant incurs additional costs or devotes additional time on Project tasks, the City shall be responsible for payment of only those additional costs for which it has agreed to pay under a signed Addendum. To be enforceable, the Addendum must describe with particularity the nature of the change, any delay in time the Addendum will cause, or any increase

or decrease in the Compensation Amount. The Addendum must be signed and dated by both Consultant and the City before the Addendum may be implemented.

Section 18. Access to Records

The City shall have access, upon request, to such books, documents, receipts, papers, and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts during the term of this Agreement and for a period of four (4) years after termination of the Agreement, unless the City specifically requests an extension. This clause shall survive the expiration, completion, or termination of this Agreement.

Section 19. Property of the City

19.1. All documents, reports, and research gathered or prepared by Consultant under this Agreement, including but not limited to spreadsheets, charts, graphs, drawings, modeling, maps, data generation, papers, diaries, and inspection reports, shall be the exclusive property of the City and shall be delivered to the City prior to final payment. Consultant will provide editable draft(s) of the WWTP Master Plan to the City for review as provided in the Scope of Work. Any statutory or common law rights to such property held by Consultant as creator of such work shall be conveyed to the City upon request without additional compensation.

19.2. Consultant shall not be held liable for any damage, loss, increased expenses, or otherwise, caused by or attributed to the reuse by the City or its designees of all work performed by Consultant pursuant to this Agreement without the express written permission of Consultant.

Section 20. Notices

Any notice required or permitted under this Agreement shall be in writing and shall be given when actually delivered in person or forty-eight (48) hours after having been deposited in the United States mail as certified or registered mail, addressed to the addresses set forth below, or to such other address as one party may indicate by written notice to the other party.

To City: City of Wilsonville
Attn: Mike Nacrelli, Civil Engineer
29799 SW Town Center Loop East
Wilsonville, OR 97070

To Consultant: Carollo Engineers, Inc.
Attn: Dan Laffitte
707 SW Washington Street, Suite 500
Portland, OR 97205

Section 21. Miscellaneous Provisions

21.1. Integration. This Agreement, including all exhibits attached hereto, contains the entire and integrated agreement between the parties and supersedes all prior written or oral

discussions, representations, or agreements. In case of conflict among these documents, the provisions of this Agreement shall control.

21.2. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns. This Agreement may be enforced by an action at law or in equity.

21.3. No Assignment. Consultant may not assign this Agreement, nor delegate the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.

21.4. Adherence to Law. In the performance of this Agreement, Consultant shall adhere to all applicable federal, state, and local laws (including the Wilsonville Code and Public Works Standards), including but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers compensation, and minimum and prevailing wage requirements. Any certificates, licenses, or permits that Consultant is required by law to obtain or maintain in order to perform the Services described on **Exhibit A**, shall be obtained and maintained throughout the term of this Agreement.

21.5. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws. All contractual provisions required by ORS Chapters 279A, 279B, 279C, and related Oregon Administrative Rules to be included in public agreements are hereby incorporated by reference and shall become a part of this Agreement as if fully set forth herein.

21.6. Jurisdiction. Venue for any dispute will be in Clackamas County Circuit Court.

21.7. Legal Action/Attorney Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If the City is required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

21.8. Nonwaiver. Failure by either party at any time to require performance by the other party of any of the provisions of this Agreement shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

21.9. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.

21.10. Modification. This Agreement may not be modified except by written instrument executed by Consultant and the City.

21.11. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.

21.12. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

21.13. Headings. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

21.14. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

21.15. Good Faith and Reasonableness. The parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City “sole discretion” or the City is allowed to make a decision in its “sole judgment.”

21.16. Other Necessary Acts. Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other parties the full and complete enjoyment of rights and privileges hereunder.

21.17. Interpretation. As a further condition of this Agreement, the City and Consultant acknowledge that this Agreement shall be deemed and construed to have been prepared mutually by each party and it shall be expressly agreed that any uncertainty or ambiguity existing therein shall not be construed against any party. In the event that any party shall take an action, whether judicial or otherwise, to enforce or interpret any of the terms of the Agreement, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorney fees and costs, whether incurred in a court of law or otherwise.

21.18. Entire Agreement. This Agreement and all documents attached to this Agreement represent the entire agreement between the parties.

21.19. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original Agreement but all of which together shall constitute one and the same instrument.

21.20. Authority. Each party signing on behalf of Consultant and the City hereby warrants actual authority to bind their respective party.

The Consultant and the City hereby agree to all provisions of this Agreement.

CONSULTANT:

CITY:

CAROLLO ENGINEERS, INC.

CITY OF WILSONVILLE

By: _____

By: _____

Print Name: _____

Print Name: _____

As Its: _____

As Its: _____

Employer I.D. No. _____

APPROVED AS TO FORM:

Amanda Guile-Hinman, Asst. City Attorney
City of Wilsonville, Oregon

EXHIBIT A

SCOPE OF WORK

ENGINEERING SERVICES FOR CITY OF WILSONVILLE

WASTEWATER TREATMENT PLANT MASTER PLAN

INTRODUCTION

The new City of Wilsonville Wastewater Treatment Plant (WWTP) Master Plan (Master Plan) will be developed to satisfy requirements associated with the DEQ guidance document entitled "Preparing Wastewater Planning Documents and Environmental Reports for Public Utilities." The table of contents for the Master Plan is included as page 12 in this Scope of Work. To accommodate future flows and loads, projections must be developed based on population projections and referencing WWTP historical data and State of Oregon Department of Environmental Quality (DEQ) wet weather project methodologies. Similarly, to accommodate future water quality regulations, the master plan must be adaptive and consider potential future regulatory changes.

BACKGROUND

The City's existing sanitary wastewater collection system collects wastewater from residences, businesses, industries, and public facilities and conveys the flow to the City's WWTP. The most recent Wastewater Collection System Master Plan (WWCSMP) was prepared in 2014 and it considered areas within the current City boundary, the Metro identified Urban Growth Boundary and the Urban Reserve Areas to project likely influent wastewater flows to the City's WWTP. Flow projections were updated based on recent trends and the resulting peak hour flow for buildout conditions was determined to be approximately 23.5 mgd. The WWCSMP also stated that flows to the facility would likely be approximately 10 percent less (21 mgd +/-) as a result of travel time, flow attenuation and system storage. The WWCSMP projected flow is similar to other peak hour flow projections developed in previous wastewater influent flowrate projections (Revised Task 1.2.2 – TM: Flow and Load Projection Update, dated June 20, 2010 by Brown and Caldwell, Project No. 2082).

The City's existing WWTP was first constructed in the early 1970s, with upgrades completed in the 80s and 90s. To accommodate growth and effluent water quality requirements, the City completed a major overhaul in 2014. The current WWTP includes a headworks unit with automatic screening and grit removal, three aeration basins, two stabilization basins, three circular secondary clarifiers, two disk filters, two UV disinfection channels, two centrifuges, one dryer, and five sludge storage basins. Treated and disinfected effluent is discharged into the Willamette River. Waste sludge is conditioned with polymer and thickened with gravity belt thickeners. Thickened waste sludge is dewatered and dried to a Class A product. An odor control biofilter and fans draw and treat odorous air from the treatment plant.

CITY -PROVIDED SERVICES

The City will assign a project manager to this effort who will coordinate and work with City staff and other consultants performing related work under separate contracts with the City, including Jacobs Engineering, Inc. (Jacobs) who is operating the City WWTP under an operations contract. The City will review deliverables submitted by the Consultant and will combine review comments from various reviewers into a single review

document. The City will help organize, participate in and make critical staff available for planning workshops and meetings. Additionally, the City will:

- Provide available studies, reports and other data pertinent to Consultant's services; obtain or authorize Consultant to obtain or provide additional reports and data as required;
- Provide data required for capacity assessments, including:
 - Influent flow/loading data.
 - Process and operational data.
 - Effluent flow/loading data
 - Pertinent engineering studies, reports, and facility record drawings.
- Coordinate with Jacobs' contract operations staff with knowledge of facility operational history to accompany and assist Consultant during operational tours and workshops.
- Provide prior Reasonable Potential Analyses for Consultant's review.

GENERAL ASSUMPTIONS

In preparing this scope of work, the following general assumptions have been made:

- City staff will review each deliverable and provide a consolidated list of City review comments to the Consultant.
- A Technical Review Committee (TRC) consisting of City and Jacobs staff will participate in workshops and review deliverables.
- When evaluating improvement alternatives, the following general steps will be taken:
 - Step 1 – Develop basis of planning and establish evaluation criteria
 - Step 2 – Identify "Potential" improvement alternatives
 - Step 3 – Evaluate potential improvement options and select "Viable" alternatives
 - Step 4 – Further evaluate viable options and select the "Preferred" alternative(s) that are then included in the Master Plan
- Deliverables will be provided in MS WORD and ADOBE PDF format with the exception of the hydraulic and loading increase analysis tool which will be a Microsoft Excel file.
- Deliverables, meeting/workshop agendas, and other materials will be provided five (5) working days prior to the meeting/workshop.
- Meetings/workshops will be conducted at the City WWTP or online.
- Biological evaluation, environmental and land use reviews are not included.
- Master Plan deliverables will be provided as follows:
 - 75% Master plan – one hard copy and an electronic version.
 - 95% Master Plan – two hard copies (City and DEQ) and electronic version.
 - Final Master Plan – 5 hard copies of entire document, 5 copies of executive summary and an electronic version.

TASK 100 – PROJECT INITIATION PHASE

The objective of this task is to collect data for effort throughout the project and to establish an outline for the Master Plan. Activities associated with this task include:

Subtask 101 – Data Collection (\$44,61)

- a. Collect and review record drawings, historical wastewater influent and final effluent water quality data to determine if there is sufficient information for necessary process modeling and projections, and other related wastewater planning documents.

- b. Prepare summary identifying informational gaps and coordinate with City's project manager to resolve.

Subtask 102 – Kickoff Workshop (\$8914)

- a. Prepare for kick-off workshop and provide proposed workshop agenda for City review.
- b. Address City comments on proposed agenda and facilitate project kick-off meeting to review project objectives, key issues, scope of work, team roles and responsibilities, deliverables, collaboration and communication approach and schedule.
- c. Prepare meeting summary.

Task 100 Assumptions:

The following has been assumed in defining the scope of work under this task:

- The City will provide copies of the following related documents:
 - Technical Memoranda and description of process upgrade related to the current improvement project.
 - Previously identified energy savings opportunities and/or evaluations the City has pursued in qualifying for energy savings credits and funding.
- City WWTP influent and effluent flow rate and water quality data will be provided in spreadsheet format and include Discharge Monitoring Reports for the past five years. Influent and effluent water quality data should include biological oxygen demand (cBOD₅), Total Suspended Solids (TSS), Chemical Oxygen Demand (COD), pH, temperature, Ammonia (NH₃), Total Kjeldahl Nitrogen (TKN), Total Nitrogen (TN), Total Phosphorus (TP), and Dissolved Oxygen (DO).
- To confirm peak hour flowrate, City should provide peak hour flow information for approximately 10 storm events that occurred during past five years. If possible, flows in hourly intervals for the day of, the day before and the day after the event will be provided.
- Some Consulting team members will participate via conference call.
- To perform a mass balance assessment of the City WWTP, City will provide Return Activated Sludge (RAS), Waste Activated Sludge (WAS), Thickened Waste Activated Sludge (TWAS), Scum, screenings and grit information (i.e., operational controls/setpoints, flowrates and concentrations). Solids handling unit processes (e.g., centrifuges dewatering and biosolids dryer equipment) operating information will also be provided by the City.
- The Kick-Off Workshop will last up to 2 hours and be attended by critical City staff and the Consultant's key team members.

Task 100 Deliverables:

Consultant will develop and issue the following deliverables under this task:

- Data gap analysis summary
- Kick-Off Workshop meeting agenda and minutes

TASK 200 – CHAPTER 1, PLANNING AREA CHARACTERISTICS (\$11,486)

The objective of this task is to define locally adopted comprehensive land use plans, urban growth boundaries, urban reserve areas, city boundary, and sewer service plans. Activities associated with this task include:

- a. Prepare a summary to include:
 - i. A description and map of the planning area boundary, and statement to demonstrate compatibility with local governmental comprehensive planning and Statewide Land Use Goal 11.
 - ii. A brief summary of local socio-economic conditions and trends (e.g., local industries, employment, median income levels, vulnerable populations).

- iii. A brief summary of the local physical environment (e.g., topography, geology, soils, climate, sensitive environmental/cultural resources, water resources).
- iv. A brief summary of how Integrated Water Resources were considered as part of the overall planning strategy.
- b. Prepare Draft Chapter 1 and submit for City review
- c. Address City comments and issue a Final Chapter 1.

Task 200 Assumptions:

N/A

Task 200 Deliverables:

- Draft and Final Chapter 1 – Planning Area Characteristics

TASK 300 – CHAPTER 2, CONDITION ASSESSMENT AND TIER 1 SEISMIC ANALYSIS

The objective of this task is to review and summarize recently collected condition assessment data for the Master Plan and to perform a life safety/seismic evaluation. Activities associated with this task include:

Subtask 301 – Condition Assessment (\$7145)

Perform a review of the recently completed condition assessment. Further evaluate assets that were scored poorly and develop recommended improvements. Subtask activities include:

- a. Perform a review of City's condition assessment report.
- b. Develop recommendations for improvements for those assets that received low scores.
- c. Prepare chapter that summarizes significant findings from recent condition assessment and improvement recommendations.
- d. Address City comments and issue Final Chapter.

Subtask 302 – Site Specific Response Spectra Development (\$28,930)

A site specific response spectra will be developed through on-site geotechnical testing and previous geotechnical investigations. Subtask activities include:

- a. On site testing to develop seismic shear wave velocity profiles.
- b. Perform a review of prior explorations, reconnaissance and prior subsurface testing.
- c. Perform engineering analysis of field testing to develop site specific seismic response spectra.
- d. Prepare technical memorandum
- e. Address City comments and issue TM.

Subtask 303 – Life Safety / Seismic Analysis (\$49,185)

Perform an assessment to identify life safety deficiencies which may exist in structural connections, equipment anchors, and other ancillary components. Evaluate the structural performance of the existing WWTP facilities to the damage control level assuming a seismic ground motion hazard that is the greater of the ASCE 41-17 basic safety earthquake hazards for existing buildings (BSE-1E and BSE-2E), which have anticipated return periods of 250 and 975 years, respectively or a CSV event (M_{g.0}) that is consistent with the seismic hazard considered by the Oregon Resiliency Plan. The latter will involve the development of a site specific response spectra for use in the project evaluation.

Activities include:

- a. Document Review
 - i. Review record drawings of structures and other available reports relevant to the design and construction of the existing facilities for the purpose of evaluating the seismic performance of the WWTP structures.

- ii. Identify a list of structures and/or conditions that are recommended for seismic evaluation.
- b. Site Visit
 - i. Perform a site visit to assess the existing facilities to identify deficiencies which may exist with the structural connections of mechanical and electrical systems, equipment and tank anchors, lighting and ventilation, roof/wall connections, and similar components.
 - ii. Identify structural conditions in the field that are recommended for seismic evaluation that were not noted during document review.
 - iii. Document any non-structural deficiencies identified and provide recommendations and priorities based on risk, probability, and criticality for improvements to the facilities to provide the proper seismic restraints.
 - iv. Based on document review and site visit findings, prepare a prioritized list of structures and/or conditions that are recommended for more detailed seismic evaluation along with the corresponding basis for that recommendation.
 - v. Review prioritization list via conference call with City and identify those structures to receive further Tier 1 seismic evaluation.
- c. Seismic Evaluation and Mitigation
 - i. Perform an ASCE 41-17, Tier 1 seismic evaluation or ACI 350 analysis for top five recommended structures and/or conditions identified during document review and site visit. The structures that may potentially be included in this evaluation are the operations building, headworks, drying building, sludge storage tanks/biofilters, stabilization ponds, aeration basins, process gallery, secondary clarifiers, UV structure, disc filter structure, cooling tower structure and the existing maintenance shop.
 - ii. For the structures and/or conditions that are evaluated, prepare a professional judgment of the expected existing facilities performance for the specified ground motions. Identify expected modes of failure for each of the structures and/or conditions evaluated and prepare a table listing the deficiencies.
- d. Technical Memorandum and Workshop
 - i. Prepare draft technical memorandum summarizing the findings from the document review, site visit, and seismic evaluations. Identify deficiencies in terms of whether they meet the stated performance objective. Identify mitigation measures for each deficiency in order to meet the stated performance objective. Estimate the costs of the mitigation measures identified.
 - ii. Finalize technical memorandum after review workshop and reference as necessary in the final facility plan.
- e. Workshop:
 - i. Conduct a half day workshop to present and review the findings of the assessment and recommended improvements.

Task 300 Assumptions:

- Structural analysis will be based upon ASCE 41-17, Tier 1 for buildings and ACI 350 for water-bearing structures assuming a damage control performance level, which is consistent performance goals for wastewater treatment plants.
- Structural site visit anticipated to take 2 days.
- City will provide equipment submittals/shop drawings and other required equipment information to Consultant.
- Seismic evaluation does not include testing of materials, finite element analysis, or non-linear analyses for irregular structures.

- Seismic evaluation will not include estimation of structure response due to ground deformations, such as liquefaction settlement or lateral spread.
- Technical memorandums will be included as appendix to the Master Plan.
- The geotechnical hazards analysis will include an estimate of seismic induced settlement of the undocumented fill. Preliminary review indicates liquefaction will not be a significant hazard in the plant area. Seismic stability evaluation of the slopes surrounding the plant have been excluded from this scope; if reconnaissance and review indicates a significant slope stability risk to critical plant facilities should be considered, further studies may be recommended. The riverbank and outfall have not been included in this scope.

Task 300 Deliverables:

- Draft and Final Chapter 2 – Condition Assessment.
- Prioritization list of structures/conditions for Tier 1 evaluation.
- Life safety / seismic evaluation technical memorandum to be provided as appendix to Master Plan.
- Site specific response spectra for CSZ event technical memorandum to be provided as appendix to Master Plan.
- Workshop agenda and minutes

TASK 400 – CHAPTER 3, WASTEWATER FLOW AND LOAD PROJECTIONS (\$32,846)

Consultant will develop projected flows and loads to be treated at the facility. Activities associated with this task include:

- a. Review population and City growth projections included in the WWCSMP and population forecasts developed by Portland State University Population Research Center, Metro regional government and the City of Wilsonville's most recent comprehensive plan.
- b. Review existing flows at the Wilsonville WWTP and summarize for dry and wet weather seasons.
- c. Evaluate peak flows based on statistical analysis consistent with the DEQ requirements, comparing influent flows with rainfall to confirm or adjust peak influent flows to be used for other evaluations.
- d. Review and confirm or adjust existing organic and solids loads using existing plant data and existing and projected residential, commercial and industrial load developed as part of the recent WWCSMP.
- e. Prepare for, facilitate, and summarize a meeting to review and confirm existing flows and loads.
- f. Based on population projections, project flows and loads for buildout (2045) planning period that will require treatment at the facility.
- g. Prepare Draft Chapter 3 and submit for City review.
- h. Address City comments and issue a Final Chapter.

Task 400 Assumptions:

- Workshop to last up to 2 hours.

Task 400 Deliverables:

- Draft and Final Chapter 3 – Wastewater Flow and Load Projections.
- Workshop meeting minutes.

TASK 500 – CHAPTER 4, CAPACITY ANALYSIS (\$37,124)

The objective of this task is to determine the capacity of the existing treatment plant under current NPDES conditions. Activities associated with this task include:

- a. Evaluate process, design, and operational data for the facility liquids and solids treatment trains.
- b. Plan for and conduct tours of the facility to discuss operational protocols and data with City and operations staff. While on site, interview operations staff to identify operational issues and document in chapter.
- c. Develop a calibrated a steady state biological wastewater treatment process model (e.g., Biowin) and use it to characterize the current performance of the City's WWTP during dry and wet weather seasons.
- d. Develop solids mass balance for facility.
- e. Evaluate hydraulic capacity of outfall.
- f. Develop 1-page schematic of each process area that illustrates key equipment and overall unit process capacity.
- g. Prepare for, facilitate and summarize a meeting to review and confirm capacity analysis.
- h. Prepare Draft Chapter 4 and submit for City review.
- i. Address City comments and issue a Final Chapter.

Task 500 Assumptions:

- Process modeling will be performed using BioWin simulator software.
- Workshop to last up to 2 hours.
- Site tour to last up to 4 hours.
- Outfall hydraulic evaluation will be from river to downstream side of UV systems.
- The existing capacity for each process will be defined based on current NPDES permit limits.

Task 500 Deliverables:

- Draft and Final Chapter 4 – Capacity Analysis.
- Workshop meeting minutes.

TASK 600 – CHAPTER 5, REGULATORY CONSIDERATIONS AND STRATEGY

The objective of this task is to assess and document regulatory considerations for the Master Plan and to develop an overall regulatory strategy for the Project. Activities associated with this task include:

Sub-Task 601 – Regulatory Considerations (\$33,766)

- a. Obtain and review background information and request supplemental data and information as necessary.
- b. Summarize the Lower Willamette flows that form the basis for the mixing conditions that will be used for the analysis of water quality impacts.
- c. Summarize the beneficial uses for the Lower Willamette River.
- d. Review and summarize the listings for non-attainment based on the most recent DEQ integrated report
- e. Obtain and evaluate the temperature data and assess the long-term compliance with the current TMDL.
- f. Based on the most recent toxicity results from the City, evaluate the RPA for aquatic toxicity based on the current outfall mixing characteristics
- g. Based on the review of data, assess the likely impact of the water quality conditions on future NPDES permit limits.
- h. Evaluate potential for increased mass load
- i. Prepare for and facilitate meeting and prepare associated meeting summary.
- j. Prepare Draft Chapter 5 and submit for City review.

- k. Address City comments and issue a Final Chapter 5.

Sub-Task 602 – Pre-Treatment Limit Evaluations (\$10,486)

The purpose of this task is to provide high-level comments and recommendations for consideration in the next local limits evaluation. The comments will provide continuity with the planning and evaluation of potential WWTP process upgrades in this Facility Plan. Activities associated with this task include:

- a. Review 2-3 years of influent, effluent, and biosolids priority pollutant data to determine presence of pollutants that may need to be addressed.
- b. Summarize new pollutants of concern identified in subtask 601 – Regulatory Considerations.
- c. Provide general comments on the ability of the current WWTP or future WWTP to remove potential pollutants or pollutant groups (e.g., readily degraded pollutants vs recalcitrant pollutants).
- d. Comment on possibility of source control for some pollutants as an option to upgrading the WWTP if treatment is not feasible.
- e. Participate in conference calls with Carollo task leads to coordinate review of data and findings of the regulatory and process evaluation tasks.
- f. Prepare draft technical memorandum (TM) providing general comments on considerations for the local limits update. Provide general context on the anticipated level of effort (amount of in-plant and residential sampling needed, etc.)
- g. Address City comments and issue content in final technical memorandum.

Task 600 Assumptions:

The following has been assumed in defining the scope of work under this task:

- New pre-treatment limits will not be calculated.
- Pre-treatment evaluation technical memorandum will be included as an appendix to the Master Plan.

Task 600 Deliverables:

- Draft and Final Chapter 5 – Regulatory Considerations.
- Draft and Final Pre-Treatment Evaluation Technical Memorandum
- Meeting minutes.

TASK 700 – CHAPTER 6, ALTERNATIVE DEVELOPMENT AND EVALUATION (\$85,209)

The objective of this task is to identify, develop and evaluate alternatives by process area that will maximize the use of existing assets at the WWTP and provide flexibility to meet potential future regulatory requirements. Activities associated with this task include:

- a. Based on basis of planning information developed in previous chapters, identify at conceptual level potential liquid and solids treatment process area alternative options for further evaluation.
- b. Prepare for and conduct an alternative development workshop with City and plant operations staff to develop and select liquids and solids process area improvements for evaluation. These could include:
 - Operational and/or process modifications to maximize existing secondary capacity.
 - Process improvements/additions to meet projected flow and load conditions.
 - Process improvements/additions to meet potential future regulatory requirements, including nutrient removal and temperature.
- c. Document workshop results, decisions and action items in meeting minutes.
- d. For up to 2 alternatives for each process area, perform the following activities:
 - Consider process area layout requirements.

- Consider routing alternatives for fiber optic run from control building to site entrance.
 - Compare hydraulic requirements to existing hydraulic profile and where necessary, perform hydraulic modeling between process units to identify required hydraulic improvements.
 - Define resulting dry and wet weather flow and loading capacities.
 - Review anticipated performance of the improvements.
 - Develop planning-level capital and life cycle costs.
 - Develop preliminary review of non-cost factors. (e.g., process reliability, permitting, flexibility and water quality considerations).
- e. Prepare for and conduct alternative evaluation workshop to review technical performance, costs, and non-cost considerations associated for each alternative. As part of the meeting, select preferred improvement alternatives and discuss spreadsheet tool to be developed in subsequent task.
- f. Document workshop results, decisions and action items in meeting minutes.
- g. Prepare Draft Chapter 6 and submit for City review.
- h. Address City comments and issue Final Chapter.

Task 700 Assumptions:

The following has been assumed in defining the scope of work under this task:

- Up to 2 alternatives will be developed and evaluated for the following process treatment areas: preliminary, secondary, tertiary, disinfection, thermal, thickening, dewatering and solids stabilization.
- Workshops will be up to 3-hours in duration.
- An allowance of 40 hours is included for spot evaluations of hydraulic improvements necessary alternative development. The profile associated with the 2014 plant improvements project will be used as a basis and water surface elevations associated with the peak hour flow of 16.0 MGD will be used as elevations that must be maintained for new improvements. Hydraulic evaluations will be performed using Carollo's Hydraulix® software.
- Cost projections and estimates are based on Consultant's opinion based on experience and judgment. Consultant cannot and does not guarantee that actual costs and/or quantities realized will not vary from the data projections and estimates prepared by Consultant
- Potential non-financial evaluation criteria include: capital and life cycle costs, regulatory compliance, operational reliability and flexibility, environmental benefits or impacts, sustainability / energy efficiency and social impacts/public acceptance.

Task 700 Deliverables:

- Draft and Final Chapter 6 – Alternative Development and Evaluations
- Workshop minutes

TASK 800 – CHAPTER 7, RECOMMENDED ALTERNATIVE (\$30,444)

The objective of this task is to finalize the recommended alternatives to be adopted in the Master Plan.

Activities include:

- a. Develop overall site plan and process flow schematic for the recommended alternative.
- b. Develop as necessary additional design data and sizing criteria for major process areas.
- c. Refine capital costs and life cycle costs for each phase of the recommended alternative. Capital costs will include consultant design and construction services along with City administration costs.
- d. Develop a project phasing plan that identifies required capital for the buildout (25 year) planning horizon based on anticipated flows and loads.
- e. Identify regulatory requirements that could impact project phasing.

- f. Develop spreadsheet tool that the City can use to update the timing of the recommended improvements based on hydraulic and loading increases.
- g. Prepare for and facilitate a workshop to review the proposed implementation plan and spreadsheet tool.
- h. Document workshop results, decisions and action items in meeting minutes.
- i. Prepare Draft Chapter 7 and submit for City review.
- j. Address City comments and prepare final chapter.

Task 800 Assumptions:

The following has been assumed in defining the scope of work under this task:

- Spreadsheet tool will allow City to change population growth rate, per capita flow and load and flow and load peaking factors and the spreadsheet tool will automatically calculate how these changes impact the expansion requirements of major processes. Major processes include screening, secondary treatment, filtration, thickening, disinfection, dewatering and drying. Major unit processes do not include RAS/WAS pumping, blowers and storage.
- Spreadsheet tool will be based on Master Plan recommended improvements.
- Workshop will be up to 2 hours.

Task 800 Deliverables:

- Draft and Final Chapter 7 – Recommended Alternative
- Workshop minutes.

TASK 900 – PREPARE MASTER PLAN (\$18,235)

This task involves development of an executive summary and combining previously developed chapters into a single document with supporting appendices in draft and final versions. Activities include:

- a. Prepare 75% draft that includes all chapters, executive summary and appendices for City review.
- b. Address City comments on the 75% draft and prepare 95% draft for DEQ and City review.
- c. Address DEQ and any additional City comments and finalize the master plan.

Task 900 Assumptions:

N/A

Task 900 Deliverables:

- 75% Master Plan for City review.
- 95% Master Plan for DEQ review.
- Final Master Plan.

TASK 1000 – QUALITY MANAGEMENT (\$15,680)

Develop and follow a Quality Management Plan (QMP) for the project to be included in the PMP. Review technical analysis, memos, reports, etc. and address review comments addressed prior to submission in accordance with the QMP. For major work products (i.e., chapters and Master Plan) develop a Record of Comment (ROC) to document City comments and Consultant responses.

Task 1000 Assumptions:

1. Consultant's Quality Management team performing QA/QC checks will be comprised of senior engineers and technical writers.

Task 1000 Deliverables:

1. Quality Management Plan (included as a section of the PMP).

2. Record of Comment documentation for major work products.

TASK 1100 – PROJECT MANAGEMENT (\$37,623)

The objective of this task is to manage and coordinate services required for Project completion. Consultant will provide the following services:

Subtask 1101 – Project Management Plan

Complete a draft Project Management Plan (PMP) including scope, work plan and products, budget, schedule, organization and staffing, communication protocol, and project standards within ten (10) days of Notice to Proceed (NTP). Prepare for and conduct a Project Kickoff Meeting. Finalize the PMP following the Kickoff Meeting and receipt of City comments. Monitor the PMP throughout the project and provide one update of the PMP upon request by the City.

Subtask 1102 – Project Monitoring and Reporting

Manage the Project team to track time and budget, work elements accomplished, work items planned for the next period, manpower, scope changes, time and budget needed to complete this Scope of Work. Prepare monthly project status reports that compare work accomplished with schedule activities and compare expenditures with task budgets and submit reports to the City's Project Manager with monthly invoices. Document expenditures on a task basis and show hours by project personnel and other direct expenses related to work. With each monthly progress report, provide corrective action plans to address schedule/budget deviations from baseline projections, if required.

Subtask 1103 – Project Management Meetings

Schedule and conduct monthly Progress Meetings through the duration of the Project, or more frequently as needed to maintain project momentum and focus. Meetings will be used to discuss project status, action items, and potential areas of concern.

Schedule and conduct 30-minute, bi-weekly Project Management calls throughout the duration of the Project. Calls will be used to track action items and information needed as documented in Project Management Meeting minutes.

Subtask 1100 Assumptions:

1. Total project duration is sixteen months (16) months.
2. Up to sixteen (16) Progress Meetings will be held at City's office or online.
3. Bi-weekly Project Management calls will be held via teleconference.
4. Consultant's Project Manager will lead all meetings and calls.
5. Agendas, meeting minutes, and Action Items will be distributed electronically by the Consultant to City's Project Manager.

Task 1100 Deliverables:

1. A Final PMP will be reviewed at the Project Kickoff Meeting.
2. Project Management Plan.
3. Sixteen (16) monthly Invoices and Progress Reports.
4. Materials for sixteen (16) Project Management Meetings.

MASTER PLAN OUTLINE

EXECUTIVE SUMMARY

CHAPTER 1 - PLANNING AREA CHARACTERISTICS

CHAPTER 2 - CONDITION ASSESSMENT AND TIER 1 SEISMIC ANALYSIS SUMMARY

CHAPTER 3 - WASTEWATER FLOW AND LOAD PROJECTIONS

CHAPTER 4 - CAPACITY ANALYSIS

CHAPTER 5 - REGULATORY CONSIDERATIONS AND STRATEGY

CHAPTER 6 - ALTERNATIVE DEVELOPMENT AND EVALUATION

CHAPTER 7 - RECOMMENDED ALTERNATIVE

Appendices:

1. Technical memorandum - life safety / seismic evaluation
Technical memorandum – pre-treatment limit evaluation



CITY COUNCIL STAFF REPORT

Meeting Date: May 4, 2020		Subject: Ordinance No. 841 – 2nd Reading Residential Code Modernization	
		Staff Member: Daniel Pauly, Planning Manager	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: April 20, 2020 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: April 20, 2020 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: May 4, 2020 <input 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 checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable	
		Comments: At their March 11 meeting, the Planning Commission unanimously approved a recommendation to City Council to adopt the proposed amendments.	
Staff Recommendation: Staff recommends that Council adopt Ordinance No. 841 on second reading.			
Recommended Language for Motion: I move to approve Ordinance No. 841 on second reading			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Organizational Excellence and Continuous Improvement; Thoughtful, Inclusive Built Environment	<input type="checkbox"/> Adopted Master Plan(s):	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE CITY COUNCIL:

Hold a public hearing regarding the proposed amendments to the Wilsonville Comprehensive Plan and Development Code to improve clarity, consistency, and usability of standards related to density and open space in the Planned Development Residential (PDR) and Residential (R) zones.

Ordinance No. 841 Staff Report

Page 1 of 4

EXECUTIVE SUMMARY:

Outside of Villebois and Frog Pond, the City adopted most of the current residential development standards in 2000. The City subsequently adopted changes to Open Space standards in 2005 and changes to Accessory Dwelling Units standards in 2010 and 2019. Application of the various standards over the years have brought forward a number of issues. The recommended Comprehensive Plan and Development Code text amendments intend to provide clarifications and resolve inconsistencies to address these items. Topics addressed by the proposed amendments include clarifying/defining how density is calculated and conflicts between different standards that take up or consume land (such as minimum lot size, minimum density, required amount of open space, street improvement standards, and stormwater facility requirements). In addition, the amendments address the approach to calculating open space, particularly for smaller projects, and ensuring quality design of open spaces. A summary of these proposed changes is attached (Attachment 2).

After substantial research, staff prepared draft recommendations for Comprehensive Plan and Development Code text amendments to address the issues and worked to refine them with the Planning Commission over five work sessions and City Council over two work sessions. Staff also sought to inform and gather input from targeted interested parties and the public at large utilizing an online survey on *Let's Talk, Wilsonville!*, public notices, and targeted outreach. On March 11, 2020 the Planning Commission held a public hearing and following the hearing unanimously recommended adoption of the proposed amendments to City Council.

A number of guiding concepts for the project informed the development of the recommendations, including:

- No proposed changes to allowed uses
- No proposed changes to existing Comprehensive Plan Map Designations or Zone Map Designations
- Better coordinate minimum and typical lot sizes with Comprehensive Plan/Zoning density ranges
- Maintain the Comprehensive Plan density range as the policy guidance for allowed density/number of units
- Allow predictable flexibility rather than uncertainty associated with the current waiver process
- Mirror the Residential Neighborhood (RN) zone as applicable
- Emphasize quality over quantity for open space

The proposed updates are most applicable to about 63 acres of unbuilt and underbuilt land within the City limits currently located within one of the seven PDR zones or likely to be in one of these zones in the future. The proposed updates may also apply to land added to the City in the future if the land is assigned a PDR zone. The proposed updates will not apply to the Frog Pond residential area (Residential Neighborhood Zone) or Villebois residential areas (Village Zone) as these areas are not in PDR zones. The proposed updates also do not apply to existing neighborhoods planned and built under existing standards, including those within PDR zones. Previously approved plans will continue to control what can be built in these neighborhoods unless a neighborhood is redesigned and rebuilt on a large scale. While the amount of land the recommended code amendments impact are limited, it is critical this limited amount of land is planned and developed efficiently and with quality design.

The package of amendments before the Council reflect the direction from Council given over two work sessions in February and March. Per Council direction staff removed the provision to allow 10% of larger private yards to count as open space and also, added a provision that half the open space requirement in a development must be usable and provided outside the Significant Resource Overlay Zone (SROZ). The Council will also notice the addition of edits to Section 4.139.11, which addresses SROZ density transfer, to make the section consistent with existing language already adopted in Section 4.124.

Staff has reviewed the proposed edits against applicable standards in the Comprehensive Plan, Development Code, Metro code, and state rules and statutes, as outlined in the Compliance Findings Report (Exhibit B to Attachment 1), establishing compliance of the proposed amendments with applicable standards.

EXPECTED RESULTS:

Adoption of the proposed amendments to the Comprehensive Plan and Development Code.

TIMELINE:

The City Council is scheduled for a first reading on April 20, 2020 and second reading on May 4, 2020. The Ordinance would become effective 30 days after the second reading, June 3, 2020.

CURRENT YEAR BUDGET IMPACTS:

This project is using internal staff resources.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 4/8/2020

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 4/15/2020

COMMUNITY INVOLVEMENT PROCESS:

Staff developed a survey discussing the various aspects of the proposed changes and posted it on *Let's Talk, Wilsonville!* Staff sent an invitation to participate as well as a link to the survey to a list of identified stakeholders. The list included developers, builders, real estate brokers, planners, architects, and engineers. The City also advertised the public hearing to about 3,800 property owners and interested parties.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Clearer standards and better design of residential neighborhoods and open spaces.

ALTERNATIVES:

The Council may modify the text amendments, continue the hearing for further discussion, or not pursue the amendments at this time.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Ordinance No. 841
 - A. Amended Comprehensive Plan Text and Development Code Text (Redline and Clean Read Versions)
 - Comprehensive Plan Text
 - Development Code: Definitions
 - Development Code: Open Space Standards
 - Development Code: Residential (R) Zone
 - Development Code: Planned Development Residential (PDR) Zones
 - Development Code: Significant Resource Overlay Zone (SROZ)
 - B. Compliance Findings
 - C. Planning Commission Record
2. Explanation of Recommended Comprehensive Plan and Development Code Amendments

ORDINANCE NO. 841

AN ORDINANCE OF THE CITY OF WILSONVILLE ADOPTING TEXT AMENDMENTS TO THE WILSONVILLE COMPREHENSIVE PLAN AND DEVELOPMENT CODE REGARDING THE PLANNED DEVELOPMENT RESIDENTIAL (PDR) AND RESIDENTIAL (R) ZONES.

WHEREAS, most Wilsonville Development Code standards for the Planned Development Residential “PDR” Zone and Residential “R” Zone, were adopted in 2000; and

WHEREAS, the City adopted amendments to residential open space standards in 2005 and amendments concerning Accessory Dwelling Units in 2010 and 2019; and

WHEREAS, years of implementing current standards have identified opportunities to improve the standards and to resolve inconsistencies, as well as enable reasonable development for sites of various sizes; and

WHEREAS, City staff researched and drafted potential updates to these standards; and

WHEREAS, the Planning Commission has held five work sessions and the City Council has held two work sessions to help guide and shape the recommended updates; and

WHEREAS, the City reached out to parties involved in residential development in the recent past in Wilsonville, as well as other interested parties for input; and

WHEREAS, the City expects the proposed Development Code and Comprehensive Plan text amendments to enable high quality and efficiently designed residential development on the developable residential land within the City in the PDR and R Zones to serve the needs of residents for years to come; and

WHEREAS, the Planning Commission, after Public Hearing Notices were timely mailed to impacted residential properties and interested parties and published, held a Public Hearing on March 11, 2020 to review the proposed amendments to the Wilsonville Comprehensive Plan and Development Code, and to gather additional testimony and evidence regarding the proposal; and

WHEREAS, upon duly considering the subject, the Planning Commission recommended the City Council adopt the amendments to the Comprehensive Plan text and Development Code text by unanimously voting to approve Resolution No. LP20-0001; and

WHEREAS, findings demonstrating compliance with applicable provisions of the Comprehensive Plan and Development Code as well as Metro and State rules and statutes have been made as contained in Exhibit B, attached hereto and incorporated by reference herein; and

WHEREAS, a copy of the record of the aforementioned Planning Commission action and recommendation is marked Exhibit C, attached hereto and incorporated by reference herein; and

WHEREAS, following the Planning Commission public hearing, the Planning Director, forwarded the recommended amendments to the Wilsonville Comprehensive Plan and Development Code onto the City Council, along with a Staff Report and attachments, in accordance with the public hearing and notice procedures that are set forth in Sections 4.012, 4.197, and 4.198 of the Wilsonville Code; and

WHEREAS, the City Council, after public hearing notices were provided to over 3,800 property owners, a list of interested agencies, emailed to over 60 people, and posted in 4 locations throughout the City and on the City website, held a public hearing on April 20, 2020 to review the recommended amendments to the Wilsonville Comprehensive Plan and Development Code, and to gather additional evidence and testimony regarding the amendments; and

WHEREAS, the City Council afforded all interested parties an opportunity to be heard on the subject and has entered all available evidence and testimony into the public record of its proceeding; and

WHEREAS, the City Council duly considered the Planning Commission recommendation and all the exhibits and testimony introduced and offered by all interested parties.

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

1. FINDINGS.

The above-recited findings are adopted and incorporated by reference herein as findings and conclusions of Resolution No. LP20-0001, which includes the staff report. The City Council further finds and concludes that the adoption of the proposed Development Code and Comprehensive Plan text amendments, are necessary for the good of the public of the municipality as described in Exhibit B.

2. DETERMINATION.

Based on such findings, the City Council hereby adopts Development Code and Comprehensive Plan text amendments, attached hereto as Exhibits A. The City Recorder is hereby directed to prepare final formatting to make sure such style and conforming changes match the format and style of the Wilsonville Development Code and Comprehensive Plan.

3. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 20th day of April 2020, commencing at the hour of 7 p.m., at Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon, and scheduled for second reading at the following City Council meeting commencing at the same place on May 4, 2020 at 7 p.m.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 4th day of May, 2020, by the following votes:

Yes: ___ No: ___

Kimberly Veliz, City Recorder

DATED and signed by the Mayor the 4th day of May, 2020.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp
- Council President Akervall
- Councilor Lehan
- Councilor West
- Councilor Linville

Exhibits:

- A. Amended Comprehensive Plan Text and Development Code Text
- B. Compliance Findings
- C. Planning Commission Record

Ordinance No. 841 Exhibit A

Comprehensive Plan Text Amendments (Redline Version)

Omitted Text Struckthrough
Added Text Red and Underlined

Implementation Measure 4.1.4.p In an effort to balance residential growth with the City's employment base, the City shall encourage the development of housing to meet the needs of the employees working in the City.

Implementation Measure 4.1.4.q The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.

Implementation Measure 4.1.4.r All development, except as indicated in the lowest density districts, will coincide with the provision of adequate streets, water, and sanitary sewerage and storm drainage facilities, as specified in the Public Facilities and Services Section of the Plan. These facilities shall be (a) capable of adequately serving all intervening properties as well as the proposed development and (b) designed to meet City standards.

Implementation Measure 4.1.4.s Residential subdivisions, including mobile home subdivisions, shall be developed with paved streets, curbs and gutters, street lights and walkways, according to City standards. All utilities, other than storm water facilities, will be placed underground.

Implementation Measure 4.1.4.t Site plans will provide for adequate open space to (a) protect adjacent properties; and (b) provide ample yard space and play areas for residents. The residential character of established neighborhoods, particularly low density developments, shall also be protected as surrounding development occurs. Site development standards shall continue to be applied to ensure compatibility with adjacent land uses. High design standards will be established for signage and appearance, including the landscaping of setback areas and the designation of access points.

Implementation Measure 4.1.4.u To provide variety and flexibility in site design and densities, residential lands shown on the Land Use Map and legislative Master Plans of the Comprehensive Plan have been divided into districts, with different density ranges for each district. In all residential developments, other than those that are so small that it is not mathematically feasible to achieve the prescribed minimum density, the 80% minimum shall apply. The following density ranges have been prescribed for each district:

Density: 0-1 units/acre
 2-3 units/acre
 4-5 units/acre
 6-7 units/acre
 10-12 units/acre
 ~~18~~16-20 units/acre

Densities may also be defined for specific areas in legislative Master Plans.

Implementation Measure 4.1.4.cc In order to encourage originality, flexibility, and innovation in land development, and minimize monotonous standardized subdivisions, all subdivisions over two acres in size require Planned Development review (P.D.R.). Multi-plexes and single-family attached units may also be approved as part of a planned development.

Implementation Measure 4.1.4.dd Continue the development of a renewal program to update/upgrade the "Old Town" area of Wilsonville.

RESIDENTIAL PLANNING DISTRICTS SHOWN ON THE LAND USE MAP OF THE COMPREHENSIVE PLAN

Density (0-1 du/ac)

The purpose of this district is to provide for very low density housing areas to satisfy individuals desiring to own a large lot within an urban setting. This district recognizes and protects existing and future large-lot developments within the City. ~~This density would generally fall under the PDR-1 zoning district category as outlined in the Development Code.~~

The following areas should be designated and developed at this density:

1. Areas which are currently developed at suburban densities and where little need exists for redevelopment.
2. Areas where transportation is limited to minor collector and local streets, and where high volume traffic would create safety problems.
3. Areas where sensitivity to the natural environment or natural hazards warrant a reduced density.

Density (2-3-or 4-5 du/ac)

The purpose of ~~this-these~~ districts ~~is-are~~ to provide for low density residential areas. ~~The 2-3 du/acre density would generally fall under the PDR-2 zoning district category as outlined in the Development Code. The 4-5 du/acre density would generally fall under the PDR-2 and PDR-3 (or other categories that could work out to this level of density) zoning district category as outlined in the Development Code.~~

The following areas should be designated and developed at this density:

1. Areas with access to a minor arterial, collector, or local streets. However, direct vehicular access from individual lots onto a minor arterial will be restricted.
2. Undeveloped areas adjacent to existing lower density developments, or near the fringe of the Urban Growth Boundary.
3. Areas where sensitivity to the natural environment or natural hazards warrant a reduced density.

Density (6-7 or 10-12 du/ac)

The purpose of ~~this~~ these districts ~~is~~ are to ensure an efficient use of urban land by providing for the development of medium density housing areas. ~~This density would generally fall under the PDR 3 and PDR 4 (or other categories that could work out to this level of density) zoning districts category as outlined in the Development Code.~~

The following areas should be designated and developed as urban medium density:

1. Areas with access to a major or minor arterial or collector street. Siting should not, however, result in significant traffic impacts through lower density residential areas.
2. Areas located near or adjacent to commercial areas, employment centers and/or mass transit routes.
3. Areas adjacent to urban lower density developments or planning districts.

Permitted uses in this district typically include single family dwellings, whether detached or attached, accessory dwelling units, multi-family dwellings, including duplexes and tri-plexes, and mobile home parks or subdivisions, multi-family developments, including duplexes and multi-plexes and mobile home parks or subdivisions, will be subject to Development Review approval.

Neighborhood or convenience commercial uses may be permitted as part of a Planned Development but should be integrated into the design of the surrounding residential development, i.e., first floor of multi-story structure or similar design as residential units. Such commercial developments shall be limited to locations where there is clearly demonstrated local need. All such uses shall be subject to Development Review approval.

Density (~~18~~16-20-du/ac)

The purpose of this district is to provide for efficient use of land near the major commercial or employment centers by providing for high-density residential development. It is a further purpose of this district to encourage mixed uses in commercial areas. ~~This density would generally fall under the PDR 6 and PDR 7 (or other categories that could work out to this level of density) zoning district categories as outlined in the Development Code.~~

The following areas may be designated urban high-density residential:

1. Areas located on major or minor arterials and where such development will not result in significant traffic impacts through low- or medium-density residential areas.
2. Areas located within or adjacent to major shopping centers, employment centers and/or adjacent to mass transit routes.

Because of the land use intensity allowable in this district, the zoning will be restricted to a Planned Development review.

All developments will be subject to Development Review Board approval, including lot sizes, setbacks, open space, and parking requirements. Where feasible, under-structure parking will be encouraged on structures over two (2) stories in height.

Residential – Village

See the Compact Urban Development section of this Plan for the description of the Residential Village designation.

Residential – Neighborhood

See the Residential Neighborhood section of this Plan for the description of the Residential Neighborhood designation.

ENVIRONMENTAL RESOURCES AND COMMUNITY DESIGN

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

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

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

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

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

1. Existing vegetation.

Ordinance No. 841 Exhibit A

Comprehensive Plan Text Amendments (Clean Read Version)

Implementation Measure 4.1.4.p In an effort to balance residential growth with the City's employment base, the City shall encourage the development of housing to meet the needs of the employees working in the City.

Implementation Measure 4.1.4.q The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.

Implementation Measure 4.1.4.r All development, except as indicated in the lowest density districts, will coincide with the provision of adequate streets, water, and sanitary sewerage and storm drainage facilities, as specified in the Public Facilities and Services Section of the Plan. These facilities shall be (a) capable of adequately serving all intervening properties as well as the proposed development and (b) designed to meet City standards.

Implementation Measure 4.1.4.s Residential subdivisions, including mobile home subdivisions, shall be developed with paved streets, curbs and gutters, street lights and walkways, according to City standards. All utilities, other than storm water facilities, will be placed underground.

Implementation Measure 4.1.4.t Site plans will provide for adequate open space to (a) protect adjacent properties; and (b) provide ample yard space and play areas for residents. The residential character of established neighborhoods, particularly low density developments, shall also be protected as surrounding development occurs. Site development standards shall continue to be applied to ensure compatibility with adjacent land uses. High design standards will be established for signage and appearance, including the landscaping of setback areas and the designation of access points.

Implementation Measure 4.1.4.u To provide variety and flexibility in site design and densities, residential lands shown on the Land Use Map and legislative Master Plans of the Comprehensive Plan have been divided into districts, with different density ranges for each district. In all residential developments, other than those that are so small that it is not mathematically feasible to achieve the prescribed minimum density, the 80% minimum shall apply. The following density ranges have been prescribed for each district:

Density:	0-1 units/acre
	2-3 units/acre
	4-5 units/acre
	6-7 units/acre
	10-12 units/acre
	16-20 units/acre

Densities may also be defined for specific areas in legislative Master Plans.

Implementation Measure 4.1.4.cc In order to encourage originality, flexibility, and innovation in land development, and minimize monotonous standardized subdivisions, all subdivisions over two acres in size require Planned Development review (P.D.R.). Multi-plexes and single-family attached units may also be approved as part of a planned development.

Implementation Measure 4.1.4.dd Continue the development of a renewal program to update/upgrade the "Old Town" area of Wilsonville.

RESIDENTIAL PLANNING DISTRICTS SHOWN ON THE LAND USE MAP OF THE COMPREHENSIVE PLAN

Density (0-1 du/ac)

The purpose of this district is to provide for very low density housing areas to satisfy individuals desiring to own a large lot within an urban setting. This district recognizes and protects existing and future large-lot developments within the City.

The following areas should be designated and developed at this density:

1. Areas which are currently developed at suburban densities and where little need exists for redevelopment.
2. Areas where transportation is limited to minor collector and local streets, and where high volume traffic would create safety problems.
3. Areas where sensitivity to the natural environment or natural hazards warrant a reduced density.

Density (2-3 or 4-5 du/ac)

The purpose of these districts are to provide for low density residential areas.

The following areas should be designated and developed at this density:

1. Areas with access to a minor arterial, collector, or local streets. However, direct vehicular access from individual lots onto a minor arterial will be restricted.
2. Undeveloped areas adjacent to existing lower density developments, or near the fringe of the Urban Growth Boundary.
3. Areas where sensitivity to the natural environment or natural hazards warrant a reduced density.

Density (6-7 or 10-12 du/ac)

The purpose of these districts are to ensure an efficient use of urban land by providing for the development of medium density housing areas.

The following areas should be designated and developed as urban medium density:

1. Areas with access to a major or minor arterial or collector street. Siting should not, however, result in significant traffic impacts through lower density residential areas.
2. Areas located near or adjacent to commercial areas, employment centers and/or mass transit routes.
3. Areas adjacent to urban lower density developments or planning districts.

Permitted uses in this district typically include single family dwellings, whether detached or attached, accessory dwelling units, multi-family dwellings, including duplexes and tri-plexes, and mobile home parks or subdivisions, multi-family developments, including duplexes and multi-plexes and mobile home parks or subdivisions, will be subject to Development Review approval.

Neighborhood or convenience commercial uses may be permitted as part of a Planned Development but should be integrated into the design of the surrounding residential development, i.e., first floor of multi-story structure or similar design as residential units. Such commercial developments shall be limited to locations where there is clearly demonstrated local need. All such uses shall be subject to Development Review approval.

Density (16-20 du/ac)

The purpose of this district is to provide for efficient use of land near the major commercial or employment centers by providing for high-density residential development. It is a further purpose of this district to encourage mixed uses in commercial areas.

The following areas may be designated urban high-density residential:

1. Areas located on major or minor arterials and where such development will not result in significant traffic impacts through low- or medium-density residential areas.
2. Areas located within or adjacent to major shopping centers, employment centers and/or adjacent to mass transit routes.

Because of the land use intensity allowable in this district, the zoning will be restricted to a Planned Development review.

All developments will be subject to Development Review Board approval, including lot sizes, setbacks, open space, and parking requirements. Where feasible, under-structure parking will be encouraged on structures over two (2) stories in height.

Residential – Village

See the Compact Urban Development section of this Plan for the description of the Residential Village designation.

Residential – Neighborhood

See the Residential Neighborhood section of this Plan for the description of the Residential Neighborhood designation.

ENVIRONMENTAL RESOURCES AND COMMUNITY DESIGN

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

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

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

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

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

1. Existing vegetation.

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Development Code Text Amendments: Definitions (Redline Version)

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Development Code Text Amendments: Definitions (Redline Version)

Section 4.001 Definitions.

In addition to the definitions set forth in Section 4.001, below, for the purpose of this Chapter, the following terms are hereby defined. The word "occupy" includes premises designed or intended to be occupied. The word "shall" is always mandatory. All other words shall have the following respective meanings, unless the context otherwise requires:

70. Crown Cover: The area within the drip line or perimeter of the foliage of a tree.
71. Curb Line: The line indicating the edge of the roadway within the overall right-of-way.
72. Curfew. A time each night after which certain electric illumination must be turned off or reduced in intensity. [Added by Ord. 649, 6/2/08]
73. DATELUP: An acronym for the Dammasch Area Transportation-Efficient Land Use Plan, which is the City of Wilsonville's 1997 adopted land-use plan within the Comprehensive Plan Area of Special Concern "B".
74. Design: The conceptualization of the built environment in response to specific sets of human needs and desires.
75. Design Standards, Village Center: Criteria applicable to the design and construction of development within the Village Center, to guide the selection and arrangement of building elements to achieve a minimum level of quality and consistency in the finished product.
76. Design Principles, Village Zone: The fundamental concepts that support the objectives of the Master Plan and guide the intrinsic qualities of the built environment within the Residential Village Plan District. Design Principles are implemented through conformance with the Design Standards.
77. Design Standards, Village Zone: Criteria applicable to the design and construction of development within the Village zone, to guide the selection and arrangement of building elements to achieve a minimum level of quality and consistency in the finished product.
78. Density: The number of residential units per acre of land.
79. Development: Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located or storage of equipment or materials located within the area of special flood hazard. [Amended by Ord. # 647, 4/21/08]
80. Development Area, Gross: The total or entire area of a Stage I Master Plan, or if no Stage I Master Plan is required a Tentative Plat, after subtracting out (1) land area within the City's Significant Resource Overlay Zone and (2) land area encumbered by a Bonneville Power Administration power line easement.
- ~~79.~~81. Development Standards: Criteria established for initial planning of any change to improved or unimproved real estate that determines the relative size and arrangement of common building elements in order to achieve a certain level of quality and consistency in the built environment.

Ordinance No. 841 Exhibit A

**Development Code
Text Amendments:
Definitions

(Clean Read Version)**

Ordinance No. 841 Exhibit A

Development Code Text Amendments: Definitions (Clean Read Version)

Section 4.001 Definitions.

In addition to the definitions set forth in Section 4.001, below, for the purpose of this Chapter, the following terms are hereby defined. The word "occupy" includes premises designed or intended to be occupied. The word "shall" is always mandatory. All other words shall have the following respective meanings, unless the context otherwise requires:

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80. Development Area, Gross: The total or entire area of a Stage I Master Plan, or if no Stage I Master Plan is required a Tentative Plat, after subtracting out (1) land area within the City's Significant Resource Overlay Zone and (2) land area encumbered by a Bonneville Power Administration power line easement.
81. Development Standards: Criteria established for initial planning of any change to improved or unimproved real estate that determines the relative size and arrangement of common building elements in order to achieve a certain level of quality and consistency in the built environment.

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Development Code Text Amendments: Open Space (Redline Version)

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Development Code Text Amendments: Open Space (Redline Version)

Section 4.113. Standards Applying To Residential Developments In Any Zone.

~~(.01) Outdoor Recreational Area in Residential Developments.~~

~~A. Purpose. The purposes of the following standards for outdoor recreational area are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development. Outdoor recreational area shall be:~~

- ~~1. Designed with a reasonable amount of privacy balanced between indoor and outdoor living areas. Such outdoor recreational area shall be provided consistent with the requirements of this Section.~~
- ~~2. Recreational areas shall be provided in keeping with the needs of the prospective tenants and shall not be located in required yards, parking, or maneuvering areas, or areas that are inaccessible. Standards for outdoor recreational areas may be waived by the Development Review Board upon finding that the recreational needs of the residents will be adequately met through the use of other recreational facilities that are available in the area.~~
- ~~3. In mixed-use developments containing residential uses, the Development Review Board shall establish appropriate requirements for outdoor recreational area, consistent with this Section.~~
- ~~4. The Development Review Board may establish conditions of approval to alter the amount of required outdoor recreation area, based on findings of projected need for the development. Multi-family developments shall provide at least the following minimum recreational area:
 - ~~a. For ten (10) or fewer dwelling units, 1000 square feet of usable recreation area;~~
 - ~~b. For eleven (11) through nineteen (19) units, 200 square feet per unit;~~
 - ~~c. For twenty (20) or more units, 300 square feet per unit.~~~~
- ~~5. Outdoor recreational area shall be considered to be part of the open space required in the following subsection.~~

~~(.0201) Open Space~~

~~A. Purpose. The purposes of the following standards for open space are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development.~~

~~A. Area shall be provided in the following manner.:~~

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B. Area Required. The minimum open space area required in a development is an area equal to 25% of the size of the Gross Development Area.

C. Required Open Space Characteristics:

1. Size of Individual Open Spaces. For developments with 10 or more units (excluding ADU's) an open space area must be at least 2,000 square feet to be counted towards the 25% open space requirement. For developments with less than 10 units (excluding ADU's) an open space area must be at least 1,000 square feet to be counted towards the 25% open space requirement.

2. Types of Open Space and Ownership. The following types of areas count towards the minimum open space requirement if they are or will be owned by the City, a homeowners' association or similar joint ownership entity, or the property owner for Multi-family Development.

a. Preserved wetlands and their buffers, natural and/or treed areas, including those within the SROZ

b. New natural/wildlife habitat areas

c. Non-fenced vegetated stormwater features

d. Play areas and play structures

e. Open grass area for recreational play

f. Swimming and wading areas

g. Other areas similar to a. through f. that are publically accessible

h. Walking paths besides required sidewalks in the public right-of-way or along a private drive.

3. Usable open space requirements. Half of the minimum open space area, an area equal to 12.5% of the size of the Gross Development Area, shall be located outside the SROZ and be usable open space programmed for active recreational use. Any open space considered usable open space programmed for active recreation use shall meet the following requirements.

a. Be designed by a registered professional landscape architect with experience designing residential park areas. An affidavit of such professional's credentials shall be included in the development application material.

b. Be designed and programmed for a variety of age groups or other user groups.

4. Enhancing Existing Wildlife Habitat through Design of Open Space.

Development Code Text Amendments: Open Space (Redline Version)

- a. Open space designed as wildlife habitat shall be placed adjacent to and connect to existing, preserved wildlife habitat to the extent feasible.
- b. To the extent feasible, open space shall create or enhance connections between existing wildlife habitat.

~~In all residential subdivisions including subdivision portions of mixed use developments where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty five percent (25%) of the area shall be in open space excluding streets and private drives. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, walking paths, and other like space. For subdivisions with less than 25% SROZ lands and those with no SROZ lands, the minimum requirement shall be ¼ acre of usable park area for 50 or less lots, ½ acre of usable park area for 51 to 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. Front, side and rear yards of individual residential lots shall not be counted towards the 25% open space.~~

~~Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide ¼ acre of usable park area for a development of less than 100 lots, and ½ acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways. Irrespective of the amount of SROZ, a development may not use phasing to avoid the minimum usable space requirement.~~

~~Multi family developments shall provide a minimum of 25% open space excluding streets and private drives. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations, and outdoor recreational area as provided in 4.113(.01)(A)(1) through (5) [Amended by Ord. 589 8/15/05, Ord. 682, 9/9/10]~~

BD. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks

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Development Code Text Amendments: Open Space (Redline Version)

standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.

~~E.~~ The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.

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

G. Partitions for non-Multi-family development are exempt from the open space area requirements of this subsection, however serial or adjacent partitions shall not be used to avoid the requirements.

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**Development Code
Text Amendments:
Open Space

(Clean Read Version)**

Development Code Text Amendments: Open Space (Clean Read Version)

Section 4.113. Standards Applying To Residential Developments In Any Zone.

(.01) Open Space

- A. Purpose. The purposes of the following standards for open space are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development.
- B. Area Required. The minimum open space area required in a development is an area equal to 25% of the size of the Gross Development Area.
- C. Required Open Space Characteristics:
 1. Size of Individual Open Spaces. For developments with 10 or more units (excluding ADU's) an open space area must be at least 2,000 square feet to be counted towards the 25% open space requirement. For developments with less than 10 units (excluding ADU's) an open space area must be at least 1,000 square feet to be counted towards the 25% open space requirement.
 2. Types of Open Space and Ownership. The following types of areas count towards the minimum open space requirement if they are or will be owned by the City, a homeowners' association or similar joint ownership entity, or the property owner for Multi-family Development.
 - a. Preserved wetlands and their buffers, natural and/or treed areas, including those within the SROZ
 - b. New natural/wildlife habitat areas
 - c. Non-fenced vegetated stormwater features
 - d. Play areas and play structures
 - e. Open grass area for recreational play
 - f. Swimming and wading areas
 - g. Other areas similar to a. through f. that are publically accessible
 - h. Walking paths besides required sidewalks in the public right-of-way or along a private drive.
 3. Usable open space requirements. Half of the minimum open space area, an area equal to 12.5% of the size of the Gross Development Area, shall be located outside the SROZ and be usable open space programmed for active recreational use. Any open space considered usable open space programmed for active recreation use shall meet the following requirements.

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Development Code Text Amendments: Open Space (Clean Read Version)

- a. Be designed by a registered professional landscape architect with experience designing residential park areas. An affidavit of such professional's credentials shall be included in the development application material.
 - b. Be designed and programmed for a variety of age groups or other user groups.
4. Enhancing Existing Wildlife Habitat through Design of Open Space.
- a. Open space designed as wildlife habitat shall be placed adjacent to and connect to existing, preserved wildlife habitat to the extent feasible.
 - b. To the extent feasible, open space shall create or enhance connections between existing wildlife habitat.

[Amended by Ord. 589 8/15/05]

- D. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.
- E. The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.
- F. The open space requirements of this subsection are subject to adjustments in PDR zones pursuant to Subsection 4.124 (.08).
- G. Partitions for non-Multi-family development are exempt from the open space area requirements of this subsection, however serial or adjacent partitions shall not be used to avoid the requirements.

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Development Code Text Amendments: Residential (R) Zone Standards

(Redline Version)

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Development Code Text Amendments: Residential (R) Zone Standards (Redline Version)

Section 4.122. Residential Zone.

- (.01) Purpose: The purpose of this zone is to provide for standards and a simplified review process for small-scale urban low and medium density residential development. Developments in the ‘R’ zone are not intended to be Planned Developments.
- (.02) Residential Densities: Residential densities shall be ~~governed by the density range designated by the City of Wilsonville Comprehensive Plan~~ determined using Table 1 of this section based on the Comprehensive Plan Map Density Range District.

Table 1. R Zone Density Calculations.

<u>Comprehensive Plan Map Density Range District*</u>	<u>Max Density per Acre</u>	<u>Min Density per Acre</u>
<u>2-3</u>	<u>3</u>	<u>2.4</u>
<u>4-5</u>	<u>5</u>	<u>4</u>
<u>6-7</u>	<u>7.5</u>	<u>6</u>
<u>10-12</u>	<u>12</u>	<u>9.6</u>

**All dwelling unit types, except accessory dwelling units, are included for calculating density.*

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- (.03) Lot Size Qualifications:
 - A. The owner or the owner's authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid PDR regulations.
 - B. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
 - C. The development area must be two (2) acres or less in size. Development of larger properties shall be reviewed through planned development procedures.
 - D. Not more than thirty percent (30%) of the lot shall be covered by buildings.
- (.04) Principal Uses Permitted:
 - A. Single-Family Dwelling Units.
 - B. Duplexes. [Amended by Ord. #825, 10/15/18]
 - C. Multiple-Family Dwelling Units. [Amended by Ord. #825, 10/15/18]

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Development Code Text Amendments: Residential (R) Zone Standards (Redline Version)

- D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H zone.
 - E. Manufactured homes. [Note: Section 4.115 Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted deleted per by Ord. 538, 2/21/02.]
- (.05) Accessory Uses Permitted to Single Family and Detached Dwelling Units:
- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, including accessory dwelling units subject to the standards of Subsection 4.113 (.11), located on the same lot therewith. [Amended by Ord. #825, 10/15/18]
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
 - E. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.
 - F. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main buildings, at least one-half (1/2) of the side yard setback. In no case shall a setback less than three (3) feet be permitted unless a Reduced Setback Agreement has been approved and properly recorded, as provided in Section 4.113.
 - G. Livestock and farm animals shall be permitted subject to the provisions of Section 4.162.
- (.06) Accessory Uses Permitted for Duplexes and Attached Multiple-Family Dwelling Units: [Amended by Ord. #825, 10/15/18]
- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the

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Development Code Text Amendments: Residential (R) Zone Standards (Redline Version)

premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.
- F. Livestock and farm animals shall be permitted, subject to the provisions of Section 4.162.

(.07) Other Standards:

- A. Minimum lot width at building line: Sixty (60) feet.
- B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive.
- C. Minimum lot size: 5000 square feet.
- D. Minimum lot depth: Seventy (70) feet.
- E. Maximum building or structure height: Thirty-five (35) feet.
- F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; thirty percent (30%) for all buildings.
- G. Block and access standards:
 - 1. Maximum block perimeter in new land divisions: 1,800 feet.
 - 2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
 - 3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.122(.07) amended by Ord. 538, 2/21/02; Ord 682, 9/9/10.]

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Development Code Text Amendments: Residential (R) Zone Standards

(Clean Read Version)

Development Code Text Amendments: Residential (R) Zone Standards (Clean Read Version)

Section 4.122. Residential Zone.

- (.01) Purpose: The purpose of this zone is to provide for standards and a simplified review process for small-scale urban low and medium density residential development. Developments in the ‘R’ zone are not intended to be Planned Developments.
- (.02) Residential Densities: Residential densities shall be determined using Table 1 of this section based on the Comprehensive Plan Map Density Range District.

Table 1. R Zone Density Calculations.

Comprehensive Plan Map Density Range District*	Max Density per Acre	Min Density per Acre
2-3	3	2.4
4-5	5	4
6-7	7.5	6
10-12	12	9.6

**All dwelling unit types, except accessory dwelling units, are included for calculating density.*

- (.03) Lot Size Qualifications:
 - A. The owner or the owner's authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid PDR regulations.
 - B. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
 - C. The development area must be two (2) acres or less in size. Development of larger properties shall be reviewed through planned development procedures.
 - D. Not more than thirty percent (30%) of the lot shall be covered by buildings.
- (.04) Principal Uses Permitted:
 - A. Single-Family Dwelling Units.
 - B. Duplexes. [Amended by Ord. #825, 10/15/18]
 - C. Multiple-Family Dwelling Units. [Amended by Ord. #825, 10/15/18]
 - D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H zone.

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Development Code Text Amendments: Residential (R) Zone Standards (Clean Read Version)

- E. Manufactured homes. [Note: Section 4.115 Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted deleted per by Ord. 538, 2/21/02.]

(.05) Accessory Uses Permitted to Single Family and Detached Dwelling Units:

- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, including accessory dwelling units subject to the standards of Subsection 4.113 (.11), located on the same lot therewith. [Amended by Ord. #825, 10/15/18]
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
- E. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.
- F. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main buildings, at least one-half (1/2) of the side yard setback. In no case shall a setback less than three (3) feet be permitted unless a Reduced Setback Agreement has been approved and properly recorded, as provided in Section 4.113.
- G. Livestock and farm animals shall be permitted subject to the provisions of Section 4.162.

(.06) Accessory Uses Permitted for Duplexes and Attached Multiple-Family Dwelling Units: [Amended by Ord. #825, 10/15/18]

- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located

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behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.

- F. Livestock and farm animals shall be permitted, subject to the provisions of Section 4.162.

(.07) Other Standards:

- A. Minimum lot width at building line: Sixty (60) feet.
- B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive.
- C. Minimum lot size: 5000 square feet.
- D. Minimum lot depth: Seventy (70) feet.
- E. Maximum building or structure height: Thirty-five (35) feet.
- F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; thirty percent (30%) for all buildings.
- G. Block and access standards:
 - 1. Maximum block perimeter in new land divisions: 1,800 feet.
 - 2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
 - 3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.122(.07) amended by Ord. 538, 2/21/02; Ord 682, 9/9/10.]

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(Redline Version)

Omitted Text Struckthrough
Added Text Red and Underlined

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Section 4.124. Standards Applying To All Planned Development Residential Zones.

- (.01) Examples of principal uses that are typically permitted:
 - A. Open Space.
 - B. Single-Family Dwelling Units.
 - C. Duplexes. [Added by Ord. #825, 10/15/18]
 - D. Multiple-Family Dwelling Units. [Amended by Ord. #825, 10/15/18]
 - E. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.
 - F. Manufactured homes, subject to the standards of Section 4.115 (Manufactured Housing).

- (.02) Permitted accessory uses to single family and detached dwelling units: [Amended by Ord. #825, 10/15/18]
 - A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.
 - B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.
 - C. Accessory dwelling units, subject to the standards of Section 4.113 (~~.4110~~). [Amended by Ord. #825, 10/15/18]
 - D. Home occupations.
 - E. A private garage or parking area.
 - G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
 - H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
 - J. Livestock and farm animals, subject to the provisions of Section 4.162.

- (.03) Permitted accessory uses for duplexes and attached multiple-family dwelling units: [Amended by Ord. #825, 10/15/18]

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- A. Accessory uses, buildings, and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
 - F. Livestock and farm animals, subject to the provisions of Section 4.162.
- (.04) Uses permitted subject to Conditional Use Permit requirements:
- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
 - B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
 - C. Churches, public, private and parochial schools, public libraries and public museums.
 - D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:
 1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 2. Such centers are of a scale compatible with the surrounding residential structures.
 3. Such centers shall be compatible with the surrounding residential uses.
 4. The site of a Neighborhood Commercial Center shall be at least one-quarter (1/4) mile from any other sites zoned for commercial uses.
 5. The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.
 6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
 7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.

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E. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of subsection “D” (Neighborhood Commercial Centers), above.

F. Home businesses. [Added by Ord. #825, 10/15/18]

(.05) Appropriate PDR ~~zone~~Zoning Designation and Maximum and Minimum Density based on Comprehensive Plan Density Range District:

<u>Comprehensive Plan Density *</u>	<u>Zoning District</u>
<u>0-1 u/acre</u>	<u>PDR-1</u>
<u>2-3 u/acre</u>	<u>PDR-2</u>
<u>4-5 u/acre</u>	<u>PDR-3</u>
<u>6-7 u/acre</u>	<u>PDR-4</u>
<u>10-12 u/acre</u>	<u>PDR-5</u>
<u>16-20 u/acre</u>	<u>PDR-6</u>
<u>20+ u/acre</u>	<u>PDR-7</u>

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

<u>Zoning Designation</u>	<u>Comprehensive Plan Map Density Range District*</u>	<u>Max Density per Acre</u>	<u>Min Density per Acre</u>
<u>PDR-1</u>	<u>0-1</u>	<u>1</u>	<u>0.8</u>
<u>PDR-2</u>	<u>2-3</u>	<u>3</u>	<u>2.4</u>
<u>PDR-3</u>	<u>4-5</u>	<u>5</u>	<u>4</u>
<u>PDR-4</u>	<u>6-7</u>	<u>7.5</u>	<u>6</u>
<u>PDR-5</u>	<u>10-12</u>	<u>12</u>	<u>9.6</u>
<u>PDR-6</u>	<u>16-20</u>	<u>20</u>	<u>16</u>
<u>PDR-7</u>	<u>Over 20</u>	<u>As approved by Zoning Order/Stage 1 Master Plan, at least 2025</u>	<u>80% of Max Density</u>

**All dwelling unit types, except accessory dwelling units, are included for calculating density.*

[Amended by Ord. #825, 10/15/18]

(.06) Unit Count Limitations. Unit count limitations are calculated as follows:

A. Maximum Unit Count. Maximum unit count at build out of Stage I Master Plan area: is calculated by taking the Gross Development Area multiplied by Maximum Density per Acre stated in Table 1 of this Code section, plus any density transferred from SROZ areas pursuant to Subsection 4.139.11 (.02). For example, any number greater than 4 and less than 5 shall be rounded down to 4.

B. Minimum Unit Count. Minimum unit count at build out of Stage I Master Plan area: 80% of maximum unit count described in A. above.

C. If the Stage I Master Plan area is subject to more than one Comprehensive Plan Map Density Range District and Zoning Designation, calculations for areas of differing

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densities shall be done separately and then summed together, and the final summed number rounded down to the nearest whole number.

(.07) Lot Standards

Table 2: Lot Standards for All PDR Zoned Lots

<u>Zoning Designation</u>	<u>Minimum Lot Size (square feet)</u>	<u>Setbacks</u>	<u>Maximum Lot Coverage (percent of lot area) of Largest Building/All Buildings^A</u>	<u>Minimum Lot Width at Building Line/Minimum Street Frontage of Lot^B (feet)</u>	<u>Minimum Lot Depth (feet)</u>	<u>Maximum Building Height (feet)</u>
<u>PDR-1</u>	<u>20,000</u>	<u>Per Section 4.113 (.03)</u>	<u>20/25</u>	<u>80/80</u>	<u>100</u>	<u>35</u>
<u>PDR-2</u>	<u>7,000</u>		<u>25/30 (more than 12000 and less than 20000 sf lot)</u> <u>40/50 (more than 8000 up to 12000 sf lot)</u> <u>45/55 (7000 to 8000 sf lot)</u>	<u>60/30</u>	<u>70</u>	
<u>PDR-3</u>	<u>4,500</u>		<u>50/60</u>	<u>40/40^C</u>	<u>60</u>	
<u>PDR-4</u>	<u>3,000</u>		<u>75/75</u>	<u>35/35^C</u>	<u>60</u>	
<u>PDR-5</u>	<u>2,000</u>		<u>75/75</u>	<u>30/30</u>	<u>60</u>	
<u>PDR-6</u>	<u>NA</u>		<u>75/75</u>	<u>30/30</u>	<u>60</u>	
<u>PDR-7</u>	<u>NA</u>		<u>75/75</u>	<u>30/30</u>	<u>60</u>	

A. A building must be completely detached from the largest building to be considered a separate building for the purpose of lot coverage calculations

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

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

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

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

B. Adjustment to Open Space Area: Reduce the amount of open space area required pursuant to Subsection 4.113 (.01). Reduce non-usable open space to the extent possible prior to usable open space required by Subsection 4.113 (.01) C. 3. After any adjustment to open space, all subdivisions with 10 or more units must still include a minimum of one usable, programmed open space of at least 2,000 square feet meeting

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the requirements of Subsection 4.113 (.01) C. 3. 4. 2. Subdivisions less than 10 units shall require one usable open space of at least 1,000 square feet meeting the same requirements.

(.0609) Block and access standards:

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ord. 682, 9/9/10]
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.124(.06) amended by Ordinance No. 538, 2/21/02.]

(.0710) Signs. Per the requirements of Sections 4.156.01 through 4.156.11.
[Amended by Ord. No. 704, 6/18/12]

(.0811) Parking. Per the requirements of Section 4.155.

(.0912) Corner Vision Clearance. Per the requirements of Section 4.177.

Section 4.124.1. PDR-1:

~~The following standards shall apply in PDR-1 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:~~

~~(.01) Average lot size: 30,000 square feet.~~

~~(.02) Minimum lot size: 25,000 square feet.~~

~~(.03) Minimum density at build out: One unit per 37,500 square feet.~~

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~~(.04) — Other standards:~~

- ~~A. Minimum lot width at building line: Eighty (80) feet.~~
- ~~B. Minimum street frontage of lot: Eighty (80) feet.~~
- ~~C. Minimum lot depth: One hundred (100) feet.~~
- ~~D. Setbacks: per Section 4.113(.03)~~
- ~~E. Maximum building or structure height: Thirty five (35) feet.~~
- ~~F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; twenty five percent (25%) for all buildings.~~

~~(.05) — Examples of development that is typically permitted (hypothetical 10-acre site):~~

- ~~A. Ten single family dwellings on individual lots, or~~
- ~~B. Fourteen dwelling units (any combination of multiple family or single family units).~~

[Section 4.124.1 (.05) A & B Amended by Ord. #825, 10/15/18]

Section 4.124.2. PDR-2:

The following standards shall apply in PDR-2 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- ~~(.01) — Average lot size: _____ 16,000 square feet.~~
- ~~(.02) — Minimum lot size: _____ 12,000 square feet.~~
- ~~(.03) — Minimum density at build out: One unit per 20,000 square feet.~~
- ~~(.04) — Other Standards:~~

- ~~A. Minimum lot width at building line: Sixty (60) feet.~~
- ~~B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]~~
- ~~C. Minimum lot depth: Seventy (70) feet.~~
- ~~D. Setbacks: per Section 4.113(.03).~~
- ~~E. Maximum building or structure height: Thirty five (35) feet.~~
- ~~F. Maximum lot coverage: Twenty five percent (25%) for all residential dwelling units; thirty percent (30%) for all buildings.~~

~~(.05) — Examples of development that is typically permitted (hypothetical 10-acre site):~~

- ~~A. Twenty single family dwellings (with or without accessory dwelling units) on individual lots, or~~
- ~~B. Twenty nine dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).~~

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Section 4.124.3. ~~PDR-3:~~

~~The following standards shall apply in PDR-3 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:~~

- ~~(.01) Average lot size: _____ 7,000 square feet.~~
- ~~(.02) Minimum lot size: _____ 5,000 square feet.~~
- ~~(.03) Minimum density at build out: One unit per 8,000 square feet.~~
- ~~(.04) Other standards:~~
 - ~~A. Minimum lot width at building line: Forty (40) feet.~~
 - ~~B. Minimum street frontage of lot: Forty (40) feet; however, street frontage may be reduced to twenty four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]~~
 - ~~C. Minimum lot depth: Sixty (60) feet.~~
 - ~~D. Setbacks: per Section 4.113(.03).~~
 - ~~E. Maximum building or structure height: Thirty five (35) feet.~~
 - ~~F. Maximum lot coverage: Fifty percent (50%) for lots containing less than 7000 square feet. Forty five percent (45%) for lots between 7000 and 8000 square feet. Forty percent (40%) for lots exceeding 8000 square feet.~~
- ~~(.05) Examples of development that is typically permitted (hypothetical 10-acre site):~~
 - ~~A. Fifty four single family dwellings) on individual lots, or~~
 - ~~B. Sixty two dwelling units (any combination of multiple family or single family units).~~

Section 4.124.4. ~~PDR-4:~~

~~The following standards shall apply in PDR-4 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:~~

- ~~(.01) Average lot size: _____ 5,000 square feet.~~
- ~~(.02) Minimum lot size: _____ 4,000 square feet.~~
- ~~(.03) Minimum density at build out: One unit per 6,000 square feet.~~
- ~~(.04) Other standards:~~
 - ~~A. Minimum lot width at building line: Thirty five (35) feet.~~
 - ~~B. Minimum street frontage of lot: Thirty five (35) feet; however, street frontage may be reduced to twenty four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]~~
 - ~~C. Minimum lot depth: Sixty (60) feet.~~

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~~D. Setbacks: per Section 4.113(.03).~~

~~E. Maximum building height: Thirty five (35) feet.~~

~~F. Maximum lot coverage: Seventy five percent (75%) for all buildings.~~

~~(.05) Examples of development that is typically permitted (hypothetical 10-acre site):~~

~~A. Seventy two single family dwellings (with or without accessory dwelling units) on individual lots, or~~

~~B. Eighty seven dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).~~

Section 4.124.5. ~~PDR-5:~~

The following standards shall apply in ~~PDR-5~~ zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

~~(.01) Average lot area per unit: 3,000 square feet.~~

~~(.02) Minimum lot size: 2,500 square feet.~~

~~(.03) Minimum density at build out: One unit per 4,000 square feet.~~

~~(.04) Other Standards:~~

~~A. Minimum lot width at building line: Thirty (30) feet.~~

~~B. Minimum street frontage of lot: Thirty (30) feet.~~

~~C. Minimum Lot Depth: Sixty (60) feet.~~

~~D. Setbacks: per Section 4.113(.03).~~

~~E. Maximum height: Thirty five (35) feet.~~

~~F. Maximum lot coverage: Seventy five percent (75%) for all buildings.~~

~~(.05) Examples of development that is typically permitted (hypothetical 10-acre site):~~

~~A. 108 town-house units on individual lots, or~~

~~B. 145 dwelling units (any combination of multiple family or single family units).~~

Section 4.124.6. ~~PDR-6:~~

The following standards shall apply in ~~PDR-6~~ zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

~~(.01) Average lot area per unit: 2,000 to 2,500 square feet.~~

~~(.02) Minimum lot size: None.~~

~~(.03) Minimum density at build out: One unit per 2,500 square feet.~~

~~(.04) Other standards:~~

~~A. Minimum lot width at building line: Thirty (30) feet.~~

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- ~~B. Minimum street frontage of lot: Thirty (30) feet.~~
- ~~C. Minimum lot depth: Sixty (60) feet.~~
- ~~D. Setbacks: per Section 4.113(.03).~~
- ~~E. Maximum height: Thirty-five (35) feet.~~
- ~~F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.~~
- ~~(.05) Examples of development that is typically permitted (hypothetical 10-acre site):~~
 - ~~A. 174 condominium units, or~~
 - ~~B. 217 multiple family units.~~

Section 4.124.7. PDR-7:

The following standards shall apply in PDR-7 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- ~~(.01) Average lot area per unit: _____ 2,000 square feet.~~
- ~~(.02) Minimum lot size: _____ 1,500 square feet.~~
- ~~(.03) Minimum density at build out: _____ One unit per 2,400 square feet.~~
- ~~(.04) Other standards:~~
 - ~~A. Minimum lot width at building line: Thirty (30) feet.~~
 - ~~B. Minimum street frontage of lot: Thirty (30) feet.~~
 - ~~C. Minimum lot depth: Sixty (60) feet.~~
 - ~~D. Setbacks: per Section 4.113(.03).~~
 - ~~E. Maximum building height: Thirty-five (35) feet.~~
 - ~~F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.~~
- ~~(.05) Examples of development that is typically permitted (hypothetical 10-acre site):~~
 - ~~A. 174 condominium units, or~~
 - ~~B. 217 multiple family units.~~

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Section 4.124. Standards Applying To All Planned Development Residential Zones.

- (.01) Examples of principal uses that are typically permitted.
 - A. Open Space.
 - B. Single-Family Dwelling Units.
 - C. Duplexes. [Added by Ord. #825, 10/15/18]
 - D. Multiple-Family Dwelling Units. [Amended by Ord. #825, 10/15/18]
 - E. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.
 - F. Manufactured homes, subject to the standards of Section 4.115 (Manufactured Housing).
- (.02) Permitted accessory uses to single family and detached dwelling units. [Amended by Ord. #825, 10/15/18]
 - A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.
 - B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.
 - C. Accessory dwelling units, subject to the standards of Section 4.113 (.10). [Amended by Ord. #825, 10/15/18]
 - D. Home occupations.
 - E. A private garage or parking area.
 - G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
 - H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
 - J. Livestock and farm animals, subject to the provisions of Section 4.162.
- (.03) Permitted accessory uses for duplexes and attached multiple-family dwelling units. [Amended by Ord. #825, 10/15/18]

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- A. Accessory uses, buildings, and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
 - F. Livestock and farm animals, subject to the provisions of Section 4.162.
- (.04) Uses permitted subject to Conditional Use Permit requirements.
- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
 - B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
 - C. Churches, public, private and parochial schools, public libraries and public museums.
 - D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:
 - 1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 - 2. Such centers are of a scale compatible with the surrounding residential structures.
 - 3. Such centers shall be compatible with the surrounding residential uses.
 - 4. The site of a Neighborhood Commercial Center shall be at least one-quarter (1/4) mile from any other sites zoned for commercial uses.
 - 5. The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.
 - 6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
 - 7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.

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E. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of subsection “D” (Neighborhood Commercial Centers), above.

F. Home businesses. [Added by Ord. #825, 10/15/18]

(.05) Appropriate PDR Zoning Designation and Maximum and Minimum Density based on Comprehensive Plan Density Range District.

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

Zoning Designation	Comprehensive Plan Map Density Range District*	Max Density per Acre	Min Density per Acre
PDR-1	0-1	1	0.8
PDR-2	2-3	3	2.4
PDR-3	4-5	5	4
PDR-4	6-7	7.5	6
PDR-5	10-12	12	9.6
PDR-6	16-20	20	16
PDR-7	Over 20	As approved by Zoning Order/Stage 1 Master Plan, at least 25	80% of Max Density

**All dwelling unit types, except accessory dwelling units, are included for calculating density.*

[Amended by Ord. #825, 10/15/18]

(.06) Unit Count Limitations. Unit count limitations are calculated as follows:

- A. Maximum Unit Count. Maximum unit count at build out of Stage I Master Plan area is calculated by taking the Gross Development Area multiplied by Maximum Density per Acre stated in Table 1 of this Code section, plus any density transferred from SROZ areas pursuant to Subsection 4.139.11 (.02). For example, any number greater than 4 and less than 5 shall be rounded down to 4.
- B. Minimum Unit Count. Minimum unit count at build out of Stage I Master Plan area: 80% of maximum unit count described in A. above.
- C. If the Stage I Master Plan area is subject to more than one Comprehensive Plan Map Density Range District and Zoning Designation, calculations for areas of differing densities shall be done separately and then summed together, and the final summed number rounded down to the nearest whole number.

(.07) Lot Standards.

Table 2: Lot Standards for All PDR Zoned Lots

Zoning Designation	Minimum Lot Size (square feet)	Setbacks	Maximum Lot Coverage (percent of lot area) of Largest Building/All Buildings ^A	Minimum Lot Width at Building Line/Minimum Street Frontage of Lot ^B (feet)	Minimum Lot Depth (feet)	Maximum Building Height (feet)

Development Code Text Amendments: Residential (PDR) Zone Standards (Clean Read Version)

PDR-1	20,000	Per Section 4.113 (.03)	20/25	80/80	100	35
PDR-2	7,000		25/30 (more than 12000 and less than 20000 sf lot)	60/30	70	
			40/50 (more than 8000 up to 12000 sf lot)			
			45/55 (7000 to 8000 sf lot)			
PDR-3	4,500		50/60	40/40 ^C	60	
PDR-4	3,000		75/75	35/35 ^C	60	
PDR-5	2,000		75/75	30/30	60	
PDR-6	NA		75/75	30/30	60	
PDR-7	NA	75/75	30/30	60		

- A. A building must be completely detached from the largest building to be considered a separate building for the purpose of lot coverage calculations
- B. Lot frontage may be on a public street or approved, platted private drive.
- C. Lot frontage may be reduced to 24 feet when the lot fronts a cul-de-sac.

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

- A. Adjustments to Minimum Lot Size, Width, and Depth. Reduce minimum lot size of up to 20% of the residential lots, rounded consistent with Subsection (.06) above or one lot for a four-lot subdivision, by up to 20%. For example, the potential adjustment, if determined necessary, for a 100-lot subdivision in the PDR-4 zone would be to reduce 20 lots to as low as 2,400 square feet (a 20% reduction of the 3,000 square foot minimum lot size). Also reduce the minimum lot width and minimum lot depth by up to 20% as necessary to allow the reduction of lot size.
- B. Adjustment to Open Space Area. Reduce the amount of open space area required pursuant to Subsection 4.113 (.01). Reduce non-usable open space to the extent possible prior to usable open space required by Subsection 4.113 (.01) C. 3. After any adjustment to open space, all subdivisions with 10 or more units must still include a minimum of one usable, programmed open space of at least 2,000 square feet meeting the requirements of Subsection 4.113 (.01) C. 3. Subdivisions less than 10 units shall require one usable open space of at least 1,000 square feet meeting the same requirements.

(.09) Block and Access Standards.

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ord. 682, 9/9/10]
3. Maximum block length without pedestrian and bicycle crossing: 330 feet,

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Development Code Text Amendments: Residential (PDR) Zone Standards (Clean Read Version)

unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.124(.06) amended by Ordinance No. 538, 2/21/02.]

(.10) Signs. Per the requirements of Sections 4.156.01 through 4.156.11.
[Amended by Ord. No. 704, 6/18/12]

(.11) Parking. Per the requirements of Section 4.155.

(.12) Corner Vision Clearance. Per the requirements of Section 4.177.

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Development Code Text Amendments: Significant Resource Overlay Zone (SROZ)

(Redline Version)

Omitted Text Struckthrough
Added Text Red and Underlined

Development Code Text Amendments: Significant Resource Overlay Zone (SROZ) (Redline Version)

Section 4.139.00 Significant Resource Overlay Zone (SROZ) Ordinance

Section 4.139.11 Special Provisions

- (.01) Reduced front, rear and side yard setback. Applications on properties containing the SROZ may reduce the front, rear and side yard setback for developments or additions to protect the significant resource, as approved by the Development Review Board.
- (.02) Density Transfer. For residential development proposals on lands zoned Planned Development Residential (PDR) -which contain land within the SROZ, a transfer of density shall be permitted within the ~~development proposal site~~Stage I Master Plan area. Density can only be transferred to land outside the SROZ and within the Stage I Master Plan area. ~~The following formula in A. through B. below shall be used to calculate the density that may be transferred, that shall be permitted for allowed residential use on the property:~~
- A. Step 1. Calculate Expected Maximum Density. The Expected Maximum Density (EMD) is calculated by multiplying the gross acreage of the ~~property~~Stage I Master Plan area within the SROZ but outside any BPA easements by the maximum density ~~permitted in the Wilsonville Comprehensive Plan for the Zoning Designation as shown in Table 1 of Section 4.124.~~
- B. Step 2. Reduce the EMD obtained in Step 1 by ~~Calculate 50% and then round of the EMD obtained in Step 1~~ down to the nearest whole number. The density that shall be permitted on the property shall be equal to the EMD obtained in Step 1. This is the density (number of units) able to be transferred from the SROZ area to elsewhere in the Stage I Master Plan area provided:
- ~~1. The density credit can only be transferred to that portion of the development site that is not located within the designated Significant Resource; and~~
 - ~~2. 50% of the maximum number of dwelling units that are within the SROZ are allowed to be transferred to the buildable portion of the proposed development site provided that the applicable standards for the zone are still met including, but not limited to, allowed uses, setbacks, standards for outdoor living area, landscaping, building height and parking shall still be met.~~
- ~~Applicants proposing a density transfer must demonstrate compatibility between adjacent properties as well as satisfy the~~
- ~~setback requirements of the zone in which the development is proposed or meet Section 4.139.10 A. above; and~~
 - ~~3. The types of residential uses and other applicable standards permitted in the zone shall remain the same; and,~~
 - ~~4. Land area within the Significant Resource Overlay Zone may be used to satisfy the requirements for outdoor recreation/open space area consistent with the provisions found in Section 4.113 of the Planning and Land Development Ordinance.~~
- (.03) Alteration of constructed drainageways. Alteration of constructed drainageways may be allowed provided that such alterations do not adversely impact stream flows, flood

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Development Code Text Amendments: Significant Resource Overlay Zone (SROZ) (Redline Version)

storage capacity and in stream water quality and provide more efficient use of the land as well as provide improved habitat value through mitigation, enhancement and/or restoration. Such alterations must be evaluated through an SRIR and approved by the City Engineer and Development Review Board.

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Development Code
Text Amendments:
Significant Resource
Overlay Zone (SROZ)

(Clean Read Version)

Ordinance No. 841 Exhibit A

Development Code Text Amendments: Significant Resource Overlay Zone (SROZ) (Clean Read Version)

Section 4.139.00 Significant Resource Overlay Zone (SROZ) Ordinance

Section 4.139.11 Special Provisions

- (.01) Reduced front, rear and side yard setback. Applications on properties containing the SROZ may reduce the front, rear and side yard setback for developments or additions to protect the significant resource, as approved by the Development Review Board.
- (.02) Density Transfer. For residential development proposals on lands zoned Planned Development Residential (PDR) which contain land within the SROZ, a transfer of density shall be permitted within the Stage I Master Plan area. Density can only be transferred to land outside the SROZ and within the Stage I Master Plan area. The formula in A. through B. below shall be used to calculate the density that may be transferred.
 - A. Step 1. Calculate Expected Maximum Density. The Expected Maximum Density (EMD) is calculated by multiplying the gross acreage of the Stage I Master Plan area within the SROZ but outside any BPA easements by the maximum density for the Zoning Designation as shown in Table 1 of Section 4.124.
 - B. Step 2. Reduce the EMD obtained in Step 1 by 50% and then round down to the nearest whole number. . This is the density (number of units) able to be transferred from the SROZ area to elsewhere in the Stage I Master Plan area provided applicable standards for the zone are still met including, but not limited to, allowed uses, setbacks, standards for outdoor living area, landscaping, building height and parking .
- (.03) Alteration of constructed drainageways. Alteration of constructed drainageways may be allowed provided that such alterations do not adversely impact stream flows, flood storage capacity and in stream water quality and provide more efficient use of the land as well as provide improved habitat value through mitigation, enhancement and/or restoration. Such alterations must be evaluated through an SRIR and approved by the City Engineer and Development Review Board.

Exhibit B
Ordinance No. 841
Compliance Findings

Residential Code Modernization

Date of Findings: April 20, 2020

Request: Amend the Wilsonville Development Code Text and Text of the Comprehensive Plan to improve clarity, consistency, and usability of standards related to density and the amount of required open space in the Planned Development Residential (PDR) and Residential (R) zones.

Affected Properties: Vacant and likely to be redeveloped land that is zoned PDR or R or has the potential to be so zoned consistent with the Comprehensive Plan. May apply to other existing development in these zones if redeveloped.

Staff Reviewer: Daniel Pauly AICP, Planning Manager

Staff Recommendation: Recommend adoption of the Development Code and Comprehensive Plan text amendments to the Wilsonville City Council.

Applicable Review Criteria:

<u>Oregon Revised Statutes:</u>	
197.303 (1)	Needed Housing Definition
197.307 (4)/227.175 (4)(b)(A)	Clear and Objective Standards for Housing
197.307 (6)	Alternative Approval of Needed Housing
197.312 (5)(a)	Development of Accessory Dwelling Units for Each Detached Single-family Dwelling
<u>Statewide Planning Goals:</u>	
Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 10	Housing
<u>Wilsonville Comprehensive Plan:</u>	
Introduction-Plan Amendments	Comprehensive Plan Amendments
Goal 1.1 and applicable Policy and Implementation Measures	Encourage Public Involvement
Goal 1.1 and applicable Policy and Implementation Measures	Interested, Informed, and Involved Citizenry
Implementation Measure 4.1.1.i.	Continuing to Examine Intensity of Use, Including Percentage of Lot Coverage
Policy 4.1.4 and applicable Implementation Measures	Housing
<u>Development Code:</u>	
Section 4.197	Changes and Amendments to Development Code

Section 4.198	Comprehensive Plan Changes
Metro Code	
Title 1	Housing Capacity
Title 13	Nature in Neighborhoods

Compliance Findings

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

Oregon Revised Statutes-Needed Housing Review

Needed Housing Defined

ORS 197.303 (1)

1. The proposed Comprehensive Plan and Development Code text amendments do not change the mix of needed housing allowed as governed by state law.

Clear and Objective Standards Required for Housing

ORS 197.307 (4) and 227.175 (4)(b)(A)

2. The proposed Comprehensive Plan and Development Code text amendments make a number of standards more clear and objective in compliance with these statutes. These amendments include:
 - a. Making clear the methodology to calculate the maximum and minimum number of units allowed on a given amount of land;
 - b. Defining a clear and objective adjustment process when it is not mathematically possible to meet all standards that take up land; and
 - c. Establish new clear and objective process to determine the amount of required open space.

In addition, a new standard for design of usable open space is clear and objective in that it focuses on objectively determined and clearly stated credentials of design professionals rather than subjective design standards.

Statewide Planning Goals

Citizen Involvement

Goal 1

3. As discussed in Findings 6 through 13 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

4. The proposed Comprehensive Plan and 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.

Housing

Goal 10

5. The proposed Comprehensive Plan and Development Code text amendments will continue to allow the City to meet its housing goals and obligations reflected in the Comprehensive Plan. Specifically:
 - The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.
 - Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
 - If Wilsonville grows faster than the Metro forecast, the City will run out of residential land before 2030.
 - Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City is beginning the process of ensuring that additional residential land is available through the concept planning process for the Advance Road area.
 - Wilsonville is meeting Statewide Planning Goal 10 requirements to "provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing" and to "provide for an overall density of 8 or more dwelling units per net buildable acre."
 - Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation;
 - The proposal does not change density allowed or implement additional development standards that would negatively impact the development capacity on any land nor the allowed mix of housing types on any land maintaining or improving the capacity identified in the 2014 study;
 - The proposal modifies a variety of existing standards that take up or "consume" land, particularly lot size for some zones and the process for determining amount of required open space to ensure designated residential densities and capacities can be met under typical circumstances. In particular, the proposal will support Wilsonville's compliance with the Goal 10 requirement for mix of housing types by removing barriers such as the way open space is calculated to better allow middle housing on smaller tracts of land;
 - The proposal directly impacts approximately 13% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 63 of 477 acres).

The majority of the land identified in the 2014 study is in Villebois, where the proposed changes to not apply.

- The proposal establishes a clear adjustment process when all standards that take up or “consume” land can’t mathematically be met that prioritizes meeting density requirements further ensuring the designated densities and capacities can be met and the most efficient use of land within the City while also prioritizing the provision of open space for communal benefit;
- The proposal increases lot coverage allowance in certain zones to better facilitate Accessory Dwelling Units;
- The proposed clarified method for calculating density reflects current practices, reflects density ranges on Wilsonville Comprehensive Plan Map, and methodology for the Building Lands Inventory including calculating density on gross area and excluding preserved natural areas and Bonneville Power Administration Easements;

See also Findings 14 through 17 and Finding 30.

Wilsonville Comprehensive Plan-Public Involvement

Public Involvement-In General

Goal 1.1, Policy 1.1.1,

6. By following the applicable implementation measures, see Findings 7 through 13 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.

7. The City reached out early in the process to stakeholders previously involved in housing and residential development decisions in Wilsonville. The City sent broad notice to each property owner of property zoned or having the potential to be zoned PDR or R. The Planning Commission and City Council and community members have opportunity to comment on the proposed code amendments while still in draft form. The City held five Planning Commission work sessions and 2 City Council work sessions over the last eleven months.

Encourage Participation of Certain Individuals, Including Residents and Property Owners

Implementation Measure 1.1.1.e.

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

Procedures to Allow Interested Parties to Supply Information

Implementation Measure 1.1.1.f.

9. 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.

10. Prior to the scheduled public hearing on the proposed code changes and adoption of the design standards, the Planning Commission held a series of work sessions open to the public on April 10, July 10, August 14, and October 9, 2019 as well as January 8, 2020, during which the Planning Commission provided feedback incorporated into the current draft.

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

11. 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.

12. The published notecard 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.

13. The proposed Comprehensive Plan and Development Code text amendments will have limited impact to other agencies.

Wilsonville Comprehensive Plan-Housing and Residential Areas

Intensity of Use, Provision of Adequate Open Space, Character of Existing Neighborhoods Implementation Measures 4.1.1.i. and 4.1.4.t.

14. The proposed Comprehensive Plan and Development Code text amendments look carefully at the intensity of use, including lot coverage, for residential development. The proposal allows additional lot coverage for certain zones to correlate with standards in the Residential Neighborhood zone. Lot coverage changes would apply to new development and will not change the character of existing neighborhoods.

Variety and Diversity of Housing

Implementation Measures 4.1.4.b., 4.1.4.d., 4.1.4.j., and 4.1.4.o.

15. The proposed Comprehensive Plan and Development Code text amendments do not change the variety of housing allowed.

Safe, Convenient, Healthful, Attractive Residential Areas with Variety

Implementation Measure 4.1.4.c.

16. The City does not anticipate the proposed Comprehensive Plan and Development Code text amendments negatively impact safety, convenience, or health of residential areas of the City.

Housing Needs

Implementation Measure 4.1.4.f.-g.,k.,m.,

17. The proposed Comprehensive Plan and Development Code text amendments do not change the mix of housing allowed in Wilsonville.

Wilsonville Development Code-Amendments to the Code

Planning Commission Public Hearing, Recommendation to City Council

Subsection 4.197 (.01) A.

18. 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

19. 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.

20. Findings 6 through 17 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.

21. 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. Staff looked carefully at all definitions and provisions the initial amendments may affect and made additional changes to improve clarity and function and avoid conflicts.

Findings Required: Compliance with Statewide Land Use Planning Goals, State Rules and Statutes, Federal Statutes
Subsection 4.197 (.01) B. 4.-5.

22. Findings 1 through 5 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)

23. Findings 1 through 17 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.

Comprehensive Plan Text Amendments

Follow Procedures in Comprehensive Plan
Subsection 4.198 (.01)

24. Findings 1 through 17 confirm the process to amend the text of Implementation Measure 4.1.4.bb. of the Comprehensive Plan follows applicable procedures established in the Comprehensive Plan.

Meet a Public Need/In the Public Interest
Subsection 4.198 (.01) A.-B. and Comprehensive Plan Introduction: Plan Amendments 4. b.-c.

25. The City proposes a number of updates to Development Code text and Comprehensive Plan text to improve clarity, consistency, and usability of standards related to density and the amount of required open space in the PDR and R zones. Periodic review of governing standards is a prudent process that ensures standards best serve the public interest and meet the public needs they are intended to meet. The clearer, more consistent, and more usable standards for determining the number of residential units to be built and the amount of open space will better be able to ensure quality development of the lands they govern.

Support Statewide Planning Goals
Subsection 4.198 (.01) C.

26. Findings 3 through 5 above establish the proposed text amendments support Statewide Planning Goals.

Conflict with Other Portions of Comprehensive Plan

Subsection 4.198 (.01) D. and Comprehensive Plan Introduction: Plan Amendments 4. a.

27. The City carefully reviewed the proposed comprehensive plan and development code to ensure no conflicts between the proposed language and other language existing in the Comprehensive Plan or Development Code.

Submission and Review Process, Noticing

Subsection 4.198 (.02)-(.03) Comprehensive Plan Introduction: Plan Amendments 1.-3., 5.

28. The City initiated the proposed comprehensive plan and development code text amendments. The Planning Commission and City Council will review the proposed text amendments. The Planning Commission will adopt a resolution making a recommendation to City Council and City Council will adopt the text amendments by Ordinance. All noticing requirements, as described under public involvement findings for the Comprehensive Plan above, have been met.

Factors to Address in Proposed Amendments

Comprehensive Plan Introduction: Plan Amendments 4. d.

29. Each relevant factor listed, including density of development, has one or more corresponding implementation measures in the Comprehensive Plan. By demonstrating compliance with relevant corresponding implementation measures, the proposed amendments address these factors.

Metro Functional Plan

Housing Capacity

Title 1 3.07.120

30. The proposed amendments maintain current planned housing capacity. The clarified method of calculating density follows current practice and only excludes Title 13 natural resource lands and similar land and Bonneville Power Administration easements, which are also excluded from buildable lands inventories used to determine housing capacity on a regional level. The corrected Comprehensive Plan language of 18-20 dwelling units per acre to 16-20 dwelling units per acre provides for consistency between the Comprehensive Plan Map and the Comprehensive Plan Text and also reflects the Metropolitan Housing Rule that minimum density is 80% of maximum. It does not reduce density, but rather reflects existing density calculation requirements. See also Finding 5.

Habitat Conservation

Title 13

31. The proposed amendments maintain current preservation of lands designated with the City's Significant Resource Overlay Zone (SROZ). The updated methods for calculating open space area further emphasize the preservation of habitat within the SROZ.

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Exhibit C
Planning Commission Record

Please visit the link below to download Exhibit C
Planning Commission Record:

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/city_council/meeting/28351/e_ordinance_no_841_-_exhibit_c.pdf

EXPLANATION OF RECOMMENDED COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENTS

Topic Area 1: Density Calculations/Lot Size

1.1 Comprehensive Plan Map/Text Inconsistency

Explanation of Issue/Reason for Update:

- The City's Comprehensive Plan establishes a range of allowed density for all residential land in the City. These ranges of allowed density vary from 0-1 dwelling units per acre to 18-20 dwelling units per acre.
- The Comprehensive Plan has two components that establish the range of allowed density:
 - (1) a map prescribing land uses, and density for residential land, for all land in the City (Comprehensive Plan Map) and
 - (2) a text description of all the land uses, policies, and steps to make them happen (Comprehensive Plan Text).
- Currently, for one of the ranges of allowed density, the Comprehensive Plan Text refers to 18-20 dwelling units per acre while the Comprehensive Plan Map refers to 16-20 dwelling units per acre creating an inconsistency between two numbers that should match. Fixing the inconsistency will improve clarity of the standards.

Recommended Text Amendments:

- Correct the Comprehensive Plan Text to match the 16-20 dwelling units per acre on the Comprehensive Plan Map. Other language in the Comprehensive Plan states the minimum number of dwelling units per acre is 80% of the maximum, which in this case would be 16, as it is 80% of 20.

1.2 Correlation of Comprehensive Plan and Zoning Standards for Density

Explanation of Issue/Reason for Updates:

- Both the Comprehensive Plan and the Zoning Standards address density and how this correlates to various zones located throughout the City. The Comprehensive Plan text includes discussion of the correlation between the density ranges on the Comprehensive Plan Map with the City's seven Planned Development Residential (PDR) zones, which are differentiated from one another by allowed density. The Zoning Standards text includes a table intended to provide the same density correlation information. However, the correlations established in the text of the Comprehensive Plan and in the table in the Zoning Standards are not consistent creating a conflict and creating a lack of clarity for development applications. Removing the conflict will ensure an important standard controlling the number of homes in neighborhoods is clear to all parties involved.

Recommended Text Amendments:

- Remove the residential zone references in the Comprehensive Plan; and

- Update the table in the Zoning Standards listing the correlation between the Comprehensive Plan density ranges and the seven Planned Development Residential (PDR) zones. The updated table reflects the correlation between density range in the Comprehensive Plan and the PDR zones in a manner consistent with how it has been interpreted by the City in land use approvals over the past number of years.

1.3 Calculating Density

Explanation of Issues/Reason for Updates:

- Current Zonings Standards are not clear whether density is calculated based on the entire area of a property (gross area) or based on the area of a property on which buildings and other private improvements can be built (net area).
- Density required by the Comprehensive Plan does not consistently correlate with certain current Zoning Standards, which are intended to implement the Comprehensive Plan. The Zoning Standards this pertains to include Average Lot Size and Minimum Density at Buildout requirements. Also, certain Zoning Standards text provides examples of typical development that does not consistently correlate with the Comprehensive Plan density requirements.
- Updated standards will provide additional clarity for how to find out how many housing units can be built on a given amount of land as well as ensure standards do not conflict and can be met under typical circumstances.

Recommended Text Amendments:

- Clarify density calculation is based on gross area of a residential master plan minus areas in the City's Significant Resource Overlay Zone and/or within Bonneville Power Administration power line transmission easements (Buildable Gross Area). This is consistent with the approach in the Residential Neighborhood Zone.
- Remove potentially conflicting Zoning Standards including Average Lot Size, Minimum Density at Buildout, and Examples of Typically Permitted Development. A new table will reflect Zoning Standards for minimum and maximum density.

1.4 Conflicting Land Consuming Zoning Standards

Explanation of Issue/Reason for Updates:

- It is sometimes mathematically impossible to meet all current Zoning Standards controlling building of residential neighborhoods that take up or "consume" land (Land Consuming Zoning Standards). These standards include minimum density, minimum lot size, minimum amount of open space, the requirements for streets, and standards for stormwater treatment areas. The difficulty particularly exists when trying to design how housing and other components are placed in small projects of less than five acres. Updating these standards will provide more clarity and certainty of what can be built in a new neighborhood. In addition, it will ensure standards can be met under typical circumstances and are more easily applied to smaller-scale residential projects.

Recommended Text Amendments:

- Reduce minimum lot size required for certain zones to enable existing minimum density standards to be met along with other land consuming zoning standards in typical circumstances.
- Establish a clearly defined, and certain, adjustment process when the math does not work to meet all land consuming zoning standards, rather than rely on the current less defined and uncertain waiver process. Under the adjustment process, 20% of the lots can be reduced in size by 20%, as necessary, to ensure density standards are met. Once lot reduction is maximized, required minimum open space area may be reduced to ensure density standards are met.

1.5 Accessory Building Lot CoverageExplanation of Issue/Reason for Updates:

- A common Zoning Standard controlling building on each property or lot is the maximum amount of the lot that can be covered by buildings (lot coverage). Lot coverage is expressed as a percentage of the total lot area. Zoning standards often provide one lot coverage for the primary house and bonus lot coverage for accessory buildings. The current standards for additional lot coverage for accessory buildings only applies to non-dwelling accessory buildings (i.e. sheds etc.) and not secondary or accessory housing units (accessory dwelling units or ADUs) that are now allowed in all residential zones following changes to state law over the last few years. Updating these standards will clarify and make consistent the type of accessory uses that can benefit from bonus lot coverage allowances and make the flexibility to add accessory structures consistent across different zones. Builders often build homes to the maximum lot coverage, so not having a bonus lot coverage for accessory buildings acts as a de facto prohibition on accessory buildings.

Recommended Text Amendments:

- Update the lot coverage standards to be consistent with the Residential Neighborhood Zone allowing bonus lot coverage to apply to any detached accessory building whether an accessory dwelling unit, shed, etc.
- For zones with lot coverage standards from 40-50% for primary house add a 10% bonus for accessory buildings consistent with what is allowed in the Residential Neighborhood Zone.

1.6 Update, As Necessary, Lot Related Zoning StandardsExplanation of Issue/Reason for Updates:

- Ensure zoning standards controlling the dimensions of properties or lots, and how buildings are placed on individual properties or lots, correlate with updated minimum lot sizes proposed under item 1.4 and present the standards in a concise and readable manner. These standards include setbacks, maximum lot coverage, and minimum lot width and depth.

Recommended Text Amendments:

- Reformat lot related zoning standards now listed as text in seven different zoning standards subsections into a single table; and
- No updates to lot-related zoning standards besides minimum lot size as discussed in item 1.4 and additional lot coverage for accessory buildings discussed in item 1.5 above.

Topic Area 2 Open Space Standards**2.1 Calculating Usable Open Space**Explanation of Issues/Reason for Updates:

- The City currently uses a tiered approach to determine how much open space (park and natural area) is required in a neighborhood. These current tiered standards require ¼-acre of open space for any subdivision with 50 or less lots. Even if there is ¼-acre of open space in preserved natural area, another ¼-acre has to be designed for active use. These standards have been difficult to meet for smaller subdivisions (e.g. 5-10 lots), especially those with a large percentage of preserved natural area on site, and often conflict with other standards that take up land (i.e. density, minimum lot size).

Recommended Text Amendments:

- Move from the current tiered approach to a percentage approach for calculating the required amount of open space, similar to the methodology for the Residential Neighborhood Zone; and
- Clearly define that half of the required open space must be designed for active use outside the protected natural areas (the City's Significant Resource Overlay Zone or SROZ).

2.2 Ensuring Usable Open Space is UsableExplanation of Issue/Reason for Updates:

- Over the years of requiring open space (parks and natural areas) in neighborhoods, a number of situations have arisen where very small, odd shaped, or under-utilized open spaces become a liability for homeowners associations without providing the value a better-designed open space could provide. Updating the standards will ensure efficient use of the limited amount of land, better preserve high-quality wildlife habitat areas, and provide quality, usable park areas.

Recommended Text Amendments:

- Establish a minimum size for individual open space tracts or areas:
 - 2,000 square feet for most developments, and
 - 1,000 square feet for subdivisions of 10 lots or less.
- Require “usable” open space be designed by an appropriately credentialed and experienced landscape architect with focus on maximizing use for a variety of users with varying abilities.
- Establish standards to ensure when open space is designed as new wildlife habitat it connects to existing wildlife habitat to the extent possible.



**2020
National Public Works Week
Proclamation**

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Wilsonville; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are technicians, utility workers, engineers, managers, inspectors and employees at all levels of government and the private sector. Individuals and teams who are responsible for rebuilding, improving and protecting our City’s transportation, water supply, wastewater treatment and storm systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Wilsonville to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2020 marks the 60th annual National Public Works Week sponsored by the American Public Works Association; and

WHEREAS, it is recognized this year’s theme is “The Rhythm of Public Works”.

NOW, THEREFORE, I, Tim Knapp, Mayor of the City of Wilsonville in the State of Oregon, hereby proclaim May 17 – 23, 2020 to be

Public Works Week

In Wilsonville and encourage all Wilsonville residents to pay tribute to our public works professionals and to recognize the substantial contributions they make to protecting our City’s health, safety, and quality of life.

Signed this 4th day of May, 2020

Mayor Tim Knapp