

RESOLUTION NO. 637

**A RESOLUTION ADOPTING A PERIODIC  
REVIEW FINAL ORDER**

WHEREAS, the City staff has prepared a Periodic Review Final Order which is attached hereto as Exhibit A, and

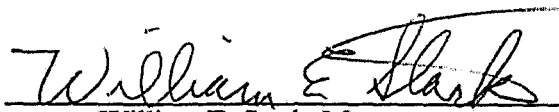
WHEREAS, the City Council has duly considered the Final Order and the recommendations contained therein, and

WHEREAS, the Wilsonville Planning Commission has held public hearings, gathered testimony regarding Periodic Review and has recommended that the City Council approve the proposed amendments to Chapter 4 of the Wilsonville Code and the Comprehensive Plan, and

WHEREAS, interested parties and affected agencies, if any, have had an opportunity to be heard regarding the Periodic Review issues.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the Periodic Review Order attached hereto as Exhibit A, with the recommendations contained therein and further instructs City staff to prepare ordinances to implement the recommended amendments to the Wilsonville Code and Comprehensive Plan.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 5th day of October, 1987, and filed with the City Recorder this same day.

  
\_\_\_\_\_  
William E. Stark, Mayor

ATTEST:

  
\_\_\_\_\_  
Vera A. Rojas, City Recorder

SUMMARY of Votes:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Braymen	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Jameson	<u>AYE</u>

## MEMORANDUM

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: WAYNE C. SORENSEN, PLANNING DIRECTOR**

**DATE: OCTOBER 5, 1987**

**RE: PERIODIC REVIEW - PROPOSED AMENDMENTS TO  
THE COMPREHENSIVE PLAN AND CHAPTER 4 OF  
THE WILSONVILLE CODE**

Along with the Final Order, I am submitting proposed amendments to the Comprehensive Plan and Wilsonville Code which bring the City into compliance with Goal 10 - Housing. The major changes may be summarized as follows:

1. Separate criteria has been developed for zone text changes and for zone map changes. For zone map changes concerning "residential" properties, specific findings are required which address the applicable goals, objectives and policies listed in the Comprehensive Plan.
2. The non-conforming use provisions of the Code have been modified to allow a non-conforming mobile home to be replaced provided that specific conditions are met. To my knowledge, I believe that there are two non-conforming mobile homes located in the City. Both are located in Old Town.
3. The definitions section was amended to define "Manufactured Home", "Mobile Home" and "Modular Home". In addition, I suggest that we define what a "sign" is. The lack of a definition for a sign recently caused much confusion in the case concerning the placement of the 7-11 sign at Riverwood Center. The proposed definitions were designed to comply with the Uniform Building Code.
4. The proposed changes to the Comprehensive Plan text updates the housing information set forth in the Plan and clarified what the City means when referring to a housing "balance". Additionally, Objective 4.3.4 establishes a balance ratio or target for the City. This will help resolve the issue of "balance" raised in the LUBA case involving the Robert Randall Company. It would also help explain the City's position on balance to DLCD staff who will review the Periodic Review Order. I believe that the proposed changes will put the City in a stronger position and on firmer ground when reviewing future "residential" developments.
5. I have developed a proposed "Public Facility" zone to be applied to those lands designated as Public on the Comprehensive Plan. This will present a much truer picture of the City's actual land uses and inventories of those uses. Currently, the City's public lands appear as residential, commercial or industrial land which over-

inflate the figures for those land-use classifications. Therefore, it appears (on paper) that the City has much more land available for development or developed land than is actually the case. I expect that this change would represent a truer picture of land uses in the City, and would benefit planners, developers and policy-makers.

6. OAR 660-11-045 requires that the City adopt as part of the Comprehensive Plan a list of public facility project titles and a map or written description of the project's location or service area. The public facility list that is submitted with the Final Order was compiled from the Capital Improvements Program (CIP) 1985-90, ODOT's Six-Year Highway Improvement Program and the Wilsonville Water System Plan, November 1986. This is a mandatory part of Periodic Review.
7. I have incorporated the updated air quality information submitted by Maggie Conley, DEQ, into the Comprehensive Plan. This information shows that Wilsonville is located within the Portland/Vancouver Air Quality Maintenance Area (AQMA) and that the 03 nonattainment area (which has the same boundaries as the AQMA) includes the City.
8. The results of the Historical Survey are included with the Final Order. The State-wide Inventory of Historic Sites and Buildings identified one historic site in the City, the Boones Ferry Landing site. The first four sites listed, i.e., Frog Pond Church, the Methodist Church, the Cottage Hotel and the Tauchman House, should be seriously considered for designation as historic sites in the Comprehensive Plan.

The City received its Notice of Periodic Review on December 2, 1985, with a scheduled submittal date of May 28, 1986. The proposed Periodic Review Order was submitted to the Department of Land Conservation and Development (DLCD) in July, 1986. DLCD notified the City in October, 1986, that it had "serious concerns" regarding compliance with Goal 10 - Housing and, to a lesser extent, with Goal 11 - Public Facilities and Services. Certainly, the City has expended a considerable amount of time and energy in an earnest effort to resolve the Goal 10 issues. The City Council and Planning Commission have heard much testimony concerning Goal 10, mostly centering around the role of mobile homes within the City. I believe that the proposed amendments resolve the Goal 10 issue in a manner that is acceptable to the parties involved.

#### **RECOMMENDATION:**

Staff recommends that the Final Order be adopted by Resolution and that the City Council continue this hearing to October 19, 1987, for adoption of ordinances to enact the recommendations contained in the Final Order, as modified by the City Council.

**EXHIBIT "A"**

**CITY OF WILSONVILLE  
FINAL PERIODIC REVIEW ORDER**

**OCTOBER, 1987**

**PREPARED BY:**

**City of Wilsonville Planning Department**

**Principal Staff:**

**Wayne Sorensen, Planning Director  
Blaise Edmonds, Associate Planner  
Judee Emison, Planning Secretary**

## BACKGROUND INFORMATION

The City of Wilsonville's Comprehensive Plan was adopted by Resolution No. 144 on July 7, 1980, and amended and adopted by Ordinance No. 209 on May 3, 1982. The City's Development Code was adopted by Ordinance No. 210 on May 3, 1982.

The Land Conservation and Development Commission acknowledged the City's Comprehensive Plan and Development Code to be in compliance with statewide planning goals on September 21, 1983.

The City has approved two Comprehensive Plan amendments since acknowledgment in 1982: The Thunderbird Mobile Club (84PC1) and Hoosh-Linn Investment Co. (85PC37). These amendments were processed in accordance with the post-acknowledgment plan amendment process. The cumulative effect of these amendments is discussed in greater detail under Factor One.

**I. FACTOR ONE**  
**SUBSTANTIAL CHANGE IN CIRCUMSTANCES**

1. "Major developments or events which have occurred that the acknowledged plan did not assume or anticipate or major developments or events which have not occurred that the acknowledged plan did assume or anticipate."

Reference: OAR 660-19-055(3)(a)

Response Findings:

The Wilsonville Comprehensive Plan was adopted by resolution in July, 1980, amended and adopted by Ordinance May, 1982, and acknowledged by LCDC September, 1983.

The Plan is based on three support documents prepared in 1979: "Physical Inventory", "Housing and Economic Development" and "Public Facilities and Services." The City has experienced considerable growth since the Plan was adopted. However, despite the level of activity, growth has occurred consistent with the assumptions and projections presented in the support documents.

The level of development provided for in the Plan is based on the assumption that major improvements to the transportation systems will be made. Facility improvements are being accomplished through implementation of the CIP.

A major development that has occurred since the submittal of the proposed Order is the funding of the Wilsonville interchanges through ODOT's six-year Highway Improvement Program. The City is cooperating with ODOT and the private sector in the conduct of a study to determine the feasibility of a Boeckman interchange. The study is currently underway and it is anticipated that the results will be available in January, 1988.

Conclusion and Recommendation:

Development has and is occurring in an orderly fashion in compliance with the policies and objectives of the Comprehensive Plan. To date, the design of the I-5 interchanges have not been completed, nor has the feasibility of a Boeckman interchange been determined. The City will continue to cooperate with Metro, ODOT and the private sector to resolve the feasibility of a Boeckman interchange and development of design concepts for the Wilsonville and Stafford interchanges. Once those questions are answered, the City will initiate, if needed, plan amendments to revise the transportation element of the Plan. The acknowledged Comprehensive Plan did envision the Boeckman interchange improvement and the improvement of the other interchanges will improve the overall capacity of those systems.

2. "Cumulative effects resulting from plan and land use regulation amendments and implementation actions on the acknowledged plan's factual base, map designations and policies which relate to statewide goal requirements."

Reference: OAR 660-19-055(3)(b)

Response Findings:

2.1 Plan Amendments: The City has approved two plan amendments and denied a third proposal since acknowledgment in 1982. The net effect of the approved amendments is analyzed below:

A. Thunderbird Mobile Club - 84PC1: In 1985, the City Council approved a Plan Map amendment changing the designation of 1.3 acres from Primary Open Space to Secondary Open Space. The net effect was to allow the addition of eight mobile homes to the City's housing inventory. At the same time, approval of the amendment protected existing vegetation. Ordinance No. 270, approving the amendment, specifies that the location of the mobile homes be such as to minimize the removal of additional trees.

B. Hoosh-Linn Investment Co. - 85PC37: The City Council approved the Hoosh-Linn Plan Amendment March, 1986.

The effect of the amendment is outlined below:

<u>Land Use</u>	<u>Proposed Amendment Area/Type Activity</u>	<u>Existing Plan</u>
Commercial	5.06 acres	0 acres
Residential	6.88 acres 60 units	11.94 acres @ 7-12 units/acre= 84 to 143 units, assum- ing multi-family
Open Space	3.2 acres - golf park  4.78 acres - designated open space  7.98 acres total	Minimum 4.78 acres designated open space

The proposal adds 5.06 acres of commercial land to the overall inventory. The proposed development includes 6.88 rather than 11.94 acres of residential land - a minimum net difference of 24 and a maximum net difference of 83 dwelling units. Open space remains at 4.78 with the addition of 3.2 acres in the form of a golf park. The combined net result of the two-Plan Amendments is a reduction in the housing inventory by 75 dwelling units (83-8=75).

2.2 Zoning Amendments:

The City's policy of using the RA-1 zone as a holding zone inevitably means as development occurs zone changes must be processed. The

following table is an analysis of unzoned (RA-1) acres in each land use category - 1986:

Unzoned Land in Acres (RA-1)

Residential	445 acres
Commercial	27 acres
Industrial	313 acres
Public Lands	228 acres
Others*	1166 acres

\*Open Space

In 1981, there were 1285.49 acres that were zoned RA-1. The net result of zone changes that are in conformance with the Comprehensive Plan is the addition of 119.49 acres to the City's buildable land inventory. The City staff has developed a "Public Facility" zone which is intended to be applied to those lands designated "Public" on the Comprehensive Plan. Implementation of this zone would present a better picture of the City's land uses and inventories of those uses. Currently, the City's public lands appear as residential, commercial or industrial land and, therefore, the figures for those categories are overinflated. The zone map makes the City appear that it has more land available for development or as developed land than is actually the case. It is expected that this change will help both planners, developers and policy-makers by presenting a truer picture of land uses within the City.

### 2.3 Community Development and Land Use Survey - 1986

Each year the Planning Department updates its land use and buildable lands inventory. The information collected is based on permit applications and planning decisions made during the previous year.

The land use survey provides a complete analysis of existing, proposed and potential residential, commercial and industrial developments within the Wilsonville Urban Growth Boundary. It also inventories public and semi-public developments such as government buildings, schools and churches which do not fall within the residential, commercial or industrial categories. The inventory data was compiled for 20 separate traffic zones established by the City's Consulting Traffic Engineer. The figures provided in this study were current as of November, 1986, unless indicated otherwise.

The land use data is presented in four sections. Section I provides a complete summary of all land uses by Comprehensive Plan designation. It also summarizes the development status of land as to whether it is built or committed to development or vacant and buildable. A brief discussion of annual and total building valuations is also included to provide a perspective on Wilsonville's growth. Section II provides a detailed analysis of all residential land, including an inventory of existing housing units and vacancy study. Section III inventories commercial and industrial lands. This section also inventories large contiguous industrial acreage under single ownership. Section IV addresses public and semi-public lands. The figures in Section IV have remained unchanged since the original survey.



The latest survey was published in April, 1987, and the Planning staff has begun preparation to gather data and update the land use inventories. It is anticipated that the next survey will be published in January or February, 1988. The 1986 survey is incorporated herein by reference and is attached and made a part of the Periodic Review Order.

Conclusion and Recommendation:

Plan Amendments have been processed in accordance with the policies and objectives of the Comprehensive Plan and statewide planning goals. Zoning amendments have added 119.49 acres to the City's buildable lands inventory since 1981. The implementation of the Public Facility zone would designate and define lands identified as Public on the Plan map as a Public Facility on the zone map. This would present a more accurate representation of land use patterns that occur with the City. Therefore, the Public Facility zone should be adopted and applied to those lands designated Public on the Plan map.

3. "Oversight or a decision by the local government to delay or not carry out plan policies which relate to a statewide goal requirement."

Reference: OAR 660-19-055(3)(c)

Response Findings:

Those tasks the City assigned to itself in the Comprehensive Plan are primarily related to rectifying identified deficiencies in public facilities necessary to meet projected growth needs. To accomplish this task, the City has developed facility master plans and a Capital Improvements Plan. The CIP is a 20-year plan and currently is in its fifth year of funding. To date, approximately \$12 - \$13 million has been expended through the implementation of the CIP. (For a further discussion of the CIP, see the Public Facilities Section under Factor 2.)

Another area of tasks relates to LCDC Goal 5. A detailed discussion of Goal 5 is provided under Factor 2. However, the City assigned certain tasks to itself relating to open space and this topic is addressed in this section.

City of Wilsonville Goal 3.2 states: "Conserve and create open space throughout the City for specified objectives." Furthermore, Objective 3.7 states: "Establish a program for the acquisition, development and maintenance of open space."

Initial steps have been taken to fulfill Goal 3.2 and accomplish the task identified in Objective 3.7. Comprehensive Plan Policy 4.5.1 protects designated open space for future specified objectives such as passive recreation.

The City has developed a systematic program to acquire and develop open space. The adoption of Ordinance No. 285, which established a Parks Development Fee) provides a dependable revenue source to fund the acquisition and development of parks and the City's pathway system.

Additionally, Wilsonville citizens recently approved a funding measure that enabled the City to acquire 41 acres of riverfront property for a park. This land is located east of and adjoins approximately 60 acres of land that has been developed as a park

- Memorial Park. The Parks and Recreation Commission in conjunction with the Parks and Recreation Director and staff, is well into the development of a Master Plan which will complement and be incorporated into the City's Comprehensive Plan. The Master Plan will address in detail the current and future recreation needs and opportunities for the City's citizens.

The City has spent a very considerable amount of time in addressing the serious concerns expressed by the Department of Land Conservation and Development (DLCD) in their letter of October 17, 1986. DLCD stated that:

"Because of the city's approach to upzoning residential land, we believe that the city no longer complies with Goal 10, the administrative rules on housing (OAR 660-Divisions 7 and 8) and ORS 197.295-.307. The city's current interpretation and application of its plan provisions represent a substantial change in circumstances, including the conditions, findings or assumptions upon which the plan was based (Factor One, OAR 660-19-055(2)(a)).

The City has recently denied the Randall company rezoning request on the basis of Objective 4.3.3 in the plan, which is to "Encourage the development of diverse housing types, but maintain a balance . . ." (see LUBA No. 81-016 Final Opinion and Order). The city has applied its plan and implementing measures in a way which violates Goal 10. As used by the city in its denial, Objective 4.3.3 is an approval standard which is used to determine whether the mobile home park will be developed. Further, this standard is not clear and objective as required by Goal 10. The city's denial is contrary to the Commission's understanding of the comprehensive plan at acknowledgment and, for the reasons stated above, a substantial change in circumstances has occurred.

Factor One also applies through part (3)(c), "Oversight on a decision by the local government to delay or not carry out plan policies which relate to a statewide goal requirement." Plan policy 4.4.2 states:

"The city will provide for development of mobile home parks and subdivisions by establishing them as outright permitted uses in urban medium density residential areas. Where economically feasible and where adequate compatible provisions can be made existing mobile home parks shall be protected and allowed to continue."

The city needs to carry out this policy in order to comply with Goal 10.

In an effort to define the issues and to formulate a solution, the Wilsonville Planning Commission and City Council scheduled several public hearings, including joint workshop/public hearings held on April 13 and May 11, 1987. There were two significant decisions rendered after public testimony was gathered. These were: 1) to develop clear and objective standards to be used when residential (RA-1) lands are upzoned in the development process; and 2) to define balance and incorporate that concept and definition into the policies and objectives of the Comprehensive Plan.

During the public hearings, it became apparent that there was much confusion over what was a "mobile home", "manufactured home", "trailer" and "modular home". In an effort to clarify the terminology used and make those terms consistent with language in state law, Planning staff proposed that new definitions be added to Chapter 4 of the Wilsonville Code (WC). In addition, a definition of "sign" should be added to the Code.

On August 27, 1987, the Planning Commission recommended that the City Council adopt the proposed amendments to the Comprehensive Plan and Chapter 4 of the WC. The proposed amendments have been reviewed by DLCD staff (DLCD File No. 003-87B) and the City has received a letter, dated September 8, 1987, from DLCD stating that they believe that the proposed amendments will bring the City back into compliance with Goal 10.

Conclusion and Recommendation:

In the five years since acknowledgment, the City has made significant progress toward accomplishing tasks assigned to itself. Generally, the City has done a very creditable job in implementing the CIP, acquiring open space, adopting a funding program for the Parks program and in applying the goals, policies and objectives of the Comprehensive Plan. However, there were issues raised by the Randall Company's rezone at the Land Use Board of Appeals which called into question the objectivity of certain plan policies and objectives. Subsequently, DLCD found that the City no longer complied with Goal 10. Therefore, the City should adopt the proposed amendments to the Comprehensive Plan and Wilsonville Code in order to comply with Goal 10. These changes clarify what the City defines as "balance", provides clear policy on the role of mobile homes within Wilsonville, and makes our decision-making process "clear and objective".

4. "Incorporation into the plan of new inventory material which relates to a statewide Goal made available to the jurisdiction after acknowledgment."

Reference: OAR 660-19-155(3)(d)

Response Findings:

The LCDC notice of Periodic Review, dated 11-29-85, identified new inventory information as follows:

ODOT

\*State Parks inventory updates: There are no state parks located within the City.

\*Airport inventory updates: The Aurora airport is the only airport near the City. The City is currently following the progress of the airport and City staff has met with officials who are conducting that study. The City will review the study at its completion and will continue to coordinate with the appropriate officials and agencies.

\*Highway Improvement Program: The Wilsonville and Stafford interchanges have been included in ODOT's Six-Year Highway Improvement Program and are currently scheduled for construction in the early 1990's. The City is currently coordinating with Northwest Resources and the private sector. The feasibility study for Boeckman will be available in January, 1988. All aspects of the design and development of the interchanges are being very closely coordinated by the Department of Transportation, Metro, Clackamas and Washington Counties, the City and interested parties from the private sector. The City will incorporate amendments to the Transportation Plan, if necessary, based upon the feasibility study currently underway. The final design of the interchanges and the Environmental Impact Study (EIS) conducted by ODOT.

Portland State University (PSU): The City utilizes the annual population estimates prepared by Portland State University and incorporates them into the City's annual Community Development and Land Use Report. The City also utilizes the Census data compiled by the University in its Comprehensive Plan.

Economic Development Dept (EDD): The City utilizes the inventory information and coordinates with EDD regarding any information made available by the department.

## II. FACTOR TWO

### NEW RULES ADOPTED SINCE ACKNOWLEDGMENT

1. LCDC Goal 2: Land Use Planning Amendments (Exceptions).

Reference: Goal 2: Land Use Planning.

Response Findings:

Continuing agricultural or forestry lands (RA-1 zoned lands) serve as a holding zone to preserve the future urban land development potential. The Comprehensive Plan recognizes this potential and agricultural or forestry lands conversion does not require an exception to a Goal. Therefore, with the exception of land found in Primary Open Space and in the Willamette River Greenway Boundary, land within the City limits and Urban Growth Boundary is irrevocably built and committed and does not require an exception to the Statewide Planning Goals.

Conclusion and Recommendation:

The City's Comprehensive Plan has appropriately designated lands within the Urban Growth Boundary for residential, commercial, industrial, public and open space uses. There are no significant changes that have occurred that call into question the fundamental assumptions upon which the Comprehensive Plan is based: In the event that additional land is incorporated into the UGB, the City will follow the established procedures and will apply the applicable rules and statutes relating to UGB changes and plan amendments. Such changes will be carefully coordinated with DLCD, Metro and Clackamas and/or Washington County, whichever is appropriate. In general, the City has ample reserves of undeveloped land within the UGB to meet its immediate needs.

2. Land Use Planning Rules (Exceptions) as Amended.

Reference: OAR 660-04-000

Response Findings:

The Response Finding stated under the Goal 2 Analysis and Response Findings pursuant to ORS 197.732 pertain to Planning Rule 660-04-000 (Exceptions).

Conclusion and Recommendation:

Land located within the City limits and the Urban Growth Boundary is appropriately designated as irrevocably built and committed and is no longer intended to remain as land for resource use to warrant an exception.

3. Goal 5, Open Space/Natural Resources

Reference: OAR 660-16-000

Response Findings:

The "Physical Inventory" report, prepared as a support document to the Comprehensive Plan in 1979, identifies and evaluates the quantity and quality of potential natural resources.

Based on this inventory information, the Comprehensive Plan identifies several areas of special concern as significant resource sites (refer to page 77, Comprehensive Plan). In order to protect and preserve these Goal 5 resources, the inventoried sites have been designated as primary and secondary open space in the Comprehensive Plan text and map (refer to pp. 81-82). The Open Space policies are implemented through Section 4.161 WC - Protection of Natural Features.

The City has conducted an extensive survey of historic resources located within the UGB. Most of the credit for this work goes to Gena Pelletier and the members of the Wilsonville Historical Society. The Society and Gena compiled a list of 16 sites in Wilsonville and rated each historic resource. Additionally, the Wilsonville Code has provisions " . . . to preserve structures, sites, objects and areas within the City of Wilsonville having historic, cultural or archaeological significance" and sets forth procedures to insure that historic resources are protected.

Conclusion and Recommendation:

The City is in compliance with the requirements of Goal 5. The preliminary list of historic resources should be further evaluated and the results will be shared with Clackamas County and State Historic Preservation Office. Significant sites shall be designated as an historic resource on the Comprehensive Plan after review and adoption as such by the City Council.

4. Goal 10 - Housing

Reference: OAR 660-07-000, OAR 660-07-010, OAR 660-070-15, OAR 660-078-020 and OAR 660-07-030.

Response Findings:

The total number of acres within the City's residential Comprehensive Plan designation is 1374.39. Approximately 943.82 acres are undeveloped. (Referenced: Community Development and Land Use Survey, April 1987).

The Comprehensive Plan Map proportions buildable land for housing into the following prescribed density ranges for each district:

Suburban Low Density Residential (S.L.R.) - Density - 0-1  
Urban Low Density Residential (U.L.R.) - Density 1-3, 3-5  
Urban Medium Density Residential (U.M.R.) - Density 5-7, 7-12  
Urban High Density Residential (U.H.R.) - Density 12-20

The buildable lands and the density ranges designated on the Comprehensive Plan satisfies Metro's minimum residential requirement. The requirement for Wilsonville is that the City must provide for an overall density of eight or more dwelling units per net buildable acre. This requirement has not changed since the adoption of the Comprehensive Plan. The background information and analysis is set forth in

the Background Report on Housing which provided the inventory information for the Comprehensive Plan.

The City has proposed revisions to Section 4.187 - Zone Changes and Amendments - Procedures of the Wilsonville Code and to the Housing goals, objectives and policies of the Comprehensive Plan to ensure that the City's standards are clear and objective. DLCD has reviewed the proposed revisions and found that the proposed amendments will bring the City back into compliance with Goal 10.

Sections 4.200-4.210: (Subdivision, Land Partition, Land Improvement, and Site Design Review requirements and procedures), and Sections 4.164-168; (Residential Developments, Landscaping, Landscaping Street Improvement, Sidewalk and Pathway requirements and procedures) of Chapter 4 of the City Code establishes additional clear and objective standards and procedures for regulating the development of needed housing in the City.

The City is also proposing amendments to the Housing Development element of the Comprehensive Plan to insure compliance with Goal 10 and to establish clear and objective standards in future zone map amendments. The proposed changes updates the housing information in the Plan text and clarifies what the City has established as a housing balance. The proposed amendments also insures compliance with state law that includes manufactured homes as a needed housing type.

#### Conclusion and Recommendation:

Of the 3387.81 acres of land located within Wilsonville's UGB, 41% - or 1374.39 acres - has been designated for residential development on the Comprehensive Plan Map. Approximately 36% - or 624 acres - is either developed or is committed to development, i.e., a Master Plan has been approved by the City. Therefore, the City has ample reserves of undeveloped residential land to meet future housing needs. The City has proposed amendments to Chapter 4 of the Wilsonville Code and to the Housing element of the Comprehensive Plan to insure that the rezoning process to convert RA-1 zoned lands to R - Residential or PDR - Planned Development Residential utilizes clear and objective standards. Additionally, the City has defined what it means by balance and balance ratios - or targets - are established for each housing type. DLCD has reviewed the proposed amendments and believes that these changes will bring the City back into compliance with Goal 10.

#### 5. Goal II: Public Facilities and Services

Reference: OAR 660-11-000

#### Response Findings:

The City of Wilsonville's Capital Improvements Plan is a 20-year plan in its fifth year of funding. To date, approximately \$12 - \$13 million has been expended through the implementation of the CIP.

As required by OAR 660-22-0020(1)(a-g), the City's CIP includes the following: an inventory and general assessment of facility systems; a list and description of public facility projects; rough cost estimates of projects; a map of the general location; a policy statement indicating the service provider; an estimate of project timing; and a discussion of existing funding mechanisms.

As specified in the urban growth management agreements with Clackamas and Washington counties, the City takes full responsibility for preparation and adoption of the CIP for the City's service area as defined by the Urban Growth Boundary.

The public facility inventory is provided for through the various public facility master plans developed as support documents to the CIP.

Timing of CIP projects is tied to a specific funding year or specific service levels, i.e., D level service for streets. This timing is consistent with projected growth estimates associated with the Comprehensive Plan.

The CIP also includes mapped locations of the scheduled projects, rough cost estimates and a discussion of funding mechanisms (Refer to Wilsonville CIP).

The Public Facilities Rule does not only deal with the CIP, but its relationship to the Comprehensive Plan. The rule requires the CIP to be adopted as a support document to the Comprehensive Plan. In addition, the City's Comprehensive Plan references the CIP and the CIP currently does include lists, maps and statements for all major public facility systems. DLCD, in its review of the proposed Periodic Review Order found that the Comprehensive Plan needed to be amended to include project lists, maps and service provider agreements and that the short-term projects list needed to be updated.

#### Conclusion and Recommendation:

In general, the City has a good public facilities plan that meets most of the requirements of the public facilities rule. Additionally, the City has urban area agreements with Clackamas and Washington Counties that specify the service provider and coordinates those activities within and in the immediate vicinity of the Urban Growth Boundary. Facility maps and lists of sewer, water and storm drainage projects will be included within the Comprehensive Plan such as the Roads and Transportation Plan currently is. The CIP and the short-term projects lists is currently being updated and should be available in the near future. Agreements with Clackamas and Washington Counties will be updated and renewed as the counties complete their Periodic Review. The Washington County Agreement has recently been updated and Clackamas County is just commencing Periodic Review.

#### 6. Needed Housing

Reference: ORS 197.313, ORS 197.307

#### Response Findings:

Through a series of workshops and public hearings, a lengthy evaluation of existing and projected housing needs and the problems and potentials in meeting these needs was conducted. Following this evaluation and in recognition of the statewide housing goal, the following general goal has been established as a guide to providing for the orderly and economic development of housing within the City.

City Comprehensive Plan Goal 4.3 states:



"Plan for and permit a variety of housing types consistent with this Plan and a balance between the economics of building and the cost of supplying public services. This goal recognizes the need for a variety of housing types to meet various personal preferences and income levels. It also, however, recognizes the fact that in order to maintain a decent living environment, adequate public facilities must be available."

The applicable Comprehensive Plan objectives to encourage needed housing are as follows:

- Objectives 4.3.3 through 4.3.7.
- To complete the framework for evaluating residential development, Policy 4.4.1.a and b was incorporated.

The City of Wilsonville has only one parcel that is located outside the City limits and located within the Urban Growth Boundary. The parcel is identified as T3S-R1W, Section 1, Tax Lot 501. The 3.91 acre parcel is owned by the Tualatin Rural Fire District. The City has no future plans to defer the rezoning of Tax Lot 501 to a maximum plan residential density.

Minimum Residential Density Allocation for New Construction: Clackamas and Washington Counties, and the cities of Forest Grove, Gladstone, Milwaukie, Oregon City, Troutdale, Tualatin, West Linn and Wilsonville must provide for an overall density of eight or more dwelling units per net buildable acres.

Buildable land within the U.M.R. density 5-7, 7-12 and U.H.R. density 12-20 ranges designated on the Comprehensive Plan Map satisfies Metro's overall density requirement of eight or more dwelling units per net buildable acres.

Large areas of land designated U.L.R. density 1-3, 3-5 U.M.R. density 12-20 ranges designated on the Comprehensive Plan provide the opportunity to exceed 50 percent of new residential units to be attached single-family housing or multiple family housing.

Conclusion and Recommendation:

The Metro housing rule has no affect on the City Plan. Sufficient buildable land is allocated in the City Comprehensive Plan to satisfy Metro's overall density requirements and mix standards.

Policy 4.4.2.a and b of the Plan address these major concerns: All residential development in Wilsonville is required to coincide with the provision of adequate public improvements as indicated in Policies 4.4.3 and 4.4.4.

Reference: ORS 197.307 Effect of need for certain housing in urban growth areas.

Response Findings:

Comprehensive Plan Housing Element Objectives 4.3.3 and 4.3.7 encourages affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed incomes.

The City has only 3.91 acres within the Urban Boundary which is occupied by the Tualatin RFPD.

It has been demonstrated by the Economic Development Committee that: "Wilsonville has a large amount of vacant buildable land for housing at a variety of densities and land prices are competitive with the Metro area." The amount of ready-to-build residential land as of May, 1986, is approximately 1232 acres.

The R - Residential and the PDR - Planned Development Residential zone designations of Chapter 4 of the City Code allow the development of diverse housing types with no restrictions on price ranges and rent levels.

Conclusion and Recommendation:

The City Comprehensive Plan encourages needed housing in both the Urban Growth Boundary and within the City limits. Only one parcel is located within the Urban Growth Boundary and the parcel is built and committed to a non-residential use. However, the City Plan is in compliance for needed housing in future Urban Growth Boundary expansion.

Reference: ORS 197.312 Limitation on City and county authority to prohibit certain kinds of housing.

Response Findings:

City Code does not prohibit development in all residential zones attached or detached single-family housing, multi-family housing for both owner and renter occupancy or manufactured homes. Nor does the City prohibit government assisted standards on government assisted housing.

Conclusion and Recommendation:

The City Comprehensive Plan has specific policies promoting diverse housing types to meet the need shown for housing at particular price ranges and rent levels. Furthermore, the City Code is in compliance with ORS 197.312.

Revisions in residential and subdivision standards, including manufactured home subdivision standards, will be considered in the Zoning Code annual revisions.

7. Economic Development.

Conclusion and Recommendation for ORS 197.212(2)(a-d) - 197.712(2)(d) are found at the end of Section F.

Reference: 197.712(2)(a-d)

Response Findings:

Information collected in the Community Development and Land Use Survey for the City of Wilsonville provides a complete analysis of existing, proposed and potential residential, commercial and industrial developments within the Wilsonville Urban Growth Boundary. The figures provided in the study are current as of November, 1986.

The City of Wilsonville organized the Economic Development Committee to develop strategic long-range economic planning for urbanization. The committee is also involved in analyzing the current status of the state and national economy as it relates to economic development. A draft summary statement of findings and conclusions describing the assets and liabilities of Wilsonville's economic profile were developed by the Economic Development Committee.

Reference: 197.712(2)(B)

Response Findings:

The LCDC economy goal is "To diversify and improve the economy of the State". Prior to adoption of this statewide goal, Wilsonville had developed the 1971 General Plan which contained policies to diversify and improve the local economy.

The Comprehensive Plan that was acknowledged in 1982 contains the following policies to guide the general economic planning: Policies 4.1.1 through 4.1.6, pages 61 and 62.

.. Reference: ORS 197.712(2)(c) Encourage industrial and commercial uses.

Response Findings:

Commercial Development. Commercial districts are planned in the form of centers or small complexes rather than as strip development along major streets. The Comprehensive Plan outlines five types of commercial centers, and they are:

Town Center  
Service Centers  
Office Complex  
Commercial Recreation  
Neighborhood Commercial

Descriptions of the five commercial types are found in the Comprehensive Plan.

The location and development of commercial areas in the City customarily occur at points of maximum traffic movement. Town Center and Wilsonville Square '76 are predominantly undeveloped areas designated as Planned Development Commercial.

The Plan objectives encourage industrial development with a balanced ratio between light industrial and residential growth within the City. The Plan also encourages a diversity of industries which are compatible with the Plan. However, industrial development that would impact or alter the character of the residential and urban nature of the City by excessive emissions of smoke, dust, odor, glare, noise and vibration is not encouraged.

The City of Wilsonville adopted a Capital Improvements Plan for the City's primary public facilities, including streets, storm drainage, water and sanitary sewer. Since its adoption in 1982, the CIP has prioritized and scheduled identified improvement projects for over \$11,000,000 in improvements.

Reference: ORS 197.712(2)(d) Provide for compatible uses on or near sites zoned for specific industrial and commercial uses.

Response Findings:

Comprehensive Plan Objectives 4.1.1 and 4.2 encourage complimentary industrial/commercial uses with residential uses.

Chapter 4 of the City Code designated all commercial/industrial land in either PDC - Planned Development Commercial or PDI - Planned Development Industrial zones. The PDC and PDI zones allow aggregate commercial, industrial and residential uses provided that any such use is compatible with and supportive of commercial and industrial uses in a manner consistent with applicable criteria.

Conclusion and Recommendation:

ORS 197.712(2)(a) does not have supporting administrative rules available for City guidance in preparing an analysis of the community's economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends. Without the administrative rules, it is not known what the state and national trends are to prepare an analysis. However, the City has demonstrated through Response Findings that a concerted effort has been made to analyze the City's economic patterns, potentialities, strengths and deficiencies as they relate to the City and surrounding areas.

The Comprehensive Plan provides a more than adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with Plan policies. Therefore, the City of Wilsonville's Comprehensive Plan is in compliance with ORS 197.712(2)(c). Furthermore, the Comprehensive Plan and the City Code provide for compatible uses on or near sites zones for specific industrial and commercial uses.

No recommendations are proposed.

8. Goal Exceptions

Reference: ORS 197.732.

Response Findings:

With the exception of lands designated in the Willamette River Greenway and in Open Space areas, generally all land within the City's Urban Growth Boundary is irrevocably built and committed to non-resource development and use.

Future City annexations of surrounding land zoned for resource uses, specifically the Dammasch State Hospital and Callahan Center, may require exceptions to the applicable goals.

Conclusion and Recommendation:

The City Plan generally does not have conflicting information to adopt an exception to a goal for properties within the City limits. However, future annexations of adjacent resource lands may require the administration of ORS 197.732 Goal Exceptions.

In the event a Plan exception is requested, the City will administrate the applicable statutes and rules for Plan amendment procedures.

9. Lands Available for Urban Development.

Reference: ORS 197.752

Response Findings:

Comprehensive Plan. On July 7, 1980, the City of Wilsonville adopted a new Comprehensive Plan to guide the City's growth. This Plan was amended May 3, 1982. The new Plan established an Urban Growth Boundary which contains 3,641 acres of land. The land use map designated 45% of the land or 1,632.48 acres for residential use. Commercial uses are allocated 10% or 373.79 acres with 35% or 1,292.8 acres to industrial uses and the remaining 10% or 342.23 acres allocated to such uses as parks, open space, schools and public facilities, church and constrained development areas.

Committed by Zoning/Unzoned. Land that is committed by zoning or unzoned consists of 2,439.02 acres or 67% of the total land area within the Urban Growth Boundary. Land within this category includes 1,043 acres (43%) of residential, 247.33 acres (10%) of commercial and 922.70 acres (38%) of industrial. The percentages in each category indicate a relatively balanced future growth in comparison to the total amount of land available in each category.

Lands Ready-to-Build. The City is currently only 26% developed. However, it is important to note that an additional 259.56 acres or 7% of the land is ready for development. 74% of this ready-to-build land is residential.

Conclusion and Recommendation:

The City has allocated lands within the Urban Growth Boundary for urban development which is concurrent with the provision of key urban facilities and services. Annually, the City will update the Community Development and Land Use Survey for lands available for urban development.

10. Application for Permit or Zone Change

Reference: ORS 227.175

Response Findings:

Chapter 4, Planning Code and Chapter 11, Fee Code, of the City Code has established fees, consolidated procedures, hearing procedures, approval criteria and decision procedures without a hearing for applications for permit or zone change requests. Therefore, applicable chapters of the City Code are in compliance with ORS 227.175(1), (2), (3), (4), (5) and (6).

Conclusion and Recommendation:

The City Code is in substantial compliance with ORS 227.175 so no recommendation is proposed.

11. Final Action on Application for Permit or Zone Change Required Within 120 Days; Exceptions; Mandamus Authorized.

Reference: ORS 227.178

Response Findings:

The Comprehensive Plan is inconsistent with ORS 227.178(2), (3), (4), (5) and (7) with the only exception of "Final Action on application for permit on zone change required within 120 days."

Conclusion and Recommendation:

Print on all City of Wilsonville Land Development Permit applications a public disclosure statement including the substantive language of ORS 227.178 "Final action on application for permit on zone change required within 120 days."

12. A party aggrieved by the final determination in a proceeding for a discretionary permit or zone change may have the determination reviewed under ORS 197.830 to 197.845.

Reference: ORS 227.180

Response Findings:

The City of Wilsonville does not charter a hearings officer to review appeals of a discretionary permit or zone change decision. Therefore, ORS 227.180(1)(a), (A), (B), (C)(b)(c) are not applicable to the Comprehensive Plan.

ORS 227.180(2) pertains to request of review by a party aggrieved by the final determination in a proceeding for a discretionary permit or zone change decision. This statute allows the aggrieved party to file a Notice of Intent to Appeal with the Land Use Board of Appeals subject to review procedures, standing, deadlines, attorney fees and costs and publication of orders. The Comprehensive Plan and Chapter 4 of the City Code does not provide the procedure for request of review cited in ORS 227.180(2).

Section 4.014, Hearing Body - Conflicts of Interest and Section 4.015 Ex Parte Contacts of the City Land Use and Development Code is in compliance with ORS 227.180(3)(a)(b).

Section 4.013 Participation by Interested Officers or Employees of the City Code is in compliance with ORS 227.180(4).

Conclusion and Recommendation:

Print on all City of Wilsonville Land Development Permit applications a public disclosure statement including the substantive language of ORS 227.180(2), "Notice of Intent to Appeal with the Land Use Board of Appeals."

enforced, provide adequate and reasonable protection for water quality within the City.

Finally, the City's sewage treatment plant is operated in compliance with DEQ standards and is regularly monitored to ensure that those standards are met.

The City notes that DEQ has received a noise complaint regarding the Oregon Glass Company. This company is located within an area that is planned for industrial uses. The company's location is more than 1/2 mile away from any residentially zoned areas of the City. The City also notes that while DEQ did receive a noise complaint, we were not informed as to whether or not any violation of state law or DEQ standards occurred. The City, therefore, will coordinate with DEQ to determine whether a violation actually occurred and assess the extent of the problem.

The City has been contacted by representatives of both Dammasch and the Callahan Center concerning possible annexation to the city. We have determined that there is adequate sewage capacity within the treatment plant should those facilities connect to the City's sewer system.

The City will incorporate the information provided in Number 7 into the Comprehensive Plan. Comprehensive Plan Policy's 4.5.9 (b & c) require that:

- b. In reviewing all major residential, commercial, industrial and public facility uses, the City shall coordinate with DEQ to insure compliance with the Portland AQMA Plan and standards as well as other applicable regional, State and Federal air, water and environmental quality standards.
- c. The City will further cooperate with the appropriate State and Federal agencies for enforcement of air, water, noise and other environmental quality standards.

#### Conclusions and Recommendations:

The City has completed an inventory of its historic resources and has evaluated the same. The City will designate historic sites and structures after reviewing the preliminary list with the State Historic Office and individual landowners.

The Willamette River Greenway Boundary is exactly the same as that adopted by the LCDC and, therefore, it does not need to be amended. The City reviews all developments located within the Greenway under a Conditional Use Process and coordinates all land development proposals with ODOT. This includes private boat docks. The City is currently involved with Clackamas County and other river cities in a study of the Willamette River and its Greenway. The current Comprehensive Plan has been acknowledged as being in compliance with statewide planning Goal 15. Therefore, the City concludes that the existing plan policies and procedures are adequate to protect the Willamette River and its associated Greenway. Further, the City will continue to cooperate with the Department of Transportation and any affected agency in the review of site development proposals located in the Greenway and in developing such programs as may be devised to protect the Greenway.

6. When considering future sewage disposal needs, the City may wish to consider the possibility that the Callahan Center and Dammasch State Hospital may need to connect to the City's sewage treatment plant in the future.

7. The following information should be used by the City to amend the air quality background information (also see attachment).

A. Wilsonville is in the Portland/Vancouver AQMA.

Within the AQMA there are three non-attainment areas - CO, TSP, O3. Only the O3 non-attainment area includes Wilsonville. It has the same boundaries as the AQMA.

The City should be aware of this and be aware of the need to control Volatile Organic Compounds (VOC) from cars, gas stations, gasoline storage facilities, painting and other coating processes, etc.

Use of "Reasonably Available Control Measures" is required.

B. The Reagan Administration has never reduced Federal Ambient Air Quality Standards, nor are they likely to do so. That would require amending the Clean Air Act. The only way that the area will be redesignated to attainment for ozone is by attaining the standards. Attainment has been projected to occur by the end of 1987. However, 1985 annual data show the highest ozone levels since 1981.

Response:

The suggested plan amendments 1 and 2 are more appropriately addressed by including these projects within the Capital Improvements Program. There will be a map and list included in the Primary Facilities and Services element of the Comprehensive Plan which will identify areas that need to be sewered.

Within the City of Wilsonville, solid waste disposal is currently handled by United Disposal Services which operates under an exclusive franchise agreement with the City. The responsibility and authority for siting landfills and developing a solid waste management plan lies with Metro. Clackamas County and United Disposal Services have initiated a recycling education program for compliance with the Recycling Act. Clackamas County and United Disposal Services also provide curbside recycling for users within the City of Wilsonville.

The City recognizes that the Willamette River is a valued resource offering both scenic and recreational opportunity. The City has identified the Willamette River Greenway boundary on its Comprehensive Plan Map and has adopted all necessary plan policies and ordinances required by statewide Planning Goal 15. The City reviews and coordinates with the Department of Transportation all site development proposals located within the Greenway. This is done largely to protect the scenic qualities of the river along with the preservation of the Willamette Water quality. Comprehensive Plan policies 3.4.3, 3.4.4 and 3.4.5 as well as Section 4.161 (5) of the Wilsonville Code are specifically intended to promote and protect the water quality of natural drainages, rivers, and stream corridors located within the City. Additionally, Section 4.161 (6) gives maximum protection to "...wildlife and sensitive areas, riparian areas and wetlands...". Such policies and ordinances, if



Land development standards to encourage energy savings include: Orienting streets and residential lots for maximum solar access, developing solar setback standards, more common wall residential development, density bonuses for energy-saving constructions and designs, gravity flow sewer and water lines and energy-efficient lighting.

Response:

Wilsonville, along with twenty-one other jurisdictions, is currently participating in the Solar Access Program. This program is intended to maximize and preserve solar access as an energy conservation measure. The result of this program will, hopefully, produce a model ordinance and encourage energy conservation. Land development standards and model regulations will be reviewed by the city at the completion of the program.

The City cooperates with Metro and the Department of Environmental Quality regarding recycling programs. Additionally, Clackamas County and United Disposal Services has initiated a recycling education program which will comply with the Recycling Act.

D. Department of Environmental Quality (DEQ):

Maggie Conley, Inter-Governmental Coordinator, commented on the City's Comprehensive Plan in a letter dated April 2, 1986. Her recommendations for plan amendments were as follows:

1. Amend the plan to include a policy addressing how financing of the chosen sludge disposal alternative will be undertaken since very little grant money is available for such projects. The city needs to determine how this need will be accommodated.
2. Update the plan to identify any sewerage problems that have been identified in the city. An identification should be made of areas which need to be sewerred, which have identified inflow infiltration problems, etc.
3. Update the plan to include a discussion of the Opportunity to Recycle Act adopted by the Oregon State Legislature in 1983. Under this program, all jurisdictions with a population greater than 4,000 or within the Metropolitan Urban Growth Boundary are required to provide the opportunity for curbside pickup of recyclables by July 1, 1986. Include a discussion of how the City intends to carry out this requirement, e.g. by amending the franchise agreement with the City's hauler, etc., and how the city intends to provide educational promotion of recycling.
4. Amendment plan to include a discussion of water quality of rivers and streams within the Urban Growth Boundary of the City.
5. The noise source inventory should be amended to identify sources of noise located within the Wilsonville area. Currently the only source for which DEQ has received a complaint in Wilsonville is the Oregon Glass Company - noise from the fan used for charging the furnaces and noise from breaking glass has created a noise problem.

application including all plans and drawings. Such review, notice requirements, and procedures are adequate to ensure complete and proper coordination with the responsible state agencies. The City views the Willamette River and the associated Greenway as an asset to the City and its citizens and, consequently, desires to preserve and enhance its scenic resources and recreational opportunities.

B. Department of Transportation:

Robert N. Bothman, Deputy Director, stated the same comments as Mr. Stevens and also desired that the City recognize ODOT's Six-Year Highway Improvement Program, add additional information to the Comprehensive Plan regarding bicycle paths and footpaths and amend the Zone Code and Comprehensive Plan to recognize roads as permitted uses.

Response:

In addition to the response to Mr. Stevens, the City adds the following: The City currently has two projects that are included in the Six-Year HIP (i.e., the reconstruction and improvement of the Wilsonville and Stafford Interchanges) and the CIP is being revised to list these projects for 1991-92 in accordance with the HIP. The Parks and Recreation Commission and the Parks and Recreation Director are developing an overall Master Plan that will include specific provisions for bicycle paths and footpaths as well as provide for park development and recreational opportunities for Wilsonville citizens. This effort has been underway for about one year and is expected to be completed by the summer of 1988. The City's Comprehensive Plan sets forth functional classifications and standards for the streets, identifies truck routes, and also identifies a "Pathway Master Plan". Comprehensive Plan policies 3.3.6 and 3.3.7 require that the City "shall continue to work in concert with the state, MSD, Clackamas and Washington counties, and adjacent jurisdictions to develop and implement a regional transportation plan...". Additionally, the planned development process utilized by the City provides certainty for continued road, street and highway maintenance and improvements.

C. Department of Energy:

Lynn Frank, Director, recommended the following policies be adopted:

Energy Assessment: During major plan updates or more often as necessary the City shall assess its energy use and the potential for energy conservation using information available from the state, federal government and utilities.

Internal Operations: The City shall, when practicable, make energy efficiency and the use of renewable resources a regular practice in its design and operation of buildings, equipment, and public facilities and services.

Public/Private Actions: The City shall encourage local residents and businesses to conserve energy, to use renewable resources, and to recycle materials. The City will coordinate its efforts with those of local organizations, special districts, utilities, and state and federal agencies.

Land Development Standards: The City shall modify its land development regulations as necessary to encourage energy efficient designs and developments, and to provide and protect solar access.

### III. FACTOR THREE

#### NEW OR AMENDED STATE AGENCY PLANS OR PROGRAMS ADOPTED SINCE THE DATE OF ACKNOWLEDGEMENT

Reference: OAR 660-19-055(2)(c)

"The comprehensive plan or land use regulations are inconsistent with a state agency plan or program relating to land use that was not in effect at the time the local government's comprehensive plan was acknowledged, and the agency has demonstrated

- A. Is mandated by state statute or federal law;
- B. Is consistent with the goals;
- C. Has objectives that cannot be achieved in a manner consistent with the Comprehensive Plan or Land Use Regulation.

The following state agencies have reviewed the City's Comprehensive Plan and have forwarded comments to the City regarding their programs and offering suggestions to be included in the Periodic Review Order.

A. Department of Transportation:

Chuck Stevens, Transportation Planner, requested that the city complete the requirements of OAR 660-16-000 with respect to historic resources; that the City review its policies on private dock development and the Conditional Use procedures for land within the Willamette River Greenway and that the Greenway Boundary be amended to conform to the boundary adopted by LCDC.

Response:

The City has completed the Goal 5 requirements regarding historic resources by an inventory and evaluation of known historic structures and sites located within the Urban Growth Boundary. The Zone Code contains provisions to preserve historic resources and sets forth a review process to ensure that historic and cultural resources located near a development site are adequately protected (Wilsonville Code-Section 4.161 (10)).

The City's adopted Greenway Boundary was reviewed and found to be in conformance with the boundary that was adopted by LCDC.

Private dock development on the Willamette River requires a Conditional Use Permit (as does all development occurring within the Greenway) and is subject to review by the City's Design Review Board and Planning Commission. The Conditional Use Permit requires that ODOT be notified by Certified Mail and that notice of any action taken by the City should also be forwarded to ODOT by Certified Mail. Such notice to ODOT is to include a copy of the complete

The City will continue developing a Master Plan for its parks and pathway systems. Adoption of the Master Plan will be coordinated with DLCD, State Parks, ODOT, and Clackamas County.

The City has included the projects listed in the six-year HIP within the CIP.

The City is currently involved in the Solar Access Program which seeks to develop a model ordinance to maximize solar energy and develop regulations designed to encourage energy efficient designs and to preserve and protect solar access.

The City will incorporate the air quality information provided by Maggie Contey into the Comprehensive Plan.

**FACTOR IV.**

**ADDITIONAL PLANNING TASKS REQUIRED AT THE TIME OF  
ACKNOWLEDGEMENT**

Reference: OAR 660-19-055 (2)(d)

Response Findings:

The City's Periodic Review Notice, dated November 29, 1985, states that Factor Four is not applicable to Wilsonville.

Conclusion and Recommendation:

Therefore, no Plan amendments relating to Factor Four are necessary.

**PROPOSED AMENDMENTS TO THE  
COMPREHENSIVE PLAN**

The prevailing vacancy rates for all types of housing as January, 1987, within the City are extremely low. This indicates that the City's housing supply lags considerably behind demand.

Through a series of workshops and public hearings, a lengthy evaluation of existing and projected housing needs and the problems and potentials in meeting these needs was conducted. Following this evaluation and in recognition of the statewide housing goal, the following general goal has been established as a guide to providing for the orderly and economic development of housing within the City.

**CITY OF WILSONVILLE**

**GOAL 4.3:** Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this Goal while maintaining a reasonable balance between the economics of building and the cost of supplying public services. This Goal identifies the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. This Goal also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe and healthful living environment.

For the purpose of evaluating zone map amendments involving residentially-designated lands, and in that case only; the objectives and policies set forth to implement goal 4.3 shall have precedence, and in the case of conflict, shall prevail over other provisions of the Comprehensive Plan.

To further define the framework for evaluating residential development, the objectives of the 1971 General Plan have been reaffirmed along with the establishment of some new objectives addressing issues identified in the housing report.

- OBJECTIVE 4.3.1:** Establish residential areas that are safe, convenient, healthful and attractive places to live, while encouraging variety through the use of planned developments and clusters.
- OBJECTIVE 4.3.2:** Continue the development of a renewal program to update/upgrade the "Old Town" area of Wilsonville. The 1979 Housing Report documented that the City's housing, in terms of single-family, condominiums, multi-family and mobile homes were distributed at about 25% per housing type. The future demand for mobile homes and manufactured homes versus other alternative housing types was unknown at that time, however, considerable interest in that form of housing had been expressed during development of the Plan. As of December, 1986, the existing

housing stock of 2,190 units consisted of 33% single-family (including duplexes); 46% multi-family, and 21% mobile homes.

**OBJECTIVE 4.3.3**

Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes and condominiums in various structural forms.

**OBJECTIVE 4.3.4**

Balance ratios (targets) are to be set as follows: 50% multi-family; 40% single-family (including manufactured housing located in subdivisions and modular homes) and 10% for mobile homes and manufactured housing located in mobile home parks.

Because of normal building cycles, it would be expected that any single-family projection for a specific type of housing might vary by 50% from the units calculated for a specific housing type. Interim targets are to be established for a five-year interval and will be recalculated at each periodic review period. The building average will be allowed to vary by as much as 30%, but shall not exceed the long-term goal. Permits exceeding more than 30% of an interim goal or exceeding the long-term goal may be specifically excepted by the City Council on a case-by-case basis.

To assure balance in location of housing types, no traffic zone shall have a single housing type exceeding 60% of the long-term goal calculated for the sum total of the primary traffic zone, and all adjacent traffic zones.

The balance targets shall be as follows:

	Current %	Target %	Units
Single-family	33	40	4415
Multi-family	46	50	5520
Mobile homes located in mobile home parks	21	10	1104
<b>Total</b>	<b>100</b>	<b>100</b>	<b>11039</b>

**POLICY 4.4.2.a**

The City will provide for development of mobile home parks and manufactured homes subdivisions by establishing them as permitted uses in the urban medium density residential areas subject to the approval standards set forth in Chapter 4 of the Wilsonville Code. Where economically feasible and where adequate compatibility measures are taken, existing mobile home parks shall be protected and allowed to continue.

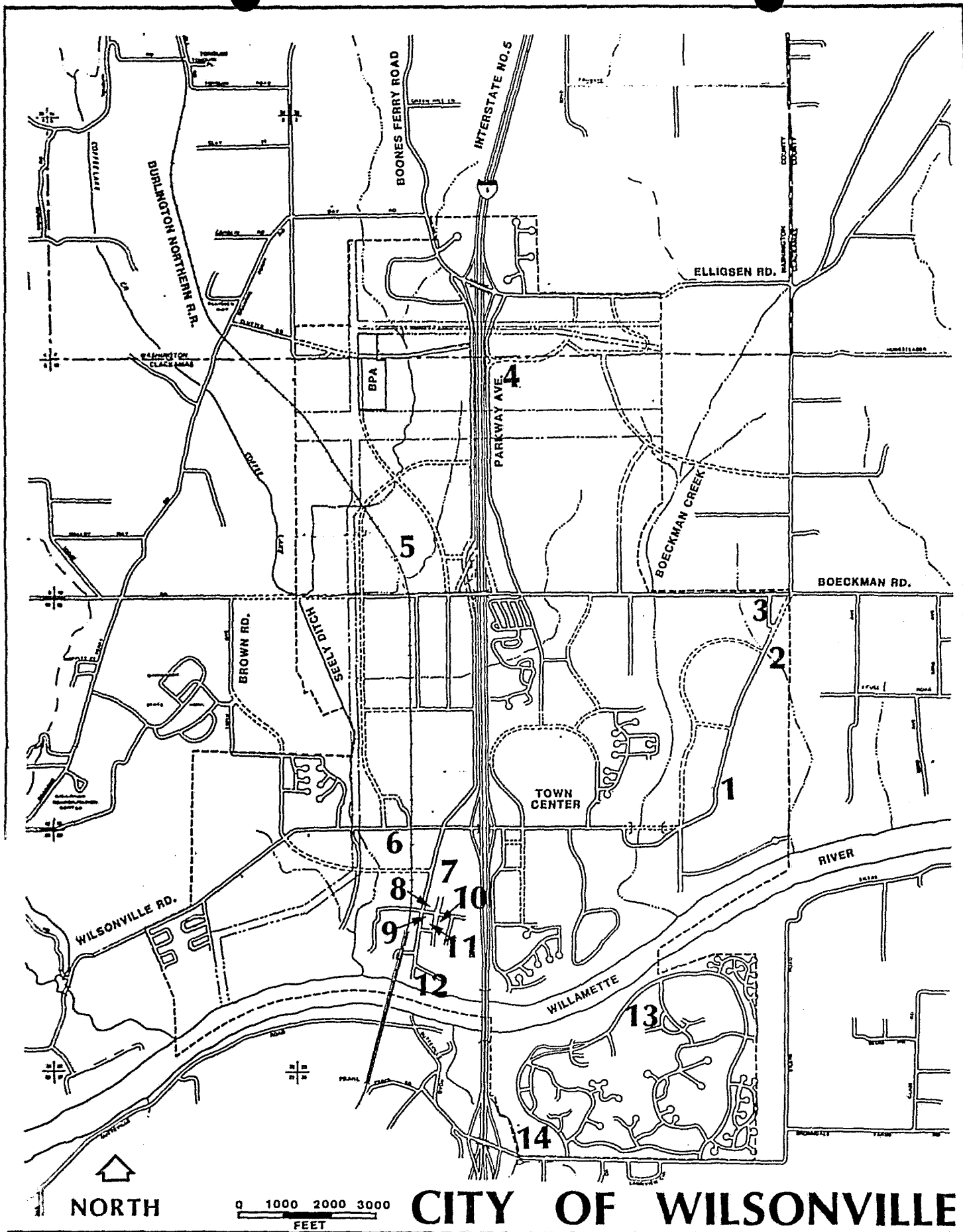
(Text Change) p. 84 - (new) Wilsonville is located within the Portland/Vancouver Air Quality Maintenance Area (AQMA). Within the AQMA there are three non-attainment areas (CO, TSP, O3). Only the O3 non-attainment area includes Wilsonville (it has the same boundaries as the AQMA). Consequently, the City is subject to the policies and standards set forth in the State Implementation Plan jointly adopted by Metro and State Department of Environmental Quality (DEQ).

(old) In the past, the Portland region has experienced air quality problems and was subsequently identified as a non-attainment area for Federal air quality standards. Consequently, the region, including Wilsonville, is subject to the policies and standards set forth in the Portland Air Quality Maintenance Area (AQMA) State Implementation Plan, jointly adopted by Metro and the State Department of Environmental Quality (DEQ).



HISTORICAL SURVEY RESULTS

<u>#</u>	<u>Common/Historical Name</u>	<u>Total Score</u>
3	Frog Pond Church	48
7	Methodist Church	34
10	Cottage Hotel	34
12	Tauchman House	34
6	Ridder House	32
14	Keil's House	30
--	Schlickeiser House	28
--	Stein House	28
1	Ramsey House	26
4	Trube Farm	26
13	Jacob Miley Residence	26
5	Boeckman Residence	24
11	Failmezger Residence	22
2	Wagner Residence	20
8	Paul Missal Residence (Green)	?
9	Norris Young Garage (White)	?



- |  |   |
|--|---|
| 1. RAMSEY RESIDENCE, 29830 S.W. WILSONVILLE RD.  | 8. NAME ?, 30650 S.W. BOONES FERRY RD.              |
| 2. WAGNER RESIDENCE, 28400 S.W. WILSONVILLE RD.  | 9. NORRIS YOUNG GARAGE, 30690 S.W. BOONES FERRY RD. |
| 3. FROG POND CHURCH, 28075 S.W. WILSONVILLE RD.  | 10. COTTAGE HOTEL, 30710 S.W. MAGNOLIA              |
| 4. TRUBE FARM, 26120 S.W. PARKWAY AVE.           | 11. NAME ?, 30725 S.W. MAGNOLIA                     |
| 5. BOECKMAN RESIDENCE, 27701 S.W. 95th LN.       | 12. OLD CITY HALL, BOONES FERRY PARK                |
| 6. RIDDER HOUSE, 10050 S.W. WILSONVILLE RD.      | 13. JACOB MILEY RESIDENCE, 7500 FRENCH PRAIRIE      |
| 7. METHODIST CHURCH, 30310 S.W. BOONES FERRY RD. | 14. NAME ?, EILERS ROAD                             |

**PROPOSED AMENDMENTS TO  
THE WILSONVILLE CODE**

**4.187 Zone Changes and Amendments - Procedures.**

- (1) The following procedure shall be followed in applying for the acting on all amendments to the Zoning Sections of this Code:
  - (a) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within forty (40) days after the hearing provide a report and recommendation to the City Council regarding the proposed amendment. The findings and recommendations of the Commission shall be adopted by resolution. Said resolution shall be signed by the Chairman of the Commission.
  - (b) In recommending approval of a proposed zone text amendment, the Planning Commission shall at a minimum, adopt findings relative to the following:
    1. That the application was submitted in compliance with the procedures set forth in Section 4.008; and
    2. The amendment is consistent with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and
    3. The amendment does not conflict with, nor endanger, other provisions of the zone text and that the enactment of the amendment serves the City's interest; or
    4. The amendment is necessary in order to insure that the City's Zone Code complies with mandated requirements of State or Federal laws and/or statutes.
  - (c) In recommending approval or denial of a proposed zone map amendment, the Planning Commission shall at a minimum, adopt findings addressing the following criterion:
    1. That the application before the Commission was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.138; and
    2. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text; or
    3. In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing Goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8 of Wilsonville's Comprehensive Plan text; and

4. That the existing primary public facilities, i.e., roads and sidewalks, water and sewer, are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission shall utilize any and all means to insure that all primary facilities are available and are adequately sized; and
5. That the proposed development does not have a significant adverse effect upon primary open space, an identified natural hazard, or an identified geologic hazard. When primary open space or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or primary open space; and
6. That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change; and
7. That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable zoning standards.

(d) If affirmative findings cannot be made for all applicable criterion in Section 4.187(b) in the case of a text amendment, or the criterion set forth in Section 4.187(c) in the case of a map amendment; the Planning Commission shall recommend that the proposed zone text or map amendment, as the case may be, be denied.

PROPOSED AMENDMENTS TO SECTION 4.001 (DEFINITIONS)

- (41) Manufactured Home: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with Federal manufactured housing construction and safety standards regulations in effect at the time of construction.
- (a) Manufactured Home (Type I): A home that has exterior dimensions enclosing more than 864 square feet of living space, is multi-sectioned (double-wide or larger) and has roofing or siding material of a type customarily used on homes built in accordance with the State Building Code.
- (b) Manufactured Home (Type II): A home that has exterior dimensions enclosing more than 700 square feet of living space in a single or multi-section unit and has roofing or siding material of a type customarily used on homes built in accordance with the State Building Code.
- (44) Mobile Home: A residential trailer, a mobile house or a manufactured home as defined in ORS 446.003.
- (45) Mobile House: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- (46) Modular Home: A structure intended for residential use that has sleeping, cooking and plumbing facilities and is constructed off-site in compliance with the Uniform Building Code (Oregon State Structural Specialty Code), and designed to be transported to a site for installation and/or assembly of modular components to form a permanent structure.
- (57) Residential Trailer: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- (67) Sign: An advertising sign, outdoor advertising sign, on-premises sign, display, temporary sign, temporary sign display, message, light (other than a device used primarily to illuminate a building and/or premises), light band, emblem, device, figure or mannequin, painting, drawing, placard, poster or other device that is designed, used or intended for advertising purposes, or to inform or to attract the attention of the public, and includes, where applicable, the sign structure, display surfaces, and all other component parts of the sign. Sign located completely within an enclosed building shall not be considered a sign. Each display surface shall be considered to be a sign.

- (a) Electric - any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source;
- (b) Incidental - a sign identifying or advertising associated goods, products, services or facilities available on the premises. Such incidental signs include, but are not limited to, trading stamps, credit cards accepted, brand names, price signs or services rendered;
- (c) Flashing - any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving, illuminated sign shall be considered a flashing sign;
- (d) Freestanding - a sign erected and maintained on a free-standing frame, mast or pole not attached to any building, and not including ground-mounted signs;
- (e) Ground-mounted - a sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground;
- (f) Inflatable - any device that depends on a differential between internal and external air pressure to maintain its size, form, or shape regardless of whether it is tied, tethered, mounted or connected to a pole, building or ground;
- (g) Integral - a sign carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction indicating names of buildings, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the structures;
- (h) Marquee - a canopy or covering structure bearing a signboard or copy projecting from and attached to a building;
- (i) Outdoor Advertising - a sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located;
- (j) Projecting - a sign, other than a wall sign, which projects from and is supported by a wall of a building or structure;
- (k) Roof - a sign located on or above the roof of any building, not including false mansard roof, canopy or other fascia.
- (l) Temporary - a banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and intended to be displayed for a limited period of time.
- (m) Wall Flat - a sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

4.179 Non-Conforming Use - Continuation of Use

1. A non-conforming use may be continued although not in conformity with the regulations for the zone in which it is located provided that the use lawfully existed prior to enactment of this Code.
2. A manufactured or mobile home placed on a lot, parcel or tract of land and certified to be a non-conforming use shall be allowed to continue in that status. A non-conforming mobile home may be replaced (up-graded) to a Type I Manufactured Home as defined herein. If the non-conforming use is discontinued, the land thereafter must conform to all provisions of this Code and the Comprehensive Plan.

4.180 Non-Conforming Use - Change or Replacement of Use

1. A non-conforming use or structure may not be changed or ~~altered~~ <sup>replaced</sup> unless the change or ~~alteration~~ <sup>replacement</sup> is to a use that is prescribed and/or complies with the provisions of this Code; or the change more closely conforms to the regulations for the zone district in which the use is located; or
2. In any zone where single-family dwellings are permitted, a non-conforming mobile or manufactured home may be replaced provided that the Planning Director makes affirmative findings for the following:
  - a. The unit to be replaced has been established as a legal non-conforming use;
  - b. The replacement unit shall meet minimum construction and safety standards established by the Oregon Department of Commerce pursuant to, and prescribed under ORS 446.002 to 446.200;
  - c. The mobile home is erected upon a foundation constructed according to the requirements of the Oregon Department of Commerce;
  - d. It has a pitched composition shingle, wood shake or tile roof;
  - e. It is set upon a foundation approved by the Department of Commerce and if not placed at ground level, it has continuous skirting which complements the structure;

- f. The replacement home is a Type I Manufactured Home as defined in this Code;
- g. The replacement home meets all other siting standards, including setbacks;
- h. The wheels, axles, hitch and other towing mechanisms shall be removed from the home.



## Public Facilities Zone District (New)

### 4.121 Zones - PF - Public Facility Zone

1. Purpose: The PF Zone is intended to be applied to existing public lands and facilities; including quasi-public lands and facilities which serve and benefit the community and its citizens. Typical uses permitted in the PF Zone are schools, churches, public buildings, hospitals, parks and public utilities. Uses in this zone may be privately or publicly owned.
2. Principal Uses Permitted:
  - a. Municipal or Governmental Service Building
  - b. Churches
  - c. Hospital
  - d. Marina, public
  - e. Recreational and community buildings and grounds, playgrounds, swimming pools, tennis courts and similar recreational uses
  - f. Parking facilities
  - g. Public utilities and buildings
  - h. Library
  - i. Trails and pathways
  - j. Parks
  - k. Military bases or offices, including armories
  - l. Schools (kindergarten, elementary and secondary)
3. Accessory Uses Permitted:
  - a. Accessory uses, buildings and structures customarily incidental to and commonly associated with a principal use, located at the same lot therewith.
  - b. Temporary structures used during an emergency situation or construction.
4. Conditional Uses:
  - a. Picnic grounds
  - b. Sewerage Treatment Plant
  - c. Water treatment plant and storage reservoir
  - d. Storage yard, stockpiles, and materials
  - e. Zoo
  - f. Cemetery
  - g. College or University
5. Dimensional Standards:
  - a. Minimum Lot Size: One (1) Acre.
    1. The minimum lot area may be reduced upon a finding that the resulting parcel is compatible with the adjoining property in that it does not impair the development of any adjoining property, does not adversely affect the value of adjoining property, and does not adversely affect the public health,

safety, or welfare.

- b. Minimum front and rear yard setbacks: Thirty (30) feet.  
Minimum sideyard setback: ten (10) feet.
- c. Minimum street frontage: Seventy-five (75) feet.
- d. Maximum height: two and one-half (2-1/2) stories or thirty-five (35) feet.

6. Off-Street Parking Requirements:

- a. As provided in Section 4.150.

7. Signs:

- a. As provided in Section 4.151.

8. Corner Vision:

- a. As provided in Section 4.167 (1)(i)

9. Special Regulation:

- a. All principal and conditional uses shall be subject to Section 4.400 through 4.450 (Site Design Review) of the Wilsonville Code.
- b. As part of either a permitted or conditional use, the Planning Commission may review and approve a Master Plan for an entire development or area subject to Section 4.130 through 4.139 (Planned Development Regulations) of the Wilsonville Code. Approval of a Master Plan would allow all uses provided in the Master Plan without further review. Minor changes which do not have off-site impact or increase visitor capacity may be reviewed by the Planning Director.

PROPOSED COMPREHENSIVE PLAN AMENDMENT

PUBLIC FACILITY PROJECT TITLES

<u>Project #</u>	<u>Project Name</u>	<u>Status</u>	<u>Map #</u>
1-1	Wilsonville Bike Path	Complete	1
1-2	L.I.D. #4	Complete	1
1-3	L.I.D. #6	Complete	1
1-4	Wilsonville Road Waterline I	Complete	1
1-5	Wilsonville Road Waterline II	Complete	1
1-6	Gesellschaft Well	Complete	1
1-7	Boeckman Interchange Study	Underway	1
1-8	L.I.D. #9	Complete	2
1-9	L.I.D. #5	Complete	2
1-10	River Village Lift Station	Complete	1
1-14	Parkway Master Drainage Plan	Complete	1
2-1	Wilsonville Stafford Interchange (O.D.O.T.)	1991-92	3
2-3	Parkway from Town Center to Boeckman		
2-4	Boeckman to Parkway Center	1992-93	3
2-6	L.I.D. #7	Complete	3
2-8	Wilsonville Road Storm Sewer	Complete	1
2-10	Nike Well	Complete	1
3-1	Wilsonville Road	1989-90	4
3-2	Boones Ferry Road Improvement	Complete	4
3-3	Boeckman Creek Lift Station	1988-89	4
3-4	Kinsman Waterline Extension	1989-90	4
3-6	Wilsonville Road Waterline	Complete	4
3-7	Boeckman to Ridder Waterline	Underway	4
3-8	Parkway Sewer Bypass	1991-92	4
3-10	Boeckman Interchange (O.D.O.T.)	?	4
3-11	Montgomery Improvements	1992-93	4
3-12	Nike Well Pump Station	1991-92	4
3-13	North Wilsonville Reservoir	1988-89	4
3-14	Old Town Improvement	Complete	4
3-15	Traffic Count Analysis	Underway	
3-16	Wastewater Plan Analysis	Complete	
3-17	Water Quality Analysis	On-going	

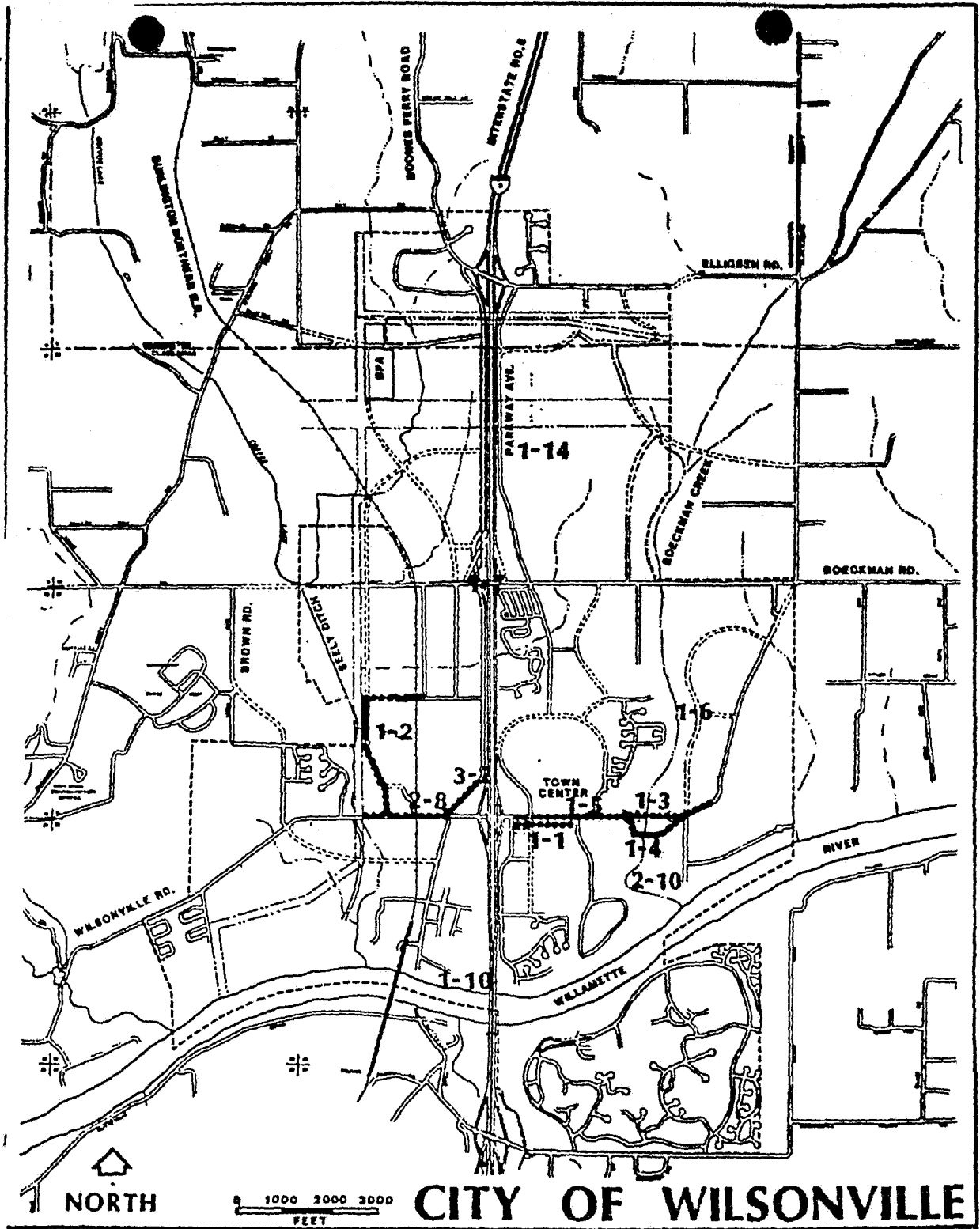
Proposed Comprehensive Plan Amendment  
 Public Facility Project Titles  
 Page 2 of 3

Project #	Project Name	Status	Map #
3-18	Seely Ditch Lift Station	1990-91	4
3-21	Wilsonville Square	?	4
3-23	Wilsonville Road Improvement	Complete	4
3-24	Memorial Park Shelter	Complete	4
3-25	Memorial Park Barn Improvement	1988-89	4
4-1	Water Well Development (3)	1987-88	Varies
4-3	Seely Ditch Improvement	1993-94	5
4-4	Kinsman Boeckman Waterline	1993-94	5
4-5	Riverfront West Waterline	1993-94	5
4-6	Riverfront West Lift Station	1993-94	5
4-7	Parkway-Boeckman Waterline Loop	1988-89	5
4-8	Boeckman-Elligsen 20" Waterline	1988-89	5
4-10	Sacajawea Water Main	Complete	5
4-11	Edwards Industrial Park Sewer	Complete	5
4-12	Street & Storm Sewer User Fee	1987-88	
4-13	Memorial Park Road Re-Surface	1989-90	5
4-14	Boones Ferry Park II	1987-88	5
4-15	Memorial Park Master Plan	1987-88	5
4-16	Memorial Park Library	1987-88	5
4-18	Boones Ferry Road	1990-91	5
4-19	Wilsonville Road Improvement	1992-93	5
5-1	Boones Ferry Road Improvement	1991-92	6
5-2	Boones Ferry North Improvement	?	6
5-3	Memorial Park Sewer	Complete	6
5-5	Memorial Park Road II	1989-90	6
5-6	Memorial Park Facilities II	1987-88	6
5-7	Memorial Park Library	1988-89	6
5-8	Boones Ferry Park III	1988-89	6
5-10	Boeckman Road Widening	1991-92	6
5-11	Elligsen Road Widening (O.D.O.T.)	1991-92	6
5-12	Wilsonville Road East	1991-92	6
6-1	Parkway Center Truck	1993-94	7
6-3/4	Memorial Park Facilities	1990-91	7
6-5	Memorial Park Swim Center	1992-93	7
6-7	Boeckman Road East	1990-91	7
6-8	Wilsonville Road	1990-91	7
6-9	Town Center Loop East	1988-89	

Proposed Comprehensive Plan Amendment  
 Public Facility Project Titles  
 Page 3 of 3

Project #	Project Name	Status	Map #
7-1	Overlay Program	On-Going	8
8-2	Miley Road Improvement	1993-?	8
8-3	Miley Road East	1991-92	8
8-4	Miley Road East (Ehlier Connector)	1992-93	8
8-5	Wilsonville Interchange (O.D.O.T.)	1991-92	8
8-6	Wilsonville-Brown Road	?	
8-7	Stafford Interchange (O.D.O.T.)	(See Project 5-11)	
9-2	Ritter Road Extension	1990-91	9
9-3	Kinsman Road Extension	1992-93	9
9-4	Brown Road Extension	1989-90	9
9-5	Canyon Creek Road Extension	1994-95	9
9-6	65th Avenue By-pass	1995-96	9
9-7	Boberg Road Extension	1993-94	9
9-8	Wastewater Treatment Expansion	2005	9
9-9	Willamette River Water Source Development	2000+	9

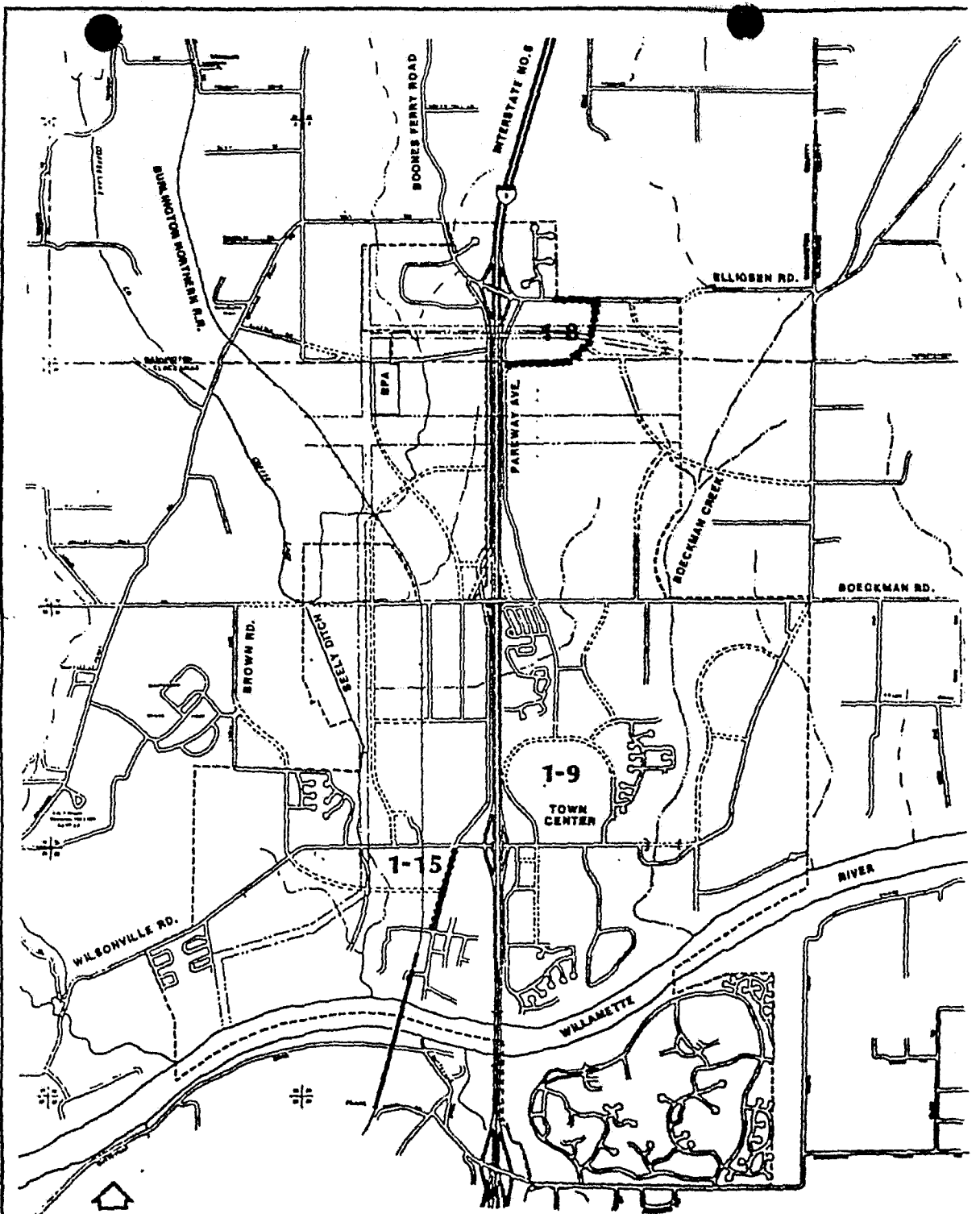
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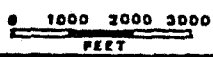
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**1.**

**CIP PROJECTS COMPLETED**



NORTH

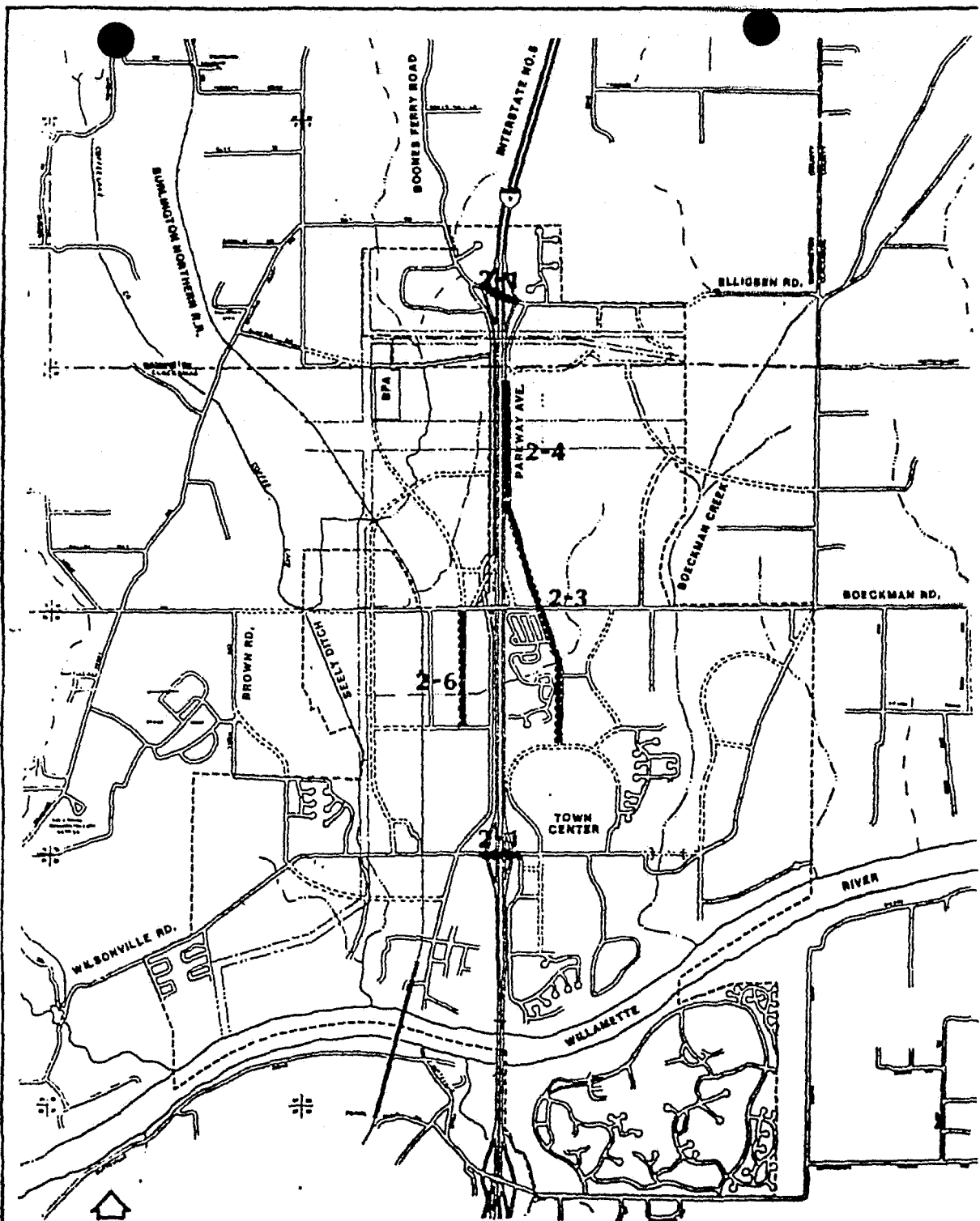


**CITY OF WILSONVILLE**

-----PROJECT AREA

**2.**

**CIP PROJECTS**



NORTH

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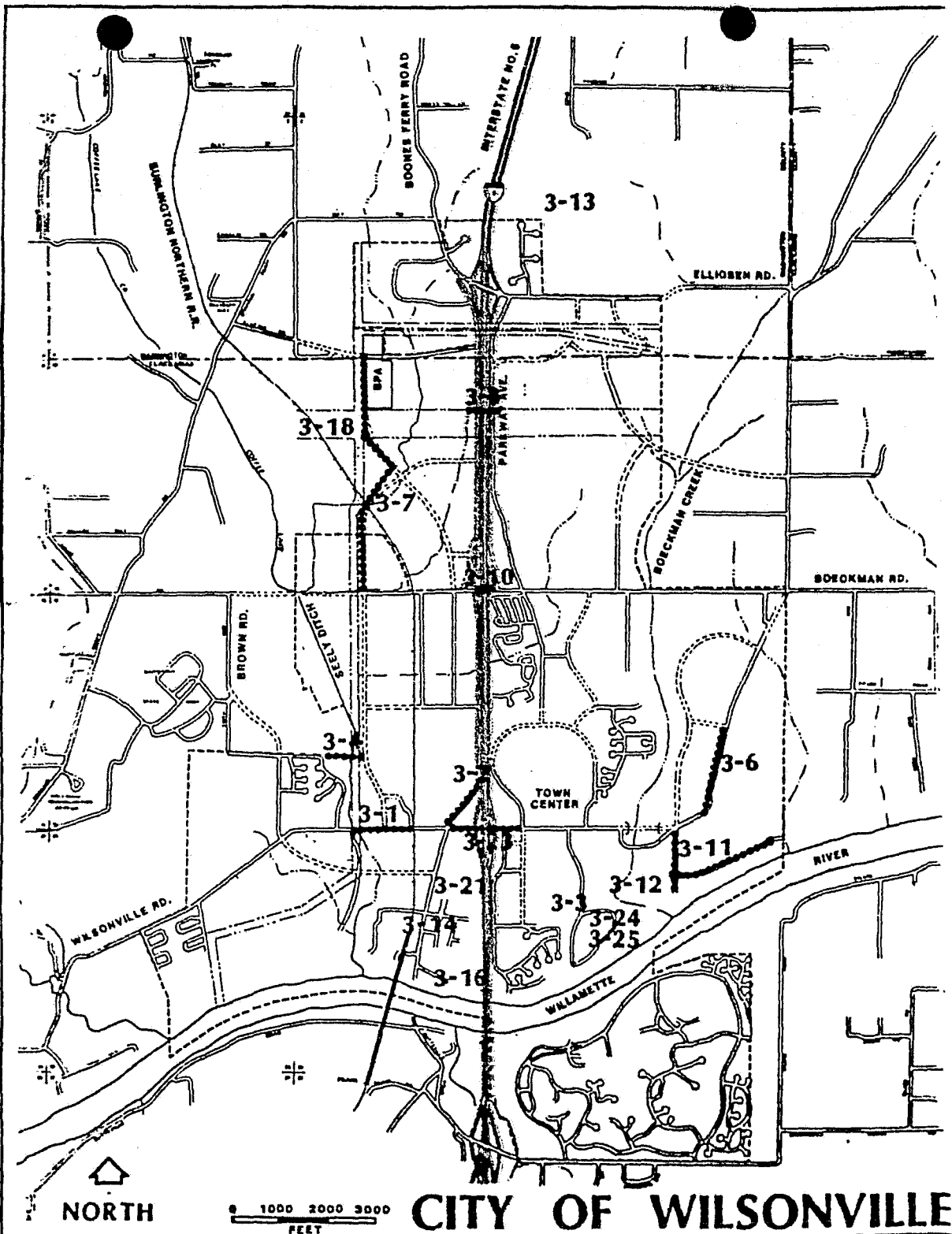
**CITY OF WILSONVILLE**

----- PROJECT AREA

**3.**

**CIP PROJECTS**



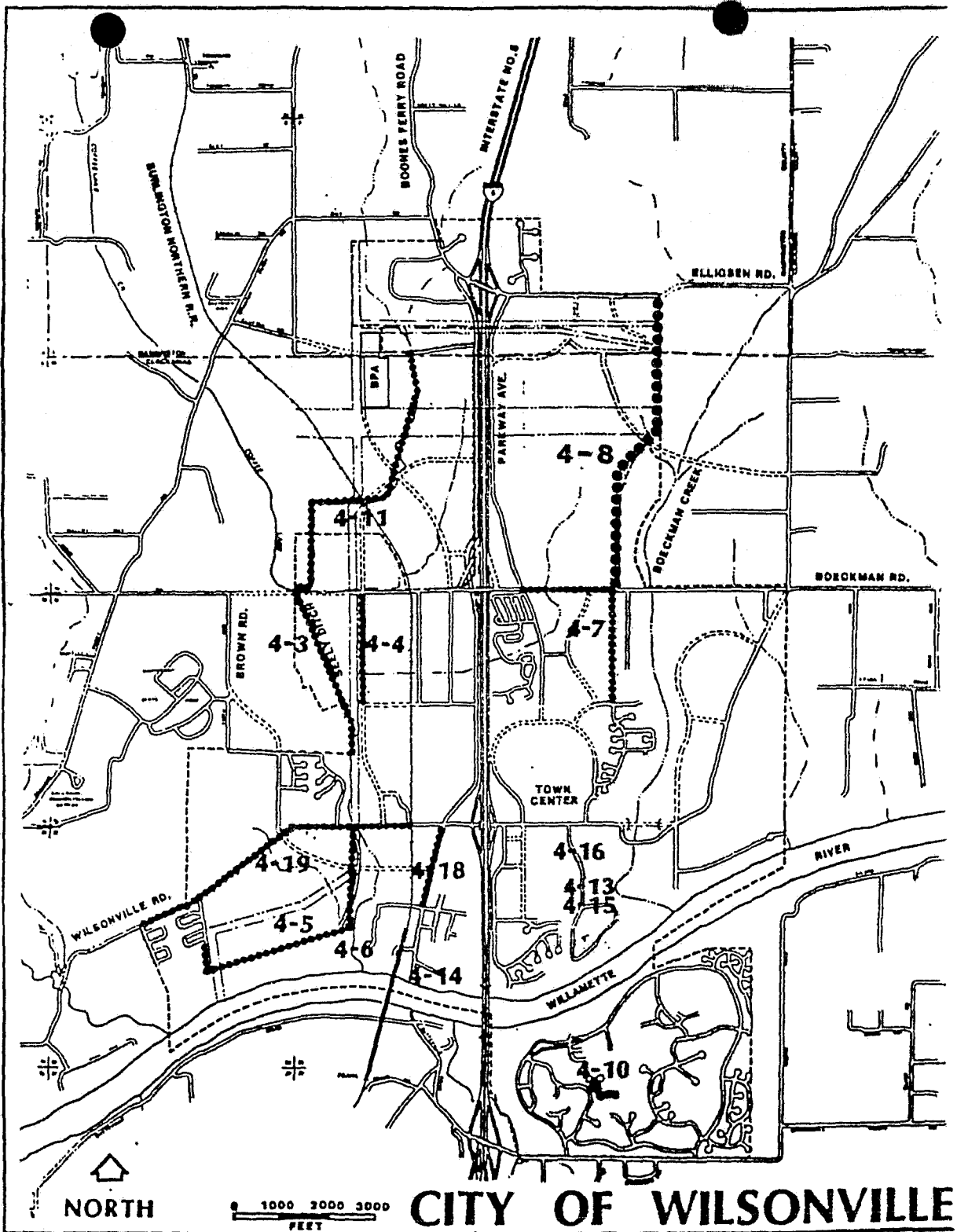


**CITY OF WILSONVILLE**

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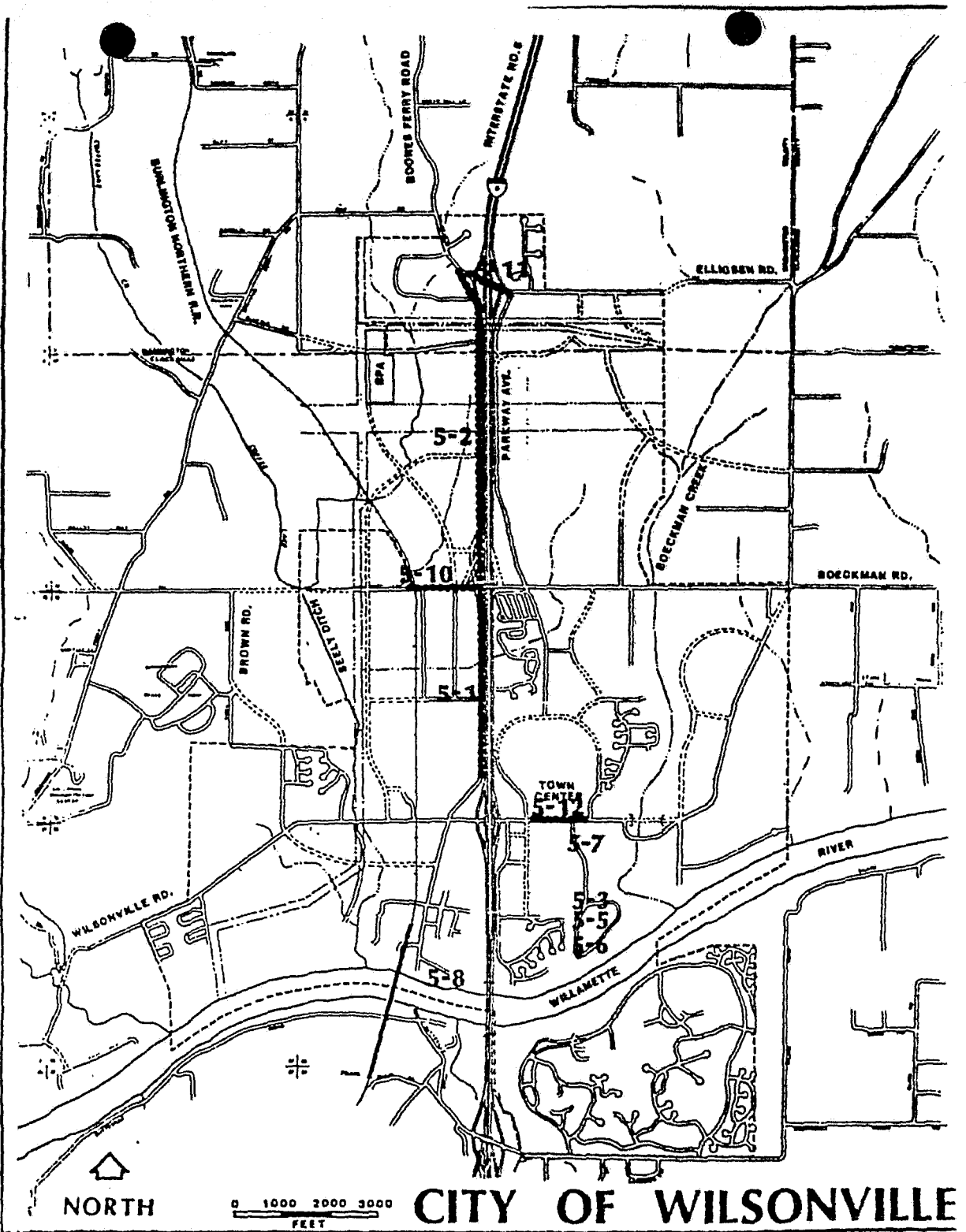
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**CIP PROJECTS**



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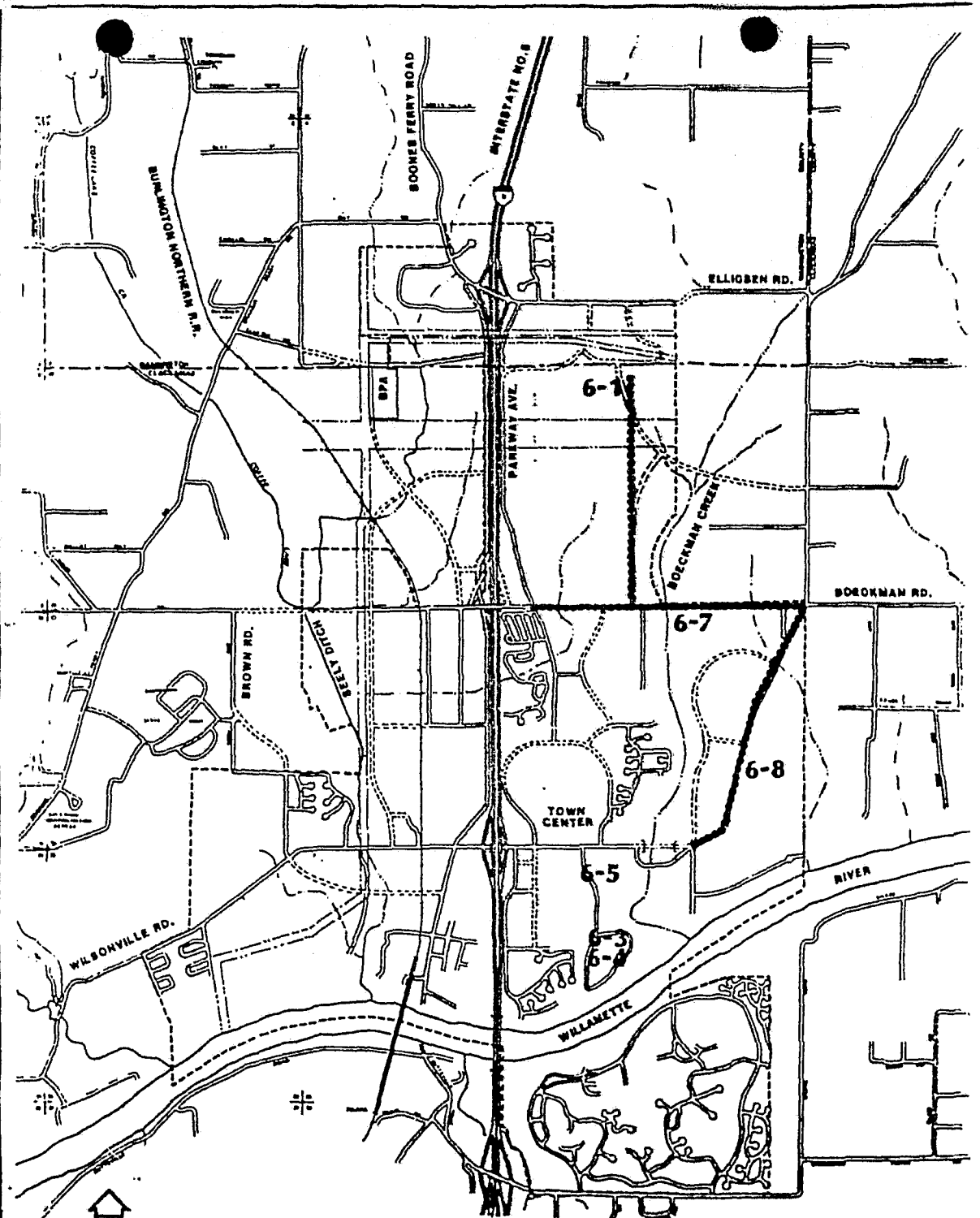
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----- PROJECT AREA

6.

**CIP PROJECTS**

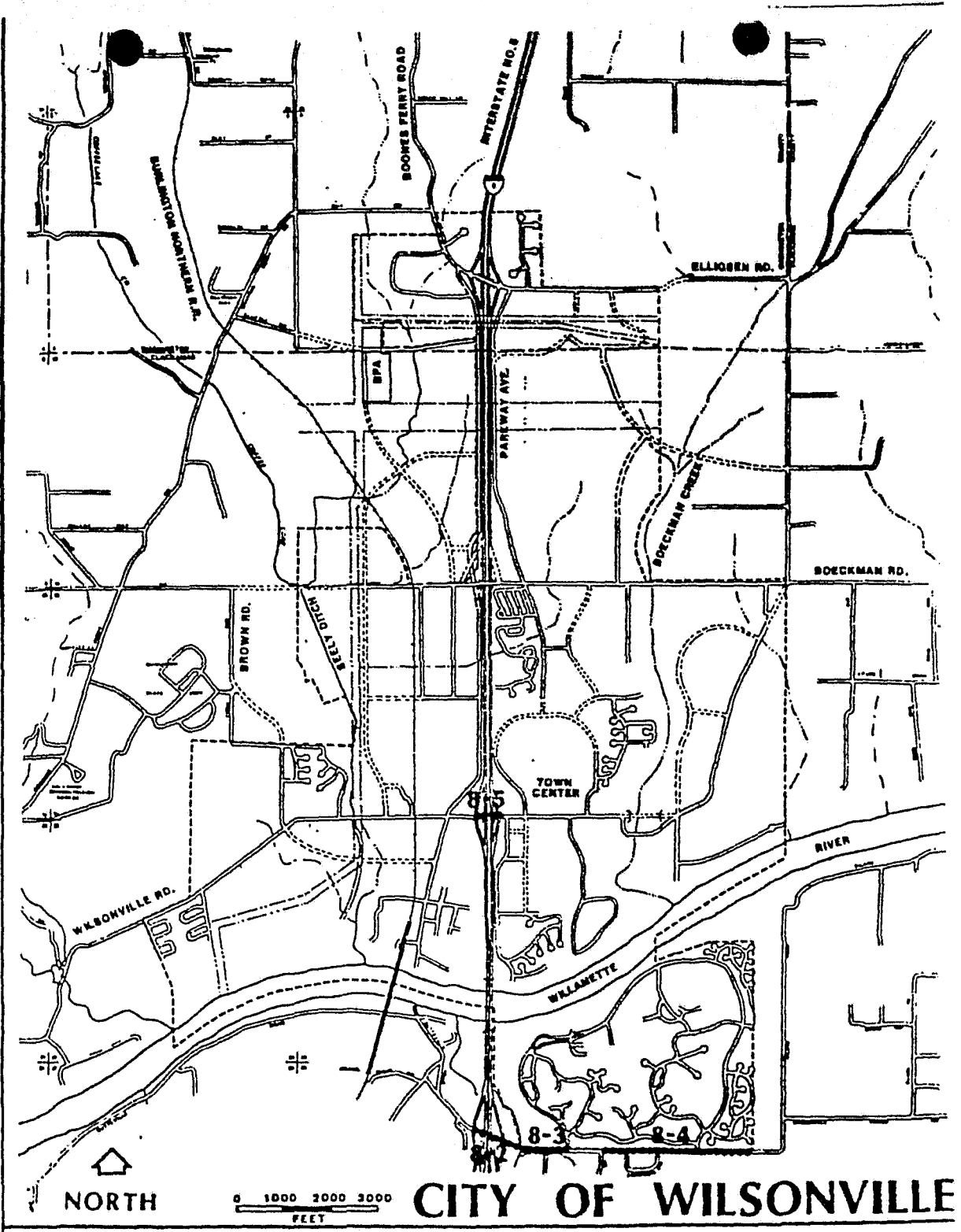


**CITY OF WILSONVILLE**

**7.**

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**CIP PROJECTS**

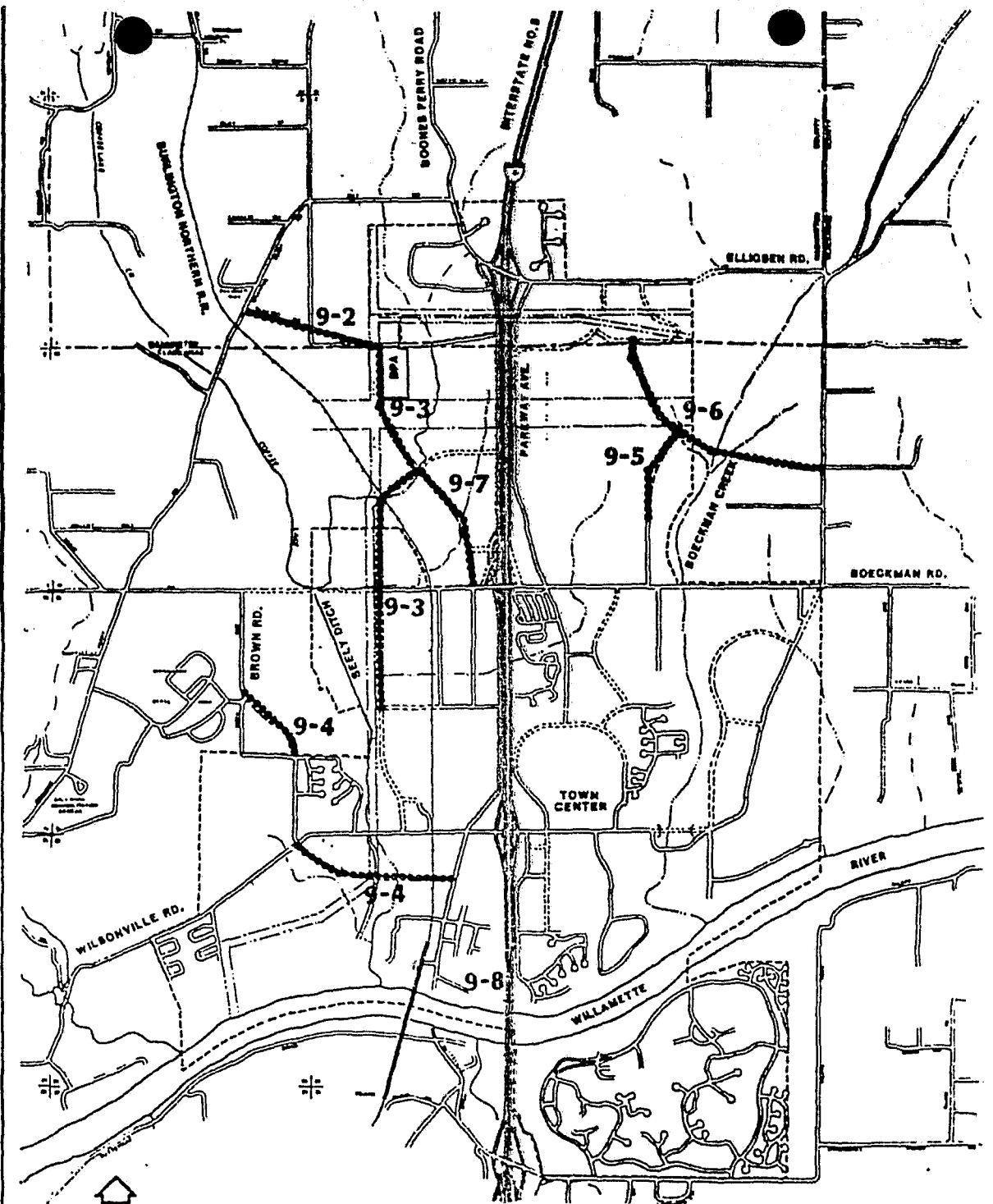


# CITY OF WILSONVILLE

-----PROJECT AREA

**8.**

**CIP PROJECTS**



**CITY OF WILSONVILLE**

**9.**

.....PROJECT AREA

**CIP PROJECTS**



## Department of Land Conservation and Development

1175 COURT STREET NE, SALEM, OREGON 97310-0590 PHONE (503) 378-4926

September 18, 1987

RECEIVED  
SEP 21 1987  
CITY OF WILSONVILLE

Mr. Wayne C. Sorensen  
Planning Director, City of Wilsonville  
P.O. Box 220  
Wilsonville, OR 97070

Dear Wayne:

The Department has reviewed the plan and ordinance provisions which you recently submitted (DLCD File No. 003-87B). These amendments are submitted in response to my letter of October 11, 1986, in which the Department commented on your proposed periodic review order. The letter stated that the city no longer complied with Goal 10 because Objective 4.3.3 (to maintain a balance of housing types) was used as an approval standard to determine whether a mobile home park could be developed. This standard is not clear and objective, as is required by Goal 10. However, we believe that the proposed amendment addresses this concern and will bring the city back into compliance with Goal 10.

The plan will be amended to define "balance ratios" for housing types (Objective 4.3.4). These ratios are set as follows:

- 50% multi-family;
- 40% single family (including manufactured housing located in subdivisions and modular homes); and
- 10% mobile homes and manufactured housing located in mobile home parks.

This standard complies with Goal 10 because it does not limit manufactured housing subdivisions within the single family category. The housing rule (OAR 660-08-005(2)) allows the city to provide for manufactured housing in either mobile home parks or subdivisions. Because manufactured housing is allowed freely within the single family (medium density) category, mobile home parks can be limited to 10% of the housing stock.

Other provisions in Objective 4.3.4 provide for interim targets to be calculated at each periodic review and for calculation of balance ratios by traffic zone. We believe that these provisions do not affect the plan's compliance with Goal 10.



## Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

October 17, 1986

RECEIVED  
OCT 20 1986  
CITY OF WILSONVILLE

The Honorable A.G. "Gregg" Meyer  
Mayor, City of Wilsonville  
PO Box 220  
Wilsonville, Oregon 97070

Dear Mayor Meyer:

The Department has reviewed the proposed periodic review order which you recently submitted. As we discussed with your planner in a telephone conversation on October 17, 1986, the Department has serious concerns about the city's compliance with Goal 10 "Housing" and to a lesser extent with Goal 11 "Public Facilities and Services." These concerns are discussed further below.

### Goal 10 "Housing"

The Department has received letters of comment and objection relating to your periodic review from the Robert Randall Company (dated July 23, 1986) and the Oregon Manufactured Housing Association (dated September 9, 1986). Also, a brief was filed by the Department in an appeal to LUBA by the Robert Randall Company (LUBA No. 86-016). This case resulted from the denial by the city of a request for rezoning to permit the development of a mobile home park in a "Medium Density Residential" designated area. For the reasons discussed below, we believe that this case has implications for the city's periodic review.

This case calls into question the city's overall process for rezoning land to provide for the uses (both residential and non-residential) and densities designated in the plan. The city has not zoned undeveloped lands within the city according to their ultimate planned uses. Instead, undeveloped lands are placed in a holding zone. Prior to development, land must be rezoned to allow the proposed use. The comprehensive plan on page 6 "Planning/Zoning Procedures" describes the process for rezoning land and states, "The Development Code shall clearly define the standards that must be met to obtain a Zone Change and/or Site Development Permit." The city's comprehensive plan map designates uses and residential densities within the urban growth boundary. The development code, Section 4.120 establishes the "RA-1" district as "a holding zone to preserve the future urban level development potential." The city's zone change procedure (city code Section 4.187) requires that the planning commission consider whether "...the proposed use is consistent with the land use designation and all applicable policies of the Comprehensive Plan." Numerous other sections of the code refer to consistency with the plan and land use designations (see Code Sections 4.002, 4.003, and 4.130).



Because of the city's approach to upzoning residential land, we believe that the city no longer complies with Goal 10, the administrative rules on housing (OAR 660-Divisions 7 and 8) and ORS 197.295-.307. The city's current interpretation and application of its plan provisions represent a substantial change in circumstances, including the conditions, findings, or assumptions upon which the plan was based (Factor One, OAR 660-19-055(2)(a)). The Land Conservation and Development Commission's acknowledgment order of September 21, 1982, is based upon the assumption that mobile home parks are permitted outright within the medium density plan designation (Staff Report, pp. 11-14). The Commission's findings contained in the Department's report, p. 14 were as follows:

"The City of Wilsonville complies with Goal 10.

The city has met the requirements above. Standards governing the approval of needed housing types are not clear and objective in Section 4.136(2)(c). The Commission has determined that this may be permissible where such standards govern how, not whether a development is approved if the ordinance contains language which assures that added conditions will not deny needed housing types, add unnecessary costs, or decrease densities. The city has added this clause to Section 4.136(2)(c)."

The city also submitted a document entitled "Summary Analysis of and Findings Related to LCDC Acknowledgment Review Report" which is part of the record of the city's acknowledgment. This document states, on page 15,

"Consistent with Goal 10, the City's Plan objectives are to provide opportunities for a variety of housing types, densities and styles. It is further the intent of the Plan to be market responsive rather than predictive or prescriptive of market demands. Therefore, the Plan and Zoning Code allow for various density ranges with specific housing types permitted outright in each range and zone. Mobile homes are outright permitted in the medium density ranges from 5 to 12 units per acre. There are 375 acres of uncommitted buildable land in these categories which could potentially yield 2,089 mobile homes at the low density range. This is equal to 26% of the total potential housing units, not counting existing units. These properties could also be developed at a higher density. In addition, the City has recently approved PDR zoning and Stage I Plans for a 63-lot mobile home park." (Emphasis added)

The city's assurances above, as well as specific language in the plan (Policy 4.4.2 and the overall goal statement for housing, 4.3) resulted in LCDC's determination of goal compliance.

The city has recently denied the Randall Company rezoning request on the basis of objective 4.3.3 in the plan, which is to "Encourage the development of diverse housing types, but maintain a balance..." (See LUBA No. 81-016 Final Opinion and Order). The city has applied its plan and implementing measures in a way which was not intended or anticipated at the time of acknowledgment and which violates Goal 10. As used by the city in its denial, Objective 4.3.3 is an approval standard which is used to determine whether the mobile home park will be developed. Further, this standard is not clear and objective as required by Goal 10. The city's denial is contrary to the Commission's understanding of the comprehensive plan at acknowledgment and, for the reasons stated above, a substantial change in circumstances has occurred.

Factor One also applies through part (3)(c), "Oversight on a decision by the local government to delay or not carry out plan policies which relate to a statewide goal requirement." Plan policy 4.4.2 states:

"The city will provide for development of mobile home parks and subdivisions by establishing them as outright permitted uses in urban medium density residential areas. Where economically feasible and where adequate compatible provisions can be made existing mobile home parks shall be protected and allowed to continue."

The city needs to carry out this policy in order to comply with Goal 10.

Under Factor Two, the city needs to demonstrate compliance with ORS 197.295 to .307, which was enacted after the city's acknowledgment. The statute defines manufactured housing as a needed housing type. Further, the statute requires that sufficient buildable land be zoned to satisfy housing needs and that standards be clear and objective. To meet the statutory requirement that sufficient buildable land be zoned, the city must insure that its rezoning process complies with in OAR 66U-07-020.

The city needs to revise its proposed order to address the issues discussed above. To accomplish this the city must either rezone all land within the city to conform to the land use designations in the plan or amend the rezoning process in the plan and city code to insure compliance with the statutory, goal, and rule provisions cited above.

NOTICE OF PROPOSED ACTION

OFFICE USE ONLY

LCDC FILE # \_\_\_\_\_

TO: DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT  
1175 Court Street N.E.  
Salem, Oregon 97310-0590

Action: (Check all that apply)

Comprehensive Land Use New Land Use  
XX Plan Amendment XX Regulation Amendment \_\_\_\_\_ Regulation

DATE: August 21, 1987  
FROM: Wilsonville, Oregon (City or County)  
LOCAL FILE NUMBER: Periodic Review - 1986/87

DATE SET FOR FINAL HEARING ON ADOPTION: October 5, 1987  
(Note: Notice must be received in Salem at least 45 days prior to the final hearing. This date must be provided when filed at DLCD because provisions for comments are tied to the date of final hearing).

TIME AND PLACE FOR HEARING: 7:00 p.m., October 5, 1987  
Wilsonville City Hall

(1) SUMMARY AND PURPOSE OF PROPOSED ACTION:

1. Separate criteria has been developed for zone text changes and for zone map changes. For zone map changes, concerning "residential" properties, specific findings are required which address the applicable goals, objectives and policies listed in the Comprehensive Plan. This is in response to DLCD's expressed concerns regarding Goal 10 - Housing.
  2. The non-conforming use provisions of the Code have been modified to allow a non-conforming mobile home to be replaced provided that specific conditions are met. This is in response to Goals 2 and 10.
  3. The definitions section was amended to define "Manufactured Home", "Mobile Home" and "Modular Home." In addition, a definition of "sign" is added to the Code. This is in response to State legislation and Goals 2 and 10.
  4. The proposed changes to the Comprehensive Plan text updates the housing information set forth in the Plan and clarifies what the City means when referring to a housing "balance". Additionally, Objective 4.3.4 establishes a balance ratio or (OVER)
- a. Size of Affected Area: 3387.81 acres  
b. Location of Affected Area: Wilsonville, OR.

(2) List Statewide Goals which may apply to the proposal:

Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

(3) List any state or federal agencies, local government or local special service districts which may be interested in or impacted by the proposal:

DEQ, Metro, Washington County, Clackamas County, ODOT and LCDC.

Direct questions and comments to: Wayne C. Sorensen (Phone) 682-1011  
Address: P. O. Box 220, City Hall  
Wilsonville, OR. 97070

\*NOTE: ATTACH 3 COPIES OF THE PROPOSAL TO THIS FORM\*

4. (cont.) target for the City. This will resolve the issue of "balance" raised in the LUBA case involving the Robert Randall Company. It will help explain the City's position on "balance" to DLCD staff who will review the Periodic Review Order and who have expressed concerns over Goal 10 - Housing issues.
5. A proposed "Public Facility" zone has been developed and is to be applied to those lands designated as "Public" on the Comprehensive Plan. This presents a much truer picture of the City's actual land uses and inventories of those uses. Currently, the City's "public lands" appear as residential, commercial or industrial land which over-inflate the figures for those land use classifications. Therefore, it appears, on paper, that the City has much more land available for development or developed land than is actually the case. This change will represent a truer picture of land uses in the City, and complies with Goal 2.

The City has updated its inventory information and will adopt such ordinances and/or amendments as is necessary to successfully implement the proposed Periodic Review Order submitted to DLCD in July, 1986 (copy attached).

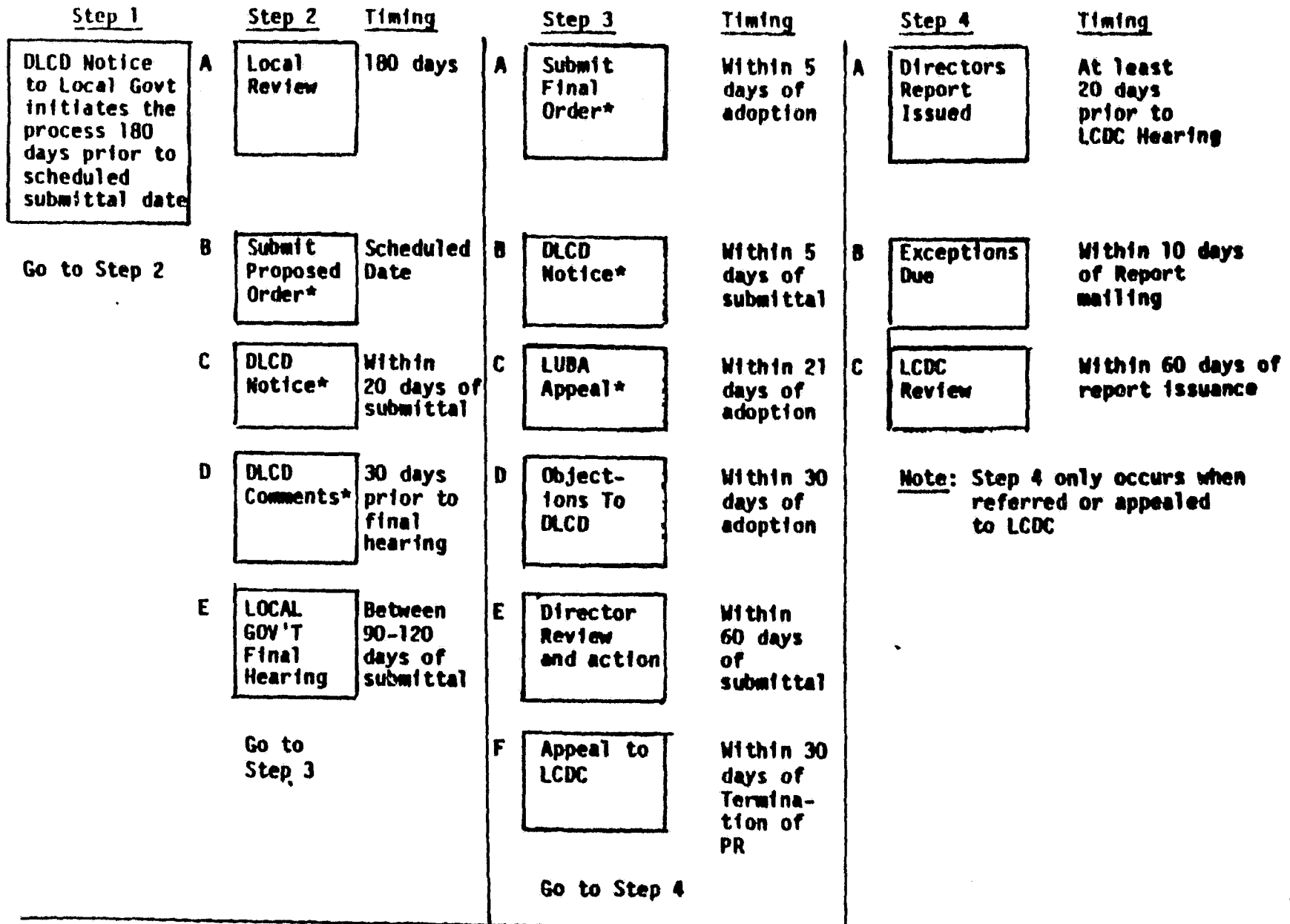
## SUMMARY OF PERIODIC REVIEW REQUIREMENTS

Applicable Rule Sections of Division 19 are in (parenthesis)

<u>STEP</u>	<u>ACTION</u>	<u>TIME FRAME</u>
<u>Step 1</u> Start Process	A. <u>DLCD</u> Issues Periodic Review Notice to the <u>Local Government</u> (050). NOTE: Schedule may be modified by the <u>Director</u> (045).	180 days in advance of scheduled periodic review date.
<u>Step 2</u> <u>Local</u> Review/ Proposed Order Prepared	A. <u>Local Government</u> conducts a review based on the <u>DLCD</u> Notice and Periodic Review Factors (055, 060). NOTE: Agencies and other interested persons should be involved locally at this stage.  B. <u>Local Government</u> submits its Proposed Review Order, Proposed Amendments and its Date of Final Hearing to <u>DLCD</u> . Expedited Jurisdictions need only submit Notice of their final hearing (060). NOTE: If a jurisdiction is proposing plan or land use regulation amendments, notice is also required under OAR 660, Division 18, 45 days prior to the Date of Final Hearing.  C. <u>DLCD</u> provides Notice of the Proposed Order to <u>subscribers</u> [\$50 fee] (065, 100).  D. <u>DLCD</u> comments to <u>Local Government</u> (065).  E. <u>Local Government</u> conducts its final hearing on its order and any proposed amendments (060, 070). NOTE: In order to participate during the <u>Director's</u> or <u>LCDC</u> review involvement at this point is required. New issues may not be raised later (080). Expedited jurisdictions must also complete their order, findings and any proposed amendments at this point.	Within 180 days of Notice from <u>DLCD</u> .  Due on Scheduled PR Date unless more time is requested and approved based on a significant hardship or cost (045).  Within 20 days of submittal.  30 days prior to final hearing.  Hearing must be held 90-120 days from date of submittal of proposed order (060). NOTE: Director may grant more time (060).
<u>Step 3</u> Final Order Adoption and <u>DLCD</u> Review	A. <u>Local Government</u> adopts its final Periodic Review Order and any amendments to meet the periodic review factors. Within 5 days <u>Local Government</u> submits adopted order and amendments to <u>DLCD</u> . NOTE: If amendments are adopted they must also be sent under OAR 660, Division 18. <u>Local Government</u> must also provide notice to persons who participate locally and request notice in writing.	Following Hearing. (Submittal within 5 days of adoption).

<u>STEP</u>	<u>ACTION</u>	<u>TIME FRAME</u>
Step 3 cont'd	<p>B. <u>DLCD</u> provides Notice of the Adopted Order to <u>Subscribers</u> [\$50 fee], (075, 100). <u>NOTE</u>: If amendments are submitted with the final order, <u>DLCD</u> must also provide Notice under Division 18.</p> <p>C. Appeal of Amendments to LUBA. <u>NOTE</u>: Amendments submitted under Division 18 are deemed acknowledged after 21 days unless appealed to LUBA.</p> <p>D. Objections due to <u>DLCD</u> and <u>Local Gov't</u>. Valid objections must be in writing; be limited to issues raised locally, and; specify why the local order does not meet the periodic review factors (080). <u>NOTE</u>: Objections may raise new issues where a proposed order did not describe the nature of the final decision. Objections must be sent to <u>Local Government</u> and <u>DLCD</u>.</p> <p>E. <u>Director</u> terminates periodic review or refers to <u>LCDC</u> for action (085). <u>NOTE</u>: <u>Objectors</u> and <u>Local Gov't</u>. given notice of Director's action.</p> <p>F. Appeal to <u>LCDC</u>. If the Director terminates Periodic Review, an objector may seek LCDC review by appealing the Director's action (085).</p>	<p>5 days from receipt.</p> <p>21 days from date of adoption.</p> <p>30 days from date of adoption.</p> <p>Within 60 days of receipt of final order.</p> <p>Within 30 days of mailing of the Director's Termination Decision.</p>
<u>Step 4</u> <u>LCDC</u> Review	<p><u>NOTE</u>: This step only occurs based on a referral or appeal to <u>LCDC</u> (090).</p> <p>A. Preparation and mailing of the Director's report to LCDC. <u>NOTE</u>: Must be mailed to the <u>local government</u> and all <u>objectors</u> (085).</p> <p>B. Exceptions to Director's Report or objections due at <u>DLCD</u> (090).</p> <p>C. <u>LCDC</u> Hearing and Review. Issuance of order which either sustains the local review order or requires amendments (090). <u>NOTE</u>: Required amendments are submitted following all of Step 3 requirements above (090). Any order requiring amendments shall specify a reasonable time frame.</p>	<p>At least 20 days prior to LCDC review.</p> <p>10 days following mailing of the report.</p> <p>Within 60 days of submittal of the Director's Report unless stipulated.</p>
<u>Step 5</u> Appeal	<p>Appeal to Court of Appeals (090). (See ORS 197.650 and ORS 183.482)</p>	<p>Within 60 days of issuance of order.</p>

PERIODIC REVIEW PROCESS



\*INDICATES WHERE PROVISIONS OF OAR 660, DIVISION 18 (Plan and Land Use Regulation Review) REQUIREMENTS OVERLAP WITH PERIODIC REVIEW REQUIREMENTS. REQUIREMENTS OF BOTH PROCESSES APPLY WHERE PLAN OR LAND USE REGULATION AMENDMENTS ARE PROPOSED OR ADOPTED.