



PLANNING COMMISSION AGENDA

June 12, 2024 at 6:00 PM

Wilsonville City Hall & Remote Video Conferencing

PARTICIPANTS MAY ATTEND THE MEETING AT:

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

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

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

TO PROVIDE PUBLIC TESTIMONY:

Individuals may submit a testimony card online:

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

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

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

for which testimony is being submitted in the subject line.

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

Matt Constantine

Sam Scull

Ron Heberlein

Yana Semenova

Nicole Hendrix

Jennifer Willard

Andrew Karr

PLEDGE OF ALLEGIANCE

CITIZEN INPUT

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

ADMINISTRATIVE MATTERS

1. Consideration of the May 8, 2024 Planning Commission minutes

WORK SESSION [6:10 PM]

2. Annual Housing Report (Pearlman)(45 Minutes)
3. Frog Pond East and South Implementation-Development Code (Pauly)(45 Minutes)

INFORMATIONAL [7:40 PM]

- [4.](#) City Council Action Minutes (May 6, 17 & 20, 2024)(No staff presentation)
- [5.](#) 2024 PC Work Program (No staff presentation)

ADJOURN [7:45 PM]

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

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



PLANNING COMMISSION

WEDNESDAY, JUNE 12, 2024

ADMINISTRATIVE MATTERS

1. Consideration of the May 8, 2024 PC Meeting Minutes



Draft PC Minutes are to be reviewed and approved at the June 12, 2024 PC Meeting.

**PLANNING COMMISSION
MEETING MINUTES**

May 8, 2024 at 6:00 PM

City Hall Council Chambers & Remote Video Conferencing

CALL TO ORDER - ROLL CALL

A regular meeting of the Wilsonville Planning Commission was held at City Hall beginning at 6:00 p.m. on Wednesday, May 8, 2024. Chair Andrew Karr called the meeting to order at 6:00 p.m., followed by roll call. Those present:

Planning Commission: Andrew Karr, Ron Heberlein, Nicole Hendrix, Matt Constantine, Sam Scull, and Yana Semenova. Jennifer Willard was absent.

City Staff: Miranda Bateschell, Amanda Guile-Hinman, Daniel Pauly, and Mandi Simmons.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN INPUT

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

ADMINISTRATIVE MATTERS

1. Consideration of the April 10, 2024 Planning Commission Minutes

The April 10, 2024 Planning Commission Minutes were accepted as presented.

WORK SESSION

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

Daniel Pauly, Planning Manager, presented the Staff report via PowerPoint, providing the follow-up information requested by the Planning Commission on the Variety Standards, particularly with regard to thresholds for the number of mobility-ready units and size for small units. Staff continued to recommend a minimum 10 percent for mobile-friendly units, anticipating vertical mixed-use could lead to up to 15 percent, and setting 1,200 sq ft as the minimum threshold to ensure construction of smaller unit types.

- Referencing the meeting packet, he also reviewed the proposed Development Code Amendments....

Feedback from the Planning Commission and responses by Staff to Commissioner questions were as noted:

Mobility-Ready units

- Once adopted into Code, the 10% requirement would be final. However, construction in Frog Pond would not begin until the Boeckman Creek Sewer Interceptor was built, which was still a couple years away. The City was planning Residential Code updates to implement any recommendations from the Housing Production Strategy, especially if the Housing Our Future project identified specific needs or provided more data, which would be an opportunity to make any changes consistent with any findings from the project prior to any construction at Frog Pond.
- Given that exceeding the 10% requirement was realistic at buildout, the 10% Code minimum was acceptable.
- Being able to have enough mobility-ready units was everyone's concern. Mr. Pauly articulated some negatives as that percentage increased, and the economic feasibility of the units was also a consideration.

Small Unit Threshold

- The data analysis information was good to have and revealed the missing unit type. The Commission wanted to make homes more affordable, which was a challenge in Wilsonville. Staff's assessment and willingness to reassess their position was appreciated.
- Five percent of the units in Frog Pond East and South would equate to about 75 small unit-type homes.
- The lower 1200 sq ft threshold would provide the variety the Planning Commission wanted.

The Planning Commission supported Staff's recommendations for a 10 percent minimum for mobile-ready units and a small unit threshold of 1,200 sq ft.

Code Amendment Review

- Mr. Pauly explained many footnotes were important to policy, and while Footnote A for Table 6B, which established the minimum unit types, was long, it referred to the definition of detached duplex or cluster housing, allowing two detached units to be built on the same lot. (Page 34 of 80)
 - In Frog Pond West, on lots of 8,000 sq ft or larger, developers sometimes built two houses intended for 4,000 sq ft lots on a single lot through a middle land division process. To an observer, these homes appeared identical to any other detached homes. Footnote A addressed concerns about developers counting such units as middle housing, so that each unit would be a detached single-family home on its own lot.
 - To qualify as middle housing units, a unique configuration was required, such as not having street frontage, to distinguish cluster housing, for example, from detached single-family homes and meet the intent of the standards.
- A detached single-family home and a small home of 1,200 sq ft or less would not qualify as middle housing if both homes were facing the street. If one unit qualified as an Accessory Dwelling Unit

(ADU), then half of the parcel could count as another unit type. ADU sized units would count as middle housing, but a small home.

- Seeing previously discussed items coming to fruition in a document was appreciated as were the references to removing redundancies and cleaning up the document.
- Mr. Pauly explained the Urban Form section described the range of urban forms. If Form Types 1 and 3 were mentioned, one could assume something in between existed. Referencing Type 2 had made the document a bit long, but if mentioning Type 2 would provide more certainty and clarity, it could be added. (Page 5 of 80)
- The definition of “multi-family” was revised during the recent Middle Housing Code work was done. No changes to the definition were proposed because the section was more about defining the review process than defining “multi-family.” (Page 6 of 80)
- Mr. Pauly acknowledged Page 34 was complex, so he would try to reword it. He was having other Staff review the document as well, and he would ask for their feedback. (Page 34 of 80)
- Mr. Pauly was not sure why the notes about square pickets and the brick wall being six inches thick with a stucco cap were different on Pages 57 and 58. He suggested adding the language to Page 57 to ensure the wall appearance remained consistent.
- Use of the words “Board” or “Planning Director” covered every potential review process, making interchangeable use of the words “Board” and “City” acceptable. (Page 78 of 80)
- Section (D).2.c addressed concerns from the Fred Meyer development, where main entrances were required to be street-facing, but none of the actual business entrances faced the street, as all street-facing entrances were blocked off with no access. The amendment aimed to prevent this in Frog Pond by requiring the primary entrance to be street-facing, which was also consistent with the Master Plan’s requirements for dwellings. This was reinforced by similar language throughout the Zone and Residential Design Standards that mirror the idea of the main entrance facing the street. (Page 69 of 80)
 - At the Fred Meyer development, Boones Ferry Road’s design with no on-street parking and most pedestrian activity on the interior led to street entrances getting blocked off. In Frog Pond, Brisband St had on-street parking and was designed to have more pedestrian traffic. Additionally, the street-facing requirement was only for the side facing Brisband St, so some tenant spaces might not go all the way through the building and have a back hallway.
 - The risk for street-facing entrances being blocked off was not as high in Frog Pond as Fred Meyer, and the requirement was consistent for all development types to orient toward the street rather than parking.
- The requirement in Section (D).7.b.i for 60 percent of the ground floor wall area to be windows aimed to create the appearance of a store front, making the building look like a commercial business rather than a residential building. While this requirement would provide light into the unit, its primary intent was to provide a streetscape, urban design element, contributing to the look and feel of the pedestrian and commercial area. (Page 70 of 80)
 - Miranda Bateschell, Planning Director added part of the reason for the requirement was Brisband St was a main street. The glazing on the windows created interaction between the interior frontages and sidewalk activity in the pedestrian realm. The glazing standards, particularly for the ground story facing SW Brisband Street was adapted from the Town Center Code, which would also apply to the main street in Town Center.
 - Glazing standards for Old Town Square, which included the Fred Meyer development, were intended to prevent street-facing windows from having film or other blocking features, but

enforcement was difficult due to the orientation of the tenant spaces. For example, bathrooms at the back of tenant spaces required window tinting. Although these Standards did not go into such detail, generally, window tinting could be applied to the interior but not the exterior, similar to how interiors signs were exempt from sign regulations. Even with tinting regulated, the reflectivity of windows would remain consistent, maintaining a uniform look. However, businesses could still apply similar film on the inside, compromising visibility from both sides.

- Mr. Pauly noted the question was how much the City should regulate. Staff had been aiming to be consistent with similar development elsewhere. If the City had such a requirement, consistency would be recommended, but even in Town Center, interior windows were not regulated.
- Ms. Bateschell clarified any glazing requirements would be limited to commercial storefronts, providing more flexibility and privacy for residential or live-work units, especially during non-business hours. If the Planning Commission wanted to consider amending this section, Staff could double-check the provisions, especially in relation to the main street of Town Center, as the regulation may have been in the design standards table but not carried over to the window façades table.
 - As far as live-work units, Town Center was very unique, depending on the sub-district. Retail on the ground floor of every building or even every street was not required. The only location requiring an active ground floor frontage was on the main street itself, so in certain areas of the Town Center ground floor units were likely. Along the main street and at the intersection with Courtside Dr, active ground floor spaces would not be primarily residential. She could not remember if live-work spaces were restricted, but she did know an active space along the main street was required. Both live-work and purely residential spaces on the ground floor in some of the Town Center buildings would be seen.
- Mr. Pauly confirmed the Planning Commission would continue to review the Development Standards at the June meeting before holding the public hearing. He would highlight changes in the next revision for easier differentiation so Commissioners would not have to re-read the entire document.
- Mr. Pauly highlighted key new or notable changes in the Development Code as follows:
 - Blending minimum requirements for housing types over sub-district boundary lines was initially discussed for mobility-ready units, where an excess in one sub-district could be counted as a credit to a neighboring sub-district that may not have enough as long as the units were on the sub-district borders. After a lot of discussion, Staff was recommending the concept be extended further to allow blending for either middle housing or small units, but not both, to allow similar flexibility for those unit types. If, for example, middle housing standards were not met in one sub-district and the builder controlled both sides of the boundary line, the line could be a bit wider to build middle housing on the other side of the street. The credits needed to be used immediately adjacent to the boundary line and could not be used on the other side of the sub-district.
 - Several requirements still needed to be met, including having three types of housing units in each sub-district. For example, a sub-district could have three different configurations of multi-family units and meet the middle housing requirement right over the sub-district line.
 - The credits could really come into play in two scenarios. Sub-district E4 in Frog Pond East was at the corner of Stafford and Advance Rds. where West Hills had shown scenarios with primarily multi-family units in the sub-district. In that case, middle housing requirements

could be met right over the border on the northern side in Sub-district E5. ~~next door to the north.~~

- Another scenario was at the boundaries between Sub-districts South 2 and South 3, where a variety of 2- to 5-acre properties were located. If a developer gets an interest in a 3- or 4-acre property on both sides of the sub-district line, housing types could be blended a bit at the sub-district line, which seemed like a reasonable flexibility to allow in that situation.
- Builders could not borrow credits from another builder. Credits were intended for use when the Stage 1 area, or proposed development, already crossed sub-district lines. Flexibility would be allowed during Stage 1 planning, when looking at the entire area being planned for development, but credits would be limited to the boundary area or either side of the street.
- Mr. Pauly said he would have to consider if the Code allowed for rolling surplus credits across multiple sub-districts, or daisy-chaining credits, to meet housing type requirements.
 - Commissioner Heberlein believed as long as the overall requirements were being met, a bit of shift in a given development seemed reasonable.
- Narrow Side Yards. In Villebois, several scenarios involving 3-ft or 4-ft side yards provided no access, essentially becoming dead ends. These yards were not usable and were located on the inactive side of the house. Consequently, no motivation to maintain them existed, leading to the accumulation of junk and overgrown blackberries. Staff deliberated the details of fence placement and whether to allow fences in these situations, considering fences could be erected anywhere at any time because permits were not required. Staff did not encourage allowing fences in such situations because even if a fence was not allowed, enforcement would be an ongoing issue if the area appeared to be a natural location for a fence. (Note E, Page 14 of 80)
 - The primary issue involved the maintenance of these narrow side yards. One approach considered preventing side yards from being so narrow. However, practical reasons existed for having narrow side yards. Often, narrow side yards resulted in one side being active, with an easement over a portion of the neighbor's property to use as an active side. The neighbor, in turn, had an easement over the other side. This arrangement was not always feasible due to the orientation of the houses, which sometimes resulted in two inactive sides facing each other.
 - In some cases, fencing these areas was unavoidable due to the orientation of buildings and efficient land use. When building detached homes, increasing the space between buildings was undesirable because the land could be used for additional housing, so the issue became how to encourage or require maintenance of these areas.
 - Practical reasons for having narrow side yards existed, and the issue came down to encouraging or requiring maintenance. Common sense suggested if people used the area, maintenance would be more likely to occur. The Development Code applied citywide and suggested narrow areas should have a gate or some form of passage to the rear yard or alley, increasing usability and preventing the yards from becoming forgotten dead ends. The Code also addressed the issue of blocking the passageway with junk or large plants, such as placing an arborvitae in narrow side yards.
 - Adding language to the Nuisance Ordinance, which generally fell outside the Planning Commission's purview, to include typical nuisances like junk and weeds blocking passage was recommended to allow enforcement under the Nuisance Ordinance.

- The Building Code required side yards to be a minimum of 3.5 ft. The economics usually did not work out for more narrow side yards because the wall and eave would have to be fireproofed, substantially increasing construction costs.
- A 3.5 ft side yard required a gate or some other opening to access the area. A string of detached houses with 3.5 ft side yards were likely to have active and inactive side yards.
- Controlled maintenance and management of side yards were the responsibility of the HOA under its covenants, conditions, and restrictions (CC&Rs). Under the Nuisance Ordinance, the HOA had more active patrols and stricter rules than the City, so active HOAs usually addressed those issues. However, the City had tall grass regulations, and if the condition was severe enough and a complaint was filed, the Code could be enforced. The main difference was an HOA could force a resident to mow when the lawn an inch tall, while the City would not enforce mowing until the grass was 2-ft tall, dried out, and a fire hazard.
 - The Code itself would dictate the maximum gap between the houses and the setback for the fence before moving on to the Nuisance Code or an HOA's CC&R role. Most side yards, particularly between townhouses, had shared maintenance and shared access, but a few exceptions brought up the need to address when additional action could be taken.
- Mr. Pauly clarified the Nuisance Code addressed a level of severity. For example, an old microwave being put out before being taken ~~take~~ to the next large debris day at Public Services would probably be okay as long as the HOA did not object, but a large pile blocking the entire side yard or weeds growing over the fence causing rats to run through the neighbor's yard would be actionable.
 - The Nuisance Code addressed issues such as fire hazards and garbage piles attracting varmints. Other factors could trigger the severity of the Nuisance Code violation, such as items blocking one of the required passageways.
 - Examples of why side yard maintenance should be addressed in the Code included trees planted in a side yard that had grown into the neighbor's yard, creating a nuisance or weeds overgrowing a fence otherwise would not be severe enough to warrant action. The most important part was to increase the use of side yards so that it was maintained, which would take care of the issue. City Council supported adding the provision to the Nuisance Code.
- Drawings of the fences had been updated. Prior drawings had shown just a brick wall, but now the walls were shorter with the metal on top along Stafford Rd. (Figure A-8.3) Each dimension was now half of what was required along Boeckman Rd. The other fence design along Advance Rd had less brick, mirroring units in Villebois. (Figure C-8) (Pages 57 & 58 of 80)
- The public realm elements were completely new. The Master Plan contained quite a bit of detail, so the Master Plan was referenced rather than restating it in the Development Code. (Page 60 of 80)
- Commercial Main Street had been updated to define and clarify that 50 percent of Brisband St frontage was required to be commercial use to ensure getting the commercial units called for in the Master Plan.
- The section of allowed residential unit types was changed significantly to state all unit types were allowed but also show the limitations to that broad allowance. This approach made more sense than listing all allowed units. The proposed change would create variety by allowing specific unit types, which would then be guided by the Variety Standards.
- Mr. Pauly confirmed the Planning Commission would broadly discuss housing next month and also review the annual housing report, carrying forward themes on how housing functioned and what

that meant as far as the housing that would actually be produced. Additional details could be discussed as well as any updates of the Code as Staff continued to refine it in the coming weeks.

- Changing the design of the fence along Stafford Rd to no longer be all brick would not increase traffic noise for units along Stafford Rd, as the design included a travel lane followed by a wide planter, a 12-ft sidewalk, a setback to the wall, and then another setback before the unit. Units on Stafford Rd would have quite a large distance between the traffic and the front door of the unit, unlike units on smaller streets like Barber Street, which would be right on the street.
 - Regarding front yard fences, the 2-ft wall with the metal on top was substantial. Having just a brick wall would totally close off the front yard, leading to questions of why the unit should face Stafford Rd. The units on Stafford Rd would be at least 30 ft from the travel lane.

Chair Karr called for public comment.

Dan Grimberg, West Hills Land Development, thanked the Commissioners for their efforts, acknowledging the complexity of the Code they were tasked with understanding and noting his long-term involvement in the development industry.

- He expressed concern about the inflexibility of the current Code, emphasizing the development world required adaptability due to changing economic conditions, market demands, and consumer preferences. Developers managed numerous factors to build products to meet public and market needs. A lot of work went into determining what would sell and what the public and market wanted.
- He warned excessive requirements in the Code left little room for flexibility, which was problematic for long-term planning as conditions would inevitably change. He noted the difficulty of amending the Code and obtaining adjustments or variances, which could add uncertainty and risk for developers. A developer had opportunities across the market they were in and where to their risk capital, so all these factors were considered. West Hills maintained contact with builders, did land development, sold lots, and built houses, doing it all, depending on the conditions at the time. He urged the Commissioners to consider how flexibility would be implemented.
- He provided four examples illustrating West Hills' concerns about flexibility as follows:
 - Table 6B identified the minimum number of units required in each sub-district. After working on the issue for about a year-and-a-half, concerns about the numbers still existed. The plan for Sub-district E5, previously shown to the Planning Commission as an example of what could be done with the 80-acre Azar property, probably the largest to be developed in Frog Pond East and Frog Pond South, met the previous requirement of 214 units. At yesterday's meeting, Mimi Doukas of AKS Engineering noticed the minimum units for the sub-district had increased to 244 units, but with the mix in the area, room for 30 more units was not available. He emphasized the issue was still under discussion and hoped for a satisfactory resolution, but noted the change was related to Stormwater Code, increasing the impact on buildable land from five percent to ten percent and therefore increasing the required density on the higher density sub-district. (Page 32 of 80)
 - Regarding mobility-ready units, West Hills wanted to provide housing to an existing market, but no real concrete numbers for people with limited mobility were available. The current Code's requirement for fully accessible units on one floor was overly restrictive. He suggested considering a more flexible approach focused on visitability, such as requiring only a bedroom

on the main floor. He questioned the need for such stringent requirements, given the lack of concrete numbers indicating demand for fully accessible units.

- The definition of a small unit was questionable, noting the average unit West Hills built was approximately 2,000 sq ft. He believed any unit smaller than 2,000 sq ft was a small unit. Instead of using the lack of 1,200 sq ft homes in Villebois to suggest the existence of a market gap needing to be filled, he contended that particular market did not exist. If the market existed, the home would be built. The project needed to be financially feasible, but the Planning Commission was directing unit types for a very hypothetical market. Another factor was small units on lots had a very high cost per square foot, negatively affecting marketability and possibly explaining why those unit types were not selling or being built.
- Regarding the requirement for 50 percent of street-facing façades to be dedicated retail space, a recent study conducted for the City indicated the retail market was very weak. Not only would the requirement affect willingness to build the retail space, but the apartment units, which would serve the mobility and small unit issue because of elevator service, would not be built. He proposed allowing live-work units to count toward the retail requirement. He explained live-work units could be built to appear as retail spaces, with appropriate design elements such as 12-foot plate lines, glazing requirements, and street-facing access. This approach would provide the necessary activity on the street while avoiding vacant retail spaces. Additionally, the vertical housing tax credit, which counted live-work units toward retail requirements and provided a partial property tax abatement for 10 years, further supported his proposal.
- The noted the City of Portland passed a regulatory relief package in December to spur housing development by removing certain Code requirements impeding housing production, including the active-use requirement for multi-family buildings. Buildings requiring retail on the main floor had see-through glass, so the spaces were vacant after the retail market went bad. He noted the retail market was very fickle, noting a restaurant he frequently ate lunch at near his office in downtown Portland recently closed down. In the uptown shopping center off Burnside, one of the best retail locations in Portland, the deli, liquor store, pharmacy, real estate office, and ice cream shop all went out in the past year. Putting retail on the bottom floor would not guarantee success.

Mr. Pauly confirmed if stormwater retention facilities were larger than anticipated, the minimum unit requirements could be recalculated using the method outlined in Code Section 4.127 (.06) C. He noted he had previously mentioned the numbers in Table 6B would be refined, aligned, and better proportioned as better projections of units per acre and layout plans were received. Staff was still working through the numbers, which would probably change a bit more. Only buildable land was being used in the calculations, with land used for streets, stormwater facilities, and open spaces excluded. A requirement reduction was available and could be calculated if the net was less than 75 percent of gross. He believed West Hills and Staff would eventually be more aligned and reach an agreement.

Mr. Grimberg acknowledged reducing the minimum number of units would allow them to meet the Code, but the reduction was a killer financially because density was needed to spread and reduce costs and make money. The primary goal was not to decrease the number of units, as they aimed to create a thriving community and density was crucial to making the financial formula work. He confirmed the main concern was the stormwater facility requirements eating into the buildable area, rather than the minimum number of units. He noted AKS had studied the issue and estimated the Stormwater Code

recently presented by the City created a 10 percent density reduction. An example using simple arithmetic assumed 350 lots were owned. Losing 10 percent more than anticipated resulted in over 30 lots being lost. If a lot was worth \$200,000, a \$6 million loss would be created, leading to serious concerns.

Mr. Pauly clarified other code regarding stormwater, not under the Planning Commission's purview, was also at work. For example, Public Works Standards could result in the same concerns and issues even without the Stormwater Code. The proposed Stormwater Code was meant to elevate the issue to everyone involved in the design process as the subdivision and all of its components were being designed.

Ms. Bateschell added many conversations had looked at recent developments, including Frog Pond West, in terms of land consumption for stormwater facilities consistent with Public Works Standards and the Code. Calculations indicated about seven to eight percent of land was being consumed for stormwater facilities, partly explaining the reason for modifying the assumption behind the numbers. Originally five percent of the gross development acreage had been used, but the number was now rounded up to ten percent, slightly higher than the seven to eight percent, to be conservative and make sure to account for more extensive stormwater facilities, which was partly why number changes were still being seen. The process was still being worked through to make sure the assumptions were good.

Mr. Pauly noted in subsequent calculations for unit allocations, the ten percent assumption was used because the additional information received was more accurate.

INFORMATIONAL

3. City Council Action Minutes (April 1, 3, & 15, 2024) (No staff presentation)
4. 2024 PC Work Program (No staff presentation)

There were no comments.

ADJOURN

Commissioner Hendrix moved to adjourn the regular meeting of the Wilsonville Planning Commission at 7:31 p.m. Commissioner Scull seconded the motion, which passed unanimously.

Respectfully submitted,

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



PLANNING COMMISSION

WEDNESDAY, JUNE 12, 2024

WORK SESSION

2. Annual Housing Report (Pearlman) (45 minutes)



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: June 12, 2024		Subject: 2023 Wilsonville Annual Housing Report	
		Staff Member: Sarah Pearlman, Assistant Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Increase housing opportunities for all and mobility-friendly/visitable housing	<input checked="" type="checkbox"/> Adopted Master Plan(s): Comprehensive Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COMISSION

Receive presentation of the 2023 Wilsonville Annual Housing Report

EXECUTIVE SUMMARY:

The City of Wilsonville has produced an annual housing report since 2014 following recommendations from the 2013 Housing Needs Analysis. Past reports tracked the large amount of home building in Villebois as well as the recent shift to building in Frog Pond. This report discusses units that received land use approval “approved” and homes that received building permits for construction “permitted”. Approved homes are a good indicator of units in the pipeline for construction in coming years while permitted homes are indicative of actual new units being constructed and made available for use during the year. The 2023 report continues to demonstrate that shift as well as lower construction numbers (114 homes permitted) compared to the peak of construction in Villebois (360 homes permitted in 2014). The current report can be found at <https://www.ci.wilsonville.or.us/comm-dev/page/annual-housing-reports>.

Despite the lower rate of construction, 136 units were approved with plans brought before the Development Review Board approved plans in 2023 were spread throughout the City with a subdivision expected to be primarily townhouses in Frog Pond West, an 114-unit apartment development in Town Center, and a detached single-family home on Montgomery Way. In the next couple years the City anticipates Frog Pond West continuing to build out, infill starting in Town Center consistent with the Town Center Plan and smaller-scale infill continuing across the city.

As housing continues to be a hot topic in Oregon, Wilsonville is focused on housing that serves a variety of needs and desires. This year’s housing report focuses on mobility-friendly housing specifically as accessibility and visitability have been identified as priorities in the Equitable Housing Strategic Plan. Based on data from the 2022 American Community Survey (5-year estimates), approximately 7.2% of Wilsonville’s population has a mobility-related disability. Staff conducted a driving survey and a review of approved plans in Frog Pond West and Villebois to provide a snapshot of newer housing that could be considered mobility-friendly, either with no or minimal steps at the entry, ground-floor living, or access via an elevator in multi-family buildings. Approximately 12.5% of detached homes in Frog Pond West, 9.1% of detached homes in Clermont, and 61.2% of apartment and condo homes could be considered mobility-friendly.

Additional key takeaways of the 2023 report are as follows:

- The 114 homes permitted in 2023 included six townhouses and one ADU.
- A variety of housing was built in 2023. Lot sizes ranged from 2,514 square feet (a new single-family unit in Clermont) to 9,422 square feet (a new single-family unit in Frog Pond West). Unit sizes ranged from 587 square feet (a new ADU) to 3,688 square feet (a new single-family unit in Frog Pond West).
- Most of the permitted housing construction concentrated in Frog Pond and Clermont in Villebois.

- Three residential projects were approved including the Frog Pond Petras 11-lot subdivision, the 114-unit Wilsonville Town Center Mixed-Use Development, and a SROZ large lot exception for one single-family unit on Montgomery Way.
- No new attached multi-family units or apartments were permitted, a continuing trend from the last few years. More apartment units are expected to be constructed based on the 2023 approval of the Town Center Mixed-Use Development.
- As of 2023, 45% of the housing stock is comprised of apartment units and 44.3% is comprised of detached single-family units. Townhouses make up the next largest percentage.
- Wilsonville's population grew by 0.8% in conjunction with a 1% growth in the housing supply. In the past 5 years, the population has grown by 8%. While the annual population growth was smaller than housing growth in 2023, population growth has historically outpaced housing growth indicating that housing production may be beginning to catch up with the larger population.
- The median home sales price and continued to increase and interest rates remained comparatively high. Median rent price also continued to increase.
- The gap between home prices affordable to a typical household and actual home prices continued to widen. The typical, median home in Wilsonville costs 89% more than what a typical household making the median income can reasonably afford. The rise in median income has not kept pace with the increase in housing prices.
- The median rent in Wilsonville was 14% higher than what the average renter can afford. The median renter income is 47% lower than the median income for home owners.
- In 2023, 9.6 out of 10 households making less than \$50,000 a year were disproportionately rent burdened, spending more than 30% of their income on housing. Wilsonville was designated as a severely rent burdened city for the second straight year with 28.8% of the population spending more than 50% of their income on rent.
- Since July 2023, the City has observed consistent use of the designated vehicle and tent camping sites near City Hall.
- In Fall 2023, the City reached out to local hotels and motels who estimated that between 167 and 173 people either stay longer term or regularly. Some of these people are experiencing houselessness, while others are contractors for jobs away from their homes, and others still are housed residents who need a temporary place to stay while construction is occurring on their homes.

- Median home prices and percent of cost burdened residents is similar to comparable Metro-area cities reflecting a broader affordability issue in the region.
- Population growth was slightly greater than many comparable Metro-area cities.
- Wilsonville was in the middle of the pack in terms of housing growth when compared to similar Metro-area cities.
- Since 2014, 55% of the city's 20-year projected housing has been constructed during 45% of the forecast period.
- Sixty-eight percent (324 of 477 acres) of Wilsonville's 20-year land inventory has been dedicated to development by plans approved over the past nine years (2014-2023). This land inventory does not include the 2018 UGB expansion area for the Frog Pond East and South area.
- The 20-year land inventory was established as a part of the 2014 Housing Needs Analysis which was conducted prior to the 2018 UGB expansion. With the land added to the urban growth boundary in 2018, there are 275 additional acres of available land for the City's 20-year growth period, meaning forty-three percent of Wilsonville's 20-year land inventory has been dedicated to development approvals. The City is currently conducting a new Housing Needs and Capacity Analysis as part of the Housing Our Future project.

EXPECTED RESULTS:

Presentation of the 2023 Wilsonville Annual Housing Report

TIMELINE:

The Wilsonville Annual Housing Report is published each spring based on data from the previous calendar year. This report covers 2023.

CURRENT YEAR BUDGET IMPACTS:

The report was prepared using budgeted staff resources.

COMMUNITY INVOLVEMENT PROCESS:

The report will be published on the City's website for the community to review and learn about housing in Wilsonville

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Tracking housing related data annually helps the community understand conditions on which to base housing-related policy and actions, including those for the Housing Needs and Capacity Analysis (HCNA) and Housing Production Strategy (HPS).

ALTERNATIVES:

N/A

ATTACHMENTS:

1. Link to 2023 City of Wilsonville Housing Report published on the City's website <https://www.ci.wilsonville.or.us/comm-dev/page/annual-housing-reports>



PLANNING COMMISSION

WEDNESDAY, JUNE 12, 2024

WORK SESSION

3. Frog Pond East and South Implementation-Development Code (Pauly) (45 minutes)



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: June 12, 2024		Subject: Frog Pond East and South Development Code	
		Staff Member: Daniel Pauly, Planning Manager	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input checked="" type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable	
		Comments:	
Staff Recommendation: Provide input on draft Development Code amendments for Frog Pond East and South Implementation.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Expand home ownership	<input checked="" type="checkbox"/> Adopted Master Plan(s): Frog Pond East and South Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COMISSION

This work session will (1) review updated information around housing cost and how it relates to the housing variety in Frog Pond East and South (2) provide the Commission an opportunity to review the latest draft of Development Code amendments in their entirety prior to public hearings (Attachment 1).

EXECUTIVE SUMMARY:

The Frog Pond East and South Master Plan, adopted by City Council in December 2022, provides clear policy direction and guidance for future development in Frog Pond East and South. An important implementation step is to develop a detailed set of Development Code standards consistent with the Master Plan. These standards will be relied on by developers to plan and design development. These standards will also be relied on by City reviewers to ensure development meets City expectations.

At this work session, staff will provide updated information about housing cost for housing types expected in Frog Pond East and South as well as receive feedback on the updated complete package of Development Code amendments. The updated package of Development Code amendments incorporates Planning Commission feedback and feedback from City staff and stakeholders since the prior work session.

Housing Cost Update

The Master Plan and implementing Development Code intend to create a variety of housing options, including lower-cost options. In discussing housing costs this report will refer to Median Family Income (MFI). This is the median income for a family of four in Wilsonville in 2023, which is \$118,000 annually. Throughout this staff report, when referring to MFI a reference is provided in parentheses of the dollar amount, in terms of annual income, the listed percentage represents. The Master Plan and implementing Development Code address housing affordability in two specific ways. First, they require development of specific housing types expected to provide market-rate options for households making between 80 percent (\$94,400) and 120 percent (\$141,600) of MFI with potentially some units for households between 60 percent (\$70,800) and 80 percent (\$94,400) MFI. These specific housing types include middle housing such as townhouses and small units such as cottages and Accessory Dwelling Units (ADUs). Second, the Master Plan and implementing Development Code remove regulatory barriers to development of housing affordable for households making less than 80 percent of MFI (\$94,400). Examples of removing barriers include allowing different housing types throughout the Master Plan area and allowing ADUs to be built with all townhouses. However, realization of these lower-cost units for residents earning less than 80 percent will require partnerships or other actions that go beyond regulations and zoning.

The table on the next page provides information on current 2024 housing costs for various housing types anticipated in Frog Pond East and South. ECONorthwest assisted with the preparation of this information. Prices are based on a market analysis of Wilsonville and, where necessary to have a larger sample size, other nearby cities with similar market conditions, including Tualatin and Sherwood. The Master Plan's Affordable Housing Analysis, which uses data from the fall of 2021, and these numbers from 2024 show a consistent trajectory of about half of expected market-rate units in Frog Pond East and South (primarily detached homes) being only affordable to households making more than 120 percent of MFI (\$141,600), and about half (primarily middle housing and small units) being affordable to households making between 80 and 120 percent of MFI (\$94,400-\$141,600). Some market-rate apartment units may be affordable to households making less than 80 percent MFI (\$94,400). However, as

stated in the Affordable Housing Analysis, brand new apartments tend to be higher cost, affordable to households making 80 to 90 percent of MFI (\$94,400 to \$106,200).

2024 Cost Comparables for Housing Types Expected in Frog Pond East and South

Type of Housing	Price (median sale, sale range, or rent) May 2024	Estimated annual income to afford type of housing
Single Family Detached 2800-3000 square feet	\$697,500 (median sale)	188% MFI (\$221,840)
(\$130,980 Single Family Detached 1500 square feet	\$492,000 (median sale)	135% MFI (\$159,300)
3-story Townhouse	\$402,000 (median sale)	112% (\$132,160)
Multi-family Condo	\$275,000-\$383,000 (sale range)	79%-107% (\$93,220-\$126,260)
Detached ADU	\$399,000-\$430,000 (sale range)	111%-119% (\$130,980-\$140,420)
Attached ADU*	\$319,000-\$344,000	89%-95% (\$105,020-\$112,100)
Walk-up Apartments (recent construction)	\$1723 (average monthly rent)	58%** (\$68,440)
Elevator-served Apartments (Newer)	\$1897 (average monthly rent)	64%** (\$75,520)

*The ECOnorthwest study did not include an analysis of attached ADUs. However, one can extrapolate an approximate comparison to detached based on the difference between similar sized detached homes and townhouses where a similar sized attached unit costs approximately 80% of a detached unit.

**These percentages are based on a market study of newer apartment buildings in Wilsonville and the 2024 median family income for a household of four. However, as stated in the Affordable Housing Analysis and referenced earlier in this report, new units are expected to be at rents affordable to households making from 80 to 90 percent MFI (\$94,400-\$106,200).

Home prices and incomes will continue to fluctuate over the next couple of years prior to homes being built in Frog Pond East and South and during the up to two decades for the Plan area to build out, so the actual affordability over time is not certain. However, analysis of housing trends and needs will continue through the build out of Frog Pond East and South and variety requirements can be calibrated to evolving housing needs. Under current State statute and rules, the City is required to do a Housing Needs Analysis and Housing Production Strategy every six years. The first round of this process is currently underway as the Housing Our Future project. Future Housing Production Strategies may often be followed by amendments to the Development Code to support specific strategies. The proposed Development Code amendments, particularly Table 6B which establishes much of the variety requirements for Frog Pond East and South, is set up to be fairly easy to amend in the future with different housing targets or percentages consistent with new information that comes from the cyclical housing analyses and strategies updates.

Review of Latest Draft of Proposed Development Code Amendments

Attachment 1 contains the latest draft of all proposed Development Code, Chapter 4 of the City Code, amendments. The updates incorporate Planning Commission feedback and feedback from City staff and stakeholders since the prior work session. Staff has included the information boxes for each amendment or group of amendments to help the Commission and interested parties navigate the amendment package. Changes since the May work session are called out in the box “Recent Edits.” This will be the Commission’s final work session to provide feedback on the Code amendments prior to the July public hearing.

Discussion Question:

- What, if any, additional feedback does the Planning Commission have on specific Development Code and Nuisance Code Amendments?

EXPECTED RESULTS:

Feedback from the meeting will guide completion of a package of Development Code amendments for adoption in July.

TIMELINE:

This is planned as the final work session on the Development Code amendments to implement the Frog Pond East and South Master Plan. A Planning Commission public hearing is planned for July 10, with a Council public hearing to follow.

CURRENT YEAR BUDGET IMPACTS:

The Development Code work is funded by remaining funds from the \$350,000 Metro grant for the Frog Pond East and South Master Plan and matching City funds in the form of staff time.

COMMUNITY INVOLVEMENT PROCESS:

During this implementation phase the primary focus is on honoring past input. However, the project team continues to engage key stakeholders for input.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Realization of the policy objectives set out in the Frog Pond East and South Master Plan to create Wilsonville’s next great neighborhoods. This includes furthering the City’s Equitable Housing Strategic Plan and Council’s goal of affordable home ownership.

ALTERNATIVES:

The project team is preparing draft amendments to help implement the Frog Pond East and South Master Plan. Several alternative amendments can be, and have been, considered to meet the same intent.

ATTACHMENTS:

1. Draft Development Code Amendments (June 5, 2024)

Frog Pond East and South Development Code Amendments

- Text proposed for deletion is ~~struckthrough~~
- Text proposed for addition is **bolded and underlined**
- Figures proposed for deletion have a red "X" over them
- Existing text not proposed for amendments is in plain text
- Staff notes to reviewers for navigation or clarification is *(italicized text is in parenthesis)*
- Any other italics is existing or proposed formatting and is not an indicator of amendments

Section 4.001 Definitions

Amendment Description:	Define Net Development Area. Applies Citywide.
Applicability:	Citywide
Impacted Code Section(s):	4.001 Definitions
Relationship to Frog Pond East and South Master Plan:	Net area is a component for implementation of variety standards called for in the Master Plan.
Rationale for Amendment Text:	The language builds on the existing definition of Gross Development Area, and identifies what specifically is excluded from the Gross Development Area to calculate the Net Development Area.
Recent Edits:	Minor typographical edits

(.XXX) Development Area, Net: The portion of Gross Development Area that is not required open space in tracts, stormwater facilities in tracts, other similar common-use tracts, or public right-of-way. Net Development Area includes areas used for off-street parking, alleyways and off-street circulation areas, areas covered by primary and accessory structures, private and semi-private yard space, and landscaping and hardscape not otherwise excluded by this definition.

Amendment Description:	Clean up and clarify definitions regarding lots, lot lines, and yards
Applicability:	Citywide
Impacted Code Section(s):	4.001 Definitions
Relationship to Frog Pond East and South Master Plan:	Ensures development standards such as setbacks function as intended in all development scenarios contemplated.
Rationale for Amendment Text:	To clean up and clarify certain definitions around lots, lot lines, and yards based on questions that have arisen in implementation of the current code. No policy change intended.
Recent Edits:	Technical edits recommended by City staff after additional internal review. No policy change

- (.XXX) **Lot, Corner: A lot either (1) where two intersecting lot lines both abut a street or private drive or (2) where the shortest lot line abuts a tract with a non-vehicular pathway and an intersecting lot line abuts a street or private drive. Private drives which are bounded on two sides by a single lot shall not be considered in determining if a lot is a corner lot.**
- (.XXX) **Lot, Through: A lot where multiple non-intersecting lot lines abut a street, other than a freeway, or private drive. Any lot, except a corner lot, that abuts two or more streets or private drives other than a freeway. Private drives which are bounded on two sides by a single lot shall not be considered in determining if a lot is a through lot.**
- ~~(.XXX) **Lot, Front: The boundary line of a lot abutting a street, other than a boundary line along a side or rear yard. If the lot does not abut a street, the narrowest boundary line shall be considered to be the front.**~~
- (.XXX) **Lot Line, Front: Except for Corner Lots and Through Lots, ~~the~~ The boundary line of a lot abutting a street or private drive, other than a boundary line along a side or rear yard. If no boundary lines of a lot abut a street or private drive, but do abut a tract with a non-vehicular pathway with vehicle access to the lot provided via an alley, then the boundary line abutting the tract with a pathway is the Front Lot Line. the narrowest boundary line shall be considered to be the front. In the Village zone: the case of an interior lot, the lot line separating the lot from the public space, street or private drive, other than an alley. in In the case of a corner lot **Corner Lot**, the shortest lot line along a public space **tract with a pathway**, street or private drive, other than an alley. In the case of a **Through Lot**, the narrowest boundary line abutting a street or private drive, and if multiple boundary lines abutting a street or private drive are of the same length, the boundary line on the lower classification street, and if both of equal length and on the same street classification, the boundary line indicated as the front on a final plat. A private drive bounded on two sides by a single lot shall not be considered in determining lot lines.**

Amendment Description:	Define live-work
Applicability:	Citywide
Impacted Code Section(s):	4.001 Definitions
Relationship to Frog Pond East and South Master Plan:	Clarifies allowance of live-work units as it relates to implementation of the Commercial Main Street.
Rationale for Amendment Text:	Establishes a clear definition for this type of use allowed in the Frog Pond East Commercial Main Street and elsewhere in the City. The definition is adapted from one from Oregon City with feedback from City staff that have worked with approval of other live-work units in Villebois and Town Center.
Recent Edits:	Established the definition for both Live-Work Dwelling Units, which would be limited to fifty percent of the Commercial Main Street frontage as well as Business-Integrated Dwelling Units, which adds additional flexibility to add accessory dwelling units to commercial spaces.

(.XXX) Live-Work Dwelling Unit: A dwelling unit where (1) the ground-level front façade has a commercial-type store front determined by having at least sixty percent glazing and a permanent architectural cover over the entry (2) the interior along the building frontage is designed for workspace and no kitchen, bathroom, bedroom, closet, or storage is adjacent to the front façade and (3) all or a portion of the dwelling unit meets the commercial building code to support an accessory commercial or light industrial use. This is differentiated from a home occupation or home business in that the dwelling unit is specifically designed to accommodate a commercial or light industrial use, whereas a home occupation or home business takes place in a residential structure without such specific design. This is differentiated from a Business-Integrated Dwelling Unit in that in a Live-Work Dwelling Unit the residential and commercial uses are not required to be fully divided physically.

(.XXX) Business-Integrated Dwelling Unit(s) (BIDU): A dwelling unit integrated with a non-residential use where (1) the dwelling unit is the secondary use, (2) the dwelling unit does not exceed a ground floor footprint greater than an area equal to 40 percent of the ground floor non-residential use, (3) the dwelling unit is separated from the non-residential use by a demising wall, and (4) the dwelling unit has direct interior entry from the non-residential use. Sometimes called a “Work-Live” Unit. This is differentiated from a Live-Work Dwelling Unit in that the dwelling unit must be fully divided from the non-residential use and that the space designed to be non-residential cannot be used for residential.

Amendment Description:	Mobility-ready Definition
Applicability:	Citywide, but primarily Frog Pond East and South at this time
Impacted Code Section(s):	4.001 Definitions
Relationship to Frog Pond East and South Master Plan:	Mobility-ready units is one of the “target” unit types identified to require a minimum of to help ensure accessible housing is available within the planned variety in Frog Pond East and South.
Rationale for Amendment Text:	The definition seeks to define a unit that can be adaptable for use of individuals with limited mobility without getting into details that would be under the jurisdiction of the building code like counter heights, doorway widths, and bathroom grab bars.
Recent Edits:	Refined to replace subjective “minimal stairs” with objective “up to two stairs”

(.XXX) Mobility-Ready Unit: A dwelling unit with a kitchen, full bathroom, and bedroom on a single-level and that level is accessible from a parking space or public sidewalk without the use of stairs or with up to two stairs with space to add a wheelchair accessible ramp.

Amendment Description:	Urban Form Type definitions
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.001 Definitions
Relationship to Frog Pond East and South Master Plan:	Key definitions to implement the different residential urban forms identified in the Master Plan.
Rationale for Amendment Text:	Detailed definitions consistent with the language and intent in the Master Plan.
Recent Edits:	None

(.XXX) Urban Form: The physical characteristics of an area determined by the bulk, placement, and spacing of buildings and related site improvements.

(.XXX) Urban Form Type: In the Residential Neighborhood (RN) Zone, a categorization between different planned Urban Forms with Type 1 having the most urban look and feel and Type 3 having the least urban look and feel.

(.XXX) Urban Form Type Designation: A designation applied to land within the Residential Neighborhood (RN) Zone that determines Urban Form Type and what lot and structure standards apply to guide Urban Form.

Amendment Description:	Administrative review of multi-family structures
Applicability:	Citywide
Impacted Code Section(s):	4.030
Relationship to Frog Pond East and South Master Plan:	Reflects the allowance of a wide variety of housing types, including various types of multi-family, throughout the Master Plan area.
Rationale for Amendment Text:	<p>The language intends to provide clarity that all residential buildings are subject to administrative review. The primary policy change is making multi-family housing (apartments) throughout the City subject to administrative review consistent with other residential structures subject to clear and objective standards, rather than subject to Site Design Review like commercial and industrial buildings. Multi-family buildings with seven or more units will require Class II Administrative Review, which requires public notice.</p> <p>The new process for multi-family applies only to the building and the immediately surrounding site improvements like landscaping. Site design and layout for apartment complexes remains subject to Development Review Board review.</p>
Recent Edits:	Minor typographical edits.

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

- (.01) *Authority of Planning Director.* The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:
- A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below. Pursuant to Class I procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:
 - 4. Building permits for **residential structures in residential zones not subject to Site Design Review, except for multi-family structures with seven or more units**, ~~single family dwellings, middle housing, and in the Village zone, row houses or apartments,~~ meeting clear and objective zoning, siting, and design requirements standards and located on lots that have been legally created. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
 - B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:
 - 12. **Architectural and site plans, including modifications and remodels, for multi-family residential structures in residential zones with seven or more units not subject to Site**

Design Review, meeting clear and objective zoning, siting, and design standards, and located on lots that have been legally created. This does not include review of Stage I and Stage II Planned Development Master Plans and Site Design Review of open space and other common improvements, which are subject to review by the Development Review Board.

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

Amendment Description:	Clarify exceptions to open space requirements for multi-family development
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.01)
Relationship to Frog Pond East and South Master Plan:	Supports the broader code amendments allowing multi-family development to be reviewed similar to middle housing and detached single-family homes, which in turn supports the variety of housing throughout Frog Pond East and South called for in the Master Plan.
Rationale for Amendment Text:	These code edits avoid applying open space requirements to multi-family development twice, once when a subdivision or complex is approved, and once when a building permit is applied for. The new Subsection 2.c. makes clear that no additional open space requirements are applicable when a multi-family building is proposed in a previously approved subdivision or complex.
Recent Edits:	Modified applicability and review language to simplify and provide additional clarity regarding when the open space requirements do not apply. No change in policy.

(.01) *Open Space:*

- A. *Purpose.* The purposes of the following standards for open space are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development.
- B. *Applicability and Review.*
 - 1. The open space standards of this subsection shall apply to all residential development with the following exceptions:
 - a. Partitions for non-Multi-family development. However, serial or adjacent partitions shall not be used to avoid the open space requirements.
 - b. Development **within a previously approved Stage II Planned Development area so long as the Gross Development Area of the Stage II Planned Development area does not increase, the land being developed was previously designated for residential development, and there is no decrease in area of the previously approved required open space.**
 - 2. The amount and location of open space required in this subsection is determined at the time of Stage II Final Plan review.**
 - 3. The design of required open space is reviewed through Site Design Review.**

...

D. *Required Open Space Characteristics:*

...

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

...

Amendment Description:	Clarify stormwater facilities in the right-of-way do not count as required open space
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.01)
Relationship to Frog Pond East and South Master Plan:	None, except that it will ensure required open space planned is provided consistent with this citywide update.
Rationale for Amendment Text:	Minor edit to be clear that stormwater facilities in the right-of-way do not count as required open space, which is the same approach to other landscaped areas within the public right-of-way.
Recent Edits:	None

- c. Non-fenced vegetated stormwater features outside the public right-of-way.

...

Amendment Description:	Consistent setback allowance for ADUs
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.02)
Relationship to Frog Pond East and South Master Plan:	Supports the Master Plan direction of removing barriers to development of ADUs.
Rationale for Amendment Text:	Ensures larger rear yard setbacks are not a barrier to ADU development everywhere they are permitted by establishing that a 10-foot rear setback is allowed in zones otherwise requiring a larger rear yard setback for purposes of constructing an ADU. The language also applies to other setbacks, including front and side. However, side setbacks are generally already 10-feet or less, and ADUs have historically not been built frequently in front yards.
Recent Edits:	None

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

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

...

7. Cottage Cluster **and ADU** Setbacks: Setbacks in 1.—3. and 6. above do not apply to cottage clusters **and ADUs**. For cottage clusters **and ADUs**, minimum front, rear, and side setbacks are ten (10) feet.

...

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

...

7. Cottage Cluster **and ADU** Setbacks: Any minimum setback in 1.—3. or 6. above that would exceed ten feet for a cottage cluster **or ADU** shall be ten feet.

...

Amendment Description:	Remove redundant parking standards reference
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.05) existing parking language removed and replaced with stormwater standards.
Relationship to Frog Pond East and South Master Plan:	None
Rationale for Amendment Text:	The language is redundant.
Recent Edits:	None

Amendment Description:	Establish residential stormwater design standards
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.05) existing language replaced in its entirety.
Relationship to Frog Pond East and South Master Plan:	Consistent with the stormwater component of the Master Plan and the assumption of land area dedicated to stormwater in the calculations for minimum unit and variety requirements (in 4.127 (.06) Table 6B).
Rationale for Amendment Text:	The language aims to clearly express the City’s stormwater design requirements within the Development Code to provide greater clarity to the development community on the City’s stormwater policy and how it interacts with residential development. This does not represent a change to the City’s current policies as implemented through the Public Works standards.
Recent Edits:	Minor edits for readability and clarity.

(.05) ~~Off Street Parking.~~ Off street parking shall be provided as specified in Section 4.155 **Residential Stormwater Design Standards:**

- A. **Purpose.** The purpose of these standards is to protect the public health and welfare by appropriate management of stormwater to prevent flooding and property damage, and the pollution of streams, groundwater, wetlands, and other natural water features through the use of low impact development design and decentralized stormwater treatment and flow control as required by the City’s NPDES MS4 permit. The purpose of these standards, further, is to thoughtfully integrate the design of stormwater management facilities into the overall design of neighborhoods. These standards work in concert with related Public Works Standards and intend to better integrate the Public Works Standards requirements with land use planning and site layout.
- B. **Low Impact Development.** All stormwater management facilities for treatment and flow control shall follow low impact development design standards.

- C. Sizing.** Stormwater management facility sizing requirements shall be determined in accordance with the City's Public Works Standards. Use of impervious area reduction strategies in the Standards, including pervious hard surfaces and green roofs and tree credits, is encouraged.
- D. Locating.** Stormwater management facilities are required to be integrated with development. Stormwater management facilities shall be located in the following areas of a residential development unless conflicting uses have locational priority as outlined in standard E. The location of stormwater management facilities shall be prioritized in the following order, with 1. (a.-f.) being the highest priority, and 2. (a.-b.) being the lowest priority. High priority locations shall be used to the maximum extent practicable, as determined by the City Engineer or their authorized representative, prior to considering lower priority locations.
1. **High Priority:**
 - a. **Collector and arterial street medians and planter strips where parallel on-street parking is not permitted;**
 - b. **Curb extensions on local streets and other local street curb areas greater than 6 feet in width;**
 - c. **Unpaved areas within five feet of an alley curb;**
 - d. **Shoulder/planter areas along midblock bike and pedestrian connections, and other off-street trails not otherwise part of larger green spaces and parks;**
 - e. **Edges and buffers around parks and open space; and**
 - f. **Landscaped areas between buildings and the right-of-way that are owned by a homeowners association or similar entity (e.g., common areas, courtyards, pocket parks).**
 2. **Lower priority:**
 - a. **Landscaped areas within five feet of building foundations except for detached single-family homes, middle housing and their accessory structures; and**
 - b. **Separate landscape tracts for stormwater facilities.**
- E. Conflicting Uses Prioritized Over Stormwater Management Facilities.** The placement of one or more of the following uses shall be prioritized over stormwater management facilities required under D. if a feasible alternative location for the conflicting use is not available.
1. **Street trees or other required landscape trees meeting the spacing standards in Section 4.176, including area for root growth of at least 40 square feet per tree;**
 2. **Street lights and other required lighting, including a buffer around the base of the light as required by Portland General Electric;**
 3. **Fire hydrants and Fire Department Connections (FDCs);**
 4. **Manholes, clean outs, pedestals, and vaults for public and franchise utilities;**
 5. **Pedestrian walkways and bicycle paths;**
 6. **Public Utility Easements for gas, electricity, and communication; and**
 7. **Minimum area of usable open space required under Subsection (.01) above. While small, unfenced stormwater management facilities may be integrated into these spaces, they shall not represent more than 10% of the required usable open space and shall have a secondary purpose beyond just stormwater management (e.g. boundary between two different active uses, an intermittent play/storm stream, design element at the entrance or edge of the active open space).**

F. Typically Prohibited Design Elements. To support the integration of stormwater facilities into site design, the following design elements are prohibited unless they are approved by the City Engineer, or their authorized representative, as part of a waiver request;

- 1. Fences.**
- 2. Retaining walls over two feet in height.**

G. Waivers to the Standards of this Subsection. The City Engineer, or their authorized representative, may waive the requirements in Subsection B., D., or F. above subject to substantial evidence being provided in the record to support the following findings:

- 1. To the extent practicable, the design continues to provide for decentralized treatment and flow control.**
- 2. If a proprietary stormwater management system is proposed, such use is necessary and the minimal necessary to address technical issues and/or a site constraint (e.g., high groundwater level, contaminated soil, steep slopes).**
- 3. If a fee in lieu is proposed, it is in support of a City stormwater project within the same sub-basin.**

(.07) Fences:

...

Amendment Description:	Special requirements for narrow fenced areas.
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.07)
Relationship to Frog Pond East and South Master Plan:	Accommodates a variety of housing configurations as called for in the Master Plan.
Rationale for Amendment Text:	This language, together with new language in Chapter 6, nuisances, provides a simple means to ensure narrow fenced areas are maintained and do not become nuisance areas. The concept is that ensuring access will increase use and with increased use there is a greater propensity for maintenance.
Recent Edits:	None

E. When fences create an enclosed side yard area five feet or less in width, gates or other openings shall be provided creating a through connection to either a rear yard or alley.

...

Amendment Description:	Removing additional barriers to ADU development
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.10)
Relationship to Frog Pond East and South Master Plan:	Frog Pond East and South included ADU-focused work to better facilitate construction of these units that can provide a lower cost housing alternative throughout the city. The Master Plan work included identification of specific code edits that can further remove barriers to ADU development. Removing these barriers, together with variety requirements in Frog Pond East and South, will very likely result in ADU development at a higher level than elsewhere in the City.
Rationale for Amendment Text:	The specific changes to remove barriers to ADU development identified as part of the Frog Pond East and South Master Plan include: allowing ADUs for all townhouses, not just those on larger lots; exempting ADUs from maximum lot coverage requirements, which is a common regulatory barrier; and removing any special review process, making their review the same as detached homes or middle housing.
Recent Edits:	Edits to provide more clarity based on City staff feedback. No policy change.

(.10) Accessory Dwelling Units:

- A. Accessory Dwelling Units, are permitted subject to standards and requirements of this Subsection.
- B. *Standards:*
 - 1. Number Allowed.
 - a. For detached single-family dwelling units and for townhouses ~~on lots meeting the minimum lot size for detached single family in the zone:~~ One per dwelling unit.
 - b. For all other dwelling units: None.
 - 2. Maximum Floor Area: per definition in Section 4.001, 800 square feet of habitable floor area. Per Subsection 4.138(.04)C.1., in the Old Town Overlay Zone the maximum is 600 square feet of habitable floor area. Larger units shall be subject to standards applied to duplex housing.
 - 3. Accessory dwelling units shall be on the same lot as the dwelling unit to which they are subordinate.
 - 4. Accessory Dwelling Units may be either attached or detached, but are subject to ~~all zone~~ standards for **the underlying zone except that ADUs are exempt from lot coverage maximums setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.**
 - 5. *Design Standards:*
 - a. Roof pitch shall be 4:12 to 12:12. No flat roofs allowed.
 - i. Where the primary dwelling unit has a roof pitch of less than 4:12 the minimum roof pitch does not apply.

- b. Roof and siding materials shall match the respective material of one or more of the following: (1) the primary dwelling unit on the same lot, (2) a primary dwelling unit on an immediately adjacent lot, or (3) a primary dwelling unit within the same subdivision.
 - i. For the purpose of the requirement to match material, fiber cement siding made to appear like wood, stucco, or masonry may be used to match wood, stucco, or masonry respectively.
- c. Where design standards established for a zone or overlay zone are more restrictive and/or extensive than a. and b. above the more restrictive and/or extensive design standards shall apply. This includes design standards for the Village (V) Zone, the Residential Neighborhood (RN) Zone, and the Old Town Overlay Zone.
- 6. ~~Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. ADUs are reviewed for compliance during the building permit review process.~~
- 7. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.
- 8. Each accessory dwelling unit shall provide complete, independent permanent facilities for living, sleeping, eating, cooking, bathing and sanitation purposes, and shall have its own separate secure entrance.
- 9. Reserved.
- 10. Accessory dwelling units may be short-term rentals, but the owner/local operator must be in compliance with Chapter 7 of Wilsonville Code, which may include an active business license with the City of Wilsonville for a short-term rental business and payment of all applicable lodging and other taxes.

(.14) Design Standards for Detached Single-family and Middle Housing.

Amendment Description:	Clarify applicability of certain residential design standards by zone
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.14) A.
Relationship to Frog Pond East and South Master Plan:	Relates to the applicability of design standards for the variety of housing types called for in Frog Pond East and South in the Master Plan.
Rationale for Amendment Text:	The minor edits provide more clarity to where alternative design standards are provided and thus the citywide standards do not apply. This includes being clear of all the standards that do apply in Frog Pond East and South.
Recent Edits:	Minor edits for readability and clarity.

- A. The standards in this subsection apply in all zones, except as indicated in 1.—~~2~~ **3.** below:
1. The Façade Variety standards in Subsection C.1. do not apply in the Village Zone or **the Frog Pond West neighborhood in the Residential Neighborhood Zone**, as these zones/**areas** have their own variety standards, except that the standards do apply to middle housing development with multiple detached units on a single lot for which the standards of these zones/**areas** do not address.
 2. The entry orientation and window standards for triplexes, quadplexes, and townhouses in Subsections D.1-2. and E. 2-3. do not apply in the Village Zone or Residential Neighborhood Zone as these zones have their own related standards applicable to all single-family and middle housing.
 - 3. The window standards for triplexes, quadplexes, and townhouses in Subsection D. 2. And E. 3. do not apply in the Village Zone or the Frog Pond West neighborhood in the Residential Neighborhood Zone as these zones/areas have their own related standards applicable to all single-family and middle housing.**

...

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

...

Amendment Description:	Clarify measurement of garage doors
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.14)
Relationship to Frog Pond East and South Master Plan:	None, but ensures consistency in implementing similar standards throughout the City, including Frog Pond East and South.
Rationale for Amendment Text:	These minor edits provide consistency with similar proposed amendments in the RN Zone (Section 4.127) text.
Recent Edits:	None

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

...

F. Standards applicable to Cottage Clusters.

...

- 12. *Parking Design (see Figure 15. Cottage Cluster Parking Design Standards).*

...

- d. *Garages and carports.*

...

- iv. Garage doors for attached and detached individual garages must not exceed 20 feet in width **as measured from the interior of the garage door frame.**

G. Standards applicable to Cluster Housing besides Cottage Clusters.

...

- 4. *Garages and Off-Street Parking Areas.* The combined width of all garages **(measured from the interior of the garage door frame)** and outdoor on-site parking and maneuvering areas shall not exceed a total of 50 percent of any street frontage (other than an alley). Garages and off-street parking areas that are separated from the street property line by a dwelling are not subject to this standard. (See Figure 6. Width of Garages and Parking Areas).

...

Amendment Description:	Clarify process for alternative discretionary review of residential design standards
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.14) J.
Relationship to Frog Pond East and South Master Plan:	Consistent with language in the RN Zone (4.127) related to the Master Plan language regarding alternative discretionary review.
Rationale for Amendment Text:	Minor edits provide clarity for process to require alternative discretionary review of residential design standards.
Recent Edits:	None

- J. Alternative Discretionary Review: As an alternative to meeting one or more design standards of this subsection an applicant may request **a waiver as part of** Site Design Review by the Development Review Board of a proposed design. In addition to the **waiver criteria in Sections 4.118 and 4.140 and applicable** Site Design Review Standards, affirmative findings shall be made that the following standards are met:
1. The request is compatible with existing surrounding development in terms of placement of buildings, scale of buildings, and architectural design;
 2. The request is due to special conditions or circumstances that make it difficult to comply with the applicable Design Standards, or the request would achieve a design that is superior to the design that could be achieved by complying with the applicable Design Standards; ~~and~~
 3. The request continues to comply with and be consistent with State statute and rules related to Middle Housing, including being consistent with State definitions of different Middle Housing types; **and**
 4. **The request remains substantially consistent with any legislative master plan the property is included within.**

Amendment Description:	Design standards for multi-family housing
Applicability:	Citywide
Impacted Code Section(s):	4.113 (.15) (new)
Relationship to Frog Pond East and South Master Plan:	Relates to the applicability of design standards for the variety of housing types called for in Frog Pond East and South in the Master Plan.
Rationale for Amendment Text:	The detailed design standards allow for the administrative review of multi-family development consistent with how other residential development is reviewed. The standards below were adapted by expert consultants from the design standards for buildings of similar bulk in the City's existing design standards, particularly townhouses. In addition, consideration was given for typical larger parking areas for multi-family development.
Recent Edits:	Clarification of applicability, particularly related to mixed-use buildings and the Village and Town Center zones. Minor edits to increase clarity.

(.15) Design Standards for Multi-Family Housing:

- A. Purpose and Intent.** The purpose of the multi-family design standards is to create and maintain street frontages that are varied and attractive, create an environment that is conducive to walking, and provide natural surveillance of public spaces. The standards will also promote building details in multi-family development that provide visual interest, contribute to a high-quality living environment for residents, give a sense of quality and permanence, and enhance compatibility with the surrounding community. The design standards also aim to create consistency with design standards for other residential unit types that multi-family housing may be built adjacent to.
- B. Applicability.** These standards apply to all multi-family development except for the following:
 - 1. Mixed-use buildings that include ground floor commercial and multi-family residential above.**
 - 2. Multi-family buildings in the Village and Town Center Zones which are subject to zone-specific standards in either Section 4.125 or 4.132.**
- C. Entrance Orientation.**
 - 1. At least one main entrance for each multi-family structure must either meet the standards in subsections a. and b. below, or must meet the alternative standard in subsection C.2.**
 - a. The entrance must be within eight feet of the longest street-facing exterior wall of the structure; and**
 - b. The entrance must either:**
 - i. Face the street;**
 - ii. Be at an angle of up to 45 degrees from the street; or**
 - iii. Open onto a porch. The porch must:**
 - a. Be at least 25 square feet in area; and**
 - b. Have at least one entrance facing the street or have a roof.**

2. Alternative standard. As an alternative to subsection 1., a main entrance to a multi-family structure may face a courtyard if the courtyard-facing entrance is located within 60 feet of a street and the courtyard meets the following standards:
 - a. The courtyard must be at least 15 feet in width;
 - b. The courtyard must abut a street; and
 - c. The courtyard must be landscaped or hard-surfaced for use by pedestrians.
- D. Windows. A minimum of 15 percent of the area of all public-facing façades must include windows or entrance doors. Façades separated from the street or public space by a dwelling are exempt from meeting this standard. Required windows shall be clear glass and not mirrored or frosted, except for bathrooms.
- E. Articulation.
 1. Minimum Articulation. All public-facing façades shall incorporate a selection of the following design elements at a minimum interval of every 30 feet. The minimum number of design elements from this list that will be required is determined by dividing the façade length (in feet) by 30 and rounding up to the nearest whole number.
 - a. Varying rooflines.
 - b. Offsets of at least 12 inches.
 - c. Balconies.
 - d. Projections of at least 12 inches and width of at least three feet.
 - e. Porches.
 - f. Entrances that are recessed at least 24 inches or covered.
 - g. Dormers at least three feet wide.
 2. Articulation Element Variety. Different articulation design elements shall be used as provided below, based on the length of the facade. For the purpose of this standard, a "different element" is defined as one of the following: a completely different element from the list in subsection E.1. above; the same element but at least 50 percent larger; or varying rooflines that are vertically offset by at least three feet.
 - a. Where two to four elements are required on a façade by E.1., at least two different elements shall be used.
 - b. Where more than four elements are required on a façade by E.1., at least three different elements shall be used.
- F. Pedestrian Access and Circulation. The following standards are intended to ensure safe and efficient circulation for pedestrians within multi-family development.
 1. Each multi-family development shall contain an internal pedestrian circulation system that makes connections between individual units and parking areas, green focal points and other common open space areas, children's play areas, and public rights-of-way. All pedestrian connections (walkways) shall meet the following standards:
 - a. Except as required for crosswalks, per subsection 3., where a walkway abuts a vehicle circulation area, it shall be physically separated by a curb that is raised at least six inches or by bollards.
 - b. Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other hard surface, and not less than five feet wide.
 2. All walkways shall comply with the requirements of the Americans with Disabilities Act.
 3. In order to provide safe crossings of driveways and parking areas, crossings shall be clearly marked with either contrasting paving materials (such as pavers, light-color concrete inlay between asphalt, or similar contrasting material) or reflective striping that emphasizes the crossing under low light and inclement weather conditions.
 4. Pedestrian connections shall be provided between buildings within the development, and between the development and adjacent rights-of-way, transit stops, parks, schools, and commercial developments. At least one connection shall be made to each adjacent street and sidewalk for every 200 linear feet of street frontage. Sites with less than 200 linear feet of street frontage shall provide at least one connection to the street and/or sidewalk.

G. Off-Street Parking Location and Design. The following standards are intended to support a pedestrian-friendly street environment and to minimize the visual impacts of parking areas and garages.

- 1. Off-street parking spaces and drive aisles shall not be located in the Front Yard.**
- 2. Off-street parking areas shall not occupy more than 50% of the total length of each street frontage as measured 20 feet from the street property line. Drive aisles without adjacent parking spaces and not between buildings and the street do not count as parking areas for the purposes of this standard.**
- 3. Off-street parking spaces shall not be located within ten feet of any property line, except alley property lines. Driveways and drive aisles necessary to connect to the street are permitted within ten feet of property lines.**
- 4. Landscaping, fencing, or walls at least three feet tall shall separate parking areas from useable open space, green focal points, and public streets (except alleys).**
- 5. If garages are attached to a street-facing facade, they may not be located closer to the street property line than the building facade.**
- 6. Driveways associated with attached garages that take direct individual access from a public or private street must meet the townhouse driveway and access standards in Subsection 4.113 (.14) E. 5. For the purpose of those standards, each individual multi-family garage shall meet the standards applicable to a townhouse or townhouse lot.**

Amendment Description:	Clarify that residential design standards are among the standards subject to waivers
Applicability:	Citywide
Impacted Code Section(s):	4.118
Relationship to Frog Pond East and South Master Plan:	Supports the allowance for alternative discretionary review called for in the Master Plan.
Rationale for Amendment Text:	Residential design standards did not exist in the way they do now when this code language in Section 4.118 was created. This provides clarity that an applicant can apply for a waiver for residential design standards.
Recent Edits:	None

4.118 Standards Applying to all Planned Development Zones

- (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:
 - A. Waive the following typical development standards:
 - ...
 - 13. Architectural design standards, **including residential design standards;**

Amendment Description:	Consistent setback allowance for ADUs
Applicability:	Citywide
Impacted Code Section(s):	4.120 and 4.123
Relationship to Frog Pond East and South Master Plan:	Supports the Master Plan direction of removing barriers to development of ADUs.
Rationale for Amendment Text:	Ensures larger rear yard setbacks are not a barrier to ADU development everywhere they are permitted by establishing that a 10-foot rear setback is allowed in zones otherwise requiring a larger rear yard setback for the purposes of constructing an ADU.
Recent Edits:	None

Section 4.120 (.05) FDA-H Dimensional Standards

- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three feet. **Minimum front and rear setback for ADUs is 10 feet.**

Old Town Residential Design Standards footnote (noted by *) on page 19

For cottage clusters **and ADUs**, minimum front and rear setbacks are 10’.

Section 4.127. Residential Neighborhood (RN) Zone.

...

(.02) Permitted uses:

A. Open Space.

Amendment Description:	Updated residential permitted uses for RN Zone
Applicability:	The entirety of Frog Pond, however there is no change to permitted uses in Frog Pond West
Impacted Code Section(s):	4.127 (.02)
Relationship to Frog Pond East and South Master Plan:	Reflects the variety of residential unit types encouraged in the Master Plan
Rationale for Amendment Text:	Rather than the prior allowed unit types one by one, this revised language reflects that the entire array of unit type are allowed, and then addresses certain limitations including: existing restrictions in Frog Pond West from the Frog Pond West Master Plan, the variety standards for Frog Pond East, and the commercial nature of the Commercial Main Street area.
Recent Edits:	The list was renumbered to increase readability.

B. **Residential dwelling units with the following limitations:**

1. Frog Pond West Neighborhood:

a. During initial development:

i. a maximum of two townhouses may be attached, except on corners, a maximum of three townhouses may be attached.

ii. triplexes are permitted only on corner lots and quadplexes are not permitted.

iii. only two-unit cluster housing is permitted except on corner lots where three-unit cluster housing is permitted.

b. Multi-family dwelling units are not permitted within the Frog Pond West Neighborhood, consistent with the Frog Pond West Master Plan.

2. In the Frog Pond East and South Neighborhoods, the extent and mix of different types of dwelling units is limited and controlled by the variety standards in Subsection (.06) C. – E. and related standards.

3. Only multi-family dwelling units in a mixed-use development are allowed in the Commercial Main Street area as described in Subsection (.07) A. 1. and shown in Figure A-7. Ground-floor residential units are required to be live-work and in aggregate are limited to a maximum of 50% of the building frontage along SW Brisband Street.

C. Public or private parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than 45 feet from any other lot.

Amendment Description:	Define permitted uses for the Commercial Main Street in Frog Pond East
Applicability:	Commercial Main Street area of Frog Pond East
Impacted Code Section(s):	4.127 (.02)
Relationship to Frog Pond East and South Master Plan:	Implements the Commercial Main Street requirement from the Master Plan
Rationale for Amendment Text:	The language intends to clearly layout the amount of the ground floor space for the Commercial Main Street that must be commercial and what is a permitted commercial use that counts toward that minimum amount requirement.
Recent Edits:	Updated the list to add all relevant uses allowed in Town Center based on PC and staff comments. Added the allowance of Business-Integrated Dwelling Units for anywhere in the Brisband Main Street.

D. For the Commercial Main Street area described in Subsection (.07) A. 1. and shown in Figure A-7, the ground floor allows commercial uses listed under 1.-7. below. Drive-through commercial uses are prohibited. A minimum of 50% of the building frontage along SW Brisband Street must be occupied by these uses with the remainder of the frontage allowed to be live-work multi-family dwelling units consistent with B. 7. above.

- 1. Retail sales and service of retail products, under a footprint of 30,000 square feet per tenant.**
- 2. Office, including medical facilities.**
- 3. Personal and professional services.**
- 4. Child and/or day care.**
- 5. Food or Beverage service (e.g., restaurants, cafes, brewpubs, bars).**
- 6. _____**
- 7. Community services and community centers.**
- 8. Commercial recreation.**
- 9. Religious institutions.**
- 10. Business-Integrated Dwelling Units accessory to uses listed 1.-9. above.**

...

(.05) Residential Neighborhood Zone Sub-districts:

- A. RN Zone sub-districts may be established to provide area-specific regulations that implement legislative master plans.
 - 1. For the Frog Pond West Neighborhood, the sub-districts are listed in Table 1 of this Code and mapped on Figure 6 of the Frog Pond West Master Plan. The Frog Pond West Master Plan Sub-District Map serves as the official sub-district map for the Frog Pond West Neighborhood.

Amendment Description:	Clear and Objective Identification of the Subdistrict Boundaries
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.05)
Relationship to Frog Pond East and South Master Plan:	Subdistricts are a key regulatory and design component identified in the Master Plan. This language provides the necessary detail to ensure there is clarity in the boundaries of the subdistricts, which in turn is the basis for housing variety requirements and other standards.
Rationale for Amendment Text:	Initially, only a map was planned. However, feedback received indicated that only a map is likely to still leave too much unclarity for specific boundaries. Text was added to supplement the map to clearly define the boundaries for the subdistricts.
Recent Edits:	None

2. The area of the Frog Pond East and South Master Plan is divided into subdistricts described below, as shown for reference in Figure A-5:

- a. Subdistrict E1. The area south of SW Kahle Road and the BPA Easement, east of SW Stafford Road, and north of an existing east-west property line approximately 1,232 feet north of SW Advance Road and 1,315 south of SW Kahle Road.**
- B. Sudistrict E2. The area outside the SROZ south of SW Kahle Road, north of the BPA Easement, and west of a creek intersecting SW Kahle Road approximately 1,580 feet east of SW Stafford Road.**
- C. Subdistrict E3. The area outside the SROZ south of SW Kahle Road, north of the BPA Easement, east of Subdistrict E2, and west of and abutting the eastern edge of the Master Plan area.**
- D. Subdistrict E4. The area south of Subdistrict E1, east of SW Stafford Road, north of SW Advance Road, and west of future 63rd Avenue extension from the intersection of SW Advance Road and SW 63rd Avenue north to Subdistrict 1.**
- E. Subdistrict E5. The area south of Subdistrict E1 and the BPA Easement, east of Subdistrict E4, north of SW Advance Road, and west of future 60th Avenue extension from the intersection of SW Advance Road and SW 60th Avenue north to the BPA Easement.**
- F. Subdistrict E6. The area south of the BPA Easement, east of Subdistrict E5, north of SW Advance Road, and west of and abutting the eastern edge of the Master Plan area.**
- G. Subdistrict S1. The area south of SW Advance Road, east of and abutting the western edge of the Master Plan area, north of the Meridian Creek Middle School property, and west of SW 63rd Avenue.**

H. Subdistrict S2. The area south of SW Advance Road, east of SW 60th Avenue, and north of an existing property line approximately 956 feet south of SW Advance Road, and west of and abutting the eastern edge of the Master Plan area.

I. Subdistrict S3. The area south of Subdistrict S2, east of SW 60th Avenue, north of SW Kruse Road, and west of and abutting the eastern edge of the Master Plan area.

J. Subdistrict S4. The area south of the Meridian Creek Middle School property, east of and abutting the western edge of the Master Plan area, north of and abutting the southern edge of the Master Plan area, and west of SW 60th Avenue.



Figure A-5. Frog Pond East and South Land Uses and Subdistrict Boundaries

Amendment Description:	Clarification that certain existing code language relates only to Frog Pond West.
Applicability:	Frog Pond West
Impacted Code Section(s):	4.127 (.06) A.
Relationship to Frog Pond East and South Master Plan:	Ensures existing language applicable to Frog Pond West is clearly separate from new language for Frog Pond East and South implementing the Master Plan.
Rationale for Amendment Text:	Insert the necessary references clarifying what language only applies to the Frog Pond West neighborhood.
Recent Edits:	Simplified title, aligned language for Frog Pond West calculations with practice.

(.06) Development Allowances:

- A. The minimum and maximum number of residential lots approved shall be consistent with this Code and applicable provisions of an approved legislative master plan.
 - 1. For initial development of **the Frog Pond West Neighborhood, Table 6A** in this Code and Frog Pond West Master Plan Table 1 establish the minimum and maximum number of residential lots for the sub-districts.
 - 2. For areas that are a portion of a sub-district **in the Frog Pond West Neighborhood**, the minimum and maximum number of residential lots are established by determining the proportional gross acreage **outside of the SROZ** and applying that proportion to the minimums and maximums listed in Table 1. The maximum density of the area may be increased, up to a maximum of ten percent of what would otherwise be permitted, based on an adjustment to an SROZ boundary that is consistent with 4.139.06.
- B. The City may allow a reduction in the minimum density for a sub-district **in the Frog Pond West Neighborhood** when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

Area Plan Designation	Frog Pond West Sub-district	Minimum Lots in Sub-district ^{a,b}	Maximum Lots in Sub-district ^{a,b}
R-10 Large Lot	3	26	32
	7	24	30
	8	43	53
R-7 Medium Lot	2	20	25
	4	86	107
	5	27	33
	9	10	13
	11	46	58
R-5 Small Lot	1	66	82
	6	74	93
	10	30	38
Civic	12	0	7 ^a

Public Facilities (PF)	13	0	0
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- a. Each lot must contain at least one dwelling unit but may contain additional units consistent with the allowance for ADUs and middle housing.
- b. For townhouses, the combined lots of the townhouse project shall be considered a single lot for the purposes of the minimum and maximum of this table. In no case shall the density of a townhouse project exceed 25 dwelling units per net acre.
- c. These metrics apply to infill housing within the Community of Hope Church property, should they choose to develop housing on the site. Housing in the Civic sub-district is subject to the R-7 Medium Lot Single Family regulations.

Amendment Description:	Minimum Unit Table
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) C.
Relationship to Frog Pond East and South Master Plan:	Ensures minimum of 1325 units are built consistent with a Metro Condition of Approval. Establishes minimum amounts of certain target unit types consistent with Implementation Measure 4.1.7.D 2. c. and d. to require minimum amounts of target unit types and middle housing. The table sets the minimums at the subdistrict and tax lot level consistent with Implementation Measure 4.1.7.D. 2. a, which ensures this variety is achieved throughout the planning area.
Rationale for Amendment Text:	<p>Table 6B incorporates a number of requirements into a single table for ease of reference of different requirements, with minimums listed by the smaller of subdistrict or tax lot as directed in the Master Plan.</p> <p>The minimum unit count of 1325 is proportioned to each subdistrict or tax lot based on the amount of assumed net area in each Urban Form Type, with subdistricts or tax lots with Urban Form Type 1 receiving proportionally the most and Urban Form Type 3 receiving proportionally the least.</p> <p>Rather than establish formulas that could cause future uncertainty, the table does the math and just states the answer of the formula. The minimum required of middle housing, small units, and mobility-ready units are listed as numbers, calculated from an assumed moderate buildout, and rounded up to the next whole number. Moderate buildout represents 125% of the minimum buildout. The set percentage for middle housing is 20%, small units is 5%, and mobility-ready units is 10%. These percentages are as recommended by the project team and reviewed by the Planning Commission and City Council in work sessions.</p>
Recent Edits:	Updating the minimums based on revised and simplified model, using a standardized assumed density for each Urban Form Type rather than a previous more complicated formula that made assumptions about housing types. Also, updated footnote references to ensure accurate and complete.

C. Table 6B establishes the minimum number of housing units that must be developed within each subdistrict and tax lot in the Frog Pond East and South neighborhoods. This includes the minimum number of units of various housing types needed to ensure a variety of housing options throughout the neighborhoods consistent with the Frog Pond East and South Master Plan. Housing unit types are defined in Section 4.001 and the footnotes to Table 6B.

Table 6B. Minimum Number of Units in Frog Pond East and South Sub-districts				
Sub-Districts	Minimum Total Number of Units	Minimum Number of Middle Housing Units ^{A, B, G}	Minimum Number of Small Units ^{B, C, D, G}	Minimum Number of Mobility-Ready Units ^{B, C, E, F, H}
E1	104	26	7	13
E2	110	28	7	14
E3	133	34	9	17
E4 ^H	211			
E4 TL 1101 (portion) ^I	185	15	4	8
E4 TL 1200	24	6	2	3
E4 TL 1000	2	1 ^J	1 ^J	0
E5	227	57	15	29
E6	141	36	9	18
S1	25	7	2	4
S2 ^E	91			
S2 TL 1000 28050 SW 60 th Ave	6	2 ^J	1 ^J	1 ^J
S2 TL 800 5890 SW Advance Rd	6	2 ^J	1 ^J	1 ^J
S2 TL 500 5780 SW Advance Rd	5	2 ^J	1 ^J	1 ^J
S2 TL 300 5738 SW Advance Rd	5	2 ^J	1 ^J	1 ^J
S2 TL 100 5696 SW Advance Rd	5	2 ^J	1 ^J	1 ^J
S2 TL 900	5	2 ^J	1 ^J	1 ^J
S2 TL 700	33	9	3	5
S2 TL 400	4	1 ^J	1 ^J	0
S2 TL 200	4	1 ^J	1 ^J	0
S2 TL 1100 28152 SW 60 th Ave	5	2 ^J	1 ^J	1 ^J
S2 TL 1200	5	2 ^J	1 ^J	1 ^J

S2 TL 1300 28300 SW 60 th Ave	8	2 ^J	1 ^J	1 ^J
S3^E	125			
S3 TL 1400 28424 SW 60 th Ave	25	7	2 ^J	4
S3 TL 1500 28500 SW 60 th Ave	25	7	2 ^J	4
S3 TL 1600	8	2 ^J	1 ^J	1 ^J
S3 TL 1800 28668 SW 60 th Ave	8	2 ^J	1 ^J	2 ^J
S3 TL 1700 28580 SW 60 th Ave	10	3	1 ^J	2 ^J
S3 TL 1900 5899 SW Kruse Rd	33	9	3	5
S3 TL 2000 5691 SW Kruse Rd	16	4	1 ^J	2 ^J
S4^D	158			
S4 TL 2600	35	9	3	5
S4 TL 2700 28901 SW 60 th Ave	123	31	8	16

Notes: (see following pages with explanatory information)

Amendment Description:	Table 6B Note Re: Clarification that certain middle housing that is substantially the same as detached single-family homes does not count as middle housing for the purpose of Table 6B.
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) C. Table 6B Note A.
Relationship to Frog Pond East and South Master Plan:	Relates to Implementation Measure 4.1.7.D 2. d. to require middle housing. Without the clarification, a loophole would exist to allow units that are substantially the same as detached single-family homes to be counted toward the middle housing requirement.
Rationale for Amendment Text:	The language is drafted to clarify that a certain type of middle housing called cluster housing can be substantially similar to detached single-family homes and, while technically middle housing by definition, should not be counted for middle housing for the purpose of the middle housing requirement in Table 6B due to its similarity to detached single-family units.
Recent Edits:	Footnote was expanded to provide additional clarity about the purpose of the footnote and the scenarios in which Cluster Housing can count towards meeting the minimum amount of required Middle Housing. Some language was further simplified for clarity.

A _____ Cluster Housing is among the housing types defined as Middle Housing in Section 4.001, but only Cluster Housing meeting one of the criteria in this footnote shall be counted as Middle Housing for the purpose of meeting the minimum number of Middle Housing units in Table 6B. The purpose of this requirement is to prevent Cluster Housing that is substantially the same as Single-family Dwelling Units from being counted.

Criteria to Determine if Cluster Housing can be counted towards the minimum number of Middle Housing units in Table 6B:

Criterion 1: No Middle Housing Land Division is dividing the lot on which the Cluster Housing is placed. A future land division is not considered if it occurs at least three years after occupancy is granted for the last unit on the lot.

Criterion 2: A Middle Housing Land Division is proposed but at least of half of the resulting Middle Housing Land Division Units do not front on a street, tract with a private drive, or open space tract.

Criterion 3: A Middle Housing Land Division is proposed, but more than half of the units on the lot on which the Cluster Housing unit or units are placed are attached Middle Housing units or Cottage Cluster units.

Amendment Description:	Table 6B Note Re: Counting a single unit to meet multiple requirements in Table 6B.
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) C. Table 6B Note B.
Relationship to Frog Pond East and South Master Plan:	Relates to Implementation Measure 4.1.7.D 2. c. to require a minimum amount of certain housing types. Also, encourages certain desired housing types such as ADUs and cottages because they can be counted in multiple categories.
Rationale for Amendment Text:	The language is drafted to clarify that when a unit happens to meet the definition of multiple of the target unit types it can be counted towards meeting each one for which it qualifies. For example, a single-level 900 square foot cottage in a cottage cluster would qualify to be counted as a middle housing unit, a small unit, and a mobility-ready unit. The language intends to incentivize units that represent a small portion of the existing housing supply, are much needed, and can meet multiple categories, such as ADUs.
Recent Edits:	None

B. A single unit may be counted to meet the minimum requirement in multiple categories. For example, a 900 square foot cottage in a cottage cluster could be counted as a middle housing unit, a small unit, and a mobility-ready unit.

Amendment Description:	Table 6B Note Re: Defining Small Unit.
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) C. Table 6B Note C.
Relationship to Frog Pond East and South Master Plan:	Relates to Implementation Measure 4.1.7.D 2. c. to require a minimum amount of certain housing types
Rationale for Amendment Text:	“Small unit” is not defined elsewhere in the Code, while both middle housing and mobility-ready are. Rather than clutter the Table 6B heading with specifics about what qualifies as a “small unit” the definition is added as a footnote. The 1200 square feet was found to be a threshold at which there has been a notable historic under production.
Recent Edits:	None

C. Small units must be 1,200 square feet or less of Habitable Floor Area as defined in Section 4.001.

Amendment Description:	Table 6B Note Re: Certain minimum requirements are only required for larger lots and when there is lot consolidation during development
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) C. Table 6B Notes D. E. and J.
Relationship to Frog Pond East and South Master Plan:	Relates to Implementation Measure 4.1.7.D 2. c. to require a minimum amount of certain housing types.
Rationale for Amendment Text:	The notes clarifies and acknowledges that for certain small lots or developments minimum targets would be difficult to meet, but are less difficult when the lot area is combined with a larger development area.
Recent Edits:	Correcting a typo. Updated footnote J to state correctly state “shall not” rather than “shall”.

- D. Only required if the Net Development Area for the Stage I Master Plan area is greater than 2 acres
- E. Only required if the Net Development Area for the Stage I Master Plan area is greater than 5 acres
- J. Only required if tax lot is combined with another tax lot in a Stage I Master Plan. Multiple Stage I Master Plans for adjacent tax lots with the same owner or related owners (i.e. LLCs with the same ownership interest) shall not be allowed concurrently or within 12 months.

Amendment Description:	Table 6B Note Re: Flexibility to have an upstairs portion for a certain percentage of required mobility-ready units.
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) C. Table 6B Note F.
Relationship to Frog Pond East and South Master Plan:	Relates to Implementation Measure 4.1.7.D 2. c. to require a minimum amount of certain housing types
Rationale for Amendment Text:	Note added to give flexibility for developers to have units with an upstairs count as mobility-ready as long as the portion of the unit not accessed by stairs has everything to qualify as an independent mobility-ready unit. The allowance is limited to one third of mobility-ready units to ensure there is a healthy amount of smaller and fully mobility-ready units.
Recent Edits:	None

- F. Up to 33% of the minimum number of mobility-ready units, or up to 1 unit where only 1 or 2 units are required, may have portions of the habitable floor area accessible by stairs so long as the unit would still meet the definition of mobility-ready unit without the habitable floor area accessed by stairs.

Amendment Description:	Table 6B Note Re: Flexibility to blend certain minimum requirements over subdistrict boundaries
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) C. Table 6B Note G. and H.
Relationship to Frog Pond East and South Master Plan:	Relates to Implementation Measure 4.1.7.D 2. c. to require a minimum amount of certain housing types. The variety throughout the Master Plan and block-level variety called for in Strategy 6 under Coding for Variety and Priority Housing Types.
Rationale for Amendment Text:	Note added to give flexibility for developers to blend requirements along subdistrict lines when the development includes all or portions of multiple subdistricts while not allowing a level of flexibility that would substantially decrease the variety throughout, including block-level type variety, called for in the Master Plan.
Recent Edits:	Modified language to increase clarity and readability based on City staff review. Added additional clarity of required location of units subject to the credit, allowing mobility-ready units to be within a block, but requiring other credited units to be across the street and fronting the boundary street.

G. Where a Stage I Master Plan area covers portions of multiple subdistricts, one of either the middle housing OR small unit requirement for a subdistrict may be partially or fully met by excess units meeting the requirement from a neighboring subdistrict within the same Stage I Master Plan so long as the following eligibility requirements are met:

1. the unit category variety in Subsection (.06) E. will continue to be met for each Subdistrict or portion thereof.

2. the minimum for the requirement in the subdistrict from which the excess is credited is exceeded by at least the same amount as is being counted in the receiving subdistrict so as to ensure no unit is counted towards meeting the minimum in both subdistricts.

3. the number and type of units equal to the amount credited are adjacent to the receiving subdistrict determined by being across a proposed shared property line at a subdistrict boundary or across and fronting the street where a street forms the subdistrict boundary.

H. Where a Stage I Master Plan area covers portions of multiple subdistricts, the mobility-ready requirement for a subdistrict may be partially or fully met by counting excess mobility-ready units from a neighboring subdistrict within the same Stage I Master Plan so long as the following eligibility requirements are met:

1. the minimum for the requirement in the subdistrict from which the excess is credited is exceeded by at least the same amount as is being counted in the receiving subdistrict so as to ensure no unit is counted towards meeting the minimum in both subdistricts.

2. the number of mobility-ready units equal to the amount credited are near the receiving subdistrict determined by being within a block of the subdistrict boundary.

Amendment Description:	Table 6B Note Re: Clarification concerning geography in which minimums must be met
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) C. Table 6B Note I.
Relationship to Frog Pond East and South Master Plan:	Relates to Implementation Measure 4.1.7.D 2. c. to require a minimum amount of certain housing types. The variety throughout the Master Plan and block-level variety called for in Strategy 6 under Coding for Variety and Priority Housing Types.
Rationale for Amendment Text:	This footnote is drafted to clarify that the minimum standards of multiple tax lots can be combined together as long as they are within the same subdistrict. This adds necessary flexibility and clarifies the intent is for the minimums to be focused on the subdistrict geography and are only provided for tax lot level out of necessity as some tax lots may develop independently.
Recent Edits:	None

I. Where an application includes two or more adjacent tax lots within the same subdistrict, the minimum does not need to be met on each individual tax lot so long as the total number of units proposed for all the included tax lots within the same subdistrict is equal to or greater than the sum of the minimums in this table for the included tax lots.

Amendment Description:	Adjusting Table 6B minimums when the development does not include as much net area as assumed.
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) C.
Relationship to Frog Pond East and South Master Plan:	Supports housing variety implementation in Table 6B
Rationale for Amendment Text:	In order to establish the clear and objective numerical requirements in Table 6B some assumptions had to be made. This included an assumption that the Net Development Area of each subdistrict and tax lot is equal to 70% of the Gross Development Area. The 30% non-net area includes 20% for public right-of-way and 10% for stormwater facilities. For most development the net area is expected to be 70% or more of gross. However, there may be unanticipated situations where the net is less than 70%, especially for smaller developments. This language is drafted to provide a clear calculation of what to do when the net is less than anticipated, thus providing less land for residential development making it difficult to meet the minimums. The simple calculation provided should be abundantly clear and prevent any uncertainty.
Recent Edits:	None

1. As an alternative to Table 6B when the Net Development Area is less than 70% of the Gross Development Area, the applicant may adjust the minimum requirements in Table 6B using the following steps:
 - Step 1. Determine the Reduction Ratio. Divide the Net Development Area by a number equal to 70% of the Gross Development Area, round to the nearest 100th. This is the Reduction Ratio.
 - Step 2. Multiply each applicable minimum in Table 6B by the Reduction Ratio determined in Step 1. Round each result up to the nearest whole number. These are the new alternative minimum requirements.

Amendment Description:	Establishing housing unit categories and types for Frog Pond East and South
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) D. (new)
Relationship to Frog Pond East and South Master Plan:	Relates to strategies for Coding for Variety and Priority Housing Types in Chapter 8, Implementation, including Strategy 1 to permit a wide variety of housing types and Strategy 2 to categorize types of housing.
Rationale for Amendment Text:	The new subsection establishes the purpose of the housing variety standards and creates a table that clearly establishes the different categories and types of housing to be used in the variety standards
Recent Edits:	Minor edits to correct duplicative listing of cottage cluster.

D. Housing Unit Types for Frog Pond East and South Neighborhoods

1. Purpose: As further expressed in the Frog Pond East and South Master Plan, the variety requirements create opportunities for a variety of housing choices in each neighborhood and subdistrict focusing on mixing and integrating different housing choices throughout the Frog Pond East and South Neighborhoods rather than having separate areas for separate housing unit categories.

2. Housing Unit Types and Categories for Housing Variety Standards are in Table 6C.

Table 6C Housing Unit Categories and Types

<u>Multi-family Category</u>
<p><u>Multi-family Types:</u></p> <ul style="list-style-type: none"> • <u>Elevator-served attached multi-family</u> • <u>Other attached multi-family (10 or more units per building)</u> • <u>Other attached multi-family (5-9 units per building)</u>
<u>Middle Housing Category</u>
<p><u>Middle Housing Types:</u></p> <ul style="list-style-type: none"> • <u>Townhouses and side by side duplex, triplex, quadplex</u> • <u>Stacked duplex, triplex, quadplex</u> • <u>Cluster housing, excluding cottage cluster, or mix of attached and detached middle housing. Does not include Cluster Housing classified as Other Detached Units^A.</u> • <u>Cottage cluster</u>
<u>Accessory Dwelling Units (ADUs) Category</u>
<p><u>ADU Types:</u></p> <ul style="list-style-type: none"> • <u>All ADUs</u>
<u>Other Detached Units Category</u>
<p><u>Other Detached Units Types:</u></p> <ul style="list-style-type: none"> • <u>All other detached units including detached single-family homes, cluster housing that looks and functions similar to single-family detached units^A, and detached multi-family</u>

Notes:

^A For the purpose of this table and related variety requirements, when a lot with cluster housing is divided using a Middle Housing Land Division and a land division unit has frontage on a street, tract with a private drive, or open space tract, the housing unit on the resulting land division unit shall be classified the same as a detached unit on its own lot. To qualify as a Middle Housing Unit there must not be a Middle Housing Land Division or the resulting land division unit is a configuration dissimilar to a lot for a detached single-family homes determined by the resulting land division unit not having frontage on a street, tract with a private drive, or open space tract. A future middle housing land division would not alter the unit type as long as such middle housing land division is applied for at least 24 months after occupancy is granted for the unit.

Amendment Description:	Establishing housing variety standards for Frog Pond East and South, including required number of unit types and maximum for any single unit type.
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) E. (new)
Relationship to Frog Pond East and South Master Plan:	Relates to strategies for Coding for Variety and Priority Housing Types in Chapter 8, Implementation, particularly Strategy 5 regarding minimum housing variety that includes the concept of a minimum number of unit types and a maximum of a single unit type. Also specific language relates to incentivizing ADUs.
Rationale for Amendment Text:	<p>The new subsection clearly defines the number of unit types required, generally three, with practical flexibility added for smaller development were it may be infeasible to have the three unit types. The 60% maximum of net area is anticipated to enable about half of the units to be a single unit type and prevent any one unit type to dominate any area, consistent with the Master Plan.</p> <p>The language relating to how net area is calculated with two unit types on a lot intends to incentivize ADUs by allowing them to count as half the net area of the lot.</p>
Recent Edits:	Minor typographical edits

E. Unit Type Variety for East and South Neighborhoods:

1. Required Number of Unit Types in a Development. To ensure variety throughout the Master Plan area, while accommodating efficient site planning for smaller developments, the following is the number of Unit Types, listed in Table 6C, required based on the Net Development Area in the smaller of a Stage I Master Plan Area or Subdistrict. To be counted towards the minimum Unit Type requirement, the applicable units must represent, at a minimum, either 5% of the Net Development Area or 10% of the planned units within the development.

2 Acres or less - 1 Unit Type Required

More than 2 acres up to 5 acres - 2 Unit Types Required

More than 5 acres - 3 Unit Types Required

2. Maximum Net Area for A Single Unit Type. These standards help ensure no single housing unit type dominates any Subdistrict or large portion thereof. Except for small developments requiring only 1 Unit Type under E.1. above, no more than 60% of the Net Development Area of the smaller of a Stage I Master Plan Area or Subdistrict shall be planned for the development a single Unit Type listed in Table 6C.

a. Where an individual lot in a development has multiple unit types (e.g. ADU on same lot as Detached Unit Type), the Net Development Area shall be assigned by dividing the net area of the lot and adjacent area (i.e. alleys) proportionally based on number of each unit type. For example, for an ADU on a detached home lot, 50% of the net area would be assigned to the ADU and 50% of the net area would be assigned to the detached home regardless of the relative percent of the lot they each occupy.

3. In Subdistrict E4, Net Development Area (parking, drive aisles, landscaping) associated with the Commercial Main Street does not count towards Net Development Area for the purpose of these standards, but the building footprint of the mixed-use buildings does.

Amendment Description:	Ensuring Variety Standards Comply with State Middle Housing Law
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.06) F. (new)
Relationship to Frog Pond East and South Master Plan:	Relates to the State requirement to include middle housing.
Rationale for Amendment Text:	The language directly clarifies and reflects the State statute and rules that any land zoned or designated for detached single-family homes must also allow middle housing. If the Master Plan allowed designation of land for detached single-family homes without this clarification the code would be out of compliance with State law.
Recent Edits:	Minor typographical edits

F. Pursuant to ORS 197A.420 and OAR 660-046-0205, any lot identified for single-family development in the Stage I or II Master Plan can also be developed or redeveloped as middle housing even if the maximum percentage of a Middle Housing Unit Type, as listed in Table 6C, is exceeded. However, this does not allow the maximum for a single Middle Housing Unit Type to be exceeded in initial planning or compliance verification. This would only apply at the time of future building permit issuance or replat of individual lots.

Amendment Description:	Clear and Objective Identification of the Urban Form Type Boundaries
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.07) all text is new, this Subsection was previously "Development Standards Generally" which language has now been consolidated into Subsection (.08)
Relationship to Frog Pond East and South Master Plan:	Urban Form Type Designations are a key regulatory and design component identified in the Master Plan. This language provides the necessary detail to ensure there is clarity in the boundaries of the different Urban Forms, which in turn is the basis for a number of development standards.
Rationale for Amendment Text:	Initially, only a map was planned. However, feedback received indicated that only a map is likely to still leave lack of clarity for specific boundaries. Text was added to supplement the map to clearly define the boundaries for the Urban Form Type Designations. Language is also added to state the purpose of Urban Form Types overall and the purpose of each different Urban Form Type.
Recent Edits:	Minor typographical edits

(.07) Frog Pond East and South Urban Form Types:

A. The Frog Pond East and South Neighborhoods are divided into different Urban Form Type designations whose boundaries are described by Subdistrict in B. below and illustrated for reference in Figure A-7 below. Applicability of development standards are based on these designations. The designations and their purpose are as follows:

- 1. Commercial Main Street: This urban form is for a limited area along SW Brisband Street between SW Stafford Road and the extension of SW 63rd Avenue. Its purpose is to create a pedestrian-oriented, mixed-use commercial street feel.**
- 2. Urban Form Type 1: The purpose of this Urban Form Type is to create the most compact and urban of the three residential forms. This is primarily represented by larger buildings, including full block width, with less setbacks than other residential Urban Form Types.**
- 3. Urban Form Type 2: The purpose of this Urban Form Type is to create a moderately compact and urban look and feel between Urban Form Type 1 and Type 3. This is primarily represented by allowing moderate building widths, including not allowing buildings to be block length as allowed in Urban Form Type 1, and requiring moderate setbacks.**
- 4. Urban Form Type 3: The purpose of this Urban Form is to create a less compact and urban look and feel. This is primarily represented by limiting the width of buildings, encouraging shorter building height, and providing for larger setbacks.**

B. Urban Form area boundary descriptions:

- 1. Subdistrict E1:**
 - a. Urban Form Type 1: The area of the Subdistrict east of the framework street that is an extension of SW 63rd Avenue and connecting to the framework street crossing the BPA easement.**
 - b. Urban Form Type 2: The area of the Subdistrict west and south of the framework street(s) that are an extension of SW 63rd Avenue and SW Frog Pond Lane.**

c. Urban Form Type 3: The area of the Subdistrict west of the framework street connecting across the BPA easement and north of the framework street that is an extension of SW Frog Pond Lane, except for the Frog Pond Grange area described in Subsection (.24) A. below.

2. Subdistrict E2:

a. Urban Form Type 2: A contiguous area of between 6 and 6.5 gross development acres, as proposed by the developer based on the location of non-framework local streets, extending the south to north extent of the Subdistrict from the BPA easement to SW Kahle Road, and located immediately to the east of and adjacent to the framework street connecting across the BPA easement.

b. Urban Form Type 3: The far west and east area of the Subdistrict that is not Urban Form Type 2.

3. Subdistrict E3:

a. Urban Form Type 2: A contiguous area of between 8 and 8.5 gross development acres, as proposed by the developer based on the location of non-framework local streets, centered in the Subdistrict immediately south of and adjacent to SW Kahle Road, and not being within 125 feet of the eastern edge of the Subdistrict or the SROZ.

b. Urban Form Type 3: The surrounding area of the Subdistrict that is not Urban Form Type 2.

4. Subdistrict E4:

a. Commercial Main Street: The area of existing Tax Lot 1101 centered on SW Brisband Street extending east to west across the Subdistrict and extending between 125 feet and 160 feet both north and south of SW Brisband Street. The exact boundary north and south of SW Brisband Street will be proposed by the developer.

b. Urban Form Type 1:

i. The eastern half of the Subdistrict area north of the Commercial Main Street area.

ii. The eastern half of the Subdistrict area (east of the SROZ) south of the Commercial Main Street area extending south to within approximately 250 feet of SW Advance Road. The exact southern limit will be proposed by the developer based on the location of any local streets, and if no local street, based on proposed property lines. The southern limits must be between 235 feet and 265 feet north of SW Advance Road. If at time of development of this area a local street is established in Subdistrict E5 serving as a boundary between Urban Form Type 1 and Urban Form Type 2 in that Subdistrict, then the boundary for this area shall be the closest street or property line to the centerline of that street measured at the intersection of SW 63rd Avenue.

c. Urban Form Type 2:

i. The western half of the Subdistrict area north of the Commercial Main Street area.

ii. The western half of the Subdistrict area south of the Commercial Main Street area and west of the SROZ.

iii. The eastern half of the Subdistrict area south of the Commercial Main Street area, east of the SROZ, and south of the Urban Form Type 1 area that is south of the Commercial Main Street area.

5. Subdistrict E5:

- a. Urban Form Type 1: the northern portion of the Subdistrict extending south to within approximately 250 feet of SW Advance Road and extending east to west across the entire Subdistrict. The exact southern limit will be proposed by the developer based on the location of an east-west local street which would be the boundary between Urban Form Type Areas. The centerline of this boundary street must be between 230 feet and 270 feet north of SW Advance Road and is encouraged to be as close as possible to 250 feet north.
 - b. Urban Form Type 2: The southern portion of the Subdistrict south of the Urban Form Type 1 area and north of SW Advance Road.
6. Subdistrict E6:
- a. Urban Form Type 2: the western portion of the Subdistrict extending east approximately 680 feet east from SW 60th Avenue. The exact eastern limit will be proposed by the developer based on the location of a local street or property lines which would be the boundary between Urban Form Type Areas. The boundary must be between 660 feet and 700 east of SW 60th Avenue and is encouraged to be as close as possible to 680 feet.
 - b. Urban Form Type 3: The eastern portion of the Subdistrict east of the Urban Form Type 2 area, north of SW Advance Road and south of the BPA Easement.
7. Subdistrict S1:
- a. Urban Form Type 2: The entire Subdistrict is Urban Form Type 2.
8. Subdistrict S2:
- a. Urban Form Type 2: The western portion of the Subdistrict, extending east of SW 60th Avenue approximately 360 feet east from the northern boundary of SW Advance Road to a point 340 feet south of SW Advance Road and approximately 500 feet east of SW 60th Avenue from that point to the southern boundary of the Subdistrict. The exact limits will be proposed by the developer based on the location of a local streets or property lines which would be the boundary between Urban Form Type areas. The east boundary must be, respectively, between 480 feet and 520 feet east of SW 60th Avenue and is encouraged to be as close as possible to 500 feet in the southern portion, and between 320 and 360 feet east of SW 60th Avenue and is encouraged to be as close as possible to 340 feet in the northern portion of the Subdistrict.
 - b. Urban Form Type 3: The eastern portion of the Subdistrict, east of the Urban Form Type 2 area.
9. Subdistrict S3:
- a. Urban Form Type 1: a west central portion of the Subdistrict extending approximately 220 feet east of SW 60th Avenue between a point directly east of the northern boundary of Subdistrict S4 (the southern property line of the Meridian Creek Middle School property) and a point approximately 320 feet north of SW Kruse Road. The exact limits will be proposed by the developer based on the location of local streets or property lines which would be the boundary between Urban Form Type areas. The east boundary must be between 200 feet and 240 feet east of SW 60th Avenue and is encouraged to be as close as possible to 220 feet. The north boundary must be within 20 feet of the northern boundary of Subdistrict S4 and is encourage to be as close as possible to that boundary. The south boundary must be between 300 feet and 340 feet north of SW Kruse Road and is encouraged to be as close as possible to 320 feet.
 - b. Urban Form Type 2: The description is broken into a northern and southern area, with the boundary between northern and southern area being a line extending east from

the northern boundary of Subdistrict S4 (the southern property line of the Meridian Creek Middle School property).

i. For the northern area of the Subdistrict: The western portion of the Subdistrict extending from SW 60th Avenue to the east approximately 500 feet. The exact limits will be proposed by the developer based on the location of a local streets or property lines which would be the boundary between Urban Form Type areas. The east boundary must be, respectively, between 480 feet and 520 east of SW 60th Avenue and is encouraged to be a close as possible to 500 feet

ii. For the southern area of the Subdistrict: The western portion of the Subdistrict, excluding the Urban Form Type 1 area, extending from SW 60th Avenue to the east approximately 340 feet The exact limits will be proposed by the developer based on the location of a local streets or property lines which would be the boundary between Urban Form Type areas. The east boundary must be between 320 and 360 feet east of SW 60th Avenue and is encouraged to be as close as possible to 340 feet.

c. Urban Form Type 3: The eastern portion of the Subdistrict, east of the Urban Form Type 2 areas.

10. Subdistrict S4:

a. Urban Form Type 1: The northeastern portion of the Subdistrict extending west of SW 60th Avenue approximately 380 feet and south to approximately 320 feet north of SW Kruse Road. The exact western and southern limit will be proposed by the developer based on the location of local streets or property lines which would be the boundary between Urban Form Type areas. The west boundary must be between 360 feet and 400 feet west of SW 60th Avenue and is encouraged to be as close as possible to 380 feet. The south boundary must be between 300 feet and 340 feet north of SW Kruse Road and is encouraged to be as close as possible to 320 feet.

b. Urban Form Type 2: The northeastern portion of the Subdistrict west and south of the Urban Form Type 1 area, extending west from the Urban Form Type 1 boundary to approximately 570 feet west of SW 60th Avenue and south to a future local street extension of SW Kruse Road. The exact western limit will be proposed by the developer based on the location of a local streets or property lines which would be the boundary between Urban Form Type areas. The west boundary must be between 550 feet and 590 feet west of SW 60th Avenue and is encouraged to be as close as possible to 570 feet.

c. Urban Form Type 3: The western and southern portions of the Subdistrict, west and south of the Urban Form Type 2 area.

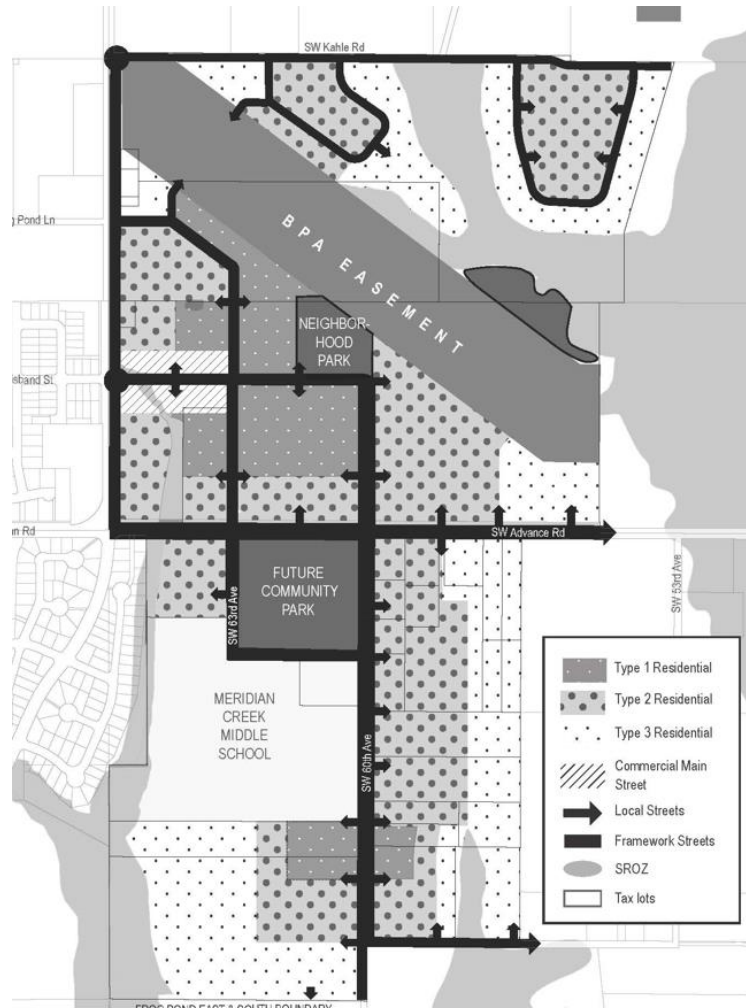


Figure A-7 Urban Form Type Land Use Designation Boundaries

(.08) *Development Standards:*

Amendment Description:	Clarifications of existing Development Standards Language
Applicability:	Frog Pond West and Frog Pond East and South
Impacted Code Section(s):	4.127 (.08)
Relationship to Frog Pond East and South Master Plan:	Relates to strategies for Coding for Variety and Priority Housing Types in Chapter 8, Implementation, including Strategy 4 to development standards based on the Urban Form Type designations.
Rationale for Amendment Text:	<p>This language includes technical edits to:</p> <ul style="list-style-type: none"> • Consolidate existing language in Subsection (.07) into this subsection • Provide for differentiation between development standards for Frog Pond West and Frog Pond East and South • Make language generally more clear and concise
Recent Edits:	None

A. Unless otherwise specified by the regulations in this Residential Neighborhood (RN) Zone chapter, all development must comply with Section 4.113, Standards Applying to Residential Development in Any Zone.

B. ~~Lot and~~ Development shall be consistent with this Code and applicable provisions of an approved legislative master plan.

C. ~~Lot Standards Generally. For the Frog Pond West Neighborhood, Table 2 establishes the lot development standards.~~ **Unless superseded or supplemented by other provisions of the Development Code the lot and development standards for the Frog Pond West Neighborhood are established by Table 28A and lot and development standards for the Frog Pond East and South Neighborhoods are established by Table 8B.**

D. Lot Standards for Small Lot Sub-districts **in the Frog Pond West Neighborhood**. The purpose of these standards is to ensure that development in the Small Lot Sub-districts includes varied design that avoids homogenous street frontages, creates active pedestrian street frontages and has open space that is integrated into the development pattern.

Standards. Planned developments in the Small Lot Sub-districts shall include one or more of the following elements on each block:

1. Alleys.
2. Residential main entries grouped around a common green or entry courtyard (e.g. cluster housing).
3. Four or more residential main entries facing a pedestrian connection allowed by an applicable legislative master plan.
4. Garages recessed at least four feet from the front façade or six feet from the front of a front porch.

Table 8A: Frog Pond West Neighborhood Zone Lot Development Standards										
Neighborhood Zone Sub- District	Min. Lot Size (sq. ft.) ^{A,B}	Min. Lot Depth (ft.)	Max. Lot Coverage (%)	Min. Lot Width ^{L, J, N} (ft.)	Max. Bldg. Height ^H (ft.)	Setbacks ^{K, L, M}				
						Front Min. (ft.)	Rear Min. (ft.)	Side Min. (note)	Garage Min Setback from Alley (ft.)	Garage Min Setback from Street ^{O,P} (ft.)
R-10 Large Lot	8,000	60'	40% ^E	40	35	20 ^F	20	^M	18 ^G	20
R-7 Medium Lot	6,000 ^C	60'	45% ^E	35	35	15 ^F	15	^M	18 ^G	20
R-5 Small Lot	4,000 ^{C,D}	60'	60% ^E	35	35	12 ^F	15	^M	18 ^G	20

Notes:

- A. Minimum lot size may be reduced to 80% of minimum lot size for any of the following three reasons: (1) where necessary to preserve natural resources (e.g. trees, wetlands) and/or provide active open space, (2) lots designated for cluster housing (Frog Pond West Master Plan), (3) to increase the number of lots up to the maximum number allowed so long as for each lot reduced in size a lot meeting the minimum lot size is designated for development of a duplex or triplex.
- B. For townhouses the minimum lot size in all sub-districts is 1,500 square feet.
- C. In R-5 and R-7 sub-districts the minimum lot size for quadplexes and cottage clusters is 7,000 square feet.
- D. In R-5 sub-districts the minimum lot size for triplexes is 5,000 square feet.

Amendment Description:	Clarifications of bonus lot coverage for Frog Pond West and larger Frog Pond East and South detached home lots where multiple buildings are proposed.
Applicability:	Frog Pond West and Frog Pond East and South
Impacted Code Section(s):	4.127 (.08)
Relationship to Frog Pond East and South Master Plan:	Relates generally to the acknowledgement of variety of housing allowed.
Rationale for Amendment Text:	Change mirrors similar language in PDR zone that states bonus is when multiple buildings are on a lot rather than just when one is accessory to another. This comes into play on larger lots with lower lot coverage when multiple units of a similar size are proposed.
Recent Edits:	None

- E. On lots where ~~detached accessory~~ **multiple** buildings are built, maximum lot coverage may be increased by 10%. Cottage clusters are exempt from maximum lot coverage standards.
- F. Front porches may extend 5 feet into the front setback.
- G. The garage setback from alley shall be minimum of 18 feet to a garage door facing the alley in order to provide a parking apron. Otherwise, the rear or side setback shall be between 3 and 5 feet.
- H. Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
- I. For townhouses in all sub-districts minimum lot width is 20 feet.

- J. May be reduced to 24' when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive or a public pedestrian access in a cluster housing (Frog Pond West Master Plan) development.
- K. Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.

Amendment Description:	Limit of setbacks required for ADUs
Applicability:	Frog Pond West and Frog Pond East and South
Impacted Code Section(s):	4.127 (.08)
Relationship to Frog Pond East and South Master Plan:	Relates to removing barriers to ADUs and encouraging them as a desired unit type.
Rationale for Amendment Text:	Where a larger lot has a setback, especially rear setback, greater than 10 feet, it allows ADUs to have a reduced setback of 10 feet. This removes a barrier to potentially locating an ADU. It makes the requirement the same as the existing allowed setback for cottage clusters which are a similar size.
Recent Edits:	None

- L. For cottage clusters and ADUs all setbacks otherwise greater than 10 feet for other housing types are reduced to 10 feet
- M. On lots greater than 10,000 SF with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 20 ft. with a minimum of 10 ft. On other lots, minimum side setback shall be 5 ft. On a corner lot, minimum side setbacks are 10 feet.
- N. For cluster housing (Frog Pond West Master Plan) with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right-of-way or a public pedestrian access easement linking the courtyard with the Public Way.
- O. All lots with front-loaded garages are limited to one shared standard-sized driveway/apron per street regardless of the number of units on the lot.
- P. The garage shall be setback a minimum of 18 feet from any sidewalk easements that parallels the street.

Amendment Description:	Tables 8B and 8C Development Standards for Frog Pond East and South
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.08)
Relationship to Frog Pond East and South Master Plan:	Relates to strategies for Coding for Variety and Priority Housing Types in Chapter 8, Implementation, Strategy 4 create development standards based on the Urban Form Type designations.
Rationale for Amendment Text:	<p>Wherever appropriate, and where not otherwise noted, the standards are mirrored after similar standards in other residential zones in Wilsonville or Frog Pond West and precedent unit examples shared during the Master Planning and Code development process. Special attention was paid to ensure standards create meaningful differentiation between the different residential Urban Form Type Designations. In addition, consideration was given to the wide array of housing types allowed throughout Frog Pond East and South and the desired variety. Notable unique standards include:</p> <ul style="list-style-type: none">• An independent numerical lot size requirement is not established, rather lot size must be of sufficient size to meet other applicable development standards. This simplifies the code, removes barriers to proposed housing variety, and prevents complexities and likely contradictions in the standards.• Front setbacks that are uniform on any given street to create a more consistent streetscape. See Table 8C.• Creating a maximum building width that becomes a key standard controlling building bulk and differentiating between different Urban Form Types.• Creating a minimum distance between buildings when multiple buildings are on a lot that mirror required setbacks to create consistency in built form regardless of lot patterns.
Recent Edits:	Minor typographical edits.

Table 8B. Frog Pond East and South Neighborhoods Development Standards										
<u>Land Use Map Urban Form Type Designation</u>	<u>Lot size requirements</u>	<u>Min. lot width/ street frontage per lot (ft.)</u>	<u>Max height (ft.)</u>	<u>Front Setbacks</u>	<u>Maximum Building Width Facing Street, or park when front of lot faces a park (ft.)</u>	<u>Rear Min. (ft.)</u>	<u>Garages (note)</u>	<u>Side Min. (ft.)^{A B}</u>	<u>Min. distance Between multiple Buildings on same lot along street frontages and public viewsheds</u>	<u>Max. Lot Coverage (percent)^{C D}</u>
<u>Urban Form Type 1</u>	<u>Lots sized to accommodate at least a one-unit residential building meeting building code requirements as well as setbacks and lot coverage requirements.</u>	<u>10</u>	<u>50, 4 story</u>	<u>See Table 8C.</u>	<u>None</u>	<u>10</u>	<u>E</u>	<u>5^F</u>	<u>Double the min. side yard setback that would be required for the larger of the two buildings on its own lot.</u>	<u>80</u> <u>except for detached homes on lots with an area 4,000 square feet or greater.^J</u>
<u>Urban Form Type 2</u>		<u>15</u>	<u>40, 3-story</u>		<u>125 except that buildings over 100 feet cannot occupy entire block face.^G</u>	<u>10</u>		<u>5^F</u>		
<u>Urban Form Type 3</u>		<u>15</u>	<u>100</u>		<u>15^I</u>	<u>5 for structures up to 25 feet in height, 10 for structures over 25 feet in height.</u>				

Notes:

- A. On corner lots, minimum side setbacks facing the street are the same as minimum front setback. Maximum setbacks equivalent to front maximums also apply. See Table 8C.**
- B. Side setbacks do not apply to shared walls at property lines between townhouse units.**
- C. Cottage clusters and ADUs are exempt from maximum lot coverage standards.**

- D. For townhouses maximum lot coverage is calculated for the combined lots on which a single townhouse building sits rather than for each townhouse lot.
- E. Setbacks for residential garages are as follows:
1. Front (street loaded): minimum 20 feet.
 2. Alley loaded with exterior driveway: minimum 18 feet or as necessary to create a 18 foot deep parking space not including alley curb.
 3. Alley loaded without exterior driveway: minimum 3 feet and maximum 5 feet.
- F. For Urban Form Type 1 and 2, side setbacks may be reduced to either: (1) down to a minimum of 3.5 feet for residential structures less than 70 feet wide, or (2) down to a minimum of five percent of the building width at the front building line for buildings greater than 70 feet and less than 100 feet wide.
- G. For Urban Form Type 2, in lieu of meeting the maximum building width, an applicant may elect to articulate the facade and roof in a manner to create architectural separation of building masses. Such articulation shall include a minimum 2-foot setback of the wall from the primary façade as well as interruption of the roof plane. The setback articulation shall, at a minimum, be equal in width to the building separation required. The depth and width of articulation is not adjustable or subject to waiver or administrative relief under local or state law as it is an optional compliance method in lieu of meeting the standard maximum building width and separation standards. For the purpose of applying other articulation standards in Section 4.113, the portions of a building on either side of the articulation in lieu of building separation shall be considered separate buildings.
- I. The minimum rear setback for a cottage cluster and Accessory Dwelling Unit (ADU) is 10 feet.
- J. For lots 4,000 square feet in area or more with only units classified as “Other Detached Units” in Table 6C, the following lot coverage standards from Table 8A shall apply: 4,000 square feet or more but less than 6,000 square feet: standards of R-5 Small Lot; 6,000 square feet or more but less than 8,000 square feet: standards for R-7 Medium Lot; 8,000 square feet or more, standards for R-10 Large Lot.

Table 8C. Frog Pond East and South Neighborhoods Development Standards - Front Setbacks including Special Front Setbacks For Uniformity on Framework Streets		
	Front Min. (ft.)^A	Front Max.^C (ft.)
<ul style="list-style-type: none"> • <u>Lot frontages along east-west oriented portion of SW Brisband Street between SW 63rd Avenue and its eastern most point. Setbacks for SW Brisband Street between SW Stafford Road and SW 63rd Avenue can be found in Table 23A.</u> • <u>Lot frontages along SW 63rd Avenue from southern edge of Subdistrict E1 to SW Advance Road</u> • <u>Lot frontages on lots with Urban Form Type 1 Designation not fronting a framework street listed in this table</u> 	6^B	10^D
<ul style="list-style-type: none"> • <u>Lot frontages along SW 60th Avenue</u> • <u>Lot frontages along SW 63rd Avenue south of SW Advance Road</u> • <u>Lot frontages along SW Stafford Road except the Brisband Main Street buildings</u> • <u>Lot frontages along SW Advance Road</u> • <u>Lot frontages along SW Kahle Road</u> • <u>Lot frontages along framework street in Subdistrict E1 extending SW Frog Pond Lane and SW 63rd Avenue</u> • <u>Lot frontages along Framework Street connecting across the BPA easement area from SW Kahle Road to SW Frog Pond Lane extension</u> • <u>Lot frontages on lots with Urban Form Type 2 Designation not fronting a framework street listed in this table</u> 	10	25^E
<ul style="list-style-type: none"> • <u>Lot frontages on lots with Urban Form Type 3 Designation not fronting a framework street listed in this table</u> 	10^E	No max

Notes:

- A. Where a front (street) loaded garage exists, the minimum garage setback in Table 8B takes precedence over the minimums in this table.
- B. Where the minimum front setback is 6 feet it is intended to accommodate a public utility easement (PUE) for franchise utilities. If the City requires a wider PUE the minimum setback shall increase to accommodate the PUE. If a finding can be made that no PUE is necessary and access stairs or ramps can be accommodated without impeding on the public right of way, no setback is required.
- C. Where a maximum setback exists, and the property line it is measured from is either curvilinear or intersects with a connecting property line at anything besides a right angle, the maximum setback need only be met at one point along the property line.
- D. This maximum assumes no front (street loaded) garage, which is anticipated to be the typical condition in Urban Form Type 1. However, if a front facing garage is proposed, the front maximum may be exceeded to accommodate the minimum garage setback of 20 feet from Table 8B.
- E. In Urban Form 3, buildings or portions thereof greater than either 2 stories or 25 feet in height shall have a minimum front setback of 20 feet.

E. Development Standards Specific to Relationships with Collectors and Arterial Streets.

Amendment Description:	Clarification that existing language applies to Frog Pond West
Applicability:	Frog Pond West
Impacted Code Section(s):	4.127 (.08) E.
Relationship to Frog Pond East and South Master Plan:	None
Rationale for Amendment Text:	Direct language to differentiate between Frog Pond West and the subsequent new language regarding Frog Pond East and South.
Recent Edits:	Minor typographical edits

1. Frog Pond West Neighborhood:

- a. Lots adjacent to SW Boeckman Road and SW Stafford Road shall meet the following standards:
 - i. Rear or side yards adjacent to SW Boeckman Road and SW Stafford Road shall provide a wall and landscaping consistent with the standards in Figure 10 of the Frog Pond West Master Plan.
- b. Lots adjacent to the collector-designated portions of SW Willow Creek Drive and SW Frog Pond Lane shall not have driveways accessing lots from these streets, unless no practical alternative exists for access. Lots in Large Lot Sub-districts are exempt from this standard.

Amendment Description:	Fence treatments along Stafford and Advance Roads
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.08) E.
Relationship to Frog Pond East and South Master Plan:	The Master Plan calls for treatments consistent with the walls used in Frog Pond West but adapted for units primarily facing the streets. It also has specific requirements regarding building orientation towards the subject roads.
Rationale for Amendment Text:	For Stafford Road the wall is half the height and same materials as Frog Pond West, as directed in the Master Plan. For Advance Road a similar style is continued, but it is more open with metal to create semi-private front yards consistent with Advance Road being a collector rather than an arterial like Stafford Road and Boeckman Road. This also creates an enhanced interface with the community park across SW Advance Road.
Recent Edits:	Renumbered for additional clarity.

2. Frog Pond East and South Neighborhoods:

a. Special Design Standards for east side of SW Stafford Road as well as the north side of SW Advance Road from SW Stafford Road to the wetland approximately 250 feet east of SW Stafford Road:

i. Courtyard Walls and Pedestrian Access Points:

1. **Except for pedestrian access points, the frontage of each lot or tract (not counting any landscape tract running parallel with the road) shall have a wall/fence matching Figure A-8. below.**

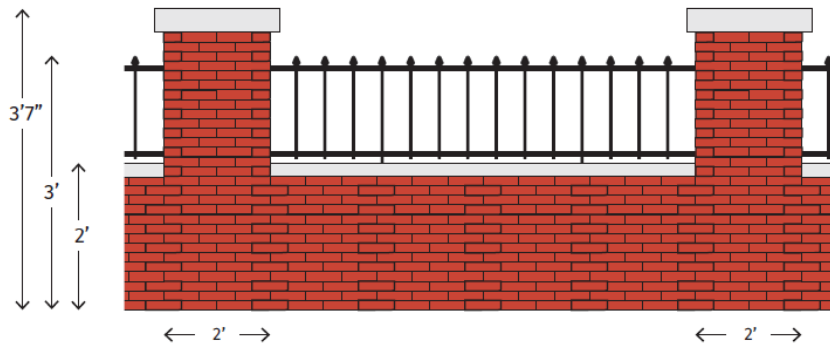


Figure A-8. 3 Foot Wall/Fence Along SW Stafford Road

2. **Except for corner lots at the intersection of SW Stafford Road and SW Brisband Street, each lot shall have at least one paved walkway extending from the lot to the Stafford Road sidewalk providing a pedestrian access point. Any gates at**

pedestrian access points shall have a black “iron style” gate matching the style shown in Figure B-8. below.



Figure B-8. Gate for Pedestrian Access Points along SW Stafford Road

- ii. Structure and Entry Orientation: Except for corner lots at the intersection of SW Stafford Road and SW Brisband Street, the facades of structures facing SW Stafford Road shall meet all design standards for front facades. Generally this will be the front façade of the structure, but if it is the side or rear façade, the façade must still meet front façade standards including having at least one building entrance oriented towards SW Stafford Road.
- b. Special Design Standards for SW Advance Road, except for the portion on the north side included in the SW Stafford Road special design standards in a. above:
 - i. Only front yards shall be oriented towards SW Advance Road with front entrances facing the street, except for corner lots at intersecting streets where side yards and side facades may front SW Advance Road, as necessary.
 - ii. Lots shall have courtyard fencing matching Figure C-8. including any side yards for lots oriented on intersecting streets.

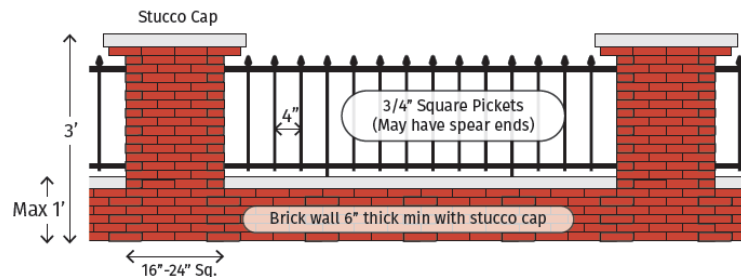


Figure C-8.

- iii. No motor vehicle access is allowed directly from SW Advance Road except for emergency access requested by the Fire District and approved by the City Engineer.

- iv. Lots shall be considered to front SW Advance Road even if a landscape tract exists between the lot and the SW Advance Road right-of-way.

Amendment Description:	Public Realm Elements
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.08) F. (new)
Relationship to Frog Pond East and South Master Plan:	Chapter 7 Public Realm
Rationale for Amendment Text:	The Master Plan provides clear and detailed language regarding the public realm. The language intends to direct the reader back to these specifics in the Master Plan.
Recent Edits:	Added “Main Street Gateway” requirement at SW Brisband consistent with Master Plan.

F. Public Realm Requirements for Frog Pond East and South Master Plan area

- 1. Development in Frog Pond East and South shall conform with the public realm element in Chapter 7 of the Frog Pond East and South Master Plan in the following ways with the referenced figures, tables, and text from the Frog Pond East and South Master Plan incorporated into this Subsection by reference as if fully stated herein:**
 - a. Active transportation connections shall be provided as shown in Figure 20.**
 - b. Street trees shall be provided consistent with Figure 26 and the text on pages 91 through 94.**
 - c. Public lighting shall be provided consistent with Figure 27 and the text on pages 95 through 99.**
 - d. Gateway treatment and monument signs shall be provided consistent with and limited to what is shown and described in Figure 28, Table 6, and the text on page 102.**
 - e. Sign toppers or “sign caps” shall be provided on street signs as described on page 102 and shown in Figure D-8 below consistent with the City’s Public Works Standards.**



Figure D-8. Frog Pond Street Sign Topper

- e. A “Main Street Gateway” feature shall be provided on SW Brisband Street at SW Stafford Road. The feature shall:**
- i. be at least 20 feet in height so as to be visible from a distance;**
 - ii. be at least 3 feet in width and length;**
 - ii. incorporate both sides of SW Brisband Street or be centered within the round-a-bout;**
 - iii. include materials and other design elements representative of Frog Pond East and South as outlined and depicted in the Master Plan; and**
 - iv. be professionally designed by a professional(s) with experience designing such gateway features. An affidavit of such professional’s credentials shall be included in the development application material.**
 - v. The “Main Street Gateway” design is subject to Site Design Review. Additionally, prior to Site Design Review by the Development Review Board the design shall be reviewed by the Arts, Heritage, and Cultural Commission who will provide a recommendation to the Development Review Board.**

(.09) *Open Space:*

...

Amendment Description:	Frog Pond East and South open space requirements, including green focal points.
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.09)
Relationship to Frog Pond East and South Master Plan:	Implements the green focal points identified in the Master Plan including in Chapter 9, Public Realm, Parks and Open Space and Figure 18.
Rationale for Amendment Text:	Generally the standard open space requirements that apply to most residential development in Wilsonville. Beyond the general open space requirements specific green focal point requirements reflecting the Master Plan language are added.
Recent Edits:	Minor typographical edits.

C. Within the Frog Pond East and South Master Plans open space shall be provided consistent with the requirements in Subsection 4.113 (.01) C. - F., and designed and located according to the following criteria:

1. Green Focal Points. For the East and South Neighborhoods, Green Focal Points are intended to serve as central neighborhood destinations or gathering places that contribute to neighborhood character and identity. Green Focal Points can take a variety of forms, including community garden plots, small playgrounds or splash pads, nature play areas, pocket parks or plazas, and central green courtyards within housing developments. As part of meeting the open space requirements in Subsection 4.113 (.01) C. – F. for a Stage I Master Plan Area, each Subdistrict in Frog Pond East and South shall have at least one Green Focal Point meeting the 2,000 square foot size requirement in Subsection 4.113 (.01) D. 1. Even if the usable open space requirement is otherwise met, each subdistrict shall still have the minimum 2,000 square foot Green Focal Point. In addition to the standards in Subsection 4.113 (.01) C.-F., the following requirements apply:

a. Location requirements by Subdistrict, if Subdistrict not listed, a Green Focal Point is still required, but there is no special locational requirement:

- **Subdistrict E1: Green Focal Point to be located north of the Frog Pond Grange building or in the tree grove near the existing home at 27480 SW Stafford Road.**
- **Subdistrict E3: A Green Focal Point to be located at trailhead adjacent to SROZ leading to the south.**
- **Subdistrict E4: A plaza space to be integrated with the Brisband Street Main Street mixed-use development.**
- **Subdistrict S2: A Green Focal Point to be located and aligned with terminus of future extension of SW Hazel Street.**
- **Subdistrict S3: A Green Focal Point to be located near northern end of Kruse Creek.**

b. Direct access to one or more Green Focal Points shall be provided from each residential lot in the neighborhood. Direct access, for the purpose of this requirement, means: a pedestrian would need to travel on no more than two different streets to reach a green focal point from the lot frontage of the home to an open space frontage.

(.10) *Block, access and connectivity standards:*

- A. *Purpose.* These standards are intended to regulate and guide development to create: a cohesive and connected pattern of streets, pedestrian connections and bicycle routes; safe, direct and convenient routes to schools and other community destinations; and, neighborhoods that support active transportation and Safe Routes to Schools.
 - B. *Blocks, access and connectivity shall comply with adopted legislative master plans:*
- ...

Amendment Description:	Block and access standards for Frog Pond East and South
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.10) B.
Relationship to Frog Pond East and South Master Plan:	Reflects no specific block and access standards in the Master Plan beyond identifying framework streets.
Rationale for Amendment Text:	Provides reference to general citywide block and access standards for applicability to Frog Pond East and South.
Recent Edits:	None

- 2. In the Frog Pond East and South Neighborhoods, or if a legislative master plan does not provide sufficient guidance for a specific development or situation, ~~the Development Review Board shall use the block and access standards in Section 4.124(.06.09) as the applicable standards~~ apply.
- ...

(.14) *Main Entrance Standards:*

...

Amendment Description:	Removal of little utilized entrance distance from grade requirement
Applicability:	Frog Pond West and Frog Pond East and South
Impacted Code Section(s):	4.127 (.14) C.
Relationship to Frog Pond East and South Master Plan:	Generally to housing variety.
Rationale for Amendment Text:	Removal prevents a barrier to second floor entries which may be used for unit configurations like townhouses on top of an ADU.
Recent Edits:	None

- C. ~~*Distance from grade.* Main entrances meeting the standards in subsection B., above, must be within four feet of grade. For the purposes of this Subsection, grade is the average grade measured along the foundation of the longest street-facing wall of the dwelling unit.~~

(.15) *Garage Standards:*

...

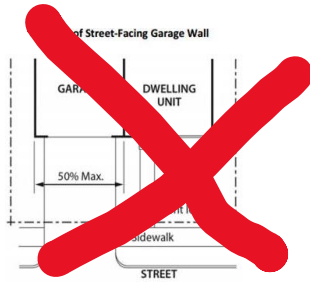
B. *Street-Facing Garage Walls:*

...

3. *Standards:*

Amendment Description:	Simplification of garage standards
Applicability:	Frog Pond West and Frog Pond East and South
Impacted Code Section(s):	4.127 (.15) B.
Relationship to Frog Pond East and South Master Plan:	None
Rationale for Amendment Text:	The proposal simplifies the language used for garage frontages in Frog Pond West to apply throughout Frog Pond. It also addresses a frequent issue encountered in Frog Pond West development were the existing standards required non-standard width garage doors which unnecessarily increased expenses and created more lead-time for custom fabrication.
Recent Edits:	None

- ~~a. The length of the garage wall facing the street may be up to 50 percent of the length of the street facing building façade. For middle housing, this standard applies to the total length of the street facing façades. For detached single family and accessory structures, the standards apply to the street facing façade of each unit. For corner lots, this standard applies to only one street side of the lot. For lots less than 50 feet wide at the front lot line, the standard in (b) below applies.~~
- ~~b. For lots less than 50 wide at the front lot line, the following standards apply:~~
 - a. The width of the garage door may be up to 50 percent of the length of the street-facing façade **as measured from the interior of the frame surrounding the garage door.**
 - b. The garage door must be recessed at least four feet from the front façade or six feet from the front of a front porch.
 - c. The maximum driveway width is 18 feet.
 - d. Where a dwelling abuts a rear or side alley or a shared driveway, the garage shall orient to the alley or shared drive.
 - e. Where three or more contiguous garage parking bays are proposed facing the same street, the garage opening closest to a side property line shall be recessed at least two feet behind the adjacent opening(s) to break up the street facing elevation and diminish the appearance of the garage from the street. Side-loaded garages, i.e., where the garage openings are turned away from the street, are exempt from this requirement.
 - f. A garage entry that faces a street may be no closer to the street than the longest street facing wall of the dwelling unit. There must be at least 20 feet between the garage door and the sidewalk. This standard does not apply to garage entries that do not face the street.



(.16) Residential Design Standards:

...

Amendment Description:	Applicability of existing residential design standards for RN zone
Applicability:	Frog Pond West and Frog Pond East and South
Impacted Code Section(s):	4.127 (.16)
Relationship to Frog Pond East and South Master Plan:	Generally to housing variety as current RN residential design standards do not address all of the allowed residential unit types in Frog Pond East and South.
Rationale for Amendment Text:	When the RN zone residential design standards were adopted, there were no residential design standards in the City except for ones specific to Villebois. Since that time, as part of the Middle Housing in Wilsonville project, citywide design standards were established for various unit types. These standards can be found in Subsection 4.113 (.14). In addition, this current package of code amendments includes new design standards for multi-family development. The decision was made to allow the citywide design standards covering all unit types be applied in Frog Pond East and South rather than the Frog Pond West standards geared towards single-family detached homes.
Recent Edits:	Minor typographical edits.

- B. *Applicability.* ~~These~~ **In Frog Pond West standards C. through G.** apply to all façades facing streets, pedestrian connections, parks, open space tracts, the Boeckman Trail, or elsewhere as required by this Code or the Development Review Board. Exemptions from these standards include: (1) Additions or alterations adding less than 50 percent to the existing floor area of the structure; and, (2) Additions or alterations not facing a street, pedestrian connection, park, or open space tract. **In Frog Pond East and South the standards in C. through G. do not apply. Rather, design standards in 4.113 (.14) apply to all public-facing facades in Frog Pond East and South.**

...

(.17) *Fences:*

Amendment Description:	Applicability of existing fence requirements
Applicability:	Frog Pond West and Frog Pond East and South
Impacted Code Section(s):	4.127 (.17)
Relationship to Frog Pond East and South Master Plan:	Consistent with specific fencing standards for Stafford Road and Advance Road.
Rationale for Amendment Text:	This existing language regarding fencing for Frog Pond West makes sense to be applicable to Frog Pond East and South as well. The proposed strikeout allows these standards to apply to all Frog Pond neighborhoods.
Recent Edits:	None

- A. ~~Within Frog Pond West, f~~Fences shall comply with standards in 4.113 (.07) except as follows:
1. Columns for the brick wall along Boeckman Road and Stafford Road shall be placed at lot corners where possible.
 2. A solid fence taller than four feet in height is not permitted within eight feet of the brick wall along Boeckman Road and Stafford Road, except for fences placed on the side lot line that are perpendicular to the brick wall and end at a column of the brick wall.
 3. Height transitions for fences shall occur at fence posts.

...

Amendment Description:	Waivers for Frog Pond East and South
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.22) (new)
Relationship to Frog Pond East and South Master Plan:	Directly implements Implementation Measure 4.1.7.D. 3. regarding an alternative discretionary path for approval.
Rationale for Amendment Text:	Maintains the City’s existing discretionary waiver path but adds specific waiver criteria related to consistency with designated Urban Form Types and housing variety.
Recent Edits:	Minor typographical edits

(.22) Consideration of Waivers in the Frog Pond East and South Neighborhoods.

A. Applicants for development in the Frog Pond East and South neighborhoods may request waivers to applicable development and design standards in Section 4.127, provided the criteria in subsection B. are met.

B. In addition to the waiver criteria in Sections 4.118 and 4.140 and applicable Site Design Review standards, when reviewing a waiver for development within the Frog Pond East and South Neighborhoods the Development Review Board’s decision shall be based on the following criteria, which reflects guidance in the Frog Pond East and South Master Plan:

- 1. The development enabled by the waiver is complementary and compatible with development that would typically be built within the subject Urban Form Type as described in Chapter 6 of the Frog Pond East and South Master Plan.**
- 2. The waiver continues to support a wide variety of housing throughout the Frog Pond East and South Neighborhoods including not reducing the Minimum Number of Units of any requirement in Table 6B by the greater of 5 units or 20%.**

Amendment Description:	Development Standards for the Commercial Main Street
Applicability:	Commercial Main Street Area of Frog Pond East
Impacted Code Section(s):	4.127 (.23) (new)
Relationship to Frog Pond East and South Master Plan:	Directly implements the portion of Chapter 9, Implementation, relating to Coding for Main Street
Rationale for Amendment Text:	The standards are a simplified adaptation of Town Center Zone development standards to support the development of similar types of mixed-use buildings along SW Brisband Street.
Recent Edits:	<ul style="list-style-type: none"> Eliminated a couple standards based on limited applicability in the context of the small size of the commercial main street. Many of the standards were adapted from the Town Center Zoning, and have less applicability in the limited footprint at play here. Simplified parking requirements, again to better fit the context of the expected development. Other minor edits.

(.23) Residential Neighborhood Zone - Commercial Main Street Development

- A. Applicability.** These standards apply to the Commercial Main Street area described in Subsection (.07) A. 1. and shown in Figure A-7.
- B. Allowed Uses.** See Subsection (.02) above.
- C. Development Standards.** The following development standards apply to all development within the Commercial Main Street area of Frog Pond East.

Table 23A. Commercial Main Street Development Standards	
STANDARD	
Front setback	
<u>Minimum</u>	0 ft.
<u>Maximum</u>	20 ft.
Side facing street on corner	
<u>Minimum</u>	0 ft.
<u>Maximum</u>	10 ft.
Side yard	
<u>Minimum</u>	0 ft.
<u>Maximum</u>	10 ft.
Rear setback	
<u>Minimum</u>	0 ft.
Building height (stories) ^A	
<u>Minimum</u>	two
<u>Maximum</u>	four
Ground floor height minimum	12 ft.
Building site coverage maximum	90%
Minimum landscaping	10%
Minimum building frontage ^B	
<u>On SW Brisband Street</u>	70%
<u>On SW Stafford Road</u>	None

<u>On other streets</u>	<u>None</u>
-------------------------	-------------

^A Second stories or higher in buildings must be useable. No false front buildings are permitted.

^B To meet the minimum building frontage requirement, the ground level street-facing façade must meet the maximum setback standard for a minimum of 70% of the lot length on SW Brisband Street.

D Design Standards:

- 1. Purpose and Intent.** The purpose of the design standards is to provide high quality design within the Commercial Main Street area that creates a place of distinct character. The design of buildings and other site features shall functionally relate to adjacent streets and open spaces; shall include architectural diversity and variety in their built form; shall contribute to the vitality of the street environment through incorporation of storefronts, windows, and entrances facing the sidewalk; and shall minimize the visual impact of off-street parking from streets.
- 2. Building and Entry Placement.** Buildings shall meet the following standards:
 - a.** Development shall meet the minimum building frontage standards in Table 23A.
 - b.** At least one entrance door is required for each business, including live-work units, with a ground floor frontage.
 - c.** All primary ground-floor common entrances shall be oriented to the street or a public space directly facing the street, or placed at an angle up to 45 degrees from an adjacent street. Primary ground-floor common entrances shall not be oriented to the interior or to a parking lot.
 - d.** The primary entrance shall orient to SW Brisband Street or SW Stafford Road.
 - f.** Each entrance shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
- 3. Building Setbacks.** Development shall meet the minimum and maximum setback standards in subsection Table 23A. No off-street vehicle parking or loading is permitted within the setback. Bicycle parking is permitted within the setback.
- 4. Front Yard Setback Design.** If front yard setbacks are provided, they shall be designed to encourage pedestrian activity and active ground floor uses. Landscaping, water quality treatment, seating areas, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged.
- 5. Walkway Connection to Building Entrances.** A walkway connection is required between a building's primary entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with concrete or modular paving materials.
- 6. Parking Location and Landscape Design:**
 - a.** Parking must be located to the rear of buildings.
- 7. Building Design Standards:**
 - a. General Provisions:**
 - i.** The first-floor façade of all buildings shall be designed to encourage and complement pedestrian-scale interest and activity through the use of elements such as windows, awnings, and other similar features.

- ii. Building entrances shall be clearly marked, provide weather covering, and incorporate architectural features of the building.
- iii. Architectural features and treatments shall not be limited to a single façade. All public-facing facades shall display a similar level of quality and architectural interest, with elements such as windows, awnings, murals, a variety of exterior materials, reveals, and other similar features.

b. Design Standards. All buildings shall comply with the following design standards:

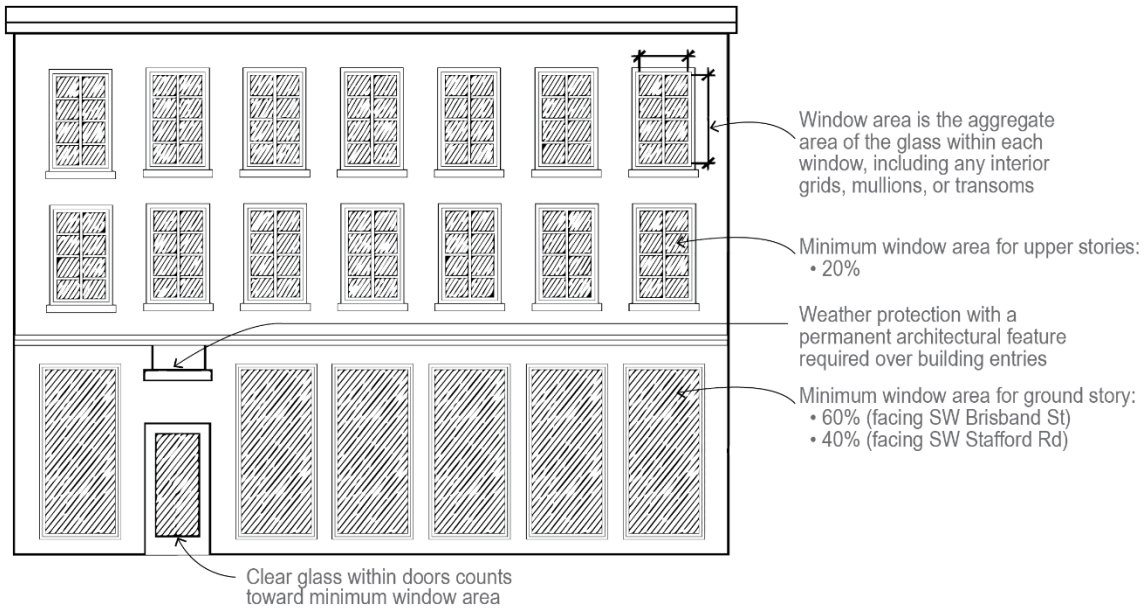
i. Windows:

- Building facade windows are required on all facades facing SW Brisband Street or SW Stafford Road (see Figure A-23), as follows:

<u>Ground Story facing SW Brisband Street</u>	<u>60% of ground floor wall area</u>
<u>Ground Story facing SW Stafford Road or SW 63rd Avenue</u>	<u>40% of ground floor wall area</u>
<u>Upper Stories facing SW Brisband Street, SW Stafford Road, or SW 63rd Avenue</u>	<u>20% of facade</u>
<u>Other facades</u>	<u>No minimum</u>

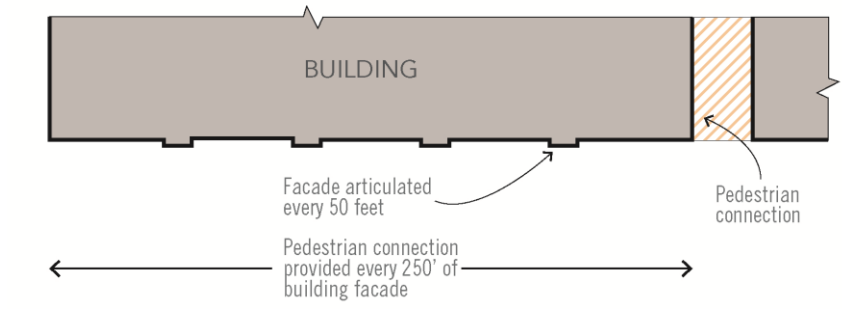
- Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Facade area is the aggregate area of each street-facing vertical wall plane.
- Required windows shall be clear glass and not mirrored or frosted, except for bathrooms. Clear glass within doors may be counted toward meeting the window coverage standard.
- Ground floor windows. For facades facing SW Brisband Street, SW Stafford Road, and SW 63rd Avenue elevations within the building setback shall include a minimum percentage of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from two feet above grade to ten feet above grade for the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area; glass doorway openings to ground level may be counted toward meeting the requirement.

Figure A-23. Window Placement and Percentage of Facade



- ii. **Building Facades:** Public-facing facades shall extend no more than 50 feet without providing at least one of the following features: (a) a variation in building materials; (b) a building off-set of at least one foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by other design features that reflect the building's structural system (See Figure B-23). No building façade shall extend for more than 300 feet without a pedestrian connection between or through the building.

Figure B-23. Building Facade Articulation



- iii. **Weather Protection:** Building facades facing SW Brisband Street shall provide weather protection as follows:

- **A projecting facade element (awning, canopy, arcade, or marquee) must be provided along at least 50 percent of the façade.**
 - **All weather protection must comply with the Oregon Structural Specialty Code in effect at the time of application for projections or encroachments into the public right-of-way.**
 - **Weather protection shall be maintained and in good condition.**
 - **Weather protection features shall project at least five feet from the building façade.**
 - **Marquees shall have a minimum ten-foot clearance from the bottom of the marquee to the sidewalk. Canopies and awnings shall have a minimum eight-foot clearance from the bottom of the awning or canopy to the sidewalk.**
 - **The projecting façade element shall not conflict with street lights. If the projecting façade element blocks light shed from adjacent street lights, exterior lighting shall be located on the building.**
 - **Awnings shall match the width of storefronts or window openings.**
 - **Internally lit awnings are not permitted.**
 - **Awnings shall be made of glass, metal, or a combination of these materials. Fabric awnings are not permitted.**
- iv. **Building Materials.** Plain concrete block, plain concrete, T-111 or similar sheet materials, corrugated metal, plywood, sheet press board or vinyl siding may not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block

where the foundation material is not revealed for more than two feet. Use of brick and natural materials (wood) is encouraged.

v. Roofs and roof lines. Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.

vi. Rooftop features/equipment screening:

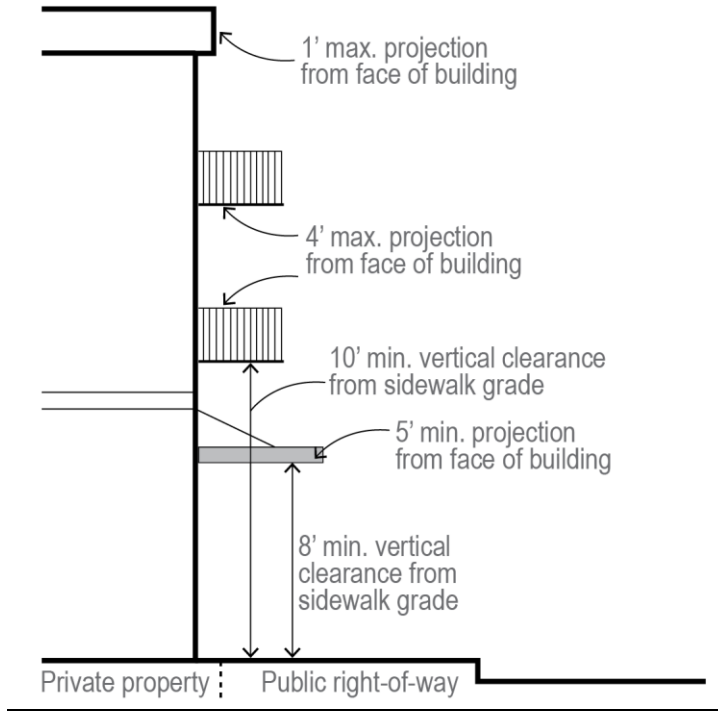
- The following rooftop equipment does not require screening:
 - Solar panels, wind generators, and green roof features;
 - Equipment under two feet in height.
- Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.
- Satellite dishes and other communications equipment shall be limited to ten feet in height from the roof, shall be set back a minimum of five feet from the roof edge and screened from public view to the extent possible.
- All other roof-mounted mechanical equipment shall be limited to ten feet in height, shall be set back a minimum of five feet from the roof edge and screened from ground-level public view and from views from adjacent buildings.
- On all structures exceeding 35 feet in height, roofs shall have drainage systems that are architecturally integrated into the building design.
- Any external stairwells, corridors and circulation components of a building shall be architecturally compatible with the overall structure, through the use of similar materials, colors, and other building elements.
- Required screening shall not be included in the building's maximum height calculation.

vii. General Screening. Utility meters shall be located on the back or side of a building, screened from view from a public street to the greatest extent possible, and shall be painted a color to blend with the building façade.

viii. Building projections. Building projections are allowed as follows (see Figure C-23):

- Architectural elements such as eaves and cornices may project up to one foot from the face of the building.
- Bay windows and balconies may project up to four feet from the face of the building. Balconies that project into the right-of-way shall have a minimum vertical clearance of 10 feet from sidewalk grade or be mounted at the floor elevation, whichever is greater.

Figure C-23. Building Projections

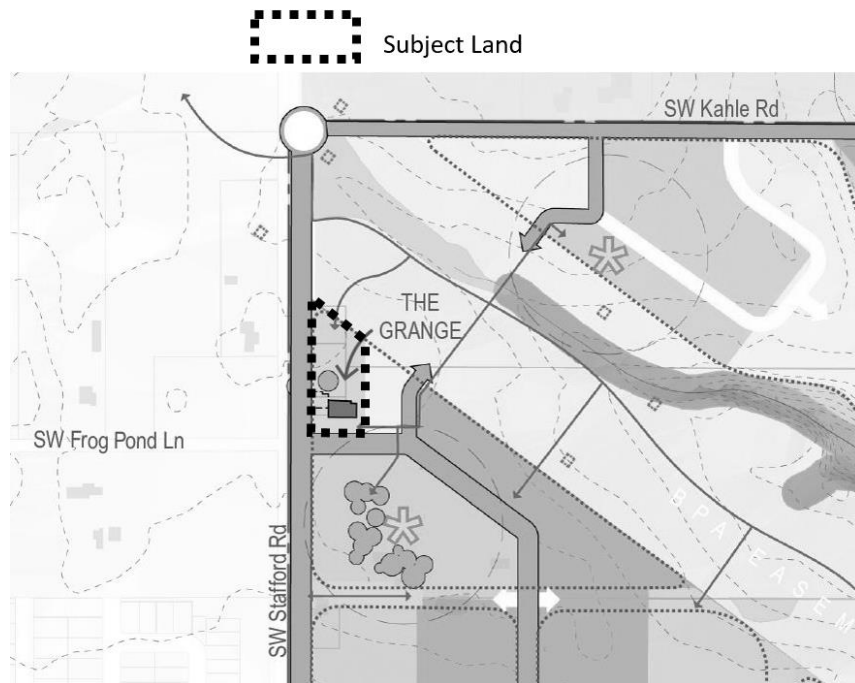


Amendment Description:	Specific Land Use Considerations for Frog Pond East and South
Applicability:	Frog Pond East and South
Impacted Code Section(s):	4.127 (.24) (new)
Relationship to Frog Pond East and South Master Plan:	Directly implements Implementation Measure 4.1.7.D. 5. And 10. regarding treatment of these specific areas.
Rationale for Amendment Text:	Directly reflects the direction given in the Master Plan with identifying location description and map.
Recent Edits:	None

(.24) Special, Specific Land Use Considerations

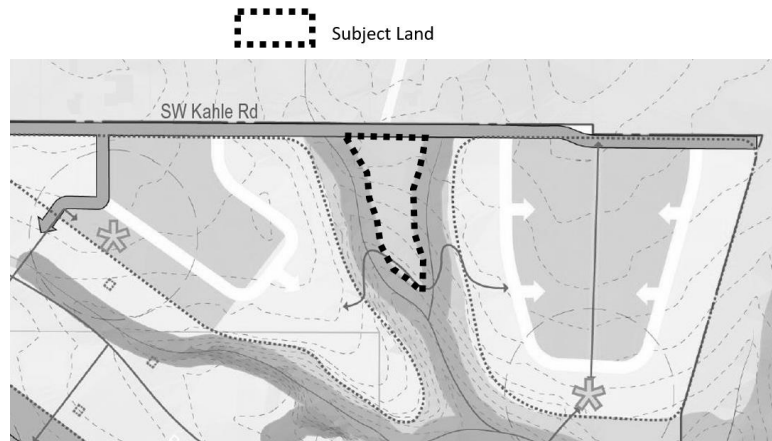
A. Frog Pond Grange Property. This special consideration pertains to an area described as: **the western half of the area of Subdistrict E1 north of the framework street that is an extension of SW Frog Pond Lane and west of the framework street extending across the BPA easement. See Figure A-24 for locational reference. The community supports preservation, reuse, and adjacent uses supportive of the current Frog Pond Grange building. The Frog Pond East and South Master Plan identifies the long-term use of the subject area as maintaining the existing civic/meeting/event space use or substantially similar use with surrounding open space. Any substantial change of use shall require an amendment to the Frog Pond East and South Master Plan. Preservation of the existing building, substantially similar in design to that existing as of the 2022 adoption of the Frog Pond East and South Master Plan, is required on the site unless approved by the Development Review Board with findings providing substantial evidence that preservation is not feasible due to structural issues with the building that are not feasible, either economically or technically, to repair.**

Figure A-24



B. Treed area on south side of SW Kahle Road. This special consideration pertains to an area described as a treed area south of SW Kahle Road between Subdistricts E2 and E3 and bounded on both side by creeks. See Figure B-24 for locational reference. An applicant may request the subject area not be included in the SROZ based on findings made, as part of a SROZ Map Verification, that the area does not meet the standard to be included in the SROZ. If it is found the area is not to be in the SROZ the Urban Form Type 3 shall apply. There is no minimum unit count and the area would not be considered part of a subdistrict. There would be no housing variety requirement applied.

Figure B-24



Amendment Description:	Remove buffering language for multi-family development
Applicability:	Citywide
Impacted Code Section(s):	4.176 (.04)
Relationship to Frog Pond East and South Master Plan:	Supports the mix of residential types called for in the Master Plan, including multi-family, throughout the Master Plan, by not requiring screening between different unit types.
Rationale for Amendment Text:	Frog Pond East and South focuses on a mix of residential types throughout, rather than segregation of residential types. This legacy language being deleted reflects a development era dominated by separated single-family and multi-family areas without middle housing. Removing this language better reflects the current approach of integration of housing types.
Recent Edits:	None

Subsection 4.176 (.04) Buffering and Screening

B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. ~~Multi-family developments shall be screened and buffered from single-family areas.~~

Amendment Description:	Deed restriction cannot restrict housing types allowed by zoning
Applicability:	Citywide
Impacted Code Section(s):	4.210 and 4.220
Relationship to Frog Pond East and South Master Plan:	Supports the mix of residential types called for in the Master Plan, but not allowing any to be disallowed by private covenant or deed restriction.
Rationale for Amendment Text:	House Bill 2001 (2019) established that from January 1, 2020, private deed restrictions and covenants, including CC&Rs, could not be written to exclude middle housing. These edits reflects this law and further clarify that any housing type allowed under City zoning cannot be limited by private deed restrictions and covenants.
Recent Edits:	Minor edits.

Section 4.210 Application Procedure (Tentative Plat)

(.01) C. 4.

Limitations on Deed Restrictions. ~~Board~~ **The City** may limit content of deed restrictions in order to promote local, regional and state interests in affordable housing **and/or comply with applicable statute, rules, and policies;** the Board may limit the content that will be accepted within proposed deed restrictions or covenants. In adopting conditions of approval for a residential subdivision or condominium development ~~land division~~, the Board **or Planning Director may** prohibit such things as mandatory minimum construction costs, minimum unit sizes, prohibitions of manufactured housing, etc. **The City shall in all cases ensure no deed restrictions or covenants limit construction of any housing allowed by City zoning for the subject land.**

Section 4.220. Final Plat Review

(.02) C.

Deed restrictions. A copy of all protective deed restrictions proposed for the area shall accompany the final Plat and specifications of all easements and dedications as required by the Development Review Board. The Planning Director shall not sign the final plat if the proposed deed restrictions fail to provide for the on-going maintenance of common areas ~~or,~~ violate established conditions of approval for the development, **or violate other statutes, rules, or standards the City has responsibility to enforce, including those related to not allowing deeds or covenants to limit housing types allowed by the City’s zoning for a given property(ies).**

Amendment Description:	Clarify applicability of DRB Site Design Review for housing
Applicability:	Citywide
Impacted Code Section(s):	4.420
Relationship to Frog Pond East and South Master Plan:	Reflects the allowance of a wide variety of housing types, including various types of multi-family, throughout the Master Plan area. Supports the allowance for alternative discretionary review called for in the Master Plan.
Rationale for Amendment Text:	The amendments to this section clarify that residential structures reviewed under clear and objective residential design standards are not subject to Site Design Review by the Development Review Board. Besides providing additional clarity for single-family and middle housing, this proposed change supports the change allowing administrative review of multi-family buildings (apartments). Site Design Review will continue to apply to commercial and industrial buildings, mixed-use residential buildings, and required open space landscaping. The language also allows the option for residential developers to seek Site Design Review as an alternative to following the clear and objective residential design standards.
Recent Edits:	Minor edits to increase consistency of language.

Section 4.420. Jurisdiction and Powers of the Board **Review Authority for Site Design Review**

- (.01) *Application of Section.* ~~Except for single family and middle housing dwellings in any residential zoning district, and apartments in the Village zone,~~
- A. **Unless exempt as noted in 1.-2. below, no building permit shall be issued for a new building or major exterior remodeling of an existing building unless the building architecture and siting is approved by the Development Review Board (Board) through Site Design Review.**
 - 1. **Residential structures in residential zones are exempt from Site Design Review as long as they meet established clear and objective design and siting standards or any allowed adjustments. This exemption does not apply to mixed-use residential structures. However, an applicant may elect to have residential structures approved by the Board through Site Design Review in association with waivers from specific standards.**
 - 2. **Minor building modifications to non-residential structures are reviewed under the authority of the Planning Director as established is Section 4.030.**
 - B. **Unless exempt as noted in 1.-2. below, no building permit within an area covered by a Stage II Planned Development, or PDP in the Village Zone, shall be granted unless landscaping plans are reviewed and approved by the Board through Site Design review, or FDP in the Village Zone.**
 - 1. **Landscaping on residential lots in residential zones is exempt from Site Design Review unless it is part of the open space required under Subsection 4.113 (.01).**

2. **Minor modifications to landscape plans subject to Site Design are reviewed under the authority of the Planning Director as established in Section 4.030..**

- C. No Sign Permit, except as permitted in Sections 4.156.02 and 4.156.05, shall be issued for the erection or construction of a sign relating to such new building or major remodeling, until the plans, drawings, sketches and other documents required for a Sign Permit application have been reviewed and approved by the Board.



PLANNING COMMISSION

WEDNESDAY, JUNE 12, 2024

INFORMATIONAL

4. City Council Action Minutes (May 6, 17 & 20, 2024) *(No staff presentation)*

City Council Meeting Action Minutes
May 6, 2024

COUNCILORS PRESENT

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

Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Zoe Mombert, Assistant to the City Manager
Dan Pauly, Planning Manager
Kimberly Rybold, Senior Planner
Miranda Bateschell, Planning Director
Stephanie Davidson, Assistant City Attorney
Bill Evans, Communications & Marketing Manager
Chris Neamtzu, Community Development Director
Zach Weigel, City Engineer

STAFF PRESENT

Bryan Cosgrove, City Manager
Amanda Guile-Hinman, City Attorney

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:03 p.m.
A. Frog Pond East and South Development Code	Staff sought additional input from Council to inform development code amendments consistent with the Frog Pond East and South Master Plan.
B. IGA with Metro for Wilsonville Industrial Land Readiness Project	Council was informed of Resolution No. 3139, which authorizes the City Manager to execute an intergovernmental agreement (IGA) with Metro for the Wilsonville Industrial Land Readiness Project.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. State of the City Address	The Mayor presented the 2024 State of the City Adress.
<u>Communications</u>	
A. Senator Aaron Woods	Both Senator Woods and Representative Neron spoke about several legislative issues in which they collaborated with the City
B. Representative Courtney Neron	
C. Tualatin Valley Fire & Rescue State of the District	The Tualatin Valley Fire and Rescue Government Affairs Division Chief provided the agencies 2024 State of the District Address.

Consent Agenda

The Consent Agenda was approved 4-0.

- A. **Resolution No. 3132**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Aaken Corporation To Construct Street Lighting LED Conversion – Phase 3 Project (CIP #4722)

- B. **Resolution No. 3134**
A Resolution To Allocate Community Enhancement Funds For Fiscal Year 2024/2025.

- C. **Resolution No. 3135**
A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute A Contract With Absco Solutions For Updating Card Access And Security Cameras At The SMART Administration Facility.

- D. **Resolution No. 3136**
A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute An Intergovernmental Agreement With Clackamas County To Build Fiber Infrastructure To The Elligsen And C Level Reservoirs.

- E. **Resolution No. 3137**
A Resolution Of The City Of Wilsonville Authorizing Acquisition Of Property And Property Interests Related To Construction Of The I-5 Pedestrian Bridge Project.

- F. **Resolution No. 3139**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute An Intergovernmental Agreement With Metro For The Wilsonville Industrial Land Readiness Project.

- G. **Resolution No. 3140**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute An Intergovernmental Agreement With The City Of Portland For Local Improvement District Services.

New Business

- A. None.

<p><u>Continuing Business</u> A. None.</p>	
<p><u>Public Hearing</u> A. <u>Ordinance No. 891</u> An Ordinance Of The City Of Wilsonville Repealing And Replacing Wilsonville Code Sections 2.310-2.319 Regarding Public Contracts.</p>	<p>After a public hearing was conducted, Ordinance No. 891 was approved on first reading by a vote of 4-0.</p>
<p><u>City Manager's Business</u></p>	<p>The City Manager shared news of a pending \$550,000 grant from the Land and Water Conservation Fund, procured by the City's Parks and Recreation staff, which is to be used for the purchase and installation of new play equipment at lower Memorial Park.</p>
<p><u>Legal Business</u></p>	<p>The City Attorney updated the Council on a collaboration with non-profits Wilsonville Community Sharing and Heart of the City to successfully procure more than \$500,000 over two years from Clackamas County Health, Housing and Human Services to fund programs that provide hotel vouchers and other supportive services to aid people experiencing homelessness.</p> <p>Council moved to adopt an order establishing the procedure that City Council would follow of appeal proceeding for anticipated appeal of Development Review Board Resolution No. 432 to City Council as distributed. Passed 4-0.</p>
<p>ADJOURN</p>	<p>10:00 p.m.</p>

Special City Council Meeting Action Minutes
May 17, 2024

COUNCILORS PRESENT

Mayor Fitzgerald
Council President Akervall
Councilor Linville
Councilor Berry
Councilor Dunwell

Amanda Guile-Hinman, City Attorney
Cindy Luxhoj, Associate Planner Kimberly Rybold,
Senior Planner
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Miranda Bateschell, Planning Director
Dan Pauly, Planning Manager
Stephanie Davidson, Assistant City Attorney
Zoe Mombert, Assistant to the City Manager

STAFF PRESENT

Bryan Cosgrove, City Manager

AGENDA ITEM	ACTIONS
SPECIAL MEETING	START: 12:00 p.m.
A. Appeal of DRB Resolution No. 432, A Resolution Denying the Proposed Occupant's (The Home Depot) Proposed Use at 29400 SW Town Center Loop West is a Continuation of the Existing Non-Conforming Use in Case File No. DB24-0003 (Planning Director Referral of AR23-0031).	Council moved and passed 5-0, the attached Order on Appeal for Development Review Board Resolution No. 432.
ADJOURN	3:56 p.m.

ORDER ON APPEAL: DEVELOPMENT REVIEW BOARD RESOLUTION NO. 432

WHEREAS, on December 15, 2023, the City received an application for Class II Review with respect to the real property located at 29400 SW Town Center Loop West (respectively, the “Location”) from applicant/appellant Dan Zoldak, of Lars Andersen & Associates, Inc. (“Appellant”) (this application is referred to as “AR23-0031” in City records); and

WHEREAS, in its application, Appellant requested a “Class II Staff Interpretation to confirm that The Home Depot and Fry’s Electronics are both warehouse retail uses” at the Location, and alternatively, a “staff interpretation of the Wilsonville Development Code to confirm that The Home Depot store proposed for [the Location] constitutes a warehouse retail use and may operate in the existing structure”; and

WHEREAS, the City processed the Appellant’s application as a request to confirm that the Home Depot’s (the “Proposed Occupant”) proposed use of the Location will constitute a continuation of the non-conforming use, as provided in Wilsonville Code (WC) Section 4.189(.01), which existing nonconforming use was confirmed in the related but separate Class I decision relating to the Location (which was established by the Development Review Board (“DRB”) in Resolution No. 429, and later confirmed by Order on Appeal by City Council dated April 15, 2024); and

WHEREAS, the Planning Director referred the application to the DRB for a public hearing per WC 4.030(.01)B., and did not issue a Planning Director’s decision; and

WHEREAS, the DRB held a public hearing on April 8, 2024 (this proceeding is referred to as “DB24-0003” in City records); and

WHEREAS, the DRB closed the public hearing on April 8, 2024, but kept the written record open to allow the submission of evidence and legal argument, and reconvened to consider the application and issued a decision on April 24, 2024; and

WHEREAS, on April 24, 2024 the DRB unanimously adopted Resolution No. 432; and

WHEREAS, during its regularly scheduled meeting on May 6, 2024, anticipating that Appellant would appeal Resolution No. 432, City Council adopted an order establishing the scope of this appeal proceeding and the procedure that City Council would follow during the appeal proceeding, and set May 17, 2024 at 12:00 p.m. as the date and time of the appeal proceeding (the “Procedural Order”); and,

WHEREAS, on May 7, 2024, Appellant submitted the document titled “Appellant’s Notice of Appeal” to the City (the “Notice of Appeal”) within the prescribed appeal period; and

WHEREAS, City Council held an appeal proceeding to address this matter on May 17, 2024 in accordance with the Procedural Order; and,

WHEREAS, all references to the “staff report” in this order are to the staff report prepared

by staff for the May 17, 2024 titled “Order on Appeal: DRB Resolution No. 432” (the “Staff Report”) and all citations in the following findings are to the attachments to this Staff Report.

FINDINGS:

1. The foregoing recitals are hereby incorporated as findings of the Council, as if fully set forth herein.
2. As of the date of this order, the recognized non-conforming use at the Location is “a 159,400 square-foot electronics-related retail store,” which was determined by the DRB Decision in Case File DB24-0002 (Resolution No. 429), and affirmed by Council in its Order on Appeal dated April 15, 2024 (the “Recognized Non-Conforming Use”). Council finds re-argument of the settled issue of the Recognized Non-Conforming Use in the Class I land use proceedings irrelevant to this decision.
3. Appellant describes itself as a “home improvement warehouse store” (Attachment 3b, page 89), which is not the same as an “electronics-related retail store.”
4. Appellant has the burden of proof in this appeal to establish that the Proposed Occupant’s proposed use of the Location would be a continuation of the Recognized Non-Conforming Use at the Location. Council finds that Appellant has not satisfied its burden of proof for the following reasons:
 - a. Council finds that Appellant relies on evidence irrelevant to this Class II Review, including: (1) the exhibits attached to Appellant’s April 15, 2024 “Open Record Submittal” to the DRB, (2) discussion of the Town Center Plan and related zoning, and (3) the document referred to as the “1991 Decision” throughout these proceedings (Attachment 3b, pages 94-254). Council finds the reasoning on pages 14-17 of the Staff Report persuasive.
 - b. Proposed Occupant proposes to engage in the following activities at the Location, and there is no evidence in the record that establishes that the Current Occupant engaged in these activities at the Location as of June 5, 2019. Regardless of any ancillary commonalities that may be shared by Proposed Occupant and Current Occupant, these activities amount to a “fundamental change in the nature of the use” and go beyond the scope of the Recognized Non-Conforming Use. *See Hendgen v. Clackamas Cnty.*, 115 Or App 117, 121 (1992). The ancillary commonalities are insufficient to compel the Council to grant the relief that has been requested by Appellant.
 - i. Based on the document titled “Applicant’s Narrative and Exhibits Demonstrating Compliance with the Relevant Approval Criteria,” which was submitted by Appellant to the DRB, Proposed Occupant plans to sell tools and construction products (Attachment 3b, page 89). This description is supported by photos showed during Appellant’s presentation at the DRB public hearing on April 8, 2024 (Attachment

3b, pages 468-484), which showed images of merchandise, often stocked floor-to-ceiling, that included large electric power tools, floor polishers, tools, hardware, chainsaws, flooring, paint, cleaning products, windows and doors, large household appliances (e.g. washing and drying machines, refrigerators), light fixtures and lighting systems, saw blades, and patio furniture. There is no evidence in the record of Current Occupant selling these products, or even these types of products. Further, the as-built floor plan submitted by the Current Occupant to the City's Building Division in 2014 (Attachment 3b, page 15) supports this assessment; the only similar type of product shown on this floor plan is small appliances, which are not the same as large household appliances such as washing and drying machines. The as-built floor plan predates the date of non-conformance by five years, which lessens the weight Council assigns to this evidence. However, Council finds it more credible than other evidence submitted by Appellant that is: (1) not from the Location (i.e., other Fry's Electronics stores), (2) earlier in time, and/or (3) fails to demonstrate that the Current Occupant and the Proposed Occupant engaged in the same retail sales.

- ii. Proposed Occupant plans to have a garden center (i.e., a nursery that sells live plants). The site plan included in Appellant's application materials shows a garden center at the front of the building (Attachment 3b, page 256). During the DRB public hearing on April 8, 2024, Barry Simmons, a real estate manager for the Proposed Occupant, acknowledged that there would be a garden center with "live goods" inside the existing building (Attachment 5, page 10). A garden center that contains live plants would require some kind of irrigation or watering. There is no evidence in the record of Current Occupant selling these types of products, or anything live that required irrigation or watering.
- iii. Proposed Occupant would have at least some operations outside of the existing building at the Location. The site plan included in Appellant's application materials shows a "lumber pad" at the back of the building (Attachment 3b, page 256). The extent of the activities that would occur in this area is not clear. During the DRB public hearing on April 8, 2024, Barry Simmons stated that the lumber pad area would be used to unload heavier products off of a flatbed truck, and that it would not be used for exterior storage (Attachment 5, page 10). There is no evidence in the record of Current Occupant having any operations outside of the building that currently exists at the Location, whether for receiving, unloading, temporary storage, or for some other purpose. Although the extent of these activities is unclear, Council must rely to some extent on what has been represented in Appellant's initial application materials.
- iv. Contractors and other home improvement professionals would account

for close to half of the Proposed Occupant's annual sales (Attachment 3b, page 90). There is no evidence in the record of Current Occupant selling to contractors or other home improvement professionals.

- c. During the DRB public hearing on April 8, 2024, Barry Simmons suggested that Proposed Occupant would probably invest about \$20 million into redeveloping the Location, including upgrading roads, the water system, sewer system, and called the project a "redevelopment" (Attachment 5, page 14). This statement strongly suggests that Proposed Occupant's plans involve significant changes to the Location, which go far beyond a mere continuation of non-conforming use.
5. Appellant failed to preserve any argument regarding the utilization of both Class I and Class II review processes in this matter. Assuming, without acknowledging, that the argument was preserved, WC 4.030(.01)A.7. states that confirmation of an existing non-conforming use is subject to a Class I Review, not the determination whether a proposed use is a continuation of an existing non-conforming use. A Class II Review is required for determining continuation of existing non-conforming use, as explained in the Staff Report. Further, Council finds that City staff proposed that Appellant withdraw its Class I application, while preserving its arguments concerning existing non-conforming use, in order for the Class I and Class II applications to be processed together, and Appellant refused (Attachment 3b, pages 63-65).
 6. DRB followed correct procedures, and in particular, the DRB did not err when it adopted the staff report dated April 1, 2024 for the reasons stated on pages 2-3 of the Staff Report. DRB properly applied the relevant Wilsonville Code provisions, including, but not limited to, WC 4.030 and 4.189, as evidenced by findings A5 through A11 of DRB Resolution No. 432.
 7. For the reasons provided in the Staff Report, Council finds Appellant's arguments unpersuasive regarding: (a) parking spaces and traffic impacts, (b) certificates of occupancy, (c) the 1991 Decision, (d) the 1992 CCRs, (e) current Town Center zoning regulations; (f) the "codification" rule and, relatedly, Ordinance No. 55; and (g) the "common nucleus" test.


IT IS THEREFORE ORDERED, by the City of Wilsonville City Council, at its special meeting on this 17th day of May 2024, that the Development Review Board decision in Resolution No. 432 is affirmed, and further, that this was the correct and appropriate decision made based on applicable laws, policies, and standards. The Appeal is therefore respectfully denied.

DATED this 17th day of May 2024.



 JULIE FITZGERALD MAYOR

ATTEST:



Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

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

City Council Meeting Action Minutes
May 20, 2024

COUNCILORS PRESENT

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

Kimberly Rybold, Senior Planner
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Dan Pauly, Planning Manager
Miranda Bateschell, Planning Director
Zoe Mombert, Assistant to the City Manager
Bill Evans, Communications & Marketing Manager

STAFF PRESENT

Amanda Guile-Hinman, City Attorney

AGENDA ITEM	ACTIONS
WORK SESSION	
	START: 5:04 p.m.
A. Housing Our Future	Staff sought direction from the Council as to what additional public outreach might be valuable to further inform the Housing Our Future project.
B. Frog Pond East and South Implementation Development Code	Council and staff continued ongoing dialogue to identify development code amendments to support planned residential growth in alignment with the Frog Pond East and South Master Plan and the Equitable Housing Strategic Plan.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
<u>Communications</u>	
A. Recognition of Sean Sype	Sean Sype was recognized for successfully pursuing legislation that allows Oregon jurisdictions to install cameras on school bus stop sign arms as a deterrent to drivers who don’t stop for school buses as required by law. Measure 4147, co-sponsored by Representative Courtney Neron (House District 26), was adopted by the State legislature in March, and becomes effective in 2025.

<p>B. Wilsonville High School Student Achievements</p>	<p>Student body co-president Venecia Gon shared with the Council a summary of student accolades and achievements. In addition the Wilsonville High Girls' Golf Team was recognized on the occasion of winning the 5A State Championship.</p>
<p><u>Consent Agenda</u></p> <p>A. Resolution No. 3113 A Resolution Of The City Of Wilsonville Authorizing The City Manager To Amend A Goods And Services Contract With Absco Alarms, Incorporated For The Security And Access Controls For The Public Works Complex (CIP # 8113).</p> <p>B. Resolution No. 3141 A Resolution Of The City Of Wilsonville Adopting The FY 2024/25 Five-Year Action Plan And Annual One-Year Implementation Plan For The Wilsonville Tourism Development Strategy.</p> <p>C. Minutes of the April 15, 2024 City Council Meeting.</p>	<p>The Consent Agenda was approved 4-0.</p>
<p><u>New Business</u></p> <p>A. Resolution No. 3146 A Resolution Of The City Of Wilsonville Authorizing The City Manager To Enter Into A Disposition And Development Agreement With Palindrome Wilsonville Limited Partnership</p> <p>B. Resolution No. 3147 A Resolution Of The City of Wilsonville Establishing A Systems Development Charges Deferral Program For Affordable Housing Projects On City-Owned Property.</p>	<p>Resolution No. 3146 was adopted 4-0.</p> <p>Resolution No. 3147 was adopted 3-1.</p>
<p><u>Continuing Business</u></p> <p>A. Ordinance No. 891 An Ordinance Of The City Of Wilsonville Repealing And Replacing Wilsonville Code Sections 2.310-2.319 Regarding Public Contracts</p>	<p>Ordinance No. 891 was adopted on second reading by a vote of 4-0.</p>
<p><u>Public Hearing</u></p> <p>A. None.</p>	
<p><u>City Manager's Business</u></p>	<p>Council was invited to the Grand Opening of the Korean War Memorial Interpretive Center on June 29, 2024.</p>

	The Assistant City Manager reminded all about the upcoming election and shared there was an election drop box in the City Hall parking lot.
<u>Legal Business</u>	No report.
ADJOURN	8:55 p.m.



PLANNING COMMISSION

WEDNESDAY, JUNE 12, 2024

INFORMATIONAL

5. 2024 PC Work Program *(No staff presentation)*

2024 DRAFT PC WORK PROGRAM SCHEDULE

Item 5.

Updated 6/4/2024

AGENDA ITEMS			
Date	Informational	Work Sessions	Public Hearings
JANUARY 10		<ul style="list-style-type: none"> FP Implementation 	
FEBRUARY 14		<ul style="list-style-type: none"> FP Implementation Stormwater Master Plan 	<ul style="list-style-type: none"> Coffee Creek Code Amendments
MARCH 13		<ul style="list-style-type: none"> Housing Our Future 	<ul style="list-style-type: none"> Stormwater Master Plan
APRIL 10		<ul style="list-style-type: none"> FP Implementation 	
MAY 8		<ul style="list-style-type: none"> FP Implementation 	
JUNE 12	<ul style="list-style-type: none"> Annual Housing Report 	<ul style="list-style-type: none"> FP Implementation 	
JULY 10	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Wilsonville Industrial Land Readiness (Basalt Creek) 	<ul style="list-style-type: none"> Frog Pond East and South Development Code
JULY 15 Special WS with City Council	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Housing Our Future 	
AUGUST 14		CANCELLED	
SEPTEMBER 11	<ul style="list-style-type: none"> Frog Pond E+S Infrastructure Financing Plan and Policy 	<ul style="list-style-type: none"> Housing Our Future Wilsonville Industrial Land Readiness (Basalt Creek) 	
OCTOBER 9		<ul style="list-style-type: none"> Parking Reform/State Compliance 	<ul style="list-style-type: none">
NOVEMBER 13	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Housing Our Future Wilsonville Industrial Land Readiness 	<ul style="list-style-type: none">
DECEMBER 11			<ul style="list-style-type: none"> Wilsonville Industrial Land Readiness (Basalt Creek Code)
JAN. 8, 2025			
2024 Projects		Future (2025)	
<ul style="list-style-type: none"> Housing Our Future CFEC Parking Code Updates Economic Development Analysis and Strategy 		<ul style="list-style-type: none"> Basalt Creek Infrastructure? October at earliest Economic Development Analysis and Strategy Urban Reserves Assessment and Prioritization Housing Our Future Implementation CFEC Parking Code Updates & TC Parking Study CFEC TSP Update 	

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