



PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 12, 2018

II. LEGISLATIVE HEARING

B. ADU Code Edits (Pauly) (45 minutes)



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: September 12, 2018		Subject: Accessory Dwelling Unit (ADU) Development Code Amendments	
		Staff Member: Daniel Pauly, Senior Planner; Amanda Guile-Hinman, Assistant City Attorney	
		Department: Community Development, Planning, Legal	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: Following work sessions in June the Planning Commission is now requested to hold a public hearing and make a recommendation to City Council.	
Staff Recommendation: Staff recommends the Planning Commission receive the additional information from staff, continue their discussion, and forward a recommendation to adopt the selected options for the proposed Development Code amendments to City Council.			
Recommended Language for Motion: I move to adopt Resolution LP18-0006 recommending adoption of Accessory Dwelling Unit (ADU) Development Code Amendments to City Council.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COMMISSION: On August 15, 2017 Senate Bill (SB) 1051 (2017) became Oregon law. The new statutes adopted became effective July 1, 2018. The purpose of SB 1051 is to create more housing in Oregon by removing barriers to development. Among the new statutes adopted as part of SB 1051 is ORS 197.312, which requires at least one accessory dwelling unit (ADU) be allowed per detached single-family dwelling. City legal and planning staff, as well as

consultants provided by Metro, reviewed Wilsonville's Development Code to identify any areas needing adjustments to comply with new state law. The effort identified a number of necessary code amendments. The effort further identified additional barriers to ADU construction in Wilsonville. In addition, as is common with this type of project, staff identified a number of related minor amendments and definitions to help increase functionality and clarity of the code. Staff requests the Planning Commission conduct a public hearing and forward a recommendation to City Council on the proposed amendment to Wilsonville's Development Code.

During the July 11, 2018 Planning Commission Public Hearing, commissioners requested additional information regarding some of the proposed code amendments, particularly regarding lot coverage changes, requirements that new subdivisions allow ADUs in their CC&Rs, and removal of architectural requirements for ADUs. Staff has prepared the requested additional information, and made additional code amendments based on the Planning Commission feedback as well as information coming to the surface during additional research.

EXECUTIVE SUMMARY: City legal and planning staff reviewed the Development Code for conformance with SB 1051 as it relates to ADUs. In addition, a consultant provided by Metro performed an audit of the Code. The review identified a few necessary amendments including allowing ADUs for detached dwelling units even if they are not on their own lot, removing subjective "substantially similar architecture" language, and removing any numerical limits to the number of ADUs in the City or an individual neighborhood. Previous feedback from the Planning Commission requested some limited clear and objective architecture standards. Staff recommends adding clear regulations on roof pitch and roof and siding material as sufficient to ensure neighborhood compatibility.

The review also took a broader look at potential barriers to ADU development. A very common reason not allowing an ADU or other accessory structure is lot coverage requirements provided in the Development Code. Staff recommended amending the Code to allow additional lot coverage to provide enough space to permit the possibility for ADUs. Additional research and data analysis on the lot coverage question revealed issues that go beyond ADUs to apply to residential lots in a number of zones generally. While the Planning Commission can still recommend adoption of revised lot coverage standards as part of the current package of code amendments, staff suggests saving the lot coverage related code amendments to be part of a larger residential code project related to density and open space coming before the commission in the near future. The deferment to this upcoming project allows for additional in depth discussion with the commission about the complexities surrounding lot coverage as well as additional input from the public.

Another potential barrier is private covenants and restrictions. While not addressing current private restrictions, staff recommended code language preventing future subdivisions from having private restrictions on ADUs beyond those commensurate with homes and other accessory structures. While prohibiting private restrictions on ADUs does have the potential to support the City's housing goals, staff sees the current status quo of most CC&R's being silent on the topic acceptable.

Lastly, staff identified a number of related minor amendments and definitions necessary to help increase functionality and clarity of the Code. Among these are clarifying regulations on short-term rentals, clarifying square footage limitations and parking requirements for ADUs, and

clarifying definitions of different types of dwelling units. This language, has not changed since the July public hearing.

One implementation measure in the Comprehensive Plan, Implementation Measures 4.1.4.bb., also needs amending to be consistent with the new state statute and the proposed Development Code amendments.

EXPECTED RESULTS: Recommendation to the City Council to adopt the proposed amendments to the Development Code.

TIMELINE: The Planning Commission is scheduled for further discussion and a likely decision on September 12th and the City Council public hearing was continued from the original August 6th date to October 1st.

CURRENT YEAR BUDGET IMPACTS: The project uses capacity of current City staff and personnel and other non-financial resources provided by Metro and the State of Oregon.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: Date:

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS: The City provided broad notice of the Public Hearing to all residential properties.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): The adoption of the code amendments will provide clarity and certainty for property owners in Wilsonville desiring to add an ADU on their property, potentially increasing ADU construction, and thus providing needed housing in the community consistent with state law.

ALTERNATIVES: A number of alternatives exist for the code amendments. The staff will provide their recommendations and reasoning. Feedback on other alternatives from the Planning Commission and public are welcome.

ATTACHMENTS:

Attachment 1: Code Amendment Category List

Attachment 2: Updated Draft Code Amendments to Chapter 4 Wilsonville Code

Attachment 3: Draft Amendments to Old Town Single-Family Design Standards Book (no changes since July Public Hearing)

Attachment 4: Comprehensive Plan Text Amendment for Implementation Measure 4.1.4.bb. (no changes since July Public Hearing)

Attachment 5: Compliance Findings

**PLANNING COMMISSION
RESOLUTION NO. LP18-0006**

A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING THAT THE WILSONVILLE CITY COUNCIL ADOPT CERTAIN AMENDMENTS TO THE WILSONVILLE DEVELOPMENT CODE AND TEXT OF THE COMPREHENSIVE PLAN REGARDING ACCESSORY DWELLING UNITS AS WELL AS OTHER DEVELOPMENT CODE AMENDMENTS TO INCREASE CLARITY AND FUNCTIONALITY OF REGULATIONS RELATED TO ACCESSORY DWELLING UNITS AND OTHER HOUSING.

WHEREAS, the City of Wilsonville currently allows Accessory Dwelling Units for most single-family homes on their own lot; and

WHEREAS, Senate Bill 1051 requires cities in Oregon with populations greater than 2,500 to allow accessory dwelling units for each detached single-family structure whether on its own lot or not, effective July 1, 2018; and

WHEREAS, the City's Development Code includes a numerical limitation on Accessory Dwelling Units in the Canyon Creek Estates subdivision, which is not allowed under Senate Bill 1051; and

WHEREAS, Senate Bill 1051 requires only clear and objective standards apply to Accessory Dwelling Units requiring the City to remove certain subjective standards of having the same architecture of the primary dwelling unit; and

WHEREAS, Comprehensive Plan Implementation Measure 4.1.4.bb. references the Accessory Dwelling Unit allowance for only single-family homes, numeric limitations, and matching architecture to the primary dwelling necessitating modification or removal of said references from the text of this implementation measure to be consistent with state statutes and the proposed Development Code amendments; and

WHEREAS, the City of Wilsonville encourages construction of Accessory Dwelling Units to provide needed housing, particularly for smaller households of one to two persons; and

WHEREAS, the City of Wilsonville further encourages construction of Accessory Dwelling Units to support housing affordability by providing smaller more affordable dwelling units as well as providing a method for homeowners to gain rental income to make ownership of their property more affordable; and

WHEREAS, review of the regulations affecting Accessory Dwelling Units and other housing identified opportunities to clarify code language and improve the functionality of the Development Code related to Accessory Dwelling Units and other housing; and

WHEREAS, the Wilsonville Planning Commission held a work session on June 13, 2018 to discuss the proposed Development Code Amendments; and

WHEREAS, the Wilsonville Planning Director, taking into consideration input and suggested revisions provided by the Planning Commission members and the public, submitted the proposed amendments to the Wilsonville Development Code to the Planning Commission, along with a Staff Report, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.011, 4.012 and 4.198 of the Wilsonville Code; and

WHEREAS, the Planning Commission, after Public Hearing Notices were provided to impacted residential properties, held a Public Hearing on July 11, 2018 to review the proposed amendments to the Wilsonville Development Code, and to gather additional testimony and evidence regarding the proposal; and

WHEREAS, on July 11, 2018 the Planning Commission closed the public hearing, but left the record open for additional information from Staff and continued their deliberations to a date certain of September 12, 2018, on which date the Planning Commission examined the additional material from Staff and held additional deliberations; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the Planning Staff Report (attached hereto as Exhibit A) and Attachments, as presented at the July 11, 2018 and September 12, 2018 public hearings, including the findings and recommendations contained therein and does hereby recommend that the Wilsonville City Council adopt the proposed amendments to the Wilsonville Development Code as approved on September 12, 2018 by the Planning Commission; and

BE IT RESOLVED that this Resolution shall be effective upon adoption.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 12th day of September 2018, and filed with the Planning Administrative Assistant on _____, 2018.

Wilsonville Planning Commission

Attest:

Tami Bergeron, Administrative Assistant III

SUMMARY of Votes:

Chair Jerry Greenfield: _____

Commissioner Eric Postma: _____

Commissioner Peter Hurley: _____

Commissioner Phyllis Millan: _____

Commissioner Kamran Mesbah _____

Commissioner Ron Heberlein: _____

Commissioner Simon Springall: _____

ADU Code Amendment Categories

Referenced in Code Amendment Document

A. Ensure Compliance:

A1	SB 1051 requires the allowance of at least one ADU per single-family dwelling. Add ADU allowance for each detached dwellings in a scenario with multiple detached dwellings on a single lot. Currently the City allows an ADU for each single-family lot rather than per single-family dwelling.
A2	The State requires clear and objective standards. Remove subjective “match the architecture” standards beyond those applied to other structures in the applicable zone. ADUs will be subject to the same architectural standards as homes and other accessory structures in all zones.
A3	Remove numeric limits for Canyon Creek Estates included in the Development Code.

B. Further the Intent:

B1	Review regulations such as setbacks and lot coverage to ensure clear, objective, and reasonable.
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C. Increase Code Function and Clarity:

C1	Refine definitions related to ADUs and other dwelling unit types.
C2	Add definitions defining “Attached Dwelling Unit” and “Detached Dwelling Unit.”
C3	Remove duplicative definitions and code language.
C4	Clarify what accessory uses must be on the same lot as the primary use.
C5	Update definition of “Private Garage” to reflect ADU/garage multi-use structures.
C6	Define “Habitable Floor Area” to clarify what type of storage is part of an ADU and what type of storage isn’t, as this is a common question asked of Planning staff.
C7	Define “Short-Term Rental” and clarify allowance of short-term rental of ADUs and other residential structures and what type of approval is required.
C8	Clarify in a number of lists that “accessory buildings and structures” includes ADUs.
C9	Simplify and clarify language related to maximum floor area for ADUs.
C10	Simplify and remove unclear/uncertain language for ADU parking, make standard the same for all ADUs, put ADUs in parking table.
C11	Clarify ADUs do not count in density calculations.
C12	Remove language that could be read to require trash vehicle and emergency vehicle access beyond that required by relevant building and fire code and other standards.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.001 Definitions.

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

1. Abutting: See Adjoining.
2. Access, Vehicular: The designed location of ingress and egress, where vehicles enter or leave property.
3. Access, Pedestrian: The designed location of ingress and egress, where pedestrians enter or leave property.
4. Access Control Restriction: A type of access restriction that involves establishing a reserve area adjacent to and paralleling a half street improvement, or across the end of a street that is to be extended in the future, to ensure proper participation by adjoining properties in completion of the required street improvements. See Street, Half. [Amended by Ord. #719, 6/17/13]
5. Access Drive: A private travel lane primarily used as a means of approach for vehicles.
6. Accessory Building or Use: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot. For non-residential uses, An an accessory use may be located on a lot adjoining that of the main use if approved for this purpose through the Administrative Review procedures of Section 4.030.
7. Accessory Dwelling Unit: A dwelling unit of not more than 800 square feet of habitable floor area accessory, incidental, subordinate to another dwelling unit on the same lot. ~~on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.~~ [Amended by Ord. 677, 3/1/10]
8. Address Overlay Zone: Distinct areas within the Villebois Village Center where additional information is provided for the definition of architectural character and community elements. [Added by Ord. No. 595, 12/5/05.]
9. Adjacent: See adjoining.
10. Adjoining: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.
11. Agriculture: The use of land larger than one acre for the primary purpose of deriving income from growing plants on land including, but not limited to, land used principally for the production of crops, land used for orchards or production of fruit, but not including land used primarily for another use and incidentally for growing plants, crops, or fruit.
12. Alley: A public or private way which includes a roadway used to provide vehicular ingress and egress to the back or side of properties otherwise abutting on a street, private drive, or shared common area. An alley typically has a width of no more than twenty (20) feet.

Commented [PD1]: C4

Commented [PD2]: C1

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

22. Area of Shallow Flooding: Means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
23. Area of Special Flood Hazard: Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This is the area subject to a base flood event. Designation on FIRM maps always includes the letters A or V.
24. Artificial Sky Glow. The brightening of the night sky attributable to human made sources of light. [Added by Ord. 649, 6/2/08]
- ~~25. Attached Family Dwelling Units: A building or structure designed to house two (2) or more families, whether related to each other or not.~~
- ~~26-25. Attached Wireless Communication Facility: A wireless communication facility that is affixed to an existing structure, (e.g., an existing building wall or roof, mechanical equipment, or alternative tower structure. [Added by Ord. #479, 5/19/97]~~
- ~~27-26. Attachment: An antenna or other piece of related equipment affixed to a transmission tower. [Added by Ord. #479, 5/19/97]~~
- ~~28. Accessory Dwelling Unit: A dwelling unit of not more than 600 square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.~~
- ~~29-27. Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on FIRM maps always includes the letters A or V.~~
- ~~30-28. Basement: A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining grade. For areas located in a Special Flood Hazard Area, the definition of basement is any area of the building having its floor subgrade (below ground level) on all sides.~~
- ~~31-29. Bed and Breakfast Home or Boarding House: A building or premises used for the provision of lodging and meals, where not more than five (5) rooms are available for rent. Does not including short-term rentals.~~
- 32-30. Bikeway: Bikeway is a general term used to describe any type of transportation facility that is designated for use by bicycles in conformance with City standards. Bikeways may or may not be within a public right-of-way and include the following:
- A. Bike Lane: A bike lane facility is a type of bikeway where a section of the roadway is designated for exclusive bicycle use.
 - B. Recreational Trail: A recreation trail is a type of pedestrian, bicycle, or equestrian facility that is entirely separate from roadways and has unimproved, gravel, or bark dust surface.
 - C. Shared Roadway: A shared roadway facility is a type of bikeway where motorists and cyclists occupy the same roadway area.

Commented [PD3]: C1, C2, C3. Note: Definitions for attached dwelling unit found under "Dwelling Unit, Attached"

Commented [PD4]: C3

Commented [PD5]: C7

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building.

46. Candela. The unit of luminous intensity of a lighting source emitted in a given direction. [Added by Ord. 649, 6/2/08]
47. Canopy. A roof-like covering over an area, in or under which a lighting fixture is mounted. [Added by Ord. 649, 6/2/08]
48. Category of Use: Type of use. See Mixed Use.
49. Change of Use: Within the Willamette River Greenway means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of the existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of Sections 4.500.
50. Civic: Relating to, or derived from, a city or citizen.
51. Civic Building or Place: A building or place that functions communally, such as religious, cultural, environmental or educational institutions.
52. Clear Vision Area: A standard for sight lines at intersections of streets, railways, and driveways. See section 4.125.09, Street Improvement Standards.
53. Cluster Housing: ~~A type of Small-lot detached-single family dwellings~~ dwelling unit development arranged in groups, with a courtyard(s) containing shared green space and a public access sidewalk easement.
54. Commercial: Development having to do with retail, service, commercial recreation, and/or office uses.
55. Common Residential Areas.
- Areas shared in common by residents of buildings with three or more dwelling units, (i.e. common open space, play areas, trash receptacle areas, “common property” under a subdivision or partition declaration); and
 - Three or more open off-street stripped parking spaces, either abutting or within 10 feet of each other and not separated by a wall or other physical barrier between the two parking spaces, designated or set aside for use by the three or more dwelling units, regardless of whether the parking space is assigned for exclusive use of each dwelling unit or non-exclusively used by three or more dwelling units, and are either commonly owned or were developed for the purpose of serving the parking needs of “multiple dwellings” or multiple attached single-family dwellings, as defined in the Development Code. [Added by Ord. 649, 6/2/08]

Commented [PD6]: C1

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

85. ~~Duplex: Two attached dwelling units on a single lot, neither of which meets the definition of an accessory dwelling unit.~~

Commented [PD7]: C1

86. Dwelling: A building, mobile home, or manufactured home, designed for residential occupancy, but not a house trailer or recreational vehicle.

~~Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.~~

Commented [PD8]: Existing language relocated

87. Dwelling Unit, Attached: A dwelling unit which (1) shares one or more common or abutting wall, floor, or ceiling with one or more dwelling units and/or (2) has a shared roof structure with or a roof without a spatial gap between one or more dwelling units. The common or abutting walls, floors, ceilings, and roofs includes those of attached garages, storage areas, or other accessory uses. When a dwelling unit is attached only to an accessory dwelling unit and the accessory dwelling unit is not attached to any other dwelling unit, the dwelling unit is not "Attached" under this definition while the accessory dwelling unit is "Attached" under this definition.

88. Dwelling Unit, Detached: A dwelling unit not meeting the definition of attached dwelling unit.

Commented [PD9]: C2

86. —

~~87-89. Dwelling Unit, Multiple-Family: Three or more attached dwelling units located on a single tax lot. In the Village zone, such use also includes stacked flats or townhouses. Multiple-family dwelling units may be detached or attached.~~

Commented [PD10]: C1

~~88-90. Dwelling Unit, Single-Family: A dwelling unit designed for occupancy by one family located on its own lot. A single-family dwelling unit may be detached or attached, provided that each such unit is located on its own tax lot. A single-family dwelling may also include an accessory dwelling unit, if approved for that use as specified in this Code.~~

Commented [PD11]: C1, C3

~~89-85. Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.~~

90-91. Encroachment Area: See Section 4.139.00

91-92. Equipment Enclosures: A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators. [Added by Ord. #479, 5/19/97]

93. Essential Government Services. Services and facilities provided by a governmental unit, that are basis and inherent to the public health and welfare including, but not limited to, fire, police, water, sewer, transportation, emergency communication, and education, and governmental services and facilities in support thereof. [Added by Ord. 545, 8/19/02]

92. —

93-94. Exempt tree or vegetation: As used in the solar access provisions of this Code, the terms "exempt tree or exempt vegetation" refer to the full height and breadth of vegetation that has been identified by the City as "solar friendly," and any vegetation

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

listed as exempt on a plat, a document recorded with the plat, or a solar access permit.

- 94-95. Existing Manufactured Home Park or Subdivision: A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations. [Added by Ord. # 647, 4/21/08]
- 95-96. Exterior Display: The outdoor exhibit of merchandise by a retail merchant.
- 96-97. Façade: The exterior wall or elevation of a building. [Added by Ord. 649, 6/2/08]
- 97-98. Family: One or two persons with or without their direct descendants and adopted children (and including domestic employees thereof) together with not more than five (5) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or fewer persons living in such housekeeping unit shall be considered a separate family. For housing developed to implement ORS 426.508 or under the Fair Housing Amendments Act of 1988, family shall mean all persons living in a dwelling unit, regardless of relationship.
113. Garage, private: An accessory building, or portion thereof, or portion of a main building used for the parking or temporary storage of vehicles ~~owned or used by occupants of the main building.~~
114. Glare: Light that causes visual discomfort or disability, and the wattage and/or light distribution is excessive for the purposes for which the illumination is necessary. [Added by Ord. 649, 6/2/08]
115. Grocery Store: A retail business that sells food and household sundries.
116. Grocery Store, Specialty: A retail business that sells specialty food and specialty household sundries.
117. Habitable floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
- 117-118. Habitable floor area: For the purpose of calculating the area of a dwelling unit, the area of a dwelling unit usable for living purposes, which includes areas for sleeping, eating, cooking, bathing, sanitation, recreation, and similar activities. Storage areas with floor-level interior access from other habitable areas are included in habitable floor area. Storage areas without interior floor-level access from other habitable areas are not included in habitable floor area. A garage is not considered a storage area for the purpose of this definition and is not considered part of the habitable floor area.
- ~~118-119.~~ Habitat-Friendly Development: A method of developing property that protects our natural resources as we grow and focuses on land development and site design that mimic natural processes. Examples include clustering development to avoid habitat, minimizing tree removal and root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, and, where feasible, reducing the amount of impervious surface created by development. [Added by Ord. # 674 11/16/09]
- 119-120. Hardscape: Permanent improvements to a site, including but not limited to, parking lots, driveways, streets, plazas, sidewalks, walkways, bikeways, abutments,

Commented [PD12]: C5

Commented [PD13]: C6

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

stairs, ramps, and architectural features, such as fountains and sculptures. [Added by Ord. 649, 6/2/08]

~~120-121.~~ Hearing Body: The City Council, the Development Review Board, or the Planning Commission having the authority to review an application assigned by Section 4.031, Section 4.032, and Section 4.033.

~~121-122.~~ Heritage Tree: A tree that, due to age, size, species, quality or historic association, is considered of landmark importance to the community and has been designated as such by the City Council.

~~122-123.~~ Home Business: A business operating from a dwelling unit that does not meet the definition of a "Home Occupation" listed below, ~~and for which a conditional use permit has been issued by the City. Short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit.~~

Commented [PD14]: C7

~~123-124.~~ Home Occupation: ~~"Home Occupation" means an An~~ occupation, profession, or craft, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the business use. A home occupation is carried on by an immediate member of the family residing within the dwelling place. A home occupation shall require no structural alteration or changes to the exterior of the dwelling, and shall include no display of merchandise on the premises which can be seen from the exterior of the dwelling. Any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure. Traffic and parking are to be such as to give no outward appearance that a business is being conducted on the premises. ~~Short-term rental of a dwelling unit or portion thereof where the operator of the short-term rental lives on the same lot is a home occupation.~~

Commented [PD15]: C3, C7

124. Hospital: A building or premises providing in-patient services that is used for human medical or surgical treatment.

125. Hospital, Animal: A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat and veterinary hospitals.

126. Hotel, Motel, or Overnight Lodging Facility: A building which is designed or used to offer ~~six (6) or more rooms for~~ lodging, with or without meals, for compensation, ~~for six (6) or more people.~~

Commented [PD16]: C7

127. House Side Shield. For fully shielded luminaires only, an internal shield designed and installed by the luminaire manufacturer that significantly attenuates candlepower in the back photometric hemisphere at all angles greater than 30 degrees relative to nadir. [Added by Ord. 649, 6/2/08]

128. Human Occupancy: For purposes of Section 4.172(.02)(C)(4.), any structure usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, is considered to be for human occupancy. A structure used only for storage purposes is not for "human occupancy." [Added by Ordinance No. 538, 2/21/02.]

129. IESNA. The Illuminating Engineering Society of North America (see www.iesna.com). [Added by Ord. 649, 6/2/08]

130. Impact Area: See Section 4.139.00

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

131. Impervious Area: An area with minimal infiltration of surface water into the underlying soil and shall include pavement (including but not limited to concrete or asphaltic concrete surfaces), gravel roads, structures, roadways, and roofs.
132. Intensification of Use: Within the Willamette River Greenway means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of land within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities, including accessory dwelling units, adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Code. Seasonal increases in gravel operations shall not be considered an intensification of use.
133. Kenel: Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept for boarding, breeding or sales.
134. Landscaping: The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours. The use of pervious materials is

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

273. Short-Term Rental: A dwelling unit or portion thereof subject to a lease term, rental agreement, or similar agreement, either directly or through a professional vacation rental-company or similar, less than monthly, generally daily or weekly. Involves rental to only one party at a time. A dwelling unit with rental of different rooms during the same period to different parties is not considered a short-term rental, but may meet the definition of a bed and breakfast home or boarding house or hotel, motel, or overnight lodging facility.

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273-274. Solar access permit: A document issued by the city that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

274-275. Solar feature: A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window or windows that contain(s) at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this Section.

275-276. Solar gain line: A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot (see Figure 8: Solar Gain Line in Section 4.137).

276-277. Source Separated Recyclables: Recyclable materials designated "principle recyclable materials" by the Oregon Environmental Quality Commission under ORS 495A.025 with the exception of yard debris, as well as other source-separated recyclables that may be designated by local ordinance or regulation. [Amended by Ord. #426- 4/1/94]

277-278. South or South facing: True south, or 20 degrees east of magnetic south.

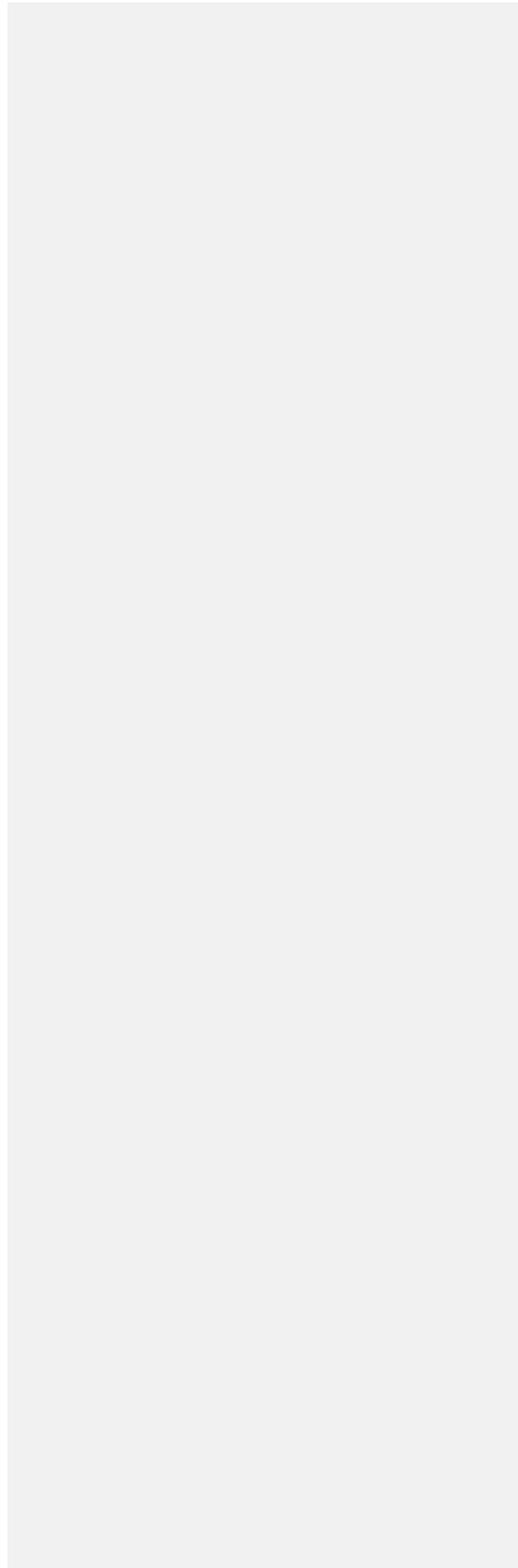
278-279. Special Flood Hazard Area: Means an area having special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, AE, AH, VE, or V. [Amended by Ord. # 647, 4/21/08; Ord. 686, 11/1/10]

279-280. Specific Area Plan (SAP): A plan with a series of detailed components covering one of the five distinct areas of the Villebois Village Master Plan. These plans provide a higher level of analysis and detail than the Villebois Village Master Plan.

280-281. Stacked Flats: Two or more single-level dwelling units, the second arranged above the first, etc.

281-282. Start of Construction: Includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1
units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Added by Ord. # 647, 4/21/08; amended by Ord. 686, 11/1/10]



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

(.03) Building Setbacks(for Fence Setbacks, see subsection .08)

- A. For lots over 10,000 square feet:
 - 1. Minimum front yard setback: Twenty (20) feet.
 - 2. Minimum side yard setback: Ten (10) feet. In the case of a corner lot less than one hundred (100) feet in width, abutting more than one street or tract with a private drive, the side yard on the street or private drive side of such lot shall be not less than twenty percent (20%) of the width of the lot, but not less than ten (10) feet.
 - 3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.
 - 4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
 - 5. Minimum setback to garage door or carport entry: Twenty (20) feet. Except, however, in the case of an alley where garages or carports may be located no less than four (4) feet from the property line adjoining the alley.
 - 6. Minimum rear yard setback: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.
- B. For lots not exceeding 10,000 square feet:
 - 1. Minimum front yard setback: Fifteen (15) feet, with open porches allowed to extend to within ten (10) feet of the property line.
 - 2. Minimum side yard setback: One story: five (5) feet; Two or more stories: seven (7) feet. In the case of a corner lot, abutting more than one street or tract with a private drive, the side yard on the street side of such lot shall be not less than ten (10) feet.
 - 3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.
 - 4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
 - 5. Minimum setback to garage door or carport entry: Twenty (20) feet. Wall above the garage door may project to within fifteen (15) feet of property line, provided that clearance to garage door is maintained. Where access is taken from an alley, garages or carports may be located no less than four (4) feet from the property line adjoining the alley.
 - 6. Minimum rear yard setback: One story: fifteen (15) feet. Two or more stories: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.

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(.11) Accessory Dwelling Units.

A. ~~Accessory Dwelling Units, developed on the same lot as the detached or attached single family dwelling to which it is accessory, shall be permitted outright, subject to the standards and requirements of this Section, are permitted subject to the standards and requirements of this Subsection.~~

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B. Standards

1. Number Allowed

a. For detached dwellings units and attached single-family dwelling units: One per dwelling unit.

b. For all other attached dwelling units: None.

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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. One Accessory Dwelling Unit per lot shall be no greater than 800 square feet with not more than two bedrooms, unless the size and density of ADUs are otherwise provided in an adopted Neighborhood Plan or Stage II Development Plans. Larger units shall be subject to standards applied to duplex housing.~~

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~~3.~~ Accessory dwellings units shall be on the same lot as the dwelling unit to which they are subordinate.

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~~4.~~ Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.

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~~3.~~ This Section applies to residential developments in PD-R, R, RA-H, or Village zones.

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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.

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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.

4.6. 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. Application for duplex construction shall be subject to the density standards of the zone in which it is located, or as otherwise provided in a Neighborhood Plan or Stage II/Final Development Plan.

5.7. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or

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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.

~~6. The Accessory Dwelling Unit must be of substantially the same exterior design and architecture (i.e. siding, windows, doors and roofing materials) as the primary dwelling unit on the property.~~

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~~7. Parking:~~

~~Each Accessory accessory Dwelling dwelling Unit unit shall have one standard sized parking space on the same lot.~~

~~Where an off-street parking space is not available to serve the ADU accessory dwelling unit, on-street parking may be considered to satisfy satisfies this requirement if all of the following are present:~~

~~On at least 45 feet of frontage along the lot is available for on-street parking and is not otherwise approved to meet minimum parking standards for another use. -street parking exists along the frontage of the lot, or within 100' of the front lot line of the lot.~~

~~No more than 25% of the lots in a block will have ADUs.~~

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~~9.8. Each Accessory accessory Dwelling dwelling Unit 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. Each Accessory Dwelling Unit must be accessible by street or driveway to fire and emergency vehicles, and for trash pick up.~~

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~~10. Accessory dwelling units may be short-term rentals, but the owner/local operator must maintain an active business license with the City of Wilsonville for a short-term rental business and pay all applicable lodging and other taxes.~~

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~~C. Neighborhood Density and Size Standards.~~

~~1. Canyon Creek Estates — up to 12 ADUs as per Resolution No. 95PC16.~~

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[Section 4.133(11) amended by Ord. 677, 3/1/10]

(.12) Reduced Setback Agreements. The following procedure has been created to allow the owners of contiguous residential properties to reduce the building setbacks that would typically be required between those properties, or to allow for neighbors to voluntarily waive the solar access provisions of Section 4.137. Setbacks can be reduced to zero through the procedures outlined in this subsection.

A. Examples

1. First example: the owner of one house is allowed to build to the

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1
sideyard property line, with no setback, provided that the owner of the neighboring property agrees and that the agreements of both owners are recorded with the deed records for those properties.

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Section 4.120. Zones. RA-H Residential Agricultural - Holding Zone.

(.01) Purpose. It is the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for more intensive development. This zone has been applied to all urbanizable properties within the city which are planned for development and which have not previously received development approval in accordance with the Comprehensive Plan.

(.02) Uses Permitted Outright:

- A. ~~One single-family dwelling, with not more than one accessory dwelling unit per lot and accessory dwelling units subject to the standards of Section 4.113 (.11).~~ Where the Comprehensive Plan calls for future non-residential zoning of the site, the building permit for any proposed residential development shall not be granted until a statement has been recorded applying to the title of the subject property, notifying any potential buyer that future development in the area is expected to be non-residential.
- B. Except for existing lots of record of less than two acres, recorded prior to the effective date of this Code, partitioning or subdivision of properties designated for development shall only be considered in conjunction with or following a zone change in conformance with the Comprehensive Plan. Said zoning shall confirm the adequate provision of public facilities and the protection of future urban development potentials.
- C. If the proposed development is for a less intensive interim density consisting of large lots, a pre-plat and Site Plan review shall be required that provides for future development of the property in accordance with the uses and densities shown in the Comprehensive Plan. Said plat shall be filed on the City's Lien Docket as an obligation toward the property, together with an agreement of non-remonstrance towards the formation of any local improvement district which may serve the subject site.
- D. For properties designated in the City's Comprehensive Plan for nonresidential use, the intensity of use shall be restricted to activities which do not require construction of a permanent structure and which will not tend to restrict, obstruct, or adversely affect the future development of the property for its designated use. Except, however, that the development of a single-family dwelling shall be permitted as specified in subsection (.02), above.
- E. Temporary structures or uses, subject to the procedures for temporary uses set forth in Section 4.163.
- F. Agriculture, horticulture, greenhouses, nurseries (provided that any commercial sales of products shall require the approval of a conditional use permit), timber growing, grazing, and the small scale raising of livestock and animals.
- G. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H district.

H. Accessory Uses Permitted:

1. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal uses permitted located on the same lot therewith.
2. Home occupations.
3. Signs, subject to the provisions of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.03) Uses Permitted Subject to receiving approval of a Conditional Use Permit:

- A. Private parks, municipal and government buildings, public utilities, public information centers, semi-public buildings of a non-commercial nature, churches, attached family dwelling units limited to two (2) family maximum, public, private, and parochial schools as provided in Section 4.184 when approved by the Development Review Board at a Public Hearing as provided in Section 4.013.
- B. Roadside stands when located on the same property as the principal uses, selling only those products that are produced on the same property on which the stand is located, or on adjacent property.

(.04) Dimensional Standards:

- A. Minimum Lot Size: 30,000 square feet.
- B. Minimum Front and Rear Yard Setbacks: Thirty (30) feet. Minimum Side Yard Setback: Ten (10) feet.
 1. Legal, non-conforming RA-H lots in the Old Town Overlay Zone shall have the following setbacks:
 - a. Front: Ten (10) feet for single family dwellings, for all other uses: none;
 - b. Rear: Fifteen (15) feet;
 - c. Side: Five (5) feet.
 2. Minimum setback for residential garage or carport: At least five (5) feet behind the front of the nearest residential unit on the property. In no case shall the front of a garage or carport be located less than twenty (20) feet behind a sidewalk or a public right-of-way providing access to that garage or carport. Except, however, in the case of an alley where garages or carports are located within five (5) feet of the property line adjoining the alley. [Amended by Ord. 682, 9/9/10]
- C. Minimum Street Frontage: Seventy-five (75) feet. A reduced street frontage may be approved, based on a finding that the proposed lot frontage will not hinder the future development of the site to densities proposed in the Comprehensive Plan.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.122. Residential Zone.

- (.01) Purpose: The purpose of this zone is to provide for standards and a simplified review process for small-scale urban low and medium density residential development. Developments in the 'R' zone are not intended to be Planned Developments.
- (.02) Residential Densities: Residential densities shall be governed by the density range designated by the City of Wilsonville Comprehensive Plan.
- (.03) Lot Size Qualifications:
- A. The owner or the owner's authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid PDR regulations.
 - B. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
 - C. The development area must be two (2) acres or less in size. Development of larger properties shall be reviewed through planned development procedures.
 - D. Not more than thirty percent (30%) of the lot shall be covered by buildings.
- (.04) Principal Uses Permitted:
- A. Single-Family Dwelling Units.
 - B. ~~Attached Family Dwelling Units, Duplexes.~~
 - C. ~~Apartments~~Multiple-Family Dwelling Units.
 - D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature. Any principal building or public swimming pool shall be located not less than forty- five (45) feet from any other lot in a residential or RA-H zone.
 - E. Manufactured homes. [Note: Section 4.115 Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted deleted per by Ord. 538, 2/21/02.]
- (.05) Accessory Uses Permitted to Single Family and Detached Dwelling Units:
- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, including accessory dwelling units subject to the standards of Subsection 4.113 (.11), located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
 - E. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the

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construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

- F. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main buildings, at least one-half (1/2) of the side yard setback. In no case shall a setback less than three (3) feet be permitted unless a Reduced Setback Agreement has been approved and properly recorded, as provided in Section 4.113.
- G. Livestock and farm animals shall be permitted subject to the provisions of Section 4.162.

(.06) Accessory Uses Permitted for ~~Attached Family Dwelling Units and Apartments~~Duplexes and Attached Multiple-Family Dwelling Units:

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- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.
- F. Livestock and farm animals shall be permitted, subject to the provisions of Section 4.162.

(.07) Other Standards:

- A. Minimum lot width at building line: Sixty (60) feet.
- B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive.
- C. Minimum lot size: 5000 square feet.
- D. Minimum lot depth: Seventy (70) feet.
- E. Maximum building or structure height: Thirty-five (35) feet.
- F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; thirty percent (30%) for all buildings.
- G. Block and access standards:

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

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

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

(.01) Examples of principal uses that are typically permitted:

A. Open Space.

B. Single-Family Dwelling Units.

C. Duplexes.

~~C.D. Multiple-Family Dwelling Units, subject to the density standards of the zone.~~

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

~~E.F. Manufactured homes, subject to the standards of Section 4.115 (Manufactured Housing).~~

(.02) Permitted accessory uses to single family dwelling and detached dwelling units:

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A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.

B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.

C. Accessory Dwelling dwelling uUnits, subject to the standards of Section 4.113 (.11).

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D. Home occupations.

E. A private garage or parking area.

F. Keeping of not more than two (2) roomers or boarders by a resident family.

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G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]

H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.

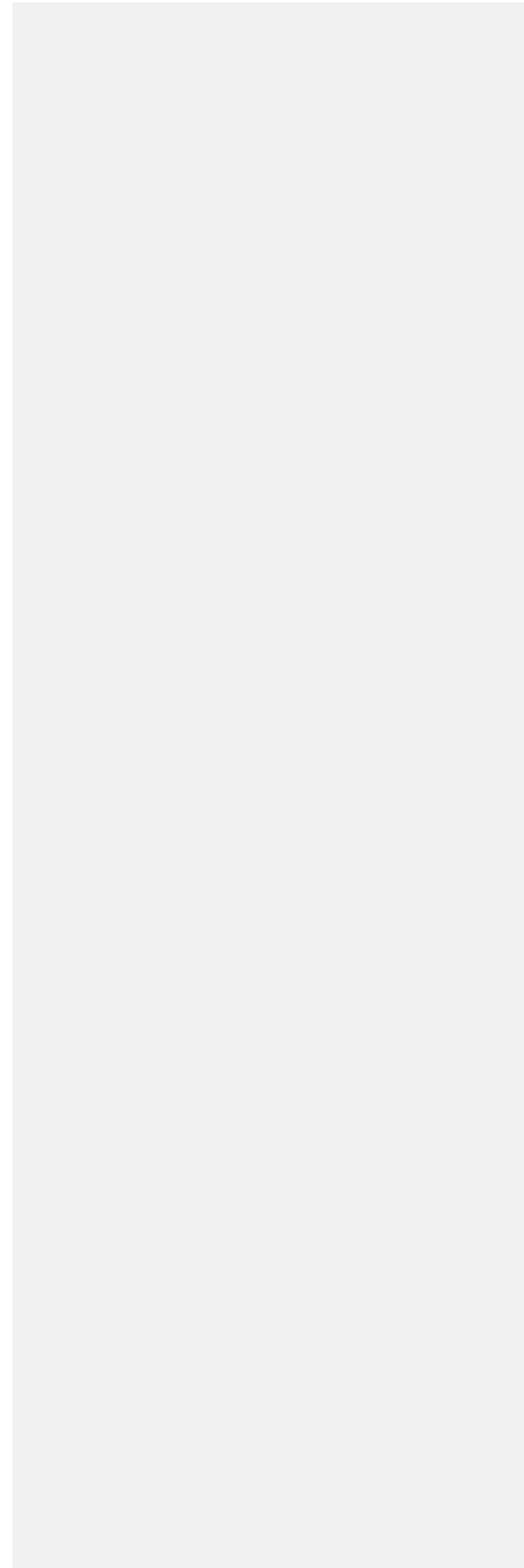
J. Livestock and farm animals, subject to the provisions of Section 4.162.

(.03) Permitted accessory uses for duplexes and attached multiple-family dwelling units:

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A. Accessory uses, buildings, and structures customarily incidental to any of the

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1
aforesaid principal permitted uses, located on the same lot therewith.



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

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

~~E-F.~~ **Home businesses**

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(.05) Appropriate PDR zone based on Comprehensive Plan Density:

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

Table 1: PDR Zone based on Comprehensive Plan Density

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

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[Section 4.124(.05) amended by Ordinance No. 538, 2/21/02.]

(.06) Block and access standards:

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

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

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

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

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

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Section 4.124.1. PDR-1:

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

- (.01) Average lot size: 30,000 square feet.
- (.02) Minimum lot size: 25,000 square feet.
- (.03) Minimum density at build out: One unit per 37,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Eighty (80) feet.
 - B. Minimum street frontage of lot: Eighty (80) feet.
 - C. Minimum lot depth: One hundred (100) feet.
 - D. Setbacks: per Section 4.113(.03)
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; twenty-five percent (25%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. Ten single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Fourteen dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.2. PDR-2:

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

- (.01) Average lot size: 16,000 square feet.
- (.02) Minimum lot size: 12,000 square feet.
- (.03) Minimum density at build out: One unit per 20,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Sixty (60) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - C. Minimum lot depth: Seventy (70) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty-five percent (25%) for all residential dwelling units; thirty percent (30%) for all buildings.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

(.05) Examples of development that is typically permitted (hypothetical 10-acresite):

Twenty single-family dwellings (with or without accessory dwelling units) on individual lots, or

- A. Twenty-nine dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.3. PDR-3:

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

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

(.05) Examples of development that is typically permitted (hypothetical 10-acresite):

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

Commented [PD43]: C3

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Section 4.124.4. PDR-4:

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

- (.01) Average lot size: 5,000 square feet.
- (.02) Minimum lot size: 4,000 square feet.
- (.03) Minimum density at build out: One unit per 6,000 square feet.
- (.04) Other standards: Minimum lot width at building line: Thirty-five (35) feet.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

- A. Minimum street frontage of lot: Thirty-five (35) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - B. Minimum lot depth: Sixty (60) feet.
 - C. Setbacks: per Section 4.113(.03).
 - D. Maximum building height: Thirty-five (35) feet.
 - E. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
- A. Seventy-two single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Eighty-seven dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.5. PDR-5:

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

- (.01) Average lot area per unit: 3,000 square feet.
- (.02) Minimum lot size: 2,500 square feet.
- (.03) Minimum density at build out: One unit per 4,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum Lot Depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 108 town-house units on individual lots, or
 - B. 145 dwelling units (any combination of multiple-family or single-family units).

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.124.6. PDR-6:

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

- (.01) Average lot area per unit: 2,000 to 2,500 square feet.
- (.02) Minimum lot size: None.
- (.03) Minimum density at build out: One unit per 2,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 174 condominium units, or
 - B. 217 multiple family-units.

Section 4.124.7. PDR-7:

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

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

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.125. V – Village Zone

(.01) Purpose.

The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.

- A. The Village zone provides for a range of intensive land uses and assures the most efficient use of land.
- B. The Village zone is intended to assure the development of bicycle and pedestrian-sensitive, yet auto-accommodating, communities containing a range of residential housing types and densities, mixed-use buildings, commercial uses in the Village Center and Neighborhood Centers, and employment opportunities.
- C. The Village zone, together with the Architectural Pattern Book and Community Elements Book, is intended to provide quantitative and objective review guidelines.

(.02) Permitted Uses. Examples of principle uses that are typically permitted:

- A. Single Family Dwellings
- B. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11)
- C. Duplexes
- D. Row Houses
- E. Multi-Family Dwellings
- F. Cluster Housing
- G. Residential Facilities, Residential Homes, and Community Housing developed to implement ORS 426.508
- H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.
- I. Commercial uses within the Village Center, subject to the standards of (.06) Standards Applying to Commercial Uses and similar to the following:
 1. Sales and servicing of consumer goods:
 - Bicycle shop
 - Bookstore
 - Clothing store
 - Electronics and appliances store
 - Florist

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Table V-1: Development Standards												
Building Type	Min. Size (sq.ft.)	Lot Min. Width (ft.)	Lot Min. Depth (ft.)	Lot Max. Coverage (note)	Lot Min. Width (%) ^{10,12}	Frontage Max. Height ⁹ (ft.)	Bldg. Setbacks ^{10,13,20}			Side Min. (ft.)	Alley-Loaded Garage (note)	Street-Loaded Garage (note)
							Front (ft.)	Min. (ft.)	Max. Rear Min. (ft.)			
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	¹	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	¹	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	¹	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	¹	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	¹	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	¹	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	¹	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	¹	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	¹	80	45	8 ⁵	15	NR	NR	NR	NA
Duplexes	4,000	45	70	²	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	⁷	8,17,18
Single-Family Dwellings	2,250	35	50	²	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	⁷	8,17

Notes: NR No Requirement

NA Not Allowed

1 Lot < 8000sf: NR; Lot >8000sf: 80% (Max. Lot Coverage)

2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%, Estate Lots: 45% Maximum Lot Coverage On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.

3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.

4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.

5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.

6 For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.

7 The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.

8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main façade of the associated dwelling unit.

9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.

10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.

11 Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.

12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.

13 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.

14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.

15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.

16 For cluster housing 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.

17 Dwellings on lots without alley access shall be at least 36 feet wide.

18 Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.

19 Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

4.127 Residential Neighborhood (RN) Zone

(.01) Purpose.

The Residential Neighborhood (RN) zone applies to lands within Residential Neighborhood Comprehensive Plan Map designation. The RN zone is a Planned Development zone, subject to applicable Planned Development regulations, except as superseded by this section or in legislative master plans. The purposes of the RN Zone are to:

- A. Implement the Residential Neighborhood policies and implementation measures of the Comprehensive Plan.
- B. Implement legislative master plans for areas within the Residential Neighborhood Comprehensive Plan Map designation.
- C. Create attractive and connected neighborhoods in Wilsonville.
- D. Regulate and coordinate development to result in cohesive neighborhoods that include: walkable and active streets; a variety of housing appropriate to each neighborhood; connected paths and open spaces; parks and other non-residential uses that are focal points for the community; and, connections to and integration with the larger Wilsonville community.
- E. Encourage and require quality architectural and community design as defined by the Comprehensive Plan and applicable legislative master plans.
- F. Provide transportation choices, including active transportation options.
- G. Preserve and enhance natural resources so that they are an asset to the neighborhoods, and there is visual and physical access to nature.

(.02) Permitted uses:

- A. Open Space.
- B. Single-Family Dwelling Unit.
- C. Attached Single-Family Dwelling Unit. In the Frog Pond West Neighborhood, a maximum of 2 dwelling units, not including ADU's, may be attached.
- D. Duplex.
- E. Multiple-Family Dwelling Units, except when not permitted in a legislative master plan, subject to the density standards of the zone. Multi-family dwelling units are not permitted within the Frog Pond West Master Plan area.
- F. Cohousing.
- G. Cluster Housing.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

H. 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 forty-five (45) feet from any other lot.

I. Manufactured homes.

J. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).

(.03) Permitted accessory uses to single family dwellings:

A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.

B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.

~~C.A. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).~~

Commented [PD45]: A1

~~D.C. Home occupations.~~

~~E.D. A private garage or parking area.~~

~~F.E. Keeping of not more than two (2) roomers or boarders by a resident family.~~

~~G.F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.~~

~~H.G. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.~~

~~I.H. Livestock and farm animals, subject to the provisions of Section 4.162.~~

(.04) Uses permitted subject to Conditional Use Permit requirements:

A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.

B. Commercial Recreation, including public or private clubs, lodges or meeting halls, golf courses, driving ranges, tennis clubs, community centers and similar commercial recreational uses. Commercial Recreation will be permitted upon a finding that it is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

shall conform to the requirements of Section 4.124(.04)(D) (Neighborhood Commercial Centers).

- C. Churches; public, private and parochial schools; public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents. Neighborhood Commercial Centers are only permitted where designated on an approved legislative master plan.

(.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.

(.06) Minimum and Maximum Residential Units:

- A. The minimum and maximum number of residential units approved shall be consistent with this code and applicable provisions of an approved legislative master plan.
 - 1. For the Frog Pond West Neighborhood, Table 1 in this code and Frog Pond West Master Plan Table 1 establish the minimum and maximum number of residential units for the sub-districts. The minimum and maximum number does not include accessory dwelling units.
 - 2. For parcels or areas that are a portion of a sub-district, the minimum and maximum number of residential units are established by determining the proportional gross acreage and applying that proportion to the minimums and maximums listed in Table 1. The maximum density on a parcel may be increased, up to a maximum of 10% 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 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.

Commented [PD46]: C11

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Table 1. Minimum and Maximum Dwelling Units by Sub-District in the Frog Pond West Neighborhood

Area Plan Designation	Frog Pond West Sub-district	Minimum Dwelling Units in Sub-district	Maximum Dwelling Units in Sub-district
R-10 Large Lot Single Family	3	26	32
	7	24	30
	8	43	53
R-7 Medium Lot Single Family	2	20	25
	4	86	107
	5	27	33
	9	10	13
	11	46	58
R-5 Small Lot Single Family	1	66	82
	6	74	93
	10	30	38
Civic	12	0	7 ^a
Public Facilities (PF)	13	0	0

^a 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.

(.07) Development Standards Generally

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

(.08) Lot Development Standards:

- A. Lot development shall be consistent with this code and applicable provisions of an approved legislative master plan.
- B. 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.
- C. Lot Standards for Small Lot Sub-districts. 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.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

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 4 feet from the front façade or 6 feet from the front of a front porch.

Table 2: Neighborhood Zone Lot Development Standards

Neighborhood Zone Sub-District	Min. Lot Size (sq.ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (%)	Min. Lot Width ^{G, H, J} (ft.)	Max. Bldg. Height ^F (ft.)	Setbacks ^H				
						Front Min. (ft.)	Rear Min. (ft.)	Side Min. (note)	Garage Min Setback from Alley (ft.)	Garage Min Setback from Street ^K (ft.)
R-10 Large Lot Single Family	8,000 ^A	60'	40% ^B	40	35	20 ^C	20	I	18 ^D	20
R-7 Medium Lot Single Family	6,000 ^A	60'	45% ^B	35	35	15 ^C	15	I	18 ^D	20
R-5 Small Lot Single Family	4,000 ^A	60'	60% ^B	35	35	12 ^C	15	I	18 ^D	20

- Notes:
- A May be reduced to 80% of minimum lot size where necessary to preserve natural resources (e.g. trees, wetlands) and/or provide active open space. Cluster housing may be reduced to 80% of minimum lot size. Duplexes in the R-5 Sub-District have a 6,000 SF minimum lot size.
 - B On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.
 - C Front porches may extend 5 feet into the front setback.
 - D 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 requirements apply.
 - F Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
 - G 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 development.
 - H 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.
 - I 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.
 - J For cluster housing 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.
 - K Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

4.138 Old Town Overlay Zone

2. Exterior remodeling of commercial, industrial, public facility, multi-family residential, or mixed use building that requires a building permit, when that remodeling is visible from a public street (other than an alley) and changes the existing design of the building; and
 3. Upon the request of an applicant, in order to pursue a design not in conformance with the Old Town Single-Family Designs Standard Book, new single-family homes (including duplexes) and accessory buildings, or remodeling thereof. Standards for ADU's in Subsection (.04) C. below shall apply.
- B. The following (except as noted in A.3. above) shall be reviewed through the Class I administrative review process for conformance with the Development Standards of Subsection (.04) concurrently with building plan review:
1. New single-family homes (including duplexes), single-family home additions, remodels, accessory dwelling units, garages, and other buildings accessory to a single-family use.
- (.04) Single-Family Development Standards (including accessory buildings and duplexes)
- A. The standards of this subsection shall take precedence over setback, lot coverage, height, and accessory dwelling unit standards otherwise established in the Development Code. All other standards of the base zone and/or approved planned developments shall apply. For PDR Zones, the setback and lot coverage standards are subject to the waiver provisions of Section 4.118.
 - B. Development shall comply (except as noted in 1. and 2. below) with the standards of the Old Town Single-Family Design Standards Book including but not limited to architectural design, height, setbacks, and lot coverage.
 1. An applicant for a remodel of and/or addition to structures existing prior to December 1, 2017 may elect to match the existing design of the structure rather than comply with the Old Town Single-Family Design Standards Book if all of the following are met:
 - a. The height of the structure remains the same and any additions do not exceed the height of the existing structure;
 - b. The roof pitch on the existing portion of the structure remains the same and is matched for additions involving facades facing a street or public open space;
 - c. All exterior materials are substantially similar in style and texture to the existing materials on the structure;
 - d. For facades of the structure facing a street or public open space (does not include alleys) all architectural elements, such as windows, doors, porches, dormers, details, etc. are kept the same, or in the case of extending out a wall during an addition, reproduced; and
 - e. Setbacks and lot coverage requirements of the underlying zone are met.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

2. Accessory structures less than 120 square feet and 10 feet in height are not subject to the Old Town Single-Family Design Standards but rather the standards of the underlying zone.

C. The following standards shall apply to Accessory Dwelling Units (ADU's) within the "O" Overlay Zone to ensure smaller bulk of residential buildings and minimal use of on-street parking consistent with the historic character of the neighborhood. Where these standards differ from those of Subsection 4.113 (.11), including size design and parking, these standards take precedence. All other standards of Subsection 4.113 (.11), including but not limited to number of ADU's and review process, continue to apply.

1. Size: ADU's shall not exceed 600 square feet of living space.

2. Design: ADU's shall be substantially the same exterior design and architecture (i.e. siding, windows, color, roof pitch, doors and roofing materials) as the primary dwelling unit on the property. ADU's shall be either:

a. Detached single-story structures; or

b. Over a detached garage meeting the following requirements:

i. The garage/ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and

ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.

~~3. Parking: Each ADU shall have one dedicated standard sized parking space on the same lot.~~

Commented [PD47]: C10

(.05). Standards for Development Subject to Site Design Review

A. Building Setbacks - Buildings fronting Boones Ferry Road shall abut the public sidewalk except where public plazas, courtyards, approved landscaping, or other public pedestrian amenities are approved. Except, however, that residential garages or carports shall be set back a minimum of twenty (20) feet from any sidewalk or traveled portion of a street across which access to the garage or carport is taken. The Development Review Board may approve other setbacks to accommodate sidewalks, landscaping, or other streetscape features located between the street right-of-way and the building.

B. Landscaping - Not less than fifteen (15) percent of the development site shall be landscaped. In the event that a building is set back from a street side property line, along Boones Ferry Road, Bailey Street, or 5th Street, the intervening area shall be landscaped. In reviewing proposals for parking lots in locations between buildings and streets, the Development Review Board may require special landscaping treatments or designs to screen the view of the parking lot from the public right-of-way.

C. Building height - As specified in the underlying base zone.

D. Street access to Boones Ferry Road. Ingress and egress points along Boones Ferry Road shall be designed and constructed such that access points on one side of the

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

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

- E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.
- G. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.
- I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.
- J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.
- K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as pervious materials (i. e. pavers, concrete, asphalt) that is found by the City's authorized representative to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's authorized representative, shall be provided. [Amended by Ord. # 674 11/16/09]
- L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.
- M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.
- N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

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

Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated.

TABLE 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a. Residential			
1. Single and attached units and any apartments Single-family dwelling units, duplexes, multiple-family dwelling units of nine (9) or fewer units}	1 per D.U., except accessory dwelling units, which have no minimum.	No Limit	Apartments-Multiple Family Dwelling Units – Min. of 2
2. Accessory dwelling units	<u>Per Subsection 4.113 (.11)</u>	<u>No Limit</u>	<u>Non required</u>
3. Apartments-Multiple-family dwelling units of ten (10) or more units	1 per D.U. (less than 500 sq. ft.) 1.25 per D.U. (1 bdrm) 1.5 per D.U. (2 bdrm) 1.75 per D.U. (3 bdrm)	No Limit	1 per D.U.
4. Manufactured or mobile home park subdivision	2 spaces/unit	No Limit	1 per D.U.
4. Manufactured or mobile home subdivision	<u>1 per D.U.</u>	<u>No Limit</u>	<u>1 per D.U.</u>
b. Commercial Residential			
1. Hotel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2

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Commented [PD50]: C1

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

C. The Community Development Director shall not sign any plat which does not indicate the marking with monuments of the intersections of all streets and the centerlines of all streets at every point of curvature and point of tangent. It shall be the responsibility of the applicant to provide such Monumentation within the land division prior to the issuance of any Building permit for construction within the subject property.

(.04) Action on Final Plat: Within thirty (30) days of receipt of a complete final plat submittal, the Planning Director shall approve, deny, or, when further information is required, postpone a decision on the application. Written notice of such action shall be mailed to the applicant by the Planning Director. If the Planning Director determines that full conformity with all applicable ordinances has not been made, the Director shall advise the applicant of the changes or additions that must be made and shall afford the applicant an opportunity to make the necessary changes or additions.

A. A final plat shall be approved only if affirmative findings can be made that:

1. The Plat is in substantial conformance with the provisions of the Preliminary Plat, as approved;
2. The proposal is consistent with the provisions, intents and purposes of the Comprehensive Plan, Zoning Regulations and the requirements of other relevant sections of this Code.
3. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat contains a donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, the donation of which is required by Ordinance or was made a condition of the approval of the tentative plat for the development.
5. Explanations of all common improvements to remain in private ownership have been accounted for and referenced on the plat;
6. Private drives indicated on the tentative plat have been approved by the City; and [Amended by Ord. 682, 9/9/10]
7. All conditions of approval for the development have been met, or adequate assurances for their completion have been provided, to the satisfaction of the Community Development Director.

B. If affirmative findings cannot be made with regard to all of the above criteria, the Planning Director shall not approve the final plat.

C. If approved, such approval shall be evidenced by the signature on the plat of the Planning Director together with the date of approval. In the event of denial, the Planning Director shall cause written notice and the reasons for denial to be furnished to the applicant.

Accessory buildings, adus, and garages

DESIGN

Design guidelines are applicable to any and all exterior building elements visible from the public right-of-way or public parcel, in any direction, regardless of existing or proposed landscaped or natural visual barriers between the public view shed and exterior building elements.

The garage and other accessory buildings over 120sf and 10ft in height must be designed using the same exterior design and architecture (i.e. siding, windows, doors, and roofing materials) as the primary residence on the lot. Accessory buildings cannot be taller than the primary residence. If the primary residence is less than 15 feet, an accessory building can be 15 feet or less.

Accessory Dwelling Units (ADU's) in Old Town shall:

1. Size: ADU's shall not exceed 600 square feet of living space.
2. Design. ADU's shall be either:
 - a. Detached single-story structures; or
 - b. Over a detached garage meeting the following requirements:
 - i. The garage ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and
 - ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.

~~3. Parking. Each ADU shall have one dedicated standard size parking space on the same lot.~~

All other standards of Subsection 4.113 (.11) related to ADU's apply. See Subsection 4.138 (.04) C. Wilsonville Code.

STYLE GUIDELINES

Western Farmhouse

Roof Style: Gable
 Roof Pitch: 7:12 to 12:12
 Eaves: 8" minimum to 18" maximum

New Ranch

Roof Style: Hip or Low-Pitched Gable
 Roof Pitch: 4:12 to 6:12
 Eaves: 8" minimum to 18" maximum

Craftsman

Roof Style: Gable
 Roof Pitch: 6:12 to 10:12
 Eaves: 8" minimum to 18" maximum



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© Candace Kramer, Portland, Oregon



© E. Allen Fine Designs, San Jose, CA

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Implementation Measure 4.1.4.bb The City allows the construction of one accessory dwelling unit with any detached dwelling or attached ~~single-family~~single-family dwelling ~~that is~~ permitted to be built in any zone, subject to standards in the Land Development Code ~~or density and size standards in Neighborhood Plans, Stage II Development Plans or Final Development Plans.~~ Regulations of such units include size, ~~architectural design to match the primary unit on the site,~~ and parking requirements. [Amended by Ord. 676, 3/3/10]

Attachment 5
 Planning Commission Resolution LP18-0006 Staff Report
 Compliance Findings

Accessory Dwelling Unit Code Amendments

Date of Findings: September 5, 2018

Request: Amend the Wilsonville Development Code Text and Text of Implementation Measure 4.1.4.bb. of the Comprehensive Plan to ensure Accessory Dwelling Unit (ADU) regulations comply with Senate Bill 1051, remove potential major barriers to Accessory Dwelling Unit development, and increase clarity and functionality of Development Code related to Accessory Dwelling Units and other housing.

Affected Properties: All land currently developed as single-family or detached dwellings and all residential designated lands with potential for development of detached dwellings.

Staff Reviewer: Daniel Pauly AICP, Senior Planner

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

Applicable Review Criteria:

<u>Oregon Revised Statutes:</u>	
197.303 (1)	Needed Housing Definition
197.307 (4)/227.175 (4)(b)(A)	Clear and Objective Standards for Housing
197.307 (6)	Alternative Approval of Needed Housing
197.312 (5)(a)	Development of Accessory Dwelling Units for Each Detached Single-family Dwelling
<u>Statewide Planning Goals:</u>	
Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 10	Housing
<u>Wilsonville Comprehensive Plan:</u>	
Introduction-Plan Amendments	Comprehensive Plan Amendments
Goal 1.1 and applicable Policy and Implementation Measures	Encourage Public Involvement
Goal 1.1 and applicable Policy and Implementation Measures	Interested, Informed, and Involved Citizenry
Implementation Measure 4.1.1.g	More Flexibility in Support of Metro 2040 Growth Concept and the Urban Growth Management Functional Plan
Implementation Measure 4.1.1.i.	Continuing Examine Intensity of Use, Including Percentage of Lot Coverage

Policy 4.1.4 and applicable Implementation Measures	Housing
Development Code:	
Section 4.197	Changes and Amendments to Development Code
Section 4.198	Comprehensive Plan Changes

Compliance Findings

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

Oregon Revised Statutes-Needed Housing Review

Needed Housing Defined
 ORS 197.303 (1)

1. All housing subject to the proposed code changes, attached, detached single-family and multiple-family dwelling units, duplexes, and accessory dwelling units are needed housing under state law.

Clear and Objective Standards Required for Housing
 ORS 197.307 (4) and 227.175 (4)(b)(A)

2. The City determined current language requiring ADUs to “be of substantially the same exterior design and architecture (i.e. siding, windows, doors and roofing materials) as the primary dwelling unit” is too vague and subjective to meet the clear and objective requirement of state law. The proposed amendments thus remove this language. Certain architectural requirements remain for ADUs in the Village Zone, Residential Neighborhood Zone, and Old Town Neighborhood Zone. Applicable standards in each of these zones applies to ADUs in the same manner as other accessory structures and primary dwelling units. The adoption of each of the applicable standards in these zones found the standards to be clear and objective. In other zones, clear regulations on roof pitch and roof and siding material are sufficient to ensure neighborhood compatibility. The roof pitch standard is clear and objective as it is a specific numeric range allowing for a wide variety of residential roof pitches. The material standard is clear and objective as it is more than matching the primary unit, it allows any variety of material specifically used in the subdivision or adjacent homes, and allows fiber cement materials made to look like other materials.

Development of Accessory Dwelling Units for Each Detached Single-Family Dwelling
 ORS 197.312 (5)(a)

3. As a City with a population over 2,500 ORS requires the City allow at least one ADU per detached single-family dwelling. Currently, the City allows an ADU for each single-family lot rather than per single-family dwelling. The proposed code amendments include adding an allowance of ADUs for each detached dwelling unit in addition to the current single-

family lot allowance. In addition, the City proposes removing the existing numeric limitation of ADUs for the Canyon Creek Estates subdivision as it violates this statute.

Statewide Planning Goals

Citizen Involvement

Goal 1

4. As discussed in Findings 7 through 14 below, the citizen involvement processes and requirements established in Wilsonville's Comprehensive Plan consistent with Goal 1 are being followed.

Land Use Planning

Goal 2

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

Housing

Goal 10

6. The proposed code amendments will continue to allow the City to meet its housing goals reflected in the Comprehensive Plan. See Findings 17 through 19.

Wilsonville Comprehensive Plan-Public Involvement

Public Involvement-In General

Goal 1.1, Policy 1.1.1,

7. By following the applicable implementation measures, see Findings 8 through 14 below, the City provided opportunities for public involvement encouraging, and providing means for, involvement of interested parties.

Early Involvement

Implementation Measure 1.1.1.a.

8. The City sent broad notice to all residential properties. The Planning Commission and City Council and community members have opportunity to comment on the proposed code amendments while still in draft form.

Encourage Participation of Certain Individuals, Including Residents and Property Owners

Implementation Measure 1.1.1.e.

9. The City encouraged residents and property owners impacted by the proposed code amendments to participate as described in Finding 8 above.

Procedures to Allow Interested Parties to Supply Information

Implementation Measure 1.1.1.f.

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

Types of Planning Commission Meetings, Gathering Input Prior to Public Hearings

Implementation Measure 1.1.1.g.

11. Prior to the scheduled public hearing on the proposed code changes and adoption of the design standards, the Planning Commission held a work session on June 13, 2018, during which the Planning Commission provided feedback incorporated into the current draft.

Public Notices for Planning Commission Meetings

Implementation Measure 1.1.1.h.

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

User Friendly Information for Public

Policy 1.2.1, Implementation Measures 1.2.1.a., b., c.

13. The published notecard mailings and notices provided user friendly information about the purpose, location, and nature of the meetings. The mailings widely publicized different ways for impacted parties to participate. The information given to impacted parties gave access to the information on which the Planning Commission will base their decision.

Coordinate Planning Activities with Affected Agencies

Implementation Measure 1.3.1.b.

14. The City has notified and discussed needed and recommended code updates related to ADUs with State and Metro staff and consultants hired by Metro.

Wilsonville Comprehensive Plan-Housing and Residential Areas

More Flexible Use of Land

Implementation Measure 4.1.1.g.

15. The proposed code amendments allow additional flexibility for locating accessory dwelling units in Wilsonville allowing for more flexibility in use of land consistent with this implementation measure.

Intensity of Use, Provision of Adequate Open Space, Character of Existing Neighborhoods

Implementation Measures 4.1.1.i. and 4.1.4.t.

16. The proposed code amendments look carefully at the intensity of use for residential development. The proposal establishes basic clear and objective roof pitch and material standards to support the character of existing neighborhoods. Setback and lot coverage standards remain ensuring provision of adequate open space and maintenance of a similar intensity of use. Updated parking standards for accessory dwelling units also ensure minimal impact on neighborhoods.

Variety and Diversity of Housing

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

17. Ensuring code allows accessory dwelling units and removes unreasonable barriers to their development allows for development of an additional housing type in the community and encourages an increased diversity. In particular, allowing and encouraging accessory dwelling units can provide affordable housing opportunities for smaller households.

Safe, Convenient, Healthful, Attractive Residential Areas with Variety

Implementation Measure 4.1.4.c.

18. The City does not anticipate the proposed code amendments to substantially impact safety, convenience, or health of residential areas of the City.

Housing Needs of Existing Residents, Needs of Mobile Home Dwellers

Implementation Measure 4.1.4.f.

19. The proposed code amendments further, allowing and removing barriers to development of ADUs, provide potential housing opportunities for existing smaller households looking for more affordable housing options. ADUs, by their size and affordability, can serve some of the same demographic historically occupying mobile homes within the City.

Housing Coordinated with the Social and Economic Needs of the Community

Goals for Sufficient Low and Moderate Cost Housing

Housing for Employees Working in Wilsonville

Implementation Measures 4.1.4.g., 4.1.4.k., and 4.1.4.m.

20. The City Council has identified, as part of their goals, a need to address housing affordability in the community. Development Code amendments allowing ADUs and removing barriers to their development encourages provision of less expensive smaller units for small households helping to meet the need of more affordable housing in the community, including for moderate to lower wage workers employed in Wilsonville.

Housing and Infrastructure

Implementation Measures 4.1.4.h., 4.1.4.i., 4.1.4.o., 4.1.4.r., and 4.1.4.s.

21. A significant cost for development of housing and thus a barrier to providing affordable housing is the cost of providing the necessary infrastructure. Allowing and encouraging accessory dwelling units allows provision of additional housing, particularly more affordable housing, where the infrastructure already exists. Properties with accessory dwelling units have substantially the same impact on infrastructure as properties with just the primary dwelling unit.

Safe, Sanitary, Convenient, Sound, Energy Efficient, Attractive Housing/Renovation and Rehabilitation of Housing Stock

Implementation Measure 4.1.4.y.

22. The City does not anticipate the proposed code amendments to impact safety, sanitation, convenience, structural quality, or energy efficiency of housing.

Allowance of Accessory Dwelling Units

Implementation Measure 4.1.4.bb.

23. The City continues to allow one accessory dwelling unit with any detached or attached single-family dwelling. State law no longer allows any density requirements in Neighborhood Plans, Stage II Development Plans, or Final Development Plans. The proposed action removes the numeric limitation for the Canyon Creek Estates Subdivision. State law also only allows applying clear and objective standards to housing. As such, the proposed code amendments remove subjective standards to match primary dwellings. The proposed action removes language from this implementation measure found inconsistent with state law. See also Findings 1, 2, and 4 above.

Wilsonville Development Code-Amendments to the Code

Planning Commission Public Hearing, Recommendation to City Council

Subsection 4.197 (.01) A.

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

Findings Required: Compliance with Procedures of 4.008

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

25. The City mailed notices to affected properties and published/posted notices consistent with established procedures for legislative actions. The City produced written findings of fact regarding the application in this document for adoption by the Planning Commission.

Findings Required: Compliance with Goals, Policies, and Objectives of Comprehensive Plan
Subsection 4.197 (.01) B. 2.

26. Findings 7 through 23 above provide findings related to the applicable goals, policies, objectives, and implementation measures of Wilsonville's Comprehensive Plan.

Findings Required: No Conflict with Over Code Provisions
Subsection 4.197 (.01) B. 3.

27. While drafting the code amendments staff took care to ensure the proposed code changes do not conflict with or endanger other provisions of the Development Code. Staff looked carefully at all definitions and provisions the initial amendments may affect and made additional changes to improve clarity and function and avoid conflicts.

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

28. Findings 1 through 6 above provide findings related to compliance with the applicable Statewide Land Use Planning Goals as well as applicable state statutes.

Affirmative Findings Required
Subsection 4.197 (.03)

29. Findings 1 through 23 provide the required affirmative findings on which a recommendation can be made to City Council for adoption of the requested amendments to the Wilsonville Development Code.

Comprehensive Plan Text Amendments

Follow Procedures in Comprehensive Plan
Subsection 4.198 (.01)

30. Findings 1 through 23 confirm the process to amend the text of Implementation Measure 4.1.4.bb. follows applicable procedures established in the Comprehensive Plan.

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

31. Implementation Measure 4.1.4.bb. discusses the allowance of and types of restrictions on accessory dwelling units in the City. The City proposes a number of updates to Development Code text to ensure compliance with Oregon Revised Statutes as updated by Senate Bill 1051 effective July 1, 2018. The required Development Code changes include allowing accessory dwelling units for all detached primary dwelling units, removing any numeric limitations, and removing subjective criteria that accessory dwelling units match primary dwellings. The

text of the implementation measure references all three of these necessary code changes. The proposed text changes simply update the implementation measure for consistency with state law and the proposed Development Code text changes. Both the new state laws and the updated Development Code text establish a public need for the changes, which carries over to these directly corresponding Comprehensive Plan text changes. The Comprehensive Plan text changes are straightforward and the minimum necessary to provide the consistency sought.

Support Statewide Planning Goals

Subsection 4.198 (.01) C.

32. Findings 4 through 6 above establish the proposed text amendments support Statewide Planning Goals.

Conflict with Other Portions of Comprehensive Plan

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

33. The implementation measure text proposed for amendment is the primary reference to accessory dwelling units in the Comprehensive Plan and the proposed text changes do not create any conflicts. The proposed text changes, as discussed in Findings 7-29 above, reflective of the Development Code amendments, conform with other applicable language in the Comprehensive Plan.

Submission and Review Process, Noticing

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

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

Factors to Address in Proposed Amendments

Comprehensive Plan Introduction: Plan Amendments 4. d.

35. Each factor listed has one or more corresponding implementation measures in the Comprehensive Plan. Findings above for Development Code Amendments apply the same to the Comprehensive Plan text amendments and address all applicable implementation measures.

Conflicts with Metro Requirements

Comprehensive Plan Introduction: Plan Amendments 4. e.

36. The proposed text changes support State and Metro rules related to accessory dwelling units.