

ORDINANCE NO. 825

AN ORDINANCE OF THE CITY OF WILSONVILLE ADOPTING CERTAIN AMENDMENTS TO THE WILSONVILLE DEVELOPMENT CODE AND COMPREHENSIVE PLAN REGARDING ACCESSORY DWELLING UNITS, AS WELL AS OTHER DEVELOPMENT CODE AMENDMENTS, TO PROVIDE CLARITY AND FUNCTIONALITY TO THE CODE 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, the City's Comprehensive Plan (Implementation Measure 4.1.4.bb) allows one Accessory Dwelling Unit for single-family homes and requires the architecture to match the primary dwelling, which is not consistent with Senate Bill 1051; and

WHEREAS, the Wilsonville Old Town Single-Family Design Standards Book, attached hereto as **Exhibit C**, is part of Wilsonville's Development Code by reference in Section 4.138 and is also amended by this Ordinance; and

WHEREAS, the City of Wilsonville further has an adopted policy encouraging 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 City 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 City Council held work sessions on July 2 and September 17, 2018 to discuss the proposed code and text updates; and

WHEREAS, following the timely mailing and publication of the required notice, the Planning Commission conducted a public hearing on July 11, 2018, wherein the Commission received public testimony, staff reports and input, and attachments and exhibits, and thereafter began deliberation and continued deliberation to a date certain of September 12, 2018; and

WHEREAS, the City Council, after Public Hearing Notices were provided to impacted residential properties, on August 6, 2018 continued the Public Hearing to a date certain of October 1, 2018 to allow the Planning Commission additional time to make a recommendation; and

WHEREAS, on September 12, 2018 the Planning Commission received additional information requested from City Staff, deliberated, and voted unanimously to approve Resolution No. LP18-0006, as amended, recommending approval to the City Council; and

WHEREAS, **Exhibits A through D** attached to this Ordinance, show the Wilsonville Development Code and Comprehensive Plan text amendments; and

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

WHEREAS, following the Planning Commission public hearing, the Wilsonville Planning Director, forwarded the recommended Development Code and Comprehensive Plan text amendments to the City Council, along with a staff report and attachments, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.011, 4.012, 4.197, and 4.198 of the Wilsonville Code; and

WHEREAS, the City Council held a Public Hearing on October 1, 2018 to review the proposed Development Code and Comprehensive Plan text amendments, and to gather additional testimony and evidence regarding the proposal; and

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

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

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1. FINDINGS.

The above-recited findings are adopted and incorporated by reference herein as findings and conclusions of Resolution No. LP18-0006, which includes the staff report The City Council further finds and concludes that the adoption of the proposed Development Code and Comprehensive Plan text amendments, are necessary for the good of the public of the municipality and compliance with State Law, as described in **Exhibit D.**

2. DETERMINATION.

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

3. EFFECTIVE DATE OF ORDINANCE.

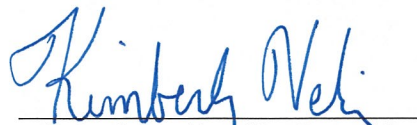
This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 1st day of October, 2018, and scheduled for second reading on October 15, 2018, commencing at the hour of 7 p.m. at Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.



Kimberly Veliz, City Recorder

ENACTED by the City Council on the 15th day of October 2018, by the following votes:
Yes: 5 No: 0



Kimberly Veliz, City Recorder

DATED and signed by the Mayor the 15th day of October, 2018.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor Akervall	Yes

Exhibits:

- A. Exhibit A – Development Code Amendments (changes tracked)
- B. Exhibit B – Old Town Design Standards Book Amendments
- C. Exhibit C – Comprehensive Plan Text Amendments (changes tracked)
- D. Exhibit D – Compliance Findings
- E. Exhibit E – Planning Commission Record

Development Code Amendments (changes tracked)

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.
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.

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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]

85. Duplex: Two attached dwelling units on a single lot, neither of which meets the definition of an accessory dwelling unit.
- ~~86.~~ Dwelling: A building, mobile home, or manufactured home, designed for residential occupancy, but not a house trailer or recreational vehicle.
- ~~87.~~ 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.
- ~~88.~~ 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.
- ~~89.~~ Dwelling Unit, Detached: A dwelling unit not meeting the definition of attached dwelling unit.
- ~~86.~~ —
- ~~87-90.~~ 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.~~
- ~~88-91.~~ 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.~~
- ~~89.~~ ~~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.~~
- ~~90-92.~~ Encroachment Area: See Section 4.139.00
- ~~91-93.~~ 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]
- ~~94.~~ 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.~~ —
- ~~93-95.~~ 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 listed as exempt on a plat, a document recorded with the plat, or a solar access permit.

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~~94-96.~~ 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]

~~95-97.~~ Exterior Display: The outdoor exhibit of merchandise by a retail merchant.

~~96-98.~~ Façade. The exterior wall or elevation of a building. [Added by Ord. 649, 6/2/08]

~~97-99.~~ 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, stairs, ramps, and architectural features, such as fountains and sculptures. [Added by

~~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.

~~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.

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.~~

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

131. Impervious Area: An area with minimal infiltration of surface water into the underlying

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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. Kennel: 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

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.

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.

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.

(.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.

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.

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.

~~1-3.~~ Accessory dwellings units shall be on the same lot as the dwelling unit to which they are subordinate.

~~2-4.~~ 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.

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

5. Design Standards:

a. Roof pitch shall be 4:12 to 12:12. No flat roofs allowed.

i. Where the primary dwelling unit has a roof pitch of less than 4:12 the minimum roof pitch does not apply.

b. Roof and siding materials shall match the respective material of one or more of the following: (1) the primary dwelling unit on the same lot, (2) a primary dwelling unit on an immediately adjacent lot, or (3) a primary dwelling unit within the same subdivision.

i. For the purpose of the requirement to match material, fiber cement siding made to appear like wood, stucco, or masonry may be used to match wood, stucco, or masonry respectively.

c. Where design standards established for a zone or overlay zone are more restrictive and/or extensive than a. and b. above the more restrictive and/or extensive design standards shall apply. This includes design standards for the Village (V) Zone, the Residential Neighborhood (RN) Zone, and the Old Town Overlay Zone.

~~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 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.~~

~~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.~~

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

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.~~

~~9.10. 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.~~

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

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

~~[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 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.

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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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.

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:

- 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.]

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.~~

~~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:

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 u~~Units, subject to the standards of Section 4.113 (.11).

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.~~

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:

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

aforesaid principal permitted uses, located on the same lot therewith.

- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
- F. Livestock and farm animals, subject to the provisions of Section 4.162.

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

- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
- B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
- C. Churches, public, private and parochial schools, public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:
 - 1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 - 2. Such centers are of a scale compatible with the surrounding residential structures.
 - 3. Such centers shall be compatible with the surrounding residential uses.
 - 4. The site of a Neighborhood Commercial Center shall be at least one-quarter (1/4) mile from any other sites zoned for commercial uses.
 - 5. The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.
 - 6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
 - 7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.

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

(.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.

[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.

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~~).

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.

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).~~

~~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 court 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.

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.

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.
 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.~~

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 <u>Single-family dwelling units, duplexes, multiple-family dwelling units of nine (9) or fewer units</u>	1 per D.U., except accessory dwelling units, which have no minimum.	No Limit	Apartments-Multiple Family Dwelling Units - Min. of 2
2. <u>Accessory dwelling units</u>	<u>Per Subsection 4.113 (.11)</u>	<u>No Limit</u>	<u>Non required</u>
23. Apartments <u>Multiple-family dwelling units of ten (10) or more units</u>	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.
34. Manufactured or mobile home park	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

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 120s 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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©E.Allen Fine-Designs, San Jose, CA

Comprehensive Plan Text Amendments (changes tracked)

Implementation Measure 4.1.4.bb The City allows the construction of one accessory dwelling unit with any detached dwelling or attached 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]

**Planning Commission
ADU Code Update
LP18-0006
Record Index**

2018 RECORDS

September 12, 2018 Planning Commission Hearing, Continued from July 11, 2018

- Resolution No. LP18-0006 signed, revised per input at PC Mtg
- PC Packet
 - Staff Report
 - Updated Code Amendment Category List
 - Updated Draft Code Amendments to Chapter 4 Code
 - Draft Amendments to Old Town Single-Family Design Standards Book
 - Comprehensive Plan Text Amendment for Implementation Measure 4.1.4.bb
 - Updated Compliance Findings
- PP Presentation
- Minutes Excerpt (unapproved)
- Noticing of Hearing Continuance

July 11, 2018 Planning Commission Hearing

- PC Packet
 - Staff Report
 - Code Amendment Category List
 - Draft Code Amendments to Chapter 4 Code
 - Draft Amendments to Old Town Single-Family Design Standards Book
 - Table of Current and proposed Lot Coverage Standards
 - Comprehensive Plan Text Amendment for Implementation Measure 4.1.4.bb
 - Compliance Findings
 - Resolution No. LP18-0006 - DRAFT
- PP Presentation
- Minutes Excerpt
- Affidavit of Noticing Hearing

June 13, 2018 Planning Commission Work Session

- PC Packet
 - Staff Report
 - Code Amendment Category List
 - Draft Code Amendments to Chapter 4 Code
 - Draft Amendments to Old Town Single-Family Design Standards Book
- PP Presentation
- Minutes Excerpt

Media

- 2018

**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 has an adopted policy of encouraging 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 has an adopted policy of encouraging 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 Planning Director submitted a Staff Report to the Planning Commission in accordance with the public hearing and notice procedures that are set forth in WC 4.008 and 4.012; and

WHEREAS, the Planning Commission conducted work sessions on June 13, 2018 and August 8, 2018, and after providing the required public notice, held a public hearing on September 12, 2018 to review the proposed Programs Enhancement Strategy to be incorporated as part of the Transit Master Plan and to gather additional testimony and evidence regarding the Programs Enhancement Strategy; and

WHEREAS, the Planning 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 its 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 Staff Report (attached hereto as **Exhibit A**) and the Programs Enhancement Strategy (attached to the Staff Report as **Attachment 1**), as presented at the September 12, 2018 public hearing, including the findings and recommendations contained therein, and further recommends the Wilsonville City Council approve and adopt the Programs Enhancement Strategy as Appendix G to the Transit Master Plan as hereby approved by the Planning Commission; and

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

ADOPTED by the Wilsonville Planning Commission at a regular meeting thereof this 12th day of September 2018, and filed with the Planning Administrative Assistant on September 13, 2018.



Wilsonville Planning Commission

ATTEST:



Tami Bergeron, Administrative Assistant III

SUMMARY OF VOTES:

Chair Jerry Greenfield	<u>yes</u>
Vice-Chair Eric Postma	<u>yes</u>
Commissioner Peter Hurley	<u>yes</u>
Commissioner Ron Heberlein	<u>yes</u>
Commissioner Kamrah Mesbah	<u>Ab</u>
Commissioner Phyllis Millan	<u>yes</u>
Commissioner Simon Springall	<u>Ab</u>



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: _____

Attachment 1

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

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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.~~

Commented [PD12]: C5

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.

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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,

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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.~~

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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

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- 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. **Kennel:** 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

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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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~~5. 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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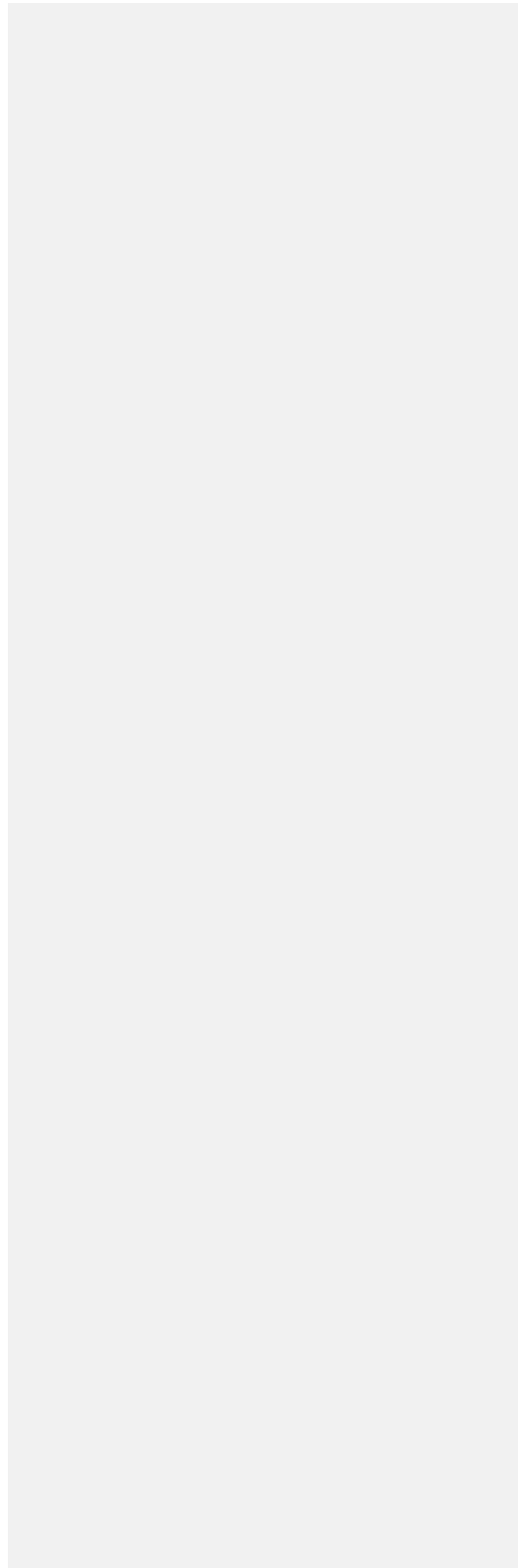
[Section 4.133(11) amended by Ord. 677, 3/1/10]

(.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 voluntary 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

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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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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.

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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:

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

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.]

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

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.~~

Commented [PD36]: C1, C3

~~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:

Commented [PD37]: A1

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).~~

Commented [PD38]: C1

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.~~

Commented [PD39]: C3, C7

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.

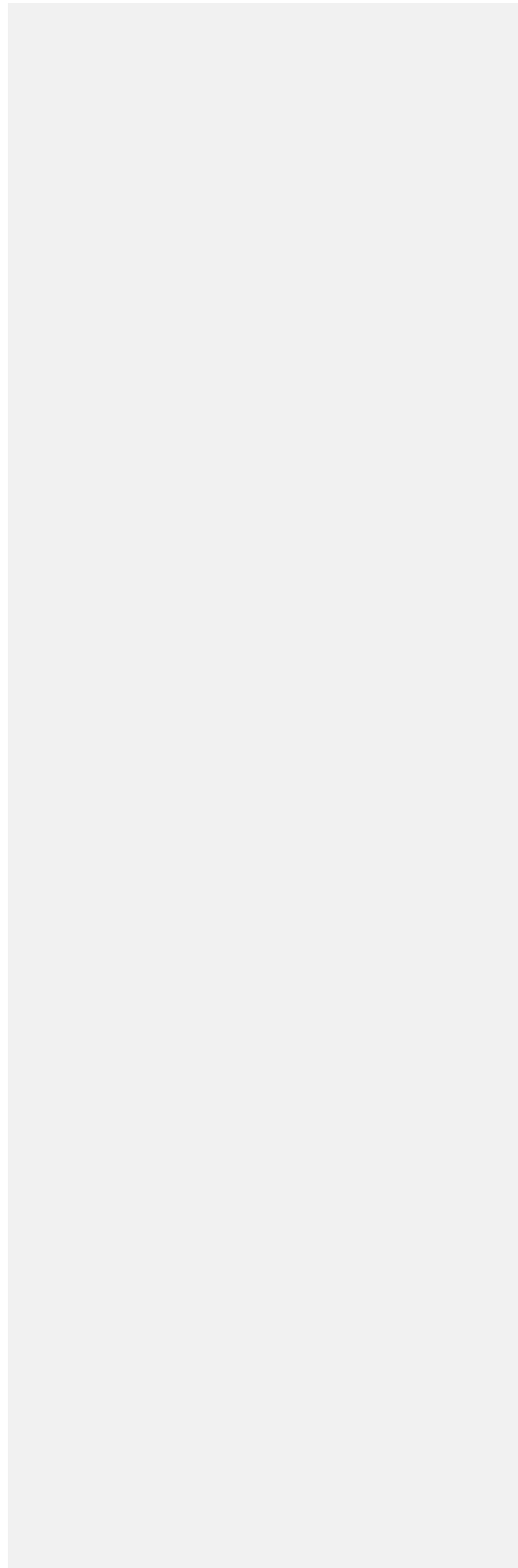
J. Livestock and farm animals, subject to the provisions of Section 4.162.

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

Commented [PD40]: C1

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.



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

- 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.

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

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

Commented [PD41]: C7

(.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.

Commented [PD42]: C11

[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.

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

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

Commented [PD44]: C3

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 6,000square 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.~~

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(.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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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



© The Bungalow Company, Portland, Oregon



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© 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.



**Accessory Dwelling Unit (ADU)
Code Amendments
Changes from July Public Hearing**

Wilsonville Planning Commission
Continued Public Hearing
LP18-0006

CC&R's Required to Allow ADU's

- Recommendation: Based on feedback, leave code as is, however Metro is likely to require as part of UGB Expansion for Frog Pond East and South



Overall recommendations for Ordinance No. 825 E four city expansion proposals

With the goal of expanding housing choices and reducing housing costs, I recommend that the Council place several conditions on any UGB expansions:

- Set an expectation that the cities will allow and encourage the integration of different housing types throughout the expansion areas.
- Set an expectation that the cities will explore ways to implement variable SDCs to reduce the costs of building smaller homes.
- Require that any future homeowners associations in the expansion areas not regulate ADUs¹. Any such regulation should occur only through city zoning that complies with state law.

Architectural Standards

Recommendation: Add simple requirements where design requirements don't exist

- **Roof pitch**
 - Sloped roof, 4:12-12:12, no flat roofs unless primary dwelling unit also has approved flat roof
- **Roof and siding materials**
 - Material used for roof or siding, respectively, shall match on one or more of the following:
 - Primary dwelling unit on the lot, primary dwelling unit on immediately adjacent lot, or primary dwelling unit within same subdivision. Fiber cement siding made to appear like wood, stucco, or masonry may be used to match wood, stucco, or masonry siding to meet this requirement.



Lot Coverage

Key Research Findings

- Review issue is not only existing lot coverage, but old lot coverages approved in PDR zones approved based on old averages.
 - Extensive waiver and variation of lot sizes in different PDR zones due to master plans where density is balanced between MF and SF. Lot size does not correspond to PDR density designation to the extent you would think. I.e. an 8000 square foot lot in Park at Merryfield is limited in current code to 25% DU/30% all buildings, while an 8000 sf lot in Courtside estates or Wilsonville Meadows could be up to 75%.



Lot Coverage

Key Research Findings (Continued)

- Lot sizes and lot coverage vary widely within the same zones, and subdivisions, and for similarly size lots
 - Examples
 - Fox Chase 19.8% have lot coverages more than 30%, 28% have less than 20%
 - Park at Merryfield 26.1% have more than 30%, 18.6% have less than 20%
 - For the approximately 1000 lots 6000-8000 square feet in size, 21% have lot coverages over 35%, 22% have lot coverage 20% or lower



Lot Coverage

- Recommendation: Make no changes with current code edits, defer more discussion to upcoming broader residential code updates.



**Questions &
Comments**



**PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 12, 2018
6:00 P.M.**

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

*Minutes to be reviewed
for approval at the
October 10, 2018 PC
Meeting*

Hearing Excerpt

I. CALL TO ORDER - ROLL CALL

Chair Jerry Greenfield called the meeting to order at 6:09 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Phyllis Millan, Ron Heberlein, and Peter Hurley Simon
Springall and Kamran Mesbah was absent.

City Staff: Chris Neamtzu, Amanda Guile-Hinman, Dwight Brashear, Nicole Hendrix, Eric Loomis,
and Daniel Pauly

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN'S INPUT - This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

ADMINISTRATIVE MATTERS

A. Consideration of the August 8, 2018 Planning Commission minutes.
The August 8, 2018 Planning Commission minutes were accepted as presented.

II. LEGISLATIVE HEARING

- A. SMART Programs Enhancement Strategy (Brashear)
- B. ADU Code Edits (Pauly)

Chair Greenfield confirmed with Assistant City Attorney, Amanda Guile-Hinman that deliberations had been continued, but the public testimony portion of the hearing on the ADU Code amendments had been closed. He reopened the deliberation portion of the hearing at 7:17 pm.

Daniel Pauly, Senior Planner, stated he would share information about the deliberations and changes made to the proposed Code amendments following the July discussion. The three main topics regarded whether to require CC&Rs in future subdivisions to allow ADUs, whether to include clear and objective design criteria for ADUs, and the discussion about lot coverage. He presented the changes made from the July public hearing via PowerPoint with these comments:

- CC&Rs Required to Allow ADUs. Based on the Commission's feedback, no changes were suggested to the Code. However, Metro's COO draft recommendation for urban growth boundary (UBG) expansion indicated that Metro would likely require that CC&Rs allow ADUs for Frog Pond East and South. Although it had not been implemented, it was likely that higher regulators would go in this direction. The Commission and Council could direct Staff on whether or not to include that language.
- Architectural Standards. Staff recommended these standards be kept to a minimum to efficiently accomplish what design concerns should be avoided. Only two requirements were recommended, roof pitch and roof and siding materials.

- Roof pitch requirements should allow a wide variety, from a ranch to a steep, farm house roof. However, the recommended standard would avoid flat roofs. The only exception would be if the main dwelling was a modern style with a flat roof, then, the ADU could have a flat roof as well.
- Roof and siding materials should match one of several elements. The discussion was that it might be too strict to make the materials match the main house, but the ADU could match the materials of a neighboring or nearby house, which would maintain neighborhood compatibility. Fiber and cement materials made to look like wood or stucco would also be okay if they matched lap siding or real stucco.
- Lot Coverage. Further research revealed more complications, which informed Staff's recommendations. Key research findings included:
 - The review issue regarding Staff's inability to approve additional lot coverage was based on lot coverages approved as part of planned developments based on zoning codes prior to 2000, not what was currently written in the Code.
 - Staff also found that the Design Review Boards (DRBs) approved many waivers and variations from lot sizes for different PDRs due to master plans balancing density between multi- and single-family zones. Wilsonville Meadows and Courtside Estates were two examples. Under the current zone, an 8,000 sq ft lot in PDR-2 was allowed 30 percent lot coverage. (Slide 5) However, the same sized lot with a similar era home and a similarly sized home in Wilsonville Meadows or Courtside Estates would be allowed up to 75 percent lot coverage under the current zoning. Staff recommended a lot size based lot coverage standard rather than a zone based lot coverage standard.
 - Lot sizes and lot coverages vary widely within neighborhoods, within the same zones, and across the same lot sizes throughout the city. That suggested that lot sizes and lot coverages were not defining elements of subdivisions, and the variation did not detract from the overall design and feel of neighborhoods. He reviewed Fox Chase and Park at Merryfield as examples (Slide 6), noting that Charbonneau and Villebois were excluded because their lot coverages were higher and those neighborhoods had all sorts of waivers, exceptions, and special circumstances.
 - Staff recommended no changes to lot coverage at this time because the Planning Commission's Work Program indicated upcoming discussions on other residential Code edits dealing with density calculations and open space requirements. Therefore, it made more sense to defer this discussion because it was much broader than ADUs and it would allow time for broader conversations to understand how best to approach the issues moving forward.
- He confirmed the Planning Commission was scheduled to discuss density in December and there would be plenty of material to review in preparation for that discussion.

Chair Greenfield added that perhaps an informational item on the November agenda would be beneficial.

Commissioner Postma confirmed that lot coverages would remain the same, and that ADUs would still have to comply with existing lot coverage requirements.

- Mr. Pauly added that was discussed last time, the same issues existed for additions and other desires to use lots, so that should be approached more holistically.

Commissioner Heberlein understood that Code changes related to CC&Rs and lot coverage had been removed and that architectural standards were added to the proposed Code amendments.

Chair Greenfield:

- Clarified that the changes proposed for CC&Rs and lot coverage had been suspended, not removed.
 - Mr. Pauly responded that was correct. He agreed and added it was more of a modification of the existing design requirements rather than adding something additional because design requirements already existed. He confirmed the proposed changes to lot coverage were also being deferred.
- Asked how the City defined subdivision. He also wanted to know how many subdivisions there were and how large they were.

- Mr. Pauly responded that a subdivision was four or more lots. Villebois had quite a few subdivisions, which varied in size from three lots with open space tracts to hundreds of lots.
- Asked if the subdivisions in Villebois corresponded to individual applications to the DRB.
 - Mr. Pauly said not necessarily, but generally, yes.
- Explained there were two or three references to a subdivision as the relevant environment that a proposed ADU would have to conform to, rather than simply other property on the lot or the adjacent lots. Any other property in the subdivision would be a suitable precedent for an architectural decision.
 - Mr. Pauly noted every subdivision in Wilsonville had the same architectural standards throughout styles and era of development. He could not think of any modern subdivision with variations that would have a negative impact on the compatibility of an ADU.
- Said within a three-block subdivision, a structure related to a style two blocks away would also relate to the surrounding houses and adjacent houses. Old Town was the exception and it was a big exception because it had its own overlay zone.
 - Mr. Pauly noted the overlay zone took precedent over the design standards.
- Stated he was not happy with the architectural standards, but realized the City was constrained. He believed it was a big mistake and resented having to comply with requirements driven by Wilsonville's big sister to the north, which had little to do with Wilsonville or most of Oregon. However, he realized that was a political fact.

Commissioner Postma:

- Noted a potential numbering error on the red line version of the Code in the Definition Section on Page 11 of 56.
 - Mr. Pauly assured Tami Bergeron would take good care of such editing.
- Referenced Page 18 of 56 and said he recalled discussion that sometimes ADUs might not be on same lot as the dwelling units to which they were subordinate.
 - Mr. Pauly replied one of the definitions in the current Code stated accessory uses in general, not necessarily ADUs, may be on an adjacent lot, which seemed to be more applicable to an industrial or commercial project.
- Said he was concerned that the word, "except" might be needed, but he understood that allowance was for accessory uses that were not ADUs.
 - Mr. Pauly noted the Definition Section used to read, "an accessory use may be located on lots adjoining the main use, if approved" and he added "for non-residential uses", so for residential uses, ADUs would always need to be on the same lot.
- Confirmed the resolution had two sections. One section said "Whereas, the City of Wilsonville encourages construction of ADUs to provide needed housing particularly for smaller households..." and the section below stated, "where the City of Wilsonville further encourages construction of ADUs." He asked if that was in a stated policy from City Council.
 - Mr. Pauly confirmed that was correct, but he did not have the reference. He believed it was in the ordinance that adopted the current ADU standards.
 - Amanda Guile-Hinman, Assistant City Attorney, confirmed the policy was in two Ordinances, which she believed were Ordinances 796 and 797.
- Suggested that rather than saying, "the City of Wilsonville encourages", noting the actual policy should be referenced.
 - Ms. Guile-Hinman agreed and suggested the following language addition, "WHEREAS, the City of Wilsonville ~~further encourages~~ **has adopted a policy of encouraging** construction of Accessory Dwelling Units..."

Chair Greenfield:

- Noted a zero setback was possible in circumstances where the adjacent property owner agreed and asked where that was stated in the Code.

- Mr. Pauly replied it was in Section 4.133 and was very close to the ADU language. He noted the last ADU that was submitted requested a 5-ft setback, which was difficult from a practical standpoint because permission was needed from the individual homeowners as well as the lienholder. Everything must be recorded and a lot of paperwork must go on the title. This typically not did not happen because it so burdensome for homeowners to talk to their neighbors and the banks. He confirmed it was not likely to be widely used.
- Noted his neighborhood had a small 6-ft setback requirement on the side. The next small subdivision to the north had houses 6 ft apart. He read language suggesting it would be possible, if the next door neighbor agreed, to go right up to the property line. Presumably the other property owner could too, which would create row houses. Wilsonville used to have the designation “detached rows”.
 - Mr. Pauly clarified attached rows still existed in Villebois and were a feature created for the Village Center.
- Confirmed the requirement for one parking space for ADUs and that if none was available on the property, then 45 feet of available parking on the curb would be required.
 - Mr. Pauly explained that one on-site standard sized space was required, but if 45 feet of available curb space was not already spoken for, it could be applied in lieu of the on-site space.
- Noted that addressed some of the concern the Commission had about the parking load ADUs imposed on neighborhoods.

Commissioner Heberlein said he appreciated Mr. Pauly’s work on the changes after the last meeting was so contentious.

Commissioner Hurley:

- Asked where the Commission stood on the recommended expansion proposals that were highlighted, which eliminated the ability to banish ADUs.
 - Chair Greenfield stated that only applied to one HOA.
 - Mr. Pauly clarified that the Commission could apply that to Frog Pond West as well, but he did not hear a lot of interest in that. Rather than including that as a blanket requirement in the Code, it would potentially end up being incorporated as a Code amendment for the RN Zone when the master planning work was done for those areas. Right now, nothing was being done with that proposal.
- Read the following from Metro’s 2018 Growth Management Decision, Chief Operating Officer Recommendation dated September 4, 2018, which had been distributed at the dais: “Set an expectation that the four cities will explore ways to encourage the construction of ADUs in the expansion areas. For example, this could be accomplished either by encouraging construction of ADUs at the same time primary dwellings are being built or placing square footage limits on primary dwellings to encourage adequate lot space remains for the construction of ADUs.” However, the Wilsonville section of the recommendation stated: “With that in mind, I recommend that the City look for ways to integrate additional housing choices throughout the plan. Likewise, the City should update its code to comply with the State law by clarifying that at least one ADU is allowed.” He noted Metro was not saying that Wilsonville had to do anything beyond what was already being done.
 - Mr. Pauly confirmed that was correct.

Chair Greenfield commented he did not see any problem in the policy regarding future development, and it stated that issues should be dealt with at the master planning stage. However, he had a little bit of a problem with existing HOAs, but only one would be affected, and he was not aware of any public outcry there. He believed the City was perfectly justified going forward with new development that requirements should be established in the City Code.

- Mr. Pauly responded those were really the options. The City could say the differences was that if a Code was adopted for the whole city, it would also apply to the subdivisions coming up in Frog Pond West, in addition to Frog Pond East and Frog Pond South.

Chair Greenfield closed the public hearing closed at 7:45 pm and confirmed there was no deliberation from the Commission.

Commissioner Millan moved to adopt Resolution No. LP18-0006, including the revisions read into the record. Commissioner Heberlein seconded the motion.

The following revisions were read into the record:

(Note: Additional language in bold, italic text; deleted language struck through)

- In the Resolution, the seventh Whereas was amended to state, “WHEREAS, the City of Wilsonville ~~furthe~~ ~~encourages~~ **has adopted a policy of encouraging** construction of Accessory Dwelling Units...”
- Renumber the Definition Section appropriately on Page 11 of 56.

The motion passed unanimously.

III. INFORMATIONAL

- A. City Council Action Minutes (August 6, 2018 and August 20, 2018)
- B. 2018 Planning Commission Work Program

IV. ADJOURNMENT

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 7:54 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Tami Bergeron, Administrative Assistant-Planning



Notice of Hearing Continuation Wilsonville Planning Commission July 11, 2018

**The ADU Code Edits project hearing has
been continued to a date certain of September 12, 2018.**

City staff are requesting a continuance of the public hearing on the ADU Code Edits project to allow the project team additional time to provide detailed project level information.

For more information contact Daniel Pauly, Senior Planner, Pauly@ci.wilsonville.or.us (503.570.1536) or Tami Bergeron, Planning Administrative Assistant, bergeron@ci.wilsonville.or.us (503.570.1571).



PLANNING COMMISSION

WEDNESDAY, JULY 11, 2018

II. LEGISLATIVE HEARING

B. Accessory Dwelling Units Code Updates (Pauly) (45 minutes)

**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 from to allow accessory dwelling units for each detached single-family structure 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 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 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 identified lot coverage requirements and private covenants and restrictions as potential major barriers to Accessory Dwelling Unit which the City wishes to reduce; 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 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, 4.010, 4.011 and 4.012 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, 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 public hearing, 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 July 11, 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 11th day of July 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: _____



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: July 11, 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 conduct the public hearing, and when complete, forward a recommendation to adopt the proposed Development Code amendments to City Council.			
Recommended Language for Motion: I move to adopt Resolution LP18-0006 recommending adoption of the 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 become 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.

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.

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 recommends amending the Code to allow additional lot coverage to provide enough space to permit the possibility for ADUs. Another common barrier is private covenants and restrictions. While not addressing current private restrictions, staff does recommend code language preventing future subdivisions from having private restrictions on ADUs beyond those commensurate with homes and other accessory structures. 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.

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 to hold the first public hearing on July 11th and a City Council public hearing has tentatively been scheduled on August 6th.

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: Draft Code Amendments to Chapter 4 Wilsonville Code

Attachment 3: Draft Amendments to Old Town Single-Family Design Standards Book

Attachment 4: Table of Current and Proposed Lot Coverage Standards

Attachment 5: Comprehensive Plan Text Amendment for Implementation Measure 4.1.4.bb.

Attachment 6: Compliance Findings

Attachment 1

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	Allow for additional lot coverage while maintaining existing setbacks for ADUs, as lot coverage is the most common barrier to adding additional structures on a property or expanding an existing structure.
B2	Prohibit further private restrictions on ADUs in new subdivisions, verified at the time of Final Plat review.

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

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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]

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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.~~

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~~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

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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,

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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.~~

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~~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.~~

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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

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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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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.

Commented [PD18]: C7

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

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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.

(.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.~~

Commented [PD19]: A1, C3

B. Standards

1. Number Allowed

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

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b. ~~For all other attached dwelling units: None.~~

2. ~~Maximum Floor Area: per definition in Section 4.001, 800 square feet of habitable floor area. Per Subsection 4.138 (.04) C. 1., in the Old Town Overlay Zone the maximum is 600 square feet of habitable floor area. 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.~~

Commented [PD22]: C4

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

Commented [PD23]: B1

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

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~~4-5. 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.~~

~~5-6. 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.~~

Commented [PD25]: A2

~~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:~~

- ~~i. 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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~~9.7. 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.~~

~~8. 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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~~10.9. 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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~~C. Prohibition on Additional Private Restrictions on Accessory Dwelling Units~~

~~1. Residential plats or subdivisions submitted for final plat approval after October 1, 2018 shall not restrict accessory dwelling units to a greater extent than the City's Development Code in place at the time of final plat submittal except that restrictions on building materials and finishes can be commensurate with requirements for other accessory structures. The allowance of accessory dwelling units shall be acknowledged in clear language on the plat or other document recorded with the plat to which~~

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the plat is subject (i.e. CC&R's).

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

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(.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 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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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.

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

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:

Commented [PD35]: C1

- 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-primary~~ dwelling units; thirty percent (30%) for all buildings except accessory dwelling units; up to an additional 800 square feet per accessory dwelling unit up to forty-five percent (45%) total lot coverage for lots less than 7,000 square feet and up to forty percent (40%) total lot coverage for lots 7,000 square feet and greater.
- G. Block and access standards:

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

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.]

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

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.~~

Commented [PD37]: C1, C3

~~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:

Commented [PD38]: A1

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.~~

Commented [PD40]: C3, C7

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:

Commented [PD41]: C1

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.

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

- 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.

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

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-primary dwelling units; twenty-five percent (25%) for all buildings except accessory dwelling units; up to an additional 800 square feet per accessory dwelling unit up to thirty percent (30%) total lot coverage.
- (.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).

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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 20,000square 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-primary

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

dwelling units; thirty percent (30%) for all buildings except accessory dwelling units; up to an additional 800 square feet per accessory dwelling unit up to thirty-five percent (35%) total lot coverage.

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(.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 with an additional 800 square feet allowed per accessory dwelling unit up to sixty-five percent (65%) total lot coverage. Forty-five percent (45%) for lots between 7000 and 8000 square feet with an additional 800 square feet allowed per accessory dwelling unit up to fifty-five percent (55%) total lot coverage. Forty percent (40%) for lots exceeding 8000 square feet with an additional 800 square feet allowed per accessory dwelling unit up to fifty percent (50%) lot coverage.

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(.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).

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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.

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- (.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.
 - 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 (%age)	Frontage Max. Height ⁹ (ft.)	Bldg. Setbacks ^{10, 13, 20} (ft.)			Side Min. (ft.)	Alley-Loaded Garage (note)	Street-Loaded Garage (note)
							Front	Min.	Max.			
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 ⁴	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 Medium and Estate Lots, for attached or detached accessory dwelling units or other detached accessory buildings are 45%~~ maximum lot coverage may be increased by 10%. On Standard and Large Lots, maximum lot coverage may be increased by 10% for non-accessory dwelling unit detached accessory buildings. In addition, on Standard and Large Lots maximum lot coverage may be increased by 800 square feet for attached or detached accessory dwelling units up to 75% lot coverage for Standard Lots less than 4,575 square feet, and up to 70% for Large Lots and Standard Lots greater than 4,575 square feet.

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 an 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 Dwellings with front-loaded garages are limited to one shared standard-sized driveway/driveway.

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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 [PD50]: 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.

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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

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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.

KL An additional 800 square feet is allowed per accessory dwelling unit up to a total lot coverage of 50% for R-10, 55% for R-7, and 75% for R-5.

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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.~~

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(.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.

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	Apartment: Multiple Family Dwelling Units - Min. of 2
2. Accessory dwelling units	Per Subsection 4.113 (.11)	No Limit	Non required
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	2 spaces/unit	No Limit	1 per D.U.
4. Manufactured or mobile home subdivision	1 per D.U.	No Limit	1 per D.U.
b. Commercial Residential			
1. Hotel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2

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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. Demonstration that residential plats or subdivisions submitted for final plat approval after September 5, 2018 do not restrict accessory dwelling units to a greater extent than the City's Development Code in place at the time of final plat submittal except that restrictions on building materials and finishes can be commensurate with requirements for other accessory structures. The allowance of accessory dwelling units is acknowledged in clear language on the plat or other document recorded with the plat to which the plat is subject (i.e. CC&R's).

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~~6.~~

~~7.~~8. 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

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

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 120s 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.~~

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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 | New Ranch |
| Roof Style: Gable | Roof Style: Hip or Low-Pitched Gable |
| Roof Pitch: 7:12 to 12:12 | Roof Pitch: 4:12 to 6:12 |
| Eaves: 8" minimum to 18" maximum | 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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Attachment 4 Comparison of Current and Proposed Lot Coverage by Zoning and Lot Type

Zoning and Lot Type	Current Lot Coverage	Proposed Lot Coverage	Min Lot Size	% Min Lot Size 800 sf	% Lot Coverage: Max Lot Coverage Plus 800 SF ADU at Min Lot Size
Residential Agriculture-Holding (RA-H)					
All lots	No Lot Coverage Max	no change	30000	NA	NA
Residential (R)					
Lots less than 7000 sf	20% DUs, 30% all buildings	20% primary DUs, 30% all non-ADU buildings, add 800 sf per ADU up to 45%	5000	16.0%	46%
Lots 7000-8000 sf	20% DUs, 30% all buildings	20% primary DUs, 30% all non-ADU buildings, add 800 sf per ADU up to 40%	7000	11.4%	41%
Lots 8000 or more sf	20% DUs, 30% all buildings	20% primary DUs, 30% all non-ADU buildings, add 800 sf per ADU up to 40%	8000	10.0%	40%
Planned Development Residential (PDR)					
PDR-1					
All lots	20% DUs, 25% all buildings	20% primary DUs, 25% all non-ADU buildings, add 800 sf per ADU up to 30%	25000	3.2%	28%
PDR-2					
All lots	25% DUs, 30% all buildings	25% primary DUs, 30% all non-ADU buildings, add 800 sf per ADU up to 35%	12000	6.7%	37%
PDR-3					
Lots less than 7000 sf	50% all building	50% all non-ADU buildings, add 800 sf per ADU up to 65%	5000	16.0%	66%
Lots 7000-8000 sf	45% all buildings	45% all non-ADU buildings, add 800 sf per ADU up to 55%	7000	11.4%	56%
Lots more than 8000 sf	40% all buildings	40% all non-ADU buildings, add 800 sf per ADU up to 50%	8000	10.0%	50%
PDR-4, PDR-5, PDR-6, PDR-7					
All lots	75% all buildings	no change	1500-4000	20.0%-53.3%	95%-128%
Village (Villebois)					
Small/ Small Cottage	75% plus 10% for detached accessory buildings	75% all buildings	2250	35.6%	111%
Medium	65% plus 10% for detached accessory buildings	65% plus 10% for attached/detached ADU's or other detached accessory buildings	2900	27.6%	93%
Standard	55% plus 10% for detached accessory buildings	55% plus 10% for non-ADU detached accessory buildings, plus 800 sf per ADU up to 75% if lot less than 4575 sf, or 70% if 4575 sf or greater	4500	17.8%	73%
Large	55% plus 10% for detached accessory buildings	55% plus 10% for non-ADU detached accessory buildings, plus 800 sf per ADU up to 70%	5400	14.8%	70%
Estate	45% plus 10% for detached accessory buildings	45% plus 10% for attached/detached ADU's or other detached accessory buildings	8000	10.0%	55%
Residential Neighborhood (RN) (Frog Pond)					
R-10 Large Lot	40% all buildings	40% all non-ADU buildings, add 800 sf per ADU up to 50%	8000	10.0%	50%
R-7 Medium Lot	45% all buildings	45% all non-ADU buildings, add 800 sf per ADU up to 55%	6000	13.3%	58%
R-5 Small Lot	60% all buildings	60% all non-ADU buildings, add 800 sf per ADU up to 75%	4000	20.0%	80%
Old Town Overlay Zone					
All lots	40% all buildings but small (120 sf or less) detached buildings	no change	NA	NA	NA

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 6
 Planning Commission Resolution LP18-0006 Staff Report
 Compliance Findings

Accessory Dwelling Unit Code Amendments

Date of Findings: July 3, 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 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 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 ADUs the same 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.

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, including lot coverage, for residential development. The proposal allows an increase in lot coverage to allow for additional intensity of accessory residential development in some instances, but keeps the lot coverage increases to the minimal for removal of the identified barrier to accessory unit development. The minimization of the lot coverage increase while maintaining all setback requirements allows accessory dwelling units as directed by state law and encouraged by established City policies while maintaining adequate open space, separation of neighboring dwelling, and maintaining the character of existing neighborhoods. 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.



Accessory Dwelling Unit (ADU) Code Amendments

Planning Commission Public Hearing
July 11, 2018

Presented by: Daniel Pauly AICP, Senior Planner

Current Wilsonville ADU Policy

- **Broad Allowance**
 - All single-family dwellings on their own lots
 - Don't have restrictions common in other suburban jurisdictions
- **Removing Potential Barriers**
 - SDC Waivers



Senate Bill 1051

- ORS 197.312 (5)(a) “A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow . . . at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.”



Senate Bill 1051

- ORS 227.175 (4)(b)(A) “A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards,”



Code Review and Audit

- Reviewed by Legal and Planning Staff
- Code Audit performed by consultant paid for by Metro



Notice and Publicity

- Notice mailed to all residential properties
- Notice posted and published in typical places
- Additional article in Spokesman
- Only 1 question received



ADU Code Amendment Categories

- A. Ensure Compliance
- B. Further the Intent to Remove Barriers
- C. Increase Code Function and Clarity



A. Ensure Compliance

1. Allowance per “detached dwelling” in addition to current per lot allowance
2. Remove subjective “similar architecture” language
3. Remove numeric limit for Canyon Creek Estates



B. Further Intent

1. Allow for additional lot coverage for ADUs
2. Prohibit further private restrictions



C. Increase Code Function & Clarity

1. Refine “Dwelling Unit” definitions
2. Add “Detached” and “Attached” definitions
3. Remove unnecessary duplicative language
4. Clarify accessory use and lot relationship
5. Update “Garage” definition
6. Define “Habitable Floor Area” and clarify what type of storage is counted in ADU floor area



C. Increase Code Function & Clarity

7. Define "Short-Term Rental" and clarify allowance
8. Clarify ADUs included in lists of accessory buildings and structures
9. Simplify/Clarify ADU floor area language
10. Simplify ADU parking requirements
11. Clarify ADUs don't count in density calculations
12. Remove unnecessary trash collection and fire access language



**Questions &
Comments**



**PLANNING COMMISSION
WEDNESDAY, JULY 11, 2018
6:00 P.M.**

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

Approved as
presented at the
August 8, 2018
PC Meeting

Minute Excerpt

I. CALL TO ORDER - ROLL CALL

Chair Jerry Greenfield called the meeting to order at 6:00 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Peter Hurley, and Ron Heberlein. Phyllis Millan and Kamran Mesbah arrived shortly after Roll Call. Simon Springall was absent.

City Staff: Chris Neamtzu, Amanda Guile-Hinman, Miranda Bateschell, Daniel Pauly, Mike McCarty, Nancy Kraushaar, Tod Blankenship and Erica Behler.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN'S INPUT - This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

ADMINISTRATIVE MATTERS

A. Consideration of the June 13, 2018 Planning Commission minutes
The June 13, 2018 Planning Commission minutes were accepted as presented.

II. LEGISLATIVE HEARING

- A. Basalt Creek Concept Plan (Bateschell)
- B. ADU Code Updates (Pauly)

Chair Greenfield opened the public hearing at 6:39 pm.

Daniel Pauly, Senior Planner, stated these Code updates on accessory dwelling units (ADUs) amended the Development Code, primarily, but also changed one paragraph in the Comprehensive Plan text. Attachment 6, the Legislative Compliance Findings, showed the proposed amendments were in compliance with State, Metro, and local regulations. He presented the ADU Code Updates via PowerPoint with the following comments:

- While Wilsonville allows ADUs and has supported their development, only about 10 ADUs have been developed. The City had a history of removing potential barriers to ADU development. For example, City Council adopted administrative policy that waived SDC fees for ADUs; otherwise many of the same costs associated with a full, single-family home would apply to these small structures.
- The primary reason for the proposed amendment was that the State of Oregon adopted new regulations that went into effect July 1, 2018, so time was of the essence to get make these changes so the City would be in compliance with State law, which now required the following:
 - Cities with populations greater than 2,500, such as Wilsonville, must allow at least one ADU for each detached single-family dwelling subject to reasonable local regulations relating to siting and design.
 - Reviews of housing must be based on clear and objective standards.

- The new State laws were reviewed by legal and planning Staff, who identified opportunities for changes as well as barriers to ADU development. Metro also provided a consultant to perform an independent audit of Wilsonville's Code that Staff also received and reviewed.
- Notice was mailed to all residential properties, posted in city-owned buildings, and published in the *Spokesman*. There was an additional article in the *Spokesman* this week. Prior to this hearing, Staff received one inquiry from a resident in the Canyon Creek Estates Subdivision, where ADUs were limited and that was no longer allowed. A Planning Commission work session was held in June and Staff also received input from City Council in a work session a couple of weeks ago.
- Daniel Pauly reviewed the proposed Code amendments, which fell into three categories, as well as the changes made to the amendments since the June work session, which were also provided in a red line copy at the dais.
 - Direct items to ensure compliance with State law.
 - Currently, ADUs were allowed per lot, but the State law was set up based on dwelling unit. Therefore, minor language changes and the removal of some language were needed to maintain consistency across all residential zones. Conceptually, there could be more than one primary dwelling unit on a single lot. Under State law, each dwelling would be entitled to an ADU.
 - Remove subjective "similar architecture" language. At this time, ADUs must substantially match the primary dwelling unit; therefore, ADUs had more architectural requirements than primary dwelling units, garages, or any other accessory building. The proposed Code changes limit neighborhood specific architectural review, including Villebois, Frog Pond, and Old Town, to the same design guidelines found to be clear and objective in previous actions to apply equally to all structures including ADUs. In areas without specific architectural requirements, the market would drive what architectural guidelines were acceptable.
 - Existing private CC&Rs that guide architecture would still apply.
 - Numeric limits would be removed from the Canyon Creek Subdivision. A Stage 2 Plan was adopted with an ADU limit that was later codified, but was not consistent with the new State law of allowing one ADU per dwelling unit.
 - Further the Intent to Remove Barriers.
 - Allow for additional lot coverage for ADUs. In certain zones, houses were built to the maximum lot coverage because developers wanted to take advantage of building the homes they could on those lots. In the prior edition discussed by the Commission, ADUs were exempt from lot coverage requirements, and now that had been modified and tailored zone by zone, where it made sense to allow additional lot coverage to remove this barrier.
 - Typically, ADUs could be up to 800 sq ft not to exceed a certain percentage in addition to the existing lot coverage. No more than 75 percent lot coverage was allowed anywhere in the city. Most developments with 75 percent lot coverage were in zones where houses were not typically built to maximum lot coverage, with a few exceptions, such as some smaller lots in Villebois, because there was not really room to do an addition.
 - Private restrictions, like CC&Rs, would not be changed, nor did State law require prohibition; however, the City could encourage ADUs by prohibiting further private restrictions. Since the last work session, the only change had been moving the date up from late October to early September based on when the amendments were likely to be adopted. Any plat that came in after September 5th would be required to note that ADUs were allowed in the subdivision.
 - Increase Code Function and Clarity. The Code amendments necessary to ensure compliance with State law resulted in the need to make further amendments and additions for clarity and to increase the Code's function. Those language changes involved the following:
 - All the definitions of "dwelling unit" were amended to be consistent and work together. Since the work session, the definition of cluster housing was modified to be consistent with the other language. The definition of duplex was modified to be consistent with other jurisdictions and

provide a common understanding that a duplex was an attached unit, so, two, full dwelling units could not be located on the same lot; the lot would have to be partitioned.

- ADUs would not be allowed with an attached duplex, but two attached units on separate lots could have ADUs. The definitions of detached and attached dwelling units were reworked, and Staff believed the new language added clarity that should be useful when applying the standards over the years.
- A lot of duplicative language that had crept in over the years had been removed.
- The relationship between an accessory use and the lot was clarified. An ADU must be on the same lot, which seemed obvious but the Code language needed some tweaking.
- The garage definition was updated. One type of ADU was a combination garage/ADU, so the definition now accommodated that possibility.
 - Over the years, customers have asked whether certain storage areas count as part of an ADU. Staff defined habitable floor area and clarified what type of storage counted. Essentially, if the storage area could be accessed from the interior of the unit, it counted toward the ADU floor area. An attached garden shed accessed only from the outside would not count, nor would an attached garage.
- Short-term rentals come up around ADUs because that was one reason someone might build one. What was currently allowed would not change, but the new amendments acknowledged that short-term rentals exist in the community and must be discussed in the Code.
 - Short-term rentals were defined and clarifying language was added as to when they would be allowed. Short-term rentals were defined as a home occupation, which is allowed in residential zones. If one room was rented out and the operator lived on site, it would be considered a home occupation. If the entire home was rented out and no operator lived on site, it would be a home business that required additional review as a conditional use permit.
 - Since the work session, a clarification was added that only one renter, tenant, or party would be allowed in a short-term rental at a time. Language was also added to further clarify the current definitions of bed and breakfasts, hotels, and motels.
- Currently, the Code required ADU parking to be on site or it may be on the street within 100 feet, which was unclear. The new recommendation required onsite parking unless it could be shown that at least 45 feet of street frontage, enough for two parallel parking spaces, was available directly adjacent to the site and not already claimed as required parking for another land use approval. The language also ensured no special exemptions existed, so that the same parking standards applied in all zones where ADUs were allowed.
- As suggested by the Commission, language was added to the density table in the PDR Zones to clarify that ADUs did not count toward density calculations.
- Also since the work session, slight Code language modifications were made regarding the Residential Agricultural Holding (RA-H) and the Frog Pond Residential Neighborhood (RN) Zones regarding the allowance of ADUs for each detached unit or single-family dwelling to ensure consistency with the rest of the residential zones.
- The proposed Code amendments also added a Comprehensive Plan text amendment to create consistency between the Comprehensive Plan and the Development Code.

Chair Greenfield called for public comment on the ADU Code Updates. Seeing none, he called for comments and questions from the Commissioners. He noted that unlike the previous hearing matter, the Commission had less opportunity for input on this subject since the ADU issue had been driven by very abrupt legislative pressure. He believed some substantial questions needed to be addressed.

Commissioner Hurley:

- Noted that in regards to further intent to remove barriers, adding language for not including ADUs in lot coverage and preventing future deed restrictions was discussed at the last Planning Commission meeting.

He asked if the Senate Bill did or did not require those, or if Wilsonville was looking to do those things separately.

- Amanda Guile-Hinman, Assistant City Attorney, replied that DLCD and Metro indicated that lot coverage was specifically called out as a barrier, which was why Staff tackled those issues. Deed restrictions were less of an indication from the State and Metro and more of a Staff recommendation because it fit in with the general theme of eliminating barriers.
- Mr. Pauly added that restrictions needed to be considered reasonable. Existing lot coverage requirements almost seemed unreasonable because they essentially disallowed ADUs for many properties. Staff recommended the prohibition of new deed restrictions to further City Council's consistent desire to encourage the development of ADUs as a valid way to address housing issues, which was something they wanted to continue to encourage over the years.
- Referenced prior conversations regarding lot coverage percentages and Staff's reference to market demands and what a builder might do to maximize lot coverage to what is allowed in the Code. He believed what a developer might have done in the past and what the State legislature was requiring currently and in the future were mutually exclusive. The City put restrictions on a developer in the beginning when they came to build in Wilsonville, and the State was saying something would be different in the future. But, the City was not compelled to change lot coverage requirements, as he saw it in the Senate Bill. He believed changing those requirements for lots that had already met their lot coverage would be inappropriate because existing development was built under previous restrictions. He did not believe the City should change its rules on lot coverage for everyone in the city just because the State said to do so. If someone still happened to have lot coverage available, then they were playing by the rules that were set up before.
- Taking that one step further, Frog Pond was yet to be developed, so if the City decided to prevent new development from restricting ADUs, the City should revisit the Frog Pond Plan densities before it developed given that the State and the City were requiring that ADUs be allowed in that neighborhood, which would completely change the housing mix.
- Additionally, he did not believe it was appropriate to exclude ADUs from the City's densities. Taking the lot coverage changes out to their full extent changed the density and housing stock of Wilsonville dramatically, which was why Portland drove this. He was not sure Wilsonville wanted to do that. Additionally, those further intent portions of the Code amendments were not necessary to meet the State's requirements.

Commissioner Millan said she understood Commissioner Hurley wanted to reconsider Frog Pond, but she was not sure how that related to these Code changes. A master plan and density were approved for Frog Pond and these Code amendments could potentially change that, but she did not know what Commissioner Hurley was asking about this Code.

Commissioner Hurley:

- Explained that there were lots that were currently built to 100 percent of the allowed lot coverage area. Prior to these amendments, those lots could not build ADUs. The Code amendments would allow those lots and all lots to build ADUs. While 800 square feet was not very big, a three-story townhouse in Villebois with a postage stamp sized backyard and 100 percent lot coverage could build a three-story, 200 square foot per floor ADU.
 - Mr. Pauly clarified that was already allowed under the existing Codes for lots that were not built out to their maximum lot coverage limits. He confirmed that currently, a property could not exceed the lot coverage area, but any of those same lots could do a garage conversion or convert the upstairs to an ADU.
- Confirmed that currently, an ADU could not be built in Villebois on a postage stamp sized lot if the full buildable lot coverage area had already been met. Mr. Pauly noted the table in the Code and added these amendments would not change such Villebois situations. He clarified the proposed amendments would not allow a three-story, 750 square foot ADU to be built.

- Noted the Code amendments stated the buildable percentage of a lot was not to be included for ADUs.
 - Mr. Pauly explained that was in a prior edition. The existing proposal was zone by zone. Much of the city would not change. Lot coverages in the single-family areas of the city, PDRs 4, 5, 6, and 7, would remain at 75 percent. Currently, the small lots in the Village Zone were allowed lot coverage up to 85 percent and Staff recommended that be lowered to 75 percent for consistency with the maximum throughout the city.

Commissioner Postma:

- Said he did not want to get bogged down with Villebois examples. He mentioned his concerns last time and wanted to make sure his point was understood. Commissioner Hurly was speaking in terms of what he could build at a moment in time. He was concerned that people who have purchased larger lots in certain neighborhoods, like Meadows, have accepted lot coverage impacts on their ability to build an ADU, and they know their neighbor could not build an ADU. This defined the neighborhood they chose to live in. He was concerned that the Code amendments would change the definition of every neighborhood in Wilsonville. He was not sure he agreed that the legislature has required the City to make that change because the Code provision stated the changes were subject to reasonable local regulations relating to siting and design. If the City had a 50 percent lot coverage, wasn't that an objective regulation regarding siting?
 - Mr. Pauly responded it was objective, but it was also important to understand that in his experience, people do not conceptualize lot coverage very well when they think about light and air on their lot, but they do understand the impacts of setbacks to a greater extent.
- Responded that he believed people did understand lot coverage conceptually, but not technically. People know what their neighborhood looks like and the proposed amendment would change how the neighborhoods look.
- Said he did not believe the statute really required the City change lot coverages as proposed by Staff. The Code review and a third party's indication that existing requirements were overly restrictive did not match the statutory language at all. The statute stated that the City was allowed to have objective regulations relating to siting and design. The Commission was saying the proposed changes might be too restrictive. At first, this seemed to be a technical requirement; but now they were trying to meet the intent. There was a notion of broad encouragement of ADUs but, the City also had a history of specifically defined lot coverage requirements and he was not comfortable changing those everywhere. Everybody who purchased a lot in Wilsonville had a reasonable expectation of what their neighborhood would look like. The City was changing that. His reading of the statute indicated the City was not required to do that. He was not comfortable with any lot coverage changes.
 - Mr. Pauly explained that the truth tested the lot coverage recommendations on lots throughout the city. He asked the Planning Commission to consider that many of these lots already have the lot coverage to build ADUs currently, and under the new Code amendments.
- Interjected that seemed to be what the legislature intended. If a lot met all of the other requirements of the City, a property owner should be able to build an ADU.
 - Mr. Pauly continued that there were also a number of lots that could maintain the character of the community because homeowners do not understand the lot coverage restrictions. The recommended changes would level the playing field. Wilsonville's history indicated there would not be a huge onslaught of ADUs as a result of these Code amendments. The proposed changes remove barriers so that someone who was interested would have the opportunity to use their land in a way that benefitted them, benefitted someone else, and had limited impacts on the community. ADUs have been found to have limited impacts on the community.
- Said the recommendation was based on the fact that it might be okay.

Chair Greenfield stated the historical argument was weakened by recent pressure building nationally for higher densities. What really mattered was what the City could expect in the future.

Commissioner Hurley:

- Said along the line of the example Mr. Pauly gave, where someone wanted to do an addition but were already at maximum lot coverage. If the addition was a larger family room, not an ADU, it could not be done. He cited Section 124.3. (.04) F on Page 27 of 54 of the Staff report, noting in PDR3, lot coverage was currently at 50 percent for lots containing less than 7,000 square feet, 45 percent for lots containing between 7,000 and 8,000 square feet, and 40 percent for lots containing more than 8,000 square feet. The new requirements would add an additional 800 square feet allowed for an ADU. This could result in up to 65 percent lot coverage. He confirmed that a property owner could add an ADU, but not a small addition to their home, and explained that was the problem. Wilsonville had already said it did not want lots to have any more than the stated lot percentage coverages. Now, the City was saying property owners could not build much more of a house, but the City would change the playing field if they wanted to build an apartment in the back and rent it out as an Airbnb. He suggested the percentages remain the same across the entire city, and those with lot coverage left could either expand their home or build an ADU.
- He understood the only exemptions were where CC&Rs currently exist for a current development. He believed the Code amendments opened Pandora's Box for Frog Pond, a development that had not even started yet, because now there were new rules to play by.
 - Mr. Pauly reminded that ADUs were currently allowed in Frog Pond and the lot coverages were fairly high.
- Responded that a developer could put deed restrictions in the CC&Rs on all the homes, which would not be the case today.
 - Mr. Pauly said that was not likely. He did not see many developers putting ADU restrictions on homes today.
- Stated likely or not, the future could not be predicted. Wilsonville looked a lot different than it did when it started in the 1970s. There were no longer a lot of trailer parks.
 - Mr. Pauly continued that based on Council goals, the implications needed to be carefully considered balancing NIMBY concerns with needed housing and providing housing for changing demographics—single and two person households—while allowing homeowners to better afford having a home.
- Interjected that was all made up by Portland because their planning division wanted this and even began talking about it 30 years ago when he worked there. The whole country has said it has a housing crunch.
 - Mr. Pauly asked if Commissioner Hurley was saying that there were no one- and two-person households that could afford to live in Wilsonville.
- Replied it was economics. He did not want to change the rules for the people who live in Wilsonville and the Commission, who are unpaid citizens who live here, was tasked with doing what was in the best interest of the city. The City had to play by the State's rules, but the added in pieces were different.
 - Ms. Guile-Hinman clarified that City Council's policy since 2009 has been to remove barriers and they were concerned that there were only 10 ADUs in Wilsonville. City Council wanted to know how to obtain more ADUs. However, if the majority of the Commission wanted to recommend that City Council remove the increased lot coverage requirements, Staff would take that to Council.

Commissioner Heberlein said he was involved in the Frog Pond planning and if housing affordability was really such a grave concern, then Frog Pond West would not have been set up as a very expensive neighborhood with large lots. It would have been small lots for multi-family units. There would have been a significant number of more homes available to support that. He did not believe it made sense to make large lot homes that have the option to build ADUs, but not the option to have a larger home. He was confused as to how in a brand new development, the City could say you could have a maximum lot coverage to build a home on an 8,000 square foot lot or larger, but if you want to add an ADU, you can have a 4,000 square foot home and an 800 square foot ADU without any problems.

- Mr. Pauly responded there was a lot of political pressure in the adoption of Frog Pond from existing homeowners to keep expensive homes in the area, especially on the east side. However, there was some interest and pressure for more affordable units.

Commissioner Hurley:

- Corrected that no one asked for expensive homes; the issue was density. The apartments right up the road were extremely expensive. It was not about expense, but density.
 - Mr. Pauly responded that obviously in the marketplace, density and expense were related.
- Noted that was never stated in Frog Pond, which needed clarified.

Commissioner Postma:

- Agreed that there was a lot of political pressure and many comments from the community about the density. The Commission had followed through with what the community wanted for density in Frog Pond, but now the City was taking a different turn. That's what bothered him. The Commission got a pretty good indication in the Frog Pond process that the citizens wanted the City to be careful with density. Now, the City was playing fast and loose with density, which was a concern.
 - Mr. Pauly said he challenged the notion that a five-bedroom house and a four-bedroom house with an ADU would have the same density. That was why SDCs were waived.
- Suggested talking about indirect effects. Would an ADU put more cars on the road versus an additional bedroom in an existing house?
 - Mr. Pauly responded maybe or maybe not.

Commissioner Heberlein believed ADUs could potentially add a lot of cars parked on the neighborhood streets. On a day-to-day basis in a neighborhood with the potential to have a large or small home, an ADU would potentially add additional cars on the curb by increasing maximum lot coverage that would not necessarily exist in a normal situation. He had heard from people in his neighborhood who shared this concern. An ADU would not fit in his neighborhood. He could not see it occurring with setbacks and everything else. His neighborhood already had concerns, so that would be a concern for other neighborhoods as well. Wilsonville was a community for families and the more cars parked on the street, the harder it is to see kids, which was a challenge for him.

Commissioner Mesbah:

- Commented that the back and forth conversation has put Staff in the position of defending ADUs. He believed Staff should be asked to explain how the proposal provided clear and objective standards. It was not Staff's place to defend ADUs; they were experts tasked with helping the Commission adopt and recommend standards that the State has required. It was unfair for the Commission to put Mr. Pauly in a position where he must defend his position.
 - Mr. Pauly clarified that he was not providing his personal opinion. Adopted City policies encourage ADUs and City Council's goal was to address housing issues. He was trying to help the Commission understand those perspectives, not advocating for anything.
 - Ms. Guile-Hinman added that much of the back and forth discussion had been about an unanswered legal question regarding what was considered reasonable siting and design. Mr. Pauly had unfortunately been defending a legal department analysis on behalf of the City. Staff's job was to say that the number one barrier currently identified for ADUs was lot coverage. That was why Staff did not concede on setbacks, but did a bit on lot coverage. Staff also negotiated the percentages that they had recommended.
- Suggested Staff refrain from defending the legal analysis. He believed what he heard the other Commissioners saying was that the City could lose the other objective standards that the City has adopted for its neighborhoods by changing the lot coverages. The amendments did not address the character of the neighborhood; unless it is an issue.
- Referencing a change in neighborhood character, he did not see a table that said, "current proposed: no change." If the proposed standards clearly show that people's concerns were not really concerns because they were taken care of, that would address the issues. Going back and forth was not making this any clearer. He supported ADUs and the reason behind them. In very upscale neighborhoods, an ADU could be

the caretaker's cottage. That was the kind of flexibility the Commission was providing for property owners but, as Commissioner Postma stated, they did not want to ruin it for the neighbors either, and that had not been addressed to his satisfaction.

Commissioner Heberlein:

- Asked what other cities had done. Had any other cities in the area already adopted Code changes?
 - Ms. Guile-Hinman stated other cities involved in the process were on the same timeline as Wilsonville and were in the adoption process. No one said they would be able to have Codes adopted by July 1st.
- Noted one thing the Commission had not yet looked at was what everyone else was doing. Was Wilsonville doing something drastically different? Was everyone else taking a different legal interpretation? It felt like if there wasn't an increase in lot coverage, most of the concerns would go away. If a property owner had the ability to build because the house did not meet the maximum lot coverage, then they could build an ADU. Otherwise, it would come down to what was built in the past, what would be built in the future, and what demand really showed. It seemed like Wilsonville was being conservative in the methodology. He did not fault Mr. Pauly for that; he did a good job working within the constraints he was given. He personally struggled to see why the City needed to add an exclusion to increase lot coverage for ADUs.

Chair Greenfield stated that for him, the issue hinged on the definition of reasonable. It seemed that unreasonable barriers should be subject to being relaxed. Some barriers were reasonable and they existed because when the Code was initially done, those reasons were taken into account. A blanket relaxation of lot coverage restrictions would not take account of real differences that existed. He was personally in favor of revisiting that language.

Commissioner Mesbah noted it was mentioned that if a homeowner could not expand then they should not be able to build an ADU either. To him, those were two different issues. The policy was not trying to provide incentives for McMansions, but was trying to provide an incentive for a second unit that potentially houses a single person who would otherwise take a full lot. There was an efficiency in the policy that did not go to the business of building a bigger house, incentives were not necessary for that. It needed to be smoothed out so it fit in the work that had been done so far to create neighborhood character.

Commissioner Millan added that the lot coverages were designed for a reason; it was not just a made up number. Logic was applied to what the area would look like and what it could support, both in terms of traffic and housing. She emphasized the traffic because it was continuously seen as an issue. Adding another unit without taking lot coverage into consideration would change the character of the area.

Chair Greenfield said he believed the issue was different for established neighborhoods, especially those with generous lot sizes, than it was for Frog Pond, which the City was currently in the process of crystalizing. The planning for Frog Pond was made with some substantial compromises as far as the Commission was concerned. He believed the community also felt compromises were made. Those compromises were made with some assumptions that were now challenged by the new State requirements, which could have resulted in a different calculus when Frog Pond's lot sized were being considered. That troubled him. It was almost like a bait and switch. He regretted that the Commission could not have had this requirement in front of them as they did that initial planning. But at this point, to provide reasons to build in a way the Commission considered undesirable when Frog Pond was being planned seemed to be inconsistent and uncomfortable. The City needed to accommodate the possibility of ADUs where they were reasonable, useful, and could contribute to the growth and character of the community. As a personal note, he wished his daughter had room on her lot in Denver to build an ADU where he could retire. He had lived in an ADU in Salem many years ago and he believed there was a place for them in Wilsonville and that making ADUs available would add to Wilsonville's overall attractiveness. That was not to say the City should incentivize where they did not make much sense.

Commissioner Heberlein:

- Recalled Mr. Pauly had stated he had examples of what an ADU would look like on various sized lots.
 - Mr. Pauly said yes and explained that Councilor Akervall had asked for assistance visualizing what an ADU would look like on different sized lots, so he had prepared some quick sketches.
- Said he was interested in seeing them. He struggled with looking at Frog Pond, R-7, and the feasibility of actually being able to site an ADU on a 6,000 square foot lot or on an R-5 4,000 square foot lot. The City was saying it was allowed. He was not sure what that would really look like. Frog Pond was a challenge because it had not yet been developed. He understood the concerns of putting all the work together and now there was an opportunity for that to change. He was curious to see what was feasible on those lots.

Chris Neamtzu said that Staff had heard the Commission loud and clear. He suggested the Commission move on to the next point for the sake of moving the meeting forward.

Chair Greenfield:

- Stated the Commission had been concentrating on the term siting in the text, but it was coupled with “and design”. His concern with the draft as written had to do with design, particularly with the stipulation that design that was not clear and objective would not be permitted. What did clear and objective mean? Would conformance to a pattern book be considered compliance with clear and objective standards?
 - Mr. Pauly responded that Staff had found and DLCD had accepted the City’s adoption of a number of ordinances that have used pattern books in Villebois and Old Town as clear and objective.
- Said a pattern book provided a selection of housing designs, but they were not designs that had to be slavishly copied in order to be accepted. They had to be substantially similar to the illustrations or designs, but did not have to be exact. The language used was substantially similar and it seemed to him that would be sufficiently compliant with clear and objective standards, particularly if it was interpreted by a standard board like the Development Review Board (DRB), which determines whether a particular design was substantially similar or met expectations. That was not clear and objective in the sense that every detail must be identical. Similar was not identical; they were quite different concepts. It seemed to him that the State could not require any more than substantially similar to a standard as a measure of clear and objective.
- Noted the guidance document dated March 9th from DLCD included in the Staff report stated, “Any design standards required of ADUs must be clear and objective.” The document referred to the ORS and continued, “Clear and objective standards do not contain words like compatible or character.” Presumably, clear and objective standards would also not allow for the term substantially similar. He respectfully disagreed because he believed it was an absurd position. With the exception of ADUs in historic districts, DLCD did not recommend any special design standards for ADUs. Requirements that ADUs match materials, roof pitch, windows, etc. of the primary dwelling could create additional barriers. Wilsonville was not recommending or proposing any special design standards for ADUs, just more general similarities with regard to style. He came from a design background and understood design style, which was a very difficult concept to pin down. He could recognize style when he saw it, but could not pin down the style exactly in a way that seemed to meet the definition of clear and objective in DLCD’s document. The document also indicated that requiring ADUs to match the primary dwelling could backfire if the design and materials of the proposed ADU would have been of superior quality to those of the primary dwelling. He believed that set up a straw man, that it was unlikely, and that it could be prevented by Code.
- Stated he was uncomfortable with the notion of striking the language “substantially the same exterior design and architecture.” If Wilsonville did not have some kind of standard, he could imagine a hodge podge that would embarrass the community. The City went through a lengthy process with Old Town where the concerns were very specific and deeply seated. The look of the community needed to be respected by new construction. He had the same concern to a lesser extent to the whole of Wilsonville. He would hate to see a shed thrown up on a lot or attached to a house that had no relationship to the character or quality of the house. This would decrease property values. Wilsonville needs some way to limit that likelihood.

- Mr. Pauly clarified that currently garages and sheds could be built without any architectural guidelines.
- Confirmed he was talking about dwelling units and new construction.
 - Mr. Pauly explained the idea was that ADUs would fall under same design standards as any other structure on the property, and that this would apply in every zone. These Code amendments would remove a situation where the ADU would have more strict design guidelines than the primary dwelling unit, a garage, a shed, or any other outbuilding. In Old Town, Villebois, and Frog Pond, the design guidelines would continue to apply. Much of the city also has CC&Rs that would guide architecture and are subject to review.
- Said the language did not talk about more stringent; it talked about substantially similar.
 - Mr. Pauly agreed that could be a challenge. The idea was that a planner should not make the decision about what was considered substantially similar. There might be differing opinions about whether that meant the roof pitch should be the same or that the same roofing materials or colors should be used. Buildings could be compatible without being the same.
- Noted that actually, those concerns could be addressed in Code. If someone were currently contemplating an ADU, what application would need to be made to the City?
 - Mr. Pauly explained that ADUs were a Class 1 Review, which was administrative. Currently, the legal department's opinion was that the substantially similar language was too broad for a planner to make an administrative clear and objective decision.
- Added the City had a provision for taking it out of that path and steering it through a board to make a decision if it was not something an official should handle. He was not suggesting that. What the City was doing elsewhere with pattern books and the form-based Code approach was intended to come as close to clear and objective, without requiring subjective judgements to be made. It would be ideal if Wilsonville could do something to take account of the many architectural styles in the city to provide a pattern book; though it would be very complex.
- Sought acknowledgement of a principle that did not require pages and pages of pictures that must be complied with in order to be acceptable. He wanted to allow sensible judgement about what would be considered a consistent look in a neighborhood and the primary dwelling. Consistency with the primary dwelling would be the most important thing, even though primary dwellings were not necessarily consistent with each other. Codes prohibit too close similarity and proximity. He wanted something that had a little bit more room for stylistic sensibility than dropping the phrase "substantially similar" altogether.
 - Mr. Pauly said that was understandable, but one could put a dwelling unit next to it that did not match. A cargo container could be the primary dwelling unit in a single-family zone.
- Stated not if the City said it had to be substantially similar. A Frank Lloyd Wright style house next to a Neo Victorian would not fly because they were not substantially similar.
 - Mr. Pauly clarified that he was saying if they were on separate lots. Anything could be done on a vacant lot.
- Explained the Commission was not interfering with that. He had never heard a proposal that the Commission interfere with that kind of thing in established neighborhoods, but it was considered when establishing new neighborhoods. The design of Wilsonville could not be rewritten.

Commissioner Postma asked if the Commission could address that issue by way of standards that would be clear and objective under the requirements of the regulations in the statute.

- Ms. Guile-Hinman responded yes and explained that Portland said ADUs either had to meet the neighborhood standards or comply with requirements for things like roof pitch and window types. This was similar to what the City did in Old Town.

Chair Greenfield said the Commission's approach to Old Town was to codify the concern he was talking about.

- Ms. Guile-Hinman added one risk to that would be a potential conflict with the statute. Some neighborhoods did not have any design standard requirements and the statute prohibited putting requirements on ADUs that the primary dwelling did not already have.

Commissioner Postma understood that realistically, the City would have to go back and make clear and objective standards that were universally acceptable in the entirety of the neighborhood for primary residents.

- Mr. Pauly said that would make sense; the issue was having stricter guidelines for ADUs.

Chair Greenfield said he did not understand why requiring the ADU to be like the house or match the neighborhood was a stricter guideline. It seemed perfectly reasonable to require ADUs to have some resemblance and stylistic relationship to the house.

Commissioner Postma asked how that could be done objectively. The City needed to provide objective standards that directed property owners toward making ADUs match the primary dwelling. He agreed with Chair Greenfield, but the statute required the City to provide clear and objective standards. The word substantial was subjective and he did not know how to get around the statutory requirement.

Commissioner Millan said she would like the Code to say ADUs had to look substantially similar, but that would not be concrete. She had heard Staff say the Commission could put in some standards. She was looking at more humane things in terms of a certain amount of windows, that the living space be acceptable, and that it look like an acceptable place to live. She wanted ADUs to be something someone would feel okay about living in and be proud of. She wanted the Code to include language that would maintain a good level of public safety.

- Mr. Pauly responded that the building, fire, and safety Codes were clear and objective. How nice a building looked was a matter of taste.

Commissioner Hurley stated that for neighborhoods with design standards, the ADU requirements could be in relation to the existing home. For example, roof pitch could be either greater or less than 10 percent of the existing home. The Code could effectively create a dollhouse version of the main house by extrapolating similarities from the existing home.

- Mr. Pauly agreed those types of requirements could be clear and objective. Saying something must be exactly like another could double costs, but allowing for ranges could work much better.

Chair Greenfield said he argued against requiring that ADUs be exactly like the home. He would also argue against ADUs simply being a percentage of the other building. He believed Commissioner Hurley's proposal would be wonderful, but he did not see how it could be done by July 1st.

Commissioner Hurley confirmed he was inferring that although people have different architectural style preferences, they were all considered great; however, they might not all be appropriate for the same homeowner.

Chair Greenfield added he would like to leave more wiggle room than there would be by striking every occurrence of the language "must be of substantially the same exterior design"; just striking that without replacing it with anything else would leave the door too wide open.

- Ms. Guile-Hinman stated Staff would need to do more research to determine the feasibility and to consider a clear and objective standard that would apply to all ADUs not subject to other regulations versus a clear and objective standard tied to the particular primary dwelling.
- Mr. Pauly added it was always a trick to keep the clear and objective standards simple.

Chair Greenfield asked if there was room to craft the language further.

- Mr. Neamtzu asked if a map showing the extent of protection would be helpful to the Commission. He recommended the Commission pass the basis of fundamental compliance portion of the package and direct Staff to come back with add on pieces. It would go to the bottom of the Work Program and Staff would take it up when time allowed. He believed Charbonneau would be largely protected. Meadows and Courtside Estates would not be protected.

- Mr. Pauly added Serene Acres off of Montebello. Several areas had lot sizes that would lend themselves to ADUs, although the City had not seen any ADU development. The City had received one inquiry about setback issues off of Montebello.

Mr. Neamtzu asked if the Commission really wanted ADUs to match homes in areas where T1-11 horizontal siding was being used. He was apprehensive about trying to design ADUs because they were fluid. People want to make a creative imprint when it comes to putting an ADU on their property. They usually exist in back yards where they could not be seen, so he did not believe they created a huge visual impact. However, that could be an issue for a neighbor who had to look at a container in a side yard.

Commissioner Heberlein said that was his concern. He lived on a 6,000 square foot lot and could not imagine seeing a container sitting in the back. He did not want the Commission to rush these Code amendments. He did not believe there were any financial penalties if the City failed to comply. He recommended the Commission take time to do this right.

- Ms. Guile-Hinman explained that the statute was effective July 1st. At the audit, the DLCDC representative informed Staff that most cities were in the same position as Wilsonville and could not meet the deadline. DLCDC recommended the City notice the first public hearing by July 1st and Wilsonville did meet that deadline. She recommended a motion to continue, keep the record open, and the public hearing closed. Staff would try to come back with a better justification, to the extent Staff felt compelled to continue with the recommendations despite the feedback.
- Ms. Bateschell added that during the audit, Staff heard that the language of substantially similar could remain as long as there was a clear and objective path for people to take. Mr. Pauly mentioned knowing the general character of those neighborhoods and how to outline some clear and objective criteria for design standards that would essentially be compatible with those neighborhoods. The City might be able to provide one or more clear and objective paths.

Chair Greenfield recommended Staff call attention to the language in the legislation. Section 5, Subsection 6 of the Senate Bill stated, "In addition to an approval process for needed housing based on clear and objective standards, conditions, and procedures as provided in Subsection 4 of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating in whole or in part appearance or aesthetics that are not clear and objective if "A) the applicant retains the option of proceeding under the approval process that meets the requirements of Subsection 4," which meant that they were not under unreasonable cost or delay. That was easily avoided. "B) The approval criteria for the alternative approval process complies with applicable standards of land use planning and rules." He was reading from the Senate Bill. It seemed there was an opening to do alternatives rather than simply dropping the language.

- Mr. Pauly noted that was exactly what the City did in Old Town. There was a clear and objective pattern book and applicants still had the option to go to DRB.
- Noted it was cumbersome, time consuming, and a terrible imposition on Staff. He recommended a placeholder be inserted to pass the amendments on to Council and ensure compliance with the spirit of the State's requirements. The Commission was still wrestling with issues of concern related to the quality of the town.

Mr. Pauly asked if there were more thoughts or direction on lot coverage.

Commissioner Postma:

- Noted the Commission had discussed the prohibition on private restrictions, and he was not a big fan. There were two issues. He did not like saying the City had to remove any restrictions. There were two sections, but he referenced Section C(1) on Page 15 of 54, noting there was no C(2), so why have a C(1). First, he took issue with saying that property owners and new neighborhoods could not have restrictions. However, he was more concerned with the second part that said, "The allowances for ADU use shall be

acknowledged in clear language on the plat or other document recorded with the plat to which the plat is subject.” He asked why the City jumped from the statute all the way forward to requiring that developers must actually acknowledge that ADUs could be built. Wilsonville allowed ADUs and did not demand that language be included that ADUs would never be restricted. He did not understand the reason for that additional step.

- Mr. Pauly explained that sometimes the language in CC&Rs must be crystal clear and that was the concept behind the requirement.
- Reiterated he did not like the restriction against it. The City was not allowed to have restrictions, but they were taking the next step and saying that the land owners could not have restrictions. He did not believe the statute required that. He inquired if others questioned whether those sections should be included.

Commissioner Hurley said he brought that up in his comments earlier. Putting future restrictions on future developments would not be appropriate. He also asked why ADUs would not be included in density counts.

Commissioner Postma explained that could not be done because the statute stated ADUs must be allowed per dwelling unit. Including ADUs in the density calculation would prohibit allowing an ADU per dwelling unit. It was not possible to follow the statute and still count ADUs towards density.

- Mr. Pauly added that including ADUs in density counts would double the density, which would not be allowed under all the other rules.

Commissioner Heberlein understood Commissioner Postma’s concern was that clear language had to be on the plat or other document that allowed ADUs, not the fact that they could be prohibited.

Commissioner Postma said he was most concerned with the sentence that said the City must clearly acknowledge that ADUs were allowed. However, he would like to see both sentences go away. He did not see the need for the City to tell private land owners what they could and could not indicate in CC&Rs, HOAs, etc.

Commissioner Hurley clarified he was not against ADUs, it was the changing of the ball game. It might behoove a developer in Frog Pond to build the houses in such a manner that allowing a homeowner to build an ADU could be a huge selling point. Another subdivision in Frog Pond could have deed restrictions. Who was to say which is positive or negative? People have different desires for the neighborhoods they want to move into.

Commissioner Postma said the legislature did not, but could have said that deed restrictions were not allowed. There was some voting on the no side of this that changed during the course of the bill process, but he did not know what was traded off. He was always taught that if the legislature did not say something, that also meant something.

Commissioner Mesbah stated if ADUs were prohibited, people would look at the proposed subdivision and assume ADUs could be added. He wondered if that would backfire because the City would end up creating less density just because it would increase with ADUs that could not be stopped. Restricting ADUs could have unintended consequences.

- Mr. Pauly responded that he could see that discussion happening.

Chair Greenfield said the City was under duress for time to deliver a document to Council. He asked what could be done to leave future consideration available to the Commission.

Commissioner Postma asked if the City was really under duress.

- Ms. Guile-Hinman believed the Commission just needed to move to continue this to a date certain.
- Mr. Neamtzu explained that Staff did not want to have to notice 5,000 properties again. He believed Ms. Guile-Hinman’s recommendation was the most prudent at this point.

Chair Greenfield closed the public testimony portion of the hearing.

Commissioner Postma moved to continue the legislative hearing on Resolution No. LP18-0006, ADU Code Updates to a date to be determined by Staff. The motion was seconded by Commissioner Mesbah and passed unanimously.

Mr. Pauly confirmed he would create some additional examples of potential ADU lot coverage scenarios and send them to the Commissioners.

Chair Greenfield called for a brief recess at 8:29 pm and reconvened the meeting at 8:33 pm.

III. WORK SESSION

- A. Boones Ferry Park Master Plan (McCarty)

IV. OTHER BUSINESS

- A. 2018 Planning Commission Work Program
- B. Annual Housing Report

There were no comments.

V. INFORMATIONAL

There were no comments.

VI. ADJOURNMENT

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 9:10 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Tami Bergeron, Administrative Assistant-Planning

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

STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

I, Shelley L. White, do hereby certify that I am Administrative Assistant for the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached copy of Notice of Public Hearing is a true copy of the original notice; that on June 20, 2018, I did cause to be mailed copies of such notice of said public hearing in the exact form hereto attached to the following property owners:

See Attached List

Also notice was posted at the following locations:

- City Hall, 29799 SW Town Center Loop, East, Wilsonville OR 97070
- Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, OR 97070
- Library, 8200 SW Wilsonville Road, Wilsonville OR 97070
- City of Wilsonville Web Site

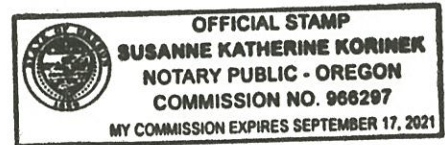
Witness my hand this 13th day of September 2018

Shelley White

Shelley White, Administrative Assistant

Acknowledged before me this 13th day of September 2018

Susanne Katherine Koriner
NOTARY PUBLIC STATE OF OREGON



NOTICE OF LEGISLATIVE PUBLIC HEARING BEFORE THE PLANNING COMMISSION:

ADU Code Update LP18-0006



Planning Commission:

On **Wednesday, July 11, 2018, beginning at 6:00p.m.**, the Wilsonville Planning Commission will hold a public hearing considering whether to recommend adoption of the **Accessory Dwelling Unit (ADU) Code Update (LP18-0006)** to the City Council. No additional mailed notice will be sent to you unless you either:

- Submit testimony or sign in at the Planning Commission hearing, or
- Submit a request, in writing or by telephone, to the Planning Division.

City Council:

The Wilsonville City Council is scheduled to hold a public hearing on the **ADU Code Update (LP18-0006)** on **August 6, 2018, at 7:00p.m.** after which it may make the final decision.

Oregon state law ORS 227.186. The City has not determined how or if this particular proposal will reduce or otherwise impact either the value or use of properties within Wilsonville. Any changes to permitted land uses may reduce or increase property values, depending on various factors. A written notice has been mailed to potentially impacted properties owners, as required by law.

The hearings will take place at **Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon**. A complete copy of the relevant file information, including the staff report, findings, and recommendations, will be available for viewing seven days prior to each public hearing at Wilsonville City Hall and at the Wilsonville Public Library.

Summary of Proposal:

The City of Wilsonville currently allows small Accessory Dwelling Units (ADUs) for most single family homes on their own lot. The City's Development Code also contains a numeric limitation on ADUs for the Canyon Creek Meadows Subdivision. The proposal modifies the City's Development Code to ensure conformance with new state statutes adopted in 2017 in Senate Bill 1051. This includes allowing ADUs for detached dwelling units even if there are multiple detached dwelling units on a lot, removing any numeric limitations beyond allowing one ADU per eligible dwelling unit, and removing ADU design standards beyond certain neighborhood/zone specific objective standards applicable to homes and other accessory structures. In addition, the proposal removes potential common barriers to ADU development by increasing allowed lot coverage for ADUs and prohibiting future subdivisions from placing certain limitations on ADUs. Lastly, the proposal makes a number of additional amendments to increase clarity and functionality for regulations related to ADUs and other housing including, but not limited to, clarifying regulations on short-term rentals, clarifying square footage limitations and parking requirements for ADUs, and clarifying definitions of different types of dwelling units.

How to Comment: Oral or written testimony may be presented at the public hearing. Written comment on the proposal to be submitted into the public hearing record is welcome prior to the public hearings. To have your written comments or testimony distributed to the Planning Commission before the meeting, it must be received by 2 pm on **Tuesday, July 10, 2018**. Direct such written comments or testimony to: **Daniel Pauly** 29799 SW Town Center Loop East, Wilsonville, Oregon, 97070
pauly@ci.wilsonville.or.us, (503) 682-4960

Copies of the full draft plan is available from the Wilsonville Planning Department at the above address.

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

**NOTICE OF LEGISLATIVE PUBLIC HEARING BEFORE THE PLANNING COMMISSION:
Accessory Dwelling Unit (ADU) Code Amendments LP18-0006**

Planning Commission:

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Summary of Proposal: The City of Wilsonville currently allows small Accessory Dwelling Units (ADUs) for most single family homes on their own lot. The City's Development Code also contains a numeric limitation on ADUs for the Canyon Creek Estates subdivision. The proposal modifies the City's Development Code to ensure conformance with new state statutes adopted in 2017 in Senate Bill 1051. This includes allowing ADUs for detached dwelling units even if there are multiple detached dwelling units on a lot, removing any numeric limitations beyond allowing one ADU per eligible dwelling unit, and removing ADU design standards beyond certain neighborhood/zone specific objective standards applicable to homes and other accessory structures. In addition, the proposal removes potential common barriers to ADU development by increasing allowed lot coverage for ADUs and prohibiting future subdivisions from placing certain limitations on ADUs. Lastly, the proposal makes a number of additional amendments to increase clarity and functionality for regulations related to ADUs and other housing including, but not limited to, clarifying regulations on short-term rentals, clarifying square footage limitations and parking requirements for ADUs, and clarifying definitions of different types of dwelling units.

How to Comment: Oral or written testimony may be presented at the public hearing. Written comment on the proposal to be submitted into the public hearing record is welcome prior to the public hearings. To have your written comments or testimony distributed to the Planning Commission before the meeting, it must be received by 2 pm on **Tuesday, July 10, 2018**. Direct such written comments or testimony to: **Daniel Pauly** 29799 SW Town Center Loop East, Wilsonville, Oregon, 97070 pauly@ci.wilsonville.or.us, (503) 682-4960

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



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Tualatin Valley Fire and Rescue
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PLANNING COMMISSION

WEDNESDAY, JUNE 13, 2018

II. WORK SESSION

- A. Accessory Dwelling Units Code Edits (Pauly) (30 minutes)



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: June 13, 2018		Subject: ADU Development Code Amendments	
		Staff Member: Daniel Pauly, Senior Planner Department: Community Development, Planning	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: The Commission's feedback and discussion will inform the design guidelines and code changes coming before the board next month.	
Staff Recommendation: Staff recommends the Planning Commission provide the requested feedback to inform the project.			
Recommended Language for Motion: NA			
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 1051 became Oregon law. The new statutes adopted become effective July 1, 2018. The purpose of Senate Bill 1051 is to create more housing in Oregon by removing barriers to development. Among the new statutes is ORS 197.312 requiring 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

the increase functionality and clarity of the code. Staff requests the Commission provide feedback on the code amendments drafted by staff.

EXECUTIVE SUMMARY: City legal and planning staff reviewed the Development Code for conformance with Senate Bill 1051 as it relates to Accessory Dwelling Units. 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. The review also took a broader look at potential barriers to ADU development. A very common development code reason not allowing an ADU or other accessory structure is lot coverage requirements. Staff recommends amending the code to allow additional lot coverage to provide enough space to permit the possibility for ADUs. Another common barrier is private covenants and restrictions. While not addressing current private restrictions, staff does recommend code language preventing future subdivisions from having private restrictions on ADUs beyond those commensurate with homes and other accessory structures. Lastly, staff identified a number of related minor amendments and definitions 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.

EXPECTED RESULTS: Guidance for staff as they move forward with the project.

TIMELINE: Drafts of the design standards and code changes will be brought back to the Planning Commission on July 11, 2018 for a Public Hearing and recommendation to City Council.

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 will provide 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: Draft Code Amendments to Chapter 4 Wilsonville Code

Attachment 3: Draft Amendments to Old Town Single-Family Design Standards Book

ADU Code Amendment Categories

Referenced in Code Amendment Document

A. Ensure Compliance:

1. Add ADU allowance for each detached dwellings in a scenario with multiple detached dwellings on a single lot. Currently the City's allows for each single-family lot.
2. Remove subjective "match the architecture" standards which are 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.
3. Remove numeric limits for Canyon Creek Estates included in the Development Code.

B. Further the Intent:

1. Allow for additional lot coverage for ADU's, as lot coverage is the most common barrier to adding additional structures on a property or expanding an existing structure.
2. Prohibit further private restrictions on ADUs in new subdivisions, verified at the time of Final Plat review.

C. Increase Code Function and Clarity:

1. Refine definitions related to ADUs and other dwelling unit types
2. Add definitions defining "Attached Dwelling Unit" and "Detached Dwelling Unit"
3. Remove duplicative definitions and code language
4. Clarify what accessory uses must be on the same lot as the primary use
5. Update definition of "Private Garage" to reflect ADU/garage multi-use structures
6. 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
7. Define "Short-Term Rental" and clarify allowance of short-term rental of ADUs and other residential structures and what type of approval is required.
8. Clarify a number of lists of "accessory buildings and structures" includes ADUs
9. Simplify and clarify language related to maximum floor area for ADUs
10. Simplify and remove unclear/uncertain language for ADU parking, make standard the same for all ADUs, put ADUs in parking table.
11. Clarify ADUs don't count in density calculations
12. 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.

Attachment 2

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-Dwelling unit-Unit~~ of not more than 800 square feet ~~of Habitable Floor Area accessoryincidentalsubordinate to another Dwelling Unit. 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]: A2, C1, C3, C4, C6

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. 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. 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.~~
- ~~29-28.~~ 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.
- ~~30-29.~~ 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.
- ~~31-30.~~ 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.
- ~~32-31.~~ 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]: C3

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: Small lot detached single-family dwellings 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]

85. ~~Duplex: Two dwelling units on a single lot, neither of which meets the definition of an accessory-dwelling unit. A duplex may be detached or attached.~~

Commented [PD4]: 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 [PD5]: Existing language relocated

~~87. Dwelling Unit, Attached: Any Dwelling Unit (Duplex, Multiple Family, Single Family, or Accessory Dwelling Unit) which shares any common wall with another Dwelling Unit or shares any common wall with a garage, storage area, or other accessory use which shares a common wall with another Dwelling Unit or garage, storage area, or other accessory use which then shares a common wall with another Dwelling Unit.~~

~~88. Dwelling Unit, Detached: Any Dwelling Unit (Duplex, Multiple Family, Single Family, or Accessory Dwelling Unit) which shares no common wall with another Dwelling Unit nor shares any common wall with a garage, storage area, or other accessory use which shares a common wall with another Dwelling Unit or garage, storage area, or other accessory use which then shares a common wall with another Dwelling Unit.~~

Commented [PD6]: 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. A multiple dwelling unit may be detached or attached.~~

~~88-90. Dwelling Unit, Single Family: A dwelling unit designed for occupancy by one family located on its own lot. A single-family dwelling 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 [PD7]: C1, C2

Commented [PD8]: 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 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: The area of a Dwelling Unit usable for living purposes, which includes areas for eating, sleeping, cooking, recreation, and similar activities. Storage areas with interior access from such areas are included in Habitable Floor Area. Storage areas without interior access from such areas is not included in Habitable Floor Area. A Garage is not considered a storage area for the purpose of this definition.
- 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, 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.

Commented [PD9]: c5

Commented [PD10]: c6

~~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. A Home Business includes Short-Term Rental of a Dwelling Unit or portion thereof where the operator does not live on the same lot.

Commented [PD11]: C7

~~123-124.~~ Home Occupation: "Home Occupation" means 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. A Home Occupation includes a Short-Term Rental where the operator of the Short-Term Rental lives on the same lot.

Commented [PD12]: 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 lodging, with or without meals, for compensation, for six (6) or more people.
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
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.

Commented [PD13]: c8

133. Kennel: 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

~~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.~~

Commented [PD14]: C7

~~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 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]~~

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

(.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 outright 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 maximum is 600 square feet. 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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~~1-3. Accessory Dwellings Units shall be on the same lot as the Dwelling Unit to which they are subordinate.~~

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~~2-4. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, and height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes. Accessory Dwelling Units are not subject to lot coverage requirements.~~

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

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~~4-5. 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.~~

~~5-6. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or~~

building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City’s Community Development Department to assure that Building Code requirements are adequately addressed.

~~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 Dwelling 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, on-street parking ~~may be considered to satisfy~~ satisfies this requirement if all of the following are present:

i. ~~On~~ on-street parking exists along the frontage of the lot, or within 100’ of the front lot line of the lot.

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

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~~8.7.~~ Each Accessory Dwelling Unit shall provide complete, independent permanent facilities for living, sleeping, eating, cooking, bathing and sanitation purposes, and shall have its own separate secure entrance.

~~8. 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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~~9. 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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~~C. Prohibition on Additional Private Restrictions on ADU’s~~

~~1. Residential plats or subdivisions submitted for final plat approval after October 1, 2018 shall not restrict Accessory Dwelling Units to a greater extent than the City’s Development Code in place at the time of final plat submittal except that restrictions on building materials and finishes can be commensurate with requirements for other accessory structures. The allowance of Accessory Dwelling Units shall be acknowledged in clear language on the plat or other document recorded with the plat to which the plat is subject (i.e. CC&R’s).~~

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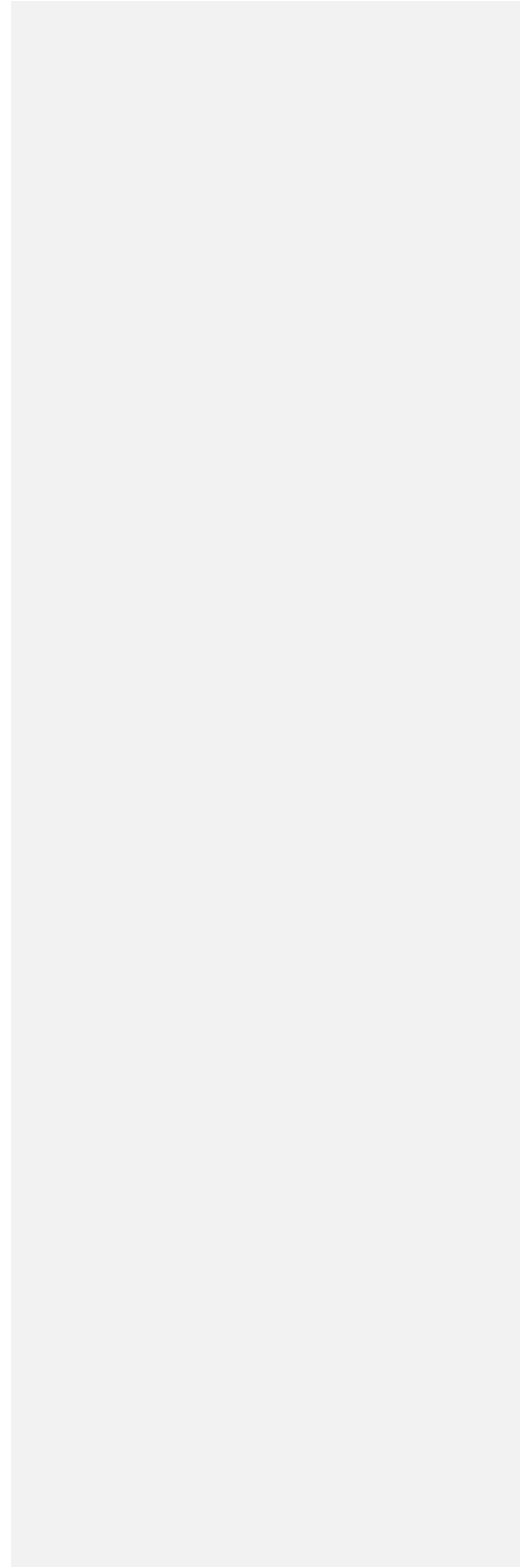
[Section 4.133(11) amended by Ord. 677, 3/1/10]

(.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 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.



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~~ Accessory dwelling Dwelling unit Unit per lot. 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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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.

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 Dwellings:
- 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 Multiple-Family 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 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.

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(.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~~primary dwelling units; thirty percent (30%) for all buildings ~~except Accessory Dwelling Units.~~ Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage.
- 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 Single family Family dwelling 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 Units, subject to the standards of Section 4.113 (.11).
- 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.
- 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 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.

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- B. Home occupations.
- C. A private garage or parking area.
- D. Accessory Dwelling Units subject to the standards of Subsection 4.113 (.11). Allowed only for Detached Duplexes and Detached Multiple Family Dwelling Units.
- ~~D.E.~~ Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- ~~E.F.~~ 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.G.~~ Livestock and farm animals, subject to the provisions of Section

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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.

(.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

[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.

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:

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- (.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 primary dwelling units; twenty-five percent (25%) for all buildings except Accessory Dwelling Units. Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage.
- (.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).

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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 primary dwelling units; thirty percent (30%) for all buildings except Accessory Dwelling Units. Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):

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

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. Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage.
- (.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).

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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:

2015 Development Code

- A. Minimum lot width at building line: Thirty-five (35) feet.
 - B. Minimum street frontage of lot: Thirty-five (35) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - C. Minimum lot depth: Sixty (60) feet.
 - 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 except Accessory Dwelling Units, Eight-five percent (85%) for all buildings including Accessory Dwelling Units.
- (.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).

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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 except Accessory Dwelling Units, Eight-five percent (85%) for all buildings including Accessory Dwelling Units.
- (.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).

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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:

2015 Development Code

- (.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- ~~except Accessory Dwelling Units.~~ Eight-five percent (85%) for all buildings including Accessory Dwelling Units.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 174 condominium units, or
 - B. 217 multiple family-units.

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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 ~~except Accessory Dwelling Units.~~ Eight-five percent (85%) for all buildings including Accessory Dwelling Units.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 174 condominium units, or
 - B. 217 multiple-family units.

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2015 Development Code

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

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. Front (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%.

Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage up to a total lot coverage of 85%.

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 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.

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*Wilsonville - Residential Neighborhood (RN) Zone***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.

Wilsonville - Residential Neighborhood (RN) Zone

- 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.
- (.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. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).
 - 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.
 - G. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - H. 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. 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

Wilsonville - Residential Neighborhood (RN) Zone

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.

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Wilsonville - Residential Neighborhood (RN) Zone

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.

Wilsonville - Residential Neighborhood (RN) Zone

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.

KL Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage.

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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~~ ~~Accessory dwelling~~ ~~Dwelling unit~~ ~~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.

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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.~~
- (.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

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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.

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
<u>2. Accessory Dwelling Units</u>	<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	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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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. Demonstration that residential plats or subdivisions submitted for final plat approval after October 1, 2018 do not restrict Accessory Dwelling Units to a greater extent than the City's Development Code in place at the time of final plat submittal except that restrictions on building materials and finishes can be commensurate with requirements for other accessory structures. The allowance of Accessory Dwelling Units is acknowledged in clear language on the plat or other document recorded with the plat to which the plat is subject (i.e. CC&R's).

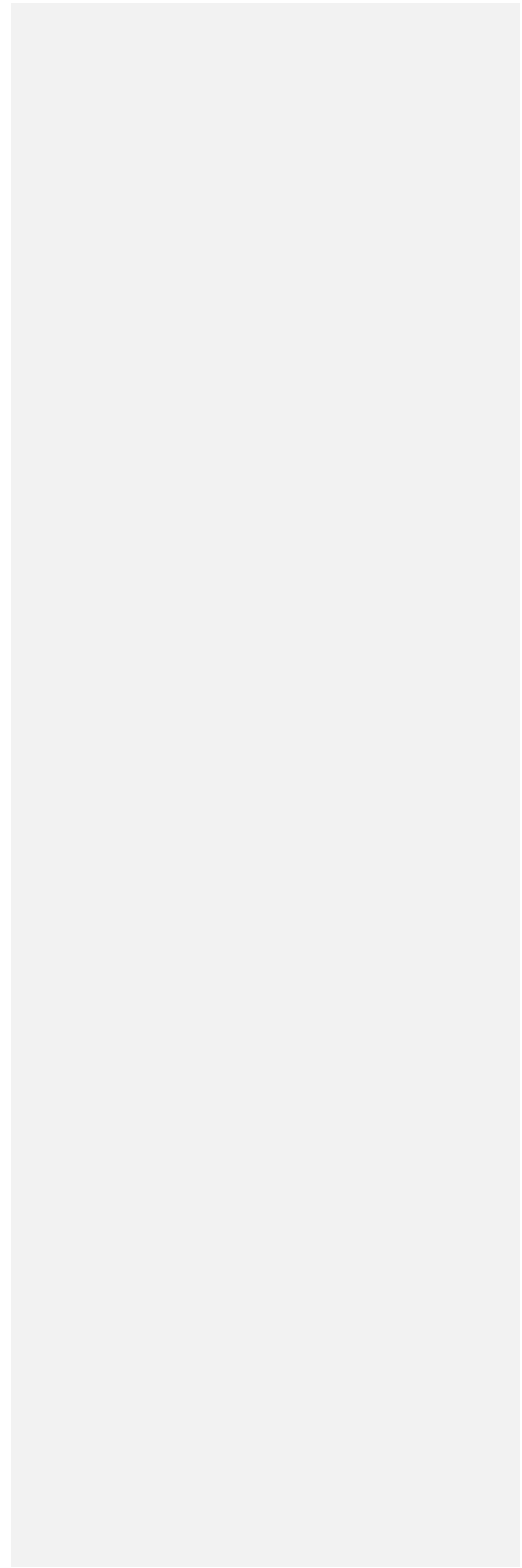
~~6.~~

~~7.8.~~ 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

Commented [PD54]: B2

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 120s 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

Craftsman

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

New Ranch

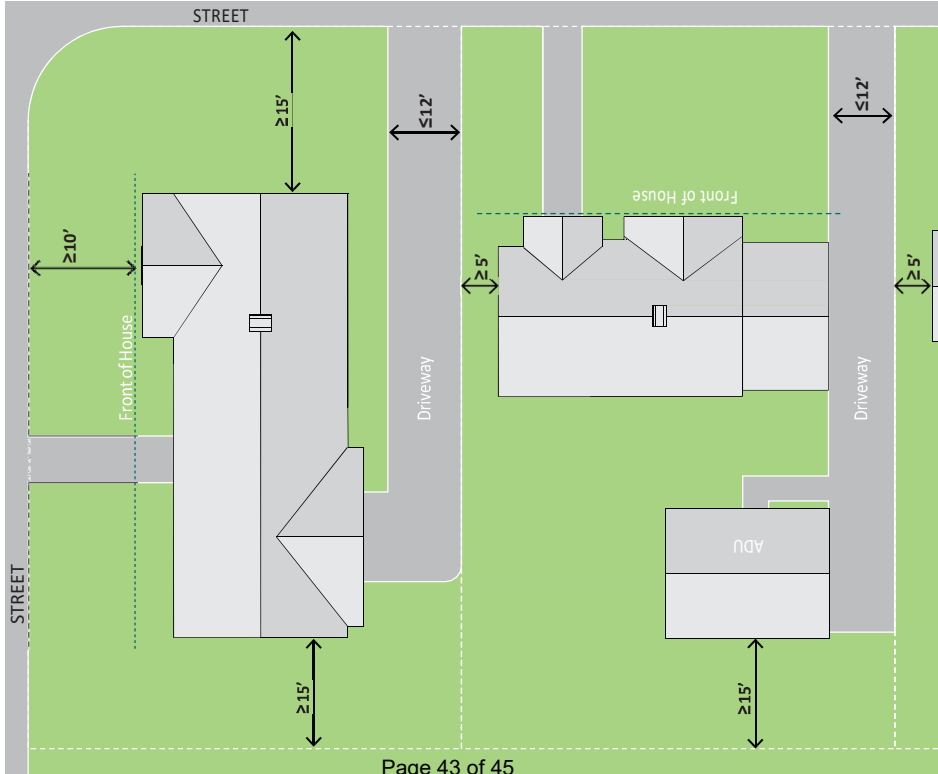
Roof Style: Hip or Low-Pitched Gable
 Roof Pitch: 4:12 to 6:12
 Eaves: 8" minimum to 18" maximum



Commented [PD1]: C10



Materials and Lot Coverage



MATERIALS

The following construction materials may not be used as an exterior finish:

1. Vinyl siding.
2. Wood fiber hardboard siding.
3. Oriented strand board siding.
4. Corrugated or ribbed metal.
5. Fiberglass panels

LOT COVERAGE

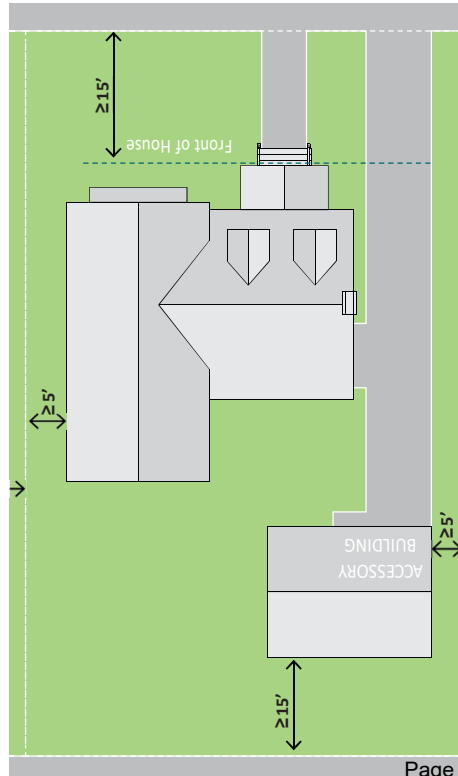
The ratio of building to lot area is a part of the Old Town historic character. The existing community is developed to have smaller homes on larger lots. The lot coverage ratio maintains the existing balance and openness of the neighborhood.

All built structures are not to exceed 40% lot coverage.
Buildings under 120s and 10ft in height and Accessory Dwelling Units are not counted in lot coverage.

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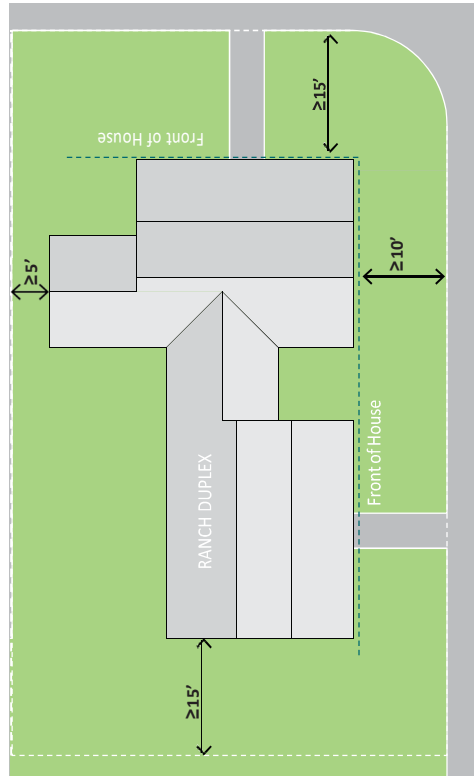


Edges and Setbacks: Accessory Buildings



Accessory buildings should follow the same front, rear, and side yard setbacks as primary dwellings and fit within the 40% maximum lot coverage. However, buildings under 120sf and 10ft in height and all Accessory Dwelling Units are not counted in lot coverage.

Commented [PD3]: B1



Duplexes on corners could have entrances on separate street fronts.



Accessory Dwelling Unit (ADU) Code Amendments

Planning Commission Work Session

June 13, 2018

Presented by: Daniel Pauly AICP, Senior Planner

Senate Bill 1051

- ORS 197.312 (5)(a) “A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow . . . at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.”



Senate Bill 1051

- ORS 227.175 (4)(b)(A) “A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards,”

Code Review and Audit

- Reviewed by Legal and Planning Staff
- Code Audit performed by consultant paid for by Metro

Current City Allowance

- ADUs allowed for single-family homes on their own lot
- Required to be “substantially the same exterior design” as main house
- Numeric limitations for Canyon Creek Estates

ADU Code Amendment Categories

A. Ensure Compliance

B. Further the Intent

C. Increase Code Function and
Clarity

A. Ensure Compliance

1. Allowance per “detached dwelling” in addition to current per lot allowance
2. Remove subjective “similar architecture” language
3. Remove numeric limit for Canyon Creek Estates

B. Further Intent

1. Allow for additional lot coverage for ADUs
2. Prohibit further private restrictions

C. Increase Code Function & Clarity

1. Refine “Dwelling Unit” definitions
2. Add “Detached” and “Attached” definitions
3. Remove unnecessary duplicative language
4. Clarify accessory use and lot relationship
5. Update “Garage” definition
6. Define “Habitable Floor Area” and clarify what type of storage is counted in ADU floor area

C. Increase Code Function & Clarity

7. Define “Short-Term Rental” and clarify allowance
8. Clarify ADUs included in lists of accessory buildings and structures
9. Simplify/Clarify ADU floor area language
10. Simplify ADU parking requirements
11. Clarify ADUs don’t count in density calculations
12. Remove unnecessary trash collection and fire access language

Questions & Comments



**PLANNING COMMISSION
WEDNESDAY, JUNE 13, 2018
6:00 P.M.**

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

*Approved as presented at
the July 11, 2018
PC Meeting*

Minutes Excerpt

I. CALL TO ORDER - ROLL CALL

Chair Jerry Greenfield called the meeting to order at 6:00 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Peter Hurley, Simon Springall, Kamran Mesbah, and Ron Heberlein. Phyllis Millan was absent.

City Staff: Chris Neamtzu, Amanda Guile-Hinman, Miranda Bateschell, Daniel Pauly, Jeana Troha, Dwight Brashear, Nicole Hendrix, and Eric Loomis.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN'S INPUT - This is an opportunity for visitors to address the Planning Commission on items not on the agenda.

ADMINISTRATIVE MATTERS

A. Consideration of the May 9, 2018 Planning Commission minutes
The May 9, 2018 Planning Commission minutes were accepted as presented.

II. WORK SESSIONS

A. Accessory Dwelling Unit (ADU) Code Edits (Pauly)

Daniel Pauly, Senior Planner, stated that edits to the Code resulted from Senate Bill 1051, which passed in 2017. He presented the Development Code edits for Accessory Dwelling Units (ADUs) via PowerPoint, reviewing the recently passed Senate Bill 1051, noting the requirements that Wilsonville was already in compliance with, and explaining which sections of the Code needed to be amended in order to fully comply with the new laws. His responses to questions regarding the ADU Code edits were as follows:

- As the Code was currently drafted, future updates to homeowners association CC&Rs would not trigger a revision to remove restrictions that prohibit ADUs.
- New deed restrictions that prohibit ADUs would not be allowed. He did not believe this needed to be stated in the Code because it was unlikely that a property owner would place such a restriction on their own property. In a case like Frog Pond, where land would be divided, the land division would have to address any deed restrictions that prohibit ADUs.
- Clarifications to the definitions of attached and detached dwelling units were driven by the types of dwelling units expected in the future. Typically, duplexes were attached. However, there was no language prohibiting detached duplexes. The current ADU standard stated that if an ADU was over 800 sq ft, it was considered a duplex; but, it did not specifically state that if that ADU was detached, it would have to be attached in order for it to be considered a duplex. The standard was that duplexes were attached units, but to make the Code language clear and objective as required by State law, the Code must state duplexes could be detached in order to enable the Code to function in compliance with State law.

- A garage that could be accessed from an ADU, whether on the ground floor or second floor of the garage, or an addition to a house would be exempt from the lot coverage area requirements, but any other structure attached to the ADU, like a workshop, would count against lot coverage.
 - Using the same definition of habitable used by the Fire Marshal and Building Code, was suggested. Staff would consider the different situations that could be built in conjunction with an ADU, and give more thought to ensuring the language more was precise in order to address those different scenarios.
 - The most frequent question was whether certain storage areas counted as habitable. Staff would also clarify that if the storage was only accessed through a door in the ceiling, it was not part of the ADU.

Commissioner Postma:

- Understood that language about having substantially the same exterior design as the main dwelling would be removed but asked what objective standards would be used to ensure the ADU matched the house.
 - Mr. Pauly noted that the majority of the city did not have design standards for houses; that was more market driven. The only exceptions were Villebois, Old Town, and Frog Pond. It was possible to have a nice looking ADU that did not match the house. Additionally, the Code language allowed CC&Rs and deed restrictions to control the architecture like any other building in a neighborhood. Requiring an ADU to match a house without requiring any other structure to match a house would be arbitrary and subjective.
 - Amanda Guile-Hinman, City Attorney, noted the City's code auditors advised that the language in the current Code violated State statutes because it would put a requirement on ADUs that is more restrictive than what is required for the primary dwelling.
- He said it was disheartening to learn that the City could only restrict ADUs to the same extent that the Code currently restricts homes. He confirmed with Staff that "outright" could be deleted from Section 4.113.(.11)A on Page 13 of 45.
 - On Page 23 of 45, he suggested that units per acre in PDR zones be defined to avoid confusion about whether units included ADUs.
 - Mr. Pauly responded language was added because Frog Pond's density was calculated differently. Language for the RN zone specifically stated that ADUs did not count against density. He agreed it would be beneficial to add the same language in the section on PDR zones.
- Stated many of Wilsonville's homeowners expected to live in a neighborhood with a certain amount of lot coverage for buildings as a whole. Now, the Code was saying one building could be added and would be exempt from that lot coverage requirement. He asked if the State statute really required the City to retroactively change lot coverages and if not, did the City want to. Smaller homes with an 800-sq ft ADU would have a disproportionately larger percentage of lot coverage than others. He was concerned about making further density requirements with the proposed exclusions.
 - Mr. Pauly noted the Old Town neighborhood had the smallest homes, which was why the standards adopted for Old Town specifically stated that ADUs were limited to 600 sq ft in that neighborhood.
- Said the Code provided the opportunity to push beyond lot coverages and densities that property owners did not buy into. State law allowed property owners to do that subject to reasonable restrictions. He suggested a lot coverage standard that included ADUs.
 - Mr. Pauly explained that including ADUs in lot coverage requirements would prohibit them in most areas of the city. A restriction that essentially prohibits ADUs would not be considered reasonable.
- Disagreed and said he believed the City could require restrictions that might prohibit people from having ADUs on their current lot. He also believed many people would be shocked to learn that lot coverage limits could be exceeded because ADUs were excluded from the requirement. Excluding ADUs would create increased density and neighbors might take issue with that.
 - Ms. Guile-Hinman explained the auditors advised that there should be no restrictions on lot coverage for ADUs because it was not considered reasonable if it restricted a property from having an ADU. One idea Staff had considered was to add a percentage allowance. Accounting for additional lot coverage would make it look as if the City was making a genuine effort to comply with the law. The

DLCD had indicated they would not be adding administrative rules at this point, but DLCD might force the issue if they believed cities were not implementing standards they believed were reasonable.

- Stated that neither the legislature nor a court had said it would be unreasonable, yet the City was basing its standards on that now.
 - Ms. Guile-Hinman advised against making Wilsonville the test case.
 - Commissioner Hurley added that being considered a test case would depend on which side of the fence one was on.
- Said he did not want an entity outside of the City's jurisdiction to be dictating what Wilsonville's neighborhoods should look like. He was not comfortable with the fact that reasonable was being defined by the DLCD, which was a non-elected organization.
 - Mr. Pauly said the City's long adopted policy of allowing, and in some ways encouraging, ADUs by allowing them for all single-family homes and waiving SDCs for them was a barrier to those other allowances. Most people who want to add something in neighborhoods like Daydream Ranch typically could not because they were at maximum lot coverage. If the intent of the City's policy was to encourage and allow ADUs in single-family neighborhoods, this was certainly a barrier that needed to be addressed. The code auditors encouraged the City to waive setbacks as well, but Staff was not recommending a change to the setbacks in an effort to help maintain lot coverage.
- Asked if the City had truly determined if ADUs should be encouraged in all instances or not.
 - Mr. Pauly stated the adopted Code seemed to indicate the City would want to allow them. If the record was reviewed, he did not believe he would find that lot coverage issues came up when the policies were adopted.
- Believed it was problematic to tell homeowners that they could and should have expected that the neighborhood's lot coverage requirements would change after decades.

Commissioner Springall noted that the City was clearly growing significantly. He questioned whether the City should always attempt to grow out or sometimes attempt to grow more density in some appropriate areas, not necessarily by putting ADUs on every lot, but where it made sense.

Commissioner Postma reiterated his concern for residents who purchased a home in a neighborhood with a certain lot coverage. The City was now imposing something greater than had been there historically.

Commissioner Heberlein noted that people who owned property in neighborhoods without HOAs had little control over what their neighbors did anyway.

Commissioner Postma responded that when people buy a home in a neighborhood without an HOA, they could reasonably assume that they might be buying into those situations. In this case, homes were purchased with a certain lot coverage that could now be exceeded.

Mr. Pauly understood the concern, but in his 10 years of talking to residents, he did not believe most property owners understood the concept of lot coverage until the requirements were drawn out, which was why he believed maintaining the current setbacks was important.

Chair Greenfield:

- Said he had concerns about the relationship between HOA and Code requirements and asked how much authority HOAs had.
 - Staff said existing HOAs could continue to be more restrictive than the City, but new HOAs established after the Code amendments were adopted would not be able to restrict the development of ADUs. The only requirement an HOA could have would be that the ADU had to look like the house.
- Said he was also concerned about on-street parking, which he believed would have a lot of public input.
 - Mr. Pauly did not believe the Code amendments would result in a change to on-street parking in the majority of the city.

Commissioner Heberlein:

- Confirmed Staff would edit the run-on sentence in Definition 88 on Page 8 of 45, as well as a similar run-on sentence in Definition 87. (Section 4.001)
- Noted that on Pages 26 and 27, PDRs 1 through 3 did not include any lot coverage limits with ADUs, but PDRs 4 through 7 did. He asked if calculations were done on the PDRs to show it would be possible to place an ADU with those lot coverages. For example, the minimum lot size for PDR-7 was 1,500 sq ft, so was getting an ADU on a PDR-7 lot practical?
 - Mr. Pauly replied a tiny house could be done, but probably not; certainly an 800 sq ft unit would not work. He clarified the 800 sq ft was floor area, not lot coverage area. Additional stories could be added, but the square footage could not be expanded much.
- Asked what drove the recommendation to have lot coverage restrictions on PDRs 4 through 7 but not on PDRs 1 through 3.
 - Mr. Pauly explained the limit was a percentage of the lot. A 16,000 sq ft lot could only have five percent more lot coverage. The intent was to maintain no more than 85 percent lot coverage, it would not be necessary on PDRs 1 through 3 because the lots were large and the minimum lot coverage was less. A 5,000 sq ft lot in PDR 3 would have about a 15 percent increase in lot coverage.
 - He confirmed that the 35-ft height limit for single-family developments would also apply to ADUs.

B. SMART Programs Enhancement Strategy (Brashear)

Chair Greenfield called for a brief recess at 8:37 pm and reconvened the meeting at 8:44 pm.

C. Basalt Creek Concept Plan (Bateschell)

III. INFORMATIONAL

A. City Council Action Minutes (May 7, May 21, and June 4, 2018)

There were no comments.

B. 2018 Planning Commission Work Program

C. New Exhibit No. 4 for LP18-0003 (Parks & Rec Master Plan)

Exhibit No. 4, dated June 4, 2018 from the Synthetic Turf Council, was provided to the Commission at the dais.

IV. ADJOURNMENT

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 9:37 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Tami Bergeron, Administrative Assistant-Planning

City commission concerned about accessory dwelling units

Members object to altering lot coverage rules for tiny homes

By COREY BUCHANAN
The Spokesman

Regarding legislation to ease accessory dwelling unit (ADU) requirements, the Wilsonville Planning Commission and the City of Wilsonville do not appear to be on the same page.

While the City planned to not only meet the letter but embrace the spirit of Senate Bill 1051 — which mandated that Oregon cities with a population greater than 2,500 remove some barriers to ADU development — planning commission members expressed wariness about some proposed ADU code changes that they believe are unnecessary and could taint the community's character at a public hearing Wednesday, July 11. No citizens provided testimony during the mandatory public hearing.

ADUs — which are small dwelling structures that reside next to primary homes — are generally cheaper than houses and one of the purposes of the Senate Bill is to encourage the development of more affordable housing. Wilsonville staff

has said records indicate that less than 10 ADUs have been built in the city's history.

"I think the logic behind the legislation is that with housing reaching crisis levels for some people in almost all of our communities, having more economical places to live is important," Wilsonville Mayor Tim Knapp told the Spokesman.

The commission was essentially unanimous in its apprehension about changing lot coverages, which is the amount of a lot that can be covered by housing structures, and some commission members also expressed dismay over preventing new subdivisions from disallowing ADUs. Wilsonville City Council members, however, did not pose these concerns at the July 2 work session when they were presented with the proposed code changes.

"The history of ADUs in Wilsonville is that the council is very much in favor of removing barriers," Wilsonville Assistant City Attorney Amanda Guile-Hinman said at the planning commission meeting. "The council's concern is 'How do we get more?'"

The commission closed the public hearing but continued the legislative hearing to a date that is yet to be

See ADU / Page A6

"We don't anticipate based on our history in Wilsonville for there to be a huge onslaught of ADUs."

— Daniel Pauly,
Wilsonville
senior planner



The 16-year-old Willamette River Water Plant has the ability to ozonate inorganic contaminants.

CITY LEARNS LI CYANOTOXIN 'M

City is beefing up its emergency management

By SAM STITES
The Spokesman

Wilsonville City officials are breathing a sigh of relief and taking stock of emergency management protocols after navigating a "near miss" with cyanotoxins at the City's Willamette River Water Treatment Plant in June.

In an article published in the City's monthly newsletter, the Boones Ferry Messenger, City Manager Bryan Cosgrove outlined how the city handled the situation surrounding trace amounts of microcystins in the community's water that are caused by blue-green algae. The elevated reading of 0.34 parts

per billion — as opposed to the maximum of 0.3 ppb recommended by the Oregon Health Authority guidelines for children, elderly and those with compromised immune systems — put Wilsonville Public Works on a high alert and prompted the city to notify the community of the elevated reading.

Cosgrove and Public Works Director Delora Kerber were with the response the City put together in reaction to the elevated test readings, but they also noted this was an opportunity to learn for the future.

"We did do a debrief and recognized what went well, and what didn't," Kerber said. "We realized that we need to put together

Benefit a good way to sa

Report: Expanding cities would bring down home prices ... slightly

Wilsonville, King City, two others seek permission to push westward

By JIM REDDEN
Pamplin Media Group

Four requests to the Metro Council to build more housing could reduce owner-occupied home prices slightly in the Portland area, according to a recently released report by the planning staff of the elected regional government.

Beaverton, King City, Hillsboro and Wilsonville have requested the council expand the urban growth boundary, or UGB, it administers by 2,200 acres to accommodate a total of 9,200 more housing units. The council planned to discuss the requests during a work session July 17.

Wilsonville is requesting an expansion east of city limits along Advance Road.

"If developed, the four proposed UGB expansions would result in modest reductions in housing prices for owner-occupied housing by providing additional housing supply," reads the draft 2018 Urban Growth Report released on July 3.

The council is scheduled to rule on the requests on Dec. 13.

The requests are supported by the Home Builders Association of Metropolitan Portland.

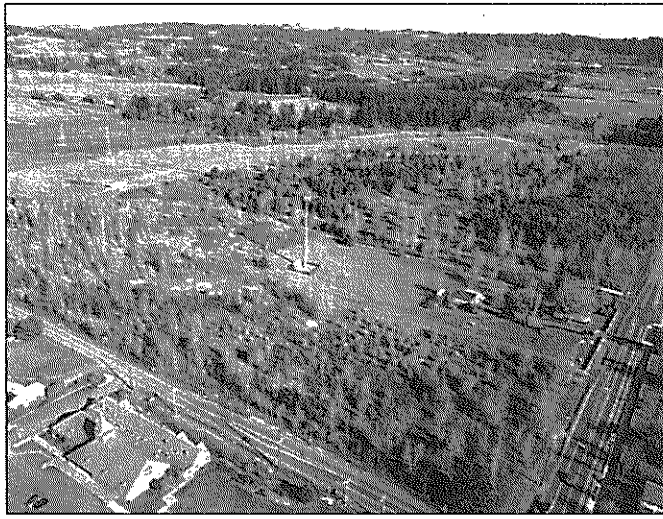
"As the region grows, we must unite to meet the housing affordability and supply crisis. The four city proposals are thoughtful, viable approaches to growth that must be part of the overall solution," said Paul Grove, the association's director of government affairs.

Even if the requests are approved, Metro staff does not expect the expansions to supply much of the additional housing needed within the next 20 years, however.

"To continue on the path of protecting farms and forests, most of that housing is going to be built in existing downtowns and transportation corridors," said Metro Principal Regional Planner Ted Reid.

In fact, the report mentions the option of building more so-called "missing middle housing," something the Tigard and Portland city councils, among others, have been wrestling with. "Missing middle" housing refers to housing for people of moderate income, as opposed to expensive housing and subsidized housing for low-income Oregonians.

The Residential Infill Project now before the Planning and Sustainability Commission recommends rezoning 60 percent of Portland's single-family neighborhoods to allow small-



SPOKESMAN PHOTO: ALVARO FONTAN

Wilsonville wants Metro to expand onto 271 acres in the Advance Road (Frog Pond) URA for 1,325 homes.

er multi-family projects, like duplexes and triplexes. The recommendation is supported by density advocates but opposed by many homeowners and historic preservationists.

The four city requests — all in or adjacent to Washington County — were received earlier this spring. They are part of a new Metro periodic process for determining whether and where to expand the UGB, the invisible barrier around Portland's suburbs, beyond which urban development is not allowed.

The growth report says around 300,000 additional homes will be needed to house the additional 500,000 or so people expected to be living in the region that includes Southwest Washington by 2038.

"We need more housing, particularly housing that is affordable to people with modest means; we need a greater variety of housing to match our changing demographics; we need more middle-income jobs; and, we need to do a better job of engaging diverse communities in decision making," reads the report.

The report also says the four

requests all compare favorably to the required factors in the state's land use planning goal — Goal 14 — governing urbanization.

"In light of those factors, it is appropriate for all four to advance for further consideration by the Metro Council," the report says.

The council received a briefing on the strengths and weaknesses of the requests from a City Readiness Advisory Group that studied them earlier this week.

There is no guarantee the council will approve the requests, however.

A few years ago, Metro added conditions to UGB expansion requests it will approve. In addition to requiring that requests explain who will pay for the needed infrastructure improvements, the cities must address such things as whether they have reduced barriers to mixed-use; walkable development in their downtowns and main streets; and whether they have implemented best practices for preserving and increasing the supply and diversity of affordable housing in their existing urban areas.

ADU

■ From Page A1

determined so that City staff could address concerns. Regardless of the commission's opinions, the council will ultimately decide whether to pass or tweak the code changes.

The deadline for adhering to the State bill already passed — potentially putting the City in a time crunch. However, Guile-Hinman said many other cities had yet to pass code changes and that the City won't need to rush to pass a resolution. She also said City staff will address the commissioners' concerns when the commission considers the issue again and either change the proposal or provide more justification for the current proposal.

Wilsonville Mayor Tim Knapp said he isn't yet versed in the technical details of the ADU code or the Senate bill, but indicated that local restrictions, such as subdivisions outlawing ADUs, could obfuscate the legislation's intent.

"In general terms I think the intent is to make economical housing a little more available and if local rules overwhelm that then that intent is not achieved," he said.

If approved, the code changes would allow homeowners to build ADUs on their property in greater density in some residential neighborhoods than currently allowed.

Depending on the state's interpretation of the word "reasonable," Wilsonville might not be required under Senate Bill 1051 to change lot coverage standards. The bill states that ADU development can be "subject to reasonable local regulations relating to siting and design."

Planning commissioners Eric Postma and Peter Hurley objected to the idea of easing lot coverage requirements to facilitate ADU development.

"What I'm concerned about is if I have purchased a lot on a larger lot subdivision, I've accepted the fact that I may or may not be able to build an accessory dwelling unit based on my lot coverage but the trade-off for that is I know my neighbor can't as well," Postma said. "What we're doing now is we're changing the definition of the neighborhood of everybody in Wilsonville that they have chosen to live in."

"Now we're saying you can't build much more of a house, but we will change the playing field if you want to

build an apartment in the back and rent it out and have guests there," Hurley said. "You can do that but you can't build a bigger house."

Senior Planner Daniel Pauly said current lot coverage requirements are the biggest deterrent to ADU development in Wilsonville.

"I'd say a good 75 percent of (developments) we did, everything looks great but lot coverage," he said. "We don't anticipate based on our history in Wilsonville for there to be a huge onslaught of ADUs. But this removes a barrier so somebody that is interested has the opportunity to use their land in a way that benefits them, benefits someone else and has a limited impact on the community."

Planning Commissioner Jerry Greenfield said he previously lived in an ADU and supports them generally but also didn't like the idea of changing lot coverage to accommodate diminutive living spaces.

"There is a place for that accommodation and there's a place for it in Wilsonville. I think it would add to Wilsonville's overall attractiveness if they were available," Greenfield said. "That's not to say we should incentivize where they don't

make so much sense."

If they had their druthers, Postma and Hurley would remove the proposed provision that would outlaw new subdivisions from preventing ADUs from being developed in their neighborhoods. Postma also objected to the provision that subdivisions should have to put in writing on their plat documents that they allow ADUs. The Senate Bill does not mandate either of these rules.

"I don't like the restriction against it. We as a city are not allowed to have restrictions but when you're taking the next step and saying is that the landowners can't have restrictions ... I don't think the statute requires that either," Postma said.

Greenfield also did not like the code change that would remove the regulation that ADUs must have "substantially the same" exterior design as the primary dwelling unit. However the City said such language does not meet the bill's rule that design requirements should be "clear and objective," meaning there's no room for interpretation. City staff said they could cater specific design standards to the makeup of individual neighborhoods.

"If we don't have some kind of standards I can imagine a hodgepodge that could embarrass us architecturally," Greenfield said.

"What we're doing now is we're changing the definition of the neighborhood of everybody in Wilsonville that they have chosen to live in."

—Eric Postma, planning commissioner

Algae

■ From Page A1

The City of Salem found its water was testing higher than normal levels of cyanotoxins just prior to Wilsonville's incident.

Microcystins are one of several cyanotoxins caused by blue-green algae blooms in raw water sources. High exposure in humans can result in liver damage and cause nausea, vomiting, diarrhea and, in very rare cases, death.

"I appreciate how quickly City staff collaborated to get the message to the community, and how quickly local retailers responded to the increased demand for bottled water," Cosgrove wrote. "Our staff made

calls to schools, healthcare facilities, daycare centers, public agencies, assisted living communities, neighborhood associations and restaurants to get the word out."

The City's first action was to increase ozonation — a water treatment process that destroys microorganisms and organic pollutants — at the Willamette River Treatment Plant. Considering the OHA's guidelines on acceptable cyanotoxins levels for healthy adults is 1.6 ppb, the increased reading can be considered negligible at most, but City leaders felt it necessary to notify the community and take immediate action to rectify the problem. Daily testing saw microcystin levels drop below OHA guidelines standards almost immediately, and the OHA is now having Wilsonville continue to test for cyanotoxins — a process that isn't executed on a typical basis

— every three weeks or so. The Willamette River Water Plant has been in operation for 16 years, and it has received good grades on each report card periodically compiled by the State, according to Kerber.

"By acting with an abundance of caution, I believe we gave people an opportunity to take precautionary measures to protect their children, elders and others whose weakened immune system could have made them vulnerable in the event of an emergency," Cosgrove wrote. "As a result of our experience and other water-quality emergencies in Oregon, the State recognizes the need to improve water-testing protocols, emergency management communication and drinking water infrastructure. Wilsonville is working with Oregon legislators — including Senate President Peter Courtney — to

recommend legislative concepts to protect the watershed, expedite water testing and develop standardized water-processing communications protocols."

While Cosgrove was pleased with the City's response, he believes there is always room for improvement to any emergency management system that helps protect the community's citizens.

The Oregon Health Authority recently rolled out new rules for public water systems susceptible to such algal blooms and public water supplies that use water downstream from those sources.

The new rules took effect July 1 and require those systems to test raw water every two weeks starting July 15 and continuing through Oct. 31. Permanent cyanotoxins testing requirements are in the works.

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Pamplin Media Group - Wilsonville Planning Commission concerned about accessory dwelling units

Corey Buchanan

Wilsonville Planning Commission members object to altering lot coverage rules for tiny homes



[SPOKESMAN PHOTO - Some members of the Wilsonville Planning Commission are expressing concern about changing city rules to disallow future neighborhood developments from forbidding accessory dwelling units.](#)

Regarding legislation to ease accessory dwelling unit (ADU) requirements, the Wilsonville Planning Commission and the City of Wilsonville do not appear to be on the same page.

While the City planned to not only meet the letter but embrace the spirit of Senate Bill 1051 — which mandated that Oregon cities with a population greater than 2,500 remove some barriers to ADU development — planning commission members expressed wariness about some proposed ADU code changes that they believe are unnecessary and could taint the community's character at a public hearing

Wednesday, July 11. No citizens provided testimony during the mandatory public hearing.

ADUs — which are small dwelling structures that reside next to primary homes — are generally cheaper than houses and one of the purposes of the Senate Bill is to encourage the development of more affordable housing. Wilsonville staff has said records indicate that less than 10 ADUs have been built in the city's history.

"I think the logic behind the legislation is that with housing reaching crisis levels for some people in almost all of our communities, having more economical places to live is important," Wilsonville Mayor Tim Knapp told the Spokesman.

The commission was essentially unanimous in its apprehension about changing lot coverages, which is the amount of a lot that can be covered by housing structures, and some commission members also expressed dismay over preventing new subdivisions from disallowing ADUs. Wilsonville City Council members, however, did not pose these concerns at the July 2 work session when they were presented with the proposed code changes.

"The history of ADUs in Wilsonville is that the council is very much in favor of removing barriers," Wilsonville Assistant City Attorney Amanda Guile-Hinman said at the planning commission meeting. "The council's concern is 'How do we get more?'"

The commission closed the public hearing but continued the legislative hearing to a date that is yet to be determined so that City staff could address concerns. Regardless of the commission's opinions, the council will ultimately decide whether to pass or tweak the code changes.

The deadline for adhering to the State bill already passed — potentially putting the City in a time crunch. However, Guile-Hinman said many other cities had yet to pass code changes and that the City won't need to rush to pass a resolution. She also said City staff will address the commissioners concerns when the commission considers the issue again and either change the proposal or provide more justification for the current proposal.

Wilsonville Mayor Tim Knapp said he isn't yet versed in the technical details of the ADU code or the Senate bill, but indicated that local restrictions, such as subdivisions outlawing ADUs, could obfuscate the legislation's intent.

"In general terms I think the intent is to make economical housing a little more available and if local rules overwhelm that then that intent is not achieved," he said.

If approved, the code changes would allow homeowners to build ADUs on their property in greater density in some residential neighborhoods than currently allowed.

Depending on the state's interpretation of the word "reasonable," Wilsonville might not be required under Senate Bill 1051 to change lot coverage standards. The bill states that ADU development can be "subject to reasonable local regulations relating to siting and design."

Planning commissioners Eric Postma and Peter Hurley objected to the idea of easing lot coverage requirements to facilitate ADU development.

"What I'm concerned about is if I have purchased a lot on a larger lot subdivision, I've accepted the fact that I may or may not be able to build an accessory dwelling unit based on my lot coverage but the trade-off for that is I know my neighbor can't as well," Postma said. "What we're doing now is we're changing the definition of the neighborhood of everybody in Wilsonville that they have chosen to live in."

"Now we're saying you can't build much more of a house, but we will change the playing field if you want to build an apartment in the back and rent it out and have guests there," Hurley said. "You can do that but you can't build a bigger house."

Senior Planner Daniel Pauly said current lot coverage requirements are the biggest deterrent to ADU development in Wilsonville.

"I'd say a good 75 percent of (developments) we did, everything looks great but lot coverage," he said. "We don't anticipate based on our history in Wilsonville for there to be a huge onslaught of ADUs. But this removes a barrier so somebody that is interested has the opportunity to use their land in a way that benefits them, benefits someone else and has a limited impact on the community."

Planning Commissioner Jerry Greenfield said he previously lived in an ADU and supports them generally but also didn't like the idea of changing lot coverage to accommodate diminutive living spaces.

"There is a place for that accommodation and there's a place for it in Wilsonville. I think it would add to Wilsonville's overall attractiveness if they were available," Greenfield said. "That's not to say we should incentivize where they don't make so much sense."

If they had their druthers, Postma and Hurley would remove the proposed provision that would outlaw new subdivisions from preventing ADUs from being developed in their neighborhoods. Postma also objected to the provision that subdivisions should have to put in writing on their plat documents that they allow ADUs. The Senate Bill does not mandate either of these rules.

"I don't like the restriction against it. We as a city are not allowed to have restrictions but when you're taking the next step and saying is that the landowners can't have restrictions ... I don't think the statute requires that either," Postma said.

Greenfield also did not like the code change that would remove the regulation that ADUs must have "substantially the same" exterior design as the primary dwelling unit. However the City said such language does not meet the bill's rule that design requirements should be "clear and objective," meaning there's no room for interpretation. City staff said they could cater specific design standards to the makeup of individual neighborhoods.

"If we don't have some kind of standards I can imagine a hodgepodge that could embarrass us architecturally," Greenfield said.