



PLANNING COMMISSION

WEDNESDAY, JULY 12, 2023

WORK SESSION

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



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: July 12, 2023		Subject: Frog Pond East and South Master Plan Development Code	
		Staff Member: Daniel Pauly, Planning Manager	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments:	
Staff Recommendation: Provide requested input on draft Development Code amendments for Frog Pond East and South Implementation.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Expand home ownership	<input checked="" type="checkbox"/> Adopted Master Plan(s): Frog Pond East and South Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COMMISSION

An important next step in realizing the vision of the Frog Pond East and South Master Plan is to write implementing Development Code amendments. This work session focuses on stormwater design standards, which is an important component in land use planning as it among the requirements that use the limited amount of land area.

EXECUTIVE SUMMARY:

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

This work session will bring forward draft Development Code amendments related to stormwater treatment and management (Attachment 1). Stormwater standards must comply with the City's federal stormwater permit, the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit, which is shared with a number of nearby jurisdictions. For reference, a link to the permit is provided as Attachment 2.

The draft stormwater standards aim to establish clear and objective standards during review of development applications. The standards additionally aim to establish clarity about an alternative discretionary review path and what factors would be considered for the alternative path. Key components of the draft standards are:

- Incorporating a purpose statement clarifying the intent of the standards;
- Explaining the requirement to follow low-impact development design standards, meaning above-ground facilities that mimic the natural flow and soil percolation of historic pre-development conditions;
- Setting a clear prioritization of where stormwater facilities should be located within a development;
- Identifying conflicting design elements and uses, such as light poles, street trees, utilities, bicycle and pedestrian paths, and usable open space, and when those would be prioritized over stormwater facility placement;
- Limiting the amount of stormwater that can be managed in a single facility to maximize decentralized stormwater management consistent with the NPDES permit;
- Establishing the review authority as the City Engineer and key factors for considering waivers to stormwater design standards.

At the work session, the project team is seeking the following feedback from the Planning Commission:

What questions does the Planning Commission have about the proposed standards, particularly about their intent and how they relate to other development standards?

What further refinement, if any, would the Planning Commission like to see?

EXPECTED RESULTS:

Feedback from the meeting will guide completion of a package of Development Code

amendments for adoption in the coming months.

TIMELINE:

Following additional work sessions, a public hearing on the Code amendments are expected late in 2023.

CURRENT YEAR BUDGET IMPACTS:

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

COMMUNITY INVOLVEMENT PROCESS:

During this implementation phase the primary focus is on honoring past input. However, the project team will engage key stakeholders for input on draft Development Code amendments.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

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

ALTERNATIVES:

The project team prepared draft amendments to help implement the Frog Pond East and South Master Plan. A number of alternative amendments can be considered to meet the same intent.

ATTACHMENTS:

1. Draft Residential Stormwater Facilities Standards July 2023
2. NPDES MS4 Permit ([electronic only, available at this linked webpage](#)), for reference, not required to review

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

(.01) *Open Space:*

...

D. *Required Open Space Characteristics:*

...

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

- a. Preserved wetlands and their buffers, natural and/or treed areas, including those within the SROZ
- b. New natural/wildlife habitat areas
- c. Non-fenced vegetated stormwater features outside the public right-of-way
- d. Play areas and play structures
- e. Open grass area for recreational play
- f. Swimming and wading areas
- g. Other areas similar to a. through f. that are [publicly] accessible
- h. Walking paths besides required sidewalks in the public right-of-way or along a private drive.

...

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

...

(.03) *Height Guidelines.* The Development Review Board may regulate heights as follows:

...

(.04) *Residential uses for treatment or training:*

...

(.05) *Stormwater Facilities Standards:*

A. *Purpose.* The purpose of these standards is to protect the public health and welfare by appropriate management of stormwater to prevent flooding and property damage, and the pollution of streams, groundwater, wetlands, and other natural water features through the use of low impact development design and decentralized stormwater treatment and flow control as required by the City's NPDES MS4 permit. The purpose of these standards, further, is to thoughtfully integrate the design of stormwater management facilities into the overall design of neighborhoods.

B. *Low Impact Development.* All stormwater management facilities for treatment and flow control shall follow low impact development design standards.

C. *Areas where stormwater management facilities are required to be integrated.* Stormwater management facilities shall be located in the following areas of a residential development unless conflicting uses have locational priority as outlined in standard D. The location of stormwater management facilities shall be prioritized in the following order, with 1. (a.-g.) being the highest

priority, and 2. (a.-b.) being the lowest priority. High priority locations shall be used to the maximum extent practicable, as determined by the City Engineer or their authorized representative, prior to considering lower priority locations.

1. High Priority:

- a. Impervious area reduction such as pervious hard surfaces and green roofs;
- b. Collector and arterial street medians and planter strips where parallel on-street parking is not permitted;
- c. Curb extensions on local streets and other local street curb areas greater than 6 feet in width;
- d. Unpaved areas within five feet of an alley curb;
- e. Shoulder areas along midblock bike and pedestrian connections, and other off-street trails not otherwise part of larger green spaces and parks;
- f. Edges and buffers around parks and open space; and
- g. Landscape areas between buildings and the right-of-way that's owned by a homeowners association or similar entity (e.g., common areas, courtyards, pocket parks).

2. Lower priority:

- a. Landscaped areas within five feet of building foundations except for detached single-family homes, middle housing and their accessory structures; and
- b. Separate landscape tracts for stormwater facilities, subject to the percentage limitations in E. below.

D. Conflicting Uses Prioritized Over Stormwater Management Facilities. The placement of one or more of the following uses shall be prioritized over stormwater management facilities required under C. if a feasible alternative location for the conflicting use is not available.

1. Street trees or other required landscape trees meeting the spacing standards in Section 4.176. The conflicting use includes area for root growth outside the stormwater management facilities, which must be at least 40 square feet;
2. Street lights and other required lighting, including a buffer around the base of the light as required by Portland General Electric;
3. Fire hydrants and FDCs;
4. Manholes, clean outs, pedestals and vaults for public and franchise utilities;
5. Pedestrian walkways and bicycle paths;
6. Public Utility Easements for gas, electricity, and communication; and
7. Minimum area of usable open space required under Subsection (.01) above,. While small stormwater management facilities may be integrated into these spaces, they shall not represent more than 10% of the required usable open space and shall have a secondary purpose beyond just stormwater management (e.g. boundary between two different active uses, an intermittent play/storm stream, design element at the entrance or edge of the active open space).

E. Decentralized Stormwater Management Facilities. Stormwater management facilities shall be decentralized so that no single stormwater management facility shall provide more than 20 percent of the stormwater treatment and flow control for the smaller of a Stage I Master Plan area or drainage

basin. Stage I Master Plan areas or subdivisions less than 2 acres are exempt from this maximum percentage requirement.

F. Standards for Waivers to the Standards of this Subsection. The City Engineer, or their authorized representative, may waive the requirements of this subsection (4.113 (.05)) subject to substantial evidence being available in the record to support the following findings:

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