

ORDINANCE NO. 892 FROG POND EAST AND SOUTH MASTER PLAN IMPLEMENTING DEVELOPMENT CODE – FINDINGS REPORT

October 15, 2024

INTRODUCTION

This Findings Report provides findings supporting the City of Wilsonville’s adoption of Development Code amendments related to the Frog Pond East and South Master Plan in Ordinance No. 892. The proposal includes amendments to the Wilsonville Development Code to implement the Frog Pond East and South Master Plan, adopted as a component of the City’s Comprehensive Plan through City Ordinance No. 870 on December 19, 2022. Ordinance No. 870 included findings, to which this proposal will refer to, as the intent of this proposed legislative action is to help implement the Master Plan.

COMPLIANCE WITH STATEWIDE PLANNING GOALS

ORS 197.175(2)(a) requires that as cities and counties amend and revise land use regulations, such as those in the Development Code, findings are made that they are in compliance with the Statewide Planning Goals. The following findings address the proposal’s compliance with the applicable Statewide Planning Goals. The following Statewide Planning Goals are not applicable because the proposal is entirely within the Urban Growth Boundary or outside of the boundaries of the referenced goal (e.g., Willamette River Greenway):

- Goal 3 – Agricultural Lands
- Goal 4 – Forest Lands
- Goal 15: Willamette River Greenway
- Goals 16-18, the coastal goals

GOAL 1, CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The Frog Pond East and South Master Plan was found to be in compliance with Goal 1. The proposed Development Code directly implements the adopted Master Plan. Being in an implementation stage the focus was on honoring past input rather than seeking new input. The project team did still meet with stakeholders to seek input. The Planning Commission held 14 public work sessions during which public comment and input was accepted. The City Council also held 11 public work sessions. Public hearings are being held, following broad notice, offering opportunity for additional public input.

GOAL 2, LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The Frog Pond East and South Master Plan was found to comply with Goal 2. The proposed Development Code further supports Goal 2 by taking the policy framework from the Master Plan and establishing detailed regulations for application to all future land use actions in the Frog Pond East and South UGB expansion area. Having the implementing Development Code in place will provide for a clear process and standards on which all future land use actions in the area will be based, and coupled with existing Development Code will require and ensure adequate factual base for future land use decisions. This includes clear provision on minimum number of dwelling units, the location and provision of parks and open space, and siting and design standards for private development.

As part of the adoption of the Frog Pond East and South Master Plan, the City established a record that includes technical memoranda, studies, and analyses supporting each policy of the Master Plan that is the policy framework for the proposed Development Code.

During the Master Planning process, the following affected governmental units participated or had the opportunity to participate via notices and project information provided to them:

- ODOT
- Metro
- Clackamas County
- West Linn-Wilsonville School District
- TVF&R
- SMART Transit
- The Bonneville Power Administration

The proposed Code amendments are a continuation of the Master Planning effort and are fully reflective of the factual basis and agency outreach in the Master Plan. Based on the foregoing, the City Council finds that the proposal satisfies Goal 2 with respect to having an adequate factual base and being coordinated with all affected governmental units.

GOAL 5, NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Wilsonville's Goal 5 policies in the Comprehensive Plan are implemented by the existing Development Code, specifically Section 4.139.00, the Significant Resource Overlay Zone (SROZ). The proposed Code amendments do not change Goal 5 implementing Development Code sections. The existing SROZ regulations will apply to the Master Plan area the same as elsewhere in the City that has been found to be in compliance with Goal 5.

GOAL 6, AIR, WATER AND LAND RESOURCES

To maintain and improve the quality of the air, water and land resources of the state.

The Frog Pond East and South Master Plan was found to be in compliance with Goal 6. Nothing in the proposed Development Code would alter the ability of development in the Master Plan area to be built in compliance with the Master Plan and thus Goal 6.

GOAL 7, AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

The proposal satisfies Goal 7 because the City has considered the risks of natural hazards during the planning process. There are no identified floodplains within the planning area. Potential erosion hazards have been addressed through the planned use of the SROZ along the steep slopes of the Meridian Creek and Newland Creek corridors. The City coordinated with Tualatin Valley Fire & Rescue to ensure land uses and transportation facilities provide for adequate emergency response.

The proposed Code amendments continue to protect the same slopes and natural area as the Master Plan, which was found to comply with this goal, thus the proposal also satisfies Goal 7.

GOAL 8, RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The proposed Code amendments enable and reflect the same parks and open space elements in the Master Plan, which was found to comply with this goal, thus the proposal also satisfies Goal 8.

GOAL 9, ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The proposed Code amendments enable the commercial space in the Master Plan, which was found to comply with this goal, thus the proposal also satisfies Goal 9.

GOAL 10, HOUSING

To provide for the housing needs of citizens of the state.

The proposed Code amendments directly implement the residential component of the Master Plan, which was found to comply with this goal, thus the proposal also satisfies Goal 10. For additional detail see findings below compliance with Metro Code (beginning on pages 5 and 13 below), compliance with the Wilsonville Comprehensive Plan and Frog Pond East and South Master Plan (beginning on page 21 below).

GOAL 11, PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The proposed Code amendments do not conflict with and are consistent with the public utilities and services elements of the Master Plan, which was found to comply with this goal, thus the proposal also satisfies Goal 11.

GOAL 12, TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

The proposed Code amendments do not conflict with and are consistent with the transportation element of the Master Plan, which was found to comply with this goal, thus the proposal also satisfies Goal 12.

GOAL 13, ENERGY CONSERVATION

To conserve energy.

The proposed Code amendments directly implement of the Master Plan elements found to be supportive of Goal 13, thus the proposal also satisfies Goal 13.

GOAL 14, URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The proposed Code amendments directly implement the components of the Master Plan supportive of Goal 14, which was found to comply with this goal, thus the proposal also satisfies Goal 14.

COMPLIANCE WITH METRO TITLE 11: PLANNING FOR NEW URBAN AREAS

INTRODUCTION

The Frog Pond East and South Neighborhoods were added to the Metro UGB in 2018 by Metro Ordinance No 18-1427. Metro Code 3.07.1120, Planning for Areas Added to the UGB, establishes the requirements for UGB expansion areas such as Frog Pond East and South. Each criterion within 3.07.1120 is stated below in bold italics type, followed by findings of compliance.

The proposed Code amendments related to the Frog Pond East and South Master Plan implement the Master Plan, which in turns implements the City's concept plan for the larger area, known as the Frog Pond Area Plan. Findings of compliance with Metro Code 3.07.1110, Planning For Areas Designated Urban Reserve, were adopted by the City when the Area Plan was approved. They are referenced below.

COMPLIANCE WITH METRO CODE 3.07.1120 PLANNING FOR AREAS ADDED TO THE UGB

A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110(c)(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection (c) by the date specified by the ordinance or by section 3.07.1455(b)(4) of this chapter.

The Frog Pond East and South area was added to the regional UGB through Metro’s adoption of Ordinance 18-1427. The ordinance refers to the East and South neighborhoods as the “Advance Road Expansion Area.” The general conditions state that Title 11 planning should be completed within four years from adoption of the ordinance (December 13, 2018). The City adopted comprehensive plan provisions through Ordinance No. 870 in December 2022 meeting compliance requirements. This proposal adopts the related development code regulations.

B. If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

The adopted Area Plan assigns planning responsibility solely to the City of Wilsonville; therefore, this section does not apply.

2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

Frog Pond East and South will be annexed to the City of Wilsonville concurrent with development proposals consistent with this language.

3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455(b)(2) of this chapter;

The general conditions of Metro Ordinance 18-1427 require the City to “allow, at a minimum, single family attached housing, including townhomes, duplexes, triplexes, and fourplexes, in all zones that permit single family housing in the expansion areas.” The requirements specific to Wilsonville also require that the City “plan for at least 1,325 homes in the Advance Road expansion area.”

Proposed WC Subsection 4.127 (.02) B. of the proposed amended Residential Neighborhood (RN) Zone standards allows the uses listed in the condition of approval in Frog Pond East and South.

In accordance with relevant implementation language in the Master Plan, the proposed regulations plan for a minimum of 1325 units. Table 6B (copied below) in WC Subsection 4.127 (.06) assigns the minimum by the smaller of subdistrict, a sub geography of the Master Plan area, or existing tax lot. 125 units are assigned to the mixed-use Commercial Main Street, and the remainder are spread across the remaining buildable areas of the Master Plan area based on assigned Urban Form Type and an assumed net residential density for each Urban Form Type. Urban Form Type 1 has an assumed net density of 14.5 units per acre, Urban Form Type 2 has 12.5 units per net acre, and Urban Form Type 3 has 9 units per net acre.

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

Ord. No. 892 Exhibit E

Advance Rd				
S2 TL 500 5780 SW Advance Rd	5	2 ^J	1 ^J	1 ^J
S2 TL 300 5738 SW Advance Rd	5	2 ^J	1 ^J	1 ^J
S2 TL 100 5696 SW Advance Rd	5	2 ^J	1 ^J	1 ^J
S2 TL 900	5	2 ^J	1 ^J	1 ^J
S2 TL 700	33	9	3	5
S2 TL 400	4	1 ^J	1 ^J	0
S2 TL 200	4	1 ^J	1 ^J	0
S2 TL 1100 28152 SW 60 th Ave	5	2 ^J	1 ^J	1 ^J
S2 TL 1200	5	2 ^J	1 ^J	1 ^J
S2 TL 1300 28300 SW 60 th Ave	8	2 ^J	1 ^J	1 ^J
S3 ^E	125			
S3 TL 1400	25	7	2 ^J	4

Ord. No. 892 Exhibit E

28424 SW 60 th Ave				
S3 TL 1500 28500 SW 60 th Ave	25	7	2 ^J	4
S3 TL 1600	8	2 ^J	1 ^J	1 ^J
S3 TL 1800 28668 SW 60 th Ave	8	2 ^J	1 ^J	2 ^J
S3 TL 1700 28580 SW 60 th Ave	10	3	1 ^J	2 ^J
S3 TL 1900 5899 SW Kruse Rd	33	9	3	5
S3 TL 2000 5691 SW Kruse Rd	16	4	1 ^J	2 ^J
S4 ^D	158			
S4 TL 2600	35	9	3	5
S4 TL 2700 28901 SW 60 th Ave	123	31	8	16
MASTER PLAN	1325	288-313*	72-92*	145-162*

AREA TOTAL				
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*varies because only required on smaller tax lots if tax lot consolidated with others in a development application (indicated by J in table above)

In addition to allowing all product types, the proposed Code amendments, consistent with the Master Plan, require certain target unit types including a minimum of 288-313 middle housing units, 72-92 units that are 1200 square feet or less, and 145-162 units with single-level living that require no to minimum stairs to access.

These provisions of the proposed Code meet the minimum housing types and housing unit counts required by Metro Ordinance 18-1427; therefore, this criterion is met.

4. Provision for affordable housing consistent with Title 7 of this chapter if the comprehensive plan authorizes housing in any part of the area.

Metro’s Title 7 requires that cities “ensure that their comprehensive plans and implementing ordinances:

“A. Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.

“B. Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries.

“C. Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing.”¹

On a citywide basis, the City of Wilsonville complies with the above-cited provisions of Metro Title 7 through the policies and implementation measures of the Comprehensive Plan and the housing analysis and recommendations contained in the City’s 2014 Residential Lands Study. In addition, the City’s 2020 Equitable Housing Strategic Plan (EHSP) provides policy guidance for affordable housing in Wilsonville and calls for the Frog Pond East and South Master Plan to establish achievable goals/targets for affordable housing in the area and integrate affordable housing into the master plan.

The City studied issues and opportunities for affordable housing development in Frog Pond East and South in an Affordable Housing Analysis (Technical Appendix to the Frog Pond East and South Master Plan, Appendix B). This analysis recommended a range of strategies (building off the recommendations in the EHSP) that are likely to have the greatest impact in supporting development of affordable and mixed-income housing in Frog Pond East and South. Several of these strategies are carried forward in the Frog Pond East and South Master Plan As the implementation step of strategies from the Master Plan, the proposed Development Code also comply with this Metro Code provision. See Findings below under Frog Pond East and South Master Plan Compliance for detailed findings how each of these policies are further implemented by the proposed Development Code amendments.

¹ Metro Code 3.07.730.

Based on the foregoing, this criterion is met.

5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;

The City of Wilsonville has coordinated with the West Linn-Wilsonville School District throughout the planning processes for the Frog Pond area, including in the East and South Master Plan area. The Meridian Creek Middle School property was the first Frog Pond land to annex and develop after inclusion in the Urban Growth Boundary in 2013, and opened its doors in 2017. The School District is currently planning a new school in the Frog Pond West neighborhood. The School District also has land capacity for another school adjacent to the middle school in the South neighborhood, should additional school capacity be needed in the future. At this time, there are no additional schools being planned by the District in the Frog Pond area; the school needs of future Frog Pond residents will be met by the above-cited facilities and land holdings, in addition to existing schools in Wilsonville. The proposed Code does not include any provision that would prevent compliance consistent with the Master Plan, which was found to be in compliance with this provision of Metro Code. This criterion is met.

6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.

The City of Wilsonville is the parks provider for the Master Plan area. The Master Plan includes a series of parks and open spaces of different sizes to be located centrally and distributed equitably throughout the East and South neighborhoods. Figure 19 in the Master Plan illustrates the Park and Open Space Plan, which provides for the siting of recreational facilities in the following ways:

- The proposed 3-acre East Neighborhood Park, which is centrally located to the East Neighborhood.
- Designation of the 10-acre Future Community Park as a key destination, and siting of walking, biking, and vehicular routes to connect it to the surrounding neighborhoods.
- Planning for the BPA power line easement for a variety of open space uses, including trails and potential recreational uses.
- Planning for the area northeast of the BPA powerline easement as open space.
- Planning for the Frog Pond Grange as a civic and community amenity.
- Providing a network of trails that will serve both recreational and transportation needs.
- Planning Green Focal Points that will establish small open spaces in the subdistricts and opportunities for informal community gathering and play.
- Planning for active transportation (bike lanes, buffered bike lanes, sharrows, and trails) as shown on Master Plan Figure 21, Active Transportation Plan.

The proposed Code does not include any provision that would prevent compliance consistent with the Master Plan, which was found to be in compliance with this provision of Metro Code. The proposed Development Code also furthers the implementation as shown in the Master Plan by establishing provisions that require open space and specific requirement for Green Focal Points. This criterion is met.

7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;

The Street and Block Demonstration Plan (Master Plan, Figure 20) illustrates a potential layout of streets, blocks, and multi-use paths that would achieve the intent of providing connected, convenient, safe, and low-stress transportation options for Frog Pond East and South. The location of framework streets either exists today or will be a direct continuation of existing streets in adjacent urban areas, as shown on the Street and Block Demonstration Plan. The remaining street locations are shown in Figure 19 for demonstration purposes and actual street layout beyond the framework streets will be determined at the time of development review, based on standards contained in the Development Code and Public Works Standards.

A clear hierarchy of street connections is established with SW Stafford Road as a major arterial, SW Advance Road and SW 60th Avenue acting as collector streets, SW Brisband Street as a Main Street (local street), and all other streets as local streets. The spacing standards for street connections in the Regional Transportation Functional Plan (major arterial streets at a one-mile spacing and minor arterial streets or collector streets at a half-mile spacing²) are met by the plan.

The Demonstration Plan's network of local streets provides a local street system at a spacing of approximately 200-450 feet, depending on the presence of pedestrian connections, alleys, etc. These metrics comply with Metro's local street spacing standard of 10 streets per mile or one street every 530 feet. The Demonstration Plan's local street network also provides direct public right-of-way routes and limits closed-end street designs, which is consistent with Metro's connectivity requirements.

The proposed Code provides provisions that would enable and require a street layout consistent with the Master Plan, which was found to be in compliance with this provision of Metro Code. The standards require access spacing and block size consistent with other Planned Development areas of Wilsonville, which include the 530-foot maximum street spacing standard. This criterion is met.

9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

There are no existing or planned state highway interchanges in the Frog Pond East and South Area. Operations at the nearest highway interchanges at Wilsonville Road and Elligsen Road were evaluated as part of the transportation analysis for the Master Plan. (Master Plan Technical Appendix, Appendix I). This analysis concluded that the interchange ramps will continue to function acceptably through the planning horizon after accounting for the full build-out of the Frog Pond East and South Neighborhoods, which includes up to 1,800 housing units and up to 44,000 square feet of commercial space.

The proposed Code does not include any provision that would prevent compliance consistent with the Master Plan, which was found to be in compliance with this provision of Metro Code. This criterion is met.

D. The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using a method consistent with a Goal 14 analysis, within 30 days after adoption of new land use regulations for the area.

The proposed Code does not include any provision that would prevent meeting this capacity consistent with the Master Plan, which was found to be in compliance with this provision of Metro Code upon adoption in December 2022. Specifically, the Code does not set any residential maximum densities that would be a barrier to this capacity. This criterion is met.

SUMMARY OF COMPLIANCE WITH METRO ORDINANCE 18-1427

The following findings summarize the City's compliance with Metro Ordinance 18-1427 as of the adoption of the Frog Pond East & South Master Plan.

A.1 – The City amended its Comprehensive Plan to adopt the Master Plan on December 19, 2022, within four years of the Ordinance adoption date of December 13, 2018. Work has continued to adopt the Development Code and Infrastructure Funding Plan, both being adopted in late summer/fall of 2024.

A.2 – The City has completed its compliance with and implementation of HB 2001 for Middle Housing. The City allows townhomes, duplexes, triplexes, and fourplexes in all zones that permit single family housing in its base zones and in the planned application of the Residential Neighborhood zone in Frog Pond East and South. Consistent with the Mater Plan, the proposed Code allows and even encourages and requires middle housing in Frog Pond East and South. See especially, proposed WC Subsection 4.127 (.02) B. and Table 6B in WC Subsection 4.127 (.06).

A.3 – Consistent with the Master Plan, the proposed Code encourages ADUs. This includes siting requirements that would reduce barriers, allowing ADUs with all townhouses, and encouraging them by allowing them to count for multiple required categories of units in Table 6B of WC Subsection 4.127 (.06). In addition, for calculating of maximum land dedicated to one type of unit, the code incentivizes ADUs to count as half the area of a lot, even if it only occupies a small portion. The incentive works by allowing additional land to be dedicated to detached homes or townhouses over the otherwise limit by allowing ADUs to count as larger than occupied share of the land and towards a second or third unit type. This incentivizes ADUs over another additional unit type that would not get the larger than occupied benefit. See proposed Subsection 4.127 (.06) D. and E.

A.4 – The Master Plan incorporates recommendations consistent with Metro's Climate Smart Strategy in the following ways:

- The Master Plan includes a mixed-use Main Street.
- The Master Plan includes about 24% of its housing in the Type 1 urban form, estimated at a minimum density of 14.5 du/net ac. The Master Plan includes about 56% of its housing in the Type 2 urban form, estimated at a minimum density of 12.5 du/net ac. In the Wilsonville

context, these are higher density housing types and a significant proportion of attached and middle housing choices.

- The Master Plan recommends a transit loop for the local SMART bus that will connect key destinations (Meridian Creek Middle School, the future Community Park, the central Type 1 housing area of Frog Pond East, and Main Street) and provide local bus service within a few blocks for most homes in the two neighborhoods.
- The Master Plan includes an extensive Active Transportation Plan.

The proposed Code does not include any provision that would prevent compliance consistent with the Master Plan, which was found to comply with this Condition of Approval. In fact, the proposed Development Code sets policies and requirements that will well exceed the minimum requirements, particularly by having transit access in excess of what would be typically expected at an edge suburban location, and well-planned infrastructure for biking and walking.

A.5 - The City has coordinated with Metro Planning and Development staff during the planning process for the Master Plan and implementing Development Code.

A-6 – During the Development Code implementation work, the City focused on implementing the Master Plan developed through extensive public engagement. The City has continued to engage with stakeholders, held a substantial number of public work sessions, and completed the required notice of Public Hearings.

F.1 – The Ordinance requires planning for at least 1325 homes. In accordance with relevant implementation language in the Master Plan, the proposed Code adopts clear and objectives standards requiring a minimum of 1325 units. Table 6B (copied below) in WC Subsection 4.127 (.06) assigns the minimum by the smaller of subdistrict, a sub geography of the Master Plan area, or existing tax lot. 125 units are assigned to the mixed-use Commercial Main Street, and the remainder are spread across the remaining building areas of the Master Plan areas based on assigned Urban Form Type and an assumed net residential density for each Urban Form Type. Urban Form Type 1 has an assumed net density of 14.5 units per acre, Urban Form Type 2 has 12.5 units per net acre, and Urban Form Type 3 has 9 unites per net acre.

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E4 ^H	211			
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S2 TL 500 5780 SW Advance Rd	5	2 ^J	1 ^J	1 ^J
S2 TL 300 5738 SW Advance Rd	5	2 ^J	1 ^J	1 ^J
S2 TL 100 5696 SW	5	2 ^J	1 ^J	1 ^J

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S2 TL 1200	5	2 ^J	1 ^J	1 ^J
S2 TL 1300 28300 SW 60 th Ave	8	2 ^J	1 ^J	1 ^J
S3 ^E	125			
S3 TL 1400 28424 SW 60 th Ave	25	7	2 ^J	4
S3 TL 1500 28500 SW 60 th Ave	25	7	2 ^J	4
S3 TL 1600	8	2 ^J	1 ^J	1 ^J
S3 TL 1800 28668 SW 60 th Ave	8	2 ^J	1 ^J	2 ^J

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S3 TL 1700 28580 SW 60 th Ave	10	3	1 ^J	2 ^J
S3 TL 1900 5899 SW Kruse Rd	33	9	3	5
S3 TL 2000 5691 SW Kruse Rd	16	4	1 ^J	2 ^J
S4 ^D	158			
S4 TL 2600	35	9	3	5
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MASTER PLAN AREA TOTAL	1325	288-313*	72-92*	145-162*

*varies because only required on smaller tax lots if tax lot consolidated with others in a development application (indicated by J in table above)

COMPLIANCE WITH OREGON REVISED STATUTES AND ADMINISTRATIVE RULES

DEVELOPMENT OF MIDDLE HOUSING

ORS 197.758 and OAR 660-046

ORS 197.758(2) is the implementing statute for House Bill 2001 (HB 2001). The statute requires Oregon cities with populations over 25,000 and those within the Portland Metro boundary (collectively referred to as "Large Cities") to adopt development code regulations and comprehensive plan amendments to allow for the development of: (1) all Middle Housing types (duplexes, triplexes, quadplexes, townhouses, and cottage clusters) in areas zoned for residential use that allow for the development of detached single-family dwellings; and (2) a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. The City of Wilsonville came into

compliance with these regulations in 2021 through adoption of Ordinance No. 851, which amended the Comprehensive Plan and Development Code to allow all Middle Housing types in all residential zones, in compliance with the statute. This included amendments to the RN zone, which will be the implementing zone for the Frog Pond East and South Master Plan. Consistent with the Master Plan, the proposed Code allows and even encourages and requires middle housing in Frog Pond East and South. See especially, proposed WC Subsection 4.127 (.02) B. and Table 6B in WC Subsection 4.127 (.06). In Table 6B between 288 and 313 middle housing units are required at a minimum, approximately 20% of the anticipated build out. The number varies on whether certain smaller existing tax lots are consolidated for development. If not, they are too small to meet variety requirements on their own.

ORS 197.758(5) and ORS 197A.420 state that local governments may regulate siting and design of Middle Housing provided that the regulations do not, individually or cumulatively, discourage the development of all Middle Housing types permitted in the area through unreasonable costs or delay. OAR 660-046-0210(3) provides specific standards limiting which siting standards comply with this ORS requirement (See also OAR 660-046-0215, 0220, 0225). The OAR's standards are incorporated into the Development Code text amendments and all proposed standards fall into one of two "safe harbors" in the OAR. The two "safe harbors" are (1) standards being applied the same as or less restrictive than detached single-family homes to middle housing and (2) housing-type specific model code and specific provisions included in the OAR. A more complicated "alternative design standards" process is also laid out in OAR. OAR 660-046-0235 identifies the type of analysis that would be needed for these "alternative design standards". This analysis is not needed for the proposed code amendments as all applicable amendments fall under the "safe harbors". Specifically, the proposed siting and design standards in Frog Pond East and South are consistent with those in the existing RN zone and elsewhere in the City previously found to be OAR-compliant with the adoption of Ordinance No. 851. All design standards for Middle Housing in Frog Pond East and South as well as new standards applicable to middle housing citywide, such as stormwater design standards, are clear and objective and either the same as (or less restrictive than) the Model Code for Large Cities, or are the same as those applied to single-family detached dwellings in the same zone.

OAR 660-046-0205(2)(b)(A) identifies options for regulating Middle Housing within Master Planned Communities (MPC) adopted after January 1, 2021. Frog Pond East and South will qualify as an MPC under these provisions. The OAR identifies three regulatory options within MPCs: (i) plan to provide infrastructure that accommodates at least 20 dwelling units per net acre; (ii) plan to provide infrastructure based on the implementation of a variable rate infrastructure fee or system development charge or impact fee; or (iii) require applications for residential development within an MPC to develop a mix of residential types, including at least two Middle Housing types other than Duplexes. In addition, the OAR allows MPC to meet the general requirements of OAR 660-046-0205(2) by allowing for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, in areas zoned for residential use that allow for the development of detached single-family dwellings. The City is electing to comply with this general requirement. The proposed Code specifically includes the proposed WC Subsection 4.127 (.06) F. which states, "Pursuant to ORS 197A.420 and OAR 660-046-0205, any lot identified for single-family development in the Stage I or II Master Plan can also be developed or redeveloped as middle housing even if the maximum percentage of a Middle Housing Unit Type, as listed in Table 6C, is exceeded. However, this does not allow the maximum for a single Middle Housing Unit Type to be exceeded in initial planning or compliance verification. This would only apply at the time of future building permit issuance or replat of individual lots." Notably, by its compliance method selection, the City provides more flexibility than OAR authorizes. The City could require at least two middle housing

types besides duplexes, but allows flexibility to meet middle housing with fewer unit types, including primarily by townhouses. Also, the City increases flexibility related to the requirements by not mapping areas that are required to be certain unit types. Allowing developers to do the site planning under the proposed standards adds substantial flexibility both in choosing unit types and where to place them. Alternatively, the City could have mapped areas for apartments, multiple types of middle housing, with a note that areas that are mapped for detached single-family homes also must allow middle housing. This mapping approach is similar to what occurred in Villebois, but the City recommends the proposed approach to increase flexibility while having the intended housing variety outcomes.

Senate Bill 458 (SB 458), which is added to ORS 92.010 to 92.192, requires local governments subject to HB 2001 to allow land divisions for any middle housing type permitted in accordance with code provisions adopted under ORS 197.758. The City incorporated the middle housing land division requirements of SB 458 into the Development Code as part of Ordinance No. 851. This included revisions to definitions, review procedures, and land division regulations, among others. No changes to those provisions will be proposed as part of the proposed Code amendments.

COMPLIANCE WITH WILSONVILLE COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENT STANDARDS

INTRODUCTION

Finding of conformance with the Comprehensive Plan are required pursuant to WC Subsection 4.197 (.01) B. 2. The standards for amendments are listed below in bold, italic type, followed by FINDINGS.

WILSONVILLE COMPREHENSIVE PLAN-PUBLIC INVOLVEMENT

Public Involvement-In General

Goal 1.1, Policy 1.1.1

By following the applicable implementation measures, see findings below, the City provided opportunities for public involvement encouraging, and providing means for, involvement of interested parties. This includes numerous public work sessions, the public hearing process, including the notice, engaging stakeholders, and making information available on Let's Talk, Wilsonville! with the opportunity to provide feedback.

Early Involvement

Implementation Measure 1.1.1.a.

The Planning Commission and City Council and community members have had opportunity to comment on the proposed Master Plan in public work sessions and other public events while still in draft form. The City held 14 Planning Commission work sessions and 11 City Council work sessions between January 2023 and June 2024. For all these meetings the opportunity was available to the public to view and participate remotely or in-person. The meeting recordings were made available for viewing afterwards on the City's YouTube channel. City staff also held numerous meetings with interested developers. Specific examples of how input received from public input, including from developers during the process was incorporated and impacted the proposed Code text is as follows:

- Rewording definition of Net Development Area
- Allowing 1/3 of Mobility-Ready Units to include a stair-accessed portion (i.e. primary on main type design)

- Removing the maximum amount of stormwater that can go to one facility and a maximum size of stormwater facilities
- Simplifying the approach to side yard fences
- Making garage width based on door width from frame
- Allowing articulation to be used in lieu of actual building separation for multi-family building maximum building width in Urban Form Type 2
- Where commercial is required for ground-floor mixed use, allowing Business-Integrated Dwellings Units for additional flexibility.
- Ensuring standards allow multi-family in Urban Form Type 3 to accommodate multi-family in an area that could be a private sewer pump station
- Allowing flexibility on building height in Urban Form Type 3 to allow three-story townhouses
- Providing a clear number of unit minimums for each subdistrict, rather than using formulas, as seen in proposed Table 6B in Subsection 4.127 (.06)
- Optimizing flexibility for different types of units to count towards target units, including middle housing, small units, and mobility-ready units
- Allowing flexibility across subdistrict lines to help them meet the minimum standards
- Adding language allowing minimum requirements to be proportionately reduced if net development area is lower than expected
- Providing special language about calculating net area in Subdistrict E4, which has the Commercial Main Street, to remove commercial parking area from the net area
- Expressing flexibility on neighborhood park location in Frog Pond East as long as the design standards / features outlined in Master Plan can be met
- Incorporating stakeholder feedback into the proposed stormwater design standards

Encourage Participation of Certain Individuals, Including Residents and Property Owners

Implementation Measure 1.1.1.e.

The City encouraged residents, property owners, and other interested parties impacted by the proposed Code amendments through notice and ample opportunity to provide input. The City also included projects information on the City's Let's Talk, Wilsonville! website.

Procedures to Allow Interested Parties to Supply Information

Implementation Measure 1.1.1.f.

The City afforded interested parties the opportunity to provide oral input and testimony during the public hearings. Throughout the work sessions and extended period of work, the City also encouraged and afforded opportunity for comments either in writing or in-person or virtually at Planning Commission meetings.

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

Implementation Measure 1.1.1.g.

Prior to the scheduled public hearing on the proposed Code amendments, the Planning Commission held a series of 14 work sessions open to the public from January 2023 to June 2024, during which the Planning Commission considered public input and provided feedback, which was incorporated into the current draft.

Public Notices for Planning Commission Meetings

Implementation Measure 1.1.1.h.

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.

The published notecard mailings and notices provided user-friendly information about the purpose, location, and nature of the meetings as has been standardized by the City. The mailings widely publicized different ways for impacted parties to participate, access additional information about the proposal, and staff contact information for questions they may have. The notice to impacted parties provided the necessary information for them to access to the draft Code and staff report on which the Planning Commission will base their decision. Staff provided contact information and links to these files via the Let's Talk, Wilsonville! webpage.

Coordinate Planning Activities with Affected Agencies

Implementation Measure 1.3.1.b.

The Master Plan was coordinated with other agencies including with the West Linn-Wilsonville School district on both future school needs and property they own in the area, TFV&R, on right-of-way design, and Clackamas County on road jurisdiction and impact on intersections that will remain county responsibility. Nothing in the proposed Code edits changes the Master Plans ability to be implemented consistent with the prior coordination.

WILSONVILLE COMPREHENSIVE PLAN-HOUSING AND RESIDENTIAL AREAS

Variety and Diversity of Housing

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

Consistent with the Master Plan, the proposed Code amendments strongly supports Wilsonville's policies and implementation measures related to providing a variety of housing options to meet diverse housing preferences and needs. The Code first allows a variety by zoning not by housing type or density but by urban form. It adds to this minimum unit requirements that a variety of housing types be built and that the variety be integrated spatially throughout the planning area.

The proposed regulatory approach to housing variety and diversity is different than previously used in the City. The approach is different out of necessity due to updated State statute and rules. While the approach is different, it is clear and objective and results in similar variety and diversity requirements as Villebois. It also aligns with other master-planned areas in the region being planned, and emerging regulatory requirements.

Villebois has been successful with a variety of housing types and gives the City confidence in the feasibility of the variety requirements for Frog Pond East and South. Below is a comparison of variety in Villebois and proposed in Frog Pond East and South.

	Total Units	Middle Housing	Mobility-Ready	Detached single-family
Villebois built/approved	2593	524 (20.2%) Townhouses	421+ (16%+)	1538 (59.3%)
Frog Pond East and South	1325 min. 1625 assumed	313 (19.3%) Min.	160 (9.8%) Min.	792 (48.7%) Estimated Max.

- The Frog Pond East and South Master Plan actually requires many fewer housing types than Villebois. The Master Plan could be built with as few as three housing types, where the Villebois Village Master Plan had 13, 11 of which were built.

The City has reviewed a number of similar contemporary plans in the Portland Metro area and see similar variety themes, this includes River Terrace 2.0 in Tigard, Cooper Mountain North in Beaverton, and Witch Hazel Village South in Hillsboro.

- All plans include a housing mix/middle housing
- All plans avoid type separation and encourage block-level mix of housing types
- Some have 30+% middle shown in models or proposed requirements
- Some require multiple housing types in development

Initial draft OHNA (Oregon Housing Need Analysis) “safe harbor” requirements are looking at zoning for 50% MFR and 25% Middle Housing; locational safe harbors are still being drafted (with the intent that housing types are integrated).

Recent Urban Growth Report data from Metro for growth capacity includes middle housing assumptions from 26-34 percent of total new housing, varying depending on low, medium, and high growth assumptions.

Based on this information, the City finds the proposed variety requirements are reasonable, feasible, and appropriate.

Public Services and Facilities

Implementation Measure 4.1.4.b.,h.,i.,o.,r.

The adopted Master Plan includes components to provide the necessary infrastructure and services. Future development proposals will need to follow the plans to ensure provision of adequate public services and facilities. Nothing in the proposed Code edits changes the Master Plans ability to implement the planned public services and facilities.

Safe, Convenient, Healthful, Attractive Residential Areas; Compatibility with Adjacent Areas

Implementation Measure 4.1.4.c.,t.

The adopted Master Plan carries forward the vision of the Frog Pond Area Plan to “create great neighborhoods that are a connected part of Wilsonville” and create “cohesive design where individual private development and public realm improvements fit seamlessly together into a coordinated whole”. Examples of how this is done include carrying forward a number of the public realm design elements from Frog Pond West and being thoughtful about how the urban form interacts with adjacent development. The proposed Code amendments carries forward the vision of the Master Plan by providing detailed requirements of the public realm design and implementing the urban forms along the edges. The proposed Development Code supports the implementation of the connectivity plans and active transportation components of the Master Plan, including implementing street and pathway spacing.

Housing Needs

Implementation Measure 4.1.4.f.-g.,k.-m.,p.

The adopted Master Plan was found to be implementing housing need building on the 2014 HNA and 2020 Equitable Housing Strategic Plan, with an overall focuses on housing. The proposed Code mirrors and implements the Master Plan. The Master Plan compliance findings are below.

FROG POND EAST AND SOUTH MASTER PLAN COMPLIANCE

Ordinance No. 870 adopted amendments to the text of the Comprehensive Plan related to Frog Pond East and South as well as the Frog Pond East and South Master Plan as a supporting document of the Comprehensive Plan. The findings below first respond to Comprehensive Plan text and then to the Master Plan text. The responses to the Master Plan focus on Chapter 8, Implementation, which lays out the implementation steps for the remaining Chapters. Responses to other Chapters will be limited to specific Public Realm language from Chapter 7, Public Realm, not referenced in Chapter 8.

Designation and Mapping of Subdistricts

Implementation Measure 4.1.7.D.1.

Subdistrict boundaries were thoughtfully considered during Master Planning and are not arbitrary. Page 47 of the Master Plan specifically addresses the purpose of the subdistricts as a community design concept to promote “neighborhoods within neighborhoods”. The Master Plan directs further that a number of standards, including minimum unit type, housing variety, and green focal point requirements are applied at a subdistrict level based on the “neighborhoods within neighborhoods” concept. This additionally ensures housing variety is throughout the development rather than segregated and ensures close by gathering places for all residents in Frog Pond East and South. The subdistrict approach mirrors a similar approach in Villebois that used “Specific Areas” for neighborhoods within neighborhoods design. Subdistricts are carefully defined by existing and planned edges and boundaries such as the BPA corridor, riparian corridors, and framework streets. They are generally designed to have approximately 20 acres.

Subdistricts are implemented in a clear and objective manner by proposed WC Subsection 4.127 (.05) A. 2. The proposed language provides the necessary detail to ensure there is clarity in the boundaries of the subdistricts.

Initially, only a map was planned to guide Subdistrict boundary implementation. However, feedback received indicated that only a map is likely to still leave too much unclarity for specific boundaries. Text was added to supplement the map to clearly define the boundaries for the subdistricts.

Clear and Objective Standards-Minimum number of units at subdistrict or tax lot level

Implementation Measure 4.1.7.D.2.a.

This is implemented by Table 6B in WC Subsection 4.127 (.06). The table establishes a minimum for each subdistrict and tax lot. The minimums established in the table include minimums for three priority housing types or “target housing types” called for in the Master Plan. These include middle housing, small units 1200 square feet or less, and mobility-ready units. The total is summed in table below. Middle housing represents approximately 20 percent of anticipated build out, small units (1200 square feet or less) five percent of anticipated build out, and mobility-ready units ten percent of anticipated build out. These minimum standards require a certain amount of these unit types to provide lower cost and accessible housing options throughout the Master Plan area.

Minimum Total Number of Units	Minimum Number of Middle Housing Units	Minimum Number of Small Units	Minimum Number of Mobility-Ready Units
1325	288-313*	72-92*	145-162*

*varies because only required on smaller tax lots if tax lot consolidated with others in a development application

Clear and Objective Standards-Development standards based on urban form types

Implementation Measure 4.1.7.D.2.b.

This is implemented by Tables 8B and 8C in WC Subsection 4.127 (.08). Wherever appropriate, and where not otherwise noted, the standards are mirrored after similar standards in other residential zones in Wilsonville or Frog Pond West and precedent unit examples shared during the Master Planning and Code development process. Special attention was paid to ensure standards create meaningful differentiation between the different residential Urban Form Type Designations. In addition, consideration was given to the wide array of housing types allowed throughout Frog Pond East and South and the desired variety. Notable unique standards include:

- An independent numerical lot size requirement is not established, rather lot size must be of sufficient size to meet other applicable development standards. This simplifies the code, removes barriers to proposed housing variety, and prevents complexities and likely contradictions in the standards.
- Front setbacks that are uniform on any given street to create a more consistent streetscape. See Table 8C.
- Creating a maximum building width that becomes a key standard controlling building bulk and differentiating between different Urban Form Types.
- Creating a minimum distance between buildings when multiple buildings are on a lot so they mirror required setbacks to create consistency in built form regardless of lot patterns.

Clear and Objective Standards-Require a variety of housing and minimum and maximum of specific housing types

Implementation Measure 4.1.7.D.2.c.

This is implemented by a combination of Table 6B in WC Subsection 4.127 (.06) and WC Subsection 4.127(.06) E. Table 6B sets minimums for priority or “target” unit types including middle housing, small units 1200 square feet or less, and mobility-ready units that having living facilities on the ground floor. Rather than establish formulas that could cause future uncertainty, the table does the math and just states the answer of the formula. The minimum required of middle housing, small units, and mobility-ready units are listed as numbers, calculated from an assumed moderate buildout, and rounded up to the next whole number for each. Moderate buildout represents 125% of the minimum buildout (this mimics historic regional zoning approaches of setting a maximum density and minimum density at 80% of that max; the vast majority of developers exceeded minimums and hit the maximum allowed unit counts; thus, we have assumed developers will continue to exceed minimum unit counts). The set

percentage for middle housing is 20% (288-313 total units throughout Frog Pond East and South) , small units is 5% (72-92 total units throughout Frog Pond East and South), and mobility-ready units is 10% (145-162 total units throughout Frog Pond East and South). The range for each percentage exists because they are only required on smaller tax lots if the tax lot is consolidated with others during development.

These percentages are as recommended by the project team and reviewed by the Planning Commission and City Council in work sessions. The Frog Pond East and South Master Plan do not establish what the percentage of the priority or “target” units should be. Determining the appropriate percentage was among the decisions of Planning Commission and City Council during the drafting of the proposed Development Code amendments. Guiding principles used in the determination of the percentages include looking at local precedent, other precedent, considering market feasibility, and avoiding unintended consequences, especially inadvertently requiring a housing type either directly or indirectly. For middle housing, 20 percent is very close to the amount of middle housing built in the precedent-setting Villebois Village Master Plan area, which has 20.2 percent middle housing. The small unit percentage of five percent was solidified after reviewing sales data of small units in Clackamas and Washington County and set at a level that provided an impactful number of units, but did not push too aggressively on the market. For the mobility-ready units Villebois was compared, which has approximately 16 percent mobility-ready units. However, many of these mobility-ready units in Villebois are multi-family units that are not required to be built at the same scale in Frog Pond East and South making the number in Frog Pond East and South likely lower. The City also examined data from the American Community Survey and other sources to establish that approximately 7.1 percent of current Wilsonville residents have mobility limitations. Considering a good portion of mobility-ready units may be occupied by residents without mobility limitations, increasing the requirement to 10 percent was determined to create a reasonable likelihood that a unit would be available to the residents that do have mobility limitations.

WC Subsection 4.127(.06) E. clearly defines the number of unit types required in each development proposal, generally three, with practical flexibility added for smaller development where it may be infeasible to have the three unit types. The sixty percent maximum of net area for any single housing unit type is anticipated to prevent any single unit type to dominate any area by enabling only about half of the units to be a single unit type, which is consistent with the Master Plan housing variety policy objectives. Sixty percent was solidified as the best choice during work sessions as it is near half, but adds some flexibility and reduces the percentage of “gap units” not covered by a maximum or minimum requirement while not allowing a single unit category to dominate. It also avoids a scenario that may occur with a fifty percent requirement where multiple housing categories are on the verge of meeting the maximum and limit future flexibility.

In establishing the variety of standards, care was taken to not unreasonably increase cost to development.

The City analyzed the impact of the variety standards on cost. Housing Variety requirements indicated by the minimums in the table do require additional unit types than might otherwise be built, which can increase certain design and construction costs. Care was taken in drafting the standards to establish standards that did not create too granular of standards as to unduly decrease the ability to use standard industry efficiencies in design and construction. See examples of how care was taken below. When weighed with the variety standards ensuring production of lower cost unit types, the potential for added costs of producing more types of units is off-set. The City finds when weighing the considerations, it is

better to have relatively higher design and construction costs on lower-cost units than only have more higher-cost housing that may be more cost-efficient to design and build, but do not provide lower-cost unit types to the market. The following are specific steps the proposed variety requirements take to balance the potential to increase cost of a given housing unit due to less design and construction efficiency.

- Not generally requiring variety within a block, but allowing “block level variety” as required in the Master Plan to be substantially met with variety on adjacent blocks and across the street.
- Thoughtfully choosing geographic size and number of units per certain geographic size that ensure variety throughout the plan area but do not unduly increase the number of unit types to be designed and built.
- Exempting small developments from requirements such as small unit and mobility-ready unit minimums to avoid forcing too many unit types in small areas.
- Allowing each variety requirement to be met by different unit types, thus providing flexibility and reducing the likelihood a new custom home design will be needed to meet a given standard. Each variety requirement can be met by at least 2-3 housing types or configurations. Each requirement can be met by commonly built suburban housing types, which have historically been built in Wilsonville, including detached homes, town houses, and apartments.
- Allowing a single unit to be counted against meeting multiple requirements. For example, a cottage in a cottage cluster could meet middle housing, small unit, and mobility-ready requirements. This allows more land to be used by other units as well as if a developer does create a new home design for the development, they are able to maximize its use and not have to create multiple new home designs.

Beyond the variety-related concerns, the mobility-ready unit requirement does have potential to increase costs as a similarly square foot unit on a single floor takes up more land and has more roof area (an expensive portion of the construction) than a multi-floor unit. However, the regulations allow multiple ways for the requirement to be met minimizing this impact on cost by allowing more units, such as ADUs and ground floor apartments, as well as primary-on-main units that have an upstairs portion, to help meet the requirement. The requirement is tailored to be directly responsive to a policy goal of more mobility-friendly units while minimizing impact on costs.

The proposed regulatory approach to housing variety is different than previously used in Master Planned communities in Wilsonville like Villebois, but it offers similar outcomes to Villebois. It also aligns with other master-planned areas in the region being planned, and emerging regulatory requirements. The approach is different out of necessity due to updated Statute and rules. Villebois has been successful with a variety of housing types and gives the City confidence in the feasibility of the variety requirements for Frog Pond East and South. Below is a comparison of variety in Villebois and Frog Pond East and South.

	Total Units	Middle Housing	Mobility-Ready	Detached single-family
Villebois built/approved	2593	524 (20.2%) Townhouses	421+ (16%+)	1538 (59.3%)
Frog Pond East and South	1325 min. 1625 assumed	313 (19.3%) Min.	160 (9.8%) Min.	792 (48.7%) Estimated Max.

- In regards to different types of housing, the Frog Pond East and South Master Plan actually requires many fewer housing types than Villebois. The Master Plan could be built with as few as three housing types, where the Villebois Village Master Plan had 13, 11 of which were built.
- The City has reviewed a number of similar contemporary plans in the Portland Metro area and see similar variety themes, this includes River Terrace 2.0 in Tigard, Cooper Mountain North in Beaverton, and Witch Hazel Village South in Hillsboro.
 - All plans include a housing mix/middle housing
 - All plans avoid type separation and encourage block-level mix of housing types
 - Some have 30+% middle shown in models or proposed requirements
 - Some require multiple housing types in development
 - Some use a “transect” concept
- Initial draft OHNA (Oregon Housing Need Analysis) “safe harbor” requirements are looking at zoning for 50% MFR and 25% Middle Housing; locational safe harbors are still being drafted (with the intent that housing types are integrated).
- Recent Urban Growth Report data from Metro for growth capacity includes middle housing assumptions from 26-34 percent of total new housing, varying depending on low, medium, and high growth assumptions.

Clear and Objective Standards-Require middle housing Implementation Measure 4.1.7.D.2.d.

Table 6B in the proposed WC Subsection 4.127 (.06) establishes the required middle housing in each subdistrict and tax lot. The minimum required amount of middle housing is calculated from an assumed moderate buildout and rounded up to the next whole number. Moderate buildout represents 125% of the minimum buildout. The set percentage for middle housing is 20% of units.

The proposed regulatory approach to middle housing is different than previous integration of middle housing into master-planned communities in Wilsonville, particularly Villebois. The approach is different

out of necessity due to updated Statute and rules. While the approach is different, it brings similar amount of middle housing as Villebois. It also aligns with other master-planned areas in the region being planned, and emerging regulatory requirements. Villebois has been successful with middle housing and gives the City confidence in the feasibility of the middle housing requirements for Frog Pond East and South. Below is a comparison of middle housing in Villebois and Frog Pond East and South.

	Total Units	Middle Housing
Villebois built/approved	2593	524 (20.2%) Townhouses
Frog Pond East and South	1325 min. 1625 assumed	313 (19.3%) Min.

- The City has reviewed a number of similar contemporary plans in the Portland Metro area and see similar variety themes, this includes River Terrace 2.0 in Tigard, Cooper Mountain North in Beaverton, and Witch Hazel Village South in Hillsboro.
 - All plans include a housing mix/middle housing
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OAR 660-046-0205(2)(b)(A) identifies options for regulating Middle Housing within Master Planned Communities (MPC) adopted after January 1, 2021. Frog Pond East and South will qualify as an MPC under these provisions. The OAR identifies three regulatory options within MPCs: (i) plan to provide infrastructure that accommodates at least 20 dwelling units per net acre; (ii) plan to provide infrastructure based on the implementation of a variable rate infrastructure fee or system development charge or impact fee; or (iii) require applications for residential development within an MPC to develop a mix of residential types, including at least two Middle Housing types other than Duplexes. In addition, the OAR allows MPC to meet the general requirements of OAR 660-046-0205(2) by allowing for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, in areas zoned for residential use that allow for the development of detached single-family dwellings. The City is electing to comply with this general requirement. The proposed Code specifically includes the proposed WC Subsection 4.127 (.06) F. which states, "Pursuant to ORS 197A.420 and OAR 660-046-0205, any lot identified for single-family development in the Stage I or II Master Plan can also be developed or redeveloped as middle housing even if the maximum percentage of a Middle Housing Unit Type, as listed in Table 6C, is exceeded. However, this does not allow the maximum for a single Middle Housing Unit Type to be exceeded in initial planning or compliance verification. This would only apply at the time of future building permit issuance or replat of individual lots." Notably, by selecting the compliance method the City provides more flexibility for middle housing than OAR authorizes. The City could require at least two

middle housing types besides duplexes, but allows flexibility to meet middle housing with fewer unit types, including primarily by townhouses.

Alternative discretionary path

Implementation Measure 4.1.7.D.3.

New proposed WC Subsection 4.127 (.22) addresses consideration of waivers in Frog Pond East and South allowing the alternative discretionary path prescribed by this implementation measure.

Define categories of housing for housing variety

Implementation Measure 4.1.7.D.4.

Proposed new WC Subsection 4.127 (.06) D. and Table 6C establish the housing categories for housing variety. The proposed text and table establish the purpose of the categories and clearly establish the category for each expected unit type. Four broad categories are established, multi-family, middle housing, accessory dwelling units, and other detached units including detached single-family. Some housing types that could be considered as one unit type are considered separately for the purpose of housing variety. The primary driver of the categorization and separation is encouraging a variety a built form, both in relation to the overall structure and individual units. For multi-family, elevator-served apartments have fewer exterior entrances and individual units are all accessible without stairs. The 5-9 unit multi-family have a built form more similar to middle housing than large multi-family buildings. For middle housing, townhouses and similar plexes that are side by side are a single unit type, while plexes that have units stacked are a separate unit type. Cluster housing and cottage clusters are detached middle housing types and have different layouts on lots from each other. The Other Detached Units category puts detached homes and other similar units as one type because they have a similar design and layout on sites, though sizes may vary. Of note, in some instances, the categorization and delineation of unit type makes it easier to meet the variety standards. For example, the consideration of elevator-served apartments, which are likely to be built along the Brisband Main Street, will also make it considerably easier for Subdistrict E4 to meet housing variety requirements if walk up apartments are also built in the subdistrict, as it counts as a separate unit type, reducing the number of types that would otherwise need to be built. The categorization and delineation of unit types also supports the inclusion of target unit types reflective in Table 6B including a variety of middle housing types, small units, and accessible units by allowing more types of units that meet these categories to be classified as separate unit types consistent with their varying urban forms.

Frog Pond Grange a community destination

Implementation Measure 4.1.7.D.5.

Proposed WC Subsection 4.127(.24) addresses special, specific land use coordination. Subsection A. under (.24) addresses the Frog Pond Grange property pursuant to this implementation measure. The language encourages it to be maintained for a similar use as it is used today. It lays out that preservation of the building is required unless there is substantial evidence that it is unfeasible.

Coordinate with BPA on easement area

Implementation Measure 4.1.7.D.6.

The proposed Code does not require or encourage any use in the BPA easement area that would conflict with this implementation measure to coordinate future development in the easement area with BPA.

Future study of design options for creek crossings

Implementation Measure 4.1.7.D.7.

Specific design for creek crossings will be addressed during development review. The proposed Code does not create any barrier to these future specific designs.

Design and implementation of SW Brisband Main Street

Implementation Measure 4.1.7.D.8.

The Master Plan envisions the SW Brisband Main Street as a gathering place and destination. Public input summarized in the Master Plan focused on the Main Street focused on eating and drinking establishments and convenience services where they could gather. A green focal point is also planned to encourage supporting gathering.

Using the precedence for similar mixed commercial/residential development planned for Wilsonville's Town Center, specific Code language is proposed to implement a Main Street design along SW Brisband Street between SW Stafford Road and SW 63rd Avenue. The proposed Code language in WC Subsection 4.127(.23) is a simplified version of the Town Center standards removing any language that would not be applicable to the relatively small application of the standards in this context. It should be noted, the proposed Code elects to integrate components of commercial zoning into the Residential Neighborhood (RN) Zone rather than establish separate zoning for the SW Brisband Main Street.

An important consideration for the SW Brisband Main Street is what percent of the ground floor to allow to be residential rather than commercial. The City finds it reasonable to allow up to 50% of the ground floor to be residential, consistent with the allowance in the City's Planned Development Commercial (PDC) Zone. The vast majority of the City with a Commercial Comprehensive Plan designation like the subject property is zoned PDC, so having consistent standards with this zone is reasonable. The primary reason for preparing for the subject land to be zoned RN over PDC is to allow implementation of specific clear and objective design standards that don't exist for PDC-zoned land, not to allow different uses. In relation to allowed uses this area of the RN zone should be consistent with the PDC zone. The proposed allowance of residential is also consistent with the ground floor mix allowed under the Vertical Housing Development Zone (VHDZ) program which supports similar type of development. Note, the area is not currently designated for as a VHDZ.

For additional flexibility along the SW Brisband Main Street, the City is allowing Business-Integrated Dwelling Units (BIDUs) to count as commercial space accessory to the primary commercial use.

Special provisions for public realm along Stafford, Advance, and East Neighborhood Park

Implementation Measure 4.1.7.D.9.

Proposed WC Subsection 4.127(.08) E. 2. establishes special design standards for both the SW Stafford Road and SW Advance Road frontages specific to this implementation measure. This includes having entrances front the streets and context specific fencing that uses similar materials and complements the design of the Frog Pond West wall along SW Stafford Road and SW Boeckman Road. The East Neighborhood parks is required to have active sides of homes towards the park, the same as existing standards for parks in Frog Pond West.

Treed area off Kahle Road

Implementation Measure 4.1.7.D.10.

Proposed WC Subsection 4.127 (.24) addresses special, specific land use coordination. Subsection B. under (.24) addresses the treed area off SW Kahle Road. The language requires further study to

determine if it should be preserved as SROZ, and if not clarifies that Urban Form Type 3 applies with no minimum unit count.

Usable yard spaces for closely-spaced detached homes

Implementation Measure 4.1.7.D.11.

Language is proposed under the City's general residential fencing standards in WC Subsection 4.113 (.07). to address through-access of narrow yard areas to ensure access. In addition, new maintenance requirements are proposed to be added to the City's nuisance code.

Zoning Implementation-Zone Map Amendments and Implementation

Table 7 of the Master Plan lists the implementing zone for each Comprehensive Plan Designation. While no Zone Map amendments are proposed, the proposed Code language enables the RN Zone to be applied to the residential areas with clear standards that implement necessary components of the Frog Pond East and South Master Plan. The previously adopted RN Zone standards, developed to implement the Frog Pond West Master Plan, were written in a modular format that enabled future addition of specific requirements for Frog Pond East and South. The proposed updated RN Zone standards clearly delineate which standards apply throughout all Frog Pond neighborhoods and which ones apply respectively to Frog Pond West and to Frog Pond East and South. Examples of standards applying only to Frog Pond East and South are the density and minimum housing and variety requirement, siting and design standards, and public realm design standards.

In addition, rather than adding Frog Pond East-specific language to the Planned Development Commercial (PDC) Zone, aspects of the PDC Zone and Town Center (TC) Zone were incorporated into the RN Zone text to enable similar regulations of the PDC Zone to be applied to the Commercially designated land on SW Brisband Street in Frog Pond East. This includes use limitations consistent with the PDC Zone, notably the requirement of a minimum of fifty percent ground floor commercial, as well as design standards generally consistent with the Main Street standards in the TC Zone, though simplified to remove unnecessary standards for the limited application in Frog Pond East.

The Significant Resource Overlay Zone (SROZ) will be implemented where applicable. The City's SROZ map will be amended to apply the overlay where natural resource conditions warrant including wetlands, riparian areas, and significant upland habitat. The Public Facility (PF) zone remains available for any uses allowed in that zone, consistent with the Master Plan, but is not anticipated to be used beyond the previously annexed and zoned school and park land in Frog Pond South.

Coding for Variety and Priority Housing Types-General

The proposed Code implements coding for variety and priority housing types as established by this Master Plan text. See findings above for Implementation Measures 4.1.7.D.1., 2.a-2.d., and 4.

Coding for Variety and Priority Housing Types-Strategy 1: Permit a wide variety of housing types

The proposed standards permit the full spectrum of housing types in Frog Pond East and South including all housing types listed under Strategy 1 in the Master Plan. Permitting of all housing types is strategically limited by housing variety standards. The variety standards are specific and targeted to outcomes directed by Master Plan. The proposed code does offer a variety of ways to meet each variety requirement, allowing more flexibility than a prescriptive mapped Master Plan like the City has used before, such as in Villebois. At least 2-3 housing types/configurations can meet each variety requirement, including types that have historically been built in suburban Portland markets (detached homes, row houses, traditional multi-family).

Coding for Variety and Priority Housing Types-Strategy 2: Define “categories” of housing units

See finding above for Implementation Measure 4.1.7.D.4.

Coding for Variety and Priority Housing Types-Strategy 3: Establish minimum dwelling unit requirements

This is implemented by Table 6B in WC Subsection 4.127 (.06). The table establishes a minimum for each subdistrict and tax lot. See finding above for Implementation Measure 4.1.7.D.2.a.

Coding for Variety and Priority Housing Types-Strategy 4: Development Standards based on built form and urban form typologies.

See finding above for Implementation Measure 4.1.7.D.2.b.

Coding for Variety and Priority Housing Types-Strategy 5: Establish minimum housing variety standards by subdistrict and development areas.

WC Subsection 4.127 (.06) E. of the proposed Code establishes variety for the East and South neighborhoods consistent with this Master Plan language. The variety is calculated based on the smaller of a subdistrict or Stage I Master Plan area consistent with this language. The language includes the minimum number of types, which varies based on size, a maximum of 60% of net area dedicated to one unit type which ensures no single-one dominates consistent with this language.

Table 6B in WC Subsection 4.127 (.06) sets minimums for target unit types including middle housing, small units 1200 square feet or less, and mobility-ready units that have living facilities on the ground floor. Rather than establish formulas that could cause future uncertainty, the table does the math and just states the answer of the formula. The minimum required of middle housing, small units, and mobility-ready units are listed as numbers, calculated from an assumed moderate buildout, and rounded up to the next whole number for each . Moderate buildout represents 125% of the minimum buildout. The set percentage for middle housing is twenty percent, small units is 5 percent, and mobility-ready units is 10 percent. The percentages are applied to the smaller of a subdistrict or tax lot ensuring variety is achieved throughout the East and South neighborhoods, rather than concentrated. The percentages in the draft Development Code are as recommended by the project team and reviewed by the Planning Commission and City Council in work sessions.

Coding for Variety and Priority Housing Types-Strategy 6: Encourage variety at block level

A combination of housing variety standards and the geographic extent used to apply the standards ensure that there is variety on each block or the adjacent block consistent with this language without implementing an independent standard. A demonstration plan prepared by Walker Macy, and presented in the February 14, 2024 Planning Commission Work Session, shows how the different layered regulations substantially create block-level variety.

Coding for Main Street

Consistent with this language in the Master Plan, the City looked at regulations for precedent mixed-use commercial areas in Wilsonville including the Villebois Village Center and Town Center. After reviewing the language, the Town Center language was found to present the best language on which to base the regulations for the Frog Pond East Main Street along SW Brisband Street between SW Stafford Road and the future SW 63rd Avenue. The Code text proposed is an adaptation of the Town Center regulations simplified and adapted for a smaller area. The proposed Code includes allowance of neighborhood-scale retail and other commercial uses, prohibition of drive-through uses, shallow setbacks to the sidewalk

and up to four-stories in height, tall ground floors, requirements for high percentage of block face with building frontage, primary entrances oriented towards SW Brisband Street, parking to the side or behind buildings, provision of small plazas, awnings, and building articulation.

Chapter 7, Public Realm-Green Focal Points

Proposed WC Subsection 4.127 (.09) C. 1. requires green focal points consistent with this language in Chapter 7. This includes mirroring the language about flexibility in design and these spaces serving as community gathering spaces.

Chapter 7, Public Realm-Street and Block Layout

Consistent with this language in the Master Plan, block spacing is as established generally in the Development Code. Framework streets remain as shown and adopted in the City’s Transportation System Plan. See proposed WC Subsection 4.127 (.10) B. 2. Regarding street spacing and blocks.

Chapter 7, Public Realm Generally Including: Active transportation connections, street trees, public lighting, gateways and signs.

Proposed WC Subsection 4.127 (.08) F. directly references and incorporates pertinent details in Chapter 7 of the Master Plan related the Public Realm into the proposed implementing Development Code. This includes active transportation connections, street trees, public lighting, gateways and signs.

WILSONVILLE DEVELOPMENT CODE COMPREHENSIVE PLAN AMENDMENT STANDARDS

Public Hearing and Recommendation to City Council from Planning Commission

Subsection 4.197 (.01) A.

The Planning Commission is holding a public hearing on July 10, 2024 after which they will provide a recommendation to City Council.

Compliance with Applicable Goals, Policies, and Objectives of Comprehensive Plan including Frog Pond East and South Master Plan

Subsection 4.197 (.01) B. 2.

The above findings for the Comprehensive Plan, including the Frog Pond East and South Master Plan confirm compliance with these documents satisfying the requirement of this subsection.

Conflicts with Other Code Provisions

Subsection 4.197 (.01) B. 3.

Staff has not identified nor has any evidence been presented that any conflict with other Development Code provisions. Care was taken to potential conflicts and to correlate the language in various Code sections.

Compliance with Statewide Planning Goals and Implementing Rules

Subsection 4.197 (.01) B. 4.

The findings for the Statewide Planning Goals above confirm compliance with the goals satisfying the requirement of this subsection.

***Compliance with Statewide Planning Goals and Implementing Rules
Subsection 4.197 (.01) B. 5.***

The findings regarding the middle housing rules above confirm compliance with the applicable laws satisfying the requirement of this subsection.

NPDES MS4 PERMIT AND RELATED PUBLIC WORKS STANDARDS

National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Phase 1 Individual Permit Issued Pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act Effective May 5, 2023 to September 30, 2026

The City’s NPDES MS4 Permit requires the City to maintain adequate legal authority to implement and enforce the conditions of the Permit through adopting ordinance, local code, or other mechanisms, which must occur by December 1, 2024. See Schedule A.2.b. Furthermore, the Permit also requires that, for post-construction site runoff for new development and redevelopment activities, the City, by December 1, 2024, “develop and implement enforceable post-construction stormwater management requirements in ordinance or other regulatory mechanism that, at a minimum, prioritize onsite retention of stormwater and pollutant removal....” Schedule A.3.e.ii.

The City’s post-construction stormwater requirements for development have historically been provided in the City’s Public Works Standards. However, the City finds that incorporating post-construction stormwater requirements for development into the City of Wilsonville Development Code is justified due to the Permit’s required prioritization of onsite stormwater infrastructure (discussed herein), the potential implications of land needed for the infrastructure and related land use laws, and the Permit’s requirement for adequate legal authority to implement and enforce its conditions.

Schedule A.3.e. Post-Construction Site Runoff for New Development and Redevelopment

(i.) Use of Ordinances and Other Regulatory Mechanisms within the Constraints of Land Use and Zoning Regulations to Ensure Stormwater Compliance

As stated above, the City has previously primarily relied on the Public Works Standards to implement stormwater requirements, which generally occurs after land use approval for development. The standards incorporated into the Development Code seek to better integrate the regulations with land use and zoning regulations as well as ensure those standards applicable to residential development are clear and objective, as required by Oregon law.

(A) The use of stormwater controls for all qualifying sites

The proposed standards provide clear and objective criteria for integrating stormwater controls into development. By incorporating the proposed standards into the development code, developers are able to better integrate the stormwater requirements into site design. The proposed standards support ensuring all residential sites meet stormwater standards, consistent with the City’s NPDES MS4 Permit.

(B) Site-specific stormwater management approach that targets natural surface or predevelopment hydrological function through the installation of long-term operation and maintenance of stormwater controls,

The proposed standards provide clear and objective criteria for providing dispersed, smaller facilities that manage stormwater close to the source. Use of larger regional facilities, that are farther away from the source, are discouraged. The proposed standards support ensuring all residential sites meet stormwater standards, consistent with the City's NPDES MS4 Permit.

(C) Long-term operation and maintenance of stormwater controls at projects that are under the ownership of a private entity.

The proposed standards support that operation and maintenance of stormwater management facilities are properly maintained by homeowner's associations. This is not a new standard. The Public Works Standards already require private ownership of new facilities installed to serve new development. The City does not have the resources available to maintain facilities the Permit requires (i.e., LID/GI facilities) that are required to serve new development.

(ii) Prioritization of Low Impact Development and Green Infrastructure.

The City was previously required to encourage the use of low-impact development in managing stormwater runoff. The City is now *required* to prioritize onsite retention, infiltration, and evapotranspiration in order to make low impact development and green infrastructure the preferred and commonly used approach to site development. The Permit explicitly requires the City to implement a strategy "to require to the maximum extent feasible, the use of Low Impact Development and Green Infrastructure (LID/GI) design, planning, and engineering strategies intended to minimize effective impervious area or surfaces and reduce the volume of stormwater discharge and the discharge of pollutants in stormwater runoff from development and redevelopment projects." EPA considers LID to be a management approach and set of practices that can reduce runoff and pollutant loadings by managing runoff as close to its source(s) as possible. LID includes overall site design approaches and individual small-scale stormwater management practices that promote the use of natural systems (Source: *Terminology of Low Impact Development*. <https://www.epa.gov/sites/default/files/2015-09/documents/bbfs2terms.pdf>).

The Permit further states that onsite retention of stormwater is the first priority, but if it cannot be met "due to technical infeasibility and/site constraints," the City must specify the required treatment for the offsite stormwater. The Permit also states that economic considerations are an "insufficient reason for not requiring adherence to the retention or treatment standards" of LID/GI infrastructure. Of note, the Permit does not use the term "decentralized", as used in the proposed Development Code purpose statement language. The use of the term "decentralized" is intended to implement small-scale stormwater management practices as close to the source as possible. See also the City's MS4 Phase I NPDES permit fact sheet (Section 3.3.5, page 27)

The proposed standards provide clear and objective criteria outlining areas where a development is required to prioritize locating low impact development facilities in areas where landscaping is already planned to be installed. Additionally, the proposed standards provide criteria for when smaller detention sized facilities are acceptable. In utilizing areas where landscaping is already planned to be installed, additional land will be available for development or to meet other code requirements.

Additionally, the proposed standards provide criteria for when smaller detention facilities are acceptable. In prioritizing low impact development, the expectations from DEQ and EPA is that smaller, more localized facilities are installed, and larger regional facilities are avoided. The Development Code is written to restrict the area draining to a detention facility to 4 acres.

As described in the purpose statement, in compliance with the NPDES MS4 permit, the aim is to mimic predevelopment hydrology, which pushes for storm facilities as close to the source as practicable. In this spirit, ideally facilities would be located immediately at the source at each lot. However, the City finds this impractical due to smaller lot space constraints. At the other extreme would be to construct one large facility to serve an entire basin. This does not meet the Permit language that the City “require, to the maximum extent feasible,” LID/GI facilities, and only consider alternatives when LID/GI is “technically infeasible” (as opposed to financial considerations). Some clear and objective criteria are needed that balance the City obligation to prioritize LID/GI with known technical and site constraints.

The City finds a focus on block level size is practical and maintains proximity to the source mimicking predevelopment hydrology. Studying residential block size both anticipated in Frog Pond East and South and already built in Frog Pond West, and other residential development in the last decade in Wilsonville, the City found typical block size ranges between 2.5 and 3.5 acres, with most in the 2.5 to 3 acre range. To be accommodating of the vast majority of anticipated residential blocks along with adjoining sidewalks and streets, the City set the allowed maximum area on which to base the design of an individual detention pond at 4 acres.

Beyond the 4 acres size limitation, the standards limit width of storm facilities to 12 feet wide. The 12 feet limit is a reasonable and prudent clear and objective standard for two primary reasons. First, it allows flexibility for facility design. The minimum width of swales that accommodates treatment area plus side slopes is eight feet. The twelve feet allows flexibility to have a wider treatment area. Second, this standard is intended to create linear facilities and 12 feet is a typical maximum width of other linear features in a neighborhood, including mixed use paths. Keeping a similar proportion with other linear features will ensure linear features stay “linear” and don’t get wider than other typical linear features in a development.