

**ORDINANCE NO. 892**

**AN ORDINANCE OF THE CITY OF WILSONVILLE ADOPTING AMENDMENTS TO CHAPTER 4, CHAPTER 6, AND CHAPTER 8 OF THE WILSONVILLE CITY CODE TO IMPLEMENT THE FROG POND EAST AND SOUTH MASTER PLAN AND MAKE RELATED UPDATES TO RESIDENTIAL DEVELOPMENT REGULATIONS CITYWIDE.**

WHEREAS, The City adopted the Frog Pond Area Plan in 2015 setting a vision for urban growth on the east side of Wilsonville; and

WHEREAS, at the time of adoption a portion of the land covered by the Area Plan was within the Urban Growth Boundary (UGB) and a portion was designated as Urban Reserve; and

WHEREAS, in 2017 the City adopted the Frog Pond West Master Plan for the area within the UGB; and

WHEREAS, both the Frog Pond Area Plan and Frog Pond West Master Plan set a foundation for future master planning of the Urban Reserve land not yet in the UGB; and

WHEREAS, in 2018 Metro, through Ordinance 18-1427, expanded the UGB to include the Urban Reserve area covered by the Area Plan; and

WHEREAS, a condition of approval of the 2018 UGB expansion was that the City adopt a Master Plan for the area added to the UGB within four years; and

WHEREAS, the area added to the UGB in 2018 became known as Frog Pond East and South; and

WHEREAS, on December 19, 2022 the City Council adopted a Master Plan for Frog Pond East and South via Ordinance No. 870; and

WHEREAS, the Master Plan provides the guiding principles and policies for future land uses, public realm development, and provision of necessary infrastructure; and

WHEREAS, the Master Plan focused on the provision of a variety of housing throughout the Master Plan area, including lower-cost options; and

WHEREAS, the Master Plan directs addressing housing affordability in two specific ways: first, it requires development of specific housing types expected to provide market-rate options for households making between 80 percent and 120 percent of median family income “MFI” with potentially some units for households between 60 percent and 80 percent MFI; and second, it

removes regulatory barriers to development of housing affordable for households making less than 80 percent of MFI; and

WHEREAS, Ordinance No. 870 added Implementation Measure 4.1.7.D. to the City's Comprehensive Plan Text that includes specific requirements for implementation of the Master Plan, specifically with Development Code amendments; and

WHEREAS, the Master Plan contains other language providing specific direction for implementing Development Code amendments, including, but not limited to, those under *Coding For Variety and Priority Housing Types* and *Coding for Main Street* in Chapter 8 of the Master Plan; and

WHEREAS, in Chapter 8 of the Master Plan, *Coding For Variety and Priority Housing Types* includes six specific strategies: 1. Permit a wide variety of housing types, 2. Define "categories" of housing units to be used for implementing variety standards, 3. Establish minimum dwelling unit requirements, 4. Create development standards for lots and structures that regulate built form according to the mapped Type 1, Type 2, and Type 3 urban form typologies, 5. Establish minimum housing variety standards by subdistrict and development area, and 6. Encourage variety at the block level; and

WHEREAS, Chapter 8 of the Master Plan, *Coding for Main Street*, includes specific design and development strategies of: permitting neighborhood-scale retail, services, mixed-use, and multi-family residential, prohibiting drive-through uses and facilities, and adopting development and design standards that emphasize the "main street" design through standards setbacks, entrances, pedestrian amenities like weather coverings, and small plazas; and

WHEREAS, the City desires to fully implement the Development Code amendments as directed by the Master Plan; and

WHEREAS, a number of Development Code amendments necessary for and supportive of implementation of the Master Plan can be applied similarly to the entirety of the Residential Neighborhood (RN) Zone or all residential land in Wilsonville, as applicable; and

WHEREAS, the City finds it prudent where amendments can be applied similarly to residential land beyond Frog Pond East and South to adopt amendments in a manner that make

such regulations apply more broadly, either to the entirety of the Residential Neighborhood (RN) Zone or Citywide; and

WHEREAS, the City desires to ensure that residential development can be reviewed using clear and objective criteria; and

WHEREAS, the City is obligated to satisfy requirements related to stormwater in its National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit “NPDES MS4 Permit” and the City desires and is required to take a stormwater management approach that prioritizes a low impact development in addition to using green infrastructure; and

WHEREAS, low impact development stormwater management approach is best served by having standards integrated into the Development Code in addition to being in the Public Works Standards to support clear consideration and integration during land use planning and site planning; and

WHEREAS, the City finds that waivers to the residential stormwater design standards are best handled based on technical considerations, as evaluated by the City Engineer or their designee under authority granted in Chapter 8 of the City Code; and

WHEREAS, to correspond with amendments to new fencing and access standards for side yards in Subsection 4.113 (.07) it is prudent to add nuisance regulations to Chapter 6 of the City Code specific to maintaining the side yards in a manner to allow the access required by Subsection 4.113 (.07); and

WHEREAS, this additional nuisance language in Section 6.221 provides for orderly development and maintenance of residential property in a manner that protects the public health and welfare by preventing derelict and inaccessible narrow, fenced areas; and

WHEREAS, the Planning Commission held thirteen public work sessions and the City Council eleven work sessions to review the proposed Code amendments; and

WHEREAS, interested parties have been afforded the opportunity to participate and inform the development of the proposed Development Code amendments; and

WHEREAS, required notice of a public hearing has been provided to affected property owners and nearby properties as well as published in the *Wilsonville Spokesman*, posted on the City’s website, and posted in a variety of public areas in City buildings, all in accordance with the

public hearing and notice procedures that are set forth in Sections 4.012, and 4.197 of the Wilsonville Code; and

WHEREAS, the Planning Commission held a public hearing on July 10, 2024 meeting to review the proposed Development Code amendments at which time the Planning Commission continued the public hearing to October 9, 2024; and

WHEREAS, the Planning Commission held the continued public hearing on October 9, 2024; and

WHEREAS, the Planning Commission, at the October 9, 2024 public hearing, afforded all interested parties an opportunity to be heard, duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties, and adopted Planning Commission Resolution No. LP24-0003, recommending adoption of the proposed Development Code amendments to City Council; and

WHEREAS, the City Council held a public hearing at their August 5, 2024 meeting to review the proposed Development Code amendments and recommendations from Planning Commission, at which time the City Council, due to lack of a Planning Commission Recommendation, continued the public hearing to November 18, 2024; and

WHEREAS, the City Council held the continued public hearing on November 18, 2024; and

WHEREAS, the City Council, during the November 18, 2024 public hearing, duly considered the Planning Commission's recommendation, information and recommendations regarding the amendment to Chapter 6, Nuisance Code, and Chapter 8, Stormwater Code, not under the Planning Commission's purview, and other available information, including the staff recommendation and all the exhibits and testimony introduced and offered by all interested parties.

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

- Section 1. The City Council does hereby adopt the Exhibits to this Ordinance, as presented at the November 18, 2024, public hearing, including the findings in Exhibit E.
- Section 2. Chapter 4 of the Wilsonville City Code is hereby amended as shown in Exhibits A and B.

- Section 3. Chapter 6 of the Wilsonville City Code is hereby amended as shown in Exhibit C.
- Section 4. Chapter 8 of the Wilsonville City Code is hereby amended as shown in Exhibit D.
- Section 5. The City Recorder and other City staff designated by the City Recorder is hereby authorized to make numbering edits, capitalization edits, formatting edits, and other grammatical edits, not changing the meaning of the text, prudent in their judgement to incorporate the amendments into the City Code and ensure they correlate with existing code text, definitions, and numbering.
- Section 6. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this 18<sup>th</sup> day of November 2024, and scheduled the second reading on December 2, 2024, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

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Kimberly Veliz, City Recorder

ENACTED by the City Council on the 2<sup>nd</sup> day of December 2024, by the following votes:

Yes: \_\_\_\_\_ No: \_\_\_\_\_

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Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 2<sup>nd</sup> day of December 2024

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JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Berry

Councilor Dunwell

Councilor Linville

EXHIBITS:

- A. Frog Pond East and South Proposed Development Code Amendments (October 2, 2024)
- B. Memorandum RE: additional edits to proposed Development Code amendments (October 9, 2024)
- C. Proposed Nuisance Code amendments (July 3, 2024)
- D. Proposed Stormwater Code amendments (October 2, 2024)
- E. Findings Report (October 15, 2024)
- F. Adopted Planning Commission Resolution No. LP24-0003
- G. Frog Pond East and South Code Update Planning Commission Record