



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: November 18, 2024		Subject: Ordinance No. 892 – 1st Reading Frog Pond East and South Master Plan Code Amendments	
		Staff Member: Daniel Pauly, Planning Manager	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: November 18, 2024, continued from August 5, 2024 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: November 18, 2024 <input type="checkbox"/> Ordinance 2 nd Reading Date: December 2, 2024 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable	
		Comments: At their October 9 meeting Planning Commission held a public hearing and unanimously recommended the City Council approve the proposed amendments.	
Staff Recommendation: Staff recommends Council adopt Ordinance No. 892 on first reading.			
Recommended Language for Motion: I move to adopt Ordinance No. 892 on first reading.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Expand home ownership		<input checked="" type="checkbox"/> Adopted Master Plan(s): Frog Pond East and South Master Plan	

ISSUE BEFORE COUNCIL

City Council will consider a recommendation from the Planning Commission and related proposals to amend the City’s Code to support implementation of the Frog Pond East and South Master Plan and residential development citywide.

EXECUTIVE SUMMARY:

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

In addition to the Development Code standards recommended by approval by the Planning Commission (Exhibits A and B), the City Council is also considering amendments to Chapters 6 (Exhibit C) and 8 (Exhibit D) of the City Code. The Chapter 6 amendments align with new Development Code language regarding fencing and access through narrow side yards by specifically calling out that it is a public nuisance violation to allow vegetation or junk to block through access in narrow side yards. The Chapter 8 amendments make clear that waivers to stormwater standards are a technical review by the City Engineer rather than a waiver granted by the Development Review Board.

Housing is the focus of the Frog Pond East and South Master Plan and implementing Development Code amendments. The Master Plan and implementing Development Code intend to create **a variety of housing options**. The housing efforts reflected in the Master Plan and proposed Code amendments intend to provide more **attainable housing options** for households making moderate to low incomes, including purchasing options. This housing focus is a key action (Action 1C) from the 2020 Equitable Housing Strategic Plan. It also follows up on the 2021 Middle Housing in Wilsonville project by including strategies and regulations to deliver a variety of middle housing types in Frog Pond East and South. The Master Plan and implementing Development Code address housing affordability in two specific ways.

First, they require 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 market-rate units for households between 60 percent and 80 percent MFI. These specific housing types include middle housing such as townhouses and small units such as cottages and Accessory Dwelling Units (ADUs). Second, the Master Plan and implementing Development Code remove regulatory barriers to development of housing affordable for households making less than 80 percent of MFI. Examples of removing barriers include allowing different housing types throughout the Master Plan area and allowing ADUs to be built with all townhouses. However, realization of these lower-cost units for residents earning less than 80 percent will require other actions that go beyond regulations and zoning.

Beyond housing, the Frog Pond East and South Master Plan and the proposed implementing Development Code intend to carry forward key elements of the Frog Pond Area Plan including:

- **Great neighborhoods** that are a connected part of Wilsonville.
- **A cohesive place** where individual private development and public realm improvements fit seamlessly together in a coordinated whole.

- **Neighborhoods with walkable and active streets**, extensive walking and biking routes, quality parks, open spaces, and natural areas.
- **Quality development and community design** that is an attractive and valued addition to the City.
- **Easy access to nature, parks and open spaces** for all neighborhood residents.

The proposed Code Amendments support and enable the transportation system called for in the Master Plan by requiring certain public realm amenities, defining block size and street spacing, and addressing potential design conflicts. Proposed language requires the parks and open space envisioned in the Master Plan, including the Green Focal Points throughout the neighborhoods. Proposed clear and objective design standards support quality and attractive development, including both siting standards like setbacks and architectural standards.

While most of the proposed amendments are specific to development in Frog Pond East and South, a number of them also apply to the entirety of the Residential Neighborhood (RN) zone or to residential land citywide as follows:

- Updating the review authority, review process, and design standards for apartments and other multi-family housing, making them more consistent with the review authority, review process, and design standards for other types of housing.
- Clarifying that the City's general Site Design Review standards and process do not apply where residential design standards apply.
- Preventing future private covenants, like CC&Rs, from restricting housing types any more than City zoning, consistent with State law.
- Establishing stormwater design standards for residential development consistent with the City's Public Works Standards.
- Expanding the allowance of Accessory Dwelling Units to all townhouses, rather than just townhouses on larger lots and detached single-family homes.
- Establishing specific requirements regarding maintenance of and access to narrow residential side yards.

The City Council has held 11 work sessions, and the Planning Commission held 13, on the proposed Development Code amendments, and the feedback, as well feedback from other stakeholders, has been incorporated into the proposed amendments included in Exhibits A and B to the Ordinance. In Exhibit A, staff has included information boxes for each amendment or group of amendments to help the Council and interested parties navigate the amendment package. The example below includes an explanation of what each field in the box is intended to portray.

Amendment Description:	A short description of the proposed amendment for reference and orientation of the reader
Applicability:	Provides clarity to whether the proposed amendment applies to citywide residential development, Frog Pond West, and/or Frog Pond East and South.
Impacted Code Section(s):	Provides a reference to the code section, and any applicable subsection, in which the amendment is proposed. Where the section or subsection is new, “(new)” is added after the reference.
Relationship to Frog Pond East and South Master Plan:	Explains how the proposed amendment relates to implementation of the Frog Pond East and South Master Plan. The vast majority relate, with a couple unrelated minor amendments included because it is more efficient than going through a separate code amendment process.
Rationale for Amendment Text:	Provides a summary of the why and how of the chosen code text.
Impact on Housing Cost:	This field was added since the City Council’s last work session. The information explains, as applicable, how the proposed amendment complies with State rules regarding impacts on housing cost as well as less formally discusses potential impact on the cost of housing.
Compliance Notes:	This field was added since the City Council’s last work session. The information calls out any notable statute, rules, or other regulations that the proposed amendment seeks to comply with.
Recent Edits:	This field calls attention to recent edits. <u>Edits between June work session and July public hearing:</u> Under this heading edits are described that occurred between the draft amendments published June 5, 2024 for the June 12 Planning Commission work session (which was the same version included in the City Council’s June 17, 2024 work session packet) and the version of the proposed amendments published July 3, 2024 for the July 10 Planning Commission hearing.

Since July public hearing: Under this heading edits are described that occurred after the July 3 publication of the proposed amendments for Planning Commission, including those made since the City Council's last work session.

Summary of Additional Edits Since Council's Final Work Session.

Since the last City Council work session on this topic, the project team has made the following additional edits to the proposed Development Code amendments, which are reflected in the version recommended for adoption by the Planning Commission:

Section 4.001 Definitions:

- Modified the existing definition of "Dwelling Unit" to better define what "housekeeping facilities are" by replacing "housekeeping facilities" with "living and sleeping space as well as sanitary, bathing, and food preparation facilities". Also, the word "family" was updated to "household". Both changes are more consistent with definitions in State statute and rules related to housing.
- Updated proposed definition of "Mobility-Ready Unit" to be consistent with the language used in the modified definition of "Dwelling Unit".
- Corrected prior scrivener's error wherein "Dwelling Unit, Detached" was exactly the same as "Dwelling Unit". New definition states it is a dwelling unit that does not meet the existing definition of "Dwelling Unit, Attached."

Section 4.118 Standards for all Planned Development Zones:

- Staff discovered waiver language in this section that specifically relates to open space waivers in the Residential Neighborhood (RN) Zone. The existing language is intended for Frog Pond West where a specific approach to open space was used. Frog Pond East and South open space requirements function the same as other residential areas in the City. The language in this section was updated to state that the existing RN Zone reference only applies to the Frog Pond West Neighborhood.
- Added language to identify where housing variety standards land within the waiver process. They are most like density waivers, so they have been grouped accordingly, requiring any waiver to show the intent of the standards are met in an alternative way.

Subsection 4.113 (.05) Residential Stormwater Standards:

- The following are updates to the residential stormwater standards based on continued staff and stakeholder review:
 - Added language to the purpose statement to further clarify the intent of mimicking predevelopment hydrology;
 - Added language to prioritize use of low impact development (LID)
 - Added the allowance of ponds as a priority facility type with a clear and objective size limitation of being sized to serve 4 acres;

- Consolidated and simplified conflicting use language; and
- Added language to be clearer about stormwater design waiver process and authority to refer to updated language in Chapter 8.

Section 4.127 (.22) Waivers for Frog Pond East and South:

- Language is added to allow earlier granting of certain waivers during review of Stage I Preliminary Plan prior to some of the Stage II Final Plan and associated applications being filed. The earlier granting of waivers for land use standards that substantially alter site design and layout can give developers more certainty as they invest money in design and engineering. This modification was recommended by a development stakeholder and staff supports. Language is also added to be clear about what criteria to consider from the Master Plan when reviewing waiver applications. Exhibit B to the Ordinance in a memo describing an additional edit presented at the Planning Commission public hearing to clarify how being complementary and compatible to a given Urban Form Type is determined when considering a waiver request.

In addition to the Exhibits containing the proposed Code amendments (Exhibits A through D), the Ordinance includes Exhibit E, which provides findings of compliance with applicable Federal, State, Metro, and City law, and Exhibits F and G which are the approved Planning Commission Resolution and the record the Planning Commission considered in their recommendation to City Council.

EXPECTED RESULTS:

Adoption of Ordinance No. 892, adopting City Code amendments to support implementation of the Frog Pond East and South Master Plan and related updates to residential development regulations Citywide.

TIMELINE:

The City has been working on the proposed City Code amendments since adoption of the Frog Pond East and South Master Plan in December of 2022. Land use applications using the new Code standards are anticipated in Frog Pond East within the next couple years as supporting infrastructure gets completed with the first homes in Frog Pond East and South being completed in approximately 2028.

CURRENT YEAR BUDGET IMPACTS:

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

COMMUNITY INVOLVEMENT PROCESS:

During this implementation phase the primary focus is on honoring past input. However, the project team continued to engage key stakeholders for input on draft Development Code amendments. Public notice was provided for the hearing enabling added public input and awareness. The notice included a link to the proposed amendments on the City's *Let's Talk, Wilsonville!* website with a space to provide feedback.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

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

ALTERNATIVES:

A number of different alternative Code amendments are possible and many were considered. After careful consideration the proposed amendments are the alternatives recommended for adoption.

CITY MANAGER COMMENTS:

N/A

ATTACHMENTS:

1. Ordinance No. 892:

Exhibit A: Frog Pond East and South Proposed Development Code Amendments (October 2, 2024)

Exhibit B: October 9, 2024 Memorandum from Daniel Pauly AICP, Planning Manager to Planning Commission RE: Additional Edits to Frog Pond East and South Master Plan Implementing Development Code Amendments, Resolution No. LP24-0003

Exhibit C: Proposed Nuisance Code amendments (July 3, 2024)

Exhibit D: Proposed Stormwater Code amendments (October 2, 2024)

Exhibit E: Findings Report (October 15, 2025)

Exhibit F: Adopted Planning Commission Resolution No. LP24-0003

Exhibit G: Frog Pond East and South Development City Code Amendments Planning Commission Record