

ORDINANCE NO. 677

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE PLANNING AND LAND DEVELOPMENT ORDINANCE SECTIONS 4.001.7., DEFINITION FOR ACCESSORY DWELLING UNITS (ADUs) AND SECTIONS 4.113(.11) AND 4.125(.07), ACCESSORY DWELLING UNIT DEVELOPMENT STANDARDS IN RESIDENTIAL DEVELOPMENT AND VILLAGE ZONES.

WHEREAS, the City's Comprehensive Plan directs the City to plan for and permit a variety of housing types consistent with the goals and objectives of the Land Use and Development Section of the Plan, and states that it is the City's desire to provide for a variety of housing types needed to meet a wide range of personal preferences and income levels; and

WHEREAS, the City currently has an approximate 2 to 1 jobs/housing ratio, and the Comprehensive Plan directs the City to work to improve the balance of jobs and housing within the City; and

WHEREAS, the Comprehensive Plan includes Implementation Measure 4.1.4.bb stating that the City allows the construction of one accessory dwelling unit with any detached single-family dwelling that is permitted to be built in any zone; and

WHEREAS, The City's Planning and Land Development Ordinance includes provisions in Section 4.113(.11) allowing accessory dwellings units, not to exceed 600 square feet in size, as an accessory use to single-family detached dwelling units, and

WHEREAS, such units are approved as part of a Planned Unit Development (PUD), or for existing single-family units, as a Class I Administrative Review; and

WHEREAS, the Code currently limits ADUs to detached single-family units, but recent developments have indicated a demand for provision of such units as part of attached single-family units in a variety of configurations; and

WHEREAS, the Planning Commission having recommended amendments to the code to facilitate that demand and the City Council, having conducted a public hearing on staff-proposed amendments, determines that the comprehensive plan policies are supported by adoption of the amendments herein.

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

Section 1. Findings. The Wilsonville City Council hereby adopts as findings the staff report in the matter dated February 10, 2010, attached hereto as Exhibit A.

Section 2. Wilsonville Code Section 4.001.7. is amended to read as follows:

Section 4.001 Definitions:

7. Accessory Dwelling Unit: "A dwelling unit of not more than ~~600~~ **800** square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached."

Section 3. Wilsonville Code Section 4.113 (.11) is amended to read as follows;

Section 4.113(.11) Accessory Dwelling Units.

A. Accessory Dwelling Units, **developed on the same lot as the detached or attached single-family dwelling to which it is accessory**, shall be permitted outright, **subject to when developed in conjunction with detached single family dwellings that have been approved by the City. When proposed to be added to an existing single family dwelling, the procedure specified in B. 5, below, shall be followed.** Accessory Dwelling Units shall be subject to the standards and requirements of this Section.

B. Standards

~~1. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed. (Moved to # 5 below)~~

~~2~~ **1. This Section applies only to units of 600 square feet. One Accessory Dwelling Unit per lot shall be no greater than 800 square feet with not more than two bedrooms, unless the size and density of ADUs are otherwise provided in an adopted Neighborhood Plan or Stage II Development Plans.** Larger units shall be subject to standards applied to duplex housing.

~~3~~ **2. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.**

~~4~~ **3. This section applies only to residential developments in PDR, R, or RA-H or Village zones.**

§ 4. Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. Application for duplex construction shall be subject to the density standards of the zone **in which it is located, or as otherwise provided in a Neighborhood Plan or Stage II /Final Development Plan.**

±5. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.

6. The Accessory Dwelling Unit must be of substantially the same exterior design and architecture (**i. e. siding, windows, doors and roofing materials**) as the primary dwelling unit on the property.

7. Parking:

a. Each Accessory Dwelling Unit shall have one standard sized parking space on the same lot.

b. Where an off-street parking space is not available to serve the ADU, on-street parking may be considered to satisfy this requirement if all of the following are present:

1). On-street parking exists along the frontage of the lot, or within 100' of the front lot line of the lot.

2). No more than 25% of the lots in a block will have ADUs.

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

9. Each Accessory Dwelling Unit must be accessible by street or driveway to fire and emergency vehicles, and for trash pick-up.

C. Neighborhood Density and Size Standards.

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

Section 4. Wilsonville Code Section 4.125 (.07) is amended to read as follows;

4.125 – Village Zone

(.07) General Regulations - Off-Street Parking, Loading and Bicycle Parking Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the Village zone.

A. General Provisions:

1. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.
2. The Board shall have the authority to grant variances or refinements to these standards in keeping with the purposes and objectives set forth in this zone.

B. Minimum and Maximum Off-Street Parking Requirements:

1. Table V-2, Off-Street Parking Requirements, below, shall be used to determine the minimum and maximum parking standards for noted land uses. The minimum number of required parking spaces shown in Table V-2 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required.
2. Minimum parking requirements may be met by dedicated off-site parking, including surfaced parking areas and parking structures.
3. Except for detached single-family dwellings and duplexes, on-street parking spaces, directly adjoining and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking requirements.
4. Minimum parking requirements may be reduced under the following conditions:
 - a. When complimentary, shared parking availability can be demonstrated, or;
 - b. Bicycle parking may substitute for up to 25% of required Mixed-Use or Multi-Family Residential parking. For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement for compact spaces may be reduced by one space.

C. Minimum Off-Street Loading Requirements:

1. Loading facilities shall be sited at the rear or side whenever practicable, and if adjacent to a residential use, shall be screened. Screening shall match the adjacent residential development in terms of quality of materials and design. Such screening shall minimize light glare and noise levels affecting adjacent residential uses. See also Section 4.155(.03)(B).

D. Bicycle Parking Requirements:

- 1 Purpose: Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles for short and long stays.

- a. Short-term bicycle parking is intended to encourage shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles.
 - b. Long-term bicycle parking is intended to provide employees, students, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. The intent of the long-term standards is to provide bicycle parking within a reasonable distance in order to encourage bicycle use.
2. General Provisions
- a. Required Bicycle Parking:
 - i. The required minimum number of bicycle parking spaces for each use category is shown in Table V-2, Parking Requirements, below. Bicycle parking is not required for uses not listed.
 - ii. Bicycle parking spaces are not required for accessory uses. If a primary use is listed in Table V-2, bicycle parking is not required for the accessory use.
 - iii. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
3. Bicycle Parking Standards:
- a. Short-term bicycle parking. Required short-term bicycle parking shall meet the following standards:
 - i. Short-term bicycle parking shall be provided in lockers or racks that meet the standards of this section.
 - ii. Short-term bicycle parking shall be located either within 30 feet of the main entrance to the building; or inside a building, in a location that is easily accessible for bicycles.
 - iii. If 10 or more short-term bicycle spaces are required, then at least 50 percent of the required short-term bicycle spaces shall be covered and meet the standards of this section.
 - b. Long-term bicycle parking. Required long-term bicycle parking shall meet the following standards:
 - i. Long-term bicycle parking shall be provided in racks or lockers that meet the standards of this section.
 - ii. Long-term bicycle parking shall be located on the site or in an area where the closest point is within 300 feet of the site
 - iii. At least 50 percent of required long-term bicycle parking shall be covered in compliance with the standards of this section
 - iv. To provide security, long-term bicycle parking shall be in at least one of the following locations:
 - In a locked room or locker
 - In an area that is enclosed by a fence with a locked gate. The fence shall be either eight (8) feet high, or be floor-to-ceiling, subject to review and approval of a building permit;
 - In an area that is visible from employee work areas or within view of an attendant or security guard;

- In a dwelling unit or dormitory unit. If long-term bicycle parking is provided in a dwelling unit or dormitory unit, neither racks nor lockers shall be required.
- c. Bicycle Lockers, Racks and Cover (Weather Protection):
 - i. Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.
 - ii. Covered bicycle parking, as required by this section, shall be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover must be permanent, designed to protect the bicycle from rainfall and provide seven (7) foot minimum overhead clearance.

Table V-2: Off Street Parking Requirements				
	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short-term (Spaces)	Bicycle Long-term (Spaces)
Permitted or Conditional Use				
Permitted Uses				
Single-Family Detached Dwellings	1.0/DU	NR	NR	NR
Single-Family Accessory Dwelling Units*	1.0/DU	NR	NR	NR
Duplex	1.0/DU	NR	NR	NR
Row Houses	1.0/DU	NR	NR	NR
Multi-Family Dwellings	1.0/1 Bdr 1.5/2 Bdr 1.75/3 Bdr	NR	1 per 20 units Min. of 2	1 per 4 units Min. of 2
Community Housing	1 per 4 residents	1 per unit	None	1 per 8 residents Min. of 2
Commercial Uses				
Convenience Store	2/1000 sf	5/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Restaurant/Pub	2/1000 sf	10/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Child Day Care	0.2 per student/staff	0.3 per student/staff	None	1 per 10,000 sf Min. of 2
Medical/Dental	3/1000 sf	4/1000 sf	1 per 40,000 sf Min. of 2	1 per 70,000 sf Min. of 2
All other commercial uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
Conditional Uses				
Schools	0.2 per student/staff	0.3 per student/staff	0.3 per student/staff	0.2 per classroom
Recreational Facilities	3/1000 sf ¹	5/1000 sf ¹	1 per 3,000 sf Min. of 4	1 per 3000 sf Min. of 4
Conference Center	0.3 per seat	0.5 per seat	1 per 15 seats Min. of 2	1 per 40 seats Min. of 10
Library/Museum	2/1000 sf	4/1000 sf	1 per 1000 sf Min. of 6	1 per 1000 sf Min. of 6

Religious Institution	.25 per seat	.5 per seat	1 per 2,000 sf Min. of 2	1 per 4,000 sf Min. of 2
Theater	.25 per seat	.5 per seat	1 per 20 seats Min. of 2	1 per 50 seats Min. of 4
Overnight Lodging Facility	1 per room	1.5 per room	1 per 20 rooms Min. of 2	1 per 20 rooms Min. of 2
Light Manufacturing/Research and Development	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
All other Conditional Uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2

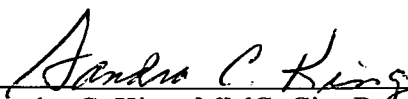
Notes: 1 1/1000 sf min. for court facilities

NR No requirement

* See WC Section 4.113 (11) Accessory Dwelling Units

Section 5. Staff Direction. Thirty months from the passage of this Ordinance, Staff is directed to return to the City Council with an analysis and policy recommendation based upon monitoring of 1) the impact of the newly-adopted development standards on ADU construction in the community, 2) the impact of ADU development on neighborhood parking, and 3) the degree to which new ADUs serve affordable housing policies.

SUBMITTED to the Wilsonville City Council and read the first time at a special meeting thereof on the 17 day of February, 2010, and scheduled for second reading at a regular meeting thereof on the 1st of March, 2010, commencing at the hour of 7 p.m. at Wilsonville City Hall.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 1st day of, March 2010, by the following votes:

YEAS: -4-

NAYS: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 3RD day of March, 2010.


TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp - Yes
Council President Kirk - Yes
Councilor Hurst - Yes
Councilor Ripple - Excused
Councilor Núñez - Yes

Attachments:

Exhibit A. Staff Report dated February 10, 2010

**WILSONVILLE PLANNING DIVISION
LEGISLATIVE
STAFF REPORT**

HEARING DATE: February 17, 2010

DATE OF REPORT: February 10, 2010

APPLICATION NO: **LP09-0011:** Amendment to the Wilsonville Comprehensive Plan.
LP09-0010: Amendment to Wilsonville Planning and Land Development Ordinance

REQUEST:

- 1) Amend the Comprehensive Plan, Implementation Measure 4.1.4.bb;
- 2) Amend the Planning and Land Development Ordinance Section 4.113(.11) Accessory Dwelling Units (ADUs) to provide new standards for construction;
- 3) Amend the Planning and Land Development Ordinance Section 4.125(.07) Village Zone to reference the revised ADU section; and
- 4) Staff revision to the administrative policy related to the collection of Systems Development Charges for ADUs.

APPLICANT: City of Wilsonville

STAFF REVIEWER: Chris Neamtzu, AICP, Planning Director

APPLICABLE REVIEW CRITERIA:

Statewide Planning Goal 10: Housing

Metro Urban Growth Management Functional Plan Title 7 – Affordable Housing

Wilsonville Comprehensive Plan.

Introduction: Plan Amendments; Section A: Citizen Involvement; Section D: Land Use and Development; Residential Development; Policy 4.1.4: Implementation Measures 4.1.4.g, 4.1.4.l, 4.1.4.bb.

Planning and Land Development Ordinance:

Section 4.197 – Zoning Changes and Amendments to this Code - Procedures
Sections 4.008 through 4.024 – Application Procedures, In General
Section 4.113 – Accessory Dwelling Units (ADUs)
Section 4.125- Village Zone

PROJECT LOCATION: The proposed amendment would be applicable in any residential zone in the City.

SUMMARY:

Before the City Council are two Ordinances and one administrative policy change.

- The first Ordinance will amend Comprehensive Plan Implementation Measure 4.1.4.bb allowing ADUs on attached homes, adding reference to neighborhood plans, master plans, DRB or Master Plan approved neighborhood density standards, size standards and parking.
- The second ordinance amends WC Section 4.113 (11) ADUs, increasing the size of permitted ADUs from 600 to 800 SF, including reference to the Villebois Village Zone, standards for architectural compatibility, provision for parking and emergency services/garbage collection.
- Minor modifications to the *Village Zone Table V-2 Off-Street Parking Requirements* to cross reference the new standards in 4.113 (11).
- An administrative policy change (Exhibit 1) that would result in no collection of SDCs as part of ADU construction.

At the last work session, Staff was asked to provide additional analysis on the number of alley loaded homes (lots where off-street parking would not be possible) versus front loaded homes (where off-street parking could be provided) in Villebois so that a sense of the number of units that would not be able to physically provide off-street parking could be evaluated.

Based upon a survey of the SAP-South and SAP-East plats the following was found:

- Of the 373 platted lots in **SAP-South** that are currently available for construction (PDP-1S, PDP-2S, PDP-3S and PDP-4S) 70 lots, or **19%** of the lots are front loaded.
- Of the 190 platted lots in **SAP-East** that are currently available for construction (PDP1-E) 30 lots, or **16%** of the lots are front loaded.

When combining the two SAPs, East and South, of the 563 platted lots, 100 lots or 18% of the homes are front loaded. It is interesting to note that the majority of the front loaded lots are along the perimeter of the project. In particular those lots that back up to Grahams Ferry Road and Brown/Evergreen Road. Requiring an off-street parking space would have the effect of locating this housing product at the edges of the

community and would not result in community wide integration, which is an important goal in locating affordable housing.

PDP-5S or PDPI-N have not been included as they have not received final plat approval and may be subject to change. Copies of the printed plats are included as Exhibit 2 as a visual aid.

Off-Street Parking:

A number of Staff and City Council/Planning Commission members just returned from the Smart Growth Conference in Seattle. Staff was able to conduct some informal research on the issue of providing off-street parking for ADUs. Like our research of surrounding communities, there was a mix of recommendations in a variety of model codes. Some of the sources included off-street parking and one more recent publication *New Urbanism – Best Practices Guide* allows for the

utilization of on-street spaces in denser, more urban environments. Staff has attempted to balance the need for parking, with the desire to provide ADUs, offering compromise language on page 9 of this report.

Staff has also had the chance to speak to Mr. Kadlub of Costa Pacific Communities to solicit his thoughts as it relates to ADU development in Villebois. He is supportive of the efforts the Council is taking to address this issue.

Staff is proposing to require one off-street parking space per ADU as the standard, but has created some additional performance measures for situations where off-street parking is not available. The proposed standards should address the concerns about the lack of available parking for ADUs and serve as a sort of self-regulating standard by ensuring that available on-street parking is in the vicinity of the ADU, and that there will not be too many ADUs per block to overwhelm the available on-street parking.

At the conference, the concept of "Demonstration Codes" was introduced. These types of codes can be written to allow a jurisdiction to try a new standard (i.e. small cottage style housing in Washington State), with the recognition that it is a trial, establishing timeframes for re-evaluation of the standards created. Staff would be comfortable adopting the ADU standards with a provision to re-evaluate and address the issue over a specific timeframe. **At the Council's direction, Staff could add language requiring the re-examination of the policy in 5-years for consideration at second reading.**

Lot Width as a Standard:

Another standard that could be created is to limit ADUs to lots with a certain width.

Example: 3. The width of the lot shall not be less than _____.

Staff has discussed this issue internally and with Mr. Kadlub. It was suggested that due to the very narrow width of the lots of the attached housing product at the Les Bois (27' wide), the Seville row house (22' wide) and in other areas of the project (Arbor Townhomes at 18-24' widths), requiring a minimum width to ensure at least two on-street parking spaces per frontage (36' wide) would effectively eliminate ADUs from a product where it could be provided in the future. Costa Pacific Communities prepared preliminary plans for ADUs over the garage in their new detached row home product along Barber Street (yet to be built), but eliminated them due to the requirement for off-street parking. Requiring a minimum frontage width could be a negative in getting ADUs built.

Modification to the Administrative Policy on collection of SDCs for ADUs.

Chapter 11 of the City Code, under 11.040(5)(e), allows the Community Development Director to establish reduced fees for special conditions that are not typical developments listed in our SDC ordinances (i.e. ADUs, Alzheimer's facilities). Staff has researched the SDC methodologies and has found that there was not an assumed impact on city systems from the construction of ADUs built into the fee methodologies and therefore waiving the fee is not a problem.

Attached as Exhibit 1, is a copy of the draft policy that was shared with City Council during the February 1, 2010 work session. It is important to note that ADUs are not discussed in the City's SDC Ordinances or in any of the fee schedules for SDCs and with Council's support it is Staff's intent to have the CD Director enact the new policy.

Other issues:

Item #10 below is proposed to be deleted from the PC recommended proposal due to the lack of clear and measurable standards. With no benchmarks, evaluation criteria or performance standards for what “negatively impact” means this type of code language would be difficult to enforce. Staff recommends that the new proposed language in #7 for off-street parking addresses this topic by ensuring that parking 1) is available in the vicinity of the ADU and 2) the limit on the number of ADUs per block will reduce the number of cars resulting in reduced potential for parking conflicts. Staff recommends that #10 be deleted.

10. For neighborhoods served by private streets, or residential streets not meeting the City’s Public Works Standards for Residential Streets, the applicant must show that parking and circulation for the ADU will not negatively impact parking and/or circulation on abutting streets.

Village Zone:

The current language in the Village Zone requires one off-street parking space per ADU. Staff’s proposal is to add an asterisk and a footnote (see yellow highlighted areas below on pages 12) to the ADU line on Table V-2 Off-Street Parking Standards cross referencing the revised Section (WC 4.113(11)) with the proposed standards.

STAFF RECOMMENDATION:

Approve the request to amend Comprehensive Plan Implementation Measure 4.1.4.bb and Section 4.113(.11) and 4.125 of the Planning and Land Development Code to modify conditions affecting placement of ADUs within the city and the associated administrative policy regarding the collection of SDCs for ADUs.

BACKGROUND:

Section 4.113 (.11) of the Planning and Land Development Ordinance authorizes the placement of one accessory dwelling unit (ADU) not exceeding 600 square feet in size on the same lot as any single family detached dwelling unit in any zone, subject to certain conditions.

This code section is enabled by Comprehensive Plan policies and implementation measures requiring the City to provide opportunities for a wide range of housing types, sizes and densities at prices and rent levels to accommodate people who are employed in Wilsonville. The Comprehensive Plan specifically allows for construction of one accessory dwelling unit with any detached single family unit that is permitted to be built in any zone, subject to certain conditions.

Section 4.113 (.11) was adopted into City Code in 2000, but to date only 2 legal ADUs have actually been built. These units, sometimes called “granny flats” or “mother-in-law” units provide a form of dispersed affordable housing integrated into neighborhoods, a possible income source for the homeowner, or a home for an elderly or disabled relative or for young adults just starting out. City staff is not sure why ADUs are not more popular. However, in recent discussions there have been questions about the cost of System Development Charges (SDCs) for ADUs (currently 40% of a regular single-family home), suggestions to allow attached, as well as detached single family homes to be eligible for ADUs, parking issues and a need to protect the

character of existing neighborhoods by establishing, through a public process, density restrictions for ADUs in any recognized neighborhood.

Comments from DLCD

Informal comments have been received from Jennifer Donnelly, Metro Regional Representative for DLCD. Her message identified several of the proposed requirements which she thinks may have the effect, either individually or cumulatively, of discouraging this needed form of affordable housing through unreasonable cost or delay, which would not be consistent with the needed housing statutes, particularly ORS 197.307(6).

The identified new requirements that she is concerned about are as follows, with accompanying staff responses.

1. Subjecting ADUs to DRB or Master Plan standards.

Response: It is not clear exactly what this comment is objecting about. The existing ADU code [4.113(.11)] clearly states that ADUs are approved via a Class I Administrative Review, unless they are proposed as part of a larger application that requires DRB approval. No changes are proposed to this requirement.

2. Requiring an additional on-site parking space per ADU.

Response: See discussion about parking and modified code language.

3. Requiring fire department access and fire fighting water service apparently separate from the primary dwelling

Response: The proposed standard reads as follows, "Each ADU must be accessible by street or driveway to fire and emergency vehicles, and for solid waste/recycling pick-up." This requirement is included to be sure that the ADU, no matter what its location on a lot, is accessible to fire and emergency vehicles. It does not require separate water service for firefighting unless required by Building Code provisions. Nor does it necessarily require a separate access for fire and emergency vehicles, nor for solid waste pick-up. There may be cases where the ADU is built above a garage or at the rear of a dwelling unit, behind a locked gate, or with the best access point off an alley or adjacent street different than that which serves the principal dwelling. This is a fire, life and safety requirement, and is not intended to prohibit ADUs, only to design and locate them in a safe and accessible manner.

4. Requiring a demonstration that parking for the ADU will not negatively affect parking and circulation on abutting streets, especially when the required parking is on-site.

Response: This requirement is proposed to be deleted.

5. Limiting ADUs to a percentage of total single-family dwellings in a zone or plan area.

Response: The Canyon Creek Meadows development approval, which won a Golden Nugget Award, was built as an affordable PUD in 1995-96, with carefully designed homes, streets, yards, parking and open space. The development plan was approved with

a maximum of 12 ADUs. To date, only two ADUs have been built. The development approval would need to be modified to allow additional ADUs.

Old Town has spent three years developing a Neighborhood Plan that respects the historic character of their area. Old Town is the location of the original Boone's Ferry across the Willamette River which operated between 1850 and about 1956. It has modest historic buildings, many low and moderate income residents and an historic lot pattern that is part of the historic character. Streets are narrow and most have no outlet. There are few sidewalks. The goal is to permit a limited number of ADUs at first to determine the carrying capacity of the neighborhood relative to both infrastructure and to historic character, and then to review the impacts and decide whether the limit can be changed. When the Old town Plan is adopted, the final neighborhood density standard will be added to this section.

Villebois is a large 480-acre project (over 2,500 dwelling units) with separate approvals on subsections of the overall development. The intent is to note specific ADU approvals done as part of each DRB approval, so that they will not need to be re-permitted. This will not prohibit ADUs in any single family detached units. In fact, this amendment to the ADU Code encourages ADUs by specifically allowing ADUs in the Village Zone (Villebois) and allowing ADUs in attached dwellings, as well as detached units.

PROPOSED COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENTS:

Amend the Comprehensive Plan as follows:

Delete ~~struck-through~~ language. **Bold** is proposed language.

Implementation Measure 4.1.4.bb: The City allows the construction of one accessory dwelling unit with any detached **or attached** single family dwelling that is permitted to be built in any zone, **subject to standards in the Land Development Code or density and size standards in Neighborhood Plans, Stage II Development Plans or Final Development Plans.** Regulations of such units includes size, ~~and~~ architectural design to match the primary unit on the site **and parking requirements.**

Amend the Planning and Land Development Ordinance as follows:

Delete struck-through language. **Bold** is proposed language.

Section 4.001 Definitions:

7. **Accessory Dwelling Unit:** "A dwelling unit of not more than ~~600~~ **800** square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached."

Section 4.113(11) Accessory Dwelling Units.

A. Accessory Dwelling Units, **developed on the same lot as the detached or attached single-family dwelling to which it is accessory**, shall be permitted outright, **subject to when developed in conjunction with detached single family dwellings that have been approved by the City.** ~~When proposed to be added to an existing single family dwelling, the procedure specified in B. 5, below, shall be followed.~~ Accessory Dwelling Units shall be subject to the standards and requirements of this Section.

B. Standards.

~~1. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed. (Moved to # 5 below)~~

~~2~~ **1. This Section applies only to units of 600 square feet. One Accessory Dwelling Unit per lot shall be no greater than 800 square feet with not more than two bedrooms, unless the size and density of ADUs are otherwise provided in a Neighborhood Plan or Stage II / Final Development Plan. Larger units shall be subject to standards applied to duplex housing.**

~~3~~ **2. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.**

~~4~~ **3. This Section applies only to residential developments in PDR, R, or RA-H or Village zones.**

~~5~~ **4. Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. Application for duplex construction shall be subject to the density standards of the zone in which it is located, or as otherwise provided in a Neighborhood Plan or Stage II /Final Development Plan.**

~~15.~~ Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.

6. The Accessory Dwelling Unit must be of substantially the same exterior design and architecture (**i. e. siding, windows, doors and roofing materials**) as the primary dwelling unit on the property.

7. Parking:

a. Each Accessory Dwelling Unit shall have one standard sized parking space on the same lot.

b. Where an off-street parking space is not available to serve the ADU, on-street parking may be considered to satisfy this requirement if all of the following are present:

- 1) On-street parking exists along the frontage of the lot, or within 100' of the front lot line of the lot.**
- 2) No more than 25% of the lots in a block will have ADUs.**

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

9. Each Accessory Dwelling Unit must be accessible by street or driveway to fire and emergency vehicles, and for trash pick-up.

C. Neighborhood Density and Size Standards.

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

4.125 – Village Zone

(.07) General Regulations - Off-Street Parking, Loading and Bicycle Parking Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the Village zone.

A. General Provisions:

1. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.
2. The Board shall have the authority to grant variances or refinements to these standards in keeping with the purposes and objectives set forth in this zone.

B. Minimum and Maximum Off-Street Parking Requirements:

1. Table V-2, Off-Street Parking Requirements, below, shall be used to determine the minimum and maximum parking standards for noted land uses. The minimum number of required parking spaces shown in Table V-2 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required.
2. Minimum parking requirements may be met by dedicated off-site parking, including surfaced parking areas and parking structures.
3. Except for detached single-family dwellings and duplexes, on-street parking spaces, directly adjoining and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking requirements.
4. Minimum parking requirements may be reduced under the following conditions:
 - a. When complimentary, shared parking availability can be demonstrated, or;
 - b. Bicycle parking may substitute for up to 25% of required Mixed-Use or Multi-Family Residential parking. For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement for compact spaces may be reduced by one space.

C. Minimum Off-Street Loading Requirements:

1. Loading facilities shall be sited at the rear or side whenever practicable, and if adjacent to a residential use, shall be screened. Screening shall match the adjacent residential development in terms of quality of materials and design. Such screening shall minimize light glare and noise levels affecting adjacent residential uses. See also Section 4.155(.03)(B).

D. Bicycle Parking Requirements:

- 1 Purpose: Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles for short and long stays.
 - a. Short-term bicycle parking is intended to encourage shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles.
 - b. Long-term bicycle parking is intended to provide employees, students, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. The intent of the long-term standards is to provide bicycle parking within a reasonable distance in order to encourage bicycle use.
2. General Provisions
 - a. Required Bicycle Parking:
 - i. The required minimum number of bicycle parking spaces for each use category is shown in Table V-2, Parking Requirements, below. Bicycle parking is not required for uses not listed.
 - ii. Bicycle parking spaces are not required for accessory uses. If a primary use is listed in Table V-2, bicycle parking is not required for the accessory use.
 - iii. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
 3. Bicycle Parking Standards:
 - a. Short-term bicycle parking. Required short-term bicycle parking shall meet the following standards:
 - i. Short-term bicycle parking shall be provided in lockers or racks that meet the standards of this section.
 - ii. Short-term bicycle parking shall be located either within 30 feet of the main entrance to the building; or inside a building, in a location that is easily accessible for bicycles.
 - iii. If 10 or more short-term bicycle spaces are required, then at least 50 percent of the required short-term bicycle spaces shall be covered and meet the standards of this section.
 - b. Long-term bicycle parking. Required long-term bicycle parking shall meet the following standards:
 - i. Long-term bicycle parking shall be provided in racks or lockers that meet the standards of this section.
 - ii. Long-term bicycle parking shall be located on the site or in an area where the closest point is within 300 feet of the site
 - iii. At least 50 percent of required long-term bicycle parking shall be covered in compliance with the standards of this section
 - iv. To provide security, long-term bicycle parking shall be in at least one of the following locations:
 - In a locked room or locker
 - In an area that is enclosed by a fence with a locked gate. The fence shall be either eight (8) feet high, or be floor-to-ceiling, subject to review and approval of a building permit;
 - In an area that is visible from employee work areas or within view of an attendant or security guard;
 - In a dwelling unit or dormitory unit. If long-term bicycle parking is provided in a dwelling unit or dormitory unit, neither racks nor lockers shall be required.
 - c. Bicycle Lockers, Racks and Cover (Weather Protection):
 - i. Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

- ii. Covered bicycle parking, as required by this section, shall be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover must be permanent, designed to protect the bicycle from rainfall and provide seven (7) foot minimum overhead clearance.

Table V-2: Off Street Parking Requirements

	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short-term (Spaces)	Bicycle Long-term (Spaces)
Permitted or Conditional Use				
Permitted Uses				
Single-Family Detached Dwellings	1.0/DU	NR	NR	NR
Single-Family Accessory Dwelling Units*	1.0/DU	NR	NR	NR
Duplex	1.0/DU	NR	NR	NR
Row Houses	1.0/DU	NR	NR	NR
Multi-Family Dwellings	1.0/1 Bdr 1.5/2 Bdr 1.75/3 Bdr	NR	1 per 20 units Min. of 2	1 per 4 units Min. of 2
Community Housing	1 per 4 residents	1 per unit	None	1 per 8 residents Min. of 2
Commercial Uses				
Convenience Store	2/1000 sf	5/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Restaurant/Pub	2/1000 sf	10/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Child Day Care	0.2 per student/staff	0.3 per student/staff	None	1 per 10,000 sf Min. of 2
Medical/Dental	3/1000 sf	4/1000 sf	1 per 40,000 sf Min. of 2	1 per 70,000 sf Min. of 2
All other commercial uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
Conditional Uses				
Schools	0.2 per student/staff	0.3 per student/staff	0.3 per student/staff	0.2 per classroom
Recreational Facilities	3/1000 sf ¹	5/1000 sf ¹	1 per 3,000 sf Min. of 4	1 per 3000 sf Min. of 4
Conference Center	0.3 per seat	0.5 per seat	1 per 15 seats Min. of 2	1 per 40 seats Min. of 10
Library/Museum	2/1000 sf	4/1000 sf	1 per 1000 sf Min. of 6	1 per 1000 sf Min. of 6
Religious Institution	.25 per seat	.5 per seat	1 per 2,000 sf Min. of 2	1 per 4,000 sf Min. of 2
Theater	.25 per seat	.5 per seat	1 per 20 seats Min. of 2	1 per 50 seats Min. of 4
Overnight Lodging Facility	1 per room	1.5 per room	1 per 20 rooms Min. of 2	1 per 20 rooms Min. of 2
Light Manufacturing/Research and Development	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
All other Conditional Uses	2/1000 sf	4/1000 sf	1 per 10,000 sf	1 per 40,000 sf

			Min. of 2	Min. of 2
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Notes: 1 1/1000 sf min. for court facilities
 NR No requirement
 * See WC Section 4.113 (11) Accessory Dwelling Units

FINDINGS AND CONCLUSIONS:
Wilsonville Comprehensive Plan.

Introduction: Plan Amendments:

1. Who May Initiate Plan Amendments? An amendment to an adopted Plan may be initiated by the City Council, the Planning Commission or application by property owners.

Response: The proposed amendment to the Land Use and Development section of the Plan is City initiated.

2. Application for Plan Amendment: Plan amendment application shall be on forms supplied by the City. Applications except when initiated by the City Council, Planning Commission or DRB, shall be accompanied by a fee.

Response: This application for Plan amendment is initiated by the City. Application has been filed on the proper forms, and no fees are required.

3. Consideration of Plan amendments:

a. Amendments to the text of the Plan shall be considered by the City Council only after receiving findings and recommendations from the Planning Commission or DRB.

Response: This is a proposed legislative text amendment. Work session was held at the Planning Commission on September 9, 2009 and a public hearing conducted before the Planning Commission on October 14, 2009. City Council has held two public work sessions on the topic on December 21, 2009 and February 1, 2010, with a public hearing scheduled for February 17, 2010 and March 1, 2010.

b. Amendments must be initiated sufficiently in advance of the first evidentiary hearing to allow adequate time for public notice and preparation of a staff report.

Response: The application for the proposed text amendment was filed on August 21, 2009. DLCD requires notice of proposed Plan amendments 45 days prior to the first evidentiary hearing. Notice was sent to DLCD on August 27, 2009 for the first evidentiary hearing on October 14. The staff report was available on September 7, 2009.

c. Amendments to Comprehensive Plans must demonstrate conformance with applicable Statewide Land Use Goals and with Metro Urban Growth Management Functional Plan.

Response: See findings regarding compliance with Statewide Goals and the Metro Functional Plan below.

d. The Planning Commission or City Council may conduct a public hearing at any time to consider an amendment to the Plan that is made necessary by rules, regulations or other legal actions of other agencies.

Response: This proposed amendment is locally initiated based on local goals, policies and needs. It is not the result of a new or changed regional, state or federal laws, regulations or other action by another jurisdiction.

4. Standards for Approval of Plan Amendments:

The City Council shall, after considering the recommendation of the Planning Commission or DRB, find that:

a. The proposed amendment is in conformance with those portions of the Plan that are not being amended.

Response: Directly below are findings and conclusions for applicable Plan goals, policies and implementing measures.

Section A, Citizen Involvement:

Policy 1.1.1 The City of Wilsonville shall provide opportunities for a wide range of public involvement in city planning programs and processes.

Implementation Measure 1.1.1a: Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes. Whenever practical to do so, city staff will provide information for public review while it is still in "draft" form, thereby allowing for community involvement before decisions have been made.

Response: The City's policy is to hold public work sessions with the Planning Commission well before any public hearing on proposed new Plans, or amendments to existing Plans or the Development Code. At the time that the work session agenda and packet is available to the Planning Commission, it is also posted on the city's website making any proposed amendments generally available to all. The Planning Commission work session on this proposed amendment was on September 9, 2009, one month before the first evidentiary public hearing. In addition, the City often provides informational articles about proposed amendments in The Boones Ferry Messenger and provides the same information to the Wilsonville Spokesman.

Implementation Measure 1.1.1f Establish and maintain procedures that will allow any interested parties to supply information.

Response: The proposed amendment is a legislative amendment applicable in residential zones within the city. The City mailed notice of the proposed amendments to interested parties, all the Homeowner Associations and neighborhood associations within the City approximately 6 weeks prior to the initial public hearing, and again as part of the City Council deliberations, as well as the usual posting of the content of the amendments on the City's website and at City Hall and the library.

Implementation Measure 1.1.1.g: The Planning Commission will continue to conduct three different kinds of meetings, all open to the public.....The different kinds of meetings will include:

- 1. Public hearings.*
- 2. Work sessions and other meetings during which citizen input is limited in order that the commission has ample time to complete the work that is pending, and*
- 3. Informal work sessions and other meetings during which the general public is invited to sit with the commission and play an interactive part in the discussion.*

Response: The Planning Commission held a work session on September 9 and a public hearing on October 14, 2009. City Council has held open work sessions on December 21, 2009 and February 1, 2010, with public hearings scheduled to be conducted on February 17, 2010 and March 1, 2010.

Implementation Measure 1.1.1h: In preparing public notices for Planning Commission meetings, the staff will clarify whether the meeting will involve a public hearing and/or a work session.

Response: Public hearing notices state specifically that a “public hearing” will be held on a specific date. The published agendas clearly specify whether an item is a work session or a public hearing.

Section D: Land Use and Development, Residential Development,

Policy 4.1.4: The City of Wilsonville shall provide opportunities for a wide range of housing types, sizes and densities at prices and rent levels to accommodate people who are employed in Wilsonville.

Response: The Development Code already allows accessory dwelling units (ADUs) in PDR, R and RA-H zones. The proposed code amendment will allow ADUs in the Village Zone in addition to those already allowed, and will clearly allow ADUs as accessory uses to both single-family detached and attached units. The waiver of system development charges is intended to serve as a strong incentive for the construction of more ADUs. ADUs provide an affordable rental opportunity or provide separate, but close by housing for an elderly relative or a student, and provide an affordable housing option integrated into neighborhoods as opposed to a rental unit in a large rental complex.

Implementation Measure 4.1.4.d: Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future.....

Response: City Code encourages mixed housing developments. All planned development residential zones allow a mix of single and multi-family units subject to the overall density established by the Comprehensive Plan. The existing housing mix (2009) is approximately 50 % single and 50% multi-family. ADUs are another form of mixed housing which is allowed in all zones, not just PDR zones, providing further distribution of housing alternatives within the community.

Implementation Measure 4.1.4.g: Coordinate housing development with the social and economic needs of the community.

Response: It is a well known fact that Wilsonville has a 2-1 jobs/housing ratio, necessitating a morning and evening commute by many employees in order to staff our employers. The need for workforce housing is recognized and supported in the City's Comprehensive Plan. ADUs can provide a cost-effective housing option for a single employee or a couple, eliminating commuting costs and perhaps allowing them to save for a down payment for purchase of a home, or for the deposits necessary to move to a larger apartment. ADUs also provide a housing option for newcomers to learn about the community before making a longer term housing commitment. A community is stronger when more of those employed here, also live here, send their children to local schools, and become involved in the greater life of the community.

Other parts of the social spectrum positively affected by a greater number of affordable ADUs are our increasing number of senior citizens, and the increasing trend to house persons with disabilities within communities, rather than institutions. By not requiring owner occupancy of either the ADU or principal dwelling, ADUs provide housing options for seniors downsizing from larger homes, but still wanting to live in a single family neighborhood rather than in a senior community. And finally, by making ADUs more affordable, families with elderly relatives or disabled adult children who need to live somewhat independently can more easily afford to build such a unit.

Implementation Measure 4.1.4.1: The City shall work to improve the balance of jobs and housing within its jurisdictional boundaries.

Response: See comments under 4.1.4.g above.

Implementation Measure 4.1.4.bb. The City allows the construction of one accessory dwelling with any detached single family dwelling that is permitted to be built in any zone. Regulations of such units include size and architectural design to match the primary unit on the site.

Response: The proposed amendments would amend this IM to allow ADUs accessory to attached, as well as detached single family units. Regulation of ADUs would continue to address size and architectural compatibility. The inclusion of attached single family units removes a somewhat discriminatory restriction in our existing code by providing an ADU option to all single family dwelling owners. The proposed amendment does propose that ADUs be included in the original application and approvals for the attached units, so that parking, outdoor space and building code requirements for potential ADUs can be met at the time the principal units are constructed.

Planning and Land Development Ordinance:

Section 4.198. Comprehensive Plan Changes - Adoption by the City Council.

(.01) Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:

A. That the proposed amendment meets a public need that has been identified;

Response: The public need is demonstrated by the approximately 2-1 jobs/housing ratio, and the associated demand on the City's and region's transportation systems by the large number of commuters. It has been a long-standing Council goal expressed in the city's Comprehensive Plan, to take actions moving the community to a more even jobs/housing balance. As of May 2009, there were 4,200 apartment units and 4,121 single family units in Wilsonville, and approximately 15,000 jobs.

While providing additional housing units will not guarantee that the jobs/housing ratio will improve, it will provide the opportunity. The proposed ADU amendments will provide a different and potentially more affordable form of housing for singles, couples and small families integrated into existing single family neighborhoods, rather than as part of a multi-family development. For comparison purposes, the median home price in Wilsonville as of October 5, 2009 is \$389,900 with 160 homes on the market. The median price for foreclosed homes, of which there are 74, is \$309,223. According to Norris, Beggs & Simpson, the vacancy rate for apartments for 3rd quarter 2009 was 5.41% (average to low) with monthly rental rates between \$630 for a 1bd/1 bath unit to \$875 for a 3 bd/2 bath unit. Rental rates in Wilsonville were all below the Portland Metro average.

B. That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;

Response: The proposed amendments provide a different housing option, basically a small living unit integrated into single family neighborhoods. The relief from SDCs provides a public subsidy for potentially workforce and senior housing, and should help encourage reasonable pricing in rental rates.

C. That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and

Response: Statewide Land Use Goal 10 requires that the City provide the opportunity for provision of housing units sufficient to meet the number of housing units needed at projected income levels for the projected population. The City's Comprehensive Plan specifically encourages accessory dwelling units in *Implementation Measure 4.1.4.bb: The city allows the construction of one accessory dwelling unit with any detached single family dwelling that is permitted to be built in any zone.* This amendment would expand that provision by also allowing ADUs in attached single family units.

D. That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.

Response: The Comprehensive Plan already encourages ADUs, and speaks only to size of ADUs, not a projected number of units. ADUs specifically are not subject to the density standards of the zones in which they are located, but are provided in the Plan and Code as a sort of bonus dwelling unit. The proposed amendments change the size of an ADU from a maximum of 600 square feet to a maximum of 800 square feet, which will allow larger households. Water, sewer and storm drainage are available in existing neighborhoods, while ADUs proposed as part of new development will be included in the planning and calculations for provision of utilities and services for that development. It does not appear that there are conflicts with other Comprehensive Plan policies and provisions.

(.02) Following the adoption and signature of the Resolution by the Development Review Board or Planning Commission, together with minutes of public hearings on the proposed Amendment, the matter shall be shall be scheduled for public hearing before the City Council.

Response: In addition to the Planning Commission proceedings, these amendments are scheduled for Council public hearing and first reading on February 17, 2010.

(.04) Upon conclusion of its public hearing on the matter, the Council shall adopt its decision by ordinance, authorizing the Planning Director to amend the official zoning map, Comprehensive Plan Map or the text of Chapter 4 as set forth in Section 4.102.

Response: The Planning Commission is a recommendation to Council who will adopt the Plan and Code changes by ordinance.

Section 4.197. Zone Changes and Amendments To This Code – Procedures.

(.01) The following procedure shall be followed in applying for an amendment to the text of this Chapter:

A. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within forty (40) days after concluding the hearing, provide a report and recommendation to the City Council regarding the proposed amendment. The findings and recommendations of the Commission shall be adopted by resolution and shall be signed by the Chair of the Commission.

Response: A public hearing was conducted these matters on October 14, 2009. The action of the Planning Commission was adopted by Resolution. The Planning Commission record and recommendations will be provided to the City Council on February 17, 2010.

B. In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:

1. That the application was submitted in compliance with the procedures set forth in Section 4.008;

Response: These applications are: a) amendment to the Comprehensive Plan, subject to Section 4.198, and b) amendments to the text of Chapter 4, subject to Section 4.197. The requirements of 4.198 are addressed above. The requirements of 4.197 are address in this section of this report.

2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and

Response: Compliance with the Comprehensive Plan is addressed above.

3. The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code;

Response: The proposed Code text amendments are limited to Section 4.113(.11), and have little impact on other provisions of the zoning code.

4. *If applicable, the amendment is necessary to insure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.*

Response: While these amendments are not required to meet regional, state or federal requirements, they will serve to bring the City into greater compliance with the requirements of Statewide Land Use Goal 10 and Metro's Title 7, Affordable Housing, by providing additional incentives for homeowners to add ADUs to their properties.

Section 4.008. Application Procedures - In General.

(.01) The general application procedures listed in Sections 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:

F. Changes to the text of Chapter 4, pursuant to Section 4.197;

H. Changes to the text of the Comprehensive Plan, including adoption of new Plan elements or sub-elements, pursuant to Section 4.198;

Response: The above are the applications subject to this request for City Council review and approval.

Section 4.009. Who May Initiate Applications.

(.01) Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply. Changes to the Comprehensive Plan or zoning may also be initiated by the City Council, Planning Commission, or Development Review Board, acting by motion. Applications involving a Specific Area Plan shall be initiated as provided in Section 4.125(.18)(C) and (D). [Amended by Ord. 557 adopted 9/5/03].

(.02) Applications involving large areas of the community or proposed amendments to the text of this Chapter or the Comprehensive Plan may be initiated by any property owner, business proprietor, or resident of the City, as well as by the City Council, Planning Commission, or Development Review Board acting by motion.

Response: These applications are initiated by the City, who is the applicant.

(.03) A decision by the City Council, Planning Commission, or Development Review Board to initiate an action under this Section does not predetermine that the same body will approve or adopt the proposed change after concluding public hearings.

Response: Although the City's Comprehensive Plan and Zoning Code already allow ADUs, and these applications are City initiated, the Planning Commission and Council will review the proposals, listen to any testimony and may adopt all, part or none of the recommended changes.

(.04) In the event that the City of Wilsonville is the applicant, the City Manager may authorize any City employee or consultant to act as the City's agent.

Response: The Planning Division is serving as the City's agent in these matters.

Section 4.011. How Applications are Processed.

(.01) Applications submitted without the required filing fee shall not be considered to be "filed" and shall be returned to the prospective applicant without being processed.

Response: The City is the applicant, and is exempt from fees.

*(.02) After filing, all applications shall be reviewed by City staff for completeness.
A. In the event that an application is found to be incomplete in any way, the Planning Director shall notify the applicant in writing within thirty (30) days of the original filing and shall list the deficiencies in the application.*

Response: The applications were deemed complete on August 28, 2009.

2. Each written staff report includes a list of the agencies and departments contacted in the review process and their written comments, if any.

Response: The staff report includes responses to the informal written comments of DLCD. At the time of preparation of this Staff Report, no other written comments had been received.

Section 4.012. Public Hearing Notices.

(.01) Published Notice. The Planning Director shall have published in a newspaper of general circulation in the City of Wilsonville, prior to the date of the Planning Commission or Development Review Board meeting, a notice that the Commission or the Board will consider proposals, documents, or pending applications.

A. If the matter will require a public hearing, the notice shall be published at least ten (10) and not more than twenty-one (21) days before the first hearing.

Response: Notice of the public hearings on these applications was published in the newspaper, mailed to interested parties and HOAs, and posted in three places at least 10 and not more than 21 days before the first evidentiary hearing.

C. In any case where State law requires different timing or form of notice than that specified in this Code, the standard requiring a broader coverage or duration of notice shall be followed.

Response: Notice of the first evidentiary hearing was sent to DCLD 45 days prior to that hearing date.

Section 4.013. Hearing Procedures.

(.01) Public Hearings shall be conducted in accordance with procedures for evidentiary hearings set forth in Section 2.560 of the Wilsonville Code, or as otherwise amended by City Council action.

Response: The Planning Commission follows hearing procedures established in City Code.

Section 4.014. Burden of Proof.

The burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case. In the case of an appeal, the burden of proof rests with the appellant.

Response: This staff report contains the necessary findings to support a recommendation of approval of the proposed text amendments.

Section 4.016. Notification of Action on Applications.

All individuals who are required by law to receive notification, as well as any persons who submit oral or written testimony on an application, shall be provided with written notification of the decision on the application at the same time. This notification shall include information on local appeal procedures and requirements.

Response: The City is the applicant and will know immediately of the recommendations made by the Commission. Notice of the City Council action will be mailed to those who are required to receive notice and those who participated in the hearing.

EXHIBIT:

- Exhibit 1: Modified Policy regarding the collection of SDCs for ADUs.
- Exhibit 2: Villebois Plat Maps for SAP South and East

MEMORANDUM

Exhibit 1

To: Mayor and City Council

From: Martin Brown, Building Official

Date: December 10, 2009

Re: Accessory Dwelling Unit System Development Charges

The City allows Accessory Dwelling Units (ADU) in residential zones which are restricted by size and use based on the provisions in chapter 4 of the City Code. The City currently has only two ADUs which are located in the Canyon Creek Meadows subdivision and were constructed as part of the approved development plan in 1997. During the construction of the ADUs in the Canyon Creek development, the Community Development Director imposed system development charges at 40% of the normal SDC rate based on an ADU with an average occupant load of one person and because the adopted SDC resolutions do not include Accessory Dwelling Units in the any of its methodologies (See attached policy).

Accessory Dwelling Units have been proposed during the past couple of years by developers in the Villebois development; however, the cost of the additional System Development Charges have been a contributing factor to the tipping point of the proposing ADUs which were never constructed. In an effort to provide additional Accessory Dwelling Units in the City and provide more affordable housing units throughout the community, staff reviewed the existing policy for SDC fees for ADUs. The comparison was to determine the difference in winter time average sewer and water usage between single family dwellings with an attached ADU and a similar size single family dwelling without an ADU in the same subdivision. The results showed that the dwellings with an attached ADU used approximately 30% less sewer and water than a dwelling without an ADU. This led staff to propose a new SDC policy for ADUs with no SDC fees as long as the ADU meets the limitations set forth in chapter 4 of the Wilsonville Code.

The Community Development Director, as outlined in chapter 11 of the Wilsonville City Code, is given the authority to make modifications to SDC fees for developments where the fees are disproportionate to the actual impact of the development.

Staff recommends revising the SDC policy for Accessory Dwelling Units (see attached) as defined in the Wilsonville Code, to be changed to no additional fees for the ADU.

Building Division Administrative Policy #09-1

Date: December 9, 2009
To: Building Division
From: Martin Brown, Building Official
Subject: SDC fee calculations for Accessory Dwelling Units (ADU)

Policy

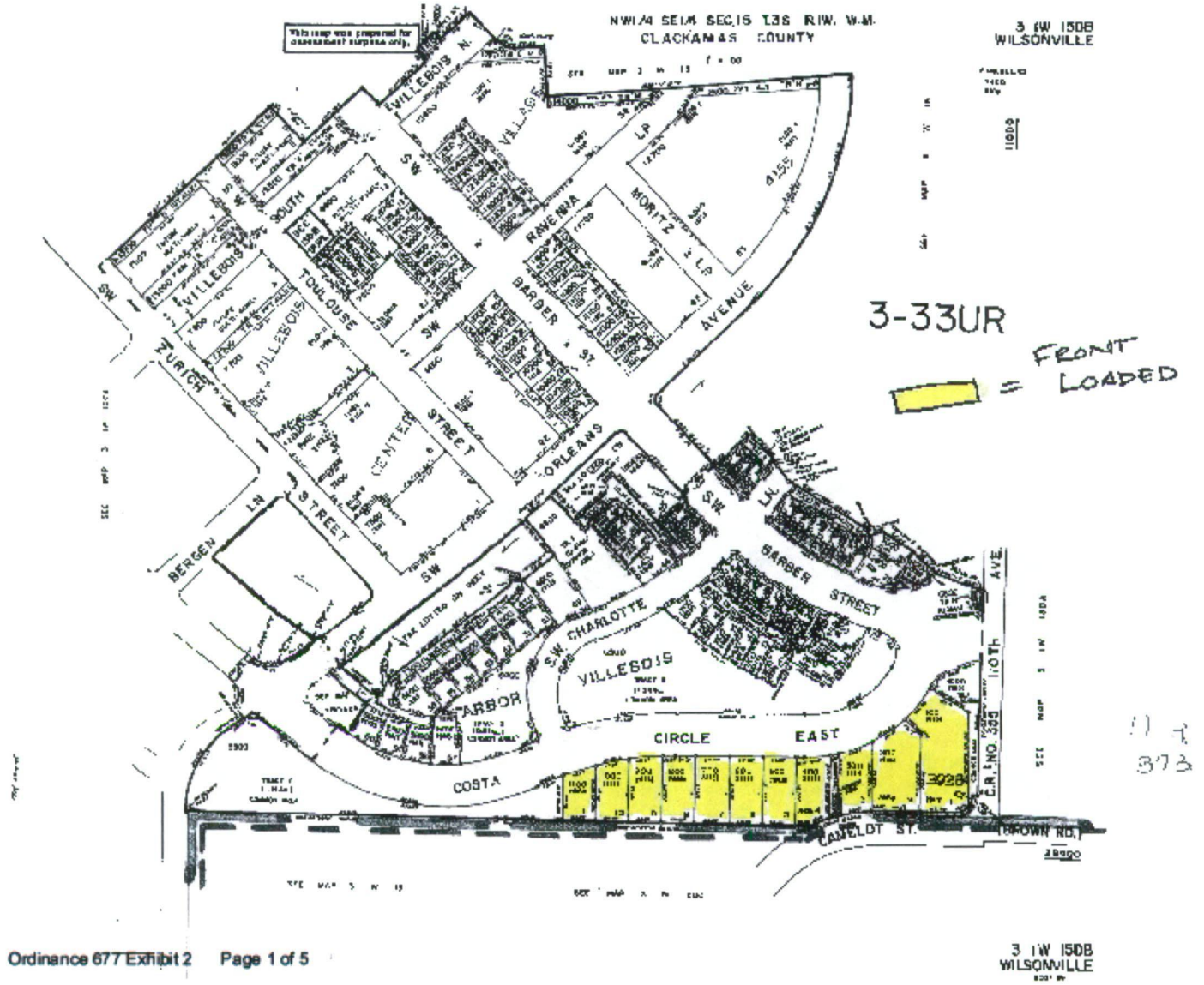
Accessory Dwelling Units (ADU) as defined in section 4.113.11 of the Wilsonville City Code shall be charged System Development Charges (SDC) as follows:

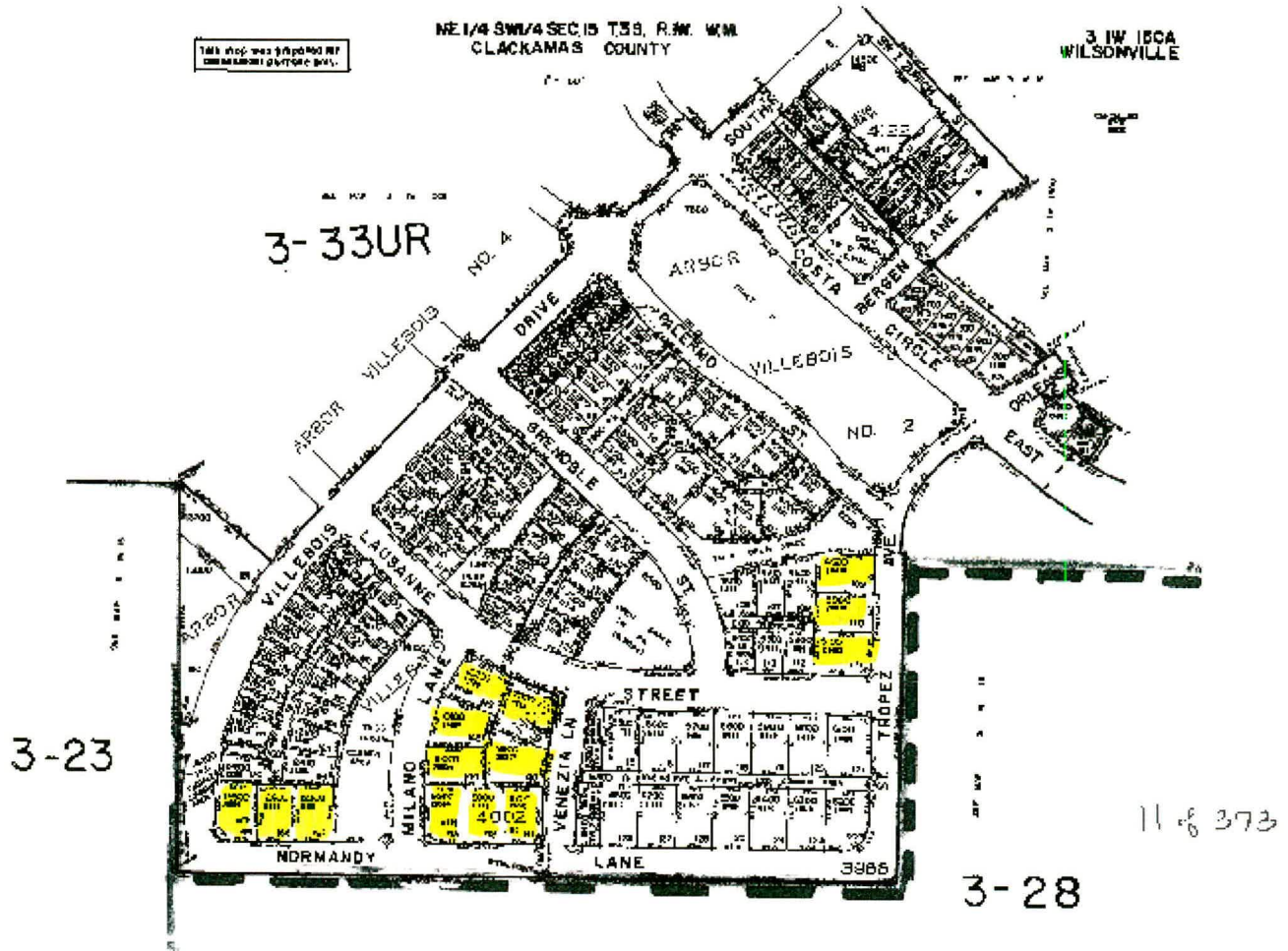
- Sewer SDC, 0
- Water SDC, 0
- Street SDC, 0
- Parks SDC, 0
- Storm SDC, 0

Background

Pursuant to section 11.040(5) (e) of the Wilsonville Code, the Community Development Director may approve alternate fee calculations whenever the impact of individual developments presents special or unique situations such that the calculated fee is grossly disproportionate to the actual impact of the development.

The City allows Accessory Dwelling Units in approved residential zones as described in section 4.113.11 of the Planning Land Development Code. The current System Development Charges for Single Family Dwellings is not based on the size of the dwelling unit, number of waste fixtures or the number of occupants living in the dwelling; however, is calculated solely on a per unit basis. The current SDC Ordinances do not include ADUs in any of their methodology calculations as related to single family dwellings and show no additional demand on our system for traffic, water, sewer, storm or parks. A comparison between single family dwellings with an ADU (2 units studied) and a single family dwelling of comparable size and location (18 units studied) revealed that the single family dwelling with an ADU uses 30% less winter time water and sewer than a single family dwelling without an ADU. Charging SDC fees for ADUs and not charging SDC fees for an addition onto an existing single family dwelling with the same number of bedrooms and bathrooms is disproportionately unfair, therefore, it has been determined by the Community Development Director that charging SDC fees for an ADU as defined by Wilsonville City Code shall not be subject to SDC fees.

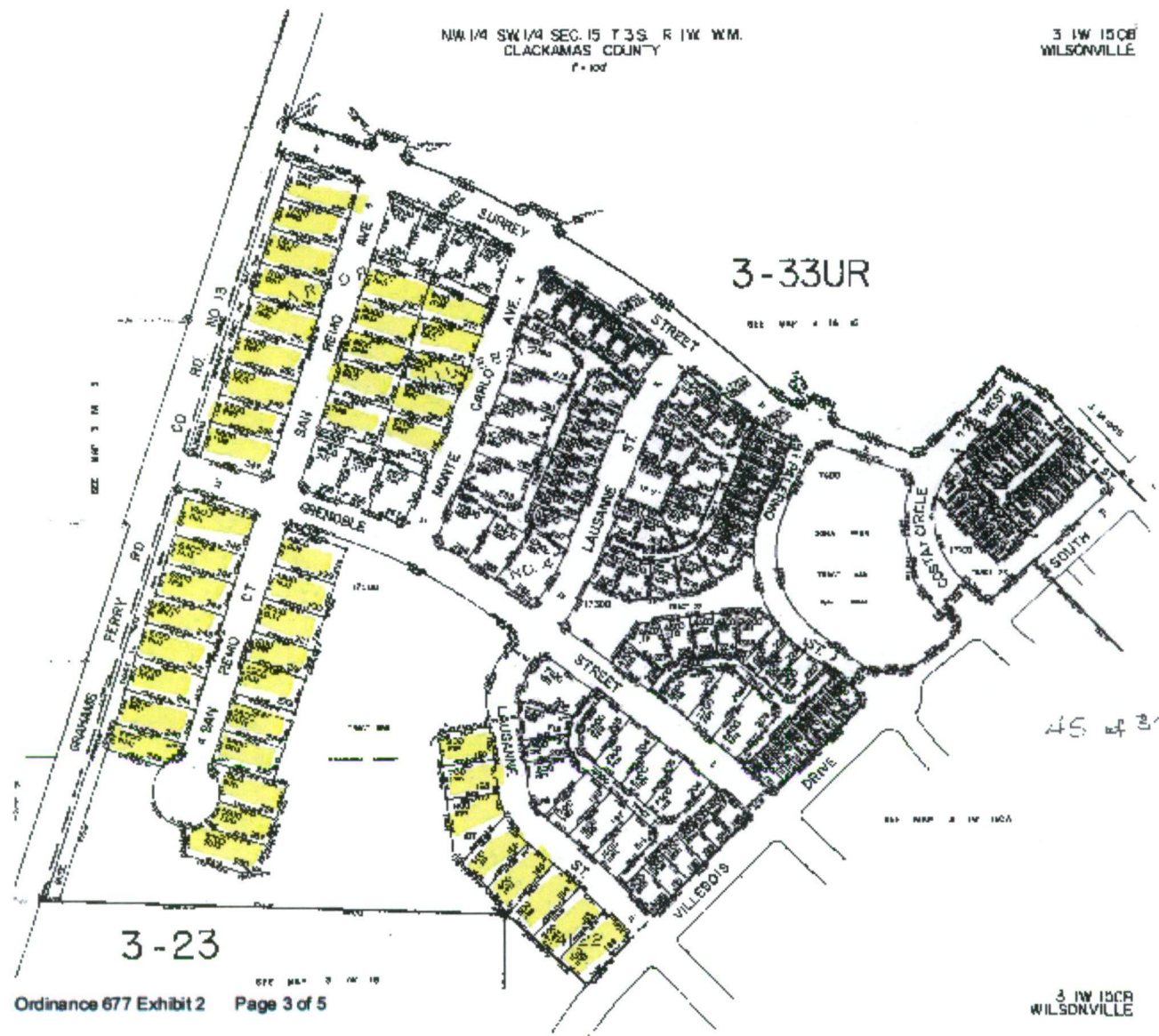




3 1W 1508
WILSONVILLE

NW 1/4 SW 1/4 SEC. 15 T 3 S. R 1 W W.M.
CLACKAMAS COUNTY
P. 1007

3-33UR



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3-23

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3 1W 1508
WILSONVILLE

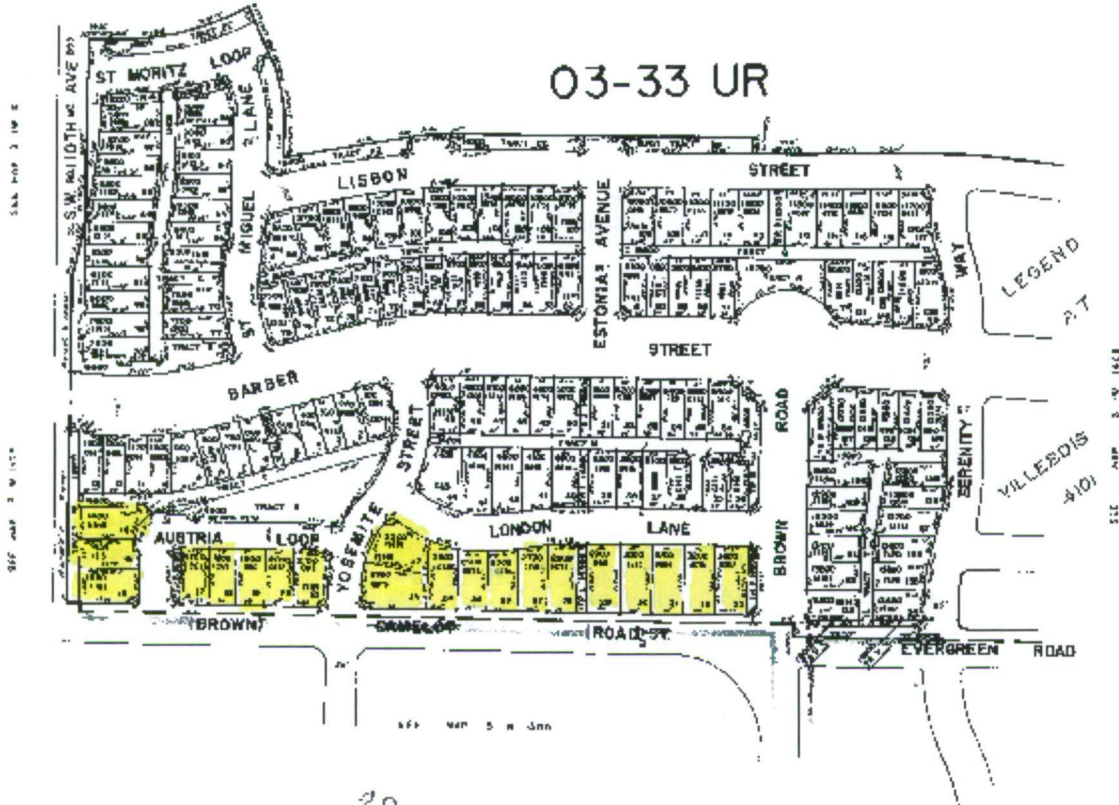
IT IS HEREBY ORDERED THAT
THIS MAP BE RECORDED FOR
RECORDATION PURPOSES

N.E. 1/4 SE. 1/4 SECTION 15 T.33. R.1W. W.M.
CLACKAMAS COUNTY
1"=100'

3 1W 15DA

SEE MAP 3 1A 15

03-33 UR



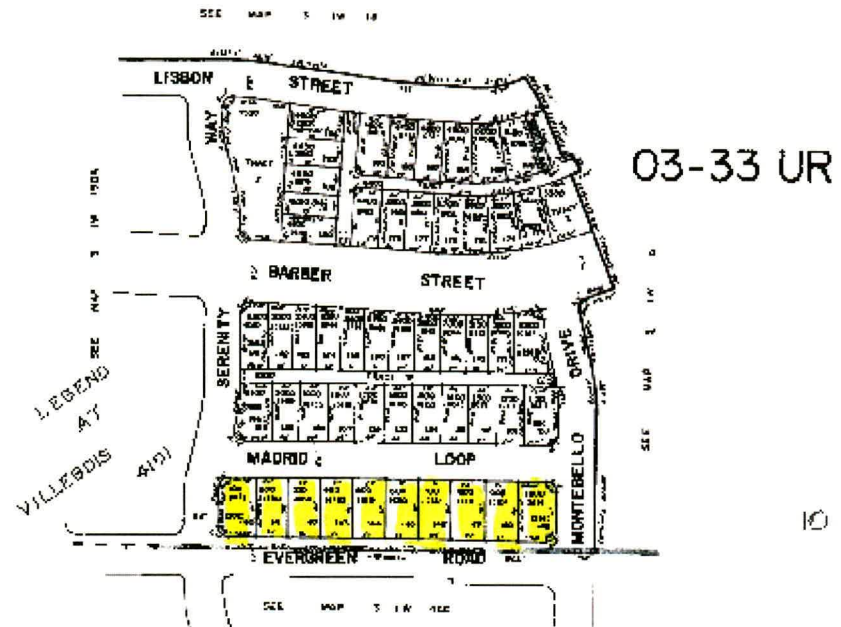
20

THIS MAP IS REFERRED FOR
ASSESSMENT PURPOSES ONLY

N.W. 1/4 S.W. 1/4 SECTION 14 T.35. R.1W. W.M.
CLACKAMAS COUNTY
1x100'

3 1W 14CB

30 of 190 = 16%



3 1W 14CB