

ORDINANCE NO. 851

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE TEXT OF THE WILSONVILLE COMPREHENSIVE PLAN, TEXT OF THE DEVELOPMENT CODE, THE FROG POND WEST MASTER PLAN, AND THE VILLEBOIS VILLAGE MASTER PLAN; ADOPTING A LEGISLATIVE ZONE MAP AMENDMENT TO REZONE RESIDENTIAL PROPERTIES IN THE OLD TOWN NEIGHBORHOOD TO THE NEWLY ESTABLISHED OLD TOWN RESIDENTIAL ZONE; AND DECLARING DEVELOPMENT IN PLANNED DEVELOPMENT RESIDENTIAL ZONES AS LEGAL NON-CONFORMING TO INCREASE THE ALLOWANCE OF MIDDLE HOUSING IN WILSONVILLE.

WHEREAS, House Bill 2001, adopted by the Oregon Legislature in 2019, directs cities throughout Oregon to adopt regulations allowing duplexes on each lot zoned for residential use that allows for development of detached single-family dwelling, and allowing triplexes, quadplexes, cottage clusters, and townhouses in areas zoned for residential use; and

WHEREAS, the City adopted the Equitable Housing Strategic Plan in June 2020 through Resolution No. 2820 which included Implementation Action 1B to “Incorporate Equitable Housing into Middle Housing Planning”; and

WHEREAS, the City performed an audit of current Comprehensive Plan text, legislative master plans and other similar documents, and the Planning and Land Development Ordinance (Development Code) to identify updates necessary to comply with House Bill 2001, implementing administrative rules, and the Equitable Housing Strategic Plan; and

WHEREAS, the current Comprehensive Plan text does not incorporate concepts from the City’s Equitable Housing Strategic Plan or address the requirements of House Bill 2001 and associated administrative rules; and

WHEREAS, the updated text incorporates middle housing into Comprehensive Plan text language along with new references to exemptions to density maximums as well as incorporates policy objectives and actions identified in the Equitable Housing Strategic Plan; and

WHEREAS, neither the Frog Pond West Master Plan, adopted by Ordinance No. 806, or Villebois Village Master Plan, last adopted, as amended, by Ordinance No. 724 addressed middle housing and allowance of middle housing consistent with House Bill 2001 and the related administrative rules; and

WHEREAS, adopting amendments to the Frog Pond West Master Plan and Villebois Village Master Plan, legislative master plans that are sub-elements of the Comprehensive Plan, allows middle housing as prescribed by the State and updates Wilsonville’s housing policy while

maintaining the intent of the master plans as well as the planned look and feel of the neighborhoods in the master plan areas; and

WHEREAS, the 2011 Old Town Neighborhood Plan, accepted by City Council in Resolution No. 2324, identified an implementation action of adopting a new Old Town-specific residential zone; and

WHEREAS, adopting a new Old Town Residential Zone and applying to residential properties in the Old Town Neighborhood by a legislative zone map amendment addresses middle housing compliance issues while helping implement the Old Town Neighborhood Plan; and

WHEREAS, the Development Code currently lacks adequate definitions and references to middle housing, and does not comply in a number of ways with House Bill 2001 and related administrative rules, and

WHEREAS, the updates to the Development Code addresses compliance including, but not limited to, allowance of middle housing, density calculations, and review process, as well as establishes reasonable standards for middle housing to be integrated into existing and future neighborhoods; and

WHEREAS, current regulations allow past planned development approvals to indefinitely take precedence over updated Development Code standards and zoning; and

WHEREAS, such indefinite precedence of planned development approvals leads to compliance issues with House Bill 2001 as it does not allow middle housing to be built within residential planned developments where middle housing was not previously allowed using the same process as single-family homes; and

WHEREAS, in all planned development zones within the City a substantial number of developments have been built over the last forty plus years that do not comply with current zoning standards; and

WHEREAS, the City finds it prudent as changes occur within these planned development sites for the changes to come further into compliance with current Development Code; and

WHEREAS, Senate Bill 458, adopted by the Oregon legislature in 2021, provides for division of land within middle housing development to better facilitate sale of units to individual buyers; and

WHEREAS, additional flexibility in dividing land for the purpose of platting and property transfer will provide additional for-sale housing choices at a lower price point increasing home

buying opportunities for first-time homebuyers and homebuyers with lower home purchasing budgets; and

WHEREAS, by the proposed actions the City will comply with House Bill 2001 and it's implementing administrative rules, Senate Bill 458, and the City's Equitable Housing Strategic Plan; and

WHEREAS, the City conducted public outreach to impacted groups and the community in general to gather input for updates to City code, plans, and regulations; and

WHEREAS, the City made a special effort to reach out to the Latinx community, a growing demographic in Wilsonville and historically underrepresented in public outreach, to enable the Latinx community to have a meaningful impact on the final updates; and

WHEREAS, the Planning Commission held eight work sessions and the City Council has held five work sessions to help guide and shape the recommended updates; and

WHEREAS, the Planning Commission has the authority, pursuant to Sections 2.322 and 4.032 Wilsonville Code, to review and make recommendations to the City Council regarding legislative changes to the Comprehensive Plan, it's sub-elements including legislative master plans, the Development Code, and legislative zone map amendments; and

WHEREAS, the Wilsonville Planning Director, taking into consideration input and suggested revisions provided by the Planning Commission members and the public, submitted the proposed amendments to the Wilsonville Comprehensive Plan, Frog Pond West Master Plan, Villebois Village Master Plan, Old Town Neighborhood Plan, and Development Code to the Planning Commission as well as a legislative Zone Map Amendment, along with a Staff Report, in accordance with the public hearing and notice procedures that are set forth in Sections 4.012, 4.197, and 4.198 of the Wilsonville Code; and

WHEREAS, the Planning Commission, after 13,733 Public Hearing Notices, regarding the Planning Commission and City Council hearings, were mailed, were posted in various public places in City buildings, posted on the City's website and social media accounts, published in the Wilsonville Spokesman and emailed to impacted agencies and other interested parties, held a Public Hearing on September 8, 2021, to review the proposed amendments to the Wilsonville Comprehensive Plan, Legislative Master Plans, Neighborhood Plan, and Development Code, as well as a Zone Map Amendment, and other related actions, and to gather additional testimony and evidence regarding the proposal; and

WHEREAS, the Commission afforded all interested parties an opportunity to be heard on this subject, has entered all available evidence and testimony into the public record of their proceeding, a copy of which is marked Exhibit E attached and incorporated herein, and unanimously adopted Resolution LP21-0003 recommending adoption of the proposed amendments to the City Council; and

WHEREAS, following the Planning Commission public hearing, the Wilsonville Planning Director forwarded the recommended amendments to the Wilsonville Comprehensive Plan, Frog Pond West Master Plan, Villebois Village Master Plan, Old Town Neighborhood Plan, and Development Code as well as a legislative Zone Map Amendment to the City Council, along with a staff report and attachments, in accordance with the public hearing and notice procedures set forth in Sections 4.008, 4.011, 4.012, and 4.198 of the Wilsonville Code; and

WHEREAS, the City Council, after Public Hearing Notices were provided, as described above, held a public hearing on October 4, 2021, to review the proposed amendments to the Wilsonville Comprehensive Plan, Frog Pond West Master Plan, Villebois Village Master Plan, and Development Code as well as a legislative Zone Map Amendment, and to gather additional testimony and evidence regarding the proposal; and

WHEREAS, the City Council has afforded all interested parties an opportunity to be heard on this subject and has entered all available evidence and testimony into the public record of their proceedings; and

WHEREAS, the City Council has duly considered the subject, including the Planning Commission recommendations and all the exhibits and testimony introduced and offered by all interested parties.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS

Section 1. Findings

The above-recited findings are adopted and incorporated by reference herein as findings and conclusions of Resolution No. LP21-0003, which includes the staff report and attachments (Exhibit E). The City Council further finds and concludes that the adoption of the proposed amendments to the Wilsonville Comprehensive Plan, Frog Pond West Master Plan, Villebois Village Master Plan, and Development Code as well as a legislative Zone Map are necessary to help protect the public health, safety, and welfare of the municipality

by supporting a greater variety of housing to meet a variety of housing needs within the City limits.

Section 2. Determination

Based on such findings, the City Council hereby:

- Adopts the amendments to the Wilsonville Comprehensive Plan, Frog Pond West Master Plan, Villebois Village Master Plan, and Development Code, attached hereto and marked as Exhibits A, B, and C;
- Adopts a Legislative Zone Map amendment for Old Town as prescribed by Zoning Order LP21-0003, attached hereto and marked as Exhibit D, incorporated by reference as if fully set forth herein;
- Directs the City Recorder to prepare final Comprehensive Plan, Frog Pond West Master Plan, Villebois Village Master Plan, and Development Code formatting to make sure such style and conforming changes match the format and style of the Comprehensive Plan, its sub-element legislative master plans, and the Development Code.

Section 3. Effective Date of Ordinance No. 851

This Ordinance shall be declared to be in full force and effective thirty (30) days from the date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 4th day of October 2021, and scheduled the second reading on October 18, 2021, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

ENACTED by the City Council on the 4th day of October, 2021, by the following votes:

Yes: 4

No: 0

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 18th day of October 2021

DocuSigned by:
Julie Fitzgerald
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Julie Fitzgerald Mayor

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Excused

EXHIBITS:

- A. Ordinance No. 851 [Exhibit A: Comprehensive Plan Amendments](#)
Ordinance No. 851 [Exhibit B: Legislative Master Plan \(Frog Pond West Master Plan and Villebois Village Master Plan\) Amendments](#)
Ordinance No. 851 [Exhibit C: Wilsonville Development Code Amendments](#)
Ordinance No. 851 [Exhibit D: Zoning Order LP21-0003](#)
- B. Ordinance No. 851 [Exhibit E: Planning Commission Record \(electronic only\)](#)