



# PLANNING COMMISSION

## WEDNESDAY, AUGUST 8, 2018

### I. ADMINISTRATIVE MATTERS - updated 8.3.18

- A. Consideration of the July 11, 2018 Planning Commission Meeting minutes

*~~Minutes from July 11, 2018 are not available for publishing until August 2, 2018 at which time this document will be updated.~~*

**PLANNING COMMISSION  
WEDNESDAY, JULY 11, 2018  
6:00 P.M.**

**Wilsonville City Hall  
29799 SW Town Center Loop East  
Wilsonville, Oregon**

Draft Minutes for  
review and approval at  
the August 8, 2018 PC  
Meeting

**Minutes**

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**I. CALL TO ORDER - ROLL CALL**

Chair Jerry Greenfield called the meeting to order at 6:00 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Peter Hurley, and Ron Heberlein. Phyllis Millan and Kamran Mesbah arrived shortly after Roll Call. Simon Springall was absent.

City Staff: Chris Neamtzu, Amanda Guile-Hinman, Miranda Bateschell, Daniel Pauly, Mike McCarty, Nancy Kraushaar, Tod Blankenship and Erica Behler.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**CITIZEN'S INPUT** - This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

**ADMINISTRATIVE MATTERS**

A. Consideration of the June 13, 2018 Planning Commission minutes  
The June 13, 2018 Planning Commission minutes were accepted as presented.

**II. LEGISLATIVE HEARING**

A. Basalt Creek Concept Plan (Bateschell)

Chair Greenfield read the legislative hearing procedure into the record and opened the public hearing at 6:04 pm.

Miranda Bateschell, Planning Manager, introduced Nadine Appenbrink, Project Manager, Fregonese Associates, who had been assisting both cities on the Basalt Creek Concept Plan. Tualatin also had a project manager working on the project. This concept planning process was unique, being ~~was~~ the first joint planning done for a concept plan in the region, and both cities were excited to present the plan because it was a balanced concept plan that everyone could be proud of. Miranda Bateschell presented the Basalt Creek Concept Plan via PowerPoint, noting the location of the Basalt Creek planning area and surrounding features, reviewing the project's history and public engagement process, detailing key elements in the plan, and outlining implementation and next steps with these key comments:

- Tonight's hearing did not involve a land use action. The Basalt Creek Concept Plan would be adopted by resolution as a supporting document to the Comprehensive Plan; a guiding but non-regulatory document. The Comprehensive Plan Map amendments and zoning actions would be addressed in the future under a different public hearing process. The Planning Commission's action on this plan was to make a recommendation to City Council for the adoption of the Concept Plan. That City Council hearing was tentatively scheduled for August 6, 2018.

- While the concept planning had been ongoing for the last seven years, the Basalt Creek area was brought into the urban growth boundary (UGB) 14 years ago. The Cities of Wilsonville and Tualatin, Washington County, and Metro have committed a lot to the area. A number of planning commission and city council meetings were held in both cities.
- Concept planning requires a lot of compromise and Staff believed the Concept Plan responded to the different needs of the two cities, as well as to the public input received through the process. All four parties to the intergovernmental agreement (IGA) that set up the concept planning process supported the Concept Plan being presented.
- The proposed Concept Plan met all state, regional, and local requirements (Attachment 2), as well as Metro Title 11 (Attachment 1, Appendix D), which was part of Metro's Urban Growth Management Functional Plan that set requirements for the concept planning of new areas brought into the UGB.
- The Basalt Creek area was brought into the UGB in 2004 to meet an employment and industrial lands need identified by Metro at that time. In 2010, Metro awarded a construction excise tax grant to fund concept planning for the area. In 2011, the IGA was set up between the four parties, Wilsonville, Tualatin, Washington County, and Metro, and transportation planning began. Many improvements would be needed to make better connections between I-5 and the various industrial areas. The parties in the IGA worked with Oregon Department of Transportation (ODOT) to find a transportation spine that would serve the area. In 2013, the Basalt Creek Transportation Refinement Plan was adopted.
  - Concept planning began in 2014. Over several years, several scenarios were considered and public involvement included focus groups and workshops. The preferred concept plan map was agreed upon in September 2016, which was when a lot of discussion began about the area now known as the Central Subarea.
  - Most of 2017 was spent working on two reports, one conducted by MacKenzie, the other by KPFF Consultants to determine the suitability of the Central Subarea for employment uses. The two cities had different priorities and perspectives and were receiving different input from their citizens and councils, so no agreement was reached about the Central Subarea. So, in January 2018, the four parties to the original IGA executed another IGA in order to resolve the Central Subarea land use designation. In order to move forward, both Cities and the County partnered with Metro to mediate the agreement. Metro reviewed the body of evidence submitted by the two Cities and provided direction on what should be done in the Concept Plan. In May 2018, Metro made its determination and both Cities were now in the process of adopting the Basalt Creek Concept Plan.
- She noted the Concept Plan and supporting documents before the Commission should look familiar as numerous work sessions were held on the project. She reviewed the exhibits and attachments included in the record with additional comments as noted:
  - Exhibit A: Planning Commission Hearing Staff Report Lp18-0005, which included the following attachments:
    - Attachment 1: Basalt Creek Concept Plan & Technical Appendices
    - Attachment 2: Concept Plan Findings Report
    - Attachment 3: Public Meeting Index Record – The public record was voluminous as more than 45 public meetings, workshops, and open houses were held. Comments were received from property owners and citizens, many of which were included within Attachments 3 through 8.
    - Attachment 4: Joint Council Meeting Packets and Minutes – Joint City Council meetings were the major decision-making framework for the Concept Plan.
    - Attachment 5: City of Wilsonville Planning Commission/City Council Meeting Minutes
    - Attachment 6: Metro Resolution and Meeting Packet – This material regarded Metro's determination on the Subarea.
    - Attachment 7: Citizen Input – All comments received by the City throughout the project.
    - Attachment 8: Open House Summaries – Also included were the materials presented at the open houses.
      - She noted the project management team reviewed all of the input received during the project. The Project Team and Planning Commission appreciated all the citizen input received which

helped them to see the issues and refine the Concept Plan. The Joint City Council as well as each City Council separately, also provided the Project Team with recommendations based on the public input.

- She added that not every page of the exhibits was available at the dais, but everything had been provided to Commissioners in the online version of the packet. The packet was published online more than a week ago for the public to review.
- Attachment 9: Boones Ferry Messenger Articles on the Project
- Attachment 10: Mailed/Emailed Updates – All the updates sent to the interested parties list over the length of the project. These updates occurred almost monthly and included 50 different notices.
- Attachment 11: Planning Commission Record Index For Basalt Creek Concept Plan
  - The public hearing record was posted on the City website more than seven days ago, and hearing notices were posted and mailed to 198 property owner and sent to 400 interested parties via email and noticed in the Boones Ferry Messenger, therefore, all state requirements had been met for tonight's public hearing.
- She added that tonight's PowerPoint Presentation would be Attachment 12.
- She described the purpose of a concept plan to help clarify what was being adopted and the expectations for the Basalt Creek Concept Plan. (Slides 5 and 6)

Nadine Appenbrink, Project Manager, Fregonese Associates, continued the PowerPoint presentation, reviewing the guiding principles established by the Joint City Council for the planning process (Slide 7) along with the key elements of the Concept Plan with the following comments:

- The decision making process involved three major components:
  - The Joint Council served as a key decision-making body at key stages of the project and the final decision-making body for the Concept Plan.
  - The Project Management Team was comprised of each city's project managers, department directors, relevant staff, and project consulting team members.
  - The Agency Review Team represented local service providers and regional partners, who advised staff members of both cities about regulatory and planning compliance.
- In addition, the planning commissions for both Cities and the individual city councils helped shape the concept planning process. Both Cities, along with Washington County and Metro, were party to the IGA that would implement the Concept Plan.
- Public Engagement. Key takeaways from the 40 participants at the Design Workshop held in June 2014 were a desire to keep the Basalt Creek Canyon as open space, the need for residential buffer areas, traffic challenges, and ideas for new parks. Community members expressed a need for appropriate transitions between land uses but were open to a range of employment and commercial uses.
  - Also in 2014, more than 12 meetings were held with focus groups including developers and property owners that focused on future development types, land assembly, housing types, and employer amenities.
  - The open house in April 2016 shared elements of the draft concept plan, including land use, the road network, transit, bike, pedestrian and trail network concepts. A poster session and audience polling were part of the open house. The polling revealed a desire to use the area for recreation, neighborhood parks, and conservation areas.
  - Over the course of the project, more than 45 public meetings were held, including Planning Commission, City Council, and Joint Council work sessions, and the Project Team provided nearly monthly emailed and mailed updates providing information about past and upcoming meeting.
  - At the 2014 Design Workshop, community input was provided on future land uses, connections, trails, and open space. The small group activity was map-based and sparked discussion that helped the Project Team build the scenarios in the coming steps.

- The Project Team digitized the results of each group and incorporated their ideas into the scenario development process, along with the input received from both city councils and technical input from the Project Team. (Workshop Map, Slide 11)
- She reviewed several design scenarios presented to the public (Slide 12) that were used to answer a number of questions, including:
  - Where should the boundary between Tualatin and Wilsonville be?
  - What combination of land uses was most appropriate for the area?
  - What infrastructure was needed and how much would the infrastructure cost to support future development?
  - Which agencies would provide public services to different parts of the area?
  - How would traffic generated by new development in the area impact traffic flows and congestion levels, both locally and regionally?
  - How would the benefits and costs of serving the area be balanced fairly between Tualatin and Wilsonville?
- Actual buildings from Tualatin and Wilsonville were used as the basis of the development types and land uses modeled in the scenarios. Physical information, including lot size, building size, parking, and landscaping, was gathered, as well as financial information about land value, permits, system development charges (SDCs), etc.
- When determining where to put the land uses, the Project Team first looked at the natural resources in the planning area, which were many and included open water, floodplains, wetlands, and slopes. The Natural Resources Map (Slide 14) included both hard and soft constraints, such as steep slopes and utility easements.
  - The two major natural resource areas were the Basalt Creek Canyon corridor and the Coffee Lake Creek Natural Area in the West Railroad area. These areas would maintain a number of protections and have additional protections placed upon them when annexed into the city. The Natural Resources Map would be used to inform a site's suitability for development.
  - Recognizing the importance of the natural areas, a Buildable Lands Inventory (BLI) was developed to determine suitable sites for future development. This removed constraints such as topography, creeks, floodplains and wetlands, and some existing infrastructure facilities. (Slide 15)
  - Using the BLI, different buildings were placed on the vacant sites to build the scenarios. Using the financial and physical information from the buildings that were modeled, the different scenario alternatives were then compared across many important metrics. This included developable acres, housing units, jobs, and traffic trips, as well as the housing mix, job mix, SDCs and fees, and estimated tax revenues.
- The Concept Plan Map (Slide 18) showed the jurisdictional boundary in red, which followed the Basalt Creek Parkway, and the future land uses for both Wilsonville and Tualatin with future Wilsonville to the south and future Tualatin to the north of the jurisdictional boundary.
  - Wilsonville's proposed land uses focus on employment, while Tualatin would have a mix of employment and housing, which was meant to buffer existing residential neighborhoods from non-residential uses in the area. Land use types and densities were balanced to meet regional employment needs, while limiting negative impacts on traffic congestion.
  - The West Railroad Area would be a future study area for the City of Wilsonville.
  - The High-Tech Employment District would include high-tech single-users accompanied by manufacturing and some warehouse spaces. The project team modeled Rockwell, DW Fritz, Microsoft, Eaton as examples of this development type. (Slide 19)
  - The Light Industrial District was seen primarily as manufacturing and warehouse, including both single- and multi-tenant buildings with some mix of office and small pad retail to support the area. The modelled buildings included Columbia Helicopter, American Medical Concepts, Houston's, McKesson, Rite Aid, Canyon Creek Business Park, and the Wilsonville Corporate Center. (Slide 20)

- The Craft Industrial District, formerly called “employment transition areas”, was located mostly where existing or future residential was near industrial uses to create an area where adjacent uses blend well. Craft Industrial was a smaller scale industrial type with a lower potential for impacts on Basalt Creek Canyon, which was adjacent to the district. The project team looked at regional examples to help define what this development type might look like.
- The City of Wilsonville anticipated 100 percent of the land area would be employment, resulting in a total of 131 developable acres yielding approximately 2500 jobs. Even though Wilsonville was not planning for residential in the area, the Project Team did model a few live-work units to reflect the Craft Industrial land use type, which fits with the existing mix of residential and commercial uses there.
- She reviewed the anticipated land use mix based on the land use types, noting that 95 acres would be High-Tech Employment, about 35 acres would be Light Industrial, and 1.25 acres would be Craft Industrial.
- The projects in the Regional Transportation Plan (RTP) originate from the 2013 Basalt Creek Transportation Refinement Plan (TRP) (Slide 24). Metro, Wilsonville, Tualatin, Washington County, and ODOT all participated in the 2013 Trip planning process and agreed to the network to meet future growth in the planning area. Major new roads and improvements in the Basalt Creek Planning Area would follow the Basalt Creek 2013 TRP. Key improvement projects were described as follows:
  - The Basalt Creek Parkway was partially built on the western portion with the eastern segment still needing to be completed. The parkway would be a major east/west arterial with limited access that would connect I-5 to 124th Ave. Local roads would be planned and built as the area developed.
  - Regional traffic impacts and trips associated with the land use in the Concept Plan were modeled and the network did meet the level of service and volume-to-capacity ratio standards.
- The Concept Plan also outlined future transit service, which was essential to support the household and job growth anticipated in the planning area, specifically how to enhance and provide better connectivity throughout the entire area. (Slide 25)
  - Transit service would be coordinated between TriMet and SMART, which would continue to serve Wilsonville in any areas annexed into the city. Service would build on existing routes to enhance service and provide access. New lines would likely be necessary to serve the job and household growth expected in the Basalt Creek area and to connect to regional employment centers, neighborhoods, and local destinations, such as the Tualatin and Wilsonville Town Centers.
  - Key access points would exist along Grahams Ferry Road, Boones Ferry Road, Day Road, SMART Central, and the Correctional Facility.
- Opportunities for bike and pedestrian connections were also identified in the Concept Plan. As the system in the planning area was currently incomplete, additional bike and pedestrian facilities would be integrated into new and updated road projects. A displayed conceptual map (Slide 26) illustrated the possible location of the proposed upgrades, along with identified trail opportunities along the I-5 Corridor and along the Basalt Creek Canyon corridor, which was intended to be up above the creek, near or along the top of the slope. She noted the trail locations shown on the map were not intended to be site specific.
- Trail opportunities were identified conceptually for the area because both Cities recognized Basalt Creek Canyon was a significant natural resource. While future work would be done to determine feasibility and the alignment of any potential trails, a number of natural resource management practices would also be put in place. Access to the Basalt Creek Canyon would be provided in a manner and location that still protected the natural resources and habitat that exist in the planning area.
- The Basalt Creek Canyon spans both cities and the Cities would coordinate on Natural Resource Protections as well as the potential trail opportunity.
  - The potential connection of the Basalt Creek Canyon Trail to the Ice Age Tonquin Trail would be along Tonquin Rd or down Grahams Ferry Rd. In the future, the hope was that users would be able to connect to regional open spaces like Graham Oaks Park and the Tualatin River National Wildlife Refuge.
- Parks and additional open spaces in the Basalt Creek Planning Area would be provided independently by each City. Both Cities would incorporate the planning area into their citywide planning for Parks and Recreation.

- The Concept Plan also assessed infrastructure service provision, including how to connect to and extend existing systems, identifying potential demands/impacts to the systems from development in the area, and developing high-level cost estimates.
  - The conceptual level designs were planned for each city to serve its own area and laid out the framework for future capital plans by each city. The utilities were expected to be extended as development occurred in the area.

Ms. Bateschell concluded the PowerPoint presentation, noting that the land use actions, particularly those related to Comprehensive Plan and Zoning and Development Code, would occur in the future and were implementing actions discussed in the last chapter of the Concept Plan, but not part of the Concept Plan's adoption process.

- She described the Implementation Process, noting the tentative dates for the Concept Plan's adoption process in both Cities, as well as next steps should both Cities adopt the Basalt Creek Concept Plan. (Slide 30) However, development would probably not occur for a while, as more land use actions would be taken next spring.
- Staff recommended that the Planning Commission forward a recommendation regarding the Basalt Creek Concept Plan to City Council.

Chair Greenfield called for public testimony on the Basalt Creek Concept Plan. Hearing none, he confirmed there were no comments from the Commission.

Chair Greenfield noted the Commission had previously heard from members of the community at work sessions and various public gatherings. The Basalt Creek Concept Plan was a crucial point for the history of Wilsonville. He added that both the public and Planning Commission had ample opportunity to provide input throughout the process. Much of the Commission's and the public's input was reflected in the draft Concept Plan. He commended Staff for their excellent work, noting the Concept Plan was an impressive, clear document that fulfilled the technical requirements, while also providing an inviting vision for the development of this new part of the community. The territory and its functions were significant things to add to the community, bringing Wilsonville side by side to its neighbor to the north. Any time two communities could get together to draw a boundary between them was a significant point.

Chair Greenfield closed the legislative hearing at 6:38 pm.

**Commissioner Postma moved to adopt Resolution No LP18-0005 as presented. Commissioner Mesbah seconded the motion, which passed unanimously.**

#### B. ADU Code Updates (Pauly)

Chair Greenfield opened the public hearing at 6:39 pm.

Daniel Pauly, Senior Planner, stated these Code updates on accessory dwelling units (ADUs) amended the Development Code, primarily, but also changed one paragraph in the Comprehensive Plan text. Attachment 6, the Legislative Compliance Findings, showed the proposed amendments were in compliance with State, Metro, and local regulations. He presented the ADU Code Updates via PowerPoint with the following comments:

- While Wilsonville allows ADUs and has supported their development, only about 10 ADUs have been developed. The City had a history of removing potential barriers to ADU development. For example, City Council adopted administrative policy that waived SDC fees for ADUs; otherwise many of the same costs associated with a full, single-family home would apply to these small structures.
- The primary reason for the proposed amendment was that the State of Oregon adopted new regulations that went into effect July 1, 2018, so time was of the essence to get make these changes so the City would be in compliance with State law, which now required the following:

- Cities with populations greater than 2,500, such as Wilsonville, must allow at least one ADU for each detached single-family dwelling subject to reasonable local regulations relating to siting and design.
- Reviews of housing must be based on clear and objective standards.
- The new State laws were reviewed by legal and planning Staff, who identified opportunities for changes as well as barriers to ADU development. Metro also provided a consultant to perform an independent audit of Wilsonville's Code that Staff also received and reviewed.
- Notice was mailed to all residential properties, posted in city-owned buildings, and published in the *Spokesman*. There was an additional article in the *Spokesman* this week. Prior to this hearing, Staff received one inquiry from a resident in the Canyon Creek Estates Subdivision, where ADUs were limited and that was no longer allowed. A Planning Commission work session was held in June and Staff also received input from City Council in a work session a couple of weeks ago.
- Daniel Pauly reviewed the proposed Code amendments, which fell into three categories, as well as the changes made to the amendments since the June work session, which were also provided in a red line copy at the dais.
  - Direct items to ensure compliance with State law.
    - Currently, ADUs were allowed per lot, but the State law was set up based on dwelling unit. Therefore, minor language changes and the removal of some language were needed to maintain consistency across all residential zones. Conceptually, there could be more than one primary dwelling unit on a single lot. Under State law, each dwelling would be entitled to an ADU.
    - Remove subjective "similar architecture" language. At this time, ADUs must substantially match the primary dwelling unit; therefore, ADUs had more architectural requirements than primary dwelling units, garages, or any other accessory building. The proposed Code changes limit neighborhood specific architectural review, including Villebois, Frog Pond, and Old Town, to the same design guidelines found to be clear and objective in previous actions to apply equally to all structures including ADUs. In areas without specific architectural requirements, the market would drive what architectural guidelines were acceptable.
      - Existing private CC&Rs that guide architecture would still apply.
      - Numeric limits would be removed from the Canyon Creek Subdivision. A Stage 2 Plan was adopted with an ADU limit that was later codified, but was not consistent with the new State law of allowing one ADU per dwelling unit.
  - Further the Intent to Remove Barriers.
    - Allow for additional lot coverage for ADUs. In certain zones, houses were built to the maximum lot coverage because developers wanted to take advantage of building the homes they could on those lots. In the prior edition discussed by the Commission, ADUs were exempt from lot coverage requirements, and now that had been modified and tailored zone by zone, where it made sense to allow additional lot coverage to remove this barrier.
      - Typically, ADUs could be up to 800 sq ft not to exceed a certain percentage in addition to the existing lot coverage. No more than 75 percent lot coverage was allowed anywhere in the city. Most developments with 75 percent lot coverage were in zones where houses were not typically built to maximum lot coverage, with a few exceptions, such as some smaller lots in Villebois, because there was not really room to do an addition.
    - Private restrictions, like CC&Rs, would not be changed, nor did State law require prohibition; however, the City could encourage ADUs by prohibiting further private restrictions. Since the last work session, the only change had been moving the date up from late October to early September based on when the amendments were likely to be adopted. Any plat that came in after September 5<sup>th</sup> would be required to note that ADUs were allowed in the subdivision.



- Increase Code Function and Clarity. The Code amendments necessary to ensure compliance with State law resulted in the need to make further amendments and additions for clarity and to increase the Code's function. Those language changes involved the following:
  - All the definitions of "dwelling unit" were amended to be consistent and work together. Since the work session, the definition of cluster housing was modified to be consistent with the other language. The definition of duplex was modified to be consistent with other jurisdictions and provide a common understanding that a duplex was an attached unit, so, two, full dwelling units could not be located on the same lot; the lot would have to be partitioned.
  - ADUs would not be allowed with an attached duplex, but two attached units on separate lots could have ADUs. The definitions of detached and attached dwelling units were reworked, and Staff believed the new language added clarity that should be useful when applying the standards over the years.
  - A lot of duplicative language that had crept in over the years had been removed.
  - The relationship between an accessory use and the lot was clarified. An ADU must be on the same lot, which seemed obvious but the Code language needed some tweaking.
  - The garage definition was updated. One type of ADU was a combination garage/ADU, so the definition now accommodated that possibility.
    - Over the years, customers have asked whether certain storage areas count as part of an ADU. Staff defined habitable floor area and clarified what type of storage counted. Essentially, if the storage area could be accessed from the interior of the unit, it counted toward the ADU floor area. An attached garden shed accessed only from the outside would not count, nor would an attached garage.
  - Short-term rentals come up around ADUs because that was one reason someone might build one. What was currently allowed would not change, but the new amendments acknowledged that short-term rentals exist in the community and must be discussed in the Code.
    - Short-term rentals were defined and clarifying language was added as to when they would be allowed. Short-term rentals were defined as a home occupation, which is allowed in residential zones. If one room was rented out and the operator lived on site, it would be considered a home occupation. If the entire home was rented out and no operator lived on site, it would be a home business that required additional review as a conditional use permit.
    - Since the work session, a clarification was added that only one renter, tenant, or party would be allowed in a short-term rental at a time. Language was also added to further clarify the current definitions of bed and breakfasts, hotels, and motels.
  - Currently, the Code required ADU parking to be on site or it may be on the street within 100 feet, which was unclear. The new recommendation required onsite parking unless it could be shown that at least 45 feet of street frontage, enough for two parallel parking spaces, was available directly adjacent to the site and not already claimed as required parking for another land use approval. The language also ensured no special exemptions existed, so that the same parking standards applied in all zones where ADUs were allowed.
  - As suggested by the Commission, language was added to the density table in the PDR Zones to clarify that ADUs did not count toward density calculations.
  - Also since the work session, slight Code language modifications were made regarding the Residential Agricultural Holding (RA-H) and the Frog Pond Residential Neighborhood (RN) Zones regarding the allowance of ADUs for each detached unit or single-family dwelling to ensure consistency with the rest of the residential zones.
- The proposed Code amendments also added a Comprehensive Plan text amendment to create consistency between the Comprehensive Plan and the Development Code.

Chair Greenfield called for public comment on the ADU Code Updates. Seeing none, he called for comments and questions from the Commissioners. He noted that unlike the previous hearing matter, the Commission had

less opportunity for input on this subject since the ADU issue had been driven by very abrupt legislative pressure. He believed some substantial questions needed to be addressed.

Commissioner Hurley:

- Noted that in regards to further intent to remove barriers, adding language for not including ADUs in lot coverage and preventing future deed restrictions was discussed at the last Planning Commission meeting. He asked if the Senate Bill did or did not require those, or if Wilsonville was looking to do those things separately.
  - Amanda Guile-Hinman, Assistant City Attorney, replied that DLCD and Metro indicated that lot coverage was specifically called out as a barrier, which was why Staff tackled those issues. Deed restrictions were less of an indication from the State and Metro and more of a Staff recommendation because it fit in with the general theme of eliminating barriers.
  - Mr. Pauly added that restrictions needed to be considered reasonable. Existing lot coverage requirements almost seemed unreasonable because they essentially disallowed ADUs for many properties. Staff recommended the prohibition of new deed restrictions to further City Council's consistent desire to encourage the development of ADUs as a valid way to address housing issues, which was something they wanted to continue to encourage over the years.
- Referenced prior conversations regarding lot coverage percentages and Staff's reference to market demands and what a builder might do to maximize lot coverage to what is allowed in the Code. He believed what a developer might have done in the past and what the State legislature was requiring currently and in the future were mutually exclusive. The City put restrictions on a developer in the beginning when they came to build in Wilsonville, and the State was saying something would be different in the future. But, the City was not compelled to change lot coverage requirements, as he saw it in the Senate Bill. He believed changing those requirements for lots that had already met their lot coverage would be inappropriate because existing development was built under previous restrictions. He did not believe the City should change its rules on lot coverage for everyone in the city just because the State said to do so. If someone still happened to have lot coverage available, then they were playing by the rules that were set up before.
  - Taking that one step further, Frog Pond was yet to be developed, so if the City decided to prevent new development from restricting ADUs, the City should revisit the Frog Pond Plan densities before it developed given that the State and the City were requiring that ADUs be allowed in that neighborhood, which would completely change the housing mix.
  - Additionally, he did not believe it was appropriate to exclude ADUs from the City's densities. Taking the lot coverage changes out to their full extent changed the density and housing stock of Wilsonville dramatically, which was why Portland drove this. He was not sure Wilsonville wanted to do that. Additionally, those further intent portions of the Code amendments were not necessary to meet the State's requirements.

Commissioner Millan said she understood Commissioner Hurley wanted to reconsider Frog Pond, but she was not sure how that related to these Code changes. A master plan and density were approved for Frog Pond and these Code amendments could potentially change that, but she did not know what Commissioner Hurley was asking about this Code.

Commissioner Hurley:

- Explained that there were lots that were currently built to 100 percent of the allowed lot coverage area. Prior to these amendments, those lots could not build ADUs. The Code amendments would allow those lots and all lots to build ADUs. While 800 square feet was not very big, a three-story townhouse in Villebois with a postage stamp sized backyard and 100 percent lot coverage could build a three-story, 200 square foot per floor ADU.
  - Mr. Pauly clarified that was already allowed under the existing Codes for lots that were not built out to their maximum lot coverage limits. He confirmed that currently, a property could not exceed the lot

coverage area, but any of those same lots could do a garage conversion or convert the upstairs to an ADU.

- Confirmed that currently, an ADU could not be built in Villebois on a postage stamp sized lot if the full buildable lot coverage area had already been met.  
Mr. Pauly noted the table in the Code and added these amendments would not change such Villebois situations. He clarified the proposed amendments would not allow a three-story, 750 square foot ADU to be built.
- Noted the Code amendments stated the buildable percentage of a lot was not to be included for ADUs.
  - Mr. Pauly explained that was in a prior edition. The existing proposal was zone by zone. Much of the city would not change. Lot coverages in the single-family areas of the city, PDRs 4, 5, 6, and 7, would remain at 75 percent. Currently, the small lots in the Village Zone were allowed lot coverage up to 85 percent and Staff recommended that be lowered to 75 percent for consistency with the maximum throughout the city.

#### Commissioner Postma:

- Said he did not want to get bogged down with Villebois examples. He mentioned his concerns last time and wanted to make sure his point was understood. Commissioner Hurly was speaking in terms of what he could build at a moment in time. He was concerned that people who have purchased larger lots in certain neighborhoods, like Meadows, have accepted lot coverage impacts on their ability to build an ADU, and they know their neighbor could not build an ADU. This defined the neighborhood they chose to live in. He was concerned that the Code amendments would change the definition of every neighborhood in Wilsonville. He was not sure he agreed that the legislature has required the City to make that change because the Code provision stated the changes were subject to reasonable local regulations relating to siting and design. If the City had a 50 percent lot coverage, wasn't that an objective regulation regarding siting?
  - Mr. Pauly responded it was objective, but it was also important to understand that in his experience, people do not conceptualize lot coverage very well when they think about light and air on their lot, but they do understand the impacts of setbacks to a greater extent.
- Responded that he believed people did understand lot coverage conceptually, but not technically. People know what their neighborhood looks like and the proposed amendment would change how the neighborhoods look.
- Said he did not believe the statute really required the City change lot coverages as proposed by Staff. The Code review and a third party's indication that existing requirements were overly restrictive did not match the statutory language at all. The statute stated that the City was allowed to have objective regulations relating to siting and design. The Commission was saying the proposed changes might be too restrictive. At first, this seemed to be a technical requirement; but now they were trying to meet the intent. There was a notion of broad encouragement of ADUs but, the City also had a history of specifically defined lot coverage requirements and he was not comfortable changing those everywhere. Everybody who purchased a lot in Wilsonville had a reasonable expectation of what their neighborhood would look like. The City was changing that. His reading of the statute indicated the City was not required to do that. He was not comfortable with any lot coverage changes.
  - Mr. Pauly explained that the truth tested the lot coverage recommendations on lots throughout the city. He asked the Planning Commission to consider that many of these lots already have the lot coverage to build ADUs currently, and under the new Code amendments.
- Interjected that seemed to be what the legislature intended. If a lot met all of the other requirements of the City, a property owner should be able to build an ADU.
  - Mr. Pauly continued that there were also a number of lots that could maintain the character of the community because homeowners do not understand the lot coverage restrictions. The recommended changes would level the playing field. Wilsonville's history indicated there would not be a huge onslaught of ADUs as a result of these Code amendments. The proposed changes remove barriers so that someone who was interested would have the opportunity to use their land in a way that

benefitted them, benefitted someone else, and had limited impacts on the community. ADUs have been found to have limited impacts on the community.

- Said the recommendation was based on the fact that it might be okay.

Chair Greenfield stated the historical argument was weakened by recent pressure building nationally for higher densities. What really mattered was what the City could expect in the future.

Commissioner Hurley:

- Said along the line of the example Mr. Pauly gave, where someone wanted to do an addition but were already at maximum lot coverage. If the addition was a larger family room, not an ADU, it could not be done. He cited Section 124.3. (.04) F on Page 27 of 54 of the Staff report, noting in PDR3, lot coverage was currently at 50 percent for lots containing less than 7,000 square feet, 45 percent for lots containing between 7,000 and 8,000 square feet, and 40 percent for lots containing more than 8,000 square feet. The new requirements would add an additional 800 square feet allowed for an ADU. This could result in up to 65 percent lot coverage. He confirmed that a property owner could add an ADU, but not a small addition to their home, and explained that was the problem. Wilsonville had already said it did not want lots to have any more than the stated lot percentage coverages. Now, the City was saying property owners could not build much more of a house, but the City would change the playing field if they wanted to build an apartment in the back and rent it out as an Airbnb. He suggested the percentages remain the same across the entire city, and those with lot coverage left could either expand their home or build an ADU.
- He understood the only exemptions were where CC&Rs currently exist for a current development. He believed the Code amendments opened Pandora's Box for Frog Pond, a development that had not even started yet, because now there were new rules to play by.
  - Mr. Pauly reminded that ADUs were currently allowed in Frog Pond and the lot coverages were fairly high.
- Responded that a developer could put deed restrictions in the CC&Rs on all the homes, which would not be the case today.
  - Mr. Pauly said that was not likely. He did not see many developers putting ADU restrictions on homes today.
- Stated likely or not, the future could not be predicted. Wilsonville looked a lot different than it did when it started in the 1970s. There were no longer a lot of trailer parks.
  - Mr. Pauly continued that based on Council goals, the implications needed to be carefully considered balancing NIMBY concerns with needed housing and providing housing for changing demographics—single and two person households—while allowing homeowners to better afford having a home.
- Interjected that was all made up by Portland because their planning division wanted this and even began talking about it 30 years ago when he worked there. The whole country has said it has a housing crunch.
  - Mr. Pauly asked if Commissioner Hurley was saying that there were no one- and two-person households that could afford to live in Wilsonville.
- Replied it was economics. He did not want to change the rules for the people who live in Wilsonville and the Commission, who are unpaid citizens who live here, was tasked with doing what was in the best interest of the city. The City had to play by the State's rules, but the added in pieces were different.
  - Ms. Guile-Hinman clarified that City Council's policy since 2009 has been to remove barriers and they were concerned that there were only 10 ADUs in Wilsonville. City Council wanted to know how to obtain more ADUs. However, if the majority of the Commission wanted to recommend that City Council remove the increased lot coverage requirements, Staff would take that to Council.

Commissioner Heberlein said he was involved in the Frog Pond planning and if housing affordability was really such a grave concern, then Frog Pond West would not have been set up as a very expensive neighborhood with large lots. It would have been small lots for multi-family units. There would have been a significant number of more homes available to support that. He did not believe it made sense to make large lot homes that have

the option to build ADUs, but not the option to have a larger home. He was confused as to how in a brand new development, the City could say you could have a maximum lot coverage to build a home on an 8,000 square foot lot or larger, but if you want to add an ADU, you can have a 4,000 square foot home and an 800 square foot ADU without any problems.

- Mr. Pauly responded there was a lot of political pressure in the adoption of Frog Pond from existing homeowners to keep expensive homes in the area, especially on the east side. However, there was some interest and pressure for more affordable units.

Commissioner Hurley:

- Corrected that no one asked for expensive homes; the issue was density. The apartments right up the road were extremely expensive. It was not about expense, but density.
  - Mr. Pauly responded that obviously in the marketplace, density and expense were related.
- Noted that was never stated in Frog Pond, which needed clarified.

Commissioner Postma:

- Agreed that there was a lot of political pressure and many comments from the community about the density. The Commission had followed through with what the community wanted for density in Frog Pond, but now the City was taking a different turn. That's what bothered him. The Commission got a pretty good indication in the Frog Pond process that the citizens wanted the City to be careful with density. Now, the City was playing fast and loose with density, which was a concern.
  - Mr. Pauly said he challenged the notion that a five-bedroom house and a four-bedroom house with an ADU would have the same density. That was why SDCs were waived.
- Suggested talking about indirect effects. Would an ADU put more cars on the road versus an additional bedroom in an existing house?
  - Mr. Pauly responded maybe or maybe not.

Commissioner Heberlein believed ADUs could potentially add a lot of cars parked on the neighborhood streets. On a day-to-day basis in a neighborhood with the potential to have a large or small home, an ADU would potentially add additional cars on the curb by increasing maximum lot coverage that would not necessarily exist in a normal situation. He had heard from people in his neighborhood who shared this concern. An ADU would not fit in his neighborhood. He could not see it occurring with setbacks and everything else. His neighborhood already had concerns, so that would be a concern for other neighborhoods as well. Wilsonville was a community for families and the more cars parked on the street, the harder it is to see kids, which was a challenge for him.

Commissioner Mesbah:

- Commented that the back and forth conversation has put Staff in the position of defending ADUs. He believed Staff should be asked to explain how the proposal provided clear and objective standards. It was not Staff's place to defend ADUs; they were experts tasked with helping the Commission adopt and recommend standards that the State has required. It was unfair for the Commission to put Mr. Pauly in a position where he must defend his position.
  - Mr. Pauly clarified that he was not providing his personal opinion. Adopted City policies encourage ADUs and City Council's goal was to address housing issues. He was trying to help the Commission understand those perspectives, not advocating for anything.
  - Ms. Guile-Hinman added that much of the back and forth discussion had been about an unanswered legal question regarding what was considered reasonable siting and design. Mr. Pauly had unfortunately been defending a legal department analysis on behalf of the City. Staff's job was to say that the number one barrier currently identified for ADUs was lot coverage. That was why Staff did not concede on setbacks, but did a bit on lot coverage. Staff also negotiated the percentages that they had recommended.

- Suggested Staff refrain from defending the legal analysis. He believed what he heard the other Commissioners saying was that the City could lose the other objective standards that the City has adopted for its neighborhoods by changing the lot coverages. The amendments did not address the character of the neighborhood; unless it is an issue.
- Referencing a change in neighborhood character, he did not see a table that said, “current proposed: no change.” If the proposed standards clearly show that people’s concerns were not really concerns because they were taken care of, that would address the issues. Going back and forth was not making this any clearer. He supported ADUs and the reason behind them. In very upscale neighborhoods, an ADU could be the caretaker’s cottage. That was the kind of flexibility the Commission was providing for property owners but, as Commissioner Postma stated, they did not want to ruin it for the neighbors either, and that had not been addressed to his satisfaction.

Commissioner Heberlein:

- Asked what other cities had done. Had any other cities in the area already adopted Code changes?
  - Ms. Guile-Hinman stated other cities involved in the process were on the same timeline as Wilsonville and were in the adoption process. No one said they would be able to have Codes adopted by July 1<sup>st</sup>.
- Noted one thing the Commission had not yet looked at was what everyone else was doing. Was Wilsonville doing something drastically different? Was everyone else taking a different legal interpretation? It felt like if there wasn’t an increase in lot coverage, most of the concerns would go away. If a property owner had the ability to build because the house did not meet the maximum lot coverage, then they could build an ADU. Otherwise, it would come down to what was built in the past, what would be built in the future, and what demand really showed. It seemed like Wilsonville was being conservative in the methodology. He did not fault Mr. Pauly for that; he did a good job working within the constraints he was given. He personally struggled to see why the City needed to add an exclusion to increase lot coverage for ADUs.

Chair Greenfield stated that for him, the issue hinged on the definition of reasonable. It seemed that unreasonable barriers should be subject to being relaxed. Some barriers were reasonable and they existed because when the Code was initially done, those reasons were taken into account. A blanket relaxation of lot coverage restrictions would not take account of real differences that existed. He was personally in favor of revisiting that language.

Commissioner Mesbah noted it was mentioned that if a homeowner could not expand then they should not be able to build an ADU either. To him, those were two different issues. The policy was not trying to provide incentives for McMansions, but was trying to provide an incentive for a second unit that potentially houses a single person who would otherwise take a full lot. There was an efficiency in the policy that did not go to the business of building a bigger house, incentives were not necessary for that. It needed to be smoothed out so it fit in the work that had been done so far to create neighborhood character.

Commissioner Millan added that the lot coverages were designed for a reason; it was not just a made up number. Logic was applied to what the area would look like and what it could support, both in terms of traffic and housing. She emphasized the traffic because it was continuously seen as an issue. Adding another unit without taking lot coverage into consideration would change the character of the area.

Chair Greenfield said he believed the issue was different for established neighborhoods, especially those with generous lot sizes, than it was for Frog Pond, which the City was currently in the process of crystalizing. The planning for Frog Pond was made with some substantial compromises as far as the Commission was concerned. He believed the community also felt compromises were made. Those compromises were made with some assumptions that were now challenged by the new State requirements, which could have resulted in a different calculus when Frog Pond’s lot sized were being considered. That troubled him. It was almost like a bait and switch. He regretted that the Commission could not have had this requirement in front of them as they did that

initial planning. But at this point, to provide reasons to build in a way the Commission considered undesirable when Frog Pond was being planned seemed to be inconsistent and uncomfortable. The City needed to accommodate the possibility of ADUs where they were reasonable, useful, and could contribute to the growth and character of the community. As a personal note, he wished his daughter had room on her lot in Denver to build an ADU where he could retire. He had lived in an ADU in Salem many years ago and he believed there was a place for them in Wilsonville and that making ADUs available would add to Wilsonville's overall attractiveness. That was not to say the City should incentivize where they did not make much sense.

Commissioner Heberlein:

- Recalled Mr. Pauly had stated he had examples of what an ADU would look like on various sized lots.
  - Mr. Pauly said yes and explained that Councilor Akervall had asked for assistance visualizing what an ADU would look like on different sized lots, so he had prepared some quick sketches.
- Said he was interested in seeing them. He struggled with looking at Frog Pond, R-7, and the feasibility of actually being able to site an ADU on a 6,000 square foot lot or on an R-5 4,000 square foot lot. The City was saying it was allowed. He was not sure what that would really look like. Frog Pond was a challenge because it had not yet been developed. He understood the concerns of putting all the work together and now there was an opportunity for that to change. He was curious to see what was feasible on those lots.

Chris Neamtzu said that Staff had heard the Commission loud and clear. He suggested the Commission move on to the next point for the sake of moving the meeting forward.

Chair Greenfield:

- Stated the Commission had been concentrating on the term siting in the text, but it was coupled with "and design". His concern with the draft as written had to do with design, particularly with the stipulation that design that was not clear and objective would not be permitted. What did clear and objective mean? Would conformance to a pattern book be considered compliance with clear and objective standards?
  - Mr. Pauly responded that Staff had found and DLCD had accepted the City's adoption of a number of ordinances that have used pattern books in Villebois and Old Town as clear and objective.
- Said a pattern book provided a selection of housing designs, but they were not designs that had to be slavishly copied in order to be accepted. They had to be substantially similar to the illustrations or designs, but did not have to be exact. The language used was substantially similar and it seemed to him that would be sufficiently compliant with clear and objective standards, particularly if it was interpreted by a standard board like the Development Review Board (DRB), which determines whether a particular design was substantially similar or met expectations. That was not clear and objective in the sense that every detail must be identical. Similar was not identical; they were quite different concepts. It seemed to him that the State could not require any more than substantially similar to a standard as a measure of clear and objective.
- Noted the guidance document dated March 9<sup>th</sup> from DLCD included in the Staff report stated, "Any design standards required of ADUs must be clear and objective." The document referred to the ORS and continued, "Clear and objective standards do not contain words like compatible or character." Presumably, clear and objective standards would also not allow for the term substantially similar. He respectfully disagreed because he believed it was an absurd position. With the exception of ADUs in historic districts, DLCD did not recommend any special design standards for ADUs. Requirements that ADUs match materials, roof pitch, windows, etc. of the primary dwelling could create additional barriers. Wilsonville was not recommending or proposing any special design standards for ADUs, just more general similarities with regard to style. He came from a design background and understood design style, which was a very difficult concept to pin down. He could recognize style when he saw it, but could not pin down the style exactly in a way that seemed to meet the definition of clear and objective in DLCD's document. The document also indicated that requiring ADUs to match the primary dwelling could backfire if the design and materials of the proposed ADU would have been of superior quality to those of the primary dwelling. He believed that set up a straw man, that it was unlikely, and that it could be prevented by Code.

- Stated he was uncomfortable with the notion of striking the language “substantially the same exterior design and architecture.” If Wilsonville did not have some kind of standard, he could imagine a hodge podge that would embarrass the community. The City went through a lengthy process with Old Town where the concerns were very specific and deeply seated. The look of the community needed to be respected by new construction. He had the same concern to a lesser extent to the whole of Wilsonville. He would hate to see a shed thrown up on a lot or attached to a house that had no relationship to the character or quality of the house. This would decrease property values. Wilsonville needs some way to limit that likelihood.
  - Mr. Pauly clarified that currently garages and sheds could be built without any architectural guidelines.
- Confirmed he was talking about dwelling units and new construction.
  - Mr. Pauly explained the idea was that ADUs would fall under same design standards as any other structure on the property, and that this would apply in every zone. These Code amendments would remove a situation where the ADU would have more strict design guidelines than the primary dwelling unit, a garage, a shed, or any other outbuilding. In Old Town, Villebois, and Frog Pond, the design guidelines would continue to apply. Much of the city also has CC&Rs that would guide architecture and are subject to review.
- Said the language did not talk about more stringent; it talked about substantially similar.
  - Mr. Pauly agreed that could be a challenge. The idea was that a planner should not make the decision about what was considered substantially similar. There might be differing opinions about whether that meant the roof pitch should be the same or that the same roofing materials or colors should be used. Buildings could be compatible without being the same.
- Noted that actually, those concerns could be addressed in Code. If someone were currently contemplating an ADU, what application would need to be made to the City?
  - Mr. Pauly explained that ADUs were a Class 1 Review, which was administrative. Currently, the legal department’s opinion was that the substantially similar language was too broad for a planner to make an administrative clear and objective decision.
- Added the City had a provision for taking it out of that path and steering it through a board to make a decision if it was not something an official should handle. He was not suggesting that. What the City was doing elsewhere with pattern books and the form-based Code approach was intended to come as close to clear and objective, without requiring subjective judgements to be made. It would be ideal if Wilsonville could do something to take account of the many architectural styles in the city to provide a pattern book; though it would be very complex.
- Sought acknowledgement of a principle that did not require pages and pages of pictures that must be complied with in order to be acceptable. He wanted to allow sensible judgement about what would be considered a consistent look in a neighborhood and the primary dwelling. Consistency with the primary dwelling would be the most important thing, even though primary dwellings were not necessarily consistent with each other. Codes prohibit too close similarity and proximity. He wanted something that had a little bit more room for stylistic sensibility than dropping the phrase “substantially similar” altogether.
  - Mr. Pauly said that was understandable, but one could put a dwelling unit next to it that did not match. A cargo container could be the primary dwelling unit in a single-family zone.
- Stated not if the City said it had to be substantially similar. A Frank Lloyd Wright style house next to a Neo Victorian would not fly because they were not substantially similar.
  - Mr. Pauly clarified that he was saying if they were on separate lots. Anything could be done on a vacant lot.
- Explained the Commission was not interfering with that. He had never heard a proposal that the Commission interfere with that kind of thing in established neighborhoods, but it was considered when establishing new neighborhoods. The design of Wilsonville could not be rewritten.

Commissioner Postma asked if the Commission could address that issue by way of standards that would be clear and objective under the requirements of the regulations in the statute.



- Ms. Guile-Hinman responded yes and explained that Portland said ADUs either had to meet the neighborhood standards or comply with requirements for things like roof pitch and window types. This was similar to what the City did in Old Town.

Chair Greenfield said the Commission's approach to Old Town was to codify the concern he was talking about.

- Ms. Guile-Hinman added one risk to that would be a potential conflict with the statute. Some neighborhoods did not have any design standard requirements and the statute prohibited putting requirements on ADUs that the primary dwelling did not already have.

Commissioner Postma understood that realistically, the City would have to go back and make clear and objective standards that were universally acceptable in the entirety of the neighborhood for primary residents.

- Mr. Pauly said that would make sense; the issue was having stricter guidelines for ADUs.

Chair Greenfield said he did not understand why requiring the ADU to be like the house or match the neighborhood was a stricter guideline. It seemed perfectly reasonable to require ADUs to have some resemblance and stylistic relationship to the house.

Commissioner Postma asked how that could be done objectively. The City needed to provide objective standards that directed property owners toward making ADUs match the primary dwelling. He agreed with Chair Greenfield, but the statute required the City to provide clear and objective standards. The word substantial was subjective and he did not know how to get around the statutory requirement.

Commissioner Millan said she would like the Code to say ADUs had to look substantially similar, but that would not be concrete. She had heard Staff say the Commission could put in some standards. She was looking at more humane things in terms of a certain amount of windows, that the living space be acceptable, and that it look like an acceptable place to live. She wanted ADUs to be something someone would feel okay about living in and be proud of. She wanted the Code to include language that would maintain a good level of public safety.

- Mr. Pauly responded that the building, fire, and safety Codes were clear and objective. How nice a building looked was a matter of taste.

Commissioner Hurley stated that for neighborhoods with design standards, the ADU requirements could be in relation to the existing home. For example, roof pitch could be either greater or less than 10 percent of the existing home. The Code could effectively create a dollhouse version of the main house by extrapolating similarities from the existing home.

- Mr. Pauly agreed those types of requirements could be clear and objective. Saying something must be exactly like another could double costs, but allowing for ranges could work much better.

Chair Greenfield said he argued against requiring that ADUs be exactly like the home. He would also argue against ADUs simply being a percentage of the other building. He believed Commissioner Hurley's proposal would be wonderful, but he did not see how it could be done by July 1<sup>st</sup>.

Commissioner Hurley confirmed he was inferring that although people have different architectural style preferences, they were all considered great; however, they might not all be appropriate for the same homeowner.

Chair Greenfield added he would like to leave more wiggle room than there would be by striking every occurrence of the language "must be of substantially the same exterior design"; just striking that without replacing it with anything else would leave the door too wide open.

- Ms. Guile-Hinman stated Staff would need to do more research to determine the feasibility and to consider a clear and objective standard that would apply to all ADUs not subject to other regulations versus a clear and objective standard tied to the particular primary dwelling.

- Mr. Pauly added it was always a trick to keep the clear and objective standards simple.

Chair Greenfield asked if there was room to craft the language further.

- Mr. Neamtzu asked if a map showing the extent of protection would be helpful to the Commission. He recommended the Commission pass the basis of fundamental compliance portion of the package and direct Staff to come back with add on pieces. It would go to the bottom of the Work Program and Staff would take it up when time allowed. He believed Charbonneau would be largely protected. Meadows and Courtside Estates would not be protected.
- Mr. Pauly added Serene Acres off of Montebello. Several areas had lot sizes that would lend themselves to ADUs, although the City had not seen any ADU development. The City had received one inquiry about setback issues off of Montebello.

Mr. Neamtzu asked if the Commission really wanted ADUs to match homes in areas where T1-11 horizontal siding was being used. He was apprehensive about trying to design ADUs because they were fluid. People want to make a creative imprint when it comes to putting an ADU on their property. They usually exist in back yards where they could not be seen, so he did not believe they created a huge visual impact. However, that could be an issue for a neighbor who had to look at a container in a side yard.

Commissioner Heberlein said that was his concern. He lived on a 6,000 square foot lot and could not imagine seeing a container sitting in the back. He did not want the Commission to rush these Code amendments. He did not believe there were any financial penalties if the City failed to comply. He recommended the Commission take time to do this right.

- Ms. Guile-Hinman explained that the statute was effective July 1<sup>st</sup>. At the audit, the DLCDC representative informed Staff that most cities were in the same position as Wilsonville and could not meet the deadline. DLCDC recommended the City notice the first public hearing by July 1<sup>st</sup> and Wilsonville did meet that deadline. She recommended a motion to continue, keep the record open, and the public hearing closed. Staff would try to come back with a better justification, to the extent Staff felt compelled to continue with the recommendations despite the feedback.
- Ms. Bateschell added that during the audit, Staff heard that the language of substantially similar could remain as long as there was a clear and objective path for people to take. Mr. Pauly mentioned knowing the general character of those neighborhoods and how to outline some clear and objective criteria for design standards that would essentially be compatible with those neighborhoods. The City might be able to provide one or more clear and objective paths.

Chair Greenfield recommended Staff call attention to the language in the legislation. Section 5, Subsection 6 of the Senate Bill stated, "In addition to an approval process for needed housing based on clear and objective standards, conditions, and procedures as provided in Subsection 4 of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating in whole or in part appearance or aesthetics that are not clear and objective if "A) the applicant retains the option of proceeding under the approval process that meets the requirements of Subsection 4," which meant that they were not under unreasonable cost or delay. That was easily avoided. "B) The approval criteria for the alternative approval process complies with applicable standards of land use planning and rules." He was reading from the Senate Bill. It seemed there was an opening to do alternatives rather than simply dropping the language.

- Mr. Pauly noted that was exactly what the City did in Old Town. There was a clear and objective pattern book and applicants still had the option to go to DRB.
- Noted it was cumbersome, time consuming, and a terrible imposition on Staff. He recommended a placeholder be inserted to pass the amendments on to Council and ensure compliance with the spirit of the State's requirements. The Commission was still wrestling with issues of concern related to the quality of the town.

Mr. Pauly asked if there were more thoughts or direction on lot coverage.

Commissioner Postma:

- Noted the Commission had discussed the prohibition on private restrictions, and he was not a big fan. There were two issues. He did not like saying the City had to remove any restrictions. There were two sections, but he referenced Section C(1) on Page 15 of 54, noting there was no C(2), so why have a C(1). First, he took issue with saying that property owners and new neighborhoods could not have restrictions. However, he was more concerned with the second part that said, "The allowances for ADU use shall be acknowledged in clear language on the plat or other document recorded with the plat to which the plat is subject." He asked why the City jumped from the statute all the way forward to requiring that developers must actually acknowledge that ADUs could be built. Wilsonville allowed ADUs and did not demand that language be included that ADUs would never be restricted. He did not understand the reason for that additional step.
  - Mr. Pauly explained that sometimes the language in CC&Rs must be crystal clear and that was the concept behind the requirement.
- Reiterated he did not like the restriction against it. The City was not allowed to have restrictions, but they were taking the next step and saying that the land owners could not have restrictions. He did not believe the statute required that. He inquired if others questioned whether those sections should be included.

Commissioner Hurley said he brought that up in his comments earlier. Putting future restrictions on future developments would not be appropriate. He also asked why ADUs would not be included in density counts.

Commissioner Postma explained that could not be done because the statute stated ADUs must be allowed per dwelling unit. Including ADUs in the density calculation would prohibit allowing an ADU per dwelling unit. It was not possible to follow the statute and still count ADUs towards density.

- Mr. Pauly added that including ADUs in density counts would double the density, which would not be allowed under all the other rules.

Commissioner Heberlein understood Commissioner Postma's concern was that clear language had to be on the plat or other document that allowed ADUs, not the fact that they could be prohibited.

Commissioner Postma said he was most concerned with the sentence that said the City must clearly acknowledge that ADUs were allowed. However, he would like to see both sentences go away. He did not see the need for the City to tell private land owners what they could and could not indicate in CC&Rs, HOAs, etc.

Commissioner Hurley clarified he was not against ADUs, it was the changing of the ball game. It might behoove a developer in Frog Pond to build the houses in such a manner that allowing a homeowner to build an ADU could be a huge selling point. Another subdivision in Frog Pond could have deed restrictions. Who was to say which is positive or negative? People have different desires for the neighborhoods they want to move into.

Commissioner Postma said the legislature did not, but could have said that deed restrictions were not allowed. There was some voting on the no side of this that changed during the course of the bill process, but he did not know what was traded off. He was always taught that if the legislature did not say something, that also meant something.

Commissioner Mesbah stated if ADUs were prohibited, people would look at the proposed subdivision and assume ADUs could be added. He wondered if that would backfire because the City would end up creating less density just because it would increase with ADUs that could not be stopped. Restricting ADUs could have unintended consequences.

- Mr. Pauly responded that he could see that discussion happening.

Chair Greenfield said the City was under duress for time to deliver a document to Council. He asked what could be done to leave future consideration available to the Commission.

Commissioner Postma asked if the City was really under duress.

- Ms. Guile-Hinman believed the Commission just needed to move to continue this to a date certain.
- Mr. Neamtzu explained that Staff did not want to have to notice 5,000 properties again. He believed Ms. Guile-Hinman's recommendation was the most prudent at this point.

Chair Greenfield closed the public testimony portion of the hearing.

**Commissioner Postma moved to continue the legislative hearing on Resolution No. LP18-0006, ADU Code Updates to a date to be determined by Staff. The motion was seconded by Commissioner Mesbah and passed unanimously.**

Mr. Pauly confirmed he would create some additional examples of potential ADU lot coverage scenarios and send them to the Commissioners.

Chair Greenfield called for a brief recess at 8:29 pm and reconvened the meeting at 8:33 pm.

### **III. WORK SESSION**

#### **A. Boones Ferry Park Master Plan (McCarty)**

Mike McCarty, Parks Director, said Design Concepts was working with GreenPlay, LLC on the Boones Ferry Park Master Plan. He introduced Tod Blankenship, Parks Supervisor, and Erica Behler, Recreation Coordinator, and noted that the department had received great input from Mr. Neamtzu, Ms. Bateschell, and their Staff. He appreciated the cooperation between departments because it made things flow easier. The Master Plan being presented was a draft, and Staff was looking for suggestions and direction from the Commission. Part of the planning process included community meetings, including two at the park and one at City Hall. He believed the community's comments and suggestions had been addressed in the Plan.

Robby Layton of Design Concepts, presented the Boones Ferry Park Master Plan via PowerPoint, noting the park location and surrounding features, the history of the park, the public involvement process, and an analysis of the public comments received, as well as input provided by City Council, and planned park features. Next steps would include collecting more feedback and incorporating that into the final draft, as well as developing cost estimates, a budget, and timeline options for implementation.

Discussion and feedback from the Planning Commission was as follows with responses by Staff to Commissioner questions as noted:

- The plan should be completed no later than September 1<sup>st</sup>.
- All of the trails would be ADA accessible routes. The existing paved road was not currently ADA accessible. However, there would be an ADA route that led from the parking lot to the water.
- Because the configuration of the bridge was unknown, there was no certainty about how the park and bridge projects would coincide. The bridge would provide emergency vehicle access, so even if the park were gated, consideration would have to be made about how to avoid making the connection look like an obvious travel route. One possible solution would be to install a roundabout that provided access to the neighborhood.
  - The City was not involved in the bridge project, so Staff was unaware of the timeline for the bridge construction.
- Residents in the area were concerned that the bridge landing would take up part of the orchard. However, the City did not have a lot of say on that. The orchard would be protected as much as possible, but the City would have to move forward.

- The draft plan depicted the orchard as a natural area with a loop trail. The only other change would be to the edge of the street to accommodate better parking.
- The Plan should include a depiction of a connection between the proposed bridge alignment and the road so that people did not question the location of the emergency access.
- It would make sense to relocate the basketball court closer to the playground so that all of the active uses were clustered in one area, especially if a small even lawn was planned.
- The Plan included a decent amount of open lawn, but feedback did not seem to indicate that was a key aspect of the park. Removing some of the open lawn could reduce maintenance. However, that lawn space was the traditional park. The public did request a volleyball court, which could be installed by re-grading the lawn.
- The small trailer parking area would have two parallel spaces and three pull-through spaces. Each trailer space would be the equivalent of two car spaces and one trailer could take up both parallel spaces. Staff did not anticipate those spaces would be used much because boats would have to be carried to the water.
  - It might not make sense to indicate those features if they had a low likelihood of use. The boat parking pull-through spaces could be located on the west side and the parallel parking could be for cars.
- The Plan was presented more for function than a fine-tuned design and was completed without a detailed survey of the part site. No engineering, soil, or geotechnical studies had been completed because this was just a concept plan to be used as a roadmap, not a blue print. The Master Plan defines what uses would happen at the park and the potential location of those uses, but changes might be necessary once contour maps were developed. A lot of refinement would be necessary before the park features would be in their final configuration.
- Sand courts throughout the city were starting to be used quite heavily. While some non-active areas would be preserved at the park, a well-placed sand court would be a good idea. The existing picnic pavilion could be a multi-use area.
- The half-court basketball and pickle ball court should be moved to make the display garden area more serene.
- The esplanade would be one of the critical features of the park because while the city was on the river, access to it was limited. Additionally, preserving the wooded area would protect the neighborhood. However, it would be nice to install more benches along the esplanade.
- In the past, fitness stations were located on trails like the proposed esplanade. However, the current trend was to locate them closer to play grounds to accommodate multigenerational activity.

Chair Greenfield stated he liked the draft Master Plan and believed the project team had done a tremendous job of distilling the input. He participated in two of three open houses and believed the Plan fit a lot of the community's sensibilities.

Mr. McCarty noted the Planning Commission public hearing on the final Plan would be on August 8<sup>th</sup>. The City Council public hearing would be on August 20<sup>th</sup>.

#### **IV. OTHER BUSINESS**

- A. 2018 Planning Commission Work Program
- B. Annual Housing Report

There were no comments.

**V. INFORMATIONAL**

There were no comments.

**VI. ADJOURNMENT**

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 9:10 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for  
Tami Bergeron, Administrative Assistant-Planning