



*Mayor*  
Scott Harden

*Council President*  
Patricia Smith

*Councilor*  
Bruce Nissen

*Councilor*  
John Miner

*Councilor*  
Brian Loy

---

**CITY OF WOOD VILLAGE  
PLANNING COMMISSION  
WEDNESDAY, FEBRUARY 12<sup>TH</sup>, 2020  
AGENDA**

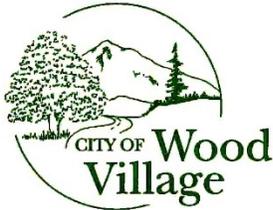
**6:00 PM**

**PLANNING COMMISSION**

1. Public Hearing:  
Recommendation to City Council  
City File # ZDC/PC/CC 20-01 - Zoning Code Amendments
  - add regulations and standards to the Open Space (OS) zone
  - add short term vacation rentals as a use, add regulations
  - state mandated changes to ADU requirements
  
2. Other Business

**ADJOURN**

**The meeting location is wheelchair accessible. This information is available in large print upon request. To request large-print documents or for accommodations such as assistive listening device, sign language, and/or oral interpreter, please call 667-6211 at least two working days in advance of the meeting. (TDD 1-800-735-2900)**



CITY OF WOOD VILLAGE PLANNING COMMISSION and CITY COUNCIL  
Staff Report

---

February 5, 2020

To: Wood Village Planning Commission and City Council  
From: Matt Straite, Contract City Planner  
Through: Greg Dirks, City Manager

Re: City file: #ZDC/PC/CC 20-01 proposes two general zoning amendments. The first zoning amendment proposes to add regulations and standards to the Open Space (OS) zone which is shown on the adopted City zoning map, but is not reflected within the development code. The second amendment proposes to identify short term vacation rentals as a use, add some regulations for the use, and make some state mandated changes to accessory dwelling unit requirements.

Applicant: City of Wood Village

Location: City Wide for the zone changes though currently the only OS Zoning is within Donald L. Robertson Park.

Address: N/A

Planning & Zoning Designation: N/A

Exhibits:

- Redline strikeout of proposed new Open Space Zoning Standards, new Section 260.
- Redline strikeout of Sections 710, 310, and 395 for clarify short term vacation rentals and accessory dwelling unit revisions.
- Public Hearing Notice
- Agency Comments: At the time of printing none were received

Applicable WVZC Provisions:

- Section 310 Accessory Home Occupations; Section 395 Accessory Dwelling Units; Section 600 Land Use Review Criteria; Section 710 Introduction to the Use Categories
- Wood Village Comprehensive Plan and TSP

Agency Comments:

- None have been received

## SUMMARY RECOMMENDATION

Based on the findings of fact, Staff recommends that the Planning Commission recommend that the City Council adopt the findings from the staff report and approve the ZDC/PC/CC 20-01; and, adopt Ordinance No. 2-2020.

### Report Sections:

- I. Background and Concept
- II. Application Data
- III. Amendment Criteria
- IV. Recommendations

### **I. Background & Concept**

The short term vacation rental code text changes were initiated by the Planning Commission on August 12, 2019. The code is silent on short term rental provisions and regulations. Based on the rapidly changing nature of the short term rental market, and the availability of online short term rental options, the City is recommending that the code address these as a distinct use. The proposed code revisions include changes to Sections 310, 395, and 710.

The proposed changes also include code revisions that implement new State regulations reflected in HB 2001 which require that all accessory dwelling unit requirements for owner occupancy and additional parking be removed.

The zone text changes for the Open Space Zone (OS) provisions were initiated on January 16, 2020. The original City Hall building was located on the corner of 238<sup>th</sup> Drive and Halsey Street. The building was previously a community building for the “village” constructed to support the Reynolds Aluminum Factory during World War II. The City recently sold the property, including the original City Hall, in order to have a more suitable commercial use on the high profile corner. The replacement project has been reviewed and approved by the City and is now under construction. The original City Hall building has since been removed and the City has set up a temporary City Hall in a nearby industrial building. The long term intent was to relocate the City Hall to the Donald Robertson City Park. The park is in the Open Space Zone (OS). While the OS Zone is shown on the City Zoning map, the zoning code did not include any text, regulations, or development standards for the zone. Part of this zoning code update involves adding such regulations and standards. The design review for the new City Hall building is not part of this project.

### **II. Application Data**

The following is a summary of the project elements, pending issues and development standards reductions:

1. The Open Space Zone has no regulations currently.
2. The City Zoning and Development Code is currently silent on short term vacation rentals.

3. The State had required, through SB 2001, that all parking and owner occupancy requirements for accessory dwelling units be removed.

### **III. Zone Change Amendment Approval Criteria:**

#### **670.020 Procedure.**

**Code amendments shall be processed in accordance with the legislative procedure in Sections 560 – Legislative Process.**

The City finds that the proposed text changes have been properly noticed to agencies, including the DLCDC and METRO, and posted in accordance with the requirements of Section 560.

#### **670.030 Review Criteria.**

**The amendment will be approved if the City Council finds that the applicant has shown that all of the following criteria are met:**

**A. The proposed amendment(s) better achieves the goals and policies of the Comprehensive Plan than the existing regulatory language.**

The City finds that the proposed changes to the short term rental uses allow people to use their homes as short term rental units, with a maximum number of 30 days allowed per stay. The economic development section of the comprehensive plan explains that the City shall diversify and improve the economy of Wood Village. Allowing short term rentals will allow property owners to capitalize on this new business type. This will also allow those with accessory dwelling units to rent those out using this new model (web sites such as Air BNB and such). The new use is considered a commercial lodging use and is subject to home occupation standards and Transient Occupancy Taxes.

The proposed changes to the accessory dwelling units were mandated by State Law. These will reduce the rules for ADU's, specifically the requirement for owner occupancy and parking spaces for ADU's. This will help implement the Comprehensive Plan policies for housing by making additional housing units in the form of ADU's easier to build.

The proposed addition of Open Space Zone regulations and standards will help implement the Comprehensive Plan policies listed in the Open Space and Recreational Needs section of the Comprehensive Plan. Adding standards to the zone will assure that all development is compatible with the goal to conserve open space and satisfy the recreational needs of the community. The new zone text will allow uses such as open space, park equipment, picnic areas, as well as government uses such as meeting places for the community. These include council chambers, government offices and community centers. *The City finds that this criteria is met.*

**B. The proposed amendments are consistent with the Zoning and Development Code purposes and with the purpose statement for the base zone, special district, additional use regulation, or development regulation for which the amendment is proposed.**

The City finds that the proposed amendments to the short term rental revisions will apply to all zones that permit residential units. The purpose statements for the residential zones

speaking to maintaining the character of the residential areas. Using the existing supply of homes or accessory dwelling units for short term rentals will not alter the character of the area. Density and design standards will still apply. It is not anticipated that allowing this new use will alter the character of the residential areas in any way.

The proposed amendments to the accessory dwelling unit requirements were mandated by State Law. They would apply to all zones that permit residential development. While the parking requirements were intended to protect the character of the communities by not overcrowding the streets with on street parking, the State has required this change. Consistency with the State requirements supersedes any inconsistencies with the City criteria.

The proposed amendments to the Open Space Zone (OS) will simply be adding the text to a section that was in essence missing from the Development Code. Included in this change is a purpose statement for the zone. The new development standards proposed are consistent with the proposed purpose statement and with all other provisions of the code in that they do not negate or conflict with any other code requirements. *The City finds that this criteria is met.*

**C. Proposals which significantly affect a transportation facility shall assure that allowed uses are consistent with the function, capacity, and level of service of the facility identified in the City, County and Regional Transportation Plans.**

None of the proposed changes will affect any transportation facilities beyond the use they were designed to accommodate. See the Transportation Planning Rule (TPR) discussion below. *The City finds that this criteria is met.*

**D. The review body shall find that:**

**The transportation system is capable of supporting the proposed use in addition to the existing uses in the area and will not significantly affect a transportation facility. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety. “Significantly” affect the transportation facility means the proposal would:**

- 1. As measured at the end of the Wood Village TSP planning period or 15 years, whichever is greater, the proposal would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or**
- 2. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable; or**
- 3. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard in the Regional Transportation Plan (RTP), Oregon Highway Plan, Wood Village TSP or Comprehensive Plan, as applicable. If it is determined that a proposed land use significantly affects a transportation facility, the applicant shall assure that the allowed uses are consistent with the function, capacity and level of service of the facility by one of the following**

**methods:**

- (a). Alter land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or**
- (b). Provide measures demonstrating that the use can be consistent with the planned function of the transportation facility, or provide other measures as a condition of development through a development agreement or similar method, specifying when such measures will be provided.**

The City finds that the proposed amendments to allow short term rentals will not impact the transportation system in any way that has not already been taken into account in the TSP. More specifically, if the original approval for the construction of a home accounted for the vehicle trips that would result from one family living in the dwelling, then it stands to reason that the rental of said home would simply swap the owner's vehicle trips for those of the renter. No increase would result.

The State mandated changes to the ADU standards may result in additional street parking, because the current existing regulations require additional parking for a new ADU but the State has required the City to remove this regulation. Adding an ADU without adding an additional parking space may increase the reliance on on-street parking if the ADU occupant has a vehicle. There is no data available to understand the possible impacts of removing this requirement. There is no evidence to suggest that this is inconsistent with the TSP road capacity. The State has required these changes assuming that the infrastructure that exists in established single family areas is adequate to accommodate additional vehicle trips that would result from additional ADU's. They extend the same argument to infrastructure and schools. The City has no way to argue these assumptions, the State has required these changes to the code.

Regarding the Open Space Zone, the zone already exists. The proposed regulations and standards are not creating new Open Space areas. The uses permitted in the new zone text are consistent with those typically found in an OS zone. Therefore, the volume of traffic generated within the OS zones was already accounted for when the street demand was studied in the Metro Regional Functional Plan, the County Transportation System Plan and the City Transportation System Plan (TSP). By extension the City's TSP also addressed the State requirement for the Transportation Planning Rule or TPR as required by OAR 660 Division 12 and Title 6 of the Metro Urban Growth Management Functional Plan. The proposed text change was transmitted to Multnomah County who maintains most streets in the City, including Halsey Street which currently fronts the only OS zoned areas in the City. The State, County and neighboring cities were contacted for comments. They did not reply with any comments or concerns regarding the uses or standards proposed in the OS zone. Additionally, any development proposed in any OS zone will be evaluated at the time they are proposed for possible impacts to the transportation system. Lastly, in regards to the potential government facility uses permitted in the OS zone, it stands to reason that the facilities needed by the City, such as a City Hall, are finite in number. Wood Village would not need two City Halls, or, unless the City grows, they would not need additional laydown yards or maintenance buildings. Therefore,

any new facilities proposed in the OS zone will likely be *moved* from an existing location elsewhere in the City, thus not creating any new trips, simply relocated trips. *The City finds that the criteria is met.*

**E. Amendments that Affect Transportation Facilities.** Except as provided in Subsection F, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Wood Village TSP. This shall be accomplished by one of the following:

4. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
5. Amending the Wood Village TSP or Comprehensive Plan to provide transportation facilities improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or
6. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
7. Amending the planned function, capacity or performance standards of the transportation facility; or
8. Providing other measures as a condition for development or through a development agreement or similar funding method, specifying when such measures will be provided.

See findings for E above. *The City finds that the criteria is met.*

**F. Exceptions.** Amendments to the Comprehensive Plan or land use regulation with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the Wood Village TSP or the Regional Transportation Plan, may be approved when all of the following criteria are met:

9. The amendment does not include property located in an interchange areas, as defined under applicable law;
10. The currently planned facilities, improvements or services are not adequate to achieve the standard;
11. Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
12. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.

As noted above in E the City has no reason to believe that the proposed text amendments will result in any impacts to the transportation system, regardless of the current performance standards of the streets within the City. The proposed text changes were transmitted to the County which maintains most regional streets in the City. They did not present any

concerns with the proposed changes. *The City finds that the criteria is met.*

#### **IV. Recommendations**

##### *Staff Recommendation to Planning Commission:*

Based on the findings of fact in this staff report, Staff recommends that the Planning Commission recommend that the City Council approves the Zoning and Development Code Amendment, case file #ZDC/PC/CC 20-01, and that the Council adopt Ordinance 2-2020.

##### *Staff Recommendation to City Council:*

Based on the findings of fact in this staff report, Staff and the Planning Commission recommend that the City Council approves the Zoning and Development Code Amendment, case file #ZDC/PC/CC 20-01, and that the Council adopt Ordinance 2-2020.

##### Notes:

- Pursuant to the City Charter any Ordinance adoption requires approval of the majority of the Council Members at two meetings. The Ordinance can be adopted at a single meeting with a unanimous vote of the seated Council members.
- Any appeal to the City Council action will be to the Land Use Board of Appeals (LUBA) within 21 days of the Ordinance adoption. Only those that provided testimony have standing to appeal a land use decision to LUBA.
- Pursuant to the City Charter any adopted Zoning and Development Code Amendments will take effect 30 days after adoption.

**ORDINANCE NUMBER 2-2020**

**AN ORDINANCE AMENDING SECTION 260, 310.020, 395.020, and 720.030 OF THE WOOD VILLAGE ZONING AND DEVELOPMENT CODE ESTABLISHING USES AND STANDARDS FOR THE OPEN SPACE (OS) ZONE, PROVIDING FOR A NEW SHORT TERM RENTAL USE, AMENDING THE STANDARDS FOR ACCESSORY DWELLING UNITS (STATE MANDATED)**

**WHEREAS:**

1. The Open Space (OS) zone is shown on the zoning map but the WVZDC does not contain any uses or standards for the zone, and
2. The WVZDC does not specifically address short term vacation rentals, and
3. The State, through HB2001 is requiring all Cities to remove parking and owner occupancy requirements from the WVZDC's Accessory Dwelling Unit standards, and
4. The proposed WVZDC amendments meet the required criteria from WVZDC Section 670.030 as outlined in the staff report, and
5. The proposed amendment was initiated by the Planning Commission and the City Council, and
6. The Planning Commission conducted a public hearing on the amendment and recommend the adoption of the revised regulations to the City Council.

**BE IT ORDAINED** by the common council of the City of Wood Village as follows:

**Section 1:** Section 260 of the Wood Village Zoning and Development Code is amended to add permitted uses and standards to the Open Space (OS) Zone as contained in Attachment A to this ordinance.

**Section 2:** Section 310.020 is amended to clarify that short term vacation rentals are a Home Occupation as provided in Attachment A.

**Section 3:** Section 395.020 is amended to clarify that short term vacation rentals must have one of the housing units on the property be owner occupied, and to remove the parking and owner occupancy standards from the Accessory Dwelling Unit standards, as provided in Attachment A.

**Section 4:** Section 720.030 is amended to define short term vacation rentals as provided in Attachment A.

**Section 5:** All adopted provisions shall be codified in the Wood Village Zoning and Development Code in accord with the identified section numbers as provided in the attachment.

Motion to Adopt by Councilor \_\_\_\_\_ seconded by Councilor \_\_\_\_\_ and adopted this 25<sup>th</sup> Day of February, 2020.

ATTEST:

\_\_\_\_\_  
Scott Harden, Mayor

\_\_\_\_\_  
Rose Douglass: City Recorder

Attachment "A" to Ordinance 2-2020

Proposed Revisions Section 260 to the Wood Village Zoning and Development Code

**SECTION 260 OPEN SPACE ZONE**

**GENERAL PROVISIONS**

**260.100 Purpose**

The open space zone is intended to preserve land and provide for public institutions such as parks, government facilities, government offices, utility structures, and other similar public uses. All structures such as field houses, garages, park equipment and government office structures should add to the character of the open space.

**260.110 Other Zoning Regulations**

The regulations in this chapter state the uses and development standards for the base zone only. Additional regulations may apply to sites with overlay zones, or specific uses. Section 300 states these additional regulations. The official zoning map indicates sites subject to overlay regulations. Special use regulations are referenced below.

**USE REGULATIONS**

**260.200 Primary Uses**

- A. Uses Allowed Outright. The uses allowed in the open space zone are shown in Table 260-1 by the letter "Y". Uses are allowed if they comply with the development standards of the base zone and any additional regulations that apply to the use or the site. Additional regulations are listed in Section 300.
- B. Conditional Uses. The uses which are allowed upon approval through the conditional use review process are shown in Table 260-1 with the letters "CU". These uses must meet the conditional use approval criteria, the development standards and any additional regulations stated in Section 300.
- C. Prohibited Uses. Uses shown in Table 260-1 with the letter "N" are prohibited in the zone. Legally established uses & development which existed at the time this Code was adopted and would otherwise be prohibited, are subject to additional regulations in article 640 Non-conforming situations.

**260.210 Accessory Uses**

Uses which are accessory to the permitted or conditional uses are allowed if they meet the development regulations of the base zone and any additional regulations stated in Section 300, pending a Design Review. Typical accessory uses are included in Section 710 – Use Categories.

**TABLE 260-1**  
Uses in the Open Space Zone

**OPEN SPACE CATEGORIES**

Natural Park, including wildlife preserves	Y
Improved Park, including playgrounds/picnic areas	Y
Sports Fields with lighting	CU
Sports Fields without lighting	Y

**INSTITUTIONAL CATEGORIES**

Utility Facilities, such as towers or substations	CU
Government Offices, including parking	Y
Government structures, including field houses and shops	Y
Community Centers	Y

**OTHER CATEGORIES**

Detention Facilities	N
Mining	N
Radio and TV Broadcast Facilities	N
Railroad Lines and Utility Corridors	CU

Y = Yes, Permitted Use, CU = Conditional Use Review Required  
N = No, Prohibited Use, L = Permitted, but Subject to Limitations

**DEVELOPMENT STANDARDS**

**260.300 Purpose**

Development standards are intended to promote site planning and design which will ensure that new development will:

- Maintain the character of the built-up area through required dimensional standards.

- Provide for needed privacy for any property neighboring active park uses.
- Maintain and enhance the building scale & relationship between structures of the existing built-up area.
- Provide adequate flexibility to allow development which is compatible with the existing neighborhood, fits the topography of the site and allows architectural diversity.

**260.310 Lot Size and Dimensional Standards**

The minimum lot size and dimensions are shown in Table 260-2. All new lots created must comply with these standards. [See Section 300 for regulations which apply to Flag Lots, Partitions and Subdivision, and Planned Unit Developments.]

**TABLE 260-2**

Development Standards in the Open Space Zone

**Standard**

Minimum Lot Size	
– Min. lot area	None
– Min. lot width	None
– Min. lot depth	None
Maximum Height (See 260.330)	60 ft
Minimum Setbacks	
– Front setback	20 ft to residentially zoned property, otherwise, none
– Side setback	10 ft to residentially zoned property, otherwise, none
– Rear setback (See 260.320)	10 ft to residentially zoned property, otherwise, none

---

**260.320 Building Setbacks**

A. Required Setbacks. The setbacks for front, rear and side yards are stated in Table 260-2.

B. Extensions into required building setbacks.

1. Minor Projections Allowed. Minor features of a building such as eaves, chimney, open fire escapes, bay windows up to 12 feet in length, uncovered stairways and wheelchair ramps, uncovered decks or balconies, which are attached to the building may extend into

a required front building setback by no more than 5' and into a side setback or rear building setback no more than 2 ½ feet.

**260.330 Height**

- A. Maximum Height. The maximum height for all structures is stated in Table 260-2.
- B. Exemption to the Maximum Height.
  - 1. Height projections allowed. Projections extending vertically from permitted buildings and uses such as skylights, chimneys, small-scale residential energy equipment, and radio and television aerials may be erected above the height limitations herein prescribed. Such structures shall not project more than 25 feet above the maximum permitted height.
  - 2. Utility poles and emergency communication equipment are exempt from the height limit.

**260.340 Landscape and Buffer**

- A. Required landscaping. The minimum landscaping requirements shall satisfy the following:
  - 1. The minimum site area devoted to landscaping may be computed to include any required landscaping imposed by Section 350 – Parking and Loading.
  - 2. Provisions shall be made for watering planting areas where such care is required for survival.
  - 3. Maximum height of selected tree species shall be considered when planting under overhead utility lines.
  - 4. Street trees shall be planted on all street frontages in accordance with City street tree guidelines.
- B. Landscape Buffer. A landscaped buffer shall be established and maintained between the uses listed below, and any residential zoned property in accordance with the standards of Section 330 – Landscaping and Screening, as applicable:
  - 1. Lighted fields.
  - 2. Any government structures, including government offices.

**260.350 Accessory Structures**

Structures which are incidental to the primary building such as garages, shops, picnic shelters, energy equipment, and playground structures are considered accessory structures. These structures are allowed when they meet the following requirements:

- A. Attached Accessory Structures. If attached to the primary building or separated by a breezeway, accessory structures shall fulfill the front, side and rear building setbacks of the primary building. These standards are stated in Table 260-2.
- B. Detached Accessory Structures. If detached all structures shall be setback a minimum of 20 feet from any residential zone. This is intended to address nuisance concerns. The City Manager may approve any setback less than 20 feet if other methods to address possible nuisance exist or are employed, to the satisfaction of the City Manager.

**260.360 Site Coverage**

- A. There are no minimum site coverage requirements for this zone.

**260.370 Fences**

- A. Types of Fences. The fencing standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry or other material including vegetative materials.
- B. Location and Height Limits.
  - 1. Fences up to 3 ½ feet are allowed in the required front building setback and in the required side building set back to the depth of the required front setback. Should the front of a structure be oriented in a way such that the front of the structure does not face a street right of way, then the 3 ½ foot height requirement applies only to the area in front of the structure.
  - 2. Fences up to 6 feet are allowed in required side and rear building setbacks.

**260.380 Additional Regulations**

- A. Demolitions. Demolition of all buildings is regulated by the Building Code currently adopted by the City of Wood Village.
- B. Design Review. Design review is required for all uses and developments except for single-family detached dwellings in light residential zones. See Section 630. Design Review is required for all accessory buildings whether attached or detached.
- C. Parking and Loading. See Section 350.
- D. Public Access. All lots in the zone shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.
- E. Sale or Conveyance Prohibited. No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or setback requirements of the zone.
- F. Signs. See Section 370.

Proposed Revisions Section 310 to the Wood Village Zoning and Development Code

**ACCESSORY HOME OCCUPATIONS**

**310.010 Purpose.** The purpose of this section is to provide for occupations in residential districts in a manner that will ensure that they are utilized only as accessory uses incidental to the primary residential use of the premises upon which they are located.

**310.020 Operational Standards.** Home occupations shall be limited to those activities which are customarily carried on within a dwelling, and which are operated entirely within the principal dwelling by a member of the family residing in the dwelling unit as a clearly secondary and incidental use of such a dwelling. The home occupation must not change the residential character of the dwelling and shall meet all of the following conditions:

- A. No dwelling shall be used as headquarters for the assembly of employees for instructions or other purposes such as being dispatched for work at other locations.
- B. All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling.
- C. Any home occupancy which causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall not be permitted.
- D. No significant enlargement or alteration to a dwelling for the sole purpose of conducting a home occupation shall be permitted that is inconsistent with the residential nature of the premises.
- E. The premises shall at all times be maintained as residential in appearance, cleanliness and quietness.
- F. Dimensions, power rating or weight of such equipment and tools used in the conduct of a home occupation shall not exceed that of normal household equipment and tools.
- G. There shall be no exterior indication of the home occupation; no exterior signs shall be used; no other on-site advertising visible from the exterior shall be used which informs the public of the address of the home occupation.
- H. Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building.
- I. The number of customers allowed in a home occupation residence is limited to:
  - (1) No more than eight customers may enter the premises on a daily basis,
  - (2) No more than two customers may enter the premises at any single time, and
  - (3) No customers may enter the premises between 10:00 PM and 8:00 AM.
- J. There shall be no outside storage of materials or equipment associated with the home occupation. Nor shall there be any storage or use of explosive, flammable, radioactive,

toxic or other hazardous materials that are not normally found in the home nor in amounts not normally associated with a residence. Specific limitations and requirements for the storage of hazardous materials in a residence are found in and regulated by the Uniform Building Code.

- K. No more than 20% of the gross floor area of the dwelling unit shall be used for the home occupation. Accessory buildings or yard space shall not be used for home occupation purposes.
- L. Family daycare providers as defined by ORS 418.805 are exempt from standards I. and K. above.

M. Short Term Vacation Rentals are considered Home Occupations and are exempt from standards I (2) and (3) above.

**310.030 Establishing and Maintaining a Home Occupation**

- A. An application for a Home Occupation Permit is reviewed as a Type I procedure as specified in Section 500. A home occupation permit may be granted provided the use is not inconsistent with or disruptive to the normal residential usage of the premises or cause external effects which are detrimental to neighboring properties or are incompatible with the characteristics of the residential district. A Home Occupation must meet the operational standards of Section 310.020.
- B. Any person may request staff to review a Home Occupation Permit if evidence of non-compliance to this code is evident.
- C. Permits for home occupations may be revoked at any time for failure to adhere to standards and conditions of approval for home occupation.
- D. A change in the characteristics of the use will require a new permit.

**310.040 Accessory Home Occupation Exemption**

- A. Activities such as parties and events in which goods are sold such as Tupperware, clothes, purses, candles, etc. are exempt from the home occupation permit and provisions of Section 310.020 as long as there is only one party or event held per month per household.

Proposed Revisions Section 395 to the Wood Village Zoning and Development Code

**SECTION 395  
ACCESSORY DWELLING UNITS**

An Accessory Dwelling Unit (ADU) is a habitable living unit that provides the basic requirements for shelter, heating, cooking and sanitation. ADU's are permitted in single family zones, and in the single family areas of the Town Center Zone.

**395.010 Purpose.** The purpose of allowing ADU's is to:

- A. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principle unit, rental income, companionship, security and services.
- B. Add affordable units to the existing housing supply.
- C. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the City.
- D. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- E. Protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by ensuring that ADU's are installed under the conditions of this Code.

**395.020 Requirements for All Accessory Dwelling Units.** In addition to the standards of the State Uniform Building Code, all accessory dwelling units must meet the following:

- A. **Creation.** One accessory dwelling unit per single family residence may be created through the following methods only:
  - (1) Converting existing living area, attic, basement, or garage of a single family unit;
  - (2) Adding floor area to a single family unit;
  - (3) Constructing a detached ADU on a single family site;
  - (4) Constructing a new house or detached house with an internal or detached ADU.

~~B. **Owner Occupancy.** The property owner, which shall include the holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence for at least six months out of the year, and at no time receive rent for the owner occupied unit.~~

B. No ADU in part, or in total may be used as a Short Term Vacation Rental unless it, or the principal unit is owner-occupied.

Formatted: Indent: Left: 0.5", Tab stops: 0.56", Left + Not at 1.88"

Formatted: Indent: Left: 0.25", Tab stops: 0.5", Left + Not at 1.88"

C. **Number of Residents.** The total number of individuals that reside in both units may not exceed the number that is allowed for a household.

D. **Location of Entrances.** If a separate entrance is provided, the primary entrance to the ADU shall be located in such a manner as to be visually secondary to the main entrance of the principal unit.

~~E. **Parking.** In addition to the single family parking requirement, there shall be one additional parking stall provided for the ADU.~~

~~E.F. **Floor Area.** The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 800 square feet GHFA.~~

~~E.G. **Setbacks and Dimensional Requirements.** The ADU shall comply with the setback and dimensional requirements of the underlying zone.~~

**Design and Appearance.** The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building conforms to the original design characteristics and style of the primary building.

**Formatted:** Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.5", Left + Not at 1.88"

**Formatted:** Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.5", Left + Not at 1.88"

Proposed Revisions Section 710 to the Wood Village Zoning and Development Code

**710.100 HOUSEHOLD LIVING**

- A. **Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit or a structure by a household. The average length of stay is 30 days or longer. (See Exceptions).
  
- B. **Accessory Uses.** Accessory uses commonly found include: recreational activities, raising of household pets, hobbies and parking of occupants' vehicles. Home occupations are an accessory use subject to additional regulations.
  - A. **Exceptions.**
    - (1) Lodging in a dwelling where the average stay is 30 days or less is not Residential Living. (See Retail Sales and Service category for hotels and motels. See Community Service category for drug and alcohol treatment programs, post and alternative incarceration programs, and alternative to prosecution programs).

**710.245 LODGING**

- A. **Characteristics:** Lodging shall include hotel, motel, and similar commercial properties engaged in the rental of rooms to tourists or other temporary guests. Along with accommodations, firms in the lodging industry may provide restaurant or other meal provision, meeting rooms and banquet facilities, parking facilities, and accommodations to guests for recreation or other leisure activities while staying at the property.
  
- B. **Accessory Uses.** Accessory uses may include office, parking, recreation and convention facilities.
  
- C. **Examples:** Lodging includes facilities whose primary purpose is the accommodation of travelers, tourists or other temporary stays, however, the duration of tenancy may provide for long term accommodation (greater than 30 days) for not more than 50% of all provided accommodations. See also Short Term Vacation Rental Definition.
  
- D. **Exceptions:**
  - (1) Facilities owned and operated exclusively for long term tenancy, with most stays exceeding 30 days. Such facilities shall be identified as multifamily housing, and shall be regulated as residential land uses.

**DEFINITIONS**

**720.030**

**SHORT TERM VACATION RENTAL** A short-term vacation rental (also called a vacation rental or STR) is defined as the rental of a residential dwelling unit, accessory dwelling unit, or rental of part of a residential dwelling unit or accessory dwelling unit for periods of 30 consecutive days or less. The use is considered a commercial lodging use subject to zoning regulations and home occupancy standards.

**CITY OF WOOD VILLAGE  
NOTICE OF PUBLIC HEARING**

---

**PLANNING COMMISSION**

**CITY COUNCIL**

**Proposed amendment to the Wood Village Zoning Code to add Open Space  
and Short Term Vacations Rental regulations and standards**

**THIS IS TO NOTIFY YOU THAT THE CITY OF WOOD VILLAGE HAS PROPOSED A PLAN AND LAND USE  
REGULATION THAT WILL AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY.**

This notice is provided in order to comply with ORS 227.160 to 227.185 which requires the City to print the following sentence: "The City of Wood Village has proposed Ordinance No. 2-2002. The City of Wood Village has determined that the adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property." **On the contrary, the City of Wood Village has not determined this action will reduce the value of your property.**

Notice is hereby given that the **WOOD VILLAGE PLANNING COMMISSION** will hold a **PUBLIC HEARING** on **WEDNESDAY, FEBRUARY 12<sup>TH</sup>, 2020 AT 6:00 P.M.**, at 23335 NE Halsey St, City Hall, Wood Village 97060, Multnomah County, Oregon.

Notice is further given that the **WOOD VILLAGE CITY COUNCIL** will conduct a public hearing on the same matter, at the Wood Village City Hall, 23335 NE Halsey St. The City Council is scheduled to conduct its public hearing on **TUESDAY, FEBRUARY 25<sup>TH</sup>, 2020 at 6:00 P.M.**

**Purpose:** City File # ZDC/PC/CC/20-01 Open Space and Short Term Vacation Rentals. This request is to a proposal to add regulations and standards to the Open Space (OS) zone which is shown on the adopted City zoning map but is not reflected within the development code. The second amendment proposes to identify Short Term Vacation Rentals as a use and add some regulations for the use.

Applicable criteria for this review is set forth in:

**Zoning Code Amendment Review Criteria**

- Section 670.010 Zoning Code Amendments

A complete copy of relevant file information, including the staff report and recommendations, will be available for inspection seven days prior to the hearings. Copies may be provided at the cost of ten cents per page.

Public testimony, oral and written, regarding this matter will be accepted at the hearing. Written statements are encouraged and may be submitted prior to the hearing date. Submit written statements to Marie Kizzar at 23335 NE Halsey St, Wood Village, OR 97060, or submit via e-mail at [kizzar@ci.wood-village.or.us](mailto:kizzar@ci.wood-village.or.us).

Failure to raise an issue, including constitutional or other issues regarding proposed conditions of approval, accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal to the City Council or Land Use Board of Appeals based on that issue or to seek damages in circuit court due to a condition of approval.

**If there are any questions pertaining to this hearing contact Marie Kizzar, Public Works Administrative Assistant, at (503) 489-6859 or e-mail [kizzar@ci.wood-village.or.us](mailto:kizzar@ci.wood-village.or.us).**

The City will endeavor to provide Assistive Listening Devices (ALD) for persons with impaired hearing and qualified sign language interpreters and/or bilingual interpreters, without cost, if requested at least 48 hours prior to the meeting: To obtain such services, please call Marie Kizzar, Public Works Administrative Assistant at (503) 489-6859.