

**NOTICE OF PUBLIC MEETING
LAFAYETTE PLANNING COMMISSION**

DATE & TIME: Thursday, April 18, 2024 – 6:30 p.m.

PLACE: Council Chambers, 486 Third Street, Lafayette, OR 97127

AGENDA

1. CALL TO ORDER
2. FLAG SALUTE
3. ROLL CALL
4. CITIZEN INPUT ON NON-AGENDA ITEMS
5. APPROVAL OF MINUTES
 - a. March 21, 2024 Planning Commission Meeting Minutes
6. WORK SESSION
 - a. Housing Legislative Amendments (LA 2024-01)
7. NEW BUSINESS
 - a. None
8. COMMISSIONER COMMENTS
9. Next Meeting
 - a. May 16, 2024
10. ADJOURNMENT

The Council Chambers is accessible. If you need an accommodation to attend or participate in a meeting or wish to participate remotely, please notify the City at (503) 864-2451 at least 24 hours prior to the meeting.

City of Lafayette
Planning Commission Meeting Minutes
Thursday, March 21, 2024, at 6:30 p.m.

1. **CALL TO ORDER:** Chair Kerr called the meeting to order at 6:30 p.m.

2. **FLAG SALUTE:** Chair Kerr led the flag salute.

3. **ROLL CALL:** Chair Kerr called the Roll:

Present: Chair Ron Kerr, Stephen Belding, Jon Meola, Scott Adamson, David Rogers, Roger Webb

City Staff Present: Branden Dross, City Administrator; Jim Jacks, City Planner; Jasmine Garcia, Community Development Clerk; Kennedee Richardson, City Recorder

Others: Stan Kosmick

4. **CITIZEN INPUT ON NON-AGENDA ITEMS:**

No discussion.

5. **APPROVAL OF MINUTES:**

- a. *February 15, 2024, Planning Commission Meeting Minutes*
Commissioner Meola moved to approve the February 15, 2024, Planning Commission Meeting Minutes. Commissioner Webb seconded the motion, which passed unanimously.

6. **WORK SESSION**

- a. *Residential Legislative Amendments (LA 2024-01)*

City Planner Jim Jacks went over his staff report regarding the housing amendments to comply with legislation from 2019 to 2024 legislative sessions.

There were discussions regarding the Homeowners Association (HOA) and the deed restrictions they can add to homes which go into greater detail than what the State or City requires. The City allows Accessory Dwelling Units (ADU) in all residential areas. There was clarification on ADU's being allowed but not forced.

Chair Kerr explained to the Commission that these revisions will potentially shift or change since Jacks will need to work on them and stated that these are just a sample of what it would look like. City Administrator Dross wanted clarification on what needs to be done for the changes made regarding ADU's. Jacks stated that most of the work had been done, there was no resolution completed. Jacks went over the work that the Planning Commission did eight years ago.

Commissioner Belding stated he did not want to rubber stamp something that was done four or two years ago. He would like to know the past Commissioners experience with this and if there were any debates and what they came up with. Commissioner Meola gave the current Commissioners the history of the last meeting regarding these amendment changes. Jacks provided his experience with the last meeting. Chair Kerr stated that in the end everyone was supportive of what Jacks had provided.

7. NEW BUSINESS

a. 2024 Planning Commission Direction

City Administrator Dross stated he has received a lot of good feedback from the newer Commissioners in dialogue and where we should be as a Planning Commission. He wanted to make sure that the City Council and the Planning Commission are on the same page. City Administrator Dross stated that unless there is a major land-use issue that needs to be discussed it will be a work session with the City Council. City Administrator Dross stated that there may be an additional meeting next February depending on how the election goes and how many new City Councilors there are. City Administrator Dross went over some work he and City Planner Jim Jacks worked on last year on grants.

b. June Joint Work Session with City Council

City Administrator Dross gave the Commissioners his reason as to why this joint work session is needed. Commissioner Belding stated he agrees with Dross and agrees he wants to work in conjunction with the City Council to see what needs to be done and what direction we want to go. City Administrator Dross stated that the Planning Commission has already done great work with the Marijuana Amendment and the City Council passed it and there is already a potential business working on opening here in Lafayette. Commissioner Webb went over his plans with parks and the river.

8. Next Meeting

a. April 18, 2024

Chair Kerr stated that the Planning Commission should meet back in April with the various adjustments from the City Planner.

9. ADJOURNMENT

Commissioner Belding moved to adjourn the meeting. Commissioner Meola seconded the motion, which passed unanimously. No further discussion.

Minutes approved on the 18th day of April 2024.

CERTIFIED:

ATTESTED:

Ron Kerr, Chair

Jasmine Garcia, Community Development Clerk

DRAFT



TO: LAFAYETTE PLANNING COMMISSION

FROM: JIM JACKS, CITY PLANNER

SUBJ: WORK SESSION: HOUSING AMENDMENTS TO COMPLY WITH LEGISLATION FROM THE 2019 TO 2024 LEGISLATIVE SESSIONS (LA 2024-01)

DATE: APRIL 18, 2024

The list of the proposed amendments is in Section II, p. 8. The “mark-up” version of the proposed amendments is in Section III, p. 15.

I. BACKGROUND – OREGON LEGISLATIVE ACTIONS FOR HOUSING

In the last several legislative sessions the Legislature has passed several bills to address the housing shortage including the significant shortage of affordable housing. The following summarizes the housing Bills passed by the Oregon Legislature starting in 2017 through the 2024 Session which ended March 7, 2024.

Abbreviations: HB: House Bill, a bill initiated in the House (HB).

SB: Senate Bill, a bill initiated in the Senate (SB).

LZDO: Lafayette Zoning and Development Ordinance – the City’s zoning regulations.

The following is a summary of each Bill related to housing that necessitates an amendment to the LZDO. The summaries do not go into the details, for example, many of the Bills include definitions for terms that would be amended into the LZDO. When the information is available, a follow-up paragraph states the Oregon Revised Statute number that was amended by a Section of the Bill.

2017 Legislature

Senate Bill (SB) 1051 was passed by the Legislature and it addressed several housing issues.

1. Senate Bill (SB) 1051, Section 6, required cities of 2,500 or greater population to allow accessory dwelling units (ADU) as a permitted outright use in all residential zones that allow detached single family dwellings as permitted uses (SB 1051, Section 6). Cities could adopt standards for ADU’s provided they were “reasonable.” SB 1051 did not provide an explanation of “reasonable.”

As of July 1, 2017 the State estimated Lafayette’s population to be 4,095, therefore, Lafayette was required to comply with SB 1051’s ADU requirement.

SB 1051, Section 6, amended ORS 197.312 to add Subsection 197.312(5) which included the ADU requirements. The 2019 Legislature’s HB 2001, Section 7, amended 197.312 (see below).

The City initiated a legislative amendment (case # LA 2018-01) and amended the Lafayette Zoning and Development Ordinance (LZDO) to bring it into compliance with SB 1051, Section 6 (ORS 197A.425 as of April 18, 2024).

2. SB 1051, Section 4, clarified that all housing is “needed housing.” “Needed housing” is a term in ORS 197.303 and 197.307(4).

Prior to SB 1051 it appeared there may have been one or more housing types that were not identified as “needed housing.” For example, some cities that had voluntarily allowed ADU’s prior to HB 1051 did not consider them to be “needed housing” and it appeared that ORS 197 did not identify them to be “needed housing.” Senate Bill 1051, Section 4, made it clear that all housing is “needed housing,” whether it is an ADU or a million-dollar home.

The issue with “needed housing” is, local approval standards regarding “needed housing” must be clear and objective, therefore, after SB 1051, any regulations applying to ADU’s must be clear and objective.

Prior to SB 1051, ADU’s were not “needed housing” and therefore they were not affected by the requirement in ORS 197.307(4) that “needed housing” be subjected only to clear and objective standards. The cities that voluntarily had allowed ADU’s prior to SB 1051, typically, included one or more subjective standards. They were often worded similar to the following examples:

An ADU’s appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit, including roof pitch, eaves, window fenestration patterns, etc.

An ADU’s siding and roofing materials shall be similar to the siding and roofing materials of the primary dwelling or to materials typical of single family construction in the city.

The terms “coincide” and “similar” are subjective and require the exercise of judgment to determine if the ADU’s appearance coincides, or if the ADU’s siding, etc., is similar.

SB 1051, Section 4, prohibits subjective standards for ADU’s such as the above examples.

SB 1051, Section 4, amended the then ORS 197.303(1) to more clearly define “needed housing.” A later Bill amended 197.303, or moved 197.303, to ORS 197.____.

The City initiated a legislative process (case # LA 2018-01) to:

1. **Amend the LZDO to allow ADU’s in the Low Density Residential (R-1) District and the Medium Density Residential (R-2) District (ADU’s were already allowed in the Residential Commercial (RC) District), and**
2. **Amend the LZDO to subject ADU’s only to clear and objective standards in the R-1, R-2 and RC Districts.**
3. SB 1051, Section 8 clarified the types of uses allowed at a place of worship and included a requirement that affordable residences be allowed at a place of worship when the property is in a residential district. At least half of the residential units must be affordable to households with incomes equal to or less than 60 percent of the County’s median family income. The 60 percent requirement must be in a covenant and effective for 60 years.

SB 1051, Section 8, amended ORS 227.500(1) to more clearly state the uses allowed on a property occupied by a church, synagogue, temple, mosque, chapel, or meeting house. It allowed housing that is detached from the place of worship provided at least 50% of the units were affordable to households with incomes equal to or less than 60 percent of the County's median income. The 2021 Legislature's, HB 2008, moved the housing provisions to another ORS.

The practical effect of Section 8 was negligible in Lafayette because there were no places of worship in a residential district. One place of worship is in the city limits, i.e., the Lafayette Community Church, on the south side of 3rd (99W) between Jefferson and Adams in the Commercial Core (C-1) District.

The City initiated a legislative process (case # LA 2018-01) and amended the LZDO to bring it into compliance with SB 1051, Section 8, in the event a place of worship would locate in a residential district.

SB 1051 included several other sections that addressed Oregon's housing shortage and especially the shortage of affordable housing, but they did not apply to the City of Lafayette.

An amendment to the LZDO will be needed in this 2024 legislative process (case # LA 2024-01) to address the language in the later Bill. See HB 2008, Section 5, p. 5, below.

2018 Legislature

The 2018 Legislature did not pass any bills requiring the City of Lafayette to amend the LZDO.

2019 Legislature

1. House Bill (HB) 2001 addressed "middle housing" for medium and large cities. It required cities of 10,000 to 24,999 population to adopt certain housing regulations, and required cities of 25,000 and greater population, that are not in the Portland Metro Area, to adopt certain housing regulations. The majority of HB 2001's provisions do not apply to Lafayette because the City is less than 10,000 population.
2. HB 2001, Section 7, amended the State's ADU law set forth in SB 1051 (2017 Legislature) (ORS 197.312 at that time). Section 7 clarified that a "reasonable" ADU regulation cannot include a requirement to provide on-site parking spaces for an ADU, nor can it include a requirement for the property owner to live in the primary dwelling or in the ADU.

HB 2001, Section 7, amended ORS 197.312(5)(b) to add 197.312(5)(b)(**B**) to read (see underlining below):

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single family dwellings the development of at least one accessory dwelling unit for each detached single family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) “Reasonable local regulations relating to siting and design” does not include owner occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

The City initiated a legislative amendment (case # LA 2020-01) to the LZDO to bring it into compliance with HB 2001, Section 7 by adopting Ordinance 640.

HB 2001, Section 7, additionally amended ORS 197.312 to add 197.312(6) to read (see underlining):

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

The City does not need to initiate a legislative amendment to address the new 197.312(6) because Subsection (6) does not apply to Lafayette.

2020 Legislature

The Oregon Department of Land Conservation and Development Department’s “2020 Land Use Legislation Report” stated the following regarding the Session which included a situation where the Legislature was unable to achieve the Oregon Constitution’s requirement for a quorum which is needed to enact legislation.

Due to the unusual circumstances surrounding the 2020 Oregon legislative session, 258 bills were proposed and only three were passed into law.

The three bills that passed were not related to land use planning.

2021 Legislature

1. House Bill (HB) 2008, Section 1, amended ORS 197.286 to 197.314. Section 1 requires cities to allow affordable housing (per the definition of “affordable housing” in Section 1) in commercial and industrial zoning districts (without a zone change or conditional use permit) provided specified requirements are met.

For affordable housing in a commercial zoning district, the primary requirements are the housing is owned by a public body (such as a city or county) or a nonprofit corporation that is organized as a religious corporation, and the property is zoned for commercial uses which allows “religious assembly” as a permitted use.

For affordable housing in an industrial zoning district, the primary requirements are the housing is owned by a public body (such as a city or county), the property is adjacent to lands zoned for residential uses or schools, and the property is not specifically zoned for heavy industrial uses.

The City has initiated this legislative process (case # LA 2024-01) to amend the LZDO, Section 2.105, Commercial Core District (C-1), Section 2.106, Commercial General District, and Section 2.107, Industrial District to comply with the amended ORS 197.286 to 197.314.

2. House Bill 2008, Section 5, amended ORS 227.500(1)(g) which SB 1051 (2017 Legislature) had amended into ORS 227.500. Section 5 deleted the language in ORS 227.500(1)(g)(A), (B) and (C). Subsection (g) related to “Providing housing or space for housing in a building or buildings that are detached from the place of worship, provided” A – C are met.

Section 5 also deleted the language in ORS 227.500(4) which required that 60 percent of the housing be affordable and that the affordability requirement must be in a covenant and effective for 60 years.

The City has initiated this legislative process (case # LA 2024-01) to amend the LZDO to comply with HB 2008, Section 5. The LZDO (Residential Agriculture - RA District), Subsection 2.101.06, G, is proposed to be amended to delete the last phrase "...and is not required to comply with Subsection H, 1 – 4, below." Additionally, Subsection 2.101.06, H, 1 – 4, regarding affordable housing on a house of worship property in a residential district is proposed to be deleted. Similarly, the same deletions are proposed in the R-1 (Section 2.102.06), R-2 (Section 2.103.06) and RC (Section 2.104.06) Districts.

3. House Bill 2583, Section 1, addressed maximum occupancy limits for residential dwelling units. It states:

A maximum occupancy limit may not be established or enforced by any local government, as defined in ORS 197.015, for any residential dwelling unit, as defined in ORS 90.100, if the restriction is based on the familial or nonfamilial relationships among any occupants.

The City has initiated this legislative process (case # LA 2024-01) to amend the LZDO 1.200.02, Definitions, to comply with HB 2583, Section 1.

4. Senate Bill 405, Section 2, requires City land use regulations that allow the resumption of a nonconforming use after its interruption or abandonment may not consider a use interrupted or abandoned during the time that a federal, state or local emergency order limits or prohibits the use or the repair or replacement of the use. SB 405 states:

"City land use regulations that allow the resumption of a nonconforming use after its interruption or abandonment may not consider a use interrupted or abandoned during the time that a federal, state or local emergency order limits or prohibits the use or the repair or replacement of the use."

SB 405 does not directly address the State's housing shortage or the shortage of affordable housing, but if a dwelling is a nonconforming use and its residential use is discontinued for more than 12 months due to, say, a wildland fire, storm or other natural disaster where an emergency has been declared by local, State or Federal officials, the time it is not used as a residence during the emergency cannot be counted toward the 12 month period.

Oregon Revised Statute 227.283, Regulations Applicable to Resumption of Nonconforming Uses, was added to and made a part of ORS chapter 227 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

In its entirety, ORS 227.283 states, "City land use regulations that allow the resumption of a nonconforming use after its interruption or abandonment may not consider a use interrupted or abandoned during the time that a federal, state or local emergency order limits or prohibits the use or the repair or replacement of the use."

The City has initiated this legislative process (case # LA 2024-01) to amend the LZDO to comply with SB 405. LZDO 3.109, Nonconforming Uses, is proposed to be amended to comply with SB 405.

2022 Legislature

1. HB 4051 addressed some issues from the 2021 Legislative Session. One issue relates to affordable housing.

Section 4, amended ORS 197.308 regarding allowing affordable housing on commercial and industrial lands provided criteria are met. See 2021 Legislature, HB 2008, Section 1 on p. 5.

The City has initiated a legislative process (case # LA 2024-01) to amend the LZDO to comply with the amended ORS 197.308.

2. HB 4064, Section 1, adds and deletes language from ORS 197.314 with the net result that cities must allow manufactured homes and prefabricated dwellings on land zoned to allow single family dwellings with standards related to protective measures and the external thermal envelope. The LZDO does not now specifically allow prefabricated dwellings.

Section 1 also prohibits applying standards to manufactured homes and prefabricated dwellings that would not apply to site-built single family dwellings.

Section 2 amends ORS 197.307 to delete the language that required manufactured homes sited on individual lots to meet standards that do not also apply to site-built dwellings, for example, to be multi-sectional, to be at least 1,000 square feet in area, to be placed on an excavated and back filled foundation and not more than 12-inches above grade, to have a pitched roof, to have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings, to have a garage or carport of like materials or shall have a detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

Section 3 does not allow a city to prohibit the placement of a prefabricated structure in a mobile home park or a manufactured dwelling park.

Section 4 does not allow a city to prohibit the placement of a prefabricated structure in residential zoning districts.

Section 5 amends ORS 197.286 and includes definitions of “manufactured dwelling,” “manufactured dwelling park,” “manufactured home,” and “mobile home park” as defined in ORS 446.003, and “prefabricated structure” as defined in ORS 455.010.

The City has initiated a legislative process (case # LA 2024-01) to amend the LZDO to comply with the amended ORS 197.314.

2023 Legislature

1. HB 2001 (not the same as HB 2001 in the 2019 Legislature). The August 25, 2023 Department of Land Conservation and Development legislative summary described the bill as follows:

HB 2001 updates the statutory framework implementing Goal 10 [Housing] to emphasize a measurable and accountable approach to housing production that provides needed units at all levels of affordability, promotes a greater range of housing options and types, and affirmatively furthers fair housing.

HB 2001 did not include provisions requiring amendments to the LZDO.

2. HB 3395 was an omnibus housing bill where many of its Sections do not apply to Lafayette. HB 3395, Section 20, amends ORS 197.758. Cities with a population of 2,500 or greater and less than 25,000 must allow a duplex on each lot or parcel zoned for residential use that allows a detached single family dwelling (a prior Bill required cities 25,000 and greater to allow duplexes on a property that allows a detached single family dwelling).

The City has initiated a legislative process (case # LA 2024-01) to amend the LZDO to comply with HB 3395, Section 20.

3. HB 3395, Section 2, requires land in cities that is zoned for commercial uses to allow housing units available to those households making 60% of area median income (subject to an affordable housing covenant), or allow mixed use structures with ground floor commercial for those households with moderate incomes (subject to an affordable housing covenant) as defined in ORS 456.270 (80 – 120% of area median income).

Development allowed per Section 2 does not apply to lands where the local government determines that:

1. The property cannot be served by adequate water, sewer, storm water drainage or streets.
2. The property contains a slope of 25 percent or greater.
3. The property is within the 100-year floodplain.
4. The property is constrained by land use regulations based on the Statewide Planning Goals relating to natural disasters or hazards or natural resources, including air, water, land or natural areas, but not open space.
5. The property is vacant or it was added to the urban growth boundary within the last 15 years.

The City has initiated a legislative process (case # LA 2024-01) to amend the LZDO to comply with HB 3395, Section 2.

4. HB 3395, Section 4, allows cities flexibility in the required 120-day period within which a decision must be made and all local appeals resolved for a residential permit, a limited land use decision or a zone change. The time period may be extended up to 7-days “to ensure the sufficiency of the final order.” Section 4 applies to the process wherein a party would file a Notice of Intent to Appeal a city decision or a State agency decision to the Land Use Board of Appeals (LUBA) regarding a residential development. Additionally, a city or a State agency may withdraw a final decision for reconsideration. These provisions are intended to reduce appeals that can delay the development of housing by providing more time to address issues before they are appealed to LUBA.

The provisions of Section 4 do not necessitate an amendment to the LZDO because they apply to the LUBA appeal process governed by ORS 197.803 – 197.830.

5. HB 3395, Sections 17 and 18, defines Single Room Occupancies (SROs) and requires cities to allow SROs with up to 6 units on each lot zoned for single family detached housing. If the zoning allows the development of 5 or more dwelling units per acre, then a SRO development must be approved up to the number of units allowed by the underlying density standard.

The City has initiated a legislative process (case # LA 2024-01) to amend the LZDO to comply with HB 3395, Sections 17 and 18.

2024 Legislature

6. HB 1537, Sections 38 to 41. The March 11, 2024 Department of Land Conservation and Development legislative summary describes Sections 38 to 41 as follows:

Requires local governments to allow land use adjustments, [referred to as Minor and Major Variances in the LZDO] and the extension, alterations and expansions of a nonconforming use administrative-level decision.

The Bill sets forth numerous requirements, maximums and minimums for the “adjustments” and requires only one of the seven approval criteria be met.

The City has initiated a legislative process (case # LA 2024-01) to amend the LZDO to comply with HB 3395, Sections 38 to 41.

II. LIST OF PROPOSED LZDO AMENDMENTS

The following is the list of the proposed amendments to the LZDO. They are in the order of the LZDO’s section numbers.

GENERALLY

- A. Throughout the LZDO, Section and Subsection numbers are mentioned, but often, the Section or Subsection’s name (title) is not included leaving the reader to wonder what the cited section addresses. The reader is forced to look through the LZDO to determine what the cited section addresses which is inefficient and can be an impediment to understanding the LZDO. Where sections are proposed to be amended to address housing issues and a section is cited without stating its name, the name is proposed to be added.

Similar to the above, when a section is proposed to be amended related to housing, if an inconsistency was found in the code language, it is proposed to be amended to remove the inconsistency.

- B. Throughout the LZDO, when terms are in lists, often there is no punctuation at the end of each listed item. Where Sections and Subsections are amended to cover housing issues and a term is listed with no punctuation, the appropriate punctuation is added.

1.200 DEFINITIONS

1. 1.200.02, Definitions. Propose adding definitions of “manufactured dwelling,” “manufactured dwelling park,” “manufactured home,” and “mobile home park” as defined in ORS 446.003, and “prefabricated structure” as defined in ORS 455.010 to comply with HB 4064, Section 5 (2022) as it amended ORS 197.286.
2. 1.200.02, Definitions. Additional definitions are proposed to be added or existing definitions are proposed to be updated.

2.101 RESIDENTIAL ACREAGE DISTRICT (RA)

3. 2.101, Permitted Uses. Propose adding “duplex” as a permitted use in the RA District to conform with HB 3395, Section 20 (2023 Legislature).

2.102 LOW DENSITY RESIDENTIAL (R-1) DISTRICT

4. 2.102.02, Permitted Uses. Subsection A, allows detached single family dwellings as permitted uses. Propose adding “duplex” as a permitted use in the R-1 District to conform with HB 3395, Section 20 (2023 Legislature).
5. 2.102.02, B, Permitted Uses. Subsection B lists “Manufactured Homes on Individual Lots” as a permitted use and it includes a citation Section 2.305, but it doesn’t say what Section 2.305 covers. Propose adding, at the end of Subsection B, “Manufactured Homes on Individual Lots.”
6. 2.102.02, C, Permitted Uses. Subsection C allows Mobile Home Parks as a permitted use, but does not also list Manufactured Home Park as a permitted use. The term Mobile Home is used to describe units manufactured prior to 1976 when the Federal manufactured home standards were revised to be consistent with site-built housing. The term Manufactured Home is used to describe units manufactured after the Federal standards were adopted in 1976. Propose adding “or manufactured home park” as a permitted use in the R-1 District to clarify that a Manufactured Home Park is also a permitted use in the R-1 District.
7. 2.102.02, D, Permitted Uses. Subsection D allows Accessory Structures or Uses as a permitted use, but it does not refer to Subsection 2.209.10 which contains the accessory structure standards. Propose adding “subject to the provisions of Subsection 2.209.10, Accessory Structures,” to clarify that accessory structures and uses must comply with the accessory structure standards in Subsection 2.209.10.
8. 2.102.03, A, Conditional Uses. Subsection A lists “Duplex” as a conditional use. Propose deleting “Duplex” because, above, duplexes are proposed to be deleted as a Conditional Use and added as a Permitted Use to comply with HB 3395, Section 20 (2023 Legislature). Renumber Subsections B – G to be A – F.
9. 2.102.03, B, Conditional Uses. Subsection B lists “Public facility or government structure” as a Conditional Use. Propose adding “or use” at the end to clarify a “government structure or use” is allowed.
10. 2.102.04, A, Dimensional Standards. Subsection A, 2, establishes a 10,000 square foot minimum lot size for duplexes. A duplex is where 2 dwelling units are on one lot. Elsewhere in the LZDO two townhouses, each on its own lot, and attached at a common wall (zero side yard setback) are allowed on a minimum lot size of 4,000 square feet for each townhouse or 8,000 square feet for the two dwellings. Propose amending the minimum lot size for duplexes to be 8,000 square feet.
11. 2.102.04, A, Dimensional Standards. Subsection A, 4, lists “Mobile home parks,” and that they must be on a property of at least 1 acre. Subsection A, 4, does not include “manufactured home parks.” Propose adding “manufactured home parks” to clarify that “manufactured home parks” must also be at least 1 acre in size.
12. 2.102.04, B, Minimum Yard Setbacks. Subsection B, 1, a, establishes a 15 foot front yard setback and a 20 foot front yard setback for garages (to allow a vehicle to park in front of the garage door). Subsection B, 1, b, c and d, for rear yards, interior side yards and side yards adjacent to a street, respectively, are silent on the setback to a garage when the door faces a rear property line, an interior side property line or a side property line adjacent to a street. Propose adding a 20 foot setback to a garage that is accessed from a rear property line, an interior side property line or a side property line adjacent to a street.

13. 2.102.04, C, Minimum Structure Height. Subsection C, 2, states the maximum structure height for an accessory structure is 20 feet in the R-1 District. But Section 2.209.10, Accessory Structure Standards, Subsection 2.209.10, B, 2, states the maximum height is 20 feet, *except that no accessory structure shall exceed the height of the primary building*. Propose amending the R-1 District to include the phrase, “except that no accessory structure shall exceed the height of the primary building” to ensure the two sections are consistent.
14. 2.102.05, Development Standards. Subsection C, Lot Coverage, includes incomplete language for the lot coverage standard. No more than 35% of a lot can be covered by buildings and 30% by parking/driveway area. The statement of the combined coverage includes parking coverage, but it does not include “building” coverage. Propose adding “building” coverage.
15. 2.102.06, House of Worship Uses. Subsection 2.102.06, G, addresses market-rate housing development on house of worship properties in residential districts. Subsection 2.102.06, H, addresses affordable housing on house of worship properties in residential districts. The LZDO, Section 2.102.06, implements ORS 227.500 which was amended by the Legislature in 2017 and 2021. Propose deleting Subsections G and H to bring the LZDO into conformance with ORS 227.500 as set forth in the 2023 Edition of the Oregon Revised Statutes. HB 2008, Section 5 (2021 Legislature).

2.103 MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICT

16. 2.103.02, B, Permitted Uses. Subsection B lists “single family dwelling attached” as a permitted use, but does not require they comply with the architectural standards for dwellings in Section 2.316. Propose adding, at the end of Subsection B “..., subject to the provisions of Section 2.316, Architectural Standards for Dwellings.”
17. 2.103.02, C, Permitted Uses. Subsection C lists “Manufactured Homes on Individual Lots” as a permitted use and it includes a citation Section 2.305, but it doesn’t say what Section 2.305 covers. Propose adding, at the end of Subsection C, “Manufactured Homes on Individual Lots.
18. 2.103.02, D, Permitted Uses. Subsection D lists duplex as a permitted use, but does not require they comply with the architectural standards for dwellings in Section 2.316. Propose adding, at the end of Subsection D “..., subject to the provisions of Section 2.316, Architectural Standards for Dwellings.”
19. 2.103.02, K, Permitted Uses. Subsection K allows Accessory Structures or Uses as a permitted use, but it does not refer to Subsection 2.209.10 which contains the accessory structure standards. Propose adding “subject to the provisions of Subsection 2.209.10, Accessory Structures,” to clarify that accessory structures and uses must comply with the accessory structure standards in Subsection 2.209.10.
20. 2.103.02, L, Permitted Uses. Subsection L allows Mobile Home Parks as a permitted use, but does not also list Manufactured Home Park as a permitted use. The term Mobile Home is used to describe units manufactured prior to 1976 when the Federal manufactured home standards were revised to be consistent with site-built housing. The term Manufactured Home is used to describe units manufactured after the Federal standards were adopted in 1976. Propose adding “or manufactured home park” as a permitted use in the R-2 District to clarify that a Manufactured Home Park is also a permitted use in the R-2 District.

21. 2.103.02, P, Permitted Uses. Subsection P allows accessory dwelling units as a permitted use, but the phrase "...the provisions of..." is not included. Propose a minor amendment to add the phrase to make it the same as the other standards that refer to complying with a particular Section.
22. 2.103.03, Conditional Uses. The lead-in sentence includes a typo stating "RC," but it should be "R-2." Propose deleting "RC" and replacing it with "R-2."
23. 2.103.04, A, 5, Dimensional Standards. Subsection 2.103.04, A, 5, lists "Mobile home park," and that they must be on a property of at least 1 acre. Subsection A, 5, does not include "manufactured home park." Propose adding "manufactured home park" to clarify that "manufactured home park" must also be at least 1 acre in size.
24. 2.103.04, B, Minimum Yard Setbacks. Subsection B, 1, a, establishes a 15 foot front yard setback and a 20 foot front yard setback for garages (to allow a vehicle to park in front of the garage door). Subsections B, 1, b, c and d, for rear yards, interior side yards and side yards adjacent to a street, respectively, are silent on the garage setback when the garage door faces a rear property line, an interior side property line or a side property line adjacent to a street. Propose adding a 20 foot setback to a garage that is accessed from a rear property line, an interior side property line or a side property line adjacent to a street.
25. 2.103.04, B, Minimum Yard Setback Requirements. Subsection B, 1, establishes yard setbacks for "All principal and accessory structures" which would include all residential uses. There are no setbacks tailored to multi-family housing (3 or more dwelling units is multi-family) which can be up to 30 feet in height (per Subsection C, 1). The R-2 District residential setbacks are the same as the R-1 setbacks, except the R-1 rear setback is 15 feet and the R-2 rear setback is 10 feet.

The R-2 District allows various types of housing, including multi-family housing up to 30 feet in height.

The current R-2 setbacks are:

Front yard:	15 feet.
Garage:	20 feet.
Rear yard:	10 feet.
Garage:	20 feet.
Interior side yard:	5 feet.
Garage:	20 feet.
Side yard adjacent to a street:	15 feet.
Garage:	20 feet.

Note that Item #24, above, proposes the setbacks to garages be a minimum of 20 feet.

The B, 1, setbacks are appropriate for detached single family dwellings, duplexes and attached single family dwellings, but they are not appropriate for multi-family dwellings, especially when an R-2 property abuts an R-1, R-2 or R-3 property with a detached single family dwelling, duplex or an attached single family dwelling.

With these amendments, the R-1, R-2 and R-3 Districts will allow low density housing, i.e., detached single family dwellings, attached single family dwellings and duplexes. There will be situations in the R-2 District where a multi-family building is proposed on a property abutting a detached single family dwelling, attached single family dwelling or a duplex on an abutting property in the R-1, R-2 or RC Districts.

Greater front, side and rear yard setbacks are appropriate when a multi-family building is proposed on a property which abuts a property with a detached single family dwelling, attached single family dwelling or duplex in a R-1, R-2 or RC District because the apartment building(s) will be significantly greater in mass, scale and bulk.

Propose a new Subsection B, 2, adding the following for multi-family dwellings (3 or more units) which abut a property in the R-1, R-2 or RC Districts occupied by a single family dwelling, attached single family dwelling or duplex:

Front yard:	20 feet.
Rear yard:	20 feet.
Interior side yard:	20 feet.
Side yard adjacent to a street:	20 feet.

Propose adding a new Subsection B, 3, setting forth the minimum setbacks for multi-family dwellings (3 or more units) which do not abut a property in the R-1, R-2 or RC Districts occupied by a single family dwelling, attached single family dwelling or duplex.

26. 2.103.04, B, Minimum Yard Setback Requirements. Subsection B, 1, is the only section setting forth the minimum setbacks. It applies to principal and accessory structures, but Section 2.209.10, B, 3, establishes the setbacks for accessory structures. Propose adding a new Subsection B, 2, to indicate the setbacks for accessory structures are at Section 2.209.10, B.
27. 2.103.04, B, Minimum Yard Setback Requirements. Following #26 propose adding a new Subsection B, 3, to indicate the setbacks for primary and accessory structures for multi-family development on a property that abuts properties in the R-1, R-2 and RC Districts that are developed with a detached single family dwelling, an attached dwelling or a duplex.
28. 2.103.04, B, Minimum Yard Setback Requirements. Following #26 and #27 propose adding a new Subsection B, 4, to indicate the setbacks for primary and accessory structures for multi-family development on a property that does not abut properties in the R-1, R-2 and RC Districts that are developed with a detached single family dwelling, an attached dwelling or a duplex.
29. 2.103.06, House of Worship Uses. Subsection 2.103.06, G, addresses market-rate housing development on house of worship properties in residential districts. Subsection 2.103.06, H, addresses affordable housing on house of worship properties in residential districts. The LZDO, Section 2.103.06, implements ORS 227.500 which has been amended by the Legislature in 2017 and 2021. Propose deleting Subsections G and H to bring the LZDO into conformance with ORS 227.500 as set forth in the 2023 Edition of the Oregon Revised Statutes.

2.104 RESIDENTIAL COMMERCIAL (RC) DISTRICT

30. 2.104.02, Permitted Uses. Subsection A, 2, lists “single family dwelling attached” as a permitted use, but does not require they comply with the architectural standards for dwellings

in Section 2.316. Propose adding, at the end of A, 2, "... , subject to the provisions of Section 2.316, Architectural Standards for Dwellings."

31. 2.104.02, Permitted Uses. Subsection A, 3, lists "Manufactured Homes on Individual Lots" as a permitted use and it includes a citation Section 2.305, but it doesn't say what Section 2.305 covers. Propose adding, at the end of Subsection C, "Manufactured Homes on Individual Lots. It would read, "Manufactured homes on individual lots, subject to the provisions of Section 2.305, Manufactured Homes on Individual Lots.
32. 2.104.02, Permitted Uses. Subsection A, 4, lists duplex as a permitted use, but does not require they comply with the architectural standards for dwellings in Section 2.316. Propose adding to A, 4, "... , subject to the provisions of Section 2.316, Architectural Standards for Dwellings" at the end.
33. 2.104.02, Permitted Uses. Subsection A (residential and non-commercial uses) does not list Accessory Structures and Uses as a permitted use. Residential uses are allowed and it is common for them to have accessory structures such as detached garages, shops, storage buildings, etc. Propose a new Subsection A, 15, be added listing Accessory Structure and Uses as a permitted use subject to the provisions of Subsection 2.209.10, Accessory Structure Standards.
34. 2.104.03, E, Conditional Uses. Subsection E allows park and ride lots as a conditional use and it includes a colon followed by two prohibitions, i.e., the spaces cannot be used for the required parking for development on other properties and they cannot be used for vehicle storage. Propose a minor amendment to delete the colon and re-state the two prohibitions.
35. 2.104.04, B, Minimum Yard Setback Requirements. Subsection B, 1, establishes RC District yard setbacks for "Residential Uses" which includes all residential uses. The "Residential Uses" setbacks are the same as the R-2 setbacks. Subsection B, 1, a, establishes a 15 foot front yard setback and a 20 foot front yard setback for garages (to allow a vehicle to park in front of the garage door). Subsections B, 1, b, c and d, for rear yards (10 feet), interior side yards (5 feet) and side yards adjacent to a street (15 feet), respectively, are silent on the garage setback when the garage door faces a rear property line, an interior side property line or a side property line adjacent to a street. Propose adding a 20 foot setback to a garage that is accessed from a rear property line, an interior side property line or a side property line adjacent to a street.
36. 2.104.04, B, Minimum Yard Setback Requirements. Subsection B, 1, establishes yard setbacks for "Residential Uses" which includes all residential uses. There are no setbacks tailored to multi-family housing (3 or more dwelling units) which can be up to 30 feet in height (per Subsection C, 1). Note, below the 30 foot height limit is proposed to be changed to 35 feet). The RC District setbacks at 2.104.04, B, 1, a – d, are the same as the R-2 setbacks. They are (the addition of garage setbacks proposed in these amendments are included):

Front yards:	15 feet.
Garage:	20 feet.
Rear yards:	10 feet.
Garage:	20 feet.
Interior side yards:	5 feet.
Garage:	20 feet.

Side yards adjacent to a street:	15 feet.
Garage:	20 feet.

The B, 1, setbacks are appropriate for detached single family dwellings, attached single family dwellings and duplexes, but they are not appropriate for multi-family dwellings, especially when an RC property abuts an R-1, R-2 or R-3 property with a detached single family dwelling, attached single family dwelling or duplex.

With these amendments, the R-1, R-2 and R-3 Districts will allow low density housing, i.e., detached single family dwellings, attached single family dwellings and duplexes. There will be situations in the RC District where a multi-family building is proposed on a property abutting a detached single family dwelling, attached single family dwelling or a duplex on an abutting property in the R-1, R-2 or RC Districts.

Greater front, side and rear yard setbacks are appropriate when a multi-family building is proposed on a property which abuts a property with a detached single family dwelling, attached single family dwelling or duplex in a R-1, R-2 or RC District because the apartment building will be significantly greater in mass, scale and bulk.

Propose adding a new Subsection B, 2, a, setting forth the minimum setbacks for multi-family dwellings (3 or more units) which abut a property in the R-1, R-2 or RC Districts occupied by a single family dwelling, attached single family dwelling or duplex:

Front yard:	20 feet.
Rear yard:	20 feet.
Interior side yard:	20 feet.
Side yard adjacent to a street:	20 feet.

Propose adding a new Subsection B, 2, B, setting forth the minimum setbacks for multi-family dwellings (3 or more units) which do not abut a property in the R-1, R-2 or RC Districts occupied by a single family dwelling, attached single family dwelling or duplex.

37. 2.104.04, B, Minimum Yard Setback Requirements. Subsection B, 1, is the only section setting forth the minimum setbacks. It applies to principal and accessory structures, but Section 2.209.10, B, 3, establishes the setbacks for accessory structures. Propose adding a new Subsection B, 2, to indicate the setbacks for accessory structures are at Section 2.209.10, B.
38. 2.104.04, B, Minimum Yard Setback Requirements. Following #37 propose adding a new Subsection B, 3, a, to indicate the setbacks for primary and accessory structures for multi-family development on a property that abuts properties in the R-1, R-2 and RC Districts that are developed with a detached single family dwelling, an attached dwelling or a duplex.
39. 2.104.04, B, Minimum Yard Setback Requirements. Following #37 and #38 propose adding a new Subsection B, 3, b, to indicate the setbacks for primary and accessory structures for multi-family development on a property that does not abut properties in the R-1, R-2 and RC Districts that are developed with a detached single family dwelling, an attached dwelling or a duplex.
40. 2.104.04, B, Minimum Yard Setback Requirements. Subsection B includes four Subsections, B, 1 - 4. Following the above, propose renumbering 2, 3 and 4 to 4, 5 and 6.

41. 2.104.04, C, Maximum Structure Height. Subsection C, 2, addresses the maximum height for accessory structures at 20 feet, but Section 2.209.10, B, 2, establishes the height maximum for accessory structures at 20 feet and adds that no accessory structure can be higher than the principal building. Propose amending C, 2, to include a phrase referring to 2.209.10, B, 2.
42. 2.104.06, House of Worship Uses. Subsection 2.104.06, G, addresses market-rate housing development on house of worship properties in residential districts. Subsection 2.104.06, H, addresses affordable housing on house of worship properties in residential districts. The LZDO, Section 2.104.06, implements ORS 227.500 which has been amended by the Legislature in 2017 and 2021. Propose deleting Subsections G and H to bring the LZDO into conformance with ORS 227.500 as set forth in the 2023 Edition of the Oregon Revised Statutes.

3.109 NONCONFORMING USES

43. 3.109.03, Discontinuance of Use. Propose adding the language from SB 405, Section 2 (2021 Legislature) that was placed in ORS 227.283, at a new Subsection 3.109.03, B. Where a city's nonconforming use standards allow the resumption of a nonconforming use after its interruption or abandonment prior to the expiration of a time period (12-months in the LZDO), the 12-month period may not count the time that a use interrupted or abandoned during the time that a federal, state or local emergency order limits or prohibits the use or the repair or replacement of the use.
44. 3.109.03, Discontinuance of Use. The current time period is 12-months. In many cases the resumption of a use after an interruption or abandonment is not possible due to several issues, including but not limited to settlement of an insurance claim, the availability of work crews, the availability of materials, obtaining financing and other factors beyond the control of the property owner. Propose changing the current 12-month period to 18-months.

In its entirety, ORS 227.283 states, "City land use regulations that allow the resumption of a nonconforming use after its interruption or abandonment may not consider a use interrupted or abandoned during the time that a federal, state or local emergency order limits or prohibits the use or the repair or replacement of the use."

III. PROPOSED LZDO AMENDMENTS

The intent of this staff report is to include proposed code language amendments to bring the LZDO into compliance with the numerous housing related Bills that have been passed recently. As is the usual case for code language amendments, the language to be deleted is shown in [~~brackets and strikeout~~] and the language to be added is shown in ***bold italics***.

Once the bills were reviewed and the scope of the many changes and their complexity were recognized, it was clear there was not sufficient time to create and show in this staff report all the needed LZDO amendments. For example, several Bills include new terms with definitions or definitions of existing terms have been changed and some of them are not included in this staff report.

For some Bills, clarifications have been asked of the Oregon Department of Land Conservation and Development staff and some responses have not been yet been received.

1.200 DEFINITIONS

1.200.02, Definitions.

Manufactured dwelling: Manufactured dwelling has the meaning given that term in ORS 446.003.

Manufactured dwelling park: Manufactured dwelling park has the meaning given that term in ORS 446.003.

Manufactured home: Manufactured home has the meaning given that term in ORS 446.003.

Mobile home: Mobile home has the meaning given that term in ORS 446.003.

Mobile home park: Mobile home park has the meaning given that term in ORS 446.003.

Prefabricated structure: A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

Residential trailer: Residential trailer has the meaning given that term in ORS 446.003.

Skirting: Consistent with ORS 446.003 a weather resistant material used to enclose the space below a manufactured dwelling.

2.101 RESIDENTIAL ACREAGE DISTRICT (RA)

2.101.02, Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the RA District:

- A. Single-family dwelling unit, detached, **or duplex**, subject to **the provisions of** Section 2.316, Architectural Standards for Dwellings.
- B – K. No change.

2.102 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

2.102.02, Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-1 District:

- A. Single-family dwelling unit, detached, **or duplex**, subject to **the provisions of** Section 2.316, Architectural Standards for Dwellings.
- B. Manufactured homes on individual lots, subject to the provisions of Section 2.305, **Manufactured Homes on Individual Lots.**

- C. Mobile home park **or manufactured home park**, subject to the provisions of Section 2.304, **Manufactured Home Parks**.
- D. Accessory structure or uses, **subject to the provisions of Subsection 2.209.10, Accessory Structures**.
- E – K. No change.
- L. Accessory dwelling unit, subject to **the provisions of** Section 2.312, Accessory Dwelling Units.

2.102.03 Conditional Uses

The following uses may be permitted in the R-1 District when authorized pursuant to Section 3.103, **Conditional Use Permits**:

- A. [Duplex]

The following **B – G** will be renumbered to be **A – F**.

- B. Public facility or government structure **or use**.
- C. Bed and breakfast establishment.
- D. Cemetery.
- E. Golf Course.
- F. House of Worship and the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including but not limited to the uses set forth in Section 2.102.06, House of Worship Uses.
- G. Public and private schools K-12.

2.102.04 Dimensional Standards

The following minimum dimensional standards shall be required for all development in the R-1 District except for modifications permitted under Section 2.302, Planned Unit Developments, and Section 2.402, General Exceptions.

- A. Minimum Lot Area
 - 1. Single-family dwelling 7,500 square feet.
 - 2. Duplex [40,000] **8,000** square feet.
 - 3. Public utility structures: Lot area shall be adequate to contain all proposed structures within required yard setbacks.
 - 4. Mobile home **and manufactured home** parks: 1 acre.
 - 5. All other uses 7,500 square feet.

B. Minimum Yard Setbacks

1. All **principal** structures shall maintain the following minimum yard setbacks:

- | | | |
|----|--------------------------------|-----------------|
| a. | Front Yard | 15 feet. |
| | Garage setback | 20 feet |
| b. | Rear Yard | 15 feet |
| | Garage setback | 20 feet |
| c. | Side Yard (interior) | 5 feet |
| | Garage setback | 20 feet |
| d. | Side Yard (adjacent to street) | 15 feet. |
| | Garage setback | 20 feet. |

2. **All accessory structures shall comply with Section 2.209.10, Accessory Structure Standards.**

C. Maximum Structure Height

1. Principal Structure: 30 feet.
2. Accessory Structure: 20 feet, **except that no accessory structure shall exceed the height of the primary building.**

D & E. No change.

2.102.05 Development Standards

All development in the R-1 District shall comply with the applicable provisions of Section 2.400, General Provisions. In addition, the following standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.
- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum building coverage:	35%
Maximum parking area coverage:	30%
Combined maximum lot coverage by buildings and parking area [coverage]:	60%

D – I. No change.

2.102.06 House of Worship Uses

House of worship uses include, but are not limited to:

- A. Worship services;
- B. Religious classes;
- C. Weddings;
- D. Funerals;
- E. Meal programs;
- F. Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education [;] .

~~[G. Where a house of worship is in a residential district, the housing permitted outright or permitted conditionally in the residential district is allowed in accordance with the development standards of the residential district and is not required to comply with Subsection H, 1-4, below.]~~

~~[H. Where a house of worship is in a residential district, in addition to, or in place of, the housing allowed in Subsection G, above, affordable housing or space for affordable housing in one or more buildings detached from the place of worship, is~~

- ~~1. At least 50 percent for the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;~~
- ~~2. The real property is in an area zoned for residential use that is located within the urban growth boundary; and~~
- ~~3. The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.~~
- ~~4. Housing and space for housing provided under subsection 7, a-c, of this section must provide a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection 7, a-c, of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.]~~

2.103 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

2.103.02, Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-2 District:

- A. Single-family dwelling unit, detached, subject to ***the provisions of*** Section 2.316, Architectural Standards for Dwellings.
- B. Single family dwelling, attached, ***subject to the provisions of Section 2.316, Architectural Standards for Dwellings.***

- C. Manufactured homes on individual lots, subject to the provisions of Section 2.305, **Manufactured Homes on Individual Lots.**
- D. Duplex, **subject to the provisions of Section 2.316, Architectural Standards for Dwellings.**
- E. Multi-family housing, including apartments, townhouses, and condominiums, subject to the **provisions of Section 3.105**, Site Development Review [~~procedures of Section 3.105~~].
- F – P. No change.
- K. Accessory structures or uses, **subject to the provisions of Subsection 2.209.10, Accessory Structure Standards.**
- L. Mobile home park[s] **or manufactured home park**, subject to the provisions of Section 2.304, **Manufactured Home Parks.**
- M – O. No change.
- P. Accessory dwelling unit, subject to **the provisions of** Section 2.312, Accessory Dwelling Units.

2.103.03 Conditional Uses

The following **uses** may be permitted in the [RG] **R-2** District when authorized pursuant to [;] Section 3.103, Conditional Use Permits:

- A. Government or public facility structures **or use.**
- B. Hospitals.
- C. House of Worship and the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including but not limited to the uses set forth in Section 2.103.06, House of Worship Uses.
- D. Planned unit development subject to the provisions of Section 2.302, **Planned Unit Development.**
- E. Public and private schools K-12.

2.103.04 Dimensional Standards

The following minimum dimensional standards shall be required for all development in the R-2 District, except for modifications permitted under Section 2.302, Planned Unit Developments, and Section 2.402, General Exceptions.

- A. Minimum Lot Area
 - 1. Single-family dwelling, detached: 5,000 square feet
 - Single family dwelling, attached: 4,000 square feet

- 2. Duplex: 8,000 square feet
- 3. Multi-family dwellings:
 - a. First three units: 9,000 square feet
 - b. Each additional unit[s]: 2,000 square feet
- 4. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.
- 5. Mobile home **and manufactured home** parks: 1 acre

B. Minimum Yard Setbacks

1. [All-p] **Principal [and accessory] structures for detached single family, attached single family and duplex development** shall maintain the following minimum yard setbacks:

- a. Front Yard 15 feet.
Garage setback 20 feet
- b. Rear Yard 10 feet
Garage setback 20 feet
- c. Side Yard (interior) 5 feet
Garage setback 20 feet
- d. Side Yard (adjacent to street) 15 feet.
Garage setback 20 feet

2. **Accessory structures for detached single family, attached single family and duplex development shall comply with Section 2.209.10, Accessory Structure Standards.**

3. **Principal and accessory structures for multi-family development on a property which abuts a property in the R-1, R-2 or RC Districts occupied by a detached single family dwelling, attached single family dwelling or duplex shall maintain the following minimum yard setbacks:**

- a. **Front Yard 20 feet.**
Garage setback 20 feet
- b. **Rear Yard 20 feet**
Garage setback 20 feet
- c. **Side Yard (interior) 20 feet**
Garage setback 20 feet
- d. **Side Yard (adjacent to street) 15 feet.**
Garage setback 20 feet

4. Principal and accessory structures for multi-family development on a property which does not abut a property in the R-1, R-2 or RC Districts occupied by a detached single family dwelling, attached single family dwelling or duplex shall maintain the following minimum yard setbacks:

a. Front Yard	15 feet.
Garage setback	20 feet
b. Rear Yard	10 feet
Garage setback	20 feet
c. Side Yard (interior)	15 feet
Garage setback	20 feet
d. Side Yard (adjacent to street)	15 feet.
Garage setback	20 feet

C. Maximum Structure Height.

1. Principal Structure: 30 feet
2. Accessory Structure: 20 feet, **except that no accessory structure shall exceed the height of the primary building.**

2.103.05 Development Standards

All development in the R-2 District shall comply with the applicable provisions of Section 2.400, General Provisions. In addition, the following standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.
- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum building coverage:	45%
Maximum parking area coverage:	30%
Combined maximum lot coverage by buildings and parking area [coverage]:	75%

D – J. No change.

2.103.06 House of Worship Uses

House of worship uses include, but are not limited to:

- A. Worship services;
- B. Religious classes;

C. Weddings;

D. Funerals;

E. Meal programs;

F. Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education [;] .

~~[G. Where a house of worship is in a residential district, the housing permitted outright or permitted conditionally in the residential district is allowed in accordance with the development standards of the residential district and is not required to comply with Subsection H, 1-4, below.]~~

~~[H. Where a house of worship is in a residential district, in addition to, or in place of, the housing allowed in Subsection G, above, affordable housing or space for affordable housing in one or more buildings detached from the place of worship, is~~

~~1. At least 50 percent for the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;~~

~~2. The real property is in an area zoned for residential use that is located within the urban growth boundary; and~~

~~3. The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.~~

~~4. Housing and space for housing provided under subsection 7, a-c, of this section must provide a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection 7, a-c, of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.]~~

2.104 RESIDENTIAL COMMERCIAL DISTRICT (RC)

2.104.02, Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the RC District:

- A. The following residential and non-commercial uses are permitted in the RC District:
1. Single family dwelling unit, detached, **or duplex**, subject to **the provisions of** Section 2.316, Architectural Standards for Dwellings.
 2. Single family dwelling units, attached, **subject to the provisions of Section 2.316, Architectural Standards for Dwellings.**
 3. Manufactured homes on individual lots, subject to the provisions of Section 2.305

4. Duplexes, **subject to the provisions of Section 2.316, Architectural Standards for Dwellings.**
 5. Multi-family housing, including apartments, townhouses, and condominiums, subject to the **provisions of Section 3.105**, Site Development Review [~~procedures of Section 3.105~~].
 6. Bed and breakfast establishments, subject to the Site Development Review procedures of Section 3.105
 7. Residential care homes and facilities
 8. Child care facilities
 9. Home occupations, subject to the provisions of Section 2.306
 10. Parks and open space areas
 11. House of Worship and the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including but not limited to the uses set forth in Section 2.104.06, House of Worship Uses.
 12. Partitioning, subject to the provisions in Section 3.106.
 13. Subdivisions, subject to the provisions in Section 3.107.
 14. Accessory dwelling unit[s], subject to the provisions of Section 2.312, **Accessory Dwelling Units.**
 15. **Accessory structure or use, subject to the provisions of 2.209.10, Accessory Structure Standards.**
- B. The following commercial uses are permitted, subject to the provisions in Section 3.105, Site Development Review and the provisions in Subsection 2.104.02,C, **below.**
1. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios, and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
 2. Professional offices and clinics including, but not limited to, medical, dental, engineering and legal services, but excluding veterinary clinics.
 3. Banks and other financial institutions without a drive-through window.
 4. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.
 5. Restaurants, bakeries, coffee and snack shops and eating and drinking establishments, but excluding taverns, bars and similar establishments.

6. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
 7. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying, video rental, or other activities where the primary activity is the providing of a service to retail customers.
 8. Entertainment facilities such as movie theaters, theaters, bowling alleys, amusement centers including those featuring video games.
 9. Public automobile parking.
 10. Accessory structures and uses customarily provided for retail activities.
- C. Commercial uses permitted outright shall be subject to the following limitations:
1. The activity shall be conducted wholly within an enclosed structure.
 2. The maximum lot size for any commercial use shall be one acre.
 3. The lot shall abut a collector or arterial street if the commercial use exceeds 2,500 square feet in area.
 4. Commercial uses shall not engage in the manufacturing, processing, assembly or compounding of products other than those clearly incidental to the business conducted on the premises.

2.104.03 Conditional Uses

The following uses may be permitted in the RC District when authorized pursuant to, Section 3.103, Conditional Use Permits. These uses shall also be subject to Site Development Review in Section 3.105:

- A. Government or public facility structures
- B. Cemeteries
- C. RV parks
- D. Commercial activities which do not comply with the provisions in Section 2.104.02,C.
- E. Park and ride lot [:] **provided the** parking spaces [cannot count] **are not counted** as required parking **for development on other properties** or [be] **are** used for vehicle storage.
- F. Public and private schools K-12.

2.104.04 Dimensional Standards

The following minimum dimensional standards shall be required for all development in the RC District, except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area and Density Standards

- | | | |
|----|-----------------------------------|--|
| 1. | Single-family dwelling, detached: | 5,000 square feet |
| | Single-family dwelling, attached: | 4,000 square feet |
| 2. | Duplex: | 8,000 square feet |
| 3. | Multi-family dwellings: | |
| | a. First three units: | 9,000 square feet |
| | b. Each additional unit[s] : | 2,000 square feet |
| 4. | Commercial Use: | 5,000 square feet |
| 5. | Mixed commercial and residential: | Shall comply with the minimum for residential development. |
| 6. | Public utility structures: | Lot area shall be adequate to contain all proposed structures within the required yard setbacks. |

B. Minimum Yard Setbacks [Requirements]

1. [Residential Uses] **Detached single family, attached single family and duplex:**
- | | | |
|----|---------------------------------|----------------|
| a. | Front Yard: | 15 feet |
| | Garage setback: | 20 feet |
| b. | Rear Yard: | 10 feet |
| | Garage setback: | 20 feet |
| c. | Side Yard (interior): | 5 feet |
| | Garage setback: | 20 feet |
| d. | Side Yard (adjacent to street): | 15 feet |
| | Garage setback: | 20 feet |
2. **Accessory structures for detached single family, attached single family and duplex development shall comply with Section 2.209.10, Accessory Structure Standards.**
3. **Multi-family housing:**
- a. **Multi-family housing which abuts a detached single family dwelling, attached single family dwelling or duplex in the R-1, R-2 or RC Districts:**
- | | | |
|------|--|----------------|
| i. | Front Yard: | 20 feet |
| ii. | Rear Yard: | 20 feet |
| iii. | Side Yard (interior): | 20 feet |
| iv. | Side Yard (adjacent to street): | 20 feet |
- b. **Multi-family housing which does not abut a detached single family dwelling, attached single family dwelling or duplex in the R-1, R-2 or RC Districts:**

- i.* **Front Yard:** 15 feet
- ii.* **Rear Yard:** 10 feet
- iii.* **Side Yard (interior):** 15 feet
- iv.* **Side Yard (adjacent to street):** 15 feet

[2] 4. Commercial Uses

- a. Front Yard: None
- b. Rear Yard:
 - i.* Abutting a non-residential district: None
 - ii.* Abutting a residential district, excluding R[-]C: 10 feet
- c. Side Yard:
 - i.* Abutting a non-residential district: None
 - ii.* Abutting a residential district, excluding R[-]C: 10 feet

[3] 5. Mixed commercial and residential:

- a. Front Yard: 5 feet
Garage setback: 20 feet
- b. Rear Yard:
 - i.* Abutting a non-residential district: 5 feet
 - ii.* Abutting a residential district, excluding R[-]C: 10 feet
 - iii.* **Garage setback: 20 feet**
- c. Side Yard:
 - i.* Abutting a non-residential district: 5 feet
 - ii.* Abutting a residential district, excluding R[-]C: 10 feet
 - iii.* **Garage setback: 20 feet**

[4] 6. Public

- a. Front Yard: 15 feet
Garage setback: 20 feet
- b. Rear Yard: 10 feet
- c. Side Yard (interior): 5 feet
- d. Side Yard (adjacent to street): 15 feet

C. Maximum Structure Height

- 3. Principal Structure: 30 feet

4. Accessory Structure: 20 feet, ***except that no accessory structure shall exceed the height of the primary building.***

3.109 NONCONFORMING USES

The proposed amendments to Section 3.109 will be available at the May 16 work session. They are discussed on p. 15, Items 44 and 45.

IV. EXAMPLE OF LENGTH AND COMPLEXITY: HB 1537 (2024 Legislature)

As a reminder of HB 1537, the following from the March 21 staff report, with updates, is included here to ensure it isn't forgotten. As identified above, the 37-page HB 1537, Sections 38 to 41 address "adjustments" for residential development. As above, the Department of Land Conservation and Development legislative summary describes Sections 38 to 41 as follows:

Requires local governments to allow land use adjustments, [referred to as Minor and Major Variances in the LZDO] and the extension, alterations and expansions of a nonconforming use administrative-level decision.

UPDATE: Discussions are ongoing between cities and the Oregon Department of Land Conservation and Development about some of the language. The "adjustment" process sunsets in 2032, thus it isn't clear at this time if the language should be amended into a local development code, or if a city should use the language directly from the Bill to process "adjustments." More to come.

The following is the language in Section 38. The requirement to allow "adjustments" (Major and Minor Variances in the LZDO) applies only to residential uses and is detailed and comprehensive. To break it down and convert the Legislative Bill language into local zoning code language is time consuming. Whenever possible staff will use the language from the Bill, but the Bill cannot simply be copied into the LZDO.

Only Section 38 of HB 1537 follows in italics. It applies only to housing developments.

SECTION 38. Mandatory adjustment to housing development standards.

(1) As used in sections 38 to 41 of this 2024 Act:

(a) "Adjustment" means a deviation from an existing land use regulation.

(b) "Adjustment" does not include:

(A) A request to allow a use of property not otherwise permissible under applicable zoning requirements;

(B) Deviations from land use regulations or requirements related to accessibility, affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal, shorelands, beaches and dunes or ocean resources;

(C) A complete waiver of land use regulations or any changes beyond the explicitly requested and allowed adjustments; or

(D) Deviations to requirements related to the implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.

(2) Except as provided in section 39 of this 2024 Act, a local government shall grant a request for an adjustment in an application to develop housing as provided in this section. An application qualifies for an adjustment under this section only if the following conditions are met:

(a) The application is for a building permit or a quasi-judicial, limited or ministerial land use decision;

(b) The development is on lands zoned to allow for residential uses, including mixed-use residential;

(c) The residential development is for densities not less than those required under section 55 (3)(a)(C) of this 2024 Act;

(d) The development is within an urban growth boundary, not including lands that have not been annexed by a city;

(e) The development is of net new housing units in new construction projects, including:

(A) Single-family or multifamily;

(B) Mixed-use residential where at least 75 percent of the developed floor area will be used for residential uses;

(C) Manufactured dwelling parks;

(D) Accessory dwelling units; or

(E) Middle housing as defined in ORS 197A.420;

(f) The application requests not more than 10 distinct adjustments to development standards as provided in this section. A “distinct adjustment” means:

(A) An adjustment to one of the development standards listed in subsection (4) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; or

(B) An adjustment to one of the development standards listed in subsection (5) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; and

*(g) The application states how at least **one** of the following criteria apply: (emphasis added)*

[In other words, if only 1 of the following approval criteria is met, the “adjustment” application must be approved by the local government.]

(A) The adjustments will enable development of housing that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;

(B) The adjustments will enable development of housing that reduces the sale or rental prices per residential unit;

(C) The adjustments will increase the number of housing units within the application;

(D) All of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS 456.270 for a minimum of 30 years;

(E) At least 20 percent of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to low income households as defined in ORS 456.270 for a minimum of 60 years;

(F) The adjustments will enable the provision of accessibility or visitability features in housing units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations; or

(G) All of the units in the application are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.

(3) A decision on an application for an adjustment made under this section is a limited land use decision. Only the applicant may appeal the decision. No notice of the decision is required if the application is denied, other than notice to the applicant. In implementing this subsection, a local government may:

(a) Use an existing process, or develop and apply a new process, that complies with the requirements of this subsection; or

(b) Directly apply the process set forth in this subsection.

(4) A local government shall grant an adjustment to the following development standards:

(a) Side or rear setbacks, for an adjustment of not more than 10 percent.

(b) For an individual development project, the common area, open space or area that must be landscaped on the same lot or parcel as the proposed housing, for a reduction of not more than 25 percent.

(c) Parking minimums.

(d) Minimum lot sizes, not more than a 10 percent adjustment, and including not more than a 10 percent adjustment to lot widths or depths.

(e) Maximum lot sizes, not more than a 10 percent adjustment, including not more than a 10 percent adjustment to lot width or depths and only if the adjustment results in:

(A) More dwelling units than would be allowed without the adjustment; and

(B) No reduction in density below the minimum applicable density.

(f) Building lot coverage requirements for up to a 10 percent adjustment.

(g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential housing:

(A) Requirements for bicycle parking that establish:

(i) The minimum number of spaces for use by the residents of the project, provided the application includes at least one-half space per residential unit; or

(ii) The location of the spaces, provided that lockable, covered bicycle parking spaces are within or adjacent to the residential development;

(B) For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building height maximums that:

(i) Are in addition to existing applicable height bonuses, if any; and

(ii) Are not more than an increase of the greater of:

(I) One story; or

(II) A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any;

(C) Unit density maximums, not more than an amount necessary to account for other adjustments under this section; and

(D) Prohibitions, for the ground floor of a mixed-use building, against:

(i) Residential uses except for one face of the building that faces the street and is within 20 feet of the street; and

(ii) Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial corridors designated by local governments.

(5) A local government shall grant an adjustment to design standards that regulate:

(a) Facade materials, color or pattern.

(b) Facade articulation.

(c) Roof forms and materials.

(d) Entry and garage door materials.

(e) Garage door orientation, unless the building is adjacent to or across from a school or public park.

(f) Window materials, except for bird-safe glazing requirements.

(g) Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.

(h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential:

(A) Building orientation requirements, not including transit street orientation requirements.

(B) Building height transition requirements, not more than a 50 percent adjustment from the base zone.

(C) Requirements for balconies and porches.

(D) Requirements for recesses and offsets.

V. PICKING UP WHERE WE LEFT OFF IN 2022

Because all of the proposed language to comply with the various Legislative Bills is not included in this staff report, the March 17, 2022 Planning Commission discussion is resurrected regarding ADU standards and single family dwelling architectural standards.

The PC's consensus on ADU standards and single family dwelling architectural standards did not go through the Planning Commission and City Council public hearing steps, therefore, to catch up, the Commission's 2022 work is proposed to be included in this LA 2024-01 case regarding the housing amendments needed to comply with the Legislative Bills.

The intent is not for this Commission to change the work of the 2022 Commission, but rather to reach consensus to include their proposed changes in LA 2024-01.

UPDATE: At the March 21, 2024 Planning Commission work session some interest was expressed in rehashing the work of the Commission in 2022. Chair Kerr explained that the Commission in 2022 had discussed the issues thoroughly and the result was consensus as to the amendments. It appeared that some Commissioners did not have time to become familiar with the following proposed amendments, thus they are included here to review them.

For background, on March 17, 2022, a Planning Commission agenda item was the review of the ADU standards in the LZDO. A staff report was provided to the Commission which included the ADU standards. The Commission discussed the standards and the following reflects the discussion.

As is often the case when Code language is reviewed, the review migrates to other sections of the Code and on March 17, in addition to the ADU language, the Commission recommended additional single family dwelling architectural standards be added to the existing list. The following reflects the recommendation.

The purpose of the March 17, 2022 staff report was to present to the Planning Commission the proposed amendments to the ADU standards and the additional single family dwelling architectural standards. The Commission reviewed the proposed changes, comment on them, and accepted them.

The following from the March 17 staff report is included here as a refresher of what was going on in 2022. The March 17, 2022 staff report said the following:

On November 18, 2021 the Planning Commission conducted a public hearing to delete the ADU off-street parking and ownership requirements to bring the Lafayette Zoning and Development Ordinance (LZDO) into conformance with State law. The City Council conducted a hearing in December 2021 and passed an ordinance adopting the amendments.

At the Commission's hearing to delete the parking and ownership requirements there appeared to be some interest in reviewing the numerous remaining ADU standards and having the opportunity to discuss them. On November 18 it was agreed the Commission would discuss the standards at the January 2022 meeting which would provide 2 months for the Commissioners to review the standards

which were shown in the November 18 staff report regarding the deletion of the parking and ownership standards.

On January 20, 2022, an agenda item was the review of the LZDO ADU standards. A staff report was provided to the Commission which included all the ADU standards.

Overall, the Commission's March 17 discussion included only a couple of changes and reordering the list to a more logical order. The following lists the ADU standards with proposed amendments.

The following are the LZDO ADU standards. They reflect the City's 2021 text amendment to the LZDO that deleted the off-street parking and the ownership requirements.

As usual the language to be deleted is in [~~brackets and strikethrough~~] and language to be added is in **bold italics**.

2.312 ACCESSORY DWELLING UNITS (ADUs)

2.312.02 ADU Standards

Where allowed, ADUs shall conform to the following standards:

- A. An ADU may be detached from the primary dwelling, an addition to the primary dwelling or the conversion of a portion of the primary dwelling, but an attached or detached garage **or carport** may not be converted to an ADU.

3/1722 Discussion: The residential districts require a garage or carport for a single family dwelling. The prohibition on converting garages and carports is, if they are converted, the parking spaces for the primary dwelling must be replaced to comply with the requirement that a dwelling include a garage or carport. Where there is insufficient area on the lot to erect a replacement garage or carport, the code language at one section would be allowing the conversion, but in another section would be saying the conversion cannot occur due to insufficient area on the property for the parking spaces related to the primary dwelling.

- B. Number of Units. A maximum of one (1) ADU is allowed per detached single family dwelling on a legal lot of record. NO CHANGE.
- C. Floor Area. An ADU shall not exceed 800 square feet of gross floor area, or 40 percent of the primary dwelling's gross floor area, whichever is smaller. The floor area of a garage attached to the primary dwelling shall not be included in the calculation of the maximum floor area. An ADU's minimum floor area shall comply with the requirements of the Oregon Building Code Division. NO CHANGE.
- D. Building Construction. An ADU shall comply with applicable Oregon Building Code requirements. NO CHANGE.
- E. Building Height. A detached ADU shall not exceed the height of the primary dwelling. NO CHANGE.
- F. Parking. Off-street parking is not required for an ADU. Where the developer chooses to provide off-street parking for an ADU, the ADU parking space(s) is not required to be in a carport or garage, but the driveway and parking space surface shall be paved or

concrete. The ADU parking space shall be accessed via an existing driveway. Where no existing driveway serves the property, a new driveway shall be installed in accordance with the Public Works Design Standards. NO PARKING REQUIRED.

- G. An[y] ADU shall comply with the development standards of the underlying zoning district. MINOR CHANGE.
- H. An ADU shall not be a mobile home, a manufactured home or a storage container. A modular dwelling is permitted. NO CHANGE.
- I. Existing legal non-conforming dwellings may be converted to an ADU. Where the conversion expands the dwelling, the expansion shall comply with the requirements of the residential zoning districts. NO CHANGE.
- J. The ADU front door shall not be on a building elevation facing a public or private street. NO CHANGE.
- K. An ADU shall not be located in a front yard or a side yard adjacent to a street. NO CHANGE.
- L. A detached ADU shall be separated from the primary dwelling at least 6 feet. NO CHANGE.
- M. Architectural Standards. An ADU shall ***comply with the following and Section 2.316, Architectural Standards for Dwellings.***

3/17/22 Discussion: The five existing architectural standards, below, were discussed and compared to the single family dwelling architectural standards at Section 2.316. A Commissioner's comment was that M, 3, (see below – top of p. 15) be combined into L and delete the other architectural standards, i.e., delete M, 1, 2 and 4.

The above proposed change to M and the below proposed changes to M, 1 – 4 are written from the perspective that the architectural standards in M that applied only to ADU's (M, 1 and M, 3) could remain in the ADU standards as renumbered M, 1 and M, 2, and the others that duplicated the single family dwelling architectural standards at Section 2.316 (M, 2 and M, 4) could be deleted from the ADU list. Because the intent was for ADU's to comply with the architectural standards in 2.316, Subsection M would be amended to require compliance with the single family dwelling architectural standards at Section 2.316 (See the bolded/italicized language in M above.)

Therefore M, 1 and 3 are retained (#3 is renumbered to #2) in the ADU standards and M, 2 and M, 4, are deleted because they are duplicated in 2.316. Finally, as shown in bold/italics above, M is augmented with language that requires ADU's to comply with the standards in 2.316.

- 1. Provide a pitched roof at least "3 in 12" pitch;
- ~~2. Provide eaves extending from the wall at least 6 inches;~~
- ~~3. Be recessed back at least 1 foot behind the building elevation of the primary dwelling facing a public or private street; and .~~

4. ~~Provide at least 3 of the following design elements in the elevation facing a public or private street, except a side yard or a rear yard adjacent to a public or private street:~~

- ~~a. Dormer window(s) or gable window(s) at least 2 feet by 2 feet;~~
- ~~b. Cupola(s);~~
- ~~c. Bay or bow window(s);~~
- ~~d. Exterior shutters on each window;~~
- ~~e. Covered or uncovered porch at least 25 square feet in area;~~
- ~~f. At least 2 pillars or posts associated with a covered porch.~~

5. ~~Each of 4, a – f, counts as one design element. For example, 2 dormers count as one element and 2 shutters on a window count as one element.~~

3/17/22 Discussion: The Commission also discussed a possible logical order of the ADU standards and realized that, except for the first 2 or 3, there is no easily discernible order and asked staff to attempt a reasonable reordering of the 13 standards.

The proposed order of the ADU standards follows. The first 3 (A, H, I) set forth what an ADU can be, i.e., detached, etc., and then what it cannot be, i.e., a manufactured home, and then that it can be the conversion of a portion of a nonconforming dwelling. The existing alphabetized standards would be re-lettered as shown below.

The next item (K) states where ADUs cannot be located, i.e., in a front yard or side yard adjacent to a street.

Then the next several items (B, C, F, L) relate to dimensional standards, e.g., number of units, floor area, building height, and separation from the primary dwelling if the ADU is detached.

Then, the next item (J) regarding the front door seems to fit as the next item.

Then the next two items are more general, i.e., comply with the underlying zone (G), and comply with the building code (D).

The last 2 regarding parking and architectural standards are listed in no particular order, other than they need to be included and if M is currently the last item, then it can continue to be the last item.

The Commission agreed on an order and the old letters, A – M, will be reassigned as follows.

A. An ADU may be detached from the primary dwelling, an addition to the primary dwelling or the conversion of a portion of the primary dwelling, but an attached or detached garage **or carport** may not be converted to an ADU.

[H]B. An ADU shall not be a mobile home, a manufactured home or a storage container. A modular dwelling is permitted.

[I]C. Existing legal non-conforming dwellings may be converted to an ADU. Where the conversion expands the dwelling, the expansion shall comply with the requirements of the residential zoning districts.

[K]D. An ADU shall not be located in a front yard or a side yard adjacent to a street.

- [B]E. Number of Units. A maximum of one (1) ADU is allowed per detached single family dwelling on a legal lot of record.
- [C]F. Floor Area. An ADU shall not exceed 800 square feet of gross floor area, or 40 percent of the primary dwelling's gross floor area, whichever is smaller. The floor area of a garage attached to the primary dwelling shall not be included in the calculation of the maximum floor area. An ADU's minimum floor area shall comply with the requirements of the Oregon Building Code Division.
- [E]G. Building Height. A detached ADU shall not exceed the height of the primary dwelling.
- [L]H. A detached ADU shall be separated from the primary dwelling at least 6 feet.
- [J]I. The ADU front door shall not be on a building elevation facing a public or private street.
- [G]J. An y ADU shall comply with the development standards of the underlying zoning district.
- [D]K. Building Construction. An ADU shall comply with applicable Oregon Building Code requirements.
- [F]L. Parking. Off-street parking is not required for an ADU. Where the developer chooses to provide off-street parking for an ADU, the ADU parking space(s) is not required to be in a carport or garage, but the driveway and parking space surface shall be paved or concrete. The ADU parking space shall be accessed via an existing driveway. Where no existing driveway serves the property, a new driveway shall be installed in accordance with the Public Works Design Standards.
- M. Architectural Standards. An ADU shall ***comply with the following and Section 2.316, Architectural Standards for Dwellings.***
 - 1. Provide a pitched roof at least "3 in 12" pitch;
 - [2] ~~Provide eaves extending from the wall at least 6 inches;~~
 - [3]2. Be recessed back at least 1 foot behind the building elevation of the primary dwelling facing a public or private street;~~and .~~

The following is the information regarding the Planning Commission's discussion regarding the single family dwelling architectural standards in Section 2.316.

The following are the LZDO single family dwelling architectural standards. On March 17 the discussion of the ADU standards included a discussion of the single family dwelling architectural standards in 2.316.

The Commission reached consensus on adding additional single family design standards from which developers could choose from and they are shown in ***bold italics***.

NOTE: As stated at the March 17 meeting, only 3 architectural features are required out of the 11 existing, or the 15 proposed features. Section 2.316 does not require that any individual feature be constructed, rather it allows the developer to select which 3 will be constructed. And, of course, a developer is not limited to only 3, they can include more if they want to.

2.316.03 Standards

Detached single family dwellings shall provide at least 3 of the following design elements in the elevation which faces a public or private street, except a side yard or a rear yard adjacent to a public or private street:

- A. Eaves extending from the wall at least 6 inches;
- B. Dormer window(s) or gable window(s) at least 2 feet by 2 feet;
- C. Cupola(s);
- D. Bay or bow window(s);
- E. Exterior shutters on window(s);
- F. Recessed entry(s) at least 1 foot;
- G. Front porch at least 100 square feet;
- H. Covered front porch entry;
- I. At least 2 pillars or posts **or knee braces or rod suspended roof** associated with a covered front porch entry;
- J. Off-set(s) of at least 16 inches on the dwelling's **front elevation** wall;
- K. Off-set(s) of at least 16 inches on the dwelling's **front elevation** roof;
- L. **Window(s) not less than 12 square feet facing the street or access easement when access is via an easement;**
- M. **A variation of no less than two building materials on the front elevation, the least of which shall be a minimum of 10 percent of the front elevation;**
- N. **Windows in a garage door facing the street or access easement when access is via an easement;**
- O. **Projections including, but not limited to pillars, posts, stonework, brickwork, over or at each side of the garage door(s). Projections shall be a minimum of 8 inches in depth.**

[L]P. Each of A- [K]O counts as one design element. For example, 2 dormer windows counts as one **element** and 2 shutters on each of 3 windows counts as one **element**.

VI. STAFF RECOMMENDATION

Staff recommends the Commission review the staff report and be prepared to discuss the proposed amendments.

It is also recommended the Commission reach consensus to include the proposed ADU amendments and the amendments to the single family dwelling architectural standards from 2022 in LA 2024-01. Where consensus to do so is reached, the ADU amendments and the amendments to the single family dwelling architectural standards from 2022 will be included in the May 16, 2024 Planning Commission meeting materials.

As is always the case, if you have questions prior to the April 18, 2024 Planning Commission work session, please contact me at 503 540-1619 or jjacks@mwvcog.org.