

**NOTICE OF PUBLIC MEETING
LAFAYETTE PLANNING COMMISSION**

DATE & TIME: Thursday, November 21, 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. PUBLIC HEARING
 - a. Major Variance 2024-02- To Extend Hours of Operation for a Retail Location, 373 N. Bridge St....1
 - b. Single Use Determination, SU 2024-01, 175 W 8th Street.....12
- 6. APPROVAL OF MINUTES
 - a. October 17, 2024 Planning Commission Meeting.....36
- 7. WORK SESSION
 - a. Housing Amendments (LA 2024-01)
 - b. Lafayette Parks Master Plan, Chapter 5- Proposed Park Amendments
- 8. NEW BUSINESS
 - a. FEMA: PICM, National Flood Insurance Program.....41
- 9. OLD BUSINESS
 - a. Lafayette Parks Master Plan, Chapter 5- Proposed Park Amendments
 - b. Lafayette Zoning and Development Ordinance Section 2.206.06
- 10. COMMISSIONER COMMENTS
- 11. NEXT MEETING
 - a. December 19, 2024
- 12. 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

486 Third Street, P.O. Box 55
Lafayette, Oregon 97127
Phone: (503) 864-2451 Fax: (503)864-4501



TO: LAFAYETTE PLANNING COMMISSION
FROM: JIM JACKS, CITY PLANNER
SUBJ: MAJOR VARIANCE, VARMaj 2024-02
DATE: NOVEMBER 21, 2024

I. APPLICATION SUMMARY

The applicant requests a Major Variance to increase the hours of operation for a retail marijuana store.

II. FINDINGS -- GENERAL

- A. APPLICANT: Kit Johnson for The Bakery, 373 N. Bridge Street, Lafayette, OR 97127
- B. OWNER: Leard Business, LLC, PO Box 722, Lafayette, OR 97127
- C. PROPERTY LOCATION: 373 N. Bridge Street (Assessor's Map 4, 4, 12AA, Tax Lot 00700)(SW corner of N. Bridge and W. 4th).
- D. REQUEST: A Major Variance to allow the retail store's hours to be increased. The Commercial Core (C-1) District allows marijuana retail stores as a permitted outright use with hours of operation from 10 a.m. to 7 p.m. daily (9 hours). The application requests the hours be changed to 7 a.m. to 10 p.m. (15 hours) daily which is a 6 hour increase.
- E. SITE SIZE: Approximately 32,000 sq. ft. (0.73 acre).
- F. ZONING: Commercial Core (C-1) District.
- G. EXISTING DEVELOPMENT: The subject property is developed with a building in the NE corner of the property and a grocery store (Carniceria Abastos) on the southern portion.
- H. DECISION CRITERIA: Lafayette Zoning & Development Code: Major Variance 3.104.07, A – E.
- I. ADJACENT ZONING AND LAND USES: The properties across W. 4th Street to the north are in the R-2 District and are developed with detached single family dwellings. The properties across N. Bridge Street to the east are in the C-1 District and are developed with single family dwellings which are nonconforming uses.

The property across 3rd Street (99W) to the south is in the C-1 District and is developed with a grocery store (Bill's Market). The properties abutting to the west are in the C-1 District and are developed with detached single family dwellings which are nonconforming uses.

III. FINDINGS -- MAJOR VARIANCE CRITERIA

A. The Commercial Core (C-1) District allows marijuana retail stores as a permitted outright use with hours of operation from 10 a.m. to 7 p.m. daily (9 hours). The application requests the hours be changed to 7 a.m. to 10 p.m. (15 hours) daily, a 6 hour increase, to match the hours allowed by the OLCC.

B. The eligibility criteria to apply for a Major Variance are in the LZDO, Section 3.104.05. Pursuant to Section 3.104.05, a property owner may propose a variance from a standard or requirement, except when one or more of the following applies:

1. Section 3.104.03, A - The proposed variance allows a use not permitted in the district.

FINDING: The request does not establish a new use, or one that is otherwise prohibited, within the C-1 District. Eligibility criterion 3.104.03, A, is met.

2. Section 3.104.03, B - Another procedure is specified to modify the standard.

FINDING: The LZDO does not specify an alternative procedure. Eligibility criterion 3.104.03, B, is met.

3. Section 3.104.03, C - Modification of the requirement or standard is prohibited within the district.

FINDING: The C-1 District does not prohibit the modification of the standards and regulations. Eligibility criterion 3.104.03, C, is met.

4. Section 3.104.03.D - An exception from the requirement or standard is not allowed in the district.

FINDING: The C-1 District does not prohibit an exception from the requirements of the district. Eligibility criterion 3.104.03, D, is met.

The eligibility criteria are met and the applicant may apply for the proposed variance.

C. The correct application for this variance is a Major Variance application, as opposed to a Minor Variance. A Major Variance is required when the requested variance is greater than 20% of the requirement. The current hours of operation allow 9 hours of operation. The requested hours of operation would allow 15 hours of operation which is a 6 hour increase, or a 67% increase.

D. The criteria for a Major Variance are in Section 3.104.07. Each criterion is reviewed below. All the criteria must be met. Where one criterion is not met, the application must be denied.

3.104.07 Criteria - Major Variance

The Planning Commission may allow a major variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.**

FINDINGS: The applicant's narrative is at Attachment 1 to this staff report (the Applicant's Materials). The response to Criterion A is:

We are the only business being regulated by the City to restrict hours of operation. Oregon Liquor and Cannabis Commission (OLCC) allows recreational cannabis retail stores to be open to the public from 7am to 10pm.

The response does not tie the OLCC's allowed hours to the criteria. It is anticipated the applicant considers the City's hours to be within the criterion's phrase "...or other circumstances over which the applicant has no control." The applicant has no control over the City establishing hours of operation for recreational marijuana retail sales.

The Commercial Core (C-1) District allows marijuana retail hours of operation from 10 a.m. to 7 p.m. daily (9 hours). The OLCC's hours of operation are from 7 a.m. to 10 p.m. (15 hours). The City's hours are an other circumstance over which the applicant has no control.

Criterion 3.104.07, A, is met.

- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.**

FINDINGS: The applicant's narrative is at Attachment 1 to this staff report (the Applicant's Materials). The response to Criterion B is:

Yes, there are other state regulated businesses the City of Lafayette allows to follow state rules and regulations for their hours of operation and not hours of operation set by the city. We would be the only business in Lafayette whose hours of operation are restricted to less than what state law allows.

The applicant desires to operate The Bakery retail marijuana store consistent with the OLCC hours. The 7 a.m. to 10 p.m. hours allowed by the OLCC are reasonable given the grocery store on the subject property (Carniceria Abastos) and the grocery store across 3rd Street to the south (Bill's Market) operate at least from 7 a.m. to 10 p.m. and possibly open earlier and stay open later.

Criterion 3.104.07, B, is met.

- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.**

FINDINGS: The applicant's narrative is at Attachment 1 to this staff report (the Applicant's Materials). The response to Criterion C is:

Correct. There are numerous other state regulated businesses allowed to be open well beyond 7 pm per state law.

The dwellings across W. 4th Street to the north, and across N. Bridge Street to the east, and abutting to the west are not materially affected by the activity generated by the retail grocery store, Carniceria Abastos, which is on the subject property. The dwellings to the east and west are in the C-1 District and are nonconforming uses. The addition of a second retail store on the subject property, which is significantly smaller than Carniceria Abastos, will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Criterion 3.104.07, C, is met.

D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

FINDINGS: The applicant's narrative is at Attachment 1 to this staff report (the Applicant's Materials). The response to Criterion D is:

Correct. We ask to operate within state law.

The special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant. The applicant is aware of the City's hours of operation and is applying for a variance to allow the requested hours of operation. Criterion 3.104.07, D, is met.

E. The variance requested is the minimum variance which would alleviate the hardship.

FINDINGS: The applicant's narrative is at Attachment 1 to this staff report (the Applicant's Materials). The response to Criterion D is:

Correct. We ask to be allowed to operate within the hours that the OLCC allows.

To allow The Bakery to operate within the hours established by the OLCC would be the minimum to alleviate the hardship.

Criterion 310407, D, is met.

IV. COMMENTS

As of the date of issuing this staff report, no comments have been received, including the owners of properties notified in the mailed notice of the hearing.

V. STAFF RECOMMENDATION

The staff report finds the criteria for a Major Variance have been met, therefore, the recommendation is the Planning Commission pass an oral motion directing staff to prepare a Planning Commission Order approving the Major Variance to allow The Bakery to operate from 7 a.m. to 10 p.m. daily at 373 N. Bridge Street.

VI. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
1. Approve the application, adopting the findings contained in the staff report;
 2. Approve the application as revised by the Planning Commission, adopting modified findings;
 3. Deny the application, providing findings as to why the application fails to meet the decision criteria.
 4. Continue the hearing to a date/time certain to obtain additional information and state the information to be submitted to the City, OR close the hearing and keep the record open for a minimum of 7 days for the submission of written testimony, with 7 days afforded a party to comment on the material submitted in the first 7 days, and with 7 additional days afforded the applicant to comment on the material submitted in the first 14 days.
- B. Sample motions for each of the above four options are:
1. I move the Planning Commission approve the application, adopting the findings contained in the staff report, and direct the staff to prepare a Planning Commission Order for the Planning Commission Chairperson's signature based upon the decision of the Planning Commission.
 2. I move the Planning Commission approve the application, adopting revised findings made by the Planning Commission, and direct the staff to prepare a Planning Commission Order for the Planning Commission Chairperson's signature based upon the decision of the Planning Commission.
 3. I move the Planning Commission deny the application, adopting revised findings made by the Planning Commission to support the denial, and direct the staff to prepare a Planning Commission Order for the Planning Commission Chairperson's signature based upon the decision of the Planning Commission.
 4. I move the Planning Commission continue the hearing to a date/time certain to obtain additional...state the information to be submitted to the City, OR I move the Planning Commission close the hearing and keep the record open for a minimum of 7 days for the submission of written testimony, with 7 days afforded a party to comment on the material submitted in the first 7 days, and with 7 additional days afforded the applicant to comment on the material submitted in the first 14 days.

Attachment: 1. Applicant's application materials.



City of Lafayette

Community Development Department
486 Third Street, P.O. Box 55
Lafayette, Oregon 97127
Phone: (503) 864-2451 Fax: (503) 864-4501

OFFICE USE ONLY	
FILE #:	<u>MAJVAR 24-02</u>
FILE NAME:	<u>MAJOR VARIANCE 2024-02</u> <u>373 N BRIDGE ST</u>
TYPE:	<u>II-A</u> RECEIVED BY: <u>JR</u>
FEE:	NON-REFUNDABLE \$200.00
	REIMBURSEMENT DEPOSIT \$500.00
	TOTAL FEE \$700.00
FEE PAID:	<u>10/25/24</u> CHECK/CASH: <u>CASH</u>
LAND USE DESIG:	<u>C1 COMM CORE</u>
APPLICATION ACCEPTED AS COMPLETE	<u>10/23/24</u>

DEVELOPMENT APPLICATION – MAJOR VARIANCE

IF THE CITY OF LAFAYETTE INCURS EXPENSES THAT EXCEED THE AMOUNT OF THE INITIAL REIMBURSEMENT FEE, THE APPLICANT SHALL BE RESPONSIBLE FOR PAYMENT OF THE ADDITIONAL COST, PER RESOLUTION 99-1. BY SIGNING BELOW, YOU AGREE TO THESE TERMS.

ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE THE APPLICATION. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE REVIEW PROCESS.

APPLICANT: Use mailing address for meeting notification.

Check box if Primary Contact

COMPANY: The Bakery

ADDRESS: 11320 SE Lafayette Hwy

(CITY, STATE, ZIP) Dayton, OR 97114

PHONE: 971-241-2329 FAX: _____ E-MAIL: kitjohnston@msa.com

SIGNATURE: Kit Johnston CONTACT: Kit Johnston

(Original Signature Required)

APPLICANT'S REPRESENTATIVE:

Check box if Primary Contact

COMPANY: _____

ADDRESS: _____

(CITY, STATE, ZIP) _____

PHONE: _____ FAX: _____ E-MAIL: _____

SIGNATURE: _____ CONTACT: _____

(Original Signature Required)

PROPERTY OWNER(S): Attach separate sheet if needed.

Check box if Primary Contact

COMPANY: Leard Business LLC

ADDRESS: 3801 Zimrod Dr

(CITY, STATE, ZIP) Newberg, OR 97132

PHONE: _____ FAX: _____ E-MAIL: _____

SIGNATURE: Jamie Leard CONTACT: 503-550-1523

(Original Signature Required)



PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: 373 Bridge St. AREA TO BE DEVELOPED (s.f.): N/A
 ASSESSOR'S MAP & TAX LOT # See Attached LOT SIZE _____ ZONING DISTRICT _____ EXISTING USE OF SITE: Retail
 _____ PROPOSED DEVELOPMENT ACTION:
 _____ Change hours of operation.
 _____ from 10am-7pm to 7am-
 _____ 10pm.

REVIEW CRITERIA

Section 3.104.05, of the Lafayette Zoning and Development Ordinance establishes findings that must be addressed before granting approval of a major variance. The applicant must provide a written response to the following:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.
- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.
- D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.
- E. The variance requested is the minimum variance which would alleviate the hardship.



APPLICATION REQUIREMENTS

N/A?

- A. Completed and signed application form.
- B. Written response to the review criteria above.
- C. Five copies of the site plan drawn to scale. The site plan must include the following information (where applicable):
 1. North arrow, scale and date of plan.
 2. Points of access, interior streets, driveways, vehicular circulation and parking areas.
 3. Existing and proposed structures including dimensions.
 4. All dimensions including setbacks, parking spaces, driveways and distance between buildings.
 5. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Trees, as applicable.
 6. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. Wetlands must be professionally delineated.
- D. Names and addresses of all property owners within 100 feet of the boundaries of the property. A title company or the Yamhill County Assessor must provide this list.
- E. Copy of the latest deed, sales contract, or title report indicating property ownership.

Major Variance Application
October 18, 2024
The Bakery LLC
373 Bridge St.
Lafayette, OR 97127

Section 3.104.05, of the Lafayette Zoning and Development Ordinance establishes findings that must be addressed before granting approval of a major variance. The applicant must provide a written response to the following:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.

We are the only business being regulated by the City to restrict hours of operation. Oregon Liquor and Cannabis Commission (OLCC) allows recreational cannabis retail stores to be open to the public from 7am to 10pm.

- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

Yes, there are other state regulated businesses the City of Lafayette allows to follow state rules and regulation for their hours of operation and not hours of operation set by the city. We would be the only business in Lafayette whose hours of operation are restricted to less than what state law allows.

- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

Correct. There are numerous other state regulated businesses allowed to be open well beyond 7pm per state law.

- D. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

Correct. We ask to operate within state law.

**Major Variance Application
October 18, 2024
The Bakery LLC
373 Bridge St.
Lafayette, OR 97127**

E. The variance requested is the minimum variance which would alleviate the hardship.

Correct. We ask to be allowed to operate within the hours that the OLCC allows.

Kit Johnston

The Bakery LLC

971-241-2329

kitjohnston@msn.com



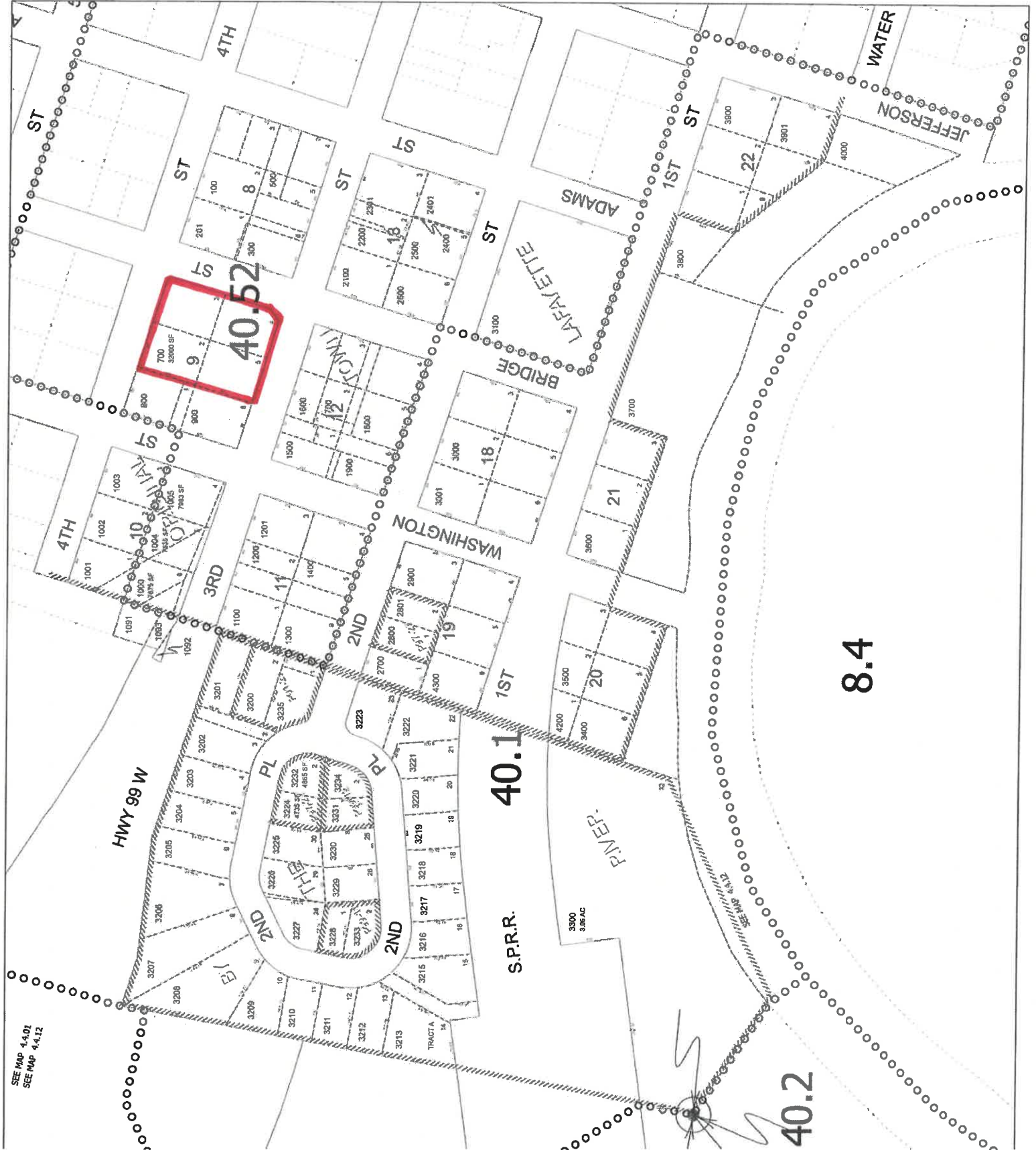
ASSESSMENT & TAX
CARTOGRAPHY

N.E.1/4 N.E.1/4 SEC. 12 T.4 S. R.4 W. V
1"=100'

- Taxlot Boundary
- - - Historical Boundary
- /// Subdivision/Plat Boundary
- ⊕ D.L.C. Line
- TaxCode Boundary
- · - · - Taxlot Boundary

CANCELLED TAXLOTS

3236
2300
2000
702
701
600
400
4400
1090
200



City of Lafayette

486 Third Street, P.O. Box 55

Lafayette, Oregon 97127

Phone: (503) 864-2451 Fax: (503)864-4501



TO: LAFAYETTE PLANNING COMMISSION
FROM: JIM JACKS, CITY PLANNER
SUBJ: SIMILAR USE DETERMINATION, SU 2024-01
DATE: NOVEMBER 21, 2024

I. APPLICATION SUMMARY

The Medium Density Residential (R-2) District allows “Single family dwelling, attached” as a permitted use (also referred to as townhouses or row houses). The traditional elements of a townhouse are, each single family dwelling is on its own lot and it is attached at a common property line along a common wall to an abutting single family dwelling on its own lot. The owner of each townhouse owns the land and the dwelling. Where the common wall separates habitable spaces, the Oregon Residential Specialty Code (ORSC) requires the wall to be a 2-hour rated fire wall.

The name of the application is Similar Use, but the use of the property, i.e., townhouse, is not in question because The R-2 District allows townhouses as a permitted use. The issue to be determined is, what is the length of the common wall that must be attached. Must the common walls be attached along their entire length resulting in no side yard because the walls are attached? Or, as the applicant proposes, can each of the two single family dwellings be set back from the property line 5 feet (a total of 10 feet apart) with a 1-story high common wall attached for a length of 4 feet? Attachment 1 at the end of this report is the applicant’s Main Level Floor Plan, Sheet 3. The subject 4 foot attachment is shown in red and is circled in red. The 4 foot distance is labeled. The 5 foot side yard setbacks are labeled. The common property line is labeled.

Each of the two single family dwellings are proposed to be set back 5 feet from the common property line and the attachment would be via a small 4 foot by 5 foot enclosed storage area that is part of each garage. Each storage area extends out 5 feet from the side garage walls to make the 4 foot attachment.

See Attachment 2 which shows the front elevation.

II. FINDINGS -- GENERAL

- A. APPLICANT: Teresa Gilmore for Del Boca Vista, LLC, 111 N. College Street, Newberg, OR 97132.

- B. OWNER: Matt Willcuts, Maverick Holdings, LLC, 600 E. 2nd, Newberg, OR 97132
- C. REQUEST: A Similar Use (SU) Application requesting the Planning Commission determine, for townhouses, the length of the common wall that must be attached. Must the common walls be attached along the entire length of their common wall, i.e., there is no side yard setback because the walls are attached?

Or, as the applicant proposes, can each of the two single family dwellings be set back from the property line 5 feet (a total of 10 feet apart) with a 1-story high common wall attached for a length of 4 feet?
- D. LOCATION: 175 W. 8th Street (Assessor's Map 4, 4, 01DD, Tax Lot 01000). On the south side of W. 8th and the 3rd lot west of N. Washington Street.
- E. SITE SIZE: The original Tax Lot 1000 fronting on W. 8th Street is 8,000 sq. ft. (0.18 ac). Once the previously approved Partition Plat (Case PAR 2024-01) is recorded creating 2 parcels, each lot will be 4,000 sq. ft. (0.09 ac).
- F. ZONING: Medium Density Residential (R-2) District.
- G. EXISTING DEVELOPMENT: The former older manufactured home has been demolished and the site is now vacant.
- H. ADJACENT ZONING AND LAND USES:

North: R-2, across W. 8th Street. It is developed with a detached single family dwelling.

East: R-2, abutting. It is developed with a detached single family dwelling.

South: R-2, abutting. It is developed with a detached single family dwelling

West: R-2 abutting. It is developed with a detached single family dwelling.
- I. CRITERIA: LZDO: Similar Use Determination, Section 3.108.04.
- J. FILE NO.: SU 2024-01.

III. FINDINGS – SIMILAR USE DETERMINATION

The criteria for a Similar Use are in Section 3.108.04, A and B. Each criterion is reviewed below.

3.108.04 Review Criteria

- A. **Use Ambiguities. A similar use may be authorized provided the applicant demonstrates the proposed use satisfies the following criteria:**
 - 1. **The use is substantially similar to a permitted or conditional use in the underlying zoning district and is similar in character, scale and performance to permitted or conditional uses in the underlying zoning district.**

2. The use conforms with the applicable standards and limitations of the underlying zoning district.

APPLICANT'S RESPONSE: The applicant's 1-page, 5-paragraph response is at Attachment 3.

1. The applicant addressed Section 3.108.04, A, 1. The initial comments relate to basic items such as the planning district, the subject property and the minimum lot size. The response identifies that the LZDO does not define "Single family dwelling, attached."

FINDINGS: The initial comments that provide background information are appreciated, especially noting that the LZDO does not define "Single family dwelling, attached." The lack of a definition or other standard that explains the length of the attachment is why a Similar Use application was needed. When the LZDO is silent on an issue, city staff or the Planning Commission are authorized by the LZDO to address the issue.

Section 3.108.04, A, 1, is not applicable because there is no question about whether the use, "Single family dwelling, attached," is a permitted use. It is a permitted use per Section 2.103.02, B. The issue is how the townhouses are attached - must the attachment be the entire length of the side walls.

2. The response goes on to describe the proposed townhouse project which is "attached by a common wall between the garages 'storage'." The response indicates pictures showing examples have been included. The response states similar townhouse projects have been constructed in Carlton, Newberg and Salem with "single family homes attached by a common wall at the garages." See Attachment 3 for the application materials.

FINDINGS: Whether similar townhouse projects have been constructed in other cities is irrelevant. The applicable document is the LZDO, not the development regulations of other cities which apply only within those cities and not within Lafayette. The comparison pictures appear biased because the picture of the townhouse attached along its entire wall is of an older unmaintained building and yard, whereas the picture for comparison is newer and well maintained. The application materials include no objective information proving that townhouses attached along their entire wall will exhibit deferred maintenance to the detriment of the neighborhood. It is possible that if the applicant's proposed townhouse project is allowed and constructed, the owners of each unit may not adequately maintain their dwellings and yards.

3. The response states:

A typical definition of an attached home is "a residential dwelling that shares one or more walls with adjacent properties." Attached homes do not have to be connected by the entire length of the home. Nowhere in the LZDO does it state that it must be attached the entire length of the home. (emphasis in the original)

FINDINGS: The typical definition of an attached home is irrelevant. It's source is not cited. It is not from the LZDO, therefore, it is not applicable to development in Lafayette. The typical definition leaves out an important element of attached homes, i.e., that the homes are on separate lots. It is not clear if Carlton, Newberg or Salem have adopted the typical definition. The response does not address the definition of "Dwelling-Townhouse" which is in the LZDO, Section 1.200. Below it is noted the definition of "Dwelling-Townhouse" is not complete and it does not address the length of the attachment.

4. The response concludes by stating:

Homes attached by a common wall "storage" are substantially similar to the code for attached homes. This solution meets the intent of the code with the building being attached and is certainly a more attractive and desirable home than being attached along the entire length of the home. A few examples are; homeowner will have privacy, lower homeowner's insurance, fire wall not needed during build, higher home value.

FINDINGS: Whether the attachment is at walls for storage areas is not the issue. As above, Section 3.108.04, A, 1, does not apply because the proposed use, i.e., a 2-unit townhouse where each unit is on its own property and is attached, is not in question. The question is the length of the attachment.

5. The response addresses 3.108.04, A, 2, by stating the proposed 2-unit townhouse meets the R-2 dimensional standards set forth in Section 2.103.04, including the 4,000 square foot minimum lot size.

FINDINGS: It would appear the dimensional standards in Section 2.103.04 could be met, but they will be reviewed when a building permit application is submitted.

B. Requirement Ambiguities. The terms or words used in this Ordinance shall be interpreted as follows where the context demands; words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter. Terms defined in Section 1.200, Definitions, have specifically stated meanings unless the context clearly requires otherwise. Terms not defined in Section 1.200, Definitions, shall have the meaning set forth in a dictionary, a copy of which is available for reference in the City Administrator's or designee's office. The Zoning and Development Ordinance shall be interpreted reasonably, reading questioned regulations in relation to other sections such that an Interpretation most fully reflects the intent and purpose of the regulations.

FINDINGS: The portion of 3.108.04, B, addressing the terms present tense, singular/plural, shall/may, and the masculine/feminine genders do not apply. The issue is interpreting the LZDO language regarding townhouses and the tense, numbers, etc., are not involved.

It appears an unintended error has occurred. The applicant did not respond to Section 3.108.04, B. Subsection B applies because the issue is the length of the common wall that must be attached. The LZDO does not specify how many feet of the common wall must be attached. The range could be from the entire wall to merely 1 inch being attached.

Based on the process used by the Oregon Supreme Court, the Oregon Court of Appeals and the Oregon Land Use Board of Appeals, the first standard to determine the meaning of language is to consider the language itself.

If the language itself does not provide adequate information to resolve the issue, then the second consideration is the context of the language within the set of regulations (the LZDO).

Finally, where the context does not provide adequate information to resolve the issue, the third consideration is the legislative history.

For the actual language, Section 1.200, Definitions, defines "Dwelling-Townhouse" as a "...structure so designed that each individual dwelling unit is located upon a separate lot or parcel." Based on the definition, "the structure" is singular meaning one building with two dwelling units and each unit would be on a separate lot or parcel. The definition does not address the type or length of the attachment of the two dwelling units.

The R-2 District includes a second term, “Single family dwelling, attached.” As noted in the applicant’s response to 3.108.04, A, 1, the LZCDO does not define “Single family dwelling, attached.”

The R-2 District, Section 2.103.02, B, lists “Single family dwelling, attached” as a permitted use. Based on the term, each of the single family dwellings must be on their own lot because they are single family dwellings, and they must be attached. Neither the R-2 District nor any other section in the LZDO includes townhouse development standards. The term “Single family dwelling, attached” does not address the length of the attachment of the two dwelling units.

Based on the above, the first consideration does not provide adequate information to resolve the attachment issue, thus the second consideration is addressed.

For the context, the LZDO includes three zoning districts that allow residential uses. The name of the R-1 District (Section 2.102) is Low Density Residential District. The R-1 District allows only detached single family dwellings on lots of at least 7,500 square feet.

Townhouses are not allowed. Duplexes (2 dwelling units on one property) and multi-family dwellings (3 or more dwelling units on one property) are not allowed. The intent of the R-1 District is to allow low density single family detached residential development.

The name of the R-2 District (Section 2.103) is Medium Density Residential District. The R-2 District allows detached single family dwellings on lots of at least 5,000 square feet, single family dwellings attached on lots of at least 4,000 square feet, duplexes on lots of at least 8,000 square feet (4,000 sq. ft. per unit) and multi-family dwellings on lots of at least 9,000 square feet for the first 3 units and then an additional 2,000 square feet for each additional unit greater than 3. The intent of the R-2 District is to allow several housing types with a medium density.

The R-2 District includes one standard for townhouses; the minimum lot size is 4,000 square feet. The minimum side yard is 5 feet for single family dwellings. When “single family dwelling attached” are attached along their common wall, there is no 5 foot side yard because the units have a common side wall. Allowing “single family dwelling attached” indicates townhouses (rowhouse) are intended to be higher density than a detached single family dwelling with a 5 foot side yard on a minimum 5,000 square foot lot.

The name of the RC District (Section 2.104) is Residential-Commercial District. It allows the same housing types as the R-2 District at the same densities. Additionally, it allows many commercial uses. The RC District residential minimum lots sizes are the same as the R-2 District. The intent of the RC District is to allow several housing types with a medium density.

As above for the R-2 District, the RC Districts includes one standard for townhouses; the minimum lot size is 4,000 square feet. The minimum side yard is 5 feet for single family dwellings. When “single family dwelling attached” are attached along their common wall, there is no 5 foot side yard because the units have a common side wall. Allowing “single family dwelling attached” indicates townhouses (rowhouse) are intended to be higher density than a detached single family dwelling with a 5 foot side yard on a minimum 5,000 square foot lot.

The allowance of “single family dwelling attached” within the context of the R-2 and RC Districts, the intent is for townhouse projects to have a greater density than the R-1 District and greater than detached single family dwellings in the R-2 and RC Districts.

The zero side yard setback allows a more efficient use of the land, i.e., two single family dwellings on a total of 8,000 square feet compared to detached single family dwellings in the R-1 District requiring 15,000 square feet for two dwellings, each on a lot of at least 7,500 square feet, and compared to detached single family dwellings in the R-2 and RC Districts requiring 10,000 square feet for two dwellings, each on a lot of at least 5,000 square feet.

A 2-unit townhouse requires less land (53% less for two single family dwellings compared to the R-1 District and 20% less compared to the R-2 District), and it is a more affordable single family ownership product. The common wall means the cost to build 2 exterior walls with exterior siding is not incurred, thereby producing a more affordable product.

The context of the R-1, R-2 and RC Districts is for the R-2 and RC Districts to provide a more affordable single family dwelling ownership product compared to the larger lot, larger house detached single family dwellings in the R-1, R-2 and RC Districts. But the context of the LZDO language does not resolve the common wall length issue.

Based on the above, the second consideration does not provide adequate information to resolve the attachment issue, thus the third consideration, legislative history, is addressed.

The history of townhouse/rowhouse development begins in the 1600's in France. To address the high value of land in cities, the concept was to create narrow lots and bring the buildings together with two or three, or more stories. Because the lots were narrow, typically, they were deep and the townhouses were also narrow and deep.

The style expanded across Europe and to London and eventually to New York and other larger American cities. New York's "brownstones" are examples of rowhouses (townhouses). The Georgetown area of Washington, D.C. includes many townhouses.

The earliest date when "single family dwelling attached" would have been included in the LZDO would be when the City's Comprehensive Plan and LZDO were "acknowledged" on November 9, 1979 as complying with the Statewide Planning Goals. If the LZDO did not allow townhouses at that time, then they would have been allowed per an amendment to the LZDO in the 1980's or 1990's.

West Coast American cities were, generally, not large enough to create a need for townhouse style dwellings and they were rarely seen until the mid-1900's in Oregon's largest cities. Cities outside the Portland area did not, generally, have townhouse development and when the initial city zoning regulations were adopted by a few cities in the 1950's and 1960's, often they did not list "single family dwelling, attached" or "townhouse" as a permitted use. The choices were, generally, detached single family dwellings, duplexes, multi-family and detached cottage style developments.

When the LZDO was amended to allow townhouses, the understanding of the townhouse concept by the Lafayette Planning Commission (PC) and City Council (CC) would have been based on the traditional townhouse/rowhouse concept of narrow lots, attached dwellings along the entire length of the dwellings and multiple stories. When they voted to allow townhouses, they expected they would be built in the traditional style, i.e., there would be a common wall along the side of each dwelling which would cause the dwellings to be attached. When cities outside the Portland area amended their zoning regulations to allow townhouses, there was no need to require that they be attached along the length of the dwellings because they were built that way as a matter of tradition. A smaller lot with no side yard setback meant less cost. Attached walls meant less cost.

The application materials indicate the applicant has built townhouses in Carlton, Newberg and Salem similar to the proposed townhouse in Lafayette with the dwellings many feet apart with a 4 foot length for the attachment. A review of the Carlton and Newberg zoning regulations shows they do not include a standard for the length of the attached walls. It is not surprising because when those cities allowed townhouses as a permitted use, the PC and CC likely anticipated they would follow the traditional construction method with the walls attached, therefore, there was not need to address the attachment length.

The application materials do not indicate if the 3 cities required a Similar Use determination or any other public process to allow a townhouse with only a short attachment length that had not previously been built in the cities.

The application materials do not indicate how many city zoning codes require a minimum attached distance. This writer reviewed one additional city's zoning regulations, McMinnville, and found it defines "Dwelling, single attached" to include a common wall "be shared for at least 25% of the length of the side of the building." Without a thorough review more zoning codes, it is not known if Carlton, Newberg and Salem are the rule or are exceptions to the rule.

Lafayette's population in 1980 was 1,215 and in 1990 it was 1,292. Until the 1980's or 1990's there did not appear to be a need to allow more styles of housing to expand the number of affordable ownership options. Since the "great recession" of the 2000's when a housing shortage became a long term issue, residential developers began constructing apartments and townhouses in small cities, which increased the types of affordable ownership products.

Most townhouses follow the traditional concept, but some were attached at a length less than the length of the entire wall. That trend has now resulted in as little as 4 feet of attachment with the main dwellings set back many feet from the common property line. They appear to take advantage of local regulations and follow a concept more akin to detached single family dwellings with a minimal attachment. The proposed townhouse is, essentially, two detached single family dwellings, each on a 4,000 square foot lot, with a minimal length of attachment.

Over the years the Oregon Residential Specialty Code (ORSC) was amended to allow single family dwellings to share a common wall provided it was rated as a 2-hour fire wall. The ORSC does not address the issue of the length of the attachment for townhouses. The 2-hour rated common wall was a cost saving because two walls with exterior siding were not required. Townhouses were able to be marketed at a lower price compared to detached single family dwellings.

Even though the LZDO has allowed townhouses in the R-2 and RC Districts for many years, the first townhouse project in Lafayette was just 2 years ago. The 2-unit townhouse projects at 181 N. Market (SW corner of Market and 2nd) and 474 N. Adams (SW corner of Adams and 5th) follow the traditional style with the common walls attached. A third 2-unit townhouse at 717 N. Adams and 282 W. 7th (NW corner of Adams and 7th) is attached along the garage walls.

The City of Lafayette has chosen to use a public process to determine whether the traditional townhouse concept envisioned by the PC and CC when the City originally allowed townhouses should be changed for one location. This Similar Use Case comes before the PC because the proposed townhouse with its 4 foot attached length is not consistent with the original understanding of the PC and CC regarding how a townhouse would be constructed. If the PC determines the proposed townhouse can be built as proposed, it will be a significant change and allow a type of townhouse on one property that was not intended by the PC or CC when townhouses were amended into the LZDO as a permitted use.

The Similar Use process is a quasi-judicial process (not a legislative process) addressing one property. Because it is a quasi-judicial process and because the PC is not the governing body of the City, the decision will apply only to the subject property. It will not apply citywide.

Once the PC decision is issued, there is a 15 day appeal period and the LZDO authorizes the CC to call-up decisions by the PC for their review within the 15 day period. It is not known what the PC decision will be or if the CC will call-up the decision for their review.

Generally, when a significant change to the type of housing is made, it is through the legislative amendment process with citywide notice which affords the citizenry the opportunity to participate in a public process. The PC holds a public hearing and makes a recommendation to the CC. The CC holds a public hearing and makes the final decision. The City is nearing the public hearing phase for a large amendment to many of the LZDO housing standards (case LA 2024-01). Whether the PC approves or disapproves SU 2024-01, the issue of townhouse wall attachment length should be included in LA 2024-01.

IV. COMMENTS

As of the date of issuing this staff report, no comments have been received, including the owners of properties notified in the mailed notice of the hearing.

IV. STAFF RECOMMENDATION

Based on the staff report staff, the intent of the Planning Commission and City Council when townhouses were allowed by the LZDO was that townhouses would be attached along their common wall. Staff recommends the Planning Commission determine whether the attachment must be along the entire wall or along a minimum distance that is at least 25% of the length of the wall and pass an oral motion directing staff to prepare a Planning Commission Order consistent with the Commission's motion.

VI. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
1. Adopt the staff report and direct staff to prepare a Planning Commission Order stating townhouse developments must be attached along the entire length of the common wall, OR specify a minimum distance that is at least 25% of the length of the wall.
 2. Adopt a revised staff report and direct staff to prepare a Planning Commission Order stating an alternative to the two options in #1.
 3. Continue the hearing to a date time certain, or leave the record open, to allow additional information to be entered into the record of the hearing.
- B. Sample motions are:
1. I move the Planning Commission adopt the staff report and direct staff to prepare a Planning Commission Order stating townhouse developments must be attached along the entire length of the common wall, OR specify a minimum distance that is at least 25% of the length of the wall.

2. I move the Planning Commission adopt a revised staff report and direct staff to prepare a Planning Commission Order stating an alternative to the two options in #1.
3. I move the Planning Commission continue the hearing to a date time certain, or leave the record open, to allow additional information to be entered into the record of the hearing.

Attachment 1. Floor Plan.

Attachment 2. Front Elevation.

Attachment 3. Application Materials.



City of Lafayette
 486 Third Street, P.O. Box 55
 Lafayette, Oregon 97127
 www.ci.lafayette.or.us
 Community Development / Planning

OFFICE USE ONLY	
FILE #:	_____
FILE NAME:	_____
TYPE:	RECEIVED BY: _____
FEE: NON REFUNDABLE	\$200.00
REIMBURSEMENT DEPOSIT	\$250.00
TOTAL FEE	\$450.00
FEE PAID: 450.00	CHECK CASH: 1077
LAND USE DESIG:	_____
APPLICATION ACCEPTED AS COMPLETE	_____

DEVELOPMENT APPLICATION- SIMILAR USE

IF THE CITY OF LAFAYETTE INCURES EXPENSES THAT EXCEED THE AMOUNT OF THE INITIAL REIMBURSEMENT FEE, THE APPLICANT SHALL BE RESPONSIBLE FOR PAYMENT OF THE ADDITIONAL COST, PER RESOLUTION 99-1. BY SIGNING BELOW, YOU AGREE TO THESE TERMS. ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE THE APPLICATION. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE REVIEW PROCESS.

APPLICANT: Use mailing address for meeting notification. Check box if Primary Contact

COMPANY: Maverick Holdings LLC

ADDRESS: 600 E 2nd Street (CITY, STATE, ZIP) Newberg, OR 97132

PHONE: 503-807-8008 FAX: _____ E-MAIL: mattw@willcutscompany.com

SIGNATURE: [Signature] CONTACT: Matt Willcuts
 (Original Signature Required)

APPLICANT'S REPRESENTATIVE: Check box if Primary Contact

COMPANY: Del Boca Vista LLC

ADDRESS: 111 N College Street, Newberg, OR 97132 (mail notices to this address)

(CITY, STATE, ZIP) _____

PHONE: 971-706-2057 FAX: _____ E-MAIL: teresa@dbvcorp.com

SIGNATURE: [Signature] CONTACT: Teresa Gilmore
 (Original Signature Required)

PROPERTY OWNER(S): Attach separate sheet if needed. Check box if Primary Contact

COMPANY: Same as Applicant

ADDRESS: _____

(CITY, STATE, ZIP) _____

PHONE: _____ FAX: _____ E-MAIL: _____

SIGNATURE: _____ CONTACT: _____
 (Original Signature Required)



SIMILAR USE APPLICATION

City of Lafayette

486 Third Street, P.O. Box 55

Lafayette, Oregon 97127

www.ci.lafayette.or.us

Community Development / Planning

PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: 175 and 195 W 8th Street, Lafayette _____

AREA TO BE DEVELOPED (s.f.): 0.184 Acres _____

ASSESSOR'S MAP & TAX LOT # LOT SIZE ZONING DISTRICT
Partition Plat 2024-19 4,000 SF R-2

EXISTING USE OF SITE: Vacant Land _____

PROPOSED DEVELOPMENT ACTION: Build two single family homes connected by garages with a small shed like structure. See attached examples _____

REVIEW CRITERIA

Section 3.108.04, (Lafayette Zoning and Development Ordinance). Use Ambiguities. A similar use may be authorized provided the applicant demonstrates the proposed use satisfies the following criteria: (The applicant must provide a written response)

- a. The use is substantially similar to a permitted or conditional use in the underlying zoning district and is similar in character, scale and performance to permitted or conditional uses in the underlying zoning district.
- b. The use conforms with the applicable standards and limitations of the underlying zoning district.



SIMILAR USE APPLICATION

City of Lafayette

486 Third Street, P.O. Box 55

Lafayette, Oregon 97127

www.ci.lafayette.or.us

Community Development / Planning

APPLICATION REQUIREMENTS

- A. Completed and signed application form.**
- B. Written response to the review criteria above.**
- C. Five copies of the site plan drawn to scale. The site plan must include the following Information (where applicable):**
 - 1. North arrow, scale and date of plan.**
 - 2. Points of access, interior streets, driveways, vehicular circulation and parking areas.**
 - 3. Existing and proposed structures including dimensions.**
 - 4. All dimensions including setbacks, parking spaces, driveways and distance between buildings.**
 - 5. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Trees, as applicable.**
 - 6. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock out-croppings, and streams. Wetlands must be professionally delineated.**
- D. Names and addresses of all property owners within 100 feet of the boundaries of the property. A title company or the Yamhill County Assessor must provide this list.**
- E. Copy of the latest deed, sales contract, or title report indicating property ownership.**



CRITERIA RESPONSE
Development Application – Similar Use
Zoned R-2
October 31, 2024

The use is substantially similar to a permitted or conditional use in the underlying zoning district and is similar in character, scale and performance to permitted or conditional uses in the underlying zoning district.

RESPONSE:

The Lafayette Zoning and Development Ordinance (LZDO), Section 2.103 Medium Density Residential (R-2) District. The subject property is in the R-2 District. Our project consists of two vacant lots, both at 4,001 sf. Under the 2.103 A (1), minimum lot area, we qualify for two single family dwelling, attached. Subsubsection 2.103.02, B, lists “Single family dwelling, attached” as permitted use. The LZDO does not define the term “Single family dwelling, attached.”

Del Boca Vista proposes two single family dwellings attached by a common wall between the garages “storage”. See attached site plan and house plan. I have attached hereto examples of homes Del Boca Vista LLC has built in Carlton, Newberg and Salem showing single family homes attached by a common wall at the garages.

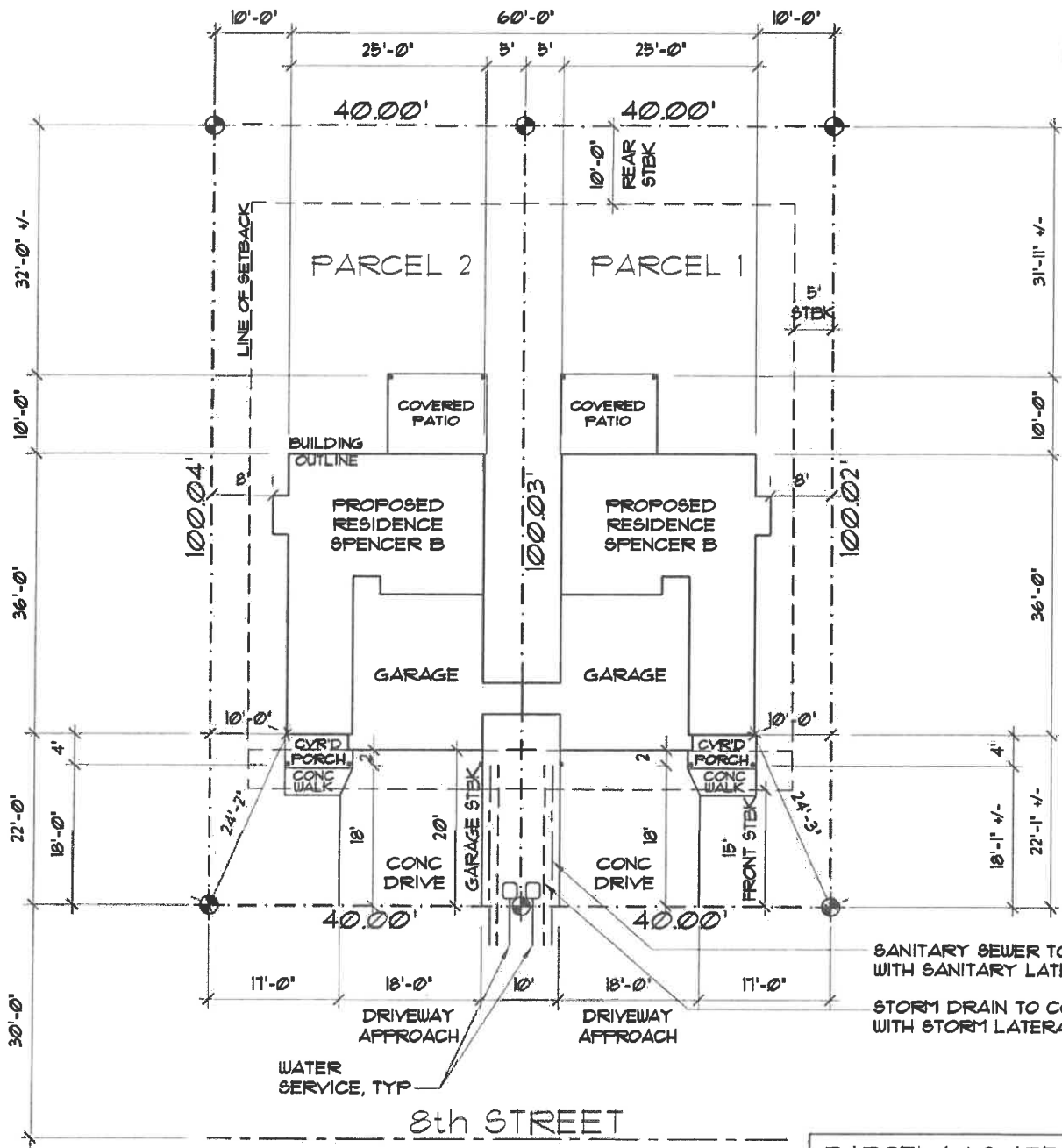
A typical definition of an attached home is “a residential dwelling that shares one or more walls with adjacent properties”. Attached homes do not have to be connected by the entire length of the home. Nowhere in the LZDO does it state that it must be attached the entire length of the home.

Homes attached by a common wall “storage” are substantially similar to the code for attached homes. This solution meets the intent of the code with the buildings being attached and is certainly a more attractive and desirable home than being attached along the entire length of the home. A few examples are; homeowner will have privacy, lower homeowner’s insurance, fire wall not needed during build, higher home value.

The use conforms with the applicable standards and limitations of the underlying zoning district.

RESPONSE:

Del Boca Vista’s proposed project meets the standards the R-2 2.103.04 A. Minimum Lot Area Single family dwelling, attached lot size of 4,000 sf. The lots are approximately 4,001 sf. All other standards under 2.103.5 will be met. See attached site plan.



SANITARY SEWER TO CONNECT WITH SANITARY LATERAL, TYP
 STORM DRAIN TO CONNECT WITH STORM LATERAL, TYP

8th STREET

SUNTEL DESIGN, INC. IS NOT LIABLE FOR THE ACCURACY OF THE TOPOGRAPHY INFORMATION. IT IS THE SOLE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL SITE CONDITIONS, INCLUDING ANY FILL PLACED ON THE SITE, AND INFORM OWNERS OF ANY POTENTIAL FIELD MODIFICATION.

LEGAL DESCRIPTION

175 W 8TH STREET
 LAFAYETTE, OREGON
 NW 1/4, SEC 1, TS 4S, R4W, WM
 TAX LOT #R440IDD01000

PARCEL 1 & 2 AREA
 4,001 SQ. FT EACH

BUILDING

BUILDING FOOTPRINT	944 SQ. FT EA
COVERED PORCH	33 SQ. FT EA
COVERED PATIO	120 SQ. FT EA
TOTAL BLDG AREA	1,097 SQ. FT EA

IMPERVIOUS AREA

DRIVEWAY	356 SQ. FT EA
WALKWAY	27 SQ. FT EA

PLAN NAME SPENCER B
 DATE 102924_DM

P

PO Box 1358, Fairview, Oregon 97024
 Tel: (503) 624 0555
 www.sunteldesign.com

DEL BOCA VISTA 175 W 8TH ST; LAFAYETTE, OR

SITE PLAN

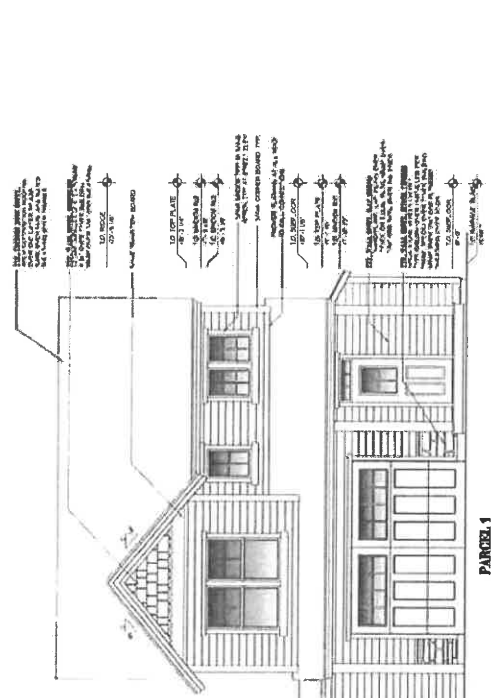
SPENCER B SCALE: 1"=20'-0"

1,455 TOTAL SQUARE FEET
 PLAN NUMBER 914178
SPENCER B
 DEL BOCA VISTA
 175 W 8TH STREET

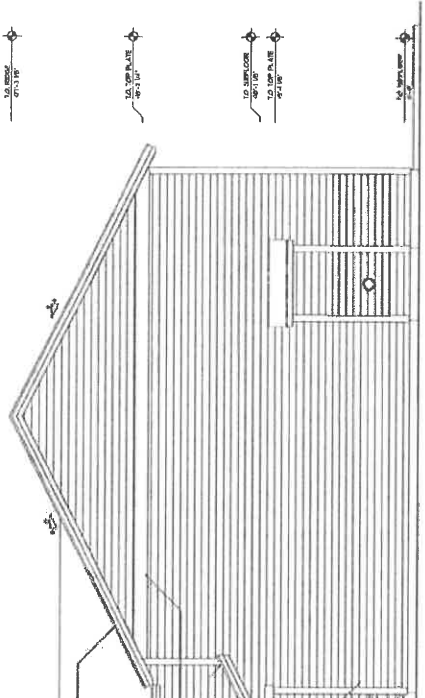


THESE PLANS ARE PRELIMINARY. ANY CHANGES TO THE PLANS MUST BE APPROVED BY THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL FEE RECEIVED. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DELAYS OR COST INCREASES CAUSED BY ANY CHANGES TO THE PLANS. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY UNLAWFUL ACTS OR OMISSIONS BY ANY OTHER PARTY. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY UNLAWFUL ACTS OR OMISSIONS BY ANY OTHER PARTY.

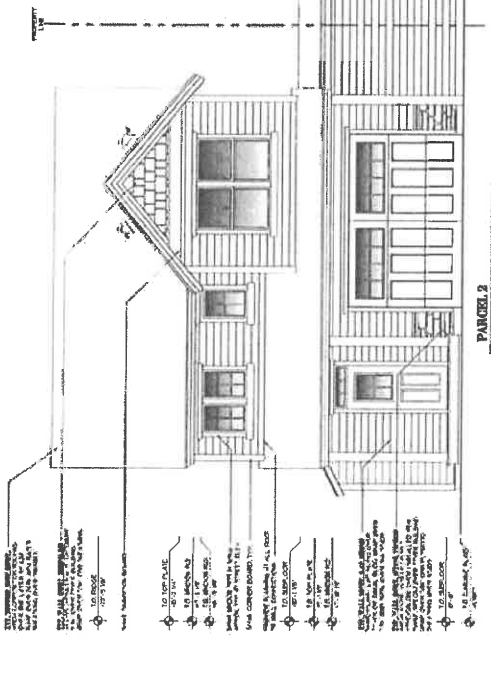
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 DATE: 10/20/14



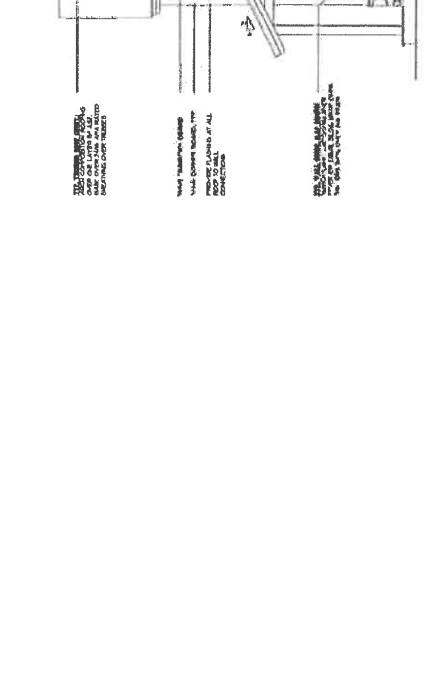
FRONT ELEVATION
 SCALE: 1/8"=1'-0"



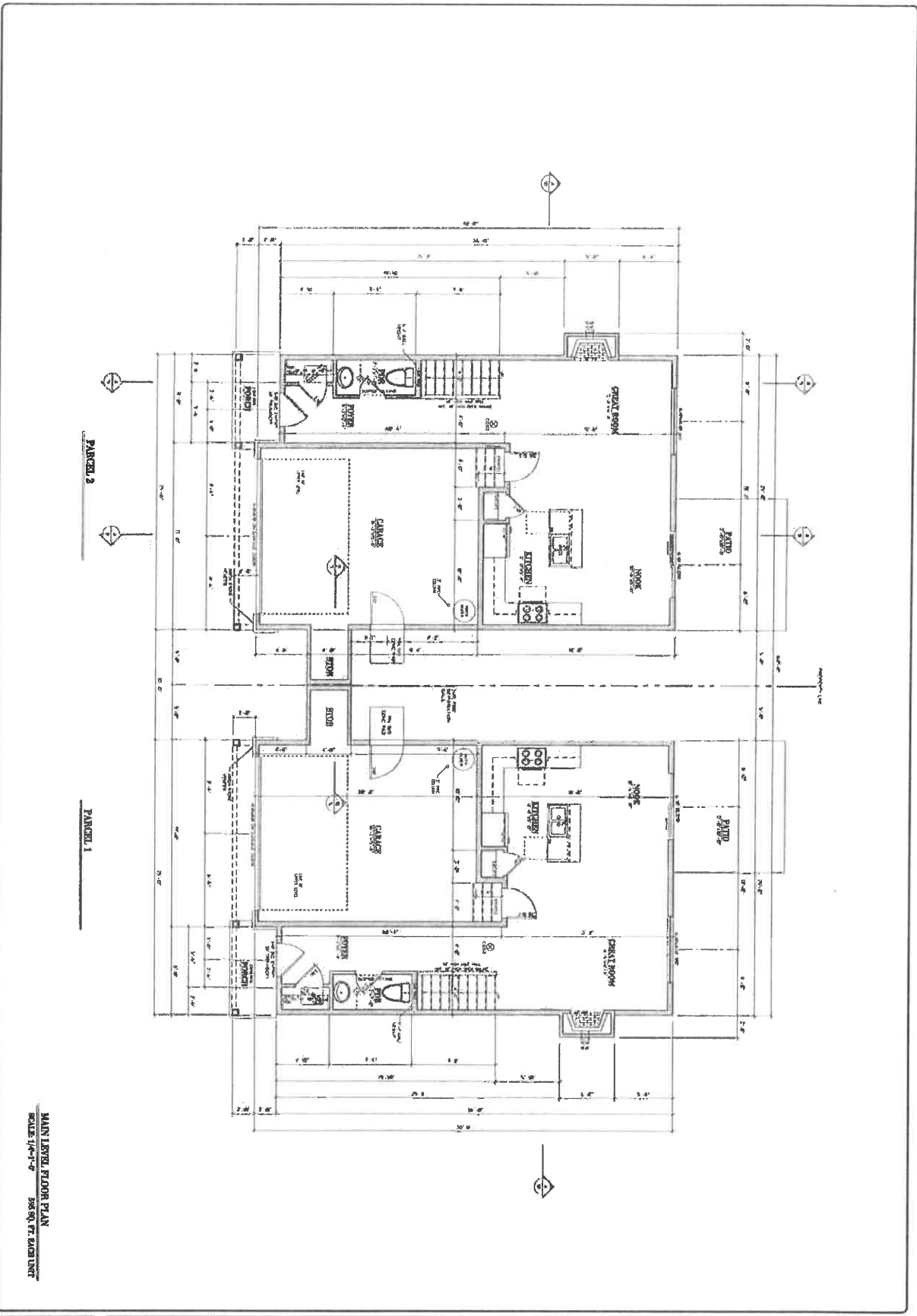
RIGHT ELEVATION
 SCALE: 1/8"=1'-0"



FRONT ELEVATION
 SCALE: 1/8"=1'-0"



RIGHT ELEVATION
 SCALE: 1/8"=1'-0"



MAIN LEVEL FLOOR PLAN
SCALE: 1/4"=1'-0"
598 SQ. FT. EACH UNIT

DATE: SPENCER B
UNIT: 2004L, 201L

3

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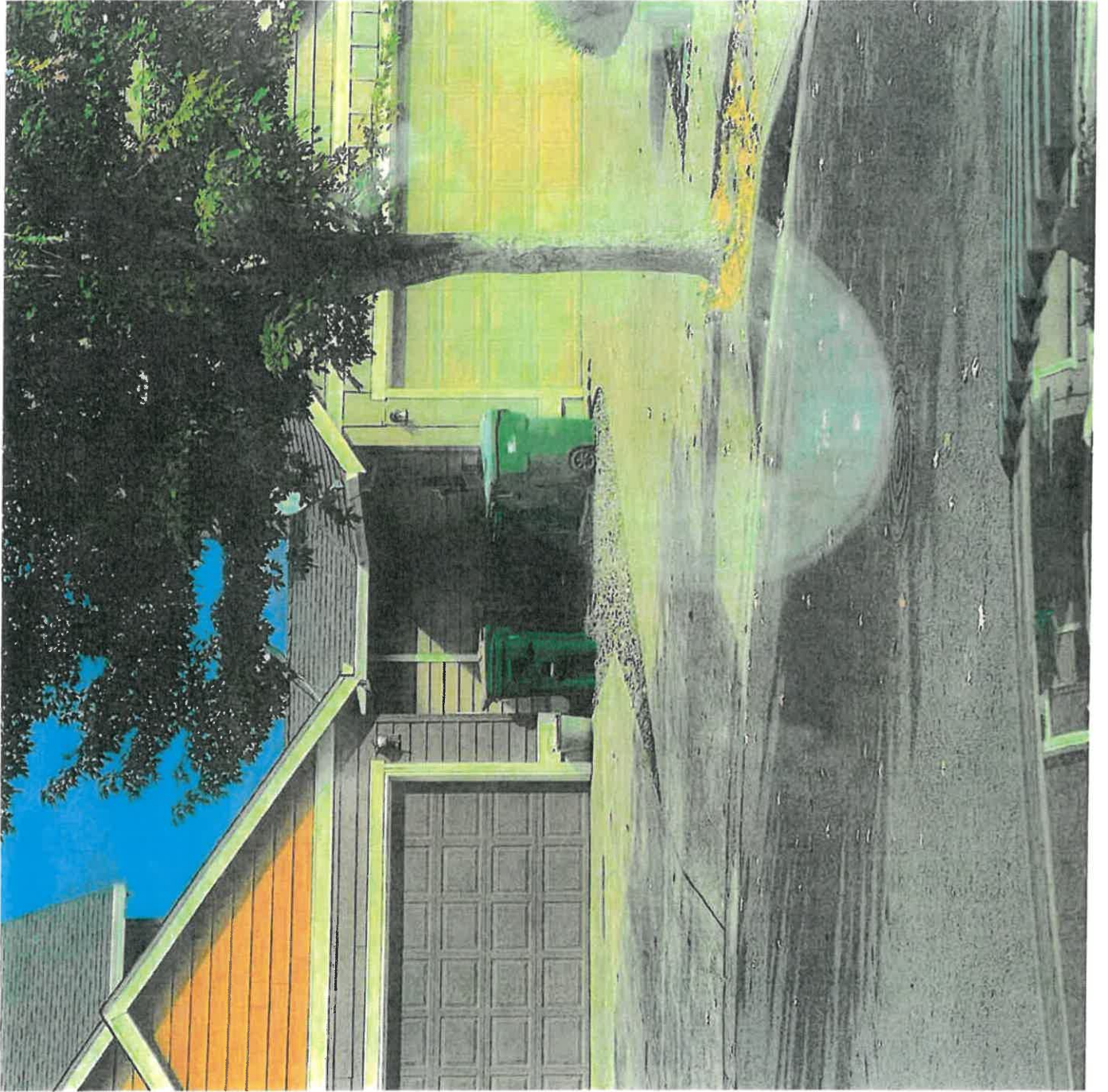
DEL BOCA VISTA 175 W 8TH STREET

SPENCER B

PLAN NUMBER 81417B 1,455 TOTAL SQUARE FEET



**EXAMPLES OF HOMES
CONNECTED BY
STORAGE UNIT
(our proposal)**



Newberg
Gardner



Carlton



EXAMPLE OF HOME
CONNECTED BY ENTIRE
WALL

(what we want to avoid)

We want to Avoid this.



City of Lafayette
Planning Commission Meeting Minutes
Thursday October 17, 2024, at 6:30 p.m.

1. **CALL TO ORDER:** Chair Kerr called to order at 6:30 p.m.
2. **FLAG SALUTE:** Chair Kerr lead flag salute.
3. **ROLL CALL:** Chair Kerr called the Roll:
Present: Chair Ron Kerr, Stephen Belding, Jon Meola, Scott Adamson, Roger Webb
City Staff Present: Branden Dross, City Administrator, Kennedee Richardson, City Recorder, Jim Jacks, City Planner
Not Present: David Rogers
4. **CITIZEN INPUT ON NON-AGENDA ITEMS:**
None.
5. **PUBLIC HEARING:**
None.
6. **APPROVAL OF MINUTES:**
 - a. *September 19, 2024, Planning Commission Meeting*
Commissioner Meola moved to approve the August 15, 2024, Planning Commission Meeting Minutes. Commissioner Belding seconded: the motion passed unanimously, 5-0 (Aye – Commissioner Kerr, Commissioner Belding, Commissioner Meola, Commissioner Adamson, Commissioner Webb. Absent Commissioner Rogers).
7. **WORK SESSION:**
 - a. *Housing Amendments (LA 2024-01)*
Commissioner Kerr suggests starting on page 21. City Planner Jacks shares that the proposed changes are bold and italicized in the staff report provided and provides new definitions mostly from Oregon Revises Statutes (ORS). City Planner Jacks explains that the definitions try to define a term without setting the standards of it, he than provides an example using single room occupancy. Commissioner Webb asks a question regarding single-resident occupancy and person vs. square feet. It's recommended to defer this discussion of single-

resident occupancy to later in this meeting or at a future meeting. City Planner Jack's introduced the R-A zoning allowance of duplexes, although there are no areas zoned R-A at this time. City Planner Jack's notes that accessory structures have been deleted because R-A subsection's B-K addresses accessory structures in R-A zone. R-1 zoning regulations need to add duplex. Manufactured homes on individual lots is now subject to section 2.305; City Planner Jack's brings up D standards for accessory structures, subsection 2.209.10. Commissioner Belding asks a clarifying question regarding letter C in conditional uses and if a conditional use permit would allowed for Bed and Breakfasts since short term rentals, such as Airbnb, are not allowed within the city; City Planner Jack's explains that bed and breakfasts are viewed differently in this case because traditionally the family who owns the property is on site when guests are there and they are assumed to be on a vacation. Commissioner Kerr asks where in the codes it states short term rentals are not permitted and Jacks explains that there is no language in allowances for each zone that permits short term rentals; City Administrator Dross elaborates that it would be hard to enforce language prohibiting Airbnb's. Additional discussion regarding Airbnb's ensues. Staring on page 24 City Planner Jack's states that duplex lot size minimum must be changed from 10,000 square feet to 7,500 square feet. City Planner Jack's also mentions that there is no garage set back standards for the back and side yard and that needs to be added. City Planner Jack's states that on page 25 there needs to be deletions regarding houses of worship in a residential district and affordable housing being allowed because it is a in the permitted uses of R-2 and R-C. R-2 subsection E states permitted uses are apartments, townhouses, and duplexes. City Administrator Dross asks for clarification if three townhomes in a row could be considered multifamily housing and City Planner Jack's states each townhouse would be in its own lot rather than a shared lot, City Planner Jacks states they could add language to say, "three or more attached units each on its own lot". Moving to pages 27-28 City Planner Jack's points out the lack of setback regulations and specified language for apartments that may be multistory, adding setback regulations for apartment in italicized or bold font on page 28. City

Planner Jack's also states to remove language allowing affordable housing on church property, on page 29. On page 32 Jack's states to add clarification on setbacks for single family dwellings. City Planner Jack's then mentions the C-1 district, on page 36, requires affordable housing in commercial district with no industrial uses; citing HB 3395 as the requirement for local governments to allow affordable housing in the R-C and C-1 district; C-2 allows some industrial uses so the affordable housing language would not apply to that district. Continuing onto pages 36-37 there needs to be more language on Limited Land Use and if there is a damaged non-conforming it must be fixed within 12 months it is recommended to be changed to 18 months to rebuild the damaged property. City Administrator Dross asks how this pertains to the car lot on 99W, and Jim Jack's states that due to the lot being vacant for a couple of years during the Covid pandemic that they have missed the 12 months deadline years ago. City Planner Jack's moves to page 39, SB 1537 adjustment language that is set to sunset on January 1st, 2032, and recommends applying it directly from language in the ORS instead of adding it to the codes. Page 46 2.31603 are the architectural standards for single family dwellings, L-O subsection was done by the planning commission. Commissioner Meola questions subsection O asking if it requires a post to have a depth of 8 inches, Commissioner Kerr provides clarification. City Planner Jim Jack's states that this is not complete yet, Planning Commission will likely continue this discussion on December 19th, 2024, and the City Council hearing will most likely be in January or February. City Administrator Dross mentions that commissioners can vote no to these changes although they will be implemented regardless since they are required by the state. The Oregon Department of Land Conservation and Development requires 35 days prior to Planning Commission meeting to submit the changes in language in the Zoning and Development Ordinance. Commissioners Webb and Kerr discuss single-room occupancy housing, such as a university dorm or studio apartments, they do not require a bathroom and kitchen within the unit but often have those shared in a common area.

b. Lafayette Parks Master Plan, Chapter 5- Proposed Park Amendments

City Planner Jack's goes over the updates from chapters 2. Commissioner Webb comments on the use of a trail on Dunaway as an unofficial park within the city. Commissioner Belding adds that he thinks what the city is looking for is a park with acreage for more recreation. City Planner Jack's continues discussing the updates to chapter 2. City Administrator Dross comments about the common shared idea that Lafayette is a "poor city" when income levels are rising, and the city has the highest income in the county; the median income and poverty factors will affect the federal grant availability. Discussion regarding the City's growth ensues. Commissioner Webb comments on the need for more space for youth sports. City Administrator Dross gives an overview of the steps taken with the parks survey. City Administrator Dross explains to the Commission where the city is financially at this point there is \$700,000 in the park project system development charge (SDC) fund. City Administrator Dross goes over the parks plan results. Commissioner Webb and Commissioner Adamson both mention potential financial benefits to making Commons Park a sports facility park. Moving to Terry Park, Commissioner Webb shares what the Yamhill River Steering Committee has been discussing for Lafayette Locks. Commissioner Adamson comments on the lack of parking for Veterans Park. Commissioner Kerr comments on the ability to make Veterans Park to be multi-use. City Administrator Dross shares the next steps for the Parks Plan updates.

8. NEW BUSINESS:

a. Lafayette Zoning and Development Ordinance Section 2.206.06

City Planner Jim Jacks states that the subsection that allows additional political signs and the section that allows temporary signs do not add up correctly making it unenforceable. City Planner Jacks shares that the consensus from the City Council meeting seemed to lean towards deleting subsection L. City Administrator Dross shares historical context to why this is being looked at. City Planner Jack's briefly mentions FEMA flood plain guidelines: there are model ordinances, permit by permit, or prohibiting development in the flood plain. Prohibiting would not work because public works is within the flood plain and

will need additional lagoons in the future. Addition conversations are had about the sign code amendments is had clarify the what should be changed.

b. Urban Growth Boundary (UGB) Discussion

Commissioner Adamson comments that’s there is no additional residential development within our urban growth land, City Planner Jacks and City Administrator Dross point out two sections that are residential land.

Commissioner Adamson asks where the city can grow from here. City Planner Jacks explains the process of adding to the UGB. Discussion about what land could be added into the UGB. Commissioner Adamson comments that in planning for the next 10 years the city should be looking at getting a middle school and becoming a school district. City Planner Jacks states that financially that would not work. City Administrator Dross shares that after speaking with the schools there are no plans in the next generation or two to build another school in Lafayette, City Planner Jacks confirms this is the sentiment he has received too. Discussion about the transportation grant process and data collected is had.

9. NEXT MEETING:

a. November 21, 2024

No discussion.

10. ADJOURNMENT:

Commissioner Webb moved to adjourn the meeting. Commissioner Belding seconded; the motion passed unanimously, 5-0 (Aye – Commissioner Kerr, Commissioner Belding, Commissioner Meola, Commissioner Adamson, Commissioner Webb. Absent Commissioner Rogers).

Minutes approved on the 21st day of November 2024.

CERTIFIED:

ATTESTED:

Ron Kerr, Chair

Kennedee Richardson, City Recorder



Lafayette City Council

Meeting Date: November 14, 2024

Agenda Item: FEMA: Pre-Implementation Compliance Measures (PICM), National Flood Insurance Program

Requested Council Action:

Pass a motion selecting the Model Ordinance option.

Staff Recommendation:

Discuss the 3 pre-implementation compliance measures (PICM) and pass a motion selecting the Model Ordinance option.

Background:

See the Background Section in the October 10, 2024 Agenda Item sheet for the background. Following are the summaries of the three PICMs. They include information from the R10 workshop sessions since October 10. There are 17 properties affected by the 100-year floodplain and 2 flood insurance policies are effective in Lafayette. The 100-year floodplain is as shown on the attachment to this Agenda Item sheet. It affects the north bank of the Yamhill River and narrow areas along Henry, Martin and Millican Creeks.

Model Ordinance: R10's Model Ordinance (MO) was distributed last month, thus we know what it says. It is based on the Oregon Department of Land Conservation and Development's (DLCDC) model Floodplain Overlay District. The R10 MO includes provisions ensuring development in the 100-year floodplain would protect the listed 11 endangered species of salmon and the southern resident killer whale population and their habitat. Compliance with the 2016 Biological Opinion's "reasonable and prudent alternatives" would be achieved and be consistent with Oregon's Statewide Planning Goals. Applications for Floodplain Development Permits would show they meet the MO standard of "no net loss" of species and their habitats, and that the mitigation ratios and the other MO requirements are met.

Permit-by-Permit: The permit-by-permit option would also protect the endangered species and their habitat. There is no model language available, and none is proposed to be created by R10. The City would need to "wordsmith" appropriate language to be adopted into the Lafayette Zoning and Development Ordinance (LZDO).

Prohibit Development: This option would prohibit development in the 100-year floodplain, with exemptions for parks (no permanent structures), storm water outfalls, etc. It could involve "takings" issues where the economic value of the subject property is significantly affected.

Financial Impact:

Funding of land use planning services estimated to be \$5,000 to amend the Lafayette Floodplain Overlay District and update the Floodplain Development Permit application form. Because the MO is based on the DLCDC Model Floodplain Overlay District, it is anticipated the existing LZDO Floodplain language would be deleted and replaced with the MO language.

Alternative:

Not selecting an option by December 1 would result in the City defaulting to the permit-by-permit option.

Suggested Motion: *"I move City Council to adopt the Model Ordinance pre-implementation compliance measure and direct the City Planner to inform FEMA Region 10 by email of the City's selection."*

