

**NOTICE OF PUBLIC MEETING  
LAFAYETTE PLANNING COMMISSION**

**DATE & TIME:** Thursday, October 17, 2024 – 6:30 p.m.

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

**AGENDA**

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1. CALL TO ORDER
2. FLAG SALUTE
3. ROLL CALL
4. CITIZEN INPUT ON NON-AGENDA ITEMS
5. PUBLIC HEARING
  - a. None
6. APPROVAL OF MINUTES
  - a. August 15, 2024 Planning Commission Meeting
7. WORK SESSION
  - a. Housing Amendments (LA 2024-01)
  - b. Lafayette Parks Master Plan, Chapter 5- Proposed Park Amendments
8. NEW BUSINESS
  - a. Lafayette Zoning and Development Ordinance Section 2.206.06
9. COMMISSIONER COMMENTS
10. Next Meeting
  - a. November 21, 2024
11. 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 August 15, 2024, at 6:30 p.m.**

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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:* Jasmine Garcia, Community Development Clerk, Jim Jacks, City Planner  
*Not Present:* David Rogers  
*Others:* Russell Burrows, Jack Shepherd, Daniel Danicic, Grant Bowerman
4. **CITIZEN INPUT ON NON-AGENDA ITEMS:**  
None.
5. **PUBLIC HEARING:**
  - a. *SUB 2024-01- Finley Court*  
Chair Kerr opened the public hearing at 6:32pm. Chair Kerr and City Planner Jacks read the planning commission procedures. Chair Kerr asked if there were any objections to the audience. Resident Grant Bowerman stated they were not opposed but they were the only one to receive the notice. Commissioner Webb asked staff had a record of the mailings. Community Development Clerk Garcia stated she keeps a record and signs it verifying it was mailed and she only received one return mail. There were no further objections. There was no ex-parte contact from the Planning Commission. City Planner Jacks goes over his staff report. Commissioner Adamson stated his concerns with the single fire hydrant across the street and was concerned about the street width. City Planner Jacks stated there is a condition of approval stating the developer will need to be up to the Fire Code and be approved by the Fire Chief or Fire Marshall that will address those issues. Chair Kerr asked the applicant for comment. The applicant stated they support the decision of the Planning Commission. Resident Bowerman stated their issue with the development of increasing traffic on Bridge Street, and how

there are a lot of cars speeding down that street. Chair Kerr stated that the developer created a street so that the six homes will not open off Bridge Street. Commissioner Belding stated that he sees the Deputy parked on Bridge monitoring the speed of traffic. Commissioner Webb mentioned the Transportation Grant that City Administrator Dross applied for to help with Bridge Street. City Planner Jacks stated that the concerns the resident had would be better said to City Council. Community Development Clerk Garcia gave the resident the future City Council meeting for the resident to attend. Resident Bowerman stated their concerns with the 200-year-old Black Walnut, Pine, and Fur trees on the lot. Applicants Engineer Daniel Danicic stated they are going to work with an arborist, but they are trying to keep the trees around the perimeter if possible. Applicant Jack Shepard stated they have spoken to the neighbors, and they have mixed emotions about the tree, they like the tree but also concerned over the large branches that overhang on their houses. Chair Kerr closes the hearing at 7:18pm. Commissioner Adamson moved the Planning Commission approve the application, adopting the findings and conditions 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. Commissioner Belding seconded; the motion passed unanimously.

**6. APPROVAL OF MINUTES:**

*a. July 18, 2024, Planning Commission Meeting*

Commissioner Webb moved to approve the July 18, 2024, Planning Commission Meeting Minutes. Commissioner Meola seconded; the motion passed unanimously.

**7. WORK SESSION:**

*a. None*

**8. NEW BUSINESS:**

*a. Recommendation to City Council regarding Park Development*

Chair Kerr opened the discussion regarding Park Development in the City of Lafayette. City Planner Jacks breaks down the process on how to purchase park

land. Jacks discussed past discussions regarding the Meadowbrook subdivision and the land that was potentially going to be used as a park and explained why it was never purchased. Chair Kerr wanted to know how we can get our parks to be like the larger cities. City Planner Jacks stated we need to amend the development code to include a requirement that states subdividers dedicate a certain amount of land to the city for Park purposes. Commissioner Belding conveys concern regarding the funding not being adequate but agrees with Jacks and stated it could deter developers from coming to Lafayette. There was discussion regarding the grants available for jurisdictions to apply for and the processes. Commissioner Belding asked City Planner Jacks why the City of Lafayette has not applied for these grants. City Planner Jacks stated that they do not know and that is something the City Council has to direct the City Administrator to do. Jacks adds if the City Council has been directing the City Administrator to do other things so the City Administrator will be busy following the direction they were given. Chair Kerr stated they would like city staff to train on grant applications. Commissioner Belding asked for the Planning Commission to meet with the City Council again to discuss the Park Plan. Community Development Clerk Garcia stated there was a park survey that was presented to the community about Commons, Veterans, and Terry Park and what the residents would like them to become. She stated that there were 350 surveys that were returned, and residents still have until October 4<sup>th</sup> to turn in their surveys. City Planner Jacks discussed what criteria would be reasonable to require from developers dedicating land for the city to use for parks. Jacks stated that most City Councils will have goals. The Planning Commission discussed the possibility of a school in Lafayette and the process.

**9. COMMISSIONER COMMENTS:**

Commissioner Adamson asked Community Development Clerk Garcia to find out if the City Council has goals and if so to email the Commissioner. Commissioner Meola mentioned the traffic plan that was discussed with the City Council last work session. City Planner Jim Jacks explained in detail the process for the Transportation System Plan (TSP). Commissioner Webb discussed the stops signs that have been appearing throughout the city and how he met with City Administrator Dross and Mayor

Malcomson and wanted to know what the process was to stop that. City Planner Jacks stated the process and that was a City Council issue. Commissioner Webb also asked if the City had funds to purchase easement rights to a property outside of the Urban Growth Boundary (UGB) for a hiking trail and asked Community Development Clerk Garcia to ask City Administrator Dross if that was something that could be done. City Planner Jacks stated that since it is outside city limits, to verify the zoning to ensure the easement can be used for what Commissioner Webb is requesting.

**10. NEXT MEETING:**

*a. September 19, 2024*

City Planner Jacks discussed the National Flood Insurance program that is administered by Federal Emergency Management Agency (FEMA) that allows development in floodplains.

**11. ADJOURNMENT:**

Commissioner Belding moved to adjourn the meeting. Commissioner Webb seconded; the motion passed unanimously.

Minutes approved on the 19<sup>th</sup> day of September 2024.

CERTIFIED:

ATTESTED:

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Ron Kerr, Chair

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Kennedee Richardson, City Recorder

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

DATE: OCTOBER 17, 2024

The list of the proposed amendments is in Section II, on page 10. The “mark-up” version of the proposed amendments is in Section III, on page 21.

This staff report does not include all the amendments needed to update the LZDO with the many housing Bills passed by the Legislature. Additional amendments will be forthcoming.

## I. BACKGROUND – OREGON LEGISLATIVE ACTIONS FOR HOUSING

In the last several legislative sessions the Legislature passed many 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.

Although this staff report begins with the 2017 Legislative session, as noted below, the City has amended the LZDO to be consistent with the bills passed in the 2017 and 2019 sessions – no housing bills affecting Lafayette were passed in the 2018 session.

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

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

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

The following is a summary of each Bill from the 2017 Legislature through the 2024 Legislature related to housing and the approval processes related to housing projects. The provisions of the various Bills require the LZDO be amended. 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 sentence states the Oregon Revised Statute number(s) 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.

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. In the 2019 Legislature HB 2001, Section 7, again amended 197.312 (see 2019 Legislature, below).

**The City initiated a legislative amendment (case # LA 2018-01) to bring the Lafayette Zoning and Development Ordinance (LZDO) into compliance with SB 1051, Section 6 (ORS 197A.425 as of April 18, 2024). The LZDO was amended per Ordinance 635 (June 14, 2028) 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. No further action is needed in 2024 regarding SB 1051, Section 6.**

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

Prior to SB 1051 there were 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 as "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, zoning regulations applying to "needed housing," from ADU's to million-dollar homes, 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. (emphasis added)*

*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. (emphasis added)*

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 and roofing materials are 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.\_\_\_\_.xxxxxxxxxxxxxxxxxxxxxx

**The City initiated a legislative amendment (case #LA 2018-01) to bring the LZDO into compliance with SB 1051, Section 4 (which amended ORS 197.303). The LZDO was amended**

**per Ordinance 635 (June 14, 2028) to subject ADU's only to clear and objective standards. No further action is needed in 2024 regarding SB 1051, Section 4.**

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. ORS 227.500(1) was amended to allow 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. ORS 227.500(4) was added to require a covenant appurtenant restricting the housing to be affordable for a minimum of 60 years.

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 3<sup>rd</sup> (99W) between Jefferson and Adams in the Commercial Core (C-1) District.

**The City initiated a legislative amendment (case #LA 2018-01) to bring the LZDO into compliance with SB 1051, Section 8 (which amended ORS 227.500). The LZDO was amended per Ordinance 635 (June 14, 2028) to bring it into compliance with SB 1051, Section 8. No further action is needed in 2024 regarding SB 1051, Section 8.**

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

Four years later in 2021 the Legislature passed HB 2008 and its Section 5 amended the language in SB 1051, Section 8 (ORS 227.500). See the 2021 Legislature, HB 2008, Section 5, p. 5, below. As noted below an amendment to the LZDO is included in this 2024 legislative process (case # LA 2024-01) to address the language in HB 2008, Section 5.

#### 2018 Legislature

No bills were passed in the 2018 Legislature requiring the City of Lafayette to amend the LZDO.

#### 2019 Legislature

1. House Bill (HB) 2001 addressed "middle housing" for medium and large cities. The majority of HB 2001's provisions do not apply to Lafayette because the City's population is less than 10,000. HB 2001 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.
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 bring the LZDO into compliance with HB 2001, Section 7 (which amended ORS 197A.425 as of April 18, 2024). The LZDO was amended per Ordinance 640 (January 13, 2022) to delete the ADU parking and ownership standards. No further action is needed in 2024 regarding HB 2001, Section 7.**

HB 2001, Section 7, also amended ORS 197.312 to add 197.312(**6**) to state):

*(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.*

**Section 7 (ORS 197.312(6)) does not apply to Lafayette because short term rentals (STR) (“vacation occupancies”) are not allowed in Lafayette. No action is needed in 2024 regarding HB 2001, Section 7.**

#### 2020 Legislature

The 2020 Legislature passed only 3 bills, none of which were related to land use planning. For most of the session the Oregon Constitution’s requirement for a quorum to enact legislation was not met. The Oregon Department of Land Conservation and Development Department’s “2020 Land Use Legislation Report” stated the following.

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

#### 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.

NOTE: ORS 197.311 is now 197A.445.

The August 2021 bill summary report described HB 2008 in part as, limiting local government restrictions on affordable housing provided by religious nonprofit corporations to health, safety, habitability, and infrastructure concerns. Also, local governments are required to approve affordable housing developments on any parcels zoned other than industrial, or that are contiguous with residential zoned parcel without requiring those parcels be rezoned as residential.

For affordable housing in a commercial zoning district, there are many requirements to be met, but the primary requirements are (1) 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 (2) the property is zoned for commercial uses and also allows “religious assembly” as a permitted use.

For affordable housing in an industrial zoning district, the primary requirements are (1) the housing is owned by a public body (such as a city or county), (2) the property is adjacent to lands zoned for residential uses or schools, and (3) 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), and Section 2.106, Commercial General District (C-2) to comply with the amended ORS 197.286 to 197.314.**

**The Industrial District, Section 2.107, is not proposed to be amended because the LZDO includes only one industrial district and it allows heavy industrial uses.**

2. House Bill 2008, Section 5, amended ORS 227.500(1)(g) which SB 1051 (2017 Legislature) had amended into ORS 227.500 in 2017. 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 2024 legislative process (case # LA 2024-01) to amend the LZDO to comply with HB 2008, Section 5. The LZDO Residential Agriculture (RA) District, the Low Density Residential (R-1) District, the Medium Density Residential (R-2) District and the Residential Commercial (RC) District are proposed to be amended to comply with HB 2008, Section 5. For example, in the 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, to 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, Section 2, 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 new 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.”

SB 405, Section 2, 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.

**The City has initiated this legislative process (case # LA 2024-01) to amend the LZDO, Section 3.109.03, Discontinuation of Use, to comply with SB 405, Section 2.**

#### 2022 Legislature

1. HB 4051 followed-up on 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 pages 4 and 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.

4064, Sec 5, adds A DEF OF PREFABRICATED DWELLING. 197.286(5) **“Prefabricated structure” means 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.**

**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, Sections 20 - 23, amend 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. The minimum lot size for the single family dwelling and the duplex must be the same (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 vacant land in cities that is zoned only for commercial uses to (1) allow housing units available to those households making less than or equal to 60% of the area median income (subject to an affordable housing covenant), and (2) 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 to the Land Use Board of Appeals (LUBA), regarding a residential development. Additionally, a city 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 City has initiated a legislative process (case # LA 2024-01) to amend the LZDO to include the 7-day period allowed “to ensure the sufficiency of the final order.”**

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.**

6. HB 2984 (8/15/2023 and effective 1/1/2024) and HB 3442 (passed & effective upon passage) were similar bills and both were passed. HB 2984, Section 1a, stated if HB 3442 passed, then HB 3442 governs. HB 3442 passed and its Section 1 amended ORS 197.308 (Affordable housing allowed outright) to require cities to allow the conversion of commercial buildings to affordable housing, and may not require a zone change or conditional use permit for affordable housing, provided the zoning allows commercial uses, religious assembly, or public uses. Additional requirements apply, but are not listed here.

Additionally, Section 1 requires cities to allow affordable housing, and may not require a zone change or conditional use permit for affordable housing, provided the zoning allows industrial uses, is adjacent to lands zoned for residential uses or schools, is not specifically designated for heavy industrial uses, and if the property is publicly owned. Additional requirements apply, but are not listed here. For the industrially zoned lands, no amendments are proposed because the LZDO includes only one industrial district and it allows heavy industrial uses, therefore, in accordance with Section 1, affordable housing is not proposed to be allowed in the LZDO’s only industrial district.

**The City has initiated a legislative process (case # LA 2024-01) to amend the LZDO to comply with HB 3442, Section 1, except for lands zoned industrial.**

2024 Legislature

7. HB 1537, Sections 38 to 43. The March 11, 2024 Department of Land Conservation and Development legislative summary describes Sections 38 to 43 as follows:

*Requires local governments to allow land use adjustments, [Minor and Major Variances in the LZDO] [Sections 38 – 43], and the extension, alterations and expansions of a nonconforming use [as well as replats and property line adjustments] administrative-level decision [Section 44, see following].*

For housing developments, the Bill sets forth numerous requirements, maximums and minimums for “adjustments” and requires only one of the seven approval criteria be met. Section 40 allows for a city to be exempt from Sections 38 – 39 as determined by the State Housing Accountability and Production Office. Section 41 requires information be reported to the State. Section 42 establishes an effective date of January 1, 2025. Section 43 says the adjustment provisions “sunset” on January 2, 2032.

**The City has initiated this 2024 legislative process (case # LA 2024-01) to amend the LZDO to comply with HB 1537, Sections 38 - 41.**

8. HB 1537, Section 44. Amends ORS 197.015 regarding Limited Land Use decisions (ORS 197.195). The April 2024 League of Oregon Cities “Bill Summary” describes Section 44 as follows:

*Directing cities to process housing development applications requesting partitions and other property boundary changes; site plan review; nonconforming use cases; or adjustments to land use regulations, as limited land use decisions (effective January 1, 2025);*

The current language of ORS 197.015(12)(a) establishes that an application for a Tentative Plan for a subdivision and a partition, and for a Site Development Review are Limited Land Use Decisions. The Bill requires a Limited Land Use Decision be an administrative decision (City Administrator) and it amends the definition of “Limited Land Use Decision” to include an application for a replat, a property line adjustment and for applications which request an “extension, alteration or expansion” of a nonconforming use.

**The City has initiated this 2024 legislative process (case # LA 2024-01) to amend the LZDO to comply with HB 1537, Section 44.**

## 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.

The numbering will be adjusted once all the proposed new definitions are listed.

### 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.
2. 1.200.02, Definitions. Propose adding definition of "prefabricated structure" as defined in ORS 455.010 to comply with HB 4064, Section 5 (2022) as it amended ORS 197.286.
3. 1.200.02, Definitions. Propose incorporating the clarification in HB 2583, Section 1, into the definition of Residential Dwelling Unit, or Dwelling Unit, Residential.

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.*

4. 1.200.02, Definitions. Propose adding definition of "single room occupancy," as defined in HB 3395, Section 17 (2024), amending ORS 197.758.
- X 1.200.02, Definitions. Propose updating the definition of Family Child Care Home and Child Care Center, to be consistent with ORS 329A.250(5) and 329A.280(2), respectively. Previously, the definitions of Child Care Home and Child Care Facility were in ORS 657.280.

## 2.101 RESIDENTIAL ACREAGE DISTRICT (RA)

- X. 2.101.02, 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

- 3. 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 to 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 added as a Permitted Use which necessitates deleting duplexes as a Conditional Use, to comply with HB 3395, Section 20 (2023). 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, currently includes a 7,500 square foot minimum lot size for detached single family dwellings and a 10,000 square foot minimum lot size for duplexes. However, due to HB 3395 (2023) and Oregon Administrative Rule 660-046, Middle Housing, the minimum lot size for a duplex in the R-1 District can be no greater than the minimum lot size for a detached single family dwelling in the R-1 District. Propose reducing the minimum lot size for duplexes from 8,000 to 7,500 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, B, Minimum Yard Setbacks. Subsection B, 1, states “All structures shall maintain the following minimum yard setbacks:” and lists the setbacks in Subsubsections 1, a – d. The word “All” means both the principal and accessory structures must comply with Subsubsections 1, a – d. Propose adding “principal” after “All” and before “structures” to read “All principal structures...,” because Section 2.209.10 contains the setback standards for accessory structures. Because B, 1, with the proposed amendment, would refer only to principal structures, a new B, 2, is needed to address accessory structures – see following.
14. 2.102.04, B, Minimum Yard Setbacks. Consistent with the above proposed amendment, propose amending 2.102.04, B, to add a new 2.102.04, B, 2, which would refer to the setback standards for accessory structures. Because the accessory structure setback standards are set forth in Section 2.209.10, the new B, 2, would refer to Section 2.209.10. For example, “All accessory structures shall comply with Section 2.209.10, Accessory Structure Standards.”
15. 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.
16. 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.
17. 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

18. 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.”

19. 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 Setbacks. Subsection B, 1, states “All principal and accessory structures shall maintain the following minimum yard setbacks:” and lists the setbacks in Subsubsections 1, a – d. The phrase “and accessory” means both the principal and accessory structures must comply with Subsubsections 1, a – d. Propose deleting “and accessory” to read “All principal structures...,” because Section 2.209.10 contains the setback standards for accessory structures. Because B, 1, with the proposed amendment, would refer only to principal structures, a new B, 2, is needed to address accessory structures – see following.

26. 2.103.04, B, Minimum Yard Setbacks. Consistent with the above proposed amendment, propose amending 2.103.04, B, to add a new 2.103.04, B, 2, which would refer to the setback standards for accessory structures. Because the accessory structure setback standards are set forth in Section 2.209.10, the new B, 2, would refer to Section 2.209.10. For example, “All accessory structures shall comply with Section 2.209.10, Accessory Structure Standards
27. 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, 3, 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, 4, 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.

28. 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.
29. 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.
30. 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.
31. 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

32. 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 clear and objective 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.”
33. 2.104.02, Permitted Uses. Subsection A, 3, lists “Manufactured Homes on Individual Lots” as a permitted use and it includes a citation to 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.
34. 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.

- 35. 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.
- 36. 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.
- 37. 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.
- 38. 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.

39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.

## 2.105 COMMERCIAL CORE (C-1) DISTRICT

What Bill causes the following?

XX. 2.105.02, Permitted Uses. Propose adding Subsection 2.105.02, Y, affordable housing (per the new definition in the Definitions Section) as a permitted use, subject to the following standards (1) 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 (2) the property is zoned for commercial uses and also allows "religious assembly" as a permitted use. The C-1 District, Section 2.105.02, X, allows religious assembly as a permitted use, therefore, (2) need not be amended into 2.105.02.

XX. 2.105.02, Permitted Uses. HB 3395, Sec. 2. Propose adding Subsection 2.105.02, Y, to allow Residential Structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income as defined in ORS 456.270. The foregoing does not apply to lands where City staff determines:

1. The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete.
2. The property contains a slope of 25 percent or greater.
3. The property is within the Special Flood Hazard Area (100-year floodplain).
4. The property is constrained by land use regulations based on the Statewide Planning Goals relating to:
  - a. Natural disasters and hazards, or
  - b. Natural resources, including air, water, land or natural areas, but not including open spaces.
5. The property is vacant.
6. The property was added to the urban growth boundary within the last 15 years.

NOTE: The preceding does not carry over to an amendment to the C-2 District because the C-2 District allows industrial uses as a conditional use permit.

XX. 2.105.02, Permitted Uses. HB 3395, Sec. 2. Propose adding Subsection 2.105.02, Z, to allow Mixed Use structures with ground floor commercial units and residential units on the second and higher floors, subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making the properties affordable to moderate income households, as defined in ORS 456.270. The foregoing does not apply to lands where the City staff determines:

1. The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete.
2. The property contains a slope of 25 percent or greater.
3. The property is within the Special Flood Hazard Area (100-year floodplain).
4. The property is constrained by land use regulations based on the Statewide Planning Goals relating to:
  - a. Natural disasters and hazards, or
  - b. Natural resources, including air, water, land or natural areas, but not including open spaces.
5. The property is vacant.
6. The property was added to the urban growth boundary within the last 15 years.

NOTE: The preceding does not carry over to an amendment to the C-2 District because the C-2 District allows industrial uses as a conditional use permit.

## 2.106 COMMERCIAL GENERAL (C-2) DISTRICT

XX. Place holder for C-2 amendments.

## 3.101 SUMMARY OF APPLICATION TYPES AND REVIEW PROCEDURES

xx. 3.101.01, A, Type I Actions. Propose deleting 3.101.01, A, 1, which lists “property line adjustment” (PLA) with no discretion exercised as a Type I-A action and add PLA as a Type I-C to 3.101.01, C, Limited Land Use Actions. Propose renumbering 3.101.01, A, 2 (sign permits) and 3 (floodplain development permits) to be 1 and 2.

xx. 3.101.01, B, Type I Actions. Propose deleting 3.101.01, B, 3, which lists “property line adjustment with discretion” as a Type I-B action and add it as a Type I-C to 3.101.01, C, Limited Land Use Actions. Propose renumbering 3.101.01, B, 4 – 7 to be 3 - 6.

xx. 3.101.01, C, Type I Actions. Propose amending 3.101.01, C, which addresses Limited Land Use (LLU) actions and currently lists only applications for partitions and site development reviews, to also include applications for a partition or subdivision replat, an application for a property line adjustment and an application for an extension, alteration or expansion of a nonconforming use.

xx. 3.101.01, C, Type I Actions. Immediately above, Section 3.101.01, C, is proposed to include property line adjustments (PLA) as a Limited Land Use (LLU) action. But PLA’s can be applications which require no discretion to determine if the approval criteria are met or they can include applications where discretion is exercised to determine if the approval criteria are met or whether a condition of approval is needed and what the condition of approval would require. Residential development applications would not include subjective approval criteria because developments for residential uses, i.e., “needed housing,” can be subjected only to clear and objective criteria.

Thus, Section 3.101.01, C, for LLUs is proposed to be divided into two subsections. One subsection (3.101.01, C, 1) for LLUs where no discretion is exercised (residential developments) to determine if the approval criteria are met, i.e., the approval criteria are clear and objective.

### 3.101.01, C, 1:

- a. Property line adjustment,
- b. Partition tentative plan,
- c. Subdivision tentative plan,
- d. Site development review
- e. Extension, alteration or expansion of a nonconforming use.

A second subsection (3.101.01, C, 2) is proposed for LLUs where discretion is exercised to determine if the approval criteria are met, i.e., the approval criteria include subjective standards. Non-residential development applications can be subjected to subjective approval criteria because developments for non-residential uses are not “needed housing.”

### 3.101.01, C, 2:

- a. Property line adjustment with discretion,
- b. Partition tentative plan with discretion,
- c. Subdivision tentative plan with discretion,
- d. Site development review with discretion,
- e. Extension, alteration or expansion of a nonconforming use with discretion.



xx. 3.101.01, D, Type I-D Actions, addresses Expedited Land Divisions which are specifically for land divisions (partitions and subdivisions) where (1) the land is zoned for residential uses, (2) is within a UGB/City Limits, (3) is solely for the purposes of residential use, (4) would not approve dwellings or accessory buildings on land that is protected for natural features, i.e., open spaces, scenic and historic areas and natural resources, (5) meets density or affordability standards, and (6) meets all other land division standards, i.e., no adjustments or variances are requested.

Subsection 3.101.01, D, lists only partitions as a Type I-D action (City Administrator is the decision authority). Propose amending 3.101.01, D, to add Subsubsection 2 listing subdivisions as a Type I-D action. Based on the 2024 Legislature's SB 1537 listing subdivisions as a Limited Land Use action, the above amendments to the LLU language establish the City Administrator as the decision authority for subdivisions.

Consistent with the above, the following proposed amendment to Section 3.101.02, B, (Type II actions where the Planning Commission is the current decision authority for subdivisions) will delete subdivisions as a Type II action because as of January 1, 2025, subdivisions will no longer be a Type II Planning Commission decision.

Fri aft 3 pm. Start here and propose deleting sub from .02, B.

xx. 3.101.02, B, Type il-B Actions, addresses LLUs which call for subdivisions to be decided by City staff (City Administrator) as a Type I-C action. Propose 3.101.02, B, be deleted.

### 3.109 NONCONFORMING USES

1. 3.109.03, Discontinuance of Use. Propose amending the LZDO, Section 3.109.03, B, by adding the language from SB 405, Section 2 (2021 Legislature) that created the new ORS 227.283. 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.

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."

2. 3.109.03, Discontinuance of Use. The following proposed amendment is not required by any Bill, it is a matter of practicality in these times of greater development complexity. The LZDO's current nonconforming use discontinuance period is 12-months for an interruption or abandonment. In many cases the resumption of a use within 12-months after an interruption 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 for nonconforming uses that are interrupted.

Where a nonconforming use is abandoned, the proposed amendment does not apply to extend the 12-month period to 18-monrhrs.

### 3.201 GENERAL PROCEDURES

XX 3.201.03, A. Procedure For Type I-C Review, Limited Land Use Applications. For a decision involving an application for the development of a residential structure where the city has tentatively approved the application, propose amending 3.201.03, A, 3, to extend the 120-day period by 7-days to “assure the sufficiency of its final order.” See ORS 227.178(7)(b).

### 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.

***Affordable housing: Consistent with ORS 197A.445(1)(a) “Affordable housing” means residential property:***

***(A) In which:***

***(i) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income;***

***(ii) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; or***

***(iii) A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income; and***

***(B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.***

***Area median income: Consistent with ORS 197A.445(1)(b) “Area median income” means the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.***

***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:** Consistent with ORS 197A.015(10) “Prefabricated structure” means 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.

**Single room occupancy:** Consistent with ORS 197A.430(1) “Single room occupancy” means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

**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.

### 2.101.04 Dimensional Standards

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

A. Minimum Lot Area 5 acres

B. Minimum Yard Setbacks

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

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

C. Maximum Structure Height

- |                                     |                      |
|-------------------------------------|----------------------|
| 1. Principal Structure              | 35 feet              |
| [ <del>2. Accessory structure</del> | <del>35 feet</del> ] |

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 [ ~~10,000~~ ] **7,500** 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~~ ]

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 **of 3 or more units**, and condominiums, subject to the [ ~~procedures of Section 3.105~~ ] **provisions of Section 3.105**, Site Development Review.
- F – J. No change.
- K. Accessory structures or uses, **subject to the provisions of Subsection 2.209.10, Accessory Structure Standards, and Subsection 2.103.04, B, 3, Accessory Structures for Multi-family Development.**
- 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.
- Q. **Single room occupancy, subject to the provisions of Section 2.319, Single Room Occupancy Standards. (HB 3395, Sec. 16 - 19)**
- R. **Planned Unit Development, subject to the provisions of Section 2.302, Planned Unit Development.**

### 2.103.03 Conditional Uses

The following **uses** may be permitted in the [ ~~RC~~ ] **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.~~ ]
- [ ~~E~~ ] **D.** 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~~ ] **5,000** 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, 2-unit 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.
	<b>Garage setback</b>	<b>20 feet</b>

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.	<b>Front Yard</b>	<b>20 feet.</b>
	<b>Garage setback</b>	<b>20 feet</b>

b.	<b>Rear Yard</b>	<b>20 feet</b>
	<b>Garage setback</b>	<b>20 feet</b>

c.	<b>Side Yard (interior)</b>	<b>20 feet</b>
	<b>Garage setback</b>	<b>20 feet</b>

d.	<b>Side Yard (adjacent to street)</b>	<b>15 feet.</b>
	<b>Garage setback</b>	<b>20 feet</b>

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.	<b>Front Yard</b>	<b>15 feet.</b>
	<b>Garage setback</b>	<b>20 feet</b>

b.	<b>Rear Yard</b>	<b>10 feet</b>
	<b>Garage setback</b>	<b>20 feet</b>

c.	<b>Side Yard (interior)</b>	<b>15 feet</b>
	<b>Garage setback</b>	<b>20 feet</b>

d.	<b>Side Yard (adjacent to street)</b>	<b>15 feet.</b>
	<b>Garage setback</b>	<b>20 feet</b>

C. Maximum Structure Height.

1.	Principal Structure:	[ 30 ]	<b>35 feet</b>
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[ 2. ]	Accessory Structure:	_____	20 feet ]
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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 <b>coverage by buildings</b> and parking area [ <del>coverage</del> ]:	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, 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 **of 3 or more units**, 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, and Subsection 2.104.04, B, 3, Accessory Structures for Multi-family Development.**

- 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 not** 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~~ ] **5,000** 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, 2-unit 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

- 2. Principal Structure: 30 feet
- ~~[ 3. Accessory Structure 20 feet. ]~~

2.105 COMMERCIAL – CORE DISTRICT (C - 1)

2.104.02, Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-1 District, subject to the provisions in Section 3.105, Site Development Review:

- A. 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 (excluding broadcast towers and dishes), and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- Y. Professional offices and clinics including, but not limited to, medical, dental, veterinarian clinics, engineering and legal services.
- Z. Banks and other financial institutions without a drive-through window.
- D. 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.

- E. Restaurants, bakeries, taverns, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.
- F. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- G. 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, equipment rental, video rental, or other activities where the primary activity is the providing of a service to retail customers.
- H. Entertainment facilities such as movie theaters, theaters, bowling alleys, amusement centers including those featuring video games.
- I. Public automobile parking.
- J. Churches.
- K. Public and semi-public utility facilities, distribution plants and service yards; excluding radio or television transmission towers; ambulance service.
- L. Second or upper story apartments.
- M. Accessory structures and uses customarily provided for retail activities.
- N. Residential care homes and facilities.
- O. Day care facilities.
- P. Partitioning, subject to the provisions in Section 3.106.
- Q. Subdivisions, subject to the provisions in Section 3.107.
- R. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- S. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.
- T. Small scale wineries, distilleries, or breweries subject to the provisions in Section 2.315.
- U. Hotels.
- V. Public parks and recreation and open space areas.
- W. Fitness Center.
- X. Trade and professional schools for office professions and personal services.



- Y. Housing units available to those households making less than or equal to 60% of the area median income as defined in ORS 456.270, subject to an affordable housing covenant. The foregoing does not apply to lands where the City staff determines:
- Z. ***Affordable housing, subject to the provisions of Section 2.317, Affordable Housing Standards. (HB 3395, Sec. 2)***
- AA. ***Mixed use structures with ground floor commercial uses and upper floor residential uses, subject to the provisions of Section 2.318, Mixed Structure Standards. (HB 3395, Sec. 2)***

2.300 SUPPLEMENTAL STANDARDS FOR SPECIAL USES

2.317 AFFORDABLE HOUSING IN THE COMMERCIAL – CORE (C-1) DISTRICT

**2.317.01 Standards**

Affordable housing may be permitted in the Commercial – Core (C-1) District provided:

To be provided.

**2.317.02 Process**

Affordable housing in the Commercial-Core (C-1) District shall be reviewed in accordance with Section 3.105, Site Development Review.

2.318 MIXED COMMERCIAL AND HOUSING IN THE COMMERCIAL – CORE (C-1) DISTRICT

**2.318.01 Standards**

Mixed commercial and housing may be permitted in the Commercial – Core (C-1) District provided:

To be provided.

**2.318.02 Process**

Mixed commercial and housing in the Commercial-Core (C-1) District shall be reviewed in accordance with Section 3.105, Site Development Review.

3.101 SUMMARY OF APPLICATION TYPES AND REVIEW PROCEDURES

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures.

**3.101.01 Type I Action**

Type I actions are reviewed and decided by the City staff. They are divided into four categories:

- A. Type I-A actions are reviewed and decided by City staff based on objective standards that allow for no interpretation or the exercise of policy or legal judgment. Conditions may be

placed on the decision provided they do not require an interpretation or the exercise of policy or legal judgment. Notice of the decision is provided consistent with Section 3.201.01. There is no appeal. The following are Type I-A actions:

- [ ~~1. Property Line Adjustment~~ ]
- [ 2 ] 1. Sign Permit
- [ 3 ] 2. Floodplain Development Permit

B. Type I-B actions are reviewed and decided by City staff based on objective and subjective standards that allow interpretation or the exercise of policy or legal judgment. Conditions may be placed on the decision. Notice of the decision is provided consistent with Section 3.201.02. Appeal is to the Planning Commission. The following are Type I-B actions:

1. Minor Variance.
2. Home Occupation.
3. Property Line Adjustment with discretion.
4. Sign Permit with discretion.
5. Floodplain Development Permit with discretion.
6. Similar Use/Ordinance Interpretation as part of a Type I-B application.
7. Similar Use/Ordinance Interpretation not part of an application.

C. Type I-C actions are Limited Land Use actions reviewed and decided by City staff based on objective and subjective standards that allow interpretation or the exercise of policy or legal judgment. Conditions may be placed on the decision. Notice of the opportunity to comment is provided consistent with Section 3.201.03. Notice of the opportunity to appeal is provided consistent with Section 3.201.03. Appeal is to the Planning Commission. The following are Type I-C actions:

1. Partition **and Partition Replat.**
2. **Subdivision and Subdivision Replat.**
3. **Site Development Review.**
4. Property Line Adjustment.
5. **Extension, Alteration or Expansion of a Nonconforming Use.**

D. Type I-D actions are Expedited Land Division actions reviewed and decided by City staff based on objective and subjective standards that allow interpretation or the exercise of policy or legal judgment. Notice of the opportunity to comment is provided consistent with 3.201.04. Conditions may be placed on the decision. Notice of the opportunity to appeal is provided consistent with Section 3.201.04. Appeal is to the Referee. The following is a Type I-D action:

1. Partition.

### 3.109 NONCONFORMING USES

#### 3.109.03 Discontinuation of Use

If a non-conforming use is discontinued for a period of more than [ ~~twelve (12)~~ ] **18** consecutive months, the use shall not be resumed unless the resumed use conforms with the requirements of the **Lafayette Zoning and Development** Ordinance [ ~~and other regulations applicable~~ ] at the time of the proposed resumption. **The 18 consecutive month period shall not include the time that a non-conforming use is 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.**

### 3.201 GENERAL PROCEDURES

#### 3.201.03 Procedure For Type I-C Review, Limited Land Use Applications.

Type I-C applications shall be reviewed and decided by the City Administrator or designee.

- A. Upon receipt of an application for a Type I-C action, the City staff shall review the application for completeness.
1. Not shown.
  2. Not shown.
  3. The timing requirements established in this Section are intended to allow a final decision, including resolution of any local appeals, within one hundred twenty (120) days of receipt of a complete application. **For a decision involving an application for the development of a residential structure where the city has tentatively approved the application, in addition to the 120-day period, an additional 7-day period is allowed to assure the sufficiency of its final order.** If for any reason it appears that such final action may not be completed within the 120 day period, or 127-day period, the procedures in Subsections 3, a – c, below, shall be followed regardless of other processes set forth elsewhere in this Ordinance. The 120 day period, **or 127-day period**, may be extended by the City for a specified period of time at the written request of the applicant, but the total time of all extensions may not exceed 245 days.
- B – E. Not shown.

#### IV. HB 1537 (2024 Legislature)

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.*

Section 43 states the “adjustment” process sunsets on January 2, 2032. Section 38(3)(b) states that in implementing this subsection, a local government may:

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

To break the adjustment process down and convert the Legislative Bill language into local zoning code language is time consuming.

Based on Section 43 where the adjustment provisions sunset and Section 38(3)(b) where a local government can directly apply the process, it is recommended the LZDO not be amended to include the adjustment process and instead apply the process directly as set forth in Section 38 when an adjustment application is submitted to the City.

Based on the above, no new language is proposed to be added to the LZDO. The adjustment process will be applied directly as set forth in Section 38 when an adjustment application is submitted to the City.

To ensure the language of Section 38 is available, it is presented here. The requirement to allow “adjustments” (Major and Minor Variances in the LZDO) applies only to residential uses.

Only Section 38 of HB 1537 follows in italics.

*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. REVIEWING WHERE THE COMMISSION LEFT OFF IN 2022

On March 17, 2022 the Planning Commission discussed the ADU standards and the single family dwelling architectural standards.

The PC reached consensus on some changes to the ADU standards and single family dwelling architectural standards.

To pick-up where the Commission left off in 2022, at the May 16, 2024 Commission work session, as part of this LA 2024-01 LZDO amendment process, the Commission's 2022 work was discussed.

Chair Kerr explained that in 2022 the Commission discussed the issues thoroughly and the result was consensus as to the amendments. The Commission agreed they need not re-hash the 2022 work of the Commission and reached consensus to include the 2022 proposed changes in LA 2024-01.

As is sometimes the case, when Code language is reviewed, the review migrates to other sections of the Code and on March 17, 2022, in addition to the ADU language, the Commission recommended additional single family dwelling architectural standards be added to the existing list.

On March 21, 2022, the Commission's discussion included only a couple of changes and reordering the list of ADU standards to a more logical order. The following lists the ADU standards with proposed amendments.

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.
- 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.*

1. Provide a pitched roof at least “3 in 12” pitch;
- ~~2. Provide eaves extending from the wall at least 6 inches;~~
32. 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.~~

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.

- [ 1 ] **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.
- [ 2 ] **D.** An ADU shall not be located in a front yard or a side yard adjacent to a street.
- [ 3 ] **E.** Number of Units. A maximum of one (1) ADU is allowed per detached single family dwelling on a legal lot of record.
- [ 4 ] **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.
- [ 5 ] **G.** Building Height. A detached ADU shall not exceed the height of the primary dwelling.
- [ 6 ] **H.** A detached ADU shall be separated from the primary dwelling at least 6 feet.
- [ 7 ] **I.** The ADU front door shall not be on a building elevation facing a public or private street.
- [ 8 ] **J.** An ADU shall comply with the development standards of the underlying zoning district.
- [ 9 ] **K.** Building Construction. An ADU shall comply with applicable Oregon Building Code requirements.
- [ 10 ] **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 ~~div~~ **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.

As is always the case, if you have questions prior to the October 17, 2024 Planning Commission work session, please contact me at 503 540-1619 or [jjacks@mwvcog.org](mailto:jjacks@mwvcog.org).

# City of Lafayette

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TO: LAFAYETTE PLANNING COMMISSION

FROM: JIM JACKS, CITY PLANNER

SUBJ: WORK SESSION TO DISCUSS CHAPTER 5 (PROPOSED PARK IMPROVEMENTS) OF THE 2013 LAFAYETTE PARKS MASTER PLAN

DATE: October 17, 2024

## I. BACKGROUND

Following-up on the July 18, 2024 Planning Commission (PC) agenda item regarding updating the 2013 Lafayette Parks Master Plan, the October 17 agenda includes a work session regarding Chapter 5 (Proposed Park Improvements) (see attached). The Plan was provided to the PC via the July 18, 2024 agenda packet.

The Plan is 10-years old and an update of the Plan's Chapter 5 and Chapter 2 (the socio-economic data) is needed.

Early this past summer the Council tasked the PC with updating the Plan's socio-economic data in Chapter 2 with the latest Census data and more importantly, reviewing and updating Chapter 5 with its list of improvements for each Park.

The purpose of reviewing Chapter 5 on October 17 is to review and discuss the list of improvements for each Park and suggest changes, or determine the list for a given park is still current.

A discussion about each Park could easily cause one to ask, What is the purpose of each park? For example, is Terry Park to be a river-oriented park or an amphitheater-oriented outdoor entertainment park or some other kind of park, or a multi-use park where there could be something for everybody?

Because most of the Parks are small, it will probably be obvious what type of Park each small park should be, i.e., a local park with play equipment for younger children.

But there could be different opinions about Terry and Commons Parks because, even though they are not large sites, they are not merely small pocket parks. The citywide Parks Questionnaire that has been on the City's website for several weeks is now closed. The opinions of the citizens could inform the PC regarding the desired improvements at the various Parks.

## II. STAFF RECOMMENDATION

Staff recommends the Planning Commission review Chapter 5 and discuss the existing list of improvements for each Park and possible changes to the list for each Park.

# Chapter 5

## Proposed Park Improvements

This chapter describes proposed improvements to the existing city park system and a recommendation for a neighborhood or community park in the north portion of the city. The improvements were identified by the Lafayette Parks Committee for the 2004 Plan and by the Lafayette Planning Commission for the 2012 Plan to meet community needs. In the 2004 Plan the Parks Committee, and in the 2012 Plan the Planning Commission, expressed a need to provide amenities that appealed to a variety of user groups and helped provide a greater sense of community within Lafayette.

The 2012 Plan anticipates a Park Committee will be created in the future and one of their primary functions will be to review the prioritized list of projects from the 2011 Parks Community Survey (see below and Appendix A) and recommend projects to the City Council as part of the annual fiscal year budgeting process. It is anticipated the new Parks Committee and the City Council will evaluate the projects as to cost, need, benefit-for-the-buck, time to install and other factors. Whereas the 2004 Plan included site plan designs showing specific improvements and their locations at each park, the 2012 Plan does not include such specific plans. It is anticipated the new Park Committee will review the plans from the 2004 Plan and revise them as necessary. As the master plans for each park are prepared, the Committee may make recommendations annually to the Budget Committee for projects in each fiscal year. All the recommended projects may be focused on one park or there may be projects for several parks. Many of the desired improvements identified in the 2011 Parks Community Survey could be located at several of the existing parks or at new park sites.

The update process in 2011 included a park survey that was in the August utility billing. About 140 responses were received. Question 9 listed 24 possible park improvements and asked the respondent to prioritize them. A rating of 1 is the highest priority and a rating of 8 is the lowest priority. The following is the result. The numbers to the right of each item represent the average rating for that item.

1. Young child play equipment (2.61).	13. Community swimming pool (4.25).
2. Bathrooms at Perkins and/or Commons Parks (2.98).	14. Master Plan--Veterans Park (4.40)
3. Shady areas (3.06).	15. Trails/interpretive stations-natural areas (4.66).
4. Dog waste sack dispensers at all the parks (3.07).	16. Soccer field (4.77). Tie.
5. Youth sports or recreation programs (3.23).	16. Skate park (4.77). Tie.
6. Drinking fountains (3.33).	18. Open field for drop-in activities (4.80).
7. Little league/softball field (3.41).	19. Horseshoe pits (4.84).
8. Improve lighting at existing parks (3.45).	20. Dog park--off leash (4.97).
9. Picnic shelter/tables (3.64).	21. Paved parking Perkins / Commons (4.98).
10. Splash pool (4.02).	22. Frisbee golf course (4.99).
11. Community Center at Commons Park (4.04).	23. Acquire land for park in north area (5.12).
12. Basketball court (4.20).	24. Tennis courts (5.72).

The City Council makes the following general findings and statements of support.

1. The City Council finds a significant amount of the new residential development since 2000 was in the north portion of the city, but the area has only two small mini-parks (Community Pride Park and Lafayette Plantation Park). The concept of individual subdivisions dedicating one or two lots to the city for a park is not meeting the city's needs. The per-acre cost of maintenance is high for small parks, and few activities can occur in a small park. The recently acquired Veterans Park is also small and should not be significantly improved until a Park Master Plan is developed with citizen involvement.
2. The City Council finds a neighborhood or community park of 5 to 10, or up to 20 or more acres, is needed in the north portion of the city capable of accommodating large groups for annual family picnics and other large scale activities and community events. The City Council supports the city acquiring a neighborhood or community park in the north portion of the city. Because the city has grown out to the urban growth boundary in the north portion of the city, the city should be aware of land outside the current city limits and urban growth boundary and understand that if land is added to the urban growth boundary in the future, such land may contain an area suitable for a neighborhood or community park.
3. The City Council supports constructing a basketball court and skate park at Commons Park.
4. The City Council supports the city initiating a master plan process for Veterans Park, but only after it is known if the park will be extended to the north and if the site will be used for a fire station.

The proposed improvements are listed below for each park. Because dog waste sack dispensers have been installed at many or all of the parks, and because their cost is relatively low, they are not specifically included. The proposed improvements in the 2012 Plan provide the framework for the 2012 Capital Improvement Program described in Chapter 6.

## **Proposed Improvement Projects by Park**

### **Community Pride Park**

1. Two additional benches which would provide a total of three. The current single bench outside the shelter and the seating in the shelter are not sufficient at all times for all those who wish to sit. The benches are not costly and would provide an immediate benefit to the community.

### **Lafayette Plantation Park**

1. An interpretive station regarding streams, riparian habitat and wildlife along the fence on the north side of the park facing the East Millican Creek drainage. The drafting of the interpretive language and graphics could take several months, but once approved the manufacture of the sign and its placement could be accomplished in less than one fiscal year.
2. Two benches and a larger young children's play equipment set to replace the existing smaller set. The benches and play set are not costly and would provide an immediate benefit to the community.

## Veterans Park

Veterans Park is a new small (0.64 acres or 27,936 sq. ft.) undeveloped park that was purchased in 2010. It has been leveled and planted to field grass. The site is a possible location for a new fire station which would occur only if the city and the Carlton Fire District decide the city should become part of the Carlton Fire District and if funding for a new station is available.

1. Until it is known if the site is to remain a park, complete a property line survey, including the setting of pins at the property corners. Once the property lines are established, install fencing on the north and south property lines to limit park users from entering those properties.

2a. During the preparation of the 2012 Plan the city staff contacted the owner of the partially occupied 21-lot Bridge Street Estates Subdivision abutting the park on the north to determine the availability of the five lots abutting the park, and the likelihood of the manufactured home on Lot 11(1157 N. Bridge Street) being relocated to another lot in the subdivision. The additional lots (Lots 11-15) are about 0.47 acres each (20,675 square feet) and could accommodate park activities or parking. It was determined the cost of the lots was not conducive to further inquiry. If the situation changes in the future, the city should consider whether enlarging the park would be worthwhile because, even if Lots 11 – 15 were acquired, it would still be a small park with single family residences abutting to the south. Such an expansion would not meet the city's need for a neighborhood or community park, however, an expanded site would provide for more types of activities or parking.

2b. The City Council notes the approximately 0.09 acre (3,927 square foot) portion referred to as Tract B at the northwest corner of the Park. It includes an asphaltic concrete surface with landscaping separating it from the sidewalk on Washington Street. Currently, it is isolated from the rest of the park, but if the row of lots abutting the park to the north is acquired, Tract B would no longer be isolated.

3. If it is determined that Veterans Park will continue to be a park and not a fire station, the City Council supports the preparation of a Master Plan, and that the process include significant outreach to the abutting property owners and potential users in the neighborhood and from throughout the city. Because the site may remain vacant for a period of time, the city may be approached by individuals or groups suggesting specific recreational facilities be placed on the site before the Master Plan process occurs. The city may want to allow a facility such as tennis courts to be constructed before a Master Plan is adopted. Any such facility should not have a high potential for negatively affecting the abutting residential uses. Additionally, the city should recognize that any facility constructed prior to the Master Plan process will likely never be removed and, therefore, will dictate, to a greater or lesser degree, the character and layout of the park. An unlighted tennis court with high fences to ensure balls do not go into the abutting residential properties may be appropriate provided citizen involvement and support is garnered. When a master plan process is initiated, the key deficiencies listed in Chapter 4 should be reviewed to ensure inappropriate facilities are not incorporated into the master plan.

## Perkins Park

The updated list of proposed improvements to Perkins Park is significantly less than the proposed improvements in the 2004 Parks Plan because many improvements were constructed in 2010. The improvements were limited by the available funding. For the 2004 Plan, the Parks Committee indicated that amenities should appeal to families with younger children and their recommended improvements accommodated that user group. A recommended 24 to 28 foot diameter splash fountain to be located in the south-central area of the park was not installed during the 2010 improvements. A



splash pool was rated No. 10 out of 24 possible improvements citywide in the 2011 Community Parks Survey, but the annual cost to maintain such a facility must be considered before a decision is made to construct such a facility due to the high maintenance costs experienced by other cities. A children's mural area on the existing pump house was not included in the 2010 improvements, but a mural could be created with little cost during any fiscal year.

One of the important improvements to Perkins Park in the 2004 Plan was the rehabilitation of the picnic structure. The 2010 improvements included demolition of the old structure and the construction of a new structure, however, it does not include all of the recommended changes in the 2004 Plan due to limited funding. The 2004 Plan proposed improvements to allow for separation of the structure with the eastern portion available for users with reservations, but no separation was included. It called for a center island for food preparation and storage that would be accessible from the east side of the structure, but no island was constructed. The 2004 Plan called for the west side of the structure to remain open for other users, but the improvements included two permanently fixed tables in the middle which do not divide the structure into eastern and western sections.

The 2004 Plan included other significant improvements including new fencing and redefined entries at the corners of the park and a large walking garden near the southeast corner. One mid-block entry would remain on Market Street (to the east). The 2010 improvements included a new green chain link perimeter fence with mid-block openings on the north, east and south sides. No access points at the corners were provided, nor was the garden at the southeast corner. Various elements within the park were to be connected with a series of walking paths which were constructed connecting the picnic structure and the two sets of play equipment. New street sidewalks on the west, north and east were not constructed, but a sidewalk on the south side was constructed on 7<sup>th</sup> Street and the sidewalk on Market Street extending from 7<sup>th</sup> Street one-half block to the north with a mid-block access to the park was retained.

The 2004 Plan included:

- Additional lighting. (Not constructed in 2010.)
- Replacement of the existing lawn with an eco-lawn material that is drought tolerant, low growing, and provides color. (Not replaced in 2010.)
- Renovated parking area. (On-street gravel parking provided on 7<sup>th</sup> Street in 2010.)
- A restroom facility. (Not constructed in 2010.)
- New fencing. (Constructed in 2010.)
- Additional trees and a flower border along the southern park boundary. (Some trees were planted in 2010.)
- Drinking fountain. (Not constructed in 2010.)

1. Permanent ADA restrooms to replace the current porta-potty because bathrooms at “Perkins Park and/or Commons Park” were rated No. 2 in the 2011 Community Park Survey. It is understood this project would be expensive if designed to be vandal resistant and that such cost may cause the project to be constructed at a later time.

2. A drinking fountain as a stand-alone item or as part of the restroom building. It could include a dog watering basin.

## Commons Park

The 2004 Plan's Figure 7 showed the proposed improvements to Commons Park. They included landscaping improvements, and in the area north of the Community Center it called for several large planter boxes, benches, sensory path, drinking fountain, and a small play area.

Several designs for improvements to the Community Center were shown in Figure 8. The improvements were intended to enhance the entry area and provide improved access to the basement areas at the rear of the building. A deck would be installed at the south end of the building with storage available underneath. Figure 8 also showed the Bridge Street right-of-way becoming part of the park and the private property west of Bridge Street being used as a skate park or mountain bike course.

The 2004 Plan also included several recreational amenities. A modular skate park was shown on the then existing concrete pad adjacent to the basketball court. The asphalt basketball court and adjacent pad were removed in 2010. The 2011 Community Park Survey rated a skate park No. 16 and a basketball court No. 12 out of 24 items. Lighted horseshoe pits were proposed to be located next to the skate park and the northwest portion of the park was to serve a multi-purpose function with a 60-foot base-to-base infield and a 35-yard by 50-yard age 9 soccer area. The northeast portion of the park was to serve as left field for baseball and also provide an 84-foot by 105-foot multi-use field area.

Other improvements in the 2004 Plan included:

- Replacement of the existing backstop. (Constructed in 2010.)
- Irrigation of the play field. (Not constructed in 2010.)
- New fencing and benches adjacent to the play field. (Constructed in 2010.)
- Additional lighting. (Not constructed in 2010.)
- A restroom facility. (Not constructed in 2010.)
- Community signage kiosk, if stand alone, or signage area on wall of restrooms. (Not constructed in 2010.)
- New park sign. (Constructed in 2010.)
- Improved and better-defined parking area along Adams Street. (Not constructed in 2010.)

Improvements to the park in 2010 were a little league/softball field, including a new backstop, team benches, spectator bleachers, and trash containers. The basketball court was removed as part of upgrading the little league/softball field.

A respondent's comment from the 2011 Community Park Survey stated there are no young child play sets on the south side of 99W.

The City Council notes that Commons Park could be enlarged by vacating a portion of the Bridge Street and Adams Street rights-of-way.

The City Council notes the vacant land across Bridge Street to the west (the south half of the block), but does not consider the area suitable for park expansion because it is small and is isolated behind the houses on the north half of the block. However, the small area and its isolation could be overcome if the land were available at a low cost. If the small area was combined with the south end of the Bridge Street right-of-way, the combined area may be adequate for selected park facilities.

The City Council supports the following improvements (not in prioritized order). Those items from the 2004 Plan that are not listed here can be future considerations.

1. Basketball court and skate park.
2. Community Center improvements.
3. Permanent ADA restrooms because bathrooms at “Perkins Park and/or Commons Park” were rated No. 2 in the 2011 Community Park Survey. It is understood this project could be expensive if designed to be vandal resistant and that such cost may cause the project to be constructed at a later time.
4. Medium size play structure.
5. Irrigation system for the baseball field/multi-use field area.
6. Improved lighting.
7. Benches (2 at play structure and 2 at basketball court and 2 at skate park).
8. Drinking fountains (1 at play structure, 1 at basketball court, 1 at baseball field). One of the fountains can be part of the restroom building. They could include a dog watering basin.
9. Trash receptacles (1 at basketball court, 1 at skate park, 1 at play structure).
10. Bike rack at the basketball court.
11. Consistent with the 2004 Plan’s Figure 8, connect Commons Park to the river, which is only about 200 feet to the south. A pedestrian/bicycle and maintenance vehicle undercrossing of the railroad tracks similar to the undercrossing at Multnomah Falls which connects a large parking lot to the falls and the undercrossing in the City of Keizer which connects the Keizer Station shopping area to the neighborhoods to the west. The connection could be via the Bridge Street right-of-way or from the park itself. An optional RR crossing could be an at-grade pedestrian-only crossing as shown in the 2004 Plan’s Figure 8. The property to the south of the park and the tracks is about 3.4 acres (Tax Map T4S, R4W, Section 12AA, Tax Lot 3700. It includes about 900 feet of frontage along the Yamhill River. With the purchase of two more lots, or their southern portions, to the east, a connection to Terry Park would be achieved and the City Path System would be closer to reality.

## **Terry Park**

The 2004 Plan’s Figure 9 showed the proposed improvements to Terry Park. They were intended to improve river access from the park. Proposed improvements included developing trails to the Yamhill River. Trail development would include some clearing of vegetation, particularly Himalayan blackberries. A significant amount of blackberry and other non-native vegetation has been removed on the east edge of the park adjacent to Lafayette Highway. With improved river access, a floating dock could be installed. The purpose of the dock in the 2004 Plan was not clear, for example, a canoe put-in/take-out, or for fishing, bird watching and nature appreciation. Given the river’s depth, low flow during much of the year and the riverbank’s steep topography, a dock for canoe put-in/take-out may or may not be appropriate. A dock for fishing, bird watching, nature appreciation and quiet contemplation would be appropriate.

Other improvements from the 2004 Plan included additional landscaping along the north edge of the park and expansion/definition of parking areas. The landscaping would have provided needed separation between the park and the adjacent residential uses, and created a buffer between the access road and the main park area. Additional landscaping improvements included over seeding the existing lawn with an eco-lawn type product for low-growing, durable and drought-tolerant color, and re-establishing some low-growing hardy vegetation along the southern edge of the access road. The improvements called for in the 2004 Plan have not yet been provided.

The 2004 Parks Plan indicated additional parking may be needed along the east side, but that it was a long-term improvement that would be based on increased user demand at the park.

Other improvements in the 2004 Plan included:

- A restroom facility (Figure 9 showed several potential locations).
- A picnic area at the top of the river slope.
- Additional parking areas located at the southwest corner of the access drive.
- Play equipment area located in the southwest corner of the lawn area.

Terry Park's topography is low on the south side and high on the north side which forms a natural amphitheater. As a long-range concept, the park may have potential for hosting outdoor entertainment events with a "clamshell" stage and backdrop. The concept is only preliminary, and it is not known if sufficient area exists for the amphitheater and parking. The topography and the potential for an entertainment venue, however, should not be ignored. Because this potential is a long range item, it is not included in the capital improvement project list in Chapter 6.

1. Three or more new picnic tables and a trash container for each table at the top of the bank. Remove non-native vegetation to open-up views of the river for each table. Their use would be intended for the dry season and pull-over parking on the grass off of the existing road could be allowed as an experiment to determine if it would suffice or if gravel or paved parking would be needed near the tables.
2. Repair the storm drain system from Market Street into the park and the ditches along the gravel park road that conveys the Market Street run-off down to the river.
3. Investigate whether non-motorized boats can navigate the Yamhill River downstream or upstream from Terry Park. The remnants of the old dam at the Yamhill County Locks Park prevents, apparently, paddling downstream to the confluence of the Yamhill and Willamette Rivers, but movement upstream from Terry Park may be possible. If navigation is possible, investigate funding, including the Oregon State Marine Board, for a put-in / take-out dock for non-powered boats, including constructing a path down to the dock. If a dock for non-motorized boats is not appropriate, consider a dock for fishing, nature appreciation and quiet contemplation, including constructing a path down to the dock.
4. Contract with a professional land surveyor to determine the location of the 100-year flood plain boundary in the park and mark it with permanent markers.
5. Frisbee golf course if sufficient space exists (No. 22 of 24 possible improvements in the 2011 Community Park Survey). Although it was ranked No. 22, due to the low cost of construction, it could provide an immediate benefit to the community for a small cost.

6. Acquire property to connect Terry Park to Commons Park. The connection could be via the purchase of two lots, or their southern portions, to the west, and a third 3.4-acre property immediately south of Commons Park. With the purchase of the three lots, or portions thereof, and the construction of an underpass of the tracks as described above for Commons Park, a connection to Commons Park would be achieved and the City Path System would be closer to reality.

## **Wascher School**

The 2004 Plan indicated the city had expressed interest in developing one or more baseball fields on the approximately 6-acre play area located behind Wascher Elementary School. Three different options for development of play fields on this site were shown on Figures 10 through 12. They included both baseball fields and a soccer field. Option 1 showed a configuration with a single baseball field in the northeast corner and a soccer field located along the west side of the field. Option 2 showed an arrangement with baseball fields located in the northwest and southeast corners, with a soccer field located between the two. Option 3 showed a configuration with a larger baseball field in the northwest corner and a soccer field extending from west to east.

The options also included a walking fitness course/path around the play fields designed to accommodate fitness stations at various points.

The McMinnville School District owns and maintains Wascher Elementary School. Initial discussions between the City and the School District regarding development of a baseball facility in 2004 were positive. Development of such a facility would require additional steps. These steps would include:

- Agreement on the field configuration design for the facility and amenities, such as irrigation, bleachers, etc;
- Solicitation and procurement of design services;
- Site planning and engineering;
- Development of costs estimates;
- Development of intergovernmental agreements regarding construction and maintenance costs and responsibilities;
- Construction contracting; and
- Ongoing maintenance.

The 2004 Plan's Capital Improvements Program in Chapter 6 included \$40,000 for construction of a baseball facility at Wascher School.

A baseball field backstop exists at Wascher Elementary School, but there is no discernable infield and the outfield appears to be rough grass that does not meet expectations for a baseball field. Soccer goals and an area for a soccer field exists at Wascher Elementary School, but it is vegetated with the same rough grass as the baseball outfield. The soccer field is partially in the outfield area.

1. Contact the McMinnville School District when it is appropriate to initiate discussions to address the bullet points above.

## **Lafayette Community Path**

In the 2004 Plan the Parks Committee identified a city path system as a long-term improvement within the city. The Committee expressed interest in developing a path system that would connect the

various parks within the city. Figure 13 showed one possible configuration for a path system. The path would link the parks that existed in 2004 and potential development areas. The path would also connect with the proposed fitness/walking path at Wascher School. Over time, the path could be expanded to make connections to other features outside the city limits.

This project would require additional work by the City to identify a more specific location for the path, particularly in the areas along East Millican Creek and Henry Creek, and consideration of Community Pride Park, Lafayette Plantation Park and Veterans Park. In addition to any construction costs, additional costs include engineering, particularly along East Millican Creek and Henry Creek, vegetation removal, and the purchase of property or easements over private property. The Capital Improvements Program in Chapter 6 includes an initial \$20,000 for preliminary engineering and site analysis. A figure of \$25,400 has been included in the 2012 Plan in Chapter 6.

Several aspects of the 2004 path system were very conceptual and remain so in 2012. The path system included on-street and off-street segments. It is a long-term concept, although some segments, especially the on-street sections could be signed now such as the Perkins Park to Wascher Elementary School route on 7<sup>th</sup> Street. The 2004 version showing the path along Market Street and crossing the railroad tracks would necessitate new and costly safety crossing equipment be installed where Market Street intersects the tracks. The 2004 path crossed 99W in three locations and each would need more investigation, especially in the Millican Creek area in the west and the Henry Creek area in the east.

1. Continue to consider the Community Path System as a long-range project. If any action is to be taken regarding the path, focus on signing the routes between recreational activity areas where sidewalks exist and any preliminary engineering and site analysis be a secondary priority.

## **Additional Park in the North Area**

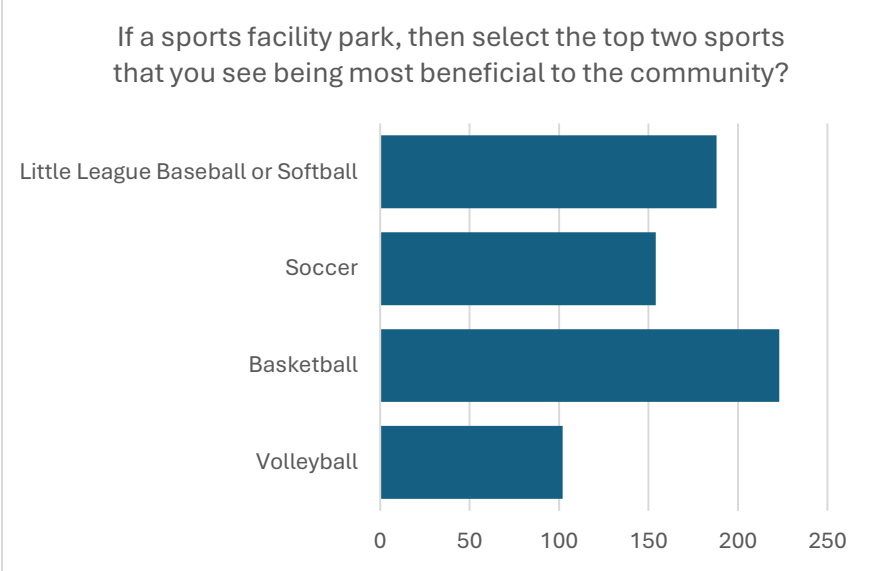
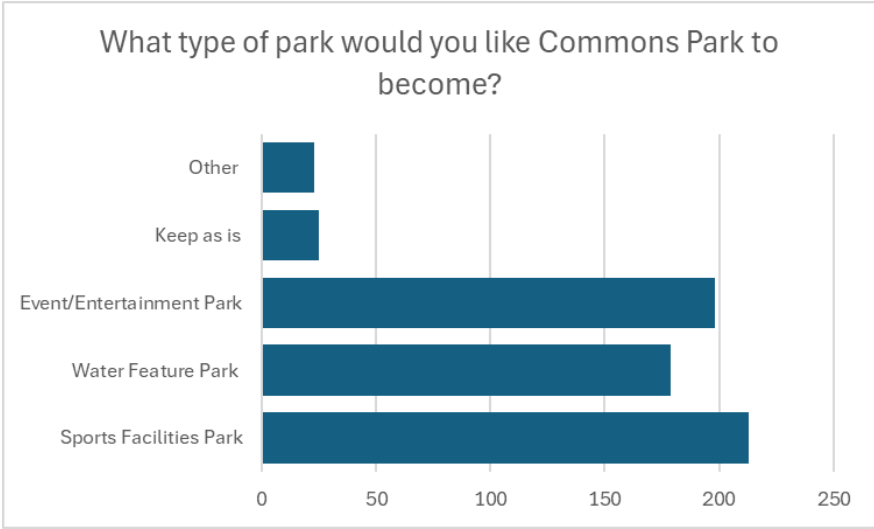
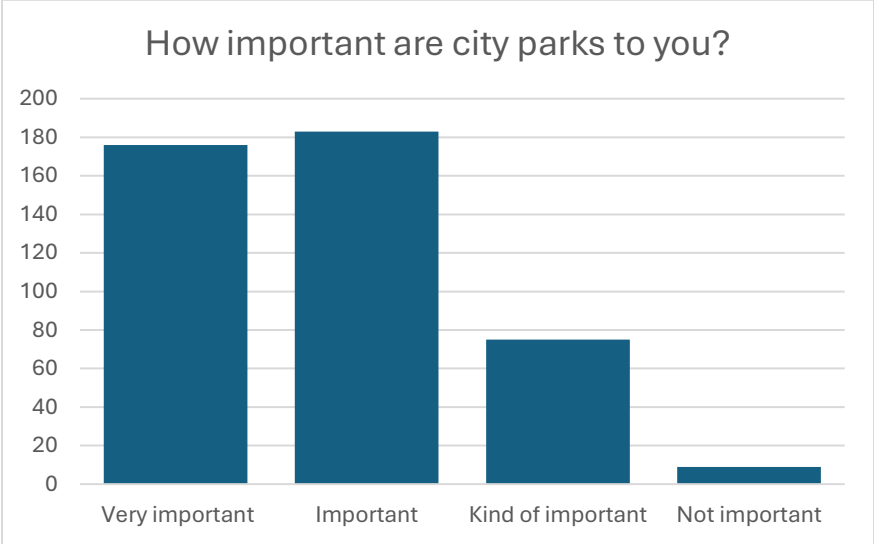
In the period from 2000 to 2012 many new subdivision lots were created in the north portion of the city. The only city parklands in that area are Community Pride Park (0.23 acres - 10,058 square feet - about the size of two 5,000 square foot lots) and Lafayette Plantation Park (0.21 acres – 9,128 square feet – smaller than two 5,000 square foot lots).

The area to the north and east of Community Pride Park has been mentioned as a possible site for a park. The factor that makes it unattractive is, it is land that received tentative plan approval for a subdivision and the public and private infrastructure has been installed (streets, gutters, curbs, sewer, water, storm drainage, power, gas, communications). The final plat for an initial phase was recorded (Green Highlands) and although the final plats for the remaining phases have not been recorded the new owner intends to submit a new subdivision application and record final plats for the remaining phases.

Another area that has been mentioned as a possible park site is the undeveloped 20 acres in the northwest corner of the city limits. It was the subject of an approved planned unit development in 2007 (Lafayette View Estates), but the approval lapsed, and the property remains undeveloped. Access to the property would be problematic because no public right-of-way abuts the property, and the west, south and east sides are characterized by steep slopes associated with East Millican Creek. An access over East Millican Creek would necessitate a bridge which would be a significant span at significant expense. Haylen Drive is the nearest public street, but it does not extend westerly to abut the property and if it were extended, it would place all the trips to the park on a local residential street, Haylen Drive, through a local residential area.

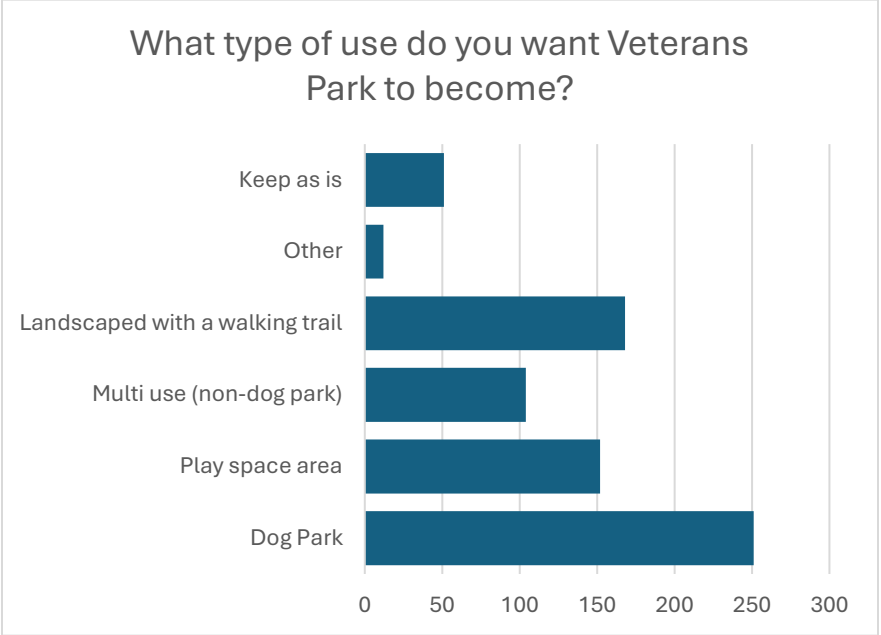
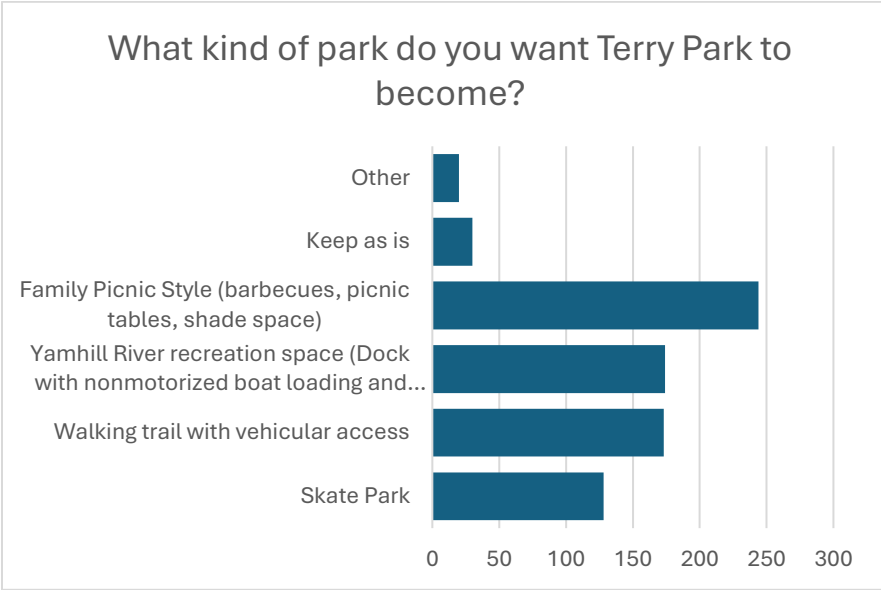
The city should acquire needed parkland, including a suitably sized parcel for a community park in the north portion of the city. Consideration should include the possibility of land that is outside the urban growth boundary (UGB). The Capital Improvements Program in Chapter 6 includes \$625,500 to \$1,622,625 at \$37,500 per acre to acquire 19.68 to 43.27 acres.

# 2024 Parks Survey Overview

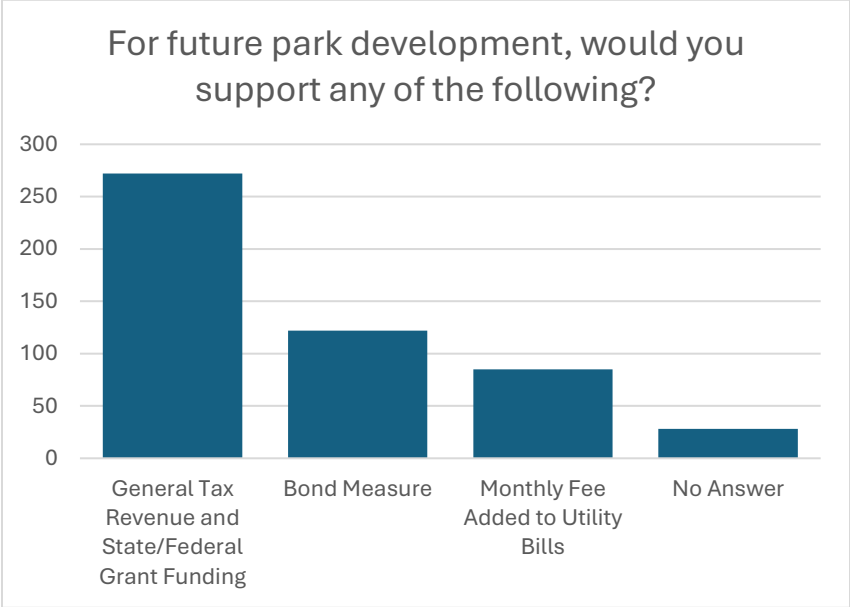




# 2024 Parks Survey Overview



# 2024 Parks Survey Overview



# 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: BRANDEN DROSS, CITY ADMINISTRATOR

SUBJ: LAFAYETTE ZONING AND DEVELOPMENT ORDINANCE SECTION 2.206.06

DATE: October 17, 2024

## I. BACKGROUND

The City Council, at their September meeting, had a lengthy discussion on the city's current sign code. It is ambiguous and difficult to enforce, particularly regarding political signs. This ambiguity has led to inconsistencies in enforcement and public confusion. The meeting minutes where this was discussed are a part of this packet.

## II. STAFF RECOMMENDATION

This is the first initial discussion to have. Over the next few meetings several key deliverables will need to be addressed. Please take this information and look it over in between meeting to be ready to discuss.

- **Revise the sign code.** Simplify the language, clarify definitions, and ensure consistency with other city ordinances. This will help to reduce confusion and facilitate enforcement. For example, the code could define terms such as "temporary sign," "political sign," and "commercial sign" more clearly. This would help to prevent disputes and ensure that everyone understands the rules.
- **Evaluate existing regulations.** Assess the effectiveness and fairness of current sign regulations, considering factors such as aesthetics, public safety, and freedom of speech. This will help to identify areas where the code may be outdated or in need of revision. For example, the code may need to be updated to reflect changes in technology, such as the use of digital signs. Or, the code may need to be revised to better balance the right to free speech with the need to maintain a visually appealing and safe community.
- **Define "temporary signs."** Establish clear guidelines for the duration and placement of temporary signs, including political signs. This will help to prevent the accumulation of unsightly signs and ensure that they do not interfere with public safety or property values. For example, the code could specify the maximum size and number of temporary signs that can be displayed on a property, or the code could limit the duration of time that temporary signs can be displayed. This would help to prevent the clutter and visual pollution that can be caused by excessive signage.

## **2.206 SIGNS**

### **2.206.01 Purpose**

The purpose of this Section is to provide equitable rights, reduce conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

### **2.206.02 Definitions**

For the purposes of this Section, the following definitions shall apply:

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

Building Frontage: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the building or canopy shall be used to compute the allowable sign area.

Canopy Sign: A sign hanging from a canopy or eve, at any angle relative to the adjacent wall.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Height: Height is measured from the grade of the curb line lowest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.

Incidental Signs: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

Integrated Business Center: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership.

Internal Illumination. A source of illumination from within a sign.

Message Sign: A sign which can change its message electronically including, but not limited to, signs displaying time and temperature.

Multi-faced Sign: A sign which has two or more identical sign faces, contained in a single sign structure.

Mural: A covering of the surface area of a wall with paint or other artistic medium, that creates a pictorial or abstract design and usually without advertising or commercial symbolism - such as logos or trademarks - or any representation of a product or business, except to identify the artist.

Nonconforming Sign: Any sign which exists prior to the effective date of this Chapter but, which due to the adopted requirements, no longer complies with the height, area and placement regulations or other provisions of these regulations.

Owner: The owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are not to be considered "temporary portable signs" or "temporary signs" as defined and used in this chapter.

Projecting Signs: A sign projecting from a structure, the face of which is not parallel to the wall on which it is mounted.

Roof Line: Either the eaves of the roof, or, the top of the parapet, at the exterior wall. A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner.

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including illustration or decoration; emblem, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

Sign Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

Sign Face: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."

Sign Structure: The supports, uprights, braces, framework and other structural components of the sign.

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Lafayette.

Temporary Portable Sign. A sign not permanently affixed to a structure on a property and displayed only during regular business hours. These signs primarily include, but are not limited to, small "A" frame signs often placed at the entrance to a business or on a public sidewalk.

Temporary Sign. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches.

### **2.206.03 Review Procedures**

#### **A. Permit Required.**

1. Signs permits shall be required for all public, semi-public, residential developments of three or more dwelling units, commercial and industrial uses.
2. No property owner, lessee or contractor shall construct or alter any sign for a public, semi-public, residential development of three or more dwelling units, commercial or industrial use without first obtaining a valid sign permit.
3. The City shall issue a permit for a sign within 45-days of the date the city receives a complete sign permit application which complies with Section 2.206.03, C, 1, a - c, and provided the sign is not in violation of the provisions of Section 2.206 or other provisions of the Lafayette Zoning and Development Ordinance. Where a submitted sign permit application does not comply with Section 2.206.03, C, 1, a - c, or is in violation of Section 2.206 or other provisions of the Lafayette Zoning and Development Ordinance, the City shall not issue a permit until the application is amended to comply, and then the City shall issue a permit within 45-days of receiving the amended application.
4. The City may revoke a sign permit if it finds there was a material and misleading false statement of fact in the application for the permit.

#### **B. Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of these regulations are not required to obtain a permit.**

#### **C. Application Requirements.**

1. An application for a sign permit shall be made on forms provided by the City. The application shall include, at a minimum:
  - a. A sketch drawn to scale of the proposed sign, including its design and supporting structure;
  - b. A site plan drawn to scale identifying the location of existing signs on the premises and the proposed sign's location; and
  - c. The names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

### **2.206.04 General Provisions**

#### **A. Conflicting Standards. Signs shall be allowed subject to the provisions of**

this Section, except when these provisions conflict with the specific standards for signs in the subject district.

- B. Signs Subject to State Approval. All signs visible to the traveling public from state highways are subject to the regulations and permit requirements of the Highway Division of the State of Oregon Department of Transportation. Where the regulations of the State and City differ, the more restrictive regulations shall govern.
- C. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
  - 1. All signs shall comply with the applicable provisions of Uniform Building Code and Uniform Sign Code in effect at the time of the sign permit application and all other applicable structural, electrical and other similar regulations. The issuance of a sign permit under the regulations contained in this Section does not relieve the applicant of complying with all other permit requirements.
  - 2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
  - 3. All signs shall be maintained in a good, and safe, structural condition and readable at all times.
  - 4. The owner, lessee or other responsible party, shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws regulating signs.

#### **2.206.05 Nonconforming Signs**

- A. Alteration of Nonconforming Sign Faces. When a nonconforming sign face is damaged or destroyed by fire, flood, wind, or similar calamity, such sign face may be restored to its original condition within 90-days of such calamity. However, after 90-days, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.
- B. Permits for Properties with Nonconforming Signs. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations.



## **2.206.06 Signs Generally Permitted**

The following signs and sign work are permitted in all districts and uses. No permit shall be required and the sign shall not be included when determining compliance with total allowed area:

- A. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of these regulations. If structural changes are made, the sign shall conform in all respects with these regulations.
- B. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.
- C. Incidental signs that do not exceed 6 square feet.
- D. Flags on permanent flag poles which are designed to allow raising and lowering of the flags.
- E. Signs within a building.
- F. Signs painted or hung on the inside of windows.
- G. One residential name plate not exceeding two square feet in area.
- H. Murals for commercial and industrial uses. That portion of the mural considered advertising shall be included in the sign area calculation. The calculation shall be in accordance with provisions in the "sign area" definition.
- I. Murals for buildings and structures owned by public agencies, without restriction regarding advertising and sign area.
- J. Temporary signs or banners that do not exceed 32 square feet in area. No lot may display temporary signs for more than 90 days in any 365 day period. Only one temporary sign per lot may be displayed at a time.
- K. Holiday signs and displays for no more than 45-days prior to and after the specific holiday date.
- L. During the period 30 calendar days prior to and 14 calendar days after an officially scheduled election by the office of the Yamhill County Clerk and Elections wherein ballots are provided to voters in the Lafayette city limits to vote for a candidate or vote on an issue, non-lighted signs not exceeding 6 square feet each, and not exceeding a total of 32 square feet, may be displayed on private property.

## **2.206.07 Prohibited Signs**

The following signs are prohibited in all districts and for all uses:

- A. Tethered objects that float above the roof of a building, and, inflatable objects located on the ground exceeding 4-feet in height. This shall not prohibit the placement or use of hand-held balloons.
- B. Portable signs, except where allowed as a permitted “temporary portable sign” or “temporary sign” or otherwise permitted by Municipal Code.
- C. Roof signs.
- D. Signs that emit odor, visible matter, or sound; however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
- E. Signs that use or employ guy lines of any type.
- F. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
- G. Signs closer than 36-inches horizontally or vertically from any overhead power line or public utility guy wire.
- H. The use of a vehicle or trailer parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- I. Rotating/revolving signs, except by conditional use permit per Section 2.206.12.
- J. Flashing signs, except by conditional use permit per Section 2.206.12.
- K. Private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the bottom of the sign is at least 8-feet above the sidewalk.
- L. Signs that obstruct required vision clearance area, obstruct a vehicle driver's view of official traffic control signs, or which present a traffic hazard.

- M. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appear to direct traffic.
- N. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.
- O. Message signs, except by conditional use permit per Section 2.206.12.
- P. Any sign on unimproved property, unless as an incidental sign.

**2.206.08 Residential Signs - Single Family and Duplex**

The following sign regulations shall apply to single family homes and duplexes:

- A. Area and Number. Four signs shall be permitted per property. The maximum sign area for the four signs combined shall be eight square feet.
- B. Location. The sign may be located on a wall or within any yard area. Signs placed within a yard shall be limited to a maximum height of 4 feet as measured from the adjacent ground level to the highest point of the sign.
- C. Lighting. Signs may be illuminated only by indirect lighting. The use of interior lighted signs and flashing lights shall be prohibited. No light may be directed onto an adjacent residence or an adjacent vacant property in a residential zoning district.

**2.206.09 Residential Signs - Multi-Family Uses and Subdivisions**

The following sign regulations shall apply to multi-family developments and subdivision projects:

- A. Area and Number. Any combination of signs not exceeding 64 square feet in area, provided the total sign area on a free-standing sign shall be limited to a maximum of 32 square feet.
- B. Sign Height. The maximum sign height for a free-standing sign shall be 6-feet.
- C. Lighting. Signs may be illuminated only by indirect lighting. The use of interior lighted signs and flashing lights shall be prohibited. No light may be directed onto an adjacent residence or an adjacent vacant property in a residential zoning district.

**2.206.10 Public and Semi-Public Signs**

The following regulations apply to signs for public and semi-public uses:

- A. Area and Number. Any combination of signs not exceeding 96 square feet in area, provided the total sign area on a free-standing sign shall be limited to a maximum of 32 square feet.
- B. Sign Height. The maximum sign height for a free-standing sign shall be 6-feet.
- C. Lighting. Signs may be illuminated only by indirect lighting. The use of interior lighted signs and flashing lights shall be prohibited.

## **2.206.11 Commercial and Industrial Signs**

The following regulations apply to signs for commercial and industrial uses:

- A. Signs for Businesses not in Integrated Business Centers:
  - 1. Total Sign Area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet, except a wall sign of up to 24 square feet is allowed.
  - 2. Type, Number and Sign Size. Within the total allowed area, one free standing sign per street frontage, and a total of no more than three wall or canopy signs. Each free-standing sign shall be limited to a maximum of 32 square feet in area, except a freestanding sign 6 feet or less in height may contain 48 square feet of sign area and the 16 square foot increase shall not apply to the 150 square foot total sign area permitted under this section.
  - 3. Sign Height. The maximum sign height shall be as follows:
    - a. Wall and canopy signs: Shall not project above the parapet or roof eaves.
    - b. Free-standing signs: Maximum height of 12 feet.
  - 4. Sign Location. Signs shall be located as follows:
    - a. Wall signs: May project up to 1.5 feet from the building.
    - b. Free-standing sign. The sign shall not project over a street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

B. Signs for Integrated Business Centers:

1. Total Sign Area: For wall and canopy signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business, except a wall sign of up to 24 square feet is allowed. Individual businesses may not assign their unused allowed sign area to other businesses in the integrated business center.
2. Free-standing Sign. For each integrated business center, one free-standing sign per street frontage not exceeding 80 square feet in area shall be permitted in addition to signs allowed for the individual businesses, except a freestanding sign 6 feet or less in height may contain 96 square feet of sign area and the 16 square foot increase shall not apply to the 150 square foot total sign area permitted under this section.
3. Sign Height. The maximum sign height shall be as follows:
  - a. Wall and canopy signs: Shall not project above the parapet or roof eaves.
  - b. Free-standing signs: Maximum total height of 12 feet.
4. Sign Location. Signs shall be located as follows:
  - a. Wall signs: May project up to 1.5 feet from the building.
  - b. Free-standing sign: The sign shall not project over a street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

C. Additional Signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs:

1. Directional signs, such as "Exit" or "Entrance", are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing directional signs shall be limited to a height of 4 feet.
2. Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-thru restaurant are allowed as follows: Two per business limited to 32 square feet in area and a maximum height of 8 feet. An order sign

greater than 16 square feet in area and/or 6 feet in height shall be screened from adjacent streets, abutting residential uses and abutting residential districts by a 100 percent sight obscuring fence, wall or hedge.

3. Temporary Portable Sign. Businesses shall be permitted the placement of one temporary portable sign on private property or on the sidewalk portion of a public right-of-way subject to the following regulations:
  - a. Defined - The sign shall be a temporary portable sign as defined in Section 2.206.02. This sign shall not count against the total sign area requirement of this Section.
  - b. Location - The sign shall be located adjacent to the building, or between parking spaces and shall not interfere with the opening of a vehicle's door(s), and shall continually maintain a minimum 5 foot wide passage between the edge of the sign nearest the curb, and the adjacent curb line. The sign shall not interfere with the vision clearance requirements of the Lafayette Zoning and Development Ordinance.
  - c. Number - No more than one sign shall be displayed by a business. When placed in a public right-of-way the location of said sign shall be reserved and limited solely to the owner/operator of the adjacent business.
  - d. Dimensions - A free-standing sign shall have a minimum sign height of 3 feet and a maximum sign height of 5 feet. In no case shall a sign exceed 18-square feet in area.
  - e. Duration – The sign shall only be displayed during business hours.
  - f. Material - The sign structure shall be constructed of wood, metal or other durable material and continually maintained in good condition.
  - g. Prohibitions - No sign shall be illuminated either directly or indirectly, or contain flashing lights. Rotating signs and the use of balloons and other tethered objects shall be prohibited.
  - h. Permit - A sign permit shall be required. As part of any permit, the applicant assumes all liability for incidents involving the sign and shall execute a statement as part of

any permit, releasing and indemnifying the City for all liability arising from claims pertaining to the sign.

4. Feather Flag Sign (also known as a Swooper Flag). In addition to the signs allowed in Subsection 2.206.11, C, 1-3, a business in the C-1 or C-2 District, or in the RC District with frontage on a collector or arterial, shall be permitted to display feather flags subject to the following regulations:
  - a. Be at least 20 feet from one another as measured at the base of the pole in all directions and be within 15 feet of a property line adjacent to a public street right-of-way.
  - b. For a business in the RC District with frontage on a public street right-of-way designated as a collector or arterial in the Lafayette Transportation Systems Plan, be on a collector or arterial street frontage, but not on a local street frontage.
  - c. Be no more than 14 feet in height above grade.
  - d. Be no more than 3 feet wide at the widest dimension.
  - e. Be on private property.
  - f. Be outside a clear vision area.
  - g. Not be illuminated directly or indirectly, or contain flashing lights.
  - h. Be continually maintained in good condition.

#### **2.206.12 Conditional Use Permits - Signs**

A conditional use approval shall be required for rotating/revolving signs, flashing signs, or message signs. A conditional use pursuant to Section 2.206 shall be processed according to the conditional use procedures in Section 3.103, but shall be subject to the following criteria:

- A. The proposed sign is located in a Commercial district, except as prohibited in Subsections E and F, below, or an Industrial district.
- B. The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area.
- C. The proposed sign, as conditioned, will not adversely impact the surrounding

area to a significant degree.

- D. The proposed sign will not present a traffic or safety hazard.
- E. For a flashing or message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effects consisting of external lights, lamps, bulbs or neon tubes are allowed. Only flashing effects by way of internal illumination are allowed. Such signs are not permitted within the Commercial Core (C-1) District.
- F. For a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than 5 revolutions per minute. Such signs are not permitted within the Commercial Core (C-1) District.
- G. The total allowed sign area for a business shall be reduced by 25% if the business has a flashing, rotating/revolving, or message sign.
- H. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

### **2.206.13 Variances - Signs**

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances shall be processed according to procedures in Section 3.104 but shall be subject to the following criteria:

- A. There are unique circumstances of conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship in displaying the sign.
- B. The requested variance is consistent with the purpose of the Chapter as stated in Section 2.206.01.
- C. The granting of the variance compensates for the unique circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Section.
- D. The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.
- E. The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed



or considered as a reason for a variance.

- F. The variance request shall not be the result of a self-imposed condition or hardship.

President Paulsen states that she would prefer “he or she” adding that “they” can sometimes be confusing depending on the sentence referencing the sentence Councilor Gilgan was speaking about as an example of that. City Administrator Dross asks City Attorney Robinson if there is any liability with using “he or she.” City Attorney Robinson states that there is no ruling that he understands or knows of that requires the city to preemptively use pronouns. The liability is when someone asks, and they continue to be misgendered.

Councilor Carswell motions to approve the August 27, 2024, meeting minutes with the noted changes, Council President Paulsen seconds. Motion passed unanimously.

## **7. DISCUSSION ITEMS:**

### *a. Political Candidate Signs – Lafayette Zoning and Development Ordinance Section 2.206.06*

City Administrator Dross explains that Council President Paulsen had asked his about the sign code and requested it be on the agenda. City Administrator Dross shares that he has been working with the City Attorney David Robinson and the City Planner Jim Jacks along with Council President Paulsen to review the code about political speech signs and the enforcement of them. City Attorney Robinson explains the Lafayette Zoning and Development Ordinance Section 2.206.06 (L) and states that there is nothing within that unconstitutional in the way the ordinance is, stating it is a reasonable time, place, and manner control over signage, but adds that the issue is with enforcement of it due to code 2.206.08(A) regulating the number of signs and square footage of those signs. The City Attorney has suggested adding verbiage to 2.206.06(L) to allow additional signs than what is allowed all year under 2.206.08(A) and when it comes to enforcement the Code Officer can only regulate the number of signs on a person’s property. City Administrator Dross shares that a complaint had come in regarding a political sign and the city enforced that sign per 2.206.06(L) as it had been doing. That ignited additional discussions regarding differentiating a statement sign and a political sign. Councilor Gilgan asks City Attorney Robinson about the time, place, and manner test. The City Attorney agrees it is different from regulating speech, it is narrowly tailored to a limited government interest which in this case is aesthetics. The city does not want a proliferation of signs while the city is not regulating what is said on those signs, the city is regulating the number of signs and the dimensions of those signs. Councilor Gilgan clarified that he meant to state that the policies must be content-neutral. The City Attorney agrees and adds that his initial advice to City Planner Jacks and City Administrator Dross was to remove “L” in its entirety. Council President Paulsen states that as the code is written now it is focused on political signs and in their opinion, it is limiting content, she agrees that it is reasonable to limit the size and number of signs.

Mayor Malcomson clarifies that if the Council were to remove subsection “L” it would just be removing the allowance of additional signage. City Attorney Robinson states that yes and he would endorse removing subsection “L,” it would make property owners choose which signs they want to put up if it fits the size and number requirements, it also wouldn’t draw attention to politics. Council President adds that the way the code reads it implies that except for in a specific

window of time a resident cannot have political signs. Councilor Burrows brings up subsection “J” which puts a time limit on temporary signs, stating that someone could have an abundance of political signs but only for 90 days. Council President Paulsen follows up Councilor Burrows’ statement by sharing that the dispute now would be what signs are being considered temporary signs. City Administrator Dross shared that in 2013 and noted that The Planning Commission Chair at that time and still currently Ron Kerr is present, there was a lot of discussion in the minutes regarding political signs. Mayor Malcomson asks about temporary signs for business, asking if a permanent sign needs to be approved. City Attorney Robinson states that the difference is if it is on a structure that requires planning and development review. Mayor Malcomson suggests that if the Council is removing content from the codes, then they should also take out subsection “K.” City Attorney Robinson agrees and adds that many holidays are not federally recognized, therefore “K” is not enforceable, he then provides an example of a Christmas store that is open all year and displaying Christmas signs. Councilor Burrows asks more about the definition of temporary signs and banners, noting that banners and flags, affixed to a building, are becoming popular.

City Administrator Dross clarified his understanding that this should go to the Planning Commission, City Attorney Robinson suggested sending it to the Planning Commission with the model sign code from the League of Oregon Cities. Councilor Carswell states that if your property is not part of a Homeowners Association (HOA) homeowners should be able to put as many signs up as they choose, Councilor Kitt states her agreement with Councilor Carswell. The City Attorney adds that local government is allowed to put in regulations for aesthetics, health, and public safety. Councilor Gilgan states that a lot of the discussion is being pulled into the First Amendment and reminds the Council that the First Amendment is subject to time, place, and manner restrictions. Ron Kerr, Planning Commission Chair addresses the Council about the intention of the Planning Commission at the time the sign code was drafted. Kerr shares that subsection “L” was to allow additional signs for the political season to give the ability to extra speech, not to regulate the content. Council President Paulsen states that the problem currently is that political signs are only being allowed during the window of time in subsection “L,” Kerr agrees that that is not how it should be interpreted. Mayor Malcomson asks Kerr if the sign code also relates to businesses, and Kerr confirms that it is all-encompassing. City Attorney Robinson shares that in his experience enforcing signs in a commercial district is virtually impossible and suggests that the city focuses on residential signage. City Attorney Robinson reiterates that he thinks it best to not add anything and keep it to a uniform number of signs and square footage.

Mayor Malcomson asks City Attorney Robinson what he would advise the city to do while revising the sign code. City Attorney Robinson says do not enforce because there is a square footage dissonance between 2.206.06 and 2.206.08, send it to the Planning Commission, simplify the code, and focus on residential and aesthetics. Councilor Gilgan shares that he does agree with Councilor Carswell that if you own your property, you should be able to do what you want with it and

make sure everyone understands that what we have now is constitutional. Ron Kerr asks the City Attorney if there is additional square footage or the number of signs during certain periods, City Attorney answers yes that can be done. Council President Paulsen shares she agrees with City Attorney Robinson to get rid of content and simplify. Councilor Burrows states that if the city tried to increase signage during the holidays it would miss a lot of them. Councilor Burrows asks about blow-up decorations. City Attorney Robinson answers that those are rare and often prohibited for safety reasons. Councilor Gilgan clarifies that while the council continues to mention getting rid of content that the code currently does not regulate content, Council President Paulsen disagrees, Councilor Gilgan states this is talking about purposes whether it be holidays or political season adding whether it is a pro-republican sign or a pro democrat sign it is treated the same under the current code. City Attorney Robinson agrees with Councilor Gilgan. Mayor Malcomson and City Administrator Dross clarify what the directive to the Planning Commission is, which is to review the entire sign code and simplify it. The City Administrator confirms that the directive from the City Attorney is to not enforce, City Attorney Robinson clarifies yes, but the city can enforce 2.206.08.

b. *Recology Follow-up*

No member from Recology is present, no follow-up discussion.

**8. ACTION ITEMS:**

a. *Holiday Lights Contest Prize*

Mayor Malcomson is requesting approval to use the \$500 that Portland General Electric (PGE) donated for holiday light contest prizes to pay a set amount of the winner's water bills. Councilor Burrows asks if someone who won the contest could miss getting a prize if they do not pay their water bill using rentals where the owner pays the water bill and not the renter. Councilor Gilgan states that while he does not know everyone's rental agreements, he thinks it is more common that renters pay the utilities, additional discussion ensures discussing the likelihood of a renter not paying their water bill and the likelihood of a renter winning a prize that does not benefit them. Councilor Carswell states that he is in favor of the Mayor Malcomson prize idea. Councilor Gilgan states that with the city already having the donated money, using it for utility bills makes the most sense, adding that in the current situation, he would have rather not taken money from PGE. Council President Paulsen says that the Council should go with this prize idea and if an issue comes up the prize winner can speak with City Administrator Dross to resolve it. Councilor Carswell moved to approve the water bill credit options presented for the 2024 Holiday Home Decorating contest, Councilor Kitt seconds. Motion passed unanimously.

**9. DEPARTMENT REPORTS:**

The City Administrator Dross shares that the city has been notified that the City of Dayton is going to have to put its residents under a water restriction. This month the City of Lafayette has only used 8% of the shared water system, The city is allotted 50% and has had concerns with having to use more water from McMinnville Water and Light. The city has asked for a two-month credit for this month and last month because of only using