

**AGENDA
DAYTON PLANNING COMMISSION**

DATE: THURSDAY, MARCH 12, 2020
PLACE: CITY HALL ANNEX, 408 FERRY STREET, DAYTON, OREGON
TIME: 6:30 PM

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER	
B.	APPROVAL OF ORDER OF AGENDA	
C.	APPEARANCE OF INTERESTED CITIZENS	
This time is reserved for questions or comments from persons in the audience on any topic.		
D.	APPROVAL OF MINUTES	
	January 13, 2020	2 - 3
F.	PUBLIC HEARING	
	LA2020-01 (Legislative Amendment)	4 - 13
G.	OTHER BUSINESS	
	History of Sign Code, Senior Planner Jim Jacks	
H.	ADJORN	

Posted: 03/09/2020
By: Cyndi Park, Planning Coordinator

Persons with hearing, visual or manual impairments who wish to participate in the meeting should contact the City of Dayton at least 32 working hours (4 days) prior to the meeting date in order that appropriate communication assistance can be arranged. The Dayton City Hall Annex is accessible to the disabled. Please let us know if you need any special accommodations to attend this meeting.

Next Scheduled Meeting Date
Thursday, April 9, 2020

City of Dayton, PO Box 330, 416 Ferry Street, Dayton Oregon 97114
Phone: (503) 864-2221 Fax: (503) 864-2956
Email: cityofdayton@ci.dayton.or.us Website: www.ci.dayton.or.us

MINUTES
DAYTON PLANNING COMMISSION
MEETING FEBRUARY 13, 2020

PRESENT: Ann-Marie Anderson
Tim Parsons
Jim Maguire
Larry Smurthwaite
Gary Wirfs

ABSENT:

STAFF: Jim Jacks, Senior Planner
Cyndi Park, Librarian/Planning Coordinator

A. CALL TO ORDER

Chairperson Ann-Marie Anderson opened the meeting at 6:30 pm.

B. APPROVAL OF ORDER OF AGENDA

There were no changes to the agenda.

C. ELECTION OF OFFICERS

Ann-Marie Anderson nominated Jim Maguire to be the Chair of the Commission. Larry Smurthwaite seconded the motion. Motion passed unanimously. Tim Parsons nominated Ann-Marie Anderson to be Vice-Chair of the Commission, Larry Smurthwaite seconded the motion. Motion passed unanimously.

Commissioner Anderson turned the meeting over to Chairperson Maguire.

D. APPEARANCE OF INTERESTED CITIZENS

None present for general comments.

E. APPROVAL OF MINUTES

Chairperson Maguire asked for a motion to approve the minutes of the January 31, 2019 meeting as written. Ann-Marie Anderson moved that the minutes be approved, Larry Smurthwaite seconded the motion, motion passed unanimously.

Chairperson Maguire asked for a motion to approve the minutes of the October 17, 2019 meeting as written. Tim Parsons moved that the minutes be approved, Ann-Marie Anderson seconded the motion, motion passed unanimously.

F. WORK SESSION

Senior City Planner Jim Jacks explained that House Bill 2001 was recently passed which prohibits local governments from requiring off-street parking and owner occupancy for Accessory Dwelling Units

(ADUs), and as such, Dayton needs to update its Municipal Code. The proposed change to Dayton’s code would be to note that off-street parking is not required for an ADU. Commissioner Wirfs moved to accept the City Manager’s recommendation for the City Council to amend the code. Commissioner Anderson seconded, motion passed unanimously.

The Commission moved on to consider the second Staff Report, this one on the topic of Residential Design Standards. Senior City Planner Jim Jacks explained the details of the Staff Report to the Commission. Staff time, budget, and other limitations were discussed as barriers towards the implementation of a city-wide program. The Commission discussed best practices and what other cities of a similar size do. Mr. Jacks recommended that a city the size of Dayton not have a lot of requirements, or not have a lot of specific requirements for residential design. Chairperson Maguire spoke about the issues that poor design standards can cause, including “cookie cutter” developments, poor visibility to streets and front yards, etc. The Commission agreed that growth in this part of the county seems inevitable, and as such, this is a good time to implement design standards. Mr. Jacks discussed development in the nearby cities of Lafayette, Sheridan, Yamhill and Carlton and the probability of growth in Dayton. Finally, Mr. Jacks provided examples from Independence and Hillsboro for the Commission to review. The members of the Commission agreed to read the design standards provided and think about if any of them could, or should, be applied in Dayton prior to the next scheduled meeting.

G. OTHER BUSINESS

None.

H. ADJORN

There being no further business, the meeting adjourned at 7:35 pm.

Respectfully submitted:

APPROVED BY PLANNING COMMISSION
on

As Written **As Amended**

By: Cyndi Park
Librarian/Planning Coordinator

CITY OF DAYTON

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STAFF REPORT

PLANNING COMMISSION – MARCH 12, 2020

REPORT DATE: March 5, 2020

FILE NUMBER: LA 2020-01 (Legislative Amendment)

APPLICANT: City of Dayton

REQUEST: Amend the Dayton Development Code, Accessory Dwellings Units, to Delete the Off-street Parking Requirement.

PROPERTY:

<u>Tax Lot</u>	<u>Size</u>	<u>Zoning</u>
Citywide	NA	Residential Zones, R-1, R-2, R-3, CR.

ZONING: Residential Zones, R-1, R-2, R-3, CR.

SURROUNDING ZONING:

North: NA

South: NA

East: NA

West: NA

CURRENT USE: NA

CRITERIA: **Dayton Land Use and Development Code (LUDC)**
Section 7.3.112.03: Criteria to Amend Development Code Text

I. PURPOSE

The purpose of this staff report is to provide the Planning Commission with information related to the 2019 Legislature's HB 2001 which prohibits local governments from requiring off-street parking and owner occupancy for Accessory Dwelling Units (ADU).

The staff report provides background on HB 2001, lists the proposed change to the LUDC, includes a "mark-up" copy of the language to be changed and includes findings to support the proposed amendment.

II. PROCESS

The proposed amendments are a legislative change to the LUDC and are processed as a legislative Type IV land use action. The highly prescriptive requirements of a quasi-judicial process do not apply to the legislative process, e.g., ex-parte contact is allowed.

The LUDC Type IV process set forth in Section 7.3.203.01, Type IV Initiation, requires a Type IV process to be initiated by a majority of the City Council, a majority of the Planning Commission or by a recommendation by the City Manager subject to majority approval by Planning Commission or the City Council. At the Planning Commission's February 13, 2020 work session the Commission passed a motion confirming the City Manager's initiation of the amendment process.

The staff recommendation on page 7 recommends the Commission pass a motion stating the Planning Commission's recommendation to the City Council regarding the amendments.

III. BACKGROUND

ORS 197.646 requires local governments to amend their comprehensive plan and/or zone code to meet newly enacted Statutes.

The 2019 Legislature passed House Bill 2001 wherein Section 7, among other things, prohibits cities of 2,500 or greater population to require off-street parking or owner occupancy for ADU's in all residential zoned property with a detached single family dwelling. In Oregon 105 cities are over 2,500 population. Dayton's population was estimated by the Oregon Population Research Center to be 2,740 as of 7/1/19.

The Bill requires the amended provisions to be effective by January 1, 2020. Where a city's amendments are not effective on January 1, 2020, a city cannot require the off-street parking and ownership requirements. Thus, if an ADU were proposed in Dayton, it would not be required to provide off-street parking nor would the owner be required to live in one of the units.

Section 7 of HB 2001 amended ORS 197.312(5) and (6) to read:

(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. (emphasis added)

(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.

In 2018 the City amended the LUDC to amend the then existing ADU provisions (Ord. 642, effective July 2, 2018) to, among other requirements, provide 1 off-street parking space for an ADU. The City did not include a requirement that either the primary dwelling or the ADU be owner occupied. Due to HB 2001 the existing off-street parking requirement must be deleted from the LUDC.

IV. PROPOSED AMENDMENTS – AMENDMENT LISTED

The LUDC is organized such that ADU’s are shown as a permitted use in each residential zone and the ADU standards are in Section 7.2.4, Supplemental Standards For Special Uses, and the individual standards are in Subsections 7.2.402, A – I.

The following lists the proposed amendment to the LUDC. The only proposed amendment is to Subsection I.

1. 7.2.402, I, ADU Standards, Parking. Propose adding language stating that parking for an ADU is not required. Propose deleting the 1-space off-street parking requirement at 7.2.402, I. Propose clarifying that where a developer chooses to provide off-street parking, the existing parking standards in LUDC 17.2.203, Off-Street Parking and Loading, and in Subsection I, regarding access, be retained.

V. PROPOSED AMENDMENTS – MARK-UP VERSION

The following shows the current language in Section 7.2.402, A – I, Accessory Dwelling Unit in Times New Roman font. The proposed amendments are shown in ~~strikeout~~ for language proposed to be deleted and in ***bold italics*** for language proposed to be added.

7.2.4 SUPPLEMENTAL STANDARDS FOR SPECIAL USES**7.2.402 ACCESSORY DWELLING UNIT**

Where permitted as a special use, an accessory dwelling unit shall meet the following use and development standards: (Amended Effective 06/06/16, Ordinance 633)

- A. Only one accessory dwelling unit is permitted per detached single-family dwelling, in association with a primary residence. (Added ORD 642-Effective 07/02/18)
- B. Location. The accessory dwelling unit shall be located within the side or rear yard, but not in a side yard adjacent to a street. A detached ADU shall be physically separated from the primary residence by a minimum distance of 6 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. (Amended ORD 642-Effective 07/02/18)
- C. Entrance. The entrance to an attached ADU shall not face the street on the same side as the entrance for the primary residence. (Added ORD 642-Effective 07/02/18)
- D. Design. All detached ADU's shall meet the design requirements of Section 7.2.310: Single Family Dwelling Design Standards. Detached ADUs that are more than 15 feet in height shall meet the following standards for the exterior of the ADU: Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the primary dwelling OR must be made from wood, composite boards, vinyl or aluminum products composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern with boards 6 inches or less in width. ADUs in design or historic overlays may be subject to additional design requirements. ADUs in the Historic Property Overlay Zone (Section 7.2.112) that can be seen from the street must be approved through Historic Resource review. (Amended ORD 642- Effective 07/02/18)
- E. Area. The accessory dwelling unit shall contain the lesser of 50% of the floor area of the primary residence or 750 square feet, unless the ADU is a conversion of an existing space, in which case the ADU can exceed this maximum

requirement. (Amended ORD 642-Effective 07/02/18) Dayton Land Use and Development Code – Revised (07/02/18)
7.2.4-2

F. Setbacks. The ADU shall conform to the setback requirements of the primary residence in the zone in which it is located. A detached ADU located in a side yard shall be set back five (5) feet from the front building line of the primary residence. (Amended ORD 642-Effective 07/02/18)

G. Any legal nonconforming structure that doesn't meet current setback requirements is permitted to contain or be converted to an ADU, as long as the development does not increase the nonconformity of the structure. (Added ORD 642-Effective 07/02/18)

H. Height. The maximum height shall be 25 feet but in no case shall the height exceed the height of the primary residence.

I. Parking. ~~One (1) parking space,~~ ***Off-street parking is not required for an ADU. Where the developer of an ADU chooses to provide off-street parking for an ADU in addition to the parking required for the primary residence, it shall be provided*** in conformance with the parking standards outlined in Section 7.2.303, ***Off-Street Parking and Loading*** is required per ADU, in addition to the parking required for the primary residence. No new access is permitted for an additional driveway for the ADU, unless the lot is located on a corner. An ADU on a corner lot may have one driveway per street frontage. Alley access for an ADU is permitted for lots located on an alley. (Added ORD 642-Effective 07/02/18)

END OF PROPOSED AMENDMENTS TO 7.2.402, ACCESSORY DWELLING UNIT.

Vi. APPLICABLE APPROVAL CRITERIA

The Dayton Land Use and Development Code, Section 7.3.112.03, Criteria For Approval of Development Code text amendments.

7.3.112.03 CRITERIA FOR APPROVAL, DEVELOPMENT CODE TEXT AMENDMENTS

7.3.112.03, A:

A. *Impact of the proposed amendment on land use and development patterns within the city, as measured by:*

1. *Traffic generation and circulation patterns;*

FINDINGS: Not applicable because the proposed amendment deletes the requirement to provide one off-street parking space for an ADU. Whether a parking space is off-street or on-street will not affect traffic generation or circulation patterns. The current overall parking requirements allow residents to park on the street unless it is posted “No Parking.” Once the amendment is adopted, “No Parking” can still be posted on a given public street.

2. *Demand for public facilities and services;*

FINDINGS: Not applicable because the proposed amendment does not affect public facilities and services.

3. *Level of park and recreation facilities;*

FINDINGS: Not applicable because the proposed amendment does not affect park and recreation facilities.

4. *Economic activities;*

FINDINGS: Not applicable because the proposed amendment does not affect economic activities.

5. *Protection and use of natural resources;*

FINDINGS: Not applicable because the proposed amendment does not affect natural resources.

6. *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

FINDINGS: Not applicable because the proposed amendment does not affect adopted special purpose plans or programs such as public facilities improvements.

B. A demonstrated need exists for the product of the proposed amendment.

FINDINGS: The product of the proposed amendment (deleting the requirement to provide 1 off-street parking space for an ADU) is needed to ensure the Dayton Land Use and Development Code is clear and is consistent with HB 2001's (ORS 197.312) prohibition of off-street parking for an ADU.

C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

FINDINGS: The Statewide Planning Goals follow.

Goal 1, Citizen Involvement: The Planning Commission held a public work session regarding the proposed amendment on February 13, 2020 at the Planning Commission's usual monthly meeting. The Planning Commission held a public hearing on March 12, 2020 and the City Council in April (date to be determined) to receive comments from the public. The hearings are consistent with the Development Code's procedures for legislative amendments to the Development Code. Goal 1 is met.

Goal 2, Land Use Planning: Goal 2 supports clear and thorough local procedures. The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Development Code for processing legislative amendments to the Development Code. ORS 197.646 requires local governments to amend their comprehensive plan and/or zone code to meet newly enacted Statutes. House Bill 2001 from the 2019 Legislative Session prohibits local governments from requiring off-street parking for an ADU, thus the City is deleting the off-street parking requirement for ADU's from the Dayton Land Use and Development Code to be consistent with State Statute, 197.312(5). The proposed amendment is discussed in the staff report and is set forth showing language to be added and deleted. Goal 2 is met.

Goal 3, Agricultural Lands and Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal amends the City's historic resources regulations in accordance with Goal 5 requirements.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreation: Goal 8 is not applicable. The proposal does not address recreational needs.

Goal 9, Economic Development: Goal 9 is not applicable. The proposal does not address Goal 9 issues.

Goal 10, Housing: Goal 10 is applicable because the proposed amendment would not require any off-street parking for an ADU which is a type of “needed housing.” The deletion of the off-street parking requirement could lower the cost of creating an ADU and make it more affordable at price and rent levels available to all Oregonians. The City does not have an up to date Housing Needs Analysis. Goal 10 is met.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

The proposed amendments to the Development Code are consistent with the Statewide Goals 1, 2 and 10, and the remaining Goals are not applicable because the amendments do not affect issues addressed by Goals 3 – 9 and 11 - 14.

D. The amendment is appropriate as measured by at least one of the following criteria:

1. It corrects identified error(s) in the provisions of the plan.

FINDINGS: As indicated in the explanation for the proposed amendment, the amendment corrects a current inconsistency between the LUDC and HB 2001 (ORS 197.312). ORS 197.646 requires local governments to amend their comprehensive plan and/or zone code to meet newly enacted Statutes. Deleting the 1-space off-street parking requirement for an ADU will bring the LUDC into conformance with HB 2001 (ORS 197.312).

2. It represents a logical implementation of the plan.

FINDINGS: Not applicable because the proposed amendments are measured by Subsection D, 1, above.

3. It is mandated by changes in federal, state, or local law.

FINDINGS: The proposed amendment is mandated by HB 2001, Section 7, as set forth in Section III, above (p.2) (ORS 197.312).

4. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: Not applicable because the proposed amendment is mandated by HB 2001, Section 7, as set forth in Section III, above (p.2) (ORS 197.312). above.

VII. STAFF RECOMMENDATION

Based upon the staff report and the above findings, staff recommends the Planning Commission pass a motion adopting the staff report and the findings as shown above and recommending the City Council approve the proposed amendment.

VIII. PLANNING COMMISSION OPTIONS – Sample Motions

- A. Option 1: Adopt and recommend as presented.

Motion: I move the Planning Commission adopt the staff report with the findings and recommend the City Council approve the proposed amendment.

- B. Option 2: Adopt and recommend with changes.

Motion: I move the Planning Commission adopt the staff report with the findings and recommend the City Council approve the proposed amendment with the following changes...and state the changes.

- C. Option 3: Do not adopt.

Motion: I move the Planning Commission recommend the City Council deny the proposed amendment because...and state the reasons.

- D. Option 4: Continue the Hearing.

Motion: I move the Planning Commission continue the public hearing to a date/time/location certain for staff to provide more information on the following issues...and state the issues.