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

LAFAYETTE PLANNING COMMISSION

THURSDAY, APRIL 21, 2022, 7:00 p.m.
LAFAYETTE CITY HALL, 486 3RD STREET

AGENDA

1. CALL MEETING TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: March 17, 2022
4. PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA:
5. PUBLIC HEARING
   a. Fence and vision clearance amendments (LA 2022-01)
6. WORK SESSION:
   a. Accessory Dwelling Unity standards and Single-Family Dwelling architectural Standards
7. NEW BUSINESS:
8. OLD BUSINESS:
9. NEXT MEETING: April 21, 2022
10. ADJOURNMENT

The Council Chambers is accessible. If you need an accommodation to attend or participate in a meeting, please notify the City at (503) 864-2451 at least 24 hours prior to the meeting.
Any proposed ordinance is available for public inspection at City Hall

City of Lafayette
Planning Commission Meeting Minutes
March 17, 2022 at 7:00 p.m.

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1. **CALL TO ORDER:** Chair Ron Kerr called the meeting to order at 7:00 pm
2. **ROLL CALL:**
   - **a.** ***Present:*** Michael Karl, Ron Kerr, Jo Johnson, Michael Shaw, Jon Meola
   - **b.** ***Absent:*** Doreen Vantyne & George Larsen
   - **c.** ***City Staff Present:*** City Planner Jim Jacks, Community Development Clerk
   - **d.** ***Others:*** Marie Sproul, Artimus Johnson

3. **APPROVAL OF MINUTES:**
   Michael Karl made a motion to approve the February 17, 2022 minutes. Jo Johnson seconded the motion, which passed unanimously.

4. **COMMENT ON ITEMS NOT ON THIS AGENDA:**
   None

5. **WORK SESSIONS:**
   - **a.** *Accessory Dwelling Unit (ADU) Standards*
     Jim Jacks reviewed the staff report.

     Michael Shaw commented that the ADU code seemed complex and should be simplified to be clear to understand. Discussion ensued.

     The Planning Commission discussed the definitions of attached and detached ADUs. Jim Jacks discussed the reason behind standards being separate items in the code and not combined as one when the standards address different items.

     The commission discussed the architectural standards listed in the ADU code.

     Marie Sproul, 1282 3rd Street Space #59, commented that a few buildings in town have been built as boxes with very little architectural design and do not look aesthetically pleasing. She commented that ADU's should aesthetically fit into a neighborhood, not be small boxes.

     Jo Johnson suggested that the ADU's design standards could match the same standards as design standards for new construction, such as single-family dwellings.

     Jon Meola suggested the list of options for ADU design standards have more items to choose from. Discussion continued.

     The Commission came to the consensus that it would be a good idea to have one line statement in the ADU code that ADU's shall comply to the single-family dwelling design standards, and that the list of single-family dwelling design standard options should be increased.

6. **NEW BUSINESS:** None

7. **OLD BUSINESS:** None

8. **NEXT MEETING**: April 21, 2022

9. **ADJOURNMENT:**
   Michael Shaw made a motion to adjourn the meeting. Jo Johnson seconded the motion, which passed unanimously. Meeting was adjourned at 8:48 pm.

Minutes approved on _____ day of _____, 2022.

CERTIFIED:

_____
Chairperson, Ron Kerr

ATTESTED:

_____
Community Development Clerk, Danielle Oliveira

City of Lafayette
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TO: LAFAYETTE PLANNING COMMISSION

FROM: JIM JACKS, CITY PLANNER

SUBJ: FENCE AND VISION CLEARANCE AMENDMENTS (LA 2022-01)

DATE: APRIL 21, 2022

I. PURPOSE

The purpose of this staff report is to present the Commission with the proposed fence and clear vision area amendments. A "mark-up" version and a "clean copy" of the language are included as are the findings to support the proposed amendments.

II. BACKGROUND

On September 30, 2021 the Planning Commission conducted a public hearing regarding a Major Variance for the height of a fence in a side yard adjacent to a street (the side yard of a corner lot). The Major Variance requested by the applicant was not approved, but an optional fence height/location was approved. One or more of the Commissioners commented that the development code's standard for a fence in a side yard adjacent to a street should be reviewed.

The applicants appealed the decision to the City Council. At the November 4, 2021 City Council hearing, the City Council agreed with the Commission's decision to allow the alternative fence height/location. The Commission's decision was affirmed. The Council also commented that the development code's standard for a fence in a side yard adjacent to a street should be reviewed.

The City Council asked the Commission to review the standard for a fence in a side yard adjacent to a street. The agenda for the Commission's regular meetings on January 20 and February 17, 2022 included discussion of the fence standard.

After the discussions on January 20 and February 17, the Commission passed a motion 3-2 on February 17 to initiate an amendment to the Lafayette Zoning and Development Ordinance to change the fence standards to allow a 6 foot high sight obscuring fence in a side yard adjacent to a street. The language of the motion was worded to allow a 6 foot high fence, except in the front yard where the current 3.5 foot height limitation for sight obscuring fences applies, provided the vision clearance area requirements are met.

During the discussion of the fence language, there was a long discussion of the Clear Vision Area as it applied to fencing. Staff noted the Lafayette Zoning and Development Ordinance (LZDO) included clear vision area language in three locations and it would be appropriate consolidate the language in the Definitions Section and in the Clear Vision Area Section. Amendments to that effect are included herein.

III. FENCE STANDARDS

The current fence standard is set forth in Section 2.209.09, A, 3, and it states:

> *3. With the exception of non-obscuring four foot tall fencing, including but not limited to, chain link and wrought iron, all fences, hedges and walls shall not exceed a height of three and one-half (3 1/2) feet within 10 feet of any property line adjacent to the street and must comply with applicable clear vision area requirements*.

Where a property owner or fence contractor reads the fence standards or contacts City Hall, they will be made aware of the clear vision area standard. Where the owner or contractor does not read the fence standard and does not contact City Hall, they will not know of the clear vision area standard.

When a fence applicant does not know of the clear vision area standard and submits a fence application that violates the clear vision area standard, City staff will contact the applicant and explain the clear vision area standard and request a revised fence plan be submitted showing compliance with the clear vision area standard, thereby allowing the City to approve the fence permit. The described procedure has been the City's standard operating procedure for many years and it has worked well.

IV. DISCUSSION - FENCE

Staff's understanding of the reason for the 3.5 foot height limit in a side yard adjacent to a street is that when fence standards were first considered and placed into zoning regulations in the early 1900's, the concept was that fences should not be so high that they would obscure the view from the street of the home and its yards along streets (front yard and side yard adjacent to a street).

The purpose of the 3.5 foot height limit was to be high enough to contain kids and dogs, but low enough to encourage neighborly interaction.

V. PROPOSED AMENDED FENCE LANGUAGE

The following shows language consistent with the Commission's motion on February 17, 2022.

The motion was to allow 6 foot high fences (sight obscuring and non-sight obscuring) subject to the vision clearance area standards, except in front yards where the maximum height would be 3.5 feet.

The intent of the motion was to establish a simple standard for fences. But in the desire for simplification the motion did not address the existing property right of owners to erect a non-sight obscuring chain link or wrought iron fence up to 4 feet high in the front yard area. The following proposed language retains the existing property right of owners to erect a non-sight obscuring chain link or wrought iron fence up to 4 feet high in the front yard area.

Where the Commission desires to emphasize simplicity, the existing property right to erect a 4 foot high non-sight obscuring chain link or wrought iron fence can be deleted.

The following shows the language to be deleted in ~~strikeout~~ and the language to be added in ***bold italics***.

Section 2.209.09, A, 3:

The “mark-up” version of the amendment follows:

3. With the exception of non-***sight*** obscuring four foot tall fencing ***in a front yard*** ~~,~~ including but not limited to ~~,~~ chain link and wrought iron, ***and sight obscuring 3.5 foot tall fencing in a front yard,*** all fences, hedges and walls shall not exceed a height of ~~three and one-half (3 1/2)~~ ***6*** feet ~~within 10 feet of any property line adjacent to the street and~~ must comply with applicable clear vision area requirements ***in Section 2.209.08.***

If amended, the “clean copy” of the new language would read as follows:

3. With the exception of non-sight obscuring four foot tall fencing in a front yard including but not limited to chain link or wrought iron, and sight obscuring 3.5 foot tall fencing in a front yard, all fences, hedges and walls shall not exceed a height of 6 feet and must comply with applicable clear vision area requirements in Section 2.209.08.

VI. FINDINGS - FENCES

The following findings conclude the proposed amendments are consistent with Statewide Planning Goal 1, Citizen Involvement, and Goal 2, Land Use Planning, and the remaining Statewide Planning Goals do not apply. The findings also conclude the proposed amendment is consistent with the applicable criteria in the Sheridan Development Code for legislative amendments to the text of the Sheridan Development Code.

Statewide Planning Goals

Goal 1, Citizen Involvement: The Planning Commission held public work sessions on January 20 and February 17, 2022 and a public hearing on April 21, 2022. The City Council will hold a public hearing on May 12, 2022. The hearings are consistent with the Sheridan Development Code’s procedures for legislative amendments to the Sheridan Development Code. Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Planning Goals. Adoption actions are consistent with the acknowledged Sheridan Development Code for processing legislative amendments to the Sheridan Development Code.

Goal 2 supports clear and thorough local procedures. The proposed amendment is based on review, analysis and discussion of the issues presented by the current fence standards and the proposed amended fence standards. The proposed amendments are consistent with a thorough process. Goal 2 is met.

Goal 3, Agricultural Lands: 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 does not address Goal 5 resources.

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 not applicable. The proposal does not address Goal 10 issues.

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 Sheridan Development Code are consistent with the Statewide Goals 1 and 2, and the remaining Goals are not applicable because the amendments do not affect issues addressed by Goals 3 – 14.

Lafayette Zoning and Development Ordinance Criteria

The proposed amendment is a legislative amendment to the text of the Development Code. The Lafayette Zoning and Development Ordinance, Section 3.207, Type IV Actions, does not set forth approval criteria for legislative amendments to the text of the Development Code.

Conclusory Finding

The proposed fence amendments to the Lafayette Zoning and Development Ordinance are consistent with Statewide Land Use Planning Goal 1, Citizen Involvement, and Goal 2, Land Use Planning, and the remaining Goals are not applicable.

VII. CLEAR VISION AREA STANDARDS

The term “clear vision area” (CVA) is in three LZDO Sections, i.e., Definitions (1.200), Transportation and Access Standards (2.202) and Yard and Lot Standards (2.209).

Section 1.200, Definitions, states:

1.200.02 Definitions

Clear Vision Area: A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lines measured from the corner intersection of the right-of-way lines for a distance of twenty (20) feet. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection.

Section 2.202, Transportation and Access Standards, states:

2.202.03 General Provisions

The following provision shall apply to the dedication, construction, improvement or other development of all public streets in the City of Lafayette. These provisions are intended to provide a general overview of typical minimum design standards. All street improvements shall be designed in conformance with the specific requirements of the City's most current Public Works standards:

A. – L. Not shown.

M. Clear Vision Areas: Clear vision areas shall be maintained on corner lots at the intersection of all public streets and at the intersections of a public street with a private street, alley or drive which serves more than three parcels. No structure or planting shall be permitted within a clear vision area which would impede visibility between a height of 30 inches and 10 feet above the curb grade of the intersecting streets.

Section 2.209.08, M, states:

2.209.08 Vision Clearance

A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform with the following:

A. A clear vision area at the intersection of a public street and a driveway shall be the triangular area established according to the following procedure:

1. A line extending thirty feet from the intersection along the public street right-of-way;

2. A line extending ten feet from the intersection along the park road;

3. A third line that creates the triangular clear vision area by connecting the ends of the lines described in (a) and (b), above.

B. Vision clearance for corner lots shall be a minimum of 20 feet.

C. Vision clearance for street-alley intersections shall be a minimum of 10 feet.

D. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the clear vision area:

1 Trees, provided all branches and foliage are removed to a height of eight feet above grade;

2. Telephone, power, and cable television poles; and

3 Telephone switch boxes provided they are less than ten inches wide at the widest dimension.

VIII. DISCUSSION – CLEAR VISION AREA (CVA)

Technical code language typically defines a term, and any standards related to the term are not in the definition, and instead, they are set forth in the LZDO standards. The CVA definition defines CVA as a triangle on a lot at the intersection of two streets or a street and a railroad and goes on to explain how it is measured and the dimensions.

The definition addresses the intersection of two streets or a street and a railroad. Regarding the railroad, neither Section 2.202.03, M, nor Section 2.209.08, include clear vision area standards for a street / railroad intersection which indicates the true intent is for the CVA to not apply to street / railroad intersections.

The RR right-of-way going through Lafayette is a minimum of 60 feet wide and the track is in the middle of the right-of-way. The standard track gauge is 4 feet 8.5 inches (width between the rails) which provides for 27.67 feet on each side of the tracks to provide an unobstructed open area. It is not necessary to require a clear vision area on private property at the intersection of a RR track and a street, driveway or alley. The proposed changes delete railroad intersections from the definition.

Where the Commission prefers to retain the CVA at RR intersections, it can do so.

The definition does not include the intersection of a street and a driveway or a street and an alley. The definition is proposed to be amended to include the intersection of a street and a driveway and a street and an alley.

The proposed changes to the definition remove the explanation of how to measure a CVA, and the dimensions, and place them in Section 2.209.08. The dimensions in the definition are different than the dimensions in 2.209.08 and the difference in dimensions is proposed to be corrected.

Section 2.202.03, M, Transportation and Access Standards, General Provisions, Clear Vision Area, is proposed to be moved to 2.209.08, thereby placing all the CVA standards in one Section, and 2.202.03, M, is proposed to state, “Clear Vision Area: See Section 2.209.08.” The result will be that the Transportation and Access Standards will continue to require the CVA standards be met, but a party will have to look at Section 2.209.08 to read them.

One of the Subsection M standards is that the CVA vertical clearance be at least 10 feet, but Section 2.209.08, D, lists an 8 foot clearance. Typical sign codes require a minimum of 8 feet to the bottom of a freestanding pole sign. The 8 foot distance in 2.209.08 is proposed to be used for the CVA.

Section 2.209.08, Yard and Lot Standards, Vision Clearance, is proposed to be amended to include the standards from the Definition Section and from the Access Standards Section, and resolve the inconsistencies in the standards. For example, the definition calls for 20 foot “legs” at the intersection of two streets and 2.209.08, B, calls for 20 foot “legs” at the intersection of two streets, but 2.209.08, A, calls for a 30 foot “leg” along a street at a driveway intersection. The proposed amendments change the 30 foot distance to 20 feet.

IX. PROPOSED AMENDED VISION CLEARANCE AREA LANGUAGE

The following shows the language to be deleted in ~~strikeout~~ and the language to be added in ***bold italics***.

Section 1.200, Definitions:

1.200.02 Definitions

Clear Vision Area: A triangular area on a lot at the intersection of ~~two~~ ***public or private*** streets ~~or a street and a railroad~~ , ***or the intersection of public or private streets and an alley, or the intersection of public or private streets and a driveway*** ~~two sides of which are lines measured from the corner intersection of the right-of-way lines for a distance of twenty (20) feet. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the right-of-way lines will be extended in a straight line to a point of intersection~~.

Section 2.202, Transportation and Access Standards:

2.202.03 General Provisions

The following provision shall apply to the dedication, construction, improvement or other development of all public streets in the City of Lafayette. These provisions are intended to provide a general overview of typical minimum design standards. All street improvements shall be designed in conformance with the specific requirements of the City's most current Public Works standards:

M. Clear Vision Areas: ~~Clear vision areas shall be maintained on corner lots at the intersection of all public streets and at the intersections of a public street with a private street, alley or drive which serves more than three parcels. No structure or planting shall be permitted within a clear vision area which would impede visibility between a height of 30 inches and 10 feet above the curb grade of the intersecting streets~~. ***See Section 2.209.08, Clear Vision Area.***

Section 2.209.08, Vision Clearance:

2.209.08 ~~Vision~~ Clear~~ance~~ *Vision Area (CVA)*

A clear vision area shall be maintained ~~where streets and private points of access intersect~~ ***at the intersection of public or private streets, at the intersection of public or private streets and a driveway, or the intersection of public or private streets and an alley***. The clear vision area shall conform with the following:

A. A clear vision area at the intersection of a public ***or private*** street and a driveway shall be the triangular area established according to the following procedure:

   1. A line extending ~~thirty~~ ***20*** feet from the intersection along the public street right-of-way;

   2. A line extending ~~ten~~ ***10*** feet from the intersection along the ~~park road~~ ***driveway***;

   3. A third line that creates the triangular clear vision area by connecting the ends of the lines described in ~~(a) and (b), above~~ A, 1, and A, 2.

B. ~~Vision clearance for corner lots shall be a minimum of 20 feet~~. ***A clear vision area at the intersection of public or private streets shall be the triangular area established according to the following procedure:***

1. A line extending 20 feet from the intersection along each street right-of-way;

2. A third line that creates the triangular clear vision area by connecting the ends of the lines described in B, 1.

C. ~~Vision clearance for street-alley intersections shall be a minimum of 10 feet.~~ ***A clear vision area at the intersection of public or private streets and an alley shall be the triangular area established according to the following procedure:***

1. A line extending 10 feet from the intersection along the public or private street right-of-way and along the alley right-of-way;

2. A third line that creates the triangular clear vision area by connecting the ends of the lines described in C, 1.

D. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding ~~two and one-half~~ ***2.5*** feet ***(30 inches)*** in height, measured from the top of the curb or, where no curb exist***s***, from the established street centerline grade, except that the following may be allowed in the clear vision area:

1 Trees, provided all branches and foliage are removed to a height of ~~eight~~ ***8*** feet above grade;

2. Telephone, power, and cable television poles; and

3 Telephone switch boxes provided they are less than ten inches wide at the widest dimension.

End of proposed amendments to the CVA standards.

X. FINDINGS – CLEAR VISION AREA

The following findings conclude the proposed amendments are consistent with Statewide Planning Goal 1, Citizen Involvement, and Goal 2, Land Use Planning, and the remaining Statewide Planning Goals do not apply. The findings also conclude the proposed amendments are consistent with the applicable criteria in the Sheridan Development Code for legislative amendments to the text of the Sheridan Development Code.

Statewide Planning Goals

Goal 1, Citizen Involvement: The Planning Commission held public work sessions on January 20 and February 17, 2022 and a public hearing on April 21, 2022. The City Council will hold a public hearing on May 12, 2022. The hearings are consistent with the Sheridan Development Code's procedures for legislative amendments to the Sheridan Development Code. Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Planning Goals. Adoption actions are consistent with the acknowledged Sheridan Development Code for processing legislative amendments to the Sheridan Development Code.

Goal 2 supports clear and thorough local procedures. The proposed amendment is based on review, analysis and discussion of the issues presented by the current clear vision area standards and the proposed amended clear vision area standards. The proposed amendments are consistent with a thorough process. Goal 2 is met.

Goal 3, Agricultural Lands: 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 does not address Goal 5 resources.

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 not applicable. The proposal does not address Goal 10 issues.

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 Sheridan Development Code are consistent with the Statewide Planning Goals 1 and 2, and the remaining Goals are not applicable because the amendments do not affect issues addressed by Goals 3 – 14.

Lafayette Zoning and Development Ordinance Criteria

The proposed amendment is a legislative amendment to the text of the Lafayette Development Code. The Lafayette Zoning and Development Ordinance, Section 3.207, Type IV Actions, does not set forth approval criteria for legislative amendments to the text of the Development Code.

Conclusory Finding

The proposed clear vision area amendments to the Lafayette Zoning and Development Ordinance are consistent with Statewide Land Use Planning Goal 1, Citizen Involvement, and Goal 2, Land Use Planning, and the remaining Goals are not applicable.

XII. STAFF RECOMMENDATION

Staff recommends the Planning Commission pass a motion recommending the City Council approve the proposed clear vision area amendments.

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XIII. PLANNING COMMISSION ACTION

A. The Planning Commission's options are:

1. Pass a motion adopting the staff report and recommending the City Council approve the proposed amendments.

2. Pass a motion adopting the staff report with revised findings and/or code language and recommending the City Council approve the proposed amendments with changes.

3. Pass a motion adopting the staff report with revised findings and recommending the City Council deny the proposed amendments.

4. Pass a motion continuing the hearing to a date and time certain to allow additional information to be entered into the record of the hearing.

B. Sample motions are:

1. I move the Planning Commission adopt the staff report and recommend the City Council approve the proposed amendments.

2. I move the Planning Commission adopt the staff report with revised findings and/or code language and recommend the City Council approve the proposed amendments with changes.

3. I move the Planning Commission adopt the staff report with revised findings and recommend the City Council deny the proposed amendments.

4. I move the Planning Commission continue the hearing to a date time certain to allow additional information to be entered into the record of the hearing.

City of Lafayette
486 Third Street, P.O. Box 55
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TO: LAFAYETTE PLANNING COMMISSION

FROM: JIM JACKS, CITY PLANNER

SUBJ: WORK SESSION: ACCESSORY DWELLING UNIT STANDARDS AND SINGLE FAMILY DWELLING ARCHITECTURAL STANDARDS

DATE: APRIL 21, 2022

I. BACKGROUND – REVIEW THE ADU AMENDMENTS

On March 17, 2022, an agenda item was the review of the LZDO ADU standards. A staff report was provided to the Commission which included all the ADU standards. The Commission discussed the standards and this staff report reflects the discussion. As is often the case when Code language is reviewed, the review migrates to other sections of the Code and on March 17 the Commission recommended more possible single family dwelling architectural standards be added to the existing list and they are presented below.

The purpose of this staff report is to present to the Planning Commission the proposed amendments to the ADU standards and the additional single family dwelling architectural standards. The Commission should review the proposed changes, comment on them, and suggest any desired changes.

The following is included from the March 17 staff report as a reminder of where we've been in this process.

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

At the Commission's hearing there appeared to be some interest in all the ADU standards and having the opportunity to review and discuss them. On November 18 it was agreed the Commission would discuss the standards at the January meeting which would provide 2 months for the Commissioners to review the standards which were shown in the November 18 staff report regarding the deletion of the parking and ownership standards.

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

II. BACKGROUND – OREGON LEGISLATIVE ACTIONS

Again, as a reminder of the State's regulatory environment within which local government housing standards must comply, the following from the March 17 staff report is provided.

The 2017 Legislature passed Senate Bill 1051 which, among other things, required cities of 2,500 or greater population (105 cities in Oregon were over 2,500 and Lafayette was 4,095 as of 7/1/17) to allow ADU's in all residential zones (SB 1051, Section 6). Additionally, the Bill clarified that all housing is "needed housing" (SB 1051, Section 4).

"Needed housing" is a term in ORS 197.303 and 197.307(4). Prior to SB 1051 it appeared there may be one or more housing types that were not "needed housing." For example, some cities that had allowed ADU's prior to HB 1051 did not consider them to be "needed housing" and it appeared that ORS 197 did not consider them to be "needed housing." But SB 1051, Section 4, made it clear that all housing is "needed housing," whether it is ADU's or million dollar homes.

The issue with "needed housing" is, local development standards regarding "needed housing" must be clear and objective, therefore, post SB 1051, any regulations applying to ADU's must be clear and objective.

Prior to SB 1051, ADU's were not "needed housing" and therefore they were not affected by the requirement in ORS 197.307(4) that "needed housing" be subjected only to clear and objective standards. The cities that allowed ADU's typically included subjective design 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.*
>
> *OR*
>
> *An ADU's siding and roofing materials shall be similar to the siding and roofing materials of the primary dwelling or to materials typical of single family construction in the city.*

The terms "coincide" and "similar" are subjective and require the exercise of judgment to determine if the ADU's appearance, etc., meets the standard, or if an ADU's siding, etc., meets the standard.

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

After SB 1051 was passed, the City's process to amend the LZDO to allow ADU's included three Commission work sessions and a public hearing to reach consensus on the ADU standards.

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

The 2019 Legislature passed HB 2001 which slightly amended the State's ADU law adopted in SB 1051. Currently, ORS 197.312(5) and (6) are as follows.

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. (emphasis added)

(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.

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

The phrase "reasonable local regulations relating to siting and design" is emphasized above as a reminder that any new or amended ADU standards must be related to siting an ADU on a property or design.

III. EXISTING ADU STANDARDS

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

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

2.312 ACCESSORY DWELLING UNITS (ADUs)

2.312.02 ADU Standards

Where allowed, ADUs shall conform to the following standards:

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

3/17 Discussion: The residential districts require a garage or carport for a single family dwelling. The prohibition on converting garages and carports is, if they are converted, they must be replaced to comply with the requirement that a dwelling include a garage or carport. Where there is insufficient area on the lot to erect a replacement garage or carport, the code language at one section would be allowing the conversion, but in another section saying the conversion cannot occur due to insufficient area on the property. The weakness in the foregoing approach is, for properties where there is sufficient area for a replacement garage or carport, those properties would be prevented from converting their garage or carport even though they have sufficient area.

B. Number of Units. A maximum of one (1) ADU is allowed per detached single family dwelling on a legal lot of record.

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.

D. Building Construction. An ADU shall comply with applicable Oregon Building Code requirements.

E. Building Height. A detached ADU shall not exceed the height of the primary dwelling.

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.

G. An ~~y~~ ADU shall comply with the development standards of the underlying zoning district.

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

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.

J. The ADU front door shall not be on a building elevation facing a public or private street.

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

L. A detached ADU shall be separated from the primary dwelling at least 6 feet.

M. Architectural Standards. An ADU shall ~~:~~ ***comply with the following and Section 2.316, Architectural Standards for Dwellings.***

<u>3/17 Discussion</u>: The architectural standards were discussed and compared to the single family dwelling architectural standards at Section 2.316. A Commissioner's comment was that M, 3, [see below – top of p. 5] be combined into L and delete all the other architectural standards, i.e., delete M, 1, 2 and 4.

Staff is not clear whether the Commission reached consensus on the Commissioner's comment. The Commission should address and clarify this issue. There were many comments made by various Commissioner's during the meeting and it isn't clear to staff which ones the Commission accepted.

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

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

1. Provide a pitched roof at least "3 in 12" pitch;

~~2 Provide eaves extending from the wall at least 6 inches;~~

~~3~~***2***. Be recessed back at least 1 foot behind the building elevation of the primary dwelling facing a public or private street~~; and~~ ***.***

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

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

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

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

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

The next item (K) states where they 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.

When the Commission agrees on an order, the old letters, A – M, will be reassigned.

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

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.

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

B. Number of Units. A maximum of one (1) ADU is allowed per detached single family dwelling on a legal lot of record.

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.

E. Building Height. A detached ADU shall not exceed the height of the primary dwelling.

L. A detached ADU shall be separated from the primary dwelling at least 6 feet.

J. The ADU front door shall not be on a building elevation facing a public or private street.

G. An ~~y~~ ADU shall comply with the development standards of the underlying zoning district.

D. Building Construction. An ADU shall comply with applicable Oregon Building Code requirements.

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.

M. Architectural Standards. An ADU shall ~~:~~ ***comply with the following and Section 2.316, Architectural Standards for Dwellings.***

1. Provide a pitched roof at least "3 in 12" pitch;

~~2. Provide eaves extending from the wall at least 6 inches;~~

~~3~~***2***. Be recessed back at least 1 foot behind the building elevation of the primary dwelling facing a public or private street~~; and~~ ***.***

VII. EXISTING SINGLE FAMILY DWELLING ARCHITECTURAL STANDARDS

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 possible single family design standards 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 ones will be included. 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 or 16 or 20 – Commission's choice] square feet facing the street or access easement.***

M. A variation of no less than [two or three – Commission's choice] 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;

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~~***O***. Each of A-~~K~~***N*** 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***.

VII. STAFF RECOMMENDATION

Staff recommends the Commission review the staff report, make comments and consider whether to initiate an amendment to the LZDO's ADU standards and/or single family dwelling architectural design standards.

Where an amendment to the LZDO is desired, a motion could be as follows:

I move the Planning Commission initiate amendments to the LZDO regarding the ADU standards and the single family dwelling architectural design standards.

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