

ORDINANCE NO. 2064

**AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE CHAPTER 17.77
ACCESSORY DWELLING UNITS AND SECTIONS 17.08.010, 17.60.030, 17.64.040
TABLE 17.64.02A, AND 17.65.050 TABLE 3 TO ELIMINATE BARRIERS TO
ACCESSORY DWELLING UNITS AND MODIFY ACCESSORY BUILDING SETBACKS
TO PROMOTE HOUSING SUPPLY AND AFFORDABILITY IN CENTRAL POINT**

RECITALS:

- A. Words lined through are to be deleted and **words in bold** are added.
- B. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- C. ORS 197.312 recently amended by HB 2001, requires the City allow at least one (1) Accessory Dwelling Unit (ADU) per single family dwelling in zones that allow single family detached dwellings subject to reasonable regulations related to siting and design.
- D. On November 5, 2019, the Central Point Planning Commission recommended approval of code amendments to various section in Title 17 Zoning to comply with ORS 197.312 and implement policies in the Housing Element and Housing Implementation Plan to ease barriers to Accessory Dwelling Units (ADUs).
- E. On December 12, 2019, the City of Central Point City Council held a properly advertised public hearing; reviewed the Staff Report (herein incorporated by reference) and findings (Exhibit 1); heard testimony and comments, and deliberated on approval of the Municipal Code Amendment.

THE PEOPLE DO ORDAIN AS FOLLOWS:

SECTION 1. Amendments to Chapter 17.08, Definitions for "Accessory Dwelling Unit (ADU)" to comply with ORS 197.312, and "Guest Quarters" to clarify that these temporary living accommodations may be detached from, attached or internal to the primary dwelling.

17.08.010, Definitions

"Accessory dwelling unit (ADU)" means an **interior**, attached or detached ~~unit~~ **residential structure that is used in connection with or provides complete independent living facilities and that serves as an accessory use to a primary single dwelling unit.** Accessory dwelling units differ from guest quarters, which do not provide independent living facilities.

“~~Guest house~~ **Quarters**” means an **interior, attached or detached** accessory building designed and used for the purpose of providing temporary living accommodations for guests or for members of the same family as that occupying the main building, and containing no kitchen facilities.

SECTION 2. Amendments to Section 17.60.030(A) modify setback distance and methodology for accessory buildings for clarity.

17.60.030 Accessory Buildings

Accessory buildings shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

A. Regardless of the side and rear yard requirements of the district, in a residential (R) district a side or rear yard not adjoining a street may be reduced to ~~three–five feet, measured from the furthest protrusion or overhang,~~ for an accessory structure erected more than fifty-five feet from the street right-of-way line on which the lot fronts, other than alleys, provided the structure is detached and separated from other buildings by ten feet or more.

B. Canvas-Covered Canopies and Other Temporary Structures. Temporary structures in residential (R) districts shall not be permitted within a front setback and only within a side setback that does not abut a public right-of-way. Temporary structures within a side setback shall be at least three feet from the side lot line measured from the furthest protrusion or overhang. Such structures are to be anchored to the ground in accordance with building code requirements.

C. Structural Dimensions. All accessory buildings will be subject to the requirements of all building specialty codes adopted under the Central Point Municipal Code.

1. Height. Accessory structures in residential (R) districts shall not exceed twenty-five feet if detached from the main structure. Structures greater than fifteen feet but less than twenty-five feet in height shall be set back a minimum of five feet from a side or rear lot line.

2. Width and Length. Garages and carports intended to satisfy the municipal code requirement for two off-street covered parking spaces shall be a minimum interior dimension of twenty feet in width by twenty feet in length. Standard garage doors shall be of adequate width to facilitate safe passage and maneuvering of automobile traffic.

3. Alley Setback. Accessory structures in residential (R) districts which abut an alley, are used as garages, and take their access from the alley shall have a setback of fifteen feet from the rear property line. (Ord. 1981 §3 (Exh. C) (part), 2014; Ord. 1818 §1(part), 2001; Ord. 1684 §53, 1993; Ord. 1436 §2(part), 1981).

SECTION 3. Proposed amendments replace existing language in Chapter 17.77 in its entirety to provide clear, concise standards that eliminate redundancies and barriers to ADUs as a housing type.

Chapter 17.77
ACCESSORY DWELLING UNITS (ADU)

Sections:

~~17.77.005 Purpose.~~

~~17.77.010 Permitted in residential districts, R L and R-1.~~

~~17.77.020 Provisions for water and sewer.~~

~~17.77.030 Only one accessory dwelling unit per single family dwelling.~~

~~17.77.040 General provisions.~~

~~17.77.050 Special provisions.~~

~~17.77.060 Permit Fee Application Inspection.~~

~~17.77.070 ADUs detached from single family dwelling Special.~~

~~17.77.005 Purpose.~~

~~The purpose of this section is to allow for establishment of an accessory dwelling unit in conjunction with a single family dwelling within a single family residential zoning district. An accessory dwelling may be permitted as a means of providing more affordable housing opportunities for young families, empty nesters and others; encouraging additional density with minimal cost and disruption to surrounding neighborhoods; allowing individuals and smaller households to retain large houses as residences; providing convenient care for the elderly and infirm on a long term basis; and allowing more energy efficient use of large, older homes. (Ord. 1884 (part), 2006).~~

~~17.77.010 Permitted in residential districts, R L and R-1.~~

~~Accessory dwelling units (ADUs) shall be a permitted use in the R L and R-1 residential districts as accessory to single family dwellings subject to the provisions of this chapter. (Ord. 1884 (part), 2006).~~

~~17.77.020 Provisions for water and sewer.~~

~~No ADU shall be permitted to be added to, created within, or constructed on the same lot as the single family dwelling to which it is accessory without a prior certification from the public works department of the city that the water supply and sanitary sewer facilities serving the site of the proposed ADU are adequate. (Ord. 1884 (part), 2006).~~

~~17.77.030 Only one accessory dwelling unit per single family dwelling.~~

~~Only one ADU shall be permitted as accessory to a single family dwelling. (Ord. 1884 (part), 2006).~~

~~17.77.040 General provisions:~~

~~A. ADUs shall be permitted as second dwelling units that are added to or created within or on the same lot as a single-family dwelling.~~

~~B. All housing and building codes and standards shall be applicable to all ADUs including, but not limited to, the building code, the plumbing code, the electrical code, the mechanical code, the fire code, and all requirements of the city of Central Point.~~

~~C. ADUs, whether attached or detached, that are added to or created within single-family dwellings are not required to have separate independent utility connections.~~

- ~~1. D. The gross floor area of an accessory dwelling unit shall contain no more than thirty-five percent of the gross floor area of the main dwelling in existence prior to the construction of the accessory dwelling unit or eight hundred square feet, whichever is less.~~
- ~~2. E. No subdivision of land, air rights or condominium is allowed so as to enable the sale or transfer of the accessory dwelling unit independently of the main dwelling unit or other portions of the property.~~

~~F. All ADUs shall be designed to maintain the appearance of the single-family dwelling to which they are accessory. If an ADU extends beyond the current footprint of the single-family dwelling it must be consistent with the existing roof pitch, siding and windows of the single-family dwelling. If a separate entrance door is provided, it must be located either off the rear or side of the single-family dwelling. Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into the required setbacks.~~

~~G. All ADUs which are attached to a single-family dwelling shall have a separate entrance for the accessory dwelling unit, but it shall not be located on the front of the existing building.~~

~~H. At least one off-street parking space shall be provided for each ADU in addition to the off-street parking spaces required for the single-family dwelling.~~

~~I. All ADUs shall have separate street addresses that are visible from the street and that clearly identify the location of the ADU. (Ord. 1942 §1, 2010; Ord. 1884 (part), 2006).~~

~~17.77.050 Special provisions:~~

~~A. The owner or contract purchaser of record of the single family dwelling to which an ADU is accessory shall reside either in the single family dwelling or the ADU as a permanent place of residence and shall not be permitted to rent or lease the same. The ownership of ADUs may not be separated from ownership of the single family dwelling to which they are accessory.~~

~~B. No home occupations, day care centers or adult foster homes shall be permitted in ADUs or in single family dwellings to which they are accessory. (Ord. 1994 (part), 2006).~~

~~17.77.060 Permit Fee Application Inspection.~~

~~A. No ADU may be added to, created within, or constructed upon the same lot as a single family dwelling without a permit therefor, issued by the planning department. ADU permits shall be processed as a Type II use application.~~

~~B. All applications for ADU permits shall be on forms provided by the planning department, and the fee for such permit shall be as provided in the building code.~~

~~C. Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building official to assure that the provisions of this chapter are not violated. (Ord. 1942 §2, 2010; Ord. 1884 (part), 2006).~~

~~17.77.070 ADUs detached from single family dwelling--Special.~~

~~The following provisions shall be applicable to detached ADUs:~~

~~A. Water, sewer and solid waste collection may be by way of connections and service that is completely separate, apart and independently metered from the single family dwelling to which such ADU is accessory, or by other means approved by the public works department.~~

~~B. All detached ADUs shall comply with all setback and separation requirements for detached accessory buildings except that the minimum rear yard setback shall be ten feet.~~

~~C. Detached ADUs shall be designed in such a manner as to blend with or complement the architectural design of the single family dwelling to which such ADU is accessory; approval of such design shall be made by the appeal board of adjustment.~~

~~D. Detached ADUs shall share the same hard surfaced driveway as the single family dwelling to which such ADU is accessory, and shall have direct access to the street upon~~

~~which the single-family dwelling fronts, or take access from an alley. No new or additional curb cuts shall be permitted for the ADU, except on corner lots where a new curb cut will be allowed on the street frontage having no existing curb cut.~~

~~E. Detached ADUs shall have an unobstructed street frontage approved by the fire district with no intervening structures to ensure adequate visibility and access for emergency vehicles. (Ord. 1981 §5 (Exh. E), 2014; Ord. 1942 §3, 2010; Ord. 1884 (part), 2006).~~

Chapter 17.77 ACCESSORY DWELLING UNITS (ADU)

Sections:

- 17.77.005 Purpose.**
- 17.77.010 Applicability.**
- 17.77.020 One Unit.**
- 17.77.030 Approval Criteria.**

17.77.005 Purpose.

The purpose of this section is to allow for establishment of an accessory dwelling unit (ADU) in conjunction with a single-family detached dwelling within zones that allow single family detached dwellings in accordance with ORS 197.312. ADUs are intended to provide more economical housing choices while encouraging additional density with minimal cost and disruption to surrounding neighborhoods; and allowing more efficient use of large, older homes. (Ord. 1884 (part), 2006).

17.77.010 Applicability.

Accessory dwelling units (ADUs) shall be a permitted use in the R-L, R-1, R-2 residential districts, and LMR, MMR, and HMR mixed-use districts within the Transit Oriented Development (TOD) District, as accessory to single-family dwellings subject to the provisions of this chapter. (Ord. 1884 (part), 2006).

17.77.020 One Unit.

A maximum of one (1) ADU shall be allowed per legally established single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a detached garage or workshop), or attached to or interior to the primary dwelling (e.g. addition or conversion of floor area within the existing building). (Ord. 1884 (part), 2006).

17.77.030 Approval Criteria.

- A. Floor Area. The maximum floor area allowed for an ADU shall be 800 square feet or fifty (50) percent of the gross floor area of the primary dwelling, whichever is less, except that conversion of a new or existing level or floor (e.g. attic, or second story) of a detached accessory building (i.e. garage, workshop) to an ADU is permitted even if the floor area of the ADU would be**

more than 800 square feet.

B. Development Standards. ADUs shall meet all development standards required for residential structures per the base zone requirements (e.g. building height, setbacks, lot coverage, building design, etc.) except for the following:

1. **Density.** ADUs are exempt from the maximum density standard in the base zone in which the ADU is located, provided that all other base zone standards are met.
2. **Conversion of Nonconforming Structures.** Conversion of an existing legally nonconforming structure to an ADU is allowed provided that the conversion does not increase the nonconformity and the structure complies with the Oregon Residential Specialty Code.
3. **Parking.** In accordance with ORS 197.312, off-street parking shall not be required to approve an ADU.
4. **Rear Yard Setback.** The rear yard setback for ADUs shall be 5-feet.
5. **Building Height.** Except for units constructed above a detached garage (i.e. carriage units), detached ADUs shall be limited to single-story construction and shall not exceed 25-ft in building height per the accessory building height standards set forth in CPMC 17.60.030(C)(1).

C. Other Standards.

1. **Unit Separation.** For attached and interior ADUs, the primary dwelling and ADU shall be distinct with wall separation, separate building entrances and visible addresses.
2. **Utilities.** Separate utility connections may be provided at the applicant's discretion. Separate connections are not required.
3. **Transfer Prohibited.** No subdivision of land, air rights or condominium is allowed so as to enable the sale or transfer of the accessory dwelling unit independently of the main dwelling unit or other portions of the property.

SECTION 4. Amendments to Section 17.64.040, Table 17.64.02A modify the residential off-street parking standard for ADUs to comply with ORS 197.312 as modified by HB 2001.

Chapter 17.64, Section 040, Table 17.64.02A
RESIDENTIAL OFF-STREET PARKING REQUIREMENTS

All uses shall comply with the number of off-street parking requirements identified in Table 17.64.02A, Residential Off-Street Parking Requirements, and Table 17.64.02B, Non-

Residential Off-Street Parking Requirements. For residential uses the off-street parking requirements are stated in terms of the minimum off-street parking required. For non-residential uses the off-street parking requirements are presented in terms of both minimum and maximum off-street parking required. The number of off-street parking spaces in Table 17.64.02B, Non-Residential Off-Street Parking, may be reduced in accordance with subsection B of this section, Adjustments to Off-Street Vehicle Parking.

The requirement for any use not specifically listed shall be determined by the community development director on the basis of requirements for similar uses, and on the basis of evidence of actual demand created by similar uses in the city and elsewhere, and such other traffic engineering or planning data as may be available and appropriate to the establishment of a minimum requirement.

TABLE 17.64.02A
RESIDENTIAL OFF-STREET PARKING REQUIREMENTS

Use Categories	Minimum Vehicle Parking Requirement (fractions rounded down to the closest whole number)
RESIDENTIAL	
Single-Family Residential	2 spaces per dwelling unit, both of which must be covered.
Accessory Dwelling Unit	No off-street parking is required per ORS 197.312. 1 space per accessory dwelling unit.
Two-Family	2 spaces per dwelling unit, both of which must be covered.
Multiple-Family	1 space per studio or 1-bedroom unit;
	1.5 spaces per 2-bedroom unit; and
	2 spaces per 3+-bedroom unit.
Mobile Home Parks	plus 1 guest parking space for each 4 dwelling units or fraction thereof.
Mobile Home Parks	2 spaces per dwelling unit on the same lot or pad as the mobile home (may be tandem); plus 1 guest space for each 4 mobile homes.
Residential Home	2 spaces per dwelling unit, both of which must be covered.
Residential Facility	.75 spaces per bedroom.
Congregate (Senior) Housing	.5 spaces per dwelling unit.
Boarding Houses, Bed and Breakfast	1 space per guest unit; plus 1 space per each 2 employees.

SECTION 5. Amendments to Table 3 in Section 17.65.050 modify the off-street parking standard for ADUs to comply with ORS 197.312 as modified by HB 2001.

Table 3
TOD District and Corridor Vehicle Parking Standards

Use Categories	Minimum Required Parking
Residential	
Dwelling, Single-Family Large and standard lot Zero lot line, detached Attached row houses	2 spaces per unit.
Dwelling, Multifamily	
Plexes	1.5 spaces per unit.
Apartments and condominiums	1.5 spaces per unit.
Congregate (senior) housing	.5 spaces per dwelling unit.
Dwelling, Accessory Unit	Off-street parking is not required per ORS 197.312. 1 space per unit.
Boarding/Rooming House	1 space per accommodation, plus 1 space for every 2 employees.
Family Care Family day care Day care group home Adult day care	1 space for every 5 children or clients (minimum 1 space); plus 1 space for every 2 employees.
Home Occupation	Shall meet the parking requirement for the residence.
Residential Facility	1 space per unit.
Residential Home	1 space per unit.

SECTION 6. Per legal review, add Accessory Dwelling Unit to the list of Permitted Uses Section 17.20.020 for the R-1 zones.

17.20.020 Permitted uses.

The following uses and their accessory uses are permitted in an R-1 district:

- A. Single-family dwelling;
- B. Public schools, parks and recreation facilities;
- C. Churches and similar religious institutions;
- D. Parochial and private schools, but not including business, dancing, music, trade, technical or nursery schools, kindergartens or day nurseries;
- E. Developer's project and sales offices, including mobile homes and trailers adapted to that purpose, during construction of the project only;

F. Planned unit development;

G. Residential homes;

H. Single-family manufactured home, as defined in Section 17.08.010, and subject to the following conditions:

1. The manufactured home shall be multisectional and enclose a space of not less than one thousand square feet.

2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches above grade.

3. The manufactured home shall have a pitched roof, with a minimum slope of three feet in height for each twelve feet in width.

4. The manufactured home shall 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 Central Point or which is comparable to the predominant materials used on surrounding dwellings as determined by the city.

5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

6. The manufactured home shall have a garage or carport constructed of like material. The city may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of dwellings in the immediately surrounding area.

7. In addition to the foregoing, a manufactured home and the lot upon which it is sited shall comply with any and all development standards, architectural requirements and minimum size requirements with which conventional single-family residential dwellings on the same lot would be required to comply;

I. Residential facilities, as that term is defined in Oregon Revised Statutes 197.660(1); provided, however, the city may require an applicant proposing to site a residential facility to supply the city with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.496 to 192.530. (Ord. 1684 §30, 1993; Ord. 1615 §29, 1989; Ord. 1436 §2(part), 1981).

J. Accessory Dwelling Unit subject to the requirements in CPMC 17.77.

SECTION 7. Per legal review, add Accessory Dwelling Unit to the list of Permitted Uses in Section 17.24.020 for the R-2 zone.

17.24.020 Permitted Uses

The following uses and their accessory uses are permitted in the R-2 district:

Residential. The following residential uses are permitted subject to compliance with all the code requirements such as lot coverage, setbacks, etc., the density standards in Section 17.24.055:

A. Single-family detached dwellings;

B. Single-family manufactured home, as defined in Section 17.08.010, and subject to the following conditions:

1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand square feet,
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve inches above grade,
3. The manufactured home shall have a pitched roof, with a minimum slope of three feet in height for each twelve feet in width,
4. The manufactured home shall 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 Central Point or which is comparable to the predominant materials used on surrounding dwellings as determined by the city,
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010,
6. The manufactured home shall have a garage or carport constructed of like material. The city may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of dwellings in the immediately surrounding area,
7. In addition to the foregoing, a manufactured home and the lot upon which it is sited shall comply with any and all development standards, architectural

requirements and minimum size requirements with which conventional single-family residential dwellings on the same lot would be required to comply;

C. Duplex and single-family attached dwellings;

D. Public schools, parochial schools, kindergartens, but not including business, dance, music, art, trade, technical or similar schools;

E. Churches and similar religious institutions;

F. Public parks and recreational facilities;

G. Developer's project office and sales office including mobile homes and trailers adapted to that purpose during construction of the project only;

H. Residential facilities, as that term is defined in ORS 197.660(1); provided, however, the city may require an applicant proposed to site a residential facility to supply the city with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS 192.496 to 192.530;

I. Residential homes; ~~and~~

J. Accessory Dwelling Unit subject to the requirements in CPMC 17.77.

K. Other uses not specified in this or any other district, if the planning commission finds them to be similar to those listed above and compatible with other permitted uses and with the intent of the R-2 district as provided in Section 17.60.140. (Ord. 2034 §4(part), 2017; Ord. 2014 §2, 2015; Ord. 1972 §1, 2013; Ord. 1912(Exh. 1), 2008; Ord. 1691 §1, 1993; Ord. 1684 §33, 1993; Ord. 1615 §31, 1989; Ord. 1436 §2(part), 1981).

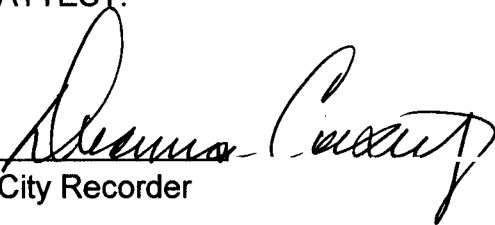
SECTION 8. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to "code", "article", "section", "chapter", or other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

SECTION 9. Effective Date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this 9th day of January 2017.
2020.


Mayor Hank Williams

ATTEST:


City Recorder

**PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Accessory Dwelling Unit Zoning Code Amendments
File No. ZC-19001**

December 12, 2019

Applicant:)	Findings of Fact
City of Central Point)	and
140 South 3 rd Street)	Conclusions of Law
Central Point, OR 97502)	

INTRODUCTION

The City of Central Point is proposing major text amendments to various sections of the Central Point Municipal Code (CPMC) in Title 17, Zoning Code relative to definitions and standards for Accessory Dwelling Units (ADUs) and Accessory Structures (Staff Report dated December 12, 2019: Attachment “A”). The proposed amendments are designed to accomplish the following:

- 1) Comply with Oregon Revised Statutes (ORS) 197.312:
 - a. Allow at least one (1) ADU in all zones that permit single-family detached dwellings;
 - b. Eliminate the owner occupancy requirement for ADUs;
 - c. Eliminate off-street parking requirements in accordance with HB 2001 implemented on August 8, 2019;
 - d. Provide only clear and objective standards;
 - e. Align the definition for an ADU in CPMC 17.08 with the definition in ORS, 197.312(5)(b).

- 2) Eliminate barriers to ADU construction consistent with the City of Central Point Housing Element and Housing Implementation Plan:
 - a. Increase floor area allowed from 35% to 50% of primary dwelling gross floor area; retain maximum ADU floor area allowed as 800SF;
 - b. Reduce side and rear yard setback to be equivalent to the setback allowed for an accessory structure;
 - c. Align maximum building height with the building height allowed for accessory structures; and
 - d. Provide an exception allowing a carriage unit (i.e. ADU above a garage) to exceed the maximum floor area requirement.

- 3) Modify the setback the Accessory Structure setback in CPMC17.60.030(A) as follows:
 - a. Side and rear yard setback shall be 5-ft, provided all life and safety standards are met;
 - b. Eliminate provision allowing a 3-ft setback measured from the furthest protrusion or overhang. This change provides a consistent setback methodology for all structure types.

The proposed Zoning Text changes are Major Amendments per CPMC 17.10.300 and are subject to Type IV (Legislative) procedures per CPMC 17.05.500.

Approval criteria are set forth in CPMC 17.10.400 and addressed in these findings in five (5) parts:

1. Legislative Amendment Procedures (CPMC 17.05.500)
2. Zoning Map and Zoning Text Amendments (CPMC 17.10)
3. Statewide Planning Goals
4. City of Central Point Comprehensive Plan
5. Transportation Planning Rule (OAR 660-012-0060(1))

PART 1 – CPMC 17.05.500, LEGISLATIVE AMENDMENT PROCEDURES

CPMC 17.05.500(A). Pre-Application Conference. A pre-application conference is required for all Type IV applications initiated by a party other than the City of Central Point. The requirements and procedures for a pre-application conference are described in Section 17.05.600(C).

Finding CPMC 17.05.500(A): Since the City of Central Point initiated this application to amend various sections of Title 17, a pre-application conference was not required nor was one held.

Conclusion CPMC 17.05.500(A): Not applicable.

CPMC 17.05.500(B). Timing of Requests. Acceptance timing varies for Type IV applications (see Table 17.05.1 for applicable section reference).

Finding CPMC 17.05.500(B): The proposed zoning text amendments are considered Major Amendments per Table 17.05.01 and Section 17.10.300(A). As demonstrated by the Findings for CPMC 17.05.500, the proposed text amendments have been processed in accordance with the timelines and requirements for Type IV legislative applications.

TABLE 17.05.1

LAND DEVELOPMENT PERMIT*	PROCEDURAL TYPE	APPLICABLE REGULATIONS	APPROVING AUTHORITY	120-DAY RULE
Zoning Map and Zoning and Land Division Code Text Amendments				
Minor	Type III	Chapter <u>17.10</u>	City Council	Yes
Major	Type IV	Chapter <u>17.10</u>	City Council	No

Conclusion CPMC 17.05.500(B): Consistent.

C. Application Requirements.

CPMC 17.05.500(C)(1). Application Forms. Type IV applications shall be made on forms provided by the community development director or designee.

***Finding CPMC 17.05.500(C)(1):** At the September 3, 2019 meeting, the Planning Commission directed staff to prepare amendments to CPMC 17.08, 17.60.030, and 17.77 for public hearing on November 5, 2019. The direction was based on discussion of potential code amendments at the August and September meetings to comply with ORS 197.312/SB 1051 and to eliminate barriers to housing per the approved Housing Implementation Plan (City Council Resolution No. 1560). Subsequently, staff prepared an application form, notified DLCD and the newspaper of the pending Public Hearing as demonstrated in the following findings and conclusions.*

***Conclusion CPMC 17.05.500(C)(1):** Consistent.*

CPMC 17.05.500(C)(2) Submittal Information. The application shall contain:

- a. The information requested on the application form;
- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
- c. The required fee; and
- d. One copy of a letter or narrative statement (findings and conclusions) that explains how the application satisfies each and all of the relevant approval criteria and standards applicable to the specific Type IV application.

***Finding CPMC 17.05.500(C)(2):** The City of Central Point's application to amend various sections of the Zoning Ordinance Text relative to Accessory Dwelling Units (ADUs) and accessory structures includes the application form, description of text amendments, and copy of proposed text amendments (See File No. ZC-19001).*

***Conclusion CPMC 17.05.500(C)(2):** Consistent.*

CPMC 17.05.500(D). Notice of Hearing.

1. Required Hearings. A minimum of two hearings, one before the planning commission and one before the city council, are required for all Type IV applications.

***Finding CPMC 17.05.500(D)(1):** A duly noticed hearing was held before the planning commission on November 5, 2019. A second duly noticed public hearing was held before the City Council on December 12, 2019.*

***Conclusion CPMC 17.05.500(D)(1):** Consistent.*

2. Notification Requirements. Notice of public hearings shall be given by the community development director or designee in the following manner:
 - a. At least ten days, but not more than forty days, before the date of the first hearing, a notice shall be mailed to:

- i. Any affected governmental agency;
 - ii. Any person who requests notice in writing;
- b. At least ten days before the first public hearing date, and fourteen days before the city council hearing date, public notice shall be published in a newspaper of general circulation in the city.
- c. The community development director or designee shall:
 - i. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection (D)(2)(a) of this section; and
 - ii. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection (D)(2)(b) of this section.
- d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments within the time period prescribed by DLCD. The notice to DLCD shall include a DLCD certificate of mailing.

Finding CPMC 17.05.500(D)(2): *In accordance with Municipal Code, notice was mailed in a timely fashion to all affected agencies and persons who made a request for notice. Similarly per the affidavit in the file, notice was published in the Mail Tribune on October 21, 2019. DLCD was notified on September 30, 2019 within the required 35-day notification period.*

Conclusion CPMC 17.05.500(D)(2): *Consistent.*

- 3. Content of Notices. The mailed and published notices shall include the following information:
 - a. The number and title of the file containing the application, and the address and telephone number of the community development director or designee’s office where additional information about the application can be obtained;
 - b. The proposed site location, if applicable;
 - c. A description of the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
 - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the council and available at City Hall (see subsection E of this section).

Finding CPMC 17.05.500(D)(3): *The description included within the notices conform with CPMC 17.05.500(D)(3) as evidenced by the affidavit of publication herein incorporated by reference.*

Conclusion CPMC 17.05.500(D)(3): *Consistent.*

PART 2 – CPMC 17.10, ZONING MAP AND ZONING CODE TEXT AMENDMENTS

17.10.200 Initiation of amendments.

A proposed amendment to the code or zoning map may be initiated by either:

- A. A resolution by the planning commission to the city council;
- B. A resolution of intent by the city council; or for zoning map amendments;
- C. An application by one or more property owners (zoning map amendments only), or their agents, of property affected by the proposed amendment. The amendment shall be accompanied by a legal description of the property or properties affected; proposed findings of facts supporting the proposed amendment, justifying the same and addressing the substantive standards for such an amendment as required by this chapter and by the Land Conservation and Development Commission of the state. (Ord. 1989 §1(part), 2014).

***Finding CPMC 17.10.200:** At the September 3, 2019 meeting, the Planning Commission directed staff to prepare notice zoning text amendments or a public hearing on November 5, 2019. At the conclusion of the public hearing, the Planning Commission passed Resolution No. 877 forwarding a favorable recommendation to the City Council to approve the zoning text amendments.*

***Conclusion CPMC 17.10.200:** Consistent.*

17.10.300 Major and minor amendments.

There are two types of map and text amendments:

- A. Major Amendments. Major amendments are legislative policy decisions that establish by law general policies and regulations for future land use decisions, such as revisions to the zoning and land division ordinance that have widespread and significant impact beyond the immediate area. Major amendments are reviewed using the Type IV procedure in Section 17.05.500.
- B. Minor Amendments. Minor amendments are those that involve the application of adopted policy to a specific development application, and not the adoption of new policy (i.e., major amendments). Minor amendments shall follow the Type III procedure, as set forth in Section 17.05.400. The approval authority shall be the city council after review and recommendation by the planning commission. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006).

***Finding CPMC 17.10.300:** The proposed zoning text amendments modify requirements for Accessory Dwelling Units (ADUs). Although the proposed changes do not create new policy, the amended regulations will impact future land use decisions. The proposed amendments will have widespread impacts and are considered a Major Amendment in accordance with CPMC 17.10.300(A). As evidenced by the Findings in Part 1 of these Findings, the Major Amendments are legislative and have been processed in accordance with the Type IV (legislative) procedures set forth in CPMC 17.05.500.*

***Conclusion CPMC 17.10.300:** Consistent.*

17.10.400 Approval criteria.

A recommendation or a decision to approve, approve with conditions or to deny an application for a text or map amendment shall be based on written findings and conclusions that address the following criteria:

- A. Approval of the request is consistent with the applicable statewide planning goals (major amendments only);

Finding CPMC 17.10.400(A): See Part 3 Findings – Statewide Planning Goals.

Conclusion CPMC 17.10.400(A): Consistent.

- B. Approval of the request is consistent with the Central Point comprehensive plan (major and minor amendments);

Finding CPMC 17.10.400(B): See Part 4 Findings – Central Point Comprehensive Plan.

Conclusion CPMC 17.10.400(B): Consistent.

- C. If a zoning map amendment, findings demonstrating that adequate public services and transportation networks to serve the property are either available, or identified for construction in the city’s public facilities master plans (major and minor amendments); and

Finding CPMC 17.10.400(C): The proposal is for Major zoning text amendments. This criterion applies to Major and Minor zoning map amendments only. Notwithstanding, ADUs are allowed in conjunction with an existing or approved primary single family dwelling. Since services are necessary to permit construction of the primary dwelling, it can be concluded that the public services are available and can be extended to serve the ADU.

Conclusion CPMC 17.10.400(C): Not applicable.

- D. The amendment complies with OAR 660-012-0060 of the Transportation Planning Rule. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006. Formerly 17.10.300(B)).

Finding CPMC 17.10.400(D): As demonstrated in Part 5 Findings – Transportation Planning Rule, the proposed text do not significantly affect existing or planned transportation facilities.

Conclusion CPMC 17.10.400(D): Consistent.

PART 3 – STATEWIDE PLANNING GOALS

This section sets forth preliminary findings of fact relative to the proposed text amendment’s compliance with the Statewide Planning Goals. Applicable Statewide Planning Goals include Goal 1, Citizen Involvement; Goal 2, Land Use Planning; and Goal 10, Housing.

Goal 1 – Citizen Involvement:

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

***Finding Goal 1:** The proposed text amendments do not enhance, or detract, from citizen participation in the City’s planning process established in the Comprehensive Plan to comply with Statewide Planning Goal 1. Discussions were held by the Planning Commission on August 6, 2019 and September 3, 2019 to discuss the preliminary draft amendments. At that time the public was invited to participate in the discussion and comments were received verbally and in writing. Written comments have been entered into the record for the proposed amendments and have been addressed in the staff report and these findings. Based on discussion, the Planning Commission directed staff to finalize draft amendments relative to ADUs and accessory structures.*

Consistent with the City’s procedures for legislative amendments and citizen involvement program, the Citizen’s Advisory Committee considered draft changes at their September 10, 2019 meeting. The CAC unanimously voted to recommend approval to the Planning Commission with the exception that they didn’t like any flexibility for off-street parking location.

Duly noticed public hearings have been held at the November 5, 2019 Planning Commission and the December 12, 2019 City Council meetings.

***Conclusion Goal 1:** The proposed text amendments are consistent with the City’s planning process and citizen’s involvement program and therefore comply with Statewide Planning Goal 1.*

Goal 2 – Land Use Planning:

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

***Finding Goal 2:** Element I of the Central Point Comprehensive Plan addresses the Goal 2 requirement that plans and implementing ordinances be revised on a periodic cycle to take into account changing public policies, community attitudes and other circumstances; as such the proposed code amendments provide a process and policy framework as a basis for land use decisions.*

The proposed text amendments are consistent with CPMC 17.10 and therefore do not modify or otherwise affect the City’s planning process and policy framework as set forth in the Comprehensive Plan. As demonstrated in these findings, proposed text amendments serve to implement existing policy in the Housing Element, State Laws relative to housing in ORS 197.312 and clarify current code language by providing clear and objective standards.

***Conclusion Goal 2:** Consistent.*

Goal 10 – Housing:

To provide for the housing needs of citizens of the state.

***Finding Goal 10:** The proposed text amendments to CPMC 17.77 Accessory Dwelling Units (ADU) and CPMC 17.60.030 Accessory Buildings eliminates barriers to ADU construction in Central Point by establishing clear and objective standards, increasing the maximum floor area to a size allowed and implementing state requirements eliminating off-street parking and owner occupancy requirements. As demonstrated in Part 4, this aligns with the Goals and Policies of the City of Central Point Housing Element to increase housing supply, diverse housing types, and affordability, which aligns with Statewide Planning Goal 10.*

***Conclusion Goal 10:** Consistent.*

PART 4 – CITY OF CENTRAL POINT COMPREHENSIVE PLAN

The proposed amendments address standards for housing. Applicable policies in the comprehensive plan include those in the Housing Element ,which are set forth and addressed below.

Housing Goal 1:

To provide an adequate supply of housing to meet the diverse needs of the City’s current and projected households.

Policy 1.1:

Continue to support new residential development at the new minimum residential densities.

***Finding Policy 1.1:** The proposed code amendments allow for a density bonus to accommodate Accessory Dwelling Units, which does not otherwise impede or affect achievement of minimum residential densities for new residential development.*

***Conclusion Policy 1.1:** Not applicable.*

Policy 1.2:

Develop a Housing Implementation Plan that is regularly updated based current market conditions.

***Finding Policy 1.2:** On December 13, 2018 the City Council per Resolution 1560 approved a 5-year Housing Implementation Plan (HIP) based on current market conditions and housing needs. The code amendments implement Short Term Action 3.2.1 in the HIP as set forth below:*

3.2.1 Prepare and Adopt Residential Code Amendments.

Priority	High
Background	<p>The City's Zoning Code is in Title 17 of the Central Point Municipal Code (CPMC). Residential land use and zoning standards are provided in multiple chapters for conventional and TOD zones and includes separate chapters for parking, design, and development. This makes it difficult to find all relevant approval criteria for a project, which can discourage and add planning cost to projects.</p> <p>Some code standards are out of date and pose barriers to residential development. A recent code audit by ECO NW found barriers to multifamily development in the R-3, Multifamily Zone (i.e. building height and lot coverage limits). Additionally Missing Middle Housing is not clearly addressed and in some cases not permitted.</p>
Action	<p>Consolidate the City's residential standards into 1-2 chapters. Consider the following changes:</p> <ul style="list-style-type: none"> • Increase minimum residential densities consistent with the Housing and Regional Plan Elements; • Adjust dimensional standards in the R-3 zone to eliminate barriers to maximizing density: <ol style="list-style-type: none"> 1) Increase building height from 35-ft to 45-ft to allow 4 stories; 2) increase maximum lot coverage from 50% to 60-75% to increase building area allowed on a site while still providing adequate land for off-street parking and landscaping; and, 3) Consider adding a buffer between buildings on R-3 lots and those in the R-1, R-2 and LMR zones. • Amend ADU standards to comply with SB 1051, increase size of ADU from 35% to 50% or 800 s.f., whichever is less. • Add Cottage Housing as a permitted housing type in the R-1, R-2, and LMR zones with a density bonus of 1.5. • Consider allowing Missing Middle Housing types within the R-1 zone, such as corner duplexes, interior divisions that increase density but look like single family dwellings.
Goals & Policies	<p>Housing Element: 1.1, 1.3, 4.1, 5.1, 7.1, 7.2, 7.3, 7.4 Regional Plan Element: 4.1.5, 4.1.6</p>
Performance Measures	<ul style="list-style-type: none"> • Adopt residential code amendments. • Increase gross density in the current UGB. • Achieve gross density of 6.9 units per acre in areas newly added to the UGB for the period 2019-2024. • Increase multifamily construction in the R-3 zone. • Increase the number of ADUs in the City.

As demonstrated herein, the City adopted a HIP that identifies the proposed code amendments as a high priority action.

Conclusion Policy 1.2: Consistent.

Policy 1.3:

Provide an efficient and consistent development review process.

***Finding Policy 1.3:** The proposed code amendments do not impede or otherwise affect the City's development review process.*

***Conclusion Policy 1.3:** Not applicable.*

Policy 1.4:

Work with regional partners to develop and implement measures that reduce upfront housing development costs.

***Finding Policy 1.4:** The proposed text amendments do not directly involve work with regional partner involved regional partners to identify housing strategies to increase housing supply and affordability. The proposed amendments may remove barriers to ADU construction, a housing type that is smaller format and potentially more affordable. Additionally there is an opportunity to reduce upfront housing development costs by making it easier to convert existing accessory buildings or garage attics into ADU's or carriage units through setback consistency standards and language permitting second story garage additions that align with the current garage footprint.*

***Conclusion Policy 1.4:** Consistent.*

Policy 1.5:

Support UGB expansions and annexations that can be efficiently provided with urban services and that will in a timely manner meet the City's housing needs.

***Finding Policy 1.5:** The proposed text amendments do not involve, or otherwise affect, the expansions and annexations of the UGB.*

***Conclusion Policy 1.5:** Not applicable.*

Policy 1.6:

When properly mitigated to preserve the integrity of existing neighborhoods support higher density residential development within the Downtown and older surrounding residential areas, capitalizing on availability of existing infrastructure and supporting revitalization efforts.

***Finding Policy 1.6:** The proposed code amendments apply to zones that allow single family detached housing, which includes some zone surrounding the downtown. Allowing ADUs allows increased residential housing options using existing infrastructure that would otherwise serve only the primary dwelling unit.*

***Conclusion Policy 1.6:** Consistent.*

Housing Goal 2:

To encourage the development and preservation of fair and affordable housing.

Policy 2.1:

Through a Housing Implementation Plan explore and promote federal, state, and regional programs and incentives that support new affordable housing.

***Finding Policy 2.1:** CPMC 17.08 Definitions is in alignment with the Housing Implementation Plan short term strategy No. 3.2.1 which concerns the preparation and adoption of residential code amendments. The proposed text amendments are intended to streamline code requirements and eliminate repetitive language. Additionally, the proposed text amendments in CPMC 17.77 Accessory Dwelling Units (ADU) and CPMC 17.60.030 Accessory Buildings align with the Housing Implementation Plan short term strategies No. 3.2.1 and No. 3.2.2 by evaluating and adopting code amendments that eliminate barriers to the addition of new housing types.*

***Conclusion Policy 2.1:** Consistent.*

Policy 2.2:

Support and participate in the Greater Bear Creek Valley Regional Plan’s program addressing regional housing strategies, particularly as they apply to affordable housing.

***Finding Policy 2.2:** The proposed text amendments are in alignment with the City’s HIP, which was prepared by the City and based upon the Greater Bear Creek Valley Regional Plan’s performance indicator addressing regional housing strategies.*

***Conclusion Policy 2.2:** Consistent.*

Policy 2.3:

Support regional efforts addressing homelessness, medical and social services for special need households.

***Finding Policy 2.3:** The proposed text amendments do not involve, or otherwise affect the regional efforts to address homelessness, medical and social services for special need households.*

***Conclusion Policy 2.3:** Not applicable.*

Housing Goal 3:

To maintain a timely supply of vacant residential acres sufficient to accommodate development of new housing to serve the City’s projected population.

Policy 3.1:

Provide a sufficient inventory of residential planned and zoned vacant land to meet projected demand in terms of density, tenure, unit size, accessibility, and cost.

Finding Policy 3.1: *The proposed text amendments do not involve, or otherwise affect, the inventory of residential planned and zoned vacant within the City.*

Conclusion Policy 3.1: *Not applicable.*

Policy 3.2:

Throughout the 2019-2039 planning period the City's new vacant residential land use mix shall support an average density of not less than 6.9 dwelling units per gross.

Finding Policy 3.2: *The proposed text amendments allow a density bonus to construct ADUs and do not adversely affect the City's ability to assure new vacant lands are planned and zoned to meet the required minimum average density.*

Conclusion Policy 3.2: *Not applicable. .*

Policy 3.3:

Update the Housing Element's vacant acreage needs every four-years consistent with the PSU Population Research Centers update of population.

Finding Policy 3.3: *The proposed text amendments implement recently adopted policy in response to a PSU Population Forecast update in 2018. As such the proposed amendments do not involve or trigger the need to update the Housing Element vacant acreage needs.*

Conclusion Policy 3.3: *Not applicable.*

Policy 3.4:

To avoid speculation the City shall, when expanding the UGB establish procedures that give priority to lands that will be developed in a timely manner and with a residential mix and density consistent with the Housing Element.

Finding Policy 3.4: *The proposed text amendments are not part of an amendment to the UGB.*

Conclusion Policy 3.4: *Not applicable.*

Policy 3.5:

Monitor residential in-fill development activity and develop and enact programs that encourage the expanded use of in-fill as a component to the City's residential land use inventory.

Finding Policy 3.5: *The proposed text amendments to CPMC 17.77 Accessory Dwelling Units and 17.60.030 Accessory Buildings remove barriers to the creation of ADU's in eligible zones. This will allow more efficient use of lands already developed with a primary dwelling consistent with this policy promoting infill. The City will monitor ADU construction activity that results following adoption of the code amendments and amend as necessary.*

Conclusion Policy 3.5: *Consistent.*

Housing Goal 4:

To ensure that a variety of housing will be provided in the City in terms of location, type, price and tenure, according to the projected needs of the population.

Policy 4.1:

Residential land use designations on the General Land Use Plan and Zoning Map shall be compliant with the residential land use needs and housing types identified in the Housing Element.

Finding Policy 4.1: *The proposed text amendments do not involve, or otherwise affect, the General Land Use Plan and Zoning Map compliance with the residential land use needs and housing types identified in the Housing Element.*

Conclusion Policy 4.1: *Not applicable.*

Policy 4.2:

Based on the findings of the Housing Implementation Plan incentivize housing types that are needed but not being provided in adequate numbers by the private sector market forces.

Finding Policy 4.2: *Proposed text amendments do not incentivize ADU development, but eliminate barriers which may make it more possible to create housing types that are needed but not being provided in adequate numbers by the private sector market forces.*

Conclusion Policy 4.2: *Consistent.*

Policy 4.3:

In larger residential developments (in excess of 5 acres) encourage a mix of densities and housing types to accommodate a variety of households based on age and income levels.

Finding Policy 4.3: *The proposed code amendments address provisions for ADUs and setback measurements for accessory structures, which is consistent with this policy to mix densities and provide for diverse housing types that meet the diverse needs of Central Point households. This applies to single lots, large developments and everything in between.*

Conclusion Policy 4.3: *Consistent.*

Policy 4.4:

Support programs that encourage the ability of older residents to age in place by making existing housing more age friendly and accessible.

Finding Policy 4.4: *The proposed text amendments to CPMC 17.77 Accessory Dwelling Units and CPMC 17.60.030 Accessory Buildings support the encouragement of an age friendly environment by*

eliminating barriers to the creation of housing options that can allow older residents to live closer to family, and making it easier to have help nearby at all times.

Conclusion Policy 4.4: *Consistent.*

Housing Goal 5:

To ensure that municipal development procedures and standards are not unreasonable impediments to the provision of affordable housing.

Policy 5.1:

As part of a Housing Implementation Plan periodically evaluate development procedures and standards for compliance with the goals of this Housing Element and modify as appropriate.

***Finding Policy 5.1:** The proposed text amendments amend standards to implement policies recently adopted in the Housing Element and the HIP. At this time no further evaluation of development procedures and standards is being conducted.*

Conclusion Policy 5.1: *Not applicable.*

Housing Goal 6:

To develop and maintain a Housing Implementation Plan that includes programs that monitor and address the housing affordability needs of the City's low- and moderate-income households.

Policy 6.1:

Support collaborative partnerships with non –profit organizations, affordable housing builders, and for-profit developers to gain greater access to various sources of affordable housing funds.

***Finding Policy 6.1:** The proposed text amendments do not involve, or otherwise affect, the collaboration of partnerships for greater access to affordable housing funds.*

Conclusion Policy 6.1: *Not applicable.*

Policy 6.2:

Support and participate in the Greater Bear Creek Valley Regional Plan's program addressing regional housing strategies

***Finding Policy 6.2:** The proposed text amendments are based on City's Housing Element, HIP and ORS 197.312 amendments. The HIP was prepared in collaboration with the Greater Bear Creek Valley Regional Plan regional housing strategies program with assistance from the State Department of Conservation and Development and ECO|NW. Through collaboration and implementation the City is demonstrating its support and commitment to addressing both local and regional housing needs.*

Conclusion Policy 6.2: *Consistent.*

Policy 6.3:

Address the special housing needs of seniors through the provision of affordable housing and housing related services.

***Finding Policy 6.3:** The proposed text amendments support special housing needs of seniors by allowing the development ADUs, which provide a smaller format and typically more affordable housing option. Additionally ADUs may provide a better option for families to provide for the special housing needs of aging family members.*

***Conclusion Policy 6.3:** Consistent.*

Housing Goal 7:

To assure that residential development standards encourage and support attractive and healthy neighborhoods.

Policy 7.1:

Encourage quality design throughout the City that acknowledges neighborhood character, provides balanced connectivity (multi-modal), and integrates recreational and open space opportunities.

***Finding Policy 7.1:** The proposed text amendments addresses building location and mass through setback and building height restrictions; however, the City is not proposing changes to mandate specific residential design standards at this time. ADUs are subject to the same design standards as the zone in which they are located.*

***Conclusion Policy 7.1:** Consistent.*

Policy 7.2:

Provide flexible development standards for projects that exceed minimum standards for natural resource protection, open space, public gathering places, and energy efficiency.

***Finding Policy 7.2:** The proposed text amendments do not involve, or otherwise affect, the flexible development standards for projects that exceed minimum standards for natural resource protection, open space, public gathering places, and energy efficiency.*

***Conclusion Policy 7.2:** Not applicable.*

Policy 7.3:

Where appropriate encourage mixed uses at the neighborhood level that enhance the character and function of the neighborhood and reduce impacts on the City's transportation system.

***Finding Policy 7.3:** The proposed amendments address standards for ADUs as a housing type and setback standards for accessory structures. They do not involve standards affecting non-residential uses necessary to provide neighborhood mixed use development addressed in this policy.*

Conclusion Policy 7.3: Not applicable.

Policy 7.4:

Support minimum parking standards for multiple family development served by public transit.

Finding Policy 7.4: The proposed text amendments focus on Accessory Dwelling Units and do not involve multiple family development parking standards.

Conclusion Policy 7.4: Not applicable.

Policy 7.5:

Maintain and enforce Chapter 17.71 Agricultural Mitigation ensuring that all new residential development along the periphery of the Urban Growth Boundary includes an adequate buffer between the urban uses and abutting agricultural uses on lands zoned Exclusive Farm Use (EFU).

Finding Policy 7.5: The proposed text amendments do not involve, or otherwise affect, the maintenance or enforcement of Chapter 17.71 Agricultural Mitigation.

Conclusion Policy 7.5: Not applicable.

PART 5 – TRANSPORTATION PLANNING RULE

Section 660-012-0060(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a) Change the functional classification of an existing or planned transportation facility;
- b) Change standards implementing a functional classification system; or
- c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow types or levels of land uses that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding 660-012-0060(1)(a): *The proposed text amendments eliminate barriers to ADU construction, codify recent changes in ORS 197.312, remove redundant code language and provide only clear and objective standards. The proposed changes ease regulatory barriers to building ADUs and creates expanded opportunities for those interested in building an ADU within the R-L, R-1, R-2, LMR and MMR zoning districts. The proposed text amendments do not result in changes to the classification of any or existing or planned transportation facilities based on the following:*

- *ADUs incur up front building costs (i.e. permit fees, SDCs, taxes and construction costs) that have been identified as a common barrier by interested property owners; therefore, widespread construction of ADUs is not expected to increase dramatically as a result of the proposed changes;*
- *Since regulations were established in 2006 allowing ADUs in the City, only 18 have been approved and constructed. During the same time period, 957 dwelling units were constructed in the City representing less than 2% of the housing supply. Even if the rate of ADU construction doubled, the number of ADUs constructed would be on the order of three per year. The location of ADUs would likely be distributed in eligible zones throughout the city;*
- *Trip generation for ADUs is based on the Multiple Family/Apartment land use in the Institution of Traffic Engineers Trip Generation Manual, 7th Edition. The peak hour trips for an apartment are listed as 0.62 peak hour trips, which is less than 1.01 peak hour trips generated by a single family detached dwelling. The ITE Trip Generation Eighth edition includes Accessory Dwelling Units as an independent land use classification (ITE Code 220), which generates 0.27 peak hour trips. This is significantly less than peak hour trips generated by both the multifamily and single family land uses.*

In light of the above facts and analysis, the proposed code revisions will have no measurable impact on any one street resulting in a change to the functional classification of a street within the city.

Conclusion 660-012-0060(1)(a): *No significant affect.*

Finding 660-012-0060(1)(b): *See Finding 660-012-0060(1)(a).*

Conclusion 660-012-0060(1)(b): *No significant affect*

Finding 660-012-0060(1)(c): *The proposed text amendments are consistent with the land uses typical of local residential streets. Based on the analysis in Finding 660-012-0060(a), the City's ADU inventory for the time period 2006-2019 accounts for less than 2% of the housing supply constructed during that time. During the 2019-2039 planning period, the City is expected to add 7,216 people,*

which equates to 2,883 households based on a 2.5 person per household planning assumption per the City's Population Element. Assuming that the rate doubles as a result of the proposed code amendments over the next 20-years, the City would see construction of an estimated 115 ADUs in eligible zoning districts. The total land area within the current UGB zones that allow ADU construction per ORS 197.312 and the proposed amendments is roughly 1,275 acres. Given the broad area that ADUs can be constructed, historically low rates of ADU construction and low rate of trip generation per the ITE Manual, the performance and classification of existing or planned facilities will not be significantly affected during the planning period.

Conclusion 660-012-0060(1)(c): *No significant affect.*

PART 6 – SUMMARY CONCLUSION

As demonstrated in these Findings of Fact and Conclusions of the proposed zoning text amendments have been reviewed against and found to comply with the applicable review criteria in CPMC 17.10, Zoning Map and Text Amendments.