Planning Commission Study Session Agenda

May 13, 2019

Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Jared Pulver

Jeff Thomas

Planning Commission study sessions are held on the second and fourth Mondays of every month

Study Sessions begin at noon

City of Medford

Lausmann Annex Room 151

200 S. Ivy Street, First Floor

Medford, OR 97501

541-774-2380

Planning Commission

Agenda

Study Session

May 13, 2019
Noon

Lausmann Annex, Room 151
200 South Ivy Street, Medford, Oregon

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10. Introductions

20. Discussion items

20.1 DCA-18-144 Cottage Housing Code Amendment

30. Adjournment

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

MEMORANDUM

Subject	Cottage Housing Code Amendment	
File no.	DCA-18-144	
To	Planning Commission	*for May 13, 2019 study session*
From	Seth Adams, AICP, Planner III	
Date	May 8, 2019	

DIRECTION SOUGHT

Staff is asking the Planning Commission for direction on the proposed code amendment related to cottage housing.

BACKGROUND

Staff was directed at the February 15, 2018 City Council meeting to begin working on the various recommendations of the Housing Advisory Committee. Among the recommendations, amending the Land Development Code to allow for the development of cottage housing was rated as a high priority item. The topic of cottage housing was discussed at a joint study session of the City Council and Planning Commission in September 2018, and a summary of proposed cottage housing development standards was presented to the Planning Commission at a study session on March 25, 2019 (Exhibit A).

OVERVIEW

One way to address the housing affordability issue is to allow for a wider variety of housing types, such as cottage housing. Cottage housing developments are generally defined as a development of small, detached, single-family dwelling units that are clustered around a central outdoor common space within a coordinated site plan. Cottage units are smaller than the standard single-family residence, and while the units are typically oriented towards the central outdoor common space, each cottage also has its own private yard and a roofed porch (Exhibit B).

Cottage housing is typically built as infill development, and while the coordinated design plan and smaller unit sizes allow for densities that are higher than the typical single-family neighborhood, their impacts (both real and perceived) are minimized because of their smaller overall bulk and scale. The site design of cottage housing also encourages neighborhood interaction and safety by orienting homes around a functional community space that is usable and can be easily tailored to the needs of the residents. Cottage

housing is ideal for retirees and empty-nesters that wish to downsize yet remain in a single-family home and neighborhood, as well as small families and single parent households that desire homeownership.

MARCH 25, 2019 STUDY SESSION

At its study session of March 25, 2019, the Planning Commission was presented with a summary of proposed development standards for cottage housing developments (Exhibit C). The development standards that were discussed at the study session focused on key provisions that would need to be included in any cottage housing development code amendment, including, but not limited to topics such as:

- Permitted zoning districts
- Lot area, lot dimensions, and lot coverage
- Density and cottage unit size
- Required parking
- Required common and private open space
- Porches
- Cottage unit ownership
- Utilities

Overall, the Planning Commission was receptive to the concept of cottage housing development and allowing for it in the Medford Land Development Code, and the questions and/or concerns that were raised primarily revolved around the topics listed above. At the conclusion of the study session the Planning Commission indicated that they wished to see a more complete draft of the code amendment text at a future study session, and that they wanted staff to look into some of the questions/concerns that were raised during the meeting.

DRAFT DEVELOPMENT STANDARDS

Taking into consideration the comments received at the March 25, 2019 study session, staff has drafted a complete code amendment text for the Commission's consideration (Exhibit D).

NEXT STEPS

The proposed hearing schedule includes the following:

6/27/19: First evidentiary hearing with Planning Commission
8/1/19: City Council hearing

EXHIBITS

A. Planning Commission Study Session minutes of March 25, 2019
B. Illustration of typical cottage housing development
C. Summary of development standards from PC Study Session of March 25, 2019
D. Draft code amendment text

From Study Session on **March 25, 2019**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present
Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
E. J. McManus
Jared Pulver

Staff Present
Matt Brinkley, Planning Director
Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Seth Adams, Planner III

Commissioners Absent
Patrick Miranda, Excused Absence
Jeff Thomas, Excused Absence

Subject:
20.1 DCA-18-144 Cottage Housing Code Amendment

Carla Paladino, Principal Planner reported that Seth Adams will present the Cottage Housing development. Staff would like to get feedback from the Planning Commission on what standards would work. Staff will also get developers opinions on whether this is a product that they will do.

Commissioner McFadden commented that the staff report states nobody has done it yet. Ms. Paladino stated that there are old ones. The code does not allow cottage housing.

Seth Adams, Planner III reported staff was directed by the City Council to begin working on the various recommendations of the Housing Advisory Committee. Among the Committee's recommendations, amending the Land Development Code to allow for the development of cottage housing was considered to be a high priority item.

Cottage housing developments are generally defined as a development of small, detached, single-family dwelling units that are clustered around a central outdoor common space within a coordinated site plan.

Cottage housing is typically built as infill development, and while the coordinated design plan and smaller unit sizes allow for densities that are higher than the typical single-

family neighborhood, their impacts (both real and perceived) are minimized because of their smaller overall bulk and scale.

Ashland Planning Commission approved a cottage housing development several weeks ago. They adopted their cottage housing code in December of 2017. The site is approximately 0.7 acres. Units range from 733 to 799 square feet. Six of the units are duplexes. There is one parking space per unit per Ashland's code.

Commissioner Mansfield, in reading the Tidings there was a lot of neighborhood opposition. Does staff expect that here? Mr. Adams agreed there was a lot of opposition recorded in the Tidings. Mountain View Drive is a narrow street. There were concerns of people already parking on the street with it being narrow and emergency vehicle access. That neighborhood is already impacted with on-street parking and they were concerned about the overflow. At this point no one knows about Medford.

Chair McKechnie stated that the one difference between Ashland and Medford is that Ashland allows part of the on-street parking as meeting parking requirements for development. Medford has to have 100% off-street parking.

The purpose and intent is:

- Provide housing types that are responsive to changing household sizes and demographics.
- Encourage affordability, innovation, and variety in housing design and site development.
- Support growth management through the efficient use of urban residential land.
- Ensure compatibility with surrounding uses.

The proposed code amendment would allow for cottage housing developments within the SFR-4, SFR-6, SFR-10, MFR-15, and MFR-20 zones. The minimum lot size would be 10,000 square feet, and assuming all of the development standards are adhered to, a cottage housing development would have the ability to reach a maximum of 2 times the maximum density permitted in the underlying zoning district. A cottage housing development would be required to have a minimum of 4 cottages and a maximum of 12. Larger developments would be permitted, but units would need to be clustered in groups of 4 to 12 cottages.

Cottage housing development projects meeting all of the development standards would be reviewed by the Planning Director as a Type II land use action. Type II is publically noticed and a notification sign on the property that it is proposed for review. If a developer wanted to deviate from the standards it would be a Type III land use action reviewed by the Site Plan and Architectural Commission with public notice and public hearing.

All of the development standards are open for discussion, staff is especially interested in hearing the Commission's questions and comments on the following topics:

- Permitted densities – Some communities that have cottage housing code allow for a density bonus. Staff has proposed 2 times the maximum density of the underlying zoning district.

Chair McKechnie likes the idea of 2 times the minimum density. Is SFR-4 four to six units or 2 to 4 units? Ms. Paladino reported it is 2.5 up to 4.

Chair McKechnie stated some of that has to do with the lot size. Doesn't staff have a 60% maximum lot coverage? Mr. Adams replied that is the base coverage allowance but there could be an increase in that too.

Commissioner McFadden asked, is that with or without parking? Mr. Adams reported everything is with the required parking on site.

Matt Brinkley, Planning Director stated the coverage does not include impervious surface from parking. It is just the buildings.

Chair McKechnie stated that it may not be critical at the SFR-4 level but the higher density zones should allow 2 times the maximum density.

Vice Chair Foley thinks it needs something like that to entice people to want to do it, otherwise, why take it on? There is no real advantage if no incentive.

Commissioner Pulver is not in favor of that. Maybe 1.25% of the allowed maximum. The zoning district needs to be protected. There will be all sorts of objections if there were 10 units per acre in an SFR-4 zoning district.

Commissioner Pulver suggested this not be a permitted use in SFR-4 and SFR-6 zones.

Commissioner Mansfield respectfully disagrees. He believes it should be pushed to the fullest. His question to the industry is does free enterprise have any interest in any of these projects? Commissioner Culbertson replied possibly. Commissioner Pulver stated that the Housing Advisory Committee pushed it on the basis of affordability. Which he thinks is misconstrued.

Chair McKechnie thinks that there will be people wanting to buy or rent them. It is market driven. He likes the idea of mixing them throughout all zones. History has shown diversity is better than uniformity.

Commissioner McFadden asked, is there a proposal to get rid of all zoning? Mr. Brinkley reported that HB 2001 does not get rid of all zoning. It will require all cities to allow for one of a range of different housing types to go into single family zones including duplexes, cottage housing, and townhouses. The City of Medford already complies. It is based on zoning.

Chair McKechnie asked, is this bill the one under consideration that they revised for towns bigger than 25,000? Mr. Brinkley replied yes.

Commissioner McFadden was first against cottage housing because it is retro and scary. When he drove by the ones on 11th Street, which probably does not fit any of this code, everything is too tight. He looks at it versus the two or three apartment complexes across the street and it has a better look and feel than those concrete and two story apartment complexes. There is no comparison. How do we get that feel into more places?

Commissioner Culbertson is an advocate for more housing. He believes that if this was built out as 12 units on one lot as rentals, then someone has to buy all 12 units as one and maintain as rentals. They will probably not be owner occupied, and they will not meet the lending criteria to buy as owner occupied over 4 units. He sees it as creating a problem. If the City is able to crack into pad lots and allow individual ownership then he thinks the community where those houses are built will be kept up. Very few people own their own home and have too much deferred maintenance. They take care of them. They show pride of ownership. It would create community and affordability. The smaller the house, the lower cost to purchase. Someone that can afford $150,000 or 175,000 maximum on a FHA loan are priced out in this current market even on a 1,000 square foot home because that is $200,000. A 1,000 square foot home is functional. They did it in the 1960s. You can build a comfortable 1,000 square foot home with three bedrooms, two baths, living room and galley kitchen. If these were at 900 square feet you may have to sacrifice the master bathroom or do two master suites. If they are able to build a good product you will create good community within those units. He would be an advocate for figuring out how to do it. Parking is a separate conversation. He is not in favor of having one parking space for an ADU.

Chair McKechnie suggested increasing the minimum size for the lot area. Mr. Adams stated there is a minimum of 4 units. Someone might be able to squeeze 4 units into a 10,000 square foot lot. Staff is proposing two story. Staff will look at the lot sizes for each zone.

Vice Chair Foley asked, can the private space be a patio on the second floor? Mr. Adams replied that it could be.

- Maximum unit sizes – Cottage units shall have a maximum total floor area of 1,200 square feet and many have a second story. Ground floor area shall not exceed 1,000 square feet.
    - Carriage houses (one cottage unit located above a common parking structure) are permitted up to a maximum floor area of 800 square feet.
    - Duplexes are limited to a maximum total floor area of 1,000 square feet. Ground floor area not to exceed 800 square feet.

Commissioner McFadden asked, will the fire department have a problem with carriage houses and flammable fluids? Chair McKechnie replied yes. Single family not so much, but if it goes into commercial it would require two sprinklers. If there are more than 3 units they are going to want to see sprinklers as well unless there is more separation between the units.

Commissioner Pulver asked, are the setbacks smaller on the cottage housing than single family homes? Mr. Adams replied fire zoning code yes, but not building code.

Mr. Brinkley reported that the threshold where it goes into the commercial code is three units and above. Chair McKechnie stated not necessarily. Depending on how close they are or how they are constructed it can be looked at as a commercial development and actually if it is one unit over a garage it would require it to be fire sprinkled.

Commissioner McFadden stated that as far as separation there was a comment in the report that the eaves have to be 6 feet apart. Chair McKechnie reported that if it is built like an apartment where there are more than three units on the property it would have to follow commercial code. The lots would have to be created in advance and then construct the units. The closest they could be is 6 feet.

Commissioner Pulver does not know why they need to be capped at a certain size. The market will determine the size. To him, the Ashland plan accommodates what cottages should accomplish. Instead of having a dozen individual backyards there is a shared common space in the middle. That would be a positive. To get something in MFR-20 and MFR-30 without going vertical would be difficult. Chair McKechnie stated anything in MFR-15, MFR-20 and MFR-30 would have to be a townhouse situation.

Commissioner Pulver commented that to him, 400 square feet of common area does not seem like a lot for a residential unit. If you have 12 units and 12,400 square feet of common area put together maybe that is a substantial amount of open space. He does not know that can be assumed.

Commissioner McFadden asked, should style be a requirement?

Commissioner Mansfield asked, does the Planning Commission have any business dictating taste? Commissioner McFadden said no but he can see someone buying metal shipping containers, weld a door into them and have a square box sitting there.

Eric Mitton, Deputy City Attorney stated there may be building code issues that would prevent people from using shipping containers.

Ms. Paladino stated that design standards could be added to the amendment.

- Parking
- 2 spaces per unit in SFR-4 and SFR-6 zones.
- 1.5 spaces per unit in SFR-10, MFR-15, and MFR-20 zones.

Chair McKechnie stated that it is common to calculate the parking by bedrooms. Ashland does it by size.

Commissioner Pulver thinks some of the other mechanisms may make more sense, whether it be the size or by bedrooms.

Chair McKechnie stated that as long as they do not count the spaces on the street it gives room for overflow.

- Required open space (both common and private)
    - Minimum of 400 square feet per unit.
- Porches – Each cottage unit shall have an attached covered porch with a minimum area of 60 square feet and a minimum dimension of 6 feet on any side. Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck.

Chair McKechnie thinks it is a good idea to require porches. He does not think the porch should be included in the private space. The 400 square feet common area needs to be accessible by a number of units or all the units. That way there are no dead corners that count as the common area that no one can get to.

Vice Chair Foley is a fan of porches and likes them a lot. It should be encouraged rather than required. It should be left up to the market to figure out what makes the most sense.

- Ownership (creation of pad lots for fee simple ownership of units) – May be held as one common lot, fee simple lots for the cottages with a HOA holding ownership of the common areas, or condominium ownership of the whole development. If individual cottage lots are created the lots shall not be subject to the minimum lot sizes by the underlying zone; however, they must include the building footprint and private yard areas for the individual cottages.

There was a consensus of home ownership.

Commissioner Pulver thinks that with the ownership there should be a required organizational structure to manage the common area.

Commissioner Mansfield has a bad feeling of HOA's and maintenance agreements. The cost of attorneys is greater than what is being argued.

Commissioner Pulver asked, if the common area is not being maintained then what is the City's action? Mr. Mitton stated that if there were to be an unlawful accumulation of junk in someone's yard the property owner is cited. He does not know how the code would deal with it if it were a similar accumulation of junk, garbage, etc. in a common area not owned by any of the surrounding houses. The City may have to adjust their code enforcement ordinance.

Commissioner Culbertson stated that staff might be able to call Commercial Property Management (CPM). They handle the vast majority of the larger HOA's and ask how they are operated, what is the function of them and what are the minimum requirements once they put the CC&R's and HOA's in place on the subdivisions and developments. If there is a problem how is it dealt with? That may give the groundwork that staff can incorporate in the code that if implemented it is handled appropriately.

Commissioner McFadden commented that the City does not get too much into that with any of those associations. Mr. Mitton reported that if an HOA had never collected any money from any of its members for a number of years and had deferred maintenance it is a dysfunctional situation because there is no money to do the maintenance. No individual is going to dip in their pockets to do it. The City is not in a position to monitor HOA's to make sure they are doing what they say they are going to do on paper. When they don't it is a situation where nobody is going to be the winner. Mr. Brinkley stated if it becomes an infrastructure facility like a sidewalk or storm water management facility then the City does get involved.

- Optional adjustments process for deviations – Applicants may elect to seek approval of innovation and/or unconventional cottage housing developments that my not precisely satisfy the development standards of this section. In such cases the project would be a Type III Land Use Review by the Site Plan and Architectural Commission. Project would need to demonstrate consistency with purpose and intent section of Cottage Housing regulations, and achieve an equivalent or higher quality design than would otherwise result through strict adherence to the development standards.

There was an affirmative consensus among the Planning Commissioners.

After this meeting staff is going out to the development community and planning consultants to get their feedback as well. Staff wants this to be a successful code. If all goes according to plan it will come before the Planning Commission public hearing on Thursday, May 9, 2019 and City Council on Thursday, June 20, 2019.

The Planning Commission would like to see this again before the May 9, 2019 public hearing.

30. Adjournment

The meeting was adjourned at 12:55 p.m.

Submitted by:
Terri L. Richards
Recording Secretary

Typical Elements of Cottage Housing Development

Exhibit C

Cottage Housing Development Code Amendment Summary

Purpose and Intent:

(a) Provide housing types that are responsive to changing household sizes and demographics.
(b) Encourage affordability, innovation, and variety in housing design and site development.
(c) Support growth management through the efficient use of urban residential land.
(d) Ensure compatibility with surrounding uses.

Definitions:

(a) Cottage Housing Development. A grouping of typically four to twelve cottage units clustered around a common open space area and developed with a coherent plan for the entire site.
(b) Carriage House. A single-family dwelling unit constructed above a parking structure within a cottage housing development.
(c) Cottage Unit. A detached, single-family dwelling unit located within a cottage housing development
(d) Two-Unit Attached Cottage. Two attached cottage units that form one structure and located within a cottage housing development.

Procedures:

- Type II Land Use Review (Planning Director decision with addition of on-site public notice sign)

- Type III Land Use Review if Applicant requests Exceptions and/or Adjustments to the adopted development standards (SPAC decision)

Development Standards:

(a) Permitted Zones. SFR-4, SFR-6, SFR-10, MFR-15, MFR-20

(b) Minimum Lot Area. 10,000 square feet.

(c) Minimum Lot Dimensions.
- Width = 115 feet (front loaded) or 100 feet (alley loaded)
- Depth = 100 feet
- Street frontage = 30 feet

(c) Maximum Lot Coverage. 60% of parent parcel.

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(d) Density. Permitted up to 2 times the maximum density of the underlying zoning district.

(e) Number of Units. Minimum of 4 cottages and maximum of 12 (larger cottage housing developments are permitted; however, units shall be clustered in groups of 4 to 12).

(f) Unit Sizes. Cottage units shall have a maximum total floor area of 1,200 square feet and may have a second story. Ground floor area shall not exceed 1,000 square feet.

Carriage houses (one cottage unit located above a common parking structure) are permitted up to a maximum floor area of 800 square feet. A maximum of one carriage unit is permitted for every four cottages.

Two-unit attached cottages (duplex) are permitted in SFR-6, SFR-10, MFR-15, and MFR-20 zones. Each half is limited to a maximum total floor area of 1,000 square feet. Ground floor area not to exceed 800 square feet.

- Spaces with ceiling heights of 6 feet or less measured to the exterior walls, such as a second floor area under the slope of a roof, are not included in the total floor area.

(f) Building Height. Maximum of 20 feet (measured to average height between eaves and roof ridge). **This means of measurement may be changing in an upcoming code amendment**

(g) Minimum Setbacks. Measured from exterior property lines of the parent parcel.

- Front = 15 feet
- Side & Rear = 5 feet
- Detached Garages/Carports = 4 feet from side and rear

(h) Building Separation. Cottage units separated by a minimum of 6 feet between eaves. Other structures shall meet minimum building code separation requirements.

(i) Parking. All parking shall be located on-site and meet the following standards:

- 2 spaces per unit in SFR-4 and SFR-6 zones.
- 1.5 spaces per unit in SFR-10, MFR-15, and MFR-20 zones.
- May be located within enclosed garage, carport, or unenclosed parking space.
- Parking shall be located behind or to the side of the residential areas and open space, and accessed from the rear of the cottage units.

(j) Required Common Open Space.

- Minimum of 400 square feet per unit.
- Should be provided in one contiguous area, but no more than two separate areas.
- Minimum width of 20 feet.

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- At least 50% of units oriented around and have main entrance facing common open space.
- Each cottage connected to common open space by a pedestrian walkway.

(k) Required Private Open Space.

- Excepting carriage houses, a minimum of 200 square feet of contiguous, usable private open space adjacent to each unit.
- Minimum dimension of 10 feet.
- Required side yards shall not apply towards the 200 square foot minimum; however, covered porches may be counted.

(l) Porches. Each cottage unit shall have an attached, covered porch with a minimum area of 60 square feet and a minimum dimension of 6 feet on any side. Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck.

(m) Community Buildings. Permitted subject to the following:

- Shall not exceed 1,000 square feet of total floor area.
- May include multi-purpose entertainment space, a small kitchen, library, or other similar amenities.

(n) Accessory Buildings. Permitted in the common open space area(s) if clearly incidental in size and use. Other types of accessory buildings, except for garages and carports, are not permitted.

(o) Existing Dwellings. An existing single-family dwelling located on a cottage housing development site may be incorporated into the development as a residence or community building; however, non-conformities may not be increased. A non-conforming dwelling shall be included in the maximum permitted cottage density.

(p) Fencing. Height limited to 3 feet on interior areas adjacent to common open space(s). All other fencing subject to MLDC Sections 10.731-10.733.

(q) Ownership. May be held as one common lot, fee simple lots for the cottages with a HOA holding ownership of the common areas, or condominium ownership of the whole development. If individual cottage lots are created, the lots shall not be subject to the minimum lot sizes of the underlying zone; however, they must include the building footprint and private yard areas for the individual cottages.

(r) Optional Adjustment of Development Standards. Applicants may elect to seek approval of innovative and/or unconventional cottage housing developments that may not precisely satisfy the development standards of this section. In such cases the project would be a Type III Land Use Review by the SPAC. Project would need to demonstrate consistency with purpose and intent section of Cottage Housing regulations, and achieve an

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equivalent or higher quality design than would otherwise result through strict adherence to the development standards.

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* * *

10.012 **Definitions, Specific.**
When used in this chapter, the following terms shall have the meanings as herein ascribed:

Cottage Unit. A detached, single-family dwelling unit located within a cottage housing development.

Cottage Housing Development. A grouping of four to twelve cottage units clustered around a common open space area and developed with a coherent plan for the entire site.

* * *

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Annexation	IV	Urbanization, 10.216	City Council	No
Appeal of Final PUD Plan Decision	I	10.140(F)(3)	Planning Commission	No
Appeal of Minor Historic Review Decision	I	10.140(F)(4)	LHPC	No
Appeal of Type II Decision	III	10.140(G)	Planning Commission	Yes
Appeal of Type III Decision	IV	10.140(H)	City Council	Yes
Appeal of Type IV Decision	IV	10.140(I)	LUBA	No
Comprehensive Plan Amendment, Major	IV	Review & Amendment, 10.220	City Council	No
Comprehensive Plan Amendment, Minor	IV	Review & Amendment, 10.222	City Council	No
Conditional Use Permit	III	10.184	Planning Commission	Yes
Cottage Housing Development	III	10.818A	SPAC	Yes
De Minimis Revision(s) to an Approved PUD Plan	I	10.198	Planning Director	No
Exception	III	10.186	PC/LHPC/SPAC	Yes
Final PUD Plan	I	10.196	Planning Director	No
Final Plat, Subdivision or Partition	I	10.160	Planning Director	No
General Land Use Map Amendment, Major	IV	GLUP, Review & Amendment, 10.220	City Council	No
General Land Use Map Amendment, Minor	IV	GLUP, Review & Amendment, 10.222	City Council	No
Historic	III	10.188	LHPC	Yes
Land Development Code Amendment	IV	10.218	City Council	No

Minor Historic Review	I	10.148	Planning Director	No
Major Modification to a Site Plan & Architectural Review Approval	III	10.200(H)(1)	SPAC	Yes

* * *

10.200 **Site Plan and Architectural Review.**
(A) Purpose of Site Plan and Architectural Review.
The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of commercial, industrial, cottage housing, and multi-family developments; and, to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

* * *

(C) Exemptions from the Site Plan and Architectural Commission Review Requirement.

(1) An exemption from Site Plan and Architectural Commission (SPAC) review does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping. Exemptions under this section do not apply to uses subject to a conditional use permit or park development review or major modification thereof.

(2) The following uses or developments do not require SPAC review.

* * *

(d) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Cottage Housing Development pursuant to Section 10.818A, or within a Historic Overlay, in which case, SPAC review or Historic Review, respectively, is required for all single-family residential development. (Effective Dec. 1, 2013.)

* * *

(E) Site Plan and Architectural Review Approval Criteria.

* * *

(2) The Site Plan and Architectural Commission shall approve a site plan and architectural review application for a residential development if the proposed development complies with the

applicable provisions of all city ordinances, or if the Site Plan and Architectural Commission has approved either of the following:
(a) Any Exceptions, as provided for in MLDC Section 10.186, which resolve(s) any instances of non-compliance with those provisions.
(b) Any Adjustments or Exceptions from the Special Development Standards for Multiple-Family Dwellings, as provided for in MLDC Section 10.715A through 10.717.
(c) Any Adjustments or Exceptions from the Development Standards for a Cottage Housing Development, as provided for in MLDC Section 10.818A.

* * *

(F) Site Plan and Architectural Review Conditions of Approval. In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Subsection (E) above, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

(1) Limiting the number, height, location and size of signs;
(2) Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;
(3) Limiting the visibility of mechanical equipment through screening or other appropriate measures;
(4) Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;
(5) Limiting or altering the location, height, bulk, configuration or setback of commercial and industrial buildings, structures and improvements.
(6) Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;
(7) Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;
(8) Requiring the retention of existing natural features;
(9) Modifying architectural design elements of commercial and industrial buildings. Such modifications may include, but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;
(10) Modifying architectural design elements of multiple-family dwelling buildings when the applicant has affirmatively elected to request an adjustment from the Special Development Standards in MLDC Sections 10.715A through 10.717. Such modifications may include but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;
(11) Modifying elements of cottage housing developments when the applicant has affirmatively elected to request an adjustment from the Development Standards for a Cottage Housing Development, as provided for in MLDC Section 10.818A.
(~~11~~12) Restricting the height, directional orientation and intensity of exterior lighting

10.314 **Permitted Uses in Residential Land Use Classification.**

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PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
3. SPECIAL RESIDENTIAL DEVELOPMENTS									
(a) Planned Unit Development	X	PD	PD	PD	PD	PD	PD	PD	10.230-245 & 10.412
(b) Mobile Home Park	X	X	X	Cs	Cs	Cs	X	X	10.860-896
(c) Cottage Housing Development	X	X	P	P	P	P	P	X	10.818A

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10.703 **Pad Lot Development.**

A. Purpose. It is the purpose of this Section to provide a process for the creation of tax lots within a common area for non-residential uses and for certain residential uses as specified below. This Section is not intended to provide relief from the strict standards elsewhere established in this Code.

B. Development Standards.

(1) A residential pad lot development shall only be permitted for a Cottage Housing Development pursuant to Section 10.818A.

(2) For non-residential uses, ~~A~~all lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes. For Cottage Housing Developments where the cottage units will be owned in fee simple, all lots created within the common area shall include the building footprint and the minimum required private open space area for the cottages.

(~~2~~3) For non-residential uses ~~T~~the parent parcel shall meet the site development standards established in Section 10.721. For Cottage Housing Developments the parent parcel shall meet the site development standards established in Section 10.818A

(~~3~~4) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to

the tentative plat application being accepted for review by the Planning Commission.

(~~4~~5) A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:

(a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.

(b) An association for the purpose of governing the operation of the common interests.

(c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.

(d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

* * *

10.818A **Cottage Housing Development.**

A. Purpose and Intent.

The purpose of this section is to:

(1) Allow for the development of housing types that are responsive to changing household sizes and demographics.

(2) Encourage affordability, innovation, and variety in housing design and site development.

(3) Support growth management through the efficient use of urban residential land.

(4) Ensure compatibility with surrounding uses.

B. Applicability.

Cottage Housing Developments are permitted in the following zoning districts:

(1) SFR-4, SFR-6, and SFR-10 zones.

(2) MFR-15 and MFR-20 zones.

Where the regulations of this section are not specific, the standards of the underlying zoning district shall apply.

C. Process and Application.

Cottage Housing Developments shall be subject to Site Plan and Architectural Review pursuant to Section 10.200. The application for a Cottage Housing Development shall contain all of the plans and documents specified for Site Plan and Architectural Review in Section 10.200(J).

D. Development Standards.

(1) **Minimum Lot Area.** The minimum lot area of the parent parcel shall be as follows:

(a) SFR-4: 15,000 square feet

(b) SFR-6, SFR-10, MFR-15, MFR-20, MFR-30: 10,000 square feet.

(2) **Pad Lot Development.** Pursuant to the provisions of Section 10.703, the lot may be further subdivided for the creation of individual cottage unit lots within the common area.

(3) **Density.** A Cottage Housing Development may reach a maximum of two times the maximum density permitted in the underlying zoning district.

(4) **Maximum Lot Coverage Factor.** Lot coverage for a Cottage Housing Development shall not exceed 60% of the parent parcel.

(5) **Number of Units.** A Cottage Housing Development shall contain a minimum of four (4) cottages and a maximum of twelve (12) units arranged in a cluster. Larger Cottage Housing Developments are permitted; however, units shall be clustered in groups of 4 to 12.

(6) **Cottage Unit Size.** Cottage units shall have a maximum total floor area of 1,200 square feet. Cottages may have a second story element; however, the ground floor area shall not exceed 1,000 square feet.

(a) Spaces with a ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof, are not included in the total floor area.

(7) **Carriage Units.** Carriage units (one cottage unit above a common parking structure) are permitted as part of a cottage housing development, up to a maximum floor area of 800 square feet. A maximum of one carriage house is permitted for every four cottages.

(8) **Two Cottage Units (Attached).** Two-unit attached cottages are permitted in the SFR-6 and SFR-10 zones, and the MFR-15 and MFR-20 zones. Each half of a two-unit attached cottage shall have a maximum total floor area of 1,000 square feet, and each half may have a second story element; however, the ground floor area of each half shall not exceed 800 square feet.

(9) **Building Height.** The maximum building height is 20 feet. Building height shall be calculated pursuant to Section 10.705.

(10) **Minimum Setbacks.** Setbacks for a Cottage Housing Development are measured from the exterior property lines of the parent parcel. Cottages and Common Buildings shall be setback a minimum of 15 feet from the front property line and a minimum of 5 feet from side and rear property lines. Detached garage or carport structures shall be setback a minimum of 4 feet from side and rear property lines.

(11) **Building Separation.** Cottage units shall be separated by a minimum of 6 feet between eaves. Structures other than cottages shall meet minimum Building Code separation requirements.

(12) **Parking.** All parking for Cottage Housing Developments shall be located on-site and shall meet the following minimum standards:

(a) 1 parking space for studio or 1 bedroom cottages; 1.5 spaces for 2 bedroom cottages; and, 2 spaces for 3 or more bedroom cottages.

(b) Parking may be located within an enclosed garage, carport, or unenclosed parking space.

(c) Parking areas and/or structures shall be located behind or to the side of the residential area(s) and open space, and shall be accessed from the rear of the cottage units.

(d) Detached garage or carport structures shall not exceed 1,000 square feet.

(e) A minimum of 24 feet shall be provided for maneuvering and backing movements from garages, carports and/or parking areas.

(f) Pedestrian pathways shall connect parking areas with cottages and shared amenities (e.g. common open space, community buildings).

(13) **Required Common Open Space.** Common open space is intended to be a shared amenity amongst all residents of a Cottage Housing Development. Common open space shall be provided as follows:

(a) A minimum of 400 square feet of central common open space per unit shall be provided.
(b) Common open space should be in one contiguous area, but no more than two separate areas shall be permitted.
(c) Common open space areas shall have a minimum width dimension of 20 feet.
(d) At least 50 percent of the cottages shall be oriented around and have their main entrance facing the common open space.
(e) Each cottage shall be connected to the common open space by a pedestrian walkway.
(f) Areas such as utility vaults, exterior setbacks and common parking areas and driveways are not counted in the common open space requirements.
(g) Common open space may contain a drainage swale area, provided the area is useable open space.
(h) Required common open space shall be provided at ground level in a contiguous commonly-owned tract.
(i) The common open space areas shall be constructed and landscaped prior to filing a final plat or in the case of a site plan, construction and landscaping will be tied to final occupancy of the first cottage.
(j) The common open space shall be recorded as a perpetual open space to benefit all residents of the cottage housing development prior to filing a final plat or prior to obtaining a building permit.

(14) **Required Private Open Space.** Private open space adjacent to each cottage is intended for the exclusive use of the cottage resident(s). A minimum of 200 square feet of contiguous usable private open space shall be provided adjacent to each unit, with no dimension less than 10 feet. Required exterior side yards shall not apply to the calculation of required private open space; however, covered porches are allowed to be counted towards the required private open space.

(15) **Porches.** Each cottage unit shall have an attached, covered porch with a minimum area of 60 square feet and a minimum dimension of 6 feet on any side. Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck.

(16) **Common Buildings.** Common buildings are intended as a shared amenity for the use of the cottage housing development residents and to help promote a sense of community. They may include a multi-purpose entertainment space, a small kitchen, library, or other similar amenities. Community buildings shall not exceed 1,000 square feet of total floor area.

(17) **Accessory Buildings.** Accessory buildings for common usage (e.g. garden/tool sheds) are permitted in the common open space area(s) if clearly incidental in size and use. Other types of accessory buildings, except for garages and carports, are prohibited.

(18) **Existing Dwellings.** An existing single-family dwelling located on a Cottage Housing Development site may be incorporated into the development as a residence or community building, and may be non-conforming to standards; however, non-conformities may not be increased and the non-conforming dwelling shall be included in the maximum permitted cottage density.

(19) **Fencing.** Fence height is limited to 3 feet on interior areas adjacent to common open space(s). Fencing in front and side yards that abut a public street, and fencing on the perimeter of a cottage housing development shall be subject to the standards of Sections 10.731-10.733.

(20) **Utilities.** Utilities shall be installed in accordance with the following:

(a) Water. Water meters shall be installed within the public right-of-way. If the property is retained as a single lot, a master meter or individual meters may be used. If individual lots are created, each lot shall have a separate meter and service. Service lines may cross common areas to the individual lots, but shall not cross individual lots. If on-site fire hydrants are required, they shall be served by a public fire line located in a drivable easement within the parking and circulation areas.

(b) Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual lots.

(c) Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or they may be extended in circulation areas in a public utility easement, and extended across common areas to individual lots.

(20) **Ownership.** Ownership may be held as a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. NOTE: Any development meeting the definition of a "Planned Development" or "Condominium" per State statute shall comply with all applicable provisions of State law. If condominium ownership, common areas shall be designated as 'general common elements' and private yard spaces shall be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law.

(21) **Covenants, Conditions and Restrictions.** Subsequent to final plat approval, but prior to issuance of a building permit for any structure in a Cottage Housing Development where the cottage units are to be held in fee simple ownership, a set of covenants, conditions and restrictions (CC&Rs) for the Cottage Housing Development shall be reviewed and, if approved by the City, recorded with the County. The CC&Rs shall create an association of owners responsible for the permanent maintenance of all common areas.

F. Optional Adjustment of Development Standards. Applicants may seek approval of innovative and/or unconventional cottage housing developments that may not precisely satisfy the development standards set forth in this section. The Site Plan and Architectural Commission may approve a site plan and architectural review application for a cottage housing development if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

(a) The proposed development is consistent with the overall purpose and intent of Section 10.818A(A); and

(b) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would otherwise result through strict adherence to the standards. Factors that may be considered include, but are not limited to such things as: enhanced architectural details, and enhanced common or private open spaces that contribute positively to the site, streetscape, or adjoining properties.

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